

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

**April 14, 2015**

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

**City Council Study Sessions**

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

**City Council Meetings**

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

**City Council Closed Sessions**

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

**City Hall Council Chamber - 14177 Frederick Street**

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

Dr. Yxstian A. Gutierrez, Mayor Pro Tem  
Jeffrey J. Giba, Council Member

Jesse L. Molina, Mayor

George E. Price, Council Member  
D. LaDonna Jempson, Council Member

**AGENDA**  
**CITY COUNCIL OF THE CITY OF MORENO VALLEY**  
**April 14, 2015**

**CALL TO ORDER – 5:30 PM**

**SPECIAL PRESENTATIONS**

- 1) Introduce “The Mayor's Cup” Soccer Challenge Team MoVal
- 2) Presentation by Tuning Sounds
- 3) Officer of the Quarter for the 4th Quarter 2014 - Deputy Kamron Honore
- 4) Business Spotlight
  - a) El Surtidor Candy & Supplies
  - b) Plaza Family Dental Group



**AGENDA  
JOINT MEETING OF THE  
CITY COUNCIL OF THE CITY OF MORENO VALLEY  
MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY AS SUCCESSOR AGENCY FOR THE  
COMMUNITY REDEVELOPMENT AGENCY OF THE  
CITY OF MORENO VALLEY  
MORENO VALLEY HOUSING AUTHORITY  
AND THE BOARD OF LIBRARY TRUSTEES**

**\*THE CITY COUNCIL RECEIVES A SEPARATE STIPEND FOR CSD MEETINGS\***

**REGULAR MEETING - 6:00 PM  
APRIL 14, 2015**

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

Pastor Charles Gibson - Breakthrough Church of God in Christ

**ROLL CALL**

**INTRODUCTIONS**

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

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

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council.

AGENDA  
April 14, 2015

## **JOINT CONSENT CALENDARS (SECTIONS A-D)**

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

### **A. CONSENT CALENDAR-CITY COUNCIL**

#### **A.1 ORDINANCES - READING BY TITLE ONLY**

**Recommendation:** Waive reading of all Ordinances.

#### **A.2 MINUTES - REGULAR MEETING OF MARCH 24, 2015 (Report of: City Clerk's Department)**

**Recommendation:**

1. Approve as submitted.

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

**Recommendation:**

1. Receive and file the Reports on Reimbursable Activities for the period of March 18 – April 7, 2015.

#### **A.4 FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH AKM CONSULTING ENGINEERS FOR THE SAN TIMOTEO FOOTHILL NEIGHBORHOOD FLOOD PROTECTION - MORENO MASTER DRAINAGE PLAN STORM DRAIN LINES K-1 AND K-4 – PROJECT NO. 804 0007 70 77**

(Report of: Public Works Department)

**Recommendations**

1. Approve the First Amendment to Agreement for Professional Consultant Services with AKM Consulting Engineers (AKM) to provide additional design services for the San Timoteo Foothill Neighborhood Flood Protection – Moreno Master Drainage Plan Storm Drain Lines K-1 and K-4 project.
2. Authorize the City Manager to execute the First Amendment to Agreement for Professional Consultant Services with AKM.

AGENDA  
April 14, 2015

3. Authorize an increase in the Purchase Order to AKM in the amount of \$69,953.00 once the First Amendment to Agreement has been signed by all parties.

A.5 APPROVAL OF THREE-YEAR ENTERPRISE LICENSING AGREEMENT OF MICROSOFT LICENSES THROUGH COMPUCOM SYSTEMS, INC., UTILIZING THE COUNTY OF RIVERSIDE'S MICROSOFT ENTERPRISE MASTER AGREEMENT

(Report of: Financial & Management Services Department)

**Recommendations**

1. Waive formal bidding per Municipal Code Section 3.12.260 (Cooperative Purchasing).
2. Approve a three-year enterprise licensing agreement of Microsoft licenses through CompuCom Systems, Inc., utilizing the County of Riverside's Microsoft Enterprise Licensing Master Agreement in an amount not to exceed \$459,000.
3. Authorize the City Manager to execute the Microsoft Enterprise Master Agreement and any related documents required to effectuate participation in the Microsoft Enterprise Master Agreement.
4. Authorize the Purchasing & Facilities Division Manager to issue a purchase order to CompuCom Systems to maintain the current licensing level at an annual cost not to exceed \$153,000.

A.6 PA11-0019 (P12-077) – AUTHORIZE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND REDUCE FAITHFUL PERFORMANCE BOND FOR PHASE 1; AND ACCEPT THE AGREEMENT AND SECURITY FOR PUBLIC IMPROVEMENTS FOR PHASE 2 FOR THE RENAISSANCE VILLAGE PROJECT LOCATED AT THE SOUTHWEST CORNER OF MORENO BEACH DRIVE AND BRODIAEA AVENUE DEVELOPER – CONTINENTAL EAST FUND VII, LLC

(Report of: Public Works Department)

**Recommendations**

1. Accept the Public Improvements for the Phase 1 Improvements as complete for bond reduction but not into the City's maintained street system until Phase 2 Improvements are completed and accepted.
2. Authorize the City Engineer to execute a 90% reduction to the original Faithful Performance Security for the Phase 1 Improvements, exonerate the Material and Labor Security in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final

AGENDA  
April 14, 2015

10% of the Faithful Performance Security in one year when all clearances are received.

3. Accept the Agreement for Public Improvements and security for the Phase 2 Improvements with Continental East Fund VII, LLC, Murrieta, CA 92562.
4. Authorize the Mayor to execute the Phase 2 Agreement, subject to City Attorney approval.
5. Direct the City Clerk to forward the Phase 2 signed Agreement to the County Recorder's Office for recordation.
6. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required Phase 2 public improvements are not completed within said timeframe.

**A.7 LIST OF PERSONNEL CHANGES**  
(Report of: Administrative Services Department)

**Recommendations**

1. Ratify the list of personnel changes.

**A.8 APPOINTMENT OF A DELEGATE AND ALTERNATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) GENERAL ASSEMBLY**  
(Report of: City Clerk Department)

**Recommendation:**

1. Appoint Mayor Jesse L. Molina as the delegate and Mayor Pro Tem Dr. Yxstian A. Gutierrez as the alternate for the Southern California Association of Governments (SCAG) General Assembly, May 7-8, 2015.

**A.9 ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA SUPPORTING PROGRAMS AND SERVICES FOR DEVELOPMENT, LEARNING, LEADERSHIP, AND RECREATION FOR THE CITY'S YOUTH**  
(Report of: Financial & Management Services Department)

**Recommendation:**

1. Adopt Resolution No. 2015-21. A Resolution of the City Council of the City of Moreno Valley, California Supporting Programs and Services for Development, Learning, Leadership, and Recreation for the City's Youth.

AGENDA  
April 14, 2015

**B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT**

B.1 ORDINANCES - READING BY TITLE ONLY

**Recommendation:** Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF MARCH 24, 2015 (Report of: City Clerk's Department)

**Recommendation:**

1. Approve as submitted.

**C. CONSENT CALENDAR - HOUSING AUTHORITY**

C.1 ORDINANCES - READING BY TITLE ONLY

**Recommendation:** Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF MARCH 24, 2015 (Report of: City Clerk's Department)

**Recommendation:**

1. Approve as submitted.

**D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES**

D.1 ORDINANCES - READING BY TITLE ONLY

**Recommendation:** Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF MARCH 24, 2015 (Report of: City Clerk's Department)

**Recommendation:**

1. Approve as submitted.

**E. PUBLIC HEARINGS**

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

E.1 GENERAL PLAN AMENDMENT FROM COMMERCIAL (C) TO RESIDENTIAL 20 (R20) AND ZONE CHANGE FROM COMMUNITY COMMERCIAL (CC) TO RESIDENTIAL 20 (R20) FOR DEVELOPMENT OF A PLOT PLAN FOR A 112 UNIT APARTMENT PROJECT ON 6.63 ACRES. THE PROJECT PROPOSES 14 TWO STORY BUILDINGS WITH

AGENDA  
April 14, 2015

A MIX OF 1 AND 2 BEDROOM UNITS AND WITH COVERED PARKING TO INCLUDE CARPORTS AND GARAGES. THE PROJECT IS LOCATED AT THE SOUTHEAST CORNER OF EUCALYPTUS AVENUE AND EDGEMONT STREET. THE DEVELOPER IS LATCO ENTERPRISES.  
(Report of: Community & Economic Development Department)

**Recommendations That the City Council:**

1. Conduct a public hearing for Edgemont Apartments Project:
2. Approve Resolution No. 2015-22. A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Mitigated Negative Declaration for Application PA14-0044 pursuant to California Environmental Quality Act (CEQA) Guidelines, and Approving a General Plan Amendment (PA14-0044) from Commercial Land Use Designation to Residential 20 for 6.63 acres located within Assessor's Parcel Numbers 263-120-020 and 263-120-025 at the Southeast Corner of Eucalyptus Avenue and Edgemont Street.
3. Introduce Ordinance No. 893. An Ordinance of the City Council of the City of Moreno Valley, California, Adopting a Mitigated Negative Declaration for Application PA14-0043 pursuant to California Environmental Quality Act (CEQA) Guidelines, and Approving a Zone Change (PA14-0043) from Community Commercial (CC) to Residential 20 (R20) for 6.63 acres located within Assessor's Parcel Numbers 263-120-020 and 263-120-025 at the Southeast Corner of Eucalyptus Avenue and Edgemont Street.
4. Approve Resolution No. 2015-23. A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Mitigated Negative Declaration for Application PA14-0042 pursuant to California Environmental Quality Act (CEQA) Guidelines, and Approving Plot Plan Application PA14-0042 for Development of a 112 Unit Apartment Project on the 6.63 acres of Assessor's Parcel Numbers 263-120-020 and 263-120-025 located at the Southeast Corner of Eucalyptus Avenue and Edgemont Street.

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

**G. REPORTS**

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

G.1.1 March Joint Powers Commission (JPC)

AGENDA  
April 14, 2015

- G.1.2 Riverside County Habitat Conservation Agency (RCHCA)
- G.1.3 Riverside County Transportation Commission (RCTC)
- G.1.4 Riverside Transit Agency (RTA)
- G.1.5 Western Riverside Council of Governments (WRCOG)
- G.1.6 Western Riverside County Regional Conservation Authority (RCA)
- G.1.7 School District/City Joint Task Force

G.2 ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR CYCLE 1 ACTIVE TRANSPORTATION PROGRAM CITYWIDE SAFE ROUTES TO SCHOOL PEDESTRIAN FACILITY IMPROVEMENTS PROJECT NO. 801 0063  
(Report of: Public Works Department)

**Recommendations That the City Council:**

1. Approve Resolution No. 2015-24. A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Cycle 1 Active Transportation Program Citywide Safe Routes to School Pedestrian Facility Improvements Project No. 801 0063.

G.3 PROPOSED RESOLUTION AMENDING THE RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES  
(Report of: City Attorney Department)

**Recommendations That the City Council:**

1. Adopt Resolution No. 2015-25. A Resolution of the City Council of the City of Moreno Valley, California, Repealing Resolution No. 2013-10, and Adopting Amended and Restated Rules of Procedure for Council Meetings and Related Functions and Activities.

G.4 REQUEST TO INCREASE THE CITY'S ECONOMIC DEVELOPMENT FOCUS BY SEPARATING THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT AND REESTABLISHING THE COMMUNITY DEVELOPMENT DIRECTOR POSITION (Report of: City Manager Department)

**Recommendations That the City Council:**

1. Increase the City's focus on economic development.
2. Reorganize the Economic Development functions of CEDD into a

separate Economic Development Department.

3. Designate the current Community and Economic Development Director's position as Economic Development Director.
4. Transfer Economic Development staff to the separate department.
5. Re-designate the remaining functions now within CEDD (building & safety, planning, and code compliance) as the Community Development Department.
6. Reestablish the Community Development Director position.
7. Direct the City Manager to commence an internal recruitment for the position of Community Development Director, with the intent to downgrade a resulting vacancy to a supervisor (rather than a Division Manager).

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

G.6 CITY ATTORNEY'S REPORT (Informational Oral Presentation - not for Council action)

## **H. LEGISLATIVE ACTIONS**

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

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

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

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

AGENDA  
April 14, 2015



## CLOSED SESSION

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

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

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council.

The Closed Session will be held pursuant to Government Code:

#### 1 SECTION 54956.9(d)(1) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

- a) Case: *Lavonne Sparks V. City of Moreno Valley*  
Court: Riverside Superior Court  
Case No: RIC 1501673
- b) Case: *Jose Dominguez and Adrian Dominguez V. City of Moreno Valley*  
Court: Riverside Superior Court  
Case No: RIC 1501492
- c) Case: *Wells Fargo V. City of Moreno Valley*  
Court: Riverside Superior Court  
Case No: RIC 1501931
- d) Case: *Olga Rodriguez V. City of Moreno Valley*  
Court: Riverside Superior Court  
Case No: RIC 1302162
- e) Case: *Michelle Davis V. City of Moreno Valley*  
Court: Riverside Superior Court  
Case No: RIC 1311630
- f) Case: *Verizon California, Inc. V. California State Board of Equalization, et al.*  
Court: Sacramento County Superior Court

AGENDA  
April 14, 2015

Case No: 34-2015-00175609

- g) Case: *Verizon California, Inc. V. California State Board of Equalization, et al.*  
Court: Sacramento County Superior Court  
Case No: 34-2015-00175621
- h) Case: *Verizon California, Inc. V. California State Board of Equalization, et al.*  
Court: Sacramento County Superior Court  
Case No: 34-2015-00175627
- i) Case: *Verizon California, Inc. V. California State Board of Equalization, et al.*  
Court: Sacramento County Superior Court  
Case No: 34-2015-00175631
- j) Case: *Boe et al. V. City of Moreno Valley, et al.*  
Court: Riverside Superior Court  
Case No: RIC 1301793

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

Number of Cases: 5

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

Number of Cases: 5

4 SECTION 54957.6 - LABOR NEGOTIATIONS

- a) *Agency Representatives: Michelle Dawson, Tom DeSantis, Chris Paxton, Steve Hargis, and Rick Teichert; Employee Organization: MVCEA*
- b) *Agency Representatives: Michelle Dawson, Tom DeSantis, Chris Paxton, Steve Hargis, and Rick Teichert; Employee Organization: MVMA*

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

**ADJOURNMENT**

**CERTIFICATION**

AGENDA  
April 14, 2015

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

City Hall, City of Moreno Valley  
14177 Frederick Street

Moreno Valley Library  
25480 Alessandro Boulevard

Moreno Valley Senior/Community Center  
25075 Fir Avenue

Jane Halstead, CMC,  
City Clerk

Date Posted: April 8, 2015

**This page intentionally left blank.**

**MINUTES**  
**CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY**  
**March 24, 2015**

**CALL TO ORDER**

**SPECIAL PRESENTATIONS**

1. Mayor's Presentation of the California Park & Recreation Society's Award of Excellence for Lasselle Sports Park
2. Firefighter of the Year - Firefighter Paramedic Troy Brogdon

**MINUTES  
JOINT MEETING OF THE  
CITY COUNCIL OF THE CITY OF MORENO VALLEY  
MORENO VALLEY COMMUNITY SERVICES DISTRICT  
CITY AS SUCCESSOR AGENCY FOR THE  
COMMUNITY REDEVELOPMENT AGENCY OF  
THE CITY OF MORENO VALLEY  
MORENO VALLEY HOUSING AUTHORITY  
BOARD OF LIBRARY TRUSTEES**

**REGULAR MEETING – 6:00 PM  
March 24, 2015**

The Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley, Moreno Valley Housing Authority and the Board of Library Trustees was called to order at 6:02 p.m. by Mayor Jesse L. Molina in the Council Chamber located at 14177 Frederick Street.

**INVOCATION**

Pastor Eddie Ogwo - Heartbeat of God Assembly

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was led by Mayor Jesse L. Molina.

**ROLL CALL**

Council:

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

Staff:

Michelle Dawson	City Manager
Suzanne Bryant	City Attorney
Jane Halstead	City Clerk
Tom DeSantis	Assistant City Manager
Joel Ontiveros	Police Chief
Mark Williams	Battalion Chief
Chris Paxton	Administrative Services Director
Richard Teichert	Chief Financial Officer/City Treasurer
Ewa Lopez	Deputy City Clerk
Prem Kumar	Assistant City Engineer

MINUTES  
March 24, 2015

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

Mayor Jesse L. Molina announced that there will be 30 minutes of Public Comments Not on the Agenda. The remaining Public Comments will be heard prior to City Council Reports and Closing Comments. In the event that the agenda item for such public comments has not been called by 9:00 p.m., it shall be called as the next item of business following the conclusion of any item being heard at 9:00 p.m.

Scott Heveran

1. Ethics committee

Susan Billinger

1. World Logistics Center

Michael McCoy

1. World Logistics Center

Debra Craig

1. Thanked staff for organizing bulky item clean up event on Saturday
2. Cleaning trash along streets in District 3
3. World Logistics Center/jobs

Marisa Gonzalez

1. Concerns about the City
3. World Logistics Center

Chef Basil

1. This Thursday will be feeding every veteran woman; invited councilmembers to help
2. World Logistics Center

Tom Jerele Sr. ( on behalf of Sundance Center)

1. Kudos to participants in clean-up of District 3, and to those helping veterans
2. Mail box thefts

Cassandra LaCrone

1. World Logistics Center

Paul Roman

1. World Logistics Center

Santiago Hernandez

1. Jobs

Felipe Enrique Leos

1. Jobs/World Logistics Center

Steve Medina

1. World Logistics Center

Donovan Saadiq

1. World Logistics Center
2. Edgemont water problem

Remaining public comments taken after 9 p.m.:

Louise Palomarez

1. Public speakers
2. Budget/jobs/revenue
3. Purchasing City's cars

James Fields

1. World Logistics Center and other developments

Robert Harris

1. Economics
2. Pay Day lenders
3. Moreno Valley Utility ENCO

Roy Bleckert

1. Utility tax
2. Economic opportunity

Pete Bleckert

1. Corruption
2. World Logistics Center

Jose Chavez

1. Waste Management

Bob Palomarez

1. Chairs at the Senior Center/taking care of elderly

Moises Reza

1. World Logistics Center
2. Jobs

MINUTES  
March 24, 2015



## JOINT CONSENT CALENDARS (SECTIONS A-D)

### A. CONSENT CALENDAR-CITY COUNCIL

#### A.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances and approve reading by title only.

#### A.2 MINUTES - REGULAR MEETING OF MARCH 10, 2015 (Report of: City Clerk's Department)

**Recommendation:**

Approved as submitted.

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

**Recommendation:**

Receive and file the Reports on Reimbursable Activities for the period of March 4 17, 2015.

#### A.4 PURSUANT TO LANDOWNER PETITIONS, ANNEX ASSESSOR'S PARCEL NUMBERS ASSOCIATED WITH CSIP WR MORENO VALLEY (MULTIPLE INDUSTRIAL BUILDING DEVELOPMENT), CV COMMUNITIES (159 LOT RESIDENTIAL HOUSING TRACT) AND RB JOHNSON INVESTMENTS, LLC (OFFICE BUILDING DEVELOPMENT) INTO COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) — AS AMENDMENT NO. 3, 4, AND 5, RESPECTIVELY (Report of: Financial & Management Services Department)

**Recommendation:**

As the legislative body of Community Facilities District No. 2014-01 (Maintenance Services) approve and adopt Resolution No. 2015-18. A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Annexation of Territory to City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) and Approving Amended Maps for Said District.

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

**As the legislative body of Community Facilities District No. 2014-01 (Maintenance Services) approve and adopt Resolution No. 2015-18. A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Annexation of Territory to City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) and**

MINUTES  
March 24, 2015

**Approving Amended Maps for Said District. by m/Council Member George E. Price, s/Council Member Jeffrey J. Giba**

**Passed by a vote of 5-0.**

- A.5 RESOLUTION RECOGNIZING THE COTTONWOOD GOLF CENTER AS THE LOCATION OF THE CITY OF MORENO VALLEY'S FIRST CITY HALL

(Report of: Parks & Community Services Department)

**Recommendations That the City Council:**

Approve Resolution No. 2015-19. A Resolution of the City Council of the City of Moreno Valley, California, Recognizing the Cottonwood Golf Center as the Location of the City of Moreno Valley's First City Hall.

Mayor Jesse L. Molina opened the item for public comments, which were received from Pete Bleckert, Tom Jerele and Louise Palomarez.

**Approve Resolution No. 2015-19. A Resolution of the City Council of the City of Moreno Valley, California, Recognizing the Cottonwood Golf Center as the Location of the City of Moreno Valley's First City Hall. by m/Council Member George E. Price, s/Council Member D. LaDonna Jempson**

**Failed by a vote of 2-2-1, Mayor Jesse L. Molina, Council Member Jeffrey J. Giba opposed, Mayor Pro Tem Dr. Yxstian A. Gutierrez abstained.**

- A.6 AWARD OF CONTRACT TO NTH GENERATION FOR THE PURCHASE OF A STORAGE AREA NETWORK

(Report of: Financial & Management Services Department)

**Recommendation:**

Authorize the City Manager to execute a contract with Nth Generation for the purchase of a Storage Area Network (SAN) for an amount not to exceed \$141,723.96.

- A.7 LIST OF PERSONNEL CHANGES

(Report of: Administrative Services Department)

**Recommendation:**

Ratify the attached list of personnel changes.

**B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT**

- B.1 ORDINANCES - READING BY TITLE ONLY

MINUTES  
March 24, 2015

Recommendation: Waive reading of all Ordinances and approve reading by title only.

**B.2 MINUTES - REGULAR MEETING OF MARCH 10, 2015 (Report of: City Clerk's Department)**

**Recommendation:**

Approved as submitted.

**B.3 DECLARING INTENTION TO ANNEX RESIDENTIAL HOUSING TRACT 27251 (SOUTH OF FIR AVENUE, EAST OF MORRISON STREET, AND NORTH OF EUCALYPTUS AVENUE) AS ZONE 09 TO MORENO VALLEY COMMUNITY SERVICES DISTRICT LANDSCAPE MAINTENANCE DISTRICT 2014-02 (Report of: Financial & Management Services Department)**

**Recommendations**

1. Adopt Resolution No. CSD 2015-05. A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving an Engineer's Report in Connection with the Annexation of Zone 09 to the Moreno Valley Community Services District Landscape Maintenance District 2014-02 and the Levy of an Assessment in Fiscal Year 2015/16 Against Real Property in that Zone.
2. Adopt Resolution No. CSD 2015-06. A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Declaring its Intent to Annex Zone 09 to the Moreno Valley Community Services District Landscape Maintenance District 2014-02, to Authorize an Annual Assessment in Connection with Said Annexation and to Levy an Assessment in Fiscal Year 2015/16 Against Real Property in that Zone.

**C. CONSENT CALENDAR - HOUSING AUTHORITY**

**C.1 ORDINANCES - READING BY TITLE ONLY**

Recommendation: Waive reading of all Ordinances and approve reading by title only.

**C.2 MINUTES - REGULAR MEETING OF MARCH 10, 2015 (Report of: City Clerk's Department)**

**Recommendation:**

Approved as submitted.

**D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES**

MINUTES  
March 24, 2015

D.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances and approve reading by title only.

D.2 MINUTES - REGULAR MEETING OF MARCH 10, 2015 (Report of: City Clerk's Department)

**Recommendation:**

Approved as submitted.

**Motion to Approve Joint Consent Calendar Items A.1 through D.2 with exception of Items A.4 and A.5, which were pulled for separate action. by m/Council Member Jeffrey J. Giba, s/Mayor Pro Tem Dr. Yxstian A. Gutierrez**

**Passed by a vote of 5-0.**

**E. PUBLIC HEARINGS**

E.1 PUBLIC HEARING REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAIL BALLOT PROCEEDINGS TO APPROVE THE COMMERCIAL/INDUSTRIAL REGULATORY RATE FOR CSIP WR MORENO VALLEY (MULTIPLE INDUSTRIAL BUILDING DEVELOPMENT - SOUTHEAST CORNER OF IRIS AVENUE AND HEACOCK STREET) AND RB JOHNSON INVESTMENTS, LLC (OFFICE BUILDING DEVELOPMENT- WEST SIDE OF HEACOCK STREET AT WEBSTER AVENUE)  
(Report of: Financial & Management Services Department)

**Recommendations That the City Council:**

1. Conduct the Public Hearing and accept public testimony regarding the mail ballot proceedings for CSIP WR Moreno Valley (Multiple Industrial Building Development - southeast corner of Iris Avenue and Heacock Street) and RB Johnson Investments, LLC (Office Building Development - west side of Heacock Street at Webster Avenue) for approval of the NPDES maximum commercial/industrial regulatory rate to be applied to the property tax bill.
2. Direct the City Clerk to count the returned NPDES ballots.
3. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet.
4. Receive and file the Official Tally Sheet with the City Clerk's office.

MINUTES  
March 24, 2015

5. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to the Assessor's Parcel Numbers mentioned in this report.

Mayor Jesse L. Molina opened the public testimony; there being none, public testimony was closed.

**Direct the City Clerk to count the returned NPDES ballots. by m/Council Member George E. Price, s/Council Member D. LaDonna Jempson**

**Passed by a vote of 5-0.**

City Clerk announced the following:

APNs 316-020-35, 316-020-042 -47 (NPDS), "yes" vote, passes

APN Parcel Map 36752 , APN 292-100-010, "yes" vote, passes

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

**Receive and file the Official Tally Sheet with the City Clerk's office.**

**If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to the Assessor's Parcel Numbers mentioned in this report. by m/Council Member George E. Price, s/Council Member D. LaDonna Jempson**

**Passed by a vote of 5-0.**

- E.2 APPEAL OF THE PLANNING COMMISSION ACTION OF JANUARY 8, 2015, ADOPTING A NEGATIVE DECLARATION, APPROVING TENTATIVE TRACT MAP 34544 (PA14-0032) AND CONDITIONAL USE PERMIT (PA14-0033) FOR A PLANNED UNIT DEVELOPMENT FOR A DETACHED UNIT CONDOMINIUM COMPLEX INCLUDING COMMON RECREATION AREAS WITH A MINIMUM OF 72 AND A MAXIMUM OF 76 UNITS IN THE RESIDENTIAL 10 (R10) ZONING DISTRICT. THE APPELLANTS ARE JUAN VILLA AND JERI ROBERTS ET AL.  
(Report of: Community & Economic Development Department)

**Recommendations That the City Council:**

APPROVE Resolution No. 2015-15. A Resolution of the City Council of the City of Moreno Valley, California, Approving The Appeal and Modifying the Actions of the Planning Commission to Adopt a Negative Declaration and Approve Conditional Use Permit (PA14-0033) subject to the

MINUTES  
March 24, 2015

Conditions of Approval attached as Exhibit A, and Revised Tentative Tract Map 34544 (PA14-0032) subject to the Conditions of Approval attached as Exhibit B, for a 76 Unit Planned Unit Development (PUD) on 9.4 acres on the north side of Cottonwood Avenue Approximately ¼ Mile East of Perris Boulevard (Assessor Parcel Number 478-140-022).

Mayor Jesse L. Molina announced that appellant withdrew the application.

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

Items A.4 and A.5 were discussed under Section F.

## **G. REPORTS**

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

#### **G.1.1 March Joint Powers Commission (JPC)**

Mayor Pro Tem Dr. Gutierrez gave an update from the last March 18 meeting, which he attended together with Council Member Giba and Mayor Molina: an update about the March Field Air Museum: the attendance growth and highlights about significant changes to exhibits, a new audio tour of letters written by a World War II aviator to his mother; the March JPA Planning Department annual update; current JPA's projects: construction of the Heacock Channel south of Cactus this year, completion of the \$20 million Van Buren interchange, construction of the Metrolink station at I-215 and Alessandro, with service starting this fall, and opening of the General Aviation Terminal, coming up this June.

Mayor Molina reported: received financial status report, adopted foreign trade zone, annual report for year 2014; March Field Air Museum has been very successful and a good source, attraction, and education for this region; DIF fee update: Nexus study was done, and fee adopted on January 13, 2015.

Council Member Giba responded to a question regarding status of the March Life Care - no anchor hospital has been brought in yet; City Manager stated that March JPC Executive Director and representative from the March Life Care and U.S. Vets were invited to do a presentation at a study session.

#### **G.1.2 Riverside County Habitat Conservation Agency (RCHCA)**

Council Member Price - no meeting

MINUTES  
March 24, 2015

### G.1.3 Riverside County Transportation Commission (RCTC)

Mayor Molina reported the following: RCTC provided the latest sales tax revenue data for the 3<sup>rd</sup> quarter of 2014. Sales tax receipts for Riverside County were 7.7 percent higher compared to the 3<sup>rd</sup> quarter of 2013, primarily due to restaurants and new auto sales. This is good news for the City as it translated into a 7.7 percent increase in Measure A revenue for Moreno Valley. Measure A funds essential street projects and other Public Works services, so it is important to shop local for goods and services and keep the money in our community.

### G.1.4 Riverside Transit Agency (RTA)

Mayor Molina stated that the next meeting will be held on March 26, 2 p.m.

### G.1.5 Western Riverside Council of Governments (WRCOG)

Council Member Giba stated that he reported on the meeting earlier as meetings are held in the first week of the month; reported on legislative update: Assembly Bill AB 52, Tribal Consultations - new law was passed in 2014, and places new procedural requirements on lead agencies, like the City, and tribal entities on project that require a CEQA action. It specifically requires with respect to cultural resources, additional advanced consultation with tribes during the planning process. The new requirements are in addition to existing consultation requirements already in place under Senate Bill 18. It is uncertain at this point if this may slow down the development process.

Assembly Bill 2188. This Bill recently passed and requires every city and county to adopt, on or before September 30, 2015, an ordinance that creates an expedited streamlined permitting process for small residential rooftop solar energy systems, and a checklist of requirements for expedited review.

Regional Business License Update – The City of Canyon Lake recently proposed WRCOG develop a regional business licensing system to streamline the business license process for those conducting business in multiple cities within the subregion. This issue will be discussed further. This week, WRCOG staff released an electronic on-line survey on this topic.

Reminder that the WRCOG General Assembly will be held on June 11, 2015 at the Morongo Casino, Resort & Spa in Cabazon.

MINUTES  
March 24, 2015

G.1.6 Western Riverside County Regional Conservation Authority (RCA)

Council Member D. LaDonna Jempson stated that the next meeting is scheduled for April 6. A notification was sent to our City Manager in regards to the local development mitigation fees that were increased and approved by the Board of Directors. RCA is recommending that member agencies adopt a new fee. She will be speaking with the City Manager how we are going to approach this issue.

G.1.7 School District/City Joint Task Force

Mayor Pro Tem Gutierrez - the next meeting is scheduled for April 11.

G.2 ANNUAL REPORT OF THE PARKS AND RECREATION COMMISSION (ORAL PRESENTATION)

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

Chairperson James Baker presented the report.

G.3 PLANNING COMMISSION APPOINTMENTS AND TERMS (Report of: City Clerk Department)

**Recommendations That the City Council:**

1. Approve the appointment of finalists, Jeff Sims, Jeffrey Barnes, Patricia Korzec and Mary Ellen "Meli" Van Natta.
2. Select three (3) members for terms expiring March 31, 2019.
3. Select one (1) member for a term expiring March 31, 2017.
4. If appointments are not made, authorize the City Clerk to re-notice.

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

**Approve the appointment of finalists: Jeff Sims, Jeffrey Barnes, Patricia Korzec and Mary Ellen "Meli" Van Natta. by m/Council Member Jeffrey J. Giba, s/Council Member George E. Price**

**Passed by a vote of 5-0.**

**Select three (3) members for terms expiring March 31, 2019: selected Jeff Sims, Jeffrey Barnes and Patricia Korzec. by m/Council Member**

MINUTES  
March 24, 2015



**Jeffrey J. Giba, s/Council Member George E. Price**

**Passed by a vote of 5-0.**

**Select one (1) member for a term expiring March 31, 2017; Selected Mary Ellen "Meli" Van Natta. by m/Council Member Jeffrey J. Giba, s/Council Member George E. Price**

**Passed by a vote of 5-0.**

- G.4 APPOINTMENTS TO THE ARTS COMMISSION, JULY 4TH ADVISORY BOARD, LIBRARY COMMISSION, SENIOR CITIZENS' BOARD, PARKS AND RECREATION COMMISSION, AND APPOINTMENT OF TEENAGE MEMBER TO THE PARKS AND RECREATION COMMISSION  
(Report of: City Clerk Department)

**Recommendations That the City Council:**

1. Appoint those applicants who received majority vote by the City Council: Appoint (1) applicant to the Arts Commission with a term expiring June 30, 2015.
2. Appoint (1) applicant to the July 4th Advisory Board with a term expiring July 31, 2015.
3. Appoint (1) applicant to the July 4th Advisory Board with a term expiring July 31, 2016.
4. Appoint (1) applicant to the Library Commission with a term expiring June 30, 2015.
5. Appoint (1) applicant to the Library Commission with a term expiring June 30, 2017.
6. Appoint (1) applicant to the Senior Citizens' Board with a term expiring June 30, 2015.
7. Appoint (1) applicant to the Parks and Recreation Commission with a term expiring June 30, 2015.
8. Appoint (1) applicant to the Parks and Recreation Commission as a teenage member with a term expiring January 27, 2016, or until high school graduation, whichever comes first.
9. If vacancies are not filled by a majority vote of the City Council, authorize the City Clerk to re-advertise the positions as vacant and carry over the current applications for reconsideration of appointment

MINUTES  
March 24, 2015

at a future date.

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

Recess;  
Reconvened

**Motion to appoint Eric McKain to the Arts Commission with a term expiring June 30, 2015, Scott Heveran to the July 4th Advisory Board with a term expiring July 31, 2015, Sarah Martinez to the July 4th Advisory Board with a term expiring July 31, 2016, Norberto Perez to the Library Commission with a term expiring June 30, 2015, Omorefe Igbiosa to the Library Commission with a term expiring June 30, 2017, Robert Snyder to the Senior Citizens' Board with a term expiring June 30, 2015, Linda Joyce Echols to the Parks and Recreation Commission with a term expiring June 30, 2015, and Andre Gutierrez to the Parks and Recreation Commission as a teen member with a term expiring January 27, 2016, or until high school graduation, whichever comes first. by m/Council Member Jeffrey J. Giba, s/Mayor Pro Tem Dr. Yxstian A. Gutierrez**

**Passed by a vote of 5-0.**

- G.5 REQUEST TO INCREASE THE CITY'S ECONOMIC DEVELOPMENT FOCUS BY SEPARATING THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT AND REESTABLISHING THE COMMUNITY DEVELOPMENT DIRECTOR POSITION  
(Report of: City Manager Department)

**Recommendations That the City Council:**

1. Increase the City's focus on economic development.
2. Reorganize the Economic Development functions of CEDD into a separate Economic Development Department.
3. Designate the current Community and Economic Development Director's position as Economic Development Director.
4. Transfer Economic Development staff to the separate department.
5. Re-designate the remaining functions now within CEDD (building & safety, planning, and code compliance) as the Community Development Department.
6. Reestablish the Community Development Director position.

MINUTES  
March 24, 2015

7. Direct the City Manager to commence an internal recruitment for the position of Community Development Director, with the intent to downgrade a resulting vacancy to a supervisor (rather than a Division Manager).

Item G.5 was continued to April 14, 2015 City Council Meeting.

**G.6 MID-YEAR BUDGET REVIEW AND APPROVAL OF THE REVISED OPERATING BUDGET FOR FISCAL YEAR 2014/15**  
(Report of: Financial & Management Services Department)

**Recommendations That the City Council:**

1. Receive and file the mid-year budget summary.
2. Adopt Resolution No. 2015-20. A Resolution of the City Council of the City of Moreno Valley, California, Adopting the Revised Operating Budgets for the City of Moreno Valley for Fiscal Year 2014/15.
3. Approve the Position Control Roster.
4. Approve the Moreno Valley Utility loan repayment schedule to the Special Districts Division.

**Recommendations That the CSD:**

Acting in its capacity as the President and Board of Directors of the Moreno Valley Community Services District, adopt Resolution No. CSD 2015-07. A Resolution of the Moreno Valley Community Services District, Adopting the Revised Operating Budgets for Fiscal Year 2014/15.

Mayor Jesse L. Molina opened the agenda item for public comments, which were received from Roy Bleckert.

**Receive and file the mid-year budget summary.**

**Adopt Resolution No. 2015-20. A Resolution of the City Council of the City of Moreno Valley, California, Adopting the Revised Operating Budgets for the City of Moreno Valley for Fiscal Year 2014/15.**

**Approve the Position Control Roster.**

**Approve the Moreno Valley Utility loan repayment schedule to the Special Districts Division. by m/Council Member D. LaDonna Jempson, s/Council Member Jeffrey J. Giba**

**Passed by a vote of 5-0.**

**Acting in its capacity as the President and Board of Directors of the**

MINUTES  
March 24, 2015

**Moreno Valley Community Services District, adopt Resolution No. CSD 2015-07. A Resolution of the Moreno Valley Community Services District, Adopting the Revised Operating Budgets for Fiscal Year 2014/15. by m/Board Member George E. Price, s/Vice President Dr. Yxstian A. Gutierrez**

**Passed by a vote of 5-0.**

- G.7 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

City Manager congratulated and recognized staff for Public Safety Expo; it was a great event. Earlier this month, Police Chief Ontiveros and she participated in Reading Across America Program; thanked Principle Scott Walker of Bear Valley Elementary for hosting that event.

- G.8 CITY ATTORNEY'S REPORT (Informational Oral Presentation - not for Council action)

City Attorney announced that in the case *Mobbs V. Walden Environment, et al.*, Riverside Superior Court Case number RIC 1300161, the Council voted 5-0 (Molina, Gutierrez, Giba, Price and Jempson) on December 16, 2014 in Closed Session to authorize a waiver of cost and fees. A settlement has been reached in exchange for waiver of cost and fees; the City has been dismissed.

**H. LEGISLATIVE ACTIONS**

- H.1 ORDINANCES - 1ST READING AND INTRODUCTION

- H.1.1 INTRODUCE ORDINANCE AMENDING SECTION 2.64.050 OF CHAPTER 2.64 ENTITLED "MEETINGS AND RULES OF PROCEDURE" TO REDUCE JULY 4TH ADVISORY BOARD QUORUM

(Report of: Parks & Community Services Department)

**Recommendations That the City Council:**

Introduce Ordinance No. 892. An Ordinance of the City Council of the City of Moreno Valley, California, Amending Section 2.64.050 of Chapter 2.64 Entitled "Meetings and Rules of Procedure" to Reduce July 4th Advisory Board Quorum.

Mayor Jesse L. Molina opened the agenda item for public comments, which were received from Louise Palomarez.

Council's direction: research and bring the item back

MINUTES  
March 24, 2015

## H.2 ORDINANCES - 2ND READING AND ADOPTION

- H.2.1 ADOPT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING MORENO VALLEY MUNICIPAL CODE SECTION 2.18.050 REGARDING ALTERNATE MEMBERS OF THE PLANNING COMMISSION (RECEIVED FIRST READING AND INTRODUCTION ON MARCH 10, 2015 BY A 4-0-1 VOTE, MAYOR MOLINA ABSENT) (Report of: City Attorney Department)

**Recommendations That the City Council:**

Adopt Ordinance No. 890. An Ordinance of the City Council of the City of Moreno Valley, California, Adopting Moreno Valley Municipal Code Section 2.18.050 Regarding Alternate Members of the Planning Commission.

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

**Adopt Ordinance No. 890. An Ordinance of the City Council of the City of Moreno Valley, California, Adopting Moreno Valley Municipal Code Section 2.18.050 Regarding Alternate Members of the Planning Commission. by m/Mayor Pro Tem Dr. Yxstian A. Gutierrez, s/Council Member Jeffrey J. Giba**

**Passed by a vote of 4-0-1, Mayor Jesse L. Molina abstained.**

- H.2.2 ADOPT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING MUNICIPAL CODE SECTION 2.08.060(B) RELATING TO POWERS AND DUTIES OF THE CITY MANAGER (RECEIVED FIRST READING AND INTRODUCTION ON MARCH 10, 2015 BY A 3-2 VOTE, JEMPSON AND PRICE OPPOSED) (Report of: City Attorney Department)

**Recommendations That the City Council:**

Adopt Ordinance No. 891. An Ordinance of the City Council of the City of Moreno Valley, California, Amending Municipal Code Section 2.08.060(B) Relating to Powers and Duties of the City Manager.

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

**Adopt An Ordinance of the City Council of the City Of Moreno Valley, California, Amending Municipal Code Section 2.08.060(B) Relating To**

MINUTES  
March 24, 2015

**Powers And Duties of the City Manager. by m/Council Member D. LaDonna Jempson, s/Council Member Jeffrey J. Giba**

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

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

Council Member Jeffrey J. Giba

1. Attended Bulky Item Clean Up event at Valley View High School and was extremely impressed; thanked everybody involved in this event
2. Participated in JPA walk on Saturday; walked all the way to the top; it was a wonderful and informational event
3. Attended Amazon tour with Mayor Pro Tem Gutierrez and staff; warehouses bring jobs and take care of people; they are clean; Amazon is running about 2,500 employees a day, and 6,500 in peak seasons
4. On April 15, stop signs will be installed on Pigeon Pass and Sunnymead Ranch Road in District 2, which will slow down the traffic/speeders

Council Member George E. Price

1. Thanked all who applied to boards and commissions, especially for the Planning Commission; congratulations to appointees
2. Congratulated the Parks & Community Services Department for Award of Excellence
3. Congratulations to everyone (Waste Management, City staff and volunteers) who was involved in clean up, especially Dave Marquez who brought this idea forward to the Council few months ago
4. Requested a meeting with CalTrans regarding Theodore Bridge project
5. This Saturday, the following events will be held in Moreno Valley: hike to the top at 7 a.m. at the Equestrian Center; Easter Egg Hunt at Sunnymead Park, at 9 o'clock sharp; Bunny Branch, crafts and games at the Senior Community Center
6. Responded to speakers' comments regarding jobs - many jobs were generated in the last year and half; Economic & Community Development staff is continuing to work to bring more jobs
7. Regarding public comments - recently took about 2.5 hours; tough balance, and no perfect solution; is open to suggestions

Council Member D. LaDonna Jempson

1. Great job regarding Public Safety Expo; had a great time
2. Thanked City Manager, Chief Ontiveros for Reading Across America;

MINUTES  
March 24, 2015

also read at Edgemont Elementary; it was good to have the City's involvement

3. Zone 1 meeting was held at the Sunnymead Ranch Club House; thanked Chief Ontiveros and his team for a great job addressing what is going on in Moreno Valley; Police Chief and Postmaster Lumpkin are working on informational pamphlet regarding mail box theft issue

4. Moreno Valley Historical Society is having its major fundraising event; all funds are being put together to establish a museum in Moreno Valley. It will be held on April 10, Moreno Valley Golf Course, 6-9 p.m.; encouraged everyone to come

#### Mayor Pro Tem Dr. Yxstian Gutierrez

1. Congratulated Troy Brogdon on his award - Firefighter of the Year; was honored that Chief Hawkins was present

2. Encouraged residents to apply to Emerging Leaders Council, which has three vacancies; requested to extend the deadline for another month

3. Amazon tour was a great tour; encouraged to get on the tour; the distribution center has different kinds of jobs

4. Requested an update on probation workers, if we can use them to do cleaning in District 4; asked staff to look into Mr. Palomarez's concern about chairs at the Senior Center

#### Mayor Jesse L. Molina

1. Participated in Read Across America; read in two schools

2. Attended Zone 1 meeting, very informative. Police needs public's input; thanked Chief

3. Thanked Fire Chief Hawkins for being here

4. Addressed public speakers issue - is trying to be fair and it trying to move it up; the meetings are long

5. Regarding jobs - businesses provide range of jobs; any job is a good job.

There being no further business to conduct, the meeting was adjourned at 10:20 p.m. by unanimous informal consent.

### **CLOSED SESSION**

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

- PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA

MINUTES  
March 24, 2015

UNDER THE JURISDICTION OF THE CITY COUNCIL

The City Attorney announced that the case listed on the agenda under Section 54956.8 1a, and Discussion for Labor Negotiation as listed as Number 4 under Section 54957.6 a & b will be discussed. City Attorney doesn't anticipate any reportable action.

The Closed Session was held pursuant to Government Code:

1 SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

- a) Property: Generally located at the southwest corner of the March Field Park property conveyed to the City of Moreno Valley Community Services District in a Quitclaim Deed dated September 24, 2008 as Document No. 2008-0520569 comprising of approximately 8.33 acres
- City Negotiator: CSD Negotiator: Michelle Dawson, Tom DeSantis, Betsy Adams
- Under Negotiation: terms and conditions of property transfer
- Owner:
- Owners Negotiator: Moreno Valley Community Services District, March Air Reserve Base
- APN

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

Number of Cases: 5

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

Number of Cases: 5

4 SECTION 54957.6 - LABOR NEGOTIATIONS

- a) *Agency Representatives: Michelle Dawson, Tom DeSantis, Chris Paxton and Rick Teichert; Employee Organization: MVMA*
- b) *Agency Representatives: Michelle Dawson, Tom DeSantis, Chris Paxton and Rick Teichert; Employee Organization: MVCEA*

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

MINUTES  
March 24, 2015



None

**ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 11:15 p.m. by unanimous informal consent.

Submitted by:

---

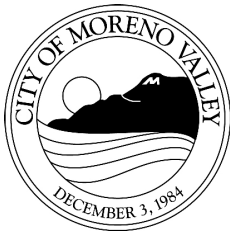
Jane Halstead, CMC  
Secretary, Moreno Valley Community Services District  
Secretary, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley  
Secretary, Moreno Valley Housing Authority  
Secretary, Board of Library Trustees

Approved by:

---

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

**This page intentionally left blank.**



## Report to City Council

---

**TO:** Mayor and City Council

**FROM:** Jane Halstead, City Clerk

**AGENDA DATE:** April 14, 2015

**TITLE:** CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

---

### RECOMMENDED ACTION

Recommendation:

1. Receive and file the Reports on Reimbursable Activities for the period of March 18 – April 7, 2015.

<i>Reports on Reimbursable Activities</i>			
March 18 – April 7, 2015			
Council Member	Date	Meeting	Cost
Jeffrey J. Giba	3/19/15	Riverside County State of Education Address and Luncheon	\$49.00
	4/2/15	Riverside County Fair Housing Council of Champions for Justice	\$75.00
	4/7/15	Moreno Valley Hispanic Chamber of Commerce Adelante	\$10.00
Dr. Yxstian A. Gutierrez	3/25/15	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley	\$15.00
D. LaDonna Jempson	3/19/15	Riverside County State of Education Address and Luncheon	\$49.00
	4/2/15	Riverside County Fair Housing Council of Champions for Justice	\$75.00
Jesse L. Molina	4/2/15	Riverside County Fair Housing Council of Champions for Justice	\$75.00

George E. Price	3/25/15	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley	\$15.00
-----------------	---------	--	---------

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

Department Head Approval:  
Jane Halstead  
City Clerk



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

**Report to City Council**

---

**TO:** Mayor and City Council

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

**AGENDA DATE:** April 14, 2015

**TITLE:** FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH AKM CONSULTING ENGINEERS FOR THE SAN TIMOTEO FOOTHILL NEIGHBORHOOD FLOOD PROTECTION - MORENO MASTER DRAINAGE PLAN STORM DRAIN LINES K-1 AND K-4 – PROJECT NO. 804 0007 70 77

---

**RECOMMENDED ACTION**

Recommendations:

1. Approve the First Amendment to Agreement for Professional Consultant Services with AKM Consulting Engineers (AKM) to provide additional design services for the San Timoteo Foothill Neighborhood Flood Protection – Moreno Master Drainage Plan Storm Drain Lines K-1 and K-4 project.
2. Authorize the City Manager to execute the First Amendment to Agreement for Professional Consultant Services with AKM.
3. Authorize an increase in the Purchase Order to AKM in the amount of \$69,953.00 once the First Amendment to Agreement has been signed by all parties.

**SUMMARY**

This report recommends approval of the First Amendment to Agreement with AKM Consulting Engineers to provide additional professional services necessary to complete the design of the San Timoteo Neighborhood Flood Protection - Moreno Master Drainage Plan Storm Drain Lines K-1 and K-4 project. The project received federal funds from Federal Emergency Management Agency (FEMA) under the Hazard Mitigation Grant Program (HMGP) and utilized the Moreno Master Drainage Plan fees

as local matching funds to the federal grant. This project has been approved in the 2014/2015 Capital Improvement Plan (CIP).

## **DISCUSSION**

San Timoteo Foothill Neighborhood generally bounded by Locust Avenue on the north, Juniper Avenue on the south, Pettit Street on the west and Weber Avenue on the east has endured repeated flooding that has damaged local streets and private properties, disrupted local traffic and school bus routes, and disrupted the delivery of public and utility services. Flooding occurs due to the lack of an adequate surface runoff conveyance system in the area. The proposed HMGP funded storm drain system is to be installed within local roads starting from Locust Avenue, along Carrie Lane to Kalmia Avenue, along Kalmia Avenue to Pettit Street, then along Pettit Street heading south to connect to an existing 800 feet long 54-inch diameter storm drain installed in 1984 that discharges to the existing earth channel south of Pettit Street and Juniper Avenue intersection. This proposed storm drain system is identified as storm drain Lines K-1 and K-4 in the Moreno Master Drainage Plan. Applicable street improvements will also be necessary to convey the surface runoff into the proposed storm drain system. These improvements will provide a flood protection level up to a 100-year storm event for the San Timoteo Foothill Neighborhood.

The City was awarded the HMGP grant in the amount of \$1,442,308.00 for the design and construction of this project. The City has entered into a funding agreement with Riverside County Flood Control and Water Conservation District (The District) to utilize the Moreno Drainage Plan fees in the amount of \$500,000.00 as local matching funds to meet federal grant requirements.

On February 25, 2014, the City Council approved an agreement with AKM to provide design services for this project in the amount of \$349,788.00. A notice to proceed was given to AKM in late March 2014 to start the work. The original scope of work as included in AKM's contract was to design a new storm drain which is to be connected to the existing 54-inch diameter storm drain in Pettit Street approximately 800 feet north of Juniper Avenue. However, at the completion of preliminary design and analysis, AKM found that the existing storm drain does not have the capacity to convey the 100-year storm flood protection for the area. The existing storm drain, which was designed and constructed almost 30 years ago, is undersized to meet the current storm design standards for flood protection and will need to be replaced with a larger pipe. City staff and AKM have consulted with The District and received a concurrence on the inadequacy of this existing storm drain in handling the 100-year storm flood protection based on current engineering design standards. Several design alternatives have been analyzed, and the option of removing/replacing the existing storm drain is more cost effective than installing an additional parallel pipe.

Because of the change of scope of work to the original contract, AKM is requesting \$69,953.00 to perform additional survey and geotechnical studies necessary to design a replacement storm drain pipe and outlet discharge facility. In addition, AKM will perform additional studies necessary to complete the environment clearance related to

downstream effects of the storm drain. Staff has analyzed the request and deems it fair based on the additional work effort.

**ALTERNATIVES**

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will provide for the timely completion of the design and construction of the San Timoteo Foothill Neighborhood Flood Protection-Moreno Master Plan Storm Drain Lines K-1 and K-4 as required by FEMA.*
  
2. Do not approve and authorize the recommended actions as presented in this staff report. *This alternative will delay design and construction of the San Timoteo Foothill Neighborhood Flood Protection-Moreno Master Plan Storm Drain Lines K-1 and K-4 project and result in the loss of federal HMGP funding.*

**FISCAL IMPACT**

This project is financed by federal HMGP funding and the Moreno Master Drainage Plan fees. Per HMGP grant requirements, the City is required to use its own funds to implement the project and receives progress reimbursement payments throughout each phase of the project. HMGP funds are fronted by Measure A funds for this project. **There is no impact to the General Fund.**

**AVAILABLE BUDGET – FISCAL YEAR 2014/2015:**

HMGP Funds (Measure A)	
(Account No. 2001-70-77-80001) (Project No. 804 0007 70 77) .....	\$1,442,106
Moreno Master Drainage Plan Fees (General Capital Projects) .....	<u>\$ 500,000</u>
Total .....	\$1,942,106

**ESTIMATED PROJECT COSTS:**

Design Agreement.....	\$ 349,800
<b>First Amendment to Design Agreement.....</b>	<b>\$69,953</b>
Project Administration .....	\$ 35,000
Construction (to be confirmed once engineering design is completed) .....	\$1,402,100
Construction Geotechnical Services.....	\$ 25,000
Construction Survey Services .....	\$ 25,000
Construction Administration and Inspection .....	<u>\$ 35,000</u>
Total .....	\$1,941,853

**ANTICIPATED PROJECT SCHEDULE:**

Design, Right of Way,	
CEQA Environmental Clearances .....	March 2014 to December 2015
Advertise and Award Contract.....	January 2016 to March 2016
Construction .....	April 2016 to June 2017

**CITY COUNCIL GOALS**

**PUBLIC SAFETY:**

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

**PUBLIC FACILITIES AND CAPITAL PROJECTS:**

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

**POSITIVE ENVIRONMENT:**

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

**ATTACHMENTS**

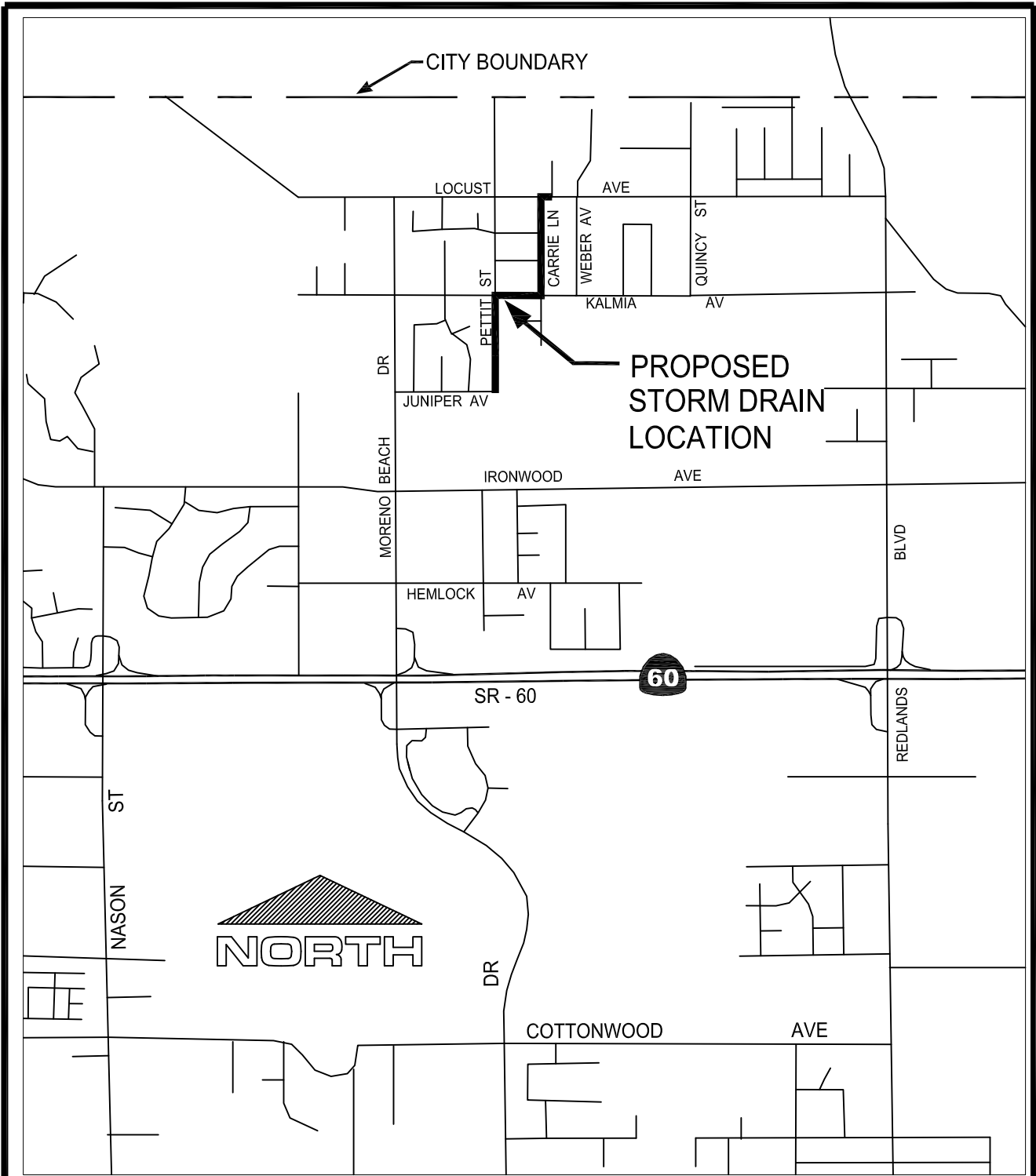
- Attachment 1: Location Map
- Attachment 2: First Amendment to Agreement for Professional Consultant Services
- Attachment 3: Original Agreement for Professional Consultant Services with AKM

Prepared By:  
Quang Nguyen, P.E.  
Senior Engineer

Department Head Approval:  
Ahmad R. Ansari, P.E.  
Public Works Director/City Engineer

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





## LOCATION MAP

Public Works Department  
Capital Projects Division

SAN TIMOTEO FOOTHILL NEIGHBORHOOD  
FLOOD PROTECTION PROJECT

**ATTACHMENT 1**

**PROJECT NO. 804 0007 70 77**

**This page intentionally left blank.**

**FIRST AMENDMENT TO AGREEMENT  
FOR PROFESSIONAL CONSULTANT SERVICES  
PROJECT NO. 804 0007 70 77**

This First Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and AKM Consulting Engineers, a (California corporation,) hereinafter referred to as "Consultant." This First Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for DESIGN PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated March 20, 2014.

Whereas, the Consultant is providing consultant design services for San Timoteo Foothill Neighborhood Flood Protection – Moreno Master Plan Storm Drain Lines K-1 and K-4.

Whereas, it is desirable to amend the Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this First Amendment.

Whereas, the Consultant has submitted a Proposal dated **March 4, 2015**, for expansion of the scope of work to be performed. A copy of said Proposal is attached as "Exhibit A -- First Amendment" and is incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date of **December 31, 2016** is not extended by this Amendment, unless the termination date is further extended by an Amendment to the Agreement.

1.2 Exhibit "B" to the Agreement is hereby amended by adding to the scope of work section described in "Exhibit A – First Amendment," entitled "Additional Work and Request for Budget Augmentation for the San Timoteo Foothill Neighborhood Flood Protection Moreno Master Plan Storm Drain Lines K-1 and K-4 project."

**FIRST AMENDMENT TO AGREEMENT FOR  
PROFESSIONAL CONSULTANT SERVICES  
PROJECT NO. 804 0007 70 77**

1.3 Exhibit "D" to the Agreement is hereby further amended by adding to the cost proposal section thereof "Exhibit A – First Amendment," entitled "Additional Work and Request for Budget Augmentation for the San Timoteo Foothill Neighborhood Flood Protection Moreno Master Plan Storm Drain Lines K-1 and K-4 project."

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of \$69,953.00, as set forth in the above-referenced cost proposal, in consideration of the Consultant's performance of the work set forth in "Exhibit A – First Amendment."

1.5 The total "Not to Exceed" fee for this contract is \$419,741.00 (\$349,788.00 for the original Agreement plus \$69,953.00 for the First Amendment to Agreement).

**SECTION 2**

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

**SIGNATURE PAGE TO FOLLOW**

**FIRST AMENDMENT TO AGREEMENT FOR  
PROFESSIONAL CONSULTANT SERVICES  
PROJECT NO. 804 0007 70 77**

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

City of Moreno Valley

AKM Consulting Engineers

BY: \_\_\_\_\_  
City Manager

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

TITLE: \_\_\_\_\_  
(President or Vice President)

DATE: \_\_\_\_\_

<u>INTERNAL USE ONLY</u>
APPROVED AS TO LEGAL FORM:
_____
City Attorney
_____
Date
RECOMMENDED FOR APPROVAL:
_____
Public Works Director/City Engineer <i>(if contract exceeds \$15,000)</i>
_____
Date

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_  
(Corporate Secretary)

DATE: \_\_\_\_\_

Attachment: "Exhibit A – First Amendment"



Water Resources

Infrastructure

Construction Management

553 Wald  
Irvine, CA 92618  
Telephone: 949.753.7333  
Facsimile: 949.753.7320  
www.akmce.com

March 4, 2015  
**City of Moreno Valley**  
14177 Frederick Street  
Moreno Valley, California 92552  
Attention: Mr. Prem Kumar, Assistant Public Works Director

**Subject: Additional Work and Request for Budget Augmentation for the San Timoteo Foothill Neighborhood Flood Protection Moreno Master Plan Storm Drain Lines K-1 and K-4**

Dear Mr. Kumar:

The scope of work for the subject project originally including a new storm drain to be started from Locust Avenue and terminated approximately 700 feet north of Juniper Avenue to join the existing 54-inch RCP storm drain in Pettit Street.

During the preparation of the hydrologic and hydraulic studies for the project, AKM Consulting Engineers determined that the existing 54-inch diameter pipe was not adequate to convey the 100-year flows in accordance with the City's and County's design criteria. In order to determine the final design flows, downstream control elevations in the Riverside County Flood Control and Water Conservation (RCFC & WCD) facilities, and the sizes of additional facilities needed, AKM extended the hydrologic studies and hydraulic analyses to Ironwood Avenue intersection with Line K, which is outside our original scope of work. AKM coordinated this work with the City and RCFC & WCD. As a result of these studies, it was determined that the existing 800 feet of 54-inch diameter storm drain in Pettit Street will need to be replaced with a larger storm drain to be able to handle the 100-year flow, and extended into the current alignment of the downstream channel in the undeveloped area south of Juniper Avenue. This work will require additional topographic survey work, geotechnical investigations, and environmental studies that include the downstream effects of the project to support the expanded scope of work.

The work hours, labor cost, and the subconsultant costs for the additional work totals \$69,953, as detailed in the attached table. We request that our budget for the project be increased by this amount. The additional amount combined with the original budget will provide AKM will sufficient project budget to complete the environmental clearance, right-of-way documentation, the design and bid ready package for the project. If you have any questions regarding or require additional information, please do not hesitate to contact the undersigned.

Very truly yours,

**AKM Consulting Engineers**

A handwritten signature in blue ink, appearing to read 'Zeki Kayiran', is written over a horizontal line.

Zeki Kayiran, P.E.  
Principal  
Attachment (1)

**City of Moreno Valley**  
**San Timoteo Foothill Neighborhood Flood Protection, Moreno Master Plan Storm Drain Lines K1 and K4**  
**Project No. 804 0007 70 77**

Cost Estimate for Additional Tasks (March 4, 2015)

These Additional Tasks include:

- 1) One additional Boring Site on the Open Space at south of Juniper Avenue.
- 2) Extending Surveying and R/W Study from Upstream end of City Existing Storm Drain System on Pettit Street to Juniper Avenue and then toward south along the Open Channel (Ditch) for about 500 feet in distance and 150 feet in width.
- 3) Extending the Environmental Study to cover the Open Space area from Juniper Avenue toward Ironwood Avenue.
- 4) Attending the requested meetings with the City and RCFC.
- 5) Coordination with RCFC/D/City in Hydrology Study to accommodate the downstream control discharge along Ironwood Avenue.
- 6) Coordination with RCFC/D/City in Hydraulic Analysis on Downstream Control at LINE "K" (Parsons' 2013 & 2014 Hydraulic Reports)
- 7) Inlet and Outlet Structural Design on Downstream and Upstream Drainage System.
- 8) Site Reconnaissance.
- 9) Grading Plans at Inlet and Outlet Drainage Sites.
- 10) Delineation of Flooding Limits at Upstream and Downstream Sites.

Task	Description	Project Manager	Project Engineer	Assistant Engineer	CADD Group	Clerical	AKM Total Hours	AKM Labor Cost	Sub-Consultant Hours	Sub-Consultant Cost	Total Cost
<b>Task No. 1: Project Schedule and Management</b>											
1.1	Meetings with the City and RCFC	10	18				28	\$5,280			\$5,280
1.2	Site Reconnaissance		4	4			8	\$1,088			\$1,088
<b>Task No. 2: As-Built Plans/Records Research and Review</b>											
2.1	City Coordination		8	16			24	\$2,872			\$2,872
<b>Task No. 3: Utility/Agency Coordination</b>											
3.1	Utility Conflicts or Design Issues Discussed		4				4	\$740			\$740
<b>Task No. 4: Surveying Services</b>											
4.1	Surveying		2	4	4		10	\$1,058	50	\$7,810	\$8,868
<b>Task No. 5: Right-of-Way</b>											
5.1	Right-of-Way Study		2	4	4		10	\$1,058	14	\$1,870	\$2,928
<b>Task No. 6: Geotechnical Services</b>											
6.1	Geotechnical Engineering		2		2		4	\$540	18	\$2,497	\$3,037
<b>Task No. 7: Environmental Study and CEQA Documentation</b>											
7.1	Environmental Study		10				10	\$1,850	128	\$15,389	\$17,239
<b>Task No. 8: Hydrology Study and Hydraulic Analysis</b>											
8.1 Hydrology Study											
	a) Revised Hydrology Studies of 10-year and 100-year Storm Events per RCFC&WCD 1991 Hydrology Study (Rational Method and Unit Hydrograph Method) *	8	80	12			100	\$17,404			\$17,404
	b) Extending the Hydrology Study to Ironwood Avenue.		4				4	\$740			\$740
8.2 Hydraulic Analysis											
	a) Inlet and Outlet Structural Design	2	16	31	15		64	\$7,322			\$7,322
	b) Grading Plans and Flooding Limits.	2	4	15			21	\$2,435			\$2,435
	<b>Total Hours</b>	<b>22</b>	<b>154</b>	<b>86</b>	<b>25</b>	<b>0</b>	<b>287</b>		<b>210</b>		<b>497</b>
	<b>Hourly Rate</b>	<b>\$195</b>	<b>\$185</b>	<b>\$87</b>	<b>\$85</b>	<b>\$55</b>					
	<b>TOTAL</b>	<b>\$4,290</b>	<b>\$28,490</b>	<b>\$7,482</b>	<b>\$2,125</b>	<b>\$0</b>		<b>\$42,387</b>		<b>\$27,566</b>	<b>\$69,953</b>

\* After discussion with the RCFC, it is determined that the hydrology study on LINE "K" Drainage System will remain the same using the original rainfall data (NOAA Atlas 2) as described in 1978 RCFC&WCD Hydrology Manual.

**This page intentionally left blank.**



**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. 804 0007 70 77**

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

**RECITALS**

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

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

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

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

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

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

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. 804 0007 70 77**

**DESCRIPTION OF PROJECT**

1. The Project is described as professional consultant design services for:  
**SAN TIMOTEO FOOTHILL NEIGHBORHOOD FLOOD PROTECTION – MORENO  
MASTER PLAN STORM DRAIN LINES K-1 AND K-4**

**Project No. 804 0007 70 77**

**SCOPE OF SERVICES**

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

**PAYMENT TERMS**

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of **\$349,788** in accordance with the payment terms provided on Exhibit "D" attached hereto and incorporated herein by this reference.

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. 804 0007 70 77**

**TERM OF AGREEMENT**

5. This agreement will terminate on **December 31, 2016** unless the termination date is extended by an amendment to the agreement.

**TIME FOR PERFORMANCE**

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

7. The Consultant shall perform the work described on Exhibit "A" in accordance with the schedule set forth in Exhibit "E" attached hereto and incorporated by this reference.

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

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

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. 804 0007 70 77**

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

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

**SPECIAL PROVISIONS**

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

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

13. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement. Unless hereinafter specified,

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. 804 0007 70 77**

neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

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

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

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

(b) During the entire term of this Agreement, the Consultant agrees to procure and maintain General Liability Insurance in form and substance and with carriers

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. 804 0007 70 77**

acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

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

	<u>General Liability</u>
Bodily Injury	\$1,000,000 per occurrence
Property Damage	\$ 500,000 per occurrence

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

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

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. 804 0007 70 77**

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than \$1,000,000 combined single limit.

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

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

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

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

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. 804 0007 70 77**

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

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

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



**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. 804 0007 70 77**

the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

17. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will treat employees during employment without regard to their race, religion, creed, color, national origin, sex, or age.

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

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

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. 804 0007 70 77**

The City reserves the right to ask for a hard copy and/or an electronic copy of the documents developed to date at any time during the period of this agreement.

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

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

20. (a) The City may terminate this Agreement without cause on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination.

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. 804 0007 70 77**

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

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

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

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. 804 0007 70 77**

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

21. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

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

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

24. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. 804 0007 70 77**

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

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

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

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

28. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. 804 0007 70 77**

this Agreement. Venue shall be vested in the Superior Court of the State of California, County of Riverside.

29. If the funding source for this Agreement includes Federal funds, the following provisions must be complied with:

(a) Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60);

(b) the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3);

(c) the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR Part 5);

(d) Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5);

(e) Access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions;

(f) Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed;

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. 804 0007 70 77**

(g) All applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15);

(h) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871);

(i) all requirements and regulations pertaining to reporting;

(j) in the case of occurrence of termination for cause, the City shall use all retained payments and any progress payments due for work completed before the termination to liquidate the Consultant's liability to the City. If the retained and unpaid amounts are insufficient, the City shall take steps to recover the additional sum from the Consultant.


**SIGNATURE PAGE FOLLOWS**


**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. 804 0007 70 77**

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

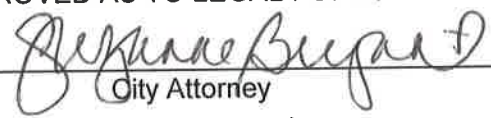
City of Moreno Valley

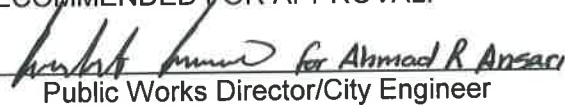
**AKM Consulting Engineers**


BY:   
 City Manager  
3.20.14  
 Date

BY:   
 TITLE: President  
 (President or Vice President)  
February 24, 2014  
 Date

**INTERNAL USE ONLY**

APPROVED AS TO LEGAL FORM:  
  
 City Attorney  
3-18-14  
 Date

RECOMMENDED FOR APPROVAL:  
 for Ahmad R. Ansari  
 Public Works Director/City Engineer  
3/19/14  
 Date

BY:   
 TITLE: Secretary  
 (Corporate Secretary)  
February 24, 2014  
 Date

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



**REQUEST FOR PROPOSAL  
FOR PROFESSIONAL CONSULTANT DESIGN SERVICES**

**FOR SAN TIMOTEO FOOTHILL NEIGHBORHOOD FLOOD PROTECTION  
MORENO MASTER PLAN STORM DRAIN LINES K-1 AND K-4  
PROJECT NO. 804 0007 70 77**

**I. INVITATION**

You are hereby invited to submit a Proposal for Professional Consultant Design Services associated with the San Timoteo Foothill Neighborhood Flood Protection – Moreno Master Plan Storm Drain Lines K-1 and K-4.

Three (3) copies (one of the copies shall be unbound and paper clipped, with no tabs, holes, perforations, or cardboard inserts, suitable for copying with an automatic-feed copy machine) of your Proposal shall be submitted **before 5:00 p.m., December 12, 2013**, addressed to City of Moreno Valley, Capital Projects Division, 14177 Frederick Street (hand delivery), P.O. Box 88005, Moreno Valley, California 92552-0805 (mail delivery), Attention: Quang Nguyen, Senior Engineer, P.E.

**II. GENERAL PROJECT DESCRIPTION**

This project is to design and construct a storm drain system in the San Timoteo Foothill Neighborhood to mitigate frequent flooding and minimize flood related damages to public roads and private properties. The San Timoteo Foothill Neighborhood, which is the area generally bounded by Locust Avenue on the north, Juniper Avenue on the south, Pettit Street on the west and Weber Avenue on the east, has experienced frequent flooding during storm events. Repeat flooding has damaged local streets and private properties, disrupted local traffic and school bus routes, and disrupted the delivery of public and utility services to the area. Flooding occurs due to the lack of an adequate surface runoff conveyance system in the area. The proposed storm drain system is to be installed within local roads starting from Locust Avenue, along Carrie Lane to Kálmia Avenue, along Kalmia Avenue to Pettit Street, then along Pettit Street heading south to connect to the existing storm drain in Pettit Street just north of Juniper Avenue. This proposed storm drain system is identified as storm drain Lines K-1 and K-4 in the Moreno Master Drainage Plan. Applicable street improvements will also be necessary to convey the surface runoff into the proposed storm drain system. These improvements will provide a flood protection level up to a 100-year storm event for the area.

**III. PROJECT BUDGET AND SCHEDULE**

The approved budget is \$2,000,000 which is to cover all costs (soft costs and hard costs) for this project. The project receives federal grant funding in the amount of \$1,422,000 under the Hazard Mitigation Grant Program (HMGP) and local matching funds from the Riverside County Flood Control and Water Conservation District (RCFC & WCD) in the amount of \$500,000 from the Moreno Master Drainage Plan fees. The project is partially funded by the Federal Emergency Management Agency (FEMA) through the HMGP. All work must meet the RCFC & WCD requirements.

A copy of the HMGP Grant Application is available on CD. To request a copy, please call the City of Moreno Valley, Capital Projects Division, at 951.413.3130.

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

The Consultant shall be required to meet or exceed the following timeline for this project:

Notice to Proceed:	January 2014
35% Plans Complete:	May 2014
Project Environmental Clearance Complete:	July 2014
Right-of-Way Engineering Complete:	August 2014
80% PS&E Complete:	August 2014
All Permits Complete and Approved:	October 2014
Right-of-Way Deeds Recorded by:	October 2014
100% PS&E Complete:	October 2014
Advertise and Award Construction Contract:	November 2014 – February 2015
Construction:	March 15 – December 2015

**IV. SCOPE OF SERVICES**

The Consultant shall complete various tasks involved in planning, right-of-way engineering, right-of-way acquisition, permitting and environmental clearance, Plans/Specifications/ Engineer's Estimates (PS&E) preparation, and bidding and construction support as shown, but not be limited to, in the list below. Be advised that the following is a general description of the scope of services. The Consultant shall anticipate any additional coordination or scope to meet the project goals and objectives in their proposal.

**Phase 1: 35% Level Completion**

The Phase 1 shall include, but not be limited to, the following tasks:

1. Attend the kick-off meeting, monthly PDT meetings, and other meetings with affected agencies, businesses or residents as required throughout the project duration. Prepare meeting agenda as required.
2. Conduct field review and evaluate existing drainage patterns and facilities to obtain enough information for the design.
3. Perform survey and prepare base map, including field edits.
4. Evaluate all existing sidewalk, access ramp, and pavement surfaces within project limits for ADA compliance.
5. Research and identify right-of-way and/or easement needs and prepare documents and right-of-way plans.
6. The 35% plans shall contain enough information to determine the required right-of-way.
7. Investigate existing utilities to identify any utility conflicts and coordination with utility owners to obtain adjustment and/or relocation, including preparing and mailing 1<sup>st</sup> Utility Notices to obtain as-built plans. The Consultant shall pothole all underground utilities to determine the location, depth for clearance, connection points, or conflicts for any underground improvements such as sewer lines, storm drains, gas lines, waterlines and other utilities.
8. Coordinate with all affected agencies, including the RCFC & WCD, Caltrans, RTA, homeowner associations, etc., to complete the required tasks. Consultant to obtain specific approval of Storm Drain Alignment Concept Design from Flood Control as part of 35% Design.

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

9. Determine requirements for various permits necessary for the project.
10. Prepare, process, and file CEQA documentation and obtain environmental clearance.
11. Identify and evaluate all existing improvements within the project area that affect the proposed project scope of work.
12. Prepare construction traffic control plan with can be included in the bid documents.
13. Incorporate Santa Ana Region Low Impact Development (LID) guidance and standards for transportation project requirements with concurrence of City staff.
14. Complete Project Summary Memorandum for acceptance by the City.
15. Prepare 35% Plans based on the approved Project Summary Memorandum, with construction cost estimates.

Upon successful completion of the Project Summary Memorandum, 35% Plans, and acceptance of environmental documentation, the City may issue written authorization to proceed with Phase 2 or terminate the contract.

**Phase 2: 100% Level Completion**

The Phase 2 shall include, but not be limited to, the following tasks:

1. Prepare storm drain construction plans with submission for review at 80%, 100%, and final design at the Mylar stage.
2. Prepare Specifications with submission for review at 80%, 100%, and final design at the Mylar stage.
3. Prepare Engineer Estimates with submission for review at 80%, 100%, and final design at the Mylar stage.
4. Coordinate design plans, prepare and submit permit application to the RCFC & WCD for review and approval, and obtain the encroachment permit from the RCFC & WCD for storm drain connection.
5. Prepare and submit permit applications to all applicable agencies and coordinate to obtain all required permits.
6. Prepare right-of-way and/or easement documents as required, and coordinate and negotiate to obtain all required right-of-way and/or easements.
7. The final PS&E shall be stamped and signed by the Design Consultant Civil Engineer, licensed to practice in the State of California, who supervised this project's PS&E preparation.
8. Prepare and submit Storm Water Pollution Prevention Plan (SWPPP) for approval in accordance with City requirements.
9. Prepare 2<sup>nd</sup>, 3<sup>rd</sup> and final utility notices and coordinate with utility companies for relocation of interfering utilities.
10. The Consultant shall provide an adjustment of final design plans and

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

corresponding documents to reduce the scope of work to match available budget in accordance with City-specified priorities.

Upon City's approval of the PS&E, the City may issue written authorization to the Consultant to proceed with Phase 3 or terminate the contract.

**Phase 3: Advertising, Bidding and Construction Support**

The Phase 3 shall include, but not be limited to, the following tasks:

1. Provide responses to bidders' questions.
2. Prepare and issue addenda if required due to omissions or conflicts in the design at no additional charge to the City.
3. Assist City staff in evaluating and checking all bids per project requirements and established contract law, as well as checking references and licenses of bidders.
4. Draft City Council Staff Report for award of construction contract and process the contract agreement with the lowest responsible bidder.
5. Attend the City Council meeting for award of the contract, available to answer questions, and defend the project.
6. Answer questions regarding the Technical Provisions, the design drawings or conflicts in the design during bidding process and pre-construction meeting.
7. Be available to answer questions regarding the Technical Provisions, the design drawings or conflicts in the design during the construction, and assist in reviewing and issuing Contract Change Orders (CCO) required, due to omissions or conflicts in the design, at no additional charge to the City.
8. Incorporate all red-line comments prepared by the Contractor and project inspector and prepare final ink on Mylar "as-built" record plans. The as-built/record drawings shall be signed by the Engineer of Record and provided to the City for approval prior to the release of the final progress payment.
9. Prepare and submit GASB 34 documentation in the City's format along with the record drawings.

**DETAILED DESCRIPTIONS OF WORK ITEMS ARE AS FOLLOWS:**

**A. PROJECT SUMMARY MEMORANDUM**

The Consultant shall prepare a Project Summary Memorandum, which is a shortened version of the City Project Report, and does not require signatures from all City departments. The Project Summary Memorandum shall be limited to a maximum of 15 pages. The Project Summary Memorandum shall include, but not be limited to, discussion of existing facilities, project objectives, any design deficiencies and exceptions with justifications, geotechnical, environmental, right-of-way or easement needs, utilities conflicts and relocation efforts, project costs, funding, and scheduling.

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

**B. ENVIRONMENTAL**

The Consultant shall identify all environmental concerns for the specific improvements and coordinate with the City and other applicable agencies for requirements to complete the environmental process. The City's Community and Economic Development Department, Planning Division, will make the environmental determination.

The Consultant shall perform all work and coordination, conduct and attend meetings, and prepare all environmental documents, special studies, reports, permit applications, and other materials to obtain environmental clearance through all applicable agencies for the project.

The environmental procedures shall be in compliance with CEQA requirements.

**C. SURVEYING**

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

1. Conduct street surveys, utility surveys, drainage facility surveys, boundary surveys, lot surveys, and property line surveys to obtain sufficient information for engineering design of the proposed improvements and right-of-way and or easement acquisition process if required.
2. Prepare topographic base maps containing all surface features and needed elevations. Topography shall include, but not be limited to, all features within the right-of-way and outside the right-of-way as needed to such limits that would provide adequate and accurate data for the design.
3. Establish uniform stationing on street centerline and storm drain line, increasing northerly and easterly.
4. Establish a minimum of two (2) temporary benchmarks on the project.

**D. AUTOCAD DRAWINGS**

The topography map shall be set up with the following guidelines:

1. Drawing scale shall be: 1" = 20' or 1" = 40' horizontal and 1" = 2" or 1" = 4' for vertical profiles.
2. Lettering style shall be Arial and sizes shall correspond to standard scales. The latest City Title Block, which will be supplied by the City, shall be used.

**E. GEOTECHNICAL**

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

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

1. Perform subsurface exploration and analysis, including in-place moisture and density tests, laboratory maximum density and optimum tests, sieve analysis, R-value determination, direct shear tests, consolidation or collapse tests, and other required tests.
2. Review of existing geotechnical/geologic maps, reports or other related documents.
3. Provide geotechnical evaluation and recommendations on, including but not limited to, pipe bedding, trench backfill, pavement restoration design, environmental concerns, removal of unsuitable materials, etc.
4. Perform investigation on the existing pavement conditions to include pavement coring and soil borings and sampling. Pavement corings and soil samples in sufficient quantities shall be taken and tested to determine R-values and structural pavement sections to be considered for the project.
5. Prepare field and final geotechnical reports and logs of exploratory borings and results of laboratory testing.
6. Prepare scale plans showing locations and identifications of the borings and other required geotechnical information.
7. All in-place/laboratory tests, sampling, and reports shall be performed and prepared in accordance with Caltrans and other applicable agency procedures, policies, regulations, requirements, and formats.
8. Potholes in paved areas shall be repaired per City Standard Plan No. 602, A through E; however, potholes within the proposed pavement construction area may be considered for an alternate repair treatment, at the discretion of the City.
9. It will be the responsibility of the Consultant to notify Underground Service Alert prior to the start of any subsurface exploration work. The Consultant shall submit a traffic control plan to the City for review and obtain a permit to operate and conduct explorations within the public right-of-way.
10. The Consultant shall obtain all necessary permits to enter and construct on private properties from property owners, as required by the City, for all research such as surveying, geotechnical, and other design-related work.

**F. RESEARCH OF RECORD INFORMATION**

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

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

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

**G. UTILITY COORDINATION**

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

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

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

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

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

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

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

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

**H. UTILITY POTHOLING**

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

Potholes in paved areas shall be repaired per City Standard Plan No. 602, A through E; however, potholes within the proposed pavement construction area may be considered for an alternate repair treatment, at the discretion of the City. Program Manager.

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

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

**I. RIGHT-OF-WAY**

A portion of the proposed alignment of the storm drain is along Carrie Lane from Locust Avenue to Kalmia Avenue. Currently, Carrie Lane is a private road. As part of this project's scope of services, the consultant will be required to complete the right-of-way engineering and documents and assist the City in accepting Carrie Lane into the City's public roadway system for the construction of the storm drain.

Additional right-of-way may need to be acquired and may include fee simple interest, permanent easements, temporary easements, and right of entries, which are collectively termed as right-of-way.

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

1. Identify all needed right-of-way based on project alternatives in order to satisfy the "maximum public benefit with the least private injury" principle.



**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

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

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

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

- a. Coordinate the preparation of site surveys relating to real properties that are required for public purposes.
- b. Identify the needs for new rights-of-way, permanent easements, temporary construction easements, and rights-of-entry. Conduct alternative analysis if necessary.
- c. Analyze title reports/cases, contracts, judgments, court records, and other documents to evaluate the legal status and effect upon title of various liens, restrictions, and encumbrances; perform research for all outstanding offers of dedication.
- d. Prepare a separate right-of-way plan showing existing right-of-way, areas requiring acquisition, assessor's parcel numbers, zoning, owner's name, addresses, type of business, property lines, footprints of buildings, setback distances from right-of-way to buildings, vegetation, existing and proposed improvements in the taking areas, existing driveways, and easements across the property.

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

- e. Prepare offers, summary statements, contracts, agreements, leases, correspondence, deeds, re-conveyances, legal descriptions, plats, certificates of acceptance, and other instruments for each parcel acceptable to the City (and applicable utility companies) for conveyance of marketable title interests and for accurate representation of right-of-way necessary for construction of the project.
- f. Prepare all documents required for temporary construction easements and rights-of-entry.
- g. Prepare preliminary estimate of the market value of real property and prepare written reports.
- h. Consult with the necessary City departments regarding real property matters.
- i. Assist in preparing Staff Reports for City Council to authorize various right-of-way related matters such as authorization for negotiation, execution of purchase agreements, adoption of resolution of necessity, etc.; and make presentation at the City Council Meetings.
- j. Negotiate for purchase, lease, voluntary dedication or donation of real property.
- k. Provide staking as needed during the appraisal process and/or negotiation process to establish take area boundaries.
- l. Provide project improvements alternate analysis during right-of-way negotiations phase as necessary.
- m. Conduct regular status/coordination meetings during the right-of-way phase.
- n. Record documentation at the County Recorders Office.
- o. Provide independent review of property surveys, plats, and legal descriptions.
- p. Review draft appraisal reports for completeness and accuracy.
- q. Maintain records, databases, maps, deeds, and other documents.
- r. Provide relocation assistance to occupants of real property acquired for projects.
- s. Conduct research at the County Assessors Office.

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

**J. FORMAT FOR PLANS AND SPECIFICATIONS**

1. The PS&E must conform to the City of Moreno Valley's standards and format. The Consultant shall provide clear, concise, and complete plans and profiles, which shall include, where applicable, the title sheet, street improvement, storm drain, traffic signal, striping and signing, traffic control, and detail and cross section plans. The scales for the plans are 1" = 20' or 1" = 40'. The City of Moreno Valley's standard title block shall be used for all sheets.

The Consultant shall indicate on the plans the stationing of all intersections, beginning and end of curves, and breaks in alignment. Survey monuments and monument wells shall be noted on the plans for preservation. Missing monuments shall be installed per City Standards. Monuments are to be placed in all street intersections, public and private. The setting or marking of the actual monuments shall be done under the direction of a licensed land surveyor at the end of construction, and a Record of Survey shall be filed with the County and copy shall be submitted to the City. These items must be quantified and shown in the PS&E. The Consultant shall note that the Contractor shall be responsible for replacing disturbed monuments or ties after construction is completed.

2. Street Improvement Plans shall include, but not be limited to: All existing surface improvements, driveways and entrances, edge of pavement, curbs, gutters, cross gutters, sidewalks, access ramps, mailboxes, landscaping, walls and fences, water valves and meters, fire hydrants, gas valves, sewer manholes, storm drain manholes, telephone manholes, electrical manholes, electrical cabinets, power poles, street lights, traffic loops, signs, catch basins and other storm drain facilities, utility lines (both underground and overhead), right-of-way and lot lines, and all other surface features that could be affected by the new construction within the project limits. Existing improvements shall be shown in a half-tone or dashed background format to distinguish them from the new improvements.

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

3. Storm Drain Plan preparation shall include hydrology, hydraulic, and structural calculations in conformance with standards of the Riverside County Flood Control and Water Conservation District, with requirements for review

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

and approval and connection permitting by the District. In the absence of standards by the District, Los Angeles County design standards may be considered.

The Consultant shall provide necessary plan and profile sheets with hydraulic grade lines, calculations for pipe sizing, detailing of connections, catch basins, lateral pipes, for all portions of the proposed drain or culvert.

The work shall include, but not be limited to: Determinations of water surface, hydraulic grade line (HGL), velocities, catch basin and lateral pipe sizing with structural "D" value determination, and all other calculations as required for a complete storm drain and/or culvert design.

4. Striping and Signing Plans shall include but not be limited to: Existing and proposed access ramp locations and types, curbs, driveways, existing and proposed street striping, street and sign legends, crosswalks, dimensions for traffic lane widths, traffic signal loops, and all other ancillary street markings and signing that may exist, or may be required to be placed or removed to complete the new traffic signal and associated street improvements. The signing notes, painted striping notes and thermoplastic marking notes are to be grouped together.
5. Traffic Control Plans shall address handling of traffic, long-term closures, and representative construction signage for the major elements in logical stages of the project construction and shall be in accordance with the latest California Manual on Uniform Traffic Control Devices (MUCTD) and/or Work Area Traffic Control Handbook (WATCH) Manual, as appropriate.
6. Detail Plans shall be provided where standard plans are not available or where specific dimensioning cannot be readily shown on the improvement plans or provided by description in the project specifications or as needed to insure project constructability.
7. All drawings shall be prepared with AutoCAD Land Development software or design software that is compatible with the Land Development software approved by the City. The design shall be plotted using permanent drafting ink on Mylar, and drafted on twenty-four inch by thirty-six inch (24" x 36"). The Consultant is required to put hanging file tabs on all Mylar sheets. The final Plans shall be signed by a Civil Engineer registered in the state of California. No "stick-ons" will be allowed.

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

8. Specifications - The City will provide the Consultant with its boilerplate Specifications and General Technical Provisions in the current version of Microsoft Word for Windows format. The Consultant shall be responsible for compiling the project Specifications, signed by a Civil Engineer registered in

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

the State of California, which is complete and ready for bidding purposes. The latest edition of the Greenbook (Standard Specifications for Public Works Construction and subsequent amendments) shall be used on the project, except for traffic signals, striping, and traffic signs. The technical portion of the Caltrans Standard Specifications shall be used for the traffic signals, striping, and traffic signs.

**K. SUBMITTALS TO (CITY, AGENCIES, UTILITIES, ETC.)**

1. The Consultant shall submit four (4) sets of bond copies of the design drawings with each submittal for checking to the City, along with the previous redlined check prints. The design drawings shall be as complete, accurate, and error-free as possible before plan checking is considered, in order to reduce the number of plan checks required and related costs therefore to the City and Consultant. Incomplete submittals may be rejected.
2. The Consultant shall submit two (2) sets of any reports, such as geotechnical and/or quantity calculations with each submittal for checking to the City, along with the previously checked reports. Two (2) sets of Project Summary Memorandum, signed by a Civil Engineer registered in the State of California, shall be submitted for checking.
3. The Consultant shall, at no cost to the City, correct errors, omissions, and unworkable and/or improper design/drafting on the original drawings, which are discovered subsequent to the completion of the plan checking process.
4. The Consultant shall submit three (3) sets of bond copies of cross sections along with each submittal of the design drawings for plan checking.
5. The City shall receive a copy of all transmittals, submittals, and letters sent to utilities and agencies regarding the project.

**L. ESTIMATE OF QUANTITIES AND COST**

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

Computations showing estimated quantities, costs, and sum totals shall be submitted to the City for review. Submission of computations does not relieve the Consultant's responsibility of submitting an accurate estimate of quantities. The Consultant shall, at the 35%, 80%, 100%, and Final Plan stages, submit estimated

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

quantities calculated and listed by plan sheet, for review by the City. The Consultant's final construction cost estimate shall be based upon, and in agreement with, the final estimate of quantities.

**M. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)**

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

**N. COPIES OF CONTRACT DOCUMENT PACKAGE**

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

**O. OWNER OF ORIGINAL DRAWINGS, DOCUMENTS, AND OTHER INFORMATION**

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

**P. PROJECT SCHEDULE**

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

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

**Q. PROJECT MEETINGS**

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

1. Pre-Design (kick-off) meeting to including all sub-consultants, affected utilities, City staff, funding staff and other interested parties to the work.

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

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

**V. CONSULTANT'S PROPOSAL AND COMPENSATION**

The Consultant's Proposal shall be limited to no more than 30 pages. The page limits exclude a cover letter of up to two pages, resumes up to two pages per person, dividers, certificates, and appendices. Resumes, billing rates, project schedule, resource matrix, certificates, and other required forms shall be attached in the appendices. Proposals failing to provide sufficient information and assurances of performance to accurately assess each category of the required services and failing to comply with requirements and conditions of the Request for Proposal will not be given further consideration.

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

- A. **Project Understanding:** This section should clearly convey clear understanding of the nature of the work, identification of major project issues, and proposed solutions thereof, from both the Consultant and the sub-consultants (consultant team).
- B. **Approach and Management Plan:** This section provides the consultant team's proposed approach and management plan for providing services. Include an organization chart showing proposed relationship among consultant team/staff as well as any other parties that may have significant role in the delivery of this project.
- C. **Qualifications and Experience:** Provide qualifications and experience of the team for this project. Emphasize the specific qualifications and experience from projects similar to this project for the key team members including references. Identify and provide in-depth information for the proposed project manager's qualifications, track record and relevant experience.
- D. **Staffing Plan:** Discuss staffing plan, the workload, both current and anticipated, for all key team members, and their capacity to perform the requested services according to the proposed schedule. Discuss the firm/team's approach for completing the services required for this project within budget and schedule.
- E. **Work Plan and Schedule:** Include a description of how each task of the project will be conducted, identification of deliverables for each task and implementation

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

schedule. The work plan should include sufficient detail to demonstrate a clear understanding of the project. Discuss the consultant team's approach for completing the project.

- F. **Quality Control and Assurance:** Discuss QA/QC proposed for each phase/deliverable for this project, including various independent plan check reviews and 95% plan biddability/constructability/claims avoidance reviews.
- G. **Additional Relevant Information:** Provide additional relevant information that may be helpful in the selection process (not to exceed two pages).

The Consultant's Proposal shall include the following statements:

1. A statement that this Request for Proposal shall be incorporated in its entirety as a part of the Consultant's Proposal.
2. A statement that this Request for Proposal and the Consultant's Proposal will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by the Consultant and City Manager of Moreno Valley.
3. A statement that the Consultant's Services to be provided, and fees therefore, will be in accordance with the City's Request for Proposal except as otherwise specified in the Consultant's Proposal under the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."
4. A single and separate section with the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL" containing a complete and detailed description of all of the exceptions to the provisions and conditions of this Request for Proposal upon which the Consultant's Proposal is contingent and which shall take precedent over this Request for Proposal for Professional Consultant Services.
5. A statement of qualifications applicable to this project including the names, qualifications and proposed duties of the Consultant's Staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses, telephone numbers and email addresses of the appropriate persons whom the City could contact. If one or more of the Consultant's staff should become unavailable, the Consultant may substitute other staff of at least equal competence only after prior written approval by the City.
6. A resource allocation matrix *must* be submitted with the Proposal. The resource allocation matrix must list detailed tasks in rows and the appropriate individual (Job Title Only) as well as the number of hours that these individuals will be working on each task listed, will be included in adjacent columns. The resource allocation matrix and the project design schedule are required of both the primary consultant, as well as any sub-consultant. Failure to do so will result in the Consultant's Proposal being deemed



**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

incomplete and it will not receive further consideration. The Title Reports shall be a separate line item under the right-of-way task.

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

7. A rate schedule *must* be submitted with the Proposal. The rate schedule must list titles, names, roles, and hourly billing rates in rows. A statement that said hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred shall also be included. All extra work will require prior approval from the City.
8. A statement of sub-consultant's (include relief personnel) qualifications applicable to this project including the names, qualifications and proposed duties of the sub-consultant's staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses, and telephone numbers of the appropriate persons whom the City could contact.  
  
**A statement that the Consultant acknowledges and understands that the Consultant will not be allowed to change the sub-consultant without written permission from the City.**
9. A statement that all charges for Consultant services is a "Not-to-Exceed Fee" which must include conservatively estimated reimbursable expenses, as submitted with and made a part of said Consultant's Proposal.
10. A statement that the Consultant will document and provide the results of the work to the satisfaction of the City. This may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives.
11. A statement that the Consultant will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work.
12. A copy of the Consultant's hourly rate schedule and a statement that said hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred that is not part of this Request for Proposal. **An itemized cost breakdown for the work described herein must be submitted in a separate sealed envelope as part of the Proposal submittal.** All extra work will require prior approval from the City.
13. A statement that the Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.
14. A statement that all federal laws and regulations shall be adhered to notwithstanding any state or local laws and regulations. In a case of conflict

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

between federal, state or local laws or regulations the strictest shall be adhered to.

15. A statement that the Consultant shall allow all authorized federal, state, county, and City officials access to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this special project. All relevant records shall be retained for at least three years.
16. A statement that the Consultant shall comply with the Davis-Bacon Fair Labor Standards Act (40 USC 276-a through a-7), and the implementation regulations issued pursuant thereto (29 CFR Section 1, 5), any amendments thereof and the California Labor Code. Pursuant to the said regulations, entitled "Federal Labor Standards Provisions," Federal Prevailing Wage Decision" and State of California prevailing wage rates, respectively.
17. A statement that the Consultant shall comply with the Copeland Anti-Kickback Act (18 USC 874) and the Implementation Regulation (29 CFR 3) issued pursuant thereto, and any amendments thereof.
18. A statement that the Consultant offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 USC Sec. 15) or under the Cartwright Act (Chapter 2 [commencing with Section 16700] of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public works or the subcontract. This assignment shall be made and become effective at the time the City tenders final payment to the Consultant, without further acknowledgment by the parties.
19. Complete "Disclosure of Lobbying Activities" (Form LLL – see attached).
20. Complete List of Subconsultants.
21. A statement that the Consultant agrees with all terms of the attached City Standard Consultant Agreement, which includes the provisions that must be complied with for this Federal funded project.

**VI. GENERAL COMPLIANCE WITH LAWS AND WAGE RATES**

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

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

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

**VII. FEDERAL EMPLOYEE BENEFIT**

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

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

**VIII. PAYMENT TO CONSULTANT**

- A. This work is to be performed for a "Not-to-Exceed Fee."
- B. The Consultant shall provide a "Project Fee Schedule" indicating the fee for individual tasks with a "Not-to-Exceed Fee" which shall be the sum of all tasks by Part, phase, and milestone.
- C. Tasks shall include, but not be limited to, all Professional Consultant Services necessary to complete the work covered by this Proposal.
- D. **The City will pay the Consultant for work completed based on milestones completed and accepted by the City. These Milestones are:**
  - 1. Project Summary Memorandum complete.
  - 2. Environmental Clearance obtained.
  - 3. Phase 1, 35% Level Completion is complete.
  - 4. Phase 2, 100% Level Completion is complete.
  - 5. Legals/plats and appraisal reports are complete.
  - 6. Right-of-way negotiations and related services on a monthly basis.
  - 7. Project Bidding and Construction Support on a monthly basis.
  - 8. Any other additional authorized work on a task successfully completed and accepted basis.

The City shall make sole and final determination if a milestone as described above is complete and acceptable for payment.

- E. Invoices will specifically identify job title, person-hours, and costs incurred by each task.
- F. Reimbursement costs such as mileage, printing, telephone, photographs, postage and delivery, are to be included in the "Not-to-Exceed Fee."
- G. All tasks including labor and reimbursable costs such as printing, postage, and delivery shall have supporting documentation presented at the time payment is requested.

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

- H. The City will pay the Consultant for all acceptable services rendered in accordance with the "Agreement for Professional Consultant Services."
- I. When the Consultant is performing, or is requested to perform, work beyond the scope of service in the "Agreement for Professional Consultant Services," an "Amendment to the Agreement" will be executed between the City and Consultant.
- J. The Consultant shall receive no compensation for any re-work necessary as result of the Consultant's errors or oversight.

**IX. INSURANCE**

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

GENERAL LIABILITY

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

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

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

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

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

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

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

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

**X. INDEMNIFICATION**

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

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

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

**XI. TERMINATION FOR CONVENIENCE OF THE CITY**

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

**XII. INDEPENDENT CONTRACTOR**

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

**XIII. CONTRACT**

The Contract includes the Agreement for Professional Consultant Services, City's Request for Proposal, Consultant's Proposal, and Exhibits.

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

**XIV. GENERAL CONDITIONS**

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

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT DESIGN SERVICES  
PROJECT NO. 804 0007 70 77**

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

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

**XV. SELECTION CRITERIA**

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

1. The Firm's General Experience and Qualification Information (20 points) – Information about the company (and all sub-Consultants) including professional licenses held; ability to furnish required insurance and meet stipulations of the City's "boiler plate" agreement; details about comparable projects completed by the firm, as well as local experience; and its ability to provide the required services in an efficient and expeditious manner.
2. Experience of Key Personnel (40 points) – Background on key personnel (including all sub-consultants) qualifications, abilities, familiarity with state and federal procedures, local experience on comparable projects and length of service with the firm, reference information preferably with municipal agencies, **and proven track record and depth of understanding/knowledge of the proposed Design Consultant Project Manager, Construction Manager, and/or Inspector.**
3. Project Approach/Understanding (40 points) – **Understanding of project**, discussion of major issues identified on the project and how the Consultant team plans to address them; the management approach and organization necessary to complete the specific project; and outline quality control measures to ensure delivery of a quality product on time, within budget that provides a cost efficient, timely and predictable execution of the project construction.

**Attachments:**

Attachment "A" – Location Map

Attachment "B" – City Standard Consultant Agreement (no changes to this agreement will be allowed)

# ATTACHMENT "A"





# ATTACHMENT "B"

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. XXX XXXX XX XX**

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

**RECITALS**

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

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

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

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

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

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

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. XXX XXXX XX XX**

**DESCRIPTION OF PROJECT**

1. The Project is described as professional consultant design services for:

**NAME OF PROJECT**

**Project No. XXX XXXX XX XX**

**SCOPE OF SERVICES**

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

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

**PAYMENT TERMS**

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

**TERM OF AGREEMENT**

5. This agreement will terminate on \_\_\_\_\_ unless the termination date is extended by an amendment to the agreement.

**TIME FOR PERFORMANCE**

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

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. XXX XXXX XX XX**

7. The Consultant shall perform the work described on Exhibit "A" in accordance with the schedule set forth in Exhibit "E" attached hereto and incorporated by this reference.

Or

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

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

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

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

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

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. XXX XXXX XX XX**

**SPECIAL PROVISIONS**

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

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

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

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

15. To the maximum extent allowable by law, the Consultant agrees to indemnify, defend, and save the City, the Moreno Valley Housing Authority (MVHA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. XXX XXXX XX XX**

injury to the Consultant's employees and all claims that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the negligence or willful misconduct of the City, MVHA and CSD, their officers, agents or employees.

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

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

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. XXX XXXX XX XX**

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

	<u>General Liability</u>
Bodily Injury	\$1,000,000 per occurrence
Property Damage	\$ 500,000 per occurrence

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

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

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than \$1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, MVHA and CSD against any loss, claim, or damage arising from



**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. XXX XXXX XX XX**

any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

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

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

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

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

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. XXX XXXX XX XX**

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

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

17. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will treat employees during employment without regard to their race, religion, creed, color, national origin, sex, or age.

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

19. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his/her designated representative, immediately upon request in both hard copy and electronic format, all documents, drawings, models, presentation materials, renderings, calculations, specifications, permits and permit-related documents, surveys, materials tests, geotechnical reports, etc., if available, developed to date for the City's

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. XXX XXXX XX XX**

project and any other City-provided documents, which shall become the property of the City for all purposes, which also includes the patent rights with respect to any discovery or invention which arises or is developed in the course of or under this Agreement, and copyrights. The Consultant may retain for its files, at its expense, copies of any and all materials, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement. It shall be understood that the City shall be the owner of all project-related documents and drawings at all times and during all phases of the project. The City reserves the right to ask for a hard copy and/or an electronic copy of the documents developed to date at any time during the period of this agreement.

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

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

20. (a) The City may terminate this Agreement without cause on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided

9

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. XXX XXXX XX XX**

that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination.

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

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

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

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. XXX XXXX XX XX**

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

21. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

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

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

24. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. XXX XXXX XX XX**

upon reasonable notice. Nothing herein shall convert such records into public records.

Except as may be otherwise required by law, such records will be available only to the City.

Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

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

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

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

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

29. If the funding source for this Agreement includes Federal funds, the following provisions must be complied with:

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. XXX XXXX XX XX**

(a) Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60);

(b) the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3);

(c) the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR Part 5);

(d) Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5);

(e) Access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions;

(f) Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed;

(g) All applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15);

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. XXX XXXX XX XX**

(h) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871);

(i) all requirements and regulations pertaining to reporting;

(j) in the case of occurrence of termination for cause, the City shall use all retained payments and any progress payments due for work completed before the termination to liquidate the Consultant's liability to the City. If the retained and unpaid amounts are insufficient, the City shall take steps to recover the additional sum from the Consultant.

**SIGNATURE PAGE FOLLOWS**

SAMPLE



**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. XXX XXXX XX XX**

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

City of Moreno Valley

**Name of Consultant Firm**

BY: \_\_\_\_\_  
City Manager

BY: \_\_\_\_\_

\_\_\_\_\_  
Date

TITLE: \_\_\_\_\_  
(President or Vice President)

<u>INTERNAL USE ONLY</u>
APPROVED AS TO LEGAL FORM:
_____ City Attorney
_____ Date
RECOMMENDED FOR APPROVAL:
_____ Department Head
_____ Date

\_\_\_\_\_  
Date

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_  
(Corporate Secretary)

\_\_\_\_\_  
Date

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

\\ZURICH\Shared\PublWork\CapProj\CapProj\PROJECTS\Quang - 804 0007 70 77 - San Timoteo Foothill Neighborhood Flood Protection\Design Phase\Consultant -\RFP\RFP Attachments\Sample Boiler-Agreement-Design with Milestones-CA approved 9-12-13.doc

CITY - SERVICES TO BE PROVIDED  
TO CONSULTANT

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

EXHIBIT "C"

## TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed \$\_\_\_\_\_.
2. The Consultant will obtain, and keep current during the term of this Agreement, the required City of Moreno Valley business license. Proof of a current City of Moreno Valley business license will be required prior to any payments by the City. Any invoice not paid because the proof of a current City of Moreno Valley business license has not been provided will not incur any fees, late charges, or other penalties. Complete instructions for obtaining a City of Moreno Valley business license are located at: [http://www.moval.org/do\\_biz/biz-license.shtml](http://www.moval.org/do_biz/biz-license.shtml)
3. The Consultant will electronically submit an invoice to the City for milestone payments along with documentation evidencing services completed to date. The milestone payment is based on actual time and materials expended in furnishing authorized professional services during the preceding period. The project milestones are identified in Section VIII titled "Payment to Consultant" of the City's Request for Proposal. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any milestone payment shall be final. The consultant will submit all original invoices to Accounts Payable staff at [AccountsPayable@moval.org](mailto:AccountsPayable@moval.org). Accounts Payable questions can be directed to (951) 413-3073. Copies of invoices may be submitted to the Capital Projects Division at [miab@moval.org](mailto:miab@moval.org) or calls directed to (951) 413-3155.

### EXHIBIT "D"

**EXHIBIT "D"**  
**PROJECT NO. XXX XXXX XX XX**

4. The Consultant agrees that City payments will be received via Automated Clearing House (ACH) Direct Deposit and that the required ACH Authorization form will be completed prior to any payments by the City. Any invoice not paid because the completed ACH Authorization Form has not been provided will not incur any fees, late charges, or other penalties. The ACH Authorization Form is located at:  
  
[http://www.moval.org/city\\_hall/forms.shtml#bf](http://www.moval.org/city_hall/forms.shtml#bf)
5. The minimum information required on all invoices is:
  - A. Vendor Name, Mailing Address, and Phone Number
  - B. Invoice Date
  - C. Vendor Invoice Number
  - D. City-provided Reference Number (e.g. Project, Activity)
  - E. Detailed work hours by class title (e.g. Manager, Technician, or Specialist), services performed and rates, explicit portion of a contract amount, or detailed billing information that is sufficient to justify the invoice amount; single, lump amounts without detail are not acceptable.
6. The City shall pay the Consultant for all invoiced, authorized professional services within forty-five (45) days of receipt of the invoice for same.



**AKM Consulting Engineers**

553 Wald  
Irvine, CA 92618

Telephone: 949.753.7333

Facsimile: 949.753.7320

*Water  
Resources*

*Infrastructure*

*Construction  
Management*

*Municipal  
Services*

December 12, 2013

*Revised: February 5, 2014*

**City of Moreno Valley  
Capital Projects Division  
14177 Frederick Street, PO Box 88005  
Moreno Valley, CA 92552-0805**

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

**Subject: Proposal to Provide Professional Consultant Design Services for San Timoteo Foothill Neighborhood Flood Protection Moreno Master Plan Storm Drain Lines K1 and K4, Project No. 804 0007 70 77**

Dear Mr. Quang Nguyen:

In response to your request for proposals dated November 18, 2013, AKM Consulting Engineers is pleased to submit our proposal, with full incorporation of the RFP, to provide engineering consultant services for the San Timoteo Foothill Neighborhood Flood Protection Moreno Master Plan Storm Drain Lines K1 and K4 for the City of Moreno Valley. As requested, the proposal elaborates on AKM's relevant experience, capabilities and approach to the work. AKM understands that this proposal will jointly become part of the Agreement for Professional Consultant Services when the said Agreement is fully executed by the City and will fully comply with the said Agreement.

AKM Consulting Engineers is a multi-disciplined professional organization that specializes in providing water resources engineering and related services to a client list of over 70 cities and public agencies in the Southern California area. From our office located in Irvine, California, AKM can provide immediate, responsive and effective service to the City of Moreno Valley for the subject Project.

Based upon our review of the scope of work, available related materials, and our experience with similar work, we have assembled a Project Team with extensive experience and expertise in storm drains to undertake the subject project, and complete it within the desired schedule. If a team member should become unavailable, AKM will not substitute other staff without written approval from the City.

The proposed project team will be under the direction of Mr. Zeki Kayiran, P.E. who has over 40 years water resources engineering experience, including design and construction of numerous channels and storm drains for Riverside, San Bernardino, Los Angeles, and Orange County Flood Control Districts, as well as municipal agencies. Mr. Gary Hobson, P.E. will serve as the QA/QC Manager. He has over 36 years of experience in the design and construction of water resources engineering experience. Mr. Morgan Ying, P.E., Q.S.D. has over 32 years of experience in the planning, design, and construction of major storm drain facilities and flood control channels. Mr. Jon Nitta, P.E. will be responsible for hydrologic and hydraulic studies. He has extensive working knowledge of hydraulic and hydrologic methods and software. The AKM Team includes Ninyo and Moore for geotechnical investigations, UltraSystems Environmental Incorporated for environmental services, Underground Solutions for utility potholing, Traffic Control Engineering for traffic control services, and Kelsoe and Associates for surveying services.

This project team brings unsurpassed experience and expertise in storm drain evaluation, design, and construction, which will result in a technically superior and implementable project for the City of Moreno Valley.

We appreciate the opportunity to submit our proposal, and look forward to being of service to the City of Moreno Valley on this most important project. Should you have any questions or require any additional information, please do not hesitate in contacting the undersigned.

Very truly yours,

**AKM Consulting Engineers**



Zeki Kayiran, P.E.

Principal

# **TABLE OF CONTENTS**

---

<b><u>SECTION</u></b>		<b><u>PAGE</u></b>
	COVER LETTER	
1	PROJECT UNDERSTANDING .....	1-1
2	APPROACH AND MANAGEMENT PLAN .....	2-1
3	QUALIFICATIONS AND EXPERIENCE .....	3-1
4	STAFFING PLAN .....	4-1
5	WORK PLAN AND SCHEDULE.....	5-1
6	QUALITY CONTROL AND ASSURANCE .....	6-1
7	ADDITIONAL RELEVANT INFORMATION .....	7-1
8	ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL .....	8-1
9	COST PROPOSAL.....	9-1
<b>APPENDICIES</b>		
A	RESUMES	
B	RATE SCHEDULE	
C	PROJECT SCHEDULE	
D	RESOURCE MATRIX (STAFF HOURS)	
E	CERTIFICATES	
F	COST PROPOSAL (SEPERATE EVELOPE)	



**PROJECT BACKGROUND AND UNDERSTANDING**

The City of Moreno Valley (City) is seeking professional design services to improve a storm drain system associated with the San Timoteo Foothill Neighborhood Flood Protection – Moreno Master Plan Storm Drain Lines K-1 and K-4.

The proposed Storm Drain Lines K-1 and K-4 is an extension of the existing storm drain system starting on: 1) Pettit Street north of Juniper Avenue to Kalmia Avenue; 2) east on Kalmia Avenue to Carrie Lane (private road); 3) north on Carrie Lane to Locust Avenue; and 4) east on Locust Avenue to Bonnie View Avenue. The total length of the proposed storm drain system is about 3,080 feet. The project will be designed to provide flood protection level up to a 100-year storm event.

In order to accomplish the project within the City's timeline schedule, AKM will provide the following tasks/services: Phase 1 - 1) Project Schedule and Management; 2) As-Built Plans/Records Research and Review; 3) Utility/Agency Coordination; 4) Surveying Service; 5) Right-of-Way; 6) Geotechnical Services; 7) Potholing Service; 8) Environmental Study and CEQA Documentation; 9) Traffic Control Plans; 10) Hydrology Study and Hydraulic Analysis; 11) Determination of Requirements for Various Permits; 12) 35% Design Plans Submittal per Project Summary Memorandum and with Construction Cost Estimate; Phase 2 - 1) Project Management; 2) Right-of-Way and/or Easement Documents; 3) Final Hydrology and Hydraulic Reports; 4) Follow-up Utility Coordination; 5) 100% Completion of Construction Plans; 6) Permitting; 7) Preparation of Final PS&E Contract Documents; 8) Project Adjustment per City Specified Priority; 9) Stormwater Pollution Prevention Plan (by Contractor); 10) Deliverables; 11) Interim Submittals and Final Submittals; Phase 3 – Construction Bidding Services; 2) Construction Support).

The contract package will include the construction design plans, (environmental study report), traffic control plan, SWPPP package, (general and special provisions of specifications), right-of-way engineering and documents, and construction cost estimate for the project. The contract package will meet all the design criteria and the City required standard format, and will include permits for construction.

AKM will provide the bid services as instructed by the City. If requested by the City, a pre-qualified contractors list will be presented to the City for review and approval. During the construction, AKM will provide construction support services to facilitate project construction in accordance with the contract documents by responding to requests for information and preparing plan revisions necessitated by any unseen conditions. The final as-built drawings will be prepared based on the contractor's and the field inspector's redline sets.

AKM has assumed that the City will:

- Assist AKM and the sub-consultants in obtaining the required encroachment permits from the City, Homeowner Associations, and/or Private Property Owners. All the associated permit fees will be waived during the performance of Surveying, Utility Potholing, Geotechnical Investigation, Traffic Control Field Review, Environmental Study Investigation, and AKM Staff Site Reconnaissance. AKM and the sub-consultants will be responsible for performing the required work under valid permits.
- The City will provide as-built street and storm drain plans for the project at no cost to AKM. The water and sewer facility information will be provided by the Eastern Municipal Water District (EMWD) per their cost.

The scope of work will consist of the following.

**SCOPE OF SERVICES – PHASE 1: 35% LEVEL COMPLETION****TASK NO. 1: PROJECT SCHEDULE AND MANAGEMENT**

- 1.1 **Project Schedule** – AKM will prepare a work plan and an initial project schedule with milestones for each major task that is required for completion of this project. The milestone tasks will include: 1) Attendance at the kick-off meeting for project introduction and establishing general guidelines; 2)



## **SECTION 1**

## **Project Understanding and Approach**

Research and review the as-built plans and utility coordination; 3) Surveying/Right-of-way services; 4) Geotechnical service; 5) Potholing service; 6) Environmental study; 7) Traffic control plan; 8) Project Summary Memorandum with construction cost estimate; 9) Stormwater Pollution Prevention Plan (SWPPP); 10) Design plan preparation with permitting; 11) Contract Documents; 12) Deliverables; 13) Bidding service; and 14) Construction support services.

AKM will update the project schedule after the kick-off meeting (as required) based upon the final scope of work developed. A status report will be submitted monthly addressing schedule, work completed during the month, work expected to be completed for the following month, technical or permit issues, proposed solutions, and status of the budget.

- 1.2 Meetings with the City – AKM will hold a kick-off meeting with the City staff. The work plan and initial project schedule will be presented at this meeting. The scope of work, specific goals, and the City's experience with the street inundation problem within the project site will be discussed in the meeting. A memorandum will be issued to serve as the basis for subsequent action.

AKM will attend the monthly Project Development Team (PDT) meetings as scheduled. In these meetings, AKM will discuss the project schedule, project progress, key design issues/criteria, and methods to address project issues. Appropriate engineering, specialty staff, and subconsultant representatives will attend the meetings, along with the Project Manager. AKM will prepare an agenda prior to each meeting and document each meeting by issuing meeting minutes the following week.

- 1.3 Site Reconnaissance – AKM will conduct a detailed site reconnaissance to identify the natural drainage system, including the natural flow patterns and water courses, storm drain inlets/manholes, open ditches, culvert crossings at property, inlet and outlet connecting systems, and individual drainage areas at concentration points. This site visit will help in developing a proper design concept for intercepting and conveying the flow to each designated location.

During our preliminary site visit on November 25, 2013, we observed the following flow pattern and the water courses can be identified as stated below:

- a) There are two (2) major drainage courses coming to the project site from the north side of Locust Avenue. On the east, a lower pit area was created at the back of an existing catch basin between Bonnie View Avenue and Weber Avenue to intercept the runoff generated from the north and east sides of the area. The second drainage course is on the northwest corner of Carrie Lane and Locust Avenue intersection. A corrugated metal pipe was installed to intercept the runoff generated from a natural water course and a large open space area owned by Bear Valley & Alessandro Development Company (Assessor's Parcel No. 473250003).
- b) A drainage course through the backyard of private properties on south side of Locust Avenue between Bonnie Avenue and Weber Avenue exists, and is across the easterly drainage courses described above. This water course continues south westerly and then crosses to the west through a low point on Carrie Lane. It is an open ditch along the west side of Carrie Lane. Several corrugated metal pipes and reinforced concrete pipe culvert crossings were installed across properties.
- c) All runoff along Carrie Lane and along Kalmia Avenue east of Carrie Lane confluence at the northwest corner of Kalmia Avenue and Carrie Lane. The flow is then conveyed in an open ditch along the north side of Kalmia Avenue. Eventually, this flow is conveyed southerly in a culvert to the east side of Pettit Street, where it drains into existing two catch basins on Pettit Street.
- d) The existing drainage system in Pettit Street and Juniper Avenue consists of 54-inch storm drain which outlets into natural water at the south west corner of Pettit Street and Juniper Avenue. The location will be the future connection point to construct the proposed drainage system. Two catch basins and one storm drain manhole are located at this location.

## **SECTION 1**

## **Project Understanding and Approach**

- e) As indicated on the USGS map, the natural water course within the project site is under the jurisdiction of the California Department of Fish and Wildlife. AKM will apply for the required permit from the Department to accomplish the project.

### **TASK NO. 2: AS-BUILT PLANS/RECORDS RESEARCH AND REVIEW**

- 2.1 **City Coordination** – During our recent site reconnaissance, several manholes, drainage inlets, water valves; etc. were observed within the project site. The project site is surrounded by large single family properties, open space, and environmentally sensitive areas. AKM will collect the as-built facility plans, street construction plans, parcel maps, specific engineering study reports and environmental documents within the project site from the City and other jurisdictional agencies to better understand the project.
- 2.2 **Evaluation of Existing Improvements** – Based on the available information, AKM will conduct an in-house meeting to evaluate these existing facilities/utilities. Major facilities such as storm drain system, water lines, etc. of the as-built plans and the related documents will be carefully reviewed and verified in the field for their consistency and accuracy. The as-built information will be transferred to the base map for the determination of the future proposed storm drain alignment to minimize the potential conflicts and construction cost.
- 2.3 **Existing Storm Drain System on Pettit Street** – Based on the City Street Improvement Plans, Tract No. 18019, Schedule "B", Sheet 6 of 12, Pettit Street, a 66-inch diameter RCP 10 feet in length was constructed at the system outlet draining to a natural water course. This 66-inch pipe conveying a total flow of 327.5 cfs, has a manhole confluence with another drainage system from westerly side of Juniper Avenue. On Pettit Street, the drainage system is 787 feet of 54-inch diameter pipe, conveying a total 100-year flow of 200 cfs toward north. Two catch basins (W= 14' and W= 21') were constructed on west side of the street. Then through a manhole, the 54-inch pipe is transition to a 36-inch pipe for another 20 feet where it connects to an existing 36-inch CMP pipe. The existing 36-inch CMP is not able to convey the total design discharge of 168 cfs, consequently inundation occurs along the properties on the east side of Pettit Street and on the street.

### **TASK NO. 3: UTILITY/AGENCY COORDINATION**

- 3.1 **Utility/Agency Coordination** – Three major steps will be conducted in this task. 1) In order to collect all the utility information, AKM will send Utility Notice Letters, in the City provided utility notice format, to all the companies with facilities within the project site to obtain the above ground and underground facility maps. A general statement will be included in the Utility Notice Letter to inform these utility owners, stating "The utility owner shall relocate its conflicting portion of the facility prior to the construction and adjust their facility to grade after completion of the street paving as their own cost." These facility owners include the Eastern Municipal Water District (EMWD), Southern California Gas Company, Southern California Edison Company, Time Warner Cable Company, Verizon Company, and any other utility owners. Another Utility Notice Letter will also be sent to: County of Riverside, Department of Public Works (SBCDPW), Riverside County Flood Control and Water Conservation District (RCFC & WCD), California Department of Fish and Wildlife, and Federal Emergency Management Agency (FEMA), Hazard Mitigation Grant Program (HMGP) to inform them of the project and request facility maps or related information. AKM will review these maps and verify them in the field for their consistency and accuracy. Any major discrepancy between the plans and the site investigation will be verified and finalized with the agency/utility owner. The accurate facility information will then be transferred to the base map. 2) After the completion of 35% design phase and other phases, the design plans with their respective facility clouded will be sent to the same agencies for verification of their utility locations. In the meantime, the associated permits will be processed for final design. 3) The final approved plans will be sent to the agencies for their records.
- 3.2 AKM will contact the transportation agencies; Caltrans, Riverside Transit Agency (RTA), and the Homeowners Association to inform them of this coming project. Invitation to the kick-off meeting will be extended to all affected agencies, utility owners, and homeowner associations.

## **SECTION 1**

## **Project Understanding and Approach**

- 3.3 Any utility conflicts or design issues will be discussed with the City and the utility owners. Modification of design concept or relocation of existing utilities will be carefully reviewed. Any major revision to the plans will be evaluated based on construction cost and constructability. The evaluation sheet will be submitted to the City and affected utility owners for approval of relocation of their respective utilities. During Phase 1 design stage, relocation of the existing utilities will be clearly identified and the solutions for resolving conflicts will be shown on the design plans. The project area is in the service area of EMWD. After contacting the Divisions of As-built Facility and New Development Planning of EMWD, we found out that there is no current underground sewer system nor future plans for serving the water and sewer project area. During the design stage, AKM will contact EMWD for any of the future sewer projects, and the design will consider the information collected, anticipated conflicts, and relocation or adjustments the existing utilities will be recorded and summarized in the Project Summary Memorandum.
- 3.4 Since this project will construct the Moreno Master Plan Lines K-1 and K-4, AKM will continuously coordinate with the Riverside County Flood Control and Water Conservation District for their review and approval of every stage of the design.

