

## **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**

**February 24, 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

\*Teleconference: 1824 Amis Avenue  
Las Cruces, New Mexico 88005

*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**  
**February 24, 2015**

**CALL TO ORDER – 5:30 PM**

**SPECIAL PRESENTATIONS**

1. Recognition of Recycle Art Calendar Contest Winners
2. Proclamation Recognizing Friends of the Moreno Valley Senior Center
3. Recognition of Prime Care of Moreno Valley's Contributions to the Moreno Valley Senior Community Center
4. Presentation Recognizing the Completion of the Moreno Valley Utility South Substation



**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  
FEBRUARY 24, 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 Diane Gardner - Beautiful Women of God - Diane Gardner Ministries

**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.

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## **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 and approve reading by title only.

#### **A.2 MINUTES - REGULAR MEETING OF FEBRUARY 10, 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 February 4-17, 2015.

#### **A.4 AUTHORIZATION TO AWARD AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES TO KOA CORPORATION FOR THE PRELIMINARY ENGINEERING/ENVIRONMENTAL PHASE FOR THE AQUEDUCT MULTI-USE TRAIL SYSTEM FROM THE TOWNGATE AREA TO LAKE PERRIS STATE RECREATION AREA PROJECT NO. 801 0055 (Report of: Public Works Department)**

**Recommendations**

1. Award Agreement for Professional Consultant Services to KOA Corporation (KOA), 3190 C. Shelby Street, Ontario, CA 91764, for the project preliminary engineering/environmental phase for the Aqueduct Multi-Use Trail System from the Towngate Area to Lake Perris State Recreation Area.
2. Authorize the City Manager to execute a contract with KOA, subject to

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the approval by the City Attorney.

3. Authorize the issuance of a Purchase Order to KOA, in the amount of \$375,455.18 when the contract has been signed by all parties.
  4. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the Agreement for Professional Consultant Services with KOA, not to exceed the Purchase Order amount, subject to the approval by the City Attorney.
- A.5 TRACT MAP 31618 – APPROVAL OF MAINTENANCE AGREEMENT BY AND BETWEEN THE CITY OF MORENO VALLEY AND ESTANCIA MORENO VALLEY ASSOCIATION FOR THE TRACT LOCATED AT THE SOUTHWEST CORNER OF MORENO BEACH DRIVE AND BAY AVENUE - DEVELOPER – FRONTIER COMMUNITIES, LLC  
(Report of: Public Works Department)

**Recommendations**

1. Approve the Maintenance Agreement by and between The City of Moreno Valley and Estancia Moreno Valley Association.
  2. Authorize the Mayor to execute the Maintenance Agreement with Estancia Moreno Valley Association.
  3. Authorize the City Attorney to work with Estancia Moreno Valley Association to draft subsequent modifications or amendments to the Maintenance Agreement, as necessary, to clarify the intent and effectuate the provisions of said Agreement.
  4. Authorize the City Manager to execute modifications or amendments to the Maintenance Agreement, subject to the approval of the City Attorney.
  5. Authorize the City Clerk to transmit the executed Maintenance Agreement to the Riverside County Recorder’s Office for recordation.
- A.6 RATIFY GRANT APPLICATION SUBMISSION FOR THE 2014 HOUSING-RELATED PARKS PROGRAM AND ADOPT RESOLUTION NO. 2015-11 AUTHORIZING APPLICATION FOR THE HOUSING-RELATED PARKS GRANT  
(Report of: Parks & Community Services Department)

**Recommendations**

1. Ratify the grant application submitted to the California Department of Housing and Community Development for the 2014 Housing-Related Parks Program.

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2. Adopt Resolution No. 2015-11. A Resolution of the City Council of the City of Moreno Valley, California, Authorizing Application for Housing-Related Parks Grant.

A.7 RESOLUTION OF THE CITY OF MORENO VALLEY SERVING AS THE SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR THE PERIOD OF JULY 1, 2015 THROUGH DECEMBER 31, 2015 (ROPS 15-16 A)

(Report of: Financial & Management Services Department)

**Recommendations**

1. Adopt Resolution No. SA 2015-01. A Resolution of the City Council of the City of Moreno Valley, California, Serving As Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley Approving the Recognized Obligation Payment Schedule and Administrative Budget for the Period of July 1, 2015 through December 31, 2015 (ROPS 15-16 A), and Authorizing the Executive Director or their Designee to Make Modifications Thereto.
2. Authorize the Executive Director or their designee to make modifications to the Schedule.
3. Authorize the transmittal of the ROPS 15-16 A, for the period of July 1, 2015 through December 31, 2015, including Administrative Budget for the said period, ("Exhibit A") to the Oversight Board for review and approval.

A.8 APPOINTMENT TO MARCH JOINT POWERS AUTHORITY (MJPA) SUCCESSOR AGENCY OVERSIGHT COMMITTEE (Report of: City Clerk Department)

**Recommendation:**

1. Approve Mayor Jesse L. Molina's recommendation to appoint Jeffrey J. Giba to serve as the City of Moreno Valley's representative on the March Joint Powers Authority (MJPA) Successor Agency Oversight Committee.

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

B.1 ORDINANCES - READING BY TITLE ONLY

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

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B.2 MINUTES - REGULAR MEETING OF FEBRUARY 10, 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 and approve reading by title only.

C.2 MINUTES - REGULAR MEETING OF FEBRUARY 10, 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 and approve reading by title only.

D.2 MINUTES - REGULAR MEETING OF FEBRUARY 10, 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 PUBLIC HEARING REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAIL BALLOT PROCEEDING TO APPROVE THE RESIDENTIAL REGULATORY RATE FOR MV24 31789 (RESIDENTIAL HOUSING TRACT 31789 - SOUTH SIDE OF IRONWOOD AVENUE, EAST OF LASSELLE STREET)  
(Report of: Financial & Management Services Department)

**Recommendations That the City Council:**

1. Conduct the Public Hearing and accept public testimony regarding the

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mail ballot proceeding for properties owned by MV24 31789 for approval of the NPDES maximum regulatory residential rate to be applied to the property tax bills.

2. Direct the City Clerk to count the returned NPDES ballot.
3. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet.
4. Receive and file the Official Tally Sheet with the City Clerk's office.
5. If approved, authorize and impose the NPDES maximum residential regulatory rate to all Assessor's Parcel Numbers associated with residential housing Tract 31789.

E.2 APPEAL OF THE PLANNING COMMISSION ACTION OF JANUARY 8, 2015, ADOPTING A NEGATIVE DELCARATION, 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 (APPELLANT AND APPLICANT HAVE REQUESTED A CONTINUANCE TO MARCH 10, 2015)

**Recommendations That the City Council:**

Continue the Public Hearing to March 10, 2015.

**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)

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)

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

G.1.7 School District/City Joint Task Force

G.2 ANNUAL REPORT OF THE LIBRARY COMMISSION (ORAL PRESENTATION)

G.3 RESOLUTION DIRECTING THE CITY MANAGER TO ROUTINELY AGENDIZE PERSONNEL CHANGES FOR CITY COUNCIL RATIFICATION

(Report of: City Manager Department)

**Recommendations That the City Council:**

1. Consider adopting Resolution No. 2015-12. A Resolution of the City Council of the City of Moreno Valley, California, Directing City Council Ratification of Personnel Changes Approved by the City Manager.

G.4 MAYOR'S REQUEST TO CREATE A CITY ETHICS COMMITTEE

(Report of: City Manager Department)

**Recommendation That the City Council:**

1. Per the Mayor's request, that the City Council direct the City Attorney to draft an Ordinance through which the City Council adopts the Code of Ethics process now in place in the City of Riverside.

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

H.1.1 INTRODUCE ORDINANCE 887. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADDING CHAPTER 6.14 TO TITLE 6 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE ESTABLISHING THE REGISTRATION OF RESIDENTIAL PROPERTY IN FORECLOSURE PROGRAM

(Report of: Community & Economic Development Department)

**Recommendations That the City Council:**

1. Introduce Ordinance No. 887. An Ordinance of the City Council of the City of Moreno Valley, California, adding Chapter 6.14 to Title 6 of the

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City of Moreno Valley Municipal Code establishing the Registration of Residential Property in Foreclosure Program.

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

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

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



## **CLOSED SESSION**

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

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

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

The Closed Session will be held pursuant to Government Code:

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

Fitness 19 CA 155, LLC

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

Number of Cases: 5

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

## **ADJOURNMENT**

## **CERTIFICATION**

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

City Hall, City of Moreno Valley  
14177 Frederick Street

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Moreno Valley Library  
25480 Alessandro Boulevard

Moreno Valley Senior/Community Center  
25075 Fir Avenue

Jane Halstead, CMC,  
City Clerk

Date Posted: February 19, 2015

**MINUTES**  
**CITY COUNCIL REGULAR MEETING OF THE CITY OF MORENO VALLEY**  
**February 10, 2015**

**CALL TO ORDER**

**SPECIAL PRESENTATIONS**

1. Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2013
2. California Society of Municipal Finance Officers Operating Budget Meritorious Award for Fiscal Year 2014
3. Award for Excellence in Technology Practices from the Municipal Information Systems Association of California (MISAC) for Fiscal Year 2013-14
4. Business Spotlight
  - a) Renaissance Village Rancho Belago
  - b) Sage College

**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  
February 10, 2015**

**CALL TO ORDER**

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

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

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member D. LaDonna Jempson

**INVOCATION**

Sheikh Hasan Radi - Masjid Al Rahma

**ROLL CALL**

Council:

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

Staff:

|                 |              |
|-----------------|--------------|
| Michelle Dawson | City Manager |
|-----------------|--------------|

Suzanne Bryant  
Jane Halstead  
Thomas DeSantis  
Abdul Ahmad  
Ahmad Ansari  
Joel Ontiveros  
Chris Paxton  
Richard Teichert  
Allen Brock  
Kathy Gross

City Attorney  
City Clerk  
Assistant City Manager  
Fire Chief  
Public Works Director  
Police Chief  
Administrative Services Director  
Chief Financial Officer/City Treasurer  
Interim Community & Economic Development Director  
Executive Assistant

## INTRODUCTIONS

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

#### Scott Heveran

1. Previous comments made at Study Session
2. Ethics Committee (Commission)

#### David Grube

1. Cedar Court Flooding

#### Raydhele Sterling

1. Complimented the City and Rick Teichert, Chief Financial Officer
2. Public Comment

#### Vivian Moreno

1. Public Comment on video concerns; making videos available timely

#### Deanna Reeder

1. Closed Session Investigation
2. Lawsuit clarification

#### Ivan Martinez

1. Prologis approval
2. Warehouse jobs

Alicia Berridge

1. Homeless youth population

William Welch

1. Homeless youth population

Debra Craig

1. Prologis Vote
2. Jobs

Roy Bleckert

1. Hispanics thrive in Texas

Luis Mojica

1. Great Moval Youth Revival will be held at 7:00 p.m. on February 26, 27, and 28th at the Rising Stars Business Academy Family Room, 12125 Day Street, Bldg. M407

Chris Baca

1. Closed Session issue and previous resident comments
2. Truck traffic

Louise Palomarez

1. Previous resident comments
2. Prologis
3. Raising taxes
4. Jobs

Bob Palomarez

1. Previous resident comments
2. Last week's Study Session

Pete Bleckert

1. Tape issue following Study Session

2. Flood Control

Tom Jerele Sr.

1. Thank you to Rick Teichert and his staff
2. Mayor's investigation of modification of City documents

Craig Givens

1. Lessons in Civics
2. People's interest

Curtis Gardner

1. Prologis

Rudy Krantz

1. Jobs

Araceli Ramos

1. World Logistics Center
2. Jobs
3. Need a better place for the future of our children

Norma Araceli Ramos

1. Jobs

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

Mayor Jesse L. Molina opened the consent calendar items for public comment; which were received from Pete Bleckert (A.10, Opposed), Scott Heveran (A.10, Opposed), Deanna Reeder (A.4, A.7, & A.10), and Vivian Moreno (A.6).

Item A.9 and B.4 removed from the agenda.

**A. CONSENT CALENDAR-CITY COUNCIL**

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

- A.2 MINUTES - REGULAR MEETING OF JANUARY 27, 2015 (Report of: City Clerk's Department)

**Recommendation:**

Approve as submitted.

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

**Recommendation:**

Receive and file the Reports on Reimbursable Activities for the period of January 21 – February 3, 2015.

- A.4 BUDGET APPROPRIATION FOR THE SR-60/REDLANDS INTERCHANGE STUDY PROJECT NO. 801 0064 (Report of: Public Works Department)

**Recommendations**

Authorize the following budget appropriation from unencumbered funds in the Development Impact Fee (DIF) Interchange Improvements Revenue Fund Balance to create a new Capital Improvement Project Expenditure Account titled the SR-60/Redlands Interchange Study: \$250,000 – from (2911-99-95-92911) to (3311-99-99-93311).

- A.5 PA07-0080 (PARCEL MAP 35672) – PROCTOR & GAMBLE – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THOSE PORTIONS OF INDIAN STREET, IRIS AVENUE, KRAMERIA AVENUE, AND COSMOS STREET ASSOCIATED WITH THIS PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – PANATTONI CONSTRUCTION, INC.  
(Report of: Public Works Department)

**Recommendations**

1. Adopt Resolution No. 2015-08. A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Project PA07-0080 (Parcel Map 35672) and Acceptance of those Portions of Indian Street, Iris Avenue, Krameria Avenue, and Cosmos Street Associated with this Project into the City's Maintained Street System.
2. Authorize the City Engineer to execute a 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond 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 Bond in one year when all clearances are received.

A.6 AMENDMENT TO EXHIBIT C OF THE EXISTING CONTRACT WITH DENNIS GRUBB & ASSOCIATES FOR CONTRACTUAL PLAN REVIEW SERVICES  
(Report of: Fire Department)

**Recommendations**

1. Approve the First Amendment to the existing Independent Contractor Agreement with Dennis Grubb & Associates for Fire Plan Check Services not to exceed \$200,000 per year with a maximum contract of \$800,000.
2. Authorize the City Manager to execute the First Amendment to the Agreement with Dennis Grubb & Associates.
3. Authorize a change order in the amount of \$50,000 to the existing purchase order for Dennis Grubb & Associates for Fiscal Year 2014/2015, not to exceed a total of \$200,000 for the contract.
4. Authorize the City Manager to approve the annual purchase order for Dennis Grubb & Associates not to exceed \$200,000 for each year remaining in the contract.

A.7 AUTHORIZATION TO IMPLEMENT A PILOT PROGRAM FOR AN EMERGENCY ALERT AND WARNING NOTIFICATION SYSTEM  
(Report of: Fire Department)

**Recommendations**

Authorize the implementation of a pilot program for an Emergency Alert and Warning Notification System.

A.8 PURSUANT TO LANDOWNER PETITION, ANNEX ASSESSOR'S PARCEL NUMBERS ASSOCIATED WITH RESIDENTIAL HOUSING TRACT 31789 (SOUTH SIDE OF IRONWOOD AVENUE EAST OF LASSELLE STREET) INTO COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) — AMENDMENT NO. 2  
(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. 2015-09. 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 an

Amended Map for Said District.

- A.9 APPROVE THE CITY AGREEMENT WITH VACATE TERMITE & PEST ELIMINATION COMPANY OF MORENO VALLEY  
(Report of: Administrative Services Department)

**Recommendations**

1. Approve the agreement with Vacate Termite & Pest Elimination Company, of Moreno Valley, to provide pest control services at City facilities.
2. Authorize the Purchasing & Facilities Manager to issue a FY 2014/15 purchase order to Vacate Termite & Pest Elimination Company in the not-to-exceed amount of \$19,000.
3. Authorize the City Manager or designee to execute any amendments, purchase orders and/or change orders to Vacate Termite & Pest Elimination Company necessary for operational needs throughout all terms of the agreement.

- A.10 APPROVAL OF POWER PURCHASE AGREEMENT BETWEEN WHITNEY POINT SOLAR, LLC (AS SELLER) AND POWER AND WATER RESOURCES POOLING AUTHORITY (PWRPA), PITTSBURG POWER COMPANY, EASTSIDE POWER AUTHORITY, AND THE CITY OF MORENO VALLEY (TOGETHER, AS BUYERS)  
(Report of: Public Works Department)

**Recommendations**

1. Approve the Power Purchase Agreement between Whitney Point Solar, LLC (as Seller) and Power and Water Resources Pooling Authority (PWRPA), Pittsburg Power Company, Eastside Power Authority, and the City of Moreno Valley (as Buyers) for the purchase of renewable energy.
2. Authorize the City Manager to execute the Power Purchase Agreement.

- A.11 APPROVE THE UPDATED MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MORENO VALLEY AND THE MORENO VALLEY MANAGEMENT ASSOCIATION  
(Report of: Administrative Services Department) (CONTINUED FROM JANUARY 27, 2015 BY A VOTE OF 5-0)

**Recommendations**

1. Approve the Memorandum of Understanding (MOU) between the City of Moreno Valley and the Moreno Valley Management

Association (MVMA) which includes language establishing an “agency shop” agreement but leaves all previously agreed upon terms, conditions and language intact.

2. Authorize the City Manager to sign the agreement.

**Approve the Memorandum of Understanding (MOU) between the City of Moreno Valley and the Moreno Valley Management Association (MVMA) which includes language establishing an “agency shop” agreement but leaves all previously agreed upon terms, conditions and language intact.**

**Authorize the City Manager to sign the agreement by m/Jesse L. Molina, s/Dr. Yxstian A. Gutierrez**

**Failed by a vote of 1-4, Mayor Jesse L. Molina, Mayor Pro Tem Dr. Yxstian A. Gutierrez, Council Member D. LaDonna Jempson, Council Member Jeffrey J. Giba opposed.**

## **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 JANUARY 27, 2015 (Report of: City Clerk's Department)

**Recommendation:**

Approved as submitted.

- B.3 CERTIFICATION OF SPECIAL ELECTION RESULTS FOR COMMUNITY FACILITIES DISTRICT NO. 1 (PARK MAINTENANCE) FOR RESIDENTIAL HOUSING TRACT 31789 (LOCATED ON THE SOUTH SIDE OF IRONWOOD AVENUE EAST OF LASSELLE STREET ) — ANNEXATION NO. 2015-34

(Report of: Financial & Management Services Department)

**Recommendation:**

That the legislative body of Community Facilities District No. 1 (Park Maintenance) approve and adopt Resolution No. CSD 2015-03. A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Certifying the Results of an Election and Adding Property to Community Facilities District No. 1 (Park Maintenance) for Annexation No. 2015-34.

- B.4 APPROVE THE CITY AGREEMENT WITH VACATE TERMITE & PEST ELIMINATION COMPANY OF MORENO VALLEY  
(Report of: Administrative Services Department)

**Recommendations**

1. Approve the agreement with Vacate Termite & Pest Elimination Company, of Moreno Valley, to provide pest control services at City facilities.
2. Authorize the Purchasing & Facilities Manager to issue a FY 2014/15 purchase order to Vacate Termite & Pest Elimination Company in the not-to-exceed amount of \$19,000.
3. Authorize the City Manager or designee to execute any amendments, purchase orders and/or change orders to Vacate Termite & Pest Elimination Company necessary for operational needs throughout all terms of the agreement.

**C. CONSENT CALENDAR - HOUSING AUTHORITY**

- C.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

- C.2 MINUTES - REGULAR MEETING OF JANUARY 27, 2015 (Report of: City Clerk's Department)

**Recommendation:**

Approved 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 JANUARY 27, 2015 (Report of: City Clerk's Department)

**Recommendation:**

Approve as submitted.

**Motion to Approve Joint Consent Calendar Items A.1 through D.2 with the exception of A.11, which was removed 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 A PUBLIC HEARING FOR AN APPEAL OF THE PLANNING COMMISSION ACTION OF DECEMBER 11, 2014, APPROVING CONDITIONAL USE PERMIT (PA14-0014), TENTATIVE TRACT MAP 36708 (PA14-0015) AND THE SUPPORTING MITIGATED NEGATIVE DECLARATION FOR A 122 UNIT PLANNED UNIT DEVELOPMENT (PUD) ON 15.92 ACRES AT THE SOUTHWEST CORNER OF PERRIS BOULEVARD AND CACTUS AVENUE (Report of: Community & Economic Development Department) (CONTINUED FROM JANUARY 27, 2015 BY A VOTE OF 5-0)

**Recommendations That the City Council:**

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

OR

2. Approve Resolution No. 2015-03. A Resolution of the City Council of the City of Moreno Valley, California, Approving the Appeal and Overruling the Decision of the Planning Commission to Approve Conditional Use Permit (PA14-0014), Tentative Tract Map 36708 (PA14-0015), and the Supporting Mitigated Negative Declaration for a 122 Unit Planned Unit Development (PUD) on 15.92 Acres at the Southwest Corner of Perris Boulevard and Cactus Avenue (Assessor Parcel Numbers 482-582-038, 039, 040 & 482-230-024).

**Motion to approve moving item E.1 before Consent Calendar by m/Council Member Jeffrey J. Giba, s/Council Member George E. Price**

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

**Motion to approve continuance of item E.1 to a date certain of March 10, 2015 at the appellant and applicants request 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 DELCARATION, 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.  
(Report of: Community & Economic Development Department)

**Recommendations That the City Council:**

APPROVE Resolution No. 2015-10. A Resolution of the City Council of the City of Moreno Valley, California, denying the appeal and sustaining the decision of the Planning Commission to adopt a Negative Declaration and Approve Conditional Use Permit (PA14-0033), Tentative Tract Map 34544 (PA14-0032), for a Planned Unit Development (PUD) on 9.4 acres on the north side of Cottonwood Avenue east of Perris Boulevard (Assessor Parcel Number 478-140-022).

**Motion to approve moving item E.2 before Consent Calendar by m/Council Member Jeffrey J. Giba, s/Council Member George E. Price**

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

**Motion to approve continuance of item E.2 to a date certain of February 24, 2015 by m/Council Member Jeffrey J. Giba, s/Council Member D. LaDonna Jempson**

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

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

Item A.11 removed for separate action from consent calendar.

**G. REPORTS**

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

G.1.1 Council Member George Price reports on League of California Cities (LCC) Community Policy Committee

Council Member Price reported on the Riverside County Division of League of California Cities and was appointed to Policy Committee - covers Library's, seniors, recreation and several other items. Currently

reviewing last year's policies; some issues will be Veteran's, homeless, medical issues with Veteran's, e-cigarettes; Public Safety - gangs, human trafficking, and massage parlor's; Economic Development - funding for Parks and Community Programs, Bill going forward this year, and moratorium on artificial turf; Education - Community Centers, Senior Centers and Libraries; Special Needs Communities - 211 phone systems, summer food programs, school district , domestic violence and transitional housing. Committee requested a follow up to the homeless last year. There were 72 people residing in a river that were moved to a hotel and to help them find jobs.

G.1.2 Council Member LaDonna Jempson reports on Western Riverside County Regional Conservation Authority (RCA)

Council Member LaDonna Jempson reported on Western Riverside County Regional Conservation Authority (RCA). A public agency comprised of 18 cities in the County of Riverside, including Caltrans and RCTC. Protects 146 native species including animals and plant life and preserve a half million acres of habitat. Transportation and development infrastructure necessary for a healthy economy to move ahead without sacrificing our regions environment and quality of life. Prior to the board being implemented, the transportation improvements were lagging and taking a long time for approval. Certain infrastructure and roads to support development was not able to be constructed due to Endangered Species Act (ESA), related delays and lawsuits. A lot of money spent in court in regards to lawsuits and delays regarding projects. In order for this agency to submit input letters for the Environmental Impact Reports, the area must be in a criteria cell. The Reche Canyon Alignment was not in a criteria cell. Training was very detailed.

G.1.3 Council Member Jeffrey J. Giba reports on Western Riverside Council of Governments

Council Member Jeffrey J. Giba reported he attended one meeting with Western Riverside Council of Governments (WRCOG) since he was appointed. Background was informational. WRCOG consists of several jurisdictions - County of Riverside, the cities of Banning, Calimesa, Canyon Lake, Corona, Eastvale, Hemet, Jurupa Valley, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, Temecula, Wildomar, and input from Eastern Municipal Water District, Western Municipal Water District, March Joint Powers Authority, Riverside County Superintendent of Schools and the Morongo Band of Mission Indians. WRCOG is the Nation's largest developer fee program for transportation improvements; Transportation Uniform Mitigation Fee (TUMF). WRCOG is



the administrator for collecting these fees; we all have a stake in it.

G.1.4 Mayor Pro Tem Dr. Yxstian A. Gutierrez reports on March Joint Powers Commission

Mayor Pro Tem Dr. Yxstian A. Gutierrez reported that he participated in the March Joint Powers Commission (MJPC) consists of Council Members of Riverside, Perris, Moreno Valley, and two members from the County of Riverside. New Chair from the City of Riverside is Andy Melendrez and Vice-Chair is Daryl Busch who is the Mayor of the City of Perris. MJPC covers the Base land, airport project and improvement plan, civilian aircraft to generate more revenue, chair and another member will go to Washington for Heacock Channel, which floods really bad and will be approximately a 15 million dollar project. Interesting development, MJPC is looking to expand on redesigning the golf course; also will be meeting with developer Don Eckert for the March Life Care project.

G.2 APPROVE PARKS AND COMMUNITY SERVICES POLICY #8.1 ON VENDING IN CITY PARKS AND FACILITIES  
(Report of: Parks & Community Services Department)

**Recommendations That the City Council and CSD:**

Approve Parks and Community Services Policy #8.1, Vending in City Parks and Facilities, which specifies when vending, both stationary and mobile, would be permitted at these locations.

**Approve Parks and Community Services Policy #8.1, Vending in City Parks and Facilities, which specifies when vending, both stationary and mobile, would be permitted at these locations by m/Council Member George E. Price, s/Council Member D. LaDonna Jempson**

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

G.3 PUBLIC MEETING REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAIL BALLOT PROCEEDING TO APPROVE THE RESIDENTIAL REGULATORY RATE FOR MV24 31789 (RESIDENTIAL HOUSING TRACT 31789 LOCATED ON THE SOUTH SIDE OF IRONWOOD AVENUE EAST OF LASSELLE STREET)  
(Report of: Financial & Management Services Department)

**Recommendations That the City Council:**

Accept public comments regarding the mail ballot proceeding for all Assessor's Parcel Numbers (APNs) associated with residential housing



Tract 31789 located on the south side of Ironwood Avenue east of Lasselle Street (owned by MV24 31789) for approval of the NPDES maximum residential regulatory rate to be applied to the property tax bill.

G.4 INTRODUCTION OF “LET’S TALK MOVAL” PROGRAM  
(Report of: City Manager Department)

**Recommendations That the City Council:**

Receive and file a report which introduces Moreno Valley’s “Let’s Talk MoVal” Program.

Mayor Jesse L. Molina opened the agenda item for public comment; which was received from Deanna Reeder.

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

No Report.

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

Maverick Mosely sued the City of Moreno Valley in case number RIC 1307714 in Riverside Superior Court. The Court dismissed the City from the case on January 16, 2015.

In the case Schneider and Brady v the City (Riverside Superior Court Case No. RIC 1311889) the City Council voted on January 20, 2015 4-1 (Price, Jempson, Gutierrez, and Giba in favor; Molina opposed) to authorize settlement authority up to the amount remaining for this case under the City's self-insured retention and authorizing the Mayor to sign the settlement agreements if settlement was reached.

The case has settled. Per the settlement agreements, the plaintiffs were paid \$600,000 each and the complaint was dismissed on February 9, 2015. Because the case cost more than the City's self-insured retention amount in settlements, costs, and fees, the City's excess insurance risk sharing pool has contributed all funds that exceed the self-insured retention amount.

The settlement agreements are not an admission of liability and the City specifically denied liability.

**H. LEGISLATIVE ACTIONS**

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

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

- H.2.1 ORDINANCE NO. 883 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A ZONE CHANGE (PA07-0081) FROM BUSINESS PARK, BUSINESS PARK MIXED-USE, AND R15 TO LIGHT INDUSTRIAL FOR APPROXIMATELY 84 ACRES FOR DEVELOPMENT OF A 1,529,498 SQUARE FOOT INDUSTRIAL PARK LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 488-330-011, 488-330-022, 488-330-023, 488-330-024, AND 488-330-032 (RECEIVED FIRST READING AND INTRODUCTION ON JANUARY 27, 2015 BY A 3-2 VOTE, COUNCIL MEMBERS JEMPSON AND PRICE OPPOSED) (Report of: Community & Economic Development Department)

### **Recommendations That the City Council:**

Adopt Ordinance No. 883. An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Zone Change (PA07-0081) from Business Park, Business Park Mixed-Use, and R15 to Light Industrial for Approximately 84 Acres for Development of a 1,529,498 Square Foot Industrial Park located within Assessor's Parcel Numbers 488-330-011, 488-330-022, 488-330-023, 488-330-024 and 488-330-032.

**Adopt Ordinance No. 883. An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Zone Change (PA07-0081) from Business Park, Business Park Mixed-Use, and R15 to Light Industrial for Approximately 84 Acres for Development of a 1,529,498 Square Foot Industrial Park located within Assessor's Parcel Numbers 488-330-011, 488-330-022, 488-330-023, 488-330-024 and 488-330-032 by m/Council Member Jeffrey J. Giba, s/Mayor Pro Tem Dr. Yxstian A. Gutierrez**

**Passed by a vote of 3-2, Council Member D. LaDonna Jempson, Council Member George E. Price opposed.**

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

- H.2.2 ORDINANCE NO. 889 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, PROVIDING FOR FUTURE ANNEXATION OF TERRITORY TO CITY OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 2014-01 (MAINTENANCE SERVICES) AND TO AMEND AND RESTATE THE RATE AND METHOD OF APPORTIONMENT FOR THE DISTRICT TO DESIGNATE TAX RATE AREAS NO. LM-02 AND SL-

02 AND REVISE THE RATE STRUCTURE FOR TAX RATE AREA NO. LM-01 (RECEIVED FIRST READING AND INTRODUCTION ON JANUARY 27, 2015 BY A 5-0 VOTE) (Report of: Financial & Management Services Department)

**Recommendations That the City Council:**

Adopt Ordinance No. 889. An Ordinance of the City Council of the City of Moreno Valley, California, Providing for Future Annexation of Territory to City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) and to Amend and Restate the Rate and Method of Apportionment for the District to Designate Tax Rate Areas No. LM-02 and SL-02 and Revise the Rate Structure for Tax Rate Area No. LM-01.

**Adopt Ordinance No. 889. An Ordinance of the City Council of the City of Moreno Valley, California, Providing for Future Annexation of Territory to City of Moreno Valley Community Facilities District No. 2014-01 (Maintenance Services) and to Amend and Restate the Rate and Method of Apportionment for the District to Designate Tax Rate Areas No. LM-02 and SL-02 and Revise the Rate Structure for Tax Rate Area No. LM-01 by m/Council Member George E. Price, s/Council Member Jeffrey J. Giba**

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

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

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.

**Council Member Jeffrey Giba**

1. Navy Reserve is Celebrating its 100th Anniversary at 1000 on March 14, 2015. Limited space available, contact 951.656.1199 for more information.

2. Moreno Valley Sweet Paws Valentine's Day Pet Adoption will be held Wednesday, Thursday and Friday.
3. Community Workshop for Nason Street Corridor, #1 is Wednesday, February 18th (Discovery), and #2 will be Wednesday, April 15th (Review of #1) for the Nason Street Corridor.
4. Colorado Aqueduct Tour, began in 1928
5. BIA
6. Previous speaker regarding US Inland Empire Economic Forecast Speaker

Mayor Pro Tem Dr. Yxstian A. Gutierrez

1. Thank you to Luis Mojica, who is also one our Youth Council Member with the ELC, the ELC has also adopted several sub-committees and there is 3 vacancies coming up. Encourage people to apply, ages 18-25 years.
2. Request staff to look into timely publishing of videos
3. Meet and Greet event once a month on the last Thursday from 3-5 p.m. The next one will be on February 26.
4. City Manager to have CFO to look into the revenues and expenditures regarding the JPA, concerning Mr. Jerele's concerns.
5. Motion to place City Council meeting by Mayor Pro Tem Dr. Gutierrez and Mayor Molina approved to place on future agenda. (requested regular meeting) - Council to ratify personnel changes; resignations, and promotions. Transparency is important.