### **TASK NO. 4: SURVEYING SERVICE**

- 4.1 Survey – AKM will perform field surveys to develop design data and base maps. The ground survey will establish the horizontal and vertical control points for the ground and aerial targets. A minimum of two (2) temporary benchmarks will be established for this project. All the existing monuments will be protected in-place and recorded for final design. The ground survey will also include all the above ground facilities along the project including the storm drain manhole details, storm drain outlet/inlet alignment details, gas, water, and electrical vaults, and other features related to the project.

We will develop an aerial topographic map with 1.0' contour intervals and 1"= 20' horizontal scale map, which comply with National Map Accuracy Standards. The topographic map will cover a 200 foot wide strait along Pettit Street, Kalmia Avenue, Carrie Lane, and Locust Avenue.

Survey work will include mapping the project site to identify the utility/facility, street and ground configurations, and include the street centerline and right-of-way from record maps and Assessor's Parcel Maps. The address of each parcel will be included on the base map. A uniform stationing on street centerline and storm drain alignment (not the same stationing system) will be established increasing northerly and easterly. Most likely, the stationing system on the street centerline will follow the existing street plans. Since the proposed storm drain system is connecting to an existing line, the identical point will be verified and equation stationing will be indicated as starting the new storm drain.

The surveying information will also include the boundary surveys, lot surveys, and property line surveys in order to obtain accurate boundary data to perform the proposed storm drain alignment and the acquisition of right-of-way and/or easement for the future storm drain system.

- 4.2 ADA Compliance – AKM will perform a field survey of the existing streets within the project limits to evaluate ADA compliance. A preliminary ADA Evaluation Report will be presented to the City for documenting the current conditions.

### **TASK NO. 5: RIGHT-OF-WAY**

- 5.1 Right-of-Way Study – AKM will perform the right-of-way study as part of the field surveying. The City/County record map and assessor's parcel maps will be prepared to indicate the legal rights of each property owner. Ten (10) preliminary title reports will be prepared on Carrie Lane properties. Twenty-five (25) legal descriptions and plats for proposed permanent and temporary easements will be provided for the right-of-way study. Staking of the proposed easement locations will be provided as well. The existing street center line, right-of-way, and property line will be included in the base map. The storm drain system constructed on Pettit Street, Kalmia Avenue, and Locust Avenue shall be aligned within the public street right-of-way. Since Carrie Lane is a private road, any construction within this area shall request a public easement. The future storm drain proposed on Carrie Lane will



## **SECTION 1**

## **Project Understanding and Approach**

be presented to the City and the Homeowner Association for agreement. AKM will provide title reports and/or litigation guarantees for each of the required easements and will provide appraisal services in conformance with the Uniform Standards of Professional Appraisal Practice (USPAP) and the Code of Professional Ethics of Appraisal Institute and appraiser support during the acquisition process. Once the alignment is approved, AKM will coordinate with the property owners/Association and the City to finalize the street right-of-way. AKM will conduct the right-of-way engineering/plans and required legal documentations to assist the City in accepting Carrie Lane into the City's public roadway system. An acquisition of right-of-way plans and required documents will be submitted to the City. AKM will provide comprehensive settlement negotiations and escrow services including preparation of all related documents until required deeds are recorded. If eminent domain shall occur, AKM will coordinate with the City for future required services.

- 5.2 AKM will take the responsibility to ensure that all necessary right-of-way services are in accordance with the Federal, States, and local requirements. The acquisition process will follow the Caltrans procedures, California Civil Code, and the California Relocation Assistance law adopted by resolution of the City Council on August 19, 1986, including any changes to State and Federal law since the adoption.
- 5.3 The majority of the tributary area drains to the project site at the intersection of Locust Avenue and Carrie Lane. An alternative may be to intercept all the tributary storm runoff on the north side of Locust Avenue and convey it westerly to Pettit Street then southerly to Kalmia Avenue. The storm drain system proposed in the RFP states Kalmia Avenue will remain the same as the system proposed by the Mater Plan. By using this alternative storm drain alignment, the City can keep all new storm drain system within existing public street right-of-ways and protect Carrie Lane in place. The proposed alternative alignment can eliminate acquisition of future storm drain right-of-way/easement and also minimize the environmental impacts to the community and natural habitat. This alternative drainage system can be discussed with the City at the kick-off meeting to evaluate its benefits to the project. However, because NEPA is completed based on the selected alignment, we will maintain it.

### **TASK NO. 6: GEOTECHNICAL SERVICE**

- 6.1 **Geotechnical Engineering** – A geotechnical investigation will be conducted to develop the design recommendations for pipe bedding and trench backfill, pavement restoration design, environmental concerns, removal of unsuitable materials, as well as general information for the Contractor's design sheeting, shoring, bracing, and dewatering systems. Shoring and dewatering are temporary systems for the Contractor's use, and will be contractor-design-build-remove facilities. The shoring and dewatering plan will be prepared by the Contractor and are excluded from this scope of work. Prior to performing the work, coordination with Underground Service Alert to identify underground utilities will be conducted to avoid any conflicts. The service will include the following tasks: 1) Project Coordination, Background Review, Traffic Control Plans, and Permit Acquisition; 2) Site Reconnaissance and Mark-out for Utility Clearance; 3) Subsurface Evaluation - It is anticipated that four (4) soil borings will be conducted approximately 25 feet in depth, throughout the entire project; 4) Laboratory Analyses - The collected boring samples will be laboratory tested including moisture and dry density, sieve analysis, shear strength, sand equivalent, soil corrosivity, and R-values; 5) Data Compilation and Analysis; and 6) Report Preparation. Groundwater information will also be provided to the Contractor for their consideration in design of any potential dewatering facilities and methods.

All in-place/laboratory tests, sampling, and reports will be performed and prepared in accordance with Caltrans procedures, policies, regulations, requirements, and formats; unless otherwise, other request from the City or other specific public agencies. The boring holes which are not located within the proposed pavement construction area but are in the existing paved area, they will be backfilled and repaired per the City Standard Plan No. 602, A through E. The other boring holes will be repaired as directed by the City.

## **SECTION 1**

## **Project Understanding and Approach**

### **TASK NO. 7: POTHOLING SERVICE**

- 7.1 **Potholing** – AKM will conduct potholing services for fifteen (15) utility crossings along the proposed storm drain alignments to verify the horizontal and vertical impact to the project. At each potholing location, the existing utilities/encasements will be identified for their material, size, and depth. The thicknesses of street asphalt concrete pavement and its aggregated base will also be recorded for street resurfacing reference.
- 7.2 AKM will determine the actual potholing locations once all utility information has been obtained. Prior to performing the potholing work, AKM will submit the potholing location maps to the affected utility owners to clearly indicate the actual potholing locations and approximate depth of their respective utility. In general, the potholing location maps will be approved by the utility owners prior to performing the work.
- 7.3 AKM will contact Underground Service Alert (USA) to notify the project limits. Prior to performing any subsurface exploration work, the existing underground facilities shall be marked by the USA. A traffic control plan will be submitted to the City for approval and to obtain a permit prior to performing the service. The traffic control during the potholing service is included as part of the cost. For the potholes which are not located within the proposed pavement construction area but are in the existing paved area, they will be backfilled and repaired per the City Standard Plan No. 602, A through E. The rest of the potholes will be repaired by using Perma-Patch Asphalt or Rapid Set Repairs; unless otherwise, directed by the City Program Manager. All the potholing results and the comparison with the as-built plans will be transferred to the base map for design use. The potholing report will include the actual potholing data with related photos, location maps, and other information collected in the field. Copy of the report will be submitted to the City for project records.

### **TASK NO. 8: CEQA DOCUMENTATION AND ENVIRONMENTAL STUDY**

- 8.1 **CEQA Documents** – Based on our preliminary study, this specific project may be qualified as in the category of "EXEMPTIONS" from the California Environmental Quality Act (CEQA) Guideline Section 15300, in which that projects have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Also, as described on Section 15269 Emergency Projects are Categorical Exemptions, which consist of: Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare. As reviewing the total length of the project which is less than one mile (5280 feet), it is also be qualified as "EXEMPTIONS" per CEQA, Section 21080.21 code.

In case the City needs to apply the permit for "Rule 1166 Various Locations plan", AKM will assist the City to obtain the permit from South Coast Air Quality Management District (AQMD). The City will need to renew the permit each year. For each construction, the contractor shall be responsible for applying for their own Rule 1166 permit.

- 8.2 **Environmental Clearance Study** – Four (4) major tasks will be included in the scope of service as described below: 1) City Coordination – Attend the kick-off meeting and other requested meetings to update the various aspects related to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) process; 2) Initial Study – Conduct an initial study to assess the project's potential environmental impacts which are based on the results of noise study, air quality, and geotechnical results. After the completion of the Initial Study, the trustee agencies will be identified and consulted within compliance with required CEQA codes; 3) Technical Studies – Conduct technical studies to support environmental determination of the nature and project-related impacts. The Technical Studies will include Air Quality, Noise, Environmental Site Assessment, Cultural/Archaeological, and Biological Resources; 4) Preparation of Categorical Exemption and Categorical Exclusion Forms – The required categorical forms will be submitted to the City and FEMA for approval. A Notice of Determination (NOD) will be prepared to the City for review and comment prior to finalizing the document. The final approved Categorical Exemption and Categorical Exclusion Forms with electronic file will be submitted to the City.



## **SECTION 1**

## **Project Understanding and Approach**

### **TASK NO. 9: TRAFFIC CONTROL PLANS**

- 9.1 **Traffic Control Plans** – AKM will provide a set of construction traffic control plans as part of bid documents in accordance with the latest edition of California Manual on Uniform Traffic Control Devices (MUCTD) and/or Work Area Traffic Control Handbook (WATCH) Manual. This set of plans will cover Locust Avenue, Carrie Lane, Kalmia Avenue, and Pettit Street within the vicinity of the project site. The scope of services will include: 1) Attend the requested meeting; 2) Define the Traffic Control necessary for the project; 3) Retrieve necessary base plans (striping plans, signal plans, construction plans from various sources); 4) Field review to determine existing street system, driveways that may be affected, and existing traffic conditions; 5) Develop traffic control strategies and coordination with the City to select the most cost effective plan; 6) Finalized traffic control, consistent with the City standards including signing, legends, and other construction detour standards; 7) Submit the final plans for the City approval.

### **TASK NO. 10: HYDROLOGY STUDY AND HYDRAULIC ANALYSIS**

- 10.1 **Hydrology Study** – AKM will conduct a 100-year hydrology study based on the Riverside County Flood Control and Water Conservation District (RCFC & WCD) Hydrology Manual (April 1978 Edition) and Amendments. Based on the Hydrologic Soils Group Map, the project site is mainly classified under Soil Group C, which are soils having slow infiltration rates when thoroughly wetted and consisting chiefly of soils with a layer that impedes downward movement of water, or soils with moderately fine to fine texture, and having a slow rate of water transmission. The precipitations for the 100-year, 1-hour and the 2-year, 1-hour storm are about 1.2-inch and 0.51-inch; respectively. The slope of intensity duration curve is 0.500, and the 100-year standard intensity-duration curve data can be obtained from the Hydrology Manual, Plate D-4.1 (6 of 6). The hydrology study will cover the entire area tributary to Pettit Street and Juniper Avenue. It will determine the flow rates at each concentration points in order to analyze the catch basin, inlet/out structures, and connector pipes, and flood protection level on the streets. The on-site hydrology study will be submitted to the City and RCFC for approval. Any off-site hydrology study such as the drainage system on Juniper Avenue, is excluded from this proposal.
- 10.2 **Hydraulic Analysis** – AKM will conduct the hydraulic analysis for the proposed drainage system. The design flow rate will be based on the approved 100-year storm event as described in Task No. 10.1. It is assumed that the downstream control of the existing storm drain outlet to the open natural channel at the location of street intersection of Pettit Street and Juniper Avenue will be provided by the City or the Riverside County Flood Control. The hydraulic analysis will be based on the given downstream control and establish the proposed drainage system to provide the hydraulic grade line preferably at least two (2) feet below the street pavement and 6 inches of freeboard at each catch basin. The results of the hydraulic analysis; such as facility sizes, hydraulic grade lines, flow velocities, hydraulic data, etc. will be transferred to the design plans. A separate analysis will be conducted at each catch basin location to determine the connector pipe sizes, catch basin sizes, intercepted flow rates, by-pass flow rates, and RCP "D"-Load.

### **TASK NO. 11: DETERMINATION OF REQUIREMENTS FOR VARIOUS PERMITS**

- 11.1 **Determining the Requirements** – AKM will contact each individually affected agency to inform them of this project. AKM will ask for design criteria and regulations that shall be included in the design plans. Any special provisions from each agency will be included in the specifications as part of the contract documents. The construction plans will be prepared in accordance with each design criteria. In the case of a discrepancy between criteria, the most stringent criteria will govern the design. During Phase 1 design stage, no permit application will be submitted to the agencies; unless it is requested by the individual agency. The purpose of Phase 1 is to inform the agencies of the project, request design criteria, coordinate the design plans to meet the permit requirements, and to present the proposed storm drain system for future permit applications.
- 11.2 **Processing of Permits** – Even though the permit application is not yet submitted to the corresponding agencies, at this phase the agencies will be aware of the future project and each requirement from the

## **SECTION 1**

## **Project Understanding and Approach**

agencies will be included or considered in the design plans. Early contacts with the agencies will help to have a smooth transition from design concept plans to obtain construction permits for Phase 2 Services. The Santa Ana Region Low Impact Development (LID) guidance and standards will be incorporated into the project with concurrence of the City staff. AKM will contact these jurisdictional agencies to ensure that their requirements are included in the contact documents (design plans and specifications) prior to finishing the project. The jurisdictional agencies that issue the required permits may include, but not limited to, Riverside County Flood Control, CDFW, HMGP, and Santa Ana Regional WQCB.

### **TASK NO. 12: 35% DESIGN PLANS SUBMITTAL PER PROJECT SUMMARY MEMORANDUM AND WITH CONSTRUCTION COST ESTIMATE**

- 12.1 **Project Summary Memorandum** – AKM will prepare a Project Summary Memorandum (limited to 15 pages) per City required format to summarize the detailed subjects as described in the City Project Report. The summary report will include, but not be limited to, the following subjects: a) Project background related to the drainage issue; b) Major existing facilities; c) Project objectives; d) Design criteria and its deficiencies and exceptions with justifications; e) Geotechnical results; f) Environmental impacts and mitigation plan; g) Right-of-way or easement issue; h) Utility conflicts and relocation efforts; i) Project costs; j) Funding; and k) Scheduling.
- 12.2 **35% Design Plans Preparation** – AKM will submit the 35% design plans for City approval. In this 35% submittal, the design plans will be developed based on the tasks as described above from Task No. 1 through Task No. 12. The base map will be developed from the aerial topographic map and field surveys with all utility information obtained from the agencies and utility owners. During this design phase, the major utility crossings and the traffic load will be determined along the future storm drain alignment. According to the as-built water system provided by EMWD, a 16-inch PVC waterline was constructed on the south side of Locust Avenue with an average depth of 5-6 feet below the ground. A 12-inch PVC waterline was constructed on the east side of Pettit Street with an average depth of 4-5 feet below the ground. The future storm drain alignment will be selected to minimize the construction cost, impacts to the major utilities, traffic load, natural environment, and ease maintenance. The proposed alignment will be presented to the City and the Riverside County Flood Control for approval during this design phase. Since the proposed storm drain system is under the jurisdictions of Riverside County Flood Control and Waster Conservation District (RCFC & WCD), California Department of Fish and Wildlife (CDFW), and Federal Emergency Management Agency (FEMA), Hazard Mitigation Grant Program (HMGP), the required permit applications will be initiated in this phase. Any requirements of the agencies shall be incorporated into the design criteria.

AKM will conduct the structural design of the structures being required for the project. The related design details and calculations will be submitted to the City and other agencies for approval.

According to FEMA's FIRM map, dated August 28, 2008, jurisdictional large portions of the project site is in flood zone "Zone X". Improvements of this project will minimize the local flooding and protect the property, but will not improve the entire flood zone condition. Therefore, the Letter of Map Change (LOMP) from FEMA is excluded from this proposal.

All the existing survey monuments will be protected in place. Setting or replacing new monuments will be done by licensed Professional Land Surveyor (PLS), and a Record of Survey will be filed with the County. A copy will be submitted to the City as part of PS&E Task. As stated in the RFP, monuments will be placed in all street intersections, public and private.

- 12.3 **Construction Cost Estimate** – AKM will prepare a construction cost estimate based on design concept information described in the Project Summary Memorandum. The required items with their respective unit cost will be included per City/Agencies' required formats. The Engineer's Estimate and bid schedule will be broken out by funding source or as otherwise directed by the City. The cost estimate will be prepared based on recent similar projects in similar areas. AKM maintains an extensive database of construction costs, which will be used in developing this cost estimate.

## **SECTION 1**

## **Project Understanding and Approach**

### **TASK NO. 13: PRELIMINARY SUBMITTAL FOR REVIEW COMMENTS**

- 13.1 **Submittal Required** – AKM will make the following submittals to the City for review and responses: 1) Four (4) sets of the design plans, reports, and documents as described in the above tasks; 2) Three (3) sets of street cross-sections; 3) Two (2) sets of signed Geotechnical Report, Potholing Report, Environmental Report, Project Summary Memorandum; 4) One (1) copy of the interactive transmittals, submittals, and letters sent to/receive from utility owners, Homeowner Association, property owners and agencies. The public agencies, utility owners, Homeowners Association or other parties as requested from the City will receive their requested sets of design plans for their review and responses.

### **SCOPE OF SERVICES – PHASE 2: 100% LEVEL COMPLETION**

#### **TASK NO. 1: PROJECT MANAGEMENT**

- 1.1 **Project Management** – AKM will continue to manage the project, attend required meetings, submit monthly project progress reports, and prepare required memorandum as described in Phase 1 Scope of Services. After the Phase 1 submittal, any additional as-built information from the agencies or utility owners will be incorporated into Phase 2 Design. We will incorporate the comments on the Phase 1 work into the Phase 2 work.

#### **TASK NO. 2: RIGHT-OF-WAY AND/OR EASEMENT DOCUMENTS**

- 2.1 **Right-of-Way and/or Easement Documents** – AKM will finalize the right-of-way and/or storm drain easement study. The preliminary study shall have been agreed to by the City and the Homeowners Association during the Phase 1 Design. AKM will continue to the required coordination and negotiations with the City and the Homeowners Association to satisfy all requirements. Once all the associated parties agree upon the final street right-of-way and/or storm drain easement, AKM will prepare the right-of-way engineering/plans and required legal documentations to assist the City in accepting Carrie Lane into the City's public roadway system.

#### **TASK NO. 3: FINAL HYDROLOGY AND HYDRAULIC REPORTS AND REQUIRED STRUCTURAL DESIGN REPORT**

- 3.1 **Final Hydrology and Hydraulic Reports** – AKM will finalize the hydrology and hydraulic studies and prepare the final reports as part of the project submittal. The hydrology report will use the Advanced Engineering Software's RATSCX software, Riverside County standard printout, and the hydraulic report will use the Water Surface and Pressure Gradient (WSPG) standard printout, which was developed by the Los Angeles County Flood Control District.
- 3.2 **Required Structural Design Reports** – AKM will finalize the required structural design report for the structures which are needed in the project but not in accordance with any of the Standard Plans or Drawings. The structural calculations and report will be performed by AKM Structural Engineer. The report will be submitted to the City and the jurisdictional agencies for approval.

#### **TASK NO. 4: FOLLOW-UP UTILITY COORDINATION**

- 4.1 **Follow-Up Utility Coordination** – AKM will follow up the letters and design plans that are sent to the corresponding utility owners during the Phase 1 Design stage to verify their concerns. Any other utility conflicts or design issues will be discussed with the City and the utility owners. Modification of the design plans or other relocations of existing utilities will be carefully reviewed. Any major revision of the plans will be evaluated based on its construction cost and constructability. The evaluation sheet will be submitted to the City and the affected utility owners for approval. The 2<sup>nd</sup> and the 3<sup>rd</sup> "Utility Notice Letter" with design plans will be sent to the utility owners at 80% and 100% design stage; respectively. AKM will coordinate with the affected utility owners to schedule the relocation of the conflicting utility prior to starting of construction. After the completion of the project, the "Final Utility Notice Letter" with the final signed plans will be sent to the utility owners for their records. All the utility



## **SECTION 1**

## **Project Understanding and Approach**

notice letters will be sent out in the City provided format, Certified Mail with Return Receipt back to the City. AKM will coordinate with the utility companies to ensure their appropriate responses for all the utility notices are addressed. AKM will create and update a detailed utility coordination log file to track the coordination process and report each status at the monthly PDT meeting. It is acknowledged that four levels of City Utility Notice Letters are classified, and AKM will use the appropriate level of letter at various design stages to coordinate with the utility owners.

### **TASK NO. 5: 100% COMPLETION OF CONSTRUCTION PLANS**

- 5.1 **80%, 100%, and Final Construction Plans** – After the completion of Phase 1 tasks, AKM will focus on the preparation of the final construction plans at 80%, 100%, and final stages. During each stage of work, AKM will ensure that any issue discussed with various agencies, utility owners, and homeowners association will be addressed correctly, and/or appropriately be responded to. After the completion on each stage, the construction plans will be submitted to the City, Riverside County Flood Control, and other agencies for review and approval. The final design plans will include, but not be limited to: Title Sheet, Index Map, General Notes and Construction Notes, Special Provision Notes per Specific Agencies, NPDS Standard Notes, Utility Contact Lists, Required Legend, Plan and Profile Sheets of the proposed storm drain system with their details, and Structural Details. It is acknowledge that construction notes will be arranged such that the first notes are "protect in place" followed with "removal" notes and end with the actual work. Notes of like work will be grouped together. The Right-of-Way and/or easement plans with its engineering documents will be in a separated set of plans if the City prefers.
- 5.2 **80%, 100%, and Final Specifications Submittals** – After the completion of each stage of construction plans, the Construction Specifications will be submitted and updated in accordance with the City required criteria and format. The Specifications will be prepared using the City provided boilerplate and General Technical Provisions in the current version of Microsoft Word for Windows format. In general, the Specification will include the general and special provisions with any other City modified documents. Any other documents, if requested by the City, will be attached in appendix sections; such as Public Improvement Warranty, Standard Plans (Drawings) used in the project, specifications for specific materials used in the project, permit information, and geotechnical information.
- 5.3 **80%, 100%, and Final Construction Cost Estimates** – AKM will prepare and update the construction cost estimate based on each design stage submittal. The quantity of each design item and its unit cost will be updated in order to maintain the accuracy of the project construction budget. The unit cost will be adjusted based on the new information; such as current constructed/bid projects within the vicinity, Engineering News-Record (ENR) index, and phone calls with various construction/material supplier offices. The cost estimate sheets will be prepared in the City approved format and will be broken out by funding source or as otherwise directed by the City.

### **TASK NO. 6: PERMITTING**

- 6.1 **Preparation of Permit Application** – AKM will update the Construction Plans and the Specifications to include all the affected agencies' design criteria, regulatory issues, and special provisions of their specifications. The permit applications with the construction plans and the specifications will be submitted to each individual agency for their approval. Any concerns related to the permitting issue will be resolved with the City and the individual agency. Coordination between each agency can be accommodated in case of the discrepancy exists between various criteria. The most stringent requirements will govern.
- 6.2 **Obtaining Permits** – After the completion of 80%, AKM shall be able to resolve all the permitting issues and include all the required criteria into the final construction plans and specifications. Any additional concerns (if any) from the jurisdictional agencies will be included prior to finishing the project. Based on the agency's agreement, AKM will obtain each required permits at final design stage. The jurisdictional agencies that issue the required permits may include, but not limited to, Riverside County Flood Control, CDFW, HMGP, and SBCDPW.

## **SECTION 1**

## **Project Understanding and Approach**

### **TASK NO. 7: PREPARATION OF FINAL PS&E CONTRACT DOCUMENTS**

- 7.1 **Final PS&E Contract Documents** – AKM will update and finalize the Design Plans, Specification and the Construction Cost Estimate. The contract documents will be signed by the Design Consultant Civil Engineers (Project Engineer and Project Manager) who are licensed to practice in the State of California and prepared and supervised the contract documents throughout the project.

### **TASK NO. 8: PROJECT ADJUSTMENT PER CITY SPECIFIED PRIORITY**

- 8.1 **Project Adjustment** – AKM will provide an adjustment of final design plans and corresponding documents to reduce the scope of work to match available budget in accordance with the City-specified priorities. In general, AKM will evaluate the overall drainage system and identify the priority of the construction phases and divide the entire project into two or three phases. The phase 1 construction can be on Pettit Street only. The second phase can be the extension on Kalmia Avenue, and the third phase can be the extension on Carrie Lane and Locust Avenue. Once the project is divided into different phases, the City can easily determine the priority based on the available budget.

### **TASK NO. 9: STORMWATER POLLUTION PREVENTION PLAN (SWPPP)**

- 9.1 **Stormwater Pollution Prevention Plan (SWPPP)** – AKM will prepare the Stormwater Pollution Prevention Plan (SWPPP) in accordance with the City requirements. Since the proposed storm drain system is the extension of an existing 54-inch RCP on Pettit Street with a total linear length of approximately 3,080 feet, it is reasonable to assume that the total open-trench disturbed area will be less than one acre (43,560 square foot). Under this assumption, only typical SWPPP design plans will be prepared in City approved template. AKM will follow the guidelines of the State Water Board amended in Order 99-08-DWQ to apply a site as small as one acre, unless otherwise, directed by the City. The project site is a tributary of Perris Valley Storm Drain which drains into San Jacinto River. Eventually, San Jacinto River flows into Lake Elsinore. The type of required Construction Activity Permit will be pursued prior to starting the project. AKM will prepare the Notice of Intent (NOI) and process the SWPPP for approval through the Santa Ana Regional Water Quality Control Board and other appropriate authorities and agencies. The SWPPP will be prepared and sealed by a Qualified SWPPP Developer (QSP).

### **TASK NO. 10: DELIVERABLES**

AKM will submit the final approved construction plans, specifications, and construction bid documents to the City. The comments from the City or agencies will be addressed and incorporated into the plan development during each design stage. AKM's Project Manager and the assigned QA/QC Manager will perform routine and final review prior to signing the Plans and Specifications.

- 10.1 **Construction Plans** – AKM will prepare the construction plans for the project to ensure the feasibility and constructability. The design plans will include title sheet, general notes, plan and profile sheets, and required structural details. The plan and profile sheets will be prepared at 1"=20' in horizontal and 1'=2' in vertical scale. The lettering style will be prepared in "Arial" font with the corresponding sizes to standard scales. The latest "City Title Block", which will be provided by the City, will be used for the construction plans. The drawings will be prepared in AUTOCAD format. The drawings will be plotted using permanent drafting ink on Mylar sheets in the full size of twenty-four inches by thirty-six inch (24" x 36") sheets. Hanging file tabs will be attached on all the sheets which will be signed by California registered Professional Engineers.
- 10.2 **Specification and Construction Bid Documents** – The final approved Construction Specifications and Bid Documents will be prepared as contract documents for bidding and construction of the project. The documents will be prepared in accordance with the City standard format and signed by California registered Professional Engineers. The 2012 Edition of Standard Specifications for Public Works Construction; The "GREENBOOK" with the 2013 SUPPLEMENT to "GREENBOOK" will be used as governing the entire project. Any additional required provisions from the City or special needs for the project will be included and modify the standard specifications. Any street related technical portion will

## **SECTION 1**

## **Project Understanding and Approach**

use Caltrans Standard Specifications; such as traffic signals, striping, and traffic signs.

- 10.3 The original signed and sealed Mylar drawings and Specifications will be submitted to the City. This package will be transferred into electronic files for City records. The engineering construction cost estimate will be included. The electronic surveying data with related topo map will also be submitted.

### **TASK NO. 11: INTERIM SUBMITTAL AND FINAL SUBMITTAL**

- 11.1 **Interim Level Submittal** – During the interim design stages (80% and 100%), AKM will submit the following requested submittals with the previous red-lined marked sets to the City for finalizing the project: 1) Four (4) sets of the design plans, reports, and documents as described from above tasks; 2) Two (2) sets of signed Geotechnical Report, Potholing Report, Environmental Report, Project Summary Memorandum; 3) One (1) copy of the interactive transmittals, submittals, and letters sent to/receive from utility owners, Homeowner Association, property owners and agencies.
- 11.2 **Final Level Submittal** – The final level submittal is the official contact documents for use in the project bid and project construction. All the construction plans and specifications shall be signed by the responsible parties.

## **SCOPE OF SERVICES – PHASE 3: ADVERTISING, BIDDING AND CONSTRUCTION SUPPORTS**

### **TASK NO. 1: CONSTRUCTION BIDDING SERVICE**

During the bidding phase, AKM and its subconsultant(s) will provide the following services to assist the City.

- 1.1 If requested by the City, AKM will prepare a pre-qualified contractors list to the City for selecting the qualified bidders. This list will be prepared based on recommendations from the City, Riverside County Flood Control, and our experience.
- 1.2 AKM will assist the City in providing responses to request for information, clarification of design plans and specifications, and prepare and issue addenda as needed.
- 1.3 AKM will assist the City staff in evaluating and checking all bids per project requirements and established contract law. AKM will also check bidder's references and licenses.
- 1.4 AKM will prepare a Draft City Council Staff Report for award of construction contract and process the contract agreement with the lowest responsible bidder.
- 1.5 AKM will attend the City Council meeting for award of the contract. AKM will be available to answer questions and defend the project, if necessary during the meeting.

### **TASK NO. 2: CONSTRUCTION SUPPORT**

During the construction stage, AKM will provide the following services to assist the City.

- 2.1 AKM will assist the City by attending the pre-construction meeting to response to request for information related to the construction plans and specifications. After the meeting AKM will prepare and issue the meeting minutes.
- 2.2 AKM will assist the City in responding to questions regarding the construction plans and specifications. For any revisions which are excluded from the original contract documents, AKM will assist the City to review and issue Contract Change Orders (CCO).
- 2.3 AKM will review shop drawings submitted to the contractor to evaluate the construct materials and method in accordance with the contract documents.
- 2.4 If plan revisions become necessary to address unforeseen conditions, AKM will attend the site meetings and provide solutions to ensure the construction is on schedule.
- 2.5 After the completion of the construction, AKM will incorporate all red-line comments prepared by the



## **SECTION 1**

## ***Project Understanding and Approach***

---

contractor and project inspector into the construction plans and create the "As-Built" record plans in final ink Mylar. AKM will sign and provide the final "As-Built" record drawings by the Engineer of Record to the City for approval prior to the release of the final progress payment.

- 2.6 AKM will prepare and submit GASB (Governmental Accounting Standards Board) Statement 34 documents required data in the City's format along with the record drawings to close the project.

## SECTION 2

## Approach and Management Plan

<b>LEGAL NAME OF FIRM:</b>	<b>AKM CONSULTING ENGINEERS, INC.</b> 553 Wald Irvine, California 92618
<b>YEAR FIRM ESTABLISHED:</b>	1990
<b>CONTACT INFORMATION:</b>	Mr. Zeki Kayiran, P.E. <a href="mailto:zkayiran@akmce.com">zkayiran@akmce.com</a> Phone: (949) 753-7333 FAX: (949) 753-7320
<b>GENERAL DESCRIPTION:</b>	California Corporation

AKM Consulting Engineers is a multi-disciplined, non-discriminatory, professional organization established in 1990 as a California Corporation to provide water resources engineering services to public agencies. AKM, a SBA Certified Small Business Enterprise, has a current staff of twenty-four (24) employees, including ten (10) professional engineers, and is located in Irvine, California at the intersection of the 5 and 405 Freeways. Our project experience comprises all facets of planning, design and construction management for storm water, wastewater, potable water, and recycled water projects, including civil, electrical, mechanical, structural and chemical engineering. In addition, the AKM offices are fully equipped with the most up-to-date office and CADD equipment, design and modeling packages, word processing, estimating and project management software.

AKM works exclusively for public agencies and our client list includes the Los Angeles County Department of Public Works, Orange County Flood Control District, San Bernardino County Flood Control District, the US Army Corps of Engineers, the Cities of Arcadia, Alhambra, Corona, El Segundo, Glendora, Los Angeles, Manhattan Beach, Monterey Park, Ontario, Palmdale, Palos Verdes Estates, Rancho Palos Verdes, Redondo Beach, Whittier, Anaheim, Brea, Costa Mesa, Cypress, Fountain Valley, Garden Grove, Huntington Beach, La Habra, Mission Viejo, Newport Beach, San Clemente, San Juan Capistrano, Seal Beach, Tustin, Camarillo, Lompoc, Port Hueneme, and San Diego; West Basin Municipal Water District, Central Basin Municipal Water District, Moulton Niguel Water District, Irvine Ranch Water District, South Montebello Irrigation District, Montebello Land and Water Company, and Alameda Corridor Transportation Authority.

The focus of our experience is within Southern California, and all key project team members are fully acquainted with the local and regional issues affecting the planning, design and construction of storm water, wastewater, water, and recycled water facilities. Our experience in stormwater facilities planning, design, and regulatory compliance, as well as the technical and managerial depth of the team, will ensure successful implementation of any project which may be assigned. A full listing of services offered by AKM is as follows:

### STORMWATER, WASTEWATER, POTABLE WATER, RECYCLED WATER AND

- Master Plans
- Storm Drains
- Hydrologic Studies
- Hydraulic Analyses
- Flood Flow Retarding Facilities
- Channels
- Collection Facilities
- Pump and Lift Stations
- Permitting and Regulatory Compliance
- Pipeline and Transmission Facilities
- Wells
- Deficiency Reports and Inventories
- Capital and Facilities Plans
- Improvement Plans
- Reservoirs and Lakes
- Water Quality and Environmental Management

## **SECTION 2**

## **Approach and Management Plan**

<b>PLANNING</b>	
<ul style="list-style-type: none"><li>▪ Project Planning</li><li>▪ Drainage, Sewer, Water, and Recycled Water Master Plans</li><li>▪ Sewer System Management Plans</li><li>▪ Economic and Financial Planning</li></ul>	<ul style="list-style-type: none"><li>▪ Conjunctive Use Planning</li><li>▪ Capital Improvement Plans</li><li>▪ Rate Studies</li><li>▪ Urban Water Management Plans</li><li>▪ Water Supply Assessments</li></ul>
<b>TECHNICAL SERVICES</b>	
<ul style="list-style-type: none"><li>▪ Geographic Information Systems (GIS)</li><li>▪ Corrosion Control</li></ul>	<ul style="list-style-type: none"><li>▪ Scheduling</li><li>▪ CADD (Intergraph, Autocad)</li></ul>
<b>CONSTRUCTION SUPPORT</b>	
<ul style="list-style-type: none"><li>▪ Contract Administration</li><li>▪ Inspection</li><li>▪ Construction Management</li><li>▪ Resident and Field Services</li></ul>	<ul style="list-style-type: none"><li>▪ Procurement</li><li>▪ Start-Up and Acceptance</li><li>▪ Project Close-Out</li><li>▪ Estimating</li></ul>

AKM Consulting Engineers employs the "integrated project management" concept to ensure that each project delivers on accuracy, schedule and budget. A work plan is established, and resource loaded work elements and a schedule are prepared at the inception. This schedule and work elements are integrated with the special needs of the project and the client. Regular reporting of project status is provided to the client by monitoring the progress against the established work elements and resource allocations by task. Any slips in schedule, technical difficulties, or unforeseen conditions are promptly addressed. The result is responsible and proactive project management, which leads to successful projects, completed on time and within budget.

### **INTEGRATED PROJECT MANAGEMENT**

#### **Project Identification**

- Listen to Client/User
- Ascertain Project Needs
- Identify Problem/Constraints
- Review Schedule
- Review Budget
- Site Review
- Data Review
- Determine Expectations
- Determine Approval Process
- Establish Scope of Technical Services
- Listen to Client/User

#### **Work Program**

- Establish Preliminary Work Plan & Schedule
- Establish Work Breakdown Structure (WBS)
- Resource Determination
- Review and Adjustment In Plan & Schedule
- Establish Project Milestones

#### **Technical Execution**

- Project Execution
- Internal Quality Control

#### **Project Management**

- Progress Reporting: Resource Balance & Tangible Evidence
- Comparison of Progress Reporting with WBS and Resource Loaded Schedule
- Resolution of Discrepancies
- Identification of Source(s)
- Identification of Impact(s)
- Development of Mitigation(s)
- Continuous Coordination

## SECTION 2

## Approach and Management Plan

### COMPUTER APPLICATIONS

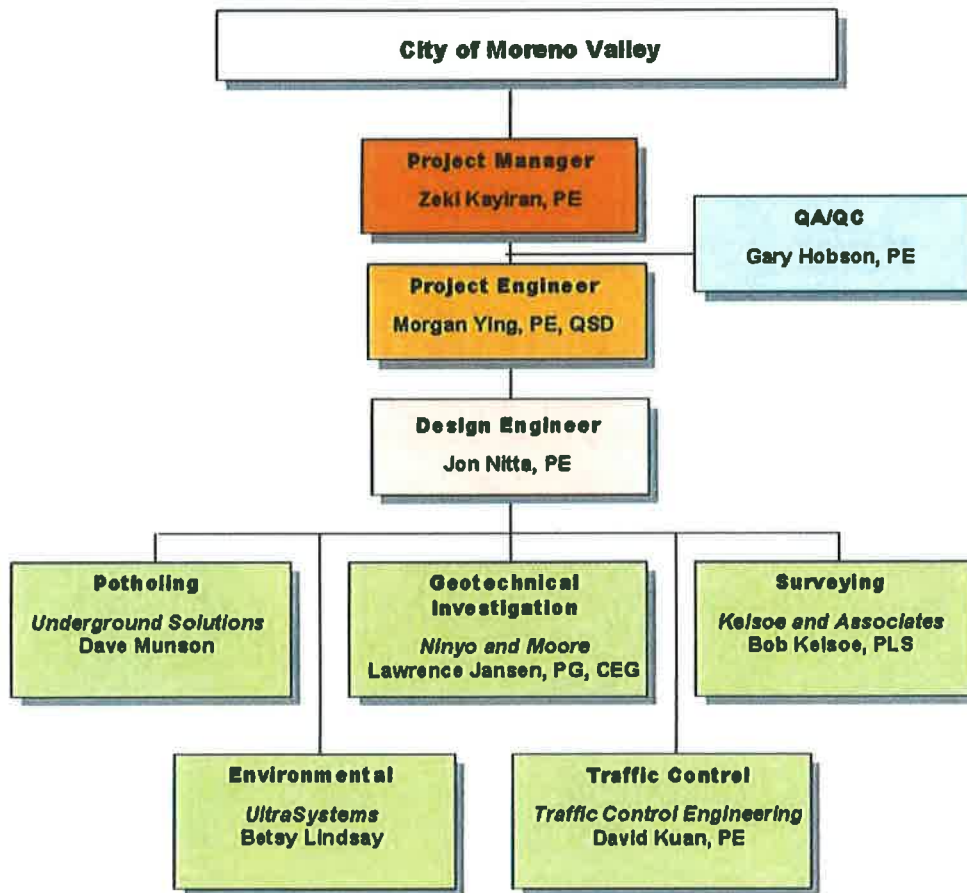
The achievement of superior engineering services is assisted by the continued implementation of advanced computer applications, modeling software, techniques and products. The office maintains in-house CADD capabilities, and engineering design work and computations are computer based. An in-house library of standard software application packages is maintained and continually updated.

### QUALIFICATIONS

AKM Consulting Engineers, by virtue of its extensive relevant experience, specialized training, local knowledge, and technical competence, can provide the City of Moreno Valley with first rate engineering consulting services. All proposed team members possess experience directly related to all facets of storm drain planning, design, and construction support.

### PROJECT ORGANIZATIONAL CHART

The Project Team organization is illustrated on the Project Organizational Chart in this section, along with detailed resumes describing specific experience of the Project Team members. In addition to the key personnel shown on the following project organizational chart, AKM has 15 additional support personnel available to assist on projects, as necessary.





The personnel of the AKM Project Team have a long and distinguished track record in the performance of quality engineering services, especially with respect to planning and design of storm drain systems. AKM's Project Team provides the requisite technical expertise for all anticipated project requirements.

Specific examples of AKM's experience follow. These projects are representative of the types of projects that the team members have completed. These projects are directly relevant for consideration within the content of the proposed project. All projects were performed by the individuals listed for project assignment and required a level of performance and addressed technical issues similar to those required by the proposed project.

---

**ASPEN/GRAHAM/WALKER STREET STORM DRAIN PW PROJECT NO. 86 - CITY OF CYPRESS**

**CONTACT: MR. DOUG DANCS, DIRECTOR OF PUBLIC WORKS/CITY ENGINEER (714) 229-6744**

**AKM STAFF: Z. KAYIRAN (PM), J. LOAGUE (PM), R. WONG (SE), G. HOBSON (QA/QC)**

**CONSTRUCTION COST: \$4,023,800**

AKM is responsible for a hydrology study covering a drainage boundary of 110 acres, and hydraulic analyses for sizing a drainage system to convey the 25-year high confidence storm runoff. The project is proposed to replace the existing 60-inch pipe with a larger facility to meet the County of Orange flood protection criteria. The proposed storm drain system includes 857 feet of 6' (w) x 4' (h) RCB, 120 feet of 5' (w) x 4.5' (h) RCB, 246 feet of 5' (w) x 3.5' (h) RCB, 1,320 feet of 72-inch RCP, 294 feet of 48-inch RCP, 385 feet of 42-inch RCP, 209 feet of 36-inch RCP, 198 feet of 30-inch RCP, and 480 feet of 24-inch RCP. Because of shallow outlet facilities, two local sumps in the upstream drainage system, shallow ground cover was a very stringent restriction to the design. Therefore, various sizes of reinforced concrete boxes and pipes were incorporated into the design to best fit the street profiles and the existing utility crossings. Other restrictions of the project include high backwater level from Carbon Creek Channel (OCFCD Facility No. B01), providing protection at the two local sump areas, a 78-inch high pressure waterline crossing, and a local deficient sewer line crossing. Due to the above restrictions, series of hydraulic analyses were conducted to ascertain that the system could meet the design criteria. This project also includes the construction of 400 feet of 8-inch sewer line for diverting the existing sewer flow from Belle Avenue to Ball Road in order to eliminate a high maintenance sewer siphon on Belle Avenue. A Water Quality Management Plan (WQMP) is prepared for complying with the requirements of the local NPDES Stormwater Program. In order to meet the requirements, several of Best Management Practices (BMPs) were recommended, including a biotreatment system to minimize the stormwater pollution by using an environmental green system.

---

**ELECTRIC AVENUE STORM DRAIN - CITY OF SEAL BEACH**

**CONTACT: MR. SEAN CRUMBY, DIRECTOR OF PUBLIC WORKS (562) 431-2527 x1318**

**AKM STAFF: Z. KAYIRAN (PM), M. YING (PE), R. WONG (SE)**

**CONSTRUCTION COST: \$1,660,000 A/E FEES: \$151,000**

The Electric Avenue drainage boundary covers 106 acres of residential area. Since the drainage boundary is subdivided by a long stretch of a community park, a dual drainage system with several laterals was constructed in different phases starting as early as 1940's. The major drainage system, a 54-inch RCP, conveys the runoff to the Orange County Flood Control District's Seal Beach Pump Station (Facility C00PS1), which was constructed in 1971. The original pump station was designed to convey the peak 10-year storm runoff of 255 cfs to Anaheim Bay. Later, the pump station was upgraded to handle the peak, 25-year storm runoff of 403 cfs. The existing storm drain system deficiencies cause flooding problems in the Old Town community.

A new parallel drainage system consisting of 1,141 feet of 66-inch RCP was constructed to convey the entire 25-year peak storm runoff to the pump station. Additional lateral systems to the main line including 200 feet of 36-inch RCP, 55 feet of 30-inch RCP, 545 feet of 24-inch RCP, and 620 feet of 18-inch RCP were constructed.

---

**DEFICIENCY STUDY - ORANGE COUNTY FLOOD CONTROL DISTRICT**

**CONTACT: MR. KEVIN ONUMA, MANAGER FLOOD PROGRAM (714) 647-3939**

**AKM STAFF: Z. KAYIRAN (PM), M. YING (PE), R. WONG (SE), J. NITTA (HYDRAULIC STUDIES)**

**A/E FEES: \$126,356**

AKM prepared the Channel Inventory List and supporting Deficiency Study of the Regional Flood Control Facilities serving the entire County. The Channel Inventory List consisted of documenting all reaches of the regional channels by their characteristics (base width, height, side slopes, grade elevations, longitudinal slope, Manning's coefficients, record drawing number and its date, and a symbol to identify the facility geometrics.



Deficiency study consisted of reviewing all available hydrologic data to determine the design discharges for the channel reaches identified in the Channel Inventory List, determining the hydraulic capacity of each reach of channel, assessing its ability to convey the design discharge, identifying the deficient reaches, formulating planning level projects to eliminate the deficiencies, and estimating project costs for improving the deficient reaches. The deficiency study also included evaluating all the retarding basin and storm water pump station capacities, and developing cost estimates for eliminating the identified deficiencies in these facilities.

As part of this study, AKM prepared the Outcome Indicator, which is a measuring tool utilized in the County Business Plan. Outcome Indicator consists of a summary of the facilities in each watershed, including the total length of facilities improved to ultimate condition, total length of facilities proposed to be improved to ultimate condition, the total length of all regional facilities, and percentage of improved regional facility versus the total Flood control District owned regional facilities.



Electric Avenue (north) - Catch Basin Inlet



Electric Avenue Storm Drain

**CANDLEBERRY AVENUE STORM DRAIN - CITY OF SEAL BEACH**  
**CONTACT: MR. SEAN CRUMBY, DIRECTOR OF PUBLIC WORKS (562) 431-2527**  
**AKM STAFF: Z. KAYIRAN (PM), M. YING (PE), R. WONG (SE), D.PAY (HYDRAULIC STUDIES)**  
**CONSTRUCTION COST: \$1,780,000**

The Candleberry Avenue drainage boundary covers 77 acres of residential area. The existing drainage system included two outlets, 33-inch RCP and 3.25' (W) x 1.75' (H) RCB which drain into the Old Ranch Golf Course detention basin. These drains could convey only 9 cfs of the total tributary 25-year flow of 97 cfs. Because of the deficiency of the existing system, the College Park East community experienced flooding problems. The new drainage system consisted of 470 feet of double 5' (W) x 3' (H) RCB designed to convey the 25-year peak flow of 88 cfs to the golf course detention basin, and 135 feet of 7' (W) x 2.25' (H) RCB lateral on Aster Street. The connector pipes are 30-inch, 24-inch, and 18-inch RCPs. The project's challenges included a 34-inch high pressure gas line crossing, very limited space due to the existing parallel storm drains, and a high downstream water surface control elevation in the detention basin. The project required the construction of a sewer diversion system which consisted of 700 feet of 18-inch to 8-inch diameter pipe, and 1,425 feet of 16-inch to 6-inch diameter water main.



Candleberry Avenue Storm Drain - Double 5-ft. (W) x 3-ft (H) RCB Outlets to Old Ranch Golf Course Detention Basin

**MASTER PLAN OF DRAINAGE - CITY OF SEAL BEACH****CONTACT: MR. SEAN CRUMBY, DIRECTOR OF PUBLIC WORKS (562) 431-2527 x1318****AKM STAFF: Z. KAYIRAN (PM), M. YING (PE), D.PAY (HYDRAULIC ANALYSIS/CONDITION ASSESSMENT), J. NITTA (HYDROLOGIC STUDIES)****A/E FEES: \$50,000, UPDATE: \$120,000**

---

AKM prepared the City's first Master Plan of Drainage in 1999 and the Master Update in June, 2008. The study included developing and updating of the existing system facility information, hydrologic and hydraulic analyses, formulation and evaluation of alternative mitigation measures, prioritization, cost estimates and report preparation. The City area includes 11.2 square miles, and drains to San Gabriel River, Los Alamitos Channel, Kempton Storm Channel, Montecito Storm Channel, Bixby Storm Channel, Federal Storm Channel, and the Pacific Ocean. Portions of the City of Los Alamitos and the unincorporated Rossmoor area drain through the City facilities. AKM collected and reviewed all existing Project Reports from Orange County Public Works and the US Army Corps of Engineers to establish downstream water surface control elevations in the regional facilities.

AKM developed drainage criteria in cooperation with the City. The 1986 Orange County Hydrology Manual and subsequent addenda, and the Local Drainage Manual formed the basis of the criteria, including modifications for the existing facility constraints. Hydrologic studies were conducted for the high confidence 10 and 25-year frequency design storms.

One of the key tasks in the project was the detailed hydraulic analyses that enabled AKM to accurately define the deficiencies in the storm drain system. The development of accurate computer models of the drainage system allowed AKM to maximize the capacity of the existing storm drains, thereby minimizing the amount of additional facilities required. AKM modeled the entire drainage system utilizing the Water Surface Pressure Gradient (WSPG) program developed by the Los Angeles County Department of Public Works.

Recommended relief and replacement facilities were identified and prioritized, including improvements to the West End Storm Water Pump Station. System extension recommendations were also made to meet the flood protection criteria. Cost estimates were developed based upon recent construction costs, and a final report was prepared summarizing the analyses and recommendations.

AKM also formulated projects to comply with NPDES requirements, including urban runoff diversion to the sanitary sewer system. AKM participated in study sessions and public presentations.

**ETIWANDA/SAN SEVAINE AREA MASTER PLAN OF DRAINAGE UPDATE - CITY OF RANCHO CUCAMONGA****CONTACT: MR. WALT STICKNEY, ASSOCIATE CIVIL ENGINEER (909) 477-2740 x4076****AKM STAFF: Z. KAYIRAN (PM), M. YING (PE), D.PAY (HYDRAULIC ANALYSIS), J. NITTA (HYDROLOGIC STUDIES)****A/E FEES: \$76,000**

---

AKM updated the original Master Plan, which was prepared by AKM's proposed Project Manager in 1989, to reflect the current land use and circulation system, and the constructed drainage facility information. The study identified the interim and ultimate facilities necessary to provide flood protection for the peak runoff resulting from a high confidence 100-year storm in the 82 square mile easterly portion of the City and the sphere of influence area tributary to the Etiwanda and San Sevaive Creeks. It identified the cost of implementing the facilities, and developed a fair and equitable method of apportioning it to defray the cost of the facilities. It developed drainage fees for the Regional Mainline Facilities (design flow 3,000 cfs or greater), secondary regional facilities (design flow 750 cfs to 3,000 cfs), and Master Plan Facilities (minimum tributary area of 80 acres). The study included preparation of hydrologic studies (10, 25, and 100-year events), hydraulic analyses utilizing the WSPG program, sizing of 32,000 feet of drainage facilities yet to be constructed, preparation of the updated Master Plan of Drainage Report, and determination of the new drainage fees.



## **SECTION 3**

## **Qualifications and Experience**

### **DRAINAGE MASTER PLAN - CITY OF INGLEWOOD**

**CONTACT:** MR. ERIC ESCOBAR (CURRENTLY SENIOR WATER ENGINEER FOR THE CITY OF RIVERSIDE) (951) 826-5285

**AKM STAFF:** Z. KAYIRAN (PM), M. YING (PE), D.PAY (HYDRAULIC ANALYSIS/CONDITION ASSESSMENT), J. NITTA (HYDROLOGIC STUDIES)

**A/E FEES:** \$224,000

The City's first Master Plan of Drainage was completed by AKM in April 2007. It included development of drainage criteria, system inventory, hydrologic studies, hydraulic analyses, recommended improvements, prioritization, cost estimates, and report preparation. As a supplement to the project, AKM completed the storm drain GIS, which included an extensive surveying effort.

The scope of work included hydrology studies of the 12.6 square mile watershed within the Dominguez Channel and Ballona Creek regional watersheds for the Capital Flood, which results from a 50-year storm. The Watershed Modeling System (WMS) software was utilized to run the Los Angeles County's Modified Rational Method.

The hydraulic analyses were conducted with the use of the WSPG program to evaluate the existing system, and select the recommended improvements.

Improvement projects were evaluated and prioritized, and the cost estimates were prepared based upon recent information for similar projects in the Southern California area.

### **DRAINAGE MASTER PLAN - CITY OF CYPRESS**

**CONTACT:** MR. DOUG DANCS, DIRECTOR OF PUBLIC WORKS (714) 229-6744

**AKM STAFF:** Z. KAYIRAN (PM), M. YING (PE), D.PAY (HYDRAULIC ANALYSIS/CONDITION ASSESSMENT), J. NITTA (HYDROLOGIC STUDIES)

**A/E FEES:** \$160,000

AKM prepared the City's Master Plan of Drainage Update in May, 2007. The scope of work included development of a complete system inventory, preparation of a storm drain GIS shapefile, hydrologic studies to develop design discharges; hydraulic analysis of the existing facilities, as well as the system with the future alternative facilities; development of recommended improvements as well as their estimated cost of implementation; prioritization of improvement projects; and the draft and final report.

AKM developed the drainage criteria in conjunction with the City staff based upon the 1986 Hydrology Manual, its addenda, and the Local Drainage Manual, modified for the special conditions of the service area. The Rational Method hydrology studies were conducted using the RMH OC Version 6.6e computer program for high confidence 10-year and 25-year frequency design storms.

The study area is tributary to Coyote Creek, Carbon Creek, Moody Creek, Los Alamitos Channel, and Bolsa Chica Channel. AKM obtained the Project Reports and other studies from the Orange County Public Works in establishing downstream water surface control elevations for use in the hydraulic analyses.

This project entailed developing accurate computer models of the entire drainage system to determine the hydraulically deficient locations. The existing system was modeled with the Water Surface Pressure Gradient (WSPG) program developed by the Los Angeles County Department of Public Works. The recommended improvement projects were developed following evaluation of alternative mitigation projects also utilizing the WSPG program, and included relief and replacement projects, as well as system extensions to meet the flood protection criteria. The Master Plan included improvement recommendations for three (3) of the City's four (4) pump stations. The cost estimates of the entire system were prepared based upon recent information for similar projects in the Southern California area.

AKM prepared a presentation in cooperation with the City staff and participated in the study sessions and public presentations.

**FLOMAR STORM DRAIN - CITY OF WHITTIER DEPARTMENT OF PUBLIC WORKS**

**CONTACT:** MR. LEON YEHUDA, CITY ENGINEER/ASSISTANT DIRECTOR OF PUBLIC WORKS (RETIRED) (949) 654-7811

**AKM STAFF:** Z. KAYIRAN (PM), M. YING (PE), D.PAY (HYDRAULIC ANALYSIS/CONDITION ASSESSMENT), J. NITTA (HYDROLOGIC STUDIES), R. WONG (SE)

**CONSTRUCTION COST:** \$1,550,000 **A/E FEES:** \$93,892

The Flomar Drain tributary area covers 68 acres and is served by an existing reinforced concrete box with a capacity of 30 cfs. The entire tributary area is in a sump condition and the tributary peak 50-year flow is 130 cfs. The existing drainage system has grossly inadequate capacity and has caused significant ponding, property damage, and impaired access to properties on Flomar Drive. Also, lack of storm drains, flat grades, and pavement lifted by tree roots all contributed to ponding of urban runoff and created vector problems for the residents.



**Downstream portion of 6.0'Wx3.5'H Reinforced Concrete Box**

AKM conducted hydrologic studies, and hydraulic analyses with the use of the WSPG program. The results of these analyses led to the design of the new drainage system that provided protection from the 50-year storm peak flow for the tributary watershed. The recommended system included reinforced concrete box sections to accommodate the presence of shallow downstream outlet drains. AKM prepared final plans, specifications, and estimates for the project consisting of 1,575 feet of facilities varying in size from 6'W x 3.5'H reinforced concrete box at the downstream end of the project to 24-inch reinforced concrete pipe at the upstream end. AKM provided construction support services for the project, which was administered by the US Army Corps of Engineers.

**CORSAIR WAY STORM DRAIN (2006)**

**CITY OF SEAL BEACH**

**CONTACT:** MR. SEAN CRUMBY, DIRECTOR OF PUBLIC WORKS (562) 431-2527x1318

**AKM STAFF:** Z. KAYIRAN (PM), M. YING (PE), D.PAY (HYDRAULIC ANALYSIS/CONDITION ASSESSMENT), J. NITTA (HYDROLOGIC STUDIES), R. WONG (SE)

**A/E FEES:** \$376,200

The Corsair Way drainage boundary covers 12 acres of residential area with a peak 25-year storm runoff of 18 cfs. Since the existing catch basins with undersized drainage system were located at a local sump area, street flooding occurred frequently during the rainy season. The new drainage system consisted of a single 5' (W) x 1.25' (H) RCB, a double 6' (W) x 3' (H) RCB with junction structures. The greatest challenges of designing and constructing this project were: in a narrow street, limited grade drop, shallow non-RCB sewer



**Corsair Way Storm Drain**



## SECTION 3

## Qualifications and Experience

across, numerous of utility crossings, connecting to an existing double 6' (W) x 3' (H) RCB which is underneath a housing property, and establishing a downstream control for the system. AKM provided the fully construction support services for the project, which were administered by the City of Seal Beach.

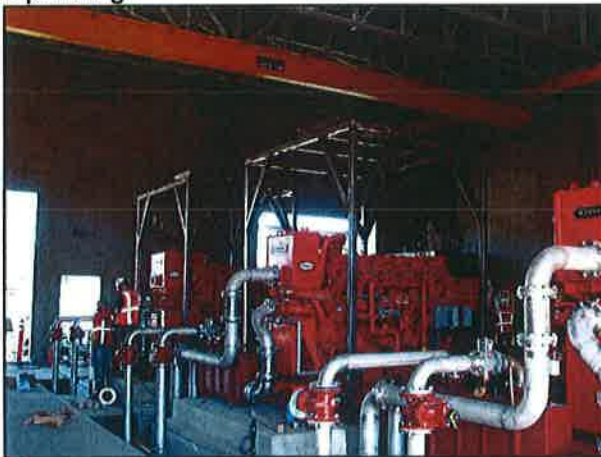
### HASTER RETARDING BASIN AND STORMWATER PUMP STATION - ORANGE COUNTY PUBLIC WORKS

CONTACT: MR. JIM VOLZ, SENIOR CIVIL ENGINEER (714) 647-3904

AKM STAFF: Z. KAYIRAN (PM), J. LOAGUE (PE), M. YING (HYDROLOGIC STUDIES, HYDRAULIC ANALYSIS), G. HOBSON (QA/QC), R. WONG (SE)

CONSTRUCTION COST: \$25,000,000 A/E FEES: \$2,900,000

Haster Basin was a 200 acre-foot retarding basin located on a 22 acre site in the City of Garden Grove. The Orange County Flood Control District retained AKM to evaluate alternatives and prepare construction documents to allow the Basin to attenuate the 100-year expected value peak flow from the upstream (2,200 cfs) to the downstream channel capacity of 400 cfs. AKM's scope of work included the preparation of a comprehensive Preliminary Design Report, design of improvements to meet the identified project objectives; and a Basis of Design Report documenting the steps and calculations used in the design of the project. The final project includes a 460 cfs pumping station incorporating three 153.4 cfs mixed flow pumps operated by three 845 HP natural gas/LPG engines; re-grading of the existing Basin to increase its existing volume by 50 ac-ft; water quality features in accordance with the County's Drainage Area Management Plan; various site improvements to facilitate maintenance access to the facility, and joint use of the overall site as a community park with 2 soccer fields, and architectural enhancements to the proposed pump station building consistent with the character of the surrounding area. AKM verified the hydrologic studies and conducted hydraulic analyses of the East Garden Grove-Wintersburg Channel to ascertain that the outflow from the basin could be safely conveyed downstream. AKM developed modifications to a 100-ft long section of the channel to increase its capacity from 400 cfs to 460 cfs, which in turn reduced the flood flow storage volume and allowed the planning of two soccer fields at the site.



Haster Retarding Basin and Stormwater Pump Station

CITY OF MORENO VALLEY  
SAN TIMOTEO FOOTHILL DRAINAGE

3-6

The project includes 700 feet of triple box culvert inlet drain (double 11.5' W X 6' H and a 9' W X 6' H). AKM processed the structural design of the pump station, channel modifications, and the triple box inlet channel through the County's Building Department.

AKM provided engineering services during construction of the \$26 million project, which started in August 2012, and is scheduled for completion in January 2014.

**MYRA AVENUE IN-LINE DETENTION BASIN, STORM DRAINS, AND STORMWATER PUMP STATION NO. 2 - CITY OF CYPRESS**

**CONTACT: MR. DOUG DANCS, DIRECTOR OF PUBLIC WORKS/CITY ENGINEER (714) 229-6744**

**AKM STAFF: Z. KAYIRAN (PM), J. LOAGUE (PE), M. YING (HYDROLOGIC STUDIES, HYDRAULIC ANALYSIS), G. HOBSON (QA/QC), R. WONG (SE)**

**STORM DRAIN: \$3,500,000, PUMP STATION \$2,435,000**

Pump Station No.2 is one of four storm water pump stations owned and operated by the City of Cypress, which pump tributary runoff to Carbon Creek Channel. The City's Master Plan of Drainage Update completed by AKM in 2007 determined that three of these pump stations, including Pump Station No.2 could not provide the flood protection in accordance with the established criteria (expected value 100-year flood). AKM completed a preliminary design report in 2008, which evaluated alternative solutions, and recommended a project with an in-line detention basin on Myra Avenue, tributary storm drain system, and upgrading of the existing pump station at the existing capacity, utilizing its existing wet well. This alternative was selected because the existing pump station is located on a very narrow lot with adjacent residences on both sides; and the groundwater is only 3 feet below existing ground surface. Any deep dewatering would have placed the adjacent houses in jeopardy. An alternative was to purchase two adjacent properties and construct a deeper facility. However, the City could not find willing sellers. The in-line detention basin was sized as 1,351 feet of 14' (W) x 4.5' (H) reinforced concrete box.

AKM provided bidding support, and complete construction inspection and management services for the construction of the pump station and the in-line detention basin was designed with pre-cast reinforced concrete boxes to minimize the inconvenience to the residents of the area.



**Reinforced Concrete Box**



**Finished Superstructure**



---

**CAMERON RANCH SPECIFIC PLAN PROJECT – RIVERSIDE COUNTY, CALIFORNIA (ULTRASYSTEMS ENVIRONMENTAL)****KOJIMA DEVELOPMENT COMPANY****CONTACT: MR. DON KOJIMA, PRESIDENT (949) 640-2682**

---

UltraSystems Environmental was hired by the Kojima Development Company to prepare an Environmental Impact Report (EIR) and associated studies for the Cameron Ranch Specific Plan Project. The County of Riverside, Planning Department is the Lead Agency under the California Environmental Quality Act (CEQA).

The Proposed Project is located 0.2 mile west of the Banning Idyllwild Panoramic Highway (HWY 243) within the unincorporated portion of Riverside County known as The Pass. The project site is 609-acres of vacant hilly terrain covered with various types of vegetation including: California Coastal Sage Scrub, chaparral, riparian scrub habitat and oak trees, and scattered trees or their remnants. In addition, three special-status vegetation communities have been identified within the project site: Thick-Leaf Yerba Santa Scrub community, Cup-Leaf (Desert) Ceanothus Chaparral community, and the Coast Live and Black Oak Woodland community. The Proposed Project includes the construction of approximately 154 single-family residential lots, and associated infrastructure on the project site. Residential lots would range in size from less than 0.5 acre to approximately 1 acre. The Proposed Project would also provide a graded trail network for recreational purposes.

UltraSystems' role has been the preparation of all necessary environmental documentation in accordance with CEQA, and associated technical studies, including: Visual Impact Assessment, Biological Assessment, Tree Survey, Wetland Study, Air Quality Technical Study, Greenhouse Gas Technical Study, Historic Report, Cultural Report, and Noise Study. UltraSystems' subconsultants have assisted the environmental document through the preparation of: Residential Specific Plans, Design Plans, Geotechnical Plans, Hydrological Plans, Water Assessment, Utility and Infrastructure Plans, Paleontological Study, and Traffic Report.

Complexities – This project contains wetlands and native vegetation which increased the project complexity by requiring a Biological Assessment, a Tree Survey, a Wetland Survey, and biological mitigation to reduce impacts to the site. As a result of the location of the project site Cultural Resources were a concern. The historic Idyllwild –Banning Stage Coach Route is located on the project site and due to the location of the Morongo Indian Reservation in relation to the project site, there was a potential for cultural resources to be located on site. In addition, the project site is located in a high fire hazard zone, which required mitigation to further reduce impacts.

---

**AVENIDA COLUMBO STORM DRAIN EXTENSION PROJECT – SAN CLEMENTE, CALIFORNIA (ULTRASYSTEMS ENVIRONMENTAL)****CITY OF SAN CLEMENTE****CONTACT: MR. AMIR K. ILKHANIPOUR, SENIOR CIVIL ENGINEER (949) 361-6140****CONTRACT DURATION: 10/01/2012 – PRESENT****CONTRACT AMOUNT: \$53,271**

---

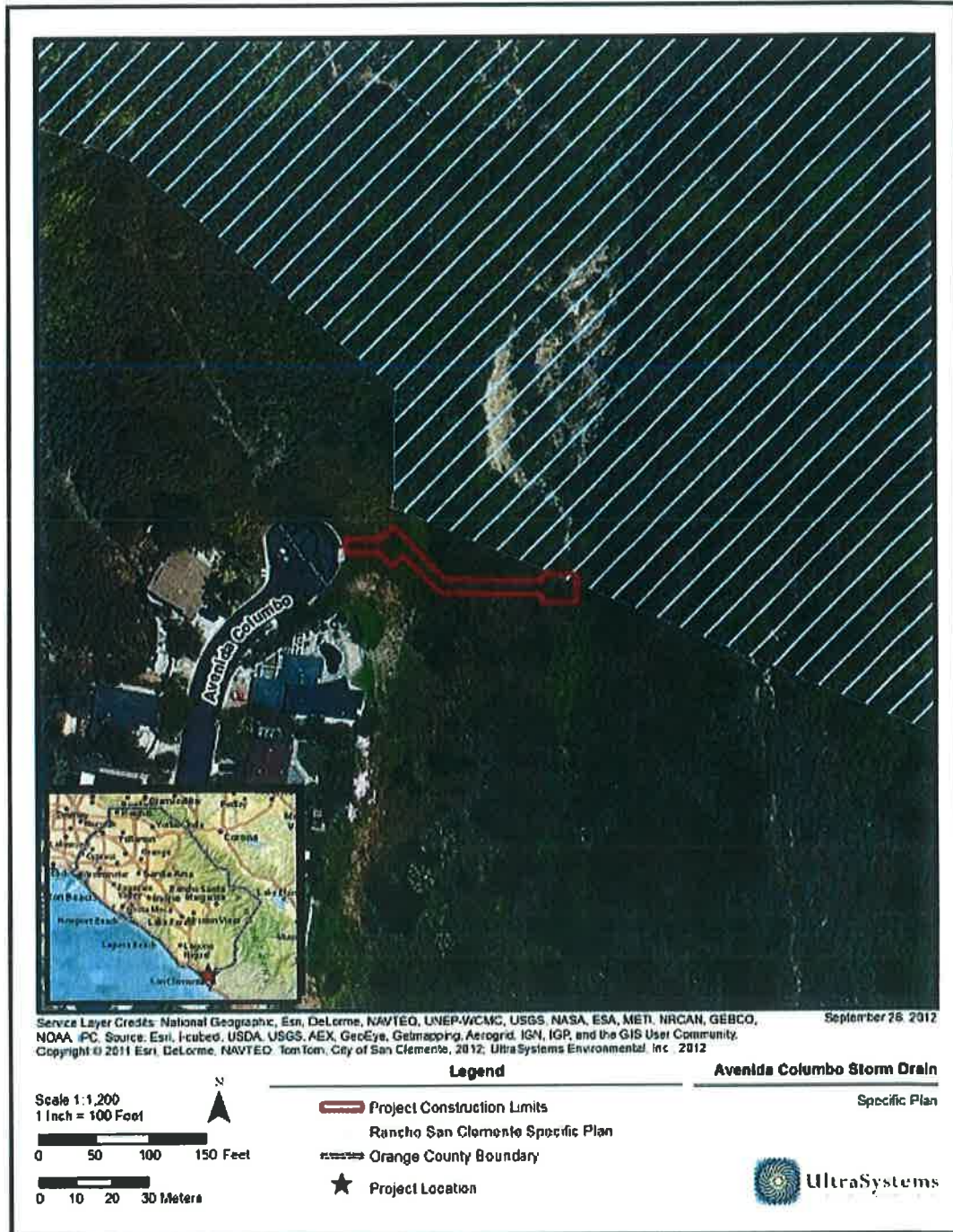
The proposed project will extend an existing storm drain line down an embankment. A new, above-ground 24" High Density Polyethylene (HDPE) pipe will be connected to an existing 24" reinforced concrete pipe (RCP). The existing storm drain line is an underground 24" reinforced concrete pipe (RCP) that extends approximately 46 feet from the upstream catch basin at the end of the cul-de-sac down the canyon and outlets on the hillside into a catch basin. The existing pipe does not extend to the bottom of the canyon.

The new pipe will extend approximately 200 feet from the curb to the bottom of the canyon. Drainage that flows through the new pipe will be collected in an energy dissipater outlet structure with a precast concrete vault that discharges to a riprap apron. Flow will be dispersed within the canyon bottom, then traverse through canyon vegetation, before it drains into a flood control facility.

**Work Scope:** UltraSystems Environmental was hired by the City of San Clemente to prepare an Initial Study and Mitigated Negative Declaration (MND), associated technical studies and regulatory permits for the Avenida Columbo Storm Drain Extension Project. The Project is located within the southeast portion of the City of San Clemente, Orange County, California. It is located north of the San Onofre State Beach Park, southeast of Cleveland National Forest and west of the Golden State (I-5) Freeway. The project site is located

on a steep slope and is surrounded by open space to the north, west, and east with single-family homes to the south. Uses within the project vicinity are residential and open space. The project is within the Orange County.

**Project Highlights:** UltraSystems' role has been the preparation of all necessary environmental documentation in accordance with CEQA, and associated technical studies, including: Biological Assessment, Wetland Study, Air Quality Technical Study, Greenhouse Gas Technical Study, Cultural Report, Geotechnical Plans, and Noise Study. Regulatory permits have included: 401, 404 and 1602 for this project.





The engineering organization and project team proposed by AKM are structured to respond to the technical and managerial requirements of the project by assigning very senior, highly qualified personnel to the work. They will function in a simple organization with clear lines of delegated authority and responsibility.

Our project manager will be the principal point of contact with the City, and will have full technical and administrative responsibility for the work. The team assembled for the project includes all of the major disciplines required to expeditiously complete the assignment. They have extensive experience in the planning, design, and construction of drainage systems.

All identified personnel will be assigned to the project. All project team members have long tenure with AKM, and we do not reassign or substitute staff assigned to specific projects. If a team member should become unavailable, AKM will not substitute other staff or subconsultants without written approval from the City. The following provides brief descriptions of their roles and experience. Our project team organization is also illustrated in this section.

**Project Manager – Mr. Zeki Kayiran P.E.** will serve as Project Manager. He is a firm principal with 40 years of experience in the planning, design, and construction of major storm water, water, recycled water, and wastewater facilities. Mr. Kayiran will monitor methods and procedures of project implementation. His responsibilities will include:

- Exploring innovative technical approaches from the beginning of the project
- Providing technical guidance to the project team throughout the project
- Collaborate in resolving technical issues
- Reviewing the work weekly to ensure its accuracy and timely completion
- Coordination with Moreno Valley staff
- Participation in public presentations and meetings

**QA/QC Manager - Mr. Gary Hobson, P.E.,** a Principal Engineer of AKM with 36 years of experience in water resources engineering, will be responsible for QA/QC. Mr. Hobson's professional experience in storm water, water, wastewater, and water reuse systems covers client and project management, planning, design, and construction support services for a variety of public works projects in both local and federal government sectors. Mr. Hobson participated in quality control and value engineering teams for multi-disciplinary engineering projects. His responsibilities will include reviewing the work at key milestones to ensure that the work product meets the high standards for technical excellence.

**Project Engineer – Mr. Morgan Ying, P.E.,** is proposed to serve as the Project Engineer for the project. Mr. Ying has over 32 years of responsible experience in the planning, design, and construction of major storm drain facilities. He has the requisite knowledge and experience and demonstrated ability for completing challenging work with demanding schedules and budgets. Mr. Ying will be responsible for project supervision of AKM staff and sub-consultants' work, hydrology and hydraulic studies; development of plans, technical specifications, construction cost estimates; bid documents/services. He will be actively and continuously involved in the day-to-day work effort for this project.

**Design Engineer – Mr. Jon Nitta, P.E.,** an Associate with AKM, has extensive working knowledge of hydraulic and hydrologic methods and software, having used them on master plans of drainage and storm drain design. His experience includes Master Plans of Drainage for the City of Inglewood, Seal Beach, Cypress, and Rancho Cucamonga, and storm drain design for the Cities of Seal Beach, and Whittier. During the preparation of hydrologic studies, Mr. Nitta will be fully committed to the project under the direction of the Project Engineer.

## **SUBCONSULTANTS**

The AKM Team includes the following specialty subconsultants who will provide geotechnical, environmental, potholing, traffic control, and surveying services to complement AKM's in house staff. We have worked with each of the proposed subconsultants on numerous successful projects, similar in nature to the work which will be required in Moreno Valley. Ninyo and Moore will provide geotechnical support, UltraSystems will provide environmental services, Underground Solutions will provide potholing services, Traffic Control Engineering will provide traffic control services, and Kelsoe and Associates will provide surveying and mapping services.

**GEOTECHNICAL INVESTIGATION - NINYO & MOORE GEOTECHNICAL - 475 GODDARD, SUITE 200, IRVINE, CA 92618**

*Ninyo & Moore* a California Corporation incorporated in 1986, is a 100% minority-owned, multidisciplinary consulting firm that provides high-quality geotechnical and environmental consulting services, construction inspection and testing, engineering geology, hydrogeology, hazardous waste remediation and environmental assessment. As a Principal Geologist for Ninyo & Moore, Lawrence Jansen, P.G., C.E.G., with over 20 years experience in providing geotechnical services, will direct and supervise the geotechnical investigations, the final project report, and the material test results.

**ENVIRONMENTAL – ULTRASYSTEMS – 16431 SCIENTIFIC WAY, IRVINE, CA 92618**

*UltraSystems Environmental Incorporated (UltraSystems)* is a full-service, planning and environmental consulting firm, serving both public and private sector clients throughout Southern California. UltraSystems utilizes a broad range of experience with residential, commercial, industrial, institutional, and infrastructure-related projects to prepare legally defensible studies in full compliance with Cal-EPA toxics regulations, Public Health and Safety Code guidelines, the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) guidelines. UltraSystems is striving to become the leading provider of environmental review, compliance, and monitoring support to the Southern California agencies and businesses through a combination of unparalleled results, commitment to quality, and professionalism.

**UTILITY POTHOLING - UNDERGROUND SOLUTIONS, INC. - 6549 MISSION GORGE RD., STE. 335, SAN DIEGO CA 92120**

*Underground Solutions, Inc.* will provide utility potholing services during the design stages. Underground Solutions, Inc. and their team of highly qualified operators are committed to fast, safe and accurate utility locating services utilizing non-disruptive "air excavation" pot holing. High velocity air delivers the power to cut precise holes into the earth while not damaging the utility being located. Using a "dry" system, allows for more economical and environmentally friendly excavations. Underground Solutions' responsibility will be to provide the underground facility information; such as material type, size, and the depth of utility.

**TRAFFIC CONTROL – TRAFFIC CONTROL ENGINEERING – 2687 SATURN STREET, BREA, CA 92821**

*Traffic Control Engineering* is a DBE/MBE certified by the Port of Long Beach, San Diego County Water Authority, and City of Los Angeles. David Kuan, P.E., R.T.E., will oversee the preparation of traffic control plans for the tasks that require these services. He has a substantial track record in preparing traffic management plans and construction traffic control plans. Traffic Control Engineering's familiarity with local government requirements will be a great asset in assuring timely project completion. Mr. Kuan will be responsible for providing construction traffic control plans.

**SURVEYING – KELSOE AND ASSOCIATES – 8745 KENDRA LANE, CORONA, CA 92880**

Surveying work be completed by *Kelsoe and Associates* under the direction of Mr. Robert Kelsoe, PLS. Mr. Kelsoe has more than 20 years experience in the land surveying profession. He is a licensed land surveyor in the State of California and Nevada and is in responsible charge of the firm's land surveying activities. He will be responsible for performing control surveys and supplemental detailed surveys to define the property, topography, and site facilities, and develop the base sheets for use in design. Mr. Kelsoe will be responsible for providing all the required surveying data, including details of existing facilities, and ground topographic mapping. He will also prepare all documents and legal descriptions needed for easement/right-of-way acquisition.

**RESUMES**

Brief resumes of our proposed team are located in Appendix A. Resumes include related experience, education, and professional credentials.

AKM's work plan is illustrated in the schedule in Appendix C. It includes all elements contained in the scope of work, and will be executed by the staffing resources defined in Section 1 – Project Understanding. The work hour breakdown spreadsheet is contained in the Fee Proposal (a separated submittal). The work plan, schedule, and man-hour estimate are driven by the overall project objective of completing the construction plans, construction documents, bid service, and construction support service in sufficient time to award the project to a construction contractor and completion of the construction by no later than March 2016.

In general, the work plan and schedule will proceed in three different phases:

**PHASE 1: 35% LEVEL COMPLETION (APRIL 2014 TO AUGUST 2014)**

- 1) Immediately upon receipt of notice to proceed, AKM will coordinate a comprehensive project review. Its purpose will be to establish a sound basis for project initiation, provide an introduction of all project participants, and serve as an initial opportunity for all project related goals, concerns, specifics, constraints, agreements, and previous work to be reviewed. Project assignments, expectations, and responsibilities will be outlined and milestone target dates will be confirmed. The regular meeting schedules will be set up to ensure that the responsibility party, work plan and its budget will be monitored at each meeting. AKM will send out the first utility request letters to the various agencies with facilities within the area of work.
- 2) Within one week of receiving notice to proceed, AKM will initiate the aerial/ground survey, geotechnical, and environmental services. In the meantime, AKM will schedule to conduct the kick-off meeting and site reconnaissance to become familiar with the project and the site conditions.
- 3) Concurrent with the survey, as-built utility information, and geotechnical work, AKM will commence a detailed review of all available storm drain alignments. The potholing service will be initiated to investigate the potential conflicts to the future storm drain system.
- 4) During this period, AKM will also begin the process of confirming information in the City Project Report. AKM will conduct the hydrology study, storm drain alignment alternatives, utility crossing investigation, right-of-way research, traffic control plan, and determine the requirements of permitting.
- 5) Once surveying and utility research are complete, the base map will be established to develop the plan and profile sheets of the proposed storm drain system. A hydraulic analysis will be conducted to size the drainage system and each inlet structure. The street centerline, property line, and right-of-way with associated existing and proposed utilities and storm drain system will be clearly shown on the plan view and its profile sheets. All this processed information will be presented in the monthly PDT meeting and will be updated at the subsequent meetings.
- 6) AKM will continue coordinating with the City, utility owners, public agencies, and homeowners association to finalize the preliminary storm drain plans. At this stage, issues of utility conflicts, storm drain alignment, environmental conditions, preliminary right-of-way/easement, and permit requirements shall be resolved.
- 7) AKM will prepare the Project Summary Memorandum, per City Project Report, and a construction cost estimate will be established in the City required formats based on the 35% construction plans. At this stage, the proposed storm drain system with the associated right-of-way/easement shall be clearly shown on the design plans.
- 8) At the end of August 2014, AKM will complete and submit the 35% design plans, surveying data, geotechnical report, potholing information, initial approved hydrology and hydraulic results, and initial environmental study report.

**PHASE 2: 100% LEVEL COMPLETION (SEPTEMBER 2014 TO JANUARY 2015)**

- 1) AKM will continue to manage the project, attend required meetings, and coordinate with the agencies/utility owners and affected parties. Any concerns/issues carried from Phase 1 Design will be resolved and incorporated into the final design plans and/or the related project reports.
- 2) While the City and other agencies/parties are reviewing the Phase 1 Submittal, AKM will begin working on the Final Construction Package. The continuation of finalizing the design plans, right-of-way engineering and documents, environmental clearance report, initiating the Stormwater Pollution Prevention Plan (SWPPP), and applying the required permits will be the main priorities.

- 3) At the end of October 2014, the Environmental Clearance Project Report will be completed, approved, and submitted to the City.
- 4) At the end of November 2014, the right-of-way engineering tasks will be completed, approved, and submitted to the City for final review. All the previous concerns from various parties will be addressed and incorporated in the engineering tasks and the documents.
- 5) At the end of November 2014, AKM will finish and submit the 80% construction plans with the associated construction cost estimate and the specifications. At this stage, the final hydrology and hydraulic project report will be finished, portion of the required permits shall have been received. Only minor revisions will be expected. The Stormwater Pollution Prevention Plan (SWPPP) will be submitted for final review.
- 6) At the end of December 2014, AKM will finish and submit the 100% construction plans with the associated construction cost estimate and the specifications. At this stage, only minor revisions shall be expected. The project adjustment will be identified per City specified priority. The adjustment will be determined based on the location of the facility, budget, and the coordination with city other projects.
- 7) The completion of design work will be accomplished by the end of January 2015. AKM will finish and submit the final approved Construction Package, which includes the final construction plans with the associated construction cost estimate and the specifications, and with all the required permits and reports. The required right-of-way/easement Deeds will be recorded by the end of January 2015 as well.

**PHASE 3: ADVERTISING, BIDDING AND CONSTRUCTION SUPPORT (FEBRUARY 2015 TO MARCH 2016)****PHASE 3.1 – CONSTRUCTION BIDDING SERVICES (FEBRUARY 2015 TO MAY 2015)**

- 1) In February 2015, AKM will assist the City with construction bidding services to advertise the project, responses to requests for information, and clarification of plans and specifications. If needed, AKM will prepare and issue addenda to the City and Bidders for clarification. If requested by the City, AKM will assist the City to establish a pre-qualified contractor list for City review.
- 2) In March 2015, AKM will assist the City to evaluate and check all of the bids including the bidders' references and licenses per project requirements and contract law.
- 3) In January to May 2015, AKM will prepare the City Council Staff Report for award of construction contract and process the contract agreement with the lowest responsible bidder. AKM will attend the City Council meeting to answer questions, defend the project.

**PHASE 3.2 – CONSTRUCTION SUPPORT (JUNE 2015 TO MARCH 2016)**

AKM will assist the City to provide support throughout the completion of the construction, which is scheduled by March 2016. AKM will provide continuous assistance to the City for providing the following services:

- 1) Attend the pre-construction meeting to respond to information related to the construction plans, criteria, and specifications. The requested addenda will be issued to clarify any concerns from the meeting.
- 2) AKM will continuously provide responses to requests for information/questions. Any requests for revision will be reviewed, considered, prepared, and Contract Change Orders (CCO) shall be issued if necessary.
- 3) AKM will provide shop drawing reviews to ensure the quality of the materials and safety of the construction methods. AKM will attend the site meetings as needed.
- 4) After the completion of the construction, AKM will prepare "As-Built" record plans by incorporating all of the red-line comments to assist the City release the final progress payment.
- 5) By the end of March 2016, AKM will provide the GASB Statement 34 documents required data to the City for closing the project.



**Quality Assurance/Quality Control**

A key element in the successful completion of any project is the implementation of a quality assurance/quality control program. Success is achieved through the efforts of qualified professionals effectively employing their skills and following a deliberate program of quality assurance to monitor and verify that the quality control plan is followed. For this project, AKM will utilize a project quality control plan that includes the following items:

- ✓ Review of project deliverables, and definition of procedures and required standards.
- ✓ Description of specific quality control procedures to be followed in specific activities, including the level and frequency of review required.
- ✓ Identification of elements of the project, if any, requiring special quality control attention or emphasis.
- ✓ Identification of technical experts required for review and consultation.
- ✓ Estimate of resources required for quality control functions.

To effectively manage the entire team's work and ensure that all activities are coordinated, AKM will prepare and issue a project procedures protocol to all team personnel. The project procedures will cover communications, documentation, project files and other project specific procedures.

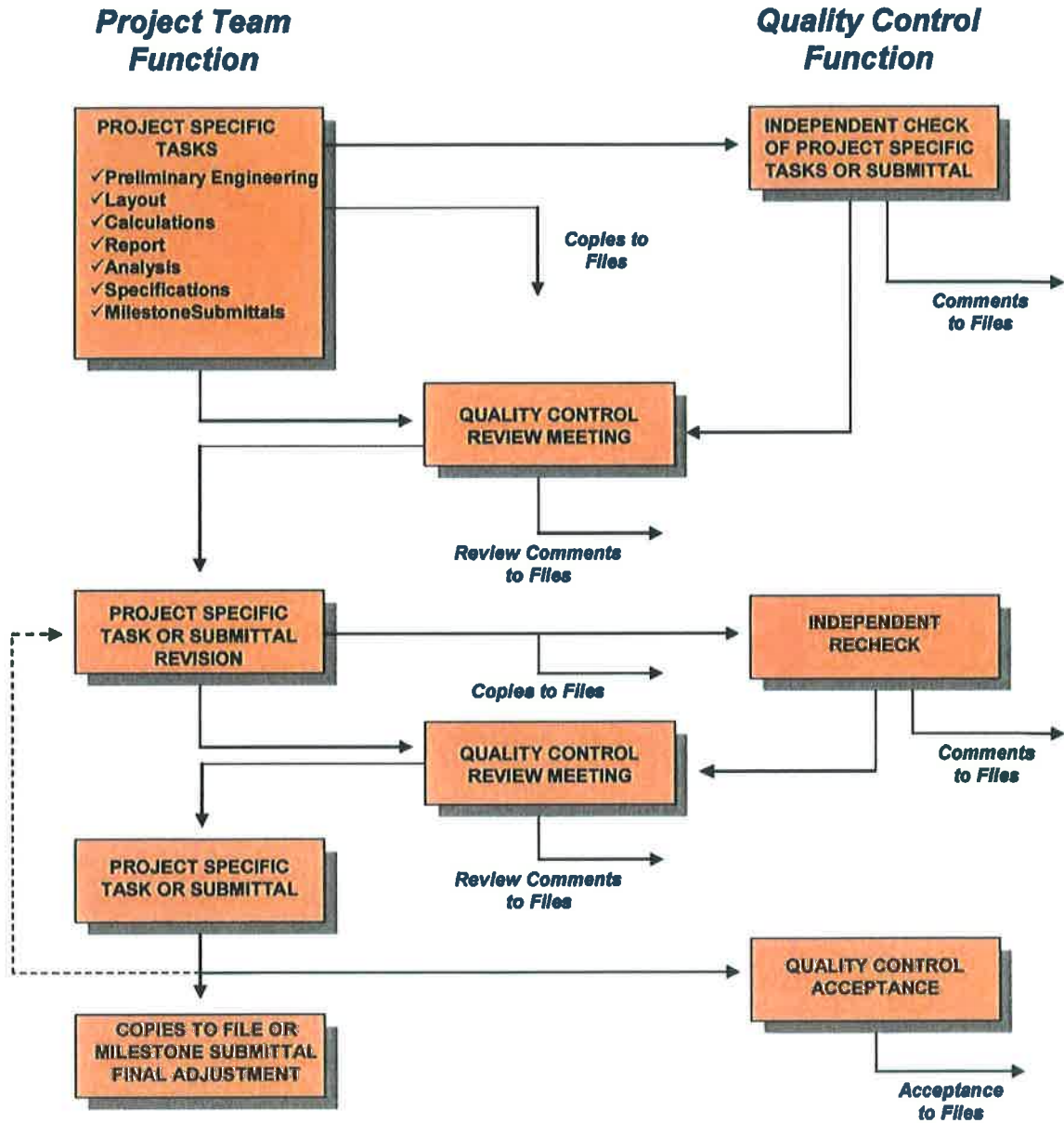
In undertaking its assignments, AKM employs an "Integrated Project Management" approach to deliver successful projects. The goal of the Integrated Project Management is to provide a technically superior product on schedule and within budget. Integrated Project Management commences with project identification, establishes a work program, and executes the project. In this approach, the project management and internal quality control are very important elements.

During project identification, the intent and purpose of the project are determined with extensive interaction with the client. Thereupon, a work plan is established and a resource loaded work breakdown structure and schedule are prepared. The schedule and work breakdown structure are integrated with the special needs of the project and the client.

The project is executed by the technical staff. Quality Control function is carried out to provide independent checking of the project and address constructability and bidability issues.

The project is regularly reviewed by the Project Manager who monitors progress against the established work breakdown structure and schedule. Any technical difficulties, schedule slips or previously unforeseen conditions are immediately recognized, quantified and addressed. The status is reported to the client in regular project status reports. As a result, interactive, responsive and proactive project management is utilized.

**QUALITY CONTROL FLOW CHART**



## **SECTION 7**

## **Additional Relevant Information**

No exceptions have been taken to the RFP or the Sample Agreement.

Below are the required statements from the RFP.

- The RFP has been incorporated in its entirety as part of our proposal.
- The RFP and our proposal will jointly become part of the Agreement for Professional Consultant Services for this project when the Agreement is fully executed by AKM and City Manager of Moreno Valley.
- AKM's services to be provided, and fees, will be in accordance with the City's RFP except as otherwise specified in our proposal under the heading "Additions or Exceptions to the City's Request for Proposal".
- Names, qualifications, and proposed duties of AKM's staff to be assigned to this project have been included in Section 4 "Project Team" of this proposal, and resumes are located in Appendix A "Resumes". Our project organizational chart is included in Section 2 "Approach and Management Plan" as requested by the RFP.
- Recent similar projects have been included in AKM's proposal under Section 3 "Related Experience".
- If one of more of AKM's staff should become unavailable, AKM may substitute other staff of at least equal competence only after prior written approval by the City of Moreno Valley.
- A resource allocation matrix has been included in Appendix D "Resource Matrix (Staff Hours)".
- AKM's rate schedule is shown in Appendix B "Rate Schedule".
- Subconsultant's project team is included in Section 4 "Project Team" and resumes can be found in Appendix A "Resumes".
- AKM's services is provided and is a "not-to-exceed fee".
- AKM will document and provide the results of work completed to the City of Moreno Valley. This will include field and final reports and obtained Agreement objectives.
- AKM will immediately notify the City of Moreno Valley of any defects or hazardous conditions observed at the project site before, during, or after construction.
- Our hourly rate schedule has been provided in Appendix B "Rate Schedule" and is used for invoicing progress payments and for extra work incurred that is not part of this RFP. All extra work will need approval from the City of Moreno Valley.
- AKM does not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.
- All federal laws and regulations shall be adhered to notwithstanding any state or local laws and regulations.
- AKM will allow all authorized federal, state, county, and City officials access to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this project. All records will be retained for a minimum of three years.
- AKM will comply with the Davis-Bacon Fair Labor Standards Act (40 USC 276 a through a7) and the implementation regulations issued pursuant thereto (29 CFR Section 1, 5), any amendments thereof and the California Labor Code.
- AKM will comply with the Copeland Anti-Kickback Act (18 USC 874) and the Implementation Regulation (29 CFR 3) issued pursuant thereto, and any amendments.

## **SECTION 7**

## **Additional Relevant Information**

---

- AKM offers and agrees to assign to the City of Moreno Valley all rights, titles, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 USC Section 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code) arising from purchases of goods, services, or materials pursuant to the public works or the subcontract.
- The Disclosure of Lobbying Activities for can be found in Appendix E "Certificates".
- Subconsultants are listed in Section 4 "Project Team".
- AKM agrees with all terms of the attached City Standard Consultant Agreement, which includes the provisions that must be complied with for this Federal funded project.



**SECTION 8**

***Additions or Exceptions to the  
City's Request for Proposal***

---

No additions or exceptions have been made to the City of Moreno Valley's Request for Proposal.

**SECTION 9****Cost Proposal**

---

AKM's proposed project staff hours in Appendix D and fee estimate is being submitted under separate envelope as requested in the RFP. It has been prepared to properly address the project scope of work contained in our proposal. The proposed fee reflects our understanding of the scope of work based upon the City of Moreno Valley's Request for Proposal, and information provided by the City. We will be happy to refine the scope of work as desired by the City of Moreno Valley, and make changes to the fee proposal to correspond to the final scope of work.

**APPENDIX A**

---

**Resumes**

**ZEKI KAYIRAN, P.E.****Project Role: Project Manager****YEARS WITH AKM**

24

**PROFESSIONAL REGISTRATION**

Registered Civil Engineer, California, 1978 [C-29330]

**EDUCATION**

Master of Science in Civil Engineering, California State University, Long Beach, California, 1974

Bachelor of Science in Civil Engineering, Robert College 1971

**EXPERIENCE**

Mr. Kayiran provides comprehensive technical and management expertise in the planning and design of a wide variety of engineering projects. His professional background includes a blend of consulting engineering and academic experience, including a part-time instruction in the field of fluid mechanics and hydraulic design at California State University, Long Beach. Mr. Kayiran's experience includes the following:

**RIVERSIDE COUNTY FC&WCD PROJECT EXPERIENCE:**

- **Wasson Canyon Channel for the Riverside County Flood Control and Water Conservation District - Project Manager** - Project was a part of the Elsinore Valley Area of Zone 3 Flood Control Benefit Assessment Program. Responsible for hydraulic studies and design of 1,200 feet of vertical wall channel (18' wide x 11' high) with two box culverts, inlet transition, and outlet transition between the I-15 Freeway and Lake Elsinore Outlet Channel.
- **Third Street Channel for the Riverside County Flood Control and Water Conservation District - Project Manager** - Project was a part of the Elsinore Valley Area of Zone 3 Flood Control Benefit Assessment Program. Responsible for hydraulic studies and design of an earthen trapezoidal channel along Third Street between Collier Avenue and Lake Elsinore Outlet Channel, including riprap protection at the confluence with the Lake Elsinore Outlet Channel.

**MASTER PLANNING - DRAINAGE**

- City of Seal Beach
- City of Inglewood
- City of Cypress
- City of Rancho Palos Verdes
- Etiwanda Area Master Plan of Drainage for the City of Rancho Cucamonga
- City of Palmdale
- City of Hermosa Beach
- City of Culver City

**FLOOD CONTROL/DRAINAGE PROJECTS**

- **Deficiency Study for the County of Orange Flood Control District Regional Facilities** - Project Manager responsible for the preparation of County's regional channel inventory list (267 miles), determination of existing channel capacity, reviewing the county's hydrologic data, identifying the deficient reaches, formulating planning level projects to eliminate the deficiencies, and estimating project costs for improving the deficient reaches.
- **Electric Avenue Storm Drain for the City of Seal Beach** - Project Manager responsible for detailed hydrologic studies, hydraulic analyses, and design of the 66" relief drain and laterals to provide expected value 100-year protection to a portion of Old Town draining to the Seal Beach Pump Station.
- **Flomar Drain for the City of Whittier** - Project Manager responsible for the hydrologic studies, hydraulic analyses, and design of the drainage system consisting of 1,575 feet of 6' (H) x 3.5' (H) RCB and 42" RCP to provide Capital Flood (50-year storm peak runoff) Protection to the 68-acre sump watershed.
- **Alagundo Drain and In-line Detention Basin for Alameda Corridor Transportation Auth./LACDPW** - Project Manager responsible for hydrologic and hydraulic studies, and preparing final plans, specifications and estimates for project that consisted of a bypass drain with upstream catch basins for 2-year capacity; and a 700 feet long and 13' (wide) by 7' (high) reinforced concrete box in-line detention basin in El Segundo Boulevard to detain the difference between the 2 and 25 year storm runoff.
- **Compton Creek Hydrologic, Hydraulic and Bridge Scour Studies for ACTA/U.S. Army Corp of Engineers**- Project Manager responsible for developing the design discharges (50, 100, and 133-year), hydraulic analysis of Compton Creek from upstream of East Branch of Compton Creek to Los Angeles River, scour analyses of the new 3-track railroad bridge replacing the existing single track bridge, and providing recommendations for protecting the bridge foundation.

**CITY OF MORENO VALLEY  
SAN TIMOTEO FOOTHILL DRAINAGE**

Appendix A-1

AKM Proposal No. 13-1103

- **Project Drain 9037, Unit 4, Line D (6,500 feet of 42" to 84" RCP) In Long Beach for Los Angeles County Department of Public Works** - Project Manager responsible for 6,500 feet of 42-inch to 84-inch diameter RCP in the City of Long Beach. The project also included extensive coordination with utility companies and required the relocation of 8-inch and 18-inch sanitary sewer lines.
- **West State Street Channel, Flow Splitting Facility and Brooks Basin Storm Water Pump Station for the San Bernardino County Flood Control District** – Project Manager responsible for hydrologic and hydraulic studies, and design of a flow splitting structure diverting flows to Brooks Basin (groundwater recharge and flood flow retarding basin) to reduce the peak flow in the West State Street Channel from 3,000 cfs to 750 cfs, downstream rectangular channel, and a pump station with two 70 cfs mixed flow pumps to make flood detention volume available in the groundwater recharge basin. The flow-splitting structure design was verified through a hydraulic physical model at California State University, Long Beach.
- **Talbert Channel Pump Station for Low Flow Diversion for Orange County Public Works** - Principal-In-Charge responsible for preparation of plans, specifications, estimates, and construction support services for the construction of an inflatable rubber dam in Talbert Channel, a submersible pump station, and forcemain terminating at an 18-inch diameter City of Huntington Beach sewer in Yorktown Avenue.
- **Haster Retarding Basin and Pump Station for the Orange County Public Works** - Principal-In-Charge responsible for hydraulic studies, alternatives evaluation and design of a detention basin and a 460 cfs pump station to provide expected value 100-year protection to a 2000 acre watershed in Anaheim and Garden Grove.
- **Myra Avenue In-line Detention Basin and Storm Water Pump Station No. 2 for the City of Cypress** – Project Manager responsible for preparation of a preliminary design report which developed and evaluated alternative projects to eliminate the condition and capacity deficiencies; final design; and complete construction inspection and management services for the project consisting of 1,351 feet of 14' W x 4.5' H reinforced concrete box in-line detention basin in Myra Avenue between Moody Street and Denni Street south of Carbon Creek Channel; improvements to the existing pump station wet well, a superstructure to house the new pumps and electrical equipment; two 33 cfs axial flow pumps with 125 HP VFD operated motors, a 250 kW natural gas emergency generator, and SCADA control system to provide expected value 100 year flood protection to the tributary area. The project included pre-purchasing the pumps, motors, and VFDs to allow completion prior to the rainy season.
- **Myra Avenue In-line Detention Basin and Storm Water Pump Station No. 3 for the City of Cypress** – Project Manager responsible for preparation of a preliminary design report, and final design for the project consisting of 2,000 feet of 14' W x 4.5' H reinforced concrete box in-line detention basin in Myra Avenue between Denni Street and Bloomfield Avenue south of Carbon Creek Channel, improvements to the existing pump station wet well, a superstructure to house the new pumps and electrical equipment, two 30 cfs axial flow pumps with 125 HP VFD operated motors, a 250 kW natural gas emergency generator, and electrical, controls and SCADA system to provide expected value 100 year flood protection to the tributary area in sump condition. The project included preparation of specifications for pre-purchasing the pumps, motors, and VFDs to allow completion prior to the next rainy season.
- **Aloe Storm Water Pump Station for the Alameda Corridor Transportation Authority (ACTA)/Los Angeles County Department of Public Works** – Project Manager for the 54 cfs capacity storm water pump station with 4-27 cfs capacity, variable frequency drive-operated pumps.
- **Project No. 58 Drain Relocation for ACTA/Los Angeles County Department of Public Works**
- **Project No. 9921 Drain Relocation for Alameda Corridor Transportation Authority (ACTA) / Los Angeles County Department of Public Works**
- **Multnomah Drain for the County of Los Angeles, Department of Public Works**
- **Hollyhills Drain Unit 5 for the Los Angeles County Department of Public Works**
- **Laguna Canyon Village Runoff Management Plan for the Irvine Company**
- **Indian Hill Drain for the Los Angeles County Department of Public Works**
- **Gilbert Street Storm Drain for the City of Garden Grove**
- **22nd Street E. Storm Drain for the City of Palmdale**

**CHANNELS**

- **Imperial Channel Project Report for Orange County Public Works**
- **Bolsa Chica Channel Supplemental Project Report for the Orange County Public Works**
- **Santa Ana-Delhi Channel for the Orange County Public Works**

- Oso Creek Channel for the Orange County Public Works
- Dominguez Channel Hydraulic Analysis from Los Angeles Harbor to Main Street in Carson for ACTA/Los Angeles County Department of Public Works
- Storm Water Damage Repair of Westminster Channel, Greenville-Banning Channel and Bolsa Chica Channel for Orange County Public Works
- West State Street Channel, Flow Splitting Facility and Brooks Basin Storm Water Pump Station for the San Bernardino County Flood Control District
- Santa Ana-Santa Fe Channel Confluence with Peters Canyon Channel for the City of Tustin/Orange County Public Works
- Lane Channel for Orange County Flood Control District



**MORGAN J. YING, P.E., QSD****Project Role: Project Engineer****YEARS WITH AKM**

19

**PROFESSIONAL REGISTRATION**

Registered Civil Engineer, California, 1984 [C-038983]

Qualified SWPPP Developer, California, 2012 [22686]

**EDUCATION**

Master of Science in Civil Engineering, California State University, Long Beach, California, 1981

Bachelor of Engineering in Hydraulic Engineering, Tamkang University, Taiwan, 1976

**RIVERSIDE COUNTY FC&WCD PROJECT EXPERIENCE:**

- **CLOMR Request for Murrieta Creek at Warm Springs Creek Confluence** – Project Engineer responsible for : 1) Modification of RCFCWCD's original HEC-2 hydraulic analysis of 9,700 feet on Murrieta Creek due to the Rancon Development Project; 2) Re-mapping the FEMA's 1988 FIRM Maps #2740 and 2745 Floodplain; and 3) Approval from RCFCWCD and FEMA Agencies of the Conditional Letter of Map Revision (CLOMR) in 1993.
- Project Engineer responsible for the hydrology studies and hydraulic analysis for the design of Warm Springs Channel, Wardlow Wash, Salt Creek, Murrieta Creek, Lytle Creek and Temescal Wash channel reaches related to the land development projects in Elsinore Square, Wildrose Ranch, Menifee Ranch, and Audie Murphy Ranch from 1989 to 1993
- Project Engineer: Due to the Menifee Ranch Development Project, a flood control channel spillway design was conducted using Ogee Crest shape per Design of Small Dams guidelines on Brown Canyon Channel and was approved by the RCFCWCD.
- Project Engineer responsible for a CONSPAN culvert design on Salt Creek for Audie Murphy Ranch Development project, and preparation of CLOMR for submittal.

**DRAINAGE MASTER PLANS AND STUDIES**

Mr. Ying's responsibilities include setting the drainage system inventory, establishing criteria to meet the Cities' General Plans and the County's flood protection goals, conducting hydrologic studies/calculations and hydraulic analyses for the existing and proposed drainage systems, development of replacement and relief facilities, extending future drainage, setting priority, establishing capital improvement programs (CIP) and cost estimates, and preparation of project reports.

- City of Palmdale
- City of Inglewood
- City of Seal Beach
- City of Cypress
- Hydrologic, Hydraulic, and Scour Studies for Compton Creek Railroad Bridge Replacement for the Alameda Corridor Transportation Authority/US Army Corps of Engineers
- Hydraulic Study of Dominguez Channel from Los Angeles Harbor to Main Street in Carson for Alameda Corridor Transportation Authority
- City of Rancho Cucamonga
- Orange County Flood Control District Facilities
- Orange County Public Works
- City of Seal Beach

**FLOOD CONTROL FACILITY DESIGN PROJECTS**

- **Aspen/Graham/Walker Storm Drain PW Project No. 86 for the City of Cypress** - Project Engineer responsible for a hydrology study covering a drainage boundary of 110 acres, and hydraulic analyses for sizing a drainage system to convey the 25-year high confidence storm runoff. The project is proposed to replace the existing 60-inch pipe with a larger facility to meet the County of Orange flood protection criteria. The proposed storm drain system includes 857 feet of 6' (w) x 4' (h) RCB, 120 feet of 5' (w) x 4.5' (h) RCB, 246 feet of 5' (w) x 3.5' (h) RCB, 1,320 feet of 72-inch RCP, 294 feet of 48-inch RCP, 385 feet of 42-inch RCP, 209 feet of 36-inch RCP, 198 feet of 30-inch RCP, and 480 feet of 24-inch RCP. Because of shallow outlet facilities, two local sumps in the upstream drainage system, shallow ground cover was a very stringent restriction to the design. Therefore, various sizes of reinforced concrete boxes and pipes were incorporated into the design to best fit the street profiles and the existing utility crossings. Other restrictions of the project include high backwater level from Carbon Creek Channel (OCFCD Facility No. B01), providing protection at the two local sump areas, a 78-inch high pressure waterline crossing, and a local deficient sewer line crossing. Due to the above restrictions, series of hydraulic analyses were conducted to ascertain that the system could meet the design criteria. This project also includes the

construction of 400 feet of 8-inch sewer line for diverting the existing sewer flow from Belle Avenue to Ball Road in order to eliminate a high maintenance sewer siphon on Belle Avenue. A Water Quality Management Plan (WQMP) is prepared for complying with the requirements of the local NPDES Stormwater Program. In order to meet the requirements, several of Best Management Practices (BMPs) were recommended, including a biotreatment system to minimize the stormwater pollution by using an environmental green system.

- **Haster Basin and Pump Station for the Orange County Public Works Department** – Lead Drainage Engineer responsible for a 22-acre site basin storage analyses, 2,200 cfs inflow hydrologic studies and 460 cfs outflow hydraulic analysis, on-site drainage facility design, and the design plans of double 11.5' (w) x 6' (h) RCB of East Garden Grove-Wintersburg Channel (County Facility No. C05) with an adjacent 9'(w) x 6'(h) City of Anaheim future drainage improvements, and providing two (2) soccer fields for recreation park.
- **Myra Avenue In-Line Detention Basin and Storm Water Pump Station No. 2 for the City of Cypress** – Project Engineer responsible for preparation of a preliminary design report which developed and evaluated alternative projects to eliminate the condition and capacity deficiencies; final design; and complete construction inspection and management services for the project consisting of 1,351 feet of 14' W x 4.5' H reinforced concrete box in-line detention basin in Myra Avenue between Moody Street and Denni Street south of Carbon Creek Channel; improvements to the existing pump station wet well, a superstructure to house the new pumps and electrical equipment; two 33 cfs axial flow pumps with 125 HP VFD operated motors, a 250 kW natural gas emergency generator, and SCADA control system to provide expected value 100 year flood protection to the tributary area. The project included pre-purchasing the pumps, motors, and VFDs to allow completion prior to the rainy season.
- **Myra Avenue In-Line Detention Basin and Storm Water Pump Station No. 3 for the City of Cypress** – Project Engineer responsible for preparation of a preliminary design report, and final design for the project consisting of 2,000 feet of 14' W x 4.5' H reinforced concrete box in-line detention basin in Myra Avenue between Denni Street and Bloomfield Avenue south of Carbon Creek Channel, improvements to the existing pump station wet well, a superstructure to house the new pumps and electrical equipment, two 30 cfs axial flow pumps with 125 HP VFD operated motors, a 250 kW natural gas emergency generator, and electrical, controls and SCADA system to provide expected value 100 year flood protection to the tributary area in sump condition. The project included preparation of specifications for pre-purchasing the pumps, motors, and VFDs to allow completion prior to the next rainy season.
- **Deficiency Study for the County of Orange Flood Control District** – Project Engineer responsible for the preparation and reviewing of County's regional channel inventory list (267 miles), determination of existing channel capacity, reviewing the County's hydrologic data, identifying the deficient reaches, formulating planning level projects to eliminate the deficiencies, and estimating project costs for improving the deficient reaches.
- **Electric Avenue Storm Drain for the City of Seal Beach** – Project Engineer responsible for design of 1,150 feet of the 66-inch relief drain and laterals to provide expected value 100-year protection to the easterly portion of Old Town draining to the Seal Beach Pump Station.
- Candleberry Storm Drain for the City of Seal Beach
- Various On-Call Service Projects for Orange County Public Works
- Flomar Drain for the City of Whittier/US Army Corps of Engineers
- Corsair Way and Seal Beach Blvd. Storm Drain for the City of Seal Beach
- Review of Hydrologic and Hydraulic Studies for the Old Ranch Golf Course and Retarding Basin for the City of Seal Beach
- Hydraulic Study of Dominguez Channel from Los Angeles Harbor to Main Street in Carson for Alameda Corridor Transportation Authority
- Hydrologic, Hydraulic, and Scour Studies for Compton Creek Railroad Bridge Replacement for the Alameda Corridor Transportation Authority/US Army Corps of Engineers
- Project No. 9921 Drain Relocation for the Alameda Corridor Transportation Authority/Los Angeles County Department of Public Works
- Santa Ana-Santa Fe Channel for the Orange County Public Work and City of Tustin
- Westminster Channel, Greenville-Banning Channel, and Bolsa Chica Channel Repair for the Orange County Environmental Management Agency



- Anaverde Detention Dam and Sports Complex for the City of Palmdale Eastern Transportation Corridor Runoff Management Plan for the Transportation Corridor Agency of Orange County
- Peters Canyon and Marshburn Channel for the Transportation Corridor Agencies of Orange County
- Bolsa Chica Channel Supplemental Project Report for the Orange County Public Works

**ROADWAY DRAINAGE DESIGN PROJECTS**

- Hydrology and Hydraulic Analyses for Ocean Boulevard/Terminal Island Freeway Interchange Project for Port of Long Beach
- Hydrologic Studies and Hydraulic Design of Alagundo (El Segundo) Drain and In-Line Detention Basin for the Alameda Corridor Transportation Authority/Los Angeles County Department of Public Works
- Hydraulic and Scour Analysis Studies of Laguna Canyon Creek along and across SR 133 Upstream of SR 73 for Orange County Public Works)
- Roadway Drainage System design on Orange Freeway (SR 57) Traffic Lane Widening Project for Caltrans District 7

**STORMWATER POLLUTION PREVENTION PROJECTS**

Mr. Ying, a project engineer, worked on the following stormwater pollution prevention projects. His major responsibilities on these projects included review and approval of the Stormwater Pollution Prevention Plan (SWPPP) and Division of Water Quality Plan (DWQ), and preparation of Water Quality Management Plan (WQMP) for public agencies such as the City of Cypress , City of Seal Beach, City of Garden Grove, City of Whittier, City of Palmdale, City of Irvine, and the U. S. Air Force

**GARY J. HOBSON, P.E.****Role: QA/QC Review****YEARS WITH AKM**

12

**PROFESSIONAL REGISTRATION**

Civil Engineer, California 1986 [C40779]

Civil Engineer, Arizona 1989 [23777]

**EDUCATION**

B.S., Secondary Education, Indiana University Purdue University at Indianapolis, 1976

Post Graduate Studies, Civil Engineering, Indiana University Purdue University at Indianapolis, 1976 -78

**EXPERIENCE**

Mr. Gary Hobson, P.E., a Principal with AKM Consulting Engineers, with over 30 years of experience in water resources engineering, will be responsible for QA/QC. Mr. Hobson's professional experience; expertise in drainage and storm water runoff covers client and project management, planning, design, and construction support services for a variety of public works projects in both local and federal government sectors. Mr. Hobson also participated in quality control and value engineering teams for multi-disciplinary engineering projects. His responsibilities will include exploring innovative technical approaches from the beginning of the project and reviewing the work at key milestones to ensure that the work product meets the high standards for technical excellence. Mr. Hobson's relevant experience includes:

- **Oso Creek Flood Control Channel (LO3) for Orange County Flood Control District** - Project Engineer responsible for the hydraulic and structural design, and preparation of plans and specifications for 5000' of vertical wall channel, drop structures, box culverts, riprap trapezoidal transition section, and utility relocations for Orange County Environmental Management Agency.
- **Wasson Canyon Channel and Debris Basin, US Army Corps of Engineers and Riverside County Flood Control & Water Conservation District** - Project Engineer responsible for the design of Wasson Canyon Channel and Debris Basin. Wasson Canyon Channel (Ph 1) project included the design of 1,200 feet of vertical wall channel with two box culverts, and inlet transition and outlet transition structures. Wasson Canyon Debris Dam (Ph 2) project included grading and debris loading calculations, and spillway for an earth dam structure on Wasson Canyon Channel located immediately west of the I-15 Freeway.
- **Third Street Channel for the Riverside County Flood Control and Water Conservation District** – Project Engineer responsible for hydrologic studies, hydraulic analyses, and design of a trapezoidal channel tributary to Temescal Wash in Lake Elsinore
- **Slater Channel Structural Lining for the City of Huntington Beach** – Project Engineer for hydraulic and structural design calculations for 3,500 feet of trapezoidal concrete channel upstream of the Slater Pump Station.
- **Main Street and Oak Channel Debris Basins for the City of Corona** – Project Manager responsible for studying the recharge capabilities of two flood control debris basins for the recharge of groundwater. In addition to the hydraulic and hydrologic elements, inlet metering and outlet metering structures, water quality impacts and flood control mitigation were important elements in the study.
- **Myra Avenue In-line Detention Basin and Storm Water Pump Station No. 3 for the City of Cypress** – QA/QC Manager responsible for preparation of a preliminary design report, and final design for the project consisting of 2,000 feet of 14' W x 4.5' H reinforced concrete box in-line detention basin in Myra Avenue between Denni Street and Bloomfield Avenue south of Carbon Creek Channel, improvements to the existing pump station wet well, a superstructure to house the new pumps and electrical equipment, two 30 cfs axial flow pumps with 125 HP VFD operated motors, a 250 kW natural gas emergency generator, and electrical, controls and SCADA system to provide expected value 100 year flood protection to the tributary area in sump condition. The project included preparation of specifications for pre-purchasing the pumps, motors, and VFDs to allow completion prior to the next rainy season.

- **Myra Avenue In-line Detention Basin and Storm Water Pump Station No. 2 for the City of Cypress** – QA/QC Manager responsible for preparation of a preliminary design report which developed and evaluated alternative projects to eliminate the condition and capacity deficiencies; final design; and complete construction inspection and management services for the project consisting of 1,351 feet of 14' W x 4.5' H reinforced concrete box in-line detention basin in Myra Avenue between Moody Street and Denni Street south of Carbon Creek Channel; improvements to the existing pump station wet well, a superstructure to house the new pumps and electrical equipment; two 33 cfs axial flow pumps with 125 HP VFD operated motors, a 250 kW natural gas emergency generator, and SCADA control system to provide expected value 100 year flood protection to the tributary area . The project included pre-purchasing the pumps, motors, and VFDs to allow completion prior to the rainy season.
- **Rattlesnake Creek and Poway Creek Improvements** - Project Manager responsible for the design of grass lined trapezoidal channel in Community Park for the City of Poway; including preparing a FEMA Letter of Map Amendment (LOMA) for Rattlesnake Creek, and a LOMA for a portion of Poway Creek.
- **SD 03 Stormwater Pump Station Improvements for the City of Long Beach** – QA/QC Manager for the project which replaced the existing capacity deficient pumps with three 70-cfs, 350 HP VFD operated pumps to provide Capital Flood (50-year storm) protection to the tributary area. The project included installation of suction umbrellas to maximize the storage capacity in the wet well, wet well improvements to bring it into compliance with the Hydraulic Institute Standards, a 1 megawatt natural gas engine standby generator, and relining of the existing 36-inch discharge pipes between the pump station and the Los Angeles River.
- **Haster Retarding Basin and Stormwater Pump Station for Orange County Public Works** – QA/QC Manager responsible for hydrologic and hydraulic studies, alternatives evaluation, preparation of a Preliminary Design Report, final design, and engineering services during construction for a 260 acre-foot flow-through retarding basin and a 460 cfs capacity pump station (three 153.4 cfs axial flow pumps driven by 845 HP natural gas/LPG engines) to provide expected value 100-year protection to a 2,000 acre watershed in Anaheim and Garden Grove. The project included two sump pumps (125 HP, 3,000 gpm and 25 HP 500 gpm), urban runoff water quality enhancements, grading to provide space for recreational features including two soccer fields, and providing bidding and construction support services.
- **SERRA Treatment Plant Flood Protection for the South East Regional Reclamation Authority**- Project Engineer responsible for hydrologic and hydraulic studies, and design of storm drains, box culverts, levee and retaining walls to protect against the 100-year flood in Dana Point for the South East Regional Reclamation Authority
- **City-wide Flood Control Master Drainage Plan for the City of National City** – QA/QC Manager responsible for preparing a city-wide Flood Control Master Drainage Plan for all pipes larger than 18" in diameter for the City of National City in conformance with San Diego County Flood Control criteria.
- **City-wide Flood Control Master Drainage Plan for the City of Santee** – QA/QC Manager responsible for preparing a drainage plan for pipes larger than 18" in conformance with San Diego Flood Control criteria.
- **Storm Drainage System Master Plan for the City of Manhattan Beach** – QA/QC Manager responsible for the development of a model to assess the impact of 10, 25, and 50-year storms on local/regional facilities in conformance with Los Angeles County criteria, and evaluation of local drainage problems.
- **On-Site and Off-Site Drainage Studies, New Headquarters Building for the Yorba Linda Water District** – QA/QC Manager responsible for on-site and off-site hydrology and hydraulic studies for the District's new headquarters building, site regrading, water quality BMPs, sizing of inlets and catch basin inserts, and 12" to 36" size storm drain pipes sized for a Q50 sump connection.

**JON NITTA, P.E.****Project Role: Design Engineer****YEARS WITH AKM**

12

**PROFESSIONAL REGISTRATION**

Registered Civil Engineer, California, 2006

**EDUCATION**

Bachelor of Science in Civil Engineering, University of California Los Angeles, 2001

**EXPERIENCE**

Mr. Nitta has extensive background in water resources engineering including hydrologic studies, hydraulic analyses, and drainage facility design. His background includes four recent drainage master plans and numerous flood control facility analysis and designs. His experience includes:

- **Master Plan of Drainage for the City of Seal Beach** – Staff Engineer for the preparation the City's Master Plan of Drainage Update in 2008, including system inventory and GIS, hydrologic and hydraulic analyses (WSPG), development of replacement and relief facilities as well as upstream extensions to meet criteria, prioritization, cost estimate development and report preparation.
- **Master Plan of Drainage Update for the City of Cypress** – Staff Engineer for the preparation of the update to the 1996 Master Plan of Drainage, including establishment of criteria, system inventory and GIS, hydrologic and hydraulic analyses (WSPG) formulation of replacement and relief facilities, as well as system extensions to meet criteria; prioritization; cost estimates; and report preparation.
- **Etiwanda Area Master Plan of Drainage Update for the City of Rancho Cucamonga-** Staff Engineer responsible for updating of the master plan which included hydrologic studies, hydraulic analyses (WSPG) to identify the necessary ultimate regional, secondary regional, master plan, and local drainage facilities for the area east of Day Creek, and tributary to Etiwanda and San Sevaine Creeks.
- **Master Plan of Drainage for the City of Inglewood** - Lead Hydrology Engineer for the preparation the Master Plan of Drainage for the 10 square mile drainage area including hydrologic studies to develop design discharges utilizing MODRAT.
- **Deficiency Study for Orange County Flood Control District** – Staff Engineer responsible for the preparation of a report that included an inventory list, capacity analysis, and construction cost estimate for all of Orange County Flood Control District's (OCFCD) 78 regional storm channels (267 miles), 27 retarding basins, and 8 pump stations. The Deficiency Study is used for the Orange County Public Works annual Business Plan, as data to supplement the current inventory of flood control facilities, and for the Orange County American Society of Civil Engineers' infrastructure grading report card.
- **Myra Avenue In-line Detention Basin and Storm Water Pump Station No. 3 for the City of Cypress** – Staff Engineer (Hydrologic Studies and Hydraulic Analysis) responsible for preparation of a preliminary design report, and final design for the project consisting of 2,000 feet of 14' W x 4.5' H reinforced concrete box in-line detention basin in Myra Avenue between Denni Street and Bloomfield Avenue south of Carbon Creek Channel, improvements to the existing pump station wet well, a superstructure to house the new pumps and electrical equipment, two 30 cfs axial flow pumps with 125 HP VFD operated motors, a 250 kW natural gas emergency generator, and electrical, controls and SCADA system to provide expected value 100 year flood protection to the tributary area in sump condition. The project included preparation of specifications for pre-purchasing the pumps, motors, and VFDs to allow completion prior to the next rainy season.
- **Myra Avenue In-line Detention Basin and Storm Water Pump Station No. 2 for the City of Cypress** – Staff Engineer (Hydrologic Studies and Hydraulic Analysis) responsible for preparation of a preliminary design report which developed and evaluated alternative projects to eliminate the condition and capacity deficiencies; final design; and complete construction inspection and management services for the project consisting of 1,351 feet of 14' W x 4.5' H reinforced concrete box in-line detention basin in Myra Avenue

between Moody Street and Denni Street south of Carbon Creek Channel; improvements to the existing pump station wet well, a superstructure to house the new pumps and electrical equipment; two 33 cfs axial flow pumps with 125 HP VFD operated motors, a 250 kW natural gas emergency generator, and SCADA control system to provide expected value 100 year flood protection to the tributary area . The project included pre-purchasing the pumps, motors, and VFDs to allow completion prior to the rainy season.

- **Electric Avenue Storm Drain for the City of Seal Beach** – Staff Engineer responsible for detailed hydrologic studies, hydraulic analyses, and design of the 66" relief drain and laterals to provide expected value 100-year protection to a portion of Old Town draining to the Seal Beach Pump Station.
- **Candleberry Storm Drain for the City of Seal Beach** – Staff Engineer responsible for design of 425 feet of single 10' (w) x 3' (h); 134 feet of single 7' (w) x 2'-3" (h) RCB relief drain and laterals to provide expected value 100-year protection to a portion of College Park East area which drains to Old Ranch Golf Course. The project also included relocation and improvements of sewer system.
- **Flomar Drain for the City of Whittier/US Army Corps of Engineers** – Staff Engineer responsible for the coordination with LACDPW and US Army Corps, and design of 1,575 feet of 6' (w) x 3.5' (h) reinforced concrete box. This project was funded and administered by the US Army Corp of Engineers.
- **Stormwater Pump Station No.1 Preliminary Design Report for the City of Cypress-** Staff Engineer responsible for conducting hydrologic studies and hydraulic analyses of alternatives to eliminate the capacity deficiency in the existing facility, and formulating a recommended project including the tributary storm drain system.
- **Stormwater Pump Station No.'s 2 and 3 Preliminary Design Report for the City of Cypress-** Staff Engineer responsible for the hydrologic studies and hydraulic analyses for evaluating alternatives to eliminate the capacity deficiency in the existing facility, and formulating two alternatives for consideration by the City. Alternatives included a parallel new pump station, and an in-line detention basin to attenuate the peak flow to the capacity of the existing pump station.