Council Member D. LaDonna Jempson

1. Thank staff (Mr. Brock and Mr. Sandzimier) - impromptu phone conference with a local business owner, for facilitating the process.
2. US Veteran's Feeding of the Vets on February 21st. Welcome those who will like to help or serve.
3. In recognition for Black History Month, Moreno Valley High School is requesting speakers to speak.
4. February 19th at 7:00 p.m. the Moreno Valley Wind Symphony Concert at the Conference and Recreation Center.
5. Asked for clarification on taping of City Council meetings - inquired if

Study Sessions were only audio. City Manager responded that the Study Sessions were visual and audio.

6. Inquired if there are designated areas for semi-trucks and bobtails. Is there parking in residential areas; Allen Brock, Interim Community & Economic Development Director, responded that there were specific areas designated for truck parking.

Council Member George E. Price

1. Maps of Truck Routes are available and also available on the website.
2. Two businesses honored during Special Presentations Business Spotlight - Renaissance Village
3. Homeless Veteran's
4. Ms. Berridge and Mr. Welch's concerns tonight regarding the homeless of our youth are also concerns of his.
5. Comments by Ms. Craig that Prologis should have been asked to pay the 28 million to do project of bridges.
6. Criticism for listening to his constituents - noted he will support his constituents, represents 40 thousand people in his district.
7. Thanked everyone for their kind words, condolences and support.

Mayor Jesse L. Molina

1. March 7th the City will host the Recreation EXPO from 9:00 a.m. to 1:00 p.m. at the Conference and Recreation Center. Residents will have the opportunity to learn of the many recreation programs offered for our youth and adults as well as register for classes on site.
2. Keep Moreno Valley Beautiful - Saturday March 21st the City and Waste Management will be hosting a "Bulky Clean Up" event; residents will be able to bring their bulky items at no charge. The event will be held at Valley View High School from 8:00 a.m. - 12:00 p.m.
3. Public Safety EXPO on March 21st from 10:00 a.m. to 2:00 p.m. Members of the Police Department, Fire Department and Auxiliary Agencies designed to offer the public opportunity to see, touch the equipment and interact with public safety personnel in a fun way.

4. Flooding in District 3, also in District 1 and District 4 as well as parts of Edgemont. Residents need to be assured they're being addressed.
5. Heard good ideas during public comments on solar power. This would be another alternative for some of the industries such as parking covers and solar parking.
6. Transparency, change the Image of Moreno Valley
7. Fiscal responsibility
8. Making motion: What was the total amount billed for legal services in the calendar year of 2014? Provide answer by next Tuesday - approved by Mayor Molina/Mayor Pro Tem Dr. Gutierrez to get on Tuesday
9. Making motion: Bring an "Approved Vendor's List"
10. Last motion: Request that all Lobbyist Register with the City and have a Business License with the City
11. These motions are being asked because they have been asked for while in office; now requesting publicly
12. Ethics Ad Hoc Committee is needed; transparency is important

## **CLOSED SESSION**

Canceled

## ADJOURNMENT

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

Submitted by:

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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

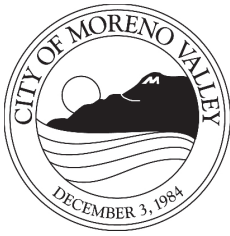
Approved by:

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Jesse L. Molina  
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

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**Report to City Council**

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**TO:** Mayor and City Council

**FROM:** Jane Halstead, City Clerk

**AGENDA DATE:** February 24, 2015

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

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**RECOMMENDED ACTION**

Recommendation:

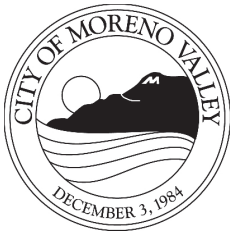
1. Receive and file the Reports on Reimbursable Activities for the period of February 4-17, 2015.

| <i>Reports on Reimbursable Activities</i> |         |                                     |         |
|---|---------|-------------------------------------|---------|
| February 4-17, 2015                       |         |                                     |         |
| Council Member                            | Date    | Meeting                             | Cost    |
| Jeffrey J. Giba                           |         | None                                |         |
| Yxstian A. Gutierrez                      | 2/11/15 | Student of the Month Luncheon       | \$15.00 |
| D. LaDonna Jempson                        |         | None                                |         |
| Jesse L. Molina                           |         | None                                |         |
| George E. Price                           | 2/13/15 | Unforgettable Heart Awards Luncheon | \$70.00 |

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

Department Head Approval:  
Jane Halstead  
City Clerk

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| APPROVALS      |                    |
|----------------|--------------------|
| BUDGET OFFICER | <i>me</i>          |
| CITY ATTORNEY  | <i>[Signature]</i> |
| CITY MANAGER   | <i>[Signature]</i> |

**Report to City Council**

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**TO:** Mayor and City Council

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

**AGENDA DATE:** February 24, 2015

**TITLE:** AUTHORIZATION TO AWARD AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES TO KOA CORPORATION FOR THE PRELIMINARY ENGINEERING/ENVIRONMENTAL PHASE FOR THE AQUEDUCT MULTI-USE TRAIL SYSTEM FROM THE TOWNGATE AREA TO LAKE PERRIS STATE RECREATION AREA  
PROJECT NO. 801 0055

---

**RECOMMENDED ACTION**

Recommendations:

1. Award Agreement for Professional Consultant Services to KOA Corporation (KOA), 3190 C. Shelby Street, Ontario, CA 91764, for the project preliminary engineering/environmental phase for the Aqueduct Multi-Use Trail System from the Towngate Area to Lake Perris State Recreation Area.
2. Authorize the City Manager to execute a contract with KOA, subject to the approval by the City Attorney.
3. Authorize the issuance of a Purchase Order to KOA, in the amount of \$375,455.18 when the contract has been signed by all parties.
4. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the Agreement for Professional Consultant Services with KOA, not to exceed the Purchase Order amount, subject to the approval by the City Attorney.

## **SUMMARY**

This report recommends approval of an agreement for Professional Consultant Services with KOA to provide preliminary engineering/environmental phase services for the Aqueduct Multi-Use Trail System from the Towngate Area to the Lake Perris State Recreation Area project. The project is funded with a Congestion Management and Air Quality (CMAQ) grant award from the Riverside County Transportation Commission (RCTC) and matching City funds. The project, which will be done in collaboration with the Parks & Community Services Department, includes the development of conceptual plans for missing segments of the trail, improved connections to adjacent neighborhoods, upgrades to existing segments that do not meet current standards, and enhanced trail crossings at streets. The project also includes a link to the Lake Perris existing trail system.

## **DISCUSSION**

On September 10, 2013, City Council approved submittal of a grant application to RCTC, and the City's commitment to provide matching funds, for projects selected. On January 8, 2014, RCTC awarded the City \$340,000 in CMAQ federal grant funding for the Aqueduct Trail project. With a 20% local match requirement of \$85,000, the total project cost is \$425,000. On February 25, 2014, City Council accepted the CMAQ grant award and authorized execution of a cooperative agreement with RCTC. Caltrans administers federally-funded projects on behalf of the Federal Highway Administration and RCTC, and on August 19, 2014, provided the authorization for the City to commence work on the project.

The existing Aqueduct Trail is a partially completed multi-use trail connecting the Towngate Area to Lake Perris that generally follows the right of way easement for the East Branch of the California Aqueduct. This project will include the study of the entire route and development of a comprehensive plan for a multi-use trail. Specific focus areas are to study gaps in the existing trail, improve access to adjacent neighborhoods, schools, and businesses, develop trail crossing strategies at busy intersections, and provide access to recreation areas. The project's preliminary engineering/environmental phase activities will consist of conceptual alignment studies and preliminary plans, environmental studies leading to required environmental clearances, recommendations of specific segments for phased design and construction and associated costs for future consideration and programming, community outreach, and assistance with potential grant documentation.

On October 23, 2014, Requests for Proposals (RFP) for Professional Consultant Services were sent to all consultants in the City's database, posted on the City's website, advertised in the Press-Enterprise, and distributed to minority-owned publications.

The City received four (4) proposals in response to the RFP. A selection committee, comprised of City staff, evaluated all proposals according to the consultant's ability to complete the project requirements using criteria posted in the RFP. The top three

ranked firms were invited to a presentation and panel interview. KOA was selected as the most qualified consultant for this project, as the firm demonstrates a very thorough understanding of the work and presents an ability to provide the required services on time and within budget. The contract total is \$375,455.18 and the draft final agreement is attached subject to final approval by City Manager and City Attorney.

The agreement with KOA will be subject to audit or review by Caltrans, as required by federal funds. Once the Caltrans review is complete, the contract may be amended, depending on findings.

On January 6, 2015, in an action related to the City's Bicycle Master Plan Update, Council approved the official naming of the Aqueduct Trail as the Juan Bautista de Anza Trail. However, in an effort to minimize confusion in the RCTC grant paperwork, the project will continue to utilize Aqueduct Trail as the primary name in the title.

**ALTERNATIVES**

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative will provide for the project to move forward in accordance with the grant requirements, and allow for the timely study of the trail and development of a comprehensive plan that enhances connectivity and mobility for future consideration and programming.*
  
2. Do not approve and authorize the recommended actions as presented in this staff report. *This alternative will not allow the project to continue with the study and evaluation of possible future enhancements to benefit the trail's users and may result in the loss of grant funding. Because federal funds have a "use-it-or-lose-it" provision, it is important to proceed with the execution of the agreement and commence work according to the grant stipulations.*

**FISCAL IMPACT**

This project is included in the Fiscal Year 2014/2015 Capital Improvement Plan (CIP). The CMAQ grant will provide reimbursement of up to \$340,000. The local match requirement of \$85,000 (20%) provided by the Measure A fund (Fund 2001) was transferred into the Capital Projects Grants fund (Fund 2301). **There is no impact to the General Fund.**

**PROJECT BUDGET:**

|   |                  |
|---|------------------|
| Capital Projects Grants                                     |                  |
| (Account No. 2301-70-77-80001) (Project No. 801 0055) ..... | \$425,000        |
| <b>Total.....</b>   | <b>\$425,000</b> |

**ESTIMATED COST FOR PA&ED PHASE:**

|   |                  |
|---|------------------|
| Preliminary Engineering/Environmental Phase Consultant Costs..... | \$375,455        |
| Project Administration * .....                                    | \$ 49,545        |
| <b>Total Estimated Cost.....</b>                                  | <b>\$425,000</b> |

*\*Includes City project administration and other related miscellaneous costs.*

**ANTICIPATED PROJECT SCHEDULE:**

Notice to Proceed:

March 2015

Project Environmental Clearance Complete:

April 2016

**CITY COUNCIL GOALS**

**REVENUE DIVERSIFICATION AND PRESERVATION:**

Develop a variety of city revenue sources and policies to create a stable revenue base and fiscal policies to support essential city services, regardless of economic climate.

**PUBLIC SAFETY:**

Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous materials 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.

**COMMUNITY IMAGE, NEIGHBORHOOD PRIDE, AND CLEANLINESS:**

Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

**PUBLIC NOTIFICATION AND OUTREACH**

Public notification and community outreach will include Public Information Meetings with information advertised in the local newspaper and announcements posted at City Hall.

**ATTACHMENTS**

Attachment 1: Location Map

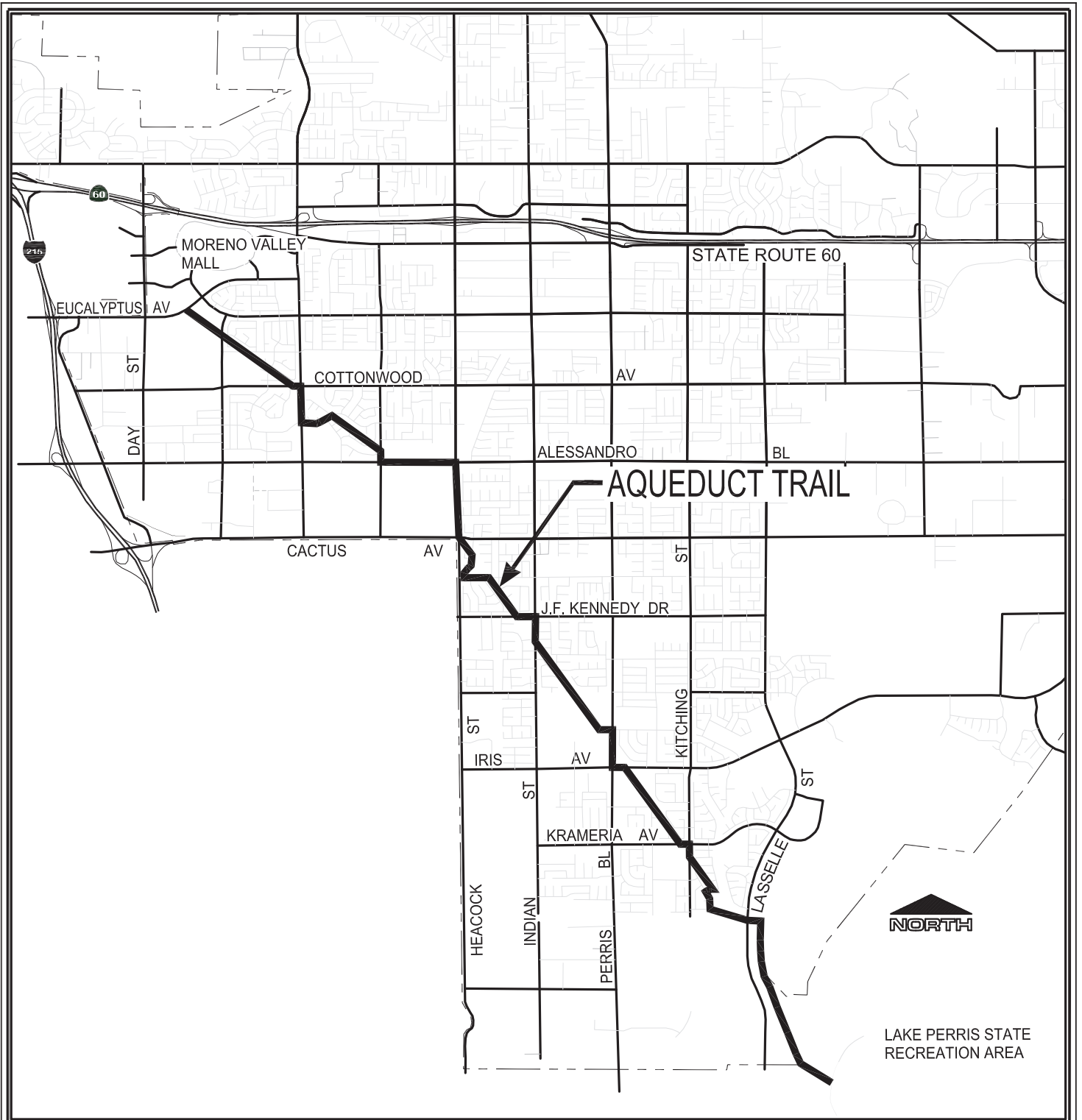
Attachment 2: Draft Agreement for Professional Consultant Services with KOA

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

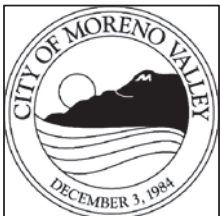
Department Head Approval:  
Ahmad R. Ansari, P.E.  
Public Works Director/City Engineer

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

Concurred By:  
Betsy Adams  
Parks & Community Services Director



# AQUEDUCT TRAIL



Scale: None  
 Public Works Department  
 Capital Projects Division

ATTACHMENT 1

AQUEDUCT MULTI-USE TRAIL SYSTEM  
 FROM THE TOWNGATE AREA TO  
 LAKE PERRIS STATE RECREATION AREA

PROJECT NUMBER 801 0055

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**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES WITH KOA FOR THE PRELIMINARY  
ENGINEERING/ENVIRONMENTAL PHASE FOR THE AQUEDUCT MULTI-USE TRAIL  
SYSTEM FROM THE TOWNGATE AREA TO LAKE PERRIS STATE RECREATION AREA  
PROJECT NO. 801 0055**

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

**RECITALS**

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

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

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

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

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

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

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. 801 0055**

**DESCRIPTION OF PROJECT**

1. The Project is described as Aqueduct Multi-Use Trail System from the Towngate Area to Lake Perris State Recreation Area.

Project No. 801 0055.

**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 \$375,455.18 in accordance with the payment terms provided on Exhibit D attached hereto and incorporated herein by this reference.

**TIME FOR PERFORMANCE**

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

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

7. This Agreement shall be effective from effective date and shall continue in full force and effect date through December 31, 2016, subject to any earlier termination in accordance with this Agreement. The services of Consultant shall be completed in a sequence assuring expeditious completion, but in any event, all such services shall be completed prior to expiration of this Agreement.

**AGREEMENT FOR PROFESSIONAL  
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PROJECT NO. 801 0055**

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

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

**SPECIAL PROVISIONS**

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

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

11. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement.

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

13. To the extent required by controlling federal, state and local law, Consultant shall not employ discriminatory practices in the provision of services, employment of personnel, or in any other respect on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation,

**AGREEMENT FOR PROFESSIONAL  
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ethnicity, status as a disabled veteran or veteran of the Vietnam era. Subject to the foregoing and during the performance of this Agreement, Consultant agrees as follows:

(a) Consultant will comply with all applicable laws and regulations providing that no person shall, on the grounds of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity made possible by or resulting from this Agreement.

(b) Consultant will not discriminate against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era. Consultant shall ensure that applicants are employed, and the employees are treated during employment, without regard to their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era. Such requirement shall apply to Consultant's employment practices including, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provision of this nondiscrimination clause.

(c) Consultant will, in all solicitations or advertisements for employees placed by or on behalf of Consultant in pursuit hereof, state that all qualified applicants will receive consideration for employment without regard to race, religious creed, color, national origin,

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

(d) If Consultant should subcontract all or any portion of the services to be performed under this Agreement, Consultant shall cause each subcontractor to also comply with the requirements of this Section 13.

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

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

This section shall survive termination or expiration of this Agreement.

15. Insurance.

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

**AGREEMENT FOR PROFESSIONAL  
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PROJECT NO. 801 0055**

(b) If at any time during the life of the Agreement or any extension, Consultant or any of its subcontractors fail to maintain any required insurance in full force and effect, all services and work under this Agreement shall be discontinued immediately, and all payments due or that become due to Consultant shall be withheld until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City. Any failure to maintain the required insurance shall be sufficient cause for City to terminate this Agreement. No action taken by City pursuant to this section shall in any way relieve Consultant of its responsibilities under this Agreement. The phrase "fail to maintain any required insurance" shall include, without limitation, notification received by City that an insurer has commenced proceedings, or has had proceedings commenced against it, indicating that the insurer is insolvent.

(c) The fact that insurance is obtained by Consultant shall not be deemed to release or diminish the liability of Consultant, including, without limitation, liability under the indemnity provisions of this Agreement. The duty to indemnify City shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by Consultant. Approval or purchase of any insurance contracts or policies shall in no way relieve from liability nor limit the liability of Consultant, its principals, officers, agents, employees, persons under the supervision of Consultant, vendors, suppliers, invitees, consultants, sub-consultants, subcontractors, or anyone employed directly or indirectly by any of them.

(d) Upon request of City, Consultant shall immediately furnish City with a complete copy of any insurance policy required under this Agreement, including all endorsements, with said copy certified by the underwriter to be a true and correct copy of the original policy. This requirement shall survive expiration or termination of this Agreement.

**AGREEMENT FOR PROFESSIONAL  
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(e) If Consultant should subcontract all or any portion of the services to be performed under this Agreement, Consultant shall require each subcontractor to provide insurance protection in favor of City and each of its officers, officials, employees, agents and volunteers in accordance with the terms of this section, except that any required certificates and applicable endorsements shall be on file with Consultant and City prior to the commencement of any services by the subcontractor.

16. The waiver by either party of a breach by the other of any provision of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of either the same or a different provision of this Agreement. No provisions of this Agreement may be waived unless in writing and signed by all parties to this Agreement. Waiver of any one provision herein shall not be deemed to be a waiver of any other provision herein.

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

18. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his designated representative, fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain, for its files, copies of any and all material, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

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

**AGREEMENT FOR PROFESSIONAL  
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PROJECT NO. 801 0055**

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

19. (a) This Agreement shall terminate without any liability of City to Consultant upon the earlier of: (i) Consultant's filing for protection under the federal bankruptcy laws, or any bankruptcy petition or petition for receiver commenced by a third party against Consultant; (ii) 10 calendar days prior written notice with or without cause by City to Consultant; (iii) City's non-appropriation of funds sufficient to meet its obligations hereunder during any City fiscal year of this Agreement, or insufficient funding for the Project; or (iv) expiration of this Agreement. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination. Consultant shall not be paid for any work or services performed or costs incurred which reasonably could have been avoided.

(b) In the event of termination due to failure of Consultant to satisfactorily perform in accordance with the terms of this Agreement, City may withhold an amount that would otherwise be payable as an offset to, but not in excess of, City's damages caused by such failure. In no event shall any payment by City pursuant to this Agreement constitute a waiver by City of any breach of this Agreement which may then exist on the part of Consultant, nor shall such payment impair or prejudice any remedy available to City with respect to the breach.

(c) Upon any breach of this Agreement by Consultant, City may (i) exercise any right, remedy (in contract, law or equity), or privilege which may be available to it under applicable laws of the State of California or any other applicable law; (ii) proceed by



**AGREEMENT FOR PROFESSIONAL  
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PROJECT NO. 801 0055**

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

(d) Consultant shall be liable for default unless nonperformance is caused by an occurrence beyond the reasonable control of Consultant and without its fault or negligence such as, acts of God or the public enemy, acts of City in its contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, unusually severe weather, and delays of common carriers. Consultant shall notify City in writing as soon as it is reasonably possible after the commencement of any excusable delay, setting forth the full particulars in connection therewith, and shall remedy such occurrence with all reasonable dispatch, and shall promptly give written notice to Administrator of the cessation of such occurrence.

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

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

22. This Agreement represents the entire and integrated Agreement between the

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

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

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

25. (a) Consultant shall comply, and require its subcontractors to comply, with all applicable (i) professional canons and requirements governing avoidance of impermissible client conflicts; and (ii) federal, state and local conflict of interest laws and regulations including, without limitation, California Government Code Section 1090 et. seq., the California Political Reform Act (California Government Code Section 87100 et. seq.) and the regulations of the Fair Political Practices Commission concerning disclosure and disqualification (2 California Code of Regulations Section 18700 et. seq.). At any time, upon written request of City, Consultant shall provide a written opinion of its legal counsel and that of any subcontractor that, after a due diligent inquiry, Consultant and the respective subcontractor(s) are in full compliance with all laws and regulations. Consultant shall take, and require its

**AGREEMENT FOR PROFESSIONAL  
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PROJECT NO. 801 0055**

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

(b) In performing the work or services to be provided hereunder, Consultant shall not employ or retain the services of any person while such person either is employed by City or is a member of any City council, commission, board, committee, or similar City body. This requirement may be waived in writing by the City Manager, if no actual or potential conflict is involved.

(c) Consultant represents and warrants that it has not paid or agreed to pay any compensation, contingent or otherwise, direct or indirect, to solicit or procure this Agreement or any rights/benefits hereunder.

(d) Neither Consultant, nor any of Consultant's subcontractors performing any services on this Project, shall bid for, assist anyone in the preparation of a bid for, or perform any services pursuant to, any other contract in connection with this Project unless fully disclosed to and approved by the City Manager, in advance and in writing. Consultant and any of its subcontractors shall have no interest, direct or indirect, in any other contract with a third party in connection with this Project unless such interest is in accordance with all applicable law and fully disclosed to and approved by the City Manager, in advance and in writing. Notwithstanding any approval given by the City Manager under this provision, Consultant shall remain responsible for complying with Section 25(a), above.

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

**AGREEMENT FOR PROFESSIONAL  
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(f) This Section 25 shall survive expiration or termination of this Agreement.

26. All Plans, drawings, Specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon completion of the project, be delivered to and be the property of the City, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

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

**SIGNATURE PAGE FOLLOWS**

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

City of Moreno Valley

KOA Corporation

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

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

Name: \_\_\_\_\_

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

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

Name: \_\_\_\_\_

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

\_\_\_\_\_  
Date

**INTERNAL USE ONLY**

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

RECOMMENDED FOR APPROVAL:

\_\_\_\_\_  
Department Head

\_\_\_\_\_  
Date

**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

Revised: 1/16/15

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

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

Contractor/Consultant Name

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

TITLE: \_\_\_\_\_  
*(Select only one please)*  
(President or Vice President)

\_\_\_\_\_  
Date

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

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

\_\_\_\_\_  
Date

|                                     |
|-------------------------------------|
| <u>INTERNAL USE ONLY</u>            |
| Approved as to Legal Form:          |
| _____                               |
| City Attorney                       |
| _____                               |
| Date                                |
| Recommended for Approval:           |
| _____                               |
| Public Works Director/City Engineer |
| _____                               |
| Date                                |

**LOCAL ASSISTANCE FEDERAL-AID PROJECTS**

**REQUIRED PROVISIONS/ARTICLES**

These provisions and articles supersede any conflicting provisions in the Agreement for Professional Consultant Services and/or the Request for Proposal (RFP) and shall, in the case of conflict, take precedence over the provisions for purposes of interpretation of the Contract Provisions. These provisions do not otherwise modify or replace provisions not in direct conflict with these provisions.

For the Purposes of this Agreement the following definitions are provided below.

The name of the "CONSULTANT" is as follows: KOA Corporation

Incorporated in the State of California

The Project Manager for the "CONSULTANT" will be Chuck Stephan

The name of the "LOCAL AGENCY" is as follows:

The City of Moreno Valley

The Contract Administrator for LOCAL AGENCY will be Public Works Director/City Engineer, or his designee.

**ARTICLE IV PERFORMANCE PERIOD (Verbatim)**

*(A time must be set for beginning and ending the work under the contract. The time allowed for performing the work is specified; it should be reasonable for the kind and amount of services contemplated; and it is written into the contract. If it is desirable that Critical Path Method (CPM) networks, or other types of schedules be prepared by CONSULTANT, they should be identified and incorporated into the contract.*

A. This contract shall go into effect on date as stated in original contract, contingent upon approval by LOCAL AGENCY, and CONSULTANT shall commence



**LOCAL ASSISTANCE FEDERAL-AID PROJECTS  
REQUIRED PROVISIONS/ARTICLES  
PROJECT NO. 801 0055**

work after notification to proceed by LOCAL AGENCY'S Contract Administrator. The contract shall end as stated in original contract, unless extended by contract amendment.

B. CONSULTANT is advised that any recommendation for contract award is not binding on LOCAL AGENCY until the contract is fully executed and approved by LOCAL AGENCY.

**ARTICLE V ALLOWABLE COSTS AND PAYMENTS (Verbatim)**

*(Option 1 - Use paragraphs A through J below for Actual Cost-Plus-Fixed Fee contracts. Use Exhibit 10-H, Example #1 for Cost Proposal Format)*

A. The method of payment for this contract will be based on actual cost plus a fixed fee. LOCAL AGENCY will reimburse CONSULTANT for actual costs (including labor costs, employee benefits, travel, equipment rental costs, overhead and other direct costs) incurred by CONSULTANT in performance of the work. CONSULTANT will not be reimbursed for actual costs that exceed the estimated wage rates, employee benefits, travel, equipment rental, overhead, and other estimated costs set forth in the approved CONSULTANT'S Cost Proposal, unless additional reimbursement is provided for by contract amendment. In no event, will CONSULTANT be reimbursed for overhead costs at a rate that exceeds LOCAL AGENCY's approved overhead rate set forth in the Cost Proposal. In the event, that LOCAL AGENCY determines that a change to the work from that specified in the Cost Proposal and contract is required, the contract time or actual costs reimbursable by LOCAL AGENCY shall be adjusted by contract amendment to accommodate the changed work. The maximum total cost as

**LOCAL ASSISTANCE FEDERAL-AID PROJECTS  
REQUIRED PROVISIONS/ARTICLES  
PROJECT NO. 801 0055**

specified in Paragraph "H" shall not be exceeded, unless authorized by contract amendment.

B. In addition to the allowable incurred costs, LOCAL AGENCY will pay CONSULTANT a fixed fee as stated in original contract. The fixed fee is nonadjustable for the term of the contract, except in the event of a significant change in the scope of work and such adjustment is made by contract amendment.

C. Reimbursement for transportation and subsistence costs shall not exceed the rates specified in the approved Cost Proposal.

D. When milestone cost estimates are included in the approved Cost Proposal, CONSULTANT shall obtain prior written approval for a revised milestone cost estimate from the Contract Administrator before exceeding such cost estimate.

E. Progress payments will be made monthly in arrears based on services provided and allowable incurred costs. A pro rata portion of CONSULTANT's fixed fee will be included in the monthly progress payments. If CONSULTANT fails to submit the required deliverable items according to the schedule set forth in the Statement of Work, LOCAL AGENCY shall have the right to delay payment or terminate this Contract in accordance with the provisions of Article VI Termination.

F. No payment will be made prior to approval of any work, nor for any work performed prior to approval of this contract.

G. CONSULTANT will be reimbursed, as promptly as fiscal procedures will permit upon receipt by LOCAL AGENCY's Contract Administrator of itemized invoices in triplicate. Invoices shall be submitted no later than 45 calendar days after the performance of work for which CONSULTANT is billing. Invoices shall detail the work

**LOCAL ASSISTANCE FEDERAL-AID PROJECTS  
REQUIRED PROVISIONS/ARTICLES  
PROJECT NO. 801 0055**

performed on each milestone and each project as applicable. Invoices shall follow the format stipulated for the approved Cost Proposal and shall reference this contract number and project title. Final invoice must contain the final cost and all credits due LOCAL AGENCY including any equipment purchased under the provisions of Article XI Equipment Purchase of this contract. The final invoice should be submitted within 60 calendar days after completion of CONSULTANT's work. Invoices shall be submitted electronically to [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 [reneh@moval.org](mailto:reneh@moval.org) or calls directed to (951) 413-3155.

H. The total amount payable by LOCAL AGENCY including the fixed fee shall not exceed amount as stated in original contract.

I. Salary increases will be reimbursable if the new salary is within the salary range identified in the approved Cost Proposal and is approved by LOCAL AGENCY's Contract Administrator.

For personnel subject to prevailing wage rates as described in the California Labor Code, all salary increases, which are the direct result of changes in the prevailing wage rates are reimbursable.

J. All subcontracts in excess of \$25,000 shall contain the above provisions.

**ARTICLE VI TERMINATION (Verbatim)**

A. LOCAL AGENCY reserves the right to terminate this contract upon thirty (30) calendar days written notice to CONSULTANT with the reasons for termination stated in the notice.

**LOCAL ASSISTANCE FEDERAL-AID PROJECTS  
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B. LOCAL AGENCY may terminate this contract with CONSULTANT should CONSULTANT fail to perform the covenants herein contained at the time and in the manner herein provided. In the event of such termination, LOCAL AGENCY may proceed with the work in any manner deemed proper by LOCAL AGENCY. If LOCAL AGENCY terminates this contract with CONSULTANT, LOCAL AGENCY shall pay CONSULTANT the sum due to CONSULTANT under this contract prior to termination, unless the cost of completion to LOCAL AGENCY exceeds the funds remaining in the contract. In which case the overage shall be deducted from any sum due CONSULTANT under this contract and the balance, if any, shall be paid to CONSULTANT upon demand.

C. The maximum amount for which the Government shall be liable if this contract is terminated is as defined in original contract.

**ARTICLE VII COST PRINCIPLES AND ADMINISTRATIVE REQUIREMENTS**

**(Verbatim)**

A. CONSULTANT agrees that the Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31.000 et seq., shall be used to determine the cost allowability of individual items.

B. CONSULTANT also agrees to comply with federal procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

C. Any costs for which payment has been made to CONSULTANT that are determined by subsequent audit to be unallowable under 49 CFR, Part 18 and 48 CFR,

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Federal Acquisition Regulations System, Chapter 1,

Part 31.000 et seq., are subject to repayment by CONSULTANT to LOCAL AGENCY.