**APPENDIX B**  
**Rate Schedule**

---



**AKM CONSULTING ENGINEERS  
HOURLY FEE SCHEDULE  
December 2013**

<u>Labor Classification</u>	<u>Hourly Rate</u>
1. Principal	\$205.00
2. Principal Engineer	\$195.00
3. Project Manager	\$195.00
4. Project Engineer	\$185.00
5. Resident Engineer	\$175.00
6. Senior Engineer	\$175.00
7. Associate Engineer	\$125.00
8. Financial Analyst	\$100.00
9. Construction Manager	\$130.00
10. Staff Engineer	\$120.00
11. Inspector	\$105.00
12. Assistant Engineer	\$87.00
13. Senior Designer/Senior CADD Technician	\$90.00
14. Designer/CADD Technician	\$85.00
15. Engineering Technician	\$80.00
16. Engineering Aide	\$55.00
17. Data or Word Processing	\$60.00
18. Office Support	\$55.00

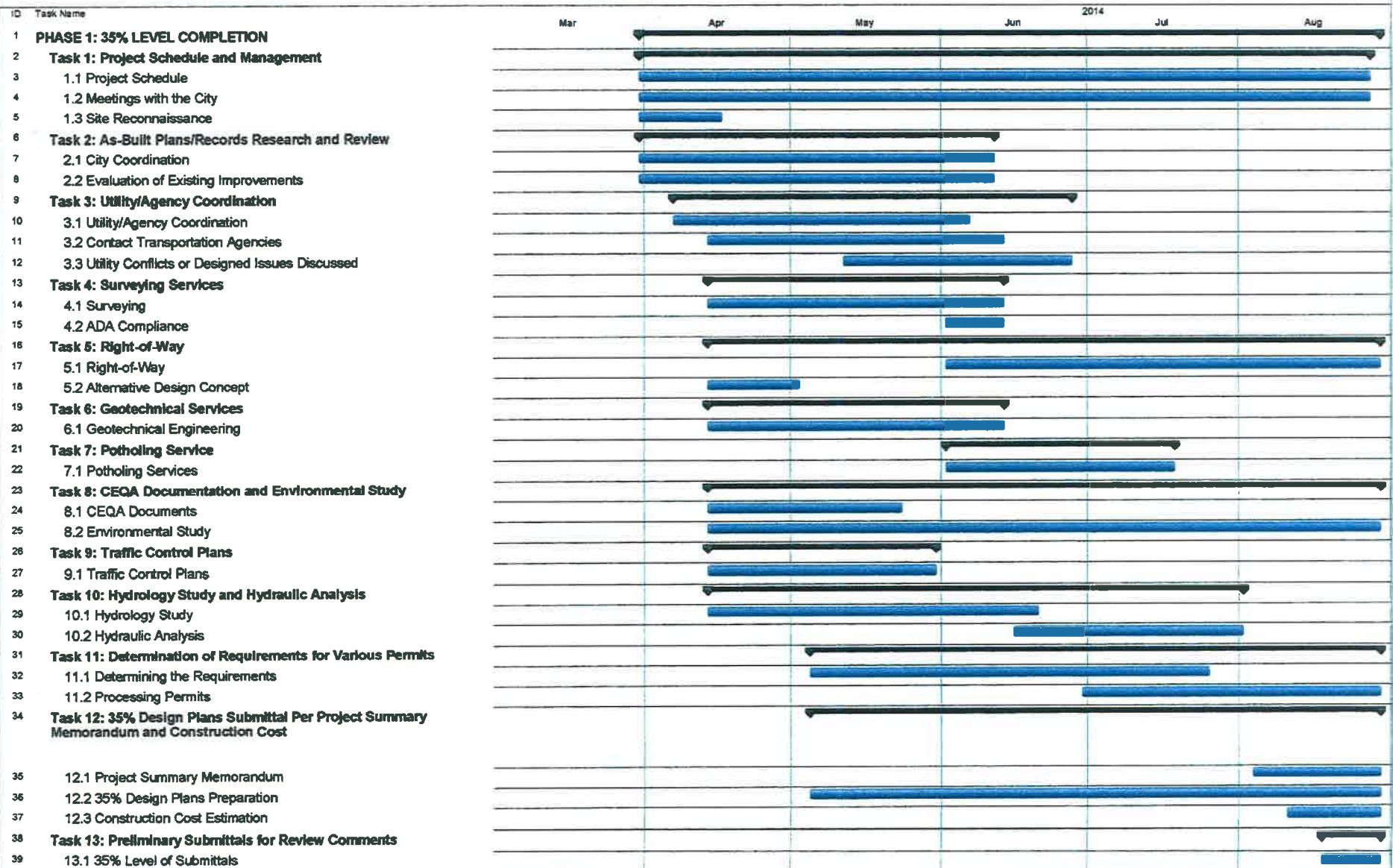
Out of pocket expenses (blueprinting, reproduction and printing, delivery, etc.) will be invoiced at cost plus 5%. Subcontracted services will be marked up 5% in order to cover costs associated with administration, coordination and management of subcontractors. Mileage will be invoiced at \$0.65/mile. This schedule of rates is in effect until December 31, 2014, at which time it may be adjusted.

**APPENDIX C**  
**Project Schedule**

---

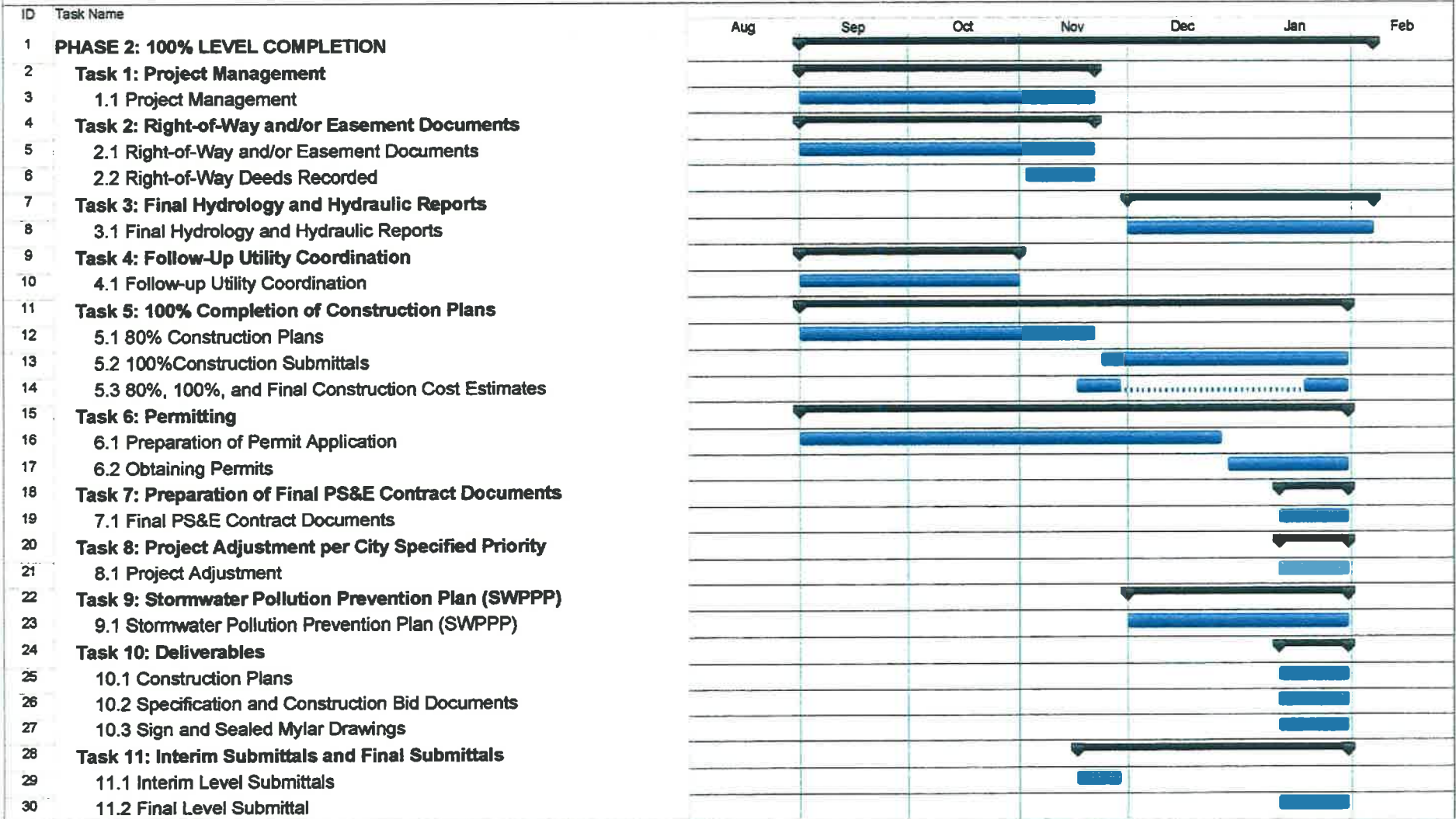


**PROJECT SCHEDULE**  
**City of Moreno Valley**  
 Professional Consultant Design Services for San Timoteo Foothill  
 Neighborhood Flood Protection Moreno Master Plan Storm Drain Lines K1 and K4, Project No. 804 007 70 77  
 December 12, 2013 (Revised February 5, 2014)



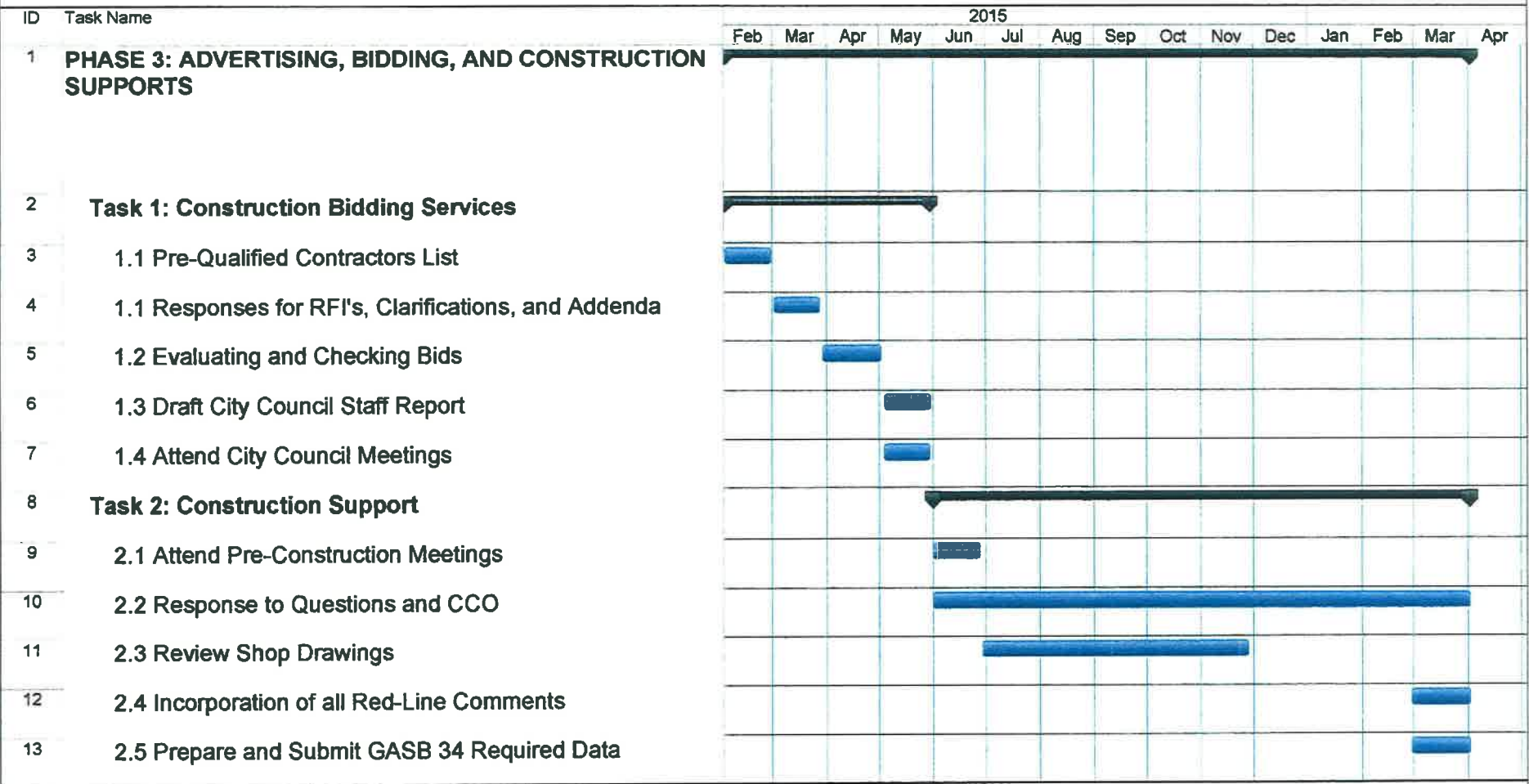
AKM Proposal No. 13-1103	<table border="0"> <tr> <td>Task</td> <td></td> <td>Project Summary</td> <td></td> <td>Inactive Milestone</td> <td></td> <td>Manual Summary Rollup</td> <td></td> <td>Progress</td> </tr> <tr> <td>Split</td> <td></td> <td>External Tasks</td> <td></td> <td>Inactive Summary</td> <td></td> <td>Manual Summary</td> <td></td> <td>Split</td> </tr> <tr> <td>Milestone</td> <td></td> <td>External MileTask</td> <td></td> <td>Manual Task</td> <td></td> <td>Start-only</td> <td></td> <td></td> </tr> <tr> <td>Summary</td> <td></td> <td>Inactive Task</td> <td></td> <td>Duration-only</td> <td></td> <td>Finish-only</td> <td></td> <td></td> </tr> </table>	Task		Project Summary		Inactive Milestone		Manual Summary Rollup		Progress	Split		External Tasks		Inactive Summary		Manual Summary		Split	Milestone		External MileTask		Manual Task		Start-only			Summary		Inactive Task		Duration-only		Finish-only		
Task		Project Summary		Inactive Milestone		Manual Summary Rollup		Progress																													
Split		External Tasks		Inactive Summary		Manual Summary		Split																													
Milestone		External MileTask		Manual Task		Start-only																															
Summary		Inactive Task		Duration-only		Finish-only																															

**PROJECT SCHEDULE**  
 City of Moreno Valley  
 Professional Consultant Design Services for San Timoteo Foothill  
 Neighborhood Flood Protection Moreno Master Plan Storm Drain Lines K1 and K4, PProject No. 804 007 70 77  
 December 12, 2013 (Revised February 5, 2014)



AKM Proposal No. 13-1103	Task		External Tasks		Manual Task		Finish-only	
	Split		External MileTask		Duration-only		Progress	
	Milestone		Inactive Task		Manual Summary Rollup		Split	
	Summary		Inactive Milestone		Manual Summary			
	Project Summary		Inactive Summary		Start-only			

**PROJECT SCHEDULE**  
**City of Moreno Valley**  
**Professional Consultant Design Services for San Timoteo Foothill**  
**Neighborhood Flood Protection Moreno Master Plan Storm Drain Lines K1 and K4, PProject No. 804 007 70 77**  
**December 12, 2013 (Revised February 5, 2014)**



-165-

Item No. A.4

AKM Proposal No. 13-1103	Task		External MileTask		Manual Summary Rollup	
	Split		Inactive Task		Manual Summary	
	Milestone		Inactive Milestone		Start-only	
	Summary		Inactive Summary		Finish-only	
	Project Summary		Manual Task		Progress	
	External Tasks		Duration-only		Split	



**APPENDIX D**

---

**Resource Matrix (Staff Hours)**

**City of Moreno Valley**  
**San Timoteo Foothill Neighborhood Flood Protection, Moreno Master Plan Storm Drain Lines K1 and K4**  
**Project No. 804 0007 70 77**  
**Resource Matrix (Revised February 5, 2014)**

Task	Description	Project Manager	Project Engineer	Assistant Engineer	CADD Group	Clerical	Sub-Consultant Hours	Total Hours
<b>PHASE 1: 35% LEVEL COMPLETION</b>								
<b>Task No. 1: Project Schedule and Management</b>								
1.1	Project Schedule	2	2			2		6
1.2	Meetings with the City	18	18			8		44
1.3	Site Reconnaissance		4	12		2		18
<b>Task No. 2: As-Built Plans/Records Research and Review</b>								
2.1	City Coordination		8	32		8		48
2.2	Evaluation of Existing Improvements		4	24		8		36
<b>Task No. 3: Utility/Agency Coordination</b>								
3.1	Utility/Agency Coordination	2	8	24		16		50
3.2	Contact Transportation Agencies	2	8	24		16		50
3.3	Utility Conflicts or Design Issues Discussed	4	8	32		16		60
<b>Task No. 4: Surveying Services</b>								
4.1	Surveying		4	8	8		62	82
4.2	ADA Compliance		4	16	8	4		32
<b>Task No. 5: Right-of-Way</b>								
5.1	Right-of-Way Study	8	20	40	16	8	164	256
5.2	Right-of-Way Evaluation	4	4					8
<b>Task No. 6: Geotechnical Services</b>								
6.1	Geotechnical Engineering	2	2		4	2	115	125
<b>Task No. 7: Potholing Services</b>								
7.1	Potholing	0	2	8	4	2	56	72
<b>Task No. 8: Environmental Study and CEQA Documentation</b>								
8.1	Environmental Study	4	8	16		4	340	372
8.2	CEQA Documents	4	8	8		4	104	128
<b>Task No. 9: Traffic Control Plans</b>								
9.1	Traffic Control Plans (by Contractor)		0	0	0		0	0
<b>Task No. 10: Hydrology Study and Hydraulic Analysis</b>								
10.1	Hydrology Study	2	4	40		4		50
10.2	Hydraulic Analysis	2	4	16		4		26
<b>Task No. 11: Determination of Requirements for Various Permits</b>								
11.1	Determining the Requirements	4	8	32		8		52
11.2	Processing Permits		16	64		8		88
<b>Task No. 12: 35% Design Plans Submittal Per Project Summary Memorandum and with Construction Cost Estimate</b>								
12.1	Project Summary Memorandum	2	16			4		22
12.2	35% Design Plans Preparation	8	24	60	120	2		214
12.3	Construction Cost Estimate	2	8			2		12
<b>Task No. 13: Preliminary Submittal for Review Comments</b>								
13.1	35% Level Submittals	2	8	8	16	4		38
13.2	Expenses							
<b>Sub-Total of Phase 1: 35% Level Completion</b>		<b>72</b>	<b>200</b>	<b>464</b>	<b>176</b>	<b>136</b>	<b>841</b>	<b>1889</b>

<b>PHASE 2: 100% LEVEL COMPLETION</b>							
<b>Task No. 1: Project Management</b>							
1.1	Project Management	16	24			8	48
<b>Task No. 2: Right-of-Way and/or Easement Documents</b>							
2.1	Right-of-Way and/or Easement Documents	8	24	8	24	4	68
<b>Task No. 3: Final Hydrology and Hydraulic Reports</b>							
3.1	Final Hydrology and Hydraulic Reports	2	8	16		2	28
<b>Task No. 4: Follow-Up Utility Coordination</b>							
4.1	Follow-Up Utility Coordination	2	4	8		2	16
<b>Task No. 5: 100% Completion of Construction Plans</b>							
5.1	80%, 100%, and Final Construction Plans	12	32	60	120	2	226
5.2	80%, 100%, and Final Specifications Submittals	12	40			16	68
5.3	80%, 100%, and Final Construction Cost Estimates	2	8			2	12
<b>Task No. 6: Permitting</b>							
6.1	Preparation of Permit Application		16	24		4	44
6.2	Obtaining Permits		4	16	24	4	48
<b>Task No. 7: Preparation of Final PS&amp;E Contract Documents</b>							
7.1	Final PS&E Contract Documents	2	2	4	8	4	20
<b>Task No. 8: Project Adjustment per City Specified Priority</b>							
8.1	Project Adjustment	2	4	4	8	2	20
<b>Task No. 9: Stormwater Pollution Prevention Plan (SWPPP)</b>							
9.1	Stormwater Pollution Prevention Plan (SWPPP) (by Contractor)						0
<b>Task No. 10: Deliverables</b>							
10.1	Construction Plans	2	2		16		20
10.2	Specification and Construction Bid Documents	2	2			16	20
10.2	Sign and Sealed Mylar Drawings	2	2		8	2	14
<b>Task No. 11: Interim Submittals and Final Submittals</b>							
11.1	Interim Level Submittals					4	4
11.2	Final Level Submittal					2	2
11.3	Expenses						0
<b>Sub-Total of Phase 2: 100% and Final Level Completion</b>		<b>64</b>	<b>172</b>	<b>140</b>	<b>208</b>	<b>74</b>	<b>658</b>
<b>PHASE 3: ADVERTISING, BIDDING, AND CONSTRUCTION SUPPORTS</b>							
<b>Task No. 1: Construction Bidding Services</b>							
1.1	Responses for RFI's, Clarifications, and Addenda	6	12	10	4	4	36
1.2	Evaluating and Checking Bids (by City)						0
1.3	Draft City Council Staff Report (by City)						0
1.4	Attend City Council Meetings (by City)						0
<b>Task No. 2: Construction Support</b>							
2.1	Attend Pre-Construction Meetings	0	4			2	6
2.2	Response to Questions and CCO	4	16	12	12	4	48
2.3	Review Shop Drawings		40	8		2	50
2.4	Incorporation of all Red-Line Comments		2	8	24		34
2.5	Prepare and Submit GASB 34 Required Data	2	8			2	12
2.6	Expenses						
<b>Sub-Total of Phase 3: Advertising, Bidding, and Construction Support</b>		<b>12</b>	<b>82</b>	<b>38</b>	<b>40</b>	<b>14</b>	<b>186</b>
<b>Addition Work as Requested by City</b>							
<b>Total Hours</b>		<b>148</b>	<b>454</b>	<b>642</b>	<b>424</b>	<b>224</b>	<b>2,733</b>


**APPENDIX E**

---

**Certificates**

## DISCLOSURE OF LOBBYING ACTIVITIES

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

<b>1. Type of Federal Action:</b> <input checked="" type="checkbox"/> a. Contract b. Grant c. Cooperative agreement d. Loan e. Loan guarantee f. Loan insurance	<b>2. Status of Federal Action:</b> <input checked="" type="checkbox"/> a. Bid/offer/application b. Initial award c. Post-award	<b>3. Report Type:</b> <input checked="" type="checkbox"/> a. Initial filing b. Material change <b>For Material Change Only:</b> Year _____ Quarter _____ Date of last report _____
<b>4. Name and Address of Reporting Entity:</b> <input checked="" type="checkbox"/> Prime <input type="checkbox"/> Subawardee AKM Consulting Engineers Tier _____, <i>if known</i> 553 Wald Irvine, CA 92618  Congressional District, <i>if known</i> :	<b>5. If Reporting Entity in No. 4 is Subawardee. Enter Name and Address of Prime:</b>   Congressional District, <i>if known</i> :	
<b>6. Federal Department/Agency:</b> City of Moreno Valley	<b>7. Federal Program Name/Description:</b> San Timoteo Foothill Neighborhood Flood Protection, Moreno Master Plan Storm Drain Lines K1 and K4 Project No. 804 0007 70 77 CFDA Number, <i>if applicable</i> _____	
<b>8. Federal Action Number, if known:</b>	<b>9. Award Amount, if known:</b>  \$	
<b>10. Name and Address of Lobbying Entity</b> <i>(If individual, last name, first name, MI):</i>	<b>b. Individuals Performing Services</b> <i>(including address if different from No. 10a)</i> <i>(Last name, first name, MI):</i>	
<b>11. Information requested through this form is authorized by Title 31 U.S.C. Section 1362. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1362. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b>	Signature:  Print Name: <u>Zeki Kayiran</u>  Title: <u>President</u>  Telephone No.: <u>949-735-6843</u> Date: <u>12-12-2013</u>	
<b>Federal Use Only:</b>		Authorized for Local Reproduction Standard Form - LLL (Rev. 7-87)

Standard Form LLL Rev. 06-04-90

W:\CapProj\CapProj\BOILER\Consultant\WFP-Letter-Attachment\Boiler RFP\_DBE\WFP Attachment-Form LLL-DBE.doc



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

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

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

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

**APPENDIX F**

---

**Cost Proposal**

**City of Moreno Valley**  
**San Timoteo Foothill Neighborhood Flood Protection, Moreno Master Plan Storm Drain Lines K1 and K4**  
**Project No. 804 0007 70 77**

**Cost Proposal (Revised February 5, 2014)**

Task	Description	Project Manager	Project Engineer	Assistant Engineer	CADD Group	Clerical	AKM Total Hours	AKM Labor Cost	Sub-Consultant Hours	Sub-Consultant Cost	Total Cost
<b>PHASE 1: 35% LEVEL COMPLETION</b>											
<b>Task No. 1: Project Schedule and Management</b>											
1.1	Project Schedule	2	2			2	6	\$870			\$870
1.2	Meetings with the City	18	18			8	44	\$7,280			\$7,280
1.3	Site Reconnaissance		4	12		2	18	\$1,894			\$1,894
<b>Task No. 2: As-Built Plans/Records Research and Review</b>											
2.1	City Coordination		8	32		8	48	\$4,704			\$4,704
2.2	Evaluation of Existing Improvements		4	24		8	36	\$3,268			\$3,268
<b>Task No. 3: Utility/Agency Coordination</b>											
3.1	Utility/Agency Coordination	2	8	24		16	50	\$4,838			\$4,838
3.2	Contact Transportation Agencies	2	8	24		16	50	\$4,838			\$4,838
3.3	Utility Conflicts or Design Issues Discussed	4	8	32		16	60	\$5,924			\$5,924
<b>Task No. 4: Surveying Services</b>											
4.1	Surveying		4	8	8		20	\$2,116	62	\$10,120	\$12,236
4.2	ADA Compliance		4	16	8	4	32	\$3,032		\$0	\$3,032
<b>Task No. 5: Right-of-Way</b>											
5.1	Right-of-Way Study	8	20	40	16	8	92	\$10,540	164	\$26,568	\$37,108
5.2	Right-of-Way Evaluation	4	4				8	\$1,520			\$1,520
<b>Task No. 6: Geotechnical Services</b>											
6.1	Geotechnical Engineering	2	2		4	2	10	\$1,210	115	\$15,332	\$16,542
<b>Task No. 7: Potholing Services</b>											
7.1	Potholing	0	2	8	4	2	16	\$1,516	56	\$17,172	\$18,688
<b>Task No. 8: Environmental Study and CEQA Documentation</b>											
8.1	Environmental Study	4	8	16		4	32	\$3,872	340	\$40,227	\$44,099
8.2	CEQA Documents	4	8	8		4	24	\$3,176	104	\$12,305	\$15,481
<b>Task No. 9: Traffic Control Plans</b>											
9.1	Traffic Control Plans (by Contractor)		0	0	0		0	\$0	0	\$0	\$0
<b>Task No. 10: Hydrology Study and Hydraulic Analysis</b>											
10.1	Hydrology Study	2	4	40		4	50	\$4,830			\$4,830
10.2	Hydraulic Analysis	2	4	16		4	26	\$2,742			\$2,742
<b>Task No. 11: Determination of Requirements for Various Permits</b>											
11.1	Determining the Requirements	4	8	32		8	52	\$5,484			\$5,484
11.2	Processing Permits		16	64		8	88	\$8,968			\$8,968
<b>Task No. 12: 35% Design Plans Submittal Per Project Summary Memorandum and with Construction Cost Estimate</b>											
12.1	Project Summary Memorandum	2	16			4	22	\$3,570			\$3,570
12.2	35% Design Plans Preparation	8	24	60	120	2	214	\$21,530			\$21,530
12.3	Construction Cost Estimate	2	8			2	12	\$1,980			\$1,980
<b>Task No. 13: Preliminary Submittal for Review Comments</b>											
13.1	35% Level Submittals	2	8	8	16	4	38	\$4,146			\$4,146
13.2	Expenses										\$2,000
<b>Sub-Total of Phase 1: 35% Level Completion</b>		<b>72</b>	<b>200</b>	<b>464</b>	<b>176</b>	<b>136</b>	<b>1,048</b>	<b>\$113,848</b>	<b>841</b>	<b>\$121,724</b>	<b>\$237,572</b>
<b>PHASE 2: 100% LEVEL COMPLETION</b>											
<b>Task No. 1: Project Management</b>											
1.1	Project Management	16	24			8	48	\$8,000			\$8,000
<b>Task No. 2: Right-of-Way and/or Easement Documents</b>											
2.1	Right-of-Way and/or Easement Documents	8	24	8	24	4	68	\$8,956			\$8,956
<b>Task No. 3: Final Hydrology and Hydraulic Reports</b>											
3.1	Final Hydrology and Hydraulic Reports	2	8	16		2	28	\$3,372			\$3,372
<b>Task No. 4: Follow-Up Utility Coordination</b>											
4.1	Follow-Up Utility Coordination	2	4	8		2	16	\$1,936			\$1,936
<b>Task No. 5: 100% Completion of Construction Plans</b>											
5.1	80%, 100%, and Final Construction Plans	12	32	60	120	2	226	\$23,790			\$23,790
5.2	80%, 100%, and Final Specifications Submittals	12	40			16	68	\$10,620			\$10,620
5.3	80%, 100%, and Final Construction Cost Estimates	2	8			2	12	\$1,980			\$1,980
<b>Task No. 6: Permitting</b>											
6.1	Preparation of Permit Application		16	24		4	44	\$5,268			\$5,268
6.2	Obtaining Permits		4	16	24	4	48	\$4,392			\$4,392
<b>Task No. 7: Preparation of Final PS&amp;E Contract Documents</b>											

7.1	Final PS&E Contract Documents	2	2	4	8	4	20	\$2,008			\$2,008
<b>Task No. 8: Project Adjustment per City Specified Priority</b>											
8.1	Project Adjustment	2	4	4	8	2	20	\$2,268			\$2,268
<b>Task No. 9: Stormwater Pollution Prevention Plan (SWPPP)</b>											
9.1	Stormwater Pollution Prevention Plan (SWPPP) (by Contractor)						0	\$0			\$0
<b>Task No. 10: Deliverables</b>											
10.1	Construction Plans	2	2		16		20	\$2,120			\$2,120
10.2	Specification and Construction Bid Documents	2	2			16	20	\$1,640			\$1,640
10.2	Sign and Sealed Mylar Drawings	2	2		8	2	14	\$1,550			\$1,550
<b>Task No. 11: Interim Submittals and Final Submittals</b>											
11.1	Interim Level Submittals					4	4	\$220			\$220
11.2	Final Level Submittal					2	2	\$110			\$110
11.3	Expenses										\$3,000
<b>Sub-Total of Phase 2: 100% and Final Level Completion</b>		<b>64</b>	<b>172</b>	<b>140</b>	<b>208</b>	<b>74</b>	<b>658</b>	<b>\$78,230</b>		<b>\$0</b>	<b>\$81,230</b>
<b>PHASE 3: ADVERTISING, BIDDING, AND CONSTRUCTION SUPPORTS</b>											
<b>Task No. 1: Construction Bidding Services</b>											
1.1	Responses for RFI's, Clarifications, and Addenda	6	12	10	4	4	36	\$4,820			\$4,820
1.2	Evaluating and Checking Bids (by City)							\$0			\$0
1.3	Draft City Council Staff Report (by City)							\$0			\$0
1.4	Attend City Council Meetings (by City)							\$0			\$0
<b>Task No. 2: Construction Support</b>											
2.1	Attend Pre-Construction Meetings	0	4			2	6	\$850			\$850
2.2	Response to Questions and CCO	4	16	12	12	4	48	\$6,024			\$6,024
2.3	Review Shop Drawings		40	8		2	50	\$8,206			\$8,206
2.4	Incorporation of all Red-Line Comments		2	8	24		34	\$3,106			\$3,106
2.5	Prepare and Submit GASB 34 Required Data	2	8			2	12	\$1,980			\$1,980
2.6	Expenses										\$1,000
<b>Sub-Total of Phase 3: Advertising, Bidding, and Construction Support</b>		<b>12</b>	<b>82</b>	<b>38</b>	<b>40</b>	<b>14</b>	<b>186</b>	<b>\$24,986</b>		<b>\$0</b>	<b>\$25,986</b>
<b>Addition Work as Requested by City</b>											<b>\$5,000</b>
<b>Total Hours</b>		<b>148</b>	<b>454</b>	<b>642</b>	<b>424</b>	<b>224</b>	<b>1,892</b>		<b>841</b>		<b>2,733</b>
<b>Hourly Rate</b>		<b>\$195</b>	<b>\$185</b>	<b>\$87</b>	<b>\$85</b>	<b>\$55</b>					
<b>TOTAL</b>		<b>\$28,860</b>	<b>\$83,990</b>	<b>\$55,854</b>	<b>\$36,040</b>	<b>\$12,320</b>		<b>\$217,064</b>		<b>\$121,724</b>	<b>\$349,788</b>

CITY - SERVICES TO BE PROVIDED  
TO CONSULTANT

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

**EXHIBIT "C"**

## TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed **\$349,788**.
2. The Consultant will obtain, and keep current during the term of this Agreement, the required City of Moreno Valley business license. Proof of a current City of Moreno Valley business license will be required prior to any payments by the City. Any invoice not paid because the proof of a current City of Moreno Valley business license has not been provided will not incur any fees, late charges, or other penalties. Complete instructions for obtaining a City of Moreno Valley business license are located at: [http://www.moval.org/do\\_biz/biz-license.shtml](http://www.moval.org/do_biz/biz-license.shtml)
3. The Consultant will electronically submit an invoice to the City for milestone payments along with documentation evidencing services completed to date. The milestone payment is based on actual time and materials expended in furnishing authorized professional services during the preceding period. The project milestones are identified in Section VIII titled "Payment to Consultant" of the City's Request for Proposal. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any milestone payment shall be final. The consultant will submit all original invoices to Accounts Payable staff at [AccountsPayable@moval.org](mailto:AccountsPayable@moval.org). Accounts Payable questions can be directed to (951) 413-3073. Copies of invoices may be submitted to the Capital Projects Division, calls directed to (951) 413-3155.

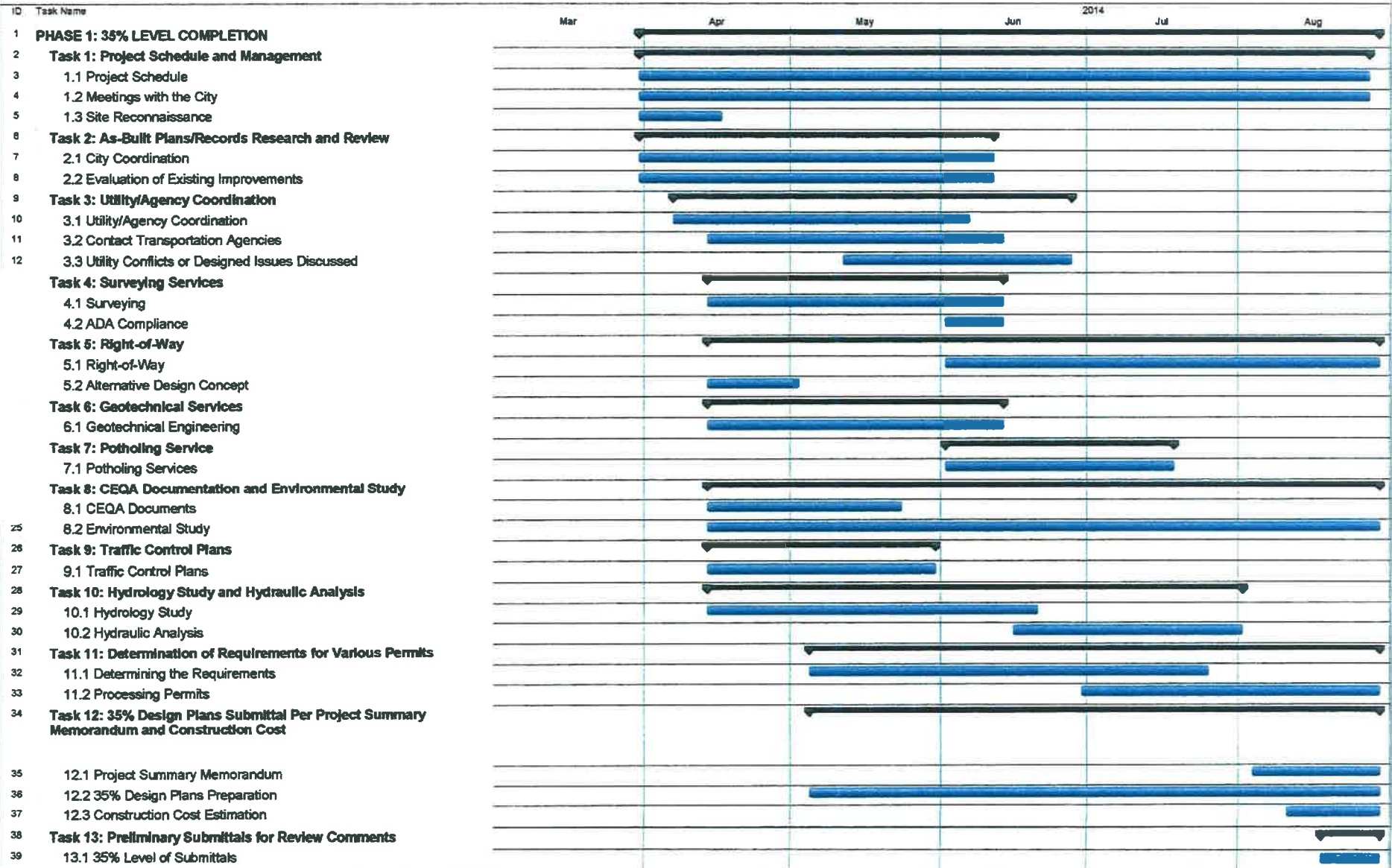
## EXHIBIT "D"

**EXHIBIT "D"**  
**PROJECT NO. 804 0007 70 77**

4. The Consultant agrees that City payments will be received via Automated Clearing House (ACH) Direct Deposit and that the required ACH Authorization form will be completed prior to any payments by the City. Any invoice not paid because the completed ACH Authorization Form has not been provided will not incur any fees, late charges, or other penalties. The ACH Authorization Form is located at:  
  
[http://www.moval.org/city\\_hall/forms.shtml#bf](http://www.moval.org/city_hall/forms.shtml#bf)
5. The minimum information required on all invoices is:
  - A. Vendor Name, Mailing Address, and Phone Number
  - B. Invoice Date
  - C. Vendor Invoice Number
  - D. City-provided Reference Number (e.g. Project, Activity)
  - E. Detailed work hours by class title (e.g. Manager, Technician, or Specialist), services performed and rates, explicit portion of a contract amount, or detailed billing information that is sufficient to justify the invoice amount; single, lump amounts without detail are not acceptable.
6. The City shall pay the Consultant for all invoiced, authorized professional services within forty-five (45) days of receipt of the invoice for same.

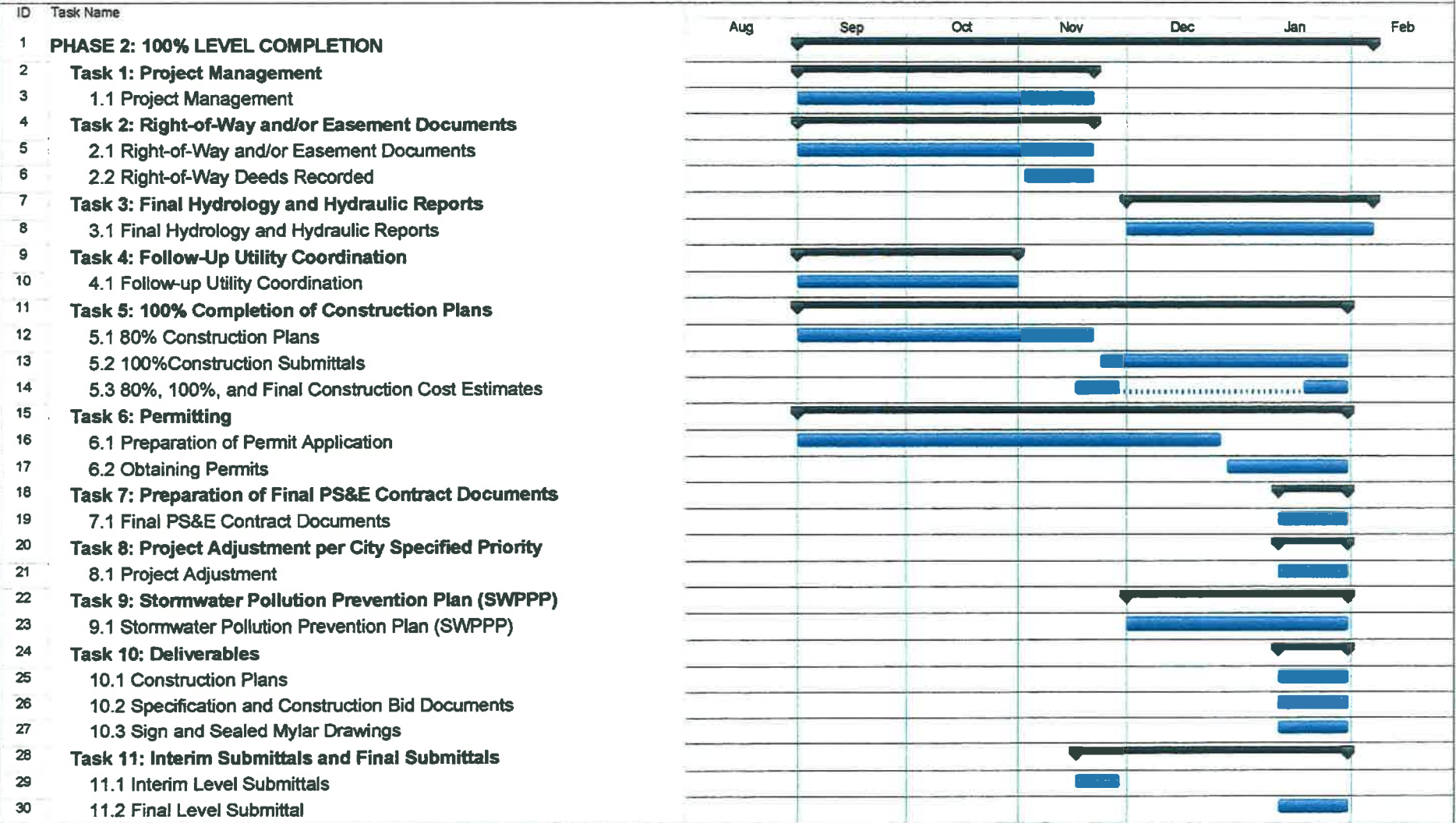


**PROJECT SCHEDULE**  
**City of Moreno Valley**  
 Professional Consultant Design Services for San Timoteo Foothill  
 Neighborhood Flood Protection Moreno Master Plan Storm Drain Lines K1 and K4, Project No. 804 007 70 77  
 December 12, 2013 (Revised February 5, 2014)



AKM Proposal No. 13-1103	<table border="0"> <tr> <td>Task</td> <td></td> <td>Project Summary</td> <td></td> <td>Inactive Milestone</td> <td></td> <td>Manual Summary Rollup</td> <td></td> <td>Progress</td> </tr> <tr> <td>Split</td> <td></td> <td>External Tasks</td> <td></td> <td>Inactive Summary</td> <td></td> <td>Manual Summary</td> <td></td> <td>Split</td> </tr> <tr> <td>Milestone</td> <td></td> <td>External MileTask</td> <td></td> <td>Manual Task</td> <td></td> <td>Start-only</td> <td></td> <td></td> </tr> <tr> <td>Summary</td> <td></td> <td>Inactive Task</td> <td></td> <td>Duration-only</td> <td></td> <td>Finish-only</td> <td></td> <td></td> </tr> </table>	Task		Project Summary		Inactive Milestone		Manual Summary Rollup		Progress	Split		External Tasks		Inactive Summary		Manual Summary		Split	Milestone		External MileTask		Manual Task		Start-only			Summary		Inactive Task		Duration-only		Finish-only		
Task		Project Summary		Inactive Milestone		Manual Summary Rollup		Progress																													
Split		External Tasks		Inactive Summary		Manual Summary		Split																													
Milestone		External MileTask		Manual Task		Start-only																															
Summary		Inactive Task		Duration-only		Finish-only																															

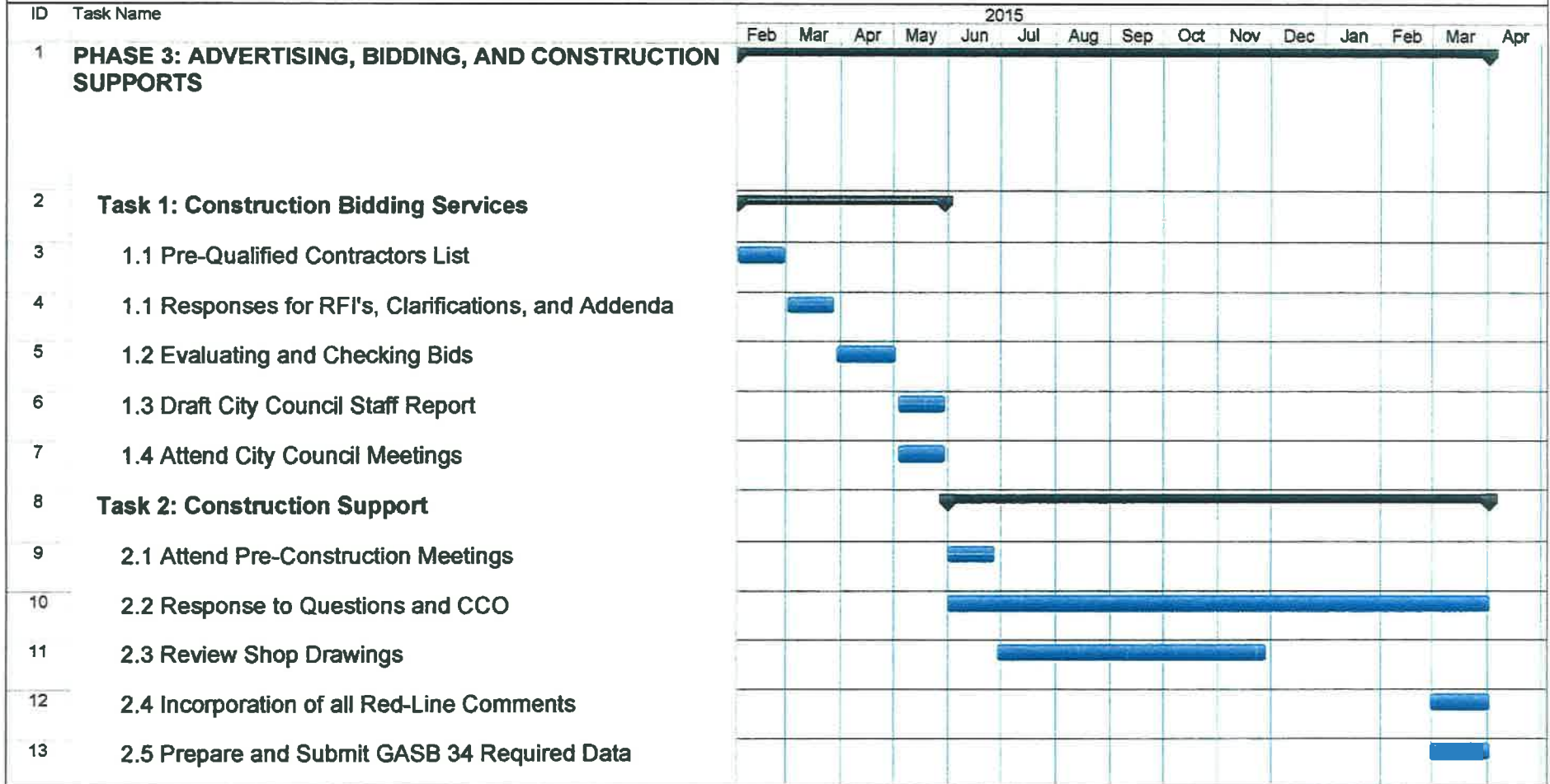
**PROJECT SCHEDULE**  
**City of Moreno Valley**  
**Professional Consultant Design Services for San Timoteo Foothill**  
**Neighborhood Flood Protection Moreno Master Plan Storm Drain Lines K1 and K4, PProject No. 804 007 70 77**  
**December 12, 2013 (Revised February 5, 2014)**



AKM Proposal No. 13-1103	Task		External Tasks		Manual Task		Finish-only	
	Split		External MileTask		Duration-only		Progress	
	Milestone		Inactive Task		Manual Summary Rollup		Split	
	Summary		Inactive Milestone		Manual Summary			
	Project Summary		Inactive Summary		Start-only			

**PROJECT SCHEDULE**  
**City of Moreno Valley**

**Professional Consultant Design Services for San Timoteo Foothill  
 Neighborhood Flood Protection Moreno Master Plan Storm Drain Lines K1 and K4, PProject No. 804 007 70 77  
 December 12, 2013 (Revised February 5, 2014)**



AKM Proposal No. 13-1103	Task		External MileTask		Manual Summary Rollup	
	Split		Inactive Task		Manual Summary	
	Milestone		Inactive Milestone		Start-only	
	Summary		Inactive Summary		Finish-only	
	Project Summary		Manual Task		Progress	
	External Tasks		Duration-only		Split	

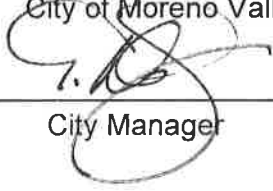
**CITY OF MORENO VALLEY  
SUPPLEMENTARY GENERAL CONDITIONS**

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

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


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

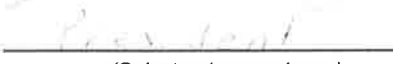
City of Moreno Valley

BY:   
 City Manager


3.20.14  
 Date


Contractor/Consultant Name

BY: 

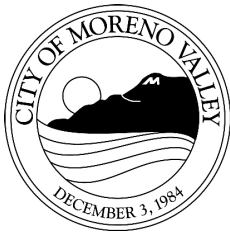
TITLE:   
 (Select only one please)  
 (President or Vice President)

2-24-2014  
 Date

BY: 

TITLE:   
 (Corporate Secretary)

2-24-2014  
 Date



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

## **Report to City Council**

---

**TO:** Mayor and City Council

**FROM:** Richard Teichert, Chief Financial Officer

**AGENDA DATE:** April 14, 2015

**TITLE:** APPROVAL OF THREE-YEAR ENTERPRISE LICENSING AGREEMENT OF MICROSOFT LICENSES THROUGH COMPUCOM SYSTEMS, INC., UTILIZING THE COUNTY OF RIVERSIDE'S MICROSOFT ENTERPRISE MASTER AGREEMENT

---

### **RECOMMENDED ACTION**

Recommendations:

1. Waive formal bidding per Municipal Code Section 3.12.260 (Cooperative Purchasing).
2. Approve a three-year enterprise licensing agreement of Microsoft licenses through CompuCom Systems, Inc., utilizing the County of Riverside's Microsoft Enterprise Licensing Master Agreement in an amount not to exceed \$459,000.
3. Authorize the City Manager to execute the Microsoft Enterprise Master Agreement and any related documents required to effectuate participation in the Microsoft Enterprise Master Agreement.
4. Authorize the Purchasing & Facilities Division Manager to issue a purchase order to CompuCom Systems to maintain the current licensing level at an annual cost not to exceed \$153,000.

### **SUMMARY**

This report recommends approval of an agreement to maintain Microsoft licensing compliance and support through the County of Riverside's Microsoft Enterprise Licensing Agreement administered by CompuCom, a Microsoft Large Account Reseller.



## **DISCUSSION**

The agreement provides for the maintenance and support of Microsoft server operating system and client access software licenses to provide continued corrective, security, and enhancement updates to the City's existing network in an annual amount not-to-exceed \$153,000 for each of the next three years (May 1, 2015 through April 30, 2018.) The agreement utilizes the County of Riverside's Microsoft Enterprise Agreement (a cooperative purchasing agreement used by hundreds of public agencies across California) and identifies CompuCom Systems, Inc., a Microsoft Large Account Reseller, as the administrator of the agreement. Since this expenditure is over \$100,000, City Council approval is required per the City's procurement policy.

The City has participated in the California County Information Services Directors Association (CCISDA) Enterprise Agreement for Microsoft licensing for the past eleven years. This agreement was negotiated for the California state and local governments by the County of Riverside as the lead agency and is available to all California state, county, and local agencies. The purpose of the agreement is to pool the buying power of these public entities to accomplish discounted pricing not available through traditional channels. The City's current agreement term expires April 30, 2015.

Prior to 2004, the City of Moreno Valley purchased software licenses from retailers at predetermined "Select Level" pricing for each new PC and for any upgrades. Under the Select Licensing program, designed for corporate, government, and academic customers with 250 or more desktops and mixed product and purchasing requirements, the City realized discounts over standard retail pricing; however, new versions required additional purchases with no pricing guarantee. The program also provided no privileged access to Microsoft technical support and services.

Beginning in 2004, the City joined CCISDA Enterprise Agreement for Microsoft licensing. The former Chief Information Officer (CIO) of the County of Riverside was one of the leaders in the negotiations for CCISDA and offered to facilitate the County's hosting of the Request for Proposals (RFP) to allow cooperative participation in the Enterprise Agreement by California cities and counties. Following this competitive selection process, the cooperative agreement became open for participation by all eligible California local government entities (counties, cities, special districts, etc.). Starting that year, the City of Moreno Valley began utilizing this contract to obtain Microsoft licenses through CompuCom Systems, Inc., a Microsoft Large Account Reseller (LAR). CompuCom Systems was one of the five vendors who responded to the County's original RFP and presented the lowest price per desktop. CompuCom currently administers the Enterprise Agreements for 320 California agencies and was selected by Riverside County again in 2012 to service the County's current agreement through 2017.

The City's core software infrastructure is based on Microsoft desktop, server, and development products. The Enterprise Agreement positions the City to benefit from the next generation of Microsoft platform products seamlessly through ownership of Software Assurance. Specifically, this maintenance agreement ensures that the City



has access to the latest version of the software and that technical support is available. This reduces the required level of staff support and also enables software upgrade decisions to be made based on technical considerations, deployment plans and staffing availability, rather than primarily cost considerations. Also, more products and services become automatically available within the Enterprise Agreement. The City utilizes many Microsoft products and services as shown in the following table. Examples of such software products are SharePoint Portal Services (SPS), a collaboration-based web portal product, and Systems Center, a product which automates inventory of software and hardware, automates deployments, and allows for remote desktop support. Most importantly, the cost-per-desktop savings is substantial under the Enterprise Agreement. CompuCom has offered the City the lowest Microsoft licensing cost on the County's Agreement. The following table lists the Microsoft software and services utilized by the City:

<b>Operating Systems, Server and Client Software</b>
Windows Server and Desktop Operating Systems
Office Professional
Exchange Server (including Outlook)
Lync Server
SharePoint Server
Microsoft SQL Server
Microsoft Project
Microsoft Desktop Optimization
Microsoft Dynamics CRM
Microsoft Visio
Microsoft Systems Center Client Management
Windows Rights Management Service
Microsoft Client Access Licenses
<b>Software Updates</b>
New Version Rights for Applications
New Version Rights for Windows Client
New Version Rights for Servers
New Version Rights for Server CALs
<b>Services and Programs</b>
Consolidated License Management
Training Vouchers
Additional 7.5% Discount Above Other Volume Licensing Options Across All Items
Additional 15% Discount Across All 3 Enterprise Products
Professional Services
Online E-Learning: Applications
Online E-Learning: Systems
Online E-Learning: Servers
Employee Purchase Program (EPP)
Home Use Program (HUP)
<b>Maintenance and Support</b>
24 x 7 Phone Support Incidents
Web Incidents
User ID's for Web Support
Cold Backup for Disaster Recovery
<b>Transition Tools</b>
Extended Hot-Fix Support for Office
Extended Hot-Fix Support for Windows Client
Extended Hot-Fix Support for Servers
Windows Fundamentals for Legacy PCs

Microsoft does not license its software directly, but instead requires licensing of its products through a reseller. Should the City decide not to obtain its software licenses through the Enterprise Agreement, staff would need to undertake a separate RFP process to determine the best pricing from another reseller.

### **ALTERNATIVES**

1. Approve three-year Enterprise Agreement of Microsoft licenses through CompuCom Systems, Inc. by taking the following actions:
  - a. Waive formal bidding per Municipal Code Section 3.12.260 (Cooperative Purchasing).
  - b. Approve a three-year enterprise licensing agreement of Microsoft licenses through CompuCom Systems, Inc., utilizing the County of Riverside's Microsoft Enterprise Licensing Master Agreement in an amount not to exceed \$459,000.
  - c. Authorize the City Manager to execute the Microsoft Enterprise Master Agreement and any related documents required to effectuate participation in the Microsoft Enterprise Master Agreement.
  - d. Authorize the Purchasing & Facilities Division Manager to issue a purchase order to CompuCom Systems to maintain the current licensing level at an annual cost not-to-exceed \$153,000.

***This alternative is recommended by staff.***

2. Elect not to renew the Microsoft software licenses utilizing the County of Riverside's Microsoft Enterprise Agreement with CompuCom Systems, and direct staff to undertake a separate RFP process to select a reseller of Microsoft licenses.

***This alternative is not recommended by staff, as it is highly unlikely that lower pricing could be obtained and it would require a substantial expenditure of staff time.***

3. Provide staff with further direction.

### **FISCAL IMPACT**

Approval of staff's recommendation will obligate the City to a FY 2014-15 expenditure of approximately \$153,000. Funds for this purchase are available in the Technology Services software maintenance/support budget, account 7210-30-39-25410-625010. Although the Enterprise Agreement is for a three-year term, it has cancellation provisions that allow early termination if funds are not appropriated in subsequent fiscal years.

Description	Fund	GL Account No.	Type (Rev/Exp)	FY 14/15 Budget
Software Maint/Support/Licenses	7210	30-39-25410-625010	Expense	\$637,011.00

**CITY COUNCIL GOALS**

**Advocacy.** Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

**Revenue Diversification and Preservation.** Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

**NOTIFICATION**

Publication of the agenda

Prepared By:  
Dori Lienhard  
Enterprise Systems Administrator

Concurred By:  
Steve Hargis  
Technology Services Division Manager

Department Head Approval:  
Richard Teichert  
Chief Financial Officer

Concurred By:  
Rix Skonberg  
Purchasing & Facilities Division Manager

**This page intentionally left blank.**



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

## Report to City Council

---

**TO:** Mayor and City Council

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

**AGENDA DATE:** April 14, 2015

**TITLE:** PA11-0019 (P12-077) – AUTHORIZE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND REDUCE FAITHFUL PERFORMANCE BOND FOR PHASE 1; AND ACCEPT THE AGREEMENT AND SECURITY FOR PUBLIC IMPROVEMENTS FOR PHASE 2 FOR THE RENAISSANCE VILLAGE PROJECT LOCATED AT THE SOUTHWEST CORNER OF MORENO BEACH DRIVE AND BRODIAEA AVENUE

DEVELOPER – CONTINENTAL EAST FUND VII, LLC

---

### RECOMMENDED ACTION

Recommendations:

1. Accept the Public Improvements for the Phase 1 Improvements as complete for bond reduction but not into the City's maintained street system until Phase 2 Improvements are completed and accepted.
2. Authorize the City Engineer to execute a 90% reduction to the original Faithful Performance Security for the Phase 1 Improvements, exonerate the Material and Labor Security in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Security in one year when all clearances are received.
3. Accept the Agreement for Public Improvements and security for the Phase 2 Improvements with Continental East Fund VII, LLC, Murrieta, CA 92562.
4. Authorize the Mayor to execute the Phase 2 Agreement, subject to City Attorney approval.

5. Direct the City Clerk to forward the Phase 2 signed Agreement to the County Recorder's Office for recordation.
6. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required Phase 2 public improvements are not completed within said timeframe.

### **SUMMARY**

This report recommends acceptance of the improvements associated with the Phase 1 Improvements of PA11-0019 (known as the Renaissance Village project) as complete, but not into the City's maintained street system until the Phase 2 Improvements are completed. This report also recommends authorizing a 90% reduction to the Faithful Performance security, exoneration of the Material and Labor security in 90 days and exoneration of the final 10% warranty portion of the Faithful Performance security in one year for the Phase 1 Improvements. Additionally, this report recommends approval of the Agreement with Continental East Fund VII, LLC, to construct the required public improvements for Phase 2 of PA11-0019 located on the southwest corner of Moreno Beach Drive and Brodiaea Avenue. The project is funded by Continental East Fund VII, LLC.

### **DISCUSSION**

On July 8, 2011 the City of Moreno Valley Planning Commission approved Conditional Use Permit PA11-0019 for a two phase 98,434 square foot 139 unit (155 bed) senior assisted living facility on a 7.33 acre parcel of land. The project is located on the southwest corner of Moreno Beach Drive and Brodiaea Avenue.

On August 23, 2013 the City of Moreno Valley Planning Commission approved Amended Conditional Use Permit P12-077, amending PA11-0019. The Amended Conditional Use Permit consists of a two phase 98,700 square foot 138 unit (150 bed) senior assisted living facility. The conditions of approval of the project require the developer to construct public improvements on Brodiaea Avenue and Moreno Beach Drive.

On September 24, 2013, City Council approved the Agreement for Public Improvement and securities for Continental East Fund VII, LLC. Since then, the Phase 1 improvements were partially complete and; therefore, the developer requested and was granted a 60% partial reduction in November 2014. The Phase 1 Improvements are now complete and the developer is requesting a reduction up to the 90% reduction to the original Faithful Performance security. Once authorized, an additional 30% partial reduction will be made to the Faithful Performance security for a total reduction of 90%. Staff is recommending acceptance of Phase 1 as complete but not into the City's maintained street system until Phase 2 Improvements are completed and accepted. Therefore, the developer must continue to maintain the Phase 1 Improvements until

such time as the city accepts the improvements into the City's maintained street system with the acceptance of the Phase 2 Improvements.

Continental East Fund VII, LLC has completed and submitted an Agreement for Public Improvements and securities for the Phase 2 improvements. The developer agrees to perform and complete all of the required street improvements within twenty-four (24) months of the date the agreement is executed. The street improvements include, but are not limited to: asphalt, base, curb, gutter, sidewalk, signage, access ramp, and relocation of power poles. The City Engineer may execute, if authorized, any future amendments to the agreement, subject to City Attorney approval, if the required street improvements are not completed within said timeframe. Accompanying the agreement is a Letter of Credit as Faithful Performance security in the amount of \$139,000 and a Letter of Credit as Material and Labor security in the amount of \$69,500 issued by Preferred Bank.

### **ALTERNATIVES**

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative ensures the completion of all public improvements as required by the Conditions of Approval in a timely manner.*
2. Do not approve and authorize the recommended actions as presented in this staff report. *This alternative would not ensure the completion of all public improvements as required by the Conditions of Approval in a timely manner.*

### **FISCAL IMPACT**

No fiscal impact is anticipated.

### **CITY COUNCIL GOALS**

#### **PUBLIC FACILITIES AND CAPITAL PROJECTS:**

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

### **NOTIFICATION**

Publication of Agenda

### **ATTACHMENTS**

- |               |   |
|---------------|---|
| Attachment 1: | Vicinity Map                                      |
| Attachment 2: | Agreement for Public Improvements                 |
| Attachment 3: | Letter of Credit as Faithful Performance Security |
| Attachment 4: | Letter of Credit as Material and Labor Security   |

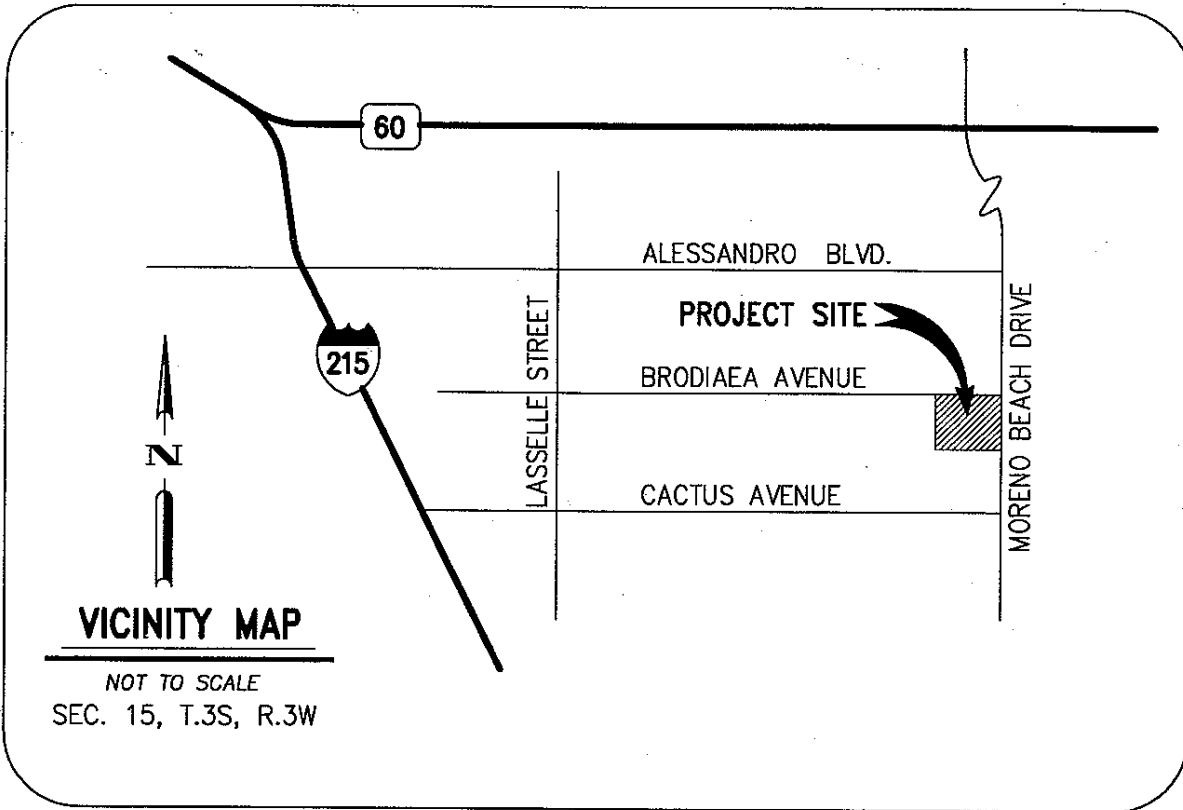


Prepared By:  
Zara Terrell  
Management Analyst

Department Head Approval:  
Ahmad R. Ansari, P.E.  
Public Works Director/City Engineer

Concurred By:  
Guy Pegan  
Senior Engineer, P.E.

Concurred By:  
Mark W. Sambito  
Engineering Division Manager



CITY OF MORENO VALLEY  
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT

PA11-0019  
(P12-077)

**This page intentionally left blank.**

**AGREEMENT FOR PUBLIC IMPROVEMENTS  
FOR  
PROJECT NO. PA11-0019 (P12-077) – PHASE 2**

This Agreement made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and **CONTINENTAL EAST FUND VII, LLC**, herein after called Developer, on the date the City signs this agreement.

**WITNESSETH:**

**FIRST:** Developer, for and in consideration of the approval by the City of the final map of that certain land division, or that certain other land development project, known as **PA11-0019 (P12-077)** agrees, at Developer's own expense, to furnish all labor, equipment and material necessary, and within **TWENTY-FOUR (24)** months from the date this Agreement is executed, to perform and complete in a good and workmanlike manner, all of the required improvements in accordance with those improvement plans for said project which have been approved by the City Engineer, and are on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Developer further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Developer shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Developer shall also complete any offsite improvements required as a condition of approval and with plans approved by the City Engineer at such time as the City acquires an interest in the land which will permit the improvements to be made, and the Developer waives the 120 day time limitation set forth in Section 66462.5, Government Code.

Security to guarantee the performance of this agreement shall be in the following amounts:

Faithful Performance security shall be in the sum of **ONE HUNDRED THIRTY NINE THOUSAND AND NO/100** Dollars (**\*\*\*\$139,000.00\*\*\***). The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A attached hereto.

Labor and Material security shall be in the sum of **SIXTY NINE THOUSAND FIVE HUNDRED AND NO/100** Dollars (**\*\*\*\$69,500.00\*\*\***). The estimated cost securing payment of labor and materials is fifty (50) percent of the total cost estimate of the improvements.

Developer further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Upon entering the warranty period, the City shall retain ten percent of the original faithful performance security. Developer reserves the right to substitute the form of security, in accordance with the Moreno Valley Municipal Code, at any time during the term of this agreement, subject to approval of the City Engineer and City Attorney.

**SECOND:** Developer agrees to file with City, prior to the date this Agreement is executed, a good and sufficient improvement security in an amount not less than the estimated cost of the work and improvements for the faithful performance of the terms and conditions of this Agreement, and good and sufficient security for payment of labor and materials in the amount prescribed by City ordinances and regulations to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California. Developer agrees to renew each and every said bond or bonds with good and sufficient sureties or increase the amounts of said bond or bonds, or both, within ten (10) days after being notified by the City Engineer that the sureties or amounts are insufficient. Notwithstanding any other provision herein, if Developer fails to take such action as is

necessary to comply with said notice, he shall be in default of this Agreement unless all required improvements are completed within ninety (90) days of the date on which the City Engineer notified the Developer of the insufficiency of said bonds. Developer reserves the right to substitute the form of security in accordance with the City's Municipal Code at any time during the term of this agreement, subject to approval by the City Engineer and City Attorney.

**THIRD:** Developer agrees to pay to the City the actual cost of such inspection of the works and improvements as may be required by the City Engineer. Developer further agrees that, if suit is brought upon this Agreement or any bond guaranteeing the completion of the required improvements, all costs and reasonable expenses and fees incurred by the City in successfully enforcing such obligations shall be paid by Developer and guaranteed by the surety in addition to the face amount of the security, including reasonable attorney's fees, and that, upon entry of judgment, such costs, expenses and fees shall be taxed as costs and included in any judgment rendered.

**FOURTH:** To the furthest extent allowed by law, including California Civil Code Section 2782, Developer shall indemnify, hold harmless and defend City and each of its officers, officials, employees and agents from any and all claims, losses, liabilities, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including, but not limited to personal injury, death at any time and/or property damage) incurred by City or any other Person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of the performance of this Agreement, including but not limited to the alleged acts or omissions of any contractor, subcontractor, employee or agent acting on behalf of Developer or the design of any improvements to be constructed pursuant to this Agreement or the use of any patent or patented article in the performance of this Agreement.

Developer's obligations to indemnify and hold City harmless shall apply in all instances except those claims caused by the active negligence, sole negligence, or willful misconduct of City or any of its officers, officials, employees or agents. Developer's obligations to defend the City and provide a legal defense (including the retention of attorneys acceptable to City and all legal costs and expenses) shall apply in all instances, except those claims arising out of the sole negligence or the willful misconduct of City or any of its officers, officials, employees or agents.

If Developer retains any contractor or subcontractor to perform any of the Work to be performed under this Agreement, Developer shall require each contractor or subcontractor to indemnify, hold harmless and defend City and each of its officers, officials, employees and agents in accordance with the terms of the preceding paragraphs.

Developer's obligations under his section shall survive the completion of any work to be performed by Developer, the City's inspection and/or acceptance of any work performed by Developer, as well as the termination or expiration of this Agreement.

Developer's provision of insurance, as required below, does not terminate, alter, limit or satisfy Developer's defense and indemnity obligations provided for herein.

**FIFTH:** Throughout the life of the Agreement, Developer shall pay for and maintain in full force and effect all policies of insurance required hereunder with an insurance company (ies) either (I) admitted by the California Insurance Commissioner to do business in the State of California and rated not less than "A-VII" in Best's Insurance Rating Guide, or (ii) as authorized by the City Manager or his/her designee. The following policies of insurance are required:

- (i) COMMERCIAL GENERAL LIABILITY insurance which shall be at least as broad as the most current version of Insurance Services Office (ISO) Commercial General Liability Coverage Form CG 00 01 and include insurance for "bodily injury," "property damage" and "personal and advertising injury" with

coverage for premises and operations (including the use of owned and non-owned equipment), products and completed operations, and contractual liability (including, without limitation, indemnity obligations under the Contract) with limits of not less than \$1,000,000 per occurrence for bodily injury and property damage, \$1,000,000 per occurrence for personal and advertising injury, \$2,000,000 aggregate for products and completed operations and \$2,000,000 general aggregate.

(ii) **COMMERCIAL AUTOMOBILE LIABILITY** insurance which shall be at least as broad as the most current version of Insurance Services Office (ISO) form CA 00 01 and shall include coverage for "any auto" with limits of liability of not less than \$1,000,000 per accident for bodily and property damage. Commercial Automobile Liability coverage is required if automobiles are to be operated on city-owned property or within City right-of-way.

(iii) **WORKERS' COMPENSATION** insurance as required under the California Labor Code.

Developer shall be responsible for payment of any deductibles or self-insured retentions contained in any insurance policies required hereunder.

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

The General Liability and Automobile Liability insurance policies shall be written on an occurrence form and endorsed to name the City and its officers, officials, employees and agents as additional insured. Such policy(ies) of insurance shall be endorsed so Developer's insurance shall be primary and no contribution shall be required of City. Any Workers' Compensation insurance policy shall contain a waiver of subrogation as to City, its officers, officials, employees and agents. Developer shall furnish City with the certificate(s) and applicable endorsements for all required insurance fourteen (14) days prior to the start of work. **NOTE:** A Certificate of Insurance is not acceptable. The Certificate of Insurance must be accompanied by the additional insured and primary insurance endorsements.

If Developer retains any contractor or subcontractor to perform any of the Work to be performed under this Agreement, Developer shall require each contractor or subcontractor to provide insurance protection in favor of City, its officers, officials, employees and agents in accordance with the terms of the Agreement. Any contractor or subcontractor performing work on behalf of Developer shall likewise be required to name City its officers, officials, employees and agents as additional insured as required herein. Developer shall obtain certificates and endorsements from such contractors or subcontractors before the commencement of any work.

At any time during the Agreement, upon request of City, Developer shall immediately furnish City with a complete copy of any insurance policy required under this Agreement, including all endorsements, with said copy certified by the underwriter to be a true and correct copy of the original policy.

If at any time Developer fails to maintain the required insurance in full force and effect, all work permitted thereunder shall be discontinued immediately until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City. Any failure by Developer to provide or maintain the required insurance shall be considered a material breach of the Agreement.

The fact that insurance is obtained by Developer shall not be deemed to release or diminish its liability, including but not limited to, liability under the indemnity provisions on this Agreement. Developer's duty to defend and indemnify City shall apply to all claims and liabilities, regardless of whether any insurance policies are applicable. The policy limits stated herein do not act as a limitation upon the amount of indemnification required to be provided by Developer.

**SIXTH** The Developer hereby grants to the City and/or to any authorized agent or employee of the City, the irrevocable permission to enter upon the lands of the above-referenced land division for the purpose of completing the improvements. This permission shall terminate in the event that the Developer has completed the work within the time specified or any extension thereof granted by the City.

**SEVENTH:** Developer agrees at all times, up to the completion and acceptance of the improvements by the City, to give good and adequate warning to the traveling public of each and every dangerous condition caused by the construction of the improvements, and to protect the traveling public from such defective or dangerous conditions. The Developer shall keep all traveled ways that are a part of, or affected by the construction of this project free and clear of mud, dirt and debris and shall provide twice monthly street sweeping service. A copy of the contract for street sweeping service shall be provided to the City. The Developer's obligation under this provision shall be secured by the bonds securing performance of this Agreement.

**EIGHTH:** The Developer, his agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

**NINTH:** If the Developer, or his agents or employees, neglects, refuses, or fails to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time as have been granted by the City, or if the Developer violates, neglects, refuses, or fails to perform satisfactorily any of the provisions of the plans and specifications, he shall be in default of this Agreement and notice in writing of such default shall be served upon him. The City Council shall have the power, on recommendation by the City Engineer, to terminate all rights of the Developer because of such default. The determination by the City Engineer of the question as to whether any of the terms of the Agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon the Developer, and any and all parties who may have any interest in the Agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to the City under law.

**TENTH:** It is further agreed by and between the parties hereto, including the surety or sureties on the bonds securing this Agreement that, in the event it is deemed necessary to extend the time of completion of the work contemplated to be done under this Agreement, extensions of time **may** be granted by the City from time to time, either at its own option, or upon request of Developer, and such extensions shall in no way affect the validity of this Agreement or release the surety or sureties on said bonds, Developer further agrees to maintain the aforesaid bonds in full force and effect during the terms of this Agreement, including any extensions of time as may be granted therein.

**ELEVENTH:** It is understood and agreed by the parties hereto that if any part, term or provision of this Agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

**TWELFTH:** In the event legal action is required to enforce the terms of the Agreement, the prevailing party shall be entitled to recover attorney's fees and costs, including expert fees.



**THIRTEENTH:** Any notice or notices required or permitted to be given pursuant to this Agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

**City:**  
City Engineer  
P.O. Box 88005  
14177 Frederick  
Moreno Valley, CA 92552-0805

**Developer:**  
Continental East Fund VII, LLC  
25467 Medical Center Drive  
Suite 201  
Murrieta, CA 92562

**IN WITNESS WHEREOF** Developer has affixed his name, address and seal.

Date approved by the City: \_\_\_\_\_

**Continental East Fund VII, LLC:**

Developer

By: \_\_\_\_\_



Signature

AI Rattan

Print/Type Name

Manager

Title

By: \_\_\_\_\_



Signature

Tran Nguyen

Print/Type Name

CEO Secretary

Title

**ATTEST:  
CITY CLERK  
OF THE CITY OF MORENO VALLEY**

By: \_\_\_\_\_  
City Clerk

(SEAL)

**CITY OF MORENO VALLEY**

By: \_\_\_\_\_  
Mayor

**APPROVED AS TO FORM:  
CITY ATTORNEY**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
City Attorney

**NOTE: TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS UNLESS CORPORATE DOCUMENTS ARE PROVIDED THAT INDICATE OTHERWISE.**

SIGNATURES OF DEVELOPER MUST BE EXECUTED IN QUADRUPPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY  
ORIGINAL - CITY CLERK; PINK - DEVELOPER; GREEN - SURETY; BLUE - PROJECT FILE

**EXHIBIT "A"  
ENGINEER'S ESTIMATE**

Sheet 1 of 8

**PROJECT:** PA11-0019 (P12-077) PHASE 2  
Renaissance Village PUBLIC PAVEMENT SECTIONS

**DATE:** 10/06/14  
**PREPARED BY:** Chris Hopper

*CH*

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
<b>Street Work - Non DIF Non TUMF</b>				
Roadway Excavation				
A.B. Class II - Street 1	0	Thickness (ft.)	29.00	0
	0	S.F.	33.00	0
A.C. - Street 1	0	Thickness (ft.)	29.00	0
	0	S.F.	80.00	0
Roadway Excavation				
A.B. Class II - Street 2	0	Thickness (ft.)	29.00	0
	0	S.F.	33.00	0
A.C. - Street 2	0	Thickness (ft.)	29.00	0
	0	S.F.	80.00	0
Roadway Excavation				
A.B. Class II - Street 3	0	Thickness (ft.)	29.00	0
	0	S.F.	33.00	0
A.C. - Street 3	0	Thickness (ft.)	29.00	0
	0	S.F.	80.00	0
Roadway Excavation				
A.B. Class II - Street 4	0	Thickness (ft.)	29.00	0
	0	S.F.	33.00	0
A.C. - Street 4	0	Thickness (ft.)	29.00	0
	0	S.F.	80.00	0
<b>Street Work - DIF</b>				
Roadway Excavation				
A.B. Class II - Street 1	0	Thickness (ft.)	29.00	0
	0	S.F.	33.00	0
A.C. - Street 1	0	Thickness (ft.)	29.00	0
	0	S.F.	80.00	0
Roadway Excavation				
A.B. Class II - Street 2	0	Thickness (ft.)	29.00	0
	0	S.F.	33.00	0
A.C. - Street 2	0	Thickness (ft.)	29.00	0
	0	S.F.	80.00	0
Roadway Excavation				
A.B. Class II - Street 3	0	Thickness (ft.)	29.00	0
	0	S.F.	33.00	0
A.C. - Street 3	0	Thickness (ft.)	29.00	0
	0	S.F.	80.00	0
Roadway Excavation				
A.B. Class II - Street 4	0	Thickness (ft.)	29.00	0
	0	S.F.	33.00	0
A.C. - Street 4	0	Thickness (ft.)	29.00	0
	0	S.F.	80.00	0
<b>Street Work - TUMF</b>				
Roadway Excavation				
A.B. Class II - Street 1	0	Thickness (ft.)	29.00	0
	0	S.F.	33.00	0
A.C. - Street 1	0	Thickness (ft.)	29.00	0
	0	S.F.	80.00	0
Roadway Excavation				
A.B. Class II - Street 2	0	Thickness (ft.)	29.00	0
	0	S.F.	33.00	0
A.C. - Street 2	0	Thickness (ft.)	29.00	0
	0	S.F.	80.00	0
Roadway Excavation				
A.B. Class II - Street 3	0	Thickness (ft.)	29.00	0
	0	S.F.	33.00	0
A.C. - Street 3	0	Thickness (ft.)	29.00	0
	0	S.F.	80.00	0
Roadway Excavation				
A.B. Class II - Street 4	0	Thickness (ft.)	29.00	0
	0	S.F.	33.00	0
A.C. - Street 4	0	Thickness (ft.)	29.00	0
	0	S.F.	80.00	0
			<b>SUBTOTAL:</b>	<b>0</b>



EXHIBIT "A"  
ENGINEER'S ESTIMATE

Sheet 2 of 8

PROJECT: FA11-0019 (P12-077) PHASE 2  
Renaissance Village PUBLIC STREET WORK

DATE: 10/06/14  
PREPARED BY: Chris Hopper

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
<b>Offsite Street Work</b>				
<b>Pavement</b>				
Grind & Pave 0.15'	120	S.F.	23.00	2,760
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on \$150/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	0	L.F.	3.00	0
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	6.00	0
A.C. Berm - 6"	0	L.F.	10.00	0
A.C. Berm - 8"	0	L.F.	15.00	0
Adjust M.H. to Grade	0	EA	800.00	0
Adjust Water Valve to Grade	0	EA	400.00	0
Remove & Dispose Existing Pavement & Base	0	LS	3260.00	3,260
Remove Existing Curb & Gutter	0	L.F.	12.00	0
<b>Concrete</b>				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	55	L.F.	25.00	1,375
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	720	S.F.	5.00	3,600
Sidewalk (DIF Street Name)	0	S.F.	7.00	0
Sidewalk (TUMF Street Name)	0	S.F.	7.00	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	6.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	1	EA	2,600.00	2,600
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA	15,000.00	0
<b>Miscellaneous</b>				
Relocate Power Poles	1	EA	100,000.00	100,000
Relocate Power Poles (DIF Street Name)	0	EA	30,000.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
Reinforced P.C.C. Retaining Walls	0	C.Y.	780.00	0
Mobilization	1	LS	670.00	670
			<b>SUBTOTAL:</b>	<b>114,265</b>
<b>Traffic Improvements (Plan Checked by Trans. Eng. Staff/Inspected by LDD Staff)</b>				
Traffic Striping/raised pavement markers	0	LS	--	0
Traffic Striping (DIF Street -Perris Blvd)	0	LS	--	0
Street Name Sign	0	EA	500.00	0
Stop Sign	0	EA	200.00	0
Signs and Posts	0	EA	200.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA	200.00	0
Street Sweeping Sign	0	EA	200.00	0
Warning Markers - Type L, Type N	0	EA	100.00	0
Traffic Control	0	LS	810.00	810
Traffic Control (DIF Street Name)	0	LS	10,000.00	0
Traffic Signal PB-Adjust to Grade	0	EA	800.00	0
Metal Guard Rail	0	L.F.	90.00	0
			<b>SUBTOTAL:</b>	<b>810</b>
<b>Bondable Street Work Only (Not Plan Checked but Inspected)</b>				
Undergrounding of Utilities	0	L.F.	203.00	0
Cluster Mail Boxes	0	EA	4,500.00	0
Relocate Mailbox	0	EA	350.00	0
Relocate Cluster Mailbox	0	EA	1,200.00	0
Monuments	0	EA	300.00	0
Relocate Trees	0	EA	2,500.00	0
			<b>SUBTOTAL:</b>	<b>0</b>

**EXHIBIT "A"  
ENGINEER'S ESTIMATE**

Sheet 3 of 8

PROJECT: PA11-0019 (P12-077) PHASE 2  
Renaissance Village PUBLIC STREET WORK (CONTINUED)

DATE: 10/06/14  
PREPARED BY: Chris Hopper



TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
<b>Special Districts</b>				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
100W HPSV or Equivalent (9,500 Lumens)	0	EA	5,000.00	0
200W HPSV or Equivalent (22,000 Lumens)	0	EA	6,000.00	0
250W HPSV or Equivalent	0	EA	6,000.00	0
100W LED or Equivalent	0	EA	5,000.00	0
145W LED or Equivalent	0	EA	5,000.00	0
SPECIAL DISTRICTS SUBTOTAL:				0
<b>Moreno Valley Utilities</b>				
Electrical Utility Infrastructure	0	L.S.	60.00	0
MVU SUBTOTAL:				0
<b>Water Quality Basin</b>				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0.00	0
Access Ramp PCC	0	S.F.	0.00	0
Low-Flow Pipe System	0	L.F.	0.00	0
Headwalls	0	EA	0.00	0
Outlets	0	EA	0.00	0
Risers	0	EA	0.00	0
Forebay PCC	0	S.F.	0.00	0
Toe of slope protection PCC	0	S.F.	20.00	0
WQB SUBTOTAL:				0
<b>Transportation Engineering (Plan Checked and Inspected by Transp. Eng. Staff)</b>				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordination)	0	EA	272,000.00	0
Traffic Signal Modification	0	L.S.	50,000.00	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
TRANSPORTATION SUBTOTAL:				0

EXHIBIT "A"  
ENGINEER'S ESTIMATE

Sheet 4 of 8

PROJECT: PA11-0019 (P12-077) PHASE 2  
Renaissance Village PUBLIC STORM DRAIN SYSTEM

DATE: 10/06/14  
PREPARED BY: Chris Hopper

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
<b>Pipe</b>				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
36" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
<b>Manholes</b>				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	6500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
<b>Catch Basins</b>				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6000.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21')	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (10') (DIF Street Name)	0	EA.	6000.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A"  
ENGINEER'S ESTIMATE

Sheet 5 of 8

PROJECT: PA11-0019 (P12-077) PHASE 2  
Renalssance Village PUBLIC STORM DRAIN SYSTEM (CONTINUED)

DATE: 10/08/14  
PREPARED BY: Chris Hopper

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
<b>Structures</b>				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Grater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
<b>Drains</b>				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		10.00	0
<b>Miscellaneous</b>				
Rip Rap	0	TON	60.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000	0
			SUBTOTAL:	0

EXHIBIT "A"  
ENGINEER'S ESTIMATE

Sheet 6 of 8

PROJECT: PA11-0019 (P12-077) PHASE 2  
Renaissance Village PUBLIC WATER SYSTEMS

DATE: 10/06/14  
PREPARED BY: Chris Hopper



TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
<b>Pipes - Water System</b>				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	0	L.F.	60.00	0
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0.00	0
<b>Valves - Water System</b>				
4" Gate Valve	0	EA	715.00	0
6" Gate Valve	0	EA	830.00	0
8" Gate Valve	0	EA	1,340.00	0
10" Gate Valve	0	EA	1,500.00	0
12" Gate Valve	0	EA	2,300.00	0
16" Gate Valve	0	EA	6,270.00	0
18" Gate Valve	0	EA	14,300.00	0
4" Butterfly Valve	0	EA	330.00	0
6" Butterfly Valve	0	EA	520.00	0
8" Butterfly Valve	0	EA	990.00	0
10" Butterfly Valve	0	EA	1,200.00	0
12" Butterfly Valve	0	EA	1,800.00	0
16" Butterfly Valve	0	EA	2,700.00	0
18" Butterfly Valve	0	EA	2,800.00	0
20" Butterfly Valve	0	EA	4,200.00	0
24" Butterfly Valve	0	EA	5,200.00	0
1" Air Vac Release	0	EA	2,400.00	0
2" Air Vac Release	0	EA	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA	4,300.00	0
4" Blow Off	0	EA	3,500.00	0
6" Blow Off	0	EA	4,000.00	0
	0		0.00	0
<b>Fire Hydrants - Water System</b>				
6" Standard Fire Hydrants	0	EA	4,000.00	0
6" Super Fire Hydrants	0	EA	4,500.00	0
	0		0.00	0
<b>Services Connections</b>				
1" Service	0	EA	800.00	0
1" Service w/ 5/8" Service	0	EA	2,000.00	0
1 1/2" Service	0	EA	1,100.00	0
2" Service	0	EA	1,600.00	0
	0		0.00	0
<b>Fittings - Water System</b>				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		0.00	0
<b>Water Meters - Water System</b>				
5/8" Meter	0		230.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
	0		0.00	0
<b>Hot Tap Connections - Water System</b>				
6" Hot Tap	0	EA	1,750.00	0
8" Hot Tap	0	EA	2,200.00	0
12" Hot Tap	0	EA	3,150.00	0
Hot Tap Service Clamp	0	EA	1,000.00	0
Water Service	0	EA	330.00	0
	0		0.00	0
<b>Miscellaneous - Water System</b>				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA	650.00	0
Adjust Water Meter Box to Grade	0	EA	235.00	0
	0		0.00	0
			SUBTOTAL:	0

**EXHIBIT "A"  
ENGINEER'S ESTIMATE**

Sheet 7 of 8

PROJECT: PA11-0019 (P12-077) PHASE 2  
Renaissance Village PUBLIC SEWER SYSTEMS

DATE: 10/06/14  
PREPARED BY: Chris Hopper

*CH*

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
<b>Pipes - Sewer System</b>				
4" V.C. Pipe	0	L.F.	25.00	0
6" V.C. Pipe	0	L.F.	40.00	0
8" V.C. Pipe	0	L.F.	55.00	0
10" V.C. Pipe	0	L.F.	60.00	0
12" V.C. Pipe	0	L.F.	70.00	0
15" V.C. Pipe	0	L.F.	80.00	0
18" V.C. Pipe	0	L.F.	160.00	0
21" V.C. Pipe	0	L.F.	180.00	0
24" V.C. Pipe	0	L.F.	195.00	0
27" V.C. Pipe	0	L.F.	215.00	0
30" V.C. Pipe	0	L.F.	235.00	0
33" V.C. Pipe	0	L.F.	280.00	0
36" V.C. Pipe	0	L.F.	300.00	0
4" SDR - 35	0	L.F.	25.00	0
6" SDR - 35	0	L.F.	30.00	0
8" SDR - 35	0	L.F.	35.00	0
10" SDR - 35	0	L.F.	45.00	0
12" SDR - 35	0	L.F.	54.00	0
15" SDR - 35	0	L.F.	90.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
<b>Cleans Outs - Sewer System</b>				
Clean-outs	0	EA	730.00	0
Clean Out Lateral	0	EA	200.00	0
	0		0.00	0
<b>Manholes - Sewer System</b>				
Standard Manhole 48"	0	EA	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA	3,500.00	0
Standard Manhole 60"	0	EA	4,500.00	0
Shallow Manhole	0	EA	3,300.00	0
Adjust Manhole to Grade	0	EA	630.00	0
Tie Into Existing Manhole	0	EA	2,100.00	0
Rechannel Existing Manhole	0	EA	1,500.00	0
Join Existing 8" Pipe	0	EA	1,500.00	0
Join Existing 12" Pipe	0	EA	2,000.00	0
Pavement around MH	0	S.F.	14.00	0
	0		0.00	0
<b>Miscellaneous - Sewer System</b>				
Wyes	0	EA	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			<b>SUBTOTAL:</b>	<b>0</b>



EXHIBIT "A"  
ENGINEER'S ESTIMATE

Sheet 8 of 8

CITY OF MORENO VALLEY  
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION  
BOND COMPUTATION SHEET

PROJECT: PA11-0019 (P12-077) PHASE 2  
Renaissance Village

DATE: 10/06/14  
PREPARED BY: Chris Hopper

**IMPROVEMENT TYPE:**

PAVEMENT SECTION WORK	:	\$0
OFFSITE STREET WORK	:	\$114,265
SPECIAL DISTRICTS	:	\$0
MORENO VALLEY UTILITIES	:	\$0
WATER QUALITY BASIN	:	\$0
TRANSPORTATION ENGINEERING	:	\$0
STORM DRAIN SYSTEM	:	\$0
WATER SYSTEM	:	\$0
SEWER SYSTEM	:	\$0
TRAFFIC IMPROVEMENTS	:	\$810
MONUMENTS/OTHER	:	\$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		\$115,075
+20% CONTINGENCY:		\$23,015
<b><u>GRAND TOTAL:</u></b>		\$138,090

**FAITHFUL PERFORMANCE SECURITY AMOUNT:** \$139,000

**LABOR & MATERIAL SECURITY AMOUNT:** \$69,500

\*The cost for securing payment of Labor and Materials is fifty (50) percent of the total cost estimate of the improvements.

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

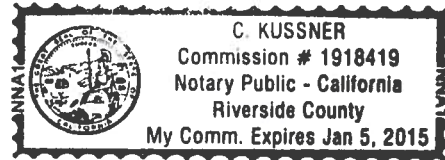
County of Riverside

On 1-4-15 before me, C. Kussner, Notary Public  
(insert name and title of the officer)

personally appeared Al Rattan & Trai Nguyen,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature C. Kussner (Seal)



IRREVOCABLE LETTER OF CREDIT  
AS FAITHFUL PERFORMANCE BOND

Irrevocable Letter of Credit No. STB15/00441      Project No. PA11-0019 (P12-077)

Date: February 5, 2015

Public R/W  
Improvements US\$139,000.00

City of Moreno Valley  
14177 Frederick Street  
P.O. Box 88005  
Moreno Valley, CA. 92552-0805

Re: Irrevocable Letter of Credit Delivered as Improvement Security Pursuant to California Government code Sections 66499 et seq. and Regulations of the City of Moreno Valley

Gentlemen:

Preferred Bank, a financial institution subject to regulation by the State of California and the United States Government, establishes and delivers to the City of Moreno Valley this irrevocable letter of credit in your favor for the account of Continental East Fund VII, LLC located at 24567 Medical Center Drive, Suite 201, Murrieta, CA. 92562 up to an aggregate sum of US\$139,000.00 (U.S. Dollars One hundred thirty nine thousand and 00/100 only), as "Improvement Security" as required by Government Code Section 66499 et seq. and Regulations of the City of Moreno Valley, for Project No. PA11-0019 (p12-077).

All or any portion of the funds available pursuant to this irrevocable letter of Credit will be paid upon the written demand of the City of Moreno Valley. The written demand need not present documentation of any type as a condition of payment, including proof of loss, but will be available by your draft at sight drawn on us and accompanied by your signed certification stating either that:

1. Continental East Fund VII, LLC has not complied with the performance requirements as set forth in the agreements entered into with the City of Moreno Valley;

To be continued on page 2



**Our ref. STB15/00441**  
**Project No. PA11-0019-(P12-077)**

OR

2. Continental East Fund VII, LLC has not maintained the offsite improvements as set forth in the agreements entered into with the City of Moreno Valley for the one year guarantee and warranty period provided, however, that the maximum amount which may be drawn under this subparagraph 2, shall be limited to 10% of the letter of Credit.

This irrevocable letter of credit expires at the institution's counter on February 4, 2016; however, it is a condition of this letter of credit that it shall be deemed automatically extended without amendment of successive one year periods from the present and all future expiration dates thereof unless 60 days prior to any such date that institution shall notify the City in writing that the institution elects not to consider this letter of credit renewed for any such additional period. In the event of such notice, and in the event that the City does not notify the institution within 30 days of the date of the notice that it does not desire to receive the aggregate amount of the letter of credit, the institution shall forthwith send the aggregate amount of the letter of credit to the City by cashier's check. The notice and the cashier's check shall be given via certified mail, return receipt requested, to the City Council, City of Moreno Valley 14177 Frederick Street, P.O. Box 88005, Moreno Valley, California 92552-0805, with copies to the City Engineer and the City Attorney.

When the work covered by the agreements is completed to the satisfaction of the City, the City Engineer of the City of Moreno Valley will accept the work and thereupon the amount of the obligation of this Security will be reduced by 90% with the remaining 10% will be held as security for one year guarantee period and warranty period provided for in the agreements.

As a part of the obligation secured hereby and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees incurred by the City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

This Letter of Credit is Irrevocable.

**To be continued on page 3**



**Our ref. STB15/00441**  
**Project No. PA11-0019 (P12-077)**

All documents must be presented to us in one lot to Preferred Bank, 601 S. Figueroa Street, 29<sup>th</sup> Floor, Los Angeles, CA.90017, Attention: International Department.

We hereby agree with the drawers, endorsers and bonafide holders of draft(s) drawn under and in compliance with the terms and conditions of this credit that such draft(s) will be duly honored on du presentation to the drawee if negotiated on or before expiry date.

This credit is subject to the Uniform Customs and Practice for Documentary Credit 2007 Revision, International Chamber of Commerce Publication No. 600.

Preferred Bank

Preferred Bank

  
.....  
Louie Couto  
Executive Vice President

  
.....  
William Ko  
Vice President

PREFERRED BANK  
AUTHORIZATION LETTER

To Our Correspondents:

This booklet contains a listing of the facsimile signatures of officers and other persons authorized to sign on behalf of this Bank.

The signing authority of each person listed on the following page is designated by the Symbol A or B. The extent of this authorization is set forth in the following:

Document	Number Required	Class of Officer
Advices of credit	One	A or B
Advices of Drafts issued	One	A or B
Bills of Exchange	One	A or B
Bills of Lading, endorsement on	One	A or B
Cashier's Check	See Chart Below	
Certificate of Deposit	See Chart Below	
Letters of Credit	Two	AA or AB
Letters of Guarantee	Two	AA or AB
Letter of Indemnity or Guarantee in respect of shipping documents	One	A or B
Foreign Exchange Contracts	Two	AA or AB
Foreign Drafts	One	A or B
Correspondence with does not involve payments, transfers of funds, deliveries of securities or does not commit the Bank to new or additional obligations or to renewal or extension of existing obligations	One	A or B

Amount Per Transaction		
Below US\$100,000.00	One	A or B
Up to US\$1,000,000.00	One	A
Over US\$1,000,000.00	Two	AA

Whenever broader authorization exists, such additional authorization will be indicated immediately beneath the facsimile signature.

Revisions of our authorized signatures will be sent to you from time to time over the signature of our Operations Administrator.

By Authority of the Board of Directors.


Yours very truly,



Li Yu, Chairman of the Board and Chief Executive Officer


FACSIMILE SIGNATURES

A - Authorized Signers



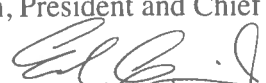
---

Li Yu, Chairman of the Board and Chief Executive Officer




---

Wellington Chen, President and Chief Operating Officer




---

Edward J. Czajka, Executive Vice President and Chief Financial Officer




---

Louie Couto, Executive Vice President & Chief Credit Officer




---

Kristen Bjork, Senior Vice President, Operations Administrator & Compliance



---


Samuel Leung, Senior Vice President, Commercial Industrial Lending



---

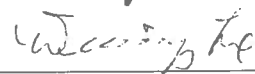
Johnny Hsu, Senior Vice President, Commercial Loan Department

B - Authorized Signers




---

William Ko, Vice President, International Department




---

Winny Lo, Vice President, Operations Administration




---

Anthony Miu, Vice President, Credit Administration



---

Margaret King, Vice President, Credit Administration



---

Wayne Chow, Vice President, Credit Administration

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }  
 County of Los Angeles }  
 On February 26th 2015 before me, Rannia Ching, Public Notary  
Date Here Insert Name and Title of the Officer  
 personally appeared Louie Couto  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal Above

Signature Rannia Ching  
Signature of Notary Public

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: Letter of Credit  
 Document Date: February 5th, 2015 Number of Pages: 3  
 Signer(s) Other Than Named Above: William Ko

### Capacity(ies) Claimed by Signer(s)

Signer's Name: Louie Couto  
 Individual  
 Corporate Officer — Title(s): Executive VP  
 Partner —  Limited  General  
 Attorney in Fact  
 Trustee  
 Guardian or Conservator  
 Other: \_\_\_\_\_



Signer Is Representing: Preferred Bank

Signer's Name: William Ko  
 Individual  
 Corporate Officer — Title(s): VP  
 Partner —  Limited  General  
 Attorney in Fact  
 Trustee  
 Guardian or Conservator  
 Other: \_\_\_\_\_



Signer Is Representing: Preferred Bank



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Los Angeles }

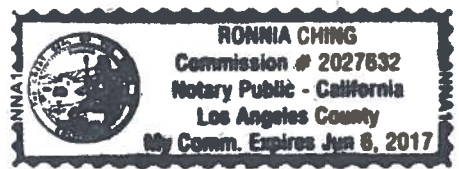
On February 26<sup>th</sup> 2015 before me, Ronnia Ching, Public Notary  
Date Here Insert Name and Title of the Officer

personally appeared William Ko  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal Above

Signature Ronnia Ching  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: Letter of Credit

Document Date: February 5<sup>th</sup>, 2015 Number of Pages: 3

Signer(s) Other Than Named Above: Louie Couto

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Louie Couto

- Individual
- Corporate Officer — Title(s): Executive VP
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: Preferred Bank

Signer's Name: William Ko

- Individual
- Corporate Officer — Title(s): VP
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: Preferred Bank





IRREVOCABLE LETTER OF CREDIT  
AS MATERIAL AND LABOR BOND

Irrevocable Letter of Credit No. STB15/00442      Project No. PA11-0019 (P12-077)

Date: February 5, 2015

Public R/W  
Improvements US\$69,500.00

City of Moreno Valley  
14177 Frederick Street  
P.O. Box 88005  
Moreno Valley, CA. 92552-0805

Re: Irrevocable Letter of Credit Delivered as Security for Labor and Materials  
Pursuant to Government code Sections 66499 et seq. and Regulations of the City  
of Moreno Valley

Gentlemen:

Preferred Bank, a financial institution subject to regulation by the State of California and the United States Government, establishes and delivers to the City of Moreno Valley this irrevocable letter of credit in your favor for the account of Continental East Fund VII, LLC located at 24567 Medical Center Drive, Suite 201, Murrieta, CA. 92562 up to an aggregate sum of US\$69,500.00 (U.S. Dollars Sixty nine thousand five hundred and 00/100 only), as "Security for Labor and Materials" as required by Government Code Section 66499 et seq. and Regulations of the City of Moreno Valley, for Project No. PA11-0019 (p12-077).

All or any portion of the funds available pursuant to this irrevocable letter of Credit will be paid upon the written demand of the City of Moreno Valley. The written demand need not present documentation of any type as a condition of payment, including proof of loss, but will be available by your draft at sight drawn on us and accompanied by your signed certification stating either that:

1. Continental East Fund VII, LLC has not complied with the labor and material payment requirements as set forth in the agreements entered into with the City of Moreno Valley;

To be continued on page 2



**Our ref. STB15/00442**  
**Project No. PA11-0019-(P12-077)**

This irrevocable letter of credit expires at the institution's counter on February 4, 2016; however, it is a condition of this letter of credit that it shall be deemed automatically extended without amendment of successive one year periods from the present and all future expiration dates thereof unless 60 days prior to any such date that institution shall notify the City in writing that the institution elects not to consider this letter of credit renewed for any such additional period. In the event of such notice, and in the event that the City does not notify the institution within 30 days of the date of the notice that it does not desire to receive the aggregate amount of the letter of credit, the institution shall forthwith send the aggregate amount of the letter of credit to the City by cashier's check. The notice and the cashier's check shall be given via certified mail, return receipt requested, to the City Council, City of Moreno Valley 14177 Frederick Street, P.O. Box 88005, Moreno Valley, California 92552-0805, with copies to the City Engineer and the City Attorney.

Release of any part of said sum shall be made only upon written authorization of the City of Moreno Valley.

As a part of the obligation secured hereby and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees incurred by the City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

This Letter of Credit is Irrevocable.

All documents must be presented to us in one lot to Preferred Bank, 601 S. Figueroa Street, 29<sup>th</sup> Floor, Los Angeles, CA.90017, Attention: International Department.

We hereby agree with the drawers, endorsers and bonafide holders of draft(s) drawn under and in compliance with the terms and conditions of this credit that such draft(s) will be duly honored on du presentation to the drawee if negotiated on or before expiry date.

**To be continued on page 3**



**Our ref. STB15/00442**  
**Project No. PA11-0019 (P12-077)**

This credit is subject to the Uniform Customs and Practice for Documentary Credit 2007 Revision, International Chamber of Commerce Publication No. 600.

Preferred Bank

Preferred Bank

  
.....  
Louie Couto  
Executive Vice President

  
.....  
William Ko  
Vice President

PREFERRED BANK  
AUTHORIZATION LETTER

To Our Correspondents:

This booklet contains a listing of the facsimile signatures of officers and other persons authorized to sign on behalf of this Bank.

The signing authority of each person listed on the following page is designated by the Symbol A or B. The extent of this authorization is set forth in the following:

Document	Number Required	Class of Officer
Advices of credit	One	A or B
Advices of Drafts issued	One	A or B
Bills of Exchange	One	A or B
Bills of Lading, endorsement on	One	A or B
Cashier's Check	See Chart Below	
Certificate of Deposit	See Chart Below	
Letters of Credit	Two	AA or AB
Letters of Guarantee	Two	AA or AB
Letter of Indemnity or Guarantee in respect of shipping documents	One	A or B
Foreign Exchange Contracts	Two	AA or AB
Foreign Drafts	One	A or B
Correspondence with does not involve payments, transfers of funds, deliveries of securities or does not commit the Bank to new or additional obligations or to renewal or extension of existing obligations	One	A or B

Amount Per Transaction		
Below US\$100,000.00	One	A or B
Up to US\$1,000,000.00	One	A
Over US\$1,000,000.00	Two	AA

Whenever broader authorization exists, such additional authorization will be indicated immediately beneath the facsimile signature.

Revisions of our authorized signatures will be sent to you from time to time over the signature of our Operations Administrator.

By Authority of the Board of Directors.

Yours very truly,



Li Yu, Chairman of the Board and Chief Executive Officer

FACSIMILE SIGNATURES

A - Authorized Signers



Li Yu, Chairman of the Board and Chief Executive Officer



Wellington Chen, President and Chief Operating Officer



Edward J. Czajka, Executive Vice President and Chief Financial Officer



Louie Couto, Executive Vice President & Chief Credit Officer



Kristen Bjork, Senior Vice President, Operations Administrator & Compliance



Samuel Leung, Senior Vice President, Commercial Industrial Lending

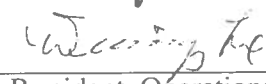


Johnny Hsu, Senior Vice President, Commercial Loan Department

B - Authorized Signers



William Ko, Vice President, International Department



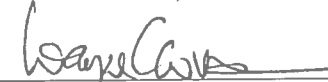
Winny Lo, Vice President, Operations Administration



Anthony Miu, Vice President, Credit Administration



Margaret King, Vice President, Credit Administration



Wayne Chow, Vice President, Credit Administration

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

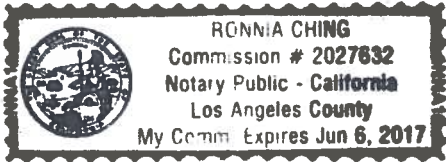
State of California

County of Los Angeles

On February 26<sup>th</sup>, 2015 before me, Ronnia Ching, Public Notary

personally appeared Louie Couto

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Ronnia Ching  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: Letter of Credit

Document Date: February 5<sup>th</sup> 2015 Number of Pages: 3

Signer(s) Other Than Named Above: William Ko

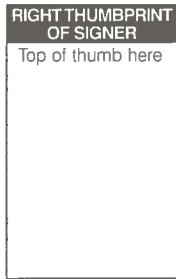
**Capacity(ies) Claimed by Signer(s)**

- Signer's Name: Louie Couto
- Individual
  - Corporate Officer — Title(s): Executive VP
  - Partner —  Limited  General
  - Attorney in Fact
  - Trustee
  - Guardian or Conservator
  - Other: \_\_\_\_\_



Signer is Representing: Preferred Bank

- Signer's Name: William Ko
- Individual
  - Corporate Officer — Title(s): VP
  - Partner —  Limited  General
  - Attorney in Fact
  - Trustee
  - Guardian or Conservator
  - Other: \_\_\_\_\_



Signer is Representing: Preferred Bank

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

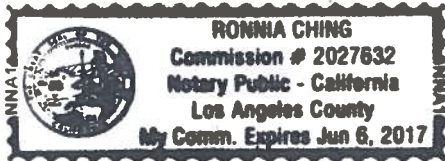
On February 26<sup>th</sup> 2015 before me, Ronnia Ching, Public Notary,  
(Date) Here Insert Name and Title of the Officer

personally appeared William Ko  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal Above

Signature Ronnia Ching  
Signature of Notary Public

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: Letter of Credit

Document Date: February 5<sup>th</sup> 2015 Number of Pages: 3

Signer(s) Other Than Named Above: Louie Couto

### Capacity(ies) Claimed by Signer(s)

Signer's Name: Louie Couto

- Individual
- Corporate Officer — Title(s): Executive VP.
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



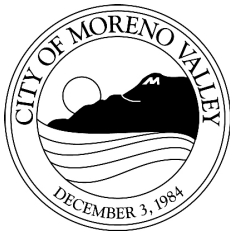
Signer Is Representing: Preferred Bank

Signer's Name: William Ko

- Individual
- Corporate Officer — Title(s): VP
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: Preferred Bank



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

---

## Report to City Council

---

**TO:** Mayor and City Council

**FROM:** Chris Paxton, Administrative Services Director

**AGENDA DATE:** April 14, 2015

**TITLE:** LIST OF PERSONNEL CHANGES

---

### **RECOMMENDED ACTION**

Recommendations:

1. Ratify the attached list of personnel changes.

### **DISCUSSION**

The attached is a list of personnel changes scheduled since the last City Council meeting and are presented for City Council ratification.

### **FISCAL IMPACT**

All position changes are consistent with appropriations previously approved by the City Council.

### **ATTACHMENTS**

1. List of Personnel Changes

**This page intentionally left blank.**



**City of Moreno Valley  
Personnel Changes**

**New Hires**

Angel Gutierrez, Administrative Assistant, Fire Administration

Larry Jaime, Senior Graphics Designer, Media & Communications

**Promotions**

Melissa Kuykendall, Accountant I, Financial & Management Services Department

To: Accountant II, Financial & Management Services Department

**Separations**

Sherald Koliboski, Senior Administrative Assistant, Public Works Department

**This page intentionally left blank.**



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>R</i>
CITY MANAGER	<i>D</i>

---

## Report to City Council

---

**TO:** Mayor and City Council

**FROM:** Jane Halstead, City Clerk, CMC

**AGENDA DATE:** April 14, 2015

**TITLE:** APPOINTMENT OF A DELEGATE AND ALTERNATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) GENERAL ASSEMBLY

---

### **RECOMMENDED ACTION**

Recommendation:

1. Appoint Mayor Jesse L. Molina as the delegate and Mayor Pro Tem Dr. Yxstian A. Gutierrez as the alternate for the Southern California Association of Governments (SCAG) General Assembly, May 7-8, 2015.

### **SUMMARY**

The Southern California Association of Government's (SCAG) General Assembly will be held May 7-8, 2015, at the J.W. Marriott Desert Springs Resort & Spa in Palm Desert, California. Each year, SCAG member cities select a delegate and alternate to represent their city and to participate at the annual meeting.

The General Assembly will commemorate 50 years of regional collaboration and service to SCAG's member cities as well as engage attendees in envisioning a sustainable future for Southern California. SCAG's largest event of the year, the General Assembly, is an opportunity to explore emerging trends and issues, and network with elected officials, city staff and business leaders from throughout the region.

### **FISCAL IMPACT**

None – Southern California Association of Governments (SCAG) pays for one hotel night and registration for the General Assembly Delegate representing the City. The appointed alternate will attend only in the event that the delegate is unable to attend.

**CITY COUNCIL GOALS**

Advocacy: Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

**NOTIFICATION**

Publication of agenda

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

Department Head Approval:  
Jane Halstead, CMC  
City Clerk



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

---

## Report to City Council

---

**TO:** Mayor and City Council

**FROM:** Richard Teichert, Chief Financial Officer

**AGENDA DATE:** April 14, 2015

**TITLE:** ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA SUPPORTING PROGRAMS AND SERVICES FOR DEVELOPMENT, LEARNING, LEADERSHIP, AND RECREATION FOR THE CITY'S YOUTH

---

### **RECOMMENDED ACTION**

Recommendation:

1. Adopt Resolution No. 2015-21. A Resolution of the City Council of the City of Moreno Valley, California Supporting Programs and Services for Development, Learning, Leadership, and Recreation for the City's Youth.

### **SUMMARY**

This report recommends that the City Council take action to approve a Resolution to confirm the current actions taken by the City and to confirm the ongoing priority of the City to support programs and services for development, learning, leadership, and recreation for the City's youth.

### **DISCUSSION**

The Moreno Valley City Council has deemed that development, learning, leadership and recreation for its young population to be of the highest priority. The City proactively created the Emerging Leaders Council to engage and prepare young leaders in the community. This program provides participants with a broader awareness of local government, elicits their ideas on the improvement of programs for young residents, and engages them as future community leaders.

Programs and services for the City's youth are critical to Moreno Valley's future. The City remains actively involved in engaging youth in active and learning programs through its many parks and recreation programs, extensive after school learning programs, and library services. This investment encourages growth as future leaders. The City invests heavily in the safety of youth through provision of crossing guard service, enhancing safe routes to school, and provision of police and fire services throughout the City.

The proposed Resolution states the City Council's support for programs that prevent and combat homelessness in our City. The City will continue to invest Community Development Block Grant and Emergency Solution Grant to assist residents of all ages. The City has initiated the formation of the Non-profit Round Table, to establish and strengthen a network of services for City residents.

The Resolution also acknowledges the School Districts' role in monitoring and assisting at risk youth and the City's commitment to work with each District to focus on issues relating to young residents. The Resolution also indicates the City Council's support for Regional Occupational Programs and similar initiatives to provide local youth with essential job training and mentorship opportunities to equip them for future success in the workforce.

### **ALTERNATIVES**

1. Adopt proposed Resolution supporting programs for the development, learning, leadership and recreation for the City's youth. *Staff recommends this alternative*
2. Not adopt proposed Resolution supporting programs for the development, learning, leadership and recreation for the City's youth. Staff does not recommend this alternative.

### **FISCAL IMPACT**

No fiscal impact for the actions within this staff report. The fiscal impacts for each identified program have been previously approved by City Council and will continue to be brought forward to City Council for approval in future budgets.

### **NOTIFICATION**

Publication of the agenda

### **ATTACHMENTS**

Attachment 1 – Proposed Resolution

Prepared By:  
Marshall Eyerman  
Financial Resources Division Manager

Department Head Approval:  
Richard Teichert  
Chief Financial Officer

Concurred by:  
Thomas M. DeSantis  
Assistant City Manager

**This page intentionally left blank.**



RESOLUTION NO. 2015-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA SUPPORTING PROGRAMS AND SERVICES FOR DEVELOPMENT, LEARNING, LEADERSHIP, AND RECREATION FOR THE CITY'S YOUTH

WHEREAS, based on the 2010 Census, the City has an estimated youth population (under 18) of 64,000 or approx. 32% of the total population; and

WHEREAS, the City has identified this population group as a key area to invest for our City's future; and

WHEREAS, the City Council has identified programs for engaging youth through development, leadership, learning and recreation as a high priority for the City; and

WHEREAS, the City Council believes that youth benefit from the stable living situations; and

WHEREAS, the City has created the Emerging Leaders Council to create opportunities for public discussion on issues important to the community's youth; and

WHEREAS, the Emerging Leaders Council explores and identifies issues and concerns of special importance to teens and young adults and communicates those issues to the City Council; and

WHEREAS, the Emerging Leaders Council encourages youth participation in community service programs and projects; and

WHEREAS, the City provides nearly \$5.7 million in grant funding to support no-cost and low-cost extended learning after school programs at 43 school sites for more than 5,000 students; and

WHEREAS, the City provides youth oriented community events including the Spring Egg Hunt, Youthfest, Battle of the Bands, Movies in the Park, Halloween Carnival , and Snow Day for over 10,000 youth; and

WHEREAS, the City provides recreation sports leagues which serve more than 1,300 young athletes; and

WHEREAS, the City provides youth oriented activities and programs including Time for Tots, Day Camps, and classes pertaining to art, dance, music, and fitness for over 5,000 children; and

1  
Resolution No. 2015-21  
Date Adopted: April 14, 2015

WHEREAS, the City provides approximately \$2.7 million annually, through Community Development Block Grants, Home Investment Partnership Grant and Emergency Solutions Grants, to fund various services throughout the City to help meet the needs of low income youth and their families; and

WHEREAS, the City maintains approximately 1,300 affordable housing units throughout the City to help preclude homelessness for youth and their families; and

WHEREAS, the City receives Federal HOME grant funds to provide for additional affordable housing units to help reduce and eliminate homelessness; and

WHEREAS, the City provides funding of over \$500,000 annually to provide Crossing Guard services for student safety; and

WHEREAS, the City continues to seek additional grant programs and provide annual investments in our community and infrastructure to provide for safe routes to schools; and

WHEREAS, the City funds approximately \$1.7 million annually to provide ongoing library services within the community for the benefit of the youth; and

WHEREAS, the City funds more than \$50 million annually to provide ongoing police and fire public safety services within the community to ensure the safety and well-being of City residents of all ages.

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

The Moreno Valley City Council has deemed that development, learning, leadership and recreation for its young population to be of the highest priority. The City proactively created the Emerging Leaders Council to engage and prepare young leaders in the community. This program provides participants with a broader awareness of local government, elicits their ideas on the improvement of programs for young residents, and engages them as future community leaders.

Programs and services for the City's youth are critical to Moreno Valley's future. The City remains actively involved in engaging youth in active and learning programs through its many parks and recreation programs, extensive after school learning programs, and library services. This investment encourages growth as future leaders. The City invests heavily in the safety of youth through provision of crossing guard service, enhancing safe routes to school, and provision of police and fire services throughout the City.

The City Council supports and encourages programs that prevent and combat homelessness in our City. The City will continue to invest Community Development

2  
Resolution No. 2015-21  
Date Adopted: April 14, 2015

Block Grant and Emergency Solution Grant to assist residents of all ages. The City has initiated the formation of the Non-profit Round Table, to establish and strengthen a network of services for City residents.

The City Council acknowledges the School Districts' role in monitoring and assisting at risk youth and will work with each District to focus on issues relating to young residents. The City Council is particularly supportive of Regional Occupational Programs and similar initiatives to provide local youth with essential job training and mentorship opportunities to equip them for future success in the workforce.

APPROVED AND ADOPTED this 14th day of April, 2015.

\_\_\_\_\_  
Mayor of the City of Moreno Valley

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

3  
Resolution No. 2015-21  
Date Adopted: April 14, 2015

**RESOLUTION JURAT**

STATE OF CALIFORNIA        )  
COUNTY OF RIVERSIDE       ) ss.  
CITY OF MORENO VALLEY     )

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2015-21 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 14th day of April, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK

(SEAL)

4  
Resolution No. 2015-21  
Date Adopted: April 14, 2015

**MINUTES - REGULAR MEETING OF MARCH 24, 2015  
(Report of: City Clerk Department)**

**Recommendation: Approve as submitted.**

**SEE AGENDA ITEM A.2**

**This page intentionally left blank.**

**MINUTES - REGULAR MEETING OF MARCH 24, 2015  
(Report of: City Clerk Department)**

**Recommendation: Approve as submitted.**

**SEE AGENDA ITEM A.2**

**This page intentionally left blank.**

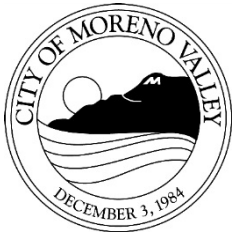


**MINUTES - REGULAR MEETING OF MARCH 24, 2015  
(Report of: City Clerk Department)**

**Recommendation: Approve as submitted.**

**SEE AGENDA ITEM A.2**

**This page intentionally left blank.**



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>R</i>
CITY MANAGER	<i>d</i>

---

## Report to City Council

---

**TO:** Mayor and City Council

**FROM:** Mike Lee, Community & Economic Development Director

**AGENDA DATE:** April 14 ,2015

**TITLE:** GENERAL PLAN AMENDMENT FROM COMMERCIAL (C) TO RESIDENTIAL 20 (R20) AND ZONE CHANGE FROM COMMUNITY COMMERCIAL (CC) TO RESIDENTIAL 20 (R20) FOR DEVELOPMENT OF A PLOT PLAN FOR A 112 UNIT APARTMENT PROJECT ON 6.63 ACRES. THE PROJECT PROPOSES 14 TWO STORY BUILDINGS WITH A MIX OF 1 AND 2 BEDROOM UNITS AND WITH COVERED PARKING TO INCLUDE CARPORTS AND GARAGES. THE PROJECT IS LOCATED AT THE SOUTHEAST CORNER OF EUCALYPTUS AVENUE AND EDMONT STREET. THE DEVELOPER IS LATCO ENTERPRISES.

---

### **RECOMMENDED ACTION**

Recommendations: That the City Council:

1. Conduct a public hearing for Edgemont Apartments Project:
2. Approve Resolution No. 2015-22. A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Mitigated Negative Declaration for Application PA14-0044 pursuant to California Environmental Quality Act (CEQA) Guidelines, and Approving a General Plan Amendment (PA14-0044) from Commercial Land Use Designation to Residential 20 for 6.63 acres located within Assessor's Parcel Numbers 263-120-020 and 263-120-025 at the Southeast Corner of Eucalyptus Avenue and Edgemont Street.
3. Introduce Ordinance No. 893. An Ordinance of the City Council of the City of Moreno Valley, California, Adopting a Mitigated Negative Declaration for Application PA14-0043 pursuant to California Environmental Quality Act (CEQA) Guidelines, and Approving a Zone Change (PA14-0043) from Community Commercial (CC) to

Residential 20 (R20) for 6.63 acres located within Assessor's Parcel Numbers 263-120-020 and 263-120-025 at the Southeast Corner of Eucalyptus Avenue and Edgemont Street.

4. Approve Resolution No. 2015-23. A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Mitigated Negative Declaration for Application PA14-0042 pursuant to California Environmental Quality Act (CEQA) Guidelines, and Approving Plot Plan Application PA14-0042 for Development of a 112 Unit Apartment Project on the 6.63 acres of Assessor's Parcel Numbers 263-120-020 and 263-120-025 located at the Southeast Corner of Eucalyptus Avenue and Edgemont Street.