D. All subcontracts in excess of \$25,000 shall contain the above provisions.

**ARTICLE VIII RETENTION OF RECORDS/AUDIT (Verbatim)**

For the purpose of determining compliance with Public Contract Code 10115, et seq. and Title 21, California Code of Regulations, Chapter 21, Section 2500 et seq., when applicable and other matters connected with the performance of the contract pursuant to Government Code 8546.7; CONSULTANT, subconsultants, and LOCAL AGENCY shall maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of the contract, including but not limited to, the costs of administering the contract. All parties shall make such materials available at their respective offices at all reasonable times during the contract period and for three years from the date of final payment under the contract. The state, State Auditor, LOCAL AGENCY, FHWA, or any duly authorized representative of the Federal Government shall have access to any books, records, and documents of CONSULTANT and its certified public accountants (CPA) work papers that are pertinent to the contract and indirect cost rates (ICR) for audit, examinations, excerpts, and transactions, and copies thereof shall be furnished if requested. Subcontracts in excess of \$25,000 shall contain this provision.

**ARTICLE IX AUDIT REVIEW PROCEDURES (Verbatim)**

A. Any dispute concerning a question of fact arising under an interim or post

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audit of this contract that is not disposed of by agreement, shall be reviewed by LOCAL AGENCY'S Chief Financial Officer.

B. Not later than 30 days after issuance of the final audit report, CONSULTANT may request a review by LOCAL AGENCY'S Chief Financial Officer of unresolved audit issues. The request for review will be submitted in writing.

C. Neither the pendency of a dispute nor its consideration by LOCAL AGENCY will excuse CONSULTANT from full and timely performance, in accordance with the terms of this contract.

*(The following AUDIT CLAUSE must be inserted into all contracts of \$150,000 or greater)*

D. CONSULTANT and subconsultant contracts, including cost proposals and ICR, are subject to audits or reviews such as, but not limited to, a contract audit, an incurred cost audit, an ICR Audit, or a CPA ICR audit work paper review. If selected for audit or review, the contract, cost proposal and ICR and related work papers, if applicable, will be reviewed to verify compliance with 48 CFR, Part 31 and other related laws and regulations. In the instances of a CPA ICR audit work paper review it is CONSULTANT's responsibility to ensure federal, state, or local government officials are allowed full access to the CPA's work papers including making copies as necessary. The contract, cost proposal, and ICR shall be adjusted by CONSULTANT and approved by LOCAL AGENCY contract manager to conform to the audit or review recommendations. CONSULTANT agrees that individual terms of costs identified in the audit report shall be incorporated into the contract by this reference if directed by LOCAL AGENCY at its sole discretion. Refusal by CONSULTANT to incorporate audit

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or review recommendations, or to ensure that the federal, state or local governments have access to CPA work papers, will be considered a breach of contract terms and cause for termination of the contract and disallowance of prior reimbursed costs.

1. During a Caltrans' review of the ICR audit work papers created by the CONSULTANT's independent CPA, Caltrans will work with the CPA and/or CONSULTANT toward a resolution of issues that arise during the review. Each party agrees to use its best efforts to resolve any audit disputes in a timely manner. If Caltrans identifies significant issues during the review and is unable to issue a cognizant approval letter, LOCAL AGENCY will reimburse the CONSULTANT at a provisional ICR until a FAR compliant ICR {e.g. 48 CFR, part 31; GAGAS (Generally Accepted Auditing Standards); CAS (Cost Accounting Standards), if applicable; in accordance with procedures and guidelines of the American Association of State Highways and Transportation Officials Audit Guide; and other applicable procedures and guidelines} is received and approved by A&I. Provisional rates will be as follows:

- a. If the proposed rate is less than 150% - the provisional rate reimbursed will be 90% of the proposed rate.
- b. If the proposed rate is between 150% and 200% - the provisional rate will be 85% of the proposed rate.
- c. If the proposed rate is greater than 200% - the provisional rate will be 75% of the proposed rate.

2. If Caltrans is unable to issue a cognizant letter per paragraph E.1. above, Caltrans may require CONSULTANT to submit a revised independent CPA-audited ICR and audit report within three (3) months of the effective date of the management letter.

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Caltrans will then have up to six (6) months to review the CONSULTANT's and/or the independent CPA's revisions.

3. If the CONSULTANT fails to comply with the provisions of this Section E, or if Caltrans is still unable to issue a cognizant approval letter after the revised independent CPA-audited ICR is submitted, overhead cost reimbursement will be limited to the provisional ICR that was established upon initial rejection of the ICR and set forth in paragraph E.1. above for all rendered services. In this event, this provisional ICR will become the actual and final ICR for reimbursement purposes under this contract.

4. CONSULTANT may submit to LOCAL AGENCY final invoice only when all of the following items have occurred: (1) Caltrans approves or rejects the original or revised independent CPA-audited ICR; (2) all work under this contract has been completed to the satisfaction of LOCAL GAENCY; and, (3) Caltrans has issued its final ICR review letter. The CONSULTANT MUST SUBMIT ITS FINAL INVOICE TO local agency no later than 60 days after occurrence of the last of these items.

The provisional ICR will apply to this contract and all other contracts executed between LOCAL AGENCY and the CONSULTANT, either as a prime or subconsultant, with the same fiscal period ICR.

**ARTICLE X SUBCONTRACTING (Verbatim)**

A. Nothing contained in this contract or otherwise, shall create any contractual relation between LOCAL AGENCY and any subconsultant(s), and no subcontract shall relieve CONSULTANT of its responsibilities and obligations hereunder. CONSULTANT agrees to be as fully responsible to LOCAL AGENCY for



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the acts and omissions of its subconsultant(s) and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by CONSULTANT. CONSULTANT's obligation to pay its subconsultant(s) is an independent obligation from LOCAL AGENCY'S obligation to make payments to the CONSULTANT.

B. CONSULTANT shall perform the work contemplated with resources available within its own organization and no portion of the work pertinent to this contract shall be subcontracted without written authorization by LOCAL AGENCY's Contract Administrator, except that, which is expressly identified in the approved Cost Proposal.

C. CONSULTANT shall pay its subconsultants within ten (10) calendar days from receipt of each payment made to CONSULTANT by LOCAL AGENCY.

D. Any subcontract in excess of \$25,000 entered into as a result of this contract shall contain all the provisions stipulated in this contract to be applicable to subconsultants.

E. Any substitution of subconsultant(s) must be approved in writing by LOCAL AGENCY's Contract Administrator prior to the start of work by the subconsultant(s).

**ARTICLE XI EQUIPMENT PURCHASE (Verbatim)**

A. Prior authorization in writing, by LOCAL AGENCY's Contract Administrator shall be required before CONSULTANT enters into any unbudgeted purchase order, or subcontract exceeding \$5,000 for supplies, equipment, or CONSULTANT services. CONSULTANT shall provide an evaluation of the necessity or desirability of incurring such costs.

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B. For purchase of any item, service or consulting work not covered in CONSULTANT's Cost Proposal and exceeding \$5,000 prior authorization by LOCAL AGENCY's Contract Administrator; three competitive quotations must be submitted with the request, or the absence of bidding must be adequately justified.

C. Any equipment purchased as a result of this contract is subject to the following: "CONSULTANT shall maintain an inventory of all nonexpendable property. Nonexpendable property is defined as having a useful life of at least two years and an acquisition cost of \$5,000 or more. If the purchased equipment needs replacement and is sold or traded in, LOCAL AGENCY shall receive a proper refund or credit at the conclusion of the contract, or if the contract is terminated, CONSULTANT may either keep the equipment and credit LOCAL AGENCY in an amount equal to its fair market value, or sell such equipment at the best price obtainable at a public or private sale, in accordance with established LOCAL AGENCY procedures; and credit LOCAL AGENCY in an amount equal to the sales price. If CONSULTANT elects to keep the equipment, fair market value shall be determined at CONSULTANT's expense, on the basis of a competent independent appraisal of such equipment. Appraisals shall be obtained from an appraiser mutually agreeable to by LOCAL AGENCY and CONSULTANT, if it is determined to sell the equipment, the terms and conditions of such sale must be approved in advance by LOCAL AGENCY." 49 CFR, Part 18 requires a credit to Federal funds when participating equipment with a fair market value greater than \$5,000 is credited to the project.

D. All subcontracts in excess \$25,000 shall contain the above provisions.

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**ARTICLE XII STATE PREVAILING WAGE RATES (Verbatim)**

A. CONSULTANT shall comply with the State of California's General Prevailing Wage Rate requirements in accordance with California Labor Code, Section 1770, and all Federal, State, and local laws and ordinances applicable to the work.

B. Any subcontract entered into as a result of this contract, if for more than \$25,000 for public works construction or more than \$15,000 for the alteration, demolition, repair, or maintenance of public works, shall contain all of the provisions of this Article.

C. When prevailing wages apply to the services described in the scope of work, transportation and subsistence costs shall be reimbursed at the minimum rates set by the Department of Industrial Relations (DIR) as outlined in the applicable Prevailing Wage Determination. See <http://www.dir.ca.gov>.

**Note:** The Federal "Payment of Predetermined Minimum Wage" applies only to federal-aid construction contracts.

**ARTICLE XIII CONFLICT OF INTEREST (Verbatim)**

A. CONSULTANT shall disclose any financial, business, or other relationship with LOCAL AGENCY that may have an impact upon the outcome of this contract, or any ensuing LOCAL AGENCY construction project. CONSULTANT shall also list current clients who may have a financial interest in the outcome of this contract, or any ensuing LOCAL AGENCY construction project, which will follow.

B. CONSULTANT hereby certifies that it does not now have, nor shall it acquire any financial or business interest that would conflict with the performance of

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services under this contract.

C. Any subcontract in excess of \$25,000 entered into as a result of this contract, shall contain all of the provisions of this Article.

**ARTICLE XIV REBATES, KICKBACKS OR OTHER UNLAWFUL  
CONSIDERATION (Verbatim)**

CONSULTANT warrants that this contract was not obtained or secured through rebates kickbacks or other unlawful consideration, either promised or paid to any LOCAL AGENCY employee. For breach or violation of this warranty, LOCAL AGENCY shall have the right in its discretion; to terminate the contract without liability; to pay only for the value of the work actually performed; or to deduct from the contract price; or otherwise recover the full amount of such rebate, kickback or other unlawful consideration.

**ARTICLE XV PROHIBITION OF EXPENDING LOCAL AGENCY STATE OR  
FEDERAL FUNDS FOR LOBBYING (Verbatim)**

*(Include this article in all contracts where federal funding will exceed \$150,000. If less than \$150,000 in federal funds will be expended on the contract; delete this article and re-number the notification article which follows.)*

A. CONSULTANT certifies to the best of his or her knowledge and belief that:

1. No state, federal or local agency appropriated funds have been paid, or will be paid by-or-on behalf of CONSULTANT to any person for influencing or attempting to influence an officer or employee of any state or federal agency; a Member

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of the State Legislature or United States Congress; an officer or employee of the Legislature or Congress; or any employee of a Member of the Legislature or Congress, in connection with the awarding of any state or federal contract; the making of any state or federal grant; the making of any state or federal loan; the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any state or federal contract, grant, loan, or cooperative agreement.

2. If any funds other than federal appropriated funds have been paid, or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency; a Member of Congress; an officer or employee of Congress, or an employee of a Member of Congress; in connection with this federal contract, grant, loan, or cooperative agreement; CONSULTANT shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

B. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

C. CONSULTANT also agrees by signing this document that he or she shall require that the language of this certification be included in all lower-tier subcontracts, which exceed \$100,000 and that all such sub recipients shall certify and disclose accordingly.

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**ARTICLE XVI STATEMENT OF COMPLIANCE**

A. CONSULTANT's signature affixed herein, and dated, shall constitute a certification under penalty of perjury under the laws of the State of California that CONSULTANT has, unless exempt, complied with, the nondiscrimination program requirements of Government Code Section 12990 and Title 2, California Administrative Code, Section 8103.

B. During the performance of this Contract, Consultant and its subconsultants shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (e.g., cancer), age (over 40), marital status, and denial of family care leave. Consultant and subconsultants shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Consultant and subconsultants shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 (a-f) et seq.) and the applicable regulations promulgated there under (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Contract by reference and made a part hereof as if set forth in full. Consultant and its subconsultants shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.

*(For contracts with Federal funding, add paragraphs C & D)*

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C. The Consultant shall comply with regulations relative to Title VI (nondiscrimination in federally-assisted programs of the Department of Transportation – Title 49 Code of Federal Regulations, Part 21 - Effectuation of Title VI of the 1964 Civil Rights Act). Title VI provides that the recipients of federal assistance will implement and maintain a policy of nondiscrimination in which no person in the state of California shall, on the basis of race, color, national origin, religion, sex, age, disability, be excluded from participation in, denied the benefits of or subject to discrimination under any program or activity by the recipients of federal assistance or their assignees and successors in interest.

D. The Consultant, with regard to the work performed by it during the Agreement shall act in accordance with Title VI. Specifically, the Consultant shall not discriminate on the basis of race, color, national origin, religion, sex, age, or disability in the selection and retention of Subconsultants, including procurement of materials and leases of equipment. The Consultant shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the U.S. DOT's Regulations, including employment practices when the Agreement covers a program whose goal is employment.

**ARTICLE XVII DEBARMENT AND SUSPENSION CERTIFICATION**

A. CONSULTANT's signature affixed herein, shall constitute a certification under penalty of perjury under the laws of the State of California, that CONSULTANT has complied with Title 2 CFR, Part 180, "OMB Guidelines to Agencies on Government wide Debarment and Suspension (nonprocurement)", which certifies that he/she or any

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person associated therewith in the capacity of owner, partner, director, officer, or manager, is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency; has not been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past three (3) years; does not have a proposed debarment pending; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years. Any exceptions to this certification must be disclosed to LOCAL AGENCY.

B. Exceptions will not necessarily result in denial of recommendation for award, but will be considered in determining CONSULTANT responsibility. Disclosures must indicate to whom exceptions apply, initiating agency, and dates of action.

C. Exceptions to the Federal Government Excluded Parties List System maintained by the General Services Administration are to be determined by the Federal highway Administration.

**SIGNATURE PAGE FOLLOWS**



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City of Moreno Valley

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

\_\_\_\_\_  
Date

KOA Corporation

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
*(Select only one please)*  
(President or Vice President)

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

|   |
|---|
| <p style="text-align: center;"><b><u>INTERNAL USE ONLY</u></b></p> <p>APPROVED AS TO LEGAL FORM:</p> <p>_____<br/>City Attorney</p> <p>_____<br/>Date</p> <p>RECOMMENDED FOR APPROVAL:</p> <p>_____<br/>Department Head</p> <p>_____<br/>Date</p> |
|---|

**REQUEST FOR PROPOSAL  
FOR PROFESSIONAL CONSULTANT SERVICES  
FOR AQUEDUCT TRAIL SYSTEM, INCLUDING MISSING SEGMENTS AND STREET  
CROSSINGS  
PROJECT NUMBER: 801 0055 FOR  
THE CITY OF MORENO VALLEY'S CAPITAL PROJECTS DIVISION**

## I. INVITATION

You are hereby invited to submit a Proposal for Professional Consultant Services, associated with the **Aqueduct Trail System, Including Missing Segments and Street Crossings**.

A non-mandatory pre-proposal meeting is scheduled for **9:00 a.m., November 5, 2014**, at Moreno Valley City Hall in the 2nd Floor Training Room, 14177 Frederick Street, Moreno Valley, CA 92552.

Five (5) 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 and one copy shall be on compact disk) of your Proposal shall be submitted before **5:15 p.m., Monday, December 8, 2014**, addressed to City of Moreno Valley, Capital Projects Division, 14177 Frederick Street (hand delivery), P.O. Box 88005, Moreno Valley, California 92552-0805 (mail delivery), Attention: **Margery Lazarus, Senior Engineer, P.E.**

## II. GENERAL PROJECT DESCRIPTION

This project consists of studying the trail route and developing plans to fill in missing segments and trail street crossings, including reviewing the existing trail alignment. The City's Aqueduct Trail extends from the Moreno Valley Mall area (Eucalyptus Avenue near Arbor Park Lane and Fire Station 6) to the Lake Perris State Recreational Area. The project received CMAQ Funding through RCTC for Project Approval and Environmental Document (PA&ED). The project will be done in collaboration with the Parks & Community Services Department. The proposed work includes the development of plans for missing segments of the trail, improved connections to adjacent neighborhoods, upgrades to existing segments that do not meet current standards, and enhanced trail crossings at streets.

The City desires creativity, experience, and value in achieving a completed multi-use system. The Consultant shall complete PA&ED activities, including planning, environmental, preliminary engineering, right-of-way research, final alignment study to use to develop 100% plans, prioritization plan, cost estimates, and related work. The Consultant shall also include a separate scope for 100% plans, right-of-way verification, Specifications, and Engineer's Estimate for a typical Priority 1 recommended segment improvement, to be used as a basis for negotiations if the project proceeds.

## III. PROJECT FUNDING AND SCHEDULE

The project is funded by a Congestion Management and Air Quality (CMAQ) grant from the Riverside County Transportation Commission (RCTC) and matching Measure A

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funds. The funding for this phase of work is limited to \$400,000.00. The consultant inherently acknowledges by submitting a proposal inclusive of all costs that the total shall provide, at a minimum, for a complete scope of services within the total budget.

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

|   |                     |
|---|---------------------|
| Interview Shortlisted Firms:              | Early January 2015  |
| Notice to Proceed:                        | February/March 2015 |
| Summary Report and Final Alignment Study: | February 2016       |
| Project Environmental Clearance Complete: | April 2016          |

**IV. SCOPE OF SERVICES**

The City is requesting firms to provide Professional Consultant Services for the Aqueduct Trail System, including Missing Segments and Street Crossings.

**DETAILED PROJECT DESCRIPTION:**

This project consists of studying and developing plans to fill in missing segments, developing plans for trail street crossings, improving connections to adjacent neighborhoods and schools, and upgrading existing segments that do not meet current standards, or generally-accepted industry standards, for a multi-use trail. The City's Aqueduct Trail is a partially-completed Class 1 bike path that is planned to extend from the Moreno Valley Mall area (Eucalyptus Avenue near Arbor Park Lane and Fire Station 6) to the Lake Perris State Recreational Area. It generally follows the right of way for the East Branch of the California Aqueduct that terminates at Lake Perris. It also generally follows part of the Juan Bautista de Anza National Historic Trail corridor from the Towngate area to Lake Perris. The City has initiated action to rename the trail as the Juan Bautista de Anza Trail, in order to better position the City to receive future federal trail and active transportation grant funding. The project will be done in collaboration with the Parks & Community Services Department. The attachments to this RFP include basic current and past standards used by the City for trails.

The Consultant shall complete planning, environmental, preliminary engineering, right-of-way research, detailed alignment study, segment prioritization plan, cost estimates, and related work for a complete multi-use trail. The Consultant shall recommend and propose upon the appropriate environmental documents to clear the project for existing and future federal and state funds. The Consultant shall include NEPA and CEQA compliance, right-of-way research to identify existing easements and ownerships, Americans with Disabilities (ADA) compliance, and Caltrans Local Assistance Procedures Manual requirements in accordance with the currently-authorized phase and preparing future requests for authorization (RFA). Consultant shall also make recommendations with respect to updated design standards (including comparing Class 1 to multi-use), updated typical sections, right-of-way and maintenance widths, and trail surface types. Consultant shall analyze and recommend street crossing strategies including raised crosswalks, diagonal intersection crossings, buffered bicycle lanes, interim routes/solutions where right-of-way is not yet available, signage, safety, surveillance, educational opportunities, historic opportunities, graffiti-abatement/vandalism-deterrent opportunities, and logical trailhead locations. Consultant shall provide a detailed plan and phased strategy, including lengths and costs, on how to

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segment/build the trail.

The Consultant shall provide a scope and fee for a second, separate phase to complete 100% plans for a typical first priority improvement (Priority 1 improvement PS&E) to be used as a basis for negotiations if the project proceeds. The Priority 1 improvement PS&E scope should identify typical tasks and activities recommended to design a representative, highest-priority improvement within the trail system. The Priority 1 improvement PS&E fee is to be in a separately-sealed envelope.

**CONSULTANT SERVICES**

The Consultant shall provide services in two (2) progressive phases, as described 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:** The Phase 1 Services shall include, but not be limited to:

1. Conduct pre-design trail pavement evaluation and geotechnical investigations.
2. Perform survey and prepare base map, including field edits.
3. Collect trail user data, traffic data at collector and arterial street crossings, and recommended crossing treatments at intersections and trailheads. Prepare traffic signal warrants or justification for other treatments, and preliminary traffic signal design.
4. Evaluate all existing access ramps and trail access points within project limits for ADA compliance.
5. Evaluate existing trail for compliance with current standards.
6. Research and identify right-of-way needs and prepare documents and a right-of-way plan.
7. The plans shall contain enough information to determine if any additional right-of-way is required.
8. Investigate utilities with identification of utility conflict and coordination with utility owners to obtain adjustment and/or relocation. (Prepare and mail 1<sup>st</sup> Utility Notices.)
9. Identify and evaluate existing drainage patterns and facilities and identify needed drainage facilities, catch basins, culverts, etc. with supporting hydrology and hydraulic calculations.
10. Coordinate with all affected City Departments and outside agencies, including: California State Park superintendent for Lake Perris State Recreation Area; Caltrans; City of Perris; County of Riverside; Department of Water Resources (DWR); Safe Routes to School coordinator; and school districts.
11. Conduct field review by bicycle or on foot with City staff to evaluate proposed strategies.

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12. Determine requirements for various permits necessary for the project, including DWR.
13. Prepare, process, and file appropriate level of CEQA and NEPA documentation, as necessary, and obtain environmental clearance.
14. Identify and evaluate all existing improvements within the project area that affect the proposed project scope of work.
15. Prepare recommendations for lighting additions, upgrades, or removals.
16. Prepare traffic control concepts.
17. Identify and evaluate design and alignment alternatives.
18. Incorporate Santa Ana Region Low Impact Development (LID) guidance and standards for transportation project requirements with concurrence of City staff.
19. Incorporate designs to maximize ADA accessibility on proposed alignment. Proposed trail access points must meet current ADA standards.
20. Complete Summary Report for acceptance by the City.
21. Prepare detailed alignment study for use by future projects and developers, including geometry and right-of-way requirements.
22. Prepare Plans based on the approved Summary Report with construction cost estimates. Costs shall be separated by potential funding source(s).
23. Prepare documents as required by the Caltrans Local Assistance Procedures Manual (LAPM) for the current phase of work.

Upon successful completion, acceptance of environmental documentation, and available funds, the City may issue written authorization to proceed with Phase 2 or terminate the contract.

**Phase 2:** The Phase 2 Services listed here are to be included, at a minimum, in the Priority 1 improvement PS&E scope and are as follows:

1. Prepare construction plans and specifications for trail improvements, street improvements, drainage facilities, traffic signal, striping and signing, and traffic control plans, with submission for review at 100%, final, and Mylar stages.
2. Design off-site improvements as required by the selected project alternate.
3. Prepare Estimates, separated by funding sources, with submission for review along with plans and specifications.
4. The final Plans, Specifications, and Estimate (PS&E) shall be stamped and signed by the Design Consultant Civil Engineer, licensed to practice in the State of California, who supervised the PS&E preparation.
5. Final landscaping, irrigation, and planting plans, if prepared, shall be stamped and signed by the Design Consultant's Landscape Architect,

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licensed to practice in the State of California, who supervised the plan preparation.

6. Prepare and submit Storm Water Pollution Prevention Plan (SWPPP) for approval in accordance with City requirements.
7. Prepare 2<sup>nd</sup>, 3<sup>rd</sup> and final utility notices and coordinate with utility companies for relocation of interfering utilities.
8. The Consultant shall provide an adjustment of final design plans and corresponding documents to reduce the scope of work to match available budget in accordance with City-specified priorities.

Upon City's approval, the City will review and evaluate project goals and funding for possible continuation with future phases or terminate the contract.

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

**A. SUMMARY REPORT**

The Consultant shall prepare a Summary Report in City format. The report shall include, but not be limited to, vicinity map, location map, introduction, background, discussion of existing facilities, objectives, goals and policies, requirements, constraints, design alternatives, analysis of traffic data, design deficiencies and exceptions with justification, geotechnical, right-of-way needs, project costs and funding, maintenance costs and funding, priority phasing plan, ADA compliance plan, scheduling, engineering considerations, future conflicts, project reviews, environmental clearance, project management, meetings, conclusions, and recommendations. A draft report shall precede the plans so staff can review any issues and provide direction to the Consultant. The final report shall be signed by a Civil Engineer, registered in the State of California.

**B. ENVIRONMENTAL**

1. The Consultant shall identify and evaluate all environmental concerns for the proposed improvements and recommend the appropriate environmental document and technical studies to ensure future federal and state clearances. The City's Community Development Department, Planning Division, will concur with the proposed environmental document type.

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

The environmental procedures shall be in compliance with CEQA and NEPA requirements.

2. The Consultant shall check for the presence of Burrowing Owl within the project area and area potentially affected by the construction.

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3. Federal (NEPA): The environmental procedures shall also be in compliance with NEPA and shall follow the Caltrans "Local Assistance Procedures Manual" (LAPM). The Preliminary Environmental Study (PES) with comments and photographs, Initial Site Assessment (ISA) check list, Natural Environmental Study (NES), and Area of Potential Effect (APE) map are the minimum required documents to be submitted to Caltrans. The Consultant shall prepare, submit, and coordinate with Caltrans through final approval for the environmental document on behalf of the City.

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

**D. AUTOCAD DRAWINGS**



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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 shall be used.
3. The following is a table of items that shall be placed on designated layers as shown:

| <b>Description</b>    | <b>Layer</b> | <b>Color</b>     |
|-----------------------|--------------|------------------|
| Points                | POINTS       | Light Grey (253) |
| Point numbers         | PNTS         | Light Grey (253) |
| Point elevations      | ELEV         | Red              |
| Point descriptions    | DESC         | Dark Grey (250)  |
| Intermediate Contours | INTER        | Dark Grey (250)  |
| Index contours        | INDEX        | Red              |
| Topography            | TOPO         | Yellow           |
| Text                  | TEXT         | Red              |
| Centerline            | CL           | Red              |
| Right-of-Way          | ROW          | Blue             |
| Curb and gutter       | CG           | Green            |
| Sidewalk              | SW           | Yellow           |

**E. GEOTECHNICAL**

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

1. Perform subsurface exploration and analysis, including in-place moisture and density tests, laboratory maximum density and optimum tests, sieve analysis, R-value determination, direct shear tests, consolidation or collapse tests, and other required tests.
2. Review of existing geotechnical/geologic maps, reports or other related documents.
3. Review project Plans and Specifications through the design process, with consideration of geotechnical issues such as materials testing and suitability.
4. Provide geotechnical evaluation and recommendations on, including, but not limited to, grading, earthwork, settlement, surface and subsurface drainage, foundation/column/slab design, slope stability, pavement design, trench backfill, retaining wall design, environmental concerns, removal of unsuitable materials, etc.
5. An investigation of the existing street pavement conditions shall be performed, where street improvements are proposed, accompanied by



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pavement coring and soil borings and sampling. Pavement corings and soil samples in sufficient quantities shall be taken and tested to determine R values and structural pavement sections to be considered for the project. The Consultant shall record the pavement and base thicknesses of each coring and record in-situ soil type, weight, moisture content, relative compaction, etc., at a minimum 2 feet (2') depth, or as recommended by the Geotechnical Engineer supervising the investigation. Boring logs shall be prepared and presented in a report along with all test results and recommendations for replacement structural section, overlay thickness, and/or rehabilitative repair strategy. Consideration for the effect of any overlay recommendations upon the existing profile, cross section and or drainage shall be addressed.

6. Prepare field and final geotechnical reports and logs of exploratory borings and results of laboratory testing.
7. Prepare scale plans showing locations and identifications of the borings and other required geotechnical information.
8. A Traffic Index (TI) shall be used in accordance with the City Standards when making recommendations for City streets. Appropriate TI shall be used for the crossing streets with higher classification and/or for streets with truck route designation.
9. All in-place/laboratory tests, sampling, and reports shall be performed and prepared in accordance with Caltrans and other applicable agency procedures, policies, regulations, requirements, and formats.
10. Potholes in paved street 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.
11. It will be the responsibility of the Consultant to notify Underground Service Alert prior to the start of any subsurface exploration work. The Consultant shall submit a traffic control plan for street work only to the City for review and obtain a permit to operate and conduct explorations within the public right-of-way.
12. The Consultant shall obtain all necessary permits to enter and construct on private properties from property owners, as required by the City, for all research such as surveying, geotechnical, and other design-related work.

**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

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gutter, intersecting streets, cross gutters, and other ancillary items that may affect the project.

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

**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 Summary Report. 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), Moreno Valley Utility (MVU), 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 letterhead 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.

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

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

The Consultant shall obtain a Release Letter for Source of Power from MVU, as needed.

The Consultant shall coordinate with SCE or MVU for the source and location of the power for any traffic signals and locations for the meter cabinet and traffic sign controller. The Consultant shall obtain the address for the meter cabinet, when the location is known, from the City Building Division.

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

**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 street 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 construct on 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**

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In support of the proposed project improvements, 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. Consultant is to research and identify right-of-way needs, collect existing right-of-way documents, and prepare a right-of-way exhibit plan demonstrating existing rights and any additional rights needed. The consultant shall submit the plan to the City for review. Consultant shall clearly identify locations where additional rights are needed on the plan. Consultant will meet with the City as well as use rights as one of the determining factors in the phasing plan.

**Note: Consultant shall perform items 1 and 2 below as part of the PA/ED work as well as related tasks “a” through “s.” Consultant will perform items 3 through 7 for the Priority 1 recommended improvement only, provide a separate scope, and only perform upon authorization from the City.**

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

The Consultant shall be responsible to ensure that all necessary right-of-way 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

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the City of Moreno Valley on August 19, 1986, including any changes to state and federal law since the adoption.

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

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

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- 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 Recorder's 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 Assessor's Office.

**Appraisal (if needed):**

The Consultant shall perform all appraisals in accordance with the USPAP, the Code of Professional Ethics of the Appraisal Institute, and all federal and state laws and requirements in accordance with Chapter 7 of the Caltrans Right-of-Way Manual for "Appraisals" for those projects that are state/federally funded.

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

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

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

The appraiser shall conduct all necessary research to determine owner of record,



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land use, zoning, encumbrances, highest and best use, and any factors that will affect value.

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

**J. FORMAT FOR PLANS AND SPECIFICATIONS**

1. Any 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' for traffic signal and 1" = 20' or 1" = 40' for all other plan sheets. 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. The Title Sheet shall include, but not be limited to: Project title, vicinity (location) map, title block, north arrow, scales, general notes, telephone numbers of utilities and other affected agencies and businesses, sheet index, and other required notes and information.
3. Street and Trail 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

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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.

4. Storm Drain and/or Culvert 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 and approval and channel 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.

5. Traffic Signal Plans shall include, but not be limited to: Eight (8) phase controllers with bicycle logic, emergency vehicle pre-emption, telephone connection, traffic signal interconnect, battery back-up, ultimate sizing of traffic signal poles and arms, pedestrian and bicycle push buttons, poles and pole footings designed to a wind velocity of 100 MPH or greater, adequate storage for turn lanes, and any other improvements, including right-of-way in order to signalize the intersection. 1" = 20' Scale drawing of the intersection shall show background topography either dashed or at half tone line quality, dimensions, signal pole and push button pole placements, controller and power meter cabinet placements, conduit runs and hand holes or junction box placements, lane channelization and dimensions, detection loop placement, circuitry and conductor schedules, signal pole and mast arm schedules, phase schedules, schedules for signal heads, schedules for loop detectors, signal pole location details, emergency vehicle pre-emption details, and all other notes, schedules, details and/or drawing components required for a complete traffic signal construction plan. The traffic signal meter addresses shall be shown on the Traffic Signal Plans.