## **SUMMARY**

This report recommends approval of a General Plan Amendment, Zone Change, and Plot Plan and supporting Mitigated Negative Declaration for a new 112 unit apartment project to be located at the Southeast Corner of Eucalyptus Avenue and Edgemont Street. This project was recommended for approval by the Planning Commission on March 12, 2015 by a unanimous vote of 4-0-0 by the Commissioners present, with one Commissioner absent, one Commissioner recused and one vacant seat.

## **DISCUSSION**

### **Background**

A Planning Commission public hearing was held for this project on March 12, 2015. At the meeting information about the project and the related Mitigated Negative Declaration was presented to the Planning Commission by staff. Following the staff report, comments were taken from the applicant and interested parties and residents.

The Planning Commission inquired about the reliability of water service and vehicular access to the project site. Following comments from staff and a representative from the Box Springs Mutual Water Company, the water purveyor, the Planning Commission indicated that their questions and concerns with the water service and vehicular access had been addressed.

Prior to the hearing an email was submitted to the Planning Commission by a resident who expressed concerns with the reliability of the water service and the loss of existing commercial zoned land (see Attachment 11 for a copy of the email).

The Fire Prevention Bureau required the preparation of studies that would measure the availability of water for fire suppression purposes for the project. Based on the results of the required analysis, staff determined that all City requirements for fire suppression and life safety can be satisfied for this project at this location.

The loss of the commercial land use zoning was carefully considered. In reviewing the proposed land use change, consideration was given to the amount of existing

Commercial designated property available for development located in proximity to the project site at the intersections of Eucalyptus Avenue and Valley Springs Parkway to the west and Eucalyptus Avenue and Day Street to the east. Consideration was also given to Edgemont Elementary School located across the street to the north. The presence of these other commercial properties satisfies General Plan Objective 2.4, to, "Provide commercial areas within the City that are conveniently located, efficient, attractive, and have safe and easy pedestrian and vehicular circulation in order to serve the retail and service commercial needs of Moreno Valley residents and businesses." Therefore, the change from commercial zoning at the project site to residential is supported.

The Planning Commission voted unanimously 4-0-0 (one absent, one recused, one vacant seat) recommending that the City Council adopt a Mitigated Negative Declaration for the project and approve the proposed General Plan Amendment, Zone Change and Plot Plan for the Edgemont Apartments project.

### **Project**

The applicant, Latco Enterprises, has submitted three applications for development of the Edgemont Apartments project, which include a General Plan Amendment, Zone Change, and Plot Plan, in order to develop a 112 unit apartment project on 6.63 acres (Assessor's Parcel Numbers 263-120-020 and 263-120-025) located at the southeast corner of Eucalyptus Avenue and Edgemont Street.

### **Site**

The project site is a vacant rectangular shaped parcel that is comprised of level to rolling topography. The site was used as a chicken farm and ranch from approximately 1948 until 1967. The site has been vacant for approximately 45 years. There are no rock outcroppings, hilltops or steep slopes on the project site. The site is routinely disked for weed abatement to clear it of brush and weedy vegetation.

In April 2009, the General Plan designation of the site was changed from Residential/Office to Commercial and the zoning on the site was changed from Office Commercial (OC) to Community Commercial (CC) concurrently with the approval of a mini-storage facility. The mini-storage facility has not developed due to changing market conditions and diminished demand for mini-storage. The change from a commercial to residential use on the project site is reflective of residential market demand and the change in zone may serve as a catalyst for economic investment in this area of the City.

### **Surrounding Area**

The developed uses in the area are mostly single-family residences to the north, west and south with a mobile home park located to the east and an office building and Edgemont Elementary School also located to the north.

General Plan land use designations in the vicinity are primarily Residential Office (R/O) along Eucalyptus Avenue with some limited Commercial (C) designated land located to the west at or near the intersection of Eucalyptus Avenue and Valley Springs Parkway. The Edgemont Elementary School site across the street from the project site to the north has a zoning designation of Public (P).

Zoning designations in the vicinity are primarily Office Commercial (OC) along Eucalyptus Avenue with some limited Community Commercial (CC) designated land located to the west at or near the intersection of Eucalyptus Avenue and Valley Springs Parkway. Edgemont Elementary School across the street to the north has a Public (P) zoning designation. South of and adjacent to the project site, properties are zoned R10 and R15, allowing for multiple family development.

### **Land Use Changes**

The current General Plan land use designation for the project site is Commercial (C) and the current zoning is Community Commercial (CC). General Plan Amendment application PA14-0044 proposes to change the General Plan land use designation to Residential 20 and Zone Change application PA14-0043 proposes to change the Zoning designation to Residential 20 District (R20) (PA14-0043).

The proposed change from Commercial to Residential 20 will establish a multiple family land use designation that is compatible with surrounding residential land uses and will promote development of the site. This is consistent with General Plan Community Goal 2.1, which states, “a pattern of land uses, which organizes future growth, minimizes conflicts between land uses, and which promotes the rational utilization of presently underdeveloped and undeveloped parcels”.

The development of the 56 one bedroom and 56 two bedroom units proposed at this location would address General Plan Community Goal 2.4 which encourages a supply of housing in sufficient numbers suitable to meet the diverse needs of future residents and to support healthy economic development without creating an oversupply of any particular type of housing.

In reviewing the proposed land use change, consideration was given to the amount of existing Commercial designated property available for development located in close proximity to the project site at the intersections of Eucalyptus Avenue and Valley Springs Parkway to the west and Eucalyptus Avenue and Day Street to the east. The availability of Commercial land use at these locations achieves the stated purpose of General Plan Objective 2.4, to, “Provide commercial areas within the City that are conveniently located, efficient, attractive, and have safe and easy pedestrian and vehicular circulation in order to serve the retail and service commercial needs of Moreno Valley residents and businesses.”

The Transportation Engineering Division required a Traffic Impact Study for the proposed project to address the potential increase in traffic with the approval of the proposed project. Based on the results of the Traffic Impact Study, no unacceptable

service levels or other negative impacts to the City's circulation system have been identified.

The proposed General Plan Amendment is consistent with General Plan Circulation Element Goal 5.1 as it will result in development of a safe, efficient, environmentally and financially sound, integrated vehicular circulation system consistent with the City General Plan Circulation Element Map, Figure 9-1. The project design provides appropriate vehicular and emergency response access to development and is considerate of and supports mobility requirements of the system's users.

### **Plot Plan**

Plot Plan application PA14-0042 proposes the development of a 112 unit apartment project on 6.63 acres. The project will include 14 two-story buildings with a mix of 56 one bedroom and 56 two bedroom units. The developer proposes to secure the site with decorative perimeter fencing and walls. Project amenities include a pool, recreation center, private open space, carport parking and single-car garages.

### **Access/Parking**

Primary access to the proposed apartment project is from Edgemont Street with secondary/emergency access provided at Eucalyptus Avenue. The design for project access meets all applicable City requirements.

Municipal Code Section 9.11 requires a total of 196 parking spaces including 112 covered spaces for the proposed apartment project. The project as designed provides a total of 196 parking spaces including 77 carports and 52 single-car garages for a total of 129 covered parking spaces which exceeds the covered parking requirement for this use. The project as designed and conditioned satisfies all parking requirements of the City's Municipal Code.

### **Design/Landscaping**

The proposed project includes 14 two story apartment buildings. The design of the development relies on simple massing with details that include tile roofs, stucco exterior walls, window surrounds and trim, articulated roof overhangs, and arch details at the stair enclosures and private patios. Variation among the buildings is created with multiple color schemes and an assortment of details, including exposed rafter tails, louvers, medallions and light fixtures.

The recreation building includes stone veneer and is compatible with the design of the apartment buildings in the use of similar colors, materials and level of detail.

All walls and fences on the site are proposed to be constructed with decorative block. The walls and fences for this project are conditioned to be consistent with the City's Municipal Code standards for placement, height and materials.

This project has been reviewed and the design of the proposed plot plan conforms to all development standards of the R20 zone and the design guidelines for multiple family uses as required within the City's Municipal Code.

### **Review Process**

In the review of this project, consideration was given to the potential impact to surrounding land uses by the proposed project.

The project was reviewed by the Project Review Staff Committee (PRSC) in October, November and December 2014.

Planning also coordinated with representatives from Moreno Valley Unified School District, Pechanga Cultural Resources – Temecula Band of San Luiseno Mission Indians in accordance with the SB 18 Consultation process, and the Riverside County Airport Land Use Commission (ALUC).

Riverside County Airport Land Use Commission (ALUC) staff requested that the project be submitted to the County for review by ALUC. The project was scheduled for a public hearing before ALUC on February 5, 2015. ALUC found the Edgemont Apartments project to be consistent with the 2014 March Air Reserve Base Airport Land Use Compatibility Plan.

As a result of coordination with the above noted agencies, all City departments and the applicant, conditions of approval have been drafted for the project and are included in the recommended resolutions to ensure all interests are met and to address potential impacts to cultural resources and compatibility with the 2014 March Airport Land Use Compatibility Plan adopted by the Riverside County Airport Land Use Commission on November 13, 2014.

### **Environmental**

The California Environmental Quality Act (CEQA) is a statewide environmental law contained in Public Resources Code §§21000-21177. CEQA applies to public agency actions that have the potential to affect the environment. CEQA requires that public agencies analyze and acknowledge the environmental consequences of their discretionary actions and consider alternatives and mitigation measures to avoid or reduce significant adverse impacts to the environment when avoidance or reduction is feasible. The CEQA compliance process provides public agencies and the general public an opportunity to comment on a proposed project's environmental effects.

An Initial Study was prepared which assessed the potential of the proposed project to impact the environment. The Initial Study provides a factual basis, for findings in the Mitigated Negative Declaration, that the proposed project will not have a significant effect on the environment with the implementation of mitigation measures as prescribed. The City as the Lead Agency has prepared and recommends certification of a Mitigated



Negative Declaration (MND) for the project pursuant to Sections 15070 et seq. of the State CEQA Guidelines.

The project is located within Area D of the March Airport Land Use Compatibility Plan. Mitigation measures have been placed on the project in order to demonstrate compliance with the requirements of the plan.

Additional mitigation measures have been included to reduce potential impacts under the categories of noise and traffic to less than significant.

A mitigation monitoring program has been prepared to ensure implementation of the mitigation measures (see Attachment 7).

Based on the results of the Mitigated Negative Declaration, there is no evidence that the proposed project will have a significant impact on public health or be materially injurious to surrounding properties or the environment as a whole, therefore, adoption of the Mitigated Negative Declaration is recommended.

### **ALTERNATIVES**

1. Adopt a Mitigated Negative Declaration and approve the applications for the Edgemont Apartments project. This action would establish R20 General Plan and Zoning designations for the 6.63 acres located at the southeast corner of Eucalyptus Avenue and Edgemont Street, allowing development of a 112 unit apartment project. Staff recommends this alternative.
2. Do not Adopt a Mitigated Negative Declaration and Deny the applications for the Edgemont Apartments Project. This action would retain the current General Plan and Zoning designations for the project site which allow for a variety of business, retail, personal and related or similar services. Staff does not recommend this alternative.

### **FISCAL IMPACT**

No current fiscal impacts. Although, the conversion of land use zoning from commercial to residential may have an impact on future City revenue sources and demands for public services.

### **CITY COUNCIL GOALS**

The recommended project is consistent with the following City Council goals:

- Public Facilities and Capital Projects – The project as designed and conditioned will construct needed public infrastructure including the installation of Edgemont Street at half-width plus an additional 12 feet west of the centerline, along the entire project's west frontage. Improvements to include pavement, base, redwood header, curb, gutter,

mid-block cross gutter as needed and as approved by the City Engineer, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.

- Positive Environment – The architectural design and the site design of the proposed project, at a prominent gateway of the City, will create a positive environment for the development of Moreno Valley's future.
- Community Image, Neighborhood Pride and Cleanliness - The project as designed and conditioned will construct needed public infrastructure and provide attractive parkway and private landscape that can promote a sense of community pride and foster an excellent image for our City.
- Public Safety – The project as designed and conditioned will provide a safe and secure environment for people and property in the community.

### **NOTIFICATION**

The public hearing notice for this project was published in the local newspaper on April 3, 2015. Public notice was sent to all property owners of record within 300 feet of the project site on April 1, 2015. The public hearing notice for this project was posted on the project site on April 3, 2015.

As of the date of report preparation, staff has received no public inquiries in response to the noticing for the City Council public hearing for this project.

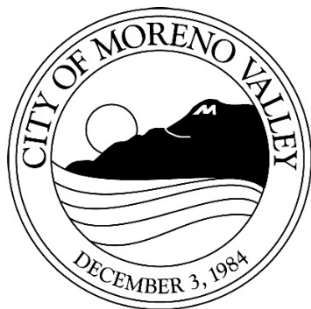
### **ATTACHMENTS**

1. Public Hearing Notice
2. Proposed Resolution
3. Proposed Ordinance
4. Proposed Resolution
5. Mitigated Negative Declaration
6. Initial Study Checklist
7. Mitigation Monitoring Program
8. Architectural Plans
9. Preliminary Grading Plan
10. Aerial Map
11. Comment Email – March 12, 2015
12. Planning Commission Staff Report
13. Planning Commission Minutes

Prepared By:  
Jeff Bradshaw  
Associate Planner

Department Head Approval:  
Mike Lee  
Community & Economic Development Director

Concurred By:  
Richard J. Sandzimier  
Planning Official



# Notice of PUBLIC HEARING

This may affect your property. Please read. Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s):

**CASE:** PA14-0042 – Plot Plan  
PA14-0044 – General Plan Amendment  
PA14-0043 – Zone Change

**APPLICANT:** Latco Enterprises

**OWNER:** Jim Kimmel

**REPRESENTATIVE:** Pacific Development Solutions Group

**LOCATION:** Southeast corner of Eucalyptus Avenue and Edgemont Street

**PROPOSAL:** General Plan Amendment from Commercial (C) to Residential 20 (R20) and Zone Change from Community Commercial (CC) to Residential 20 (R20) for development of a Plot Plan for a 112 unit apartment project on 6.63 acres. The project proposes 14 two-story buildings with a mix of 1 and 2 bedroom units and with covered parking to include carports and garages.

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**COUNCIL DISTRICT:** 5

**STAFF RECOMMENDATION:** Approval

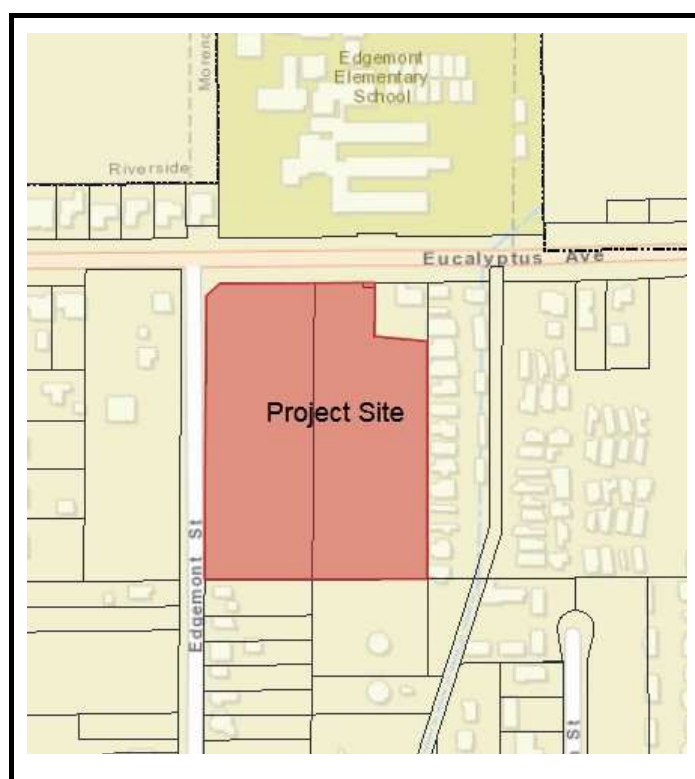
Any person interested in any listed proposal can contact the Community & Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday and 7:30 a.m. to 4:30 p.m. on Friday), or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the

Public Hearing.



**LOCATION** NØ

## CITY COUNCIL HEARING

City Council Chamber, City Hall  
14177 Frederick Street  
Moreno Valley, Calif. 92553

**DATE AND TIME:** April 14, 2015 at 6:00 PM  
**CONTACT PLANNER:** Jeff Bradshaw  
**PHONE:** (951) 413-3224

**This page intentionally left blank.**

RESOLUTION NO. 2015-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR APPLICATION PA14-0044 PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, AND APPROVING A GENERAL PLAN AMENDMENT (PA14-0044) FROM COMMERCIAL LAND USE DESIGNATION TO RESIDENTIAL 20 FOR 6.63 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 263-120-020 AND 263-120-025 AT THE SOUTHEAST CORNER OF EUCALYPTUS AVENUE AND EDGEMONT STREET.

WHEREAS, the applicant, Latco Enterprises, filed Application No. PA14-0044 on August 5, 2014, requesting a General Plan Amendment for 6.63 acres from the Commercial land use designation to Residential 20 for certain property, as described in the title of this resolution and the attached Exhibit A; and

WHEREAS, upon completion of a thorough review of the project a public notice for a hearing on this project by the Planning Commission was published in the local newspaper on February 20, 2015. Public notice was sent to all property owners of record within 300 feet of the project site on February 26, 2015. The public hearing notice for this project was also posted on the project site on February 26, 2015; and

WHEREAS, the Planning Commission of the City of Moreno Valley held a public hearing on March 12, 2015 to consider the subject application and all environmental documentation prepared for the project and recommended approval of the project by the City Council; and

WHEREAS, a public notice for a hearing on this project by the City Council was published in the local newspaper on April 3, 2015. Public notice was sent to all property owners of record within 300 feet of the project site on April 1, 2015. The public hearing notice for this project was posted on the project site on April 3, 2015; and

WHEREAS, on April 14, 2015, the City Council conducted a public hearing to consider the project application and all environmental documentation prepared for the project; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, the City Council considered the initial study prepared for the project for the purpose of compliance with the California Environmental Quality Act (CEQA). Based on the initial study, it was determined that the project impacts are less than

1  
Resolution No. 2015-22  
Date Adopted: April 14, 2015

significant with mitigation and approval of a Mitigated Negative Declaration is recommended; and

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

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on April 14, 2015, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed general plan amendment is consistent with the goals, objectives, policies and programs of the General Plan.

FACT: The project includes three (3) applications, a General Plan Amendment and Zone Change, to allow the modification of the existing land use of two (2) parcels (Assessor's Parcel Numbers 263-120-020 and 263-120-025) and a Plot Plan for development of a 112 unit apartment project. This project proposes to change the General Plan designation for the 6.63 acre project site from Commercial (C) to Residential 20 (R20).

The site was used as a chicken farm and ranch from approximately 1948 until 1967. For the last approximately 45 years the site has been vacant. The change from a commercial to residential use on the project site is reflective of residential market demand and the change in zone may serve as a catalyst for economic investment in this area of the City.

The topography of the site is relatively flat. The area surrounding the site has been developed primarily with residential land uses. Properties in the vicinity of the site along Eucalyptus Avenue are mostly zoned Office Commercial (OC) with some Community Commercial (CC) zoning to the west at Old 215/Valley Springs Parkway and Public (P) zoning where Edgemont Elementary School is located across the street to the north.

Consistent with General Plan Community Goals 2.1 and 2.4, the proposed General Plan Amendment will establish a multiple family land use designation that is compatible with surrounding residential land uses and will promote development of the site's undeveloped parcels.

2. Health, Safety and Welfare – The proposed general plan amendment will not be detrimental to the public health, safety or welfare.

FACT: The proposed General Plan Amendment will not result in unacceptable levels of protection from natural and man-made hazards to

2  
Resolution No. 2015-22  
Date Adopted: April 14, 2015

life, health, and property and is therefore consistent with General Goal 9.6.1. The project site is located within approximately 2,000 feet of Fire Station #6 and close proximity to emergency services that are adequate to meet minor emergency and major catastrophic situations. The proposed project includes considerations which can minimize the potential for loss of life and protect residents, workers, and visitors to the City from physical injury and property damage due to seismic ground shaking, and nuisances due to potential flooding.

The California Environmental Quality Act (CEQA) is a statewide environmental law contained in Public Resources Code §§21000-21177. CEQA applies to most public agency decisions to carry out, authorize, or approve actions that have the potential to affect the environment. The proposed project is not exempt from CEQA. It was determined that an Initial Study would be prepared to determine whether the proposed project may or may not have a significant effect on the environment. The City as the Lead Agency has prepared a Mitigated Negative Declaration (MND) pursuant to Sections 15070 et seq. of the State CEQA Guidelines.

The Initial Study / Mitigated Negative Declaration prepared for the project assessed the potential for adverse impacts of the proposed General Plan Amendment and the related Plot Plan application.

The Initial Study provides a factual basis for the finding in the Mitigated Negative Declaration that the proposed project will not have a significant effect on the environment with the implementation of mitigation measures.

The Mitigated Negative Declaration has been considered by the Planning Commission and the City Council and sets forth that there is no evidence that the proposed project will have a significant impact on public health or be materially injurious to surrounding properties of the environment as a whole.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY APPROVE Resolution No. 2015-22, Adopting a Mitigated Negative Declaration for Application No. PA14-0044 pursuant to the California Environmental Quality Act (CEQA) Guidelines, and Approving PA14-0044; subject to the revised General Plan Map as attached to the Resolution as Exhibit A.

APPROVED AND ADOPTED this 14<sup>th</sup> day of April, 2015.

\_\_\_\_\_  
Mayor of the City of Moreno Valley

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



**RESOLUTION JURAT**

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF MORENO VALLEY        )

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2015-22 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 14<sup>th</sup> day of April, 2015 by the following vote:

AYES:

NOES:

ABSENT:

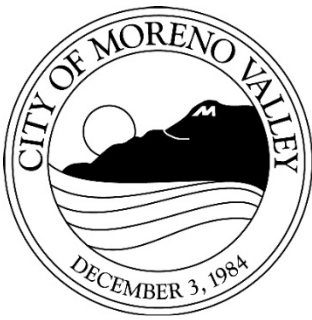
ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK

(SEAL)

**This page intentionally left blank.**



**GENERAL PLAN AMENDMENT**  
Application No. PA14-0044  
APN's 263-120-020 and 263-120-025



6  
Resolution No. 2015-22  
Date Adopted: April 14, 2015

**This page intentionally left blank.**

## ORDINANCE NO. 893

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR APPLICATION PA14-0043 PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, AND APPROVING A ZONE CHANGE (PA14-0043) FROM COMMUNITY COMMERCIAL (CC) TO RESIDENTIAL 20 (R20) FOR 6.63 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 263-120-020 AND 263-120-025 AT THE SOUTHEAST CORNER OF EUCALYPTUS AVENUE AND EDGEMONT STREET.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 GENERAL:

1.1 The applicant, Latco Enterprises, has filed application PA14-0043, requesting an amendment to Page 68 of the Official Zoning Atlas to the zoning classification for certain property, as described in the title of this resolution and the attached Exhibit A.

1.2 Pursuant to the provisions of the law, a public hearing was held before the City Council on April 14, 2015, for deliberations and decision.

1.3 The matter was fully discussed, and the public and other agencies presented testimony and documentation.

1.4 An the initial study has been prepared for the project for the purpose of compliance with the California Environmental Quality Act (CEQA). Based on the initial study, it was determined that the project impacts are less than significant with mitigation and approval of a Mitigated Negative Declaration is recommended.

SECTION 2 FINDINGS:

2.1 Based upon substantial evidence presented to this City Council during the above-referenced meeting on April 14, 2015, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The project includes three (3) applications, a General Plan Amendment and Zone Change, to allow the modification of the existing

1

Ordinance No. 893

Date Adopted: April 28, 2015

land use of two (2) parcels (Assessor's Parcel Numbers 263-120-020 and 263-120-025) and a Plot Plan for development of a 112 unit apartment project. This project proposes to change the General Plan designation for the 6.63 acre project site from Commercial (C) to Residential 20 (R20).

The site was used as a chicken farm and ranch from approximately 1948 until 1967. For the last approximately 45 years the site has been vacant. The change from a commercial to residential use on the project site is reflective of residential market demand and the change in zone may serve as a catalyst for economic investment in this area of the City.

The topography of the site is relatively flat. The area surrounding the site has been developed primarily with residential land uses. Properties in the vicinity of the site along Eucalyptus Avenue are mostly zoned Office Commercial (OC) with some Community Commercial (CC) zoning to the west at Old 215/Valley Springs Parkway and Public (P) zoning where Edgemont Elementary School is located across the street to the north.

Consistent with General Plan Community Goals 2.1 and 2.4, the proposed General Plan Amendment will establish a multiple family land use designation that is compatible with surrounding residential land uses and will promote development of the site's undeveloped parcels.

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

FACT: The proposed Zone Change will not result in unacceptable levels of protection from natural and man-made hazards to life, health, and property and is therefore consistent with General Goal 9.6.1. The project site is located within approximately 2,000 feet of Fire Station #6 and close proximity to emergency services that are adequate to meet minor emergency and major catastrophic situations. The proposed project includes considerations which can minimize the potential for loss of life and protect residents, workers, and visitors to the City from physical injury and property damage due to seismic ground shaking.

The California Environmental Quality Act (CEQA) is a statewide environmental law contained in Public Resources Code §§21000-21177. CEQA applies to most public agency decisions to carry out, authorize, or approve actions that have the potential to affect the environment. The proposed project is not exempt from CEQA. It was determined that an Initial Study would be prepared to determine whether the proposed project may or may not have a significant effect on the environment. The City as the Lead Agency has prepared a Mitigated Negative Declaration (MND) pursuant to Sections 15070 et seq. of the State CEQA Guidelines.

The Initial Study / Mitigated Negative Declaration prepared for the project assessed the potential for adverse impacts of the proposed Zone Change and the related Plot Plan application.

The Initial Study provides a factual basis for the finding in the Mitigated Negative Declaration that the proposed project will not have a significant effect on the environment with the implementation of mitigation measures.

The Mitigated Negative Declaration has been considered by the Planning Commission and the City Council and sets forth that there is no evidence that the proposed project will have a significant impact on public health or be materially injurious to surrounding properties of the environment as a whole.

3. Conformance with the Zoning Regulations – The proposed Zone Change is consistent with the purposes and intent of Title 9 of the City of Moreno Valley Municipal Code.

FACT: As proposed, the Change of Zone from Community Commercial (CC) to Residential 20 (R20) for the 6.63 acre project site is consistent with the purposes and intent of Title 9. A residential development under the R20 would continue to further the comprehensive and orderly development of the site and surrounding areas.

The area surrounding the site has been developed primarily with residential land uses. Several non-residential uses are scattered along Eucalyptus Avenue in the vicinity of the project site. The residences close to the project site are in Office Commercial zone areas and are considered pre-existing, non-conforming land uses. Properties in the vicinity of the site along Eucalyptus Avenue are mostly zoned Office Commercial (OC) with some Community Commercial (CC) zoning to the west at Old 215/Valley Springs Parkway and Public (P) zoning where Edgemont Elementary School is located. South of and adjacent to the project site, properties are zoned R10 and R15, allowing for multiple family development.

Existing single-family residences are located to south, west, and northeast of the project site. A single-family residence and a mobile home park are located immediately to the east of the project site. Edgemont Elementary School is located to north of the project site across Eucalyptus Avenue. There is an office building located to the northeast at the intersection of Day Street and Eucalyptus Avenue of the project site in the City of Riverside.

The proposed Residential 20 (R20) use is compatible with the established land use designations of the parcels in the area. The change from a commercial to residential use on the project site is reflective of residential

market demand and the change in zone may serve as a catalyst for economic investment in this area of the City.

SECTION 3 AMENDMENT OF THE OFFICIAL ZONING ATLAS:

3.1 The City of Moreno Valley Official Zoning Atlas, as adopted by Ordinance No. 359, on April 14, 1992, of the City of Moreno Valley, and as amended thereafter from time to time by the City Council of the City of Moreno Valley, is further amended by placing in effect the zone or zone classification as shown on the attached map (marked "Exhibit A" and included herein by reference and on file in the office of the City Clerk).

SECTION 4 EFFECT OF ENACTMENT:

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5 NOTICE OF ADOPTION:

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6 EFFECTIVE DATE:

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this 28<sup>th</sup> day of April, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



**ORDINANCE JURAT**

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE    ) ss.  
CITY OF MORENO VALLEY )

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 893 had its first reading on April 14, 2015 and had its second reading on April 28, 2015, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 28<sup>th</sup> day of April, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

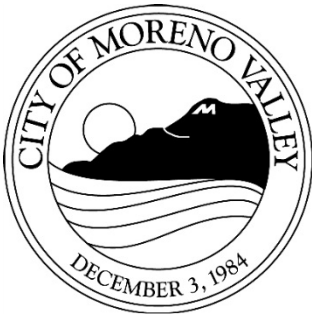
---

CITY CLERK

(SEAL)

5  
Ordinance No. 893  
Date Adopted: April 28, 2015

**This page intentionally left blank.**



**ZONE CHANGE**  
Application No. PA14-0043  
APN's 263-120-020 and 263-120-025



6  
Ordinance No. 893  
Date Adopted: April 28, 2015

**This page intentionally left blank.**

RESOLUTION NO. 2015-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR APPLICATION PA14-0042 PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, AND APPROVING PLOT PLAN APPLICATION PA14-0042 FOR DEVELOPMENT OF A 112 UNIT APARTMENT PROJECT ON THE 6.63 ACRES OF ASSESSOR'S PARCEL NUMBERS 263-120-020 AND 263-120-025 LOCATED AT THE SOUTHEAST CORNER OF EUCALYPTUS AVENUE AND EDGEMONT STREET.

Section 1:

WHEREAS, Latco Enterprises, has filed an application for the approval of Plot Plan PA14-0042 for development of a 112 unit apartment project on 6.63 acres; as described in the title of this Resolution; and

WHEREAS, upon completion of a thorough review of the project a public notice for a hearing on this project by the Planning Commission was published in the local newspaper on February 20, 2015. Public notice was sent to all property owners of record within 300 feet of the project site on February 26, 2015. The public hearing notice for this project was also posted on the project site on February 26, 2015; and

WHEREAS, the Planning Commission of the City of Moreno Valley held a public hearing on March 12, 2015 to consider the subject application and all of the environmental documentation prepared for the project and recommended approval of the project by City Council; and

WHEREAS, a public notice for a hearing this project by the City Council was published in the local newspaper on April 3, 2015. Public notice was sent to all property owners of record within 300 feet of the project site on April 1, 2015. The public hearing notice for this project was posted on the project site on April 3, 2015; and

WHEREAS, on April 14, 2015, the City Council of the City of Moreno Valley held a public hearing to consider the subject application and all of the environmental documentation prepared for the project; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

1  
Resolution No. 2015-23  
Date Adopted: April 14, 2015

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meetings on April 14, 2015, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

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

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The development of the 56 one bedroom and 56 two bedroom units proposed by the project at this location would address General Plan Community Goal 2.4 which encourages a supply of housing in sufficient numbers suitable to meet the diverse needs of future residents and to support healthy economic development without creating an oversupply of any particular type of housing.

General Plan Objective 2.2.10 which specifies that the primary purpose of areas designated Residential 20 is to provide a range of high density multi-family housing types. Developments within Residential 20 areas shall also provide amenities, such as common open spaces and recreational facilities. The maximum density shall be 20 dwelling units per acre. As designed and conditioned, the proposed 112 unit apartment is consistent with the consistent with the above stated objective.

The proposed General Plan Amendment is consistent with General Plan Circulation Element Goal 5.1 by developing a safe, efficient, environmentally and financially sound, integrated vehicular circulation system consistent with the City General Plan Circulation Element Map,

2  
Resolution No. 2015-23  
Date Adopted: April 14, 2015

Figure 9-1, which provides access to development and supports mobility requirements of the system's users.

The proposed apartment project would not be in conflict with existing General Plan policies, goals, objectives and programs of the General Plan.

- 2. Conformance with Zoning Regulations – The proposed use complies with all applicable zoning and other regulations.

FACT: The project site is currently zoned Community Commercial (CC). The project proposes a Zone Change to R20 to allow for development of multiple family residential uses. Subject to approval of the related General Plan Amendment (PA14-0044) and Zone Change application (PA14-0043) the proposed use will comply with all applicable zoning and other regulations.

The project has been designed and conditioned for consistency with Municipal Codes Sections 9.02.070 Plot Plans, 9.03.040 Residential Site Development Standards, and 9.16 Design Guidelines. The project will specifically result in an apartment project that meets and exceeds City standards for architectural design, unit size, parking, private and common open space and recreational amenities.

- 3. Health, Safety and Welfare – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: The proposed project will not result in unacceptable levels of protection from natural and man-made hazards to life, health, and property and is therefore consistent with General Goal 9.6.1. The project site is located within approximately 2,000 feet of Fire Station #6 and close proximity to emergency services that are adequate to meet minor emergency and major catastrophic situations. The proposed project includes considerations which can minimize the potential for loss of life and protect residents, workers, and visitors to the City from physical injury and property damage due to seismic ground shaking, and nuisances due to potential flooding.

The California Environmental Quality Act (CEQA) is a statewide environmental law contained in Public Resources Code §§21000-21177. CEQA applies to most public agency decisions to carry out, authorize, or approve actions that have the potential to affect the environment. The proposed project is not exempt from CEQA. It was determined that an Initial Study would be prepared to determine whether the proposed project

may or may not have a significant effect on the environment. The City as the Lead Agency has prepared a Mitigated Negative Declaration (MND) pursuant to Sections 15070 et seq. of the State CEQA Guidelines.

The Initial Study / Mitigated Negative Declaration prepared for the project assessed the potential for adverse impacts of the proposed General Plan Amendment and the related Plot Plan application.

The Initial Study provides a factual basis for the finding in the Mitigated Negative Declaration that the proposed project will not have a significant effect on the environment with the implementation of mitigation measures.

The Mitigated Negative Declaration has been considered by the Planning Commission and the City Council and sets forth that there is no evidence that the proposed project will have a significant impact on public health or be materially injurious to surrounding properties of the environment as a whole.

- 4. Location, Design and Operation – The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

FACT: The project site is surrounded by development with improved street frontage along Eucalyptus Avenue and Edgemont Street and is surrounded by substantially urban uses. The area surrounding the proposed project includes single-family residences, an elementary school, and an office building across the street to the north and a single-family residence and mobile home park to the east. Land uses to the south include single-family residences and water tanks owned by Box Springs Mutual Water Company. Land uses to the west include vacant land and single-family residences.

The proposed apartment project is a permitted use in the R20 zone and the design of the proposed plot plan conforms to all development standards of the R20 zone and the design guidelines for multiple family uses as required within the City’s Municipal Code. The project as designed and conditioned and subject to approval of the proposed Zone Change from CC to R20, is compatible with existing and proposed land uses in the vicinity.

Section 2:

- A. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS
  - 1. FEES

4  
Resolution No. 2015-23  
Date Adopted: April 14, 2015



Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA14-0042, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given

5  
Resolution No. 2015-23  
Date Adopted: April 14, 2015

similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2015-23, Adopting a Mitigated Negative Declaration for Application No. PA14-0042 pursuant to the California Environmental Quality Act (CEQA) Guidelines, and Approving Plot Plan application PA14-0042, subject to the attached conditions of approval included as Exhibit A.

APPROVED AND ADOPTED this 14<sup>th</sup> day of April, 2015.

\_\_\_\_\_  
Mayor of the City of Moreno Valley

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

6  
Resolution No. 2015-23  
Date Adopted: April 14, 2015

**RESOLUTION JURAT**

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF MORENO VALLEY        )

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2015-23 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 14<sup>th</sup> day of April, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK

(SEAL)

7  
Resolution No. 2015-23  
Date Adopted: April 14, 2015

**This page intentionally left blank.**

**CITY OF MORENO VALLEY  
CONDITIONS OF APPROVAL FOR PA14-0042  
PLOT PLAN FOR A 112 UNIT APARTMENT PROJECT  
ASSESSOR’S PARCEL NUMBERS: 263-120-020 AND 263-120-025**

**APPROVAL DATE:  
EXPIRATION DATE:**

- X Planning (P), including School District (S), Post Office (PO), Building (B)
- X Fire Prevention Bureau (F)
- X Public Works Department – Land Development Division (LD)
- X Public Works Department – Transportation Engineering Division (TE)
- X Financial & Management Services Dept. – Special Districts Division (SD)
- X Police Department (PD)

**COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT**

**Planning Division**

For questions regarding any Planning condition of approval, please contact the Planning Division at (951) 413-3206.

- P1. Approval of Plot Plan PA14-0042 is subject to approval of General Plan Amendment application PA14-0044 and Zone Change application PA14-0043.
- P2. Plot Plan PA14-0042 has been approved for development of a 112 unit apartment project on the 6.63 acres of Assessor’s Parcel Numbers 263-120-020 and 263-120-025.
- P3. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)

---

**Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):**

R - Map Recordation	GP - Grading Permits	CO - Certificate of Occupancy or building final
WP - Water Improvement Plans	BP - Building Permits	P - Any permit

**Governing Document (see abbreviation at the end of the affected condition):**

GP - General Plan	MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Development Guidelines and Specs
Res - Resolution	UFC - Uniform Fire Code	UBC - Uniform Building Code
	SBM - Subdivision Map Act	

8  
Resolution No. 2015-23  
Date Adopted: April 14, 2015

**CONDITIONS OF APPROVAL**  
**PLOT PLAN PA14-0042**  
**PAGE 9 OF 42**

- P4. The site shall be developed in accordance with the approved plans on file in the Community & Economic Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Planning Official. (MC 9.14.020)
- P5. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
- P6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- P7. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), proposed for this development shall be designed in conformance with the sign provisions of the Municipal Code or approved sign program, if applicable, and shall require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
- P8. The design of all swales and basins that are visible from the public right-of-way shall be integrated with the surrounding landscape areas.

Prior to Issuance of Grading Permits

- P9. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.
- P10. (GP) Prior to the issuance of a grading permit, the Project Applicant shall provide evidence to the City of Moreno Valley that a Cultural Resources Monitoring Agreement has been secured for qualified Tribal representatives, and that a professional archaeological monitor has been retained by the Applicant to conduct monitoring of all mass grading and trenching activities and has the authority to temporarily halt and redirect earthmoving activities in the event that suspected archaeological resources are unearthed during Project construction. The Project Archaeologist and Tribal representatives shall attend the pre-grading meeting with the City and contractors to explain and coordinate the requirements of the monitoring program.
- P11. (GP) Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City of Moreno Valley that appropriate Native American representative(s), Project Archaeologist and the Tribal representative(s) shall be

**CONDITIONS OF APPROVAL**  
**PLOT PLAN PA14-0042**  
**PAGE 10 OF 42**

allowed to monitor and have received a minimum of 30 days advance notice of all mass grading and trenching activities. During grading and trenching operations, the Tribal representatives and the project archaeological monitor shall observe all mass grading and trenching activities per the Cultural Resources Monitoring Agreement. If the Archaeologist or Tribal representatives suspect that an archaeological resource may have been unearthed, the archaeologist, in consultation with the tribal representative, shall immediately halt and redirect grading operations in a 100-foot radius around the find to allow identification and evaluation of the suspected resource. In consultation with the appropriate Native American Tribe(s), the archaeological monitor shall evaluate the suspected resource and make a determination of significance pursuant to California Public Resources Code Section 21083.2.

- P12. If a significant archaeological resource(s) is discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). The archaeological monitor and representatives of the appropriate Native American Tribe(s), the Project Applicant, and the City Planning Division shall confer regarding mitigation of the discovered resource(s). A treatment plan and/or preservation plan shall be prepared and by the archaeological monitor and reviewed by representatives of the appropriate Native American Tribe(s), the Project Applicant, and the City Planning Division and implemented by the archaeologist to protect the identified archaeological resource(s) from damage and destruction. The landowner shall relinquish ownership of all archaeological artifacts that are of Native American origin found on the Project site to the culturally affiliated Native American tribe(s) for proper treatment and disposition. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the City Planning Division, the appropriate Native American tribe(s), and the Eastern Information Center at the University of California, Riverside. All cultural material, excluding sacred, ceremonial, grave goods and human remains, collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site shall be curated, as determined by the treatment plan, according to the current professional repository standards and may include the Pechanga Bands curatorial facility.
- P13. (GP) Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan:

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

**CONDITIONS OF APPROVAL**  
**PLOT PLAN PA14-0042**  
**PAGE 11 OF 42**

- P15. (GP) Prior to grading permit issuance, the City shall verify that the following note is included on the Grading Plan:

“If any suspected paleontological resources are discovered during ground-disturbing activities, the construction supervisor is obligated to halt work in a 100-foot radius around the find and call a qualified paleontologist to the site to assess the significance of the find. A qualified paleontologist shall evaluate the suspected resource. If the paleontologist determines that the find is not unique, construction shall be permitted to proceed. However, if the paleontologist determines that further information is needed to evaluate significance, the City of Moreno Valley shall be notified and a treatment plan shall be prepared and implemented in consultation with the City to protect the identified paleontological resource(s) from damage and destruction.”

- P16. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner. If the Riverside County Coroner determines the remains to be Native American, the California Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately notify the “most likely descendant(s)” of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code §5097.98.
- P17. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior’s standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community & Economic Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.
- P18. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens’ Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)



**CONDITIONS OF APPROVAL**  
**PLOT PLAN PA14-0042**  
**PAGE 12 OF 42**

- P19. (GP) Prior to approval of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be shown on the plan, be a minimum size of 24 inch box, and meet a ratio of three replacement trees for each mature tree removed or as approved by the Planning Official. (GP Objective 4.4, 4.5, DG)
- P20. (GP) Prior to approval of any grading permits, plans for any security gate system shall be submitted to the Planning Division for review and approval.
- P21. (GP) Within thirty (30) days prior to any grading or other land disturbance, a pre-construction survey for Burrowing Owls shall be conducted pursuant to the established guidelines of the Multiple Species Habitat Conservation Plan.
- P22. (GP) Prior to the issuance of building permits, the site plan shall show decorative concrete paving for all driveway ingress/egress locations of the project.
- P23. (GP) Decorative concrete shall be used to delineate pedestrian pathways across circulation aisles/paths within the drive aisles throughout the development to connect dwellings with open spaces and/or recreational uses and/or the public right-of-way. The pathways shall be shown on the precise grading plan. Accessible pedestrian pathways interior to the site cannot be painted. If delineation is necessary, then an alternative material is required. (GP Objective 46.8, DG)
- P24. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
- A. A maximum 6 foot high solid decorative block perimeter wall with pilasters and a cap shall be required along the southern and eastern property lines.
  - B. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.
  - C. Perimeter fencing and gates shall be decorative tubular steel or comparable materials and shall include decorative block pilasters and a cap.
- P25. (GP) Prior to issuance of a grading permit, the following mitigation measure contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)

**CONDITIONS OF APPROVAL**  
**PLOT PLAN PA14-0042**  
**PAGE 13 OF 42**

- Mitigation Measure NOI-1 is provided that would require that the project applicant restrict the use of large bulldozers and other large equipment (greater than 150 horsepower) from operating within 15 feet of any off-site structure.

Prior to Issuance of Building Permits

- P26. (BP) Prior to issuance of building permits, for multi-family projects that propose phased occupancy, a phasing plan application shall be submitted to the Planning Division for approval.
- P27. (BP) Prior to issuance of building permits, the Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping. (GP Objective 43.30, DG)
- P28. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for trash enclosures submitted for Planning Division review and approval. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the project. (GP Objective 43.6, DG)
- P29. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed one-quarter foot-candle minimum maintained lighting measured from within five feet of any property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)
- P30. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited

**CONDITIONS OF APPROVAL**  
**PLOT PLAN PA14-0042**  
**PAGE 14 OF 42**

to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

- P31. (BP) Prior to issuance of any building permits, final landscaping and irrigation plans shall be submitted for review and approved by the Planning Division. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and shall include:
- A. Finger and end planters with required step outs and curbing shall be provided every 12 parking stalls as well as at the terminus of each aisle.
  - B. A drought tolerant, low water using landscape palette shall be utilized throughout the project. Sod shall be limited to gathering areas.
  - C. Street trees shall be provided every 40 feet on center in the right of way.
  - D. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of the perimeter of a parking lot and per thirty linear feet of a building dimension for the portions of the building visible from a parking lot or right of way. Trees may be massed for pleasing aesthetic effects.
  - E. Enhanced landscaping shall be provided at all driveway entries and street corner locations
  - F. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.
  - G. Landscaping shall be provided on three sides of any trash enclosure.
  - H. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the project.
- P32. (BP) Prior to the issuance of building permits, the plot plan shall include decorative concrete paving for all driveway ingress/egress locations for the project.

Prior to Issuance of Certificate of Occupancy

- P33. (CO) Prior to issuance of Certificates of Occupancy or building final, all required landscaping and irrigation shall be installed. (MC 9.03.040)
- P34. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Planning Division. (MC 9.080.070).
- P35. (CO) Prior to issuance of a certificate of occupancy, the following mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of

**CONDITIONS OF APPROVAL**  
**PLOT PLAN PA14-0042**  
**PAGE 15 OF 42**

project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)

- HAZ-1 – Prior to the issuance of the Certificate of Occupancy, the project applicant shall execute an aviation easement with the March Joint Powers Authority that provides for the dedication of the easement to March Inland Port Authority; and
- HAZ-2 – Prior to the occupancy of any apartment unit, the project applicant shall prepare general lease agreements for the project that shall include electromagnetic radiation notification.
- TRA-1 – Prior to the issuance of a Certificate of Occupancy, the project applicant shall construct the following improvements at the intersection of Edgemont Street/Eucalyptus Avenue:
  - Widen the northbound approach on Edgemont Street, between Eucalyptus Avenue and the project driveway to have a 56 foot right-of-way (ROW) and 36 foot curb-to-curb width, and contain the following geometrics:
    - One southbound return (through) lane;
    - One northbound left turn lane (Eucalyptus Avenue to project driveway); and
    - One northbound right turn lane (Eucalyptus Avenue to project driveway).
- TRA-2 – Prior to the issuance of a Certificate of Occupancy, the project applicant shall pay their fair-share cost to construct the following improvements on Edgemont Street, between Eucalyptus Avenue and the project driveway. Therefore, the following improvement would be required:
  - Widen the segment of Edgemont Street between Eucalyptus Avenue and the project driveway to have a 56 foot right-of-way (ROW) and contain the following geometrics:
    - One southbound return (through) lane with 12 to 14 feet of width;
    - One northbound left turn lane (Eucalyptus Avenue to project driveway) with a 12 foot width;
    - One northbound right turn lane (Eucalyptus Avenue to project driveway) with a 14 foot width;
    - New curb and gutter shall be constructed along the project frontage on the east side of Edgemont Street and at least 100 feet of new curb and gutter shall be constructed on the west side of Edgemont Street,

**CONDITIONS OF APPROVAL  
PLOT PLAN PA14-0042  
PAGE 16 OF 42**

south of Eucalyptus Avenue. From that point to the south, the edge of pavement may be unimproved, but a minimum 12 foot wide paved southbound lane shall be provided to the project's southern boundary.

Riverside County Airport Land Use Commission (ALUC)

The Airport Land Use Commission adopted a Consistency finding for this project with the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan at a public hearing on March 5, 2015 subject to the following conditions of approval:

- P36. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
- P37. The following uses shall be prohibited:
- (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses included landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, artificial marshes, wastewater management facilities, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
- P38. The following notice shall be provided to all potential purchasers of the property, and shall be recorded as a deed notice:

**NOTICE OF AIRPORT IN VICINITY**

This property is presently located in the vicinity of an airport, within what is known

16  
Resolution No. 2015-23  
Date Adopted: April 14, 2015

**CONDITIONS OF APPROVAL**  
**PLOT PLAN PA14-0042**  
**PAGE 17 OF 42**

as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business and Professions Code Section 11010(b)(13)(A)

- P39. Any ground-level or aboveground water retention or detention basin or facilities shall be designed so as to provide for a detention period for the design storm that does not exceed 48 hours and to remain totally dry between rainfalls. Vegetation in and around such facilities that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature.
- P40. March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air Base radio communications could result. Sources of electromagnetic radiation include radio wave transmission in conjunction with remote equipment inclusive or irrigation controllers, access gates, etc.

Questions related to ALUC conditions P36 through P40 should be directed to personnel with the Riverside County Airport Land Use Commission at (951) 955-5132.

Building and Safety Division

- B1. All new structures shall be designed in conformance to the latest design standards adopted by the State of California in the California Building Code, (CBC) Part 2, Title 24, California Code of Regulations including requirements for allowable area, occupancy separations, fire suppression systems, etc. The current code edition is the 2013 CBC including new energy regulations effective July 1, 2014.
- B2. The proposed project may be classified as an R-2/U and A/B occupancy and shall comply with exiting, occupancy separation(s) and minimum plumbing fixture requirements of the 2013 California Plumbing Code Table 4-1.
- B3. The proposed development shall comply with the latest Federal Law, Americans with Disabilities Act, and State Law, California Code of Regulations, Title 24, Chapter 11A for accessibility standards for the disabled including all access to the site, parking, path of travel, apartment units, swimming pool and spa, exits, restrooms, customer and worker spaces, recreation facilities, etc.

**CONDITIONS OF APPROVAL**  
**PLOT PLAN PA14-0042**  
**PAGE 18 OF 42**

- B4. Building plans submitted shall be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
- B5. The proposed development may be subject to the payment of required development fees as required by the City's Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.
- B6. The proposed project may be subject to approval by the servicing Water District and all applicable fees and charges shall be paid to the District prior to permit issuance. Contact the appropriate water district for details.
- B7. Prior to final inspection, all plans shall be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building and Safety Division for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building and Safety Division. In addition, a site plan showing the path of travel from public right of way with elevations will be required.
- B8. Any construction within the city shall only be as follows: Monday through Friday (except for holidays which occur on weekdays), six a.m. to eight p.m.; weekends and holidays (as observed by the city and described in Chapter 2.55 of the MVMC), seven a.m. to eight p.m., unless written approval is obtained from the city building official or city engineer.
- B9. Contact the Building Safety Division for permit application submittal requirements.

**SCHOOL DISTRICT**

- S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

**UNITED STATES POSTAL SERVICE**

- PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

**FIRE PREVENTION BUREAU**

**Conditions**

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

- F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.
- F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering **\_\_1500\_ GPM for\_2\_ hour(s)** duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 507.3, Appendix B). **The 75% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow; hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C.**
- F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super fire hydrants (6" x 4" x 2 1/2" x 2 1/2" ) and super enhanced fire hydrants (6" x 4" x 4" x 2 1/2" ) shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 507.5.7 & MVMC 8.36.060 Section K, L)
- F4. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 509.1 and MV City Standard Engineering Plan 422 a, b, c)



**CONDITIONS OF APPROVAL**  
**PLOT PLAN PA14-0042**  
**PAGE 20 OF 42**

- F5. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)
- F6. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4)
- F7. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (CFC 501.3)
- F8. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MV City Standard Engineering Plan 108d)
- F9. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty-four (24) or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1 and MVMC 8.36.060[E])
- F10. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.060[G])
- F11. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4)
- F12. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
- F13. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft. drop in 20 ft. (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503 and MVMC 8.36.060)
- F14. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and

**CONDITIONS OF APPROVAL**  
**PLOT PLAN PA14-0042**  
**PAGE 21 OF 42**

- constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
- F15. Prior to issuance of Certificate of Occupancy or Building Final, all residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be located consistently on each dwelling throughout the development. The numerals shall be no less than four (4) inches in height and shall be low voltage lighted fixtures. (CFC 505.1, MVMC 8.36.060[I])
- F16. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of six (6) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1, MVMC 8.36.060[I])
- F17. Prior to issuance of a Certificate of Occupancy or Building Final, a “Knox Box Rapid Entry System” shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)
- F18. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9, MVMC 8.36.100[D])
- F20. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.100)

**CONDITIONS OF APPROVAL  
PLOT PLAN PA14-0042  
PAGE 22 OF 42**

- F21. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:
- a) Be signed by a registered civil engineer or a certified fire protection engineer;
  - b) Contain a Fire Prevention Bureau approval signature block; and
  - c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 507, 501.3)

- F22. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.
- F23. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105, MVMC 8.36.100[A])
- F24. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.
- F25. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 33 & CBC Chapter 33)

**CONDITIONS OF APPROVAL  
PLOT PLAN PA14-0042  
PAGE 23 OF 42**

- F26. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 105)
- F27. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 105)
- F28. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 105)
- F29. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.8)
- F30. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC 102.3)
- F31. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

**PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION**

**Note:** All Special Conditions are in **Bold** lettering and follow the standard conditions.

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

- LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City’s Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)
- LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.
- LD3. (G) Developer shall correctly show all existing easements, traveled ways, and drainage courses on all plans.
- LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division’s administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will

**CONDITIONS OF APPROVAL  
PLOT PLAN PA14-0042  
PAGE 25 OF 42**

permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

- LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.
- LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
- (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
  - (b) Observance of working hours as stipulated on permits issued by the Public Works Department.
  - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
  - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

- LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)

**CONDITIONS OF APPROVAL**  
**PLOT PLAN PA14-0042**  
**PAGE 26 OF 42**

- LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.
- LD9. (G) A detailed final drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.
- LD10. (G) Water quality basins designed to meet Water Quality Management Plan (WQMP) requirements for development may not be used as a construction best management practice. The water quality basin shall be maintained for the entire duration of project construction and be used to treat runoff from those developed portions of the project. The water quality basin shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. The water quality basin shall be graded per the approved design drawings and Landscaped.
- LD11. (G) Prior to final map approval, commencing applicable street improvements, or obtaining the first building permit, the developer shall enter into a Development Impact Fee (DIF) Improvement Credit Agreement to secure credit and reimbursement for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits or reimbursements will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)
- LD12. (G) Prior to final map approval, commencing applicable street improvements, or obtaining the first building permit, the developer shall enter into a Transportation Uniform Mitigation Fee (TUMF) Improvement Credit Agreement to secure credit and reimbursement for the construction of applicable improvements. If the

**CONDITIONS OF APPROVAL  
PLOT PLAN PA14-0042  
PAGE 27 OF 42**

developer fails to complete this agreement by the timing as specified above, no credits or reimbursements will be given for any work. Prior to approval of the TUMF Improvement Credit Agreement, an approved engineer's cost estimate and street improvement plan are required.

- LD13. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.
- LD14. (G) Upon approval of the tentative tract map by the Planning Commission, the Developer shall submit the approved tentative tract map on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.
- LD15. (G) This Project will be required to submit design plans for plan review of Rough Grading Plans, Precise Grading Plans, Street Improvement Plans, Storm Drain Plans, Sewer and Water Plans, Landscape and Irrigation Plan(s) prepared for the "Water Quality Ponds/Bio-Swales", Traffic Control Plans and Signing and Striping Plans, on 24"x36" sheet size for City review, approval and signed by a registered civil engineer and other registered/licensed professional as required.
- LD16. (RG) Prior to rough grading plan approval, this project shall submit for review and approval a lot line adjustment for the intention of eliminating the common lot line between APNs 263-120-020 and 263-120-025.
- LD17. (BP) Prior to building permit issuance, this project shall record the lot line adjustment mentioned in condition of approval LD17.
- LD18. (GPA) Prior to approval of Rough and Precise Grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. This includes accommodating existing drainage entering the project from off-site.



**CONDITIONS OF APPROVAL  
PLOT PLAN PA14-0042  
PAGE 28 OF 42**

Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

- b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
- c. A grading permit shall be obtained from the Public Works Department, Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.
- d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)
- e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil’s stability and geological conditions of the site.

LD19. (GPA) Prior to Rough and Precise Grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

LD20. (GPA) Prior to approval of the Rough grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger’s Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

LD21. (GPA) Prior to the Rough and Precise Grading plan approval, , the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (F-WQMP) for review and approval by the City Engineer that :

- a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly

**CONDITIONS OF APPROVAL  
PLOT PLAN PA14-0042  
PAGE 29 OF 42**

connected impervious areas to the City's street and storm drain systems, and conserves natural areas;

- b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
- c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
- d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
- e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.
- f. The approved F-WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format;
- g. Upon approval, a F-WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained;
- h. The approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

A copy of the final F-WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

- LD22. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.

- LD23. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check and inspection fees.

**CONDITIONS OF APPROVAL**  
**PLOT PLAN PA14-0042**  
**PAGE 30 OF 42**

- LD24. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
- LD25. (GP) Prior to issuance of a grading permit, if the project does not involve the subdivision of land and if the developer chooses to construct the project in construction phases, a Construction Phasing Plan for the construction of on-site public and private improvements shall be reviewed and approved by the City Engineer.
- LD26. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100).
- LD27. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project. (MC 8.21.070)
- LD28. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the implementation and maintenance of erosion control measures required as a condition of approval of the project. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the City. (MC 8.21.160)
- LD29. (IP) Prior to approval of the Improvement Plans, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.
- LD30. (PGP) Prior to the Precise Grading Plan Permit, if the developer chooses to construct the project in construction phases, a Construction Phasing Plan for the construction of on-site public and private improvements shall be reviewed and approved by the City Engineer. This approval must be obtained prior to the

30

Resolution No. 2015-23  
Date Adopted: April 14, 2015

**CONDITIONS OF APPROVAL**  
**PLOT PLAN PA14-0042**  
**PAGE 31 OF 42**

Developer submitting a Phasing Plan to the California State Department of Real Estate.

LD31. (CO) Prior to issuance of a certificate of occupancy, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System (**NPDES**) as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of certificate of occupancy issuance. Following are the requirements:

- a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.
  - i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
  - ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.

LD32. (GP) Prior to the issuance of any Grading Permit, the Grading Plan(s) and Landscape and Irrigation Plan(s) prepared for the "Water Quality Ponds/Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as required. The developer, or the developer's successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)

LD33. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)

**CONDITIONS OF APPROVAL  
PLOT PLAN PA14-0042  
PAGE 32 OF 42**

LD34. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.

LD35. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

- a. Corner cutbacks in conformance with City Standard MVSI-165-0 shall be shown on the Improvement Plans, and offered for dedication by separate instrument.
- b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances as shown on the approved plot plan.
- c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)
- d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees per City Standard No. MVSI-106A-0, or as approved by the City Engineer. (MC 9.14.020)
- e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.

LD36. (IPA) Prior to approval of the improvement plans, the developer shall pothole to determine the exact location of existing wet and dry underground utilities. The improvement plans shall be designed based on the pothole field investigation results. The developer shall coordinate with all affected utility companies and bear all costs of utility relocations. Any conflicting utilities shall be identified and addressed on the plans. The pothole survey data shall be submitted with the street improvement plans for reference purposes.

LD37. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.

**CONDITIONS OF APPROVAL**  
**PLOT PLAN PA14-0042**  
**PAGE 33 OF 42**

- LD38. (IPA) Prior to approval of the improvement plans, drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)
- LD39. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)
- LD40. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Public Works Department – Land Development Division. (MC 9.14.110).
- LD41. (IPA) Prior to storm drain plan approval, the plans shall clearly identify the maintenance responsibility of proposed storm drain lines. Generally, those storm drains within private streets will be maintained by the property owner and those within public streets by the City or RCFC&WCD unless other arrangements/agreements are approved prior to storm drain plan approval.
- LD42. (CP) All work performed within the City right-of-way requires an encroachment permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a Public Improvement Agreement (PIA) as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

**CONDITIONS OF APPROVAL  
PLOT PLAN PA14-0042  
PAGE 34 OF 42**

- LD43. (CP) Prior to issuance of an encroachment permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.
- LD44. (CP) Prior to issuance of an encroachment permit, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.
- LD45. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.
- LD46. (BP) Prior to issuance of building permits for non-subdivision projects, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.
- LD47. (BP) Prior to the issuance of the first building permit (excluding model homes), the Developer shall execute and record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP
- A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.
- LD48. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.
- LD49. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer, and the Engineer of Record and/or the Geotechnical Engineer shall provide pad certifications verifying the graded pads are in accordance with the approved grading plans.
- LD50. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste

**CONDITIONS OF APPROVAL  
PLOT PLAN PA14-0042  
PAGE 35 OF 42**

tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:

- a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
- b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
- c. The vendor(s) that the applicant proposes to use to haul the materials.
- d. Facility(s) the materials will be hauled to, and their expected diversion rates.
- e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled.

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

LD51. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD52. (CO) Prior to issuance of the first certificate of occupancy (excluding model homes), this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System (NPDES) as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of certificate of occupancy issuance. Following are the requirements:

- b. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation,

35  
Resolution No. 2015-23  
Date Adopted: April 14, 2015



**CONDITIONS OF APPROVAL  
PLOT PLAN PA14-0042  
PAGE 36 OF 42**

maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.

- iii. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
  - iv. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
- b. Notify the Special Districts Division of the intent to request building permits 90 days prior to their issuance and the financial option selected. The financial option selected shall be in place prior to the issuance of certificate of occupancy. (California Government Code & Municipal Code)

LD53. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of the first occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy. Eucalyptus Avenue may be eligible for DIF credits for eligible improvements. The developer would have to enter into a credit agreement to secure credit.

LD54. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of the first occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD55. (CO) Prior to issuance of a certificate of the first occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains,

**CONDITIONS OF APPROVAL  
PLOT PLAN PA14-0042  
PAGE 37 OF 42**

landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

- b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
- c. City-owned utilities.
- d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
- e. Under grounding of existing and proposed utility lines less than 115,000 volts.
- f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

LD56. (CO) Prior to issuance of the first certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD57. (CO) Prior to issuance of a certificate of occupancy or building final for the last 20% or last 5 lots (whichever is greater, unless as otherwise determined by the City Engineer) residential buildings of any Phase, punch list work for improvements and capping of streets in that phase must be completed and approved for acceptance by the City.

LD58. (CO) Prior to issuance of the first certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:

- a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
- b. Provide the City with an Engineer's Line and Grade Certification.
- c. Perform and pass a flow test per City test procedures.

**CONDITIONS OF APPROVAL  
PLOT PLAN PA14-0042  
PAGE 38 OF 42**

LD59. (CO) Prior to issuance of a certificate of occupancy or building final for the last 20% of the permitted structures or the last five (5) lots (whichever is greater) for any Phase of the development , the Developer shall:

- a. Notify City Staff (Land Development Division) prior to construction and installation of all structural BMPs so that an inspection(s) can be performed.
- b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans, reports, recommendations and specifications;
- c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
- d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
- e. Clean and repair the water quality basin, including regrading to approved civil drawing if necessary.
- f. Provide City with updated Engineer's Line and Grade Certification.
- g. Obtain approval from City to install irrigation and landscaping.
- h. Complete installation of irrigation and landscaping.

LD60. (CO) Prior to issuance of a certificate of occupancy or building final, the applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:

- a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP)
- b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted to the City for review and approval.

LD61. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to the end of the one-year warranty period of the public streets at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

**SPECIAL CONDITIONS**

**LD62. Prior to rough grading the developer shall obtain from all on-site easements holders written permission for right of entry for grading and construction.**

**LD63. Prior to rough grading plan approval, the plans shall clearly show that any slope near the public right-of-way has a minimum set-back area at 2% maximum of 2 feet before the start of the top or toe of slope.**

**LD64. Prior to rough grading plan approval, the grading plans shall clearly demonstrate that drainage is properly collected and conveyed. The plans shall show all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements. The developer will be required to obtain the necessary permission for off-site construction, including easements.**

**LD65. Prior to approval of any grading permit, the developer shall provide Final Drainage Study and shall clearly demonstrate this project's increased runoff mitigation. This project shall not discharge runoff at a rate greater in the post-developed condition than that in the pre-developed condition, for any given storm event. The storms to be studied include the 1-hour, 3-hour, 6-hour and 24-hour duration events for the 2-year, 5-year, 10-year and**

**100-year return frequencies. Final approved study to be provided in electronic format.**

**LD66. Prior to any grading plan permit, as all of this site resides in FEMA flood zone designation Zone X Shaded which, by definition, could include 100 year flooding up to 1 foot, the plans shall clearly demonstrate that any building finished floor elevations shall be 1 foot minimum above the 100-year base flood elevation.**

**LD67. Prior to any grading plan permit, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, an emergency spillway in the basin and an emergency overflow at any sump catch basin location. The developer is responsible for securing any necessary on-site or off-site drainage easements as required for emergency overflow.**

**LD68. Prior to issuance of a building permit, the developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.**

- a. Eucalyptus Avenue, Divided Major Arterial, City Standard MVSI-101A-0 (134' RW / 110' CC) shall construct pavement to current City Standards and install, replace and/or repair any missing, damaged or substandard improvements, 7 feet of additional right-of-way, or that amount required to ensure a 67' centerline to right-of-way distance, shall be dedicated on the south side of Eucalyptus Avenue along the project's north frontage per separate instrument.**
- b. Edgemont Street, General Local Street, City Standard MVSI-107A-0 (56' RW / 36' CC) shall be constructed to half-width plus an additional 12 feet west of the centerline, along the entire project's west frontage. 4 feet of additional right-of-way shall be dedicated on the east side of Edgemont Street along the project's west frontage per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, redwood header, curb, gutter, mid-block cross gutter as needed and as approved by the City Engineer,**

**sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.**

- c. Driveway approach shall be constructed per City Standard No. MVSI-112C-0. All plans shall show an additional 4-foot right-of-way dedication behind driveway approaches to accommodate pedestrian access.**
- d. No decorative pavers shall be placed within the public right-of-way.**
- e. Pavement core samples of existing pavement may be taken and findings submitted to the City for review and consideration of a lesser width of pavement improvements at time of design plan review. The City will determine the adequacy of the existing pavement structural section. If the existing pavement section is found to be adequate, then a lesser width than that specified above for street pavement improvements may be allowed, as approved by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall construct the streets to the limits as listed above.**

**LD69. Prior to issuance of a building permit, additional right-of-way shall be dedicated, per separate instrument, to accommodate the corner cutback area at the southeast corner of the intersection of Eucalyptus Avenue and Edgemont Street per City Standard No. MVSI-165-0**

**LD70. Prior to issuance of a building permit, the applicant shall schedule a walk through with a Public Works Inspector to inspect existing improvements within public right-of-way along project frontage. The applicant will be required to install, replace and/or repair any missing, damaged or substandard improvements including handicap access ramps that do not meet current City standards. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.**

**LD71. Prior to issuance of the first occupancy permits, all overhead utility lines less than 115,000 volts fronting or within the entire project site boundary shall be placed underground per Section 9.14.130C of the City Municipal Code.**

**LD72. The Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP) for PA14-0032 Tract No. 34544 Project (Project). The F-WQMP shall be consistent with the approved Amended P-WQMP and in full conformance with the document; "Water Quality Management Plan, A Guidance Document for the Santa Ana Region of Riverside County," with an approval date of October 22, 2012 (WQMP Guidance). The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits or building permits. At a minimum, the F-WQMP shall include the following: LID principles; Harvest and Use BMPs (as applicable); Source control BMPs; LID BMPs; Operation and Maintenance requirements for BMPs; sources of funding for BMP implementation; and including those requirements as identified within the F-WQMP and as referenced in part below:**

- a. Overall, the proposed LID BMP concept is accepted as the conceptual LID BMP implementation for the proposed site.**
- b. The Applicant has proposed to incorporate the use of a bioretention facility and pumping system. Final design details of this pump system and LID BMPs must be provided in the first submittal of the F-WQMP. The sizes of all LID BMPs are to be determined using the current procedures set forth the Riverside County Flood Control and Water Conservation District's Design Handbook for Low Impact Development Best Management Practices. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance, subject to "effective area" requirements.**
- c. The Applicant shall substantiate all applicable Hydrologic Condition of Concern (HCOC) issues in the first submittal of the F-WQMP, if applicable.**
- d. All proposed LID BMP's shall be designed in accordance with the County's LID BMP Design Handbook. This includes, but is not limited**

to, media mix, underdrain locations, retaining wall designs (as applicable), soil media depths, etc.

- e. In first submittal of the Final WQMP, Applicant shall submit a landscape plan detailing all plant species and/or grasses proposed within all LID BMPs. The proposed species shall be consistent with use in the soil media depths proposed in the facilities.

**LD73.** Prior to precise grading plan approval, the plans shall clearly show that the developer has made every attempt to treat runoff, prior to the runoff reaching the treatment control Best Management Practice(s) (BMPs), via maximum use of site design and source control BMPs.

**LD74.** Prior to precise grading plan approval, the plans shall show roof drains directed to a landscaped areas rather than being routed directly to the parking lot or roadway. Alternatively, roof drain flows can be directed to private storm drains which will connect to the treatment control best management practice.

**LD75.** Prior to issuance of a building permit, the applicant shall schedule a walk through with a Public Works Inspector to inspect existing improvements within public right-of-way along project frontage. The applicant will be required to install, replace and/or repair any missing, damaged or substandard improvements including handicap access ramps that do not meet current City standards. The applicant shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.

**LD76.** The following project engineering design plans (24"x36" sheet size) shall be submitted for review and approval as well as additional plans deemed necessary by the City during the plan review process:

- a. Rough Grading Plan
- b. Precise Grading Plan
- c. Street Improvement Plan
- d. Signing and Striping Plan
- e. Traffic Control Plan
- f. Final Drainage Study
- g. Final WQMP
- i. As-Built Plans of all "plans" listed above.



**PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION**

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

**GENERAL CONDITIONS**

- TE1. Eucalyptus Avenue is classified as a Divided Major Arterial (134’RW/110’CC) per City Standard Plan No. MVSI-101A-0. Traffic Signal Interconnect per City Standard Plan No. MVSI-186-0 shall be installed along project frontage. Any improvements undertaken by this project shall be consistent with the City’s standards for this facility or as approved by the City Engineer.
- TE2. Edgemont Street is classified as a Local Street (56’RW/36’CC) per City Standard Plan No. MVSI-107A-0. Improvements to Edgemont Street shall include a northbound left turn lane at Eucalyptus Avenue with 150’ minimum for storage. Pavement transitions may also be necessary. Any improvements undertaken by this project shall be consistent with the City’s standards for this facility or as approved by the City Engineer.
- TE3. Driveways shall conform to Section 9.11.080, and Table 9.11.080-14 of the City’s Development Code – Design Guidelines and shall be designed and constructed as per City of Moreno Valley Standard No. MVSI-112C-0. Driveway access shall be the following, with signing as necessary:
- Edgemont Street driveway: Full access.
  - Eucalyptus Avenue driveway: Access restricted to emergency vehicle.
- TE4. The Edgemont Street gated entrance shall be provided with the following:
- a) A storage lane with 60’ provided for queuing.
  - b) A second storage lane for visitors to stop in prior to the gate to utilize a call box (or other device) to receive permission to enter the site.
  - c) Signing and striping for a and b.
  - d) A turnaround outside the gates.
  - e) No Parking signs shall be posted in the turnaround areas.
  - f) A separate pedestrian entry.
  - g) Presence loop detectors (or another device) within 1 to 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.

All of these features must be kept in working order.

- TE5. Conditions of approval may be modified or added if a phasing plan is submitted for this development.

**PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT**

- TE6. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4.
- TE7. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, registered Civil or Traffic engineer may be required for plan approval or as required by the City Traffic Engineer.
- TE9. Prior to final approval of the street improvement plans, the project plans shall demonstrate that sight distance at proposed streets and driveways conforms to City Standard Plan No. MVSI-164A, B, C-0.

**PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL**

- TE10. (CO) Prior to issuance of a Certificate of Occupancy, all approved street improvements shall be installed to the satisfaction of the City Engineer.
- TE11. (CO) Prior to issuance of a Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards

**PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM**

- TE12. Prior to acceptance of streets into the City-maintained road system, all approved signing and striping shall be installed per current City Standards and the approved plans.

**FINANCIAL & MANAGEMENT SERVICES DEPARTMENT**

**Special Districts Division**

**Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering.** All other conditions are standard to all or most development projects.

**Acknowledgement of Conditions**

The following items are the Special Districts Division's Conditions of Approval for project **PA14-0042 (Plot Plan)**; this project shall be completed at no cost to any Government Agency. All questions regarding the following Conditions including but not limited to intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Financial & Management Services Department 951.413.3480 or by emailing [specialdistricts@moval.org](mailto:specialdistricts@moval.org).

**General Conditions**

- SD1. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services District Zone A (Parks & Community Services). All assessable parcels therein shall be subject to annual parcel tax for Zone A for operations and capital improvements.
- SD2. The Moreno Valley Community Services District Zone A (Parks & Community Services) tax is assessed per parcel or per dwelling unit for parcels with more than one dwelling unit. Upon the issuance of building permits, the Zone A tax will be assessed based on one hundred and twelve (112) dwelling units.
- SD3. Any damage to existing landscape areas maintained by the City of Moreno Valley due to project construction shall be repaired/replaced by the Developer, or Developer's successors in interest, at no cost to the City of Moreno Valley.
- SD4. The ongoing maintenance of any landscaping required to be installed behind the curb on **Eucalyptus Avenue and Edgemont Street** shall be the responsibility of the property owner.
- SD5. This project is located within the boundaries of the Edgemont Community Services District (ECSD). The required installation of any new or changes to any existing street lights for this project fall within the jurisdiction of the Edgemont Community Services District. The Developer will coordinate the preparation of all documentation and installation of street lights for this project with the ECSD to meet their legal and administrative requirements prior to street light installation. This includes, but is not necessarily limited to any fees, charges, or balloting costs that may be associated with the installation of new or changes to existing

**CONDITIONS OF APPROVAL  
PLOT PLAN PA14-0042  
PAGE 47 OF 42**

street light facilities. Contact the Edgemont Community Services District at 951.784.2632, Edgemont Community Services District, P. O. Box 5436, Riverside, CA 92517 for further information.

**Prior to Building Permit Issuance**

- SD6. (BP) This project has been conditioned to provide a funding source for the continued maintenance, enhancement, and or retrofit of neighborhood parks, open spaces, linear parks, and/or trails systems. The Developer shall satisfy this condition with one of the options below.
- a. Participate in a special election for annexation into **Community Facilities District No. 1** and pay all associated costs with the special election process and formation, if any; or
  - b. Establish an endowment fund to cover future maintenance costs for new neighborhood parks.

The Developer must notify the Special Districts Division at 951.413.3480 or at [specialdistricts@moval.org](mailto:specialdistricts@moval.org) when submitting the application for building permit issuance of its selected financial option. If option a. is selected, the special election will require a 90 day process prior to building permit issuance to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution.

**Annexation to CFD No. 1 shall be completed or proof of payment to establish the endowment fund shall be provided prior to the issuance of the first building permit for this project.**

- SD7. (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the property owner shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district. The Developer must notify the Special Districts Division at 951.413.3480 or at [specialdistricts@moval.org](mailto:specialdistricts@moval.org) when submitting the application for building permit issuance to determine the requirement for participation. If the first building permit is pulled prior to formation of the district, this condition will not apply. If the condition applies, the special election will require a minimum of 90 days to process prior to issuance of the first building permit to allow adequate time to be in compliance with the provisions of

**CONDITIONS OF APPROVAL**  
**PLOT PLAN PA14-0042**  
**PAGE 48 OF 42**

Article 13C of the California Constitution. (California Government Code Section 53313 et. seq.)

- SD8. (BP) This project is conditioned for a proposed district to provide a funding source for the operation and maintenance of public improvements and/or services associated with new development in that territory. The Developer shall satisfy this condition with one of the options outlined below.
- a. Participate in a special election for **maintenance/services** and pay all associated costs of the election process and formation, if any. Financing may be structured through a Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or
  - b. Establish an endowment fund to cover the future maintenance and/or service costs.

The Developer must notify the Special Districts Division at 951.413.3480 or at [specialdistricts@moval.org](mailto:specialdistricts@moval.org) when submitting the application for building permit issuance. If the first building permit is pulled prior to formation of the district, this condition will not apply. If the district has been or is in the process of being formed the Developer must inform the Special Districts Division of its selected financing option (a. or b. above). The option for participating in a special election requires 90 days to complete the special election process to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution.

**The financial option selected shall be in place prior to the issuance of the certificate of occupancy.**

- SD9. *Commercial* (BP) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide for, but not limited to, stormwater utilities services for the monitoring of on-site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, a funding source needs to be established. The Developer must notify the Special Districts Division at 951.413.3480 or at [specialdistricts@moval.org](mailto:specialdistricts@moval.org) of its selected financial option for the National Pollution Discharge Elimination System (NPDES) program when submitting the application for the first building permit issuance (see Land Development's related condition). If participating in a special election the process requires a 90 day period prior to the City's issuance of a building permit to allow adequate time to be in compliance with the provisions of Article 13D of the California Constitution. (California Health and Safety Code Sections 5473 through 5473.8 (Ord. 708 Section 3.1, 2006) & City of Moreno Valley Municipal Code Title 3, Section 3.50.050.)

**POLICE DEPARTMENT**

The Moreno Valley Police Department has identified several areas of concern and has some recommendations with the current project.

- PD1. Address numbers on all buildings/residences should be placed in the most visible location on the building and be illuminated. Address numbers should also be painted on the curbs in front of the residence.
- PD2. Apartment numbers or letters should be clearly visible from the street.
- PD3. Rooftop addressing of all buildings is recommended.
- PD4. Alarm systems installed on public buildings such as the management office and maintenance office, and pool area.
- PD5. The parking lots, street and buildings should be well lit. Minimize the shadows cast by landscaping and trees on the property, walkways and public areas.
- PD6. If there is going to be a community mailbox area it needs to be well lit, in a highly visible public place and made to resist/deter mail theft.
- PD7. A public emergency phone (land line) should be available at the public pool area.
- PD8. If the complex is going to be gated, install gates that can be opened by emergency vehicles activating the light bars (red/blue lights).
- PD9. All exterior doors shall have a vandal resistant light fixture installed above the door. The doors shall be illuminated with a minimum one foot candle illumination at ground level, evenly dispersed.
- PD10. Ensure any trees surrounding building rooftops be kept at a distance to prevent roof accessibility by potential burglars. Since trees also act as a natural ladder, the branches must be pruned to have at least six foot clearance from the buildings.
- PD11. Addition of a city wide camera system at the corner of Eucalyptus Avenue and Edgemont Street.

**CONDITIONS OF APPROVAL  
PLOT PLAN PA14-0042  
PAGE 50 OF 42**

PD12. The owner or owner's representative shall establish and maintain a relationship with the City of Moreno Valley and cooperate with the Problem Oriented Policing (POP) program, or its successors.

**This page intentionally left blank.**



## NEGATIVE DECLARATION

<b>PROJECT TITLE AND FILE NUMBER:</b> PA14-0042 – Plot Plan, PA14-0043 – General Plan Amendment, and PA14-0044 – Zone Change
<b>PROJECT APPLICANT:</b> Latco Enterprises <b>TELEPHONE NUMBER:</b> (949) 276-4402
<b>PROJECT LOCATION:</b> Southeast corner of Eucalyptus Avenue and Edgemont Street, Moreno Valley, Riverside County, CA
<b>PROJECT DESCRIPTION:</b> General Plan Amendment from Commercial (C) to Residential 20 (R20) and Zone Change from Community Commercial (CC) to Residential 20 (R20) for development of a Plot Plan for a 112 unit apartment project on 6.63 acres. The project proposes 14 two-story buildings with a mix of 1 and 2 bedroom units and with covered parking to include carports and garages.

### FINDING

The City of Moreno Valley has reviewed the above project in accordance with the City of Moreno Valley's Guidelines for the Implementation of the California Environmental Quality Act, and has determined that an Environmental Impact Report need not be prepared because:

- The proposed project will not have a significant effect on the environment.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures described in the attached Initial Study and hereby made a part of this Negative Declaration have been added to the project. The Final Conditions of Approval contain the final form and content of all mitigation measures.

This determination is based upon an Initial Study. The project file, including the Initial Study and related documents is available for review during normal business hours (7:30 a.m. to 5:30 p.m. Monday through Thursday, and 7:30 a.m. to 4:30 p.m. on Friday) at the City of Moreno Valley, Community & Economic Development Department, Planning Division, 14177 Frederick Street, Moreno Valley, California 92553, Telephone (951) 413-3206.

PREPARED BY: Jeff Bradshaw	DATE: January 31, 2015
----------------------------	------------------------

### NOTICE

The public is invited to comment on the Negative Declaration. The appropriateness and adoption of the Negative Declaration is considered at the time of project approval in light of comments received.

DATE ADOPTED: _____ BY: _____
-------------------------------

**This page intentionally left blank.**

**City of Moreno Valley**  
**California Environmental Quality Act (CEQA)**  
**Initial Study (IS) / Mitigated Negative Declaration (MND)**  
**Edgemont Apartments**  
**(Case Number P-14-017)**

---

**Lead Agency:**

City of Moreno Valley  
Community & Economic Development Department  
Planning Division  
14177 Frederick Street  
Moreno Valley, California 92552

**Project Applicant:**

LACTO SC, INC.  
940 Calle Negocio, Suite 200  
San Clemente, California 92673  
(949) 276-4402

**CEQA Consultant:**

Vista Community Planners (Vista)  
1278 Glenneyre Street, Suite 110  
Laguna Beach, California 92561

January 2015

**Table of Contents**

**1.0 Introduction ..... 1**  
    1.1. Document Purpose and Scope..... 2  
    1.2 Document Organization ..... 2  
**2.0 Project Description and Setting ..... 4**  
    2.1. Project Overview..... 5  
    2.2 Project Background ..... 5  
    2.3 Project Location ..... 5  
    2.4 Environmental Setting and Surrounding Land Uses ..... 5  
    2.5 Description of the Proposed Project..... 6  
    2.6 Existing General Plan Designation and Zoning..... 9  
    2.7 Discretionary Actions ..... 9  
**3.0 Environmental Checklist and Analysis..... 22**  
**4.0 References ..... 85**

**Appendices**

- Appendix A: Air Quality and Greenhouse Gas Emissions Impact Analysis
- Appendix B: Focused Western Burrowing Owl Survey
- Appendix C: Hydrology Report
- Appendix D: Phase I and II Reports
- Appendix E: Noise Impact Analysis
- Appendix F: Preliminary Geotechnical Investigation
- Appendix G: Traffic Impact Study
- Appendix H: WQMP Report
- Appendix I: Cultural Resources

## 1.0 INTRODUCTION

---

### 1.1. Document Purpose and Scope

The California Environmental Quality Act (CEQA) is a statewide environmental law contained in Public Resources Code §§21000-21177. CEQA applies to most public agency decisions to carry out, authorize, or approve actions that have the potential to affect the environment. CEQA requires that public agencies analyze and acknowledge the environmental consequences of their discretionary actions and consider alternatives and mitigation measures that could avoid or reduce significant adverse impacts to the environment when avoidance or reduction is feasible. The CEQA compliance process provides public agencies and the general public an opportunity to comment on a proposed project's environmental effects.

This Initial Study (IS) / Mitigated Negative Declaration (MND) assesses the potential of the proposed Edgemont Apartments project (proposed project) to impact the environment. The proposed project includes the development of the project site with a 112 unit apartment complex on approximately 5.89 acres (248,051 square feet). The project site is located in the City of Moreno Valley (City), County of Riverside (County) and State of California (State). The project site is located at the southeast corner of the intersection of Eucalyptus Avenue and Edgemont Street.

The proposed project is not exempt from CEQA. The City prepared this Initial Study (IS) to determine whether the proposed project may have a significant effect on the environment. This IS provides the documentation of the factual basis for the finding in a Negative Declaration that the proposed project will not have a significant effect on the environment. This IS has determined that there is no substantial evidence that the proposed project may have a significant effect. Therefore, the City as the Lead Agency has prepared a Negative Declaration (ND) pursuant to Sections 15070 et seq. of the State CEQA Guidelines.

This IS/MND is an informational document that provides the City, other public agencies, and the public at-large with an objective assessment of the potential environmental impacts that could result from implementation of the proposed project.

### 1.2 Document Organization

This IS/MND includes the following sections:

#### Section 1.0 Introduction

Provides information about CEQA and its requirements for environmental review and explains that an MND was prepared by the City of Moreno Valley to evaluate the proposed Project's potential to impact the physical environment.

#### Section 2.0 Project Description and Setting

Provides information about the proposed Project's location and planning objectives and includes a description of the proposed Project's physical features and construction and operational characteristics.

Section 3.0 Environmental Checklist

Includes the Environmental Checklist and evaluates the proposed Project's potential to result in significant adverse effects to the physical environment.

Section 4.0 References

Provides reference information for all information sources consulted during the preparation of this IS.

## **2.0 PROJECT DESCRIPTION AND SETTING**

---



### 2.1. Project Overview

The proposed project includes the development of the project site with a 112 unit apartment complex on approximately 5.89 acres (248,051 square feet). The proposed project would include demolition and removal of all on-site structures and plant materials. The project site would be graded and the construction of 112 apartments, off-street parking, on-site circulation, community building, pool and deck, tot-lot, and outdoor space area would occur. Access to the proposed project would be provided via a gated entrance for vehicles and a separate pedestrian gate.

### 2.2 Project Background

The project site was used for agricultural use (chicken and ranch) from approximately 1948 -1967. Since that time, according to the SCE Engineering Phase I report, the project site has been vacant land. In April 2009, the project site was subject to a General Plan Amendment (GPA) and Zone Change (ZC). The GPA changed the project site designation from Residential/Office to Commercial. The ZC changed the project site zoning from Office Commercial (OC) to Community Commercial (CC).

### 2.3 Project Location

The project site is currently vacant and comprised of two (2) rectangular-shaped assessor parcels. The project site has topography that varies from level to rolling. The project site has over the past several years been routinely disked for weed abatement in accordance with the requirements of the City.

The project site is located in the City of Moreno Valley (City), County of Riverside (County) and State of California (State). The project site is located on the south side of Eucalyptus Avenue between Day Street and the Interstate-215 (I-215) interchange near the City's northern boundary. Specifically, the project site is located at the southeast corner of the intersection of Eucalyptus Avenue and Edgemont Street. Figure 1: *Regional Location Map* provides the regional context. Figure 2: *Local Vicinity Map* and Figure 3: *Aerial View* provides a more precise location and boundaries of the proposed project.

#### Assessor's Parcel Number(s)

The project site is comprised of the following assessor's parcel numbers:

- 263-120-020
- 263-120-025

### 2.4 Environmental Setting and Surrounding Land Uses

The topography of the project site is relatively flat with elevations ranging from approximately 1,540 to 1,550 feet about sea level. The area surrounding the project site has been developed primarily with residential land uses. Several non-residential uses are scattered along Eucalyptus Avenue in the vicinity of the project site. The majority of the residences in close proximity to the project site are located within the Office Commercial zone and are considered pre-existing, non-conforming land uses. Properties in the vicinity of the project site along Eucalyptus

Avenue are mostly zoned Office Commercial (OC) with some Community Commercial (CC) zoning to the west at Old 215/Valley Springs Parkway and Public (P) zoning where Edgemont Elementary School is located.

Existing single-family residences are located to south, west, and northeast of the project site. Single-family residence and a mobile home park are located immediately to the east of the project site. Edgemont Elementary School is located to north of the project site across Eucalyptus Avenue. There is an office building located to the northeast at the intersection of Day Street and Eucalyptus Avenue of the project site in the City of Riverside. These uses are shown on Figure 3: *Aerial View* and Figure 4: *Surrounding Land Uses*.

### 2.5 Description of the Proposed Project

The proposed project would include the construction of 112 residential apartments. The proposed site plan is depicted on Figure 1, *Site Plan*. The apartments would include the construction of two (2) building types including eight (8) units in each building. As indicated on Figure 5: *Site Plan* two (2) building types are proposed. The proposed Building 1 floor plan and elevations are provided on Figure 6: *Building 1 Floor Plans* and Figure 7: *Building 1 Elevations*. Building 1 would include one (1) bedroom and one (1) bath apartments as noted in Table 1: *Project Statistics*. Each apartment would include approximately 928 square feet including living area, patio, and entry. Each building would be two (2) stories in height. A total of 56 of these one (1) bedroom and one (1) bath apartments would be constructed. A total of 50% of the total units (112) would be the one (1) bedroom and one (1) bath apartments.

As indicated on Figure 5: *Site Plan* Building 2 would include two (2) bedroom and two (2) bath apartments also as noted in Table 1: *Project Statistics*. The proposed Building 2 floor plan and elevations are provided on Figure 8: *Building 2 Floor Plans* and Figure 9: *Building 2 Elevations*. Each apartment would be approximately 1,202 square feet including living area, patio, and entry. Each building would be two (2) stories in height. A total of 56 of these two (2) bedroom and two (2) bath apartments would be constructed. A total of 50% of the total apartments (112) would be two (2) bedroom and two (2) bath apartments.

The proposed project includes development of 112 residential apartments on 5.89 acres. The overall density of the proposed project would be approximately 19.7 dwelling units per acre.

#### *Parking*

The proposed project would provide a total of 196 off-street parking spaces. Table 2: *Proposed Off-Street Parking Statistics* indicates the proposed parking to be provided and spaces required by the City Municipal Code. Table 2: *Proposed Off-Street Parking Statistics* indicates the proposed project off-street parking. Additionally, Table 2: *Proposed Off-Street Parking Statistics* indicates the City Municipal Code required off-street parking. The proposed project total parking requirement equals 112 covered spaces and 84 other spaces for a total of 196 spaces. The proposed project would provide 129 covered spaces and 67 other spaces for a total of 196 spaces. Therefore, the proposed project meets City standards for parking.

**Table 1: Project Statistics**

Residential Units	No. Units (%)	Unit Type	Living Area <sup>1</sup>	Patio <sup>1</sup>	Entry <sup>1</sup>	Wh/Sto <sup>1</sup>	Total <sup>1</sup>	No. Units	Buildings Total <sup>1</sup>
<b>Building 1(8 plex)</b>	56 (50%)	1br/1ba							
First Floor			796	123	39	17	975	4	3,900
Second Floor			796	76	39	17	928	4	3,712
Sub-Total Area Building 1									7,612
<b>Building 2(8 plex)</b>	56 (50%)	2br/2ba							
First Floor			1,086	118	36	17	1,257	4	5,028
Second Floor			1,086	68	36	17	1,207	4	4,828
Sub-Total Area Building 2									9,856
<b>Total</b>									<b>112 (100%)</b>
Notes: 1 Square feet Source: The Vernal Group									

**Table 2: Proposed Off-Street Parking Statistics**

City Requirements						
Unit Type	Number Units	% Total Units	Parking Required	Covered	Other	Total
1br/1ba	456	50%	1.50	56	28	
2br/2ba	56	50%	2.00	56	56	
<i>Total</i>	<i>112</i>	<i>100%</i>		<i>112</i>	<i>84</i>	<i>196</i>
Proposed Project						
Parking Site Plan				Covered	Other	Total
Other					67	
Carports				77		
Garages				52		
<i>Total</i>				<i>129</i>	<i>67</i>	<i>196</i>
<b>Total</b>						<b>0</b>
Source: City of Moreno Valley Municipal Code and The Vernal Group.						

*Access*

The proposed project would provide a public (resident, guest, and deliveries) driveway access from a single gated, un-signalized driveway on Edgemont Street located approximately 300-feet south of Eucalyptus Avenue. The gated driveway entrance would provide 120-feet of stacking over two (2) inbound lanes (60 feet per lane), with one (1) lane designated as a resident-only lane, and the other would be a resident and guest lane with a directory/kiosk. The proposed project would provide a single outbound lane at this gate. In addition, a secondary driveway has would be provided on Eucalyptus Avenue for emergency access only.

## 2.0 Project Description and Setting

---

The proposed project would provide internal vehicular circulation based on a loop driveway aisle that measures 25-foot wide with 44-foot turn radii. The internal vehicular circulation has been designed to meet the City's design standards.

### *Drainage*

The project site generally drains via sheet flow from the northwest corner to the southeast corner and across the adjacent property southerly ultimately to the improved Edgemont Channel B North Fork. The Edgemont Channel B North Fork is a Riverside County Flood Control and Water Conservation District (RCFCWCD) facility.

The proposed project would include the construction of an on-site storm drainage system to capture and carry on-site drainage to the southeast corner of the project site. At the southeast corner of the project site an off-site storm drain pipe would transport captured stormwater in and through the property to the south. The on-site and off-site storm drains will convey the proposed project stormwater to the Edgemont Channel instead of surface flowing across the adjacent parcel.

The proposed project would not exceed pre-project conditions for stormwater discharge. The proposed project includes infrastructure to detain and treat stormwater on-site and discharge it to the storm drain system at rates that would not exceed the capacity of the receiving flood control channel.

### *Landscape and Fencing*

There are no existing significant trees or vegetation on the project site. The proposed project would be appropriately landscaped as shown on Figure 10: *Landscape Plan*. The proposed project would include new curb, gutter, and curb adjacent sidewalks along Edgemont Street and curb separated along Eucalyptus Avenue. The proposed project would include a community building, pool and deck, tot-lot, and outdoor space area central located within the apartment complex. Pedestrian access would be provided from each of the apartment buildings to these areas.

A new six-foot (6') wrought iron fence with pilasters every 30-feet on-center would be constructed along both Edgemont Street and Eucalyptus Avenue inside of the property line in each case. A new six-foot (6') block wall would be constructed along the southerly property line. A landscaped and access area of approximately 20-feet would occur between the southerly property line and the nearest structure. An existing chain link fence would remain to the south of the new block wall on the southerly property line. A new six-foot (6') block wall would remain along the easterly property line adjacent to the existing mobile home park. An eight-foot (8') landscaped area would be located adjacent to the new six-foot (6') block wall. Adjacent to the R/O Zoned area to the northeast of the project site, a new six-foot (6') wrought iron fence with pilaster every 30-feet on-center would be constructed. An existing chain link fence would remain to the south of the new block wall on the southerly property line.

*Grading and Construction*

The project applicant has stated that grading and construction would start immediately after City approvals and would be expected to occur by Summer 2016. Grading is anticipated to include 1,860 cubic yards of cut, 16,643 cubic yards of fill and 14,783 cubic yards of import. For the purposes of providing a “worst case” analysis, this Initial Study/Mitigated Negative Declaration (IS/MND) will assume that all improvements are completed by 2016. Occupancy will commence in 2016 with full occupancy to occur in a timely manner thereafter.

**2.6 Existing General Plan Designation and Zoning**

The project site is designated Commercial by the City of Moreno Valley General Plan. The project applicant is requesting a General Plan Amendment (GPA) to Residential 20 (Max 20 du/ac).

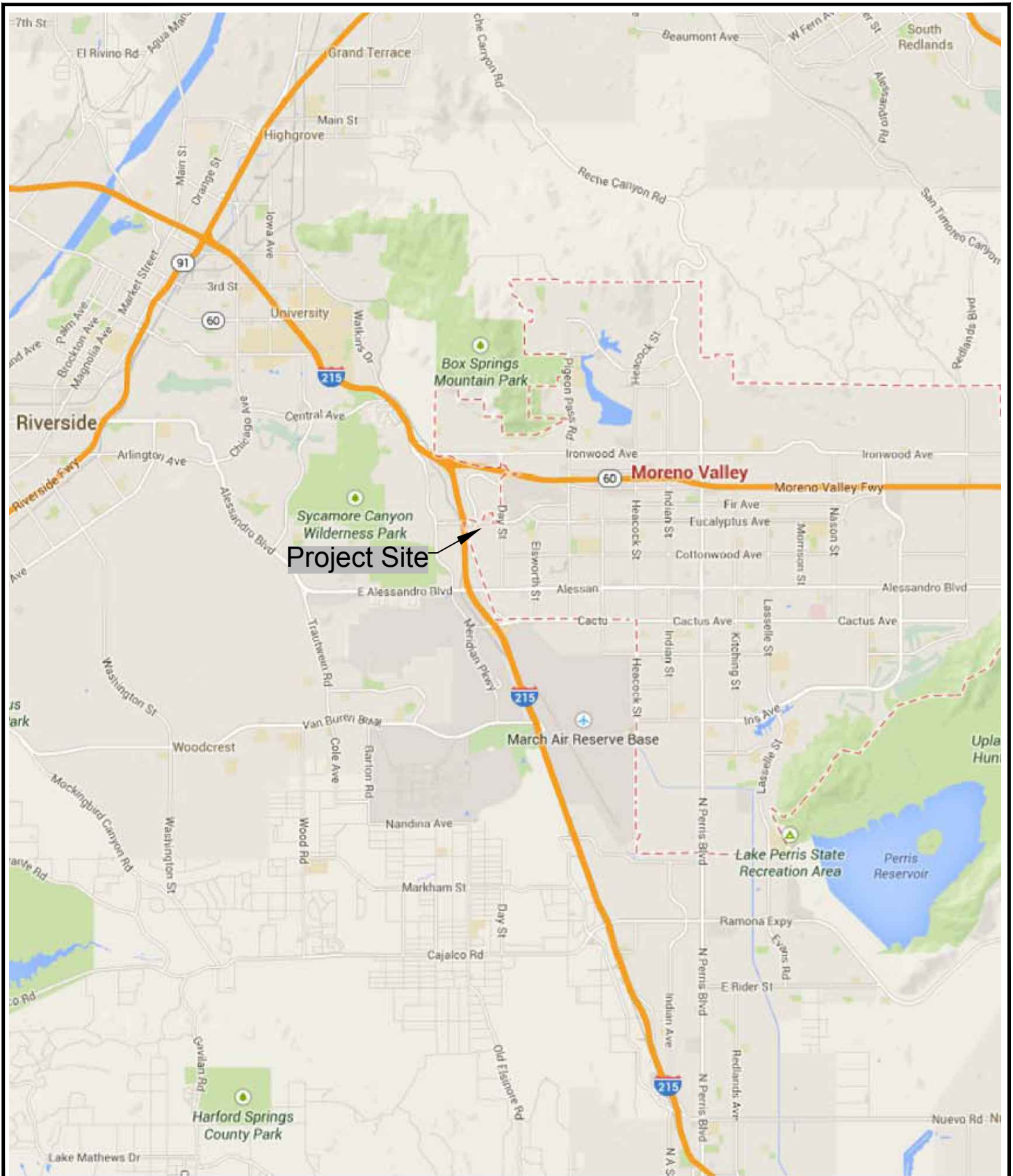
The project site is presently zoned Community Commercial by the City of Moreno Valley Zoning Map. The project application is requesting a Zone Change to Residential 20 (Max 20 du/ac). Figure 11: *General Plan (Existing and Proposed)* and Figure 12: *Zoning (Existing and Proposed)* illustrate these proposed changes.

**2.7 Discretionary Actions**

This IS/MND addresses the potential environmental effects of the proposed Edgemont Apartments project, including all of the associated discretionary actions and approvals required to implement the proposed project, as well as all subsequent construction and operational activities. As part of the proposed project, the will consider approval:

The City will need to approve Case Number 14-017, which includes:

- Certification of the Environmental Documentation;
- Approval of a General Plan Amendment;
- Approval of a Zone Change; and,
- Approval of the Plot Plan, Floor Plans, Elevations, and Landscape Plans.



SOURCE: [www.maps.google.com](http://www.maps.google.com)

# REGIONAL LOCATION MAP

EDGEMONT APARTMENTS PROJECT - CITY OF MORENO VALLEY

VISTA  
NO SCALE



FIGURE 1





SOURCE: City of Moreno Valley GIS

# LOCAL VICINITY MAP

EDGEMONT APARTMENTS PROJECT - CITY OF MORENO VALLEY

VISTA  
NO SCALE



FIGURE 2





SOURCE: City of Moreno Valley GIS

## AERIAL VIEW

EDGEMONT APARTMENTS PROJECT - CITY OF MORENO VALLEY

VISTA  
NO SCALE



FIGURE 3





SOURCE: City of Moreno Valley GIS

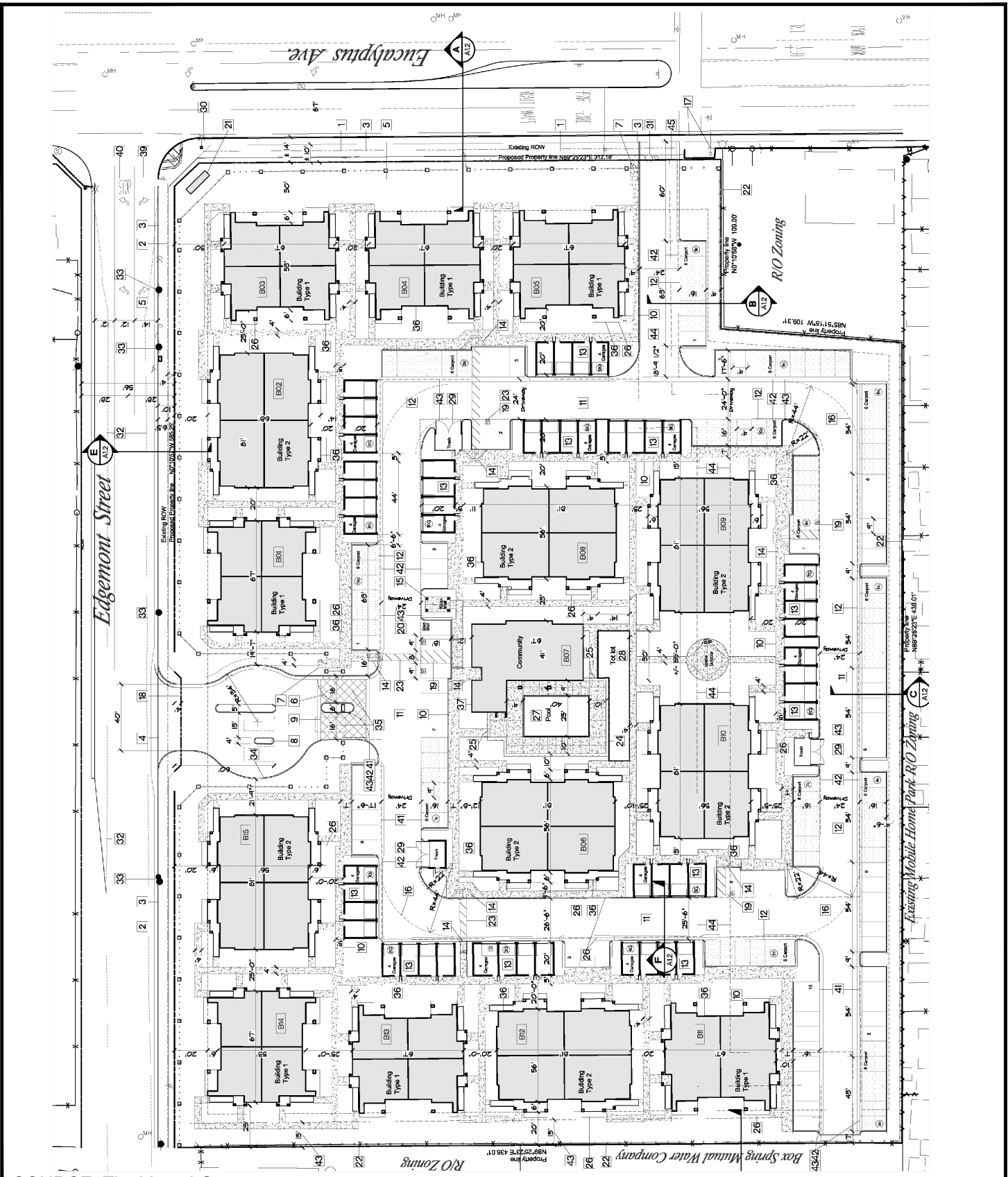
# SURROUNDING LAND USES

EDGEMONT APARTMENTS PROJECT - CITY OF MORENO VALLEY

VISTA  
NO SCALE



FIGURE 4



SOURCE: The Vernal Group.

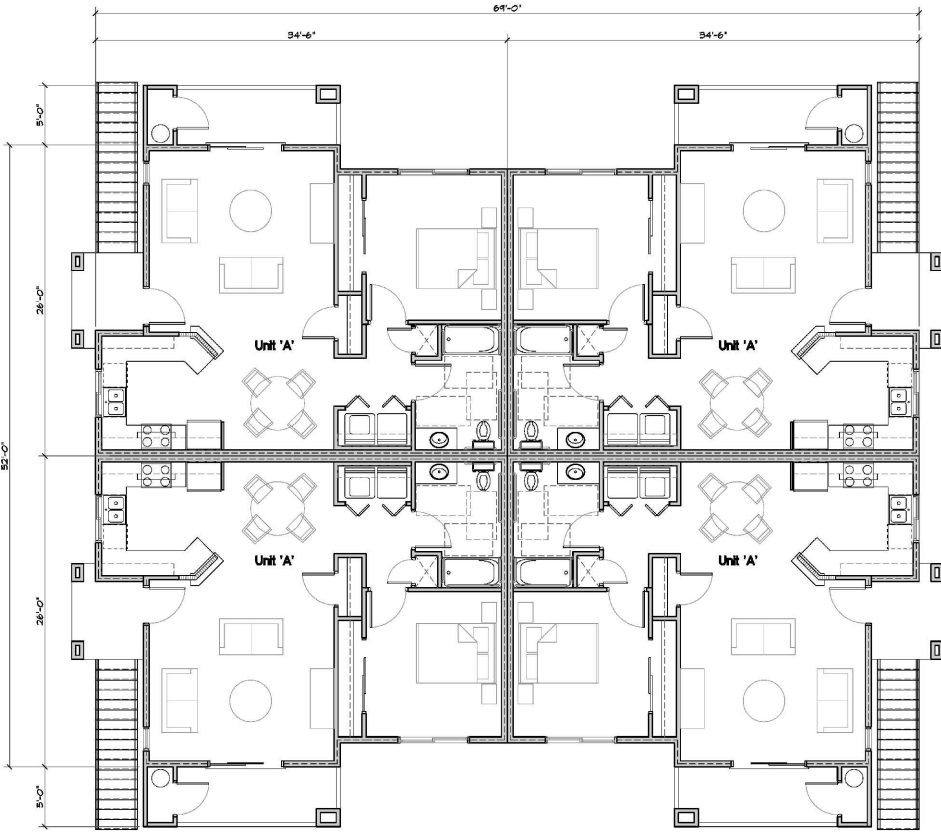
# SITE PLAN

EDGEMONT APARTMENTS PROJECT - CITY OF MORENO VALLEY

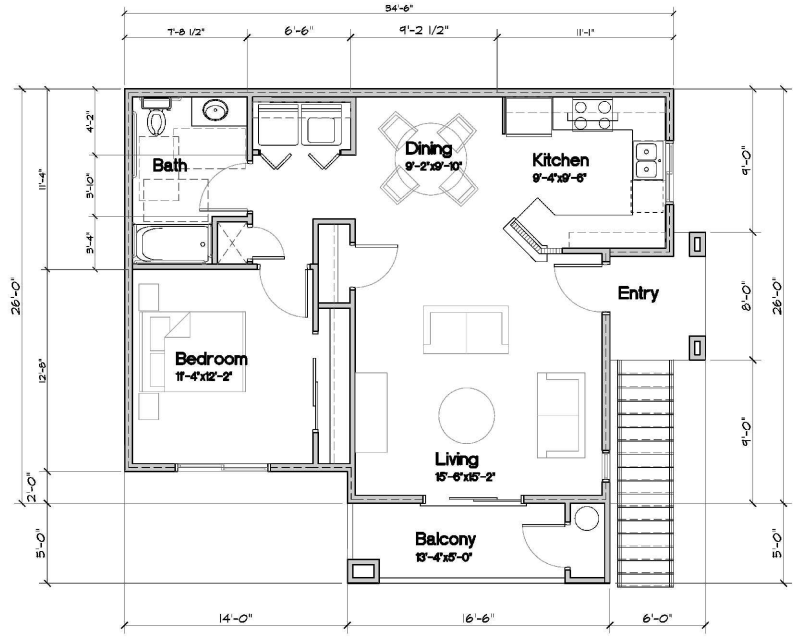
VISTA  
NO SCALE



FIGURE 5



**Building 1**  
3/16"=1'-0"



**Unit A Floor Plan**  
1/4"=1'-0"

AREA	=	007 sf
LIVING AREA	=	60 sf
BALCONY	=	34 sf
ENTRY	=	14 sf
TOTAL AREA	=	115 sf

SOURCE: The Vernal Group.

# BUILDING 1 FLOOR PLANS

EDGEMONT APARTMENTS PROJECT - CITY OF MORENO VALLEY



FIGURE 6





FRONT ELEVATION  
[REAR SIMILAR]



SIDE ELEVATION  
[OPPOSITE SIMILAR]

SOURCE: The Vernal Group.

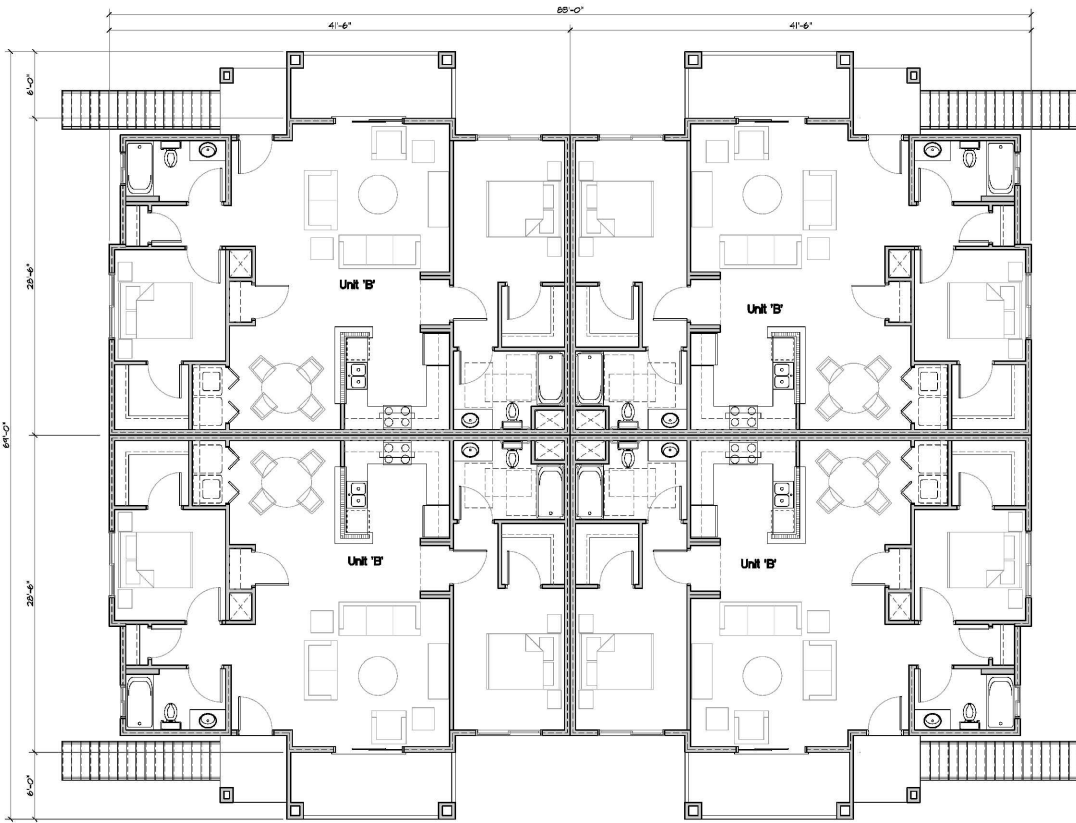
## BUILDING 1 ELEVATIONS

EDGEMONT APARTMENTS PROJECT - CITY OF MORENO VALLEY

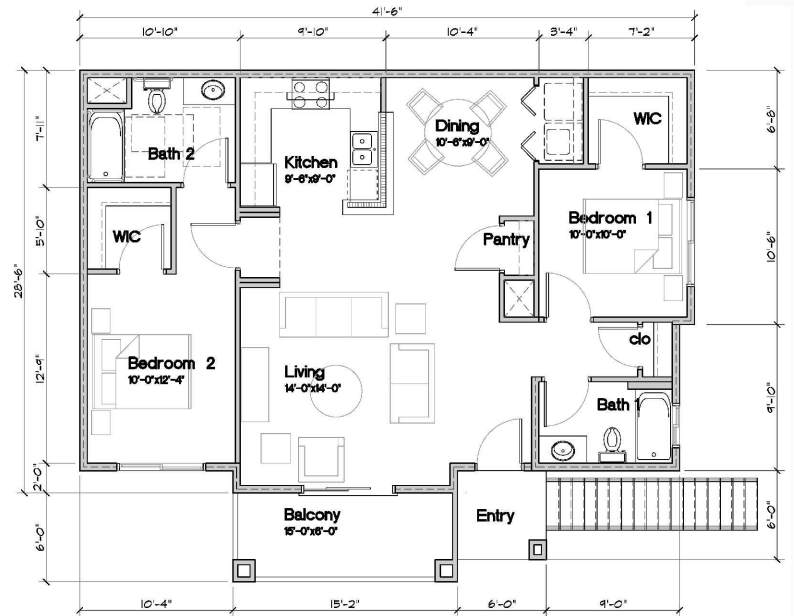
VISTA  
NO SCALE



FIGURE 7



**Building 2**  
3/16"=1'-0"



**Unit B Floor Plan**  
1/4"=1'-0"

AREA	
LIVING AREA	= 139 sf
BALCONY	= 41 sf
ENTRY	= 89 sf
TOTAL AREA	= 269 sq. FT.

SOURCE: The Vernal Group.

# BUILDING 2 FLOOR PLANS

EDGEMONT APARTMENTS PROJECT - CITY OF MORENO VALLEY



FIGURE 8



FRONT ELEVATION  
[REAR SIMILAR]



SIDE ELEVATION  
[OPPOSITE SIMILAR]

SOURCE: The Vernal Group.

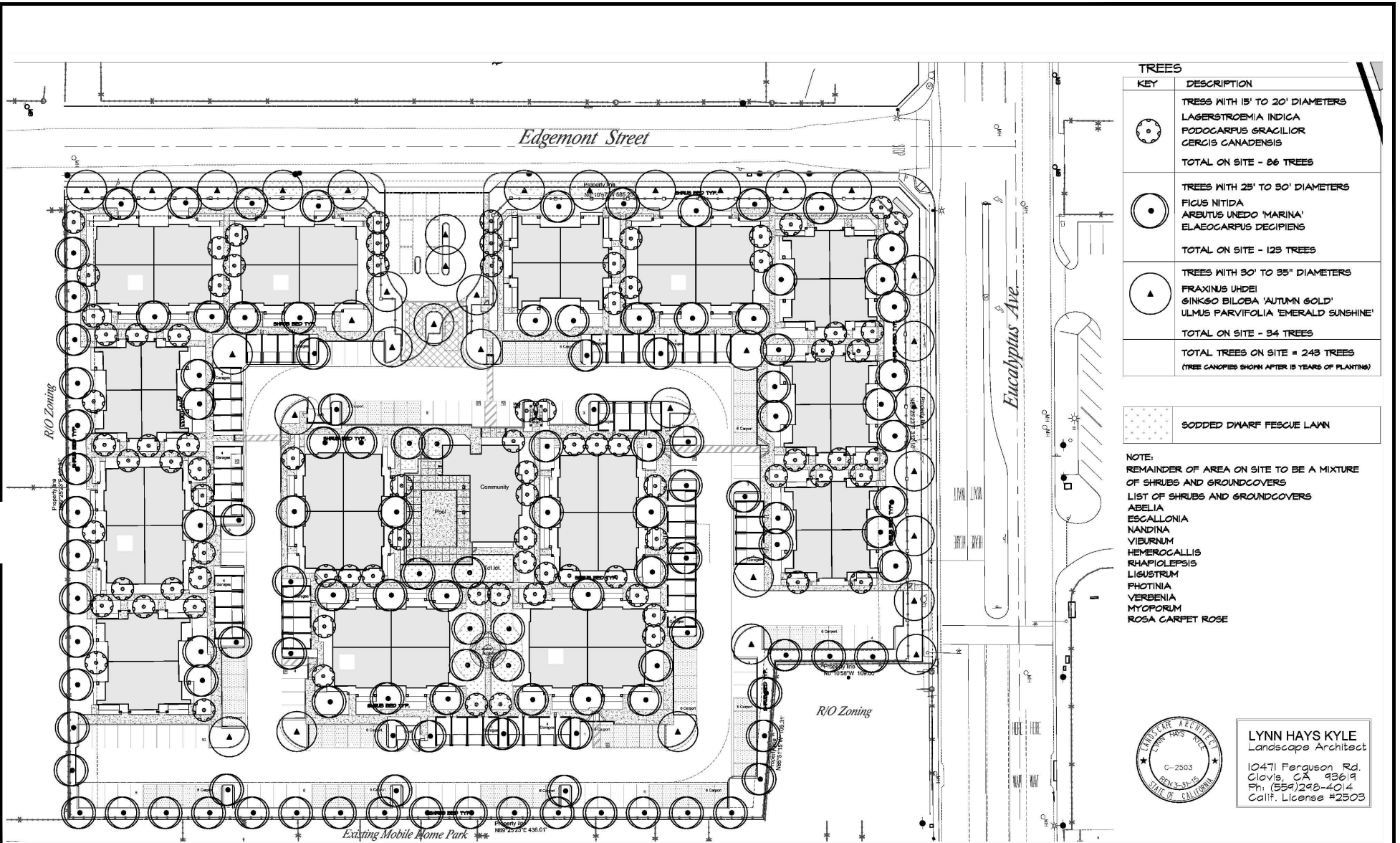
## BUILDING 2 ELEVATIONS

EDGEMONT APARTMENTS PROJECT - CITY OF MORENO VALLEY

VISTA  
NO SCALE



FIGURE 9



TREES	
KEY	DESCRIPTION
	TREES WITH 15' TO 20' DIAMETERS LAGERSTROEMIA INDICA PODOCARPUS GRACILIOR CERCIS CANADENSIS TOTAL ON SITE - 86 TREES
	TREES WITH 25' TO 30' DIAMETERS FIGUS NITIDA AREBUTUS UNEDO 'MARINA' ELAEOCARPUS DECIPIENS TOTAL ON SITE - 123 TREES
	TREES WITH 30' TO 35" DIAMETERS FRAXINUS UHDEI GINKGO BILOBA 'AUTUMN GOLD' ULMUS PARVIFOLIA 'EMERALD SUNSHINE' TOTAL ON SITE - 94 TREES
TOTAL TREES ON SITE = 243 TREES (TREE CANOPIES SHOWN AFTER 15 YEARS OF PLANTING)	

SODDED DWARF FESCUE LAWN

NOTE:  
REMAINDER OF AREA ON SITE TO BE A MIXTURE  
OF SHRUBS AND GROUNDCOVERS  
LIST OF SHRUBS AND GROUNDCOVERS  
ABELIA  
ESCALLONIA  
NANDINA  
VIBURNUM  
HENEROCALLIS  
RHAPHIOLEPSIS  
LIGUSTRUM  
PHOTINIA  
VERBENIA  
MYOPORUM  
ROSA CARPET ROSE



**LYNN HAYS KYLE**  
Landscape Architect  
10471 Ferguson Rd.  
Clovis, CA 93619  
Ph: (559)298-4014  
Calif. License #2503

SOURCE: Lynn Hays Kyle Landscape Architect.

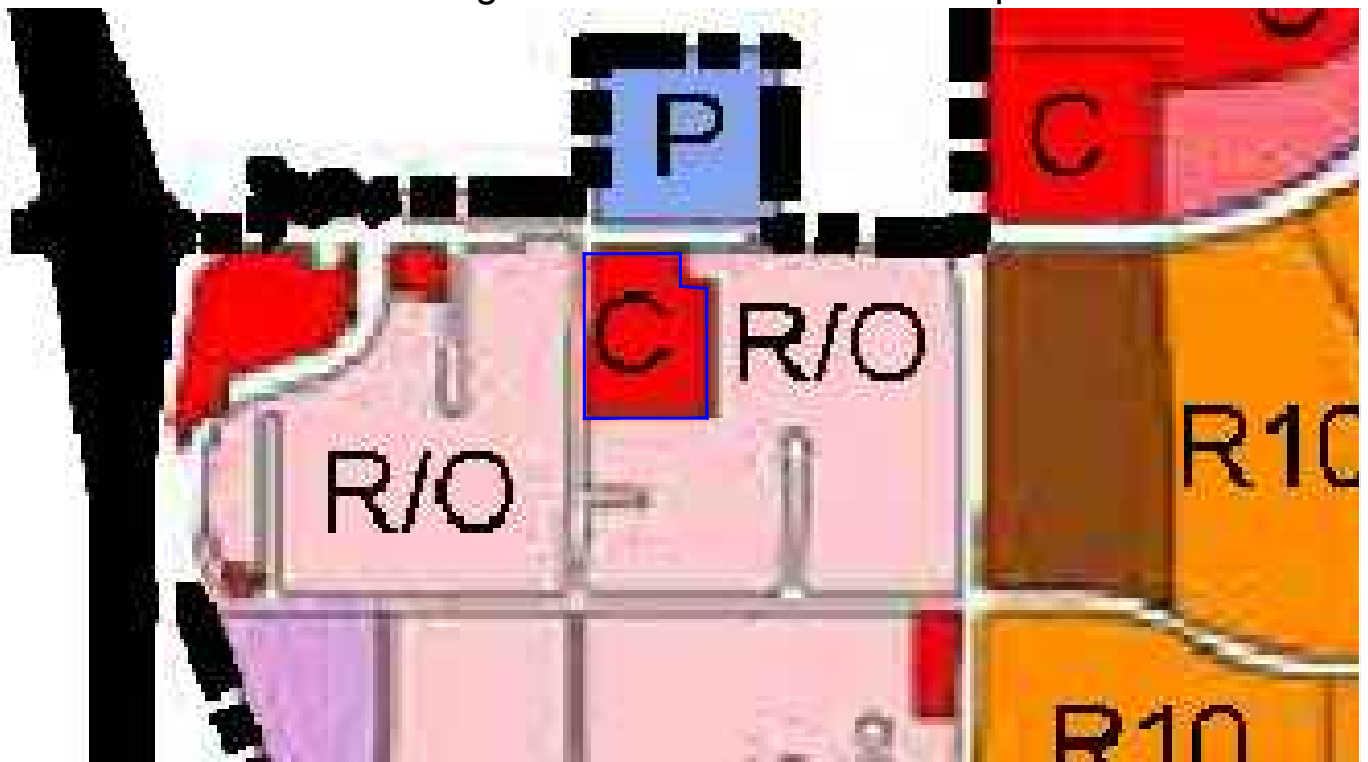
# LANDSCAPE PLAN

EDGEMONT APARTMENTS PROJECT - CITY OF MORENO VALLEY

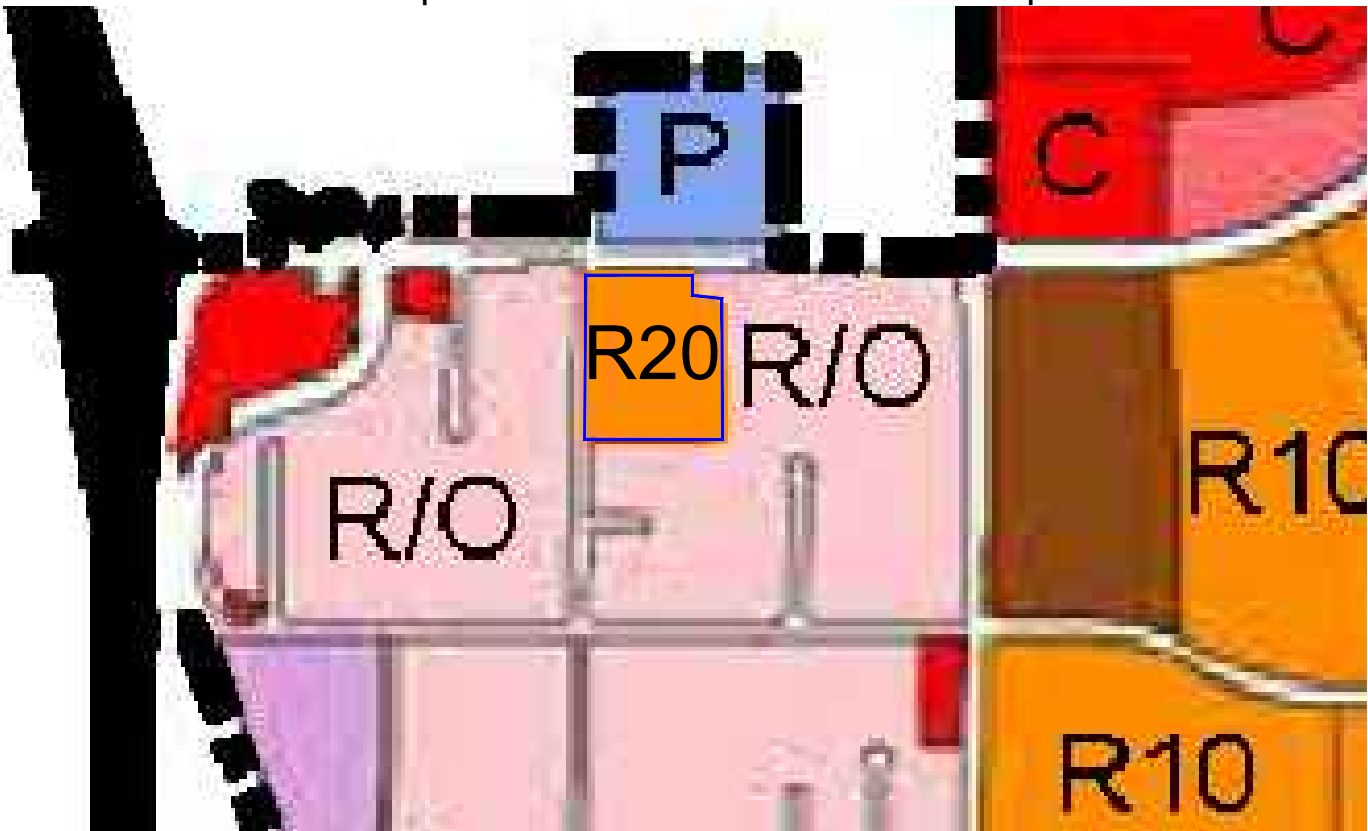
VISTA  
NO SCALE

FIGURE 10

Existing General Plan Land Use Map



Proposed General Plan Land Use Map



SOURCE: City of Moreno Valley.

**GENERAL PLAN  
(EXISTING AND PROPOSED)**

EDGEMONT APARTMENTS PROJECT - CITY OF MORENO VALLEY

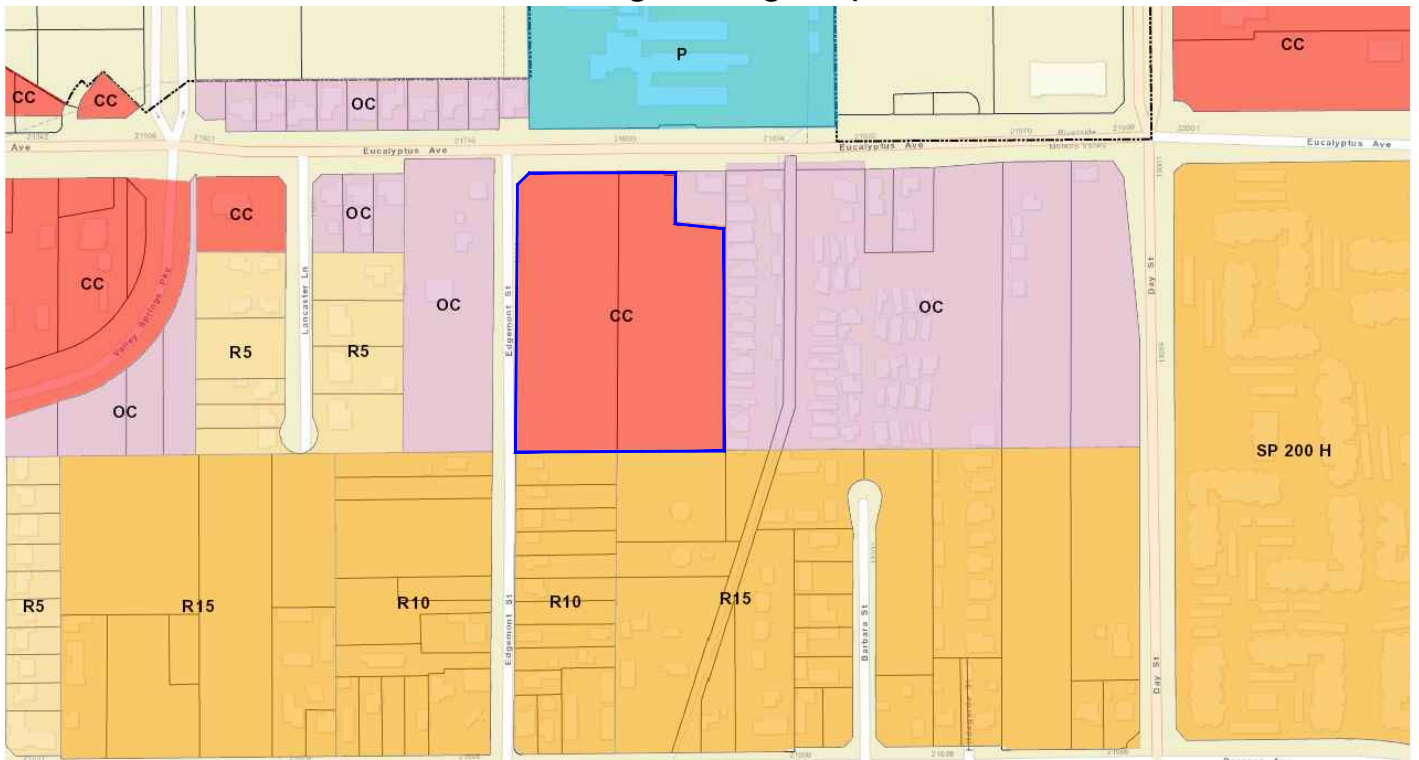
VISTA  
NO SCALE



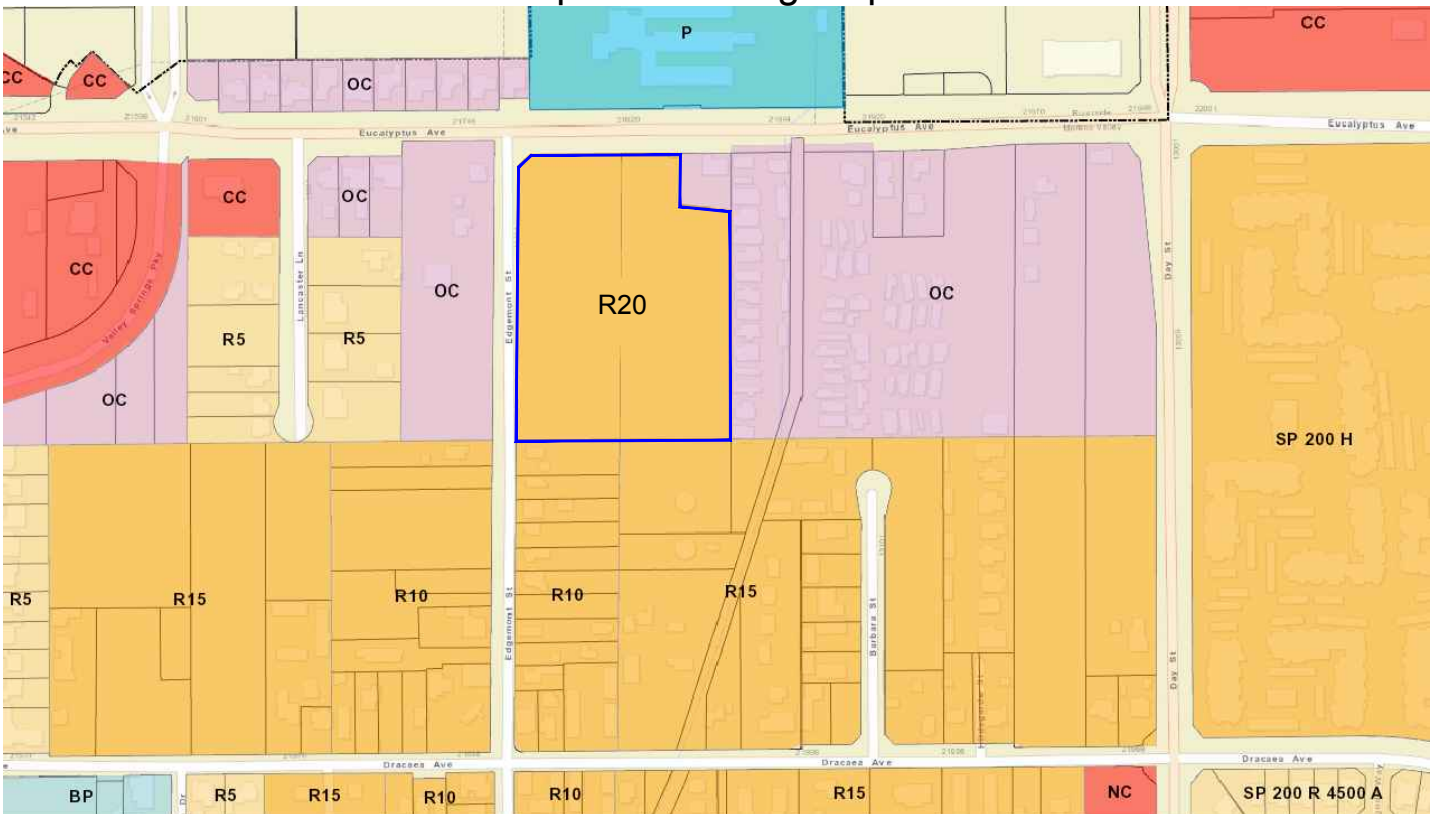
FIGURE 11



## Existing Zoning Map



## Proposed Zoning Map



SOURCE: City of Moreno Valley.

# ZONING (EXISTING AND PROPOSED)

EDGEMONT APARTMENTS PROJECT - CITY OF MORENO VALLEY

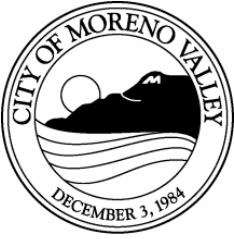
VISTA  
NO SCALE



FIGURE 12

### **3.0 ENVIRONMENTAL CHECKLIST AND ANALYSIS**

---



**INITIAL STUDY/  
ENVIRONMENTAL CHECKLIST FORM  
CITY OF MORENO VALLEY**

- 1. Project Title:** Edgemont Apartments (Case #P14-017)
- 2. Lead Agency Name and Address:** City of Moreno Valley  
14177 Frederick Street  
Moreno Valley, CA 92653
- 3. Contact Person and Phone Number:** Jeff Bradshaw  
(951) 413-3224
- 4. Project Location:** Southeast corner of Eucalyptus Avenue and Edgemont Street
- 5. Project Sponsor's Name and Address:** LACTO SC, INC.  
940 Calle Negocio, Suite 200  
San Clemente, California 92673  
(949) 276-4402

**6. General Plan Designation:**

Existing	Commercial
Proposed	Residential 20 (Max 20 du/ac)

**7. Zoning:**

Existing	Community Commercial
Proposed	Residential 20 (Max 20 du/ac)

**8. Description of the Project:**

Refer to Section 2.0 of this Initial Study.

**9. Surrounding Land Uses and Setting:**

The area surrounding the project site has been developed primarily with residential land uses. Several non-residential uses are scattered along Eucalyptus Avenue in the vicinity of the project site. The majority of the residences in close proximity to the project site are located within the Office Commercial zone and are considered pre-existing, non-conforming land uses. Properties in the vicinity of the project site along Eucalyptus Avenue are

mostly zoned Office Commercial (OC) with some Community Commercial (CC) zoning to the west at Old 215/Valley Springs Parkway and Public (P) zoning where Edgemont Elementary School is located.

Existing single-family residences are located to south, west, and northwest of the project site. Single-family residence and a mobile home park are located immediately to the east of the project site. Edgemont Elementary School is located to north of the project site across Eucalyptus Avenue. There is an office building located to the northeast at the intersection of Day Street and Eucalyptus Avenue of the project site in the City of Riverside.

**10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement).**

The proposed project as proposed will require the approval of an encroachment permit from the Riverside County Flood Control and Water Conservation District (RCFC&WCD).

The proposed project as proposed will require an easement from the Box Springs Mutual Water Company (BSMWC) to convey stormwater to the Edgemont Channel.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below (  ) would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Population/Housing
<input type="checkbox"/>	Agricultural Resources	<input type="checkbox"/>	Hazards & Hazardous Materials	<input type="checkbox"/>	Public Services
<input type="checkbox"/>	Air Quality	<input type="checkbox"/>	Hydrology/Water Quality	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Transportation/Traffic
<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Utilities/Service Systems
<input type="checkbox"/>	Geology/Soils	<input type="checkbox"/>	Noise	<input type="checkbox"/>	Mandatory Findings of Significance

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	<b>X</b>
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Signature *Jaclyn M Jonkowski* Date 1-31-2015

Printed Name \_\_\_\_\_ For \_\_\_\_\_

## EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Potentially Significant Unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described in (5) below, may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
  - (a) Earlier Analysis Used. Identify and state where they are available for review.
  - (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - (c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

**I. AESTHETICS. Would the project:**

<b>a) Have a substantial adverse effect on a scenic vista?</b>			<b>X</b>	
--	--	--	----------	--

The project site is not located in an area identified in the City General Plan as an aesthetic resource or a significant visual resource. The project site is bounded by existing single-family residences to the west and south, a water tank to the south, a mobile home park to the east, and single-family residences and an elementary school to the north.

Since the proposed project is proposed in an area where development has taken place over the years, the effect should be a less than significant effect on existing scenery in the area. The proposed project as designed and conditioned would assure a design standard that would not have a substantial adverse effect on the scenic vista of the area. Therefore related to scenic vistas, less than significant impacts would occur and no mitigation would be required.

<b>b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?</b>			<b>X</b>	
--	--	--	----------	--

There are no rock outcroppings or historic buildings on the project site. There are no state scenic highways in the vicinity of the site. The project site has been disked over the years for weed abatement. The proposed project will not substantially damage scenic resources as designed and conditioned. Therefore related to damage to scenic resources including trees, rock outcroppings, and historic buildings within a state scenic highway less than significant impacts would occur and no mitigation would be required.

<b>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</b>			<b>X</b>	
--	--	--	----------	--

The project site is currently vacant and is bounded by existing single-family residences to the west and south, a water tank to the south, a mobile home park to the east, and single-family residences and an elementary school to the north. Subject to approval of a General Plan Amendment and Zone Change, the proposed project would be consistent with existing land uses as designed and conditioned.

The proposed project would not substantially degrade the existing visual character or quality of the site and its surroundings. The proposed project residential character is compatible with existing adjacent residential uses. The closest single-family residential uses to the proposed project are located immediately to the east of the project site. These existing single-family homes would be buffered by proposed project design features. These design features include: a new six-foot (6") block wall, landscape area; placement of off-street parking in open areas and carports along the easterly side of the property; and the setback of proposed residential structures. The proposed project closest residential structure to the easterly property line is approximately 61-feet. These factors would provide buffer to the adjacent single family residences to the east of the proposed project.

The proposed project is across Eucalyptus Avenue from the existing elementary school. No conflicts would be

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

anticipated with the distance to the elementary school. Therefore related to substantially degrade the existing visual character or quality of the site and its surroundings, less than significant impacts would occur and no mitigation would be required.

**d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

		<b>X</b>	
--	--	----------	--

The proposed project would create additional light or glare as the project site is currently vacant. City Municipal Code requirements, including the shielding of lighting and restrictions on the intensity of exterior lighting would reduce light and glare impacts to City accepted levels on surrounding properties. The project is located outside of the Palomar Lighting District. Therefore related to a new source of substantial light or glare which would adversely affect day or nighttime views in the area, less than significant impacts would occur and no mitigation would be required.



Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>II. AGRICULTURE &amp; FORESTRY RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. <b>Would the project?</b></p>				
<p><b>a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?</b></p>				X
<p>The project site is not designated as prime farmland on the State Important Farmland Map. Implementation of the proposed project does not have the potential to result in impacts to Farmland because the project site does not contain designated anticipated Farmland. Therefore related to Farmland, no impacts would occur and no mitigation measures would be required.</p>				
<p><b>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</b></p>				X
<p>The project site is not currently in agricultural use. There are no existing surrounding agricultural uses to the project site. The project site. There are no existing surrounding sites under Williamson Act contract. The City Municipal Code allows for agricultural uses such as crops in all zoning districts. Therefore related to existing agricultural use, existing zoning for agricultural use, or sites under Williamson Act contract, no impacts would occur and no mitigation measures would be required.</p>				
<p><b>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</b></p>				X
<p>The project site is not zoned or designated on the City's General Plan for forest land, timberland, or timberland zoned Timberland Production. Therefore related to forest land, timberland, or timberland zoned timberland production, no impacts would occur and no mitigation measures would be required.</p>				
<p><b>d) Result in the loss of forest land or conversion of forest land to non-forest use?</b></p>				X
<p>The project site is not forest land as defined by Public Resources Code section 1220(g). The project site does not involve the loss of forest land or the conversion of forest land to non-forest use. Therefore related loss of forest land or the conversion of forest land to non-forest use, no impacts would occur and no mitigation measures would be required.</p>				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</b>				<b>X</b>
<p>The project site is currently vacant and is bounded by existing single-family residences to the west and south, a water tank to the south, a mobile home park to the east, and single-family residences and an elementary school to the north. There are no immediate surrounding agricultural uses. Additionally, no agricultural uses are proposed in the vicinity of the project site based on the City's General Plan. The proposed project would not involve changes to the existing environment, which would result in the conversion of farmland to non-agricultural use. The project site is not forest land as defined by Public Resources Code section 1220(g). Therefore related to other changes in the existing environment which, due to their location of nature, could result in conversion of Farmland, to non-agricultural uses of conversion of forest land to non-forest uses, no impacts would occur and no mitigation measures would be required.</p>				

<b>Issues and Supporting Information</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

**III. AIR QUALITY:** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

<b>a) Conflict with or obstruct implementation of the applicable air quality plan?</b>			<b>X</b>	
--	--	--	----------	--

The proposed project may conflict with or obstruct implementation of the South Coast Air Quality Management District (SCAQMD) Air Quality Management Plan (AQMP). The following section discusses the proposed project's consistency with the SCAQMD AQMP.

#### **SCAQMD Air Quality Management Plan**

The California Environmental Quality Act (CEQA) requires a discussion of any inconsistencies between a proposed project and applicable General Plans (GP) and regional plans (CEQA Guidelines Section 15125). The regional plan that applies to the proposed project includes the SCAQMD AQMP. Therefore, this section discusses any potential inconsistencies of the proposed project with the AQMP.

The purpose of this discussion is to set forth the issues regarding consistency with the assumptions and objectives of the AQMP and discuss whether the proposed project would interfere with the region's ability to comply with Federal and State air quality standards. If the decision-makers determine that the proposed project is inconsistent, the lead agency may consider project modifications or inclusion of mitigation to eliminate the inconsistency.

The SCAQMD CEQA Handbook states that "New or amended GP Elements (including land use zoning and density amendments), Specific Plans, and significant projects must be analyzed for consistency with the AQMP." Strict consistency with all aspects of the plan is usually not required. A proposed project should be considered to be consistent with the AQMP if it furthers one (1) or more policies and does not obstruct other policies. The SCAQMD CEQA Handbook identifies two (2) key indicators of consistency:

1. Whether the project will result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP.
2. Whether the project will exceed the assumptions in the AQMP or increments based on the year of project buildout and phase.

Both of these criteria are evaluated in the following sections.

#### Criterion 1 - Increase in the Frequency or Severity of Violations?

Based on the air quality modeling analysis contained in the *Air Quality and Greenhouse Gas Emissions Impact Analysis, Edgemont Apartments Project*, VISTA Environmental, July 28, 2014 (Air Quality & GHG Study), short-term regional construction air emissions would not result in significant impacts based on SCAQMD regional thresholds of significance

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

or local thresholds of significance. The long-term operation of the proposed project would not result in significant impacts based on SCAQMD thresholds of significance. The ongoing operation of the proposed project would generate air pollutant emissions that are inconsequential on a regional basis. The analysis for long-term local air quality impacts showed that local pollutant concentrations would not be projected to exceed the air quality standards. Therefore, related to no long-term impact would occur and no mitigation measures would be required. Therefore, based on the information provided above, the proposed project would be consistent with the first criterion.

Criterion 2 - Exceed Assumptions in the AQMP?

Consistency with the AQMP assumptions is determined by performing an analysis of the proposed project with the assumptions in the AQMP. The emphasis of this criterion is to insure that the analyses conducted for the proposed project are based on the same forecasts as the AQMP. The 2012-2035 Regional Transportation/Sustainable Communities Strategy consists of three sections: Core Chapters, Ancillary Chapters, and Bridge Chapters. The Growth Management, Regional Mobility, Air Quality, Water Quality, and Hazardous Waste Management chapters constitute the Core Chapters of the document. These chapters currently respond directly to federal and state requirements placed on Southern California Association Governments (SCAG). Local governments are required to use these as the basis of their plans for purposes of consistency with applicable regional plans under CEQA. For this project, the City's General Plan Land Use Plan defines the assumptions that are represented in the AQMP.

The project site is currently designated as Commercial (C) in the City's General Plan and is also zoned Commercial. The proposed project would require a General Plan Amendment (GPA) that would re-designate the project site to Residential Maximum 20 dwelling units per acre and a zone change (ZC) to R-20. Although the proposed project is currently inconsistent with the City's General Plan land use designation for the project site, the proposed project would result in a less intensive land use than what the project site is currently designated (i.e., commercial to residential). Furthermore, the proposed project would be consistent with the adjacent residential land uses and would be in substantial compliance with the Land Use Element goals and policies. Therefore, the proposed project would not result in an inconsistency with the current land use designation. Therefore, the proposed project is not anticipated to exceed the AQMP assumptions for the project site and is found to be consistent with the AQMP for the second criterion.

Based on the above, the proposed project will not result in an inconsistency with the SCAQMD AQMP. Therefore related to conflict with or obstruct implementation of the applicable air quality plan, less than significant impacts would occur and no mitigation measures would be required.

<b>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation.</b>			<b>X</b>	
---	--	--	----------	--

The proposed project may violate an air quality standard or contribute substantially to an existing or projected air quality violation. The following section calculates the potential air emissions associated with the construction and operations of the proposed project and compares the emissions to the SCAQMD standards.

<b>Issues and Supporting Information</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

### Construction Emissions

The proposed project would consist of the construction of 112 residential apartment units, a community center with a pool, and tot lot. The proposed project would also include approximately two (2) acres of parking space and on-site roads. The construction emissions have been analyzed for both regional and local air quality impacts as well as potential toxic air impacts and odor impacts.

#### Construction-Related Regional Impacts

The construction-related criteria pollutant emissions for each phase are shown below in Table 3: *Construction-Related Criteria Pollutant Emissions*. Table 3: *Construction-Related Criteria Pollutant Emissions* shows that none of the analyzed criteria pollutants would exceed the regional emissions thresholds. Therefore related to construction-related regional air quality, less than significant impacts would occur and no mitigation measures would be required.

**Table 3: Construction-Related Criteria Pollutant Emissions**

Activity	Pollutant Emissions (pounds/day)					
	VOC	NOx	CO	SO <sub>2</sub>	PM10	PM2.5
<b>Site Preparation<sup>1</sup></b>						
Onsite <sup>2</sup>	5.26	56.89	42.63	0.04	7.05	3.87
Offsite <sup>3</sup>	0.13	0.68	1.70	0.00	0.25	0.08
<b>Total</b>	<b>5.39</b>	<b>57.57</b>	<b>44.33</b>	<b>0.04</b>	<b>7.30</b>	<b>3.95</b>
<b>Grading<sup>1</sup></b>						
Onsite	3.83	40.42	26.67	0.03	4.92	3.46
Offsite	1.75	29.61	19.62	0.07	2.38	1.01
<b>Total</b>	<b>5.58</b>	<b>70.03</b>	<b>46.29</b>	<b>0.10</b>	<b>7.30</b>	<b>4.47</b>
<b>Building Construction</b>						
Onsite	3.66	30.03	18.75	0.03	2.12	1.99
Offsite	0.73	3.18	9.84	0.02	1.53	0.45
<b>Total</b>	<b>4.39</b>	<b>33.21</b>	<b>28.59</b>	<b>0.05</b>	<b>3.65</b>	<b>2.44</b>
<b>Paving</b>						
Onsite	2.35	22.39	14.82	0.02	1.26	1.16
Offsite	0.06	0.07	0.85	0.00	0.17	0.05
<b>Total</b>	<b>2.41</b>	<b>22.46</b>	<b>15.67</b>	<b>0.02</b>	<b>1.43</b>	<b>1.21</b>
<b>Architectural Coatings</b>						
Onsite	47.20	2.37	1.88	0.00	0.20	0.20
Offsite	0.09	0.11	1.30	0.00	0.26	0.07
<b>Total</b>	<b>47.29</b>	<b>2.48</b>	<b>3.18</b>	<b>0.00</b>	<b>0.46</b>	<b>0.27</b>
<b>SCQAMD Thresholds</b>	<b>75</b>	<b>100</b>	<b>550</b>	<b>150</b>	<b>150</b>	<b>55</b>
Exceeds Threshold?	No	No	No	No	No	No
Notes:						
<sup>1</sup> Site preparation and grading emissions based on adherence to fugitive dust suppression requirements from SCAQMD Rule 403.						
<sup>2</sup> Onsite emissions from equipment not operated on public roads.						
<sup>3</sup> Offsite emissions from vehicles operating on public roads.						
Source: CalEEMod Version 2013.2.2.						

<b>Issues and Supporting Information</b>	<b>Potentially Significant Impact</b>	<b>Less than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
--	---------------------------------------	---	-------------------------------------	------------------

Construction-Related Local Impacts

Construction-related air emissions may have the potential to exceed the State and Federal air quality standards in the project vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the South Coast Air Basin (Basin). The proposed project has been analyzed for the potential local air quality impacts created from construction-related fugitive dust and diesel emissions, and from toxic air contaminants.

Local Air Quality Impacts from Construction

The local air quality emissions from construction were analyzed through utilizing the methodology described in Localized Significance Threshold Methodology (LST Methodology), prepared by SCAQMD, revised October 2009. The LST Methodology found the primary emissions of concern are NOx, CO, PM10, and PM2.5. In order to determine if any of these pollutants require a detailed analysis of the local air quality impacts, each phase of construction was screened using the SCAQMD’s Mass Rate LST Look-up Tables. The Look-up Tables were developed by the SCAQMD in order to readily determine if the daily onsite emissions of CO, NOx, PM10, and PM2.5 from the proposed project could result in a significant impact to the local air quality.

The emission thresholds were calculated based on the Perris Valley source receptor area and a disturbance of five (5) acres which is the nearest acreage available to the proposed project disturbance area. The nearest off-site sensitive receptors to the proposed project are mobile homes as near as five feet (5’) east of the project site. According to the LST Methodology, any receptor located closer than 25 meters (82 feet) shall be based on the 25-meter thresholds. Table 4: *Local Construction Emissions at the Nearest Receptors* shows the onsite emissions from the CalEEMod model for the different construction phases and the calculated emissions thresholds.

**Table 4: Local Construction Emissions at the Nearest Receptors**

Phase	Pollutant Emissions (pounds/day)			
	NOx	CO	PM10	PM2.5
Site Preparation	56.89	42.63	7.05	3.87
Grading	40.42	26.67	4.92	3.46
Building Construction	30.03	18.75	2.12	1.99
Paving	22.39	14.82	1.26	1.16
Architectural Coatings	2.37	1.88	0.20	0.20
SCAQMD Thresholds for 25 meters (82 feet) or less <sup>1</sup>	<b>270</b>	<b>1,577</b>	<b>13</b>	<b>8</b>
Exceeds Threshold?	No	No	No	No
Notes: <sup>1</sup> The nearest sensitive receptors are mobile home located as near as five feet east of the project site. According to LST methodology any receptor closer than 25 meters should be based on the 25-meter threshold. Source: Vista Environmental, calculated from CalEEMod and SCAQMD’s Mass Rate Look-up Tables for five acres in Perris Valley.				

The data provided in able Table 4: *Local Construction Emissions at the Nearest Receptors* shows that none of the analyzed criteria pollutants would exceed the local emissions thresholds. Therefore related to construction-related

<b>Issues and Supporting Information</b>	<b>Potentially Significant Impact</b>	<b>Less than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
--	---------------------------------------	---	-------------------------------------	------------------

local air quality, less than significant impacts would occur and no mitigation measures would be required.

Construction-Related Toxic Air Contaminant Impacts

The greatest potential for toxic air contaminant emissions would be related to diesel particulate emissions associated with heavy equipment operations during construction of the proposed project. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of “individual cancer risk”. “Individual Cancer Risk” is the likelihood that a person exposed to concentrations of toxic air contaminants over a 70-year lifetime will contract cancer, based on the use of standard risk-assessment methodology. Given the relatively limited number of heavy-duty construction equipment and the short-term construction schedule, the proposed project would not result in a long-term (i.e., 70 years) substantial source of toxic air contaminant emissions and corresponding individual cancer risk. Therefore related to construction-related short-term toxic air contaminant, less than significant impacts would occur and no mitigation measures would be required.

**Operational Emissions**

The on-going operation of the proposed project would result in a long-term increase in air quality emissions. This increase would be due to emissions from the project-generated vehicle trips and through operational emissions from the on-going use of the proposed project. The following section provides an analysis of potential long-term air quality impacts due to: regional air quality and local air quality impacts with the on-going operations of the proposed project. The potential operations-related air emissions have been analyzed below for the regional and local criteria pollutant emissions and cumulative impacts.

Operations-Related Criteria Pollutant Analysis

The worst-case summer or winter VOC, NOx, CO, SO2, PM10, and PM2.5 emissions created from the proposed project’s long-term operations have been calculated and are summarized below in Table 5: *Operational Air Pollution Emissions*.

**Table 5: Operational Air Pollution Emissions**

Activity	Pollutant Emissions (pounds/day)					
	VOC	NOx	CO	SO <sub>2</sub>	PM10	PM2.5
Area Sources <sup>1</sup>	4.50	0.11	9.37	0.00	0.05	0.05
Energy Usage <sup>2</sup>	0.05	0.39	0.17	0.00	0.03	0.03
Mobile Sources <sup>3</sup>	2.89	9.49	32.48	0.08	5.52	1.56
<b>Total Emissions</b>	7.44	9.99	42.02	0.08	5.60	1.64
<b>SCQAMD Operational Thresholds</b>	55	55	550	150	150	55
<b>Exceeds Threshold?</b>	No	No	No	No	No	No

Notes:

<sup>1</sup> Area sources consist of emissions from hearths, consumer products, architectural coatings, and landscaping equipment.

<sup>2</sup> Energy usage consist of emissions from natural gas usage (excluding hearths).

<sup>3</sup> Mobile sources consist of emissions from vehicles and road dust.

Source: Vista Environmental, calculated from CalEEMod Version 2013.2.2.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

The data provided in Table 5: *Operational Air Pollutions Emissions* shows that none of the analyzed criteria pollutants would exceed the regional emissions thresholds. Therefore related to operations-related regional air quality, less than significant impacts would occur and no mitigation measures would be required.

Operations-Related Local Air Quality Impacts

Project-related air emissions may have the potential to exceed the State and Federal air quality standards in the project vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the South Coast Air Basin (SCAB). The proposed project has been analyzed for the potential local CO emission impacts from the project-generated vehicular trips and from the potential local air quality impacts from on-site operations. The following analysis analyzes the vehicular CO emissions, local impacts from on-site operations, and toxic air contaminant impacts from on-site diesel trucks.

*Local CO Hotspot Impacts from Project-Generated Vehicular Trips*

CO is the pollutant of major concern along roadways because the most notable source of CO is motor vehicles. For this reason, CO concentrations are usually indicative of the local air quality generated by a roadway network and are used as an indicator of potential local air quality impacts. Local air quality impacts can be assessed by comparing future without and with project CO levels to the State and Federal CO standards.

To determine if the proposed project could cause emission levels in excess of the CO standards 2, a sensitivity analysis is typically conducted to determine the potential for CO “hot spots” at a number of intersections in the general project vicinity. Because of reduced speeds and vehicle queuing, “hot spots” typically occur at intersections with a Level of Service (LOS) E or worse. The LOS is a measure used by traffic engineers to quantify the delay that occurs at intersections from additional vehicular traffic. When an intersection operates at LOS E or F, SCAQMD recommends performing a CO hotspot analysis if the volume to capacity ratio increases by two percent or more.

The Traffic Impact Analysis prepared for the proposed project found that the proposed project would not decrease the LOS at any intersection and no analyzed intersection would operate at LOS E or worse. No CO “hotspot” modeling was performed. Therefore related to operations-related long-term air quality, no impact would occur and no mitigation measures would be required.

*Local Air Quality Impacts from Onsite Operations*

The local air quality impacts from the operation of the proposed project would occur from emissions generated on-site. Sources of onsite operational emissions include architectural coatings off-gassing, landscaping equipment emissions, natural gas appliance emissions and on-site vehicular emissions. Because of the residential nature of the proposed project, the majority of the proposed project’s operational emissions are from vehicles traveling on roadways away from the project site. These emissions are then spread over a vast area traversed by various mobile sources and do not



Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

result in localized air quality impacts in proximity to the project site. As such, localized operational modeling for project operations are not prepared for residential developments. Therefore related to operations-related short-term air quality, no impact would occur and no mitigation measures would be required.

*Operations-Related Toxic Air Contaminant Impacts*

Particulate matter (PM) from diesel exhaust is the predominant Toxic Air Contaminant (TAC) in most areas and according to The California Almanac of Emissions and Air Quality 2013 Edition, prepared by CARB, about 80 percent of the outdoor TAC cancer risk is from diesel exhaust. Some chemicals in diesel exhaust, such as benzene and formaldehyde have been listed as carcinogens by State Proposition 65 and the Federal Hazardous Air Pollutants program. A nominal number of diesel truck trips would be generated by the proposed residential project. Therefore related to operations-related toxic air contaminants, less than significant impacts would occur and no mitigation would be required.

<b>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</b>			X	
--	--	--	---	--

The proposed project may result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Cumulative projects include local development as well as general growth within the project area. However, as with most development, the greatest source of emissions is from mobile sources, which travel throughout the local area. Therefore, from an air quality standpoint, the cumulative analysis would extend beyond any local projects and when wind patterns are considered would cover an even larger area. Accordingly, the cumulative analysis for the project's air quality must be generic by nature. The project area is out of attainment for ozone and PM10 and PM2.5 particulate matter. In accordance with CEQA Guidelines Section 15130(b), this analysis of cumulative impacts incorporates a three-tiered approach to assess cumulative air quality impacts.

- Consistency with the SCAQMD project specific thresholds for construction and operations;
- Project consistency with existing air quality plans; and
- Assessment of the cumulative health effects of the pollutants.

<b>Issues and Supporting Information</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

**Consistency with Project Specific Thresholds**

Construction-Related Impacts

The project site is located in the Basin, which is currently designated by the EPA as a non-attainment area for ozone, PM10, and PM2.5. The ozone, PM10, and PM2.5 emissions associated with the proposed project have been calculated. The above analysis found that development of the proposed project would result in less than significant regional and local emissions of the precursors to ozone, PM10 and PM2.5 during construction of the proposed project. Therefore related consistency with project specific thresholds that are construction-related, no impact would occur and no mitigation measures are required.

Operational-Related Impacts

The greatest cumulative operational impact on the air quality to the Basin will be the incremental addition of pollutants mainly from increased traffic from residential, commercial, and industrial development. In accordance with SCAQMD methodology, projects that do not exceed SCAQMD criteria or can be mitigated to less than criteria levels are not significant and do not add to the overall cumulative impact. The data shows that for the on-going operations activities for the proposed project, the VOC, NOx, CO, SO2, PM10, and PM2.5 emissions would not exceed the SCAQMD thresholds of significance. Therefore related consistency with project specific thresholds that are operations-related, less than significant cumulative impacts would occur and no mitigation measures would be required.

**Consistency with Air Quality Plans**

As detailed above (b), the project site is currently designated as Commercial (C) in the General Plan and is also zoned Commercial. The proposed project would require a General Plan Amendment that would re-designate the project site to Residential Maximum 20 dwelling units per acre and a zone change to R-20. Although the proposed project is currently inconsistent with the General Plan land use designation for the project site, the proposed project would result in a less intensive land use than what the project site is currently designated (i.e., commercial to residential). Furthermore, the proposed project would be consistent with the adjacent residential land uses and would be in substantial compliance with the Land Use Element goals and policies. The proposed project would not result in an inconsistency with the current land use designation. The proposed project is not anticipated to exceed the AQMP assumptions for the project site and is found to be consistent with the AQMPs for the Basin. Therefore related to consistency with air quality plans, no impact would occur and no mitigation measures would be required.

**Cumulative Health Impacts**

The Basin is designated as nonattainment for ozone, NO2, PM10, and PM2.5, which means that the background levels of those pollutants are at times higher than the ambient air quality standards. The air quality standards were set to protect public health, including the health of sensitive individuals (elderly, children, and the sick). Therefore, when the

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

concentrations of those pollutants exceeds the standard, it is likely that some sensitive individuals in the population would experience health effects. The regional analysis found that the proposed project would not exceed the SCAQMD regional significance thresholds for VOC, NOx (ozone precursors), PM10 and PM2.5. Therefore related to cumulative health, no impacts would occur and no mitigation measures would be required.

**d) Expose sensitive receptors to substantial pollutant concentrations?**

		<b>X</b>	
--	--	----------	--

The proposed project may expose sensitive receptors to substantial pollutant concentrations. The local concentrations of emissions produced in the nearby vicinity of the proposed project, which may expose sensitive receptors to substantial concentrations have been calculated for both construction and operations, which are discussed separately below.

**Construction-Related Sensitive Receptor Impacts**

The nearest off-site sensitive receptor to the proposed project are mobile homes as near as five feet east of the project site. The analysis above (b) found that construction of the proposed project would not exceed the local NOx, CO, PM10 and PM2.5 thresholds of significance. Therefore related to the construction-related exposure of sensitive receptors to substantial pollutant concentrations, no impact would occur and no mitigation measures would be required.

**Operations-Related Sensitive Receptor Impacts**

The on-going operations of the proposed project may expose sensitive receptors to substantial pollutant concentrations in the immediate vicinity of the proposed project from on-site operations or near intersections where the proposed project would substantially increase the vehicular traffic and resultant CO concentrations.

The local air quality impacts from the operation of the proposed project would occur from emissions generated on-site. The analysis provided above (b) found that the operation of the proposed project would result in emissions from architectural coatings off-gassing, landscaping equipment emissions, natural gas appliance emissions and on-site vehicular emissions. Because of the residential nature of the proposed project, the majority of the proposed project's operational emissions are from vehicles traveling on roadways away from the project site. These emissions are then spread over a vast area traversed by various mobile sources and do not result in localized air quality impacts in proximity to the project site. As such, localized operational modeling for project operations are not prepared for residential developments. Therefore, the on-going operations of the proposed project would not exceed local emissions thresholds at the nearest sensitive receptors to the project site from operational activities and no mitigation measures would be required.

CO is the pollutant of major concern along roadways because the most notable source of CO is motor vehicles. For this reason, CO concentrations are usually indicative of the local air quality generated by a roadway network and are used as an indicator of potential impacts to sensitive receptors. The analysis provided above (b) shows that the proposed

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

project would not decrease the Level of Service (LOS) at any analyzed intersection to LOS E or worse and no analyzed intersection would operate at a LOS E or worse. Therefore related to operation-related exposure of sensitive receptors to substantial pollutant concentrations, less than significant impacts would occur and no mitigation measures would be required.

**e) Create objectionable odors affecting a substantial number of people?**

		<b>X</b>	
--	--	----------	--

The proposed project would not create objectionable odors affecting a substantial number of people. Potential odor impacts have been analyzed separately for construction and operations below.

Individual responses to odors are highly variable and can result in a variety of effects. Generally, the impact of an odor results from a variety of factors such as frequency, duration, offensiveness, location, and sensory perception. The frequency is a measure of how often an individual is exposed to an odor in the ambient environment. The intensity refers to an individual's or group's perception of the odor strength or concentration. The duration of an odor refers to the elapsed time over which an odor is experienced. The offensiveness of the odor is the subjective rating of the pleasantness or unpleasantness of an odor. The location accounts for the type of area in which a potentially affected person lives, works, or visits; the type of activity in which he or she is engaged; and the sensitivity of the impacted receptor.

Sensory perception has four major components: detectability, intensity, character, and hedonic tone. The detection (or threshold) of an odor is based on a panel of responses to the odor. There are two types of thresholds: the odor detection threshold and the recognition threshold. The detection threshold is the lowest concentration of an odor that will elicit a response in a percentage of the people that live and work in the immediate vicinity of the project site and is typically presented as the mean (or 50 percent of the population). The recognition threshold is the minimum concentration that is recognized as having a characteristic odor quality, this is typically represented by recognition by 50 percent of the population. The intensity refers to the perceived strength of the odor. The odor character is what the substance smells like. The hedonic tone is a judgment of the pleasantness or unpleasantness of the odor. The hedonic tone varies in subjective experience, frequency, odor character, odor intensity, and duration.

**Construction-Related Odor Impacts**

Potential sources that may emit odors during construction activities include the application of materials such as asphalt pavement, paints and solvents and from emissions from diesel equipment. The objectionable odors that may be produced during the construction process would be temporary and would not likely be noticeable for extended periods of time beyond the project site's boundaries. Therefore due to the transitory nature of construction odors, less than significant impacts would occur and no mitigation measures would be required.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

**Potential Operations-Related Odor Impacts**

Potential sources that may emit odors during the on-going operations of the proposed project would primarily occur from odor emissions from the trash storage areas. Pursuant to City regulations, permanent trash enclosures that protect trash bins from rain as well as limit air circulation would be required for the trash storage areas. Due to the distance of the nearest receptors from the project site and through compliance with SCAQMD’s Rule 402, no significant impact related to odors would occur during the on-going operations of the proposed project. Therefore related to operation-related odors, less than significant impacts would occur and no mitigation measures would be required.

<b>Issues and Supporting Information</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

**IV. BIOLOGICAL RESOURCES. Would the project:**

<b>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?</b>			X	
--	--	--	---	--

The project site potentially provides habitat that the proposed project could impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (CDF&W) or U. S. Fish and Wildlife Service (USF&WS).

The project site has topography that varies from level to rolling. The project site over the past several years routinely has been disked for weed abatement in accordance with the requirements of the City. There are no existing significant trees or vegetation on the project site. The project site is bounded by existing single-family residences to the west and south, a water tank to the south, a mobile home park to the east, and single-family residences and an elementary school to the north.

Ecological Sciences, Inc. indicates that the project site is has been primarily colonized by ruderal (weedy) herbs and grasses. Invasive species such as Russian thistle (*Salsola tragus*), pigweed (*Chenopodium album*), cheeseweed (*Malva parviflora*), brome grasses (*Bromus spp.*), oat (*Avena sp.*), mustard (*Brassica sp.*), Bermuda grass (*Cynodon dactylon*), filaree (*Erodium cicutarium*), spotted spurge (*Euphorbia maculata*), and puncture vine (*Tribulus terrestris*) were recorded. Ornamental trees present included gum tree (*Eucalyptus sp.*), Peruvian pepper (*Schinus molle*), and China berry (*Melia azedarach*).

In order to determine the significance of the proposed project impacts, Ecological Sciences, Inc. conducted focused burrowing owl (BUOW) surveys on July 3-6, 2014. Surveys for BUOW were conducted in accordance with current Multiple Species Habitat Conservation Plan (MSHCP) guidelines. Accordingly, a series of 4 morning (one hour before sunrise to two hours after sunrise) surveys were conducted over a four-day period per current protocol. Pursuant to survey protocol, surveyors initially used binoculars to scan all suitable habitat/potential refugia prior to the start of pedestrian surveys. Following the initial site scan, a systematic survey for burrows, burrowing owls, and owl sign was conducted by walking through suitable habitat over the entire survey area (i.e. the project site and within 150 meters where possible). To the extent possible, pedestrian survey transects were spaced to allow 100 percent visual coverage of the ground surface. The distance between transect center lines was no more than 30 meters (±100 feet) and were reduced to account for differences in terrain, vegetation density, and ground surface visibility (where necessary).

Potentially suitable burrows were examined for sign of BUOW use such as the presence of owl pellets, prey remains, or feathers at potential burrow entrances. Burrows were inspected with the aid of a mirror to better view burrow interiors. Any owls using habitat areas adjacent to the project site were also noted (if present). Weather conditions

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

were characterized as variable from clear (0 percent cloud cover), to partly cloudy (50% cloud cover). Ambient air temperatures were 71-88° F with generally calm conditions (0-5 mph breezes).

No direct burrowing owl observations or sign (pellets, fecal material, or prey remains) were recorded during the July 2014 focused surveys. Birds observed generally included those species that are accustomed to nearby human presence such as common raven (*Corvus corax*), American crow (*Corvus brachyrhynchos*), northern mockingbird (*Mimus polyglottos*), western kingbird (*Tyrannus verticalis*), European starling (*Sturnus vulgaris*), rock dove (*Columba livia*), mourning dove (*Zenaida macroura*), house finch (*Carpodacus mexicanus*), and house sparrow (*Passer domesticus*). No California ground squirrel were recorded.

Only a few suitable potential BUOW burrows/refugia were recorded on the project site likely because of discing activities and other long-standing anthropogenic disturbances that reduce potential small mammal colonies (e.g., ground squirrel). Although the BUOW is well known to occur in certain disturbed situations, the BUOW generally prefers moderately to heavily grazed grasslands for nesting and roosting and generally avoids recently disced fields that occlude/collapse ground squirrel burrows or other refugia. Only marginally suitable nesting and foraging habitat for BUOW is present on site. None of the burrows/refugia inspected during the July 2014 focused surveys were determined to be currently occupied or recently used by BUOW based on the lack of owl observations and absence of sign around burrow entrances. Surveys of the project site and scanning adjacent areas during peak BUOW activity times did not reveal any indication that this species was currently present or utilizing adjacent sites for foraging purposes. In accordance with MSCHP protocols, the proposed project will be required to repeat the BUOW survey 30 days prior to construction.

Therefore related to potential substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (CDF&W) or U. S. Fish and Wildlife Service (USF&WS) less than significant impacts would occur and no mitigation measures would be required.

<b>b) Have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Wildlife Service?</b>				<b>X</b>
---	--	--	--	----------

The project site has topography that varies from level to rolling. The project site has been routinely disked over the past several years for weed abatement in accordance with the requirements of the City. There are no existing significant trees or vegetation on the project site. The project site is bounded by existing single-family residences to the west and south, a water tank to the south, a mobile home park to the east, and single-family residences and an elementary school to the north.

Ecological Sciences, Inc. indicates that the project site is has been primarily colonized by ruderal (weedy) herbs and

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>grasses. Invasive species such as Russian thistle (<i>Salsola tragus</i>), pigweed (<i>Chenopodium album</i>), cheeseweed (<i>Malva parviflora</i>), brome grasses (<i>Bromus spp.</i>), oat (<i>Avena sp.</i>), mustard (<i>Brassica sp.</i>), Bermuda grass (<i>Cynodon dactylon</i>), filaree (<i>Erodium cicutarium</i>), spotted spurge (<i>Euphorbia maculata</i>), and puncture vine (<i>Tribulus terrestris</i>) were recorded. Ornamental trees present included gum tree (<i>Eucalyptus sp.</i>), Peruvian pepper (<i>Schinus molle</i>), and China berry (<i>Melia azedarach</i>).</p> <p>Therefore related to riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game (CDF&amp;W) or U. S. Wildlife Service (USF&amp;WS), no impacts would occur and no mitigation measures would be required.</p>				
<p><b>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</b></p>				<b>X</b>
<p>The project site has topography that varies from level to rolling. The project site has been routinely disked over the past several years for weed abatement in accordance with the requirements of the City. There are no significant existing trees or vegetation on the project site. The project site is bounded by existing single-family residences to the west and south, a water tank to the south, a mobile home park to the east, and single-family residences and an elementary school to the north.</p> <p>Ecological Sciences, Inc. indicates that the project site is has been primarily colonized by ruderal (weedy) herbs and grasses. Invasive species such as Russian thistle (<i>Salsola tragus</i>), pigweed (<i>Chenopodium album</i>), cheeseweed (<i>Malva parviflora</i>), brome grasses (<i>Bromus spp.</i>), oat (<i>Avena sp.</i>), mustard (<i>Brassica sp.</i>), Bermuda grass (<i>Cynodon dactylon</i>), filaree (<i>Erodium cicutarium</i>), spotted spurge (<i>Euphorbia maculata</i>), and puncture vine (<i>Tribulus terrestris</i>) were recorded. Ornamental trees present included gum tree (<i>Eucalyptus sp.</i>), Peruvian pepper (<i>Schinus molle</i>), and China berry (<i>Melia azedarach</i>).</p> <p>Therefore related to federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means, no impacts would occur and no mitigation measures would be required.</p>				
<p><b>d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?</b></p>				<b>X</b>
<p>The project site has topography that varies from level to rolling. The project site has been routinely disked over the past several years for weed abatement in accordance with the requirements of the City. There are no existing significant trees or vegetation on the project site. The project site is bounded by existing single-family residences to the</p>				



Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

west and south, a water tank to the south, a mobile home park to the east, and single-family residences and an elementary school to the north.

Ecological Sciences, Inc. indicates that the project site is has been primarily colonized by ruderal (weedy) herbs and grasses. Invasive species such as Russian thistle (*Salsola tragus*), pigweed (*Chenopodium album*), cheeseweed (*Malva parviflora*), brome grasses (*Bromus spp.*), oat (*Avena sp.*), mustard (*Brassica sp.*), Bermuda grass (*Cynodon dactylon*), filaree (*Erodium cicutarium*), spotted spurge (*Euphorbia maculata*), and puncture vine (*Tribulus terrestris*) were recorded. Ornamental trees present included gum tree (*Eucalyptus sp.*), Peruvian pepper (*Schinus molle*), and China berry (*Melia azedarach*).

Therefore related to the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites, no impacts would occur and no mitigation measures would be required.

<b>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</b>				<b>X</b>
--	--	--	--	----------

The project site has topography that varies from level to rolling. The project site has been routinely disked over the past several years for weed abatement in accordance with the requirements of the City. There are no existing significant trees or vegetation on the project site. The project site is bounded by existing single-family residences to the west and south, a water tank to the south, a mobile home park to the east, and single-family residences and an elementary school to the north.

Ecological Sciences, Inc. indicates that the project site is has been primarily colonized by ruderal (weedy) herbs and grasses. Invasive species such as Russian thistle (*Salsola tragus*), pigweed (*Chenopodium album*), cheeseweed (*Malva parviflora*), brome grasses (*Bromus spp.*), oat (*Avena sp.*), mustard (*Brassica sp.*), Bermuda grass (*Cynodon dactylon*), filaree (*Erodium cicutarium*), spotted spurge (*Euphorbia maculata*), and puncture vine (*Tribulus terrestris*) were recorded. Ornamental trees present included gum tree (*Eucalyptus sp.*), Peruvian pepper (*Schinus molle*), and China berry (*Melia azedarach*).

Therefore related to any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, no impacts would occur and no mitigation measures would be required.

<b>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?</b>				<b>X</b>
---	--	--	--	----------

The project site has topography that varies from level to rolling. The project site has been routinely disked over the past several years for weed abatement in accordance with the requirements of the City. There are no existing significant trees or vegetation on the project site. The project site is bounded by existing single-family residences to the

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

west and south, a water tank to the south, a mobile home park to the east, and single-family residences and an elementary school to the north.

Ecological Sciences, Inc. indicates that the project site is has been primarily colonized by ruderal (weedy) herbs and grasses. Invasive species such as Russian thistle (*Salsola tragus*), pigweed (*Chenopodium album*), cheeseweed (*Malva parviflora*), brome grasses (*Bromus spp.*), oat (*Avena sp.*), mustard (*Brassica sp.*), Bermuda grass (*Cynodon dactylon*), filaree (*Erodium cicutarium*), spotted spurge (*Euphorbia maculata*), and puncture vine (*Tribulus terrestris*) were recorded. Ornamental trees present included gum tree (*Eucalyptus sp.*), Peruvian pepper (*Schinus molle*), and China berry (*Melia azedarach*). Furthermore, in accordance with MSHCP, the proposed project will be required to pay Multiple Species Conservation Habitat Plan (MSCHCP) impact fees prior to issuance of building permits.

Therefore related to an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan, no impacts would occur and no mitigation measures would be required.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

**V. CULTURAL RESOURCES. Would the project:**

<b>a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?</b>				<b>X</b>
<b>b) Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5?</b>				<b>X</b>
<b>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</b>				<b>X</b>

Based upon inspection of the project site and review of the cultural resources databases (Cultural Resources Assessment, BRC Consulting, December 2014), there are no known archaeological resources on the project site. There are no historical structures existing on the project site. There are no known paleontological or unique geological features on the project site. Additionally, the City's Final Program EIR (June 2006), Figure 5.10-3 list the project site as low potential for paleontological sensitive area based on extensive field work (Page 5.10-10).

The proposed project requires City approval of a General Plan Amendment (GPA). Since there is a GPA required for the project, Native American tribal groups were contacted by City Staff in accordance with the requirements of SB18. The City Staff received requests for consultation from both the Pechanga and Soboba bands of the Luiseno Indians. BRC Consulting, Inc. (BRC) performed field survey work accompanied by Pechanga Band of Luiseno Indians Monitor Shannon Smith, as request. During the survey work BRC did not discover cultural resources (including prehistoric or historic-period archaeological sites or historic period buildings) or evidence for cultural resources sensitivity within the project site.

Therefore related to historical resources, archaeological resources, and paleontological resource pursuant to Section 15064.5, no impact would occur and no mitigation measures would be required.

<b>d) Disturb any human remains, including those interred outside of formal cemeteries?</b>			<b>X</b>	
---	--	--	----------	--

There are no know any human remains, including those interred outside of formal cemeteries on the project site (Cultural Resources Assessment, BRC Consulting, December 2014). The City General Plan Final EIR found that:

*"There are no known human remains in the project area. However, grading activities could uncover previously unknown human remains especially in areas that have not been surveyed. Grading activities will result in a significant impact to this issue throughout development of the project area. Implementation of the existing regulations and practices described in the Existing Setting subsection as well as Mitigation Measure C1 will reduce this impact to a level less than significant."* (Moreno Valley GP FEIR, Page 5.10-15)

However, should human remains be encountered on the project site, State Health and Safety Code Section 7050.5, and standard City Conditions of Approval reduce this impact to less than significant levels.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

**VI. GEOLOGY AND SOILS. Would the project:**

**a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:**

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

The closest mapped active faults to the project site are the San Jacinto Fault, located 6.2 miles from the project site; the San Andreas Fault, located 15.2 miles from the project site; and, the Elsinore fault, located 16.4 miles from the project site. The project site is not located within an Alquist-Priolo Earthquake Hazard Zone or within a fault zone designated by the Riverside County Land Information System. A review of aerial photos and literature research conducted by Alta California Geochemical, Inc. indicated that faulting is absent from the project site. Therefore related to rupture of a known earthquake fault, the proposed project would have less than significant impacts and no mitigation measures would be required.

<b>(ii) Strong seismic ground shaking?</b>			<b>X</b>	
--	--	--	----------	--

The closest mapped active faults to the project site are the San Jacinto Fault, located 6.2 miles from the project site; the San Andreas Fault, located 15.2 miles from the project site; and, the Elsinore fault, located 16.4 miles from the project site. This faulting is not considered a significant constraint to development on the project site with the use of current development codes. Therefore related to strong seismic ground shaking, the proposed project would have less than significant impacts and no mitigation measures would be required.

<b>(iii) Seismic-related ground failure, including liquefaction?</b>			<b>X</b>	
--	--	--	----------	--

Seismic agitation of relatively loose saturated sands, silty sands, and some silts could potentially result in a buildup of pore pressure. If the pore pressure exceeds the overburden stresses, a temporary quick condition known as liquefaction can occur. Liquefaction effects can manifest in several ways including: 1) loss of bearing; 2) lateral spread; 3) dynamic settlement; and 4) flow failure. Later spreading has typically been the most damaging mode of failure.

In general, the more recent that sediment has been deposited, the more likely it will be susceptible to liquefaction. Other factors that must be considered are: groundwater, confining stresses, relative density, and the intensity and duration of seismically-induced ground shaking.

The project site is designated by the Riverside County Land Information System as having a “low” susceptibility to liquefaction. Due to the in-place density of the old alluvial fan deposits combined with the deep depth to groundwater the potential for liquefaction to occur on-site is very low based on existing conditions (Alta California Geotechnical, Inc.). Therefore related to seismic-related ground failure, including liquefaction, the proposed project would have less

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
than significant impacts and no mitigation measures would be required.				
<b>(iv) Landslides?</b>				<b>X</b>
The project site is not near or adjacent to the mountainside areas. Due to a lack of slopes within or nearby the project site seismically induced landsliding is not anticipated to pose a danger to the project site. Therefore related to landslides, the proposed project would have no impact and no mitigation measures would be required.				
<b>(b) Result in substantial soil erosion or the loss of topsoil?</b>			<b>X</b>	
Although the proposed project has the potential to result in erosion of soils during construction activities, erosion would be addressed through the implementation of existing erosion control standards and policies imposed by the City grading permit requirements. In addition, prior to the issuance of the grading permits for the proposed project, the project applicant shall apply for a General Construction National Pollutant Discharge Elimination System (NPDES) Stormwater Permit from the Regional Water Quality Control Board. Once completed, the buildings, paving, and landscaping that will occupy the project site will establish a condition presenting negligible potential for soil erosion. Therefore related to substantial soil erosion or the loss of topsoil, upon compliance with standard regulatory requirements less than significant impacts would occur and no mitigation measures would be required.				
<b>(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</b>			<b>X</b>	
Dry sand settlement is the process of non-uniform settlement of the ground surface during a seismic event. Based on the relatively fine-grained nature and/or in-situ density of the on-site soils, the potential for dry sand settlement to occur on project site is considered minimal. Therefore related to unstable soil, less than significant impacts would occur and no mitigation measures would be required.				
<b>(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</b>			<b>X</b>	
Expansion index testing was performed on samples taken during the previous investigation. Based on the results, it is anticipated that the majority of materials onsite will vary in expansion potential from "very low" to "low" in general conformance with ASTM Test Method 4829 (Alta California Geotechnical, Inc.). Therefore related to expansive soil, less than significant impacts would occur and no mitigation measures would be required.				
<b>(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</b>				<b>X</b>
The proposed project will operate on a sewer system that will be reviewed, approved, and installing according to Edgemont Community Services District requirements. The proposed project will not be introducing septic tanks or				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

alterative water disposal systems. Therefore related to septic tanks and soils, no impact would occur and no mitigation measures would be required.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

**VII. GREENHOUSE GAS EMISSIONS. Would this project?**

<b>a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</b>			<b>X</b>	
--	--	--	----------	--

The proposed project may generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment. The proposed project would result in the development of 112 residential apartment units, a community center with a pool and tot lot. The proposed project is anticipated to generate GHG emissions from area sources, energy usage, mobile sources, off-road equipment, waste disposal, water usage, and construction equipment.

The City has adopted the City of Moreno Valley Greenhouse Gas Analysis that requires a 15 percent reduction in GHG emissions between years 2007 and 2020. In order to determine if the proposed project would comply with the Plan's Standards, the GHG emissions from the proposed project were analyzed for both year 2016, (opening year of the proposed project) and year 2020. Using year 2016 versus 2007 provides a worst-case analysis, since the State has enacted several laws that took effect after 2007 that reduce GHG emissions and using the latter date means that less GHG reductions can be accounted for from the State measures.

The project's GHG emissions have been calculated with CalEEMod model based on the parameters detailed above. A summary of the results is shown below in Table 6: *Project Related Greenhouse Gas Annual Emissions*.

The data provided in Table 6: *Project Related Greenhouse Gas Annual Emissions* shows that the proposed project would create 1,410.86 MTCO<sub>2</sub>e per year based on the default year 2016 GHG emissions rates and in year 2020 would produce 1,141.37 MTCO<sub>2</sub>e per year that is based on approved Statewide GHG reduction regulations that would be fully implemented by year 2020 as well as from GHG emission reduction design features that have been incorporated into the proposed site plan. Table 6: *Project Related Greenhouse Gas Annual Emissions* shows that through implementation of EO S-1-07, that establishes performance standards for the carbon intensity of transportation fuels, AB 149, which limits GHG emissions from new vehicles sold in California, implementation of the CCR Title 24, Part 6 2013 Building Energy Efficiency Standards and CCR Title 24 Part 11 2013 CalGreen Standards that improves the energy efficiency of the proposed project, and project design features such as providing sidewalks, limiting the number of fireplaces, providing recycling bins, and planting a minimum of 243 trees on the project site, the proposed project's GHG emissions would be reduced by 19 percent and would meet the City's minimum 15 percent GHG reduction standard. In addition, the proposed project would be below the SCAQMD draft residential significance threshold of 3,500 MTCO<sub>2</sub>e per year for both the year 2016 and year 2020 GHG emissions. Therefore related to generation of GHG emissions that would occur from development and operation of the proposed project, less than significant impacts would occur and no mitigation measures would be required.

<b>Issues and Supporting Information</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

**Table 6: Project Related Greenhouse Gas Annual Emissions**

Category	Greenhouse Gas Emissions (Metric Tons per Year)					
	Bio-CO <sub>2</sub>	NonBio-CO <sub>2</sub>	Total CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> e
<b>Year 2016 Emissions</b>						
Area Sources <sup>1</sup>	0.00	2.13	2.13	0.00	0.00	2.17
Energy Usage <sup>2</sup>	0.00	234.65	234.65	0.01	0.00	235.75
Mobile Sources <sup>3</sup>	0.00	1,082.82	1,082.82	0.04	0.00	1,083.60
Solid Waste <sup>4</sup>	10.46	0.00	10.46	0.62	0.00	23.44
Water and Wastewater <sup>5</sup>	2.31	41.82	44.13	0.24	0.00	51.03
Construction <sup>6</sup>	0.00	20.25	20.25	0.00	0.00	20.32
Vegetation <sup>7</sup>						-5.45
<b>Total 2016 Emissions</b>	<b>12.77</b>	<b>1,381.67</b>	<b>1,394.44</b>	<b>0.91</b>	<b>0.00</b>	<b>1,410.86</b>
<b>Year 2020 Emissions</b>						
Area Sources	0.00	2.13	2.13	0.00	0.00	2.17
Energy Usage	0.00	212.78	212.78	0.01	0.00	213.75
Mobile Sources	0.00	855.58	855.58	0.03	0.00	856.11
Solid Waste	5.23	0.00	5.23	0.31	0.00	11.72
Water and Wastewater	1.85	35.49	37.34	0.19	0.00	42.86
Construction	0.00	20.14	20.14	0.00	0.00	20.21
Vegetation						-5.45
<b>Total 2020 Emissions</b>	<b>7.08</b>	<b>1,126.12</b>	<b>1,133.20</b>	<b>0.54</b>	<b>0.00</b>	<b>1,141.37</b>
<b>Percent Reduction between 2016 and 2020</b>						<b>19%</b>
<b>City of Moreno Valley Reduction Threshold</b>						<b>15%</b>
<b>SCAQMD Draft Threshold of Significance for Residential Uses</b>						<b>3,500</b>
Notes:						
<sup>1</sup> Area sources consist of GHG emissions from hearths, consumer products, architectural coatings, and landscaping equipment.						
<sup>2</sup> Energy usage consist of GHG emissions from electricity and natural gas usage (not including hearths).						
<sup>3</sup> Mobile sources consist of GHG emissions from vehicles.						
<sup>4</sup> Waste includes the CO <sub>2</sub> and CH <sub>4</sub> emissions created from the solid waste placed in landfills.						
<sup>5</sup> Water includes GHG emissions from electricity used for transport of water and processing of wastewater.						
<sup>6</sup> Construction emissions amortized over 30 years.						
<sup>7</sup> Vegetation sequestration amortized over 30 years.						
Source: CalEEMod Version 2013.2.2.						

**b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

			X	
--	--	--	---	--

The proposed project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing GHG emissions. The applicable plans for the proposed project are the City of Moreno Valley Greenhouse Gas Analysis, adopted February 2012 and the City of Moreno Valley Energy Efficiency and Climate Action Strategy, adopted October 2012. The City has adopted these plans in order to assist the City in conforming to the GHG emissions reductions as mandated under AB 32. Both Plans provide the same reduction measures to be implemented in new developments to reduce GHG emissions as well as a GHG emissions reduction target of 15 percent below 2007 GHG emissions levels by 2020. Consistent with the CARB Scoping Plan, the City has chosen a reduction target of 15 percent below 2007 GHG emissions levels by 2020. Therefore, the proposed project would be considered to be



Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

inconsistent with the City's Plans if the proposed project did not implement all applicable measures identified in the Plans and if the proposed project's GHG emissions are not 15 percent less than GHG emissions from business-as-usual conditions for a similar size project in year 2007.

The applicable measures provided in the City's GHG Plans were incorporated into the project design of the proposed project and include providing housing along a high quality transit corridor, promotion of alternative transportation methods through the providing of sidewalks throughout the project, utilization of shade trees and covered parking to reduce heat island impacts, utilization of low-flow water fixtures and smart irrigation controls to reduce water use, and through providing recycling bins to reduce waste sent to landfills. With implementation of various state requirements as well as from GHG emission reduction design features that have been incorporated into the proposed site plan, the proposed project's GHG emissions would be reduced by 19 percent by year 2020. Therefore, the proposed project would not conflict with the City's GHG reduction plans.

In addition to the City's GHG reduction plans, the SCAQMD initiated a Working Group to develop a GHG emissions policy and provided detailed methodology for evaluating significance under CEQA. At the September 28, 2010 Working Group meeting, the SCAQMD released its most current version of the draft GHG emissions thresholds, which recommends a tiered approach that provides a quantitative annual threshold of 3,500 MTCO<sub>2</sub>e for residential uses. Although the SCAQMD provided substantial evidence supporting the use of the above threshold, they have not been formally adopted because the SCAQMD is awaiting the outcome of the pending appeal of the California Building Industry Association v. Bay Area Air Quality Management District (BAAQMD), is resolved. Table 6: *Project Related Greenhouse Gas Annual Emissions* shows that both the year 2016 business-as-usual GHG emissions and the year 2020 GHG emissions would be below the SCAQMD draft residential significance threshold of 3,500 MTCO<sub>2</sub>e per year. Therefore related to conflicts with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases, less than significant impacts would occur and no mitigation measures would be required.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

**VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project?**

<b>a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?</b>			<b>X</b>	
<b>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</b>			<b>X</b>	

Rough grading of the project site could potentially expose the public through the routine transportation or disposal of hazardous materials. The Phase II report prepared by SCS Engineers indicates that detectable concentrations of arsenic are present in the shallow soil in the soil samples collected at the project site. Arsenic concentrations at the project site exceed the residential California Human Health Screening Levels (CHHSL). However, arsenic is commonly present in California soils in concentrations that exceed risk criteria under naturally occurring conditions, and the arsenic concentrations in shallow soil at the project site are within naturally occurring background concentrations and do not appear to be indicative of a release of arsenic. Compliance with City Standards requiring the preparation of Water Quality Management Plan (WQMP) and a Storm Water Pollution Prevention Plan (SWPPP) would reduce this impact to less than significant levels.

Additionally, the Phase II report prepared by SCS Engineers indicated the results of the organochlorine pesticide analysis of the shallow soil samples. They indicate that no reported concentrations of organochlorine pesticides above the laboratory reporting limit are present in the shallow soil samples collected at the project site. Compliance City Standards requiring preparation of Water Quality Management Plan (WQMP) and a Storm Water Pollution Prevention Plan (SWPPP) would reduce this impact to less than significant levels.

Although the grading and construction activities would require the use and transport of potentially toxic construction materials, potential hazards related to this would be minimized through the compliance with existing Federal and State Occupation Safety and Health (OSHA) regulatory requirements. In addition, although the construction activities and the on-going maintenance of the landscaping and structures would include the use of hazardous materials such as gasoline, diesel fuel, herbicides, and solvents, the use of these materials would be typical of landscaping and building maintenance and would pose a low risk of hazard. Development of the proposed project would not create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. Therefore related to routine transportation or disposal of hazardous materials, less than significant impacts and no mitigation measures would be required.

<b>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</b>			<b>X</b>	
--	--	--	----------	--

The proposed project is located across the street (Edgemont) from the Edgemont Elementary School. However, implementation of the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>material, substances, or waste. Therefore related to hazardous emissions or materials within one-quarter mile of a school, the proposed project would have less than significant impacts and no mitigation measures would be required.</p>				
<p><b>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?</b></p>				X
<p>The Phase I Report (SCS Engineers) conducted a database search for the project site. Local, state, and federal regulatory databases were reviewed for the site. The project site was not listed on any of the regulatory databases reviewed. Therefore, the development of the proposed project would not result in an impact due to the creation of a significant hazard to the public or the environment. Therefore related to database list, no impacts would occur and no mitigation measures would be required.</p>				
<p><b>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</b></p>		X		
<p>The project site is located within the March Air Reserve Base Influence Area. The March Air Reserve Base is located approximately 2.4 miles to the south of the project site. According the March Air Reserve Base / Inland Port Airport Land Use Compatibility Plan and Compatibility Map (June 2013) the project site is located within Zone D (Flight Corridor Buffer). Zone D has no residential limits regarding density. The zone has prohibited uses of hazards to flight. This includes physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations. Land use development that may cause the attraction of birds to increase is also prohibited. Man-made features must be designed to avoid heightened attraction of birds. The proposed project consists of a 5.89-acre apartment complex with 112 dwelling units which is not a prohibited use. The proposed project would be compatible with the March Air Reserve Base Influence Area and the land use intensity for the project site with inclusion of Mitigation Measure HAZ-1 and HAZ-2.</p> <p>The development of the proposed project would not introduce people into an area where there is a safety hazard as a result of a public airport or public use airport. Therefore related to airport land use plans, less than significant impacts would occur and no mitigation measures would be required.</p>				
<p><b>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</b></p>		X		
<p>The project site is not located within the vicinity of a private airport. The closest public airstrip is the March Air Reserve Base located approximately 2.5 miles to the south of the project site. The development of the proposed project would have less than significant impacts with Mitigation Measures HAZ-1 and HAZ-2 regarding introducing people into an area where there is a safety hazard as a result of a private airstrip. Therefore related to private airstrips, less than significant</p>				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
impacts would occur with mitigation.				
<b>g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?</b>				<b>X</b>
<p>The City would provide emergency response and evacuation plans for the project site and vicinity. The proposed project would provide a public (resident, guest, and deliveries) driveway access from a single gated, un-signalized driveway on Edgemont Street located approximately 300-feet south of Eucalyptus Avenue. In addition, a secondary driveway will be provided on Eucalyptus Avenue for emergency access only. Although the development of the proposed project would result in development of an undeveloped site, no significant changes in the circulation patterns in the project vicinity would occur. The development of the proposed project would not impair the ability of the City to implement its emergency response plan or utilize emergency evacuation routes. Therefore related to emergency response plans, no impact would occur and no mitigation measures would be required.</p>				
<b>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</b>				<b>X</b>
<p>The project site is not located within or adjacent to an area subject to wildland fires. The development of the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Therefore related to wildland fires, no impact would occur and no mitigation measures would be required.</p>				

### Mitigation Measures

- HAZ-1** Prior to the issuance of the Certificate of Occupancy, the project applicant shall execute an aviation easement with the March Joint Powers Authority that provides for the dedication of the easement to March Inland Port Authority.
- HAZ-2** Prior to the occupancy of any apartment unit, the project applicant shall prepare general lease agreements for the project that shall include electromagnetic radiation notification.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

**IX. HYDROLOGY AND WATER QUALITY. Would the project:**

<b>a) Violate any water quality standards or waste discharge requirements?</b>			<b>X</b>	
--	--	--	----------	--

The proposed project would potentially have significant short-term and long-term impacts on water quality standards or waste discharge requirements. The project site is currently vacant. The project site generally drains via sheet flow from the northwest corner to the southeast corner and across the adjacent property southerly ultimately to the improved Edgemont Channel B North Fork. The Edgemont Channel B North Fork is a Riverside County Flood Control and Water Conservation District (RCFCWCD) facility.

The proposed project would include the construction of an on-site storm drainage system to capture and carry on-site drainage to the southeast corner of the project site. At the southeast corner of the project site an off-site storm drain pipe would transport captured stormwater in and through the property to the south. The on-site and off-site storm drains will convey the proposed project stormwater to the Edgemont Channel instead of surface flowing across the adjacent parcel.

The proposed project would not exceed pre-project conditions for stormwater discharge. The proposed project includes infrastructure to detain and treat stormwater on-site and discharge it to the storm drain system at rates that would not exceed the capacity of the receiving flood control channel.

**Construction**

The proposed project could potentially result in short-term adverse construction-related impacts to surface water quality. Grading and construction would expose ground surfaces and increase the potential for erosion and the off-site transport of sediment in stormwater runoff. Additionally, the use of construction equipment and other materials could result in water quality impacts, if spills come into contact with stormwater and polluted runoff enters downstream receiving waters. The construction-related stormwater pollutant discharges from the project site would be temporary and would be controlled through compliance with the applicable National Pollution Discharge Elimination System (NPDES) permitting process.

Development of the project site is in excess of one (1) acre; therefore, the proposed project would be required to obtain coverage under the NPDES General Construction permit. The NPDES permit ensures that the State’s mandatory standards for clean water and the Federal minimums are met. Compliance with the permit would prevent sedimentation and soil erosion through preparation and implementation of a Water Quality Management Plan (WQMP) and a Storm Water Pollution Prevention Plan (SWPPP). This would include preparation of annual compliance reports and periodic inspections by the State Regional Water Quality Control Board (SRWQCB) staff.

The proposed project SWPPP will describe the construction operator’s activities to comply with the requirements in the NPDES permit. Required elements of the SWPPP will include:

<b>Issues and Supporting Information</b>	<b>Potentially Significant Impact</b>	<b>Less than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
--	---------------------------------------	---	-------------------------------------	------------------

1. Site description addressing the elements and characteristics specific to the project site;
2. Descriptions of Best Management Practices (BMPs) for erosion and sediment controls;
3. (3) BMPs for construction waste handling and disposal;
4. Implementation of approved local plans; and,
5. Proposed post-construction controls, including a description of local post-construction erosion and sediment control requirements.

The proposed project SWPPP will facilitate a process whereby the operator evaluates potential pollutant sources at the project site and selects and implements Best Management Practices (BMPs) to prevent or control the discharge of pollutants in stormwater runoff. The SWPPP will be approved by the (State Water Quality Control Board (SWQCB) prior to issuance of a grading or building permit. Therefore related to construction water quality standards, the proposed project would have less than significant impacts with mitigation.

**Post Construction**

The proposed project could potentially result in long-term adverse construction-related impacts to surface water quality. The Edgemont Channel downstream of Interstate 215 (I-215) is not an improved facility. The proposed project would create a Hydrologic Condition of Concern (HCOC), a potentially significant off-site impact to water quality standards or waste discharge requirements. The post construction-related stormwater pollutant discharges from the project site would be controlled through compliance with the applicable National Pollution Discharge Elimination System (NPDES) permitting process.

The WQMP will describe the responsibilities of the post-construction project owner(s) to comply with the requirements in the NPDES for post-construction urban runoff management. The WQMP will include:

1. Routine Non-Structural and Source Control BMPs;
2. Site Design and Treatment Control BMPs;
3. Operation and Maintenance implementation responsibilities and funding sources;
4. Pollutants of Concern;
5. Hydrologic Conditions of Concern; and,
6. Outdoor Activities.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Therefore related to post-construction water quality standards, the proposed project would have less than significant impacts and no mitigation measures would be required.				
<b>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</b>			X	
<p>The availability of groundwater and issues involving the adequacy of recharge capability are regional in nature. The Groundwater Management Act (AB 3030) (CWC 2011) provides a systematic procedure for an existing local agency to develop a groundwater management plan. AB 3030 allows a local agency whose service includes a groundwater basin that is not already subject to groundwater management pursuant to law or court order to adopt and implement a groundwater management plan and includes plans to mitigate overdraft conditions, control brackish water, and to monitor and replenish groundwater.</p> <p>It is anticipated that potable water for the proposed project would continue to be supplied by the Box Springs Mutual Water Company (BSMWC). The BSMWC has an existing waterline that transects the project site in a north to south direction connecting to their aboveground water storage tanks on the adjacent parcel to the south. Development of the project site would significantly increase the amount of impervious surfaces such as building roofs, paving, etc. However, as a part of the WQMP for the project and as a result of the HCOC, the propose project will collect and retain and percolate the difference between pre-development and post-development flows for a 24-hour, 10-year storm frequency event. In addition, all dry weather flows will be collected and retained. The stormwaters and dry weather flows will be retained and percolated in an underground chamber and rock leach field. Therefore related to potential interfere with groundwater recharge activities, less than significant impacts would occur with no mitigation measures would be required.</p>				
<b>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</b>			X	
The drainage patterns through the project site would be slightly modified by the development of the proposed project (see "a" above). However, the potential for adverse erosion and sedimentation effects would be reduced to a less than significant level with the preparation and implementation of project-specific drainage improvements, and an SWPPP, as discussed above. Therefore related to substantially altering the existing drainage pattern of the project site, less than significant impacts would occur and no mitigation measures would be required.				
<b>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which</b>			X	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>would result in flooding on- or off site?</b>				
<p>The development of the proposed project would significantly increase impervious surfaces on the project site. However, due to the retention and percolation of stormwaters on-site (see “b” above), there is no significant change in the amount of water that percolates into the ground and no increase of the amount of water that is discharged to the storm drain system would be anticipated to occur. In addition, all of the stormwaters that leave the project site are collected in a storm drain pipe that conveys the stormwater to the Edgemont Channel, eliminating any project storm flows from surface flowing across the adjacent project. Therefore relate to a potential increase in the rate of surface runoff in a manner that would result in flooding on- or off-site, less than significant impacts would occur and no mitigation measures would be required.</p>				
<b>e) Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</b>			<b>X</b>	
<p>The proposed project would not exceed the capacity of storm drain facilities that serve the project site and surrounding areas. There is no significant increase of the amount of water that would be anticipated to be discharged to the storm drain system. The proposed project provides for the retention and percolation of stormwaters on-site (see “b” above). Therefore related to the capacity of storm drain facilities that serve the project site and surrounding areas, less than significant impacts would occur and no mitigation measures would be required.</p>				
<b>f) Otherwise substantially degrade water quality?</b>			<b>X</b>	
<p>The proposed project would not otherwise substantially degrade water quality. The proposed project would comply with requirements of the project’s SWPPP, WQMP, and project site improvements. Therefore related to otherwise substantially degrading of water quality, less than significant impacts would occur and no mitigation measures would be required.</p>				
<b>g) Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</b>			<b>X</b>	
<p>The proposed project lies within the Flood Insurance Rate Map Community Panel No. 06065C0745G, dated August 28, 2008 and is partially located in Zone X (Other Flood Areas) and Zone A. Zone X is defined as “Areas of 0.2% annual chance flood; areas of 1% annual change flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.” Zone A is defined as “No Base Flood Elevations defined.” Project design features provide that all finish floor elevations for habitable structures in the Zone X portions of the proposed project are a minimum of one (1) foot above the fronting curb elevation on the low side of the drives. Therefore related to 100-year flood hazard areas as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, upon compliance with project design features less than significant impacts would occur and no mitigation measures would be required.</p>				



Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</b>			<b>X</b>	
<p>See paragraph "g" above. While the proposed project would place structures within the Zone X area, the structures and drives are oriented such that any floodwaters would exit the propose project at the same location (southeast corner of the project) that they exit in the pre-development condition. In addition, any project storm flows exiting the project at the southeast corner of the site would be contained within an underground storm drain pipe that connects to the Edgemont Channel, negating any possibility of surface erosion of the adjacent parcel. Therefore related to 100-year flood hazard area structures which would impede or redirect flood flows, less than significant impacts would occur and no mitigation measures would be required.</p>				
<b>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</b>				<b>X</b>
<p>The project site is not within a dam failure inundation area. The proposed project, as designed, would not create hazards in this regard. Therefore related to expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, no impact would occur and no mitigation measures would be required.</p>				
<b>j) Inundation by seiche, tsunami, or mudflow?</b>				<b>X</b>
<p>Seiches are oscillations of the surface of inland bodies of water that vary in period from a few minutes to several hours. Seismic excitation can induce such oscillations. Tsunamis are large sea waves produced by submarine earthquakes or volcanic eruptions. The proposed project is not near a large body of water, or the Pacific Ocean, and the site is relatively flat without any hills (which can produce mudflows). Therefore relate to a seiche, tsunami, or mudflow, no impact would occur and no mitigation measures would be required.</p>				

<b>Issues and Supporting Information</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

**X. LAND USE AND PLANNING. Would the project:**

<b>a) Physically divide an established community?</b>			<b>X</b>	
---	--	--	----------	--

The proposed project would establish a gated apartment complex. Gating the apartment complex would establish a physical barrier across the project site. The project site has topography that varies from level to rolling. The project site has been routinely disked over the past several years for weed abatement in accordance with the requirements of the City. There are no existing significant trees or vegetation on the project site. The project site is bounded by existing single-family residences to the west and south, a water tank to the south, a mobile home park to the east, and single-family residences and an elementary school to the north. The proposed project would include the construction of 112 residential apartments. The proposed site plan is depicted on Figure 5: *Site Plan*. The proposed project would provide a public (resident, guest, and deliveries) driveway access from a single gated, un-signalized driveway on Edgemont Street located approximately 300-feet south of Eucalyptus Avenue. In addition, a secondary driveway will be provided on Eucalyptus Avenue for emergency access only. There are no existing significant trees or vegetation on the project site. The proposed project would be appropriately landscaped. The proposed project would include new curb, gutter, and curb adjacent sidewalks along Edgemont Street and curb separated along Eucalyptus Avenue. The proposed project would include a community building, pool and deck, tot-lot, and outdoor space area central located within the apartment complex. Pedestrian access would be provided from each of the apartment buildings to these areas.

A new six-foot (6') wrought iron fence with pilaster every 30-feet on-center would be constructed along both Edgemont Street and Eucalyptus Avenue inside of the property line in each case. A new six-foot (6') block wall would be constructed along the southerly property line. A new six-foot (6') block wall would remain along the easterly property line adjacent to the existing mobile home park. Adjacent to the R/O Zoned area to the northeast of the project site, a new six-foot (6') wrought iron fence with pilaster every 30-feet on-center would be constructed. An existing chain link fence would remain to the south of the new block wall on the southerly property line.

The area surrounding the project site has been developed with primarily with residential land uses. Several non-residential uses scattered along Eucalyptus Avenue in the vicinity of the project site. The majorities of the residences in close proximity to the project site are located within the Office Commercial zone and are considered pre-existing, non-conforming land uses. Existing single-family residences are located to south, west, and northwest of the project site. Single-family residence and a mobile home park are located immediately to the east of the project site. Edgemont Elementary School is located to north of the project site across Eucalyptus Avenue. There is an office building located to the northeast at the intersection of Day Street and Eucalyptus Avenue of the project site in the City of Riverside.

As noted above, the proposed project would provide sidewalks along both Edgemont Street and Eucalyptus Avenue. The new sidewalks would provide access to the mobile home park to the east and single-family home to the south. The project would not establish a physical barrier that would divide the community. Therefore related to physically divide an established community, less than significant impacts would occur and no mitigation measures would be required.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>b) Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</b>			X	
<p>The proposed development of the project is governed by land use plans, policies, or regulations of agencies with jurisdiction over the project site, including the City General Plan, the March Air Reserve Base Airport Influence Area, and other land use plans and policies for the project area. In addition, the project site is located within the six-county region which comprises the Southern California Association of Governments (SCAG) planning area. Further, the proposed project is located within the South Coast Air Basin (SCAB) and is, therefore, within the jurisdiction of the SCAQMD. The Air Quality Management Plan (AQMP), which was adopted by SCAG and the SCAQMD, establishes an air pollutant control program to achieve the attainment of State and Federal air quality standards in the Basin. According the March Air Reserve Base / Inland Port Airport Land Use Compatibility Plan and Compatibility Map (June 2013) the project site is located within Zone D (Flight Corridor Buffer). Zone D has no residential limits regarding density.</p> <p>The proposed project includes a General Plan Amendment (GPA) and Change of Zone (ZC) that would provide for establishment of the proposed residential uses. The nature and intensity of the proposed uses for the overall project are not inconsistent or incompatible with existing or proposed uses and do not present the potential for conflict with the City's General Plan or other City land use policies directed at avoiding or mitigating environmental effects. Therefore related to applicable land use plans, less than significant impacts would occur and no mitigation measures would be required. Section III., <i>Air Quality</i>, above discusses the consistency with the proposed project with the SCAQMD AQMP. Section VIII., <i>Hazards and Hazardous Materials</i>, above discusses the consistency with the proposed project with the March Air Reserve Base / Inland Port Airport Land Use Compatibility Plan and Compatibility Map (June 2013).</p>				
<b>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</b>				X
<p>The project site is not within any applicable habitat conservation plan or natural community conservation plan. Furthermore, in accordance with MSHCP, the proposed project will be required to pay Multiple Species Conservation Habitat Plan (MSCHCP) impact fees prior to issuance of building permits. Therefore related to applicable habitat conservation plan or natural community conservation plan, no impact would occur and no mitigation measures would be required.</p>				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

**XI. MINERAL RESOURCES. Would the project:**

<b>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</b>				<b>X</b>
<b>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</b>				<b>X</b>

(a. & B.) The project site is located in an urbanized area with additional development occurring in the vicinity. No active mines or mineral recovery programs are currently active on the project site or in the vicinity of the project site. No mineral deposits have been identified in the City General Plan on the project site. Therefore related to loss of availability of a known mineral resource that would be of value to the region and the residents of the state, no impact would occur and no mitigation measures would be required. Additionally, therefore related to loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan, no impact would occur and no mitigation measures would be required.

<b>Issues and Supporting Information</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

**XII. NOISE. Would the project result in:**

<b>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</b>			<b>X</b>	
--	--	--	----------	--

The proposed project would not expose persons to or generate noise levels in excess of standards established in the City General Plan or Noise Ordinance or applicable standards of other agencies. The following section calculates the potential noise emissions associated with the construction and operations of the proposed project and compares the noise levels to the City standards.

**Construction-Related Noise**

The construction activities for the proposed project are anticipated to include grading of the 5.69 acre project site, building construction of the 112 residential apartment units, paving of the onsite roads and parking spaces, and application of architectural coatings. Noise impacts from construction activities associated with the proposed project would be a function of the noise generated by construction equipment, equipment location, sensitivity of nearby land uses, and the timing and duration of the construction activities. The nearest sensitive receptors to the project site are mobile homes as near as five feet (5') to the east, a single-family home as near as 10 feet to the south, a single-family home as near as 60 feet to the west, and Edgemont Elementary School as near as 100 feet to the north.

Section 11.80.030(B) of the City's Municipal Code limits all noise sources in the City to the noise levels where a high probability hearing loss would occur as determined by the Center for Disease Control and Prevention and OSHA. Notable noise level thresholds are 90 dBA for eight (8) hours and 105 dBA for one (1) hour (Details related to State and Federal Criteria Pollutant Standards are located in the Noise Impact Analysis Table B dated July 31, 2014). Section 11.80.030(D)(7) of the City's Municipal Code provides additional prohibitions on construction activities by restricting construction activities from occurring between the hours of 8:00 p.m. and 7:00 a.m..

The construction noise impacts nearby have been calculated through use of the Roadway Construction Noise Model (RCNM) and the parameters and assumptions of the Noise Impact Analysis dated July 31, 2014, in order to determine if the proposed construction activities would exceed the City noise standards. According to the project applicant the site preparation and grading activities that would occur near the homes would consist of the use of dozers, graders and scrapers that would make several passes over each portion of the project site, which will limit site preparation and grading activities near any particular sensitive receptor to less than one (1) hour intervals. However the building construction, paving and painting activities would have the potential to occur in the proximity of the same sensitive receptor for eight (8) continuous hours. Therefore, the one (1) hour standard of 105 dB has been utilized as the threshold for site preparation and grading activities and the eight (8) hour standard of 90 dB has been utilized as the threshold for building construction, paving, and painting activities. The results are shown below in Table 7: *Worse-Case Construction Noise Levels at Nearest Sensitive Receptor*.

<b>Issues and Supporting Information</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

**Table 7: Worst-Case Construction Noise Levels at Nearest Sensitive Receptor**

Construction Phase	Distance to Nearest Sensitive Receptor (feet)	Construction Noise Level (dBA Leq)	Threshold1 (dBA Leq)
Site Preparation	5	98	105
Grading	5	97	105
Building Construction	30	81	90
Paving	15	85	90
Painting	30	78	90

Notes:

1 Threshold for site preparation and grading activities based on Section 11.80.030(B) of the Municipal Code's one hour standard of 105 dB and threshold for building construction, paving, and painting activities based on OSHA eight hour standard of 90 dB.

Source: RCNM, Federal Highway Administration, 2006

Table 7: *Worse-Case Construction Noise Levels at Nearest Sensitive Receptor* shows that greatest noise impacts would occur during the site preparation phase of construction, with a noise level as high as 98 dBA Leq at the nearest offsite residential use. Table 7: *Worse-Case Construction Noise Levels at Nearest Sensitive Receptor* also shows that none of the construction phases would exceed the City's noise standards for each particular use, which is based on the anticipated duration of each impact. Through adherence to the limitation of allowable construction times provided in Section 11.80.030(D)(7) of the City's Municipal Code, the construction-related noise levels would not exceed any standards. Therefore related to the construction-related noise of the proposed project, less than significant impacts would occur and no mitigation measures would be required.

**Operational-Related Noise**

The proposed project would consist of the development of 112 residential apartment units. The proposed development would be adjacent to Eucalyptus Avenue and Edgemont Street, which may create noise levels in excess of City standards at the proposed residential uses.

The City's General Plan Policy 6.3.1 requires that sound mitigation be provided for new multiple-family residential buildings that are exposed to future exterior noise levels that exceed 20 dBA CNEL above the 45 dBA CNEL interior noise standard, or exceed 65 dBA CNEL at the exterior of the proposed residential apartment units.

In order to quantify the traffic noise impacts at the locations of the proposed homes, the exterior noise levels were calculated through use of the FHWA RD-77-108 traffic noise prediction model. The model was based on the nearest location that a home may be placed to Eucalyptus Avenue and Edgemont Street for the year 2016 with project traffic conditions provided in the Traffic Impact Analysis. The calculated exterior noise levels at the nearest patio, first floor façade, and second floor façade are shown below in Table 8: *Proposed Residential Exterior Noise Levels*.

<b>Issues and Supporting Information</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

**Table 8: Proposed Residential Exterior Noise Levels**

Roadway	Distance to Nearest Home <sup>1</sup> (Feet)	Calculated Noise Levels (dBA CNEL)		
		At Patio	First Floor Façade	Second Floor Facade
Eucalyptus Avenue	82	64.8	64.1	64.5
Edgemont Street	58	50.4	49.0	49.4

Notes:  
<sup>1</sup> Measured from centerline of road.  
Source: FHWA RD-77-108 Model.

Table 8: *Proposed Residential Exterior Noise Levels*. shows that none of the calculated exterior noise levels would exceed the City’s 65 dBA CNEL exterior noise standard. The City utilized the 20 dBA difference between exterior and interior noise levels that are specified in the City’s General Plan Policy 6.3.1 because this is the minimum exterior to interior attenuation that residential homes typically provide. Based on this attenuation rate, since all calculated exterior noise levels are below 65 dBA CNEL, it can be concluded that the interior noise would be below the 45 dBA CNEL interior noise standard. It should be noted that through implementation of the required Title 24 Part 6 building energy efficiency standards, that require the use of double paned windows and other noise and energy conservation building products, new multiple-family residential units typically have attenuation rates in the 25 to 30 dB range, so utilization of the 20 dB attenuation rate would be considered a conservative or worst-case analysis. The operational-related noise impacts to the proposed project would not exceed any standards. Therefore related to the operational-related noise impacts, less than significant impacts would occur and no mitigation measures would be required

<b>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</b>		X		
--	--	---	--	--

The proposed project would not expose persons to or generation of excessive groundborne vibration or groundborne noise levels. The following section analyzes the potential vibration impacts associated with the construction and operations of the proposed project.

**Construction-Related Vibration Impacts**

The construction activities for the proposed project are anticipated to include grading of the 5.69 acre project site, building construction of the 112 residential apartment units, paving of the onsite roads and parking spaces, and application of architectural coatings. The nearest sensitive receptors to the project site are mobile homes as near as five feet to the east, a single-family home as near as 10 feet to the south, a single-family home as near as 60 feet to the west, and Edgemont Elementary School as near as 100 feet to the north.

Section 9.10.170 of the City’s Municipal Code limits vibration levels created on the project site from being felt at or beyond the property line. Since the City’s Municipal does not provide a quantifiable vibration level, Caltrans guidance has been utilized, which defines the threshold of perception from transient sources at 0.25 inch per second Peak

<b>Issues and Supporting Information</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

Particle Velocity (PPV).

The primary source of vibration during construction would be from the operation of a bulldozer. From Table 9: *Vibration Source Levels for Construction Equipment* a large bulldozer would create a vibration level of 0.089 inch per second PPV at 25 feet. Based on typical propagation rates, the vibration level at the nearest offsite receptor would be 0.52 inch per second PPV. The vibration level at the nearest offsite receptor would exceed the 0.25 inch per second PPV threshold detailed above. This would be considered a potentially significant impact.

**Table 9: Vibration Source Levels for Construction Equipment**

Equipment	Peak Particle Velocity (inches/second)	Approximate Vibration Level (Lv)at 25 feet
Pile driver (impact) - Upper range	1.518	112
Pile driver (impact) - typical	0.644	104
Pile driver (sonic) - Upper range	0.734	105
Pile driver (sonic) - typical	0.170	93
Clam shovel drop (slurry wall)	0.202	94
Vibratory Roller	0.210	94
Hoe Ram	0.089	87
Large bulldozer	0.089	87
Caisson drill	0.089	87
Loaded trucks	0.076	86
Jackhammer	0.035	79
Small bulldozer	0.003	58
Source: Federal Transit Administration, May 2006.		

Mitigation Measure NOI-1 is provided that would require that the project applicant restrict the use of large bulldozers and other large equipment (greater than 150 horsepower) from operating within 15 feet of any off-site structure. Through implementation of Mitigation Measure NO-1, the vibration impacts would be reduced to 0.16 inch per second PPV or less at the nearest offsite structures, which is within the 0.25 inch per second PPV threshold. Therefore related to construction-related vibration, the proposed project would have less than significant impacts with mitigation.

**Operations-Related Vibration Impacts**

The on-going operation of the proposed project would not include the operation of any known vibration sources. Therefore related to operations-related vibration, less than significant impacts would occur and no mitigation measures would be required.

<b>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</b>			X	
---	--	--	---	--

The ongoing operation of the proposed project may result in a potential substantial permanent increase in ambient



<b>Issues and Supporting Information</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

noise levels in the project vicinity above existing levels without the proposed project. Potential noise impacts associated with the operations of the proposed project would be from project-generated vehicular traffic on the project vicinity roadways.

Vehicle noise is a combination of the noise produced by the engine, exhaust and tires. The level of traffic noise depends on three (3) primary factors: (1) the volume of traffic; (2) the speed of traffic; and, (3) the number of trucks in the flow of traffic. The proposed project does not propose any uses that would require a substantial number of truck trips and the proposed project would not alter the speed limit on any existing roadway so the proposed project’s potential off-site noise impacts have been focused on the noise impacts associated with the change of volume of traffic that would occur with development of the proposed project.

Objective 6.5 of the City’s General Plan Noise Element, requires the City to minimize noise impacts from significant noise generators including roadway noise impacts. However neither the General Plan nor the CEQA Guidelines define what constitutes a “substantial permanent increase to ambient noise levels”, as such, this impact analysis has utilized guidance from the Federal Transit Administration for a moderate impact.

The potential offsite traffic noise impacts created by the on-going operations of the proposed project have been analyzed through utilization of the FHWA model and parameters and the FHWA model noise calculation spreadsheets. The proposed project’s offsite traffic noise impacts have been analyzed for the existing and opening year 2016 conditions and are discussed below.

**Existing Conditions**

The proposed project’s potential offsite noise impacts have been calculated through a comparison of the Existing scenario to the Existing With Project scenario. The results of this comparison are shown in Table 10: *Existing Project Traffic Noise Contributions*.

**Table 10: Existing Project Traffic Noise Contributions**

Roadway	Segment	dBA CNEL at Nearest Receptor <sup>1</sup>			Increase Threshold <sup>2</sup>
		Existing	Existing Plus Project	Project Contribution	
Eucalyptus Avenue	West of Edgemont Street	66.9	67.0	0.1	+1 dBA
Eucalyptus Avenue	East of Edgemont Street	71.9	71.9	0.0	+1 dBA
Edgemont Street	South of Eucalyptus Avenue	48.4	50.9	2.5	+7 dBA
Edgemont Street	South of Project Driveway	50.1	52.8	2.7	+5 dBA

Notes:

<sup>1</sup> Distance to nearest residential or school use does not take into account existing noise barriers.

<sup>2</sup> Increase threshold based on the significance thresholds defined in Transit Noise and Vibration Impact Assessment, prepared by Federal Transit Administration, 2006, for a moderate impact.

Source: FHWA Traffic Noise Prediction Model FHWA-RD-77-108.

Table 10: *Existing Project Traffic Noise Contributions* shows that for the Existing conditions, the proposed project’s

<b>Issues and Supporting Information</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

permanent noise increases to the nearby homes from the generation of additional vehicular traffic would not exceed the increase thresholds detailed above. Therefore related to a substantial permanent increase in ambient noise levels for the existing condition, less than significant impacts would occur and no mitigation measures would be required.

**Opening Year 2016 Conditions**

The proposed project’s potential offsite noise impacts have been calculated through a comparison of the year 2016 without project scenario to the year 2016 with project scenario. The results of this comparison are shown in Table 11: *Opening Year 2016 Project Traffic Noise Contributions*.

**Table 11: Opening Year 2016 Project Traffic Noise Contributions**

Roadway	Segment	dBA CNEL at Nearest Receptor <sup>1</sup>			Increase Threshold <sup>2</sup>
		2016 No Project	2016 Plus Project	Project Contribution	
Eucalyptus Avenue	West of Edgemont Street	67.1	67.3	0.2	+1 dBA
Eucalyptus Avenue	East of Edgemont Street	72.1	72.2	0.1	+1 dBA
Edgemont Street	South of Eucalyptus Avenue	48.6	51.2	2.6	+7 dBA
Edgemont Street	South of Project Driveway	50.3	53.0	2.7	+5 dBA

Notes:  
1 Distance to nearest residential or school use does not take into account existing noise barriers.  
2 Increase threshold based on the significance thresholds defined in Transit Noise and Vibration Impact Assessment, prepared by Federal Transit Administration, 2006, for a moderate impact.  
Source: FHWA Traffic Noise Prediction Model- FHWA-RD-77-108.

Table 11: *Opening Year 2016 Project Traffic Noise Contributions* shows that for the opening year 2016 conditions, the proposed project’s permanent noise increases to the nearby homes from the generation of additional vehicular traffic would not exceed the increase thresholds detailed above. Therefore related to a substantial permanent increase in ambient noise levels for the opening year 2016 conditions, less than significant impacts would occur and no mitigation measures would be required.

<b>d) A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</b>			X	
---	--	--	---	--

The proposed project may create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above noise levels existing without the proposed project. The construction activities for the proposed project are anticipated to include grading of the 5.69 acre project site, building construction of the 112 residential apartment units, paving of the onsite roads and parking spaces, and application of architectural coatings. The nearest sensitive receptors to the project site are mobile homes as near as five feet (5’) to the east, a single-family home as near as 10 feet to the south, a single-family home as near as 60 feet to the west, and Edgemont Elementary School as near as 100 feet to the north.

The construction noise impacts to the nearby sensitive receptors has been previously analyzed above (a), which found that that greatest noise impacts would occur during the site preparation phase of construction, with a noise level as

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

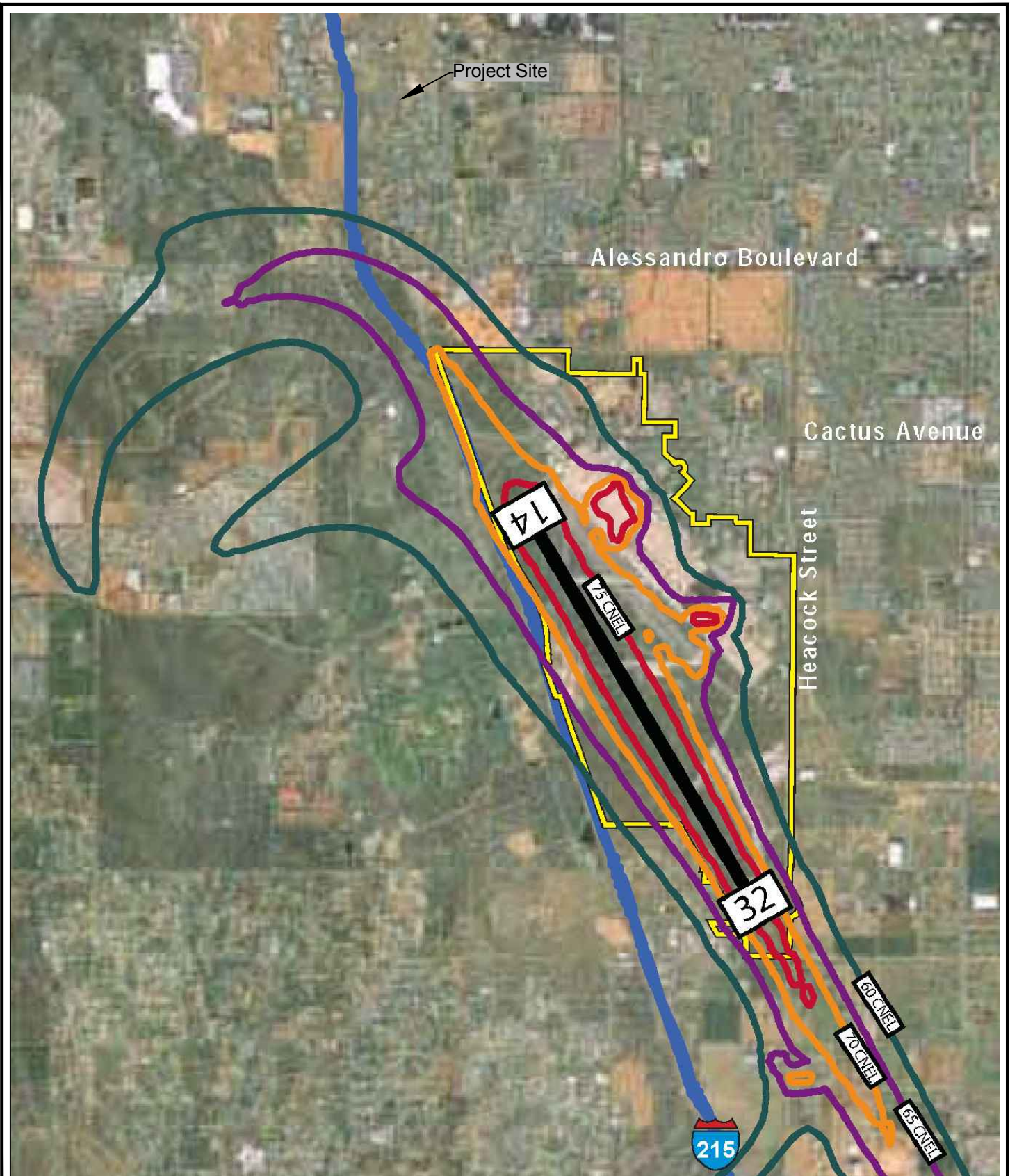
high as 98 dBA Leq at the nearest offsite residential use. The analysis above (a) also found that none of the construction phases would exceed the City’s noise standards for each particular use, which is based on the anticipated duration of each impact. The City noise standards were developed based on a standard where a high probability hearing loss would occur as determined by the Center for Disease Control and Prevention and OSHA and represent the City’s standard for determining what constitutes a substantial temporary increase in ambient noise levels. Through adherence to the limitation of construction activities to between 7:00 a.m. and 8:00 p.m. as detailed in Section 11.80.030(D)(7) of the City’s Municipal Code, the proposed project would not create a substantial temporary or periodic increase in ambient noise levels. Therefore related to substantial temporary or periodic increase in ambient noise levels, less than significant impacts would occur and no mitigation measures would be required.

e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			X	

The proposed project may expose people residing or working in the project area to excessive noise levels from aircraft. The nearest airport is March Air Reserve Base that is located as near as two (2) miles south of the project site. As detailed in Figure 13: *March Air Reserve Base Noise Contours for Year 2025 Operations*, the project site is located outside of the 60 dBA CNEL noise contours. Site observations during the noise measurements found that although aircraft noise is occasionally audible at the project site, the noise created by the aircraft is not loud enough to measurably increase the ambient noise levels at the project site, which are primarily created by the nearby roads and Interstate 215. Therefore related to aircraft noise, less than significant impacts would occur and no mitigation measures would be required.

### Mitigation Measures

**NOI-1** The project applicant shall require that all construction contractors restrict the operation of any construction equipment that is powered by a greater than 150 horse power engine from operating within 15 feet of any off-site structure.



SOURCE: MIP General Aviation Facilities Development Environmental Impact Report, May 2012.

**MARCH AIR RESERVE BASE NOISE  
 CONTOURS FOR YEAR 2025 OPERATIONS**  
 EDGEMONT APARTMENTS PROJECT - CITY OF MORENO VALLEY

VISTA  
 NO SCALE

FIGURE 13

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIII. POPULATION AND HOUSING. Would the project:</b>				
<b>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</b>				<b>X</b>
<p>The proposed project is consistent with the population growth and projected development in the City of Moreno Valley's General Plan. Growth in population as a result of the proposed project is within both jurisdictions' projections. Therefore related to substantial population growth, less than significant impacts would occur and no mitigation measures would be required.</p>				
<b>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</b>				<b>X</b>
<p>There are no existing residential dwelling units on the subject site. Therefore, the development of the proposed project would not displace existing housing, necessitating the construction of replacement housing elsewhere. Therefore related to displacement of substantial numbers of existing housing necessitating the construction of replacement housing elsewhere, no impact would occur and no mitigation measures would be required</p>				
<b>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</b>				<b>X</b>
<p>There are no existing residential dwelling units on the subject site. The development of the proposed project would not displace existing housing, necessitating the construction of replacement housing elsewhere. Therefore related to the displacement of substantial numbers of people necessitating the construction of replacement housing elsewhere, no impact would occur and no mitigation measures would be required</p>				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

**XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

<b>a) Fire protection?</b>			<b>X</b>	
----------------------------	--	--	----------	--

Fire and emergency medical services to the project vicinity are provided by the City Fire Department. The proposed residential development would result in the addition of an approximately 5.89 acre apartment complex with 112 dwelling units. The addition of these structures and residents would increase the number of responses for fire protection services and emergency medical services to the project site and vicinity.

Consistent with the City’s standard requirements, the project applicant will pay development impact fees to address the proposed project’s incremental need for fire protection services and facilities. Therefore related to fire protection, with the payment of development fees, less than significant impacts would occur and no mitigation measures would be required.

<b>b) Police protection?</b>			<b>X</b>	
------------------------------	--	--	----------	--

The development of the proposed project would result in an incremental increase in the number of residential units and residents in the area served by the City Police Department. According to the Police Department, the proposed project would not adversely impact the level of service provided. Therefore related to police protection with the payment of development fees, less than significant impacts would occur and no mitigation measures would be required.

<b>c) Schools?</b>			<b>X</b>	
--------------------	--	--	----------	--

The development of the proposed project would result in an incremental increase in the number of residential units and school age residents in the Moreno Valley Unified School District.

As permitted by State law, school districts assess school impact fees to help finance needed facilities and services. Prior to the issuance of building permits, the project applicant would be required to pay school fees to the Moreno Valley Unified School District. Therefore related to the incremental increase in the number of residential units with school age residents in the Moreno Valley Unified School District with the payment of the required school fees in accordance with the provisions of the State law, less than significant impacts would occur and no mitigation measure would be required.

<b>d) Parks?</b>			<b>X</b>	
------------------	--	--	----------	--

With the addition of 112 dwelling units, the development of the proposed project is not anticipated to result in a significant increase in demand for parks or governmental services related to parks. The proposed project includes a community and pool area. The proposed project would pay fees in accordance with adopted City policies related to park fees. Therefore related to parks, less than significant impacts would occur and no mitigation measures would be required.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

required.

**e) Other public facilities?**

**X**

The development of the proposed project would result in an incremental increase in the Moreno Valley Library District service area. The proposed residential development would result in the addition of 112 dwelling units.

According to the Moreno Valley Library District, the property tax resource associated with the proposed residential development would support the additional need for staff and materials. Therefore related to other public facilities including library services, less than significant impacts would occur and no mitigation measures would be required.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XV. RECREATION.</b>				
<b>a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</b>			<b>X</b>	
<p>The proposed project would include the development of an approximately 5.89 acre apartment complex with 112 dwelling units. Furthermore, the proposed project includes a clubhouse and pool area. The proposed project would not significantly increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Therefore related to increase in existing recreational uses, less than significant impacts would occur and no mitigation measures would be required.</p>				
<b>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</b>				<b>X</b>
<p>The proposed project would include the development of an approximately 5.89 acre apartment complex with 112 dwelling units. The proposed project includes the building of a private clubhouse and pool area that would serve as a resident recreational facility. It is not anticipated that a recreational facility would need to be expanded. Therefore related to expansion of recreational facilities no impact would occur and no mitigation measures would be required.</p>				



Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

<b>XVI. TRANSPORTATION/TRAFFIC. Would the project:</b>				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?		X		
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?		X		

The following section provides the conclusions for the traffic analysis of the proposed project based on Arch Beach Consulting Traffic Impact Analysis August 2014.

### Project Trip Generation

The proposed project is the development of 112 apartment DUs on a vacant 5.69 acre parcel on the southeast corner of Edgemont Street/Eucalyptus Avenue in the western part of the City. Per Institute of Transportation Engineers (ITE) trip rates, the proposed project would generate approximately 745 daily trips, 57 a.m. peak hour trips (11 inbound and 46 outbound), and 69 p.m. peak hour trips (45 inbound and 24 outbound).

### Existing plus Project

Based on the Existing plus Project Level of Services (LOS) analysis, the study area roadway segments would continue to operate with satisfactory LOS (LOS D or better) with addition of traffic from the proposed project. However, the intersection of Edgemont Street/Eucalyptus Avenue is forecast to operate from LOS D to LOS E with addition of traffic from the proposed project. Per the City's significance criteria, this would be a significant impact.

Mitigation Measure TRA-1 is required for the significantly impacted intersection of Edgemont Street/Eucalyptus Avenue which is forecast to operate from LOS D to LOS E with addition of traffic from the proposed project. With the implementation of Mitigation Measure TRA-1 above, the intersection would operate with satisfactory LOS at LOS D, and the project's impact would be mitigated to less than significant and the project's impact would be reduced to a less than significant level.

### Opening Year 2016 plus Project

Based on the Existing plus Project LOS analysis, the study area roadway segments would continue to operate with satisfactory LOS (LOS D or better) with addition of traffic from the proposed project. However, the intersection of Edgemont Street/Eucalyptus Avenue is forecast to operate from LOS D to LOS E with addition of traffic from the proposed project. Per the City's significance criteria, this would be a significant impact.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

Mitigation Measure TRA-1 mitigates the cumulatively impacted intersection of Edgemont Street/Eucalyptus Avenue which is forecast to operate from LOS D to LOS E with addition of traffic under cumulative project conditions. With the implementation of Mitigation Measure TRA-1, the intersection delay would be reduced by 10.0 seconds (46.6 seconds to 36.6 seconds), however, the intersection would still operate at LOS E. The upper limit of delay (satisfactory) LOS D is 35.0 seconds. Implementation of Mitigation Measure TRA-1 would improve delay to just 1.6 seconds over the LOS D threshold.

Next, a peak hour traffic signal warrant was conducted per the MUTCD. Per the peak hour signal warrant, the minimum peak hour volume threshold for a single-lane minor street approach to warrant a signal is 100 vehicles per hour. In the p.m. peak hour of the Opening Year plus Project condition, the total northbound approach volume is 54 vehicles. Therefore, the minor street volume threshold would not be met and a traffic signal would not be warranted.

Although the intersection delay would improve by 10.0 seconds (or just 1.6 seconds over the LOS D threshold), it would continue to operate at LOS E with the geometric improvements outlined above, and a peak hour traffic signal warrant would not be met. For those delayed vehicles on the northbound approach, there are other available routes to I-215 and Day Street via Dracaea Avenue to the south. Therefore, since the intersection's peak hour volumes would not warrant the installation of a traffic signal and the availability of other routes to access I-215 and Day Street, the proposed project would not create a significant impact at Edgemont Street/Eucalyptus Avenue and the project's impact would be reduced to a less than significant level with anticipated re-routing of project traffic to other available routes.

Based on the Opening Year 2016 plus Project LOS analysis, the roadway segment of Edgemont Street, from Eucalyptus Avenue to Dracaea Avenue is forecast to operate from LOS A-D to LOS E with addition of traffic from the proposed project. Per the City's significance criteria, this would be a significant impact. With the implementation of Mitigation Measure TRA-2, the roadway segment capacity would be at LOS A-D (from LOS E) and the project's impact would be reduced to a less than significant level. Therefore, the overall opening year 2016 plus project's impacts have been reduced to less than significant levels with mitigation.

<b>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</b>			<b>X</b>	
--	--	--	----------	--

The development of the proposed project would not result in a change in air traffic patterns, including any change in traffic levels or location. Therefore related to air traffic patterns, no impact would occur and no mitigation measures would be required.

<b>d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?</b>				<b>X</b>
--	--	--	--	----------

Public (resident, guest, and deliveries) driveway access to the proposed project would be provided from a single gated, un-signalized driveway on Edgemont Street located approximately 300 feet south of Eucalyptus Avenue. The gated

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

driveway entrance would provide 120 feet of stacking over two inbound lanes (60 feet per lane). In addition, a secondary driveway will be provided on Eucalyptus Avenue for emergency access only. In addition, based on the peak hour intersection LOS analysis reported above, the driveway intersection with Edgemont Street is forecast to operate at LOS A in both peak hours during the Opening Year of the project. Review of the street geometrics of Edgemont Street, at the proposed project driveway, indicates no visual obstructions along the roadway to prohibit drivers to maneuver in, and out of, the driveway area.

Internal circulation within the project site is based on a loop driveway aisle that measures 25 feet wide with 44 foot turn radii, and has been designed to meet the City's design standards. The proposed project would not substantially increase hazards due to a design feature or incompatible uses. Therefore related to increased hazards, no impact would occur and no mitigation measures would be required.

<b>e) Result in inadequate emergency access?</b>				<b>X</b>
--	--	--	--	----------

The project as designed and conditioned is consistent with City standards. The project site will be readily accessible for emergency access. The proposed project would provide a public (resident, guest, and deliveries) driveway access from a single gated, un-signalized driveway on Edgemont Street located approximately 300-feet south of Eucalyptus Avenue. In addition, a secondary driveway will be provided on Eucalyptus Avenue for emergency access only. Therefore related to emergency access, no impact would occur and no mitigation measures would be required.

<b>f) Conflict with adopted policies or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</b>				<b>X</b>
---	--	--	--	----------

The proposed project would not conflict with adopted policies or programs supporting alternative transportation, including bicycle use and transit facilities. The proposed project will construct their frontage along Edgemont Street and Eucalyptus Street to the City's standards and will be consistent with existing facilities. Therefore, with the project designed to City standards, there would be no impacts to pedestrian and bicycle circulation with the proposed project. Therefore related to conflicts with adopted policies or programs regarding public transit, bicycle, or pedestrian facilities, of other decrease the performance or safety of such facilities, no impact would occur and no mitigation measures would be required.

### Mitigation Measures

**TRA-1** Prior to the issuance of a Certificate of Occupancy, the project applicant shall construct the following improvements at the intersection of Edgemont Street/Eucalyptus Avenue:

- Widen the northbound approach on Edgemont Street, between Eucalyptus Avenue and the project driveway to have a 56 foot right-of-way (ROW) and 36 foot curb-to-curb width, and contain the following geometrics:

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

- One southbound return (through) lane
- One northbound left turn lane (Eucalyptus Avenue to project driveway)
- One northbound right turn lane (Eucalyptus Avenue to project driveway).

**TRA-2**

Prior to the issuance of a Certificate of Occupancy, the project applicant shall pay their fair-share cost to construct the following improvements on Edgemont Street, between Eucalyptus Avenue and the project driveway. Therefore, the following improvement would be required:

- Widen the segment of Edgemont Street between Eucalyptus Avenue and the project driveway to have a 56 foot right-of-way (ROW) and contain the following geometrics:
  - One southbound return (through) lane with 12 to 14 feet of width
  - One northbound left turn lane (Eucalyptus Avenue to project driveway) with a 12 foot width
  - One northbound right turn lane (Eucalyptus Avenue to project driveway) with a 14 foot width
- New curb and gutter shall be constructed along the project frontage on the east side of Edgemont Street and at least 100 feet of new curb and gutter shall be constructed on the west side of Edgemont Street, south of Eucalyptus Avenue. From that point to the south, the edge of pavement may be unimproved, but a minimum 12 foot wide paved southbound lane shall be provided to the project’s southern boundary.
- The project contribution to new traffic at this roadway segment is 91.9 percent.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

**XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:**

<b>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</b>			<b>X</b>	
--	--	--	----------	--

As designed and conditioned, the proposed project will not exceed wastewater treatment requirements of the Regional Water Quality Control Board. Therefore related to exceeding wastewater treatment less than significant impacts would occur and no mitigation measures would be required.

<b>b) Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</b>			<b>X</b>	
---	--	--	----------	--

The proposed project will not exceed the existing or planned capacity of the Box Springs Mutual Water Company and/or Edgemont Community Services District. Therefore related to water and wastewater treatment facilities or expansion less than significant impacts would occur and no mitigation measures would be required.

<b>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</b>			<b>X</b>	
--	--	--	----------	--

The proposed project would not result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. The development of the proposed project would result in the provision of an on-site storm drainage system that would convey runoff from the project site into the existing off-site facilities nearest to the project site. Therefore related to construction of new storm water drainage facilities, less than significant impacts would occur and no mitigation measures would be required.

<b>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</b>			<b>X</b>	
---	--	--	----------	--

The project site is within an area with existing water infrastructure and supplies. The development of the proposed project would result in an increase in the demand for local water supplies. Therefore with sufficient water supplies available from existing entitlements to serve the project site less than significant impacts would occur and no mitigation measures would be required.

<b>e) Result in a determination by the wastewater treatment provider which serves or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</b>			<b>X</b>	
---	--	--	----------	--

The project site is within an area with existing water infrastructure and supplies. The development of the proposed project would result in an increase in the demand for local water supplies. With sufficient water supplies, via the Box Springs Mutual Water Company, are available from existing entitlements to serve the proposed project. The

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

wastewater treatment provider, Edgemont Community Service District, has been advised of the proposed project and has not provided any indication of inadequate wastewater treatment capacity. Therefore related to wastewater treatment less than significant impacts would occur and no mitigation measures would be required.

**f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

		<b>X</b>	
--	--	----------	--

The needs of the project for solid waste capacity would be negligible. The project will be served by a landfill in the Badlands with sufficient permitted capacity to accommodate the project's solid waste disposal needs. Source: Draft EIR for the General Plan Update. Therefore related to landfill capacity, less than significant impacts would occur and no mitigation measures would be required.

**g) Comply with federal, state, and local statues and regulations related to solid waste?**

			<b>X</b>
--	--	--	----------

The project does not conflict with federal, state, and local statues and regulations related to solid waste. Waste collection services in City of Moreno Valley incorporate waste reduction provisions directed at compliance with State waste stream diversion regulations. Therefore related to federal, state, and local statues and regulations related to solid waste, no impacts would occur and no mitigation measures would be required.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</b>				
<p><b>a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?</b></p>			X	
<p>As discussed in previous Sections 1. through 16 above, the proposed project will not cause impacts upon biological or cultural resources that are not less than significant.</p> <p>The proposed project will obtain a grading permit from the Lead Agency. The proposed project will require final grading and excavation activities for the individual building pads, detention basin, roads, and the placement of infrastructure and utility lines on the project site.</p> <p>The proposed project would not result in the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.</p> <p>Therefore related to the potential to substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; reduce the number or restrict the range of a rare or endangered plant or animal; or, eliminate important examples of the major periods of California history or prehistory, less than significant impacts would occur and no mitigation would be required.</p>				
<p><b>b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</b></p>				X
<p>Although the proposed project would have impacts that are individually less than significant limited, they would not be cumulatively considerable with respect to air quality, noise, land use and planning, and transportation and traffic. Therefore related to impacts that could be considered cumulatively considerable, no impacts would occur and no mitigation measures would be required.</p>				
<p><b>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</b></p>				X
<p>The proposed project would not have environmental effects which will cause substantial adverse effects on human</p>				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

beings, either directly or indirectly. The construction activities and on-going operation of the proposed project would not generate significant environmental effects which would cause an adverse effect on human beings, either directly or indirectly. Therefore related to substantial adverse effects on human beings, either directly or indirectly, no impacts would occur or no mitigation measures would be required.