The Consultant shall accurately determine the height of the existing overhead utility lines and pole for traffic signal, safety lighting, and street



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light clearance of utilities. The plans shall clearly show the horizontal location and elevations of overhead and underground utilities that are in the immediate vicinity of proposed improvements. Elevations shall be at the low-point, and indicate the horizontal location of said low-point. Clearances to the proposed improvements shall also be shown. The Consultant shall research and establish necessary clearances for construction and operation, which are typically different. Material changes required during construction as a result of incorrect measurements by the Consultant shall be back-charged to the Consultant based on the material value of loss to the City, as determined by the City. The Consultant shall agree to pay said charges, or have appropriate monies withheld. The Consultant shall create a Utility Profile, showing existing utilities with proposed improvements and the clearances between the two, on one or more "Utility Profile" sheets. Utility Profile sheets shall be stamped and signed by the appropriate professional, and submitted to the City of Moreno Valley on 11"x17" sheets.

6. 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.
7. 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.
8. Landscaping, irrigation, planting, and architectural detail plans shall include but not be limited to: 1" = 20' scaled drawings; turf and plant varieties must be drought resistant and be approved for 'Sunset' Zone 18; irrigation shall be designed by a Certified Irrigation Designer with current registration from the Irrigation Association (or provide sufficient education or certifications to be considered equal to), adhere to the City Standard Plans for park projects, and the Department's Park Specifications; planting plans shall adhere to the City Standard Plans for park projects and the Department's Park Specifications; architectural details shall be referenced by number on the plans to a corresponding number in the bid documents. All landscaping and irrigation plans shall be designed in a program compatible with AutoCAD Land Development software to a size of 24" by 36" and shall be reviewed and approved by Parks and Community Services. Final plans will require a wet signed Mylar with numbered hanging file tabs on each sheet shall be signed by a registered State of California Landscape Architect, a CD or DVD of the approved plans in Tiff, PDF, DWF, and the original design software formats. It shall

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be understood that the City will be the owner of the plans and will adhere to any copyright laws.

9. 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.
10. 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.

11. 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 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. GENERAL DESIGN SUBMISSION REQUIREMENTS DEFINED**

The City has established criteria/requirements for submittals at progressive levels for project reviews and payment purposes. A description of "General Design Submission Requirements" is attached as Exhibit A.

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

1. The Consultant shall submit six (6) 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

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rejected.

2. The Consultant shall submit four (4) sets of any reports, such as geotechnical and/or quantity calculations with each submittal for checking to the City, along with the previously checked reports. Six (6) sets of Project Report 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. One (1) reproducible and three (3) sets bond copies of cross sections shall be submitted along with the final submittal of the design drawing.
5. The City shall receive a copy of all transmittals, submittals, and letters sent to utilities and agencies regarding the project.

**M. 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 trail, AC trail, PCC curb and gutter, driveway approaches, survey monument wells, raising manholes, water valve lids, traffic signals, traffic loops, painting of pavement legends and striping, signs, traffic control, raised pavement markers, project signs and trail amenities. The estimated quantities shall be arranged in chronological order of construction and shall contain all the information necessary to prepare the Engineer's Estimate in the format specified by the City or associated agencies. The Engineer's Estimate and bid schedule shall be broken out by funding source or as otherwise directed by the City Program Manager.

There shall be a separate detailed traffic signal estimate in addition to the overall project estimate. The detailed traffic signal estimate shall include, but not limited to, foundations, conduits, conductors, poles, arms, pedestrian and bicycle push buttons, pedestrian heads, 3 section vehicle heads, emergency vehicle pre-emption devices and cables, 250W luminaires, illuminated signs, controller and Type P cabinets, Type III service, and other appurtenances.

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 100% and final Plan stages, submit estimated quantities calculated and listed by plan sheet, for review by the City. The Consultant's final

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construction cost estimate shall be based upon, and in agreement with, the final estimate of quantities.

Consultant shall prepare a separate estimate of maintenance and operations costs by segment, covering a minimum of twenty years of maintenance.

**N. 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.

**O. COPIES OF CONTRACT DOCUMENT PACKAGE**

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

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

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

**Q. 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.

**R. 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

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satisfaction of the City Program Manager. The project meetings shall include, but not be limited to:

1. Kick-off meeting to including all sub-consultants, City Departments, affected outside agencies, school districts, utilities, funding staff and other interested parties to the work.
2. Set and facilitate Project Development Team (PDT) meetings on a monthly (or higher frequency if necessary) basis. At a minimum, stakeholders, including California State Park superintendent for Lake Perris State Recreation Area, Department of Water Resources (DWR) representative, and Safe Routes to School Coordinator will be invited.
3. Conduct status and coordination meetings.
4. Conduct up to two community workshops 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, utility representatives, and federal and state representatives as required over the course of design.
7. The Consultant shall facilitate the bidding process and assure that all Federal, State and local contracting laws have been met.

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

The Consultant's Proposal shall be no more than 25 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. The consultant shall also provide a separate scope and fee, in a separately-sealed envelope, for a typical 100% package Priority 1 recommendation, to be used as a basis for negotiations if the consultant successfully completes the first phase to the satisfaction of the City and if funding is available. The separate scope and fee for the Priority 1 recommendation is not necessarily intended to be within the current grant amount.

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).

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

The Consultant's Proposal shall include the following statements:

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



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

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

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

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

9. A statement that all charges for Consultant services is a "Not-to-Exceed Fee" which must include conservatively estimated reimbursable expenses, as submitted with and made a part of said Consultant's Proposal.

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10. A statement that the Consultant will document and provide the results of the work to the satisfaction of the City. This may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives.
11. A statement that the Consultant will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work.
12. A copy of the Consultant's hourly rate schedule and a statement that said hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred that is not part of this Request for Proposal. **An itemized cost breakdown for the work described herein must be submitted in a separate sealed envelope as part of the Proposal submittal.** All extra work will require prior approval from the City.
13. A statement that the Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.
14. A statement that all federal laws and regulations shall be adhered to notwithstanding any state or local laws and regulations. In a case of conflict between federal, state or local laws or regulations the strictest shall be adhered to.
15. A statement that the Consultant shall allow all authorized federal, state, county, and City officials access to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this special project. All relevant records shall be retained for at least three years.
16. A statement that the Consultant shall comply with the Davis-Bacon Fair Labor Standards Act (40 USC 276-a through a-7), and the implementation regulations issued pursuant thereto (29 CFR Section 1, 5), any amendments thereof and the California Labor Code. Pursuant to the said regulations, entitled "Federal Labor Standards Provisions," Federal Prevailing Wage Decision" and State of California prevailing wage rates, respectively.
17. A statement that the Consultant shall comply with the Copeland Anti-Kickback Act (18 USC 874) and the Implementation Regulation (29 CFR 3) issued pursuant thereto, and any amendments thereof.
18. A statement that the Consultant offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 USC Sec. 15) or under the Cartwright Act (Chapter 2 [commencing with Section 16700] of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public works or the subcontract.



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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. A statement that this Agreement is subject to 49 CFR, Part 26 entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs."

Review/Complete all attached forms included as an appendix to the proposal and do not count against the page limit.

**VI. DISADVANTAGED BUSINESS ENTERPRISES (DBE)**

The Consultant must ensure that DBEs and other small businesses have the opportunity to participate in the performance of the work that is the subject of this solicitation and should take all necessary and reasonable steps for this assurance.

The DBE goal for this Agreement is 8 %.

Terms as Used in This Section

- The term "Disadvantaged Business Enterprise" or "DBE" means a for-profit small business concern owned and controlled by a socially and economically disadvantaged person(s) as defined in Title 49, Code of Federal Regulations (CFR), Part 26.5.
- The term "Agreement" also means "Contract."
- The term "Small Business" or "SB" is as defined in 49 CFR 26.65.

Authority and Responsibility

- A. DBEs and other small businesses are strongly encouraged to participate in the performance of Contracts financed in whole or in part with federal funds (See 49 CFR 26, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs"). The Proposer must ensure that DBEs and other small businesses have the opportunity to participate in the performance of the work that is the subject of this solicitation and should take all necessary and reasonable steps for this assurance. The Proposer must not discriminate on the basis of race, color, national origin, or sex in the award and performance of subcontracts.
- B. Proposers are encouraged to use services offered by financial institutions owned and controlled by DBEs.

Submission of DBE Information

If there is a DBE goal on the contract, Exhibit 10-O1 *Consultant Proposal DBE Commitment* must be included in the Request for Proposal. In order for a proposer to be

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considered responsible and responsive, the proposer must make good faith efforts to meet the goal established for the contract. If the goal is not met, the proposer must document adequate good faith efforts and submit Exhibit 15-H *DBE Information – Good Faith Efforts*. All DBE participation will be counted towards the contract goal; therefore, all DBE participation shall be collected and reported.

Exhibit 10-O2 *Consultant Contract DBE Information* must be included with the Request for Proposal. Even if no DBE participation will be reported, the successful proposer must execute and return the form.

Submit written confirmation from each DBE stating that it is participating in the contract. Include confirmation with the DBE Commitment form. A letter from the DBE on its letterhead will serve as written confirmation that the DBE is participating in the contract.

A DBE may be terminated only with written approval by the City of Moreno Valley and only for the reasons specified in 49 CFR 26.53 (f). Prior to requesting the City of Moreno Valley's consent for the proposed termination, the prime consultant must meet the procedural requirements specified in 49 CFR 26.53(f).

DBE Participation General Information

It is the Proposer's responsibility to be fully informed regarding the requirements of 49 CFR, Part 26, and the Department's DBE program developed pursuant to the regulations. Particular attention is directed to the following:

- A. A DBE must be a small business firm defined pursuant to 13 CFR 121 and be certified through the California Unified Certification Program (CUCP).
- B. A certified DBE may participate as a prime consultant, subconsultant, joint venture partner, as a vendor of material or supplies, or as a trucking company.
- C. A DBE Proposer not proposing as a joint venture with a non-DBE, will be required to document one or a combination of the following:
  1. The Proposer is a DBE and will meet the goal by performing work with its own forces.
  2. The Proposer will meet the goal through work performed by DBE subconsultants, suppliers or trucking companies.
  3. The Proposer, prior to proposing, made adequate good faith efforts to meet the goal.
- D. A DBE joint venture partner must be responsible for specific contract items of work or clearly defined portions thereof. Responsibility means actually performing, managing, and supervising the work with its own forces. The DBE joint venture partner must share in the capital contribution, control, management, risks and profits of the joint venture commensurate with its ownership interest.

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- E. A DBE must perform a commercially useful function pursuant to 49 CFR 26.55, that is, a DBE firm must be responsible for the execution of a distinct element of the work and must carry out its responsibility by actually performing, managing and supervising the work.
- F. The Proposer shall list only one subconsultant for each portion of work as defined in their proposal and all DBE subconsultants should be listed in the bid/cost proposal list of subconsultants.
- G. A prime consultant who is a certified DBE is eligible to claim all of the work in the Contract toward the DBE participation except that portion of the work to be performed by non-DBE subconsultants.

Resources

It is the Proposer's responsibility to verify that the DBE firm is certified as DBE at the proposal due date. The California Unified Certification Program (CUCP) database includes the certified DBEs from all certifying agencies participating in the CUCP. If you believe a firm is certified that cannot be located on the database, please contact the Caltrans Office of Certification at the toll free number 1-866-810-6346 for assistance. Access the CUCP database from the Department of Transportation, Office of Business and Economic Opportunity Web site at: <http://www.dot.ca.gov/hq/bep/>.

1. Click on the link in the left menu titled *Disadvantaged Business Enterprise*;
2. Click on Search for a DBE Firm link;
3. Click on *Access to the DBE Query Form* located on the first line in the center of the page.

Searches can be performed by one or more criteria. Follow instructions on the screen.

Materials or Supplies Purchased from DBEs Count Towards the DBE Goal Under the Following Conditions:

- A. If the materials or supplies are obtained from a DBE manufacturer, count 100 percent of the cost of the materials or supplies. A DBE manufacturer is a firm that operates or maintains a factory, or establishment that produces on the premises the materials, supplies, articles, or equipment required under the Contract and of the general character described by the specifications.
- B. If the materials or supplies purchased from a DBE regular dealer, count 60 percent of the cost of the materials or supplies. A DBE regular dealer is a firm that owns, operates or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the Contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a DBE regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the

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purchase and sale or lease of the products in question. A person may be a DBE regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone or asphalt without owning, operating or maintaining a place of business provided in this section.

- C. If the person both owns and operates distribution equipment for the products, any supplementing of regular dealers' own distribution equipment shall be, by a long-term lease agreement and not an ad hoc or Agreement-by-Agreement basis. Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not DBE regular dealers within the meaning of this section.
- D. Materials or supplies purchased from a DBE, which is neither a manufacturer nor a regular dealer, will be limited to the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on the job site, provided the fees are reasonable and not excessive as compared with fees charged for similar services.

The Proposer must:

- Take necessary and reasonable steps to ensure that DBEs have an opportunity to participate in the contract (49 CFR 26).
- Make work available to DBEs and select work parts consistent with available DBE subcontractors and suppliers. Proposers are encouraged to use services offered by financial institutions owned and controlled by DBEs.
- If a DBE subconsultant is unable to perform, Proposer must make a good faith effort to replace him/her with another DBE subconsultant if the goal is not otherwise met.

All DBE participation will count toward the California Department of Transportation's federally mandated statewide overall DBE goal.

Good Faith Efforts Submittal

If you have not met the DBE goal, complete and submit the DBE Information - Good Faith Efforts, Exhibit 15-H form with the proposal showing that you made adequate good faith efforts to meet the goal. Only good faith efforts directed towards obtaining participation by DBEs will be considered.

If your DBE Commitment form shows that you have met the DBE goal or if you are required to submit the DBE Commitment form, you should also submit good faith efforts documentation to protect your eligibility for award of the contract in the event the City of Moreno Valley finds that the DBE goal has not been met (i.e. a listed DBE IS NOT certified).

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Good faith efforts documentation must include the following information and supporting documents, as necessary:

1. Items of work you have made available to DBE firms. Identify those items of work you might otherwise perform with its own forces and those items that have been broken down into economically feasible units to facilitate DBE participation. For each item listed, show the dollar value and percentage of the total contract. It is your responsibility to demonstrate that sufficient work to meet the goal was made available to DBE firms.
2. Names of certified DBEs and dates on which they were solicited to bid on the project. Include the items of work offered. Describe the methods used for following up initial solicitations to determine with certainty if the DBEs were interested, and the dates of the follow-up. Attach supporting documents such as copies of letters, memos, facsimiles sent, telephone logs, telephone billing statements, and other evidence of solicitation. You are reminded to solicit certified DBEs through all reasonable and available means and provide sufficient time to allow DBEs to respond.
3. Name of selected firm and its status as a DBE for each item of work made available. Include name, address, and telephone number of each DBE that provided a quote and their price quote. If the firm selected for the item is not a DBE, provide the reasons for the selection.
4. Name and date of each publication in which you requested DBE participation for the project. Attach copies of the published advertisements.
5. Names of agencies and dates on which they were contacted to provide assistance in contacting, recruiting, and using DBE firms. If the agencies were contacted in writing, provide copies of supporting documents.
6. List of efforts made to provide interested DBEs with adequate information about the plans, specifications, and requirements of the contract to assist them in responding to a solicitation. If you have provided information, identify the name of the DBE assisted, the nature of the information provided, and date of contact. Provide copies of supporting documents, as appropriate.
7. List of efforts made to assist interested DBEs in obtaining bonding, lines of credit, insurance, necessary equipment, supplies, and materials, excluding supplies and equipment that the DBE subcontractor purchases or leases from the prime contractor or its affiliate. If such assistance is provided by you, identify the name of the DBE assisted, nature of the assistance offered, and date assistance was provided. Provide copies of supporting documents, as appropriate.
8. Any additional data to support demonstration of good faith efforts.

The information presented in this Section VI is consistent with information presented in Caltrans Local Assistance Exhibit 10-I (Notice to Proposers DBE Information) and proposer is required to refer to most current Exhibit 10-I for latest requirements and/or changes.

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Forms and information for the Caltrans Local Assistance Program can be found here:  
<http://www.dot.ca.gov/hq/LocalPrograms/index.htm>

**VII. 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.

**VIII. 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.

**IX. 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. Summary Report is complete.
  - 2. Environmental Clearance obtained.
  - 3. Alignment Study is complete.
  - 4. Any other logical task on a major task successfully completed and accepted basis, but not more frequently than monthly.

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

- E. Milestone invoices, not more frequently than monthly, will specifically identify job



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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.
- 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.

**X. 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

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

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

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

**XI. 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.



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

**XII. 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.

**XIII. 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**

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT SERVICES  
PROJECT NUMBER: 801 0055**

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

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

**XIV. GENERAL CONDITIONS**

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

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

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

**XV. SELECTION CRITERIA**

The Consultant may be invited to a selection interview. The Proposals will be rated/ranked according to the following criteria:

1. The Firm's General Experience and Qualification Information (15 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 (30 points) – Information and background on key personnel (including all sub-consultants) qualifications and competence including: ability to perform specific tasks; back-up support; capability to perform the work; familiarity with state and federal procedures; local experience on comparable projects and length of

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT SERVICES  
PROJECT NUMBER: 801 0055**

service with the firm; proposed team's qualifications; quantity and relevance of similar projects performed; reference information preferably with municipal agencies; reputation; similar past work experience; specific and relevant experience and detailed responsibilities on comparable projects; 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.
4. Past Performance and Reference Check (15 points) – Inquiry and evaluation of past work performance standards including: availability; care about community and client concerns; keeping of promises; meeting deadlines; offering qualified subconsultants on the team; and responsiveness and timeliness.

Attachments:

|               |  |
|---------------|--|
| Attachment 1  | Exhibit A – General Submission Requirements  |
| Attachment 2  | Location Map   |
| Attachment 3  | Aerial Map A1 – Towngate Blvd to Cactus Ave  |
| Attachment 4  | Aerial Map B1 – Cactus Ave to Iris Ave   |
| Attachment 5  | Aerial Map C1 – Iris Ave to South City Limit   |
| Attachment 6  | Aerial Map D1 – South City Limit to Lake Perris State Recreation Area  |
| Attachment 7  | Basic Current and Past Standards for Trails  |
| Attachment 8  | City Standard Agreement for Professional Consultant Services (no changes to this agreement will be allowed)  |
| Attachment 9  | First Addendum to City Standard Agreement – Supplementary General Conditions (This form only requires execution and submittal if the City accepts your proposal and sends you an Agreement for execution.) |
| Attachment 10 | Second Addendum to City Standard Agreement – Local Assistance Federal-Aid Projects Required Provisions/Articles  |
| Attachment 11 | Certification for Contracts, Grants, Loans, and Cooperative Agreements   |
|               | Required Caltrans and federal forms (to be filled out and included with the proposal):   |
| Attachment 12 | Exhibit 10-F – Certification of Consultant, Commissions & Fees   |
| Attachment 13 | Exhibit 10-J – Standard Contract Provisions for Subconsultant/DBE Participation  |
| Attachment 14 | Exhibit 10-K – Consultant Certification of Costs and Financial Management System   |
| Attachment 15 | Exhibit 10-O1 – Consultant Proposal DBE Commitment   |

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT SERVICES  
PROJECT NUMBER: 801 0055**

|               |  |
|---------------|--|
| Attachment 16 | Exhibit 10-O2 – Consultant Contract DBE Information                                    |
| Attachment 17 | Exhibit 10-P – Nonlobbying Certification for Federal-Aid Contracts                     |
| Attachment 18 | Exhibit 10-Q – Disclosure of Lobbying Activities                                       |
| Attachment 19 | Exhibit 12-B – Proposer’s List of Subconsultants (DBE and Non-DBE)<br>– Parts I and II |
| Attachment 20 | Exhibit 15H – DBE Information – Good Faith Efforts                                     |

# ATTACHMENT 1

**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT SERVICES  
PROJECT NUMBER: 801 0055**

**Exhibit A**

**General Submission Requirements**

The following typical elements of the General Submission Requirements are representative of the specific completion levels, but not necessarily all-inclusive.

**Typical Minimum PA & ED Requirements:** Complete supporting plans and estimates for Summary Report; resolve alternatives and alignment issues; identify preliminary right-of-way and easement needs; complete Geotechnical Report; complete Hydrology and Hydraulic reports; and complete environmental documentation; and obtain all environmental approvals.

- Summary Report is based upon the City boiler format and is complete.
- Basis for design is established and preliminary level design (foot print) is frozen. There are either few or no more basic design changes.
- Initial plan review by all city departments, utility companies, and other associated agencies is complete.
- As necessary, public meetings have taken place and the concept is established and approved.
- City client departments have signed-off on the design.
- City's Drawing standards are to be used.
- Conceptual work is complete.
- Surveys are completed and boundaries established on plans.
- Horizontal and Vertical alignments are established on plans.
- Curb/gutter lines to centerline dimensions are shown on plans.
- Intersection and corner radius information is shown on plans.
- Parcel delineation, with site address and Assessor's Parcel Number, are shown on plans.
- Special (Technical) Provisions outline is established and is based on City's boiler format.
- Preliminary Engineer's Estimate is compared to project budget – perform a reality check.
- Inter-/Intra-discipline Quality Assurance/Quality Control check is performed.
- Geotechnical Report is complete.
- Hydrology and Hydraulic reports are complete and approved.
- Utilities initial investigation is complete and tracked using a utility response matrix.
- First meeting with utility companies has taken place and all are on-board.
- Proposed utilities' connections/improvements, etc., are essentially agreed upon.
- Existing utilities to be relocated, to be abandoned, and/or re-routed are established and agreed upon.
- Meeting with all other interested parties, such as fire and police, etc., have taken place.
- All preliminary right-of-way and easement needs are shown and analyzed, and ownership is investigated.
- Required environmental form or Environmental Document is complete and approved.

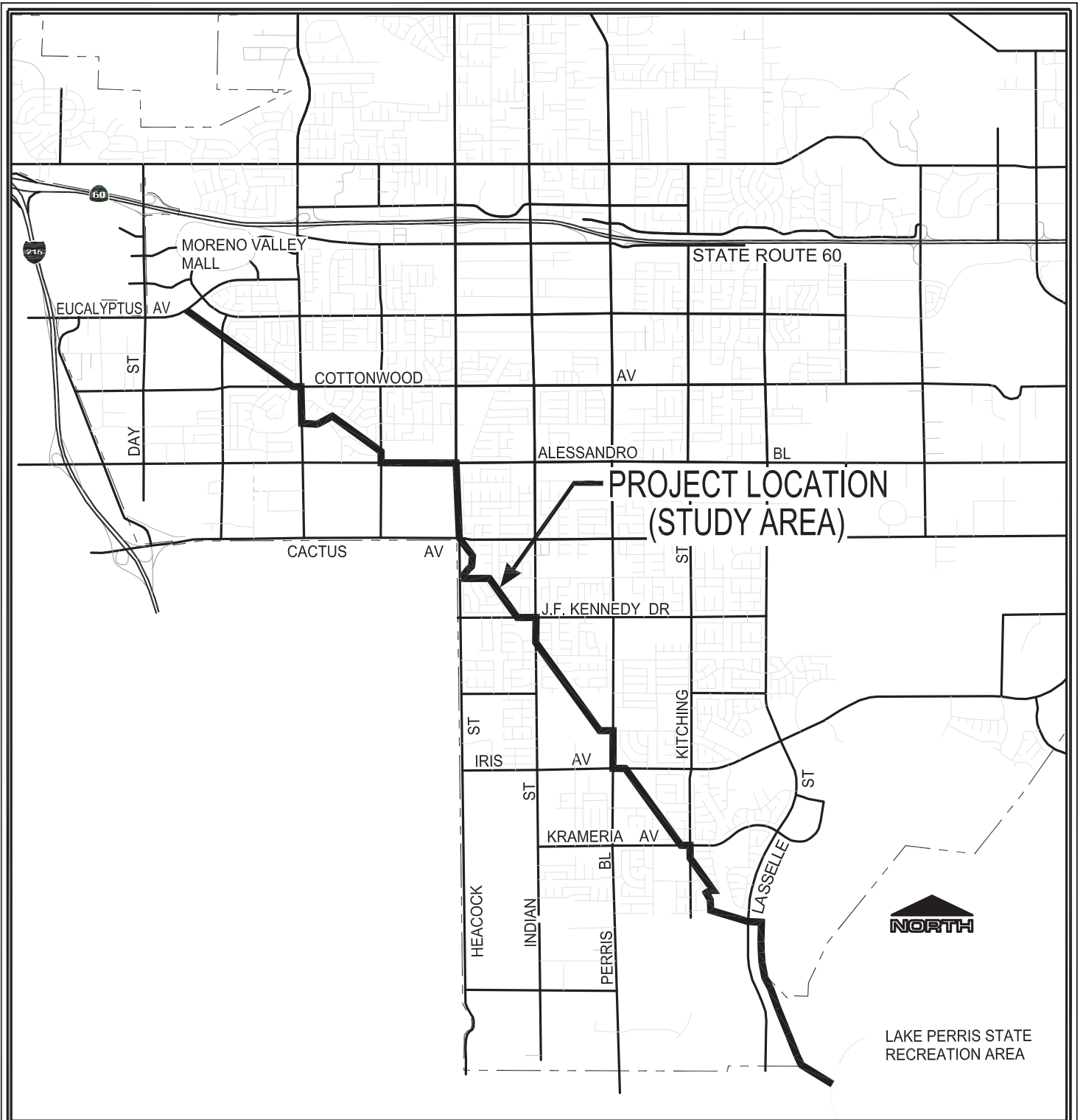
**REQUEST FOR PROPOSAL FOR  
PROFESSIONAL CONSULTANT SERVICES  
PROJECT NUMBER: 801 0055**

**Typical Progressive Level Requirements to Complete Project**

1. Resolve right-of-way issues; complete detailed street, traffic signal, and drainage design; complete water quality improvements; complete project specific plans improvements.
  - Overall progress must be at a level that was established in the critical path.
  - Grading Plan is complete.
  - Horizontal and Vertical alignments are complete.
  - Draft Specifications, including General Provisions and Special Provisions, are complete.
  - Complete Engineer's Estimate reflecting work effort.
  - 2<sup>nd</sup> inter-/intra-discipline Quality Assurance/Quality Control check is performed.
  - Must include a set of drawings and a comments matrix with responses proving that all comments have been addressed.
  - Follow-up meetings with utility companies, if necessary, have taken place.
  - All existing utility conflicts are addressed and resolved, and tracked using a utility response matrix.
  - Proposed utilities plan is essentially complete.
  - All right-of-way and easement needs are shown and finalized, and ownership is confirmed, if necessary, with Title Reports.
  
2. Obtain all needed right-of-way; complete plans, specifications, and estimates and submit for final review and comments.
  - All design documents are essentially complete as if ready to bid.
  - Specifications document includes General Provisions and Special Provisions and shall be complete in every manner.
  - Liquidated damage calculation is complete.
  - Engineer's Estimate is complete. It shall be at or 10% (maximum) below the construction budget amount provided by the City.
  - 3<sup>rd</sup> inter-/intra-discipline Quality Assurance/Quality Control check is performed.
  - Must include a set of drawings and a comments matrix with responses proving that all comments have been addressed.
  - Ready for biddability, claim avoidance, and constructability reviews.
  - All right-of-way and easement documents have been obtained, or are in the final process of being obtained.
  
3. Final documents.
  - Must include a set of drawings and a comments matrix with responses proving that all comments have been addressed.
  - Project is ready for advertisement.
  - All available and applicable permits have been received.
  - Sign-off has been obtained from all entities having jurisdiction, including sign-off by the City's required departments or divisions.
  - All right-of-way and easement documents have been obtained.

# ATTACHMENT 2





# AQUEDUCT TRAIL



Scale: None  
 Public Works Department  
 Capital Projects Division  
 ATTACHMENT 2

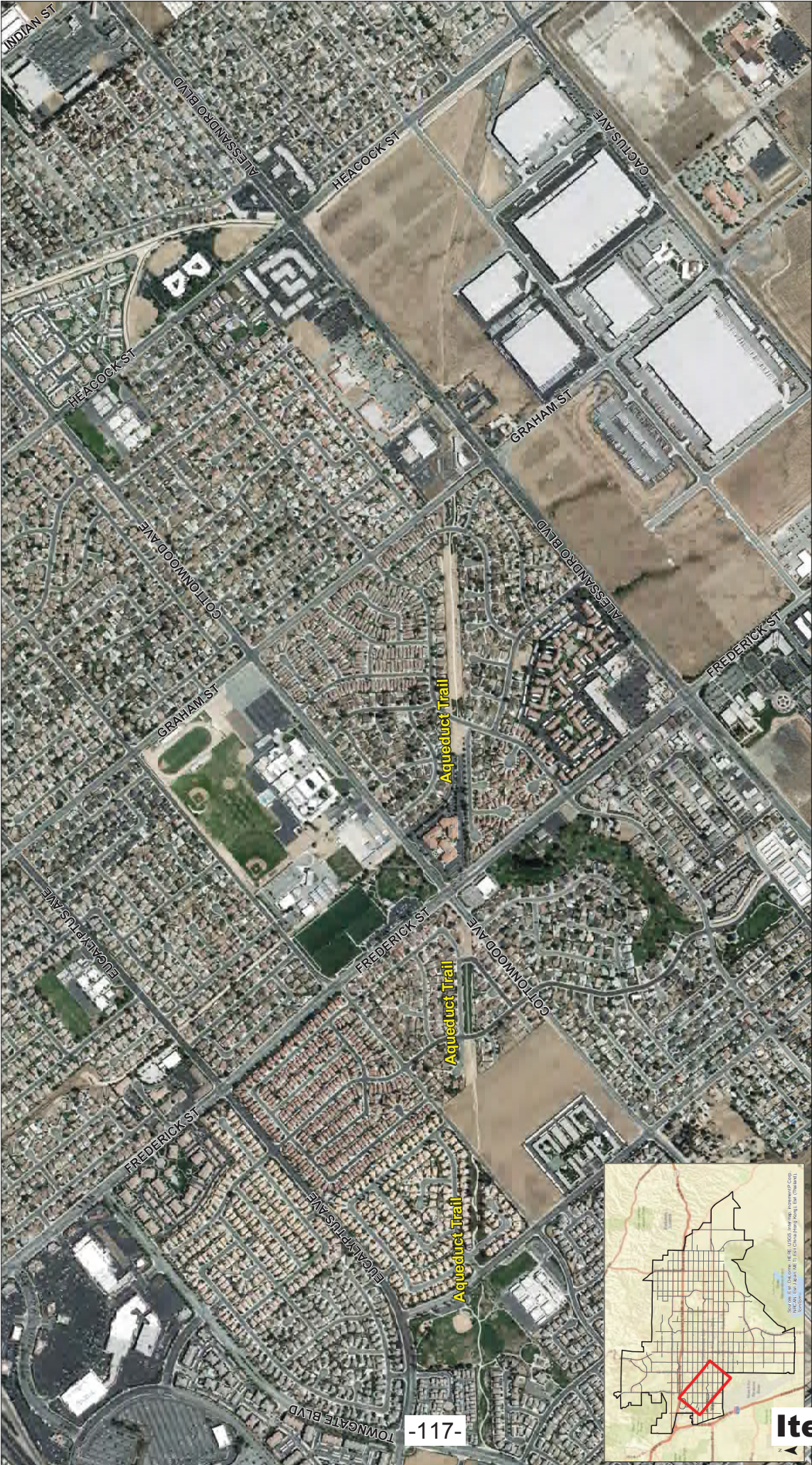
AQUEDUCT TRAIL  
 FROM MORENO VALLEY MALL AREA  
 TO LAKE PERRIS STATE RECREATION AREA

PROJECT NUMBER 801 0055

# ATTACHMENT 3



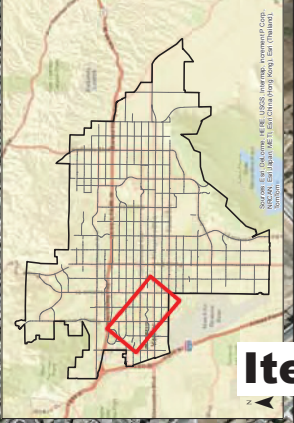
# AQUEDUCT TRAIL AERIAL MAP



The information shown on this map was compiled from the following sources: GIS and Aerial Photography. The information on this map is for display purposes only and does not constitute a warranty of accuracy. The user should verify the accuracy of the information before using it for any other purpose. The user should be held responsible for any errors, omissions, or damages resulting from the use of this map.