## **4.0 REFERENCES**

---

**4.0 References**

1. Air Quality and Greenhouse Gas Emissions Impact Analysis, Edgemont Apartments Project, VISTA Environmental, July 28, 2014
2. Cultural Resources Assessment – Edgemont Apartments Project, BCR Consulting, LLC., December 2014
3. City of Moreno Valley, General Plan, as updated in July 2006
4. City of Moreno Valley, General Plan Final Program EIR SCH #20091075, P & D Consultants, July 2006
5. City of Moreno Valley, Zoning Ordinance, as updated on May 2014
6. Focused Western Burrowing Owl Survey, Assessor’s Parcel Numbers 263-120-020 and -025, Ecological Sciences, Inc., July 15, 2014
7. Hydrology Report, Edgemont Apartments, MDS Consulting, August 2014
8. Limited Phase II Soil Sampling, Assessor’s Parcel Numbers 263-120-020 and -025, SCS Engineers, June 27, 2014
9. March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, Mead & Hunt, June 2013
10. Noise Impact Analysis, Edgemont Apartments Project, VISTA Environmental, July 31, 2014
11. Phase I Environmental Site Assessment, Assessor’s Parcel Numbers 263-120-020 and -025, SCS Engineers, June 27, 2014
12. Preliminary Geotechnical Investigation, Project No. 1-0129, Alta California Geotechnical Inc., June 18, 2014
13. Summary of Infiltration Testing, Project No. 1-0129, Alta California Geotechnical Inc., July 1, 2014
14. Traffic Impact Study, Edgemont Street Apartments, Arch Beach Consulting, October 2014
15. WQMP Report, Edgemont Apartments, MDS Consulting, August 2014

## Edgemont Apartments – Mitigation Monitoring and Reporting Program

### Introduction

This Mitigation Monitoring and Reporting Program has been prepared for the use in implementing mitigation for the Edgemont Apartments Mitigated Negative Declaration (MND). The program has been prepared in compliance with State law and the MND prepared for the project.

The California Environmental Quality Act (CEQA) requires adoption of a reporting or monitoring program for those measures places on a project to mitigated or avoid adverse effects on the environment (Public Resources Code Section 21081.6). The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation.

The monitoring program contains the following elements:

- 1. The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
- 2. A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
- 3. The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the program. As changes are made, new monitoring compliance procedures are records will be developed and incorporated into the program.

### Mitigation Monitoring and Responsibilities

As the Leady Agency, the City of Moreno Valley is responsible for ensuring full compliance with the mitigation measures adopted for the proposed project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the project. In this regards, the responsibilities for implementation have been assigned to the Applicant, Contractor, or a combination thereof. If during the course of project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the project is required and/or whether alternative mitigation is appropriate.

Mitigation Monitoring and Reporting Program Checklist

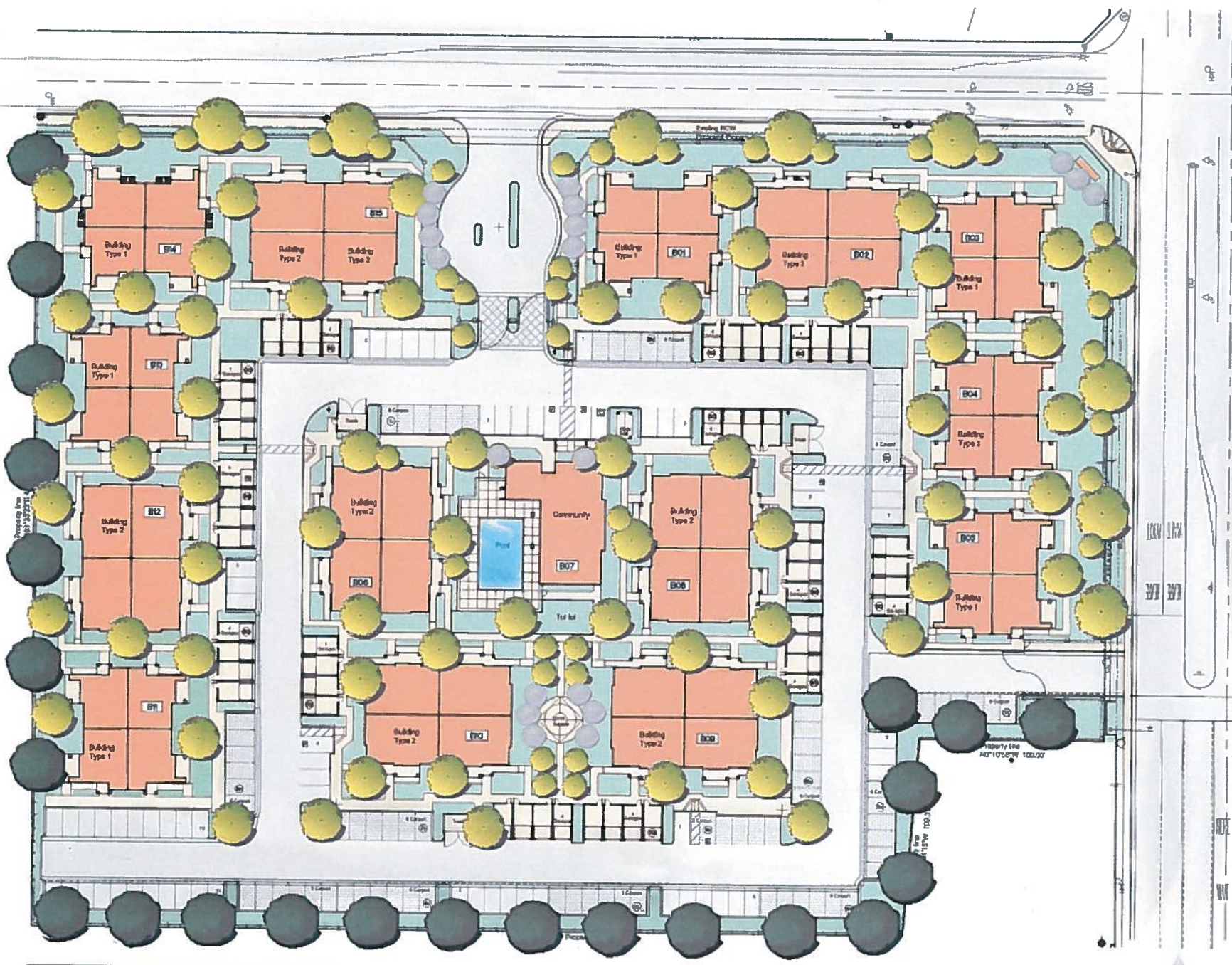
Project: Edgemont Apartments Applicant: LATCO

Date: March 12, 2015

Mitigation Measure No./ Implementation Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/Initials	Sanctions for Non-Compliance
<b>Hazards/Hazardous Materials</b>						
<b>HAZ-1</b> Prior to the issuance of the Certificate of Occupancy, the project applicant shall execute an aviation easement with the March Joint Powers Authority that provides for the dedication of the easement to March Inland Port Authority.	City of Moreno Valley Building and Safety, Engineering, Planning Division	n/a	Prior to Certificate of Occupancy	Review aviation easement		Withhold Certificate of Occupancy
<b>HAZ-2</b> Prior to the occupancy of any apartment unit, the project applicant shall prepare general lease agreements for the project that shall include electromagnetic radiation notification.	City of Moreno Valley Building and Safety, Engineering, Planning Division	n/a	Prior to Occupancy Permit	Review of general lease agreements		Withhold Occupancy Permit
<b>Noise</b>						
<b>NOI-1</b> The project applicant shall require that all construction contractors restrict the operation of any construction equipment that is powered by a greater than 150 horse power engine from operating within 15 feet of any off-site structure.	City of Moreno Valley Building and Safety, Engineering, Planning Division	Ongoing during construction	Throughout construction	Review of construction documents and on-site inspection		Withhold Grading Permit or Stop Work Order

Mitigation Measure No./ Implementation Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/Initials	Sanctions for Non-Compliance
<b>Traffic/Transportation</b>						
<p><b>TRA-1</b> Prior to the issuance of a Certificate of Occupancy, the project applicant shall construct the following improvements at the intersection of Edgemont Street/Eucalyptus Avenue:</p> <ul style="list-style-type: none"> <li>§ Widen the northbound approach on Edgemont Street, between Eucalyptus Avenue and the project driveway to have a 56 foot right-of-way (ROW) and 36 foot curb-to-curb width, and contain the following geometrics:</li> <li>§ One southbound return (through) lane</li> <li>One northbound left turn lane (Eucalyptus Avenue to project driveway)</li> <li>One northbound right turn lane (Eucalyptus Avenue to project driveway).</li> </ul>	City of Moreno Valley Building and Safety, Engineering, Planning Division	Ongoing during construction	Prior to Certificate of Occupancy	Review of construction documents and on-site inspection		Withhold Certificate of Occupancy
<p><b>TRA-2</b> Prior to the issuance of a Certificate of Occupancy, the project applicant shall pay their fair-share cost to construct the following improvements on Edgemont Street, between Eucalyptus Avenue and the project driveway.</p>	City of Moreno Valley Building and Safety, Engineering, Planning Division	Ongoing during construction	Prior to Certificate of Occupancy	Review of construction documents and on-site inspection		Withhold Certificate of Occupancy

Mitigation Measure No./ Implementation Action	Responsible for Monitoring	Monitoring Frequency	Timing of Verification	Method of Verification	Verified Date/Initials	Sanctions for Non-Compliance
<p>Therefore, the following improvement would be required:</p> <ul style="list-style-type: none"> <li>□ Widen the segment of Edgemont Street between Eucalyptus Avenue and the project driveway to have a 56 foot right-of-way (ROW) and contain the following geometrics:               <ul style="list-style-type: none"> <li>○ One southbound return (through) lane with 12 to 14 feet of width</li> <li>○ One northbound left turn lane (Eucalyptus Avenue to project driveway) with a 12 foot width</li> <li>○ One northbound right turn lane (Eucalyptus Avenue to project driveway) with a 14 foot width</li> <li>○ New curb and gutter shall be constructed along the project frontage on the east side of Edgemont Street and at least 100 feet of new curb and gutter shall be constructed on the west side of Edgemont Street, south of Eucalyptus Avenue. From that point to the south, the edge of pavement may be unimproved, but a minimum 12 foot wide paved southbound lane shall be provided to the project's southern boundary.</li> </ul> </li> </ul>						



-413-

Item No. E.1







Front Elevation Building 1 / Rear Elevation Sim

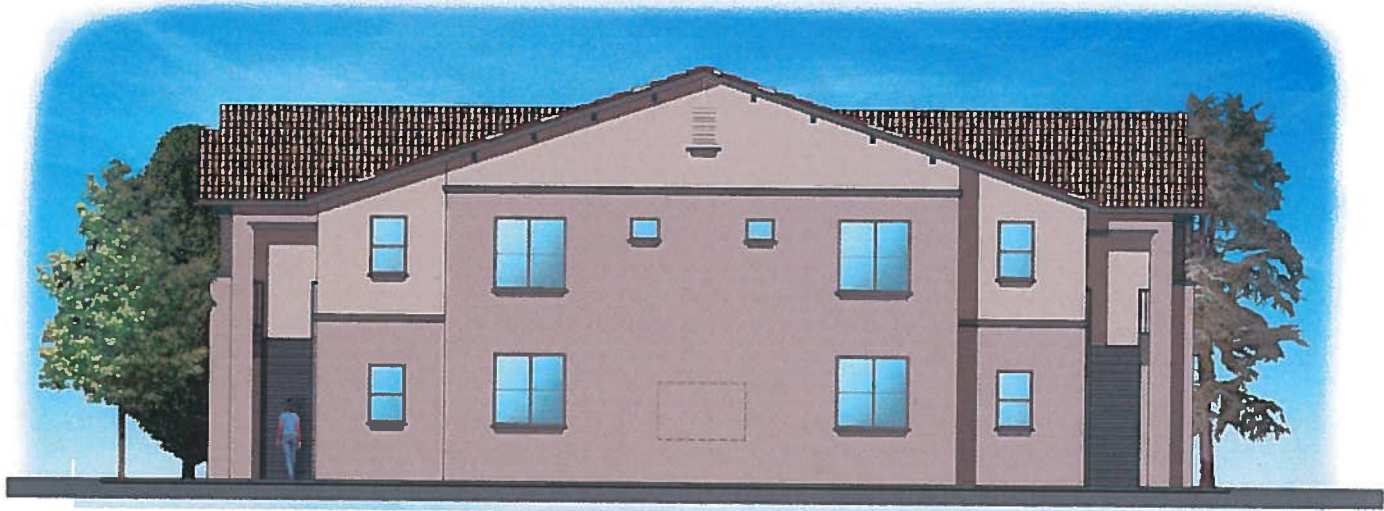


Side Elevation Building 1 - Unit A





**Front Elevation Building 2 / Rear Elevation Sim**  
3/28/11-02



**Side Elevation Building 2 - Unit B**  
1/28/11-02



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION



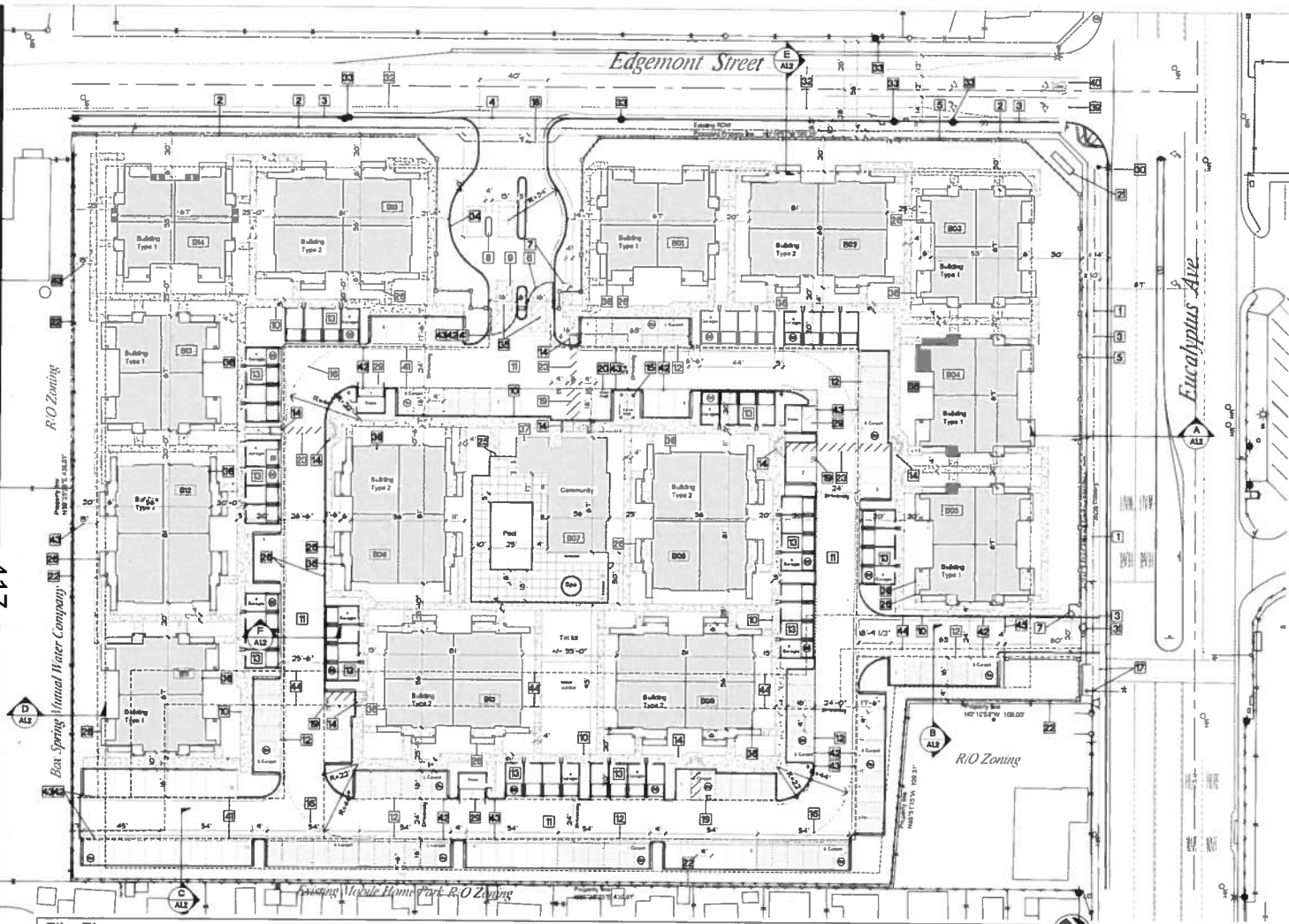
SOUTH ELEVATION

**MORENO VALLEY MULTI-FAMILY APARTMENTS**  
THE VERNAL GROUP  
1035 OLIVE AVE, FRESNO CA  
559.222.9480

COMMUNITY BUILDING ELEVATIONS  
[NOT TO SCALE]







**Site Plan**

Scale = 1"=50'-0"

**Project Data:**

Use: Multi Family Apartments  
 Owner: Lake & Co, Inc  
 5411 Calle Torrey, Suite 200  
 San Clemente, CA 92679  
 Contact: Wes Akshay  
 P.O. Box 16479  
 Long Beach, CA 90803  
 Add'l. info: Local project Street  
 14000 N. 11th St  
 Site Area: 1.05 Acres  
 Net Acreage: 1.17 Acres  
 Dispersed Acreage: 0.12 Acres  
 A.P.N.: 261-134-020 & 261-134-021  
 Fronting Zoning: Office / Commercial  
 Proposed Zoning: R-30  
 Planned Zoning: R-30 and 261-134-021

Number of Stories: 1 and 2 Storey  
 Building Orientation: N, S, E, W & U  
 Construction Type: 139  
 1989/91 = 112 DU / 539 AC  
 1992/93 = 112 DU / AC  
 Unit mix:  
 1-Bedroom  
 2-Bedroom  
 3-Bedroom  
 4-Bedroom  
 5-Bedroom  
 6-Bedroom  
 7-Bedroom  
 8-Bedroom  
 9-Bedroom  
 10-Bedroom  
 11-Bedroom  
 12-Bedroom  
 13-Bedroom  
 14-Bedroom  
 15-Bedroom  
 16-Bedroom  
 17-Bedroom  
 18-Bedroom  
 19-Bedroom  
 20-Bedroom  
 21-Bedroom  
 22-Bedroom  
 23-Bedroom  
 24-Bedroom  
 25-Bedroom  
 26-Bedroom  
 27-Bedroom  
 28-Bedroom  
 29-Bedroom  
 30-Bedroom  
 31-Bedroom  
 32-Bedroom  
 33-Bedroom  
 34-Bedroom  
 35-Bedroom  
 36-Bedroom  
 37-Bedroom  
 38-Bedroom  
 39-Bedroom  
 40-Bedroom  
 41-Bedroom  
 42-Bedroom  
 43-Bedroom  
 44-Bedroom  
 45-Bedroom  
 46-Bedroom  
 47-Bedroom  
 48-Bedroom  
 49-Bedroom  
 50-Bedroom  
 51-Bedroom  
 52-Bedroom  
 53-Bedroom  
 54-Bedroom  
 55-Bedroom  
 56-Bedroom  
 57-Bedroom  
 58-Bedroom  
 59-Bedroom  
 60-Bedroom  
 61-Bedroom  
 62-Bedroom  
 63-Bedroom  
 64-Bedroom  
 65-Bedroom  
 66-Bedroom  
 67-Bedroom  
 68-Bedroom  
 69-Bedroom  
 70-Bedroom  
 71-Bedroom  
 72-Bedroom  
 73-Bedroom  
 74-Bedroom  
 75-Bedroom  
 76-Bedroom  
 77-Bedroom  
 78-Bedroom  
 79-Bedroom  
 80-Bedroom  
 81-Bedroom  
 82-Bedroom  
 83-Bedroom  
 84-Bedroom  
 85-Bedroom  
 86-Bedroom  
 87-Bedroom  
 88-Bedroom  
 89-Bedroom  
 90-Bedroom  
 91-Bedroom  
 92-Bedroom  
 93-Bedroom  
 94-Bedroom  
 95-Bedroom  
 96-Bedroom  
 97-Bedroom  
 98-Bedroom  
 99-Bedroom  
 100-Bedroom

Building Type 1 Area  
 Total Area: 100,000 sq ft  
 Total Units: 100  
 Total Parking: 100  
 Total Open Space: 100

Building Type 2 Area  
 Total Area: 100,000 sq ft  
 Total Units: 100  
 Total Parking: 100  
 Total Open Space: 100

Common Area  
 Total Area: 100,000 sq ft  
 Total Units: 100  
 Total Parking: 100  
 Total Open Space: 100

Parking  
 Total Area: 100,000 sq ft  
 Total Units: 100  
 Total Parking: 100  
 Total Open Space: 100

Open Space Requirements  
 Total Area: 100,000 sq ft  
 Total Units: 100  
 Total Parking: 100  
 Total Open Space: 100

Other Data  
 Total Area: 100,000 sq ft  
 Total Units: 100  
 Total Parking: 100  
 Total Open Space: 100

Other Data  
 Total Area: 100,000 sq ft  
 Total Units: 100  
 Total Parking: 100  
 Total Open Space: 100

Other Data  
 Total Area: 100,000 sq ft  
 Total Units: 100  
 Total Parking: 100  
 Total Open Space: 100

Other Data  
 Total Area: 100,000 sq ft  
 Total Units: 100  
 Total Parking: 100  
 Total Open Space: 100

Other Data  
 Total Area: 100,000 sq ft  
 Total Units: 100  
 Total Parking: 100  
 Total Open Space: 100

Other Data  
 Total Area: 100,000 sq ft  
 Total Units: 100  
 Total Parking: 100  
 Total Open Space: 100

- | No. | Description   |
|-----|---|
| 1   | Right of way dedication on Edgemont Street  |
| 2   | Right of way dedication on Edgemont Street  |
| 3   | Curb gutter and sidewalk per City of Moreno Valley Standards see JVC drawings   |
| 4   | Driveway approach per City standard MVA-100-0   |
| 5   | High wrought iron fence with 24" sq decorative aluminum mesh 28' high contained on 24" footing  |
| 6   | High wrought iron vehicular restricted gate with approved base for emergency access   |
| 7   | 4' wide pedestrian gate with accessible ramp and lever hardware. Also post diagram of complex showing location of viewer and the building elevations  |
| 8   | Decorative and entry gate post at highest lane  |
| 9   | Decorative stamped concrete at entry drive  |
| 10  | Concrete sidewalks, 4' wide typical (7' wide where adjacent to parking) see sheet AD1 for typical requirements for sidewalks  |
| 11  | Asphaltic (AC) paving   |
| 12  | Pre-engineered double post carport, metal roof with metal facade to match building units (expansive permitted)  |
| 13  | Detached carport, Reference Sheet AD-3  |
| 14  | Cure ramp with detectable warning   |
| 15  | Mat block, Mat blocks per PostMaster approved selections  |
| 16  | Turning radius for fire truck access shown for reference  |
| 17  | Existing Pedestrian crossing signal and cross walk  |
| 18  | 4' foot right of way shall be dedicated behind the driveway approach per City standard No. 100  |
| 19  | Accessible parking stall with signage and striping see details on sheet AD1   |
| 20  | Reserved parking stall for Poolman  |
| 21  | Monument sign   |
| 22  | High CMU Wall painted   |
| 23  | Accessible ramp of travel 5% max cross slope with 5% slope in direction of travel, indicated with decorative paving   |
| 24  | High wrought iron fence at pool area  |
| 25  | 4' wide wrought iron gate at pool area with panic hardware  |
| 26  | Fenced private patio area, typical see enlarged unit plans  |
| 27  | Fuel under separate submittal. This includes tanks and related details shown on JVC submittals  |
| 28  | Tot lot area play equipment by others   |
| 29  | Tram enclosure per City standard No. 100 with roof panel CMU to match building  |
| 30  | Existing street light to remain in place  |
| 31  | Existing fire hydrant to be relocated   |
| 32  | Existing paved street to be removed and new paving existing public utility structures   |
| 33  | Existing high power lines to be undergrounded   |
| 34  | No parking sign shall be posted in landscaped area per City Manual requirements   |
| 35  | Fire escape loop detectors within 1 or 2 feet of the gates that ensure that the gates remain open while any vehicle is in the queue   |
| 36  | All residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible. The numbers shall be no less than four inches in height and shall be low voltage lighted fixtures                    |
| 37  | All commercial buildings shall display street numbers in a prominent location on the street side and near access locations. The numbers shall be no less than six inches in height and six inches in width for auto identification on landscaping background                                    |
| 38  | A "Knox Data Access Entry System" shall be provided. The key-bus shall be installed in an accessible location approved by the Fire Dept. All exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel |
| 39  | New right turn lane, see Civil drawings   |
| 40  | New Left turn lane, see Civil drawings  |
| 41  | Storm drain easement dedicated to the city of Moreno Valley   |
| 42  | Water easement dedicated to Box Springs Mutual Water Co.  |
| 43  | Senior easement dedicated to Edgemont Community Service District  |
| 44  | Existing Water easement (undetermined width) to be quit claim   |
| 45  | Existing gate for Emergency and Fire vehicles only. Provide base per City standards   |

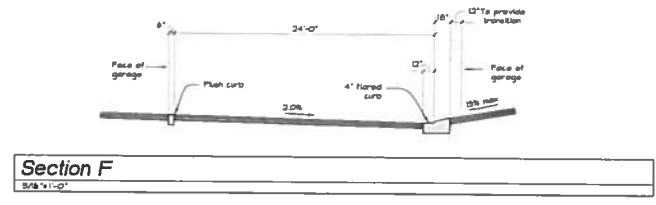
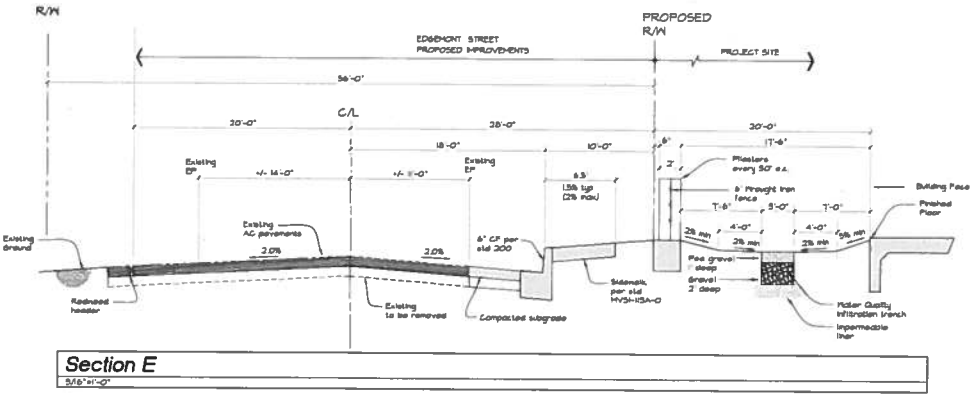
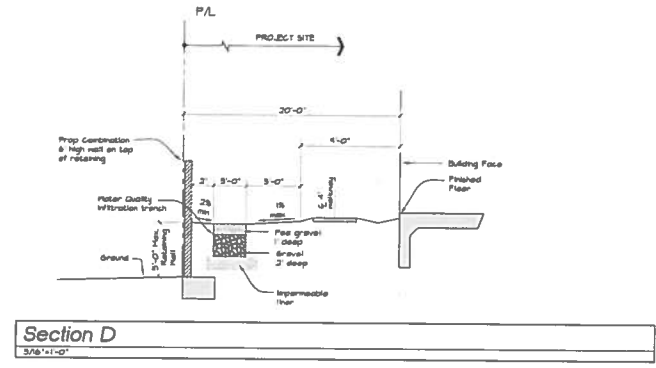
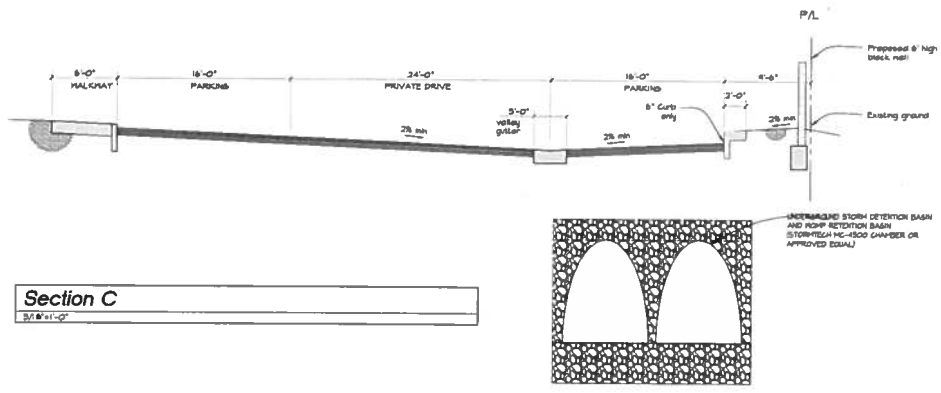
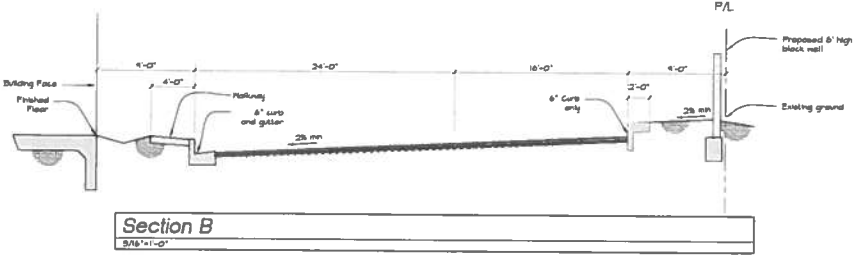
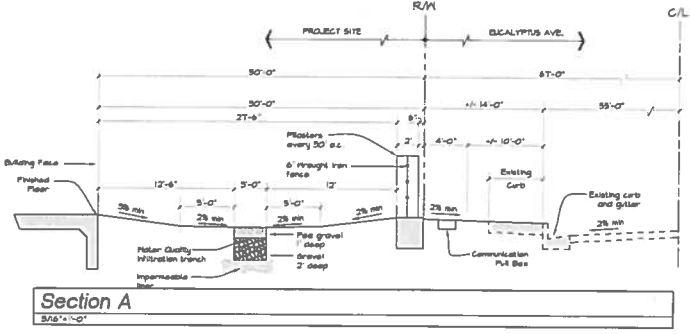
**Site Plan Key Notes**

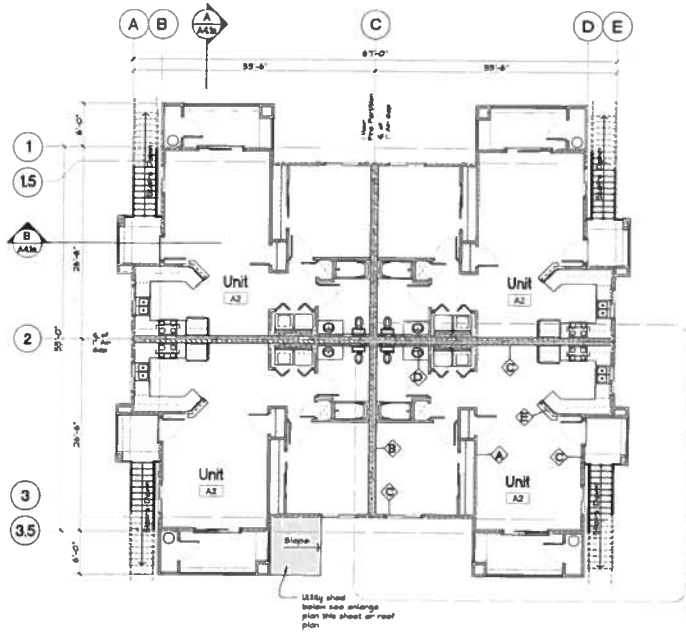
Symbol	Description
[X]	Keynotes, see this sheet
[B]	Garage building identification number
[C]	Carport identification number
[B04]	Building identification number
[P]	Proposed Fire hydrant

**Symbol Legend**



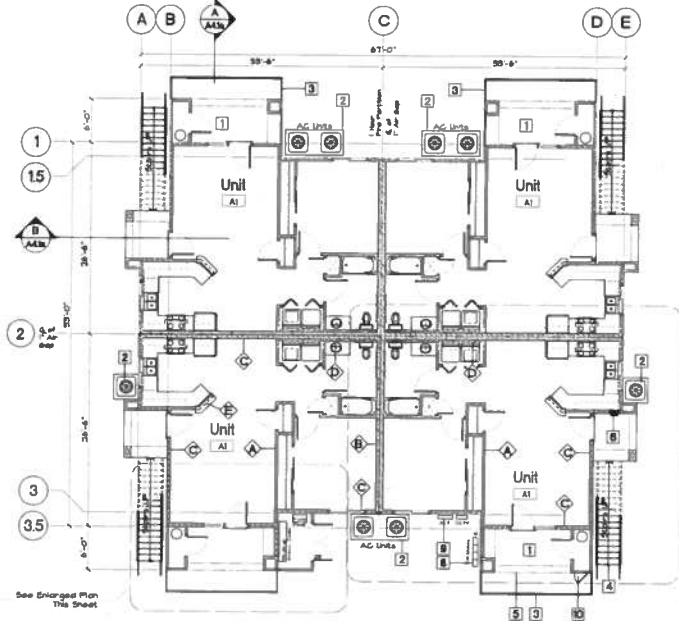
City Case # PA14-002  
 Moreno Valley Apartments, Ca.





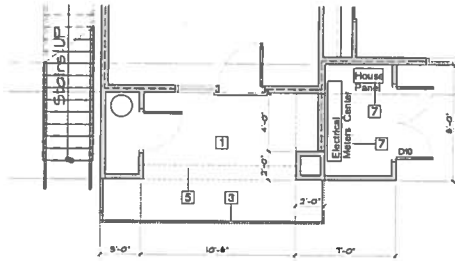
**Building Type 1 - Second Floor**

1/8"=1'-0"



**Building Type 1 - First Floor**

1/8"=1'-0"



**Building Type 1 - Enlarged Utility Closet**

1/8"=1'-0"

Item	Wall	Description	Type	Fire	Insul.	Acoustics
1	Interior	2x4 studs @16" o.c.	B on 4/AOS	---	---	---
2	Exterior	Fire Partition bearing Double row of 2x6 studs @16" o.c.	C on 4/AOS	1 Hour	---	Insulation for sound
3	Exterior	Lead bearing 2x6 studs @16" o.c.	A2 on 2/AOS	---	R-16 min.	---
4	Interior	Furred plumb line 2x4 studs @16" o.c.	D on 10/AOS	---	---	Insulation for sound
5	Exterior	4x8 partial-height nail 2x4 studs @16" o.c.	B on 4/AOS	---	---	---

**Wall Legend**

P.D.B. denotes face of stud - P.D.F. denotes face of finish (Dimensions are to face of stud UNO.)

No.	Description
1	4" concrete slab with broom finish. Slope away from building 2% maximum.
2	Conditioning line on concrete post screened by landscaping.
3	6 Feet high wood fence at patio area.
4	Pre-fabricated steel stairs with concrete treads see building sections.
5	Dash line indicates soffits above see sections.
6	2x4x6 raised fire extinguisher mounted so that top is not more than 40 inches from finished floor. (Total of 1) per building.
7	Electrical meters see site plan sheet A1.0 and Electrical drawings for additional information.
8	Gas meter location reference plumbing drawings screen with landscaping.
9	Telephones and Cables see electrical.
10	Fire room cabinet, see Fire Sprinkler plans separate submittal.

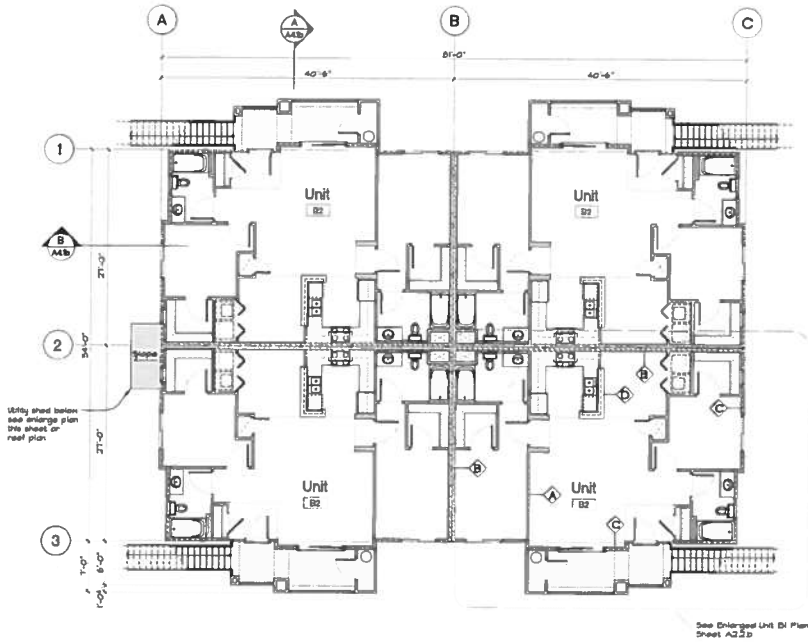
**Floor Plan Legend**



City Case # PA14-0042

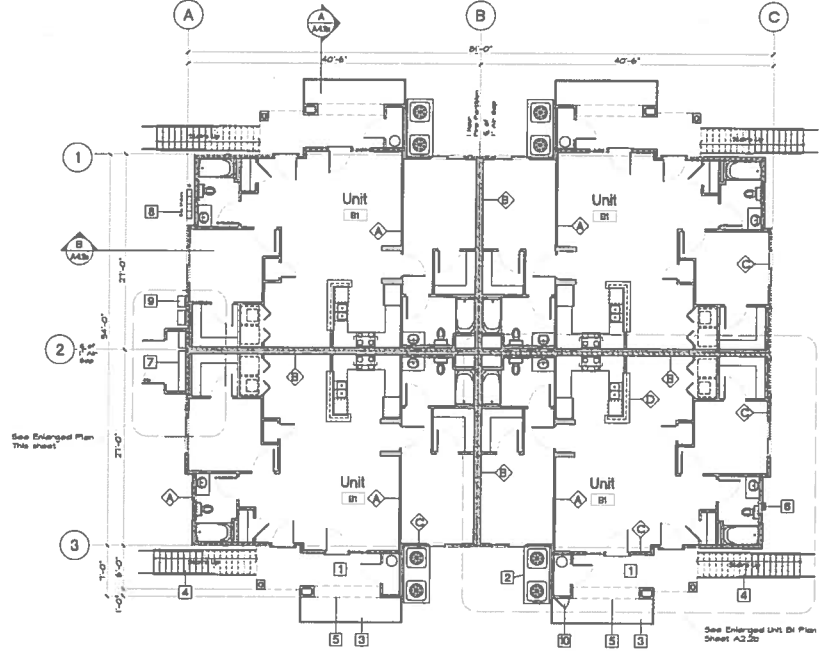
Moreno Valley Apartments Ca.

A2.1a



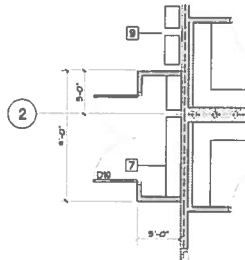
Building Type 2 - Second Floor

1/8"=1'-0"



Building Type 2 - First Floor

1/8"=1'-0"



Building Type 2 - Enlarged Utility Closet

1/8"=1'-0"

No.	Description
1	4" concrete slab with broom finish. Slope away from building 2% maximum.
2	Concrete lift on concrete pad screened by landscaping.
3	6 Feet high wood fence on picnic area.
4	Pre-fabricated steel stairs with concrete treads see building sections.
5	Down fire hushose seats above see sections.
6	3/8" dia. rated fire extinguisher mounted so Unit top is not more than 40 inches from finished floor. Total of 10 per building.
7	Electrical meters see site plan sheet A1.0 and Electrical drawings for additional information.
8	Gas meter location reference plumbing drawings screen with landscaping.
9	Telephone and Cable see electrical.
10	Fire riser cabinet, see Fire Sprinkler plans separate sheets.

**Floor Plan Legend**

Item	Wall	Description	Type	Fire	Insul.	Acoustics
1	Interior	2x4 studs @16" o.c.	B on 4/AD3	--	--	--
2	Fire Partition	Fire Partition bearing, Double row of 2x4 studs @16" o.c.	C on 4/AD3	1 Hour	--	Insulation for sound
3	Exterior	Exterior load bearing, 2x4 studs @16" o.c.	A2 on 4/AD3	--	R-14 min.	--
4	Parted	Parted plumbing wall, 2x4 studs @16" o.c.	D on 10/AD3	--	--	Insulation for sound
5	Parted	+42" partial-height wall, 2x4 studs @16" o.c.	B on 4/AD3	--	--	--

**Wall Legend**  
F.O.S. denotes face of stud - F.D.F. denotes face of finish (Dimensions are the face of stud UNLESS OTHERWISE NOTED)

City Case # PA14-0042

Moreno Valley Apartments Ca.

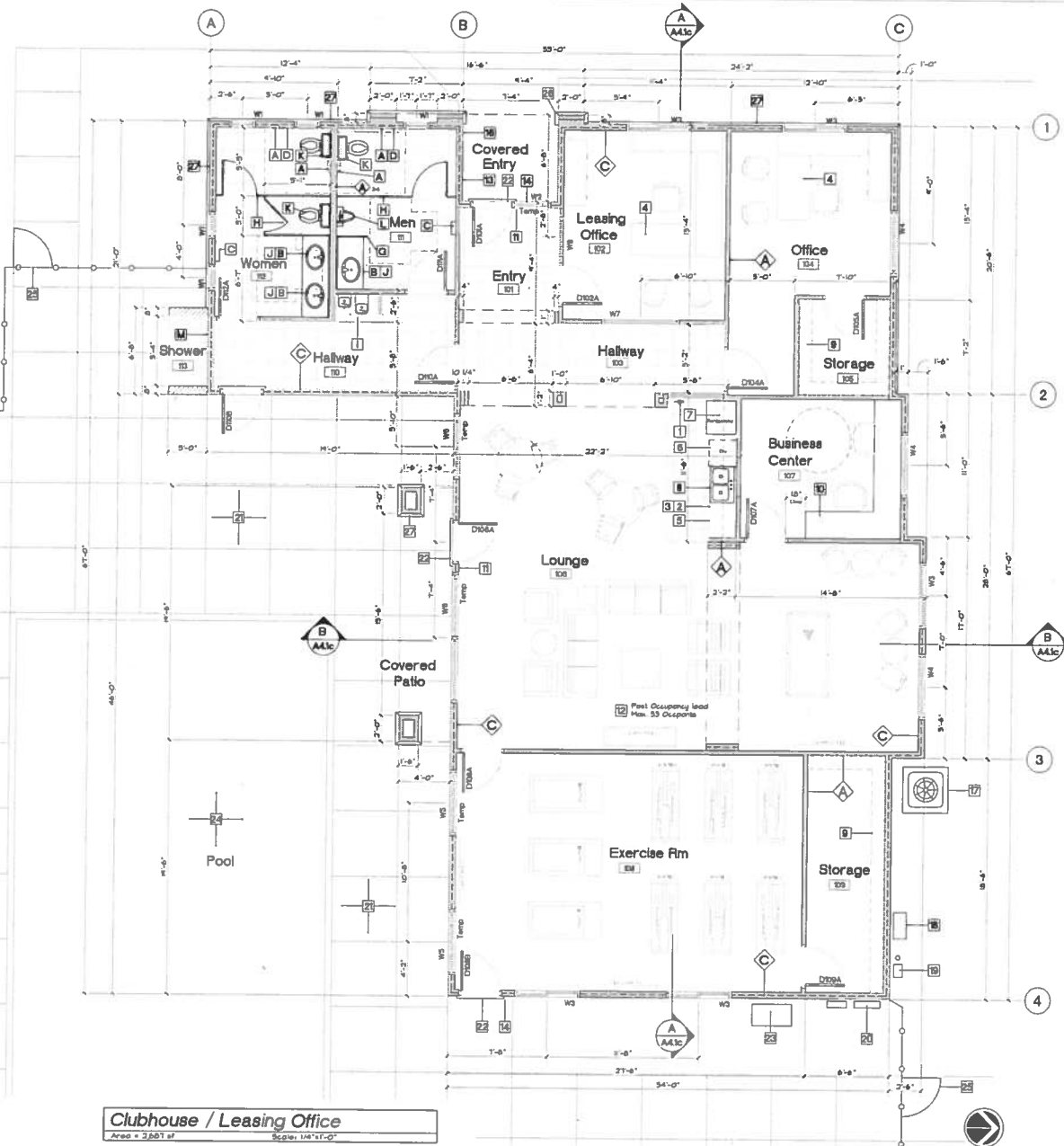


A2.1b

and these are the property of The Vernal Group and shall be returned to the owner.

421

Item No. E.1



**Clubhouse / Leasing Office**  
Area = 3861 sf  
Scale: 1/4"=1'-0"

- | No. | Description  |
|-----|--|
| 1   | 30.0lb rated fire extinguisher mounted so that top is not more than 40inches from floor in semi-enclosed cabinet. Provide one (1) fire extinguisher for every 3000 square feet of floor space at a maximum spacing of 75 feet. |
| 2   | 24" Deep Base cabinets with pull hardware and min (1) shall see interior elevations for additional info  |
| 3   | 42" Deep upper cabinets with pull hardware and min (2) shall see interior elevations   |
| 4   | Office furniture shown for clarity, owner to provide   |
| 5   | Countertop microwave   |
| 6   | Undercounter dishwasher ADA  |
| 7   | Refrigerator space   |
| 8   | Double glassless sink with lever faucet, see interior elevations for additional requirements   |
| 9   | Melamine food shelving min (3)   |
| 10  | Plastic laminated 5/8" thick with open knee space with min (2) gurneys. See interior elevations  |
| 11  | Tables and sign with the word "EXIT" reference detail (B/AO)   |
| 12  | Every room or space that is an assembly occupancy shall have the occupant load posted near the main exit or exit access doorway from the room. Posted sign shall be of an approved permanent design and be maintained by owner |
| 13  | Post sign stating "No Smoking within 25' of Entry" as per CALIF. 86001   |
| 14  | All Accessible entrance post on international symbol of accessibility per detail (A/AG)  |
| 15  | ADA Access Ref. detail (A/Ab)  |
| 16  | Knee box for fire department rapid entry   |
| 17  | Condensing unit on concrete pad  |
| 18  | Electrical meter screen with landscaping   |
| 19  | Gas meter screen with landscaping  |
| 20  | Telephone and Cable boxes see electrical   |
| 21  | Concrete sidewalk, slope away from building typical  |
| 22  | Level landing at entry doors, max slope 2% any direction see detail (AO/A) for additional requirements   |
| 23  | Pool equipment by others   |
| 24  | Pool and spa by others and under separate permit   |
| 25  | 6" high wrought iron Pool fencing with 3" wide pedestrian gate with panic hardware on interior side and lever hardware on exterior with key punch pad, see detail (AO/A) and sign plan sheet (A)                               |
| 26  | Stair vanes at entry and Patio ceiling see exterior elevations   |
| 27  | Interior Fall 2x for stairs accept material see exterior elevations and sections   |

**Floor Plan Keynotes**

Provide 4 main partitions fire extinguishers per NFPA 910

Item	Wall	Description	Type	Fire	Insul.	Acoustics
1	Interior	2x4 studs @16" o.c.	B on 4/AO/3	--	--	--
2	Fire Partition	Double film of 2x6 studs @16" o.c.	C on 4/AO/3	1 Hour	--	Insulation for sound
3	Exterior load bearing	2x6 studs @16" o.c.	A3 on 3/AO/3	--	--	8-11 min.
4	Purged plumbing wall	2x4 studs @16" o.c.	D on 10/AO/5	--	--	Insulation for sound
5	42" partition-height wall	2x4 studs @16" o.c.	B on 4/AO/3	--	--	--

**Wall Legend**

P.D.S. denotes face of stud - P.D.P. denotes face of finish (Dimensions are to face of stud UNLESS NOTED)

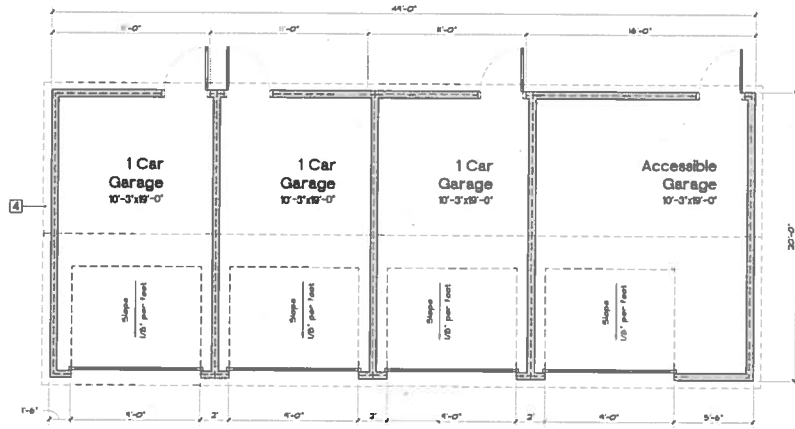
- | No. | Description   |
|-----|---|
| A   | Brushed stainless steel grab bar  |
| B   | Deep Dispenser at each lav see detail (A/AD)  |
| C   | Paper towel dispenser / trash receptacle, see det (A/AD)  |
| D   | Seat server dispenser, see detail (A/AD)  |
| E   | Multitask Toilet paper dispenser see detail (A/AD)  |
| F   | Sanitary Napkin disposal in each women's stall  |
| G   | Urinal partition to match toilet partition  |
| H   | Factory finished floor-mounted Plastic laminate toilet partitions as shown on plan. Color to be selected by Owner |
| I   | 14-Low spraying faucet with protective ratings see detail (A/AD)  |
| J   | Solid surface countertop with integral sink with lever faucet see detail (A/AD)                                   |
| K   | Floor mounted lock single motor closet see detail (A/AD)  |
| L   | Wall mounted towel see detail (A/AD)  |
| M   | Accessible shower with fold down seat, grab bars hand hold shower head with 60" hose see detail (A/AD)            |
- Fixtures / Accessories**
- General Notes:  
1) Fixt. Accessory Products to be brushed stainless steel by A.S.J. or equal  
2) Reference sheet (AO) for placement guidelines and requirements of accessories and fixtures  
3) Reference interior elevations for additional information  
4) Submit specification sheets on all accessories for owner approval and architect's review and approval



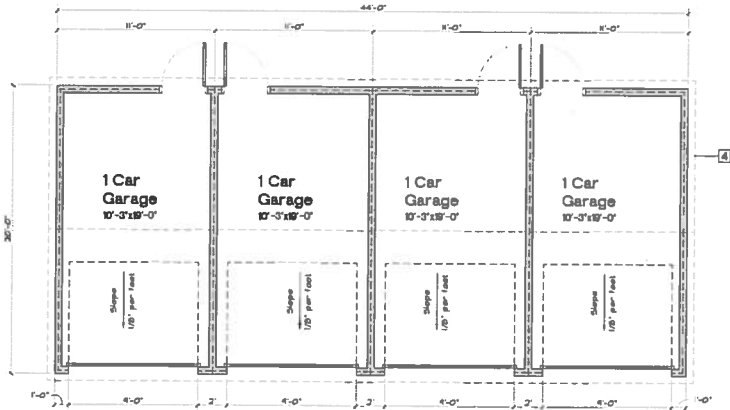
City Case # PA14-0042  
Moreno Valley Apartments Ca.

A2.1C  
Sheet

THE VERNAL GROUP  
1035 E. ORVY AVE., FRESNO, CA 93728 • FAX: (559) 222-0480 • FAX: (559) 222-0479  
Architectural Planning - www.vernalgroup.com - E-Mail: info@vernalgroup.com



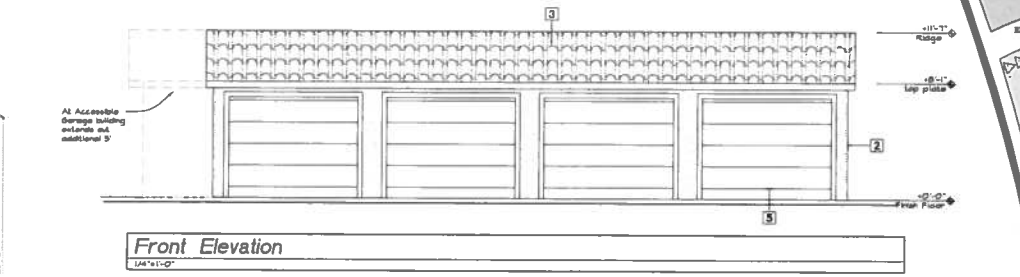
**4 Car Garage - With Accessible Garage**  
1/4" = 1'-0"



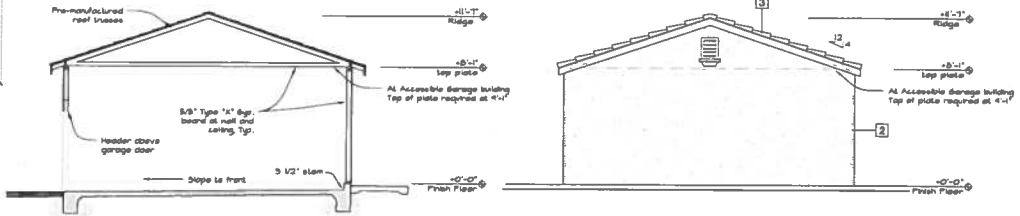
**4 Car Garage**  
1/4" = 1'-0"

No.	Description
1	Clutter nail base with Setabery model 9513
2	Concrete plaster finish over GCM columns
3	Concrete roof tile
4	Roof overhang shown dashed
5	Sectional metal roll-up garage door
6	Helix metal door ops door schedule
7	-

**Elevations Key Notes**

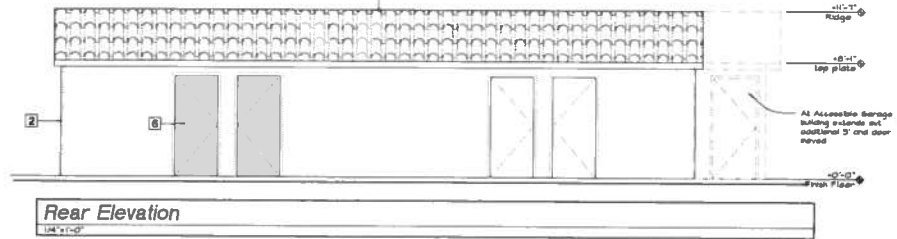


**Front Elevation**  
1/4" = 1'-0"

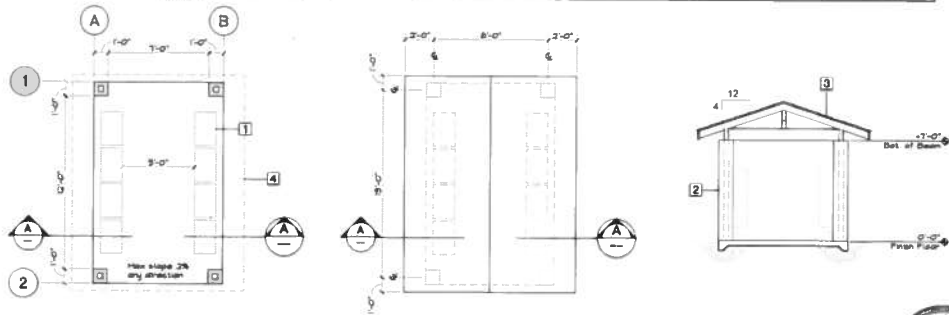


**Section**  
1/4" = 1'-0"

**Side Elevation**  
1/4" = 1'-0"



**Rear Elevation**  
1/4" = 1'-0"



**Mail Box Kiosk**  
1/4" = 1'-0"

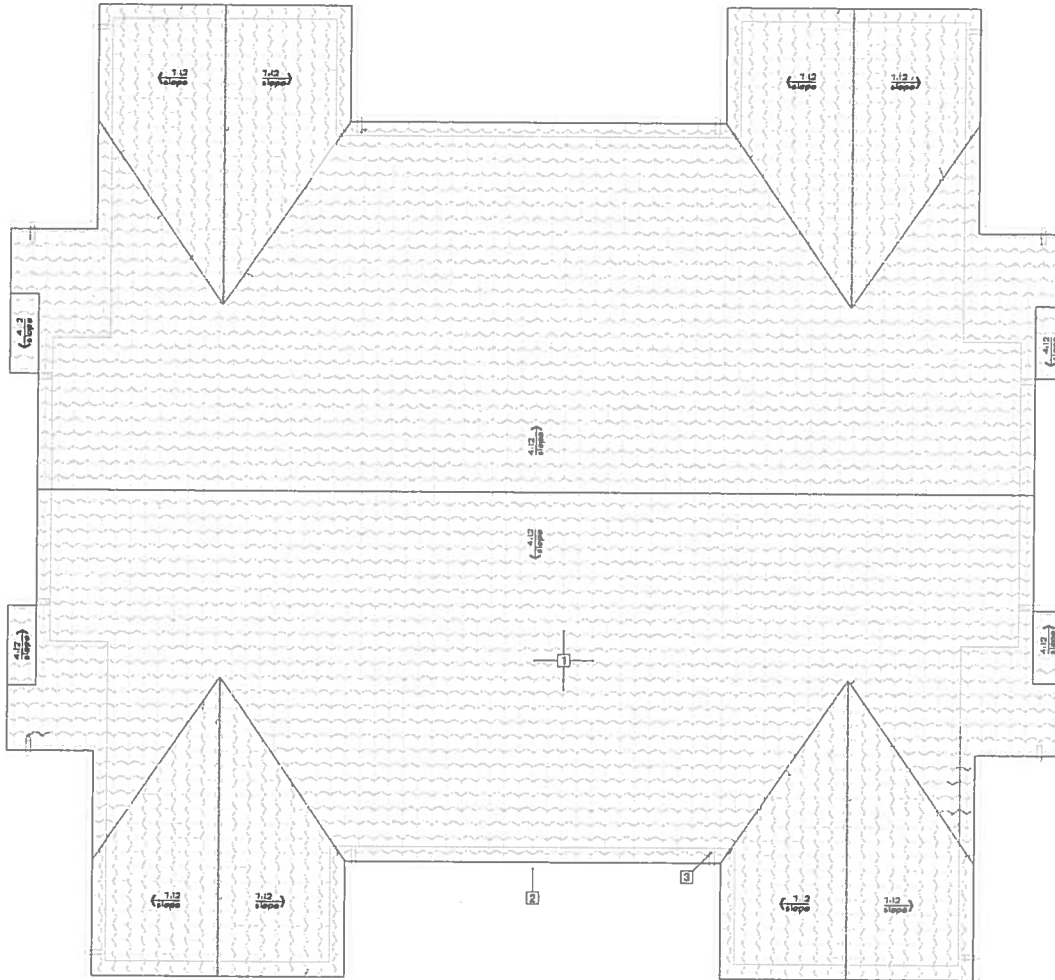
City Case # PA14-0042

Moreno Valley Apartments Ca.



A2.1d





Scale: 1/4" = 1'-0"

Roof Plan Building 1

No.	Description
1	Monitor the roofing system
2	24 ga galvanized metal gutter and trim color to match trim.
3	3"x2" galvanized metal downspout with splash block. Downspout to match roll color.

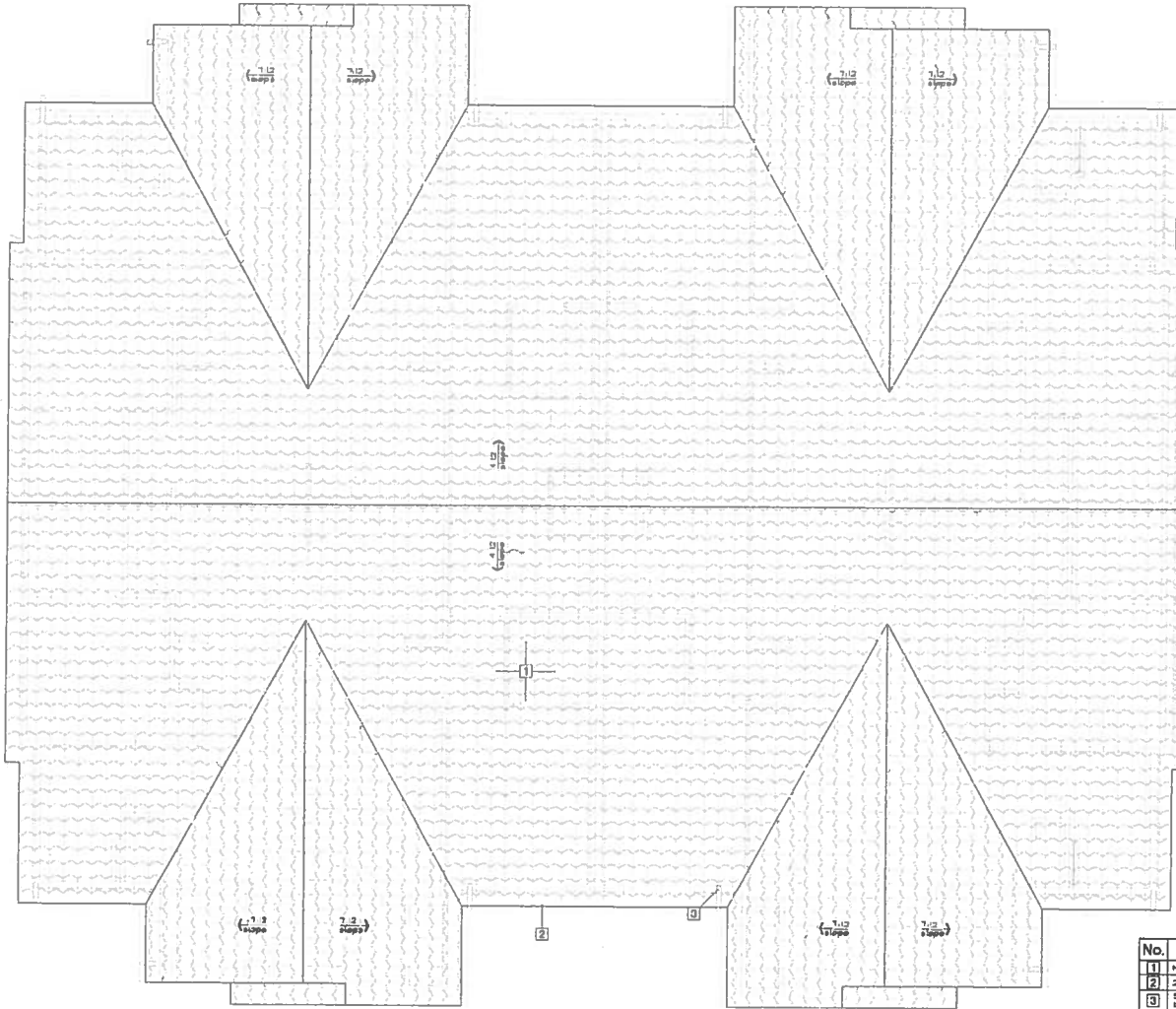
**Roof Plan Key Notes**



City Case # PA14-0042

Moreno Valley Apartments Ca.

A2.4a



No.	Description
1	Minor tile roofing system
2	24 in. galvanized metal gutter and trim, color to match trim.
3	3"x2" galvanized metal downspout with splash block. Downspout to match wall color.

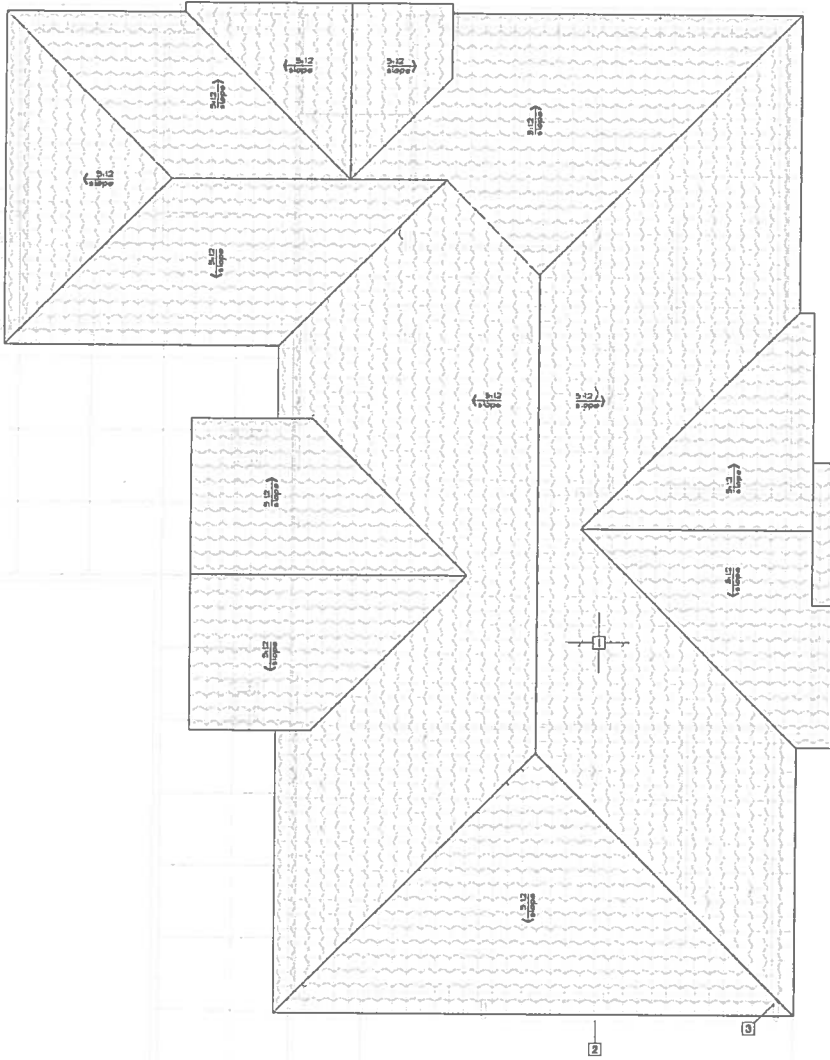
**Roof Plan Key Notes**



Scale: 1/4" = 1'-0"  
Roof Plan Building 2

City Case # PA14-0042  
Moreno Valley Apartments Ca.

A2.4b



Scale: 1/4" = 1'-0"

Roof Plan - Community Building

No.	Description
1	Main Roof
2	Gable Roof
3	Gable Roof

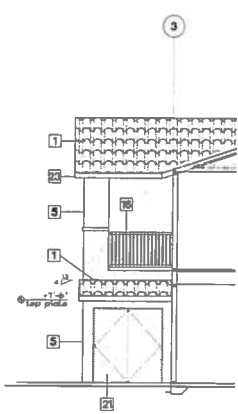
**Roof Plan Key Notes**



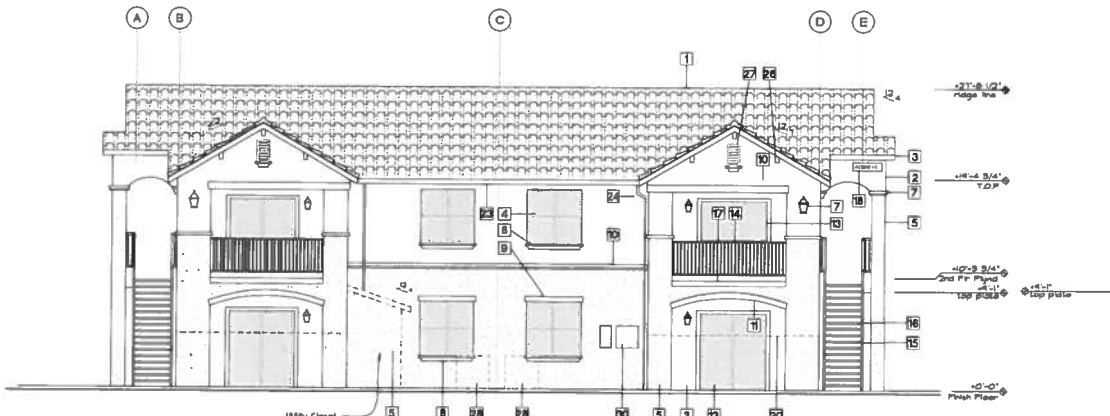
City Case # PA14-0042  
 Moreno Valley Apartments Ca.

A2.4C

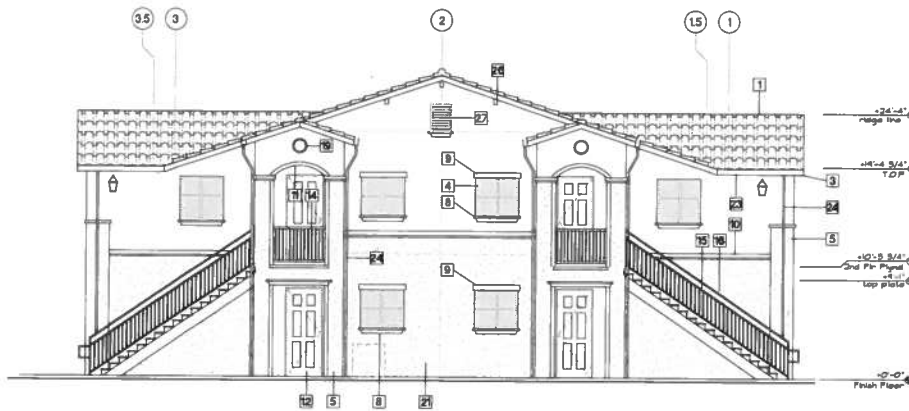




Side Elevation Partial  
3/16" = 1'-0"



Front Elevation Building 1 / Rear Elevation Sim  
3/16" = 1'-0"



Side Elevation Building 1 - Unit A  
3/16" = 1'-0"

No.	Description
1	Concrete tile
2	1/2" Cement plaster w/ metal mesh w/ (2) layers type "D" building paper w/ mineral sheathing
3	2x6 Plyshe board painted
4	Vinyl windows dual glazing, see window schedule
5	Match interior accents to base color
6	Net Used
7	Faen trim at columns
8	Faen trim at window sill
9	Faen trim at window header
10	Faen trim top
11	Faen trim at opening
12	Heavy metal front entry door, see door schedule
13	Sliding glass door with faen trim
14	42" high wrought iron
15	Pre-fabricated steel stairs with concrete treads and nosings
16	Handrails and downrails see sections
17	Light weight concrete deck with water proof membrane
18	Building address in 4" high letters with contrasting background, sliding trim finish
19	3 feet diameter decorative gable vent
20	5 feet high fence at patio areas see enlarged plans
21	Utility closets with electrical meter center see electrical drawings for additional information
22	Exterior wall mounted lights
23	3" Rectangular metal roof gutter
24	5" Metal downspout
25	Net used
26	2x6 rafter tails at gable painted
27	Rectangular gable vent with faen trim at sill
28	AC units on concrete post see mechanical drawings and reference side plan sheet A11 and enlarged plans
29	Gas Meter location, landscaping to screen units, see plumbing drawings for add'l information
30	Telephone and Cable boxes, see electrical drawings

Elevations Key Notes

Wall Elevation Building Type 1	Surface Area (sq. ft.)	Openings (all windows & doors unprotected, 1-hour areas)	Openings (all other unprotected, 1-hour areas)	Max area w/out a openings per table 703.6	15' or + 15' Fire separation distance	15' or + 20' Fire separation distance
1st Floor	812 sq. ft.	1364 / 22%	N/A			
2nd Floor	831 sq. ft.	1364 / 25%	N/A			
1st Floor	874 sq. ft.	764 / 11%	N/A			
2nd Floor	822 sq. ft.	824 / 11%	N/A	15% of wall area*	25% of wall area*	
1st Floor	812 sq. ft.	1364 / 22%	N/A			
2nd Floor	831 sq. ft.	1364 / 25%	N/A			
1st Floor	874 sq. ft.	764 / 11%	N/A			
2nd Floor	822 sq. ft.	824 / 11%	N/A			

Exterior Wall Openings

\* Reference Site Plan for Fire Separation Distance or outlined Property Line



City Case # PA14-0042

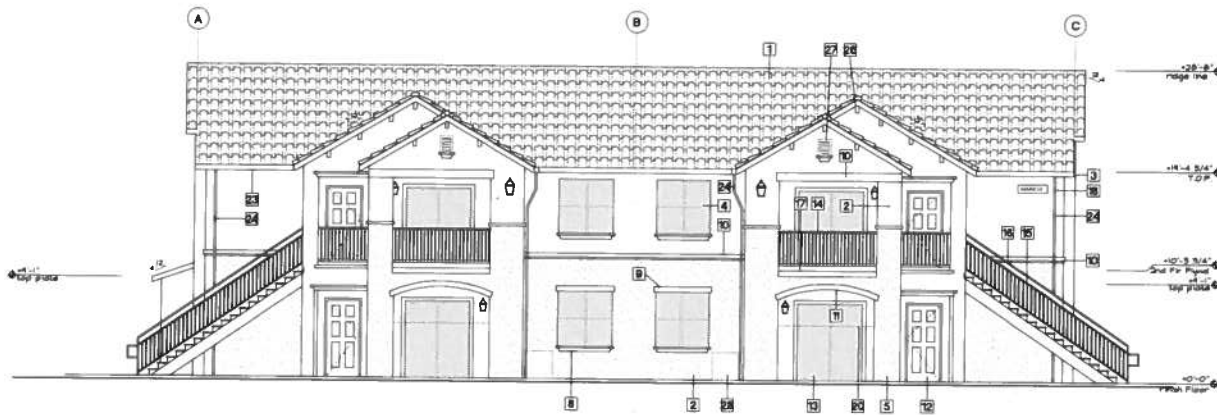
Moreno Valley Apartments Ca.

A3.1a

427 -

and ideas are the property of The Vernal Group and we warrant shall to go

Item No. E.1



Front Elevation Building 2 / Rear Elevation Sim

3/16" = 1'-0"

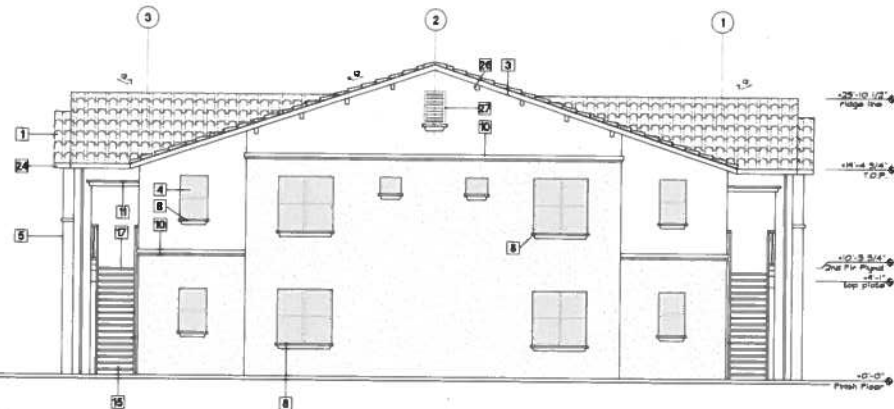
Wall Elevation Building Type 1	Surface Area per Floor	Openings (all windows & doors, unshaded, include doors)	Openings (shaded, include doors)	Max area wall openings per table T50.3	
				10 to 12' Fire exposure distance	15 to 20' Fire exposure distance
1st Floor	812 sq. ft.	1,849 / 22%	N/A	18% of wall area*	25% of wall area*
2nd Floor	521 sq. ft.	1,849 / 22%	N/A		
1st Floor	876 sq. ft.	786 / 11%	N/A		
2nd Floor	622 sq. ft.	826 / 11%	N/A		
1st Floor	812 sq. ft.	1,849 / 22%	N/A		
2nd Floor	531 sq. ft.	1,849 / 22%	N/A		
1st Floor	876 sq. ft.	786 / 11%	N/A		
2nd Floor	622 sq. ft.	826 / 11%	N/A		

\* Reference the Plan for Fire Separation Distance or Maximum Fire Rating, etc.

Exterior Wall Openings

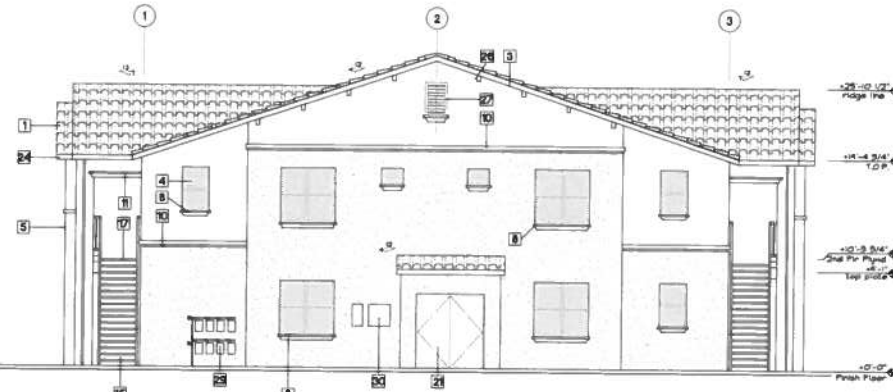
No.	Description
1	Concrete base
2	1/2" Cement plaster or metal lath w/ (2) layers type "D" building paper or gypboard sheathing
3	2x6 Fossil board pointed
4	1/4" minimum steel glazing, see window schedule
5	MATCH indicates egress or egress color
6	Not used
7	Foam trim at corners
8	Foam trim at window sill
9	Foam trim at window header
10	Foam trim band
11	Foam trim at opening
12	Half-in metal front entry door see door schedule
13	Sliding glass door with foam trim
14	42" high wrought iron gates
15	Pre-fabricated steel stairs with concrete treads see sections
16	Hardware and hardware see sections
17	Light weight concrete deck with rubber proof membrane
18	Branding address min. 4" high letters with contrasting background visible from street
19	2 foot diameter decorative gable vent
20	5 foot high fence at patio areas see enlarged plans
21	Utility boxes with Electrical meter center see electrical drawings for additional information
22	Exterior wall mounted light
23	5" Rectangular metal roof gutter
24	5" Metal downspout
25	Not used
26	2x6 rubber lane at gable pointed
27	Rectangular gable vent with foam trim at sill
28	AC units on concrete pad see mechanical drawings and reference site plan sheet A1 and enlarged plans
29	See Meter location, overlapping to screen units, see plumbing drawings for exact information
30	Telephone and Cable boxes, see structural drawings

Elevations Key Notes



Side 2 Elevation Building 2 - Unit B

3/16" = 1'-0"



Side 1 Elevation Building 2 - Unit B

3/16" = 1'-0"



Scale: 1/4" = 1'-0"



City Case # PA14-0042

Moreno Valley Apartments Ca.

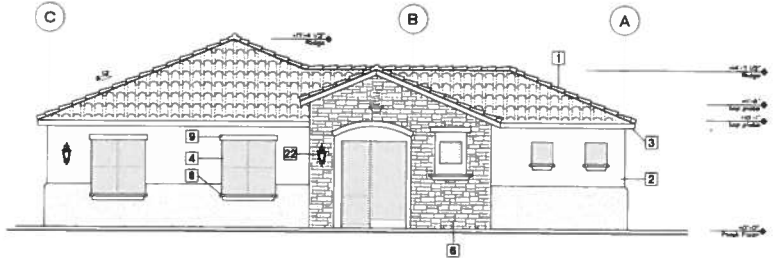
A3.1b

DATE

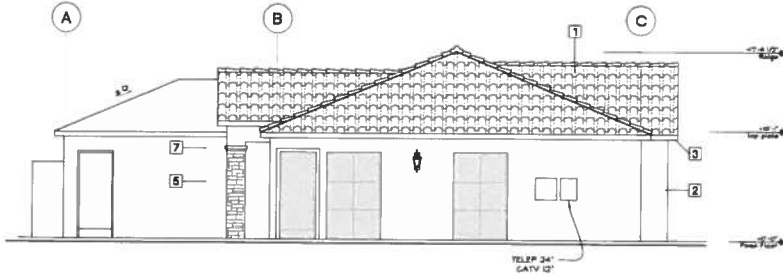
BY

THE VERNAL GROUP 1035 E. ORV. AV. • FRESNO, CA. 93728 • TEL: (559) 232-9480 • FAX: (559) 232-9479

ARCHITECTURE AND PLANNING - WWW.VERNALGROUP.COM - E-MAIL: INFO@VERNALGROUP.COM



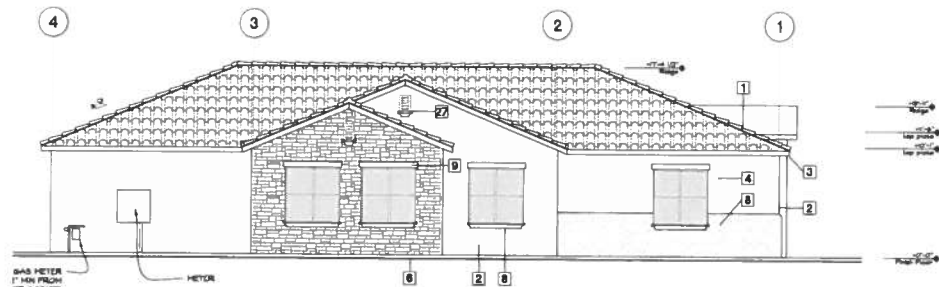
East Elevation  
5/8" = 1'-0"



West Elevation  
5/8" = 1'-0"



South Elevation  
1/8" = 1'-0"



North Elevation  
1/8" = 1'-0"

No.	Description
1	Concrete tie
2	1/2" Cement plaster or metal lath w/ (2) layers type 'D' building paper or fiberglass sheathing
3	2x6 Plyshe board painted
4	Vinyl windows and glazing see window schedule
5	Match indicates accents stone color
6	Not Used
7	Foam trim at cornice
8	Foam trim at window sill
9	Foam trim at window header
10	Foam trim band
11	Foam trim at opening
12	Horizontal metal front entry door see door schedule
13	Sliding glass door with foam trim
14	42" High wrought iron gates
15	Wrought-iron steel stairs with concrete treads see sections
16	Handrails and Guardrails see sections
17	Light weight concrete deck with water proof membrane
18	Building address min. 4" high letters with contrasting background visible from street
19	2 foot diameter decorative globe vent
20	5 foot high fence at patio areas see enlarged plans
21	Electrical meter center see electrical drawings
22	8 foot high screen wall
23	Exterior wall mounted light
24	3" Rectangular metal roof gutter
25	5" Metal downspout
26	Not Used
27	2x6 rafter lath at gable painted
28	Rectangular globe vent with foam trim at sill
29	AC units on concrete pad see mechanical drawings
30	Gas Meter location see plumbing drawings
31	4" high x 5" long x 2-6" deep CMU compartment with the front face accessible exterior shown. Showers shall include grab bars, fold down seat, control and shower spray unit see details.

Elevations Key Notes

Wall Elevation Building Type 1	Surface Area per Foot	Opening (all windows, doors, etc.)	Opening (all windows, doors, etc.)	Max. area wall openings per table 705.8
				15 to 15' Fire separation distance
1	1st Floor 612 sq. ft.	1346 / 22%	NA	15% of wall area* 22% of wall area*
2	2nd Floor 531 sq. ft.	1346 / 25%	NA	
3	1st Floor 674 sq. ft.	786 / 11%	NA	15% of wall area* 22% of wall area*
4	2nd Floor 622 sq. ft.	826 / 11%	NA	
5	1st Floor 612 sq. ft.	1346 / 22%	NA	15% of wall area* 22% of wall area*
6	2nd Floor 531 sq. ft.	1346 / 25%	NA	
7	1st Floor 674 sq. ft.	786 / 11%	NA	15% of wall area* 22% of wall area*
8	2nd Floor 622 sq. ft.	826 / 11%	NA	

Exterior Wall Openings

\* Reference SIA Plan for Fire Separation Distance at Shared Property Line



City Case # PA14-0042

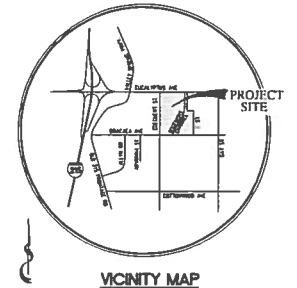
Moreno Valley Apartments Ca.

A3.1C

# PRELIMINARY GRADING PLAN

## MORENO VALLEY APARTMENTS

### CITY OF MORENO VALLEY, CA



**GENERAL NOTES**

1. NUMBER OF UNITS: 112 APARTMENT UNITS (2 STORES) AND A RECREATION BUILDING
2. THERE ARE NO KNOWN EXISTING WELLS IRRIGATION LINES, CEISSPOOLS, SEPTIC TANKS AND SEWAGE LEACH FIELDS.
3. ALL INTERNAL DRIVES TO BE PRIVATELY OWNED AND MAINTAINED.
4. THERE ARE NO KNOWN PREVIOUSLY FILLED AREAS WITHIN THE SITE, INCLUDING ANY LIQUID OR SOLID WASTE DISPOSAL SITES.
5. A PROPERTY OWNER ASSOCIATION WILL BE REQUIRED TO MAINTAIN ALL COMMON FACILITIES, VISIBLE FRONT YARDS AND REVERSE FRONTAGE AREAS NOT ACCEPTED BY THE CITY'S SPECIAL DISTRICTS.
7. A PROPERTY OWNER ASSOCIATION WILL BE REQUIRED TO MAINTAIN THE PRIVATE DRIVES, COMMON AREA AMENITIES AND COMMON LANDSCAPING AREAS.
8. ALL UNITS TO BE FIRE SPRINKLERED.

**ZONING**

EXISTING CURRENT: OFFICE/COMMERCIAL  
PROPOSED: R-20

**LOT SUMMARY**

CROSS ACRES= 8.83 ACRES (TO COVERING PERIMETER STREETS)  
NET ACRES = 8.08 ACRES (TO STREET RIGHT OF WAY LINES)  
DISTURBED ACRES= 8.34 ACRES

**LAND USE SUMMARY**

14 BUILDINGS  
112 DWELLING UNITS  
198 PARKING STALLS  
1 RECREATIONAL BUILDING W/POOL

**FLOOD ZONE**

ZONE X - SHADED (OTHER FLOOD AREAS)  
ZONE X - UNSHADED (OTHER AREAS)

**ASSESSOR'S PARCEL NUMBERS**

A.P.N. 283-120-020  
A.P.N. 283-120-025

**PROPERTY ADDRESS**

EUCALYPTUS STREET  
MORENO VALLEY, CALIFORNIA

**UTILITIES**

**ELECTRICITY**  
SOUTHERN CALIFORNIA Edison: (800) 664-8123 (TURNS ON/OFF)

**NATURAL GAS**  
THE GAS COMPANY: (800) 427-2200

**TELEPHONE**  
AT&T: (800) 310-2355

**TRASH SERVICE**  
WASTE MANAGEMENT OF INLAND VALLEY: (800) 423-9588

**WATER**  
BOX SPRING MUTUAL WATER COMPANY: (951) 853-6410

**SEWER**  
EDGEMONT COMMUNITY SERVICES DISTRICT: (951) 853-5120

**EASEMENT NOTES**

- (A) - STORM DRAIN EASEMENT PROPOSED TO BE DEDICATED TO THE CITY OF MORENO VALLEY.
- (B) - WATER EASEMENT PROPOSED TO BE DEDICATED TO BOX SPRING MUTUAL WATER CO.
- (C) - SEWER EASEMENT PROPOSED TO BE DEDICATED TO EDGEMONT COMMUNITY SERVICES DISTRICT.
- (D) - EXIST. BOX SPRING MUTUAL WATER CO. WATER EASEMENT (UNDETERMINED WIDTH) TO BE OUTCLAIMED.

NOTE: INTERIOR STREETS FOR VEHICULAR EMERGENCY ACCESS PURPOSES DEDICATED TO THE CITY OF MORENO VALLEY.

**EARTHWORK QUANTITIES**

DESCRIPTION	CUT/CUTYOB	CUT AREA	FILL/CUTYOB	FILL AREA
MASS EXCAVATION	1,860 CY	67,890 SF	11,272 CY	182,522 SF
SPRINKLE 10% UNDESIRABLE REMOVAL 4.5 FT.	-108 CY		43,830 CY	
TOTAL EARTHWORK	41,527 CY		55,110 CY	
		IMPORT	13,583 CY	
		TOTAL AREA	250,513 SF	5.7 ACRES

**LEGAL DESCRIPTION**

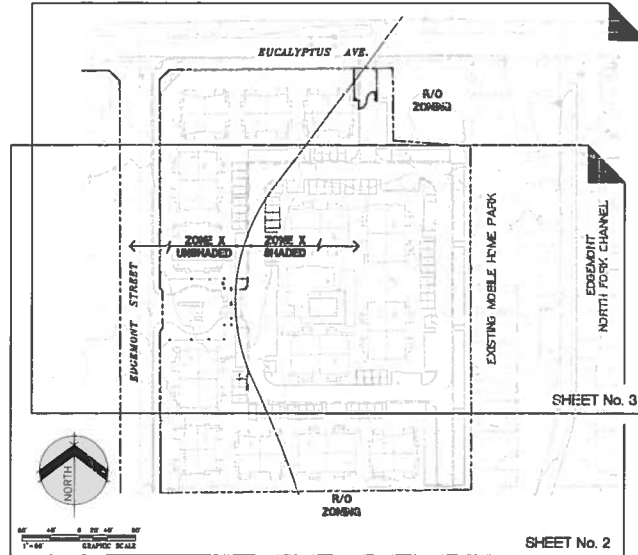
LOT 8 AND 10 OF EDGEMONT GARDENS, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN ON THE MAP IN BOOK 11, PAGE 30, OF MAP, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.  
EXCEPTING THEREFROM THAT PORTION OF LOT 10, DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 10, SAID NORTHEAST CORNER BEING A POINT IN THE SOUTHERLY LINE OF LOT A, EUCALYPTUS AVENUE, AS SHOWN ON SAID MAP; THENCE, SOUTH 89°24'12" WEST, (FORMERLY RECORDED SOUTH 89°25' WEST) ALONG SAID SOUTHERLY LINE OF LOT A, A DISTANCE OF 100.00 FEET; THENCE SOUTH 00°12'14" EAST, (FORMERLY RECORDED SOUTH 00°10' EAST) PARALLEL WITH THE EASTERLY LINE OF SAID LOT 10, A DISTANCE OF 130.00 FEET; THENCE, SOUTH 85°32'26" EAST, A DISTANCE OF 109.31 FEET TO SAID EASTERLY LINE OF LOT 10; THENCE, NORTH 00°12'14" WEST (FORMERLY RECORDED NORTH 00°10' WEST) ALONG SAID EASTERLY LINE, A DISTANCE OF 148.00 FEET TO THE POINT OF BEGINNING.

**PREPARED BY:**

**MDS CONSULTING**  
PLANNERS ENGINEERS SURVEYORS

HORSE  
SCHULTZ

17220 Woodland Avenue  
Suite 200  
Irvine, CA 92614  
Voice: 949-251-8821  
Fax: 949-251-8318



**INDEX MAP**  
SCALE 1"=50'

**ABBREVIATION**

- BVC BEGIN OF VERTICAL CURVE
- CB CATCH BASIN
- EVC END OF VERTICAL CURVE
- EX EXISTING
- FW FIRE HYDRANT
- MVC MIDDLE OF VERTICAL CURVE
- MAX MAXIMUM
- PF PROPOSED FINISH FLOOR ELEVATION
- PE PROPOSED PAD ELEVATION
- SD STORM DRAIN
- TC TOP OF CURB

- BVC
- CB
- EVC
- EX
- FW
- MVC
- MAX
- PF=726.5
- PE=720.0
- SD
- TC

**LEGEND**

- AREA DRAINS
- AC PAVING
- CONCRETE
- DECORATIVE PAVING
- EXISTING STREET ELEVATION
- EXISTING HYDRANT
- PROPOSED STORM DRAIN
- PROPOSED SEWER SYSTEM
- PROPOSED WATER SYSTEM
- PROPOSED CONCRETE DRAINAGE DITCH
- PERIMETER TUBULAR FENCE
- PROPOSED RETAINING WALL
- PROPOSED CENTERLINE
- PROPOSED VARIABLE SLOPE
- TENTATIVE TRACT BOUNDARY
- BUILDING IDENTIFICATION NUMBER
- BUILDING TYPE
- TRASH ENCLOSURE PER CITY OF MORENO VALLEY STANDARD WVF-860A-F-0

**SHEET INDEX**

- COVER SHEET SHEET 1
- PRELIMINARY GRADING PLAN SHEETS 2 & 3
- PRELIMINARY UTILITY PLAN SHEET 4
- PRELIMINARY WATER QUALITY MANAGEMENT PLAN SHEET 5

**OWNER**

LATCO BC, INC.  
840 CALLE NEGROCO, SUITE 200  
SAN CLEMENTE, CA 92673

**APPLICANT / DEVELOPER**

LATCO BC, INC.  
17220 WOODLAND AVENUE, SUITE 200  
IRVINE, CA 92614  
CONTACT: WES ALSTON  
P.O. BOX 14879  
LONG BEACH, CA 90803  
PH: (951) 212-8488

**ENGINEER**

MDS CONSULTING  
17220 WOODLAND AVENUE, SUITE 200  
IRVINE, CA 92614  
PH: (949) 251-8821



PREPARED UNDER THE DIRECTION OF:  
DATE: \_\_\_\_\_  
STANLEY C. HORSE EXP. DATE 9/30/15  
P.E.C. 20596

PA14-0042  
**MORENO VALLEY APARTMENTS**  
**PRELIMINARY GRADING PLAN**

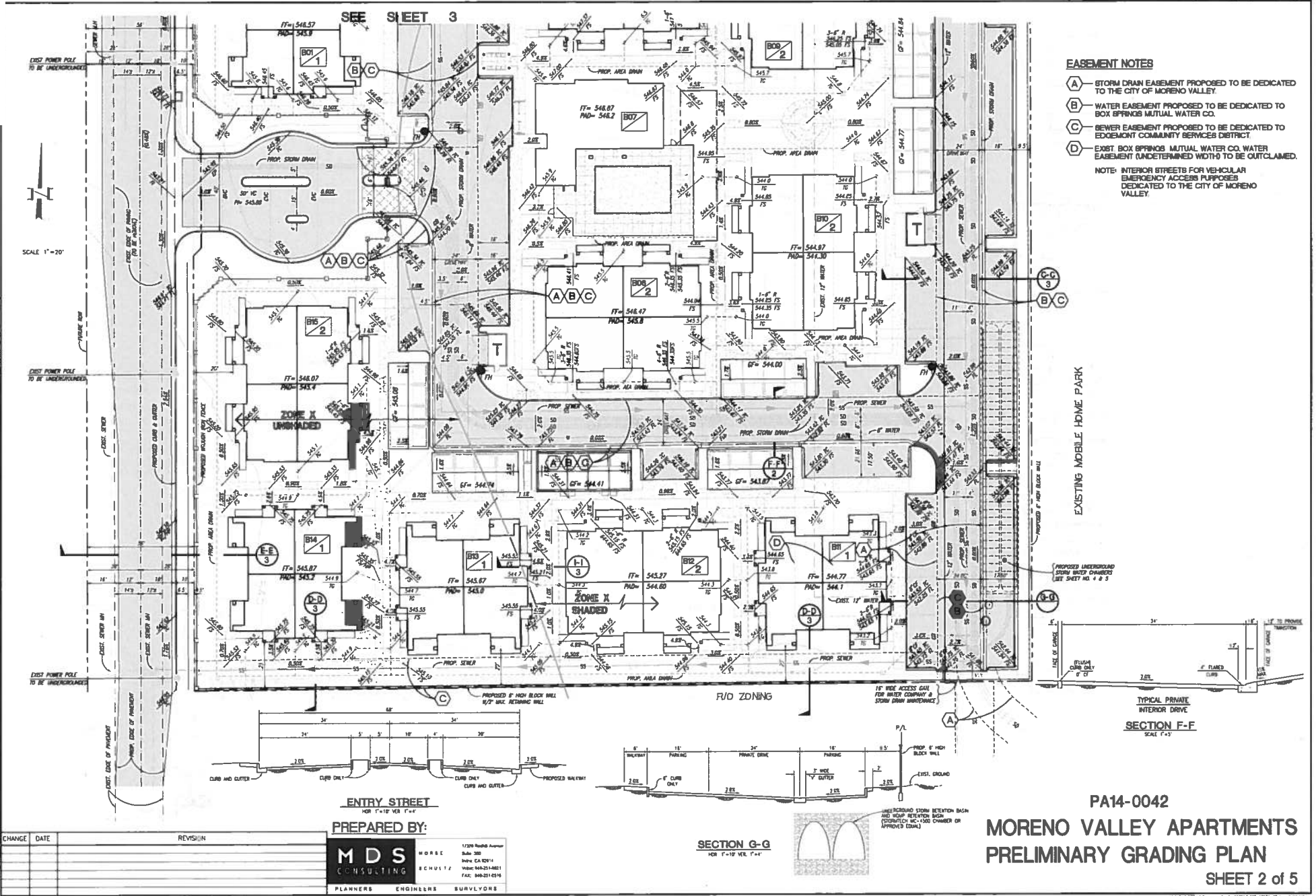
SHEET 1 of 5

-429-

Item No. E.1

HANGE	DATE	REVISION





- EASEMENT NOTES**
- (A) STORM DRAIN EASEMENT PROPOSED TO BE DEDICATED TO THE CITY OF MORENO VALLEY.
  - (B) WATER EASEMENT PROPOSED TO BE DEDICATED TO BOX SPRINGS MUTUAL WATER CO.
  - (C) SEWER EASEMENT PROPOSED TO BE DEDICATED TO EDGEWORTH COMMUNITY SERVICES DISTRICT.
  - (D) EXIST. BOX SPRINGS MUTUAL WATER CO. WATER EASEMENT (UNDETERMINED WIDTH) TO BE OUTCLAIMED.
- NOTE: INTERIOR STREETS FOR VEHICULAR EMERGENCY ACCESS PURPOSES DEDICATED TO THE CITY OF MORENO VALLEY.

EXISTING MOBILE HOME PARK

SECTION F-F  
SCALE 1"=3'

SECTION G-G  
SCALE 1"=10' VERT. 1"=4'

PA14-0042  
**MORENO VALLEY APARTMENTS**  
**PRELIMINARY GRADING PLAN**  
SHEET 2 of 5

CHANGE	DATE	REVISION

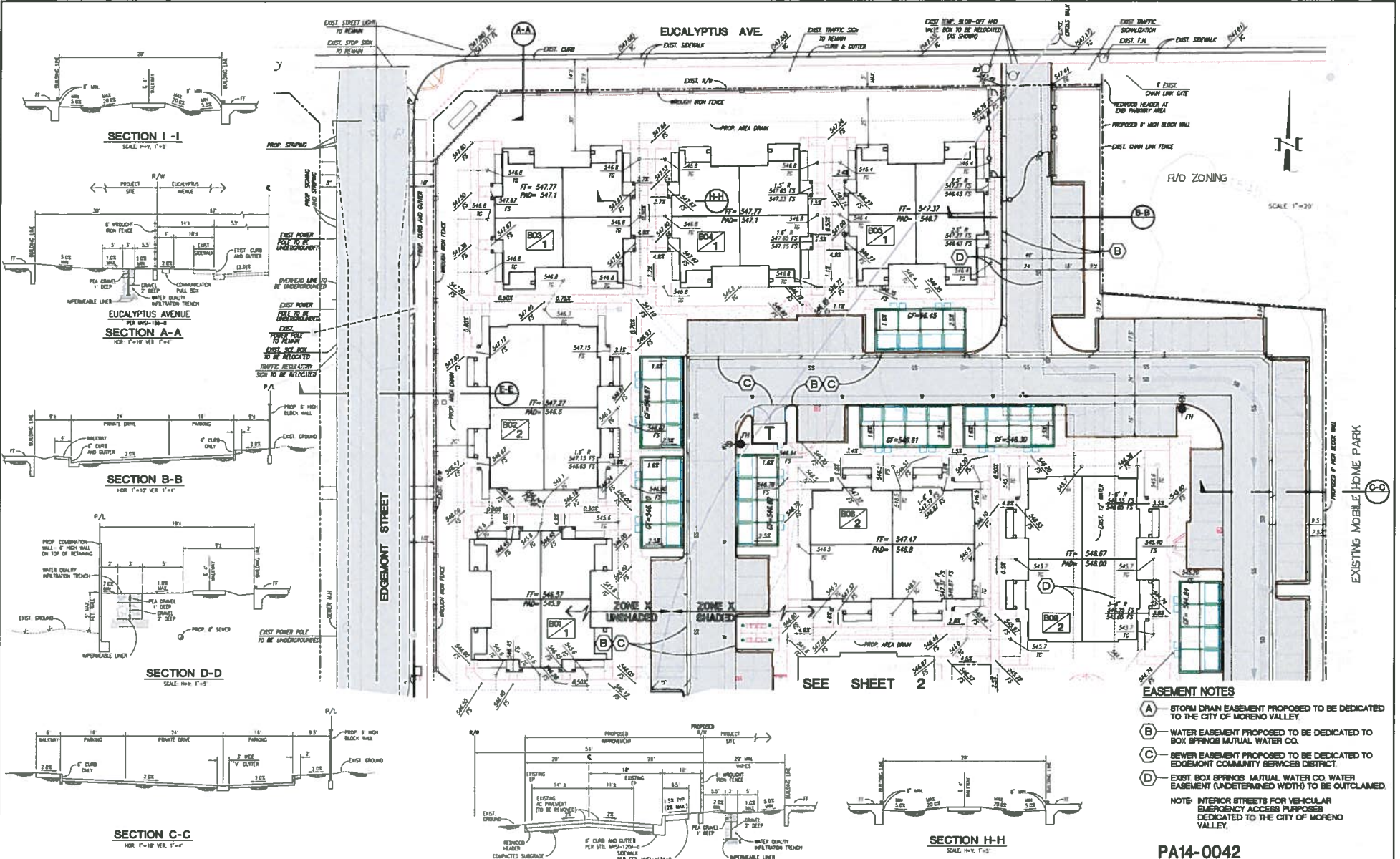
PREPARED BY:

**MDS CONSULTING**

PLANNERS ENGINEERS SURVYORS

17295 Topland Avenue  
Suite 300  
Irvine CA 92614  
Voice: 949-251-1821  
Fax: 949-251-6214





- EASEMENT NOTES**
- (A) STORM DRAIN EASEMENT PROPOSED TO BE DEDICATED TO THE CITY OF MORENO VALLEY.
  - (B) WATER EASEMENT PROPOSED TO BE DEDICATED TO BOX SPRINGS MUTUAL WATER CO.
  - (C) SEWER EASEMENT PROPOSED TO BE DEDICATED TO EDGEMONT COMMUNITY SERVICES DISTRICT.
  - (D) EXIST BOX SPRINGS MUTUAL WATER CO. WATER EASEMENT (UNDETERMINED WIDTH) TO BE OBTAINED
- NOTE: INTERIOR STREETS FOR VEHICULAR EMERGENCY ACCESS PURPOSES DEDICATED TO THE CITY OF MORENO VALLEY.

PA14-0042

# MORENO VALLEY APARTMENTS PRELIMINARY GRADING PLAN

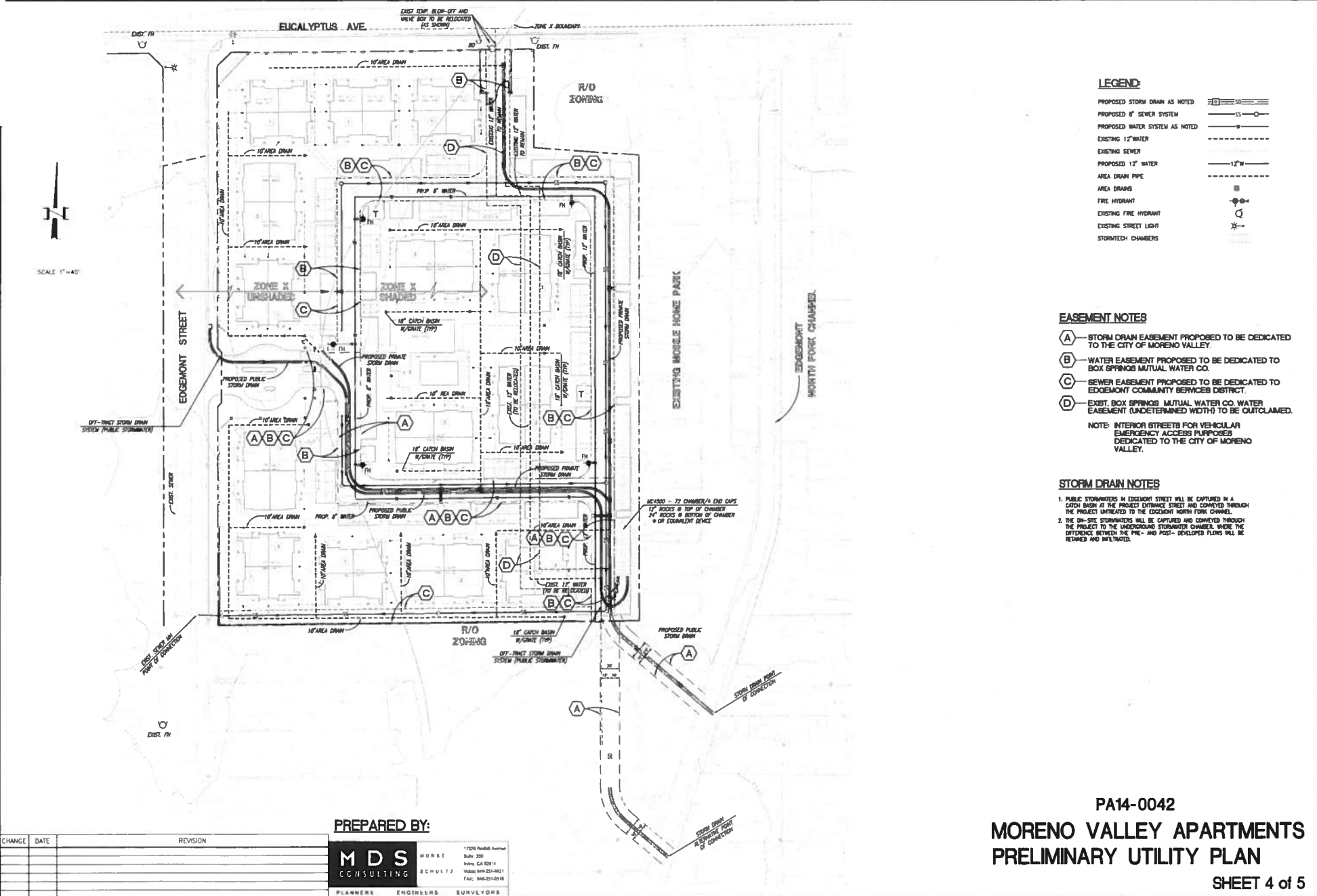
SHEET 3 of 5

PREPARED BY:

**MDS CONSULTING**  
 PLANNERS ENGINEERS SURVAYORS

1229 North Arroyo  
 Suite 300  
 Irvine CA 92614  
 Phone: 949-251-6801  
 Fax: 949-251-6818

RANGE	DATE	REVISION



**LEGEND**

PROPOSED STORM DRAIN AS NOTED	
PROPOSED 8" SEWER SYSTEM	
PROPOSED 12" WATER SYSTEM AS NOTED	
EXISTING 12" WATER	
EXISTING SEWER	
PROPOSED 12" WATER	
AREA DRAIN PIPE	
AREA DRAINS	
FIRE HYDRANT	
EXISTING FIRE HYDRANT	
EXISTING STREET LIGHT	
STORMTRENCH CHAMBERS	

- EASEMENT NOTES**
- (A) STORM DRAIN EASEMENT PROPOSED TO BE DEDICATED TO THE CITY OF MORENO VALLEY.
  - (B) WATER EASEMENT PROPOSED TO BE DEDICATED TO BOX SPRINGS MUTUAL WATER CO.
  - (C) SEWER EASEMENT PROPOSED TO BE DEDICATED TO EDGE MONT COMMUNITY SERVICES DISTRICT.
  - (D) EXIST. BOX SPRINGS MUTUAL WATER CO. WATER EASEMENT (UNDETERMINED WIDTH) TO BE OUTCLAIMED.
- NOTE: INTERIOR STREETS FOR VEHICULAR EMERGENCY ACCESS PURPOSES DEDICATED TO THE CITY OF MORENO VALLEY.

- STORM DRAIN NOTES**
1. PUBLIC STORMWATERS IN EDGE MONT STREET WILL BE CAPTURED IN A CATCH BASIN AT THE PROJECT ENTRANCE STREET AND CONVEYED THROUGH THE PROJECT UNTREATED TO THE EXISTING NORTH FORK CHANNEL.
  2. THE ON-SITE STORMWATERS WILL BE CAPTURED AND CONVEYED THROUGH THE PROJECT TO THE UNDERGROUND STORMWATER CHAMBER WHERE THE DIFFERENCE BETWEEN THE PRE- AND POST- DEVELOPED FLOODS WILL BE RETAINED AND INFILTRATED.

CHANGE	DATE	REVISION

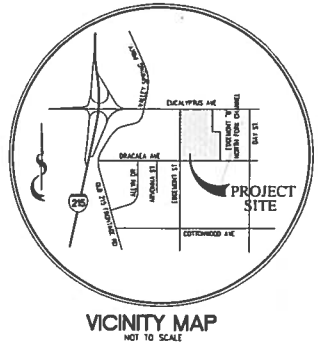
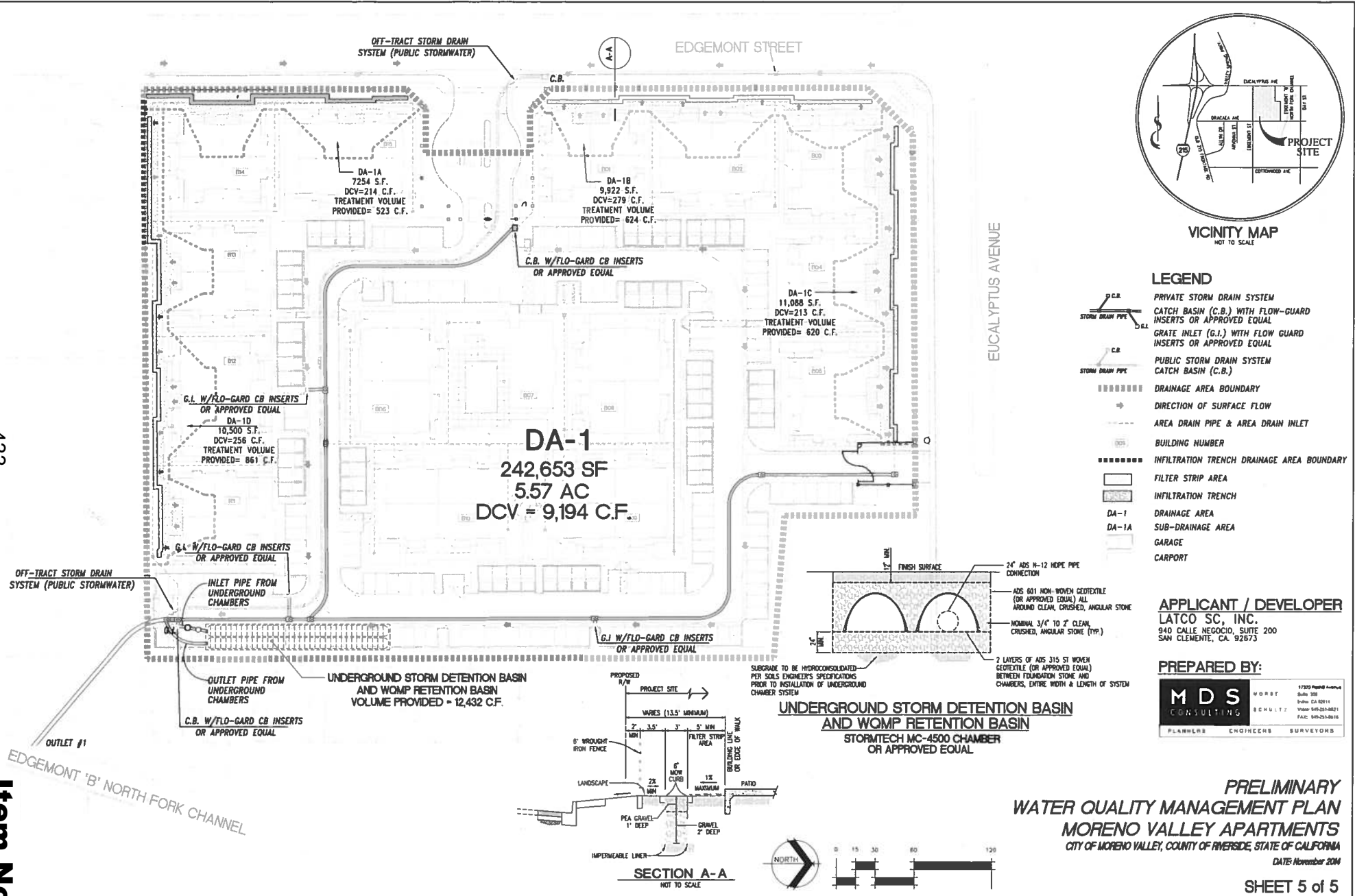
**PREPARED BY:**

**MDS CONSULTING**

PLANNERS ENGINEERS SURVEYORS

17226 Northridge Avenue  
Suite 200  
Van Nuys, CA 91411  
Phone: 818-251-4621  
FAX: 818-251-0218

PA14-0042  
**MORENO VALLEY APARTMENTS**  
**PRELIMINARY UTILITY PLAN**  
 SHEET 4 of 5



- LEGEND**
- PRIVATE STORM DRAIN SYSTEM
  - CATCH BASIN (C.B.) WITH FLOW-GUARD INSERTS OR APPROVED EQUAL
  - GRATE INLET (G.I.) WITH FLOW GUARD INSERTS OR APPROVED EQUAL
  - PUBLIC STORM DRAIN SYSTEM
  - CATCH BASIN (C.B.)
  - DRAINAGE AREA BOUNDARY
  - DIRECTION OF SURFACE FLOW
  - AREA DRAIN PIPE & AREA DRAIN INLET
  - BUILDING NUMBER
  - FILTRATION TRENCH DRAINAGE AREA BOUNDARY
  - FILTER STRIP AREA
  - FILTRATION TRENCH
  - DA-1
  - DA-1A
  - GARAGE
  - CARPOR

**APPLICANT / DEVELOPER**  
LATCO SC, INC.  
940 CALLE NEGOCIO, SUITE 200  
SAN CLEMENTE, CA. 92673

**PREPARED BY:**

**MDS CONSULTING**

PLANNERS ENGINEERS SURVEYORS

WORST SCULLITZ  
17224 Regent Avenue  
Suite 100  
Irvine CA 92614  
Phone: 949-251-8821  
FAX: 949-251-8816

**PRELIMINARY**  
**WATER QUALITY MANAGEMENT PLAN**  
**MORENO VALLEY APARTMENTS**  
CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

DATE: November 2004

SHEET 5 of 5

**This page intentionally left blank.**





# Aerial Map



## Legend

- Public Facilities**
- Public Facilities
- ★ Fire Stations
- Parcels
- ⊞ City Boundary
- ◊ Sphere of Influence

## Notes

849.8                      0                      424.88                      849.8 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

Print Date: 3/5/2015

*DISCLAIMER: The information shown on this map was compiled from the City of Moreno Valley GIS and Riverside County GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.*

**This page intentionally left blank.**

**From:** Roy Bleckert  
**Sent:** Thursday, March 12, 2015 3:11 PM  
**Subject:** PA14-0042-0043-044 3-12-15

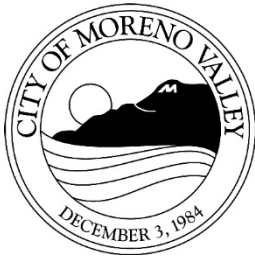
**Hi Jeff - Please distribute to all Planning Commissioners & enter in the public record This is my understanding of events & issues that may be related to this project, IIRC CM Price has stated @ Council that the reason a park could not be built in the Edgemont in area specifically in the Box Springs Mutual Water Co. area , is because there is insufficient water flow for fire protection , IIRC this was confirmed by the Fire Chief, The staff report indicates this site s approved for a mini storage in 2009 & now a proposed 112 unit apartment complex , with a will serve letter from BSMWC , this seems inconsistent with representations of no water for fire protection for a park , but this site was approved for a mini storage complex in 09 & now a apartment complex is being proposed with staff recommendation for approval can you clarify the appearance of inconstant statements or incomplete record or information being given to the Planning Commission before they make their decision on this project ?**

**This plan appears to reverse General Plan Objective 2.4 in two respects , first removing business based property in a housing rich business poor environment which MoVal finds itself in , this does not appear to be a wise land use decision given the circumstances MoVal in @ this time , second adding hi density housing in a housing rich community would appear not to be the best land use @ this time , given this community has had many negative affects over our 30 year history creating boom & bust cycles that have created many harmful socioeconomic impacts on this housing rich community & has been pointed out many times in major media outlets for decades , I recommend the Planning Commision look long & hard @ this proposal before they approve a land use such as this @ this time**

**Roy Bleckert**

**This page intentionally left blank.**





**PLANNING COMMISSION  
STAFF REPORT**

---

Case: PA14-0042 – Plot Plan  
PA14-0043 – General Plan Amendment  
PA14-0044 – Zone Change

Date: March 12, 2015

Applicant: Latco Enterprises

Representative: Pacific Development Solutions Group

Location: Southeast corner of Eucalyptus Avenue and Edgemont Street

Proposal: General Plan Amendment from Commercial (C) to Residential 20 (R20) and Zone Change from Community Commercial (CC) to Residential 20 (R20) for development of a Plot Plan for a 112 unit apartment project on 6.63 acres. The project proposes 14 two-story buildings with a mix of 1 and 2 bedroom units and with covered parking to include carports and garages.

Recommendation: Approval

**SUMMARY**

Latco Enterprises proposes to develop a 112 unit apartment project on the 6.63 acres of Assessor's Parcel Numbers 263-120-020 and 263-120-025 located at the southeast corner of Eucalyptus Avenue and Edgemont Street. Development of the proposed apartments requires approval of a General Plan Amendment and Zone Change to establish the R20 zone at this site.

**PROJECT DESCRIPTION**

The applicant, Latco Enterprises, has submitted three applications for development of the Edgemont Apartments project, which include a General Plan Amendment, Zone Change, and Plot Plan, in order to develop a 112 unit apartment project on 6.63 acres (Assessor's Parcel Numbers 263-120-020 and 263-120-025) located at the southeast corner of Eucalyptus Avenue and Edgemont Street.

**Project**

**Site**

The project site is located at the southeast corner of Eucalyptus Avenue and Edgemont Street. The project site is a vacant rectangular shaped parcel that is comprised of level to rolling topography.

The site was used as a chicken farm and ranch from approximately 1948 till 1967. For the last approximately 45 years the site has been vacant. In April 2009, the site's General Plan designation was changed from Residential/Office to Commercial and the zoning on the site was changed from Office Commercial (OC) to Community Commercial (CC) concurrently with the approval of a mini-storage facility. The owner of the property has indicated that the mini-storage facility was not developed due to changing market conditions and diminished demand for mini-storage. The change from a proposed commercial to residential use on the project site is reflective of a reconsideration of land use patterns in this area of the community.

There are no rock outcroppings, hilltops or steep slopes on the project site. The site is routinely disked for weed abatement to clear it of brush and weedy vegetation.

The project site is currently zoned Community Commercial (CC) with a Commercial General Plan land use designation. The applicant proposes changes to both the General Plan and Zoning designations.

**Surrounding Area**

The developed uses in the area are mostly single-family residences to the north, west and south with a mobile home park located to the east and an office building and Edgemont Elementary School also located to the north.

General Plan land use designations in the vicinity are primarily Residential Office (R/O) along Eucalyptus Avenue with some limited Commercial (C) designated land located to the west at or near the intersection of Eucalyptus Avenue and Valley Springs Parkway. The Edgemont Elementary School site across the street to the north has a zoning designation of Public (P).

Zoning designations in the vicinity are primarily Office Commercial (OC) along Eucalyptus Avenue with some limited Community Commercial (CC) designated land located to the west at or near the intersection of Eucalyptus Avenue and Valley Springs Parkway. Edgemont Elementary School across the street to the north has a

## Planning Commission Staff Report

### Page 3

Public (P) zoning designation. South of and adjacent to the project site, properties are zoned R10 and R15, allowing for multiple family development.

### Land Use Changes

The current General Plan land use designation for the project site is Commercial (C) and the current zoning is Community Commercial (CC). The applicant proposes to change the General Plan land use designation to Residential 20 and the Zoning designation to Residential 20 District (R20).

The proposed change from Commercial to Residential 20 will establish a multiple family land use designation that is compatible with surrounding residential land uses and will promote development of the site's undeveloped parcels. This is consistent with General Plan Community Goal 2.1, which states, "a pattern of land uses, which organizes future growth, minimizes conflicts between land uses, and which promotes the rational utilization of presently underdeveloped and undeveloped parcels".

The development of the 56 one bedroom and 56 two bedroom units proposed at this location would address General Plan Community Goal 2.4 which encourages a supply of housing in sufficient numbers suitable to meet the diverse needs of future residents and to support healthy economic development without creating an oversupply of any particular type of housing.

The loss of the Commercial land use at this location would eliminate the possibility of achieving the stated purpose of General Plan Objective 2.4, to, "Provide commercial areas within the City that are conveniently located, efficient, attractive, and have safe and easy pedestrian and vehicular circulation in order to serve the retail and service commercial needs of Moreno Valley residents and businesses. However, in reviewing the proposed land use change, consideration was given to the amount of existing Commercial designated property available for development located in close proximity to the project site at the intersections of Eucalyptus Avenue and Valley Springs Parkway to the west and Eucalyptus Avenue and Day Street to the east.

The Transportation Engineering Division required a Traffic Impact Study for the proposed project to address the potential increase in traffic with the approval of the proposed project. Based on the results of the Traffic Impact Study, no unacceptable service levels or other negative impacts to the City's circulation system have been identified.

The proposed General Plan Amendment is consistent with General Plan Circulation Element Goal 5.1 as it will result in development of a safe, efficient, environmentally and financially sound, integrated vehicular circulation system consistent with the City General Plan Circulation Element Map, Figure 9-1. The project design provides appropriate vehicular and emergency response access to development and is considerate of and supports mobility requirements of the system's users.

## **Planning Commission Staff Report**

### **Page 4**

#### **Plot Plan**

Plot Plan PA14-0043 proposes the development of a 112 unit apartment project on the project site's 6.63 acres. The project will include 14 two-story buildings with a mix of 56 one bedroom and 56 two bedroom units. The developer proposes to secure the site with decorative perimeter fencing and walls. Project amenities include a pool, recreation center, private open space, carport parking and single-car garages.

#### **Access/Parking**

Primary access to the proposed apartment project is from Edgemont Street with secondary/emergency access provided at Eucalyptus Avenue.

Municipal Code Section 9.11 requires a total of 196 parking spaces including 112 covered spaces for the proposed apartment project. The project as designed provides a total of 196 parking spaces including 77 carports and 52 single-car garages for a total of 129 covered parking spaces which exceeds the covered parking requirement for this use. The project as designed and conditioned satisfies all parking requirements of the City's Municipal Code.