Geographic Information in:  
 State Plane NAD 83 California Zone 6 Feet  
 Orthophotography Date: 2012  
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 October 13, 2014



## CITY OF MORENO VALLEY TONGATE BLVD TO CACTUS AVE

-117-

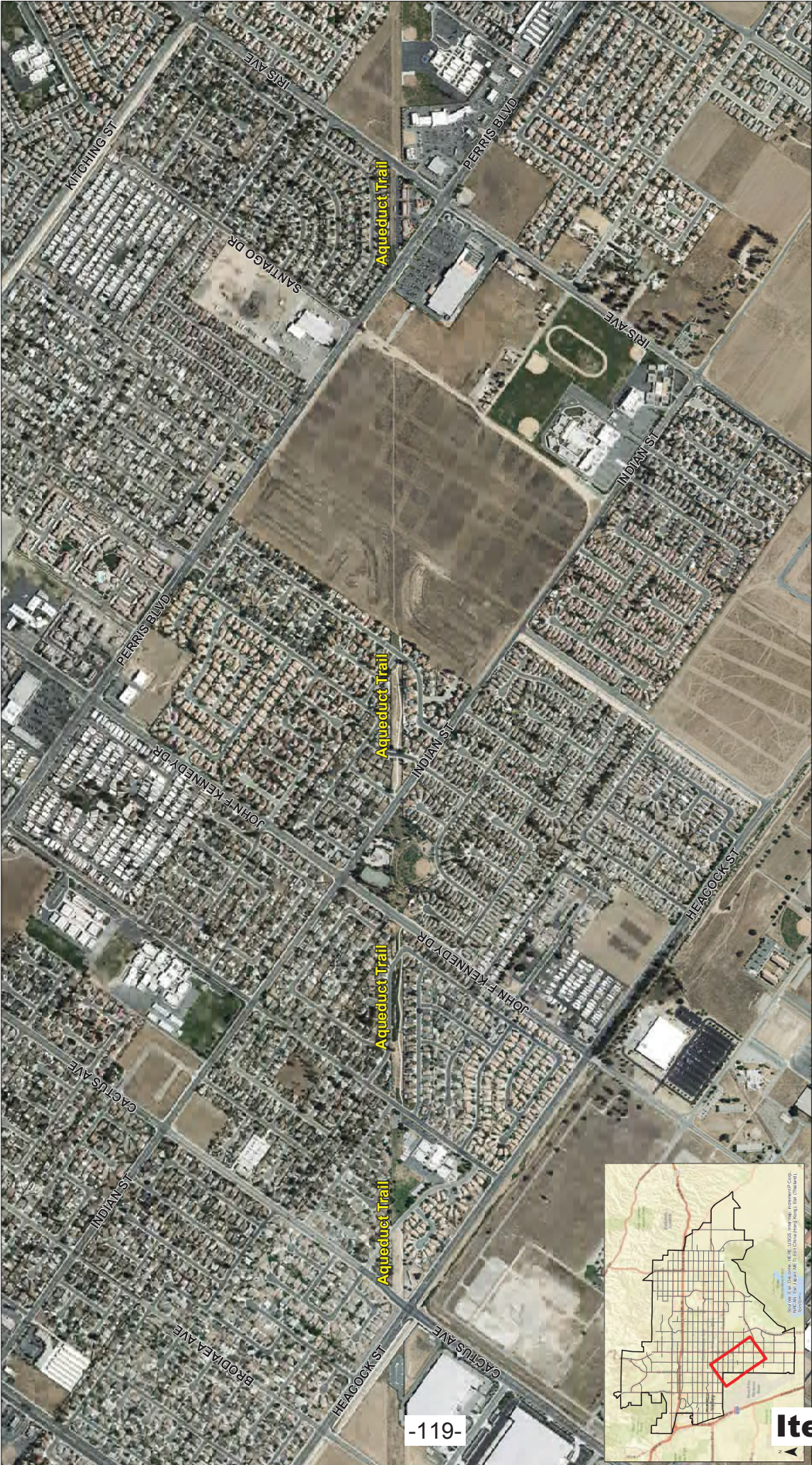
Item No. A.4



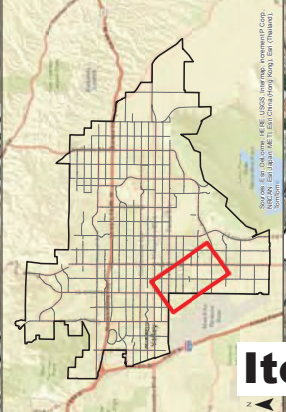
# ATTACHMENT 4



# AQUEDUCT TRAIL AERIAL MAP



-119-



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Geographic Information in:  
 State Plane NAD 83 California Zone 6 Feet  
 Orthophotography Date: 2012  
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 October 13, 2014



## CITY OF MORENO VALLEY Cactus Ave to Iris Ave

**Item No. A.4**



# ATTACHMENT 5



# AQUEDUCT TRAIL AERIAL MAP



-121-



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Geographic Information in:  
 State Plane NAD 83 California Zone 6 Feet  
 Orthophotography Date: 2012  
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 October 13, 2014



**CITY OF MORENO VALLEY**  
 Ave to South City Limit

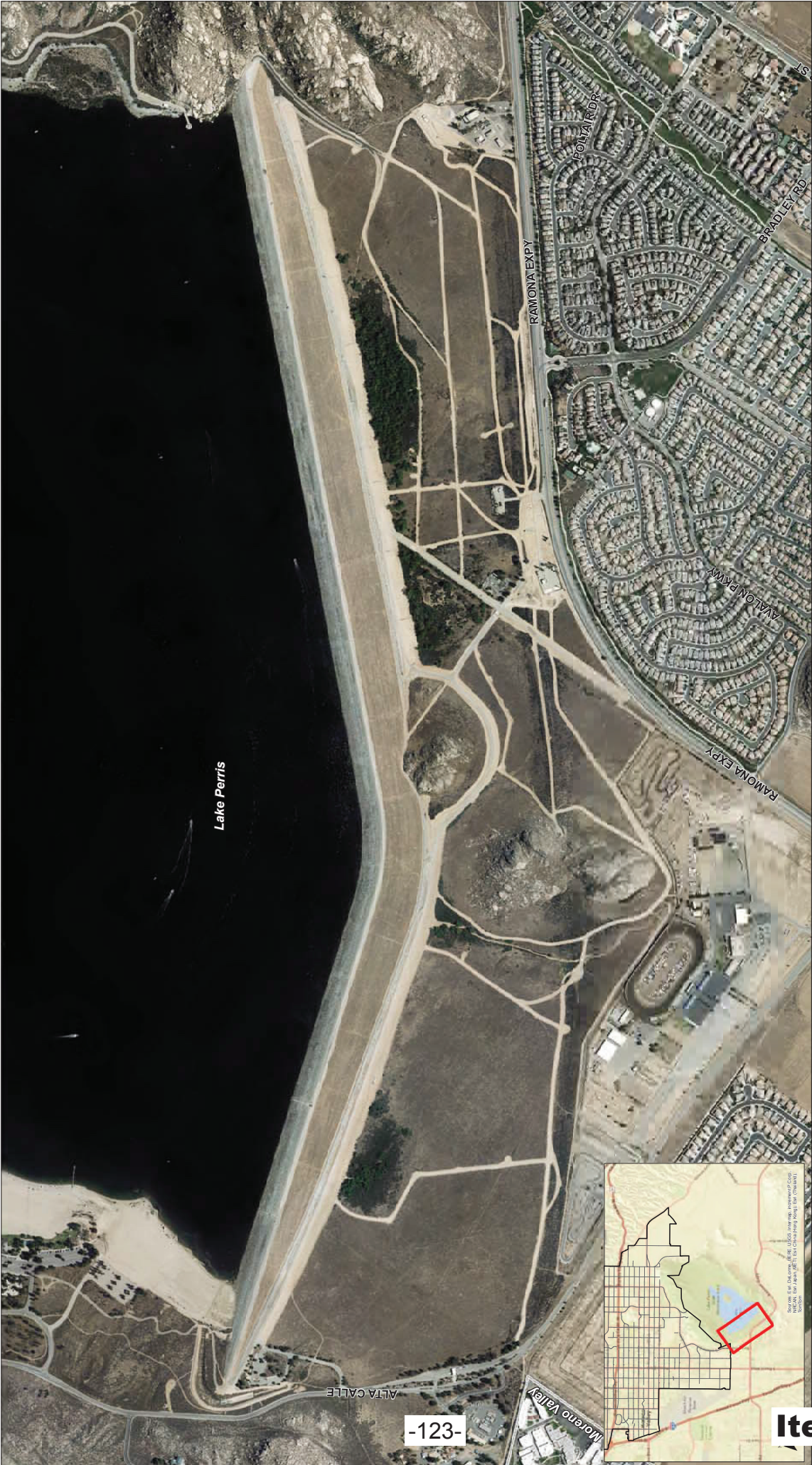
**Item No. A.4**



# ATTACHMENT 6



# AQUEDUCT TRAIL AERIAL MAP



Lake Perris

ALTA CALLE

RAMONA EXPY

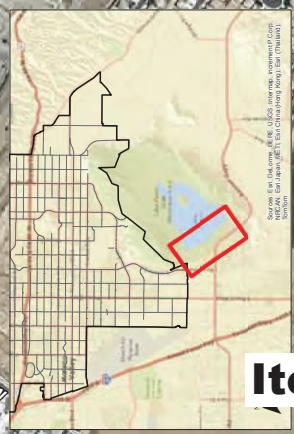
POLIAR DR

BRADLEY RD

MALDEN PKWY

RAMONA EXPY

-123-



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Geographic Information in:  
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 Orthophotography Date: 2012  
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 October 13, 2014

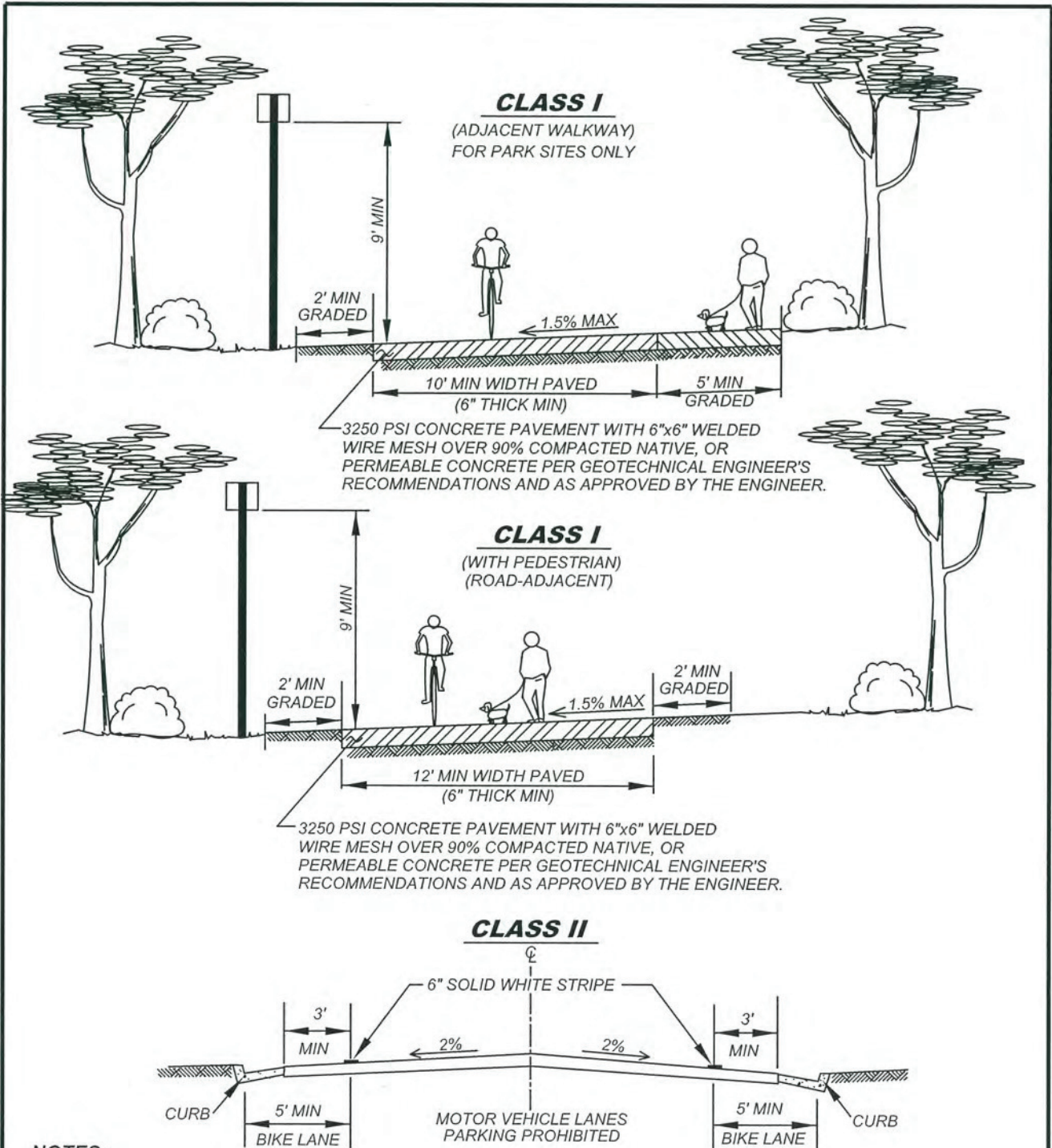


**CITY OF MORENO VALLEY**  
 City Limit to Lake Perris Recreation Area

**Item No. A.4**

# ATTACHMENT 7








**NOTES:**

- 1.) CONCRETE MOW STRIP REQUIRED NEXT TO LANDSCAPE AREAS.
- 2.) CLASS I & II BIKE ROUTES TO BE STRIPED AND DESIGNATED WITH SIGNAGE.
- 3.) CLASS III BIKE ROUTES DESIGNATED WITH SIGNAGE AND/OR SHARROW MARKINGS.

NOT TO SCALE

|   |   |   |                                    |
|---|---|---|------------------------------------|
|  | RECOMMENDED:<br><br>DIVISION MANAGER<br>DATE: 1/21/14                      | <b>CITY OF MORENO VALLEY</b><br>PUBLIC WORKS DEPARTMENT - CAPITAL PROJECTS DIVISION | STANDARD PLAN<br><b>MVSI-110-0</b> |
|   | APPROVED:<br><br>PUBLIC WORKS DIRECTOR /<br>CITY ENGINEER<br>DATE: 1/29/14 | <b>TWO-WAY BIKE PATH ON<br/>SEPARATE RIGHT-OF-WAY</b>                               |                                    |



**TRAIL WIDTH, FENCING, AND GATE:**

- MINIMUM TRAIL WIDTH SHALL BE 10' (INSIDE POSTS). WHERE FIRE DEPARTMENT ACCESS IS NECESSARY, TRAIL SHALL BE A MINIMUM OF 20' WIDE. TRAIL IS DEFINED AS MINIMUM SURFACE AREA WITHOUT OBSTRUCTIONS (FENCE POSTS, "V" DITCH, ETC.).
- 3-RAIL PVC FENCE SHALL BE PER STD MVGF-640-0.
- EQUESTRIAN FENCING SHALL BE INSTALLED ON BOTH SIDES OF TRAIL, UNLESS A WALL OR OTHER APPROVED FENCING IS INSTALLED ON ONE SIDE.
- EQUESTRIAN TRAILHEADS SHALL BE UTILIZED WHEN A TRAIL TERMINATES AT PUBLIC STREET OR HIGHWAY, WHERE SPECIFIED. THE ROUGH DIMENSIONS FOR EQUESTRIAN SWITCHBACKS ARE 5'x10'. SEE STANDARD PLAN MVGF-613A-0 AND INSTALL AS REQUIRED. A 'STOP' SIGN SHALL BE INSTALLED AT ALL LOCATIONS THAT EXIT ONTO A ROADWAY, WHERE REQUIRED. A CITY SUPPLIED TRAIL SIGN SHALL BE INSTALLED ON ALL TRAIL ENTRANCES. SIGN AND POST SPECIFICATIONS ARE TO ADHERE TO THE CITY'S STANDARD PLANS. ALL POSTS SHALL BE SUPPLIED BY THE CONTRACTOR.
- THE TRAIL AND FENCING SHALL CONNECT WITH ADJACENT TRAILS.
- THREE CABLE RAILING MAY BE REQUIRED IN SOME AREAS AND SHALL BE PER STD MVGF-616-0.
- GATES ARE REQUIRED IN LOCATIONS WHERE FIRE AND/OR MAINTENANCE ACCESS IS DESIGNATED. GATES FOR OPENINGS SHALL BE CONSTRUCTED OF HOT DIPPED GALVANIZED STEEL PIPE. SINGLE GATE WIDTH IS NOT TO EXCEED 16'. GATE OPENINGS IN EXCESS OF 16' SHALL BE EQUAL SIZED DOUBLE GATES WITH A SLEEVED REMOVABLE POST. THE GATES SHALL BE EQUIPPED WITH A HEAVY DUTY CHAIN (ADDITIONAL CHAIN SECTIONS REQUIRED WHERE MULTIPLE LOCKS ARE USED) AND A REMOVABLE LATCH POST WITH A GATE STOP. THE REMOVABLE LATCH POST SHALL HAVE A CHAIN WELDED TO BOTH THE POST AND THE SLEEVE FOR SECURING BY AN APPROVED PADLOCK. ADDITIONALLY, THE CENTER POST IS TO HAVE A DOMED CAP INSTALLED. ALL GATES ARE TO BE EQUIPPED WITH A PARKS AND COMMUNITY SERVICES APPROVED KNOX BOX. THESE ITEMS ARE TO BE WELDED TO FRAME ON A 1/4" THICK GALVANIZED PLATE. ALL GATE POSTS, WITH THE EXCEPTION OF THE CENTER POST SHALL BE FILLED WITH CONCRETE AND DOME CAPPED. FRAMES SHALL HAVE MITERED CORNERS AND THE CENTER RAIL SHALL BE CUT TO FIT INTO THE FRAME. PVC FENCE MATERIAL SHALL BE SECURELY ATTACHED TO THE GATE FRAME AND RAILS. GATES SHALL HAVE A 12" x 18" 'NO STOPPING - FIRE LANE' SIGN SECURELY ATTACHED.

**MASONRY:**

- THE SIDE OF THE TRAIL OR ACCESS POINTS THAT ARE ADJACENT TO RESIDENCES SHALL CONTAIN FENCING CONSTRUCTED OF DECORATIVE CONCRETE BLOCK OR DECORATIVE CONCRETE BLOCK / ORNAMENTAL IRON WITH A MINIMUM HEIGHT OF 72". SLUMP STONE AND SPLIT FACED BLOCK SHALL BE TAN MORTAR AND HAVE A PRECAST WALL CAP. ALL WALLS SHALL BE SOLID GROUTED. THE CONCRETE BLOCK DESIGN AND COLOR SHALL BE APPROVED BY THE DIRECTOR OF PARKS AND COMMUNITY SERVICES OR HIS / HER DESIGNEE. FENCING/WALLS SHALL BE INSTALLED ON RESIDENTS' OR HOMEOWNERS ASSOCIATION PROPERTY. RETAINING WALLS SHALL ADHERE TO THE SAME SPECIFICATIONS AS LISTED ABOVE.
- ALL DECORATIVE MASONRY WALLS ADJACENT TO TRAILS AND THEIR ENTRANCES SHALL BE ANTIGRAFFITI COATED PER PARKS SPECIFICATIONS. FOLLOW MANUFACTURER'S DIRECTIONS FOR APPLICATION. ANY REQUESTED PRODUCT DEVIANCE REQUIRE A PRODUCT SPECIFICATION SHEET AND A FINISHED SAMPLE OF THE PRODUCT AND THIRD PARTY TESTING. THEY SHALL BE SUBMITTED TO THE DIRECTOR OF PARKS AND COMMUNITY SERVICES OR HIS/HER DESIGNEE FOR WRITTEN APPROVAL PRIOR TO INSTALLATION.

**CONCRETE:**

- ALL CONCRETE SHALL BE IN ACCORDANCE TO "GREENBOOK" STANDARD SPECIFICATION FOR PUBLIC WORKS CONSTRUCTION, SECTION 201. COPIES OF ALL LOAD TICKETS ARE REQUIRED TO BE SUBMITTED TO THE PARKS AND COMMUNITY SERVICES WEEKLY OR UPON IMMEDIATE REQUEST.
- ALL CONCRETE FOR TRAPEZOIDAL CHANNEL, 'V' OR BROW DITCHES, CATCH BASINS, SWALES, RETAINING WALLS, CHANNELS, DRIVE APPROACHES, AND OTHER FLAT WORK SHALL BE INTEGRALLY MIXED WITH DAVIS COLORS CONCENTRATED PIGMENTS AT THE RATE SPECIFIED BY THE MANUFACTURER. THE COLOR SHALL BE "OMAHA TAN". FINISHES SHALL BE PER PLAN. COLORED CONCRETE SHALL BE CURED WITH DAVIS W-1000 CLEAR SPRAY-ON MEMBRANE. ANY REQUESTED COLOR DEVIANCE REQUIRE A COLOR CHART SUBMITTAL, PRODUCT SPECIFICATION, AND A FINISHED SAMPLE OF THE PRODUCT SUBMITTED TO THE DIRECTOR OF PARKS AND COMMUNITY SERVICES OR HIS/HER DESIGNEE FOR WRITTEN APPROVAL PRIOR TO ANY TRAIL CONSTRUCTION.
- TRAPEZOIDAL CHANNEL AND "V" OR BROW DITCH SHALL BE SEPARATED FROM THE TRAIL BY PVC, CHAIN LINK, OR 3-CABLE FENCING.
- CONCRETE DRIVEWAYS / APPROACHES TO TRAILS SHALL BE CONSTRUCTED 8"-THICK, 560C-3250 (3250 PSI), MAXIMUM 4" SLUMP, WITH #4 REBAR TIED 18" O.C. IF A PUMP CONCRETE MIX IS UTILIZED IT SHALL BE CLASS 660C-4000P (4000 PSI). THE FINISH SHALL BE TINE NON-SLIP SURFACE; COLOR SHALL BE DAVIS COLORS "OMAHA TAN", UNLESS AUTHORIZED OTHERWISE IN WRITING BY PARKS AND COMMUNITY SERVICES. ALL JOINTS SHALL BE DEEP TROWEL.
- DRIVEWAYS SHALL BE LABELED 'NO PARKING FIRE LANE', 12" HIGH, WITH RED PAINT, AT MAXIMUM OF 12' FROM CURB FACE.

NOT TO SCALE

|   |   |   |  |
|---|---|---|--|
|  | RECOMMENDED:<br><br>DIVISION MANAGER      DATE                 | <b>CITY OF MORENO VALLEY</b><br>PARKS AND COMMUNITY SERVICES DEPARTMENT |  |
|   | APPROVED:<br><br>PUBLIC WORKS DIRECTOR / DATE<br>CITY ENGINEER | <b>MULTI-USE TRAIL SPECIFICATIONS</b>                                   |  |



**DRAWINGS AND INSPECTIONS:**

- ALL CONSTRUCTION DRAWINGS MUST BE SUBMITTED TO THE DIRECTOR OF PARKS AND COMMUNITY SERVICES OR HIS/HER DESIGNEE AND APPROVED BEFORE CONSTRUCTION BEGINS.
- ALL CHANGES SHALL BE "REDLINED" AND APPROVED BY THE DIRECTOR OF PARKS AND COMMUNITY SERVICES OR HIS/HER DESIGNEE AND THE ARCHITECT BEFORE THEY ARE MADE.
- MATERIAL SUBMITTALS SHALL BE SUBMITTED AND APPROVED BY THE DIRECTOR OF PARKS AND COMMUNITY SERVICES OR HIS/HER DESIGNEE PRIOR TO COMMENCEMENT OF THE PROJECT.
- THE DEVELOPER / CONTRACTOR SHALL SUBMIT TO THE DIRECTOR OF PARKS AND COMMUNITY SERVICES OR HIS/HER DESIGNEE SIX (6) FULL SETS OF "AS-BUILT" DRAWINGS AND ONE (1) MYLAR WITH HANGING TABS BEFORE THE PROJECT IS RELEASED. THE DESIGNING ARCHITECT SHALL COMPLETE THE DRAWINGS.
- INSPECTION NOTICES FOR ALL PARK AND COMMUNITY SERVICES DEPARTMENT RELATED CONSTRUCTION SHALL BE A MINIMUM OF 48 HOURS IN ADVANCE. INSPECTIONS SHALL BE COORDINATED UPON GRADING, FENCE INSTALLATION, CONCRETE INSTALLATION, DECOMPOSED GRANITE INSTALLATION, AND FINAL ACCEPTANCE. PHONE 951.413.3701.
- THE CONTRACTOR MAY OFFER ANY MATERIAL CONSIDERED TO BE EQUIVALENT TO THAT INDICATED. THE SUBSTANTIATION OF OFFERS SHALL BE SUBMITTED IN WRITING AND APPROVED IN WRITING BY THE PARKS AND COMMUNITY SERVICES DEPARTMENT.

**TRAIL SURFACE:**

- ALL PLAN DETAILS ARE REQUIRED TO SHOW CROSS SECTIONS OF THE TRAIL. THE TRAIL CROSS SECTIONS MUST REFLECT AND INDICATE THE VARIOUS GRADE CHANGES ALONG THE LENGTH OF THE TRAIL. TRAILS SHALL NOT EXCEED A 10% GRADE IN THE DIRECTION OF TRAVEL AND HAVE A MAXIMUM 2% CROSS SLOPE. THE DIRECTOR OF PARKS AND COMMUNITY SERVICES OR HIS/HER DESIGNEE SHALL APPROVE ANY GRADE CHANGES IN WRITING BEFORE PLANS ARE APPROVED AND CONSTRUCTION COMMENCES. ALL LANDINGS SHALL BE GRADUALLY INCORPORATED INTO THE GRADE, IN ORDER TO ALLOW LARGE VEHICLES EASY TRANSITION. ALL DETAILS AND GRADES FOR THE TRAIL SHALL BE REVIEWED AND APPROVED BY THE DIRECTOR OF PARKS AND COMMUNITY SERVICES OR HIS/HER DESIGNEE PRIOR TO ANY TRAIL CONSTRUCTION.
- WHERE TRAILS ARE ADJACENT AND LEVEL TO LANDSCAPE AREAS OR OPEN SPACE, THE STABILIZED DECOMPOSED GRANITE SHALL BE CONFINED IN TRAIL BY THE USE OF A 6"x6" (MINIMUM) CONCRETE HEADER WITH #4 REBAR REINFORCEMENT. THE CONCRETE SPECIFICATION SHALL BE "GREENBOOK" CLASS 560-C-3250 OR 660-C-4000P (PUMP MIX), WITH NO SUBSTITUTIONS FOR PORTLAND CEMENT. THE COLOR SHALL BE DAVIS OMAHA TAN. ADDITIONALLY, THIS SPECIFICATION PERTAINS TO VINE POCKETS.

**STABILIZED DECOMPOSED GRANITE AND INSTALLATION PROCEDURES:**

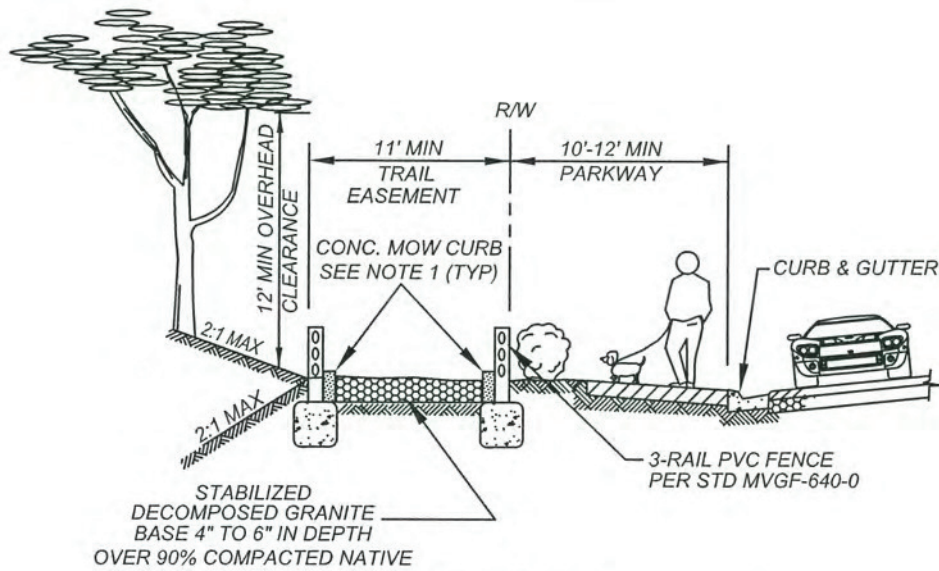
1. GREENBOOK STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION: STANDARDS 400-2.2 AND 200-2.7
2. GRADATION: AS DETERMINED BY ASTM C 136 METHODOLOGY (CALTRANS 202)
 

| SIEVE SIZE | PERCENT PASSING |
|------------|-----------------|
| 1/2"       | 100             |
| 3/8"       | 90-100          |
| NO. 4      | 50-100          |
| NO. 30     | 25-55           |
| NO. 100    | 10-20           |
| NO. 200    | 5-18            |
3. SAND EQUIVALENT : AS DETERMINED BY ASTM D 2419 METHODOLOGY (CALTRANS 217): MINIMUM OF 30.
4. R-VALUE: AS DETERMINED BY ASTM D 2488 METHODOLOGY (CALTRANS 301): MINIMUM OF 70.
5. DECOMPOSED GRANITE AS SPECIFIED IN THE CITY STANDARD PLANS SHALL BE DERIVED FROM THE CRUSHING AND SCREENING OF NATURALLY FRIABLE GRANITE. THE BLENDING OF COURSE SAND WITH ROCK DUST IS NOT PERMITTED. THE GRANITE IS SCREENED TO INCLUDE STONE PARTICLES OF 1/2" MINUS. THE PARTICLES THAT PASS THE 200 SCREEN MESH AS DETERMINED BY ASTM METHODOLOGY SHALL NOT EXCEED 18 PERCENT. THE SAND EQUIVALENT SHALL BE A MINIMUM OF 30 AND THE R-VALUE SHALL BE A MINIMUM OF 70.
6. STABILIZING BINDER SHALL BE APPROVED BY THE CITY. THE BINDER SHALL BE INCORPORATED WITH THE GRANITE FINES BY THE USE OF A PUG MILL THAT INCLUDES A WEIGHT BELT FEEDER THAT INSURES THE PROPER RATIO OF BINDER TO GRANITE FINES. BLENDING WITH THE USE OF A BUCKET LOADER OR SIMILAR IS NOT ACCEPTABLE. FOR TRAILS AND STAGING AREAS THE BINDER SHALL BE BLENDED AT THE RATE SPECIFIED FOR TYPE OF USE. THE MIXING FACILITY AND MIXING METHOD SHALL BE AVAILABLE TO THE CITY FOR INSPECTION UPON REQUEST. STABILIZING BINDER SHALL BE NEXPAVE, NEXPAVE WAX, OR APPROVED EQUAL.
7. STABILIZED DECOMPOSED GRANITE SHALL BE PLACED TO A MINIMUM DEPTH OF 4"-6" COMPACTED, PER PLAN.
8. INSTALLATION: FOR EACH 2" LIFT EVENLY SPREAD THE MATERIAL OVER AREA ACCORDING TO PLANS. GRADE AND SMOOTH AS DIRECTED BY THE INSPECTOR. THOROUGHLY WATER ENTIRE AREA SO THAT THE ENTIRE DEPTH OF THE MATERIAL IS MOIST. A HIGH VOLUME WATER TRUCK IS RECOMMENDED. AFTER A PERIOD OF +/- 6 HOURS COMPACT THE FINAL LIFT WITH A 1000 - 3000 lb STATIC DRUM ROLLER. ALLOW FOR A SUFFICIENT CURING PERIOD OF +/- 4 DAYS PRIOR TO USE.
9. THIRD-PARTY TESTING OF MATERIALS AND/OR INSTALLATION MAYBE REQUESTED BY THE CITY. THE TESTING SHALL BE PERFORMED WITH NO COST TO THE CITY.

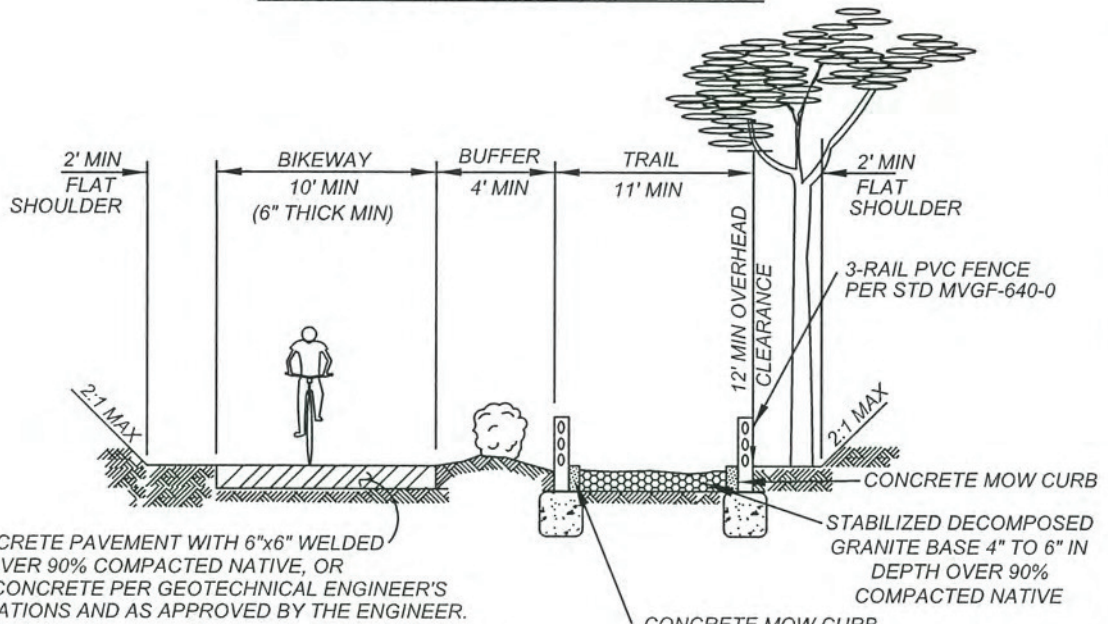
NOT TO SCALE

|   |   |   |                                     |
|---|---|---|-------------------------------------|
|  | RECOMMENDED:<br> 1/21/14<br>DIVISION MANAGER DATE                      | <b>CITY OF MORENO VALLEY</b><br>PARKS AND COMMUNITY SERVICES DEPARTMENT | STANDARD PLAN<br><b>MVGF-610N-0</b> |
|   | APPROVED:<br> 1/29/14<br>PUBLIC WORKS DIRECTOR / DATE<br>CITY ENGINEER |   |                                     |





**MULTI-USE TRAIL  
ADJACENT TO STREET WITH SIDEWALK**






3250 PSI CONCRETE PAVEMENT WITH 6"x6" WELDED WIRE MESH OVER 90% COMPACTED NATIVE, OR PERMEABLE CONCRETE PER GEOTECHNICAL ENGINEER'S RECOMMENDATIONS AND AS APPROVED BY THE ENGINEER.

**MULTI-USE TRAIL  
TRAIL AND BIKEWAY COMBINATION**

**NOTES:**

- 1.) CONCRETE MOW CURB REQUIRED NEXT TO LANDSCAPE AREAS (REFER TO STANDARD MVLI-522B-0 FOR MOW CURB DETAIL).
- 2.) CLASS I & II BIKE ROUTES TO BE STRIPED AND DESIGNATED WITH SIGNAGE.
- 3.) CLASS III BIKE ROUTES DESIGNATED WITH SIGNAGE ONLY.

NOT TO SCALE

|   |   |   |                        |
|---|---|---|------------------------|
|  | RECOMMENDED:<br><br>DIVISION MANAGER      DATE                     | <b>CITY OF MORENO VALLEY</b><br>PARKS AND COMMUNITY SERVICES DEPARTMENT | STANDARD PLAN          |
|   | APPROVED:<br><br>PUBLIC WORKS DIRECTOR/      DATE<br>CITY ENGINEER |   | <b>MULTI-USE TRAIL</b> |
|   |   |   | SHEET 1 OF 14          |

20' R.O.W.  
Bikeway  
\$279,000  
Measure A  
West - Noon  
B.R. is including this  
for 2004 and 2005  
Di. for 2005

CITY CLERK  
MORENO VALLEY  
RECEIVED

104 SEP 16 PM 2: 39

CITY OF MORENO VALLEY

| APPROVALS        |                    |
|------------------|--------------------|
| CITY ATTORNEY    | <i>[Signature]</i> |
| FINANCE DIRECTOR | <i>[Signature]</i> |
| CITY MANAGER     | <i>[Signature]</i> |

## Report to City Council

**TO:** Mayor and City Council, acting in their respective capacities as the President and Members of the Board of Directors of the Moreno Valley Community Services District

**FROM:** Trent D. Pulliam, Public Works Director/City Engineer and George Price, Director of Parks and Recreation

**AGENDA DATE:** September 21, 2004

**TITLE:** Aqueduct Bikeway Master Plan Update - Consideration of Additional Alternatives

### RECOMMENDED ACTION

Staff recommends that the Board of Directors establish guidelines for the future improvements to be constructed within the unfunded segment of the Aqueduct Bikeway as follows:

1. The selected alternative for improvements shall be bikeway only including a ten feet wide bike path and no landscaping; and
2. The right of way acquisition shall be 20 feet wide; and
3. Funding for capital improvements shall be from Measure A for the transportation corridor portion and pursue grant funds leveraged with City funds for future landscaping; and
4. Continued cost for maintenance of improvements constructed within the Aqueduct Bikeway shall be with Zone A funds.

It is also recommended that the Board of Directors designate the Aqueduct Bikeway segment between Indian Street and Fay Avenue as the next project for funding. Staff will prepare a staff report for a future Board of Directors meeting next Spring for consideration of appropriation of \$279,000 from Measure A funds for the project and identification of a project schedule for implementation.

### SUMMARY

Past practice has been to require that new developments fully improve the aqueduct easement with landscaping, irrigation, and construct the bikeway path as a condition of approval for the adjacent development. These future segments associated with new developments will be fully improved within the entire 100 feet wide right of way including

landscaping, irrigation, and bikeway. Maintenance of the completed improvements has been provided by the City from Zone A funds.

The focus of this report is to provide additional alternatives for the Board of Directors to consider for completion of the Aqueduct Bikeway where the City will be responsible for construction and ongoing maintenance of the future improvements.

Four related policy issues are presented for consideration by the Board of Directors:

1. What is the preferred alternative for future improvements to be constructed within the bikeway?
2. What width of right of way should be acquired and improved?
3. What is an appropriate source and level of City funding to be used for bikeway capital improvements?
4. What is the source of funding for continued maintenance of improvements constructed?

Because of the high cost of construction and ongoing maintenance of and limited available funding, staff proposes that three alternatives be considered for future improvements within the Aqueduct Bikeway: (1) Bikeway trail only, (2) Bikeway with trail head, plus basic landscape plan or (3) Bikeway with full landscape improvements.

Staff recommends that alternative No. 1, 10 feet wide bikeway trail only, be the established policy for proceeding with future improvements along the Aqueduct Bikeway. The width of right of way would be 20 feet. Capital funding would be from Measure A transportation funds. Ongoing maintenance would be from Zone A park funds. It is also recommended that we continue to follow current practice to apply for grant funds for segments of the Aqueduct Bikeway where the City will have to bear the cost of improvements and maintenance of existing unimproved areas.

If the Board of Directors is in support of accelerating improvements along portions of the Aqueduct Bikeway, staff recommends that the discontinuous segment of the unimproved Aqueduct Bikeway, between Indian Street and Fay Avenue, be selected as the next project for improvement and that we return at a regular Board of Directors meeting with a recommended funding source and schedule for the work.

## **BACKGROUND**

The Aqueduct Bikeway Master Plan was prepared as a comprehensive assessment of existing conditions along the bikeway and as a guide for future improvements to the vacant or uncompleted portions of the facility. When completed, the plan envisions creating a continuous bikeway transportation corridor from the southerly City limits at Lasselie to Box Springs Road on the north. The completed corridor would consist of a Class I paved bikeway path through portions of the Aqueduct Easement connected by Class II or Class III segments along future or existing streets. The first draft of the Master Plan assumed that all remaining undeveloped portions of the bikeway within the aqueduct easement would be fully landscaped for the entire 100 feet width of the



easement. Portions of the future facility would be completed as a condition of approval of adjacent developments and the remaining areas would be completed by the City. Because of the anticipated cost for both construction and maintenance of facilities required to be built by the City, staff prepared alternative concept plans, which included lower levels of landscape improvements for the Board of Directors consideration.

This matter was recently discussed at the June 15, 2004 City Council and Board of Directors meeting, when a concept plan with various options for less than full improvements within the easement was presented to the Board of Directors. The focus of that report was to identify a concept plan for the portions of the Aqueduct Bikeway, which would be developed by the City. At that meeting, the Board of Directors instructed staff to conduct further analysis including consideration of more alternatives, and evaluation of improvement and maintenance costs and potential funding sources for the segment of the bikeway between Indian Street and Fay Avenue through an existing neighborhood.

### **DISCUSSION**

Following further analysis staff has identified one additional alternative "bikeway only" concept for consideration by the Board of Directors. The concept is similar to what is shown the attached Exhibit A and consists of providing the bare minimum level of improvements including ten feet wide concrete pathway within a twenty feet wide easement with no landscape improvements. This would be considered a transportation corridor and could be constructed with local Measure A transportation funds facilitating quicker project delivery without the constraints associated with grant funds. Ongoing maintenance costs would be minimal primarily consisting of weed abatement and funded by Zone A funds. Although no landscape improvements would be included in this concept, future landscape capital improvements within the aqueduct easement can be funded from State or Federal grants when they are available or from local sources.

The Aqueduct Bikeway incorporates segments of on street Class II & III improvements which generally consist of street markings and signage. Construction and maintenance of those on street segments of the Aqueduct Bikeway would be funded from Public Works Department Transportation Division operating budget.

Staff is presenting four related policy issues for Board consideration to provide guidelines for future improvements to the unfunded segments of the Aqueduct Bikeway:

1. What is the preferred alternative for future improvements to be constructed within the bikeway?

Staff suggests consideration of the following three alternatives:

- Option No. 1 - Bikeway trail only – The ten feet wide concrete bikeway trail would be constructed. Maintenance would be minimal and require that weeds be abated within the 20 feet right of way as necessary.

- Option No. 2 – Bikeway with trail head plus basic plan - Approximately 120 linear feet of trail head landscaping and irrigation at each street crossing, a ten-foot wide concrete bikeway and bare soil on each side of the bikeway within 30 feet of easement. Weeds would be abated as necessary in the unimproved areas adjacent to the pathway. This was the first alternative discussed in the June 15, 2004 staff report.
- Option No. 3 – Bikeway with full landscape - Fully landscaped including turf, planters with mulch, shrubs, decomposed granite, and a ten-foot wide concrete bikeway with lighting, from side to side within the 100 feet wide aqueduct easement. This was the third alternative discussed in the June 15, 2004 staff report.

As a minimum, Option No. 1 would provide a primary transportation corridor and is the additional alternative identified in this staff report. This could also be considered the first phase of development of the bikeway followed by future landscaping along both sides of the pathway funded by grants or local sources.

Options No. 2 & 3 result in higher levels of landscaping and associated capital and ongoing maintenance costs. Funds for these options would generally be restricted to grants for the landscaping improvements beyond the basic right of way and ten feet wide trail. Ongoing maintenance costs for these additional landscape improvements would be a substantial burden on Zone A funds.

Staff believes that a prudent policy would be to build only the minimum 10 feet wide bikeway trail as a transportation corridor within a 20 feet wide easement. Accordingly, this is the recommended alternative for consideration.

## 2. What width of right of way should be acquired and improved?

To date, only one portion of the remaining unfunded segments of the Aqueduct Bikeway has been approved as a City project for improvement. That project is currently being designed and will move to construction after right of way acquisition is completed over the next few months. Improvements for this project will be limited to constructing the bikeway path plus some trail head landscaping based on funds available. When this project was originally identified, staff envisioned that funding for full landscape improvements would be available and the improvement plans were designed with the bike path meandering within the 100 feet wide right of way through out it's length. Accordingly, the full 100 feet wide right of way is being acquired along most of this improvement but there is a small portion where no landscaping will be constructed a narrower easement is being acquired.

There are two alternatives to consider for future right of way acquisition: (1) continue to acquire full 100 feet wide right of way; or (2) reduce future right of way acquisition to a lesser width (i.e. 20 or 30 feet wide). The first alternative would follow the practice used on the current City project and continue to acquire

the full 100 feet wide right of way. The second alternative would equate to either applying the City standard for trails throughout the community, which is generally a maximum of 30 feet wide, or a transportation corridor a maximum of 20 feet wide. Obviously, it will cost less to construct and maintain improvements in a narrower right of way easement.

From a public policy perspective, it can be argued that any improvements beyond the minimum 20 feet or 30 feet wide facilities described above would primarily benefit those developed properties adjacent to the additional landscaped areas as it would be viewed as an extension of the adjacent property landscape area.

A 20 feet wide right of way provides the minimum width necessary to provide the transportation related bikeway improvements and the recreational amenities for this facility. Accordingly, staff recommends that the policy be only to acquire the minimum 20 feet wide right of way in future segments of the unfunded Aqueduct Bikeway.

3. What is an appropriate source and level of City funding to be used for bikeway capital improvements?

As noted earlier in this report, only one segment of the unfunded Aqueduct Bikeway has been approved as a City project for improvement. Funding for this project is a combination of TEA grant funds, RDA funds, General Funds, and Measure A transportation funds. It was necessary to use General Funds for the design portion of the landscape improvements because no other funding source qualified or was available for this purpose.

The two main alternatives are to continue the current practice to maximize City funds by leveraging local funds with grant funds or to fund minimum level improvements entirely with City transportation funds. The advantages to relying on grant funds for the project are minimal City costs due to matching but this usually results in a protracted development schedule. If the City were to construct the minimum ten feet wide concrete bikeway improvements with local transportation funds, the advantage is an accelerated construction schedule but this would take away funds from other transportation projects. Additionally, future landscaping could be funded by grant funds when they become available.

A concern of at least one of the Board members is the protracted delivery schedule for work done with grant funds. By their nature, improvements constructed with grant funds will take longer to complete than improvements constructed with purely local funds. If an accelerated schedule is the primary goal instead of maximizing leverage of City funds, then efforts could be directed to completing some or all tasks outside the grant process. It should be noted that the overall process could be shortened including leveraging grant funds if some steps are taken outside the grant process. If the Board wishes to proceed with improvements in phases and use local funds for the initial phase, it is estimated that at least one to two years could be saved in the construction schedule. For

instance, if only the bike path was to be constructed with local funds these improvements could be completed within the next two years compared to three or four years using grant funding.

The best way to leverage City funds is to use local funds as a match to grant funds, as the ratio is usually 20 percent City funds to match 80 percent grant funds. Staff believes that this is good public policy and recommends that the primary funding be grant funds leveraged by City funds. Alternatively, local transportation funds could be used to acquire right of way and construct the minimum ten feet wide path improvements in order to accelerate construction of these improvements.

4. What is the source of funding for continued maintenance of improvements constructed?

There are multiple possible City funding sources for maintenance of these improvements including one or more combinations of the following depending on the type of improvements constructed: Gas Tax or Measure A for the on-street Class II & III and easement bike path portion; General Fund for all or part of the easement improvements; or Zone A for all or part of the easement improvements.

Although there is justification for splitting the maintenance cost for these facilities, there is also a precedent for using Zone A funds for the easement improvements as this is primarily a recreation facility, which incidentally serves as a transportation corridor. Past practice has been to use Zone A funds for maintenance of improvements along the Aqueduct Bikeway and staff recommends continuing this practice.

Staff has made recommendations on the four policy issues discussed above and seeks confirmation of our recommendations or additional direction from the Board of Directors.

At the June 15, 2004 meeting, the Board of Directors instructed staff to evaluate the cost of capital improvements and ongoing maintenance costs for the unimproved Aqueduct Bikeway segment located between the tract boundary south of Fay Avenue and Indian Street. The segment is adjacent to 23 existing tract homes and the developer was not conditioned to improve this facility when development occurred. This 100 feet wide easement is approximately three acres in size, equal to about four football fields in length (1,300 linear feet), and is currently bare soil that is disked for weed control. The City does not currently have any right of way in this segment of the Aqueduct Bikeway. In Table A, staff has summarized costs to acquire right of way, construct improvements, and provide ongoing maintenance for this segment of the Aqueduct Bikeway based on the three potential options for improvement discussed earlier in this report. Under any of the three options, the initial cost to acquire right of way and construct the bikeway trail could be funded with Measure A transportation funds.



Although this has not been discussed previously, if it is the desire of the Board of Directors to accelerate completion of the entire Aqueduct Bikeway along its full length, consideration could be given to advancing Measure A transportation funds to acquire right of way and construct the missing bikeway trail segments along the entire length of the aqueduct easement including portions within and adjacent to areas of future development. Under this approach, the City would advance the cost for the minimum improvements and require reimbursement from developers in the future when development occurs along the undeveloped portion of the easement adjacent to those developments. Exhibit C summarizes a preliminary estimate of capital and maintenance costs and potential future reimbursement from developers along specified segments of the bikeway. Staff would need to do further research and provide a more detailed budget analysis on the impacts to other Measure A funded capital projects, which are currently scheduled to be constructed should the Board wish to proceed with this consideration.

Staff has been notified that RCTC will issue a call for TEA Grant Funded projects within the next two or three months. It is our understanding that the scope of the grant funds will be only for landscape enhancements to an existing improved bikeway. The segment of Aqueduct Bikeway between Indian and Fay would be a good candidate for the next TEA Grant provided the basic bike path has been constructed in advance of the landscape grant. In order to be successful in the next TEA grant process, the City would have to use local funds to acquire the right of way and construct the ten foot wide bike path. If the Board wishes to pursue this opportunity, funds would have to be appropriated no later than in the FY 04/05 budget to begin the process to acquire right of way and begin design of the bike path improvements.

### **ALTERNATIVES**

1. The Board of Directors could direct staff to adopt the following policy guidelines for moving forward with future improvements in the unfunded segments of the Aqueduct Bikeway easement: (1) The selected alternative for future improvements shall be the bikeway trail only which shall consist of a ten foot wide bike path and no landscaping; (2) Future right of way acquisition shall be 20 feet wide; (3) Capital funding for base level trail only transportation improvements will be from Measure A funds or grant funds through the annual budget process; and (4) Continued cost for maintenance of improvements constructed within the Aqueduct Bikeway shall be with Zone A funds. Any future landscaping improvements shall be constructed with grant funds leveraged with City funds. Staff believes this to be good public policy and recommends this alternative. If the Board is interested in accelerating improvements within a portion of the bikeway using Measure A funds, staff would need to bring this matter back to a full Board meeting for consideration.
2. The Board of Directors could modify some or all of the proposed guidelines in alternative No. 1. This could include directing staff to move forward with some level of improvements of the Aqueduct Bikeway, either for the limited transportation related improvements or the expanded landscape improvements,

funding source, developing the scope and schedule for construction of proposed improvements, and bring back a recommendation at a future meeting for Board consideration.

### **FISCAL IMPACT**

Below is a table summarizing the capital and ongoing maintenance costs for three alternative levels of improvement for the portion of the Aqueduct Bikeway between Indian Street and Fay Avenue.

Based on today's best information, the estimated development and maintenance costs for the three alternative improvement options considered for approximately 1,300 linear feet three acres segment of the Aqueduct Bikeway adjacent to 23 residential homes located between the tract boundary of Fay Avenue to Indian Street are identified in the table below:

**Table A**

|   | <b>Capital Cost</b> | <b>Annual Maintenance Cost</b> |
|---|---------------------|--------------------------------|
| <b>Option 1</b><br>20' R/W acquisition and bike path and related grading only   | \$279,000           | \$5,000                        |
| <b>Option 2</b><br>Five trail heads plus basic plan with 30' of right of way, which includes water mainline through length of project and 120 linear feet of trailhead landscaping at each street section | \$726,000           | \$15,500                       |
| <b>Option 3</b><br>Full landscape from side to side and end to end  | \$1,612,000         | \$73,000                       |

Table B below summarizes the capital and maintenance cost for the entire remaining unimproved segments of the Aqueduct Bikeway assuming the trail only alternative within a 20 feet wide right of way. The capital costs within the developer segments would be reimbursed to the City when development proceeds.

Table B

| <b>Capital and Maintenance Costs</b> |                     |                         |
|--------------------------------------|---------------------|-------------------------|
| <b>Agency</b>                        | <b>Capital Cost</b> | <b>Maintenance Cost</b> |
| Developer-segments                   | \$841,600           | \$13,000                |
| City-segments                        | \$581,800           | \$3,900                 |
| Total*                               | \$1,423,400         | \$16,900                |

\* The City would front the total cost.

### **BOARD OF DIRECTORS GOALS**

#### **PUBLIC FACILITIES AND CAPITAL PROJECTS**

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

#### **POSITIVE ENVIRONMENT**

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

#### **COMMUNITY IMAGE, NEIGHBORHOOD PRIDE, AND CLEANLINESS**

Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts (including home rehabilitation) and neighborhood restoration.


### **STAFF RECOMMENDATION**


Staff recommends that the Board of Directors establish guidelines for the future improvements to be constructed within the unfunded segment of the Aqueduct Bikeway as follows:


1. The selected alternative for improvements shall be bikeway only including a ten feet wide bike path and no landscaping; and
2. The right of way acquisition shall be 20 feet wide; and
3. Funding for capital improvements shall be from Measure A for the transportation corridor portion and pursue grant funds leveraged with City funds for landscaping; and
4. Continued cost for maintenance of improvements constructed within the Aqueduct Bikeway shall be with Zone A funds.


**EXHIBITS**

- Exhibit A - Architect's exhibit
- Exhibit B - Map of Aqueduct Bikeway segment

  
Prepared By  
Steve Kupsak, Parks and Facilities  
Manager

  
Department Head Approval  
George Price, Parks and Recreation  
Director

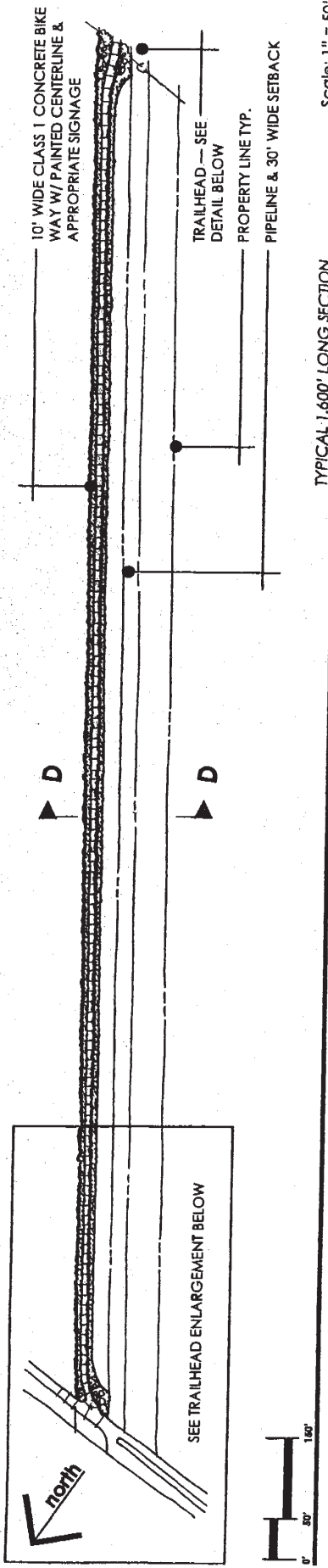
  
Concurred By  
Steve Chapman, Finance Director

  
Concurred By  
Trent Pulliam, Public Works Director

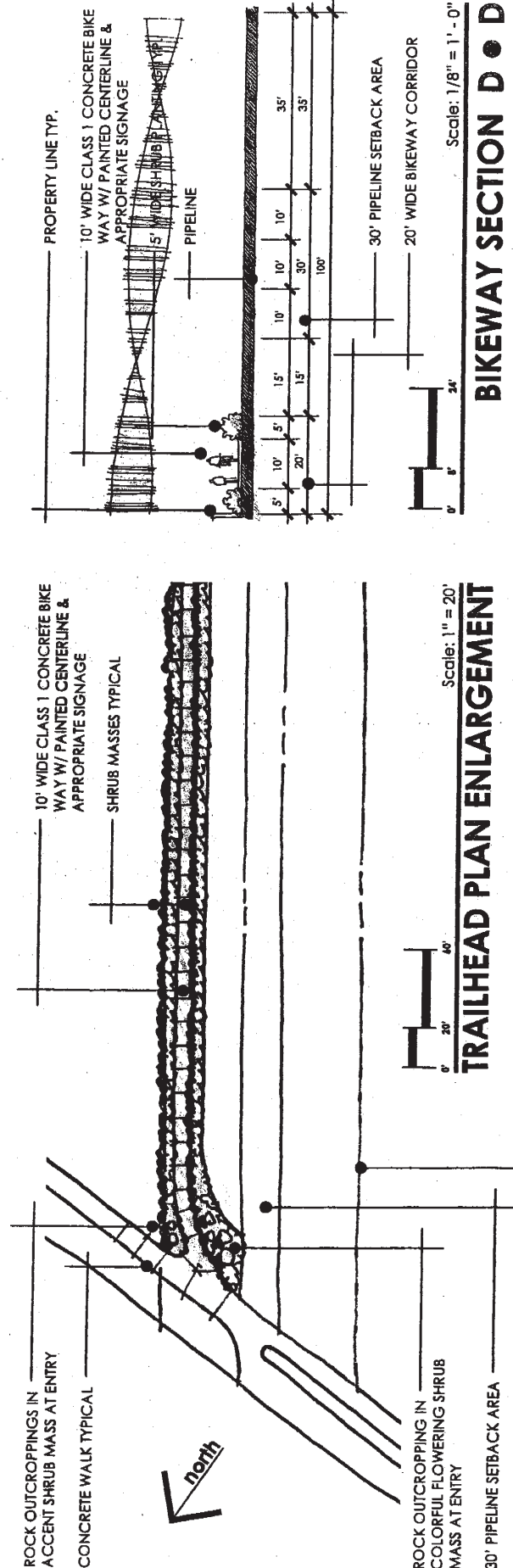
|                        |                  |
|------------------------|------------------|
| Council Action         |                  |
| Approved as requested: | Referred to:     |
| Approved as amended:   | For:             |
| Denied:                | Continued until: |
| Other:                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

vW:\Admin\projects\Stf Rpt Aqueduct Bikeway 7-2-04 Draft #4A.doc\alicerol\bikeway\stfrptoptionsfunding.doc





TYPICAL 1,600' LONG SECTION  
**ALTERNATE BIKEWAY CONCEPT**  
 Scale: 1" = 50'



Scale: 1/8" = 1' - 0"

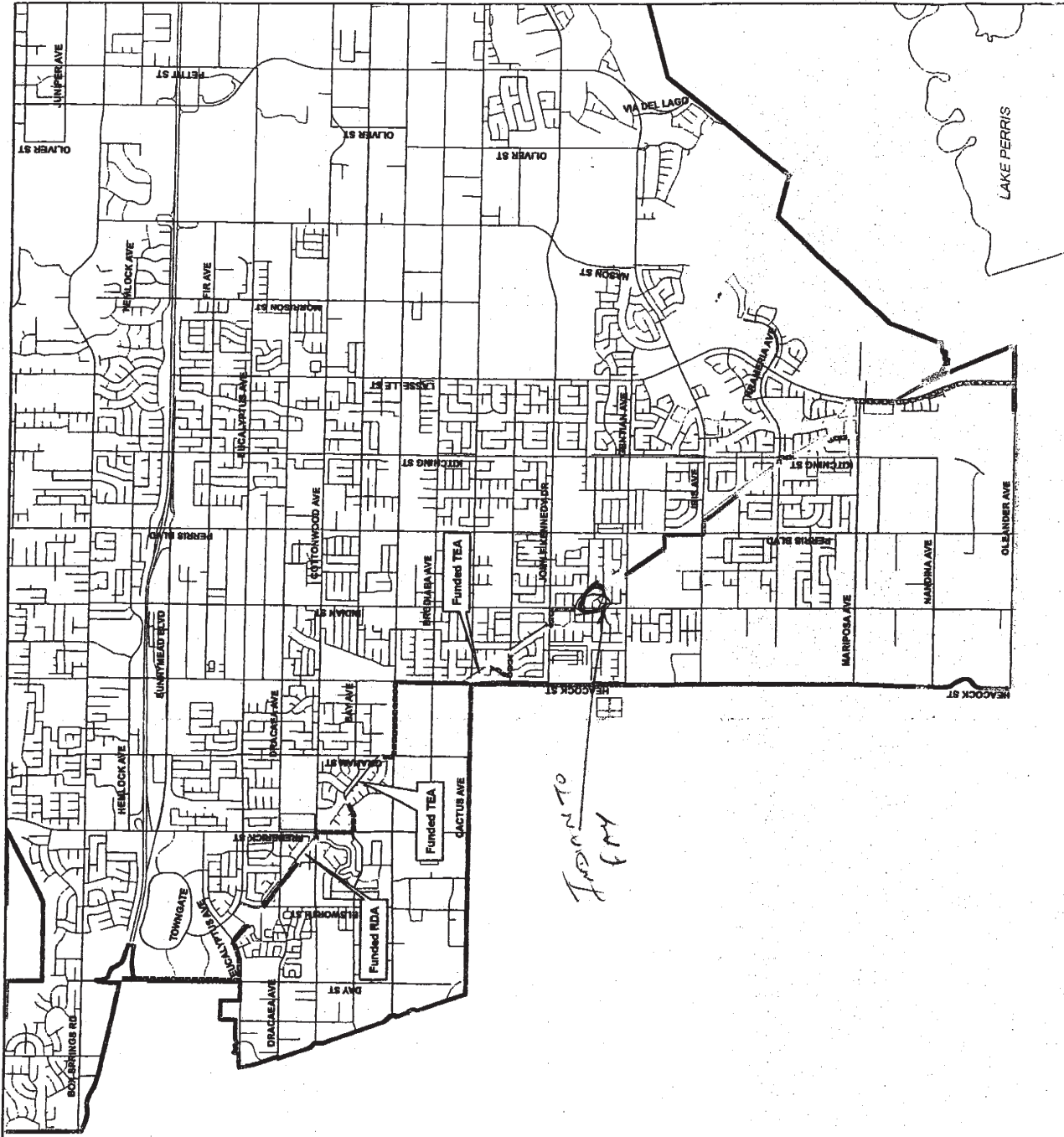
**BIKEWAY SECTION D • D**

• ALTERNATE BIKEWAY CONCEPT  
 PLANS & SECTION •

**TYPICAL BIKEWAY SECTION**

KAMMEYER & ASSOCIATES  
 1000 S. GARDEN AVENUE, SUITE 100, DENVER, CO 80202  
 TEL: (303) 733-2222 FAX: (303) 733-2222

CITY OF  
**MORENO VALLEY**

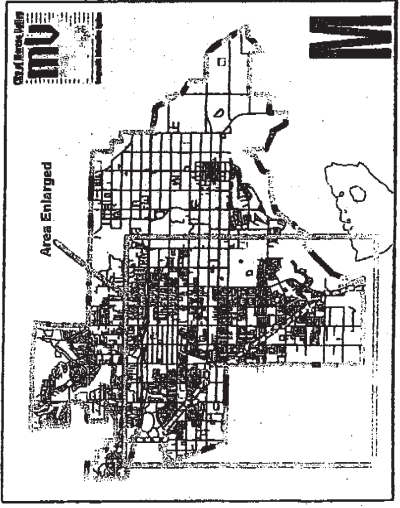


# Aqueduct Bikeway Plan

**Legend**

**Class I**  
 Developer Conditioned  
 Existing Non-Conforming  
 Existing Signed/Striped  
 Funded-Not Constructed  
 Unfunded

**Class II/III**  
 Streets  
 Parks  
 City Bounds

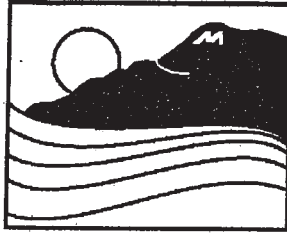


# **Aqueduct Bike Trail Improvements**

## **PROJECT REPORT**

**October, 1999**

**M O R E N O**



**V A L L E Y**

**PUBLIC WORKS DEPARTMENT  
14177 FREDERICK STREET  
P.O. BOX 88005  
MORENO VALLEY, CALIFORNIA 92552-0805**

46.13 The bikeway system should avoid conflicts with the pedestrian/equestrian trail system, and should link local bikeways with existing or planned regional bikeways.