#### **Design/Landscaping**

The proposed project includes 14 two story apartment buildings. The design of the development relies on simple massing with details that include tile roofs, stucco exterior walls, window surrounds and trim, articulated roof overhangs, and arch details at the stair enclosures and private patios. Variation among the buildings is created with multiple color schemes and an assortment of details, including exposed rafter tails, louvers, medallions and light fixtures.

The recreation building includes stone veneer and is consistent with project architecture in colors, materials and level of detail

All walls and fences on the site are proposed to be constructed with decorative block. The walls and fences for this project are conditioned to be consistent with the City's Municipal Code standards for placement, height and materials.

This project has been reviewed and the design of the proposed plot plan conforms to all development standards of the R20 zone and the design guidelines for multiple family uses as required within the City's Municipal Code.

#### **REVIEW PROCESS**

In the review of this project, consideration was given to the potential impact to surrounding land uses by the proposed project.

The project was reviewed by the Project Review Staff Committee (PRSC) in October, November and December 2014.

## Planning Commission Staff Report

### Page 5

Planning also coordinated with representatives from Moreno Valley Unified School District, Pechanga Cultural Resources – Temecula Band of San Luiseno Mission Indians, and the Riverside County Airport Land Use Commission (ALUC).

Coordination with the above agencies and the applicant resulted in conditions of approval that are included in the recommended resolutions to address and protect potential impacts to cultural resources and to ensure compatibility with the 2014 March

Airport Land Use Compatibility Plan adopted by the Riverside County Airport Land Use Commission on November 13, 2014.

The City of Moreno Valley has coordinated with representatives of Pechanga Cultural Resources in accordance with the SB 18 consultation process.

### **ENVIRONMENTAL**

The California Environmental Quality Act (CEQA) is a statewide environmental law contained in Public Resources Code §§21000-21177. CEQA applies to most public agency decisions to carry out, authorize, or approve actions that have the potential to affect the environment. CEQA requires that public agencies analyze and acknowledge the environmental consequences of their discretionary actions and consider alternatives and mitigation measures that could avoid or reduce significant adverse impacts to the environment when avoidance or reduction is feasible. The CEQA compliance process provides public agencies and the general public an opportunity to comment on a proposed project's environmental effects.

An Initial Study / Mitigated Negative Declaration were prepared which assessed the potential of the proposed project to impact the environment. The Initial Study provided the documentation of the factual basis for the finding in the Mitigated Negative Declaration that the proposed project will not have a significant effect on the environment with the implementation of mitigation measures. The City as the Lead Agency has prepared a Mitigated Negative Declaration (MND) pursuant to Sections 15070 et seq. of the State CEQA Guidelines.

The project is located within Area D of the March Airport Land Use Compatibility Plan. In order to demonstrate compliance with the requirements of the plan, the following mitigation measures have been placed on the project:

- **HAZ-1** Prior to the issuance of the Certificate of Occupancy, the project applicant shall execute an aviation easement with the March Joint Powers Authority that provides for the dedication of the easement to March Inland Port Authority; and
- **HAZ-2** Prior to the occupancy of any apartment unit, the project applicant shall prepare general lease agreements for the project that shall include electromagnetic radiation notification.

## Planning Commission Staff Report

### Page 6

The following additional mitigation measures have been included to reduce impacts to noise and traffic to less than significant:

- **NOI-1** is provided that would require that the project applicant restrict the use of large bulldozers and other large equipment (greater than 150 horsepower) from operating within 15 feet of any off-site structure.
- **TRA-1** – Prior to the issuance of a Certificate of Occupancy, the project applicant shall construct the following improvements at the intersection of Edgemont Street/Eucalyptus Avenue:
  - Widen the northbound approach on Edgemont Street, between Eucalyptus Avenue and the project driveway to have a 56 foot right-of-way (ROW) and 40 foot curb-to-curb width, and contain the following geometrics:
    - One southbound return (through) lane;
    - One northbound left turn lane (Eucalyptus Avenue to project driveway); and
    - One northbound right turn lane (Eucalyptus Avenue to project driveway).
- **TRA-2** – Prior to the issuance of a Certificate of Occupancy, the project applicant shall pay their fair-share cost to construct the following improvements on Edgemont Street, between Eucalyptus Avenue and the project driveway. Therefore, the following improvement would be required:
  - Widen the segment of Edgemont Street between Eucalyptus Avenue and the project driveway to have a 56 foot right-of-way (ROW) and contain the following geometrics:
    - One southbound return (through) lane with 12 to 14 feet of width;
    - One northbound left turn lane (Eucalyptus Avenue to project driveway) with a 12 foot width;
    - One northbound right turn lane (Eucalyptus Avenue to project driveway) with a 14 foot width;
    - New curb and gutter shall be constructed along the project frontage on the east side of Edgemont Street and at least 100 feet of new curb and gutter shall be constructed on the west side of Edgemont Street, south of Eucalyptus Avenue. From that point to the south, the edge of pavement may be unimproved, but a minimum 12 foot wide paved southbound lane shall be provided to the project's southern boundary.

A mitigation monitoring program has been prepared to ensure implementation of the mitigation measures (see Attachment 6).

**Planning Commission Staff Report**  
**Page 7**

Based on the results of the Mitigated Negative Declaration, there is no evidence that the proposed project will have a significant impact on public health or be materially injurious to surrounding properties or the environment as a whole, therefore, adoption of the Mitigated Negative Declaration is recommended.

**NOTIFICATION**

The public hearing notice for this project was published in the local newspaper on February 20, 2015. Public notice was sent to all property owners of record within 300 feet of the project site on February 26, 2015. The public hearing notice for this project was also posted on the project site on February 26, 2015.

Planning received two phone calls in response to noticing efforts. Both callers had questions about the notice but stated no concerns with the project. One of the callers is the owner of the single-family residence on Eucalyptus Avenue located immediately to the east of the project site.

**REVIEW AGENCY COMMENTS**

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all potentially affected reviewing agencies.

<b><u>Agency</u></b>	<b><u>Response Date</u></b>	<b><u>Comments</u></b>
Edgemont Community Services District	08/08/14	Will Serve Letter
Moreno Valley Utility	09/22/15	No service in this area
Box Springs Mutual Water Company	12/06/14	Will Serve Letter
Riverside Transit Authority	01/30/15	No planned service
Airport Land Use Commission	02/18/15	Finding of Consistency

The Riverside County Airport Land Use Commission (ALUC) identified to the City that based on the project's location and description, the project should be submitted to the County for review by ALUC. The applicant submitted information to ALUC and the project was scheduled for a public hearing before ALUC on February 5, 2015. Following the public hearing, ALUC found the Edgemont Apartments project to be consistent with the 2014 March Air Reserve Base Airport Land Use Compatibility Plan.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2015-06 and thereby **RECOMMEND** that the City Council:

1. **ADOPT** a Mitigated Negative Declaration for General Plan Amendment application PA14-0043, pursuant to the California Environmental Quality Act (CEQA) Guidelines; and

**Planning Commission Staff Report**  
**Page 8**

2. **APPROVE** General Plan Amendment application PA14-0043 based on the findings contained in this resolution, and as shown on the attachment included as Exhibit A.

**AND;**

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2015-07 and thereby **RECOMMEND** that the City Council:

1. **ADOPT** a Mitigated Negative Declaration for Zone Change application PA14-0044, pursuant to the California Environmental Quality Act (CEQA) Guidelines; and
2. **APPROVE** Zone Change application PA14-0044 based on the findings contained in this resolution, and as shown on the attachment included as Exhibit A.

**AND;**

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2015-08 and thereby **RECOMMEND** that the City Council:

1. **ADOPT** a Mitigated Negative Declaration for Plot Plan application PA14-0042, pursuant to the California Environmental Quality Act (CEQA) Guidelines; and
2. **APPROVE** Plot Plan application PA14-0042 based on the findings contained in this resolution, and subject to the attached conditions of approval included as Exhibit A.

Prepared by:

---

Jeff Bradshaw  
Associate Planner

Approved by:

---

Richard J. Sandzimier  
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2015-06
3. Planning Commission Resolution No. 2015-07
4. Planning Commission Resolution No. 2015-08
5. Mitigated Negative Declaration
6. Initial Study Checklist
7. Mitigation Monitoring Program
8. Architectural Plans
9. Preliminary Grading Plan
10. Aerial Map



- 1           2. Case Description:     [PA14-0042 Plot Plan](#)  
2                                    [PA14-0043 General Plan Amendment](#)  
3                                    [PA14-0044 Zone Change](#)  
4           Applicant:            Latco Enterprises  
5           Owner:                 Jim Kimmel  
6           Representative:     Pacific Development Solutions Group  
7           Location:             Southeast corner of Eucalyptus Avenue and  
8                                    Edgemont Street  
9           Proposal:             General Plan Amendment from Commercial (C) to  
10                                  Residential 20 (R20) and Zone Change from  
11                                  Community Commercial (CC) to Residential 20  
12                                  (R20) for development of a Plot Plan for a 112  
13                                  Unit apartment project on 6.63 acres. The project  
14                                  Proposes 14 two-story buildings with a mix of 1  
15                                  And 2 bedroom units and with covered parking to  
16                                  include carports and garages.

17  
18 **Recommendation:**

19  
20           **APPROVE** Resolution No. 2015-06 and thereby **RECOMMEND** that the  
21           City Council:

- 22           1.   **ADOPT** a Mitigated Negative Declaration for General Plan  
23                    Amendment application PA14-0043, pursuant to the California  
24                    Environmental Quality Act (CEQA) Guidelines; and,  
25           2.   **APPROVE** General Plan Amendment application PA14-0043  
26                    based on the findings contained in this resolution, and as shown on  
27                    the attachment included as Exhibit A.  
28

29 **Recommendation:**

30  
31           **APPROVE** Resolution No. 2015-07 and thereby **RECOMMEND** that the  
32           City Council:

- 33           1.   **ADOPT** a Mitigated Negative Declaration for Zone Change  
34                    application PA14-044, pursuant to the California Environmental  
35                    Quality Act (CEQA) Guidelines; and,  
36           2.   **APPROVE** Zone Change application PA14-044 based on the  
37                    findings contained in this resolution, and as shown on the  
38                    attachment included as Exhibit A.  
39

40 **Recommendation:**

41  
42           **APPROVE** Resolution No. 2015-07 and thereby **RECOMMEND** that the  
43           City Council:

- 44           1.   **ADOPT** a Mitigated Negative Declaration for Plot Plan Application  
45                    PA14-0042, pursuant to the California Environmental Quality Act  
46                    (CEQA) Guidelines; and,

1           **2. APPROVE** Plot Plan application PA14-0042 based on the findings  
2 contained in this resolution, and subject to the attached conditions  
3 of approval included as Exhibit A.  
4

5 **VICE CHAIR LOWELL** – So now the next item on the Agenda is the public  
6 hearing for a Plot Plan, General Plan Amendment, Zone Change and Mitigated  
7 Negative Declaration filed by Latco Enterprises. Is there a Staff Report on this  
8 item?  
9

10 **PLANNING OFFICIAL SANDZIMIER** – There is a Staff Report this evening. Jeff  
11 Bradshaw, Associate Planner will make the presentation.  
12

13 **VICE CHAIR LOWELL** – Thank you  
14

15 **COMMISSIONER BARNES** – Mr. Vice Chair, before we get started, I had a  
16 discussion with the City Attorney and one of the property owners and another  
17 individual are a client of the firm that employs me, so after discussion, I have  
18 decided that it would be best that I recuse myself from this evening's  
19 proceedings.  
20

21 **VICE CHAIR LOWELL** – Thank you very much. Just give him a chance to exit.  
22 Okay, Mr. Bradshaw.  
23

24 **ASSOCIATE PLANNER BRADSHAW** – Thank you. Good evening Vice Chair  
25 Lowell and members of the Planning Commission. As described in the Agenda,  
26 the item before you this evening is a request from Latco Enterprises and includes  
27 three applications for the development of a project identified as the Edgemont  
28 Apartments Project. The applications would include a request for a General Plan  
29 Amendment, request for a Zone Change and a Plot Plan for the development of  
30 a 112 unit apartment project located on the 6.63 acres at the southeast corner of  
31 Eucalyptus Avenue and Edgemont Street. I'll just provide a little bit of  
32 background on the project site. This is a site that was used historically for  
33 agricultural purposes up to about 1967. From 1967 forward it has remained as a  
34 vacant undeveloped corner with the activity there limited to weed abatement.  
35 This is a mostly flat property. There are no outcroppings or stream beds or other  
36 features of this type on the site. It is important to note I think that the project at  
37 this location is within the boundaries of the Edgemont Community Services  
38 District which provides sewer and lighting services for arterial streets and also  
39 within the boundaries of the Box Springs Mutual Water Company, which provides  
40 water to this area. The City did receive will serve letters from both these utilities  
41 indicating their ability to provide both sewer and water services to the project and  
42 additionally a fire flow letter was provided for the project indicating that Box  
43 Springs Mutual was able to satisfy the City's fire flow requirements. That  
44 document was reviewed and found satisfactory by our City's Fire Prevention  
45 Bureau. When you look at the project location, it is surrounded by established  
46 uses that include single family homes to the north on the opposite side of

1 Eucalyptus. There are scattered homes to the west and the south. There is a  
2 mobile home park immediately to the east. To the north on the other side of  
3 Eucalyptus there is also is Edgemont Elementary School and an office building.  
4 The General Plan designation for this area are primarily Residential Office, with  
5 some commercial designated land to the west at the intersection of Eucalyptus  
6 and Valley Springs and again to the east at the intersection of Day and  
7 Eucalyptus. The zoning for the area is complimentary to that. It is primarily  
8 Office Commercial along Eucalyptus Avenue along with Commercial zoning at  
9 the same intersections at Valley Springs and Eucalyptus and again at Day and  
10 Eucalyptus. The zoning to the south includes single family homes that are in  
11 zones that are R10 and R15, which are both multi-family zones, so we have  
12 some pre-existing non-conforming uses that surround the site and again with the  
13 school site across the street that has a public zone or public use. Additionally  
14 just to provide some background about the project site. There was a mini-  
15 storage facility approved by the City Council at this location in April of 2009. That  
16 approval required Council's... The approval of the mini-storage as the use  
17 required Councils approval of a General Plan Amendment and a Zone Change at  
18 this location, so in 2009 the General Plan was changed from Residential Office to  
19 Commercial and the zone was changed from Office Commercial to Community  
20 Commercial and that change allowed for the more intense use to take place and  
21 would have allowed for the development of the mini-storage facility. In speaking  
22 with the owner of the property, that particular use has never come on line and  
23 was not developed due to changing market conditions and the demand for mini-  
24 storage which has diminished through the years and so the change presented to  
25 you this evening is a reflection really of changing demand and land use patterns  
26 for this area. Again the project includes a request for a change in land use at this  
27 site. The applicant is requesting a General Plan Amendment to change the  
28 designation to Residential 20 and a corresponding zone change to R24 for this  
29 location. The proposed change would then establish a multi-family designation  
30 for this site, which would be compatible with those surrounding residential uses  
31 to the south and to the east. The loss of commercial land use at this location  
32 would eliminate the potential for commercial development at this site, however in  
33 reviewing the proposed land use change, consideration was given to the amount  
34 of existing commercial located within close proximity at the intersections of Valley  
35 Springs and Day Street with Eucalyptus. I think it is also important to note that  
36 under the prior approval, the intent was to allow for commercial development that  
37 would be a passive use if you will; a mini-storage use across from an Elementary  
38 School, I believe at the time was considered to be an acceptable type of  
39 commercial use across from there. It is Staff's feeling that in this case, with the  
40 proposed change to multi-family residential we can establish a land use across  
41 from the Elementary School that is a more compatible use than the unknowns of  
42 an intense commercial use at this location. The Traffic Engineering Division  
43 required a Traffic Impact Study for the project. The intent of that was to address  
44 the potential increase in traffic that would result if this project is approved. Based  
45 on the results of that study, there were no acceptable levels of service or other  
46 negative impacts to the City's circulation system identified. The Plot Plan

1 proposed for this project would result in the development of 14 two-story  
2 buildings that would allow for a total of 112 apartment units that would include a  
3 mix of 56 one bedroom and 56 two bedroom units. The site would be secured  
4 with decorative perimeter fencing and walls. It would be a gated facility.  
5 Amenities with the project would include a pool, a rec center, private open space,  
6 carport parking and some single car garages for the residents of the community.  
7 In the review of the project, the City coordinated with outside agencies that  
8 included the Moreno Valley Unified School District, the Pechanga Cultural  
9 Resources representing the Temecula Band of the San Jacinto Mission Indians  
10 and the Riverside County Airport Land Use Commission and out of that  
11 coordinated review we were able to address concerns raised by some of those  
12 agencies and then include conditions of approval on the project that would help  
13 address potential impacts to both cultural resources and also ensure that this  
14 project is compatible with the March Airport Land Use Compatibility Plan that is  
15 the responsibility of the Airport Land Use Commission to oversee. As an  
16 extension of that, the City has satisfied or coordinated rather with Pechanga  
17 Cultural Resources in a manner that is in compliance with the SB18 consultation  
18 process. With regards to the environmental for the project, an Initial Study  
19 Mitigated Negative Declaration was prepared for the project to assess potential  
20 impacts on the environment and based on the findings presented in that Initial  
21 Study, Staff has made the determination that the proposed project will not have a  
22 significant effect on the environment with the implementation of mitigation and  
23 there are mitigation measures proposed for this project that would reduce  
24 impacts under the categories of hazard, noise and traffic and there is a Mitigation  
25 Monitoring Program that has been prepared for this project and that is included  
26 as Attachment 6 in the Staff Report for reference. Those same measures are  
27 also referenced in the conditions of approval and so we have two ways to ensure  
28 compliance with those mitigation measures. Based on the results of this study...  
29 excuse me, the mitigated negative declaration; again there is no evidence that  
30 the project would result in significant impacts on public health or be materially  
31 injurious to surrounding properties and it is Staff's recommendation that Mitigated  
32 Negative Declaration be adopted for this project. Noticing efforts for this project  
33 were in compliance with the requirements of our code. We did publish a notice of  
34 this item in the newspaper on February 20<sup>th</sup> to satisfy our 20 day noticing  
35 requirement. Additionally notices were sent to property owners within 300 feet of  
36 the site and that was done on February 26<sup>th</sup>, along with the posting of a notice on  
37 the site. In response to the notices I did receive two phone calls from area  
38 residents. Out of that conversation I didn't come away with any stated concerns  
39 about the project, but just a request to better understand what the notice was  
40 about and then additionally this afternoon there was an email submitted from a  
41 resident stating concerns with the proposed land use changes and also  
42 questions about the Box Springs Mutual Water Company and there should be a  
43 copy of that email provided to you for your consideration. That should be on dais  
44 there. And finally, there are some additional materials that were provided to you  
45 in the way of a memorandum, which addressed recommended changes to the  
46 conditions of approval, so after the Staff Report was circulated we had a chance

1 to speak with the applicant with some concerns they about some of the  
2 conditions of approval and so before you this evening is a memo from the  
3 Special Districts Division with the recommendation to revise condition SD1.  
4 Since the project is located within the Edgemont Community Services District, it  
5 would not be subject to the City's zone C tax for arterial street lighting and so the  
6 recommendation is to correct that condition and not require an assessment of  
7 them that is not appropriate. There is a memo from the Fire Prevention Bureau  
8 with a recommendation to delete what would be item 1 of the fire conditions. The  
9 deletion of this item is recommended since the installation of fire sprinklers is not  
10 a requirement and I believe you should have a complete set of the revised fire  
11 conditions attached to that memo for reference and finally recommended revision  
12 to conditions from the Land Development Division and they are proposing  
13 changes to conditions LD10, LD22, LD29, LD32, LD33, LD43 and LD53 and I  
14 can come back to those if you like for reference. Attached to the memo from  
15 Land Development is a copy of a new final set of conditions of approval from  
16 Land Development as well as a strike out underline version of the conditions that  
17 would allow you to see where those changes were made. The intent of the  
18 conditions is to bring this project; to ensure compliance of this project with water  
19 quality and storm water requirements that are appropriate for an apartment  
20 project. The conditions as issued were prepared in a manner that is more  
21 appropriate for a condominium project where you would have common areas and  
22 the need for a Homeowners Association and with this being an apartment  
23 project, those conditions weren't necessary or appropriate and Land  
24 Development has revised the conditions to bring them into compliance with the  
25 type of project that it is.

26  
27 **PLANNING OFFICIAL SANDZIMIER** – Could I add a clarification? It is not that  
28 the condition as a whole was not... it was the reference to the HOA; the  
29 Homeowners Association in there that was stricken.

30  
31 **ASSOCIATE PLANNER BRADSHAW** – With that, Staff would recommend to  
32 the Planning Commission that they recommend Council adoption of the Mitigated  
33 Negative Declaration for the project and that the Council approve the proposed  
34 General Plan Amendment, Zone Change and Plot Plan applications as presented  
35 to you this evening. With that, that completes my presentation and I'd be happy  
36 to answer any questions for you. The applicant and his team is also here to be  
37 able to speak and answer questions.

38  
39 **CITY ATTORNEY EARLY** – And I just wanted to add a piece of legal tidbit here.  
40 Because this involves a General Plan Amendment, the California Government  
41 Code requires that the recommendation for approval be by a majority of the  
42 membership of the body, which in this case is four and since we have a quorum  
43 of four here, in order for this recommendation for approval to go on, it will require  
44 four affirmative votes.

45

1 **VICE CHAIR LOWELL** – And that’s the case even though we have six Planning  
2 Commissioners at the moment?

3  
4 **CITY ATTORNEY EARLY** – Yes, because the membership of the body is seven  
5 even though a seat is vacant at the moment.

6  
7 **VICE CHAIR LOWELL** – Thank you for your report Jeff. I appreciate it.

8  
9 **ASSOCIATE PLANNER BRADSHAW** – I tend to get nervous and not run the  
10 slides, but if there is anything in your packet that you wanted to see by way of the  
11 project plans, we are prepared to go through those slides if that is helpful.

12  
13 **COMMISSIONER VAN NATTA** – The architectural plans I was unable to pull up  
14 on my viewer here. It is not loading so I’d like to see those.

15  
16 **ASSOCIATE PLANNER BRADSHAW** – Is it the elevations that you are  
17 interested in or...

18  
19 **COMMISSIONER VAN NATTA** – The entire complex. That one right there.  
20 That’s the one I wanted to look at. So then how many units are in each building  
21 then... four? There’s 112 units in how many buildings?

22  
23 **ASSOCIATE PLANNER BRADSHAW** – 14 buildings.

24  
25 **COMMISSIONER VAN NATTA** – 14 buildings, okay. I really would like  
26 somebody to speak to this issue about the water; the Edgemont Water District  
27 because I kept hearing for years; we’ve been hearing that we can’t fix the roads  
28 there, we can’t fix... we can’t redo this, we can’t redo that because the water  
29 system is so bad and the water supply is so low and I could see approving a  
30 storage space there because it would be very little water use, but to put 112  
31 apartment units there, what has changed in the Edgemont Water District that we  
32 haven’t heard about to all a sudden make there be plenty of water supply.

33  
34 **PLANNING OFFICIAL SANDZIMIER** – If I may through the Chair or Vice Chair,  
35 there are two water supply issues that need to be considered. One is the  
36 domestic water that is supplied to the units themselves and the development  
37 does meet that standard. The other one which is a little bit more difficult to  
38 satisfy, is the fire flow and the fire flow consideration I’d like to turn to our Fire  
39 Marshall Adria to address, but that is the one that has got most of the attention.

40  
41 **FIRE MARSHALL REINERTSON** – Yes, to respond to that issue as we all know,  
42 there has historically been water flow, particularly fire flow issues in the  
43 Edgemont area. There are a couple of things that happened with this particular  
44 property that allowed us to get the required fire flow. Just as information, fire flow  
45 is based on the type of occupancy you want to build, the size of it and the  
46 construction type and that gives us our minimums, so for this particular project

1 we were looking for a minimum of 1500 gallons per minute and we received that  
2 from a registered engineer which was our requirement from that area. We had a  
3 professional engineer go out, witnessed by Fire Department staff to assure us  
4 that we were getting the fire flow that we needed. So for this particular parcel the  
5 fire flow on that edge of town if I may, is generally better than a lot of other areas  
6 over there first of all and then this particular parcel is in very close proximity to  
7 the pump house, which has quite a bit to do with it, as well as there is a stretch of  
8 brand new pipe directly from the pump house into this parcel, so those are some  
9 of the things that we looked at and requested of the applicant to supply the Fire  
10 Department to satisfy our concerns with the water out there.

11  
12 **COMMISSIONER VAN NATTA** – And then does that also address the water  
13 supply for the residents?  
14

15 **ASSOCIATE PLANNER BRADSHAW** – The potable water was also something  
16 that was documented through Box Springs Mutual Water.  
17

18 **VICE CHAIR LOWELL** – So basically this property is geographically desirable. It  
19 is right next to the pump station, so there is plenty of flow, plenty of pressure for  
20 fire flow and domestic use.  
21

22 **FIRE MARSHALL REINERTSON** – Yes. Of course we haven't look at all of the  
23 parcels in Box Springs, but we have been taking them on a case by case basis  
24 as requests have come in, and so it varies widely across the district.  
25

26 **VICE CHAIR LOWELL** – Historically as Commissioner Van Natta was saying;  
27 historically the water supply in this area has been less than desirable. The  
28 infrastructure is failing. It is really old. Is there any precedence to have this  
29 project examine the surrounding network of pipes along its frontage to possibly  
30 have them improve the pipes or is that more of a water district maintenance  
31 issue?  
32

33 **PLANNING OFFICIAL SANDZIMIER** – Well one of the advantages of the  
34 development going forward in discussions with Box Springs Mutual is that they  
35 get an infusion of cash when they develop a new project, so this project will  
36 actually provide additional money to them so they can start to improve their  
37 system. There is a lot of work that needs to be done in the area and so for  
38 purposes of this project, we evaluated it based on its ability to get the water it  
39 needs for this type of a development in the 112 unit apartment development. It  
40 can be done meeting both the potable domestic water and the fire flow.  
41

42 **VICE CHAIR LOWELL** – Okay  
43

44 **COMMISSIONER VAN NATTA** – The fact that the water district is going to get  
45 more funds from this, is there any way to control whether or not they are actually  
46 going to use those funds to improve the infrastructure?

1 **PLANNING OFFICIAL SANDZIMIER** – I don't believe... the City cannot compel  
2 them to use the money for what I think you are suggesting they do. It's at their  
3 discretion what they use their money for.

4  
5 **COMMISSIONER VAN NATTA** – I think that's been part of the problem up to this  
6 point is that their discretionary use of the funds that become available to them is  
7 not always to the benefit of the recipients of their service. That was my concern  
8 and we're putting something else in there without any reassurance that there is  
9 going to be an improvement to the system.

10  
11 **PLANNING OFFICIAL SANDZIMIER** – Your comments are noted.

12  
13 **COMMISSIONER VAN NATTA** – Okay. The other question that I had was to do  
14 with traffic flow and any planned improvements to the streets that would be  
15 taking the residents here to the main arterial streets for commuting.

16  
17 **PLANNING OFFICIAL SANDZIMIER** – I'd like to ask Michael Lloyd to answer  
18 that question.

19  
20 **TRANSPORTATION DIVISION ENGINEER LLOYD** – Good evening  
21 Commissioners. Michael Lloyd with Transportation Engineering. The project is  
22 conditioned to provide frontage improvements along Edgemont Street which  
23 would get them back to Eucalyptus. The improvements along Eucalyptus are at  
24 their ultimate location, so the curb is set. They'll be putting in I believe new  
25 sidewalk and we do have an existing pedestrian signal, so children can cross  
26 from the south side to the north side of Eucalyptus, but this project is conditioned  
27 to put in improvements along their Edgemont Street frontage, which will provide  
28 improvement up to Eucalyptus.

29  
30 **COMMISSIONER VAN NATTA** – And their main gated entrance is on  
31 Edgemont?

32  
33 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That is correct.

34  
35 **COMMISSIONER VAN NATTA** – And the other entrance is exits?

36  
37 **TRANSPORTATION DIVISION ENGINEER LLOYD** – The other is an  
38 emergency only and it's designed that way given its proximity to the pedestrian  
39 signal. The signal is not designed for vehicular access from what would be the  
40 side street or in this case the driveway, so if we were to desire access onto  
41 Eucalyptus that would require a traffic signal modification.

42  
43 **COMMISSIONER VAN NATTA** – So is the main entrance on Edgemont then the  
44 only entrance and access that the residents would be allowed to use?

45  
46 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That is correct.



1 **COMMISSIONER VAN NATTA** – There is not a secondary exit onto another  
2 street that they could use if for some reason that was blocked or there was heavy  
3 traffic there or no other exit?  
4

5 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That’s the way it’s  
6 currently designed. If there were an emergency where the main gate was  
7 blocked, the emergency gate to Eucalyptus could be opened to allow residents in  
8 and out and the traffic signal along Eucalyptus for the pedestrians could be  
9 adjusted to be put on all way flash, so it is flashing red so that people could get in  
10 and out of the driveway safely.  
11

12 **COMMISSIONER VAN NATTA** - And that would be opened by emergency  
13 personnel?  
14

15 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That is correct.  
16

17 **VICE CHAIR LOWELL** – Why is this project allowed to have only one primary  
18 source of access. Projects in the past we have seen conditions where they are  
19 required to have at least two entrances. Is it resident specific, meaning if you  
20 meet a certain criteria you have to have more than one entrance or is this just  
21 standard operating procedure.  
22

23 **TRANSPORTATION DIVISION ENGINEER LLOYD** – I can address it from a  
24 traffic standpoint. Usually what drives the number of access points is Fire, so I’ll  
25 handle the traffic first and then I’ll let fire speak if that’s okay. With regards to the  
26 traffic, the Traffic Study indicated that there is enough capacity along Edgemont  
27 to handle all of the project traffic. The Traffic Study also looked at the  
28 intersection of Edgemont and Eucalyptus and found that with some re-striping in  
29 the building out, that this project will do along Edgemont. Again there will be  
30 enough capacity at that intersection during the peak hours to accommodate all  
31 the project traffic through that intersection. Just as a note, there have been other  
32 projects and I apologize, I don’t know the exact size and comparative type  
33 analysis, but there have been other projects constructed within the past ten years  
34 within the City and it comes to mind along Perris Boulevard apartment type  
35 projects where there was one resident or visitor type of entry with a secondary  
36 access being emergency only, so we’re not setting a precedent here. It has been  
37 done before. I’m not aware of any operational issues at those locations where it  
38 has been done and if Fire wanted to address the number of locations that they  
39 require access at.  
40

41 **FIRE MARSHALL REINERTSON** – Yes, Fire also has access requirements, so  
42 those access requirements speak particularly to emergency response personnel,  
43 so they don’t really have a whole lot to do with the residents other than the fact  
44 we like for our access points to be able to also evacuate, so in an instance like  
45 this we have the access points that we need, but we also have the capabilities to  
46 open the gates in cases of emergency evacuation of the residents as well, but

1 there is nothing in our code that speaks to the number of access points for  
2 residents to utilize in or out of the property.

3  
4 **VICE CHAIR LOWELL** – Well the reason that I ask is over the last several  
5 meetings we’ve had quite a few projects of this type, some a little bit larger in  
6 caliber and some a little bit smaller in caliber and each one of them have been  
7 conditioned to have two points of access for entry and exit for the residents  
8 above and beyond the fire access and if my memory serves me correctly, we got  
9 into a fairly heated discussion over one of the items recently where they only had  
10 one point of access and it was a big argument between the applicant and the City  
11 and the Planning Commission. This project seems to be fairly similar to that one  
12 and it only has one point of access. Granted there is a second fire access, but  
13 that was a big point of contention up here. They had a nice long discussion. Is  
14 there any reason why we have limited this to one ingress and egress for the  
15 residents?

16 **PLANNING OFFICIAL SANDZIMIER** – If I can speak to the other projects that  
17 have come before you. There have been three projects that have a residential  
18 nature. The one that was most contentious with regard to a second point of  
19 access, this Commission did end up approving that project with a condition to  
20 assure the secondary emergency access point was going to be included, so it  
21 was not approved with simply one access. It was the same configuration as this  
22 one which has a main primary vehicular access and the second access is  
23 opened in emergency situations only. The third project which actually went  
24 before City Council for final consideration this week, did have a main point of  
25 entrance. It was 121 unit development. One primary entrance. A secondary  
26 entrance and then an emergency access location, but all three of them were  
27 evaluated in accordance with our code requirements and were reviewed by Fire  
28 and by Traffic and that’s our process and the recommended approval here this  
29 evening does show that the project as presented does meet our requirements.

30  
31 **VICE CHAIR LOWELL** – I was just trying to ensure that we have continuity. I do  
32 have another question for Staff. On the revised Fire conditions, it says that attic  
33 fire sprinklers are not required. The Fire Chief recommends that the sprinklers  
34 designed for these units include appropriate upright sprinklers be installed in attic  
35 spaces based on previous experience with the unprotected attic space involved  
36 in a fire for protection of residents and property. Just for clarity, this does not  
37 exclude interior fire sprinklers within the building. This is above and beyond to  
38 add fire sprinklers within uninhabited attic space?

39  
40 **FIRE MARSHALL REINERTSON** – Yes exactly. The property because it is a  
41 multi-family dwelling is required to be protected with what we call a 13R system,  
42 which is for residential and in those residential systems they are not required to  
43 have attic sprinklers. It is a life safety system rather than a property protection  
44 system, so we had made that recommendation and I spoke about it with the  
45 applicant and we decided to remove the recommendation from the final Fire  
46 conditions after we had a conversation about it. So there will certainly still be

1 residential fire sprinklers in the building, but it will be built strictly to the code and  
2 will not require additional protection above and beyond that.

3  
4 **VICE CHAIR LOWELL** – So this item is being removed. It's not being added?

5  
6 **FIRE MARSHALL REINERTSON** – Yes

7  
8 **VICE CHAIR LOWELL** – I was just trying to clarify. Thank you. Any other  
9 Commissioners have any comments for Staff?

10  
11 **COMMISSIONER VAN NATTA** – Is there a traffic light then at Edgemont and  
12 Eucalyptus?

13  
14 **TRANSPORTATION DIVISION ENGINEER LLOYD** – Currently there is not and  
15 I'm not aware of any plans to install one there. By traffic light I'm assuming you  
16 mean a traffic signal?

17  
18 **COMMISSIONER VAN NATTA** – A signal, yes

19  
20 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That's correct. There is  
21 not a traffic signal at that intersection currently and I'm not aware of any plans.

22  
23 **COMMISSIONER VAN NATTA** – What traffic control is there? Is there stop  
24 signs?

25  
26 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That's correct. The side  
27 street; Edgemont has a stop sign.

28  
29 **COMMISSIONER VAN NATTA** – But Eucalyptus does not.

30  
31 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That is correct

32  
33 **COMMISSIONER VAN NATTA** – So you're going to have a couple of hundred  
34 cars coming out to leave and no way of getting onto Eucalyptus if it is busy and  
35 you know nobody lets them in?

36  
37 **TRANSPORTATION DIVISION ENGINEER LLOYD** – Well there are traffic  
38 signals upstream and downstream, so at the old 215 frontage road there is a  
39 traffic signal there and there is a traffic signal at Day Street as well, so when  
40 they...

41  
42 **COMMISSIONER VAN NATTA** – How far away are those?

43  
44 **TRANSPORTATION DIVISION ENGINEER LLOYD** – I believe it's a quarter mile  
45 if I'm not mistaken. Maybe less than a quarter mile in each direction and typically  
46 when we try to coordinate the signals so that green is given to Eucalyptus so you

1 can progress along the roadway without stopping and then it turns red so that the  
2 cross street receives the green which would create gaps within the stream of  
3 traffic which would allow Edgemont to enter the traffic stream.

4  
5 **COMMISSIONER VAN NATTA** – And the improvements to Edgemont for the  
6 project, will they be extending those improvements all the way down to Dracaea?

7  
8 **TRANSPORTATION DIVISION ENGINEER LLOYD** – They are not conditioned  
9 to do that. They are required to put them in along their project frontage. There  
10 would be some transitions in the pavement to bring it back to its current width.

11  
12 **COMMISSIONER VAN NATTA** – How much difference is there going to be  
13 between the current street and the improved street?

14  
15 **TRANSPORTATION DIVISION ENGINEER LLOYD** – I believe they are  
16 conditioned to put in a 36 foot wide street and it is currently 24 feet wide, so we  
17 are going to have an additional 12 feet along the project frontage.

18  
19 **COMMISSIONER VAN NATTA** – So about a 50 percent increase in size?

20  
21 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That's correct in its width.

22  
23 **VICE CHAIR LOWELL** – Any other comments? Commissioner Ramirez?  
24 Commissioner Baker?

25  
26 **COMMISSIONER BAKER** – Not really; no

27  
28 **VICE CHAIR LOWELL** – Commissioner Van Natta?

29  
30 **COMMISSIONER VAN NATTA** – That's enough for now

31  
32 **VICE CHAIR LOWELL** – Well I think that concludes our general comments for  
33 Staff. I'd like at this time invite the applicant to come up and speak.

34  
35 **APPLICANT ALSTON** – Vice Chair Lowell and Commissioners, Wes Alston, PO  
36 Box 14679, Long Beach, California. For the applicant Latco, thanks a lot for your  
37 time tonight to come hear this project. As Jeff noted, this project has been  
38 owned by the seller for a long period of time. Latco is coming in to purchase the  
39 property and develop it. They are a family owned company. They design. They  
40 build. They manage and hold their properties and as Robert Sr. says, he really  
41 has no exit plan. So this is going to be a long term hold project for this family. I'd  
42 like to thank Jeff and staff for all their work. This has had just about one of  
43 everything you can possibly have as far as the review process and we've made it  
44 through it with recommendations from everybody. I'd like to address the water  
45 issue a little bit. As part of the mini-storage conditions, there was a requirement  
46 to put a 12 inch line that runs across the property from the south to the north and

1 it ties into a 12 inch line that is out in Eucalyptus and one of the reasons was for  
2 fire flow and the second reason for that line was to provide circulation within the  
3 system itself, so there was some... it brought some depth to the project outside  
4 the project area and brought some resources into the project outside the project  
5 area that wouldn't have that increase of flow if it wasn't for that 12 inch line that  
6 the current property owner put in. Also part of that was to make sure there was  
7 emergency backup pump and make sure the current pump system is operating  
8 correctly. The actual fire flow at 20 psi for that line that runs across there is 3700  
9 gpm. The Fire Department has conditioned us for 1500 gpm and so there is  
10 plenty of reserves in that system for the surrounding community. Some of the  
11 project benefits and we've already hit on that already is there is 640 thousand  
12 dollars going to the water district. Hopefully they'll use that money with matching  
13 funds through grant programs to increase that amount of money into the district  
14 and help built out their infrastructure and about 400 thousand dollars is going to  
15 the Edgemont Community Sewers District. We accept all the conditions. We've  
16 reviewed them as they are amended. I know there was a question regarding the  
17 fire sprinklers. All these buildings are going to be fire sprinkled under 13R. Also  
18 there is one hour separation between the individual units that go up to the roof  
19 decking, so that is under the new code also, so with the full fire sprinklers down  
20 below which is a live safety system and the one hour separation all the way to  
21 bottom of the roofs, should give each individual unit plenty of protection from the  
22 other. So we do accept all the conditions as they have been amended and the  
23 entire team is here for any questions if you have any of those.

24  
25 **VICE CHAIR LOWELL** – Do any of the Commissioners have any questions for  
26 the applicant?  
27

28 **COMMISSIONER VAN NATTA** – Just clarification, so that separation goes  
29 up...it is going to be separating the attics so that the attic from one unit, from one  
30 apartment it cannot be accessed from the attic from another apartment.  
31

32 **APPLICANT ALSTON** – That's correct  
33

34 **COMMISSIONER VAN NATTA** – So it will be completely blocked there?  
35

36 **APPLICANT ALSTON** – That's correct  
37

38 **VICE CHAIR LOWELL** – Any other questions?  
39

40 **COMMISSIONER RAMIREZ** – If approved, when do you plan on breaking  
41 ground?  
42

43 **APPLICANT ALSTON** – If you approve this tonight, the applicant will put at risk  
44 plans into the City, so probably within two months we should hope to be grading.  
45

46 **COMMISSIONER RAMIREZ** – Thank you

1 **APPLICANT ALSTON** – We actually hoped to be grading right now but we got  
2 hung up on other issues with the Airport Land Use Commission.

3  
4 **COMMISSIONER VAN NATTA** – Would you consider this project more designed  
5 towards middle and lower income families or is it more designed to attract higher  
6 rents?  
7

8 **APPLICANT ALSTON** – It is work force housing.

9  
10 **COMMISSIONER VAN NATTA** – Work force... uh huh

11  
12 **VICE CHAIR LOWELL** – Any other comments or questions? Okay at this time  
13 I'd like to open the public hearing. If anyone is interested in speaking at time, if  
14 haven't already done so please forward your speaker card and pass it off to our  
15 secretary over here. Do we have any public speaking items or speaker slips?  
16

17 **GRACE ESPINO-SALCEDO** – I do not have any

18  
19 **VICE CHAIR LOWELL** – We have a couple in the audience.

20  
21 **PLANNING OFFICIAL SANDZIMIER** – If I could ask. The speaker has not filled  
22 out a card yet. If you could just fill it out after you speak and provide this for our  
23 record that would be great. I appreciate that.  
24

25 **SPEAKER LEE** – Okay, I own the little property right next to where they are  
26 putting...  
27

28 **PLANNING OFFICIAL SANDZIMIER** – Also if you could identify yourself. We  
29 record these meetings, so if you could identify yourself as well.  
30

31 **SPEAKER LEE** – My name is Bernicesteen Lee. I own the little house next door  
32 to the property and as far as I'm concerned I think it's a great idea. It would help  
33 the City. It would help the water company. It would help me you know and they  
34 have a lot of water flow at this end of the water district, because I own other  
35 property down around the corner where the water pressure is very low like 300  
36 gallons a minute and I just don't see anything wrong with it. It would definitely  
37 help Moreno Valley and if it comes to a case where need another exit they can  
38 talk to me.  
39

40 **COMMISSIONER VAN NATTA** – Which property is yours?

41  
42 **SPEAKER LEE** – 21825 Eucalyptus Avenue.

43  
44 **VICE CHAIR LOWELL** – Are you the one just to the south of the property.  
45

46 **COMMISSIONER BAKER** – The southeast corner

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

**VICE CHAIR LOWELL** – Perfect

**ASSOCIATE PLANNER BRADSHAW** – It’s the home that the apartment project wraps around, so it is the north east corner of project site.

**VICE CHAIR LOWELL** – Gotcha. So you’re right across from the crosswalk.

**SPEAKER LEE** – Yeah I’m right there. Thank you.

**VICE CHAIR LOWELL** – Thank you very much.

**COMMISSIONER BAKER** – Let me ask one question. You live there. Do you see any need for a signal there at Edgemont and Eucalyptus when we get that amount of traffic? I know that would be one more signal on that block we’d have. That’s the only concern I’ve got is getting those people in and out of there at high peak times on Eucalyptus.

**SPEAKER LEE** – Well I don’t quite see it that way you know; maybe a flashing light or something, but the traffic at times in the morning but not every morning because I have to listen to it.

**COMMISSIONER BAKER** – Do you have a lot of people dropping kids off at school across the street.

**SPEAKER LEE** – Yeah you do and they have a crosswalk there with a crossing guard and as I say again it would help the City of Moreno Valley.

**COMMISSIONER BAKER** – Yeah I agree with you fully there. Okay thank you.

**VICE CHAIR LOWELL** – Thank you very much.

**COMMISSIONER VAN NATTA** – Someone else has a hand up back there Vice Chair.

**VICE CHAIR LOWELL** – Do we have another speaker?

**GRACE ESPINO-SALCEDO** – I do not have a slip for him; no.

**VICE CHAIR LOWELL** – Could you fill out a slip before you leave the meeting today and could you introduce yourself please?

**SPEAKER MARKS** – My name is Ron Marks. I represent Box Springs Mutual Water Company and hadn’t planned on saying anything tonight, but I heard the name so I’m here to address any questions you might have and answer one in particular with respect to the question of funding that we might receive from this

1 project. We've organized an assessment for our shareholders and that goes into  
2 a separate fund. The money can only come out of that with the approval of the  
3 full board and any money that is received from projects would be the second  
4 stream for the income for this capital improvement fund would also go into that  
5 fund and wouldn't be released except for capital improvement purposes, so I  
6 think that answers the question that was raised previously. If you have any other  
7 questions about Box Springs I'd be glad to answer them.

8  
9 **VICE CHAIR LOWELL** - I actually had a couple of questions for you. Since you  
10 are here it's an opportune time to discuss this with you. What is the water  
11 district's timeline for improving the infrastructure for the system as a whole  
12 because I know there are portions of the district that are...?

13  
14 **SPEAKER MARKS** – I anticipate with projects like this that there will kind of be a  
15 snowball effect. We received what was mentioned a large amount of money and  
16 if you just estimate the cost of expanding the system at a hundred dollars a foot,  
17 it will give you a pretty good estimate and we'll be able to put in a considerable  
18 amount of infrastructure with the money that we receive and so as far as our  
19 water quality, there's not a lot of... it's kind of a hobby of some people in the  
20 newspapers and other venues to basically diminish the quality of the company  
21 but the company produces a high standard water; gets high marks from the State  
22 in water quality and I think we have more than adequate flow and maybe for  
23 future projects right now and maybe for a 20 or 25 percent of the area, so you  
24 can anticipate maybe even more activity there as we expand the system. As far  
25 as the timeline that will just depend on the regenerative effect of these funds and  
26 how quickly we can get the work done.

27  
28 **VICE CHAIR LOWELL** – With the large influx of capital into your company, what  
29 would be the primary project that you'd work on to... what would be the first  
30 project or first area of your infrastructure that you'd try to fix?

31  
32 **SPEAKER MARKS** – We'd probably run another line down Edgemont. We  
33 already have a backbone system that amounts to the 12 inch line across  
34 Eucalyptus and down Day Street to Alessandro and right now that's the  
35 background that is place and anywhere along that line we anticipate adequate  
36 fire flow for most projects, so somebody asked what the big change was between  
37 the situation now and several years ago and part of it is the addition of a direct  
38 connection that backbone of a 12 inch line, so a 12 inch line can give you a lot of  
39 fire protection and we have as I said, we have what might be called our  
40 backbone in place right now for that fire flow, so right now I think we have the  
41 quality, we have the potential for expansion and I think that maybe at this rate  
42 with additional projects and additional income that would come from our  
43 connection fees, five years might be a 80 percent completion in five years.  
44 That's a guess, but I think it is a well-considered one.

45  
46 **COMMISSIONER VAN NATTA** – What was your name sir?



1  
2 **SPEAKER MARKS** – Marks... M A R K S. I'm the Acting President of Box  
3 Springs Mutual Water Company and am the Chairman of the Board.

4  
5 **COMMISSIONER VAN NATTA** – That was going to be my next question was  
6 your position with the Board... Acting President and Chairman of the Board?

7  
8 **SPEAKER MARKS** – That's correct

9  
10 **VICE CHAIR LOWELL** – Thank you very much. Does anyone else have any  
11 questions for Ron? I don't believe we have any more Speaker Slips do we  
12 Grace?

13  
14 **GRACE ESPINO- SALCEDO** – We do not

15  
16 **VICE CHAIR LOWELL** – Before I close the Public Hearing, would the Applicant  
17 like to respond to anything they heard here tonight? No, okay, then I'd like to  
18 close the Public Hearing at this time. Now it's time for us to discuss it. Would  
19 anybody like to say anything?

20  
21 **COMMISSIONER VAN NATTA** – I'll start. I was going to say my initial thought  
22 about this project was rather negative, especially given the problems I'd heard  
23 about the water district and I just have to say it was very helpful to have Mr.  
24 Marks here to give us direct information about how the funds would be applied  
25 and what go on there. The only other concern I have is about access to the  
26 property if there is only one entrance and exit and it can only go one way which is  
27 up to Eucalyptus because the road going down to Dracaea is not going to be  
28 completed, it is only going to be the 24 foot wide that is currently there, which last  
29 time I was on it I don't think it was in all that great a condition. That is a concern  
30 to me. The other thing is that crosswalk, even though there is going to be maybe  
31 a crossing guard there at the time that school is opening and closing for the day,  
32 I've seen crosswalks that have been embellished with lights in the street that  
33 flash when somebody pushes a little button when they want to go across and just  
34 provides an additional level of safety for crossing the street at that point. Has that  
35 been considered as an option for that crosswalk?

36  
37 **TRANSPORTATION DIVISION ENGINEER LLOYD** – There are rules within the  
38 MUTCD which is our Manual of Uniform Traffic Control Devices established by  
39 the State on utilization of those in-ground lights and I apologize, I don't recall  
40 exactly the rules in place, but I don't think they are allowed at a signalized  
41 location and this is a signalized crosswalk, so if a person wishes...

42  
43 **COMMISSIONER VAN NATTA** – Signalized...

44  
45 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That's correct, so a  
46 person wishing to cross at that crosswalk pushes the push button, which then

1 turns the signal red along Eucalyptus and it gives them a signal at the pedestrian  
2 signal that they can cross at that time.

3  
4 **COMMISSIONER VAN NATTA** – Excuse me, I think... are we talking about the  
5 same crosswalk. I'm talking about the one that is in the middle of the street?

6  
7 **TRANSPORTATION DIVISION ENGINEER LLOYD** – That's correct.

8  
9 **COMMISSIONER VAN NATTA** – It is signalized?

10  
11 **TRANSPORTATION DIVISION ENGINEER LLOYD** – Yes it is.

12  
13 **VICE CHAIR LOWELL** – It stops traffic so pedestrians can walk

14  
15 **COMMISSIONER VAN NATTA** – Okay, alright, I did not get that

16  
17 **TRANSPORTATION DIVISION ENGINEER LLOYD** – Okay, I apologize if I  
18 wasn't more clear.

19  
20 **COMMISSIONER VAN NATTA** – Okay

21  
22 **VICE CHAIR LOWELL** – It's actually one of the nicer crosswalks in the City  
23 because it is signalized with crossing guards right in front of a school. It's a great  
24 addition to a school site, so I really appreciate that.

25  
26 **COMMISSIONER VAN NATTA** – I think basically my questions were  
27 reservations have pretty much been answered and I'm in favor of the project.

28  
29 **PLANNING OFFICIAL SANDZIMIER** – Mr. Chairman if I may. Mr. Bradshaw  
30 just dropped of a color board to Commissioner Ramirez. It is being passed  
31 around to you. I'm kind of excited about the project in the fact that the applicant  
32 is ready to break ground if it does move forward. The project in this particular  
33 area could be a good catalyst. What we're trying to show here with the materials  
34 board is you can almost touch and feel and see what the buildings will start to  
35 look like if this project goes forward and so those are available in your report, but  
36 this is more real life. We just wanted to make sure you saw those before you  
37 acted on the project. Thank you.

38  
39 **COMMISSIONER RAMIREZ** – Well I think it's a great project. It is definitely  
40 going to bring improvements to the neighborhood. Concerns regarding the water  
41 flow have been addressed and I'm ready to vote for this project.

42  
43 **COMMISSIONER BAKER** – I think this is a great project and like the other  
44 Commissioners say, it is going to be a big boost to that Edgemont and you know  
45 you've got to have revenue or people in the area to make it work, so this is a  
46 shot. We haven't... I think the last one we approved was that burger place that

1 these people own down the street and we had some water pressure problems at  
2 the time we approved that, but we need to get some properties in there so that  
3 the water district can get some funds and revenue to move forward. I think it is a  
4 great idea and it fits well in that particular area, so I'm going to vote for it.

5  
6 **VICE CHAIR LOWELL** – I too had some reservations about only having one  
7 point of access to the site with a secondary emergency access, but I think that  
8 has been negated through our discussion today. I also like the fact that  
9 somebody is willing to put money and a nice looking project in a part of town that  
10 definitely needs a little bit of attention; a little bit of love. I really like this project  
11 and even making it better is that the fact that Robertson's Redi-Mix Plant around  
12 the corner has been moved so its better fit for the area not having a large  
13 industrial look to it. It is going to attract some people in the neighborhood. I think  
14 this is a great project. At this time I'd like to ask for a motion.

15  
16 **COMMISSIONER VAN NATTA** – I can make a motion. They can be combined.  
17 We don't have to do each recommendation separately do we?

18  
19 **CITY ATTORNEY EARLY** – I would recommend doing at least the General Plan  
20 resolution separately just because the voting requirements are different on that  
21 one, which would be the first of the three.

22  
23 **COMMISSIONER VAN NATTA** – Okay. Then I move that we **APPROVE**  
24 Resolution No. 2015-06 and thereby **RECOMMEND** that the City Council;

- 25 1. **ADOPT** a Mitigated Negative Declaration for General Plan Amendment  
26 PA14-0043, pursuant to the California Environmental Quality Act  
27 Guidelines; and,
- 28 2. **APPROVE** General Plan Amendment application PA14-0043 based on  
29 the findings contained in this resolution and as shown on the attachment  
30 included as Exhibit A.

31  
32 **VICE CHAIR LOWELL** – Do we have a second?

33  
34 **COMMISSIONER BAKER** – I'll second that

35  
36 **VICE CHAIR LOWELL** – Can we have a roll call vote please?

37  
38 **COMMISSIONER RAMIREZ** – Yes

39  
40 **COMMISSIONER BAKER** – Yes

41  
42 **COMMISSIONER VAN NATTA** – Yes

43  
44 **VICE CHAIR LOWELL** – Yes  
45

1 **GRACE ESPINO-SALCEDO** – And just a reminder that Commissioner Barnes is  
2 recused.

3  
4 **COMMISSIONER VAN NATTA** – And I also move that we **APPROVE** Resolution  
5 No. 2015-07 and thereby **RECOMMEND** that the City Council:

- 6 1. **ADOPT** a Mitigated Negative Declaration for Zone Change application  
7 PA14-0044 pursuant to the California Environmental Quality Act  
8 Guidelines and;
- 9 2. **APPROVE** Zone Change application PA14-0044 based on the findings  
10 contained in this resolution and as shown on the attachment included as  
11 Exhibit A and;

12  
13 **APPROVE** Resolution No. 2015-07 and thereby **RECOMMEND** that the  
14 City Council:

- 15  
16 1. **ADOPT** a Mitigated Negative Declaration for Plot Plan application PA14-  
17 0042 pursuant to the California Environmental Quality Act Guidelines and;
- 18 2. **APPROVE** Plot Plan application PA14-0042 based on the findings  
19 contained in this resolution and subject to the attached conditions of  
20 approval included as Exhibit A.

21  
22 **CITY ATTORNEY EARLY** – Would that be as amended?

23  
24 **COMMISSIONER VAN NATTA** – As amended.

25  
26 **COMMISSIONER BAKER** – I'll second that

27  
28 **VICE CHAIR LOWELL** - We have a motion and a second. Can we have a roll  
29 call vote please?

30  
31 **COMMISSIONER RAMIREZ** – Yes

32  
33 **COMMISSIONER BAKER** – Yes

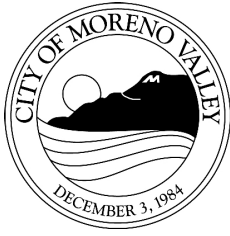
34  
35 **COMMISSIONER VAN NATTA** – Yes

36  
37 **VICE CHAIR LOWELL** – Yes

38  
39 **GRACE ESPINO-SALCEDO** – With Commissioner Barnes recused

40  
41  
42 **OTHER COMMISSION BUSINESS**

43  
44 **VICE CHAIR LOWELL** – Okay, that brings us to Other Business. Are there any  
45 other business items?



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>d</i>

## Report to City Council

---

**TO:** Mayor and City Council

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

**AGENDA DATE:** April 14, 2015

**TITLE:** ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR CYCLE 1 ACTIVE TRANSPORTATION PROGRAM CITYWIDE SAFE ROUTES TO SCHOOL PEDESTRIAN FACILITY IMPROVEMENTS  
PROJECT NO. 801 0063

---

### **RECOMMENDED ACTION**

Recommendation:

1. Approve Resolution No. 2015-24. A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Cycle 1 Active Transportation Program Citywide Safe Routes to School Pedestrian Facility Improvements Project No. 801 0063.

### **SUMMARY**

This California Active Transportation Program (ATP) Cycle 1 grant project proposes to construct missing sidewalk and bicycle lane segments at five locations in the City as an alternate means of access to and from nearby schools. The five project locations are along Dracaea Avenue, Eucalyptus Avenue, Ironwood Avenue, Sandy Glade Avenue, and Elsworth Street in the vicinity of Bear Valley, Cloverdale, Midland, Moreno and Towngate Elementary Schools, Mountain View Middle School, and Valley View High School. The project locations where selected, will enhance safety and mobility by providing infrastructure improvements that will encourage students, parents, teachers, and school staff to walk and bicycle to school. Project infrastructure improvements include sidewalks, curbs, gutters, street lights, pedestrian ramps, drainage improvements, street widening, and radar speed feedback signs. This report

recommends the adoption of the Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program.

## **DISCUSSION**

On December 9, 2014, City Council accepted the California Active Transportation Program (ATP) Cycle 1 grant award of up to \$1,640,000 in funds for the Citywide Safe Routes to School Pedestrian Facility Improvements project. The project proposes to eliminate missing sidewalk gaps at five locations in the vicinity of Bear Valley, Cloverdale, Midland, Moreno and Towngate Elementary Schools, Mountain View Middle School, and Valley View High School. Specifically the five locations are along 1) the north side of Dracaea Avenue between Lasselle Street and Morrison Street, 2) south side of Eucalyptus Avenue between Lasselle Street and Morrison Street, 3) south side of Sandy Glade Avenue between Heacock Street and Davis Street, 4) east side of Elsworth Street from Cottonwood Avenue to Dracaea Avenue, and 5) the northwest corner of the Ironwood Avenue and Kitching Street intersection. Attachment "1" shows the five project locations.

The proposed infrastructure improvements will enhance safety and mobility of students, parents, teachers, and school staff to walk and bicycle to school. The project will also advance efforts to reduce greenhouse gas emissions; enhance public health including reduction of childhood obesity; and ensure that disadvantaged communities fully share in the benefits of the active transportation program, the source of the grant funding. Project infrastructure improvements include sidewalks, curbs, gutters, street lights, pedestrian ramps, drainage improvements, street widening, and radar speed feedback signs. Additional right-of-way will be required at two of the five project locations.

As the initial phase of the project, staff has performed the required federal and state environmental assessments, including the concurrent processing of a Preliminary Environmental Study through Caltrans to ensure compliance with the National Environmental Policy Act (NEPA) requirements, as well as taken the necessary steps to commence preliminary engineering design.

The City's Planning Division Staff, in compliance with CEQA and the City's Rules to Implement CEQA, prepared the City's Environmental Checklist/Initial Study for the project. Based on their findings, the preparation of a Mitigated Negative Declaration is recommended with certain stipulated mitigation measures. The mitigation measures will be incorporated into the project specifications to reduce all potential environmental impacts to an acceptable level. Mitigation measures are proposed to mitigate short term, construction related impacts to air quality, noise, and biological resources typically encountered during construction. No mitigation measures are proposed in the long term, post construction, due to its "less than significant" or "no impact" determinations for all items considered. The California Environmental Quality Act (CEQA) Section 15070 (Title 14 – California Code of Regulations), states that a Mitigated Negative Declaration (MND) may be prepared for a project when the Initial Study indicates that no significant effect on the environment will result from project implementation with the

mitigation measures incorporated therein. The Mitigated Negative Declaration and Initial Study/Environmental Checklist Form are attached (Attachment "2").

A notice was published on March 20, 2015 in the Press Enterprise describing the Project and advising the public of the preparation of a Mitigated Negative Declaration; notice of time and place where the environmental documents could be inspected; and notice that the City Council would consider approval of a Mitigated Negative Declaration for the Project (or appropriate modifications or alternatives to the Project) on the date of this meeting. This notice advised that comments could be submitted to the City prior to or at this meeting. In addition, staff mailed letters to property owners fronting each project location and met with property owners at the project locations other than those along vacant land.

### **ALTERNATIVES**

1. Approve proposed resolution. A Resolution of the City Council of the City of Moreno Valley, California, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Cycle 1 Active Transportation Program Citywide Safe Routes to School Pedestrian Facility Improvements Project No. 801 0063. This is the recommended alternative as obtaining the environmental clearance is a mandated step in executing this project. The City must complete this process in order to obtain the allocation of federal funding.
2. Do not approve proposed resolution. A Resolution of the City Council of the City of Moreno Valley, California, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Cycle 1 Active Transportation Program Citywide Safe Routes to School Pedestrian Facility Improvements Project No. 801 0063. This alternative is not recommended as it will delay the completion of the project and possible loss of federal funds if the environmental clearances are not processed.

### **FISCAL IMPACT**

The project is funded with federal grant funds administered by the California Active Transportation Program (Fund 2301) and Measure A funds (Fund 2001) for a total project funding of \$1,735,000. **There is no impact to the General Fund.**

### **ANTICIPATED SCHEDULE:**

Caltrans NEPA Approval and Authorization to Proceed with ROW and PS&E:	December 2015
Right-of-Way:	December 2015 to July 2016
Plans, Specifications and Estimate (PS&E):	December 2015 to July 2016
Caltrans Authorization to Proceed with Construction:	November 2016
Bid, Advertise, Award:	December 2016 to March 2017
Start Construction:	April 2017 to January 2018

## **CITY COUNCIL GOALS**

Upon approval of the recommended action contained in this staff report the following City Council Goals would be furthered:

### **PUBLIC SAFETY:**

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

### **PUBLIC FACILITIES AND CAPITAL PROJECTS:**

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

### **POSITIVE ENVIRONMENT:**

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

## **NOTIFICATION**

A notice was published on March 20, 2015 in the Press Enterprise describing the Project and advising the public of the preparation of a Mitigated Negative Declaration; notice of time and place where the environmental documents could be inspected; and notice that the City Council would consider approval of a Mitigated Negative Declaration for the Project (or appropriate modifications or alternatives to the Project) on the date of this meeting. Written correspondence was requested to be delivered to the Planning Division during the comment period which ends on April 13, 2015. In addition, staff mailed letters to property owners fronting each project location and met with property owners at the project locations other than those along vacant land.

## **ATTACHMENTS**

Attachment 1: Project Location Map

Attachment 2: Proposed Resolution

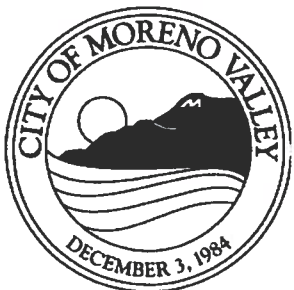
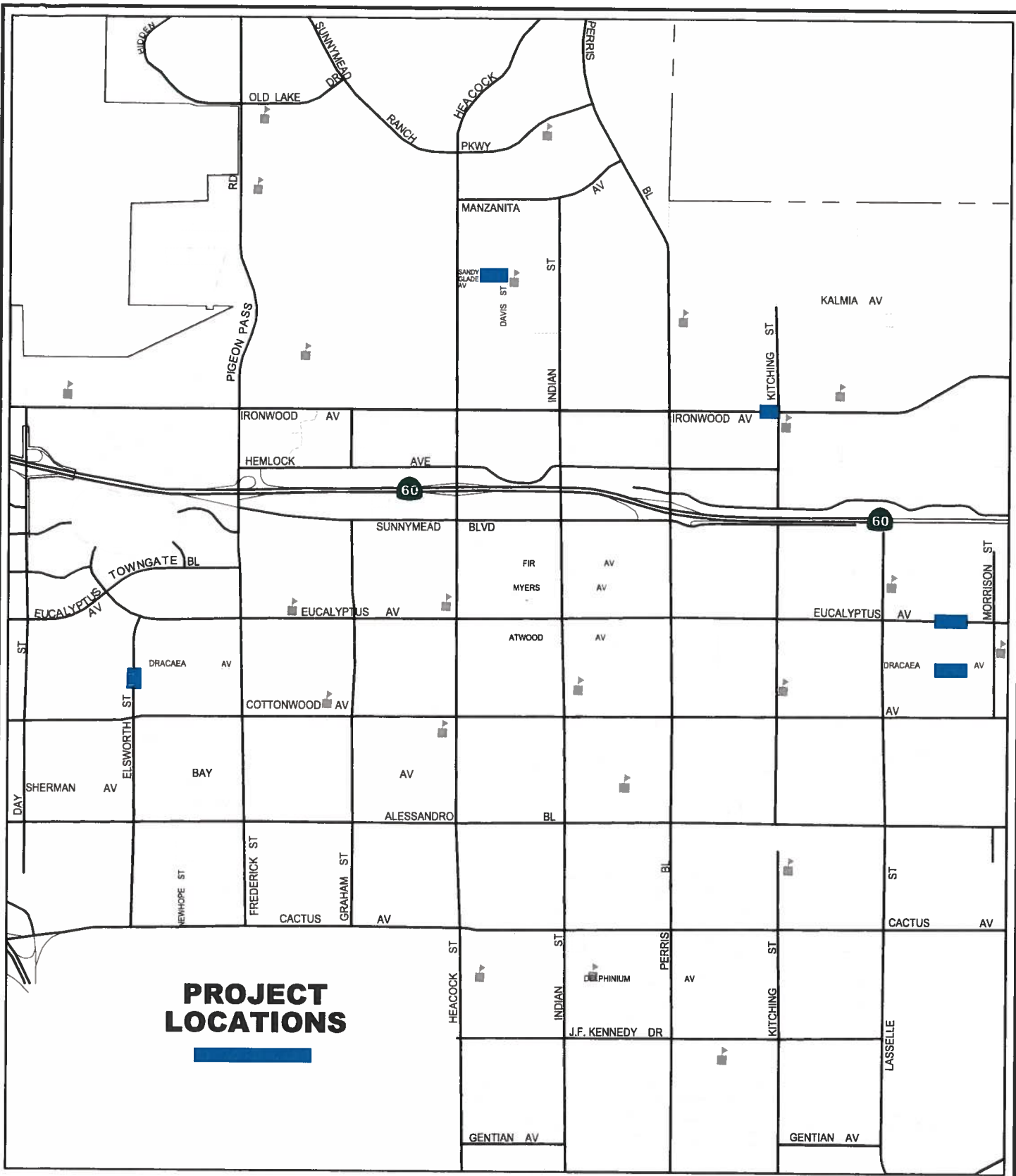
Prepared By:  
Clement Jimenez, P.E.  
Senior Engineer, P.E.

Department Head Approval:  
Ahmad R. Ansari, P.E.  
Public Works Director/City Engineer

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

Department Head Approval:  
Mike Lee  
Community and Economic Development  
Director





Public Works Department  
Capital Projects Division

**ATTACHMENT 1**

## LOCATION MAP

CYCLE 1 ATP CITYWIDE SRTS  
PEDESTRIAN FACILITY  
IMPROVEMENTS

PROJECT NO. 801 0063

**Item No. G.2**

**This page intentionally left blank.**

## RESOLUTION NO. 2015-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CYCLE 1 ACTIVE TRANSPORTATION PROGRAM CITYWIDE SAFE ROUTES TO SCHOOL PEDESTRIAN FACILITY IMPROVEMENTS PROJECT No. 801 0063

WHEREAS, the City considered and analyzed the Cycle 1 Citywide Safe Routes to School Pedestrian Facility Improvements Project consisting of a total of five locations: Dracaea Avenue between Morrison Street and Lasselle Street; Eucalyptus Avenue between Morrison Street and Lasselle Street; Ironwood Avenue at Kitching Street; Elsworth Street between Cottonwood Avenue and Dracaea Avenue; and Sandy Glade Avenue westerly of Davis Street, east of Heacock Street determined that the project was subject to the California Environmental Quality Act (CEQA); and

WHEREAS, the Community and Economic Development Department - Planning Division prepared the Initial Study and concluded that the mitigation measures identified in the Initial Study/Mitigated Negative Declaration will reduce environmental impacts to a less than significant level; and

WHEREAS, a Mitigation Monitoring and Reporting Program (MMRP) was prepared to ensure compliance with the identified mitigation measures during project implementation, pursuant to the CEQA Guidelines; and

WHEREAS, the City completed the required public notice for the Mitigated Negative Declaration as described in the CEQA Guidelines, and the Mitigated Negative Declaration and MMRP were available to the public during the review period; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred;

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

1. An Initial Study and Mitigated Negative Declaration was prepared in compliance with the California Environmental Quality Act and CEQA Guidelines implementing CEQA.
2. The Initial Study evaluated and analyzed the consistency of the project with the Western Riverside County Multi-species Habitat Conservation Plan (WRC-MSHCP), and concluded that the project will be consistent

1  
Resolution No. 2015-24  
Date Adopted: April 14, 2015

with the MSHCP. Further, the project will be required to pay MSHCP mitigation fees if applicable.

3. Based on the whole record, there is no substantial evidence that the Cycle 1 ATP Citywide SRTS Pedestrian Facility Improvement Project as proposed and mitigated will have a significant impact on the environment. Further, the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

BE IT FURTHER RESOLVED that the CITY COUNCIL HEREBY APPROVES Resolution No. 2015-24, based on the preparation of an Initial Study and consideration of any public comments received on the Initial Study/Mitigated Negative Declaration:

ADOPT a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Cycle 1 ATP Citywide SRTS Pedestrian Facility Improvements at five locations within the City as identified in the attached Mitigated Negative Declaration/Initial Study included as Exhibit A, and Mitigation Monitoring and Reporting Program included as Exhibit B.

APPROVED AND ADOPTED this 14<sup>th</sup> day of April, 2015.

\_\_\_\_\_  
Mayor of the City of Moreno Valley

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

2  
Resolution No. 2015-24  
Date Adopted: April 14, 2015

**RESOLUTION JURAT**

STATE OF CALIFORNIA        )  
COUNTY OF RIVERSIDE       ) ss.  
CITY OF MORENO VALLEY       )

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2015-24 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 14<sup>th</sup> day of April, 2015 by the following vote:

AYES:

NOES:

ABSENT:

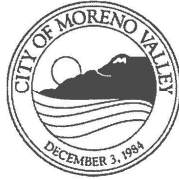
ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK

(SEAL)

3  
Resolution No. 2015-24  
Date Adopted: April 14, 2015



**EXHIBIT A**  
**INITIAL STUDY/  
ENVIRONMENTAL CHECKLIST FORM  
CITY OF MORENO VALLEY**

1. Project Title: Cycle 1 ATP Citywide SRTS Pedestrian Facility Improvements
2. Lead Agency Name and Address: City of Moreno Valley, 14177 Frederick St., Moreno Valley CA 92553
3. Contact Person and Phone Number: Clement Jimenez, Senior Engineer, P.E., (951) 413-3128
4. Project Location: There are a total of five locations (see attached location map):
  - A. Dracaea Avenue between Morrison Street and Lasselle Street
  - B. Eucalyptus Avenue between Morrison Street and Lasselle Street
  - C. Ironwood Avenue at Kitching Street
  - D. Elsworth Street between Cottonwood Avenue and Dracaea Avenue.
  - E. Sandy Glade Avenue westerly of Davis Street, east of Heacock Street

5. Project Sponsor's Name and Address: Same as above.
6. General Plan Designation: The improvements are generally located within existing right-of-way.
7. Zoning: The projects are all located within residential areas of the City.
8. Description of the Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary)

Project infrastructure improvements include sidewalks, curbs, gutters, street lights, and radar speed feedback signs at all five project locations. In addition, ADA compliant pedestrian ramps will be constructed at the southwest corner of Sandy Glade Avenue and Davis Street and also at the northwest corner of Ironwood Avenue and Kitching Street. Drainage improvements consisting of catch basins, local depressions, and storm drain lateral pipe are required at the Eucalyptus Avenue and Dracaea Avenue project locations. Street widening is required at the Eucalyptus Avenue and Ironwood Avenue locations. Additional right-of-way is required at the Elsworth Street and Sandy Glade Avenue locations.

9. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings)
  - A. Dracaea Avenue between Morrison Street and Lasselle Street - The Dracaea Avenue project location is surrounded in the vicinity of single family residential uses. It is adjacent to a vacant parcel which is zoned for multi-family residential development (R20). The location is less than 1000 feet from

Mountain View Middle School, and in close proximity to Valley View High School and Moreno Elementary School.

- B. Eucalyptus Avenue between Morrison Street and Lasselle Street - The Eucalyptus Avenue project location is surrounded by existing single-family residential uses. It is adjacent to a vacant parcel which is zoned for multi-family residential development (R20). The site is located less than 700 feet from Mountain View Middle School, and in close proximity to Valley View High School and Moreno Elementary School.
  - C. Ironwood Avenue at Kitching Street - This project location is surrounded by single-family residential development. The Cloverdale Elementary School is located in close proximity at the southeast corner of Ironwood Avenue and Kitching Street.
  - D. Elsworth Street between Cottonwood Avenue and Dracaea Avenue - The Elsworth Street project location fronts on vacant property that is zoned for multi-family, and single-family residential development also surrounds the site. The project is in close proximity to Towngate Elementary School.
  - E. Sandy Glade Avenue westerly of Davis Street, east of Heacock Street - The Sandy Glade project location is characterized by surrounding single-family development. This project location is just west of Midland Elementary School.
10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement).

None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

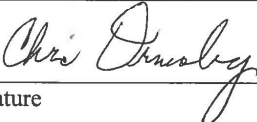
The environmental factors checked below ( ■ ) would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Greenhouse Gas Emissions		Population/Housing
	Agricultural Resources		Hazards & Hazardous Materials		Public Services
	Air Quality		Hydrology/Water Quality		Recreation
	Biological Resources		Land Use/Planning		Transportation/Traffic
	Cultural Resources		Mineral Resources		Utilities/Service Systems
	Geology/Soils		Noise		Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	■
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	


March 3, 2015

---

Signature Date

Chris Ormsby, Senior Planner

---

Printed Name For



## EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Potentially Significant Unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described in (5) below, may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
  - (a) Earlier Analysis Used. Identify and state where they are available for review.
  - (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - (c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
-----------------------------------	--------------------------------	--	------------------------------	-----------

<b>I. AESTHETICS.</b> Would the project:				
a) Have a substantial adverse effect on a scenic vista?				■
The major scenic vistas can be seen from the State Route 60, which is more than 0.50 miles from any of the project sites. The Box Springs Mountains and Reche Canyon area is located to the north, the "Badlands" to the east, and the Mount Russell area to the south. Box Springs Mountains and Mount Russell foothills display numerous rock outcroppings and boulders and add visual character. The various locations that comprise the Proposed Project area are limited to flat areas of the City. None of the project locations involve the construction of structures that would block any views. Neither short-term construction activities nor the use of the improved roadway will impact a scenic vista. The project would be consistent with the existing General Plan. No impact would occur.				
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				■
As mentioned above, the locations of the Proposed Project are within areas limited to the flat valley floor. None of the project locations involve the construction of structures that would block any views. The project site locations are not located in the vicinity of a designated state scenic highway and would not damage any scenic resources, including trees, rock outcroppings, and/or historic buildings. No impact would occur.				
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				■
The proposed street improvements would not change the existing visual character of the area. The project locations are primarily surrounded by residential development with some vacant parcels. All of the areas are urban in character, and are planned for full street improvements with sidewalks. No impact would occur.				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			■	
The locations of the Proposed Project would include the addition of new street lights, which would provide a new source of light and glare. The street lights, however, would be constructed in accordance with City of Moreno Valley Municipal Code contained in Title 9 and all new lighting will be consistent with the existing street lighting. The Proposed Project would result in less than significant impacts related to light and glare.				
<b>II. AGRICULTURE RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project?				
a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?				■
The locations of the Proposed Project will not result in the conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (California Department of Conservation, 2004). No impact would occur.				
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				■
According to the City of Moreno Valley General Plan, the project locations are located in a developed area of the City. There are no agricultural uses on the site nor located within an agricultural zone or bounded by a Williamson Act contract.				
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				■
The proposed locations comprising the Proposed Project would not involve other change to the existing environment, which could result in conversion of Farmland, to non-agricultural use.				
<b>III. AIR QUALITY:</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>The locations of the Proposed Project are located within the City of Moreno Valley which is located within the South Coast Air Basin (Basin) (City of Moreno Valley, 2006). According to the City of Moreno Valley General Plan EIR, air quality within the Basin is administered by the South Coast Air Quality Management District (SCAQMD). The Basin is a 6,600-square mile area bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto mountains to the north and east. The Basin includes all of Orange County and the non-desert portions of Los Angeles, San Bernardino, and Riverside counties.</p>				
<p>The various street improvements consisting of the five locations of the Proposed Project would widen an existing road surrounded by residential development and would not conflict with or obstruct the implementation of the SCAQMD air quality plan. No impact would occur.</p>				
<p>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation.</p>			■	
<p>Each project location of the Proposed Project involves the construction of additional street improvements including sidewalks. Two locations, Ironwood Avenue and Eucalyptus Avenue, involve some widening of the roadway. These locations would widen an existing road surrounded by residential development. The Proposed Project would not involve growth-inducing impacts or cause an exceedance of established population or growth projections. The project would not result in significant localized air quality impacts associated with localized concentrations of criteria air pollutants. The project would be consistent with the goals of the Air Quality Management Plan for the project area.</p>				
<p>The only potential for impact would be short-term during construction. A less than significant impact during construction would occur with the incorporation of mitigation measures AQ-1 through AQ-3. There is no potential for long-term air quality impacts associated with the project.</p>				
<p>AQ-1: Roadway grading activities shall comply with South Coast Air Quality Management District Rule 403 regarding the control of fugitive dust (Policy 6.7.5).  AQ-2: Construction contractor shall ensure that all disturbed areas are watered frequently enough to ensure effective control of fugitive dust (at least three times per day). Frequency shall be increased during high and gusty wind conditions.  AQ-3: Disturbed areas, which will not be covered by pavement at the end of the work, shall have a soil stabilizer applied to it to prevent wind erosion.</p>				
<p>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</p>			■	
<p>The construction of the Proposed Project would not create a cumulatively considerable net increase in criteria pollutants as the construction is temporary in nature. There are no long-term operational aspects of this project. No impact would occur.</p>				
<p>d) Expose sensitive receptors to substantial pollutant concentrations?</p>			■	
<p>Each project location of the Proposed Project is surrounded by residential development. The most proximate sensitive receptor is the existing residential property in vicinity of each Proposed Project site. The construction of the Proposed Project would be of a short term duration, and would have less than a significant impact on nearby residential development. A less than significant impact would result. Since the Proposed Project will not have any potential to increase traffic, there would be no long-term potential to expose sensitive receptors to substantial pollutant concentrations.</p>				
<p>e) Create objectionable odors affecting a substantial number of people?</p>			■	
<p>Construction of the Proposed Project would involve the use of heavy equipment creating exhaust pollutants from roadway earth movement and from equipment bringing concrete and other building materials to the site. With regard to nuisance odors, any air quality impacts will be confined to the immediate vicinity of the equipment itself. By the time such emissions reach any sensitive receptor sites away from the project site, they will be diluted to well below any level of air quality concern. An occasional odor of diesel exhaust from trucks accessing the site from public roadways may result. Such brief exhaust odors may be adverse, but are not a significant air quality impact. Additionally, some odor would be produced from the application of asphalt, paints, and coatings. Any exposure of the general public to these common odors would be of short duration and are below significance thresholds. Potential for impacts would be less than significant.</p>				
<p><b>IV. BIOLOGICAL RESOURCES.</b> Would the project:</p>				
<p>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?</p>			■	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Planning staff completed a field review of the project locations of the Proposed Project on February 13, 2015 in the afternoon. All project locations are either entirely within or contiguous to the right-of-way. Only one project location on Ironwood Avenue would involve the removal of any shrubbery. The vegetation is limited to ornamental shrubs. Based on review of the project locations of the Project, there is no reason to expect that a potentially significant impact could occur.</p> <p>Based on field review of the site, and review of the Multi-species Habitat Conservation Plan (MSHCP), there would be no basis for requiring a burrowing owl survey at this time. Even though there is no habitat at any of the five project sites, the two project locations involving the widening of the street would warrant pre-construction surveys that will be conducted within 30 days prior to ground disturbance as identified by the burrowing owl protocol consistent with the MSHCP.</p> <p>Although not required as a mitigation measure to reduce a potentially significant impact to acceptable levels, the following mitigation measure, BR-1 has been identified to ensure that a pre-construction study of the burrowing owl is completed prior to construction.</p> <p><b>BR-1:</b> The street improvement plan notes and specifications for the Proposed Project shall identify the following: For project locations (Eucalyptus Avenue and Ironwood Avenue), a pre-construction burrowing owl survey shall be performed within 30 days prior to the commencement of ground disturbing activities according to the recognized burrowing owl protocol for the MSHCP.</p>				
<p>b) Have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U. S. Wildlife Service?</p>				■
<p>Based on the field review on February 13, 2015, none of the project locations of the Proposed Project will have any impact on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by policies or regulations of the California Department of Fish and Wildlife or U. S. Wildlife Service.</p>				
<p>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p>				■
<p>Based on the field review of the project locations on February 13, 2015, there are no federally protected wetlands as defined by Section 404 of the Clean Water Act at any of the project locations. Therefore, there is no potential for an impact on these resources.</p>				
<p>d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p>				■
<p>The project locations are located within existing urban areas within the City. There would be no potential for improvements at these locations to have any impact on the movement of any resident or migratory fish or wildlife species, an established native resident migratory wildlife corridor, or impede the use of a native wildlife nursery site. The nearest wildlife corridor to any of the locations associated with the MSHCP would be several miles away northerly of the City limits. There is no native wildlife nursery in the City of Moreno Valley.</p>				
<p>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</p>			■	
<p>The proposal would not conflict with the City's landscape guidelines as no mature trees would be required to be removed or relocated at any of the five project locations. The construction of street improvements at any of the project locations would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</p>				
<p>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?</p>				■
<p>The Proposed Project would not conflict with any local policies or ordinances protecting biological resources. With the incorporation of mitigation measure BR-1, the proposal would be consistent with the MSHCP. At least two of the locations may be subject to payment of MSHCP fees also. A less than significant impact would occur with incorporation of Mitigation Measures BR-1.</p>				
<p><b>V. CULTURAL RESOURCES.</b> Would the project:</p>				
<p>a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?</p>				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Based on the City's General Plan, there are no identified historic resources in the General Plan in proximity to any of the proposed project locations. The project would not result in a change in the significance of a historical resource.				
Planning staff did consider the structures in proximity to each project location with regard to the age of the structures. For the Elsworth Street project location, the nearest house older than 45 years is located near the southwest corner of Cottonwood Avenue and Elsworth Street outside of the project area. Therefore, there is no basis for potential impact. For the Ironwood Avenue project location at Kitching Street, the nearest residence older than 45 years is located on Ivy Lane outside of the project area. Again, there is no basis for potential impact. For the Eucalyptus Avenue project location, west of Morrison Street, the project site is located more than 2,500 feet from the nearest residence older than 45 years. There is no basis for potential impact to a historic structure. For the Dracaea Avenue project location, west of Morrison Street, the project site is located more than 1,400 feet from the nearest residence older than 45 years. Therefore, there is no basis for an impact on a historic structure.				
For the Sandy Glade Avenue project location, there is a 51 year old house fronting along the area of the street improvements. Based on the City's records, the house was constructed in 1964, and is typical of residential construction in the 1960's. The street improvements would not affect the house or the existing trees in front of the house. Existing front yard fencing will be relocated as part of the project. It does not have any unique architectural features. Further, there would be no direct or indirect effect to the structure resulting from the street project.				
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				■
None of the project locations have the potential to impact archaeological resources either directly or indirectly.				
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				■
The five project site locations are not located in a paleontological resource sensitive area according to the General Plan. Two of the project sites involve widening of an existing road. Since the project locations are all generally surrounded by developed areas, there is no potential for previously undiscovered paleontological resources.				
d) Disturb any human remains, including those interred outside of formal cemeteries?				■
The five project site locations are all located within developed residential areas.				
<b>VI. GEOLOGY AND SOILS.</b> Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			■	
None of the five project site locations are located within the Alquist-Priolo Earthquake Fault Zone. There are no known active faults underlying the project site locations. The nearest known active fault is the San Jacinto segment of the San Jacinto fault zone at least three miles easterly of the project site. The project sites only involve the construction of street improvements. None of the project sites will involve the construction of structures. A less than significant impact would occur.				
(ii) Strong seismic ground shaking?			■	
Although the project locations are several miles from an Alquist-Priolo Earthquake Fault zone, the sites would be exposed to strong seismic ground shaking in the event of an earthquake. Since there are no structures that will be constructed, the proposed street improvement projects would not result in a potentially significant impact.				
(iii) Seismic-related ground failure, including liquefaction?				■
The Proposed Project is not located in an area with potential for seismic-related ground failure, including liquefaction. The City of Moreno Valley has seen no evidence of liquefaction events occurring in the community nor has any geotechnical report recently submitted to the City identified liquefaction hazards. The Riverside County General Plan has identified a range of liquefaction susceptibility in the City of Moreno Valley from very low with deep groundwater in the northern and eastern portions of the community to very high with shallow groundwater generally west of Perris Boulevard. Potential for liquefaction from ground shaking is low given the absence of a shallow groundwater table and the general presence of dense sands or shallow formational materials at the project site. All buildings in the region are required to resist seismic groundshaking in accordance with the Uniform Building Code (UBC). A less than significant impact would occur.				
(iv) Landslides?				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
The Proposed Project involves widening an existing road at two of the five project locations and sidewalks for a safe route to school at all locations. The City of Moreno Valley planning area is situated along a valley floor (City of Moreno Valley, 2006). The portion of the City in which the project locations are situated has a very low potential for landslides to occur. No impact would occur.				
(b) Result in substantial soil erosion or the loss of topsoil?				■
The Proposed Project involves widening an existing road at two of the five project locations and sidewalks for a safe route to school at all locations. The project would involve the use of import soil in order to bring the expansion area up to elevation with the existing road. There is a potential for erosion whenever soil is exposed. The project would have exposed soil during the construction phase; however, this would be temporary and all exposed soil would be stabilized or covered upon completion of construction. A less than significant impact would occur.				
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				■
The Proposed Project involves widening an existing road at two of the five project locations and sidewalks for a safe route to school at all locations. The project is not located on a geologic unit or soil that is unstable. No impact would occur.				
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				■
The Proposed Project involves widening an existing road at two of the five project locations and sidewalks for a safe route to school at all locations.				
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				■
The project does not propose construction of septic tanks or alternative waste water disposal systems.				
<b>VII. GREENHOUSE GAS EMISSIONS. Would this project?</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			■	
Global climate change is caused by greenhouse gas (GHG) emissions throughout the world. Mitigating global climate change will require worldwide solutions. Greenhouse gases are gases emitted from the earth's surface that absorb infrared radiation in the atmosphere. Increases in these gases lead to more absorption of radiation and warm the lower atmosphere, and therefore increase evaporation rates and temperatures on the Earth's surface. The City of Moreno Valley has an approved Climate Action Strategy. However, at this time, there are no widely accepted thresholds of significance for determining the impact of GHG emissions from an individual project, or from a cumulative standpoint. As provided for in the CEQA Guidelines (Section 15064.4), it is necessary for the lead agency to make a good-faith effort in considering GHG emissions on a project specific basis. Based on the limited scope of the project, and its consistency with the City's adopted General Plan and zoning, the project would result in limited GHG impacts during construction with the exception of some negligible impacts associated with construction equipment. There would be no GHG impacts once construction is complete. In fact, the completion of sidewalks in already urban areas would have the potential of helping reduce GHG emissions by facilitating alternative means to vehicle travel. Therefore, to the extent possible based on scientific and factual data available, it has been determined that this project will not result in generating greenhouse gas emissions that will either directly or indirectly have a significant impact on the environment.				
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				■
The Proposed Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. By completing sidewalks, the project would allow the potential for easier pedestrian access which will encourage pedestrian activity in these areas.				
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project?</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?				■
The Proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. No impact would occur.				
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>The Proposed Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Hazardous or flammable substances that may be used during the construction phase of the project would include vehicle fuels and oils for the operation of heavy equipment. Diesel and/or other construction equipment and vehicle fuels would be used; however, the transport, storage, and usage of hazardous materials such as fuels are regulated by the state and would be in compliance with all state regulations during construction. No impact would occur.</p>				
<p>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</p>				■
<p>The Proposed Project would temporarily result in the use and emission of hazardous materials associated with construction and construction equipment. These materials include, but are not limited to, diesel fuel and paving equipment. These materials or substances would be handled according to district, state, local, and federal regulations. A less than significant impact would occur with the implementation of Mitigation Measures AQ-1 through AQ-3.</p>				
<p>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?</p>				■
<p>The Proposed Project site is not included on a list of hazardous waste sites compiled pursuant to Government Code Section 65962.5. No impact would occur.</p>				
<p>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</p>			■	
<p>One of the five sites (Elsworth Street) is located within the recently adopted March Air Reserve Base/Inland Port Airport Joint Land Use Plan Study (approved November 2014). The Elsworth Street site is located within Zone D, for which hazard is identified as low risk. The risk concern is primarily limited to "uses for which potential consequences are severe (eg. very high intensity activities in a confined area). The proposal will not intensify the use of a site, and only includes the limited addition of street improvements. None of the locations are within the area of a designated crash zone based on the Airport Installation Compatible Use Zone Study. There is no potential for a significant impact.</p>				
<p>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</p>				■
<p>The project site is not within the vicinity of a private airstrip. There is no potential for a safety hazard associated with a private airstrip.</p>				
<p>g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?</p>				■
<p>The Proposed Project would not impair implementation of, or physically interfere with an adopted emergency response plan. The completion of a Traffic Control Plan would ensure that access to surrounding residential properties would not be impacted during construction. There would be no long-term potential to impair implementation of an adopted emergency response plan.</p>				
<p>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</p>				■
<p>The Proposed Project consists of five locations in urbanized areas that are not adjacent to wildlands or high fire hazard areas. Further, no structures are proposed as part of the Project. Therefore, there is no potential impact.</p>				
<p><b>IX. HYDROLOGY AND WATER QUALITY.</b> Would the project:</p>				
<p>a) Violate any water quality standards or waste discharge requirements?</p>				■
<p>The Proposed Project would not release any toxins into the groundwater. No impact would occur.</p>				
<p>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</p>				■
<p>The project would not extract groundwater. No impact would occur.</p>				
<p>c) Substantially alter the existing drainage pattern of the site or area, including</p>				■



Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				
The project would not alter the existing drainage pattern of the site or area, and would not alter the course of a stream or river. No impact would occur.				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate of surface runoff in a manner which would result in flooding on- or off site?				■
The Proposed Project would not substantially increase the rate of surface runoff. The project would not alter the course of a stream or river. No impact would occur.				
e) Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				■
The Proposed Project would not create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems. No impact would occur.				
f) Otherwise substantially degrade water quality?				■
The Proposed Project would not result in any other actions that would degrade water quality. No impact would occur.				
g) Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				
The Proposed Project does not involve the construction of housing; thus, would not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. No impact would occur.				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				■
The Proposed Project would not place structures that would impede or redirect flood flows within a 100-year flood hazard area. No impact would occur.				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				■
The Proposed Project would not expose people or structures to a significant risk of loss, injury or death as a result of the failure of a levee or dam. The Proposed Project would not create risk of flooding. No impact would occur.				
j) Inundation by seiche, tsunami, or mudflow?				■
Inundation by seiche, tsunami or mudflow would not be a hazard in the Proposed Project area (City of Moreno Valley, 2006). No impact would occur.				
<b>X. LAND USE AND PLANNING. Would the project:</b>				
a) Physically divide an established community?				■
The Proposed Project is limited to street improvements which will provide better pedestrian linkages within the existing street system.				
b) Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				■
The Proposed Project would comply with the City's General Plan, the Clean Water Act, and the Riverside County MSHCP. No impact would occur.				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				■



Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
The Proposed Project is subject to the MSHCP as well as City of Moreno Valley's Municipal Code and ordinances. The project would comply with the MSHCP and City codes and ordinances. No impact would occur.				
<b>XI. MINERAL RESOURCES.</b> Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				■
The Proposed Project would not result in the loss of availability of known mineral resources. No resource extraction would occur on the project site. No impact would occur.				
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				■
There are no locally important mineral resource recovery sites identified within the General Plan, or other adopted plans. Therefore, the Proposed Project could not result in the loss of availability of a locally important mineral resource recovery site based on the General Plan, specific plan, or other land use plan.				
<b>XII. NOISE.</b> Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			■	
The General Plan Environmental Impact Report (EIR) Noise Section for the City of Moreno Valley states that "The noise generated by construction is addressed by existing city regulations. It is unlawful to create noise that annoys reasonable people of normal sensitivity. There are also restrictions on hours of activity. Grading may take place between 7 a.m. and 8 p.m. Construction may take place between 6 a.m. and 8 p.m. during the week and 7 a.m. and 8 p.m. on weekends and holidays..." "Although construction activities will result in a noise impact, this impact will be short-term and will cease upon completion of construction. The temporary nature of the impact in conjunction with existing city regulations on hours of operation will lessen the potential of a significant impact due to construction noise. However, noise sensitive land use located adjacent to construction sites may be impacted by future construction in the planning area as a result of groundborne noise levels, noise levels that exceed existing standards, and temporary or periodic increases in the ambient noise level. A less than significant impact would occur with the incorporation of Mitigation Measure N-1.				
<p>N-1: Construction activities shall be operated in a manner that limits noise impacts on surrounding uses (Policy 6.5.2). In order to limit noise impacts on surrounding property, the construction contractor will ensure the following:</p> <ul style="list-style-type: none"> <li>• All construction equipment powered by gasoline or diesel engines will be required to have sound-control devices at least as effective as those originally provided by the manufacturer; no equipment will be permitted to have an unmuffled exhaust.</li> <li>• Mobile noise-generating equipment and machinery will be shut off when not in use;</li> <li>• Construction vehicles assessing the site will be required to use the shortest possible route to and from local freeways, provided the routes do not expose additional receptors to noise</li> </ul>				
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			■	
Perceptible groundborne vibrations are typically associated with blasting operations and potentially the use of pile drivers, neither of which will be used during construction of the Proposed Project. As such, no excessive groundborne vibration would be created by the Proposed Project. A less than significant impact would occur.				
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				■
Project generated long-term operational noise impacts would be associated with traffic noise. In this case, the project will not result in any increase in traffic. Therefore, there is no potential for substantial permanent increase in ambient noise levels in the project vicinity above levels without the project.				
d) A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			■	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>The Proposed Project site is surrounded by residential development. The most proximate sensitive receptor that is subject to potential construction noise impacts is the existing residential areas around the Proposed Project sites. According to the Moreno Valley Municipal Code (9.10.030), all temporary construction activities are exempt from the noise standards as long as construction activities are limited to the daytime hours as described above and construction equipment is properly maintained with working mufflers. A less than significant impact would occur with the incorporation of Mitigation Measures N-1.</p>				
<p>e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</p>			■	
<p>One of the five sites (Elsworth Street) is located within the recently adopted March Air Reserve Base/Inland Port Airport Joint Land Use Plan Study (November 2014). The Elsworth Street site is located within Zone D, for which hazard is identified as low risk. The risk concern is primarily limited to "uses for which potential consequences are severe (eg. very high intensity activities in a confined area). The proposal will not intensify the use of a site, and only includes the limited addition of street improvements. None of the locations are within the area of a designated crash zone based on the Airport Installation Compatible Use Zone Study. There is no potential for a significant impact. Further, this project site is primarily limited to completing sidewalk segments. Therefore, there is no potential for a conflict with the plan.</p> <p>None of the sites are within two miles of a public airport or public use airport. A less than significant impact would occur.</p>				
<p>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</p>				■
<p>The Proposed Project is not located within the vicinity of a private airstrip and would not expose people residing or working in the project area to excessive noise levels. No impact would occur.</p>				
<p><b>XIII. POPULATION AND HOUSING. Would the project:</b></p>				
<p>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</p>				■
<p>The project would not induce population growth since it does not provide any housing or expand the infrastructure necessary for housing. No impact would occur.</p>				
<p>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</p>				■
<p>The Proposed Project would not displace any housing units, necessitating the construction of replacement housing elsewhere. No impact would occur.</p>				
<p>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</p>				■
<p>The Proposed Project would not displace substantial number of people, necessitating the construction of replacement housing elsewhere. No impact would occur.</p>				
<p><b>XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</b></p>				
<p>a) Fire protection?</p>				■
<p>The project would not require any additional fire protection services. No impact would occur.</p>				
<p>b) Police protection?</p>				■
<p>The project would not require any additional police protection services. No impact would occur.</p>				
<p>c) Schools?</p>				■
<p>The Proposed Project would not result in an increased demand for schools. The addition of sidewalks would improve pedestrian access to schools. No impact would occur.</p>				
<p>d) Parks?</p>				■
<p>The Proposed Project involves widening an existing road at two of the five project locations and sidewalks for a safe route to school at all locations. The Proposed Project would not result in an increased demand for parks. No impact would occur.</p>				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Other public facilities?				■
The Proposed Project would not result in an increased demand for other public facilities. No impact would occur.				
<b>XV. RECREATION.</b>				
a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				■
The Proposed Project involves widening an existing road at two of the five project locations and sidewalks for a safe route to school at all locations and would not increase the use of any parks. No impact would occur.				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				■
The Proposed Project does not include recreational facilities and would not require the expansion of existing recreational facilities. No impact would occur.				
<b>XVI. TRANSPORTATION/TRAFFIC.</b> Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				■
The Proposed Project is consistent with the General Plan, and would not have any direct impact on traffic. The Proposed Project, which includes installation of sidewalks at five locations, would further pedestrian access by completing missing sidewalk segments.				
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				■
The Proposed Project would not conflict with a congestion management plan as the Proposed Project is limited to improvements that improve sidewalks and some limited roadway widening.				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				■
The Proposed Project would not result in a change in air traffic patterns or an increase in traffic levels or location resulting in substantial safety risks. No impact would occur.				
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				■
The Proposed Project involves widening an existing road at two of the five project locations and would not substantially increase hazards to a design feature or incompatible uses. No impact would occur.				
e) Result in inadequate emergency access?				
The Proposed Project would widen the existing road at two of the five project locations which would potentially enhance emergency access in the area surrounding the project site. No impact would occur.				
f) Conflict with adopted policies or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				■
The Proposed Project would widen the existing road at two of the five project locations and would not conflict with alternative transportation. The Proposed Project, which includes installation of sidewalks at five locations, would further pedestrian access by completing missing sidewalk segment. No impact would occur.				
<b>XVII. UTILITIES AND SERVICE SYSTEMS.</b> Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				■

<b>Issues and Supporting Information</b>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
The Proposed Project would not generate wastewater. No impact would occur.				
b) Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				■
The Proposed Project would not require the construction of new water or wastewater treatment facilities or expansion of existing facilities. The Proposed Project would not generate any wastewater resulting in a need to construct new or expand existing treatment facilities. No impact would occur.				
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				■
The proposed project will replace existing drainage inlets with City standard catch basins at two of the five project locations as part of proposed street improvements. The construction of the catch basins will not cause significant environmental effects. There is no potential impact.				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				■
The project would use a minimal amount of water during construction for dust control, which would be acquired by the construction contractor and would cease upon completion of construction. The Proposed Project would not require a water supply once completed. No impact would occur.				
e) Result in a determination by the wastewater treatment provider which serves or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				■
The Proposed Project would not result in the construction of any structures that would generate wastewater. The project would not impact a wastewater treatment provider's capacity. No impact would occur.				
f) ) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				■
The Proposed Project would only generate solid waste during its construction phase. All solid waste generated during construction would be disposed of according to standard construction practices by the construction contractor. No impact would occur.				
g) Comply with federal, state, and local statues and regulations related to solid waste?				■
The Proposed Project would comply with all federal, state, and local regulations regarding solid waste. The project would result in a negligible amount of solid waste during construction. No impact would occur.				
<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</b>				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?			■	
The Proposed Project would include street improvements at five locations. The project locations do not include habitat for fish or wildlife species, although a pre-construction burrowing owl survey would be required as provided for in the Multi-species Habitat Conservation Plan protocol to ensure that burrowing owls are not present in proximity to the construction sites. The project would have no impact on archaeological resources or historical structures. A less than significant impact would occur with the incorporation of mitigation measures included in this document.				
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
The Proposed Project would not have impacts that could potentially be cumulatively considerable. The Proposed Project is located in an already developed area. Also, the Proposed Project would comply with the City of Moreno Valley General Plan standards. No impact would occur.				
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				■
The Proposed Project would not result in a significant impact that would cause substantial adverse effects on human beings, either directly or indirectly. A less than significant impact would occur with incorporation of mitigation measures included in this document.				

Documents incorporated by reference:

Airport Land Use Commission, March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (November 2014)

City of Moreno Valley

2006 General Plan. Adopted October 2006

2006 General Plan Final EIR. Adopted October 2006

Municipal Code. [http://www.moreno-valley.ca.us/city\\_hall/muni\\_code.shtml](http://www.moreno-valley.ca.us/city_hall/muni_code.shtml)

California Department of Conservation

2004 Division of Land Resource Protection, Farmland Mapping and Monitoring Program. Important Farmland in California.

## NEGATIVE DECLARATION

<b>PROJECT TITLE AND FILE NUMBER:</b> Cycle 1 ATP Citywide SRTS Pedestrian Facility Improvements	
<b>PROJECT APPLICANT:</b> City of Moreno Valley, Public Works Dept. Clement Jimenez, P.E. Senior Engineer	<b>TELEPHONE NUMBER:</b>  (951) 413-3130
<b>PROJECT LOCATION:</b> A. Dracaea Avenue between Morrison Street and Lasselle Street B. Eucalyptus Avenue between Morrison Street and Lasselle Street C. Ironwood Avenue at Kitching Street D. Elsworth Street between Cottonwood Avenue and Dracaea Avenue. E. Sandy Glade Avenue westerly of Davis Street, east of Heacock Street	
<b>PROJECT DESCRIPTION:</b> Project infrastructure improvements include sidewalks, curbs, gutters, street lights, and radar speed feedback signs at all five project locations. In addition, ADA compliant pedestrian ramps will be constructed at the southwest corner of Sandy Glade Avenue and Davis Street and also at the northwest corner of Ironwood Avenue and Kitching Street. Drainage improvements consisting of catch basins, local depressions, and storm drain lateral pipe are required at the Eucalyptus Avenue and Dracaea Avenue project locations. Street widening consisting of an additional lane is required at the Eucalyptus Avenue and Ironwood Avenue locations. Additional right-of-way is required at the Elsworth Street and Sandy Glade Avenue locations.	

### FINDING

The City of Moreno Valley has reviewed the above project in accordance with the City of Moreno Valley's Guidelines for the Implementation of the California Environmental Quality Act, and has determined that an Environmental Impact Report need not be prepared because:

- The proposed project will not have a significant effect on the environment.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures described in the attached Initial Study and hereby made a part of this Negative Declaration have been added to the project. The Mitigation Monitoring and Reporting Program (MMRP) includes the final form and content of all mitigation measures.

This determination is based upon an Initial Study. The project file, including the Initial Study and MMRP, is available for review during normal business hours (7:30 a.m. to 5:30 p.m. Monday through Thursday, and 7:30 a.m. to 4:30 p.m. Friday) at the City of Moreno Valley, Community & Economic Development Department, Planning Division, 14177 Frederick Street, Moreno Valley, California 92553, Telephone (951) 413-3206.

<b>PREPARED BY:</b>  Chris Ormsby, AICP	<b>DATE:</b>  March 3, 2015
--	-----------------------------------

### NOTICE

The public is invited to comment on the Negative Declaration. The appropriateness and adoption of the Negative Declaration is considered at the time of project approval in light of comments received.

<b>DATE ADOPTED:</b> _____	<b>BY:</b> _____
----------------------------	------------------

20  
Resolution No. 2015-24  
Date Adopted: April 14, 2015

**EXHIBIT B**

**Mitigation Monitoring and Reporting Program (MMRP)**

**Cycle 1 ATP Citywide SRTS Pedestrian Facility Improvements**

**CEQA Requirements**

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document that includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a Mitigation Monitoring Program (MMP) for the changes to the project that it has adopted in order to mitigate or avoid significant environmental impacts. The appropriate reporting or monitoring plan must be designed to ensure compliance during project implementation (Public Resources Code §21081.6).

**Mitigation Monitoring and Reporting Procedures**

Since the approval of a City capital project generally does not include the incorporation of conditions of approval, the Mitigation Monitoring and Reporting Program is the primary means to ensure that measures to reduce environmental impacts will be implemented.

The City of Moreno Valley Community and Economic Development Department, Planning Division, will coordinate the monitoring of the mitigation measures with the Public Works Department, Capital Projects Division. (See the Mitigation Monitoring and Reporting Summary Table beginning on page 2). The City's Public Works Department would coordinate with the contractor to ensure monitoring of the implementation of mitigation measures as identified in the Summary Table. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation measure; and 3) retention of records in the project file.

This MMRP delegates responsibilities for monitoring the project, and allows responsible City entities flexibility and discretion in determining how best to monitor implementation.

Prepared by:

City of Moreno Valley  
Community & Economic Development Dept.  
14177 Frederick Street  
Moreno Valley, CA 92553

Staff Contact: Chris Ormsby, AICP, Senior Planner, City of Moreno Valley  
(951) 413-3229

**City of Moreno Valley - Mitigation Monitoring and Reporting Program  
Cycle 1 ATP Citywide SRTS Pedestrian Facility Improvements**

Mitigation	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
<b>Air Quality</b>							
AQ-1 Roadway grading activities shall comply with South Coast Air Quality Management District Rule 403 regarding the control of fugitive dust (Policy 6.7.5).	Project Construction Contractor; City of Moreno Valley	City of Moreno Valley Public Works Department	During construction				
AQ-2: Construction contractor shall ensure that all disturbed areas are watered frequently enough to ensure effective control of fugitive dust (at least three times per day). Frequency shall be increased during high and gusty wind conditions.	Project Construction Contractor; City	Public Works Department	During construction				
AQ-3: Disturbed areas, which will not be covered by pavement at the end of the work, shall have a soil stabilizer applied to it to prevent wind erosion.	Project Construction Contractor; City	Public Works Department	During construction, and prior to project completion				
<b>Biological Resources</b>							
BR-1: The street improvement plan notes and specifications for the Proposed Project shall identify the following: For project locations (Eucalyptus Avenue and Ironwood Avenue), a pre-construction burrowing owl survey shall be performed within 30 days prior to the commencement of ground disturbing activities according to the recognized burrowing owl protocol for the MSHCP.	Project Construction Contractor (provide study); City of Moreno Valley (review of study)	Public Works Department (verify study is submitted before land disturbance); CEDD – Planning (review of study for consistency with MSHCP)	Prior to any land disturbance				



Mitigation	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
<b>Noise</b>							
N-1: Construction activities shall be operated in a manner that limits noise impacts on surrounding uses (Policy 6.5.2). In order to limit noise impacts on surrounding property, the construction contractor will ensure the following: <ul style="list-style-type: none"> <li>All construction equipment powered by gasoline or diesel engines will be required to have sound-control devices at least as effective as those originally provided by the manufacturer; no equipment will be permitted to have an unmuffled exhaust.</li> <li>Mobile noise-generating equipment and machinery will be shut off when not in use</li> <li>Construction vehicles assessing the site will be required to use the shortest possible route to and from local freeways, provided the routes do not expose additional receptors to noise</li> </ul>	Project Construction Contractor; City of Moreno Valley	City of Moreno Valley Public Works Department	Prior to the start of construction for each of the five project locations				

**This page intentionally left blank.**



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>R</i>
CITY MANAGER	<i>d</i>

---

## Report to City Council

---

**TO:** Mayor and City Council

**FROM:** Suzanne Bryant, City Attorney

**AGENDA DATE:** April 14, 2015

**TITLE:** PROPOSED RESOLUTION AMENDING THE RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES

---

### **RECOMMENDED ACTION**

Recommendations: That the City Council:

1. Adopt Resolution No. 2015-25. A Resolution of the City Council of the City of Moreno Valley, California, Repealing Resolution No. 2013-10, and Adopting Amended and Restated Rules of Procedure for Council Meetings and Related Functions and Activities.

### **SUMMARY**

The City Council discussed the Rules of Procedure for City Council Meetings on February 3, 2015 at a study session. The Council directed that changes be made to the Rules of Procedure and that revised Rules be brought back to the Council for adoption at a regular meeting.

### **DISCUSSION**

The City Council first adopted Rules of Procedure for City Council Meetings and Related Functions and Activities pursuant to Resolution No. 84-17 on December 3, 1984 as required by Moreno Valley Municipal Code Section 2.04.040. The City Council has since repealed and re-adopted the Rules of Procedure pursuant to Resolution Nos. 99-53, 2001-55, 2003-17, 2003-17, and 2011-117. The current Rules of Procedure were enacted pursuant to Resolution No. 2013-10 on February 12, 2013.

Pursuant to the directions given at the study session, the following are some of the highlights to the proposed revised Rules of Procedure:

Revise the meeting schedule: Section 1.1.1 is changed to reflect the Council's desire to move the regular meetings to the first and third Tuesdays of each month. Section 1.4.4 changes study session from the third Tuesday to the fourth Tuesday of each month and study sessions will start at 5:30. Only the change on the first and third Tuesdays of each month will take effect after the 2015 summer recess. These particular changes will take effect after the 2015 summer recess.

Revise the order of business: Section 1.1.2 moves the closed session portion of the meeting up to 4:30.

Multiple speakers for Public Comments on Matters Not on the Agenda: Section 2.2.8.1 has been revised to state that the Presiding Officer may, at the beginning of the Public Comments on Matters Not on the Agenda portion of the agenda, announce that the Council will listen to public comments for thirty minutes before moving on to the next item on the agenda. Public comment on matter not on the agenda from any speakers who did not speak during the initial round of public comment at the beginning of the meeting would then be called as the next item of business following the conclusion of any item being heard at 9:00 p.m.

Public hearing at a Special Meeting: Section 3.6 has been added to provide an option for when a public hearing is expected to be lengthy and/or when the Council's regular meeting is heavily booked. In such circumstances, a special meeting may be scheduled specifically for the public hearing.

Changes have also been made throughout the document for clarification and updating purposes. A redline version is provided as an attachment.

## **ALTERNATIVES**

1. Adopt the proposed Resolution repealing Resolution No. 2013-10 and adopting amended and restated Rules of Procedure for Council Meetings and Related Functions and Activities, attached to the Resolution.

***Staff recommends this alternative.***

2. Not adopt the proposed Resolution repealing Resolution No. 2013-10 and adopting amended and restated Rules of Procedure for Council Meetings and Related Functions and Activities, attached to the Resolution.

***Staff does not recommend this alternative.***

**FISCAL IMPACT**

De minimus.

**NOTIFICATION**

Posting of the agenda.

**ATTACHMENTS**

Attachment 1 – Proposed Resolution and Amended City Council Rules of Procedure

Attachment 2 – Amended City Council Rules of Procedure, redline version

Prepared By:  
Suzanne Bryant  
City Attorney

**This page intentionally left blank.**

RESOLUTION NO. 2015-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, REPEALING RESOLUTION 2013-10, AND ADOPTING AMENDED AND RESTATED RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES

WHEREAS, Section 2.04.040 of the City of Moreno Valley Municipal Code requires that the City Council adopt Rules of Procedure to govern the procedures and conduct of its meetings; and

WHEREAS, the City Council has previously adopted, repealed and re-adopted the City of Moreno Valley City Council Rules of Procedure for City Council Meetings and Related Functions and Activities pursuant to Resolution No. 84-17, Resolution No. 99-53, Resolution No. 2001-55, Resolution No. 2003-017, Resolution No. 2011-117, Resolution 2013-10; and

WHEREAS, it is in the best interests of the City of Moreno Valley that the City Council further repeal, amend and re-adopt the Rules of Procedure for City Council Meetings and Related Functions and Activities; and

WHEREAS, in order to keep the Rules of Procedure for City Council Meetings and Related Functions and Activities readily accessible to the City Council and the public, it is desirable to have one document containing both the existing rules and the changes now being made,

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

1. Resolution No. 2013-10 is hereby repealed; and
2. The Rules of Procedure for City Council Meetings and Related Functions and Activities attached to this Resolution are hereby adopted; and
3. The Rules of Procedure for City Council Meetings and Related Functions and Activities attached to this Resolution shall become effective immediately upon adoption.

APPROVED AND ADOPTED this 14th day of April, 2015.

\_\_\_\_\_  
Mayor of the City of Moreno Valley

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Resolution No. 2015-25<sup>2</sup>  
Date Adopted: April 14, 2015



**RULES OF PROCEDURE  
FOR  
COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES**

<b>1. MEETINGS</b> .....	<b>7</b>
1.1. REGULAR MEETINGS .....	7
1.1.1. Time and Place.....	7
1.1.1.1. Regular Time and Place .....	7
1.1.2. Agenda .....	7
1.1.2.1. Order of Business .....	7
1.1.2.2. Changes in Agenda.....	8
1.1.2.3. Delivery and Posting of Agenda.....	8
1.1.3. Roll Call .....	8
1.1.4. Approval of Minutes.....	8
1.1.5. Public Hearings .....	9
1.1.5.1. Order of Proceedings .....	9
1.1.5.2. Public Testimony.....	9
1.1.5.2.1. Time Limits .....	9
1.1.5.2.2. Testimony After Closure of Hearing .....	9
1.1.5.2.3. Written Testimony .....	10
1.1.5.2.4. Testimony Under Oath .....	10
1.1.5.3. Quasi-judicial Hearings .....	10
1.1.6. Consent Agenda.....	10
1.1.7. City Council Reports and Comments .....	11
1.2. SPECIAL PRESENTATIONS.....	11
1.3. ADJOURNED MEETINGS .....	11
1.4. STUDY SESSIONS.....	11
1.4.1. Notice and Agenda.....	11
1.4.2. Lack of Quorum.....	11
1.4.3. Limited Actions .....	12
1.4.4. Time and Place.....	12
1.4.5. Special Study Sessions.....	12
1.5. SPECIAL MEETINGS.....	12
1.5.1. Notice .....	12
1.5.2. Matters Considered .....	12
1.6. SPECIAL JOINT MEETINGS .....	12
1.6.1. Calling of Meeting.....	13
1.6.2. Rules of Procedure.....	13
1.6.3. With Other Council Meetings.....	13
1.7. CLOSED SESSIONS .....	13
1.7.1. Regular Meetings for Closed Sessions .....	13
1.7.2. Special Meetings for Closed Sessions.....	13
1.7.3. Immediate Closed Sessions.....	14
1.7.4. Minutes.....	14
1.7.5. Agendas .....	14
1.7.6. Announcements of Action Taken .....	14
1.8. EMERGENCY MEETINGS .....	14
<b>2. PUBLIC COMMENTS AND ADDRESSING THE COUNCIL</b> .....	<b>14</b>
2.1. PUBLIC COMMENTS GOVERNED BY THIS SECTION; EXCEPTIONS.....	14
2.2. MANNER OF ADDRESSING THE CITY COUNCIL.....	15
2.2.1. Speaker Request Forms .....	15

2.2.2.	Speaker Procedures.....	15
2.2.3.	Address City Council.....	15
2.2.4.	Subject Under Discussion.....	16
2.2.5.	Council Member Responses.....	16
2.2.6.	Addressing the City Council After the Public Comment Period.....	16
2.2.7.	Channeling Communications to Staff.....	16
2.2.8.	Limitations on Public Comments.....	16
2.2.8.1.	Multiple Speakers.....	16
2.2.8.2.	Repetitious and Irrelevant Commentary.....	17
2.2.8.3.	Brown Act Pertaining to Public Comments.....	17
2.2.9.	Written Correspondence.....	17
2.2.9.1.	Included in Agenda Packet.....	17
2.2.9.2.	Letters of Appeal.....	18
2.2.9.3.	Written Public Comments.....	18
2.3.	PERSONS AUTHORIZED TO BE WITHIN PLATFORM AREA.....	18
2.4.	PUBLIC COMMENTS AT REGULAR AND ADJOURNED REGULAR MEETINGS.....	18
2.4.1.	Public Comments on Matters Not on the Agenda.....	18
2.4.2.	Public Comments on Matters on the Agenda.....	18
2.5.	PUBLIC COMMENTS AT SPECIAL MEETINGS.....	18
2.6.	PUBLIC COMMENTS AT STUDY SESSIONS.....	19
2.7.	PUBLIC COMMENTS ON MATTERS ON CLOSED SESSION AGENDAS.....	19
2.7.1.	Time Limits.....	19
<b>3.</b>	<b>CONDUCTING BUSINESS AT MEETINGS.....</b>	<b>19</b>
3.1.	AGENDA ITEMS.....	19
3.2.	NOTICE OF MEETINGS.....	19
3.3.	QUORUM AND REQUIRED MAJORITIES.....	20
3.3.1.	Majority Quorum and Majority Vote.....	20
3.3.2.	Matters Requiring Three Votes.....	20
3.3.3.	Emergency Items.....	20
3.3.4.	Adding an Item to a Regular Meeting Agenda when There Is a Need for Immediate Action.....	20
3.3.5.	Other Matters Requiring Super-Majority Votes.....	20
3.3.6.	Legally Required Participation.....	21
3.4.	MEETINGS TO BE PUBLIC.....	21
3.5.	CONCLUSION OF MEETINGS.....	21
3.6.	PUBLIC HEARING AT A SPECIAL MEETING.....	22
<b>4.</b>	<b>PRESIDING OFFICER.....</b>	<b>22</b>
4.1.	MAYOR AND MAYOR PRO TEM.....	22
4.1.1.	Mayor As Presiding Officer.....	22
4.2.	SELECTION OF MAYOR AND MAYOR PRO TEM.....	22
4.2.1.	Annual Selection.....	22
4.2.2.	City Clerk Presides.....	23
4.2.3.	Selection Process.....	23
4.2.4.	Written Ballot.....	23
4.2.5.	Term of Office.....	23
4.3.	VACANCIES.....	23
4.3.1.	Occurrence of Vacancy.....	23
4.3.2.	Filling Vacancy.....	24
4.4.	CALL TO ORDER.....	24
4.5.	PARTICIPATION OF PRESIDING OFFICER.....	24
4.6.	QUESTION TO BE STATED.....	24
4.7.	SIGNING OF DOCUMENTS.....	24
<b>5.</b>	<b>RULES, DECORUM, AND ORDER.....</b>	<b>25</b>

5.1.	MAINTENANCE OF ORDER.....	25
5.2.	POINTS OF ORDER.....	25
5.3.	LANGUAGE.....	25
5.4.	ENFORCEMENT OF DECORUM.....	25
5.4.1.	Sergeant-at-Arms.....	25
5.4.2.	Failure to Yield, Disruptions.....	25
5.4.3.	Clearing the Room.....	25
5.5.	DECORUM AND ORDER – COUNCIL MEMBERS.....	26
5.5.1.	Manner of Speaking.....	26
5.5.2.	Questioning Staff.....	26
5.5.3.	Interruptions.....	26
5.5.4.	Personal Privilege.....	26
5.5.5.	Conflict of Interest and Disclosure.....	27
5.5.5.1.	Applicable Law.....	27
5.5.5.2.	No Participation.....	27
5.5.5.3.	Contacts and Consultations with Interested Parties.....	27
5.5.6.	Limitation of Debate.....	27
5.5.7.	Dissents, Protests, and Comments.....	28
5.6.	PROCEDURES IN ABSENCE OF RULES.....	28
5.7.	RULINGS OF PRESIDING OFFICER FINAL UNLESS OVERRULED BY COUNCIL.....	28
5.8.	DECORUM AND ORDER - PUBLIC.....	28
5.9.	DECORUM AND ORDER - EMPLOYEES.....	29
<b>6.</b>	<b>MOTIONS.....</b>	<b>29</b>
6.1.	WITHDRAWAL OF MOTIONS.....	29
6.2.	MOTIONS OUT OF ORDER.....	29
6.3.	DIVISION OF QUESTION.....	29
6.4.	PRECEDENCE OF MOTIONS.....	29
6.5.	MOTION TO ADJOURN.....	29
6.6.	MOTION TO TABLE.....	29
6.7.	MOTION TO LIMIT OR TERMINATE DISCUSSION.....	30
6.8.	MOTION TO AMEND.....	30
6.9.	MOTION TO SUBSTITUTE.....	30
6.10.	MOTION TO CONTINUE.....	30
<b>7.</b>	<b>VOTING PROCEDURE.....</b>	<b>30</b>
7.1.	VOTING PROCEDURE.....	30
7.2.	ROLL CALL VOTING.....	31
7.3.	ABSTENTIONS DISCOURAGED.....	31
7.4.	RECONSIDERATION.....	31
7.5.	TIE VOTES.....	31
<b>8.</b>	<b>LEGISLATIVE AND ADMINISTRATIVE ACTIONS.....</b>	<b>31</b>
8.1.	DEFINITIONS.....	31
8.1.1.	Ordinance.....	31
8.1.2.	Resolution.....	31
8.1.3.	Minute Order.....	32
8.1.4.	Minute Entry.....	32
8.2.	ORDINANCES.....	32
8.2.1.	Introduction and Adoption of Ordinances.....	32
8.2.1.1.	Introduction and Reading.....	32
8.2.1.2.	Altered Ordinances.....	32
8.2.2.	Effective Date.....	32
8.2.3.	Publishing.....	33
8.2.4.	Urgency Ordinances.....	33

8.3.	RESOLUTIONS .....	33
8.3.1.	Resolutions Prepared in Advance .....	33
8.3.2.	Resolutions Not Prepared in Advance .....	33
8.3.3.	Urgency Resolutions .....	33
8.3.3.1.	Oral Presentation .....	33
8.3.3.2.	Disfavored .....	33
8.4.	POLICIES .....	33
<b>9.</b>	<b>COMMITTEES.....</b>	<b>34</b>
9.1.	FINANCE COMMITTEE .....	34
9.2.	PUBLIC SAFETY COMMITTEE.....	34
9.3.	OTHER COMMITTEES.....	34

6  
Resolution No. 2015-25  
Date Adopted: April 14, 2015

# 1. MEETINGS

## 1.1. REGULAR MEETINGS

### TIME AND PLACE

#### *REGULAR TIME AND PLACE*

*REGULAR MEETINGS OF THE CITY COUNCIL SHALL BE HELD ON THE FIRST AND THIRD TUESDAYS OF EACH MONTH IN THE CITY COUNCIL CHAMBERS OF CITY HALL OR SUCH OTHER TIME AND PLACE AS SHALL BE SPECIFIED BY RESOLUTION OF THE CITY COUNCIL. THIS MEETING SCHEDULE WILL GO INTO EFFECT AFTER CITY COUNCIL'S 2015 SUMMER RECESS.*

### AGENDA

#### *ORDER OF BUSINESS*

The order of business of each regular meeting of the City Council shall be as set forth in the agenda prepared by the City Clerk. The agenda shall be a listing by topic of the subjects, as designated by the City Clerk and taken up for consideration in substantially the following order:

Call to Order (4:30 p.m., if necessary)  
Public Comments on Matters on the Closed Session Agenda  
Closed Session, if needed  
Report of Action from Closed

Session, if any

Special Recognition/Presentations (5:30 p.m., if necessary)

Call to Order (6:00 p.m.)  
Pledge of Allegiance  
Invocation  
Roll Call  
Introductions  
Public Comments on Matters Not on the Agenda

(Public Comments on Matters on the Agenda will be taken up as the item is called for business between staff's report and City Council deliberation.)

Consent Calendars  
City Council  
Moreno Valley Community Services District  
Moreno Valley Housing Authority

7  
Resolution No. 2015-25  
Date Adopted: April 14, 2015

City of Successor Agency for the Community  
Redevelopment Agency of the City of Moreno Valley  
Board of Library Trustees

Items Pulled from Consent Calendars for Discussion or  
Separate Action  
Public Hearings  
Reports  
Legislative Actions  
City Council Reports and Closing Comments  
Adjournment

***CHANGES IN AGENDA***

Except with the consent of the majority of the City Council, items shall not be taken out of the order prescribed above. No matters other than those listed on the agenda shall be acted upon by the City Council except as permitted under applicable State law (the Ralph M. Brown Act).

***DELIVERY AND POSTING OF AGENDA***

Barring insurmountable difficulties, the agenda for each regular meeting of the City Council, and reports and other documentation related thereto, shall be delivered to the Council members and made available to the public on the Thursday preceding the Tuesday meeting to which the agenda pertains. The agenda shall conform to, and be posted in accordance with, applicable requirements of the California Government Code. Agendas shall be posted at least 72 hours prior to the time scheduled for the regular meeting on the bulletin board outside the City Council Chambers at City Hall and at such other places within the City as the City Council has designated for posting notices of City Council meetings.

**ROLL CALL**

Before proceeding with the business of the City Council, the City Clerk shall call the roll of the Council members and the names of those present shall be entered in the minutes. The order of roll call shall be alphabetical, except that the Mayor shall be called last.

**APPROVAL OF MINUTES**

Unless requested by a majority of the City Council, minutes of the previous meeting may be approved without public reading if the City Clerk has previously furnished each Council member with a copy thereof.

8  
Resolution No. 2015-25  
Date Adopted: April 14, 2015

## **PUBLIC HEARINGS**

### ***ORDER OF PROCEEDINGS***

Generally, public hearings, other than those of a quasi-judicial nature, shall be conducted in the following order:

- Staff Presentation or Report
- Questions of Staff by City Council
- Hearing Opened by Presiding Officer
- Presentation by Proponent, Applicant or Appellant
- Questions of Proponent, Applicant or Appellant by Council and/or Staff
- Public Testimony
- Rebuttal by Proponent, Applicant or Appellant
- Questions by City Council
- Hearing Closed
- Discussion by City Council
- Action by City Council

### ***PUBLIC TESTIMONY***

#### **Time Limits**

Questions, comments, and testimony from the public shall be limited to the subject under consideration. Depending upon the length of the agenda, the anticipated duration of the meeting, and the number of persons desiring to speak on an issue, the presiding officer may, at the beginning of the hearing, limit testimony from the public. For example, if more than 10 persons wish to speak on a public hearing item, the presiding officer may announce and limit the public comment time to 4 minutes per speaker. Any person may speak for a longer period of time, upon approval of the City Council, when this is deemed necessary in such cases as when a person is speaking as a representative of a group.

#### **Testimony After Closure of Hearing**

Once the hearing has been closed, no additional public testimony will be taken without a majority vote of the City Council to reopen the hearing, even in cases where the item is continued to a future date for Council consideration. However, after the hearing has been closed, the Council may direct questions to the applicant or any other person who has testified during the hearing, and receive their answers, which shall be deemed to be part of the record of testimony at the hearing. In the event that public testimony is reopened to allow additional information or additional speakers, the proponent, applicant or

appellant shall be permitted a reasonable time for rebuttal. Any request for reopening of the hearing shall be submitted in writing to the bailiff or to the City Clerk, who shall deliver it to the presiding officer in a manner calculated to be least disruptive to any proceedings under way.

### **Written Testimony**

Testimony submitted in written form may be added to the record of the hearing at the discretion of the Council by motion and majority vote of the City Council.

### **Testimony Under Oath**

In any hearing before the City Council, notice of which is to be published or posted, if the City Council or any member thereof, or a proponent or opponent of the matter, requests that any or all participants in the proceedings testify under oath or affirmation, the requirement of such oath or affirmation shall be set forth in the notice of hearing. Upon request to the City Clerk, each Council member will receive sufficient notice, by phone, memo, fax or electronic mail prior to the time of publishing or posting of any hearing notice in order to make such a request. The oath or affirmation shall be administered by the City Clerk simultaneously to all persons indicating a desire to testify in substantially the following form: "Do you swear or affirm that the testimony you are about to give in the matter pending before this Council shall be the truth, the whole truth, and nothing but the truth?"

### ***QUASI-JUDICIAL HEARINGS***

Quasi-judicial hearings include, but are not limited to, all applications for, or appeals from, granting or denial of, or revocation of, use permits, tentative subdivision maps, licenses, or disciplinary hearings. Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the City Attorney shall advise the City Council in this regard.

### **CONSENT AGENDA**

Items of routine nature, not anticipated to be controversial, may be placed on the consent calendar by the City Manager. All items may be approved by one blanket motion upon unanimous consent. Any Council member may request that any item be withdrawn from the consent agenda for separate consideration. Any Council member may abstain from voting on any consent agenda item without requesting its removal from the consent agenda, by orally stating intent to abstain as to a particular item. The City Clerk shall record such abstentions in the minutes. It is the policy of the Council that Council members wishing to ask questions concerning consent calendar items should ask questions prior to the Council meeting

10

Resolution No. 2015-25  
Date Adopted: April 14, 2015



so that the need for discussion of consent calendar items can be minimized.

### **CITY COUNCIL REPORTS AND COMMENTS**

The Mayor or any Council member may, during the time for reports and comments by Council members, report on activities in representing the Council or the City on boards, committees, commissions, task forces, and other official bodies, before other governmental agencies and at public events. Each Council member may also bring to City Council's attention any item of new business under this portion of the agenda. Action or discussion of any matter of business not listed on the agenda shall be deferred until properly listed on the agenda for a future City Council meeting. If two Council members concur that an item should be added to a future agenda, the Council shall give direction to staff as to whether the matter should be placed on the agenda for a regular Council meeting or a study session.

### **1.2. SPECIAL PRESENTATIONS**

In order to promote efficiency in handling the business of the City and to provide for proper recognition of those making a contribution to the community, the City Council may, from time to time, absent special circumstances such as scheduling issues precluding a recipient from attending at that time, convene at 5:30 p.m. for ceremonial purposes. Such a session shall be posted on the agenda for the regular Council Meeting as "Special Presentations". Agenda items for a Special Presentations session shall include only ceremonial matters, including but not limited to, giving or receiving of gifts and awards, proclamations or previously adopted resolutions. No other Council business shall be conducted.

### **1.3. ADJOURNED MEETINGS**

Any meeting may be adjourned to a time, place, and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened.

### **1.4. STUDY SESSIONS**

#### **NOTICE AND AGENDA**

A study session is a meeting of the City Council, provided a quorum is present. Study sessions shall be noticed, agendaized and conducted in compliance with state laws governing regular meetings or special meetings of the City Council depending on whether such sessions occur at regular or special meetings.

#### **LACK OF QUORUM**

In the event that a quorum is lacking for a study session, the meeting may proceed as a briefing at the request of the council members present, but shall not be considered a meeting of the City Council and no direction shall be given to staff by majority consent except to place an item on a

11

Resolution No. 2015-25  
Date Adopted: April 14, 2015

future agenda. The proceedings shall continue to be open to the public, public comments shall be taken as for regular study sessions, and all other rights of the public with respect to City Council meetings shall be observed.

#### **LIMITED ACTIONS**

Notwithstanding that a study session is a meeting of the City Council, the Council by these rules has determined that study sessions are limited purpose meetings and that no formal vote or final action of the City Council shall be taken. The Council members may individually express their opinions and ask questions concerning a study session item, and may, by majority consent, give general direction to staff concerning further action to be taken prior to formal City Council consideration of the item, but any final action or formal motions or vote required to effect Council approval or denial shall take place at a regular Council meeting. However, Council members shall not express opinions, nor give directions to staff indicative of any opinions, regarding the approval, disapproval, granting or denial of any item for which a subsequent public hearing will be required prior to final action.

#### **TIME AND PLACE**

Regular study sessions of the City Council shall be held on the fourth Tuesday of each month at 5:30 p.m. in the City Council Chambers of City Hall or such other time and place as specified by resolution of the City Council.

#### **SPECIAL STUDY SESSIONS**

Study sessions may be held at times or places other than the regular time and place if noticed and agendized as a special meeting and designated as a study session. A special meeting designated as a study session shall be subject to this Section 1.4.

### **1.5. SPECIAL MEETINGS**

#### **NOTICE**

The Mayor or a majority of the members of the Council may call special meetings of the City Council upon not less than 24 hours notice and in accordance with Section 54956 of the California Government Code, and other applicable state statutes, as amended from time to time.

#### **MATTERS CONSIDERED**

Only matters contained in the notice of the special meeting may be considered. No ordinance, other than an urgency ordinance, may be adopted at a special meeting. Matters may be placed on the notice of special meeting only with the prior approval of the Mayor or of a majority of the members of the Council.

### **1.6. SPECIAL JOINT MEETINGS**

12  
Resolution No. 2015-25  
Date Adopted: April 14, 2015

## **CALLING OF MEETING**

Special Joint Meetings of the City Council and the governing board of another governmental agency (other than those whose governing boards are comprised of the City Council members) may be called and noticed in accordance with the rules for calling special meetings of the City Council.

## **RULES OF PROCEDURE**

The rules of procedure governing such joint meetings shall be agreed to by the Mayor and the chairperson of the other governing body or bodies and shall be listed on the agenda for the Special Joint Meeting. The agenda shall include ratification of the agenda by each body as the first order of business after roll calls and ceremonial openings such as the flag salute and invocation, if any. Ratification of the agenda shall be deemed to be adoption of any rules and agenda formats contained therein for the purposes of that meeting only. However, all rules and agenda formats shall conform to all applicable state and federal laws and regulations.

## **WITH OTHER COUNCIL MEETINGS**

A Special Joint Meeting may be called and noticed even if a regular Council meeting or study session would have ordinarily been scheduled for the same time and place. However, if agenda items are included for the consideration of the Council separately from the other attending body(ies), the meeting shall be deemed both a special joint meeting and a regular Council meeting or study session as applicable, and the rules of procedure applicable to each type of meeting shall apply respectively to those agenda items to be considered jointly or separately or to each portion of the meeting so designated on the agenda.

## **1.7. CLOSED SESSIONS**

### **REGULAR MEETINGS FOR CLOSED SESSIONS**

Regular meetings for holding closed sessions shall be held at 4:30 p.m. on the first, third, and fourth Tuesday of each month unless no closed session items are scheduled for that meeting.

### **SPECIAL MEETINGS FOR CLOSED SESSIONS**

Special meetings for holding closed sessions may be called in accordance with the provisions of these rules and state laws for calling special meetings of the City Council.

### **IMMEDIATE CLOSED SESSIONS**

The City Council may, subject to the requirements of state law, recess an open meeting to an immediate closed session when the issues raised in the open session give reason to do so.

### **MINUTES**

Pursuant to Section 54957.2 of the California Government Code, the City Clerk may from time to time be required by the City Council to attend a closed session of the City Council and keep and enter in a minute book a record of topics discussed and decisions made at each meeting. The confidentiality of such minutes shall be maintained pursuant to said section of the Government Code.

### **AGENDAS**

Agendas for regular meetings for the purpose of conducting closed sessions shall be noticed, agendized and conducted in compliance with state laws governing regular meetings of the City Council.

### **ANNOUNCEMENTS OF ACTION TAKEN**

After any closed sessions the members of the Council shall reconvene in open session and make any announcements of action taken pursuant to State law prior to final adjournment of the meeting.

### **1.8. EMERGENCY MEETINGS**

Upon finding by majority vote that an emergency situation exists where prompt action is necessary due to the disruption or threatened disruption of public facilities due to either a work stoppage or other activity which severely impairs public health or safety, or a crippling disaster which severely impairs public health or safety, the Council may convene an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement for special meetings provided that all provisions of Section 94956.5 of the California Government Code, and other applicable law, are complied with.

## **2. PUBLIC COMMENTS AND ADDRESSING THE COUNCIL**

### **2.1. PUBLIC COMMENTS GOVERNED BY THIS SECTION; EXCEPTIONS**

The rules and procedures set forth in this Section 2 shall govern each opportunity for the public to address the City Council during its meetings except as expressly set forth elsewhere or as otherwise required by law. These rules and procedures shall govern public testimony during public hearings except as to those matters set forth in Subsection 1.1.5 above. Public comments are also governed by the rules of decorum set forth in Subsection 5.8 below.

## **2.2. MANNER OF ADDRESSING THE CITY COUNCIL**

### **SPEAKER REQUEST FORMS**

Members of the public may address the City Council during the time set aside for public comments on any subject not on the agenda under the jurisdiction of the City Council and before consideration of any item on the agenda; however, no person shall address the City Council without first being recognized by the Presiding Officer. Any person desiring to speak shall first complete an appropriate speaker request form and submit it to the bailiff, or enter the request to speak into the computer in the foyer of the Council Chambers. Speaker request forms are required to be completed and submitted prior to the Presiding Officer calling for public comments on any subject not on the agenda or any particular agenda item. Any speaker request form not completed and submitted before the Presiding Officer calls for public comments shall be considered late and the public comment shall not be received except on a majority vote of the City Council after an appropriate motion and second prior to the first public comment being received. No person is required to list his or her name or address on the speaker request form but the forms may request the person to volunteer such information.

### **SPEAKER PROCEDURES**

At the time for public comments, the presiding officer shall announce speakers in random order by name or number from the submitted speaker request forms received for that item. The first speaker announced by the presiding officer shall take their place at the speaker's podium and wait until the presiding officer indicates they may proceed with their comments. The second speaker announced by the presiding officer shall line up behind the speaker's podium along the wall to await their turn at the speaker's podium. Upon conclusion of the comments of the speaker at the speaker's podium, the person waiting shall immediately take their place at the speaker's podium and wait until the presiding officer indicates they may proceed with their comments. The presiding officer shall announce the next speaker, who will line up behind the speaker's podium along the wall. This procedure shall be followed until all speakers have been called by the presiding officer.

### **ADDRESS CITY COUNCIL**

All remarks and questions shall be addressed to the Presiding Officer or to the City Council. No person shall begin their comments until recognized by the Presiding Officer. The Presiding Officer determines the order of speakers, except that the order of speakers for public hearings regarding development projects is determined by other policies.

15  
Resolution No. 2015-25  
Date Adopted: April 14, 2015

### **SUBJECT UNDER DISCUSSION**

During public comments on matters on the agenda and public hearings, all remarks shall be limited to the subject under consideration.

### **COUNCIL MEMBER RESPONSES**

Any council member who has been recognized by the Presiding Officer for such purpose may address or respond to a member of the public who has addressed the City Council pursuant hereto. Such address or response shall not exceed three (3) minutes in time and shall be deemed to be the individual position or opinion of the council member offering the address or response and shall not constitute the official position or obligation of the City Council or the City in any manner. Unless otherwise directed by the City Council upon a majority vote after an appropriate motion and second, the restrictions imposed by this Subsection 2.2.5 shall apply only to those portions of the agenda during which public comments are received.

### **ADDRESSING THE CITY COUNCIL AFTER THE PUBLIC COMMENT PERIOD**

After the public comment period has been concluded for any agenda item, no member of the public shall address the City Council without first obtaining permission by a majority vote of the City Council after an appropriate motion and second. Any request for such permission shall be submitted in writing to the bailiff or to the City Clerk, who shall deliver the request to the Presiding Officer in a manner least disruptive to any proceedings under way.

### **CHANNELING COMMUNICATIONS TO STAFF**

After any public comment where a request has been made by the speaker, the Presiding Officer may, refer the speaker to communicate the same request to the City Manager or other appropriate staff member during regular business hours, or in writing for subsequent submittal to council members, pursuant to Subsection 2.2.9.

### **LIMITATIONS ON PUBLIC COMMENTS**

The making of oral communications to the City Council by any member of the public during the "Public Comments" portions of the agenda shall be subject to the following limitations:

#### ***MULTIPLE SPEAKERS***

The presiding officer may, at the beginning of the Public Comments on Matters Not on the Agenda portion of the agenda, announce that the Council will listen to public comments for thirty minutes before moving on to the next item on the agenda. Public comment on matters not on the agenda from any speakers who did not speak during the initial round of public comment at the beginning of the meeting would then be called as the next item of business following the conclusion of any item being heard at 9:00 p.m.

16  
Resolution No. 2015-25  
Date Adopted: April 14, 2015

If it appears that several speakers desire to speak regarding a single agenda item, the Presiding Officer may reasonably limit the number of speakers as to each side of an issue. In this regard, preference may be given to speakers who represent groups of persons who have designated a spokesperson. The Presiding Officer may, but is not required to, allow grouping of speakers into a coordinated presentation if it would be beneficial to the City Council's understanding of an issue or would be time efficient in conducting the City Council's business. However, no additional time shall be given to address the City Council on that agenda item.

***REPETITIOUS AND IRRELEVANT COMMENTARY***

Irrespective of any time limits, the Presiding Officer may regulate or terminate the comments of a speaker when the Presiding Officer reasonably determines that the speaker is being unduly repetitious or engaging in extended discussion of irrelevancies. The Presiding Officer shall first issue a warning to the speaker and explain the reasons for the warning prior to terminating the speaker's time.

**2.2.8.3. BROWN ACT PERTAINING TO PUBLIC COMMENTS**

The Brown Act prohibits the Council from taking action on an issue raised during Public Comment unless it is specifically listed on the agenda. The Brown Act generally prohibits the Council from either discussing an issue raised during Public Comment unless it is specifically listed on the agenda; however, the Council may refer such comments to staff for appropriate follow up, request that the subject be added to a future City Council meeting agenda, or the City Council or City staff may briefly respond to statements made or questions posed by persons exercising their right to make public comments in accordance with Government Code Section 54954.2(a).

**WRITTEN CORRESPONDENCE**

***INCLUDED IN AGENDA PACKET***

Any written communication relating to a matter pending, or to be brought before the City Council shall, whenever possible, be included in the agenda packet for the meeting at which such item is to be considered. If received after the delivery of the agenda packet, it shall be distributed to all persons receiving the agenda packet and all others requesting such information as soon as practicable after receipt.

**LETTERS OF APPEAL**

Letters of appeal from administrative or commission decisions shall be processed under applicable provisions of the Municipal Code, or other applicable ordinances.

**WRITTEN PUBLIC COMMENTS**

Public comments submitted in written form shall be copied and distributed to all members of the City Council, the City Manager, the City Attorney, and made available to the public.

**2.3. PERSONS AUTHORIZED TO BE WITHIN PLATFORM AREA**

While the City Council is in session, no person except city officials shall be permitted within the area of the Council Chambers forward of the speaker's podium without the invitation or consent of the presiding officer. No person except city officials shall be permitted to sit at the staff's tables.

For the safety of all persons present, attendance in the Council Chambers shall be limited to the posted seating capacity thereof. Sitting on the floor of the City Council Chamber is prohibited.

**2.4. PUBLIC COMMENTS AT REGULAR AND ADJOURNED REGULAR MEETINGS**

**PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**

Each person addressing the City Council during Public Comments on Matters Not on the Agenda shall be permitted three (3) minutes to address the City Council. In cases where it appears that a large number of persons desire to address the City Council on one subject, the Presiding Officer may limit public comments on any one subject to an aggregate of fifteen (15) minutes. Public comments on matters not on the agenda shall be taken up in accordance with the Order of Business set forth in paragraph 1.1.2.1 above.

**PUBLIC COMMENTS ON MATTERS ON THE AGENDA**

Public comments on items listed on the agenda shall be taken as to each agenda item called by the Presiding Officer for consideration; however, speakers who wish to address the City Council on any consent calendar item may only speak once prior to City Council consideration of the consent calendar. Each member of the public requesting to speak shall be allowed three (3) minutes to complete comments and all speakers on any one (1) agenda item shall be limited to a total aggregate time of fifteen (15) minutes.

**2.5. PUBLIC COMMENTS AT SPECIAL MEETINGS**

At special meetings of the City Council, no public comments will be taken on matters not on the agenda. Public comments on matters on the agenda shall be taken as to each agenda item as called by the Presiding Officer for



consideration. However, with respect to Special Joint Meetings with other Agencies or Commissions, public comments on matters on the agenda shall be taken in any manner consistent with state law and agreed to under Subsection 1.6.2 above. Each member of the public requesting to speak shall be allowed three (3) minutes to complete comments and all speakers on any one agenda item shall be limited to a total aggregate time of fifteen (15) minutes, except with respect to public hearings, where speakers shall be governed by the rules pertaining to public hearings at regular meetings.

## **2.6. PUBLIC COMMENTS AT STUDY SESSIONS**

A public comment period, entitled "Public Comments on Matters Either on the Agenda or Not on the Agenda Under the Jurisdiction of the City Council" shall be included as part of the regular study session agenda. Such public comments shall be taken at the beginning of the meeting prior to the City Council consideration of any agenda item. Each speaker shall be subject to a three (3) minute time limit, with a total aggregate time for public comments of thirty (30) minutes. The City Council may extend the thirty (30) minute time limit upon a majority vote after an appropriate motion and second.

## **2.7. PUBLIC COMMENTS ON MATTERS ON CLOSED SESSION AGENDAS**

The public shall be permitted to make comments on matters to be heard in closed session prior to the holding of any closed session.

### **TIME LIMITS**

Each speaker shall be limited to three (3) minutes for all items on the Closed Session Agenda with an aggregate time limit for all public comments of fifteen (15) minutes unless extended upon a majority vote of the City Council after an appropriate motion and second.

## **3. CONDUCTING BUSINESS AT MEETINGS**

### **3.1. AGENDA ITEMS**

Items may be placed on the agenda of any regularly scheduled meeting of the City Council by the Mayor, or by any member of the City Council with the concurrence of one other member of the Council, or by the City Manager, City Attorney, or City Clerk. Items may be placed on the agenda of any special meeting with the consent of a majority of the City Council.

### **3.2. NOTICE OF MEETINGS**

Notice of regular meetings or regular study sessions need be given only under circumstances required by state law. Notice of Special Meetings and adjourned meetings shall be given in accordance with state law. Posted notice of all meetings shall be given as required by state law at the locations specified by resolution of the City Council and shall be posted on the City's website. Inadvertent failure of the Clerk to post notice at any location so specified shall not invalidate any meeting so long as the posting actually done by or under the direction of the Clerk complies with state law for posted notices.

### **3.3. QUORUM AND REQUIRED MAJORITIES**

#### **MAJORITY QUORUM AND MAJORITY VOTE**

Unless otherwise provided for in the Municipal Code or by state law, a majority of the City Council shall be a quorum sufficient to do business and motions may be passed 2-1 if only 3 attend.

#### **MATTERS REQUIRING THREE VOTES**

The following matters, however, require three affirmative votes: (a) adoption of ordinances; (b) resolutions granting franchises, (c) resolutions amending the general plan; and (d) orders or appropriations for payment or expenditure of money.

#### **EMERGENCY ITEMS**

Discussion and action on an item not appearing on the posted agenda of regular meetings, regular study sessions and closed sessions may occur if an emergency situation as defined in California Government Code Section 54956.5 is determined to exist by a majority vote of the Council.

#### **ADDING AN ITEM TO A REGULAR MEETING AGENDA WHEN THERE IS A NEED FOR IMMEDIATE ACTION**

Discussion and action on an item not appearing on the posted agenda may occur in the absence of an emergency if the legislative body determines by a two-thirds vote of the members of the legislative body present at the meeting (or a unanimous vote if less than two-thirds of the members are present) there is both: a) the need to take action immediately, and; b) that the need for action came to the attention of the City after the agenda was posted.

#### **OTHER MATTERS REQUIRING SUPER-MAJORITY VOTES**

Where state or federal law requires a vote greater than a majority for valid action or approvals, the required vote for passage or approval shall be in accordance with the applicable statute. These matters include, but are not limited to:

- a) Adoption of a general tax (two-thirds majority of Council prior to public vote)
- b) An urgency ordinance for the immediate preservation of the public peace, health or safety, which must contain a declaration of the facts constituting the urgency (four-fifths vote)
- c) Interim ordinances effective immediately prohibiting land uses which may be in conflict with a contemplated zoning proposal which is or will be studied within a reasonable time (four-fifths vote)
- d) Adoption of a resolution of necessity for a proposed taking of property by power of eminent domain (two-thirds vote of all members of the City Council)

20  
Resolution No. 2015-25  
Date Adopted: April 14, 2015

- e) Conversion of land purchased for park purposes or land used for park purposes to other uses (four-fifths vote with special findings after a public hearing)
- f) Award of contracts without competitive bidding (finding by a four-fifths vote that an emergency exists)
- g) Resolution finding that a project can be performed more economically by day labor or through open market purchases of materials and supplies and dispensing with further public bidding after all bids are rejected (four-fifths vote)
- h) Override of a decision of an Airport Land Use Commission "ALUC" (two-thirds vote including adoption of findings required by state statute)
- i) Override of an adverse determination of an ALUC concerning the city's proposed amendment of its general plan (two-thirds vote)
- j) Adoption of a resolution to authorize immediate expenditure of public money to safeguard life, health or property in case of emergency or disaster (four-fifths vote)
- k) Agreements to share sales and use tax proceeds among cities and/or counties (two-thirds vote or voter-approval)
- l) Declaration of emergency setting an election to approve a general tax other than at a regularly scheduled general City election (unanimous vote of the governing body)

**LEGALLY REQUIRED PARTICIPATION**

If a majority of the City Council shall be disqualified to vote on a matter by reason of a conflict of interest, the City Council shall select by lot or other means of random selection, or by such other impartial and equitable means as the City Council shall determine, that number of its disqualified members which, when added to the members eligible to vote, shall constitute a quorum. Any disqualified member so chosen shall not participate in any discussion of the item and shall participate in voting only to the minimum extent required for a lawful and legal decision. The disqualified member(s) so chosen shall publicly disclose on the record the basis for their conflict of interest.

**3.4. MEETINGS TO BE PUBLIC**

All meetings of the City Council shall be open to the public; however, the City Council may hold closed sessions from which the public may be excluded for the consideration of any matter for which a closed session is permitted under applicable state law.

**4. CONCLUSION OF MEETINGS**

21  
Resolution No. 2015-25  
Date Adopted: April 14, 2015

The Council shall endeavor to adjourn meetings of the City Council not later than 11:00 p.m. or as soon thereafter as any matter then being considered is concluded. The Council may, by motion and majority vote, continue the meeting after such time. However, continuing the meeting after such time without such motion or vote shall not invalidate any action taken.

## **5. PUBLIC HEARING AT A SPECIAL MEETING**

A public hearing that is not expected to be lengthy may be placed on the agenda for a regular meeting. When a public hearing is expected to be lengthy and/or the Council's regular meeting schedule is heavily booked, a special meeting may be scheduled specifically for the public hearing. No other matters shall be placed on the agenda for the special meeting. All public comment will be considered as part of the public hearing and no separate time will be set aside for public comment not related to the public hearing at this meeting.

## **6. PRESIDING OFFICER**

### **6.1. MAYOR AND MAYOR PRO TEM**

#### **MAYOR AS PRESIDING OFFICER**

The Mayor shall be the presiding officer at all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In the absence of both the Mayor and the Mayor Pro Tem, the City Clerk shall preside temporarily and shall immediately call for the Council to elect one of their number as a temporary presiding officer to serve until the arrival of the Mayor or the Mayor Pro Tem or until adjournment, whichever first occurs. A temporary presiding officer so elected shall be referred to by the Council and City Staff as "Mister Chairman" or "Madame Chairman" as appropriate to gender.

### **6.2. SELECTION OF MAYOR AND MAYOR PRO TEM**

#### **ANNUAL SELECTION**

The City Council shall meet annually at its first regular meeting in December to choose one of its number as Mayor and another of its number as Mayor Pro Tem. The new Mayor and Mayor Pro Tem shall be installed and sworn in during a special ceremonial meeting on the first Tuesday of January and shall assume their offices at the next regular City Council meeting. However, in the event of a need for a special meeting between the special ceremonial meeting and the regular meeting on the second Tuesday, the newly sworn Mayor shall preside.

### **CITY CLERK PRESIDES**

The City Clerk shall convene and preside at the special ceremonial meeting for the installation and swearing in of the Mayor and Mayor Pro Tem. The City Clerk shall then administer the oaths of office. Each Council member shall have an opportunity for brief comments and the meeting shall be adjourned. No other business shall be conducted at such ceremonial meeting.

### **SELECTION PROCESS**

Nominations for the office of Mayor or Mayor Pro Tem may be made by any member of the City Council and need not be seconded in order to be effective. Each selection shall be by three or more affirmative votes. In the event that no person receives three or more votes in the selection process for one or both offices, the selection process shall be repeated immediately; provided, however, that the two persons receiving the highest number of votes in the preceding selection process shall be the only nominees for the office to be filled. If, upon repeating the selection process for Mayor or Mayor Pro Tem, no person has yet received three affirmative votes for such office, the City Council may either repeat the selection process until the officer has been duly selected or may continue the selection to the next regular meeting of the City Council.

### **WRITTEN BALLOT**

Voting in the selection of Mayor and Mayor Pro Tem shall be by written ballot unless the City Council, by three or more affirmative votes, determines to conduct the selection process by voice vote. If conducted by written ballot, the vote of each Council member shall remain undisclosed until all votes have been cast and have been lodged with the City Clerk. The City Clerk shall then read aloud into the minutes of the City Council the identity of the voting Council member and the name of the person for whom such person is voting. The written ballots shall be public documents and shall be retained in the records of the City Council. The Standard Code of Parliamentary Procedure, fourth edition, as revised or approved from time to time by the American Institute of Parliamentarians, shall apply to resolve any question of procedure arising during the selection process, which is not governed by this Section.

### **TERM OF OFFICE**

Except as provided in this Section, the Mayor and Mayor Pro Tem selected pursuant hereto shall serve until the next meeting scheduled for selection of Mayor and Mayor Pro Tem pursuant to this Section, and thereafter until their successors have been duly selected.

## **6.3. VACANCIES**

### **OCCURRENCE OF VACANCY**

The offices of Mayor and Mayor Pro Tem shall be deemed vacant upon

23  
Resolution No. 2015-25  
Date Adopted: April 14, 2015

the happening of any of the following:

- a) The death of the holder of such office;
- b) The loss or resignation from membership on the City Council by the holder of such office; or
- c) The acceptance by the City Council of the resignation from such office (without resignation from membership on the City Council) by the holder thereof.

#### **FILLING VACANCY**

At its first regular meeting after the occurrence of a vacancy created by any of the foregoing events, the City Council shall select a successor to such office pursuant to the selection procedures established by this Section.

#### **6.4. CALL TO ORDER**

The meeting of the City Council shall be called to order by the Presiding Officer. In the absence of both the Mayor and the Mayor Pro Tem, the meeting shall be called to order by the City Clerk, whereupon the City Clerk shall immediately call for the selection of a temporary presiding officer as provided above.

#### **6.5. PARTICIPATION OF PRESIDING OFFICER**

The presiding officer (except the City Clerk, when acting as presiding officer) may move, second, and debate from the chair, subject only to such limitations of debate as are imposed on all Council members. The presiding officer shall not be deprived of any of the rights and privileges of a Council member by reason of acting as presiding officer. However, the presiding officer is primarily responsible for the conduct of the meeting. If the presiding officer believes that personally engaging in the making or seconding of motions or extended debate on questions before the City Council would jeopardize the presiding officer's ability to fairly and efficiently conduct the meeting, the presiding officer may, but shall not be required to, turn the responsibility of presiding over to the Mayor Pro Tem or, in the absence or inability to act of the Mayor Pro Tem, to the City Clerk for the election of another Council member as temporary presiding officer.

#### **6.6. QUESTION TO BE STATED**

The presiding officer should restate or cause to be restated each question immediately prior to Council debate and discussion and again prior to calling for the vote. Following the vote, the presiding officer should announce whether the question carried or was defeated and the vote totals and the vote or abstention on that matter of each council member present for the action. Before proceeding to the next item of business, the presiding officer may also state the effect of the vote for the benefit of the audience.

#### **6.7. SIGNING OF DOCUMENTS**

After approval as to form by the City Attorney or his deputy, the Mayor, or Mayor Pro Tem in the absence of the Mayor, shall sign ordinances, resolutions and proclamations adopted by and contracts and other documents and instruments

24  
Resolution No. 2015-25  
Date Adopted: April 14, 2015

approved by the City Council. The City Clerk or Assistant City Clerk shall attest to the signature of the Mayor or Mayor Pro Tem.

## **7. RULES, DECORUM, AND ORDER**

### **7.1. MAINTENANCE OF ORDER**

The presiding officer is responsible for the maintenance of order and decorum at all times.

### **7.2. POINTS OF ORDER**

The presiding officer shall determine all points of order subject to the right of any Council member to appeal to the City Council. If any appeal is taken, the question shall be "Shall the decision of the presiding officer be sustained" in which event a majority vote shall govern and conclusively determine such question of order.

### **7.3. LANGUAGE**

All Council members, staff members and members of the public should speak respectfully and avoid the use of profanity and vulgarity. Recognizing that the First Amendment precludes the City Council from prohibiting speakers from speaking based upon the content of speech, the presiding officer shall use his best efforts, short of enforcement action, to remind and encourage all participating in the meeting to keep their speech respectful towards others.

### **7.4. ENFORCEMENT OF DECORUM**

#### **SERGEANT-AT-ARMS**

The Chief of Police or his designee shall be ex-officio Sergeant-at-Arms of the City Council. At meetings where a Bailiff is assigned and present, the bailiff shall act as Sergeant-at-Arms, but shall remain subject to the direction of the Police Chief. The Sergeant-at-Arms shall carry out all legal and valid orders and instructions given him by the presiding officer for the purpose of maintaining order and decorum in the Council Chambers. Upon instructions from the presiding officer, it shall be the duty of the Sergeant-at-Arms to remove any disorderly person from the Council Chambers or place the disorderly person under arrest or both.

#### **FAILURE TO YIELD, DISRUPTIONS**

Any person who refuses to relinquish the floor after their allotted time or while speaking or while attending the City Council meeting engages in conduct which disrupts the business of the meeting shall be removed from the room if the Sergeant-at-Arms is so directed by the presiding officer. Disruptions shall not be permitted by the presiding officer who may direct the Sergeant-at-Arms to remove such offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the presiding officer.

#### **CLEARING THE ROOM**

25  
Resolution No. 2015-25  
Date Adopted: April 14, 2015

As set forth in Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a person or group of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the City Council may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the City Council from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

## **7.5. DECORUM AND ORDER – COUNCIL MEMBERS**

### **MANNER OF SPEAKING**

Any Council member desiring to speak shall activate the light signaling to the presiding officer a request to speak. In the event such signal lights are not available or functional, the Council member shall first address the presiding officer. Upon recognition by the presiding officer, the Council member shall speak only to the question under debate.

### **QUESTIONING STAFF**

A Council member desiring to question the staff should address his question to the City Manager, or, in appropriate cases, the City Clerk or City Attorney, who shall be entitled either to answer the inquiry or to designate some staff member for that purpose. Such a designation may be made at the time of any staff presentation or on the agenda listing for the item.

### **INTERRUPTIONS**

Once recognized, a Council member shall not be interrupted while speaking unless called to order by the presiding officer; unless a point of order is raised by another Council member, or unless the speaker chooses to yield to questions from another Council member.

### **PERSONAL PRIVILEGE**

The right of a Council member to address the City Council on a question of personal privilege shall be limited to cases in which that Council member's integrity, character, or motives are assailed, questioned, or impugned.



## **CONFLICT OF INTEREST AND DISCLOSURE**

### ***APPLICABLE LAW***

All Council members are subject to the provisions of California law, including, but not limited to, Chapter 7, Title 9, of the California Government Code, Section 87100, et seq., relative to conflicts of interest, and to conflicts of interest codes adopted by the City Council.

### ***NO PARTICIPATION***

Any Council member prevented from voting because of a conflict of interest shall refrain from any participation with respect to that item, including but not limited to questions, comments, debate and voting. Such Council member shall leave the Council Chambers during debate and voting on the issue except when such item is listed on the consent calendar.

### ***CONTACTS AND CONSULTATIONS WITH INTERESTED PARTIES***

At the time that each matter is taken up by the City Council for action in public session and prior to participation in the consideration of that matter, each member of the City Council shall identify by name and date all ex parte contacts concerning the subject of the hearing and each person with a material interest in the matter who has consulted with that Council member regarding the matter since the application or other proposal was actually presented to the City. Such disclosure may be oral and shall be supplemented, as required, if the matter is continued from one meeting to another. Failure to make a disclosure of consultation shall be deemed to be a representation that no disclosable consultation took place in respect to a matter coming before the City Council for action. For items requiring a public hearing as to which any party is entitled to due process of law, each Council member should discourage such contacts and consultations outside of the hearing and shall, in addition to the disclosure required above, generally describe on the public record, the content of any such communication received outside of the public hearing.

### **LIMITATION OF DEBATE**

No Council member shall speak for more than five minutes each time that Council member has the floor, without the approval of a majority vote of the City Council. No Council member normally should speak more than once upon any one subject until every other Council member choosing to speak thereon has spoken. The five-minute limit set forth herein shall not apply to remarks by a Council member under Council Member Reports and Closing Comments.

27  
Resolution No. 2015-25  
Date Adopted: April 14, 2015

## **DISSENTS, PROTESTS, AND COMMENTS**

Any Council member shall have the right to express dissent from, or protest to, or comment upon, any action of the City Council and have the reason entered in the minutes. If such dissent, protest or comment is desired to be entered in the minutes, this should be made clear by language such as, "I would like the minutes to show that I am opposed to this action for the following reasons . . ."

### **7.6. PROCEDURES IN ABSENCE OF RULES**

In the absence of a rule herein or in a written policy adopted by the City Council, to govern a point or procedure, The Standard Code of Parliamentary Procedure, fourth edition, shall be used as a guide, unless the Council, by majority vote or consent adopts an interim rule for that point or procedure by motion and majority vote.

### **7.7. RULINGS OF PRESIDING OFFICER FINAL UNLESS OVERRULED BY COUNCIL**

In presiding over City Council meetings, the presiding officer shall, with due consultation with the City Attorney, decide all questions of interpretation of these rules, points of order or other questions of procedure requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Council members present and voting and shall be binding and legally effective (even if clearly erroneous) for purposes of the matter under consideration.

### **7.8. DECORUM AND ORDER - PUBLIC**

Decorum of public speakers during public comments shall be governed by Section 2 of these rules. No person shall disrupt the orderly conduct of a Council meeting. Prohibited disruptive behavior includes, but is not limited to, shouting, creating or participating in a physical disturbance, preventing or attempting to prevent others who have the floor from speaking or approaching the Council dais without consent. Members of the audience shall not address the Council, the presiding officer, the staff or other members of the public except during public comment periods. When a member of the audience has important information, answers to questions raised during Council deliberations, or new evidence for Council consideration after the closing of the public comment period applicable to that item, the member of the public shall request to be recognized by the presiding officer by silently standing and/or raising a hand. Persons unable to stand or raise a hand may use such other means, including speaking out loud, if necessary, as are reasonably calculated to attract the attention of the presiding officer with the least disruption to the proceedings. The presiding officer shall have discretion to deny the request or briefly question the person regarding the general nature of the information held by the audience member, and/or the relevance and importance of the information. If the presiding officer deems the answers to such questions worthy of Council consideration the presiding officer shall ask for the Council to indicate, by

28

Resolution No. 2015-25  
Date Adopted: April 14, 2015

majority consent, whether they wish to hear and consider the comments.

**7.9. DECORUM AND ORDER - EMPLOYEES**

The City Manager shall insure that all city employees observe proper rules of decorum. Any staff members, including the City Manager, desiring to address the City Council or members of the public shall first be recognized by the presiding officer. All remarks shall be addressed to the presiding officer or to the City Council and not to any one individual Council member or member of the public.

**8. MOTIONS**

**8.1. WITHDRAWAL OF MOTIONS**

Once a motion is made and seconded, it shall not be withdrawn by the mover without the consent of the person seconding it.

**8.2. MOTIONS OUT OF ORDER**

The presiding officer may at any time, by majority consent of the City Council, permit a Council member to introduce an ordinance, resolution, or motion out of the regular agenda order.

**8.3. DIVISION OF QUESTION**

If the question contains two or more divisible propositions, the presiding officer may, and upon request of a Council member shall, divide the same.

**8.4. PRECEDENCE OF MOTIONS**

When a motion is before the City Council, no motion shall be entertained except the following, which shall have precedence in the following order:

- Adjourn
- Fix hour of adjournment
- Table
- Limit or terminate discussion
- Amend
- Postpone

**8.5. MOTION TO ADJOURN**

A motion to adjourn shall be in order at any time, except as follows:

- a) When repeated without intervening business or discussion;
- b) When made as an interruption of a member while speaking;
- c) When discussion has been ended, and vote on motion is pending; and
- d) While a vote is being taken.

A motion to adjourn without specifying another time if adopted shall adjourn the meeting to the next regular meeting or next regular study session, whichever first occurs and shall not be debatable. A motion to adjourn to a specific time shall be debatable only as to the time to which the meeting is adjourned.

**8.6. MOTION TO TABLE**

A motion to table shall be used to temporarily bypass the subject. A motion to table shall not be debatable and shall not be subject to amendment. Such a motion shall immediately terminate any further debate of the subject under consideration until the motion is determined. If the motion shall prevail, the matter may be “taken from the table” by motion and majority vote at any time, subject to agenda posting and any notice requirements.

#### **8.7. MOTION TO LIMIT OR TERMINATE DISCUSSION**

Such a motion shall be used to limit or close debate on, or further amendments to, the main motion and shall not be debatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

#### **8.8. MOTION TO AMEND**

A motion to amend shall be debatable only as to content of the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. Amendments shall be voted first and then the main motion, as amended.

#### **8.9. MOTION TO SUBSTITUTE**

A motion to substitute a new motion for a pending motion or to amend the pending motion by substitution shall be debatable only as to the content of the substituted motion. A motion to substitute or to amend by substitution shall be germane to the general subject matter of the pending motion but may differ in wording, purpose and/or effect. If the motion prevails, the new motion shall take the place of the former motion and any amendments previously adopted, which shall no longer be on the floor. If the motion fails, the original motion remains pending. Such a motion shall be voted on before voting on any proposed amendments not already approved.

#### **8.10. MOTION TO CONTINUE**

Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set.

### **9. VOTING PROCEDURE**

#### **9.1. VOTING PROCEDURE**

In acting upon every motion, the vote shall be taken by voice or roll call or any other method by which the vote of each Council member present can be clearly ascertained. The vote on each motion shall then be entered in full upon the record. The order of voting shall be alphabetical by surname with the presiding officer voting last. The clerk shall call the names of all members seated when a roll call vote is ordered or required. Members shall respond “aye,” “no,” or “abstain;” provided that when a vote is collectively taken by voice or when a method of voting other than by voice or roll call is used, any Council member not audibly and clearly responding “no” or “abstain” or otherwise registering an objection shall be recorded as voting “aye.”

30

Resolution No. 2015-25  
Date Adopted: April 14, 2015

**9.2. ROLL CALL VOTING**

A roll call vote shall be used for all ordinances, resolutions and orders for franchises or payments of money. Any other question before the City Council shall not require a roll call vote unless requested by any member. It shall not be in order for members to explain their votes during roll call. Council members may change their votes before the next order of business is called.

**9.3. ABSTENTIONS DISCOURAGED**

Every Council member should vote “aye” or “nay” on each item unless disqualified for cause.

**9.4. RECONSIDERATION**

Any Council member who voted with the majority may move for reconsideration of any action at the same meeting or at the next regular meeting, so long as the item is duly listed and posted on the agenda for the subsequent meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the City Council.

**9.5. TIE VOTES**

Tie votes shall be lost motions. When all Council members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the City Council takes other action to further consider the matter. If a tie vote results at a time when less than all members of the City Council are present, the matter shall automatically be continued to the agenda of the next regular meeting of the City Council, unless otherwise ordered by the City Council.

**10. LEGISLATIVE AND ADMINISTRATIVE ACTIONS**

**10.1. DEFINITIONS**

**ORDINANCE**

An “Ordinance” is a formal legislative act of the City Council having the force of law and has the meaning generally attributed to ordinances under the California Government Code. Ordinances are memorized in documents so designated and executed with the formalities required by the Government Code.

**RESOLUTION**

“Resolution” means a formal action of the City Council memorialized by a separate document, numbered in sequence, and preserved in a separate set of books. A resolution documents both the action taken by the Council and the reasons for the action and may contain findings of fact and/or recitations of legal or policy reasons for the action. “Resolutions” are used when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, when needed for legal reasons to document important Council decisions, when

31  
Resolution No. 2015-25  
Date Adopted: April 14, 2015

documenting important policy or administrative decisions with long-term effects, or where the frequency of future reference back to its contents warrants a separate document.

#### **MINUTE ORDER**

A “minute order” as used locally denotes a decision of the City Council entered in the minutes and documenting the reasons (findings of fact and policy considerations) for the decision at the request of a member of the City Council or for legal reasons at the request of the City Attorney. A “minute order” is drafted far more briefly than a “resolution” and is distinguished from a mere minute entry only by the detail entered in explaining findings of facts and policy considerations behind the Council’s decision.

#### **MINUTE ENTRY**

The “minute entry”, is an entry in the minutes of the meeting recording a City Council action.

### **10.2. ORDINANCES**

#### **INTRODUCTION AND ADOPTION OF ORDINANCES**

##### ***INTRODUCTION AND READING***

Except for urgency ordinances, ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Council members present, all ordinances shall be read in full either at the time of introduction or passage. Waiver of further reading of all ordinances on the agenda of any meeting may be done in advance as a consent calendar item. The second reading of an ordinance may be included on the Consent calendar.

##### ***ALTERED ORDINANCES***

When ordinances, other than urgency ordinances, are altered after introduction, they shall be introduced again and shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration and reintroduction. Corrections of typographical or clerical errors are not alterations within the meaning of this section.

#### **EFFECTIVE DATE**

All ordinances, except as provided in Section 36937 of the Government code, shall take effect thirty (30) days after adoption but may be made operative at such later date as may be designated in the ordinance.

32  
Resolution No. 2015-25  
Date Adopted: April 14, 2015

**PUBLISHING**

It shall be the duty of the City Clerk to post or publish all ordinances in accordance with Section 36933 of the Government Code within fifteen (15) days after adoption.

**URGENCY ORDINANCES**

All urgency ordinances must receive four (4) affirmative votes to be adopted and to become effective immediately. If such an ordinance fails to receive a four-fifths (4/5) majority, it may thereafter be considered and passed in the same manner and with the same effect as regular ordinances.

**10.3. RESOLUTIONS**

**RESOLUTIONS PREPARED IN ADVANCE**

If a resolution has been prepared in advance, the procedure shall be: motion, second, discussion, vote pursuant to methods prescribed in Section 7.1, and result declared. It shall not be necessary to read a resolution in full or by title except to identify it. Any member may require that the resolution be read in full.

**RESOLUTIONS NOT PREPARED IN ADVANCE**

If a resolution has not been prepared in advance, the procedure shall be to instruct the City Manager or the City Attorney to prepare a resolution for presentation at a subsequent City Council meeting.

**URGENCY RESOLUTIONS**

***ORAL PRESENTATION***

In matters of urgency, a resolution may be presented orally in motion form together with instructions for written preparation for later execution. After the resolution has been verbally stated, the voting procedure in Section 8.2 above shall be followed.

***DISFAVORED***

Urgency resolutions shall be avoided except when absolutely necessary; and they shall not be used when resolutions are required by law, including, but not limited to actions related to public financing, improvement acts, eminent domain, general plan and zoning matters, force account work on public projects and other matters where state statutes specify that action must be taken by formal resolution. If the resolution has been drafted in written form, either before or during the meeting, this section shall not be deemed applicable.

**10.4. POLICIES**

The City Council may, by resolution or by motion, adopt written policies governing administrative and other routine matters, providing ongoing direction

to City staff regarding particular subjects, or setting standards for City involvement in particular types of activities such as public financing, investment, economic development, influencing action by other governmental bodies, and such other matters as the Council may determine from time to time. Such policies shall be compiled in the City's administrative policy handbook together with policies issued by the City Manager for the direction of the City Staff.

## **11. COMMITTEES**

### **11.1. FINANCE COMMITTEE**

There shall be a standing committee of the City Council known as the finance committee, whose duties shall be those as prescribed in the City of Moreno Valley Municipal Code, or as otherwise assigned by the City Council. The committee shall consist of two (2) Council members appointed by the Mayor and confirmed by the City Council.

### **11.2. PUBLIC SAFETY COMMITTEE**

There shall be a standing committee of the City Council known as the public safety committee. The committee shall consist of two (2) members who shall be Council members appointed by the Mayor and confirmed by the City Council. The public safety committee shall study matters relating to law enforcement, fire services, traffic safety, animal control, and related matters referred to it by the City Council, and shall make recommendations to the City Council.

### **11.3. OTHER COMMITTEES**

The City Council may by resolution create other standing committees and by motion or resolution may appoint ad hoc committees for particular temporary purposes.



**RESOLUTION JURAT**

STATE OF CALIFORNIA        )  
COUNTY OF RIVERSIDE       ) ss.  
CITY OF MORENO VALLEY     )

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2015- \_\_ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 14th day of April, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK

(SEAL)

35  
Resolution No. 2015-25  
Date Adopted: April 14, 2015

**This page intentionally left blank.**

[Attachment 2](#)

Formatted: Right

Formatted: Font: (Default) Arial

**RULES OF PROCEDURE  
FOR  
COUNCIL MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES**

**1. MEETINGS..... 5**

1.1. REGULAR MEETINGS..... 5

1.1.1. Time and Place..... 5

1.1.2. Agenda..... 5

1.1.2.1. Order of Business..... 5

1.1.2.2. Changes in Agenda..... [76](#)

1.1.2.3. Delivery and Posting of Agenda..... [776](#)

1.1.3. Roll Call..... 7

1.1.4. Approval of Minutes..... 7

1.1.5. Public Hearings..... 7

1.1.5.1. Order of Proceedings..... 7

1.1.5.2. Public Testimony..... [887](#)

1.1.5.2.1. Time Limits..... [887](#)

1.1.5.2.2. Testimony After Closure of Hearing..... 8

1.1.5.2.3. Written Testimony..... 8

1.1.5.2.4. Testimony Under Oath..... [98](#)

1.1.5.3. Quasi-judicial Hearings..... [998](#)

1.1.6. Consent Agenda..... 9

1.1.7. City Council Reports and Comments..... [109](#)

1.2. SPECIAL PRESENTATIONS..... [10409](#)

1.3. ADJOURNED MEETINGS..... [10409](#)

1.4. STUDY SESSIONS..... [10409](#)

1.4.1. Notice and Agenda..... [10409](#)

1.4.2. Lack of Quorum..... [1140](#)

1.4.3. Limited Actions..... [114410](#)

1.4.4. Time and Place..... [114410](#)

1.4.5. Special Study Sessions..... [114410](#)

1.5. SPECIAL MEETINGS..... [124410](#)

1.5.1. Notice..... [124410](#)

1.5.2. Matters Considered..... [1244](#)

1.6. SPECIAL JOINT MEETINGS..... [124244](#)

1.6.1. Calling of Meeting..... [124244](#)

1.6.2. Rules of Procedure..... [124244](#)

1.6.3. With Other Council Meetings..... [124244](#)

1.7. CLOSED SESSIONS..... [134244](#)

1.7.1. Regular Closed Sessions..... [134244](#)

1.7.2. Special Closed Sessions..... [1342](#)

1.7.3. Immediate Closed Sessions..... [1342](#)

1.7.4. Minutes..... [134342](#)

1.7.5. Agendas..... [134342](#)

1.7.6. Announcements of Action Taken..... [134342](#)

1.8. EMERGENCY MEETINGS..... [144342](#)

**2. PUBLIC COMMENTS AND ADDRESSING THE COUNCIL..... [144342](#)**

2.1. PUBLIC COMMENTS GOVERNED BY THIS SECTION; EXCEPTIONS..... [1443](#)

2.2. MANNER OF ADDRESSING THE CITY COUNCIL..... [144413](#)

2.2.1. Speaker Forms..... [144413](#)

2.2.2. Speaker Procedures..... 13

Resolution 99-\_\_\_\_\_

2.2.3	Address Presiding Officer.....	<a href="#">154443</a>
2.2.4	Subject Under Discussion.....	<a href="#">154544</a>
2.2.5	Council Member Responses.....	<a href="#">154544</a>
2.2.6	Addressing the City Council After the public comment period.....	<a href="#">154544</a>
2.2.7	Channeling Communications to Staff.....	<a href="#">164544</a>
2.2.8	Limitations on Public Comments.....	<a href="#">164544</a>
2.2.8.1	Multiple Speakers.....	<a href="#">164544</a>
2.2.8.2	Repetitious and Irrelevant Commentary.....	<a href="#">164645</a>
2.2.9	Written Correspondence.....	<a href="#">174645</a>
2.2.9.1	Included in Agenda Packet.....	<a href="#">174645</a>
2.2.9.2	Letters of Appeal.....	<a href="#">174645</a>
2.2.9.3	Written Public Comments.....	<a href="#">174745</a>
2.3	PERSONS AUTHORIZED TO BE WITHIN PLATFORM AREA.....	<a href="#">174745</a>
2.4	PUBLIC COMMENTS AT REGULAR AND ADJOURNED REGULAR MEETINGS.....	<a href="#">174745</a>
2.4.1	Public Comments On Matters not on the Agenda.....	<a href="#">184745</a>
2.4.2	Public Comments On Matters on the Agenda.....	<a href="#">184746</a>
2.5	PUBLIC COMMENTS AT SPECIAL MEETINGS.....	<a href="#">184746</a>
2.6	PUBLIC COMMENTS AT STUDY SESSIONS.....	<a href="#">184846</a>
2.7	PUBLIC COMMENTS ON MATTERS ON CLOSED SESSION AGENDAS.....	<a href="#">184846</a>
2.7.1	Closed Sessions After Meetings.....	<a href="#">194847</a>
2.7.2	Closed Sessions Before Meetings and Separate Closed Sessions.....	<a href="#">194847</a>
2.7.3	Time Limits.....	<a href="#">194847</a>
<b>3.</b>	<b>CONDUCTING BUSINESS AT MEETINGS.....</b>	<b><a href="#">194847</a></b>
3.1	AGENDA ITEMS.....	<a href="#">194847</a>
3.2	NOTICE OF MEETINGS.....	<a href="#">194947</a>
3.3	QUORUM AND REQUIRED MAJORITIES.....	<a href="#">194947</a>
3.3.1	Majority Quorum and Majority Vote.....	<a href="#">194947</a>
3.3.2	Matters Requiring Three Votes.....	<a href="#">204947</a>
3.3.3	Emergency Items.....	<a href="#">204948</a>
3.3.4	Need For Immediate Action.....	<a href="#">204948</a>
3.3.5	Other Matters Requiring Super-Majority Votes.....	<a href="#">204948</a>
3.3.6	Legally Required Participation.....	19
3.4	MEETINGS TO BE PUBLIC.....	19
<b>4.</b>	<b>PRESIDING OFFICER.....</b>	<b>19</b>
4.1	MAYOR AND MAYOR PRO TEM.....	<a href="#">222420</a>
4.1.1	Mayor as Presiding Officer.....	<a href="#">222420</a>
4.2	SELECTION OF MAYOR AND MAYOR PRO TEM.....	<a href="#">222220</a>
4.2.1	Annual Selection.....	<a href="#">222220</a>
4.2.2	City Clerk Presides.....	<a href="#">232220</a>
4.2.3	Selection Process.....	<a href="#">232220</a>
4.2.4	Written Ballot.....	<a href="#">232224</a>
4.2.5	Term of Office.....	<a href="#">242324</a>
4.3	VACANCIES.....	<a href="#">242324</a>
4.3.1	Occurrence of Vacancy.....	<a href="#">242324</a>
4.3.2	Filling Vacancy.....	<a href="#">242324</a>
4.4	CALL TO ORDER.....	<a href="#">242324</a>
4.5	PARTICIPATION OF PRESIDING OFFICER.....	<a href="#">242324</a>
4.6	QUESTION TO BE STATED.....	<a href="#">252422</a>

4.7. SIGNING OF DOCUMENTS .....	<a href="#">252422</a>
<b>5. RULES, DECORUM, AND ORDER .....</b>	<b><a href="#">252422</a></b>
5.1. MAINTENANCE OF ORDER .....	<a href="#">252422</a>
5.2. POINTS OF ORDER .....	<a href="#">252422</a>
5.3. LANGUAGE .....	<a href="#">252422</a>
5.4. ENFORCEMENT OF DECORUM .....	<a href="#">252423</a>
5.4.1. Sergeant-At-Arms .....	<a href="#">252423</a>
5.4.2. Failure to Yield, Disruptions .....	<a href="#">262523</a>
5.4.3. Clearing the Room .....	<a href="#">262523</a>
5.5. DECORUM AND ORDER – COUNCIL MEMBERS .....	<a href="#">262523</a>
5.5.1. Manner of Speaking .....	<a href="#">262523</a>
5.5.2. Questioning Staff .....	<a href="#">262524</a>
5.5.3. Interruptions .....	<a href="#">272624</a>
5.5.4. Personal Privilege .....	<a href="#">272624</a>
5.5.5. Conflict of Interest and Disclosure .....	<a href="#">272624</a>
5.5.5.1. Applicable Law .....	<a href="#">272624</a>
5.5.5.2. No Participation .....	<a href="#">272624</a>
5.5.5.3. Contacts and Consultations With Interested Parties .....	<a href="#">272624</a>
5.5.6. Limitation of Debate .....	<a href="#">282725</a>
5.5.7. Dissents, Protests, and Comments .....	<a href="#">282725</a>
5.6. PROCEDURES IN ABSENCE OF RULES .....	<a href="#">282725</a>
5.7. RULINGS OF PRESIDING OFFICER FINAL UNLESS OVERRULED BY COUNCIL .....	<a href="#">282725</a>
5.8. DECORUM AND ORDER - PUBLIC .....	<a href="#">292726</a>
5.9. DECORUM AND ORDER - EMPLOYEES .....	<a href="#">292826</a>
<b>6. MOTIONS .....</b>	<b><a href="#">292826</a></b>
6.1. WITHDRAWAL OF MOTIONS .....	<a href="#">292826</a>
6.2. MOTIONS OUT OF ORDER .....	<a href="#">292826</a>
6.3. DIVISION OF QUESTION .....	<a href="#">292826</a>
6.4. PRECEDENCE OF MOTIONS .....	<a href="#">302826</a>
6.5. MOTION TO ADJOURN .....	<a href="#">302927</a>
6.6. MOTION TO TABLE .....	<a href="#">302927</a>
6.7. MOTION TO LIMIT OR TERMINATE DISCUSSION .....	<a href="#">302927</a>
6.8. MOTION TO AMEND .....	<a href="#">302927</a>
6.9. MOTION TO SUBSTITUTE .....	<a href="#">312927</a>
6.10. MOTION TO CONTINUE .....	<a href="#">313028</a>
<b>7. VOTING PROCEDURE .....</b>	<b><a href="#">313028</a></b>
7.1. VOTING PROCEDURE .....	<a href="#">313028</a>
7.2. ROLL CALL VOTING .....	<a href="#">313028</a>
7.3. ABSTENTIONS DISCOURAGED .....	<a href="#">313028</a>
7.4. RECONSIDERATION .....	<a href="#">313028</a>
7.5. TIE VOTES .....	<a href="#">323028</a>
<b>8. LEGISLATIVE AND ADMINISTRATIVE ACTIONS .....</b>	<b>29</b>
8.1. DEFINITIONS .....	29
8.1.1. Ordinance .....	29
8.1.2. Resolution .....	29
8.1.3. Minute Order .....	29

8.1.4. Minute Entry.....	29
8.2. ORDINANCES .....	29
8.2.1. Introduction and Adoption of Ordinances .....	29
8.2.1.1. Introduction and Reading.....	29
8.2.1.2. Altered Ordinances.....	<del>333230</del>
8.2.2. Effective Date .....	<del>333230</del>
8.2.3. Publishing .....	<del>333230</del>
8.2.4. Urgency Ordinances.....	<del>333230</del>
8.3. RESOLUTIONS.....	<del>343230</del>
8.3.1. Resolutions Prepared in Advance .....	<del>343230</del>
8.3.2. Resolutions Not Prepared in Advance.....	<del>343230</del>
8.3.3. Urgency Resolutions.....	<del>343334</del>
8.3.3.1. Oral Presentation.....	<del>343334</del>
8.3.3.2. Disfavored.....	<del>343334</del>
8.4. POLICIES.....	<del>343334</del>
<b>9. COMMITTEES .....</b>	<b><del>343334</del></b>
9.1. FINANCE COMMITTEE .....	<del>353334</del>
9.2. PUBLIC SAFETY COMMITTEE.....	<del>353334</del>
9.3. OTHER COMMITTEES .....	<del>353334</del>

1. MEETINGS

1.1. REGULAR MEETINGS

1.1.1. TIME AND PLACE.

1.1.1.1. Regular Time and Place.

Regular meetings of the City Council shall be held on the ~~second and fourth~~ first and third Tuesdays of each month ~~at 6:00 p.m.~~ in the City Council Chambers of City Hall or such other time and place as shall be specified by resolution of the City Council. This meeting schedule will go into effect after City Council's 2015 Summer Recess.

1.1.2. AGENDA.

1.1.2.1. ORDER OF BUSINESS.

The order of business of each regular meeting of the City Council shall be as set forth in the agenda prepared by the City Clerk. The agenda shall be a listing by topic of the subjects, ~~numbered~~ as designated by the City Clerk and taken up for consideration in substantially the following order:

- Call to Order (4:30 p.m., if necessary)
- Public Comments on Matters on the Closed Session Agenda
- Closed Session, if needed
- Report of Action from Closed Session, if any

Special Recognition/Presentations (5:30 p.m., if necessary)\*

- Call to Order (6:00 p.m.)
- Pledge of Allegiance
- Invocation
- Roll Call
- Introductions
- Public Comments on Matters Not on the Agenda

(Public Comments on Matters on the Agenda\*\* will be taken up as the item is called for business between staff's report and City Council deliberation.)

- ~~A-C.~~ Consent Calendars \*\*\*
  - City Council
  - Moreno Valley Community Services District
  - Moreno Valley Housing Authority
  - City of Successor Agency for the Community

Redevelopment Agency of the City of Moreno Valley  
Board of Library Trustees

- ~~D. Public Hearings~~
- ~~E. Items Pulled from Consent Calendars for Discussion or Separate Action~~
- ~~F. Public Hearings~~
- ~~Reports~~
- ~~G. Legislative Actions~~

~~Public Comments on Matters Not on the Agenda\*\*\*\*~~  
~~City Council Reports and Closing Comments~~  
~~Public Comments on Matters on the Closed Session Agenda\*\*\*\*~~  
~~Closed Session, if needed~~  
~~Report of Action from Closed Session~~

Adjournment

~~\*See Section 1.2 below~~

~~\*\* The Presiding Officer will announce that public comments on matters on the agenda will be taken up as the item is called for business [Subsection 2.4.2 below], between staff's report and City Council deliberation.~~

~~\*\*\* Consent calendars will begin immediately after introductions (and special presentations, if any), with the remaining items taken in the order of the agenda. Any consent calendar item(s) pulled for discussion or separate action will be heard immediately following the public hearings.~~

~~\*\*\*\* Public Comments on Matters Not on the Agenda are governed by Subsection 2.4.1 below and will be heard prior to City Council Reports and Closing Comments. Following public comments on matters not on the agenda, the Presiding Officer may request that staff respond to legal or factual issues raised during the public comments. In the event that the agenda item for such public comments has not been called by 9:00 p.m., it shall be called as the next item of business following the conclusion of any item being heard at 9:00 p.m.~~

~~\*\*\*\*\* Public Comments on matters on the closed session agenda (if a~~



~~closed session is held) are governed by Section 2.7 below.~~

**1.1.2.2. CHANGES IN AGENDA.**

Except with the consent of the majority of the City Council, items shall not be taken out of the order prescribed above. No matters other than those listed on the agenda shall be acted upon by the City Council except as permitted under applicable ~~s~~State law (the Ralph M. Brown Act).

**1.1.2.3. DELIVERY AND POSTING OF AGENDA**

Barring insurmountable difficulties, the agenda for each regular meeting of the City Council, and reports and other documentation related thereto, shall be delivered to the Council members and made available to the public on the Thursday preceding the Tuesday meeting to which the agenda pertains. The agenda shall conform to, and be posted in accordance with, applicable requirements of the California Government Code. Agendas shall be posted at least 72 hours prior to the time scheduled for the regular meeting on the bulletin board outside the City Council Chambers at City Hall and at such other places within the City as the City Council has designated for posting notices of City Council meetings.

**1.1.3. ROLL CALL**

Before proceeding with the business of the City Council, the City Clerk shall call the roll of the Council members and the names of those present shall be entered in the minutes. The order of roll call shall be alphabetical, except that the Mayor shall be called last.

**1.1.4. APPROVAL OF MINUTES:**

Unless requested by a majority of the City Council, minutes of the previous meeting may be approved without public reading if the City Clerk has previously furnished each Council member with a copy thereof.

**1.1.5. PUBLIC HEARINGS**

**1.1.5.1. ORDER OF PROCEEDINGS.**

Generally, public hearings, other than those of a quasi-judicial nature, shall be conducted in the following order:

- Staff ~~Review and Presentation or~~ Report
- Questions of Staff by City Council
- Hearing Opened by ~~Mayor~~Presiding Officer
- Presentation by Proponent, Applicant or Appellant
- Questions of Proponent, Applicant or Appellant by Council and/or Staff

Public Testimony  
Rebuttal by Proponent, Applicant or Appellant  
~~If Desired~~, Hearing Closed  
Questions by City Council  
Discussion by City Council  
Action by City Council

**1.1.5.2. PUBLIC TESTIMONY.**

**1.1.5.2.1. Time Limits.**

Questions, comments, and testimony from the public shall be limited to the subject under consideration. Depending upon the ~~extent-length~~ of the agenda, ~~the anticipated duration of the meeting~~, and the number of persons desiring to speak on an issue, the presiding officer may, at the beginning of the hearing, limit testimony from the public, ~~but in no event to less than 5 minutes per individual and no less than 20 minutes per hearing item. For example, if more than 10 persons wish to speak on a public hearing item, the presiding officer may announce and limit the public comment time to 4 minutes per speaker.~~ Any person may speak for a longer period of time, upon approval of the City Council, when this is deemed necessary in such cases as when a person is speaking as a representative of a group, ~~or has graphic or slide presentations requiring more time.~~

**1.1.5.2.2. Testimony After Closure of Hearing.**

Once the hearing has been closed, no additional public testimony will be taken without a majority vote of the City Council to reopen the hearing, even in cases where the item is continued to a future date for Council consideration. However, after the hearing has been closed, the Council may direct questions to the applicant or any other person who has testified during the hearing, and receive their answers, which shall be deemed to be part of the record of testimony at the hearing. In the event that public testimony is reopened to allow additional information or additional speakers, the proponent, applicant or appellant shall be permitted a reasonable time for rebuttal. Any request for reopening of the hearing shall be submitted in writing to the bailiff or to the City Clerk, who shall deliver it to the presiding officer in a manner calculated to be least disruptive to any proceedings under way.

**1.1.5.2.3. Written Testimony.**

Testimony submitted in written form may be added to the record of the hearing at the discretion of the Council by motion and majority vote ~~or consent~~ of the City Council.

**1.1.5.2.4. Testimony Under Oath.**

In any hearing before the City Council, notice of which is to be published or posted, if the City Council or any member thereof, or a proponent or opponent of the matter, requests that any or all participants in the proceedings testify under oath or affirmation, the ~~requirement of such oath or affirmation~~ request shall be set forth in the notice of hearing. ~~Additionally, the notice of hearing shall state that the giving of testimony under oath or affirmation shall be voluntary as to each person wishing to be heard in the matter, and that any persons having a question or concern regarding the giving of testimony under oath or affirmation should consult an attorney of their own choosing and at their own expense. Each person testifying under oath or affirmation in any such proceeding shall, before so testifying, state on the record agreement to testify under oath or affirmation in the matter and has had an opportunity to choose and to consult with an attorney in respect thereto.~~ Upon request to the City Clerk, each Council member will receive sufficient notice, by phone, memo, fax or electronic mail prior to the time of publishing or posting of any hearing notice in order to make such a request. The oath or affirmation shall be administered by the City Clerk simultaneously to all persons indicating a desire to testify in substantially the following form: "Do you swear or affirm that the testimony you are about to give in the matter pending before this Council shall be the truth, the whole truth, and nothing but the truth?"

**1.1.5.3. QUASI-JUDICIAL HEARINGS.**

Quasi-judicial hearings include, but are not limited to, all applications for, or appeals from, granting or denial of, or revocation of, use permits, tentative subdivision maps, licenses, or disciplinary hearings.

Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the City Attorney shall advise the City Council in this regard.

**1.1.6. CONSENT AGENDA**

Items of routine nature, not anticipated to be controversial, may be placed on the consent calendar by the City Manager. All items may be approved by one blanket motion upon unanimous consent. Any Council member may request that any item be withdrawn from the consent agenda for separate

consideration. Any Council member may abstain from voting on any consent agenda item without requesting its removal from the consent agenda, by orally stating intent to abstain as to a particular item. The City Clerk shall record such abstentions in the minutes. It is the policy of the Council that Council members wishing to ask questions concerning consent calendar items should ask questions prior to the Council meeting so that the need for discussion of consent calendar items can be minimized.

#### **1.1.7. CITY COUNCIL REPORTS AND COMMENTS**

The Mayor or any Council member may, during the time for reports and comments by Council members, report on activities in representing the Council or the City on boards, committees, commissions, task forces, and other official bodies, before other governmental agencies and at public events. Each Council member may also bring to City Council's attention any item of new business under this portion of the agenda. Action or discussion of ~~an~~ any matter of business not listed on the agenda shall be deferred until properly listed on the agenda for a subsequent future City Council meeting. ~~unless properly added to the agenda due to a need for immediate action pursuant to state law.~~ If two Council members concur that an item should be added to a future agenda, the Council shall give direction to staff as to whether the matter should be placed on the agenda for a regular Council meeting or, a study session ~~or a special meeting.~~

#### **1.2. SPECIAL PRESENTATIONS.**

In order to promote efficiency in handling the business of the City and to provide for proper recognition of those making a contribution to the community, the City Council ~~shall~~ may, from time to time, absent special circumstances such as scheduling issues precluding a recipient from attending at that time, convene at 5:30 p.m. ~~prior to a regular City Council Meeting~~ for ceremonial purposes. Such a session shall be posted on the agenda for the regular Council Meeting as "Special Presentations". Agenda items for a Special Presentations session shall include only ceremonial matters, including but not limited to, giving or receiving of gifts and awards, proclamations or previously adopted resolutions. No other Council business shall be conducted.

#### **1.3. ADJOURNED MEETINGS.**

Any meeting may be adjourned to a time, place, and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened.

#### **1.4. STUDY SESSIONS**

##### **1.4.1. NOTICE AND AGENDA.**

A study session is a meeting of the City Council, provided a quorum is

present. ~~Regular Study sessions shall be noticed, agendized and conducted in compliance with state laws governing regular meetings or special meetings of the City Council depending on whether such sessions occur at regular or special meetings. Special study sessions may be called in accordance with the procedures for special meetings of the City Council and shall be noticed, agendized and conducted in accordance with state law governing special meetings of the City Council.~~

**1.4.2. LACK OF QUORUM**

In the event that a quorum is lacking for a study session, the meeting may proceed as a briefing at the request of the council members present, but shall not be considered a meeting of the City Council and no direction shall be given to staff by majority consent except to place an item on a future agenda. The proceedings shall continue to be open to the public, public comments shall be taken as for regular study sessions, and all other rights of the public with respect to City Council meetings shall be observed.

**1.4.3. LIMITED ACTIONS.**

Notwithstanding that a study session is a meeting of the City Council, the Council by these rules has determined that study sessions are limited purpose meetings and that no formal vote or final action of the City Council shall be taken. The Council members may individually express their opinions and ask questions concerning a study session item, and may, by majority consent, give general direction to staff concerning further action to be taken prior to formal City Council consideration of the item, but any final action or formal motions or vote required to effect Council approval or denial shall take place at a regular Council meeting. However, Council members shall not express opinions, nor give directions to staff indicative of any opinions, regarding the approval, disapproval, granting or denial of any item for which a subsequent public hearing will be required prior to final action.

**1.4.4. TIME AND PLACE.**

Regular study sessions of the City Council shall be held on the ~~third~~fourth Tuesday of each month at ~~6:00~~5:30 p.m. in the City Council Chambers of City Hall or such other time and place as specified by resolution of the City Council.

**1.4.5. SPECIAL STUDY SESSIONS**

Study sessions may be held at times or places other than the regular time and place if noticed and agendized as a special meeting and designated as a study session. A special meeting designated as a study session shall be subject to this Section 1.4.

**1.5. SPECIAL MEETINGS.**

**1.5.1. NOTICE.**

The Mayor or a majority of the members of the Council may call special meetings of the City Council upon not less than 24 hours notice and in accordance with Section 54956 of the California Government Code, and other applicable state statutes, as amended from time to time.

**1.5.2. MATTERS CONSIDERED.**

Only matters contained in the notice of the special meeting may be considered. No ordinance, other than an urgency ordinance, may be adopted at a special meeting. Matters may be placed on the notice of special meeting only with the prior approval of the Mayor or of a majority of the members of the Council.

**1.6. SPECIAL JOINT MEETINGS**

**1.6.1. CALLING OF MEETING.**

Special Joint Meetings of the City Council and the governing board of another governmental agency (other than those whose governing boards are comprised of the City Council members) may be called and noticed in accordance with the rules for calling special meetings of the City Council.

**1.6.2. RULES OF PROCEDURE.**

The rules of procedure governing such joint meetings shall be agreed to by the Mayor and the chairperson of the other governing body or bodies and shall be listed on the agenda for the Special Joint Meeting. The agenda shall include ratification of the agenda by each body as the first order of business after roll calls and ceremonial openings such as the flag salute and invocation, if any. Ratification of the agenda shall be deemed to be adoption of any rules and agenda formats contained therein for the purposes of that meeting only. However, all rules and agenda formats shall conform to all applicable state and federal laws and regulations.

**1.6.3. WITH OTHER COUNCIL MEETINGS.**

A Special Joint Meeting may be called and noticed even if a regular Council meeting or study session would have ordinarily been scheduled for the same time and place. However, if agenda items are included for the consideration of the Council separately from the other attending body(ies), the meeting shall be deemed both a special joint meeting and a regular Council meeting or study session as applicable, and the rules of procedure applicable to each type of meeting shall apply respectively to those agenda items to be considered jointly or separately or to each portion of the meeting so

designated on the agenda.

### 1.7. CLOSED SESSIONS.

#### 1.7.1. REGULAR MEETINGS FOR CLOSED SESSIONS.

Regular meetings for holding closed sessions shall be held at 64:30 p.m. on the first, third, and fourth Tuesday of each month, ~~and immediately following Regular City Council Meetings and Study Sessions,~~ unless no closed session items are scheduled for that meeting.

#### 1.7.2. SPECIAL MEETINGS FOR CLOSED SESSIONS.

Special meetings for holding closed sessions may be called in accordance with the provisions of these rules and state laws for calling special meetings of the City Council.

#### 1.7.3. IMMEDIATE CLOSED SESSIONS.

The City Council may, subject to the requirements of state law, recess an open meeting to an immediate closed session when the issues raised in the open session give reason to do so.

#### 1.7.4. MINUTES.

Pursuant to Section 54957.2 of the California Government Code, the City Clerk may from time to time be required by the City Council to attend a closed session of the City Council and keep and enter in a minute book a record of topics discussed and decisions made at each meeting. The confidentiality of such minutes shall be maintained pursuant to said section of the Government Code.

#### 1.7.5. AGENDAS.

Agendas for regular meetings for the purpose of conducting closed sessions shall be noticed, agendized and conducted in compliance with state laws governing regular meetings of the City Council ~~and the provisions of §1.1.2.3 above.~~

#### 1.7.6. ANNOUNCEMENTS OF ACTION TAKEN.

~~When required by state law, actions taken in closed session shall be announced in open session promptly after the closed session. For closed sessions held immediately before any City Council meeting, announcement shall be made during the subsequent meeting. A place may be listed on the agenda for such announcements. After any closed sessions held after any City Council meeting or not in conjunction with any other meeting of the City Council,~~ the members of the Council shall reconvene in open session and make any such announcements of action taken pursuant to State law prior to final adjournment of the meeting.

**1.8. EMERGENCY MEETINGS.**

Upon finding by majority vote that an emergency situation exists where prompt action is necessary due to the disruption or threatened disruption of public facilities due to either a work stoppage or other activity which severely impairs public health or safety, or a crippling disaster which severely impairs public health or safety, the Council may convene an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement for special meetings provided that all provisions of Section 94956.5 of the California Government Code, and other applicable law, are complied with.

**2. PUBLIC COMMENTS AND ADDRESSING THE COUNCIL**

**2.1. PUBLIC COMMENTS GOVERNED BY THIS SECTION; EXCEPTIONS**

The rules and procedures set forth in this Section 2 shall govern each opportunity for the public to address the City Council during its meetings except as expressly set forth elsewhere or as otherwise required by law. These rules and procedures shall govern public testimony during public hearings except as to those matters set forth in Subsection 1.1.5 above. Public comments are also governed by the rules of decorum set forth in Subsection 5.8 below.

**2.2. MANNER OF ADDRESSING THE CITY COUNCIL**

**2.2.1. SPEAKER REQUEST FORMS.**

Members of the public may address the City Council during the time set aside for public comments on any subject not on the agenda under the jurisdiction of the City Council and before consideration of any item on the agenda; however, no person shall address the City Council without first being recognized by the Presiding Officer. Any person desiring to speak shall first complete an appropriate speaker request form and submit it to the bailiff, or enter the request to speak into the computer in the foyer of the Council Chambers. or in the absence of the bailiff, the City Clerk. Speaker request forms are required to be completed and submitted prior to the Presiding Officer calling for public comments on any subject not on the agenda or any particular agenda item. Any speaker request form not completed and submitted before the Presiding Officer calls for public comments shall be considered late and the public comment shall not be received except on a majority vote of the City Council after an appropriate motion and second prior to the first public comment being received. No person is required to list his or her name or address on the speaker request form but the forms may request the person to volunteer such information; however, such information would be helpful for staff to provide follow-up information to the speaker if needed.



**2.2.2. SPEAKER PROCEDURES.**

At the time for public comments, the Presiding Officer shall announce speakers in random order by name or number from the submitted speaker request forms received for that item. The first speaker announced by the Presiding Officer shall take their place at the speaker's podium and wait until the Presiding Officer indicates they may proceed with their comments. The second speaker announced by the Presiding Officer shall line up behind the speaker's podium along the wall to await their turn at the speaker's podium. Upon conclusion of the comments of the speaker at the speaker's podium, the person waiting shall immediately take their place at the speaker's podium and wait until the Presiding Officer indicates they may proceed with their comments. The Presiding Officer shall announce the next speaker, who will line up behind the speaker's podium along the wall. This procedure shall be followed until all speakers have been called by the Presiding Officer.

**2.2.3. ADDRESS CITY COUNCIL-PRESIDING OFFICER.**

All remarks and questions shall be addressed to the Presiding Officer or to the City Council ~~and not to any individual council member, staff member or other person.~~ No person shall begin their comments until recognized by the Presiding Officer. The Presiding Officer determines the order of speakers, except that the order of speakers for public hearings s regarding development projects is determined by other policies.

**2.2.4. SUBJECT UNDER DISCUSSION.**

During public comments on matters on the agenda and public hearings, all remarks shall be limited to the subject under consideration.

**2.2.5. COUNCIL MEMBER RESPONSES.**

Any council member who has been recognized by the Presiding Officer for such purpose may address or respond to a member of the public who has addressed the City Council pursuant hereto. Such address or response shall not exceed three (3) minutes in time and shall be deemed to be the individual position or opinion of the council member offering the address or response and shall not constitute the official position or obligation of the City Council or the City in any manner. Unless otherwise directed by the City Council upon a majority vote after an appropriate motion and second, the restrictions imposed by this Subsection 2.2.5 shall apply only to those portions of the agenda during which public comments are received.

**2.2.6. ADDRESSING THE CITY COUNCIL AFTER THE PUBLIC COMMENT PERIOD.**

After the public comment period has been concluded for any agenda item, no member of the public shall address the City Council without first obtaining permission by a majority vote of the City Council after an appropriate motion

and second. Any request for such permission shall be submitted in writing to the bailiff or to the City Clerk, who shall deliver the request to the Presiding Officer in a manner least disruptive to any proceedings under way.

**2.2.7. CHANNELING COMMUNICATIONS TO STAFF.**

After any public comment where a request has been made by the speaker, the Presiding Officer may, refer the speaker to communicate the same request to the City Manager or other appropriate staff member during regular business hours, or in writing for subsequent submittal to council members, pursuant to Subsection 2.2.9.

**2.2.8. LIMITATIONS ON PUBLIC COMMENTS**

The making of oral communications to the City Council by any member of the public during the “Public Comments” portions of the agenda shall be subject to the following limitations:

**2.2.8.1. MULTIPLE SPEAKERS.**

The presiding officer may, at the beginning of the Public Comments on Matters Not on the Agenda portion of the agenda, announce that the Council will listen to public comments for thirty minutes before moving on to the next item on the agenda. Public comment on matters not on the agenda from any speakers who did not speak during the initial round of public comment at the beginning of the meeting would then be called as the next item of business following the conclusion of any item being heard at 9:00 p.m.

If it appears that several speakers desire to speak regarding a single agenda item, the Presiding Officer may reasonably limit the number of speakers as to each side of an issue. In this regard, preference may be given to speakers who represent groups of persons who have designated a spokesperson. The Presiding Officer may, but is not required to, allow grouping of speakers into a coordinated presentation if it would be beneficial to the City Council’s understanding of an issue or would be time efficient in conducting the City eCouncil’s business. However, no additional time shall be given to address the City Council on that agenda item.

**2.2.8.2. REPETITIOUS AND IRRELEVANT COMMENTARY**

Irrespective of any time limits, the Presiding Officer may regulate or terminate the comments of a speaker when the Presiding Officer reasonably determines that the speaker is being unduly repetitious or engaging in extended discussion of irrelevancies. The Presiding Officer shall first issue a warning to the speaker and explain the reasons for the warning prior to terminating the speaker’s time.

**2.2.8.3 BROWN ACT PERTAINING TO PUBLIC COMMENTS**

The Brown Act prohibits the Council from taking action on an issue raised during Public Comment unless it is specifically listed on the agenda. The Brown Act generally prohibits the Council from either discussing an issue raised during Public Comment unless it is specifically listed on the agenda; however, the Council may refer such comments to staff for appropriate follow up, request that the subject be added to a future City Council meeting agenda, or the City Council or City staff may briefly respond to statements made or questions posed by persons exercising their right to make public comments in accordance with Government Code section 54954.2(a).

**2.2.9. WRITTEN CORRESPONDENCE**

**2.2.9.1. INCLUDED IN AGENDA PACKET.**

Any written communication relating to a matter pending, or to be brought before the City Council shall, whenever possible, be included in the agenda packet for the meeting at which such item is to be considered. If received after the delivery of the agenda packet, it shall be distributed to all persons receiving the agenda packet and all others requesting such information as soon as practicable after receipt.

**2.2.9.2. LETTERS OF APPEAL.**

Letters of appeal from administrative or commission decisions shall be processed under applicable provisions of the municipal code, or other applicable ordinances.

**2.2.9.3. WRITTEN PUBLIC COMMENTS.**

Public comments submitted in written form shall be copied and distributed to all members of the City Council, the City Manager, ~~and~~ the City Attorney, and made available to the public.

**2.3. PERSONS AUTHORIZED TO BE WITHIN PLATFORM AREA**

While the City Council is in session, no person except city officials shall be permitted within the area of the Council Chambers forward of the speaker's podium without the invitation or consent of the presiding officer. No person except city officials shall be permitted to sit at the staff's tables.

For the safety of all persons present, attendance in the Council Chambers shall be limited to the posted seating capacity thereof. Sitting on the floor of the City Council Chamber is prohibited.

**2.4. PUBLIC COMMENTS AT REGULAR AND ADJOURNED REGULAR MEETINGS.**

**2.4.1. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**

Each person addressing the City Council during Public Comments on Matters Not on the Agenda shall be permitted three (3) minutes to address the City Council, ~~but in~~ cases where it appears that a large number of persons desire to address the City Council on one subject, the Presiding Officer may limit public comments on any one subject to an aggregate of fifteen (15) minutes. Public comments on matters not on the agenda shall be taken up in accordance with the Order of Business set forth in paragraph 1.1.2.1 above.

**2.4.2. PUBLIC COMMENTS ON MATTERS ON THE AGENDA**

Public comments on items listed on the agenda shall be taken as to each agenda item called by the Presiding Officer for consideration; however, speakers who wish to address the City Council on any consent calendar item may only speak once prior to City Council consideration of the consent calendar. Each member of the public requesting to speak shall be allowed three (3) minutes to complete comments and all speakers on any one (1) agenda item shall be limited to a total aggregate time of fifteen (15) minutes.

**2.5. PUBLIC COMMENTS AT SPECIAL MEETINGS**

At special meetings of the City Council, no public comments will be taken on matters not on the agenda. Public comments on matters on the agenda shall be taken as to each agenda item as called by the Presiding Officer for consideration. However, with respect to Special Joint Meetings with other Agencies or Commissions, public comments on matters on the agenda shall be taken in any manner consistent with state law and agreed to under Subsection 1.6.2 above. Each member of the public requesting to speak shall be allowed three (3) minutes to complete comments and all speakers on any one agenda item shall be limited to a total aggregate time of fifteen (15) minutes, except with respect to public hearings, where speakers shall be governed by the rules pertaining to public hearings at regular meetings.

**2.6. PUBLIC COMMENTS AT STUDY SESSIONS.**

A public comment period, entitled "Public Comments on Matters Either on the Agenda or Not on the Agenda Under the Jurisdiction of the City Council" shall be included as part of the regular study session agenda. Such public comments shall be taken at the beginning of the meeting prior to the City Council consideration of any agenda item. Each speaker shall be subject to a three (3) minute time limit, with a total aggregate time for public comments of thirty (30) minutes. The City Council may extend the thirty (30) minute time limit ~~a~~ upon a majority vote after an appropriate motion and second.

**2.7. PUBLIC COMMENTS ON MATTERS ON CLOSED SESSION AGENDAS.**

The public shall be permitted to make comments on matters ~~to be heard in~~ the closed session ~~agendas~~ prior to the holding of ~~each any~~ closed session, ~~in accordance with the following procedures:~~

~~**2.7.1. CLOSED SESSIONS AFTER MEETINGS.**~~

~~For Closed Sessions held immediately after an open session of any City Council meeting, public comments shall be taken immediately prior to the Council adjourning the open session.~~

~~**2.7.2. CLOSED SESSIONS BEFORE MEETINGS AND SEPARATE CLOSED SESSIONS.**~~

~~For Closed Sessions held immediately before any City Council meeting, or not in conjunction with any other meeting of the City Council, the Council shall convene in the Council Chambers or such other place as noted on the Agenda for the Closed Session, and receive public comments on matters on the Closed Session Agenda prior to retiring to the Closed Session.~~

~~**2.7.3.2.7.1. TIME LIMITS.**~~

Each speaker shall be limited to three (3) minutes for all items on the Closed Session Agenda with an aggregate time limit for all public comments of fifteen (15) minutes unless extended upon a majority vote of the City Council after an appropriate motion and second.

**3. CONDUCTING BUSINESS AT MEETINGS**

**3.1. AGENDA ITEMS.**

Items may be placed on the agenda of any regularly scheduled meeting of the City Council by the Mayor, or by any member of the City Council with the concurrence of one other member of the Council, or by the City Manager, City Attorney, or City Clerk. Items may be placed on the agenda of any special meeting with the consent of a majority of the City Council.

**3.2. NOTICE OF MEETINGS**

Notice of regular meetings or regular study sessions need be given only under circumstances required by state law. Notice of Special Meetings and adjourned meetings shall be given in accordance with state law. Posted notice of all meetings shall be given as required by state law at the locations specified by resolution of the City Council and shall be posted on the City's website. Inadvertent failure of the Clerk to post notice at any location so specified shall not invalidate any meeting so long as the posting actually done by or under the direction of the Clerk complies with state law for posted notices.

**3.3. QUORUM AND REQUIRED MAJORITIES**

**3.3.1. MAJORITY QUORUM AND MAJORITY VOTE.**

Unless otherwise provided for in the Municipal Code or by state law, a

majority of the City Council shall be a quorum sufficient to do business and motions may be passed 2-1 if only 3 attend.

**3.3.2. MATTERS REQUIRING THREE VOTES.**

The following matters, however, require three affirmative votes: (a) adoption of ordinances; (b) resolutions granting franchises, (c) resolutions amending the general plan; and (d) orders or appropriations for payment or expenditure of money.

**3.3.3. EMERGENCY ITEMS.**

Discussion and action on an item not appearing on the posted agenda of regular meetings, regular study sessions and closed sessions may occur if an emergency situation as defined in California Government Code Section 54956.5 is determined to exist by a majority vote of the Council.

**3.3.4. ADDING AN ITEM TO A REGULAR MEETING AGENDA WHEN THERE IS A NEED FOR IMMEDIATE ACTION.**

Discussion and action on an item not appearing on the posted agenda may occur in the absence of an emergency if the legislative body determines by a two-thirds vote of the members of the legislative body present at the meeting (or a unanimous vote if less than two-thirds of the members are present) there is both: a) the need to take action immediately, and; b) that the need for action came to the attention ~~of responsible officers~~ of the City after the agenda was posted.

**3.3.5. OTHER MATTERS REQUIRING SUPER-MAJORITY VOTES.**

Where state or federal law requires a vote greater than a majority for valid action or approvals, the required vote for passage or approval shall be in accordance with the applicable statute. These matters include, but are not limited to:

- a) Adoption of a general tax (two-thirds majority of Council prior to public vote)
- b) An urgency ordinance for the immediate preservation of the public peace, health or safety, which must contain a declaration of the facts constituting the urgency (four-fifths vote)
- c) Interim ordinances effective immediately prohibiting land uses which may be in conflict with a contemplated zoning proposal which is or will be studied within a reasonable time (four-fifths vote)
- d) Adoption of a resolution of necessity for a proposed taking of property by power of eminent domain (two-thirds vote of all members of the city council)

- e) Conversion of land purchased for park purposes or land used for park purposes to other uses (four-fifths vote with special findings after a public hearing)
- f) Award of contracts without competitive bidding (finding by a four-fifths vote that an emergency exists)
- g) Resolution finding that a project can be performed more economically by day labor or through open market purchases of materials and supplies and dispensing with further public bidding after all bids are rejected (four fifths vote)
- h) Override of a decision of an Airport Land Use Commission "ALUC" (two-thirds vote including adoption of findings required by state statute)
- i) Override of an adverse determination of an ALUC concerning the city's proposed amendment of its general plan (two-thirds vote)
- ~~j) Adoption of a redevelopment plan if either the Planning Commission or Project Area Committee has recommended against approval (two-thirds vote of the entire Council)~~
- ~~k) Adoption of a resolution to authorize immediate expenditure of public money to safeguard life, health or property in case of emergency or disaster (four-fifths vote)~~
- ~~k) Agreements to share sales and use tax proceeds among cities and/or counties (two thirds vote or voter-approval)~~
- ~~m) Declaration of emergency setting an election to approve a general tax other than at a regularly-scheduled general city election (unanimous vote of the governing body)~~

**3.3.6. LEGALLY REQUIRED PARTICIPATION**

If a majority of the City Council shall be disqualified to vote on a matter by reason of a conflict of interest, the City Council shall select by lot or other means of random selection, or by such other impartial and equitable means as the City Council shall determine, that number of its disqualified members which, when added to the members eligible to vote, shall constitute a quorum. Any disqualified member so chosen shall not participate in any discussion of the item and shall participate in voting only to the minimum extent required for a lawful and legal decision. The disqualified member(s) so chosen shall publicly disclose on the record the basis for their conflict of interest.

**3.4. MEETINGS TO BE PUBLIC**

~~Study sessions and all regular, adjourned or special~~ All meetings of the City Council shall be open to the public; however, the City Council may hold closed sessions from which the public may be excluded for the consideration of any matter for which a closed session is permitted under applicable state law.

**3.5. CONCLUSION OF MEETINGS**

The Council shall endeavor to adjourn ~~all regular, adjourned or special~~ meetings of the City Council ~~including study sessions at~~ not later than 11:00 p.m. or as soon thereafter as any matter then being considered is concluded. The Council may, by motion and majority vote, continue the meeting after such time. However, continuing the meeting after such time without such motion or vote shall not invalidate any action taken.

**3.6 PUBLIC HEARING AT A SPECIAL MEETING**

A public hearing that is not expected to be lengthy may be placed on the agenda for a regular meeting. When a public hearing is expected to be lengthy and/or the Council's regular meeting schedule is heavily booked, a special meeting may be scheduled specifically for the public hearing. No other matters shall be placed on the agenda for the special meeting. All public comment will be considered as part of the public hearing and no separate time will be set aside for public comment not related to the public hearing at this meeting.

**4. PRESIDING OFFICER**

**4.1. MAYOR AND MAYOR PRO TEM**

**4.1.1. MAYOR AS PRESIDING OFFICER.**

The Mayor shall be the presiding officer at all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In the absence of both the Mayor and the Mayor Pro Tem, the City Clerk shall preside temporarily and shall immediately call for the Council to elect one of their number as a temporary presiding officer to serve until the arrival of the Mayor or the Mayor Pro Tem or until adjournment, whichever first occurs. A temporary presiding officer so elected shall be referred to by the Council and City Staff as "Mister Chairman" or "Madame Chairman" as appropriate to gender.

**4.2. SELECTION OF MAYOR AND MAYOR PRO TEM.**

**4.2.1. ANNUAL SELECTION.**

The City Council shall meet annually at its first regular meeting in December to choose one of its number as Mayor and another of its number as Mayor Pro Tem. The new Mayor and Mayor Pro Tem shall be installed and sworn



in during a special ceremonial meeting on the first Tuesday of January and shall assume their offices at the next regular City Council meeting ~~on the second Tuesday of January~~. However, in the event of a need for a special meeting between the special ceremonial meeting and the regular meeting on the second Tuesday, the newly sworn Mayor shall preside.

**4.2.2. CITY CLERK PRESIDES.**

The City Clerk shall convene and preside at the special ceremonial meeting for the installation and swearing in of the Mayor and Mayor Pro Tem. The City Clerk shall then administer the oaths of office. Each Council member shall have an opportunity for brief comments and the meeting shall be adjourned. No other business shall be conducted at such ceremonial meeting.

**4.2.3. SELECTION PROCESS.**

Nominations for the office of Mayor or Mayor Pro Tem may be made by any member of the City Council and need not be seconded in order to be effective. Each selection shall be by three or more affirmative votes. In the event that no person receives three or more votes in the selection process for one or both offices, the selection process shall be repeated immediately; provided, however, that the two persons receiving the highest number of votes in the preceding selection process shall be the only nominees for the office to be filled. If, upon repeating the selection process for Mayor or Mayor Pro Tem, no person has yet received three affirmative votes for such office, the City Council may either repeat the selection process until the officer has been duly selected or may continue the selection to the next regular meeting of the City Council.

**4.2.4. WRITTEN BALLOT.**

Voting in the selection of Mayor and Mayor Pro Tem shall be by written ballot unless the City Council, by three or more affirmative votes, determines to conduct the selection process by voice vote. If conducted by written ballot, the vote of each Council member shall remain undisclosed until all votes have been cast and have been lodged with the City Clerk. The City Clerk shall then read aloud into the minutes of the City Council the identity of the voting Council member and the name of the person for whom such person is voting. The written ballots shall be public documents and shall be retained in the records of the City Council. The Standard Code of Parliamentary Procedure, ~~third~~ fourth edition, as revised or approved from time to time by the American Institute of Parliamentarians, shall apply to resolve any question of procedure arising during the selection process, which is not governed by this Section.

**4.2.5. TERM OF OFFICE.**

Except as provided in this Section, the Mayor and Mayor Pro Tem selected pursuant hereto shall serve until the next meeting scheduled for selection of Mayor and Mayor Pro Tem pursuant to this Section, and thereafter until their successors have been duly selected.

**4.3. VACANCIES.**

**4.3.1. OCCURRENCE OF VACANCY.**

The offices of Mayor and Mayor Pro Tem shall be deemed vacant upon the happening of any of the following:

- a) The death of the holder of such office;
- b) The loss or resignation from membership on the City Council by the holder of such office; or
- c) The acceptance by the City Council of the resignation from such office (without resignation from membership on the City Council) by the holder thereof.

**4.3.2. FILLING VACANCY.**

At its first regular meeting after the occurrence of a vacancy created by any of the foregoing events, the City Council shall select a successor to such office pursuant to the selection procedures established by this Section.

**4.4. CALL TO ORDER**

The meeting of the City Council shall be called to order by the Presiding Officer. In the absence of both the Mayor and the Mayor Pro Tem, the meeting shall be called to order by the City Clerk, whereupon the City Clerk shall immediately call for the selection of a temporary presiding officer as provided above.

**4.5. PARTICIPATION OF PRESIDING OFFICER**

The presiding officer (except the City Clerk, when acting as presiding officer) may move, second, and debate from the chair, subject only to such limitations of debate as are imposed on all Council members. The presiding officer shall not be deprived of any of the rights and privileges of a Council member by reason of acting as presiding officer. However, the presiding officer is primarily responsible for the conduct of the meeting. If the presiding officer believes that personally engaging in the making or seconding of motions or extended debate on questions before the City Council would jeopardize the presiding officer's ability to fairly and efficiently conduct the meeting, the presiding officer may, but shall not be required to, turn the responsibility of presiding over to the Mayor Pro Tem or, in the absence or inability to act of the Mayor Pro Tem, to the City Clerk for the election of another Council member as temporary presiding officer.

**4.6. QUESTION TO BE STATED**

The presiding officer should restate or cause to be restated each question immediately prior to Council debate and discussion and again prior to calling for the vote. Following the vote, the presiding officer should announce whether the question carried or was defeated and the vote totals and the vote or abstention on that matter of each council member present for the action. Before proceeding to the next item of business, the presiding officer may also state the effect of the vote for the benefit of the audience.

**4.7. SIGNING OF DOCUMENTS**

After approval as to form by the City Attorney or his deputy, the Mayor, or Mayor Pro Tem in the absence of the Mayor, shall sign ordinances, resolutions and proclamations adopted by and ~~letters,~~ contracts and other documents and instruments approved by the City Council. The City Clerk or Assistant City Clerk shall attest to the signature of the Mayor or Mayor Pro Tem.

**5. RULES, DECORUM, AND ORDER**

**5.1. MAINTENANCE OF ORDER**

The presiding officer is responsible for the maintenance of order and decorum at all times.

**5.2. POINTS OF ORDER**

The presiding officer shall determine all points of order subject to the right of any Council member to appeal to the City Council. If any appeal is taken, the question shall be "Shall the decision of the presiding officer be sustained" in which event a majority vote shall govern and conclusively determine such question of order.

**5.3. LANGUAGE**

All Council members, staff members and members of the public should speak respectfully and avoid the use of profanity and, vulgarity, ~~and slanderous comments~~. Recognizing that the First Amendment precludes the City Council from prohibiting speakers from speaking based upon the content of speech, the presiding officer shall use his best efforts, short of enforcement action, to remind and encourage all participating in the meeting to keep their speech respectful towards others and within bounds appropriate for children and persons of sensitivity toward coarse language as a courtesy to others present or otherwise viewing Council meetings.

**5.4. ENFORCEMENT OF DECORUM**

**5.4.1. SERGEANT-AT-ARMS.**

The Chief of Police or his designee shall be ex-officio sergeant-at-arms of the City Council. At meetings where a Bailiff is assigned and present, the

bailiff shall act as Sergeant-at-Arms, but shall remain subject to the direction of the Police Chief. The Sergeant-at-arms shall carry out all legal and valid orders and instructions given him by the presiding officer for the purpose of maintaining order and decorum in the Council Chambers. Upon instructions from the presiding officer, it shall be the duty of the sergeant-at-arms to remove any disorderly person from the Council Chambers or place the disorderly person under arrest or both.

**5.4.2. FAILURE TO YIELD, DISRUPTIONS.**

Any person who refuses to relinquish the floor after their allotted time or while speaking or while attending the City Council meeting engages in conduct which disrupts the business of the meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer. ~~Disruptive remarks from the audience, stamping of feet, whistles, yells and similar demonstrations~~ Disruptions shall not be permitted by the presiding officer who may direct the sergeant-at-arms to remove such offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the presiding officer.

**5.4.3. CLEARING THE ROOM.**

As set forth in Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a person or group of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the City Council may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the City Council from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

**5.5. DECORUM AND ORDER – COUNCIL MEMBERS**

**5.5.1. MANNER OF SPEAKING.**

Any Council member desiring to speak shall activate the light signaling to the presiding officer a request to speak. In the event such signal lights are not available or functional, the Council member shall first address the presiding officer. Upon recognition by the presiding officer, the Council member shall speak only to the question under debate.

**5.5.2. QUESTIONING STAFF.**

A Council member desiring to question the staff should address his question to the City Manager, or, in appropriate cases, the City Clerk or City Attorney, who shall be entitled either to answer the inquiry or to designate some staff member for that purpose. Such a designation may be made at the time of any staff presentation or on the agenda listing for the item.

**5.5.3. INTERRUPTIONS.**

Once recognized, a Council member shall not be interrupted while speaking unless called to order by the presiding officer; unless a point of order is raised by another Council member, or unless the speaker chooses to yield to questions from another Council member.

**5.5.4. PERSONAL PRIVILEGE.**

The right of a Council member to address the City Council on a question of personal privilege shall be limited to cases in which that Council member's integrity, character, or motives are assailed, questioned, or impugned.

**5.5.5. CONFLICT OF INTEREST AND DISCLOSURE**

**5.5.5.1. APPLICABLE LAW.**

All Council members are subject to the provisions of California law, including, but not limited to, Chapter 7, Title 9, of the California Government Code, Section 87100, et seq., relative to conflicts of interest, and to conflicts of interest codes adopted by the City Council.

**5.5.5.2. NO PARTICIPATION.**

Any Council member prevented from voting because of a conflict of interest shall refrain from any participation with respect to that item, including but not limited to questions, comments, debate and voting. Such Council member shall leave the Council Chambers during debate and voting on the issue except when such item is listed on the consent calendar.

**5.5.5.3. CONTACTS AND CONSULTATIONS WITH INTERESTED PARTIES.**

At the time that each matter is taken up by the City Council for action in public session and prior to participation in the consideration of that matter, each member of the City Council shall identify by name and date all ex parte contacts concerning the subject of the hearing and ~~(or if sufficient legal reason exists not to disclose the name, by the general description of the person and the person's interest in the matter)~~ each person with a material interest in the matter who has consulted with that Council member regarding the matter since the application or other proposal was actually presented to the City. Such

disclosure may be oral and shall be supplemented, as required, if the matter is continued from one meeting to another. Failure to make a disclosure of consultation shall be deemed to be a representation that no disclosable consultation took place in respect to a matter coming before the City Council for action. For items requiring a public hearing as to which any party is entitled to due process of law, each Council member should discourage such contacts and consultations outside of the hearing and shall, in addition to the disclosure required above, generally describe on the public record, the content of any such communication received outside of the public hearing.

**5.5.6. LIMITATION OF DEBATE**

No Council member shall speak for more than five minutes each time that Council member has the floor, without the approval of a majority vote of the City Council. No Council member normally should speak more than once upon any one subject until every other Council member choosing to speak thereon has spoken. The five-minute limit set forth herein shall not apply to remarks by a Council member under Council Member Reports and Closing Comments.

**5.5.7. DISSENTS, PROTESTS, AND COMMENTS**

Any Council member shall have the right to express dissent from, or protest to, or comment upon, any action of the City Council and have the reason entered in the minutes. If such dissent, protest or comment is desired to be entered in the minutes, this should be made clear by language such as, "I would like the minutes to show that I am opposed to this action for the following reasons . . ."

**5.6. PROCEDURES IN ABSENCE OF RULES**

In the absence of a rule herein or in a written policy adopted by the City Council, to govern a point or procedure, The Standard Code of Parliamentary Procedure, ~~third~~ fourth edition, shall be used as a guide, unless the Council, by majority vote or consent adopts an interim rule for that point or procedure by motion and majority vote.

**5.7. RULINGS OF PRESIDING OFFICER FINAL UNLESS OVERRULED BY COUNCIL**

In presiding over City Council meetings, the presiding officer shall, with due consultation with the City Attorney, decide all questions of interpretation of these rules, points of order or other questions of procedure requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Council members present and voting and shall be binding and legally effective (even if clearly erroneous) for purposes of the matter under consideration.

**5.8. DECORUM AND ORDER - PUBLIC**

Decorum of public speakers during public comments shall be governed by Section 2 of these rules. No person shall disrupt the orderly conduct of a Council meeting. Prohibited disruptive behavior includes, but is not limited to, shouting, creating or participating in a physical disturbance, preventing or attempting to prevent others who have the floor from speaking or approaching the Council dais without consent.

Members of the audience shall not address the Council, the presiding officer, the staff or other members of the public except during public comment periods. When a member of the audience has important information, answers to questions raised during Council deliberations, or new evidence for Council consideration after the closing of the public comment period applicable to that item, the member of the public shall request to be recognized by the presiding officer by silently standing and/or raising a hand. Persons unable to stand or raise a hand may use such other means, including speaking out loud, if necessary, as are reasonably calculated to attract the attention of the presiding officer with the least disruption to the proceedings. The presiding officer shall have discretion to deny the request or briefly question the person regarding the general nature of the information held by the audience member, and/or the relevance and importance of the information. If the presiding officer deems the answers to such questions worthy of Council consideration the presiding officer shall ask for the Council to indicate, by majority consent, whether they wish to hear and consider the comments.

**5.9. DECORUM AND ORDER - EMPLOYEES**

The City Manager shall insure that all city employees observe proper rules of decorum. Any staff members, including the City Manager, desiring to address the City Council or members of the public shall first be recognized by the presiding officer. All remarks shall be addressed to the presiding officer or to the City Council and not to any one individual Council member or member of the public.

**6. MOTIONS**

**6.1. WITHDRAWAL OF MOTIONS**

Once a motion is made and seconded, it shall not be withdrawn by the mover without the consent of the person seconding it.

**6.2. MOTIONS OUT OF ORDER**

The presiding officer may at any time, by majority consent of the City Council, permit a Council member to introduce an ordinance, resolution, or motion out of the regular agenda order.

**6.3. DIVISION OF QUESTION**

If the question contains two or more divisible propositions, the presiding officer may, and upon request of a Council member shall, divide the same.

**6.4. PRECEDENCE OF MOTIONS**

When a motion is before the City Council, no motion shall be entertained except the following, which shall have precedence in the following order:

- Adjourn
- Fix hour of adjournment
- Table
- Limit or terminate discussion
- Amend
- Postpone

**6.5. MOTION TO ADJOURN**

A motion to adjourn shall be in order at any time, except as follows:

- a) When repeated without intervening business or discussion;
- b) When made as an interruption of a member while speaking;
- c) When discussion has been ended, and vote on motion is pending; and
- d) While a vote is being taken.

A motion to adjourn without specifying another time if adopted shall adjourn the meeting to the next regular meeting or next regular study session, whichever first occurs and shall not be debatable. A motion to adjourn to a specific time shall be debatable only as to the time to which the meeting is adjourned.

**6.6. MOTION TO TABLE**

A motion to table shall be used to temporarily bypass the subject. A motion to table shall not be debatable and shall not be subject to amendment. Such a motion shall immediately terminate any further debate of the subject under consideration until the motion is determined. If the motion shall prevail, the matter may be "taken from the table" by motion and majority vote at any time, subject to agenda posting and any notice requirements.

**6.7. MOTION TO LIMIT OR TERMINATE DISCUSSION**

Such a motion shall be used to limit or close debate on, or further amendments to, the main motion and shall not be debatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

**6.8. MOTION TO AMEND**

A motion to amend shall be debatable only as to content of the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. Amendments shall be voted first and then the main motion, as amended.



**6.9. MOTION TO SUBSTITUTE**

A motion to substitute a new motion for a pending motion or to amend the pending motion by substitution shall be debatable only as to the content of the substituted motion. A motion to substitute or to amend by substitution shall be germane to the general subject matter of the pending motion but may differ in wording, purpose and/or effect. If the motion prevails, the new motion shall take the place of the former motion and any amendments previously adopted, which shall no longer be on the floor. If the motion fails, the original motion remains pending. Such a motion shall be voted on before voting on any proposed amendments not already approved.

**6.10. MOTION TO CONTINUE**

Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set.

**7. VOTING PROCEDURE**

**7.1. VOTING PROCEDURE**

In acting upon every motion, the vote shall be taken by voice or roll call or any other method by which the vote of each Council member present can be clearly ascertained. The vote on each motion shall then be entered in full upon the record.

The order of voting shall be alphabetical by surname with the presiding officer voting last. The clerk shall call the names of all members seated when a roll call vote is ordered or required. Members shall respond "aye," "no," or "abstain," provided that when a vote is collectively taken by voice or when a method of voting other than by voice or roll call is used, any Council member not audibly and clearly responding "no" or "abstain" or otherwise registering an objection shall be recorded as voting "aye."

**7.2. ROLL CALL VOTING**

A roll call vote shall be used for all ordinances, resolutions and orders for franchises or payments of money. Any other question before the City Council shall not require a roll call vote unless requested by any member. It shall not be in order for members to explain their votes during roll call. Council members may change their votes before the next order of business is called.

**7.3. ABSTENTIONS DISCOURAGED**

Every Council member should vote "aye" or "nay" on each item unless disqualified for cause.

**7.4. RECONSIDERATION**

Any Council member who voted with the majority may move for reconsideration of any action at the same meeting or at the next regular meeting, so long as the item is duly listed and posted on the agenda for the subsequent meeting. After a motion

for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the City Council.

**7.5. TIE VOTES**

Tie votes shall be lost motions. When all Council members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the City Council takes other action to further consider the matter. If a tie vote results at a time when less than all members of the City Council are present, the matter shall automatically be continued to the agenda of the next regular meeting of the City Council, unless otherwise ordered by the City Council.

**8. LEGISLATIVE AND ADMINISTRATIVE ACTIONS**

**8.1. DEFINITIONS.**

**8.1.1. ORDINANCE**

An “Ordinance” is a formal legislative act of the City Council having the force of law and has the meaning generally attributed to ordinances under the California Government Code. Ordinances are memorialized in documents so designated and executed with the formalities required by the Government Code.

**8.1.2. RESOLUTION**

“Resolution” means a formal action of the City Council memorialized by a separate document, numbered in sequence, and preserved in a separate set of books. A resolution documents both the action taken by the Council and the reasons for the action and may contain findings of fact and/or recitations of legal or policy reasons for the action. “Resolutions” are used when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, when needed for legal reasons to document important Council decisions, when documenting important policy or administrative decisions with long-term effects, or where the frequency of future reference back to its contents warrants a separate document.

**8.1.3. MINUTE ORDER.**

A “minute order” as used locally denotes a decision of the City Council entered in the minutes and documenting the reasons (findings of fact and policy considerations) for the decision at the request of a member of the City Council or for legal reasons at the request of the City Attorney. A “minute order” is drafted far more briefly than a “resolution” and is distinguished from a mere minute entry only by the detail entered in explaining findings of facts and policy considerations behind the Council’s decision.

**8.1.4. MINUTE ENTRY.**

The “minute entry”, is an entry in the minutes of the meeting recording a City Council action.

**8.2. ORDINANCES**

**8.2.1. INTRODUCTION AND ADOPTION OF ORDINANCES**

**8.2.1.1. INTRODUCTION AND READING.**

Except for urgency ordinances, ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Council members present, all ordinances shall be read in full either at the time of introduction or passage. Waiver of further reading of all ordinances on the agenda of any meeting may be done in advance as a consent calendar item. The second reading of an ordinance may be included on the Consent calendar.

**8.2.1.2. ALTERED ORDINANCES.**

When ordinances, other than urgency ordinances, are altered after introduction, they shall be introduced again and shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration and reintroduction. Corrections of typographical or clerical errors are not alterations within the meaning of this section.

**8.2.2. EFFECTIVE DATE**

All ordinances, except as provided in Section 36937 of the Government code, shall take effect thirty (30) days after adoption but may be made operative at such later date as may be designated in the ordinance.

**8.2.3. PUBLISHING**

It shall be the duty of the City Clerk to post or publish all ordinances in accordance with Section 36933 of the Government Code within fifteen (15) days after adoption.

**8.2.4. URGENCY ORDINANCES**

All urgency ordinances must receive four (4) affirmative votes to be adopted and to become effective immediately. If such an ordinance fails to receive a four-fifths (4/5) majority, it may thereafter be considered and passed in the same manner and with the same effect as regular ordinances.

|

### **8.3. RESOLUTIONS**

#### **8.3.1. RESOLUTIONS PREPARED IN ADVANCE**

If a resolution has been prepared in advance, the procedure shall be: motion, second, discussion, vote pursuant to methods prescribed in Section 7.1, and result declared. It shall not be necessary to read a resolution in full or by title except to identify it. Any member may require that the resolution be read in full.

#### **8.3.2. RESOLUTIONS NOT PREPARED IN ADVANCE**

If a resolution has not been prepared in advance, the procedure shall be to instruct the City Manager or the City Attorney to prepare a resolution for presentation at a subsequent City Council meeting.

#### **8.3.3. URGENCY RESOLUTIONS**

##### **8.3.3.1. ORAL PRESENTATION.**

In matters of urgency, a resolution may be presented orally in motion form together with instructions for written preparation for later execution. After the resolution has been verbally stated, the voting procedure in Section 8.2 above shall be followed.

##### **8.3.3.2. DISFAVORED.**

Urgency resolutions shall be avoided except when absolutely necessary; and they shall not be used when resolutions are required by law, including, but not limited to actions related to public financing, improvement acts, eminent domain, general plan and zoning matters, force account work on public projects and other matters where state statutes specify that action must be taken by formal resolution. If the resolution has been drafted in written form, either before or during the meeting, this section shall not be deemed applicable.

### **8.4. POLICIES**

The City Council may, by resolution or by motion, adopt written policies governing administrative and other routine matters, providing ongoing direction to City staff regarding particular subjects, or setting standards for City involvement in particular types of activities such as public financing, investment, economic development, influencing action by other governmental bodies, and such other matters as the Council may determine from time to time. Such policies shall be compiled in the City's administrative policy handbook together with policies issued by the City Manager for the direction of the City Staff.

### **9. COMMITTEES**

|

**9.1. FINANCE COMMITTEE**

There shall be a standing committee of the City Council known as the finance committee, whose duties shall be those as prescribed in the City of Moreno Valley Municipal Code, or as otherwise assigned by the City Council. The committee shall consist of two (2) Council members appointed by the Mayor and confirmed by the City Council.

**9.2. PUBLIC SAFETY COMMITTEE**

There shall be a standing committee of the City Council known as the public safety committee. The committee shall consist of two (2) members who shall be Council members appointed by the Mayor and confirmed by the City Council. The public safety committee shall study matters relating to law enforcement, fire services, traffic safety, animal control, and related matters referred to it by the City Council, and shall make recommendations to the City Council.

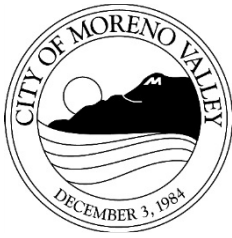
**9.3. OTHER COMMITTEES**

The City Council may by resolution create other standing committees and by motion or resolution may appoint ad hoc committees for particular temporary purposes.

|

36

Rules of Procedure for Council Meetings  
and Related Functions and Activities  
Resolution \_\_\_\_\_  
Adopted \_\_\_\_\_



APPROVALS	
BUDGET OFFICER	<i>me</i>
CITY ATTORNEY	<i>R</i>
CITY MANAGER	<i>d</i>

---

## Report to City Council

---

**TO:** Mayor and City Council

**FROM:** Michelle Dawson, City Manager

**AGENDA DATE:** April 14, 2015 (Continued from March 24, 2015)

**TITLE:** REQUEST TO INCREASE THE CITY'S ECONOMIC DEVELOPMENT FOCUS BY SEPARATING THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT AND REESTABLISHING THE COMMUNITY DEVELOPMENT DIRECTOR POSITION

---

### **RECOMMENDED ACTION**

Recommendations: That the City Council:

1. Increase the City's focus on economic development.
2. Reorganize the Economic Development functions of CEDD into a separate Economic Development Department.
3. Designate the current Community and Economic Development Director's position as Economic Development Director.
4. Transfer Economic Development staff to the separate department.
5. Re-designate the remaining functions now within CEDD (building & safety, planning, and code compliance) as the Community Development Department.
6. Reestablish the Community Development Director position.
7. Direct the City Manager to commence an internal recruitment for the position of Community Development Director, with the intent to downgrade a resulting vacancy to a supervisor (rather than a Division Manager).

## **SUMMARY**

This proposal would reorganize the Community and Economic Development department into two separate departments. Second perhaps only to public safety, creating jobs is a top priority for the City Council. Our City's ongoing success as a vibrant, economically diverse and livable community rests largely upon the effectiveness of today's Economic Development programs. The recommended restructuring will assist in preparing the City for success in these critical endeavors.

## **BACKGROUND/DISCUSSION**

As currently constituted, the Community and Economic Development Department's mission is very broad. Combining community development functions (building & safety, planning, and code compliance) along with economic development functions (business attraction, business retention, and marketing) simply does not allow sufficient executive level focus on critical economic development initiatives. To sharpen Moreno Valley's focus on economic development, it is recommended that the City Council reorganize the Community and Economic Development Department into two separate departments.

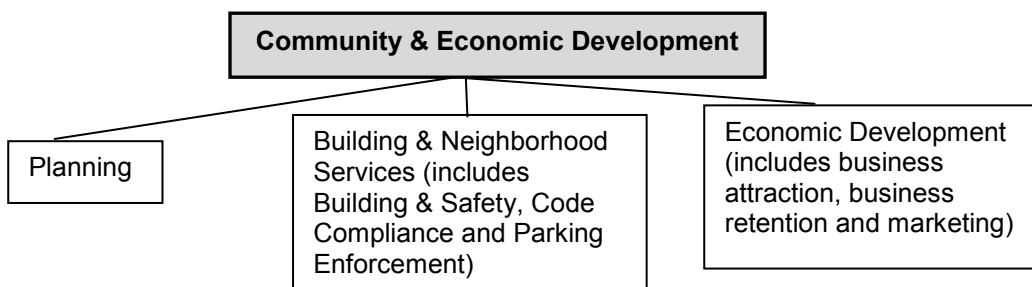
During the course of the City's history, these functions have alternately been combined into one department (in the early 1990s and again in 2011) and split up into two distinct departments (in 2005 and as currently proposed).

Current staffing for the City's economic development efforts include the Department Director who, in addition to business attraction and retention, is responsible for the planning, building & safety, and code compliance functions of the City; one Assistant to the City Manager (who functions as an economic development manager); and one Management Analyst. This is a very small operation with a very large mission to bring jobs (and additional revenue) to the City. By way of comparison, the City of Riverside's web site for its economic development team boasts 15 staff members. We compete with the City of Riverside, and others, in attracting quality development to our region. Moreno Valley's size and opportunities warrant a full-time Department Head dedicated to bringing jobs to its residents.

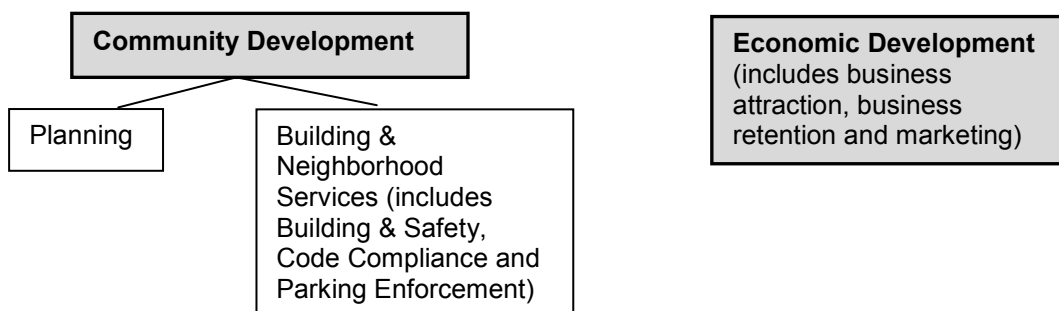
To address the Council's priority of bringing jobs to the Moreno Valley community, the City would be best served by an Economic Development expert whose strongest skills are related to business attraction and retention as well as marketing. The needs and opportunities that exist in Moreno Valley warrant a full time Director, focused 100% on economic development efforts. The proposed structure would better equip us for success in this critical venture.



Current Structure



Proposed Structure



This proposal will also enhance Moreno Valley’s community development services. City services, particularly those related to development services, require an increased focus on customer service and have made strides in this critical area. Having closely reviewed our processes in development services to compare with best practices, we are in the process of implementing enhancements recommended by a consultant. The City’s success in these ventures will rely upon ongoing leadership by a department head with strong coordination, communication and collaborative abilities to lead the effort to tighten up our processes and build a culture focused on positive, consistent, professional interactions with residents and businesses. Additionally, the Community Development Director will be tasked with leading the implementation of the new development services software, a major investment by the City to improve customer service. The intent is to fill the Community Development Director position through an internal recruitment of existing Division Managers. The position of the promoted Division Manager would then be underfilled with a new supervisory position which will result in some salary savings in that position.

At its March 5, 2015 meeting, the Economic Development Subcommittee recommended that the City Council approve the proposed actions. The Subcommittee also directed staff to explore offering incentives to City staff for successful business attraction activities and develop a City marketing strategy.

**FISCAL IMPACT**

Achieving these objectives will remain vital to Moreno Valley's future. The proposed restructuring would include an investment of approximately \$175,000, which is net of savings from downgrading an existing Division Manager to a supervisor to minimize the cost impact, which will occur after appointment of the Community Development Director. While not insignificant, the long-term cost of not focusing on Moreno Valley's economic development activities would be far higher.

Prepared By:  
Michelle Dawson  
City Manager