Completion of the proposed Aqueduct Bike Trail project will also meet the goals established by City Council as follows:

Public Facilities and Capital Projects: The successful development of the proposed landscaped bike trail system throughout the City will offer needed recreational trail facilities to the citizens of Moreno Valley as well as surrounding communities.

Positive Environment: A fully developed master planned bike trail system throughout the City will offer a positive environment to citizens as well as visitors to the City.

Community Image, Neighborhood Pride, and Cleanliness: The alignment of the proposed aqueduct bike trail currently intersects several local residential areas. Completion of the proposed improvements will have a positive effect on both community pride as well as neighborhood preservation efforts.

#### **4.0 DESIGN CRITERIA**

##### **4.10 BIKE TRAIL CROSS SECTION/RIGHT-OF-WAY**

The California Department of Water Resources constructed an underground pipeline to carry water across the City. In most cases, the pipeline is constructed within a 100-foot wide easement. However, the State does own several parcels in fee.

The City has proposed the construction of a bikeway within the easement area. The proposed construction, operation, and maintenance of bikeway improvements would require the City to secure an easement for this purpose from fee title holders of the various parcels and encroachment permits from the Department of Water Resources (DWR) to allow the use within the easement. Since the easement is a significant encumbrance to the fee parcels, the issue of compensation for the City's proposed easement is not significant. Most fee parcel owners would welcome the opportunity to be relieved of surface maintenance responsibilities within the easement area.

## **4.20 LANDSCAPING DESIGN**

### **Basic Theme**

Create a landscape respectful to the residential community surrounding the trail and trail access point in a manner that is positive to the community. The trail landscaping is envisioned to be a positive feature to those living nearby and assist in the enjoyment and practicality of safe bicycle recreational use.

### **Plants Define Spaces**

Unique plant materials will accent points of entry and define special internal project elements. The many important residential edges of the Bikeway will be developed to improve the view into space provided by the aqueduct.

### **Streetscape Planting**

Trees shall be selected in relation to the contiguous street size. Planting groupings of various species shall respect the trail easement size and the views of the project as observed from both the traveling cyclist and the surrounding community. Ground plane planting shall include the uses of small earthen berms planted with evergreen rich green ground covers effectively buffering the actual paved trail.

### **Bike Trail Planting Design Concept**

The bike path users' experience will be enriched by a variety of trees, shrubs and groundcovers which have been selected for their seasonal flowering and foliage effects and which are long lived and will thrive in the bike trail project with a minimum of maintenance. The overall planting design will blend with the bike trail and trail features to create a sense of place. Three planting schemes will be incorporated into the bike trail to distinguish intersection, where pedestrian paths interact with the bike trail, where picnic areas are located and to enhance the trail riding experience.

Several characteristics are aesthetically important including a plant size, form, color, texture and density. Because many plants change some of their characteristics throughout the seasons of the year and have different growth rates, our choreography can become both challenging and exciting.

Some characteristics are physically important including a plant's use of water, its life span, disease and pest resistance and care requirements. These attributes must also be considered in developing successful landscapes.



**Climate**

This portion of the City of Moreno Valley is rated as a thermal belt around southern California's interior valleys for growing subtropical plants, and is classified as zone 191. This California climate has historical winter lows of 27° to 22° F. The reference evapotranspiration for the area is 56.6 inches per year.

**Soils**

Historically, this area produced fine quality fruit. The existing soils are well drained and no major problems relative to ornamental landscape type planting are anticipated. As the rough grading is complete, we will obtain horticulture soils analysis from a certified soil laboratory and adjust the preliminary soils planting specifications if appropriate.

**Trail Entry Points**

The bike trail intersects streets at several locations. In addition to the signage and/ or signalization, which will be provided for automobiles and cyclists, specialized planting will assist to also identify an upcoming intersection. A green planting of cool season turf, vegetative groundcovers, seasonal flowering shrubs and flowering trees will be used to assist the cyclist to visually identify upcoming intersections. This planting combined with signage will also alert cyclists of pedestrian conflicts.

**BIKE TRAILS**

The landscape plant materials, which feature flower, leaf, bark and textural qualities, will enhance the trail experience of the rider. A combination of evergreen trees and shrubs will be used with ornamental grasses to provide color and interest for the bike path user. A combination of long lived and low water using groundcovers and shrubs will be used extensively throughout the bike trail landscape. A narrow undulating turf strip will be planted adjacent to the bike path.

**PLANT MATERIAL**

Recommended species have been selected based upon server important management characteristics namely:

- i. Survivability and Longevity.
- ii. Low Water Use.
- iii. Reasonable Maintenance Demands.

Recommended species have also been selected because of:

- i. Foliage Color

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<sup>1</sup> The West's Climate Zone as established by Sunset Western Garden Book, March 1995 edition - Sunset Publishing Corporation, Menlo Park, California.



- ii. Special Effect
- iii. Texture
- iv. Height & Form

Recommended species are presented by their overall growth characteristic namely as:

- i. Trees
- ii. Shrubs
- iii. Ground Covers

#### **4.30 BIKE TRAIL LIGHTING**

The General Plan, Development Code and City Standards do not mandate any type of lighting on Class I bikeways. The recommended lighting practice from the Illuminating Society of North America, Caltrans Highway Design Manual and engineering judgement were used in reviewing this project.

The Aqueduct Bikeway project was reviewed for lighting requirements for the following bikeway facility:

|                          |   |
|--------------------------|---|
| Classification:          | Class I (type B) per City Standard            |
| Area Classification:     | Residential                                   |
| Pavement classification: | Concrete                                      |
| Bikeway design:          | Speed, grades, drainage etc. to be determined |

The general design criteria includes "feature areas" which deviates from the standard 16 foot wide large radius bikeway. The lighting arrangement and spacing and mounting height are to be determined using photometric data provided by the manufacturer. The preferred minimum mounting height is 10 feet and no higher than 20 feet, based on the fixture and bulb wattage type. The preferred spacing arrangement is between 25 feet to 50 feet.

A pole mounted fixture, which is more for area lighting, rather than a bollard fixture is preferred because of a better light distribution and fewer fixtures are required. The maintenance between a pole mounted and bollard fixture is balanced with potential vandalism and light distribution.

These preliminary lighting requirements were reviewed and concurred with the landscape conceptual design consultant. The landscape designer will take the recommended lighting design into landscape design consideration. This type of review does not evaluate lighting system depreciating due to maintenance and re-lamping, nor does it review evaluate security and energy expense issues.

The following are minimum Bike Trail lighting recommendations:

**Fixture and Bulb**

Cooper Lighting model RC Area (or equivalent) with Asymmetrical reflector with metal halide or high pressure sodium bulb of appropriate wattage. Aluminum housing fixtures with Lexan (polycarbonate) lenses. The minimum illuminance requirements for a bikeway/walkway separated from the roadway is 5 Lux (0.5 footcandles).

**Pole and Hardware**

Cooper SSS Square straight steel pole (or equivalent) and concrete base and mounting hardware with a minimum mounting height of 10 feet. A clearance of 3 feet from the bikeway edge should be maintained.

**Light Standard Placement**

For purposes of determining required light standard placement, the aqueduct bike trail is categorized into the following two areas:

- Grade crossing (intersections)
- Feature area (merging diverging or unusual design treatment)

A minimum of two fixtures are recommended at each approaching and exiting grade crossing. One fixture is recommended at "feature areas". The precise mounting height and spacing of light standards shall be determined with the final design based on the manufacturer photometrics.

**4.40 PAVEMENT/TRAIL RELATED AMENITIES**

Existing sections of bicycle trail pavement include a combination of concrete, asphalt, and dirt surfaces. A standard design section calling for concrete was used as a basis of cost estimating in this report. Concrete has the advantage of longer life and is considered to be a lower maintenance material than either dirt or asphalt. These are primary design considerations due to the limited vehicle access to the proposed aqueduct right-of-way sections.

The aqueduct bike trail alignment currently intersects four (4) existing City park sites. In addition to the park site locations, other private and/or public facilities occur quite frequently along the proposed aqueduct bike trail project. Staff has determined that the existing and future public/private

facilities should adequately serve the needs of the proposed aqueduct bike trail. Therefore, no additional bike trail amenities are being recommended at this time.

**4.50 BIKEWAY SYSTEM INTEGRATION**

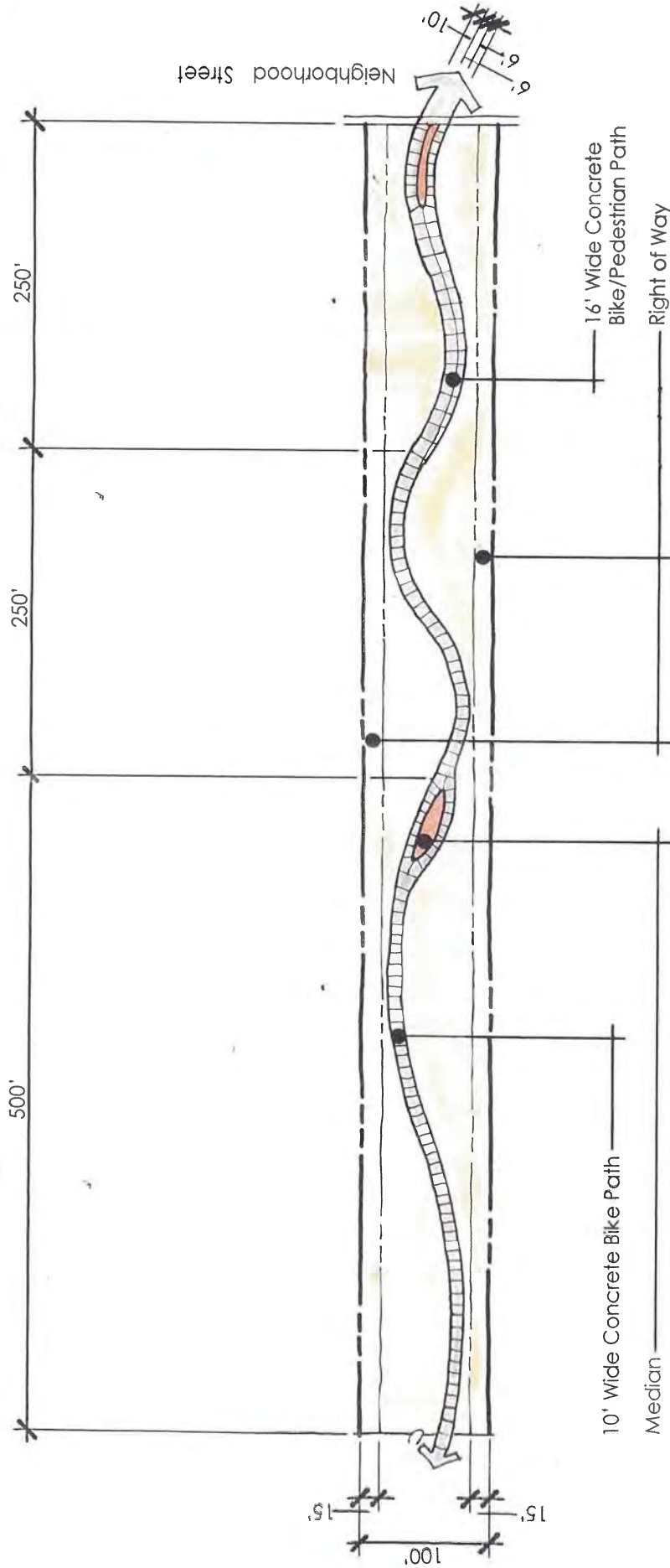
In April 1996, the Western Riverside Council of Governments (WRCOG) Executive Committee approved the Non-Motorized Transportation Plan. City staff served as a member on the Non-Motorized Technical Advisory Committee. This committee worked to resolve bikeway facility inconsistencies between adjacent jurisdictions and suggested additional links within Western Riverside County to facilitate bicycle traffic. The committee looked at the location of business and commercial centers, schools, recreational facilities, and other activity centers to make recommendations that would create a viable bikeway system. As a result of these recommendations, City staff made several recommendations for changes or additions to the City's Bikeway Plan. These recommendations were approved by City Council during the March 1998, General Plan Amendment (GPA) and are reflected in the current Bikeway Plan Map. The city's adopted Bikeway Plan Map is consistent with WRCOG's Non-Motorized Transportation Plan.

Upon approval of the March 1998, GPA, the City's Bikeway Plan Map was updated and a copy was transmitted to WRCOG. WRCOG staff reviewed the Bikeway Plan and prepared a letter stating it is consistent with the WRCOG Subregional Plan policies.

**5.0 EXISTING CONDITIONS**

To better facilitate the analysis of the existing aqueduct right-of-way, staff divided the aqueduct alignment into twelve (12) sections. A comprehensive field analysis, as well as office research, was conducted on each section to determine what issues may exist related to the following areas:

- Right-of-way ownership
- Utilities
- Vegetation
- Terrain
- Cross Streets
- Lighting



**CITY OF MORENO VALLEY**  
**AQUEDUCT BIKE TRAIL REPORT**

**KAMMEYER & ASSOCIATES LANDSCAPE ARCHITECTS**  
 2387 KELLOGG AVENUE, CORONA, CA 92881-3524  
 PHONE: 909-371-2444 FAX: 909-371-4719



# ATTACHMENT 8

**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES WITH CONSULTANT NAME FOR THE AQUEDUCT TRAIL  
SYSTEM, INCLUDING MISSING SEGMENTS AND STREET CROSSINGS  
PROJECT NO. 801 0055**

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

**RECITALS**

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

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

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

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

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

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



**AGREEMENT FOR PROFESSIONAL  
CONSULTANT SERVICES  
PROJECT NO. 801 0055**

**DESCRIPTION OF PROJECT**

1. The Project is described as Aqueduct Trail System, Including Missing Segments and Street Crossings.

Project No. 801 0055.

**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.

**TIME FOR PERFORMANCE**

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

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

7. This Agreement shall be effective from effective date and shall continue in full force and effect date through \_\_\_\_\_, subject to any earlier termination in accordance with this Agreement. The services of Consultant shall be completed in a sequence assuring expeditious completion, but in any event, all such services shall be completed prior to expiration of this Agreement.

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

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

**SPECIAL PROVISIONS**

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

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

11. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement.

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

13. To the extent required by controlling federal, state and local law, Consultant shall not employ discriminatory practices in the provision of services, employment of personnel, or in any other respect on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation,

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ethnicity, status as a disabled veteran or veteran of the Vietnam era. Subject to the foregoing and during the performance of this Agreement, Consultant agrees as follows:

(a) Consultant will comply with all applicable laws and regulations providing that no person shall, on the grounds of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity made possible by or resulting from this Agreement.

(b) Consultant will not discriminate against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era. Consultant shall ensure that applicants are employed, and the employees are treated during employment, without regard to their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, ethnicity, status as a disabled veteran or veteran of the Vietnam era. Such requirement shall apply to Consultant's employment practices including, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provision of this nondiscrimination clause.

(c) Consultant will, in all solicitations or advertisements for employees placed by or on behalf of Consultant in pursuit hereof, state that all qualified applicants will receive consideration for employment without regard to race, religious creed, color, national origin,

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

(d) If Consultant should subcontract all or any portion of the services to be performed under this Agreement, Consultant shall cause each subcontractor to also comply with the requirements of this Section 13.

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

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

This section shall survive termination or expiration of this Agreement.

15. Insurance.

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

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(b) If at any time during the life of the Agreement or any extension, Consultant or any of its subcontractors fail to maintain any required insurance in full force and effect, all services and work under this Agreement shall be discontinued immediately, and all payments due or that become due to Consultant shall be withheld until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City. Any failure to maintain the required insurance shall be sufficient cause for City to terminate this Agreement. No action taken by City pursuant to this section shall in any way relieve Consultant of its responsibilities under this Agreement. The phrase "fail to maintain any required insurance" shall include, without limitation, notification received by City that an insurer has commenced proceedings, or has had proceedings commenced against it, indicating that the insurer is insolvent.

(c) The fact that insurance is obtained by Consultant shall not be deemed to release or diminish the liability of Consultant, including, without limitation, liability under the indemnity provisions of this Agreement. The duty to indemnify City shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by Consultant. Approval or purchase of any insurance contracts or policies shall in no way relieve from liability nor limit the liability of Consultant, its principals, officers, agents, employees, persons under the supervision of Consultant, vendors, suppliers, invitees, consultants, sub-consultants, subcontractors, or anyone employed directly or indirectly by any of them.

(d) Upon request of City, Consultant shall immediately furnish City with a complete copy of any insurance policy required under this Agreement, including all endorsements, with said copy certified by the underwriter to be a true and correct copy of the original policy. This requirement shall survive expiration or termination of this Agreement.

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(e) If Consultant should subcontract all or any portion of the services to be performed under this Agreement, Consultant shall require each subcontractor to provide insurance protection in favor of City and each of its officers, officials, employees, agents and volunteers in accordance with the terms of this section, except that any required certificates and applicable endorsements shall be on file with Consultant and City prior to the commencement of any services by the subcontractor.

16. The waiver by either party of a breach by the other of any provision of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of either the same or a different provision of this Agreement. No provisions of this Agreement may be waived unless in writing and signed by all parties to this Agreement. Waiver of any one provision herein shall not be deemed to be a waiver of any other provision herein.

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

18. (a) The Consultant shall deliver to the \_\_\_\_\_ (Example: Public Works Director/City Engineer of the City or his designated representative), fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain, for its files, copies of any and all material, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

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



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

19. (a) This Agreement shall terminate without any liability of City to Consultant upon the earlier of: (i) Consultant's filing for protection under the federal bankruptcy laws, or any bankruptcy petition or petition for receiver commenced by a third party against Consultant; (ii) 10 calendar days prior written notice with or without cause by City to Consultant; (iii) City's non-appropriation of funds sufficient to meet its obligations hereunder during any City fiscal year of this Agreement, or insufficient funding for the Project; or (iv) expiration of this Agreement. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination. Consultant shall not be paid for any work or services performed or costs incurred which reasonably could have been avoided.

(b) In the event of termination due to failure of Consultant to satisfactorily perform in accordance with the terms of this Agreement, City may withhold an amount that would otherwise be payable as an offset to, but not in excess of, City's damages caused by such failure. In no event shall any payment by City pursuant to this Agreement constitute a waiver by City of any breach of this Agreement which may then exist on the part of Consultant, nor shall such payment impair or prejudice any remedy available to City with respect to the breach.

(c) Upon any breach of this Agreement by Consultant, City may (i) exercise any right, remedy (in contract, law or equity), or privilege which may be available to it under applicable laws of the State of California or any other applicable law; (ii) proceed by

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

(d) Consultant shall be liable for default unless nonperformance is caused by an occurrence beyond the reasonable control of Consultant and without its fault or negligence such as, acts of God or the public enemy, acts of City in its contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, unusually severe weather, and delays of common carriers. Consultant shall notify City in writing as soon as it is reasonably possible after the commencement of any excusable delay, setting forth the full particulars in connection therewith, and shall remedy such occurrence with all reasonable dispatch, and shall promptly give written notice to Administrator of the cessation of such occurrence.

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

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

22. This Agreement represents the entire and integrated Agreement between the

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

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

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

25. (a) Consultant shall comply, and require its subcontractors to comply, with all applicable (i) professional canons and requirements governing avoidance of impermissible client conflicts; and (ii) federal, state and local conflict of interest laws and regulations including, without limitation, California Government Code Section 1090 et. seq., the California Political Reform Act (California Government Code Section 87100 et. seq.) and the regulations of the Fair Political Practices Commission concerning disclosure and disqualification (2 California Code of Regulations Section 18700 et. seq.). At any time, upon written request of City, Consultant shall provide a written opinion of its legal counsel and that of any subcontractor that, after a due diligent inquiry, Consultant and the respective subcontractor(s) are in full compliance with all laws and regulations. Consultant shall take, and require its

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

(b) In performing the work or services to be provided hereunder, Consultant shall not employ or retain the services of any person while such person either is employed by City or is a member of any City council, commission, board, committee, or similar City body. This requirement may be waived in writing by the City Manager, if no actual or potential conflict is involved.

(c) Consultant represents and warrants that it has not paid or agreed to pay any compensation, contingent or otherwise, direct or indirect, to solicit or procure this Agreement or any rights/benefits hereunder.

(d) Neither Consultant, nor any of Consultant's subcontractors performing any services on this Project, shall bid for, assist anyone in the preparation of a bid for, or perform any services pursuant to, any other contract in connection with this Project unless fully disclosed to and approved by the City Manager, in advance and in writing. Consultant and any of its subcontractors shall have no interest, direct or indirect, in any other contract with a third party in connection with this Project unless such interest is in accordance with all applicable law and fully disclosed to and approved by the City Manager, in advance and in writing. Notwithstanding any approval given by the City Manager under this provision, Consultant shall remain responsible for complying with Section 25(a), above.

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

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

26. All Plans, drawings, Specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon completion of the project, be delivered to and be the property of the City, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

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

**SIGNATURE PAGE FOLLOWS**

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

City of Moreno Valley

Insert Contractor/Consultant Name

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

Chief Financial Officer  
/City Manager/Mayor  
*(Select only one please)*

\_\_\_\_\_  
Date

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

Name: \_\_\_\_\_

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

\_\_\_\_\_  
Date

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

Name: \_\_\_\_\_

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

\_\_\_\_\_  
Date

**INTERNAL USE ONLY**

ATTEST:

\_\_\_\_\_  
City Clerk  
*(only needed if Mayor signs)*

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

RECOMMENDED FOR APPROVAL:

\_\_\_\_\_  
Department Head  
*(if contract exceeds 15,000)*

\_\_\_\_\_  
Date



## EXHIBIT C

### CITY - SERVICES TO BE PROVIDED TO CONSULTANT

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

## EXHIBIT D

### TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed \$\_\_\_\_\_.
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 along with documentation evidencing services completed to date as specified in the Request for Proposal. Progress payments will be made in accordance with the payment schedule outlined in the Request for Proposal, but in no case will progress payments be made to the Consultant more frequently than once per month. The progress payment is based on actual time and materials expended in furnishing authorized professional services during the preceding calendar month. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final. The consultant will submit all original invoices to Accounts Payable staff at [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 [reneh@moval.org](mailto:reneh@moval.org) or calls directed to (951) 413-3155.

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

[http://www.moval.org/city\\_hall/forms.shtml#bf](http://www.moval.org/city_hall/forms.shtml#bf)

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

## EXHIBIT E

### INSURANCE REQUIREMENTS

#### Minimum Scope of Insurance

Coverage shall be at least as broad as:

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

#### Minimum Limits of Insurance

Consultant shall maintain limits of liability of not less than:

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

4. Professional Liability (Errors and Omissions):

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

**Umbrella or Excess Insurance**

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

**Deductibles and Self-Insured Retentions**

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

**Other Insurance Provisions**

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

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

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

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

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

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

#### **Acceptability of Insurers**

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



### **Verification of Coverage**

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

SAMPLE

# ATTACHMENT 9

**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: \_\_\_\_\_

\_\_\_\_\_

Date

Contractor/Consultant Name

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

TITLE: \_\_\_\_\_

*(Select only one please)*  
(President or Vice President)

\_\_\_\_\_

Date

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

TITLE: \_\_\_\_\_

(Corporate Secretary)

\_\_\_\_\_

Date

# ATTACHMENT 10

## LOCAL ASSISTANCE FEDERAL-AID PROJECTS

### REQUIRED PROVISIONS/ARTICLES

These provisions and articles supersede any conflicting provisions in the Agreement for Professional Consultant Services and/or the Request for Proposal (RFP) and shall, in the case of conflict, take precedence over the provisions for purposes of interpretation of the Contract Provisions. These provisions do not otherwise modify or replace provisions not in direct conflict with these provisions.

(1) Article II Statement of Work

A. Consultant Services

Detail based on the services to be furnished should be provided by CONSULTANT. Nature and extent should be verified in the negotiations to make precise statements to eliminate subsequent uncertainties and misunderstandings. Reference to the appropriate standards for design or other standards for work performance stipulated in CONSULTANT contract should be included. Describe acceptance criteria, and if the responsible CONSULTANT/engineer shall sign all Plans, Specifications and Estimate (PS&E) and engineering data furnished under the contract including registration number. Environmental documents are not considered complete until a Caltrans District Senior Environmental Planner signs the Categorical Exclusion (CE), a Caltrans Deputy District Director signs the Finding of No Significant Impact (FONSI), or the Caltrans District Director signs the Record of Decision (ROD) (see Chapter 6, "*Environmental Procedures*," in the LAPM and the *Standard Environmental Reference* [SER]).



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See: RFP § IV.

B. Right of Way

State whether Right of Way requirements are to be determined and shown by CONSULTANT, whether land surveys and computations with metes and bounds descriptions are to be made, and whether Right of Way plots are to be furnished.

See: RFP § IV (I).

C. Subsurface Investigations

State specifically whether or not CONSULTANT has responsibility for making subsurface investigations. If borings or other specialized services are to be made by others under the supervision of CONSULTANT, appropriate provisions are to be incorporated. Archaeological testing and data recovery guidance can be found in the SER.

See: RFP § IV (E).

D. Local Agency Obligations

All data applicable to the project and in possession of LOCAL AGENCY or another agency, or government that are to be made available to CONSULTANT are referred to in the contract. Any other assistance or services to be furnished to CONSULTANT are to be stated clearly.

See: Contract Exhibit C.

E. Conferences, Visits to Site, Inspection of Work

The contract provides for conferences as needed, visits to the site, and inspection of the work by representatives of the state, or FHWA. Costs incurred by CONSULTANT for meetings, subsequent to the initial meeting shall be included in the

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fee.

See: RFP § V (G)(15); RFP § IV (R).

F. Checking Shop Drawings

For contracts requiring the preparation of construction drawings, make provision for checking shop drawings. Payment for checking shop drawings by CONSULTANT may be included in the contract fee, or provision may be made for separate payment.

G. Documentation

Contracts where appropriate, shall provide that CONSULTANT document the results of the work to the satisfaction of LOCAL AGENCY, and if applicable, the State and FHWA. This may include preparation of progress and final reports, plans, specifications and estimates, or similar evidence of attainment of the contract objectives.

See: RFP § IX.

H. Number of Copies

The number of copies of papers or documents to be furnished, such as reports, brochures, sets of plans, specifications, or Right of Way plots is specified. Provision may be made for payment for additional copies.

See: RFP § IV (L).

(2) Article IV Performance Period

A. This contract shall go into effect on (DATE), contingent upon approval by LOCAL AGENCY, and CONSULTANT shall commence work after notification to proceed by LOCAL AGENCY'S Contract Administrator. The contract shall

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end on (DATE), unless extended by contract amendment.

See: Contract § 7.

B. CONSULTANT is advised that any recommendation for contract award is not binding on LOCAL AGENCY until the contract is fully executed and approved by LOCAL AGENCY.

(3) Article V Allowable Costs and Payments

A. The method of payment for this contract will be based on actual cost plus a fixed fee. LOCAL AGENCY will reimburse CONSULTANT for actual costs (including labor costs, employee benefits, travel, equipment rental costs, overhead and other direct costs) incurred by CONSULTANT in performance of the work. CONSULTANT will not be reimbursed for actual costs that exceed the estimated wage rates, employee benefits, travel, equipment rental, overhead, and other estimated costs set forth in the approved CONSULTANT'S Cost Proposal, unless additional reimbursement is provided for by contract amendment. In no event, will CONSULTANT be reimbursed for overhead costs at a rate that exceeds LOCAL AGENCY's approved overhead rate set forth in the Cost Proposal. In the event, that LOCAL AGENCY determines that a change to the work from that specified in the Cost Proposal and contract is required, the contract time or actual costs reimbursable by LOCAL AGENCY shall be adjusted by contract amendment to accommodate the changed work. The maximum total cost as specified in Paragraph "H" shall not be exceeded, unless authorized by contract amendment.

B. In addition to the allowable incurred costs, LOCAL AGENCY will pay CONSULTANT a fixed fee of \$(AMOUNT). The fixed fee is nonadjustable for the

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term of the contract, except in the event of a significant change in the scope of work and such adjustment is made by contract amendment.

C. Reimbursement for transportation and subsistence costs shall not exceed the rates specified in the approved Cost Proposal.

D. When milestone cost estimates are included in the approved Cost Proposal, CONSULTANT shall obtain prior written approval for a revised milestone cost estimate from the Contract Administrator before exceeding such cost estimate.

E. Progress payments will be made monthly in arrears based on services provided and allowable incurred costs. A pro rata portion of CONSULTANT's fixed fee will be included in the monthly progress payments. If CONSULTANT fails to submit the required deliverable items according to the schedule set forth in the Statement of Work, LOCAL AGENCY shall have the right to delay payment or terminate this Contract in accordance with the provisions of Article VI Termination.

F. No payment will be made prior to approval of any work, nor for any work performed prior to approval of this contract.

G. CONSULTANT will be reimbursed, as promptly as fiscal procedures will permit upon receipt by LOCAL AGENCY's Contract Administrator of itemized invoices in triplicate. Invoices shall be submitted no later than 45 calendar days after the performance of work for which CONSULTANT is billing. Invoices shall detail the work performed on each milestone and each project as applicable. Invoices shall follow the format stipulated for the approved Cost Proposal and shall reference this contract number and project title. Final invoice must contain the final cost and all credits due LOCAL AGENCY including any equipment purchased under the provisions of

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Article XVI Equipment Purchase of this contract. The final invoice should be submitted within 60 calendar days after completion of CONSULTANT's work. Invoices shall be mailed to LOCAL AGENCY's Contract Administrator at the following address:

(LOCAL AGENCY/NAME OF CONTRACT ADMINISTRATOR)

(ADDRESS)

H. The total amount payable by LOCAL AGENCY including the fixed fee shall not exceed \$(Amount).

I. Salary increases will be reimbursable if the new salary is within the salary range identified in the approved Cost Proposal and is approved by LOCAL AGENCY's Contract Administrator.

For personnel subject to prevailing wage rates as described in the California Labor Code, all salary increases, which are the direct result of changes in the prevailing wage rates are reimbursable.

J. All subcontracts in excess of \$25,000 shall contain the above provisions.

(4) Article VI Termination

A. LOCAL AGENCY reserves the right to terminate this contract upon thirty (30) calendar days' written notice to CONSULTANT with the reasons for termination stated in the notice.

B. The maximum amount for which the Government shall be liable if this contract is terminated is (Amount) dollars.

(5) Article VIII Change in Terms

A. This contract may be amended or modified only by mutual written

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agreement of the parties.

See: Contract § 22.

B. CONSULTANT shall only commence work covered by an amendment after the amendment is executed and notification to proceed has been provided by LOCAL AGENCY's Contract Administrator.

C. There shall be no change in CONSULTANT's Project Manager or members of the project team, as listed in the approved Cost Proposal, which is a part of this contract without prior written approval by LOCAL AGENCY's Contract Administrator.

See: Contract § 8(A)(B).

(6) Article IX Disadvantaged Business Enterprises (DBE) Participation

*(Use this Article when federal participating funds are used; incorporate Exhibits 10-I "Notice to Proposers DBE Information" and 10-J "Standard Contract Provisions for Subconsultant/DBE Participation" as required.)*

Consultants must give consideration to DBE firms as specified in 23 CFR §172.5(b), 49 CFR, Part 26. If the contract has a DBE goal, CONSULTANT must meet the goal by using DBEs as subconsultants or document a good faith effort to have met the goal. If a DBE subconsultant is unable to perform, CONSULTANT must make a good faith effort to replace him/her with another DBE subconsultant if the goal is not otherwise met.

A DBE may be terminated only with written approval by LOCAL AGENCY and only for the reasons specified in 49 CFR 26.53 (f). Prior to requesting LOCAL AGENCY's consent for the proposed termination, the prime consultant must meet the



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procedural requirements specified in 49 CFR 26.53(f).

See: RFP § VI.

(7) Article X Cost Principles and Administrative Requirements

A. CONSULTANT agrees that the Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31.000 et seq., shall be used to determine the cost allowability of individual items.

B. CONSULTANT also agrees to comply with federal procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

C. Any costs for which payment has been made to CONSULTANT that are determined by subsequent audit to be unallowable under 49 CFR Part 18 and 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31.000 et seq., are subject to repayment by CONSULTANT to LOCAL AGENCY.

(12) Article XII Retention of Records/Audit

For the purpose of determining compliance with Public Contract Code 10115, et seq. and Title 21, California Code of Regulations, Chapter 21, Section 2500 et seq., when applicable and other matters connected with the performance of the contract pursuant to Government Code 8546.7; CONSULTANT, subconsultants, and LOCAL AGENCY shall maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of the contract, including but not limited to, the costs of administering the contract. All parties shall make such materials available at their respective offices at all reasonable times during the contract period and for three years from the date of final payment under the

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contract. The state, State Auditor, LOCAL AGENCY, FHWA, or any duly authorized representative of the Federal Government shall have access to any books, records, and documents of CONSULTANT that are pertinent to the contract for audit, examinations, excerpts, and transactions, and copies thereof shall be furnished if requested. Subcontracts in excess of \$25,000 shall contain this provision.

(9) Article XIII Disputes

A. Any dispute, other than audit, concerning a question of fact arising under this contract that is not disposed of by agreement shall be decided by a committee consisting of LOCAL AGENCY's Contract Administrator and (Insert Department Head or Official), who may consider written or verbal information submitted by CONSULTANT.

B. Not later than 30 days after completion of all deliverables necessary to complete the plans, specifications and estimate, CONSULTANT may request review by LOCAL AGENCY Governing Board of unresolved claims or disputes, other than audit. The request for review will be submitted in writing.

C. Neither the pendency of a dispute, nor its consideration by the committee will excuse CONSULTANT from full and timely performance in accordance with the terms of this contract.

(10) Article XIV Audit Review Procedures

A. Any dispute concerning a question of fact arising under an interim or post audit of this contract that is not disposed of by agreement, shall be reviewed by LOCAL AGENCY'S Chief Financial Officer.

B. Not later than 30 days after issuance of the final audit report,

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CONSULTANT may request a review by LOCAL AGENCY'S Chief Financial Officer of unresolved audit issues. The request for review will be submitted in writing.

C. Neither the pendency of a dispute nor its consideration by LOCAL AGENCY will excuse CONSULTANT from full and timely performance, in accordance with the terms of this contract.

D. CONSULTANT and subconsultants' contracts, including cost proposals and indirect cost rates (ICR), are subject to audits or reviews such as, but not limited to, a Contract Audit, an Incurred Cost Audit, an ICR Audit, or a certified public accountant (CPA) ICR Audit Workpaper Review. If selected for audit or review, the contract, cost proposal and ICR and related workpapers, if applicable, will be reviewed to verify compliance with 48 CFR, Part 31 and other related laws and regulations. In the instances of a CPA ICR Audit Workpaper Review it is CONSULTANT's responsibility to ensure federal, state, or local government officials are allowed full access to the CPA's workpapers. The contract, cost proposal, and ICR shall be adjusted by CONSULTANT and approved by LOCAL AGENCY contract manager to conform to the audit or review recommendations. CONSULTANT agrees that individual terms of costs identified in the audit report shall be incorporated into the contract by this reference if directed by LOCAL AGENCY at its sole discretion. Refusal by CONSULTANT to incorporate audit or review recommendations, or to ensure that the Federal, State, or local governments have access to CPA workpapers, will be considered a breach of contract terms and cause for termination of the contract and disallowance of prior reimbursed costs.

(11) Article XV Subcontracting

A. CONSULTANT shall perform the work contemplated with resources

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available within its own organization; and no portion of the work pertinent to this contract shall be subcontracted without written authorization by LOCAL AGENCY'S Contract Administrator, except that, which is expressly identified in the approved Cost Proposal.

See: Contract § 10.

B. Any subcontract in excess of \$25,000 entered into as a result of this contract, shall contain all the provisions stipulated in this contract to be applicable to subconsultants.

See: Contract § 10.

C. Any substitution of subconsultants must be approved in writing by LOCAL AGENCY's Contract Administrator prior to the start of work by the subconsultant.

See: Contract § 8 (B); RFP § V (G)(8).

(12) Article XVI Equipment Purchase

A. Prior authorization in writing, by LOCAL AGENCY's Contract Administrator shall be required before CONSULTANT enters into any unbudgeted purchase order, or subcontract exceeding \$5,000 for supplies, equipment, or CONSULTANT services. CONSULTANT shall provide an evaluation of the necessity or desirability of incurring such costs.

B. For purchase of any item, service or consulting work not covered in CONSULTANT's Cost Proposal and exceeding \$5,000 prior authorization by LOCAL AGENCY's Contract Administrator; three competitive quotations must be submitted with the request, or the absence of bidding must be adequately justified.

C. Any equipment purchased as a result of this contract is subject to

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the following: "CONSULTANT shall maintain an inventory of all nonexpendable property. Nonexpendable property is defined as having a useful life of at least two years and an acquisition cost of \$5,000 or more. If the purchased equipment needs replacement and is sold or traded in, LOCAL AGENCY shall receive a proper refund or credit at the conclusion of the contract, or if the contract is terminated, CONSULTANT may either keep the equipment and credit LOCAL AGENCY in an amount equal to its fair market value, or sell such equipment at the best price obtainable at a public or private sale, in accordance with established LOCAL AGENCY procedures; and credit LOCAL AGENCY in an amount equal to the sales price. If CONSULTANT elects to keep the equipment, fair market value shall be determined at CONSULTANT's expense, on the basis of a competent independent appraisal of such equipment. Appraisals shall be obtained from an appraiser mutually agreeable to by LOCAL AGENCY and CONSULTANT, if it is determined to sell the equipment, the terms and conditions of such sale must be approved in advance by LOCAL AGENCY." 49 CFR, Part 18 requires a credit to Federal funds when participating equipment with a fair market value greater than \$5,000 is credited to the project.

D. All subcontracts in excess \$25,000 shall contain the above provisions.

(13) Article XVII Inspection of Work

CONSULTANT and any subconsultant shall permit LOCAL AGENCY, the state, and the FHWA if federal participating funds are used in this contract; to review and inspect the project activities and files at all reasonable times during the performance period of this contract including review and inspection on a daily basis.

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(14) Article XVIII Safety

A. CONSULTANT shall comply with OSHA regulations applicable to CONSULTANT regarding necessary safety equipment or procedures. CONSULTANT shall comply with safety instructions issued by LOCAL AGENCY Safety Officer and other LOCAL AGENCY representatives. CONSULTANT personnel shall wear hard hats and safety vests at all times while working on the construction project site.

B. Pursuant to the authority contained in Section 591 of the Vehicle Code, LOCAL AGENCY has determined that such areas are within the limits of the project and are open to public traffic. CONSULTANT shall comply with all of the requirements set forth in Divisions 11, 12, 13, 14, and 15 of the Vehicle Code. CONSULTANT shall take all reasonably necessary precautions for safe operation of its vehicles and the protection of the traveling public from injury and damage from such vehicles.

C. Any subcontract entered into as a result of this contract, shall contain all of the provisions of this Article.

See: Contract § 10.

D. CONSULTANT must have a Division of Occupational Safety and Health (CAL-OSHA) permit(s), as outlined in California Labor Code Sections 6500 and 6705, prior to the initiation of any practices, work, method, operation, or process related to the construction or excavation of trenches which are five feet or deeper.

(15) Article XX Ownership of Data

A. Upon completion of all work under this contract, ownership and title to all reports, documents, plans, specifications, and estimates produce as part of this



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contract will automatically be vested in LOCAL AGENCY; and no further agreement will be necessary to transfer ownership to LOCAL AGENCY. CONSULTANT shall furnish LOCAL AGENCY all necessary copies of data needed to complete the review and approval process.

See: Contract § 26.

B. It is understood and agreed that all calculations, drawings and specifications, whether in hard copy or machine-readable form, are intended for one-time use in the construction of the project for which this contract has been entered into.

C. CONSULTANT is not liable for claims, liabilities, or losses arising out of, or connected with the modification, or misuse by LOCAL AGENCY of the machine-readable information and data provided by CONSULTANT under this contract; further, CONSULTANT is not liable for claims, liabilities, or losses arising out of, or connected with any use by LOCAL AGENCY of the project documentation on other projects for additions to this project, or for the completion of this project by others, except only such use as may be authorized in writing by CONSULTANT.

D. Applicable patent rights provisions regarding rights to inventions shall be included in the contracts as appropriate (48 CFR 27, Subpart 27.3 - Patent Rights under Government Contracts for federal-aid contracts).

See: Supplementary General Conditions § 8.

E. LOCAL AGENCY may permit copyrighting reports or other agreement products. If copyrights are permitted; the agreement shall provide that the FHWA shall have the royalty-free nonexclusive and irrevocable right to reproduce, publish, or otherwise use; and to authorize others to use, the work for government purposes.

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F. Any subcontract in excess of \$25,000 entered into as a result of this contract, shall contain all of the provisions of this Article.

See: Contract § 10.

(16) Article XXII Confidentiality of Data

A. All financial, statistical, personal, technical, or other data and information relative to LOCAL AGENCY's operations, which are designated confidential by LOCAL AGENCY and made available to CONSULTANT in order to carry out this contract, shall be protected by CONSULTANT from unauthorized use and disclosure.

See: Contract § 24.

B. Permission to disclose information on one occasion, or public hearing held by LOCAL AGENCY relating to the contract, shall not authorize CONSULTANT to further disclose such information, or disseminate the same on any other occasion.

See: Contract § 24.

C. CONSULTANT shall not comment publicly to the press or any other media regarding the contract or LOCAL AGENCY's actions on the same, except to LOCAL AGENCY's staff, CONSULTANT's own personnel involved in the performance of this contract, at public hearings or in response to questions from a Legislative committee.

See: Contract § 24.

D. CONSULTANT shall not issue any news release or public relations item of any nature, whatsoever, regarding work performed or to be performed under this contract without prior review of the contents thereof by LOCAL AGENCY, and receipt of

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LOCAL AGENCY'S written permission.

See: Contract § 24.

E. Any subcontract entered into as a result of this contract shall contain all of the provisions of this Article.

See: Contract § 10.

F. All information related to the construction estimate is confidential, and shall not be disclosed by CONSULTANT to any entity other than LOCAL AGENCY.

See: Contract § 24.

(17) Article XXIII National Labor Relations Board Certification

In accordance with Public Contract Code Section 10296, CONSULTANT hereby states under penalty of perjury that no more than one final unappealable finding of contempt of court by a federal court has been issued against CONSULTANT within the immediately preceding two-year period, because of CONSULTANT's failure to comply with an order of a federal court that orders CONSULTANT to comply with an order of the National Labor Relations Board.

(18) Article XXIV Evaluation of Consultant

CONSULTANT's performance will be evaluated by LOCAL AGENCY. A copy of the evaluation will be sent to CONSULTANT for comments. The evaluation together with the comments shall be retained as part of the contract record.

(19) Article XXV Statement of Compliance

A. CONSULTANT's signature affixed herein, and dated, shall constitute a certification under penalty of perjury under the laws of the State of California that CONSULTANT has, unless exempt, complied with, the nondiscrimination

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program requirements of Government Code Section 12990 and Title 2, California Administrative Code, Section 8103.

See: RFP § V; Contract § 13.

B. During the performance of this Contract, Consultant and its subconsultants shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (e.g., cancer), age (over 40), marital status, and denial of family care leave. Consultant and subconsultants shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Consultant and subconsultants shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 (a-f) et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Contract by reference and made a part hereof as if set forth in full. Consultant and its subconsultants shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.

See: RFP §V; Contract § 13.

(20) Article XXVI Debarment and Suspension Certification

A. CONSULTANT's signature affixed herein, shall constitute a certification under penalty of perjury under the laws of the State of California, that

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CONSULTANT has complied with Title 2 CFR Part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (nonprocurement)”, which certifies that he/she or any person associated therewith in the capacity of owner, partner, director, officer, or manager, is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency; has not been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past three (3) years; does not have a proposed debarment pending; and has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years. Any exceptions to this certification must be disclosed to LOCAL AGENCY.

B. Exceptions will not necessarily result in denial of recommendation for award, but will be considered in determining CONSULTANT responsibility. Disclosures must indicate to whom exceptions apply, initiating agency, and dates of action.

C. Exceptions to the Federal Government Excluded Parties List System maintained by the General Services Administration are to be determined by the Federal highway Administration.

(21) Article XXVII State Prevailing Wage Rates

A. CONSULTANT shall comply with the State of California’s General Prevailing Wage Rate requirements in accordance with California Labor Code, Section 1770, and all Federal, State, and local laws and ordinances applicable to the work.

See: RFP § VII.

B. Any subcontract entered into as a result of this contract if for more

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than \$25,000 for public works construction or more than \$15,000 for the alteration, demolition, repair, or maintenance of public works, shall contain all of the provisions of this Article.

See: Contract § 10.

**Note:** The Federal “Payment of Predetermined Minimum Wage” applies only to federal-aid construction contracts.

(22) Article XXVIII Conflict of Interest

A. CONSULTANT shall disclose any financial, business, or other relationship with LOCAL AGENCY that may have an impact upon the outcome of this contract, or any ensuing LOCAL AGENCY construction project. CONSULTANT shall also list current clients who may have a financial interest in the outcome of this contract, or any ensuing LOCAL AGENCY construction project, which will follow.

See: Contract § 25.

B. CONSULTANT hereby certifies that it does not now have, nor shall it acquire any financial or business interest that would conflict with the performance of services under this contract.

See: Contract § 25.

C. Any subcontract in excess of \$25,000 entered into as a result of this contract, shall contain all of the provisions of this Article.

See: Contract § 10.

D. CONSULTANT hereby certifies that neither CONSULTANT, nor any firm affiliated with CONSULTANT will bid on any construction contract, or on any contract to provide construction inspection for any construction project resulting from



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this contract. An affiliated firm is one, which is subject to the control of the same persons through joint-ownership, or otherwise.

See: Contract § 25.

E. Except for subconsultants whose services are limited to providing surveying or materials testing information, no subconsultant who has provided design services in connection with this contract shall be eligible to bid on any construction contract, or on any contract to provide construction inspection for any construction project resulting from this contract.

See: Contract § 25.

(23) Article XXIX Rebates, Kickbacks or other Unlawful Consideration

CONSULTANT warrants that this contract was not obtained or secured through rebates kickbacks or other unlawful consideration, either promised or paid to any LOCAL AGENCY employee. For breach or violation of this warranty, LOCAL AGENCY shall have the right in its discretion; to terminate the contract without liability; to pay only for the value of the work actually performed; or to deduct from the contract price; or otherwise recover the full amount of such rebate, kickback or other unlawful consideration.

(24) Article XXX Prohibition of Expending State or Federal Funds for Lobbying

A. CONSULTANT certifies to the best of his or her knowledge and belief that:

1. No state, federal or local agency appropriated funds have been paid, or will be paid by-or-on behalf of CONSULTANT to any person for

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influencing or attempting to influence an officer or employee of any state or federal agency; a Member of the State Legislature or United States Congress; an officer or employee of the Legislature or Congress; or any employee of a Member of the Legislature or Congress, in connection with the awarding of any state or federal contract; the making of any state or federal grant; the making of any state or federal loan; the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any state or federal contract, grant, loan, or cooperative agreement.

2. If any funds other than federal appropriated funds have been paid, or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency; a Member of Congress; an officer or employee of Congress, or an employee of a Member of Congress; in connection with this federal contract, grant, loan, or cooperative agreement; CONSULTANT shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

B. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, US. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

C. CONSULTANT also agrees by signing this document that he or she shall require that the language of this certification be included in all lower-tier

**LOCAL ASSISTANCE FEDERAL-AID PROJECTS  
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subcontracts, which exceed \$100,000, and that all such sub recipients shall certify and disclose accordingly.

(25) Article XXXII Contract

The two parties to this contract, who are the before named CONSULTANT and the before named LOCAL AGENCY, hereby agree that this contract constitutes the entire agreement which is made and concluded in duplicate between the two parties. Both of these parties for and in consideration of the payments to be made, conditions mentioned, and work to be performed; each agree to diligently perform in accordance with the terms and conditions of this contract as evidenced by the signatures below.

See: Contract § 22 and Signature Page.

(26) Article XXXIII Signatures

(Name of CONSULTANT)

(Name of LOCAL AGENCY)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

(Name of Signer)

(Name of Signer)

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

See: Contract Signature Page.

**SIGNATURE PAGE FOLLOWS**

**LOCAL ASSISTANCE FEDERAL-AID PROJECTS  
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PROJECT NO. 801 0055**

City of Moreno Valley

Contractor/Consultant Name

BY: \_\_\_\_\_  
Chief Financial Officer  
/City Manager/Mayor  
*(Select only one please)*

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
*(Select only one please)*  
(President or Vice President)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

# ATTACHMENT 11

Certification for Contracts, Grants, Loans, and Cooperative Agreements  
(Federal Fiscal Year \_\_\_\_\_ to \_\_\_\_\_)

I, \_\_\_\_\_, hereby certify on behalf  
(Name and title of Grantee official)

of The City of Moreno Valley, that  
(Name of Grantee)

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, of cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, an cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Executed this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_.

By:  
(Signature of authorized official)

\_\_\_\_\_  
(Title of authorized official)



# ATTACHMENT 12

**EXHIBIT 10-F CERTIFICATION OF CONSULTANT, COMMISSIONS & FEES**

I HEREBY CERTIFY that I am the \_\_\_\_\_, and duly authorized representative of the firm of \_\_\_\_\_, whose address is \_\_\_\_\_, and that, except as hereby expressly stated, neither I nor the above firm that I represent have:

- (a) employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above consultant) to solicit or secure this contract; nor
- (b) agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out the contract; nor
- (c) paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above consultant) any fee, contribution, donation, or consideration of any kind, for or in connection with, procuring or carrying out this contract.

I acknowledge that this Certificate is to be made available to the California Department of Transportation (Caltrans) in connection with this contract involving participation of federal-aid highway funds, and is subject to applicable state and federal laws, both criminal and civil.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

**Distribution:** 1) Local Agency Project File (Original & Contract)  
2) DLAE (with contract copy)

# ATTACHMENT 13

**EXHIBIT 10-J STANDARD CONTRACT PROVISIONS FOR SUBCONSULTANT/DBE PARTICIPATION****1. Subconsultants**

- A. Nothing contained in this Contract or otherwise, shall create any contractual relation between the Agency and any subconsultants, and no subcontract shall relieve the Consultant of his/her responsibilities and obligations hereunder. The Consultant agrees to be as fully responsible to the Agency for the acts and omissions of its subconsultants and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the Consultant. The Consultant's obligation to pay its subconsultants is an independent obligation from the Agency's obligation to make payments to the Consultant.
- B. Any subcontract in excess of \$25,000, entered into as a result of this Contract, shall contain all the provisions stipulated in this Contract to be applicable to subconsultants.
- C. Consultant shall pay its subconsultants within ten (10) calendar days from receipt of each payment made to the Consultant by the Agency.
- D. Any substitution of subconsultants must be approved in writing by the Agency's Contract Administrator in advance of assigning work to a substitute subconsultant.

**2. Disadvantaged Business Enterprise (DBE) Participation**

- A. This Contract is subject to 49 CFR, Part 26 entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs". Proposers who obtain DBE participation on this contract will assist Caltrans in meeting its federally mandated statewide overall DBE goal.
- B. If the contract has a DBE goal, the Consultant must meet the goal by committing DBE participation or document a good faith effort to meet the goal. If a DBE subconsultant is unable to perform, the Consultant must make a good faith effort to replace him/her with another DBE subconsultant, if the goal is not otherwise met. A DBE is a firm meeting the definition of a DBE as specified in 49 CFR.
- C. DBEs and other small businesses, as defined in 49 CFR, Part 26 are encouraged to participate in the performance of contracts financed in whole or in part with federal funds. The Consultant or subconsultant shall not discriminate on the basis of race, color, national origin, or sex in the performance of this Contract. The Consultant shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of US DOT- assisted agreements. Failure by the Consultant to carry out these requirements is a material breach of this Contract, which may result in the termination of this Contract or such other remedy as the local agency deems appropriate.
- D. Any subcontract entered into as a result of this Contract shall contain all of the provisions of this section.
- E. A DBE may be terminated only with prior written approval from the local agency and only for the reasons specified in 49 CFR 26.53(f). Prior to requesting local agency consent for the termination, the prime consultant must meet the procedural requirements specified in 49 CFR 26.53(f).

**3. Performance of DBE Consultant and other DBE Subconsultants/Suppliers**

- A. A DBE performs a commercially useful function when it is responsible for execution of the work of the Contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible with respect to materials and supplies used on the Contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, evaluate the amount of work subcontracted, industry practices; whether the amount the firm is to be paid under the Contract is commensurate with the work it is actually performing; and other relevant factors.
- B. A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, Contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, examine similar transactions, particularly those in which DBEs do not participate.
- C. If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its Contract with its own work force, or the DBE subcontracts a greater portion of the work of the Contract than would be expected on the basis of normal industry practice for the type of work involved, it will be presumed that it is not performing a commercially useful function.

**4. Prompt Payment of Funds Withheld to Subconsultants**

- A. Any subcontract entered into as a result of this Contract shall contain all of the provisions of this section.  
*(Local agency to include either B, C, or D below; delete the other two.)*
- B. No retainage will be withheld by the Agency from progress payments due the prime Consultant. Retainage by the prime Consultant or subconsultants is prohibited, and no retainage will be held by the prime Consultant from progress due subconsultants. Any violation of this provision shall subject the violating prime Consultant or subconsultants to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the prime Consultant or subconsultant in the event of a dispute involving late payment or nonpayment by the prime Consultant or deficient subconsultant performance, or noncompliance by a subconsultant. This provision applies to both DBE and non-DBE prime Consultants and subconsultants.
- C. No retainage will be held by the Agency from progress payments due the prime Consultant. Any retainage held by the prime Consultant or subconsultants from progress payments due subconsultants shall be promptly paid in full to subconsultants within 30 days after the subconsultant's work is satisfactorily completed. Federal law (49 CFR26.29) requires that any delay or postponement of payment over the 30 days may take place only for good cause and with the Agency's prior written approval. Any violation of this provision shall subject the violating prime Consultant or subconsultant to the penalties, sanctions and other remedies specified in Section 7108.5 of the Business and Professions Code. These requirements shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the prime Consultant or subconsultant in the event of a dispute involving late payment or nonpayment by the prime consultant, deficient subconsultant performance, or noncompliance by a subconsultant. This provision applies to both DBE and non-DBE prime consultant and subconsultants.

- D. The Agency shall hold retainage from the prime consultant and shall make prompt and regular incremental acceptances of portions, as determined by the Agency, of the contract work, and pay retainage to the prime consultant based on these acceptances. The prime consultant, or subconsultant, shall return all monies withheld in retention from a subconsultant within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Federal law (49 CFR26.29) requires that any delay or postponement of payment over 30 days may take place only for good cause and with the agency's prior written approval. Any violation of this provision shall subject the violating prime consultant or subconsultant to the penalties, sanctions and other remedies specified in Section 7108.5 of the Business and Professions Code. These requirements shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the prime consultant or subconsultant in the event of a dispute involving late payment or nonpayment by the prime Consultant, deficient subconsultant performance, or noncompliance by a subconsultant. This provision applies to both DBE and non-DBE prime consultant and subconsultants.

#### 5. DBE Records

- A. The Consultant shall maintain records of materials purchased or supplied from all subcontracts entered into with certified DBEs. The records shall show the name and business address of each DBE or vendor and the total dollar amount actually paid each DBE or vendor, regardless of tier. The records shall show the date of payment and the total dollar figure paid to all firms. DBE prime consultants shall also show the date of work performed by their own forces along with the corresponding dollar value of the work.
- B. Upon completion of the Contract, a summary of these records shall be prepared and submitted on the form entitled, "Final Report-Utilization of Disadvantaged Business Enterprise (DBE), First-Tier Subconsultants," CEM-2402F (Exhibit 17-F, Chapter 17, of the LAPM), certified correct by the Consultant or the Consultant's authorized representative and shall be furnished to the Contract Administrator with the final invoice. Failure to provide the summary of DBE payments with the final invoice will result in 25 percent of the dollar value of the invoice being withheld from payment until the form is submitted. The amount will be returned to the Consultant when a satisfactory "Final Report-Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subconsultants" is submitted to the Contract Administrator.

#### 6. DBE Certification and Decertification Status

If a DBE subconsultant is decertified during the life of the Contract, the decertified subconsultant shall notify the Consultant in writing with the date of decertification. If a subconsultant becomes a certified DBE during the life of the Contract, the subconsultant shall notify the Consultant in writing with the date of certification. Any changes should be reported to the Agency's Contract Administrator within 30 days.



# ATTACHMENT 14

**EXHIBIT 10-K CONSULTANT CERTIFICATION OF CONTRACT COSTS AND FINANCIAL  
MANAGEMENT SYSTEM**

*(Note: If requesting to utilize the Safe Harbor Indirect Cost Rate submit Attachment 1 of  
DLA-OB 13-07 - Safe Harbor Indirect Cost Rate for Consultant Contracts found at  
[http://www.dot.ca.gov/hq/LocalPrograms/DLA\\_OB/DLA\\_OB.htm](http://www.dot.ca.gov/hq/LocalPrograms/DLA_OB/DLA_OB.htm) in lieu of this form.)*

**Certification of Final Indirect Costs:**

Consultant Firm Name: \_\_\_\_\_

Indirect Cost Rate: \_\_\_\_\_ Date of Proposal Preparation (mm/dd/yyyy): \_\_\_\_\_

Fiscal Period Covered for Indirect Cost Rate Developed (mm/dd/yyyy to mm/dd/yyyy): \_\_\_\_\_

Contract Number: \_\_\_\_\_ Project Number: \_\_\_\_\_

I, the undersigned, certify that I have reviewed the proposal to establish final indirect cost rates for the fiscal period as specified above and to the best of my knowledge and belief:

1. All costs included in this proposal to establish final indirect cost rates are allowable in accordance with the cost principles of the Federal Acquisition Regulations (FAR) of Title 48, Code of Federal Regulations (CFR), Part 31.
2. This proposal does not include any costs which are expressly unallowable under the cost principles of the FAR of 48 CFR, Part 31.

All known material transactions or events that have occurred affecting the firm's ownership, organization, and indirect cost rates have been disclosed as of the date of proposal preparation noted above.

**Certification of Financial Management System:**

I, the undersigned, certify to the best of my knowledge and belief that our financial management system meets the standards for financial reporting, accounting records, internal and budget control as set forth in the FAR of Title 49, CFR, Part 18.20 to the extent applicable to Consultant.

**Certification of Dollar Amount for all A&E contracts:**

I, the undersigned, certify that the approximate dollar amount of all A&E contracts awarded by Caltrans or a California local agency to this firm within the last three (3) calendar years for all State DOT and Local Agencies is \$ \_\_\_\_\_ and the number of States in which the firm does business is \_\_\_\_\_.

**Certification of Direct Costs:**

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are reasonable, allowable and allocable to the contract in accordance with the cost principles of the FAR of Title 48, CFR, Part 31. Allowable direct costs to a Government contract shall be:

1. Compliant with Generally Accepted Accounting Principles (GAAP) and standards promulgated by the Cost Accounting Standards Board (when applicable).

- 2. Compliant with the terms of the contract and is incurred specifically for the contract.
- 3. Not prohibited by 23 CFR, Chapter 1, Part 172 –Administration of Engineering and Design Related Service Contracts to the extent requirements are applicable to Consultant.

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files.

**Subconsultants (if applicable)**

Proposed Contract Amount (or amount not to exceed if on-call contract): \$ \_\_\_\_\_

**Prime Consultants (if applicable)**

Proposed **Total** Contract Amount (or amount not to exceed if on-call contract): \$ \_\_\_\_\_

Prime, list all subconsultants and proposed subcontract dollar amounts (attach additional page if necessary):

|       |          |
|-------|----------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |

\* Consultant Certification Signature: \_\_\_\_\_

Consultant Certifying (Print Name and Title):

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Consultant Contact Information:

Email: \_\_\_\_\_

Phone number: \_\_\_\_\_

Date of Certification (mm/dd/yyyy): \_\_\_\_\_

\*An individual executive or financial officer of the consultant’s organization at a level no lower than a Vice President or Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the indirect cost rate proposal submitted in conjunction with the contract.

Note: *Per 23 U.S.C. 112(b)(2)(B), Subconsultants must comply with the FAR Cost Principles contained in 48 CFR, Part 31. 23 CFR Part 172.3 Definitions state: Consultant means the individual or firm providing engineering and design related services as a party to the contract. Therefore, subconsultants as parties of a contract must complete a certification and send originals to A&I and keep copies in Local Agency Project Files.*

**Distribution:** 1) Original to Caltrans Audits and Investigations  
2) Retained in Local Agency Project Files

# ATTACHMENT 15

**EXHIBIT 10-01 CONSULTANT PROPOSAL DBE COMMITMENT**

(Inclusive of all DBEs listed at bid proposal. Refer to instructions on the reverse side of this form)

| <b>Consultant to Complete this Section</b>   |                                 |                     |                                   |
|--|---------------------------------|---------------------|-----------------------------------|
| 1. City of Moreno Valley _____   |                                 |                     |                                   |
| 2. Project Location: _____   |                                 |                     |                                   |
| 3. Project Description: _____  |                                 |                     |                                   |
| 4. Consultant Name: _____  |                                 |                     |                                   |
| 5. Contract DBE Goal %: _____  |                                 |                     |                                   |
| <b>DBE Commitment Information</b>  |                                 |                     |                                   |
| 6. Description of Services to be Provided  | 7. DBE Firm Contact Information | 8. DBE Cert. Number | 9. DBE %                          |
|  |                                 |                     |                                   |
|  |                                 |                     |                                   |
|  |                                 |                     |                                   |
|  |                                 |                     |                                   |
|  |                                 |                     |                                   |
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|  |                                 |                     |                                   |
|  |                                 |                     |                                   |
|  |                                 |                     |                                   |
|  |                                 |                     |                                   |
| <b>City of Moreno Valley to Complete this Section</b>  |                                 |                     | 10. Total % Claimed               |
| 16. City of Moreno Valley Contract Number: _____   |                                 |                     | _____ %                           |
| 17. Federal-aid Project Number: _____  |                                 |                     |                                   |
| 18. Proposed Contract Execution Date: _____  |                                 |                     |                                   |
| City of Moreno Valley certifies that all DBE certifications are valid and the information on this form is complete and accurate: |                                 |                     | 11. Preparer's Signature _____    |
| 19. City of Moreno Valley Representative Name (Print) _____  |                                 |                     | 12. Preparer's Name (Print) _____ |
| 20. City of Moreno Valley Representative Signature _____   |                                 |                     | 13. Preparer's Title _____        |
| 21. Date _____   |                                 |                     | 14. Date _____                    |
| 22. City of Moreno Valley Representative Title _____   |                                 |                     | 15. (Area Code) Tel. No. _____    |
| 23. (Area Code) Tel. No. _____   |                                 |                     |                                   |

**Distribution:** (1) Original – Consultant submits to City of Moreno Valley with proposal  
(2) Copy – City of Moreno Valley files

**INSTRUCTIONS - CONSULTANT PROPOSAL DBE COMMITMENT****Consultant Section***The Consultant shall:*

1. **City of Moreno Valley** – City of Moreno Valley.
2. **Project Location** - Enter the project location as it appears on the project advertisement.
3. **Project Description** - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc.).
4. **Consultant Name** - Enter the consultant's firm name.
5. **Contract DBE Goal %** - Enter the contract DBE goal percentage, as indicated in Section VI. of the RFP, Disadvantaged Business Enterprises.
6. **Description of Services to be Provided** - Enter item of work description of services to be provided. Indicate all work to be performed by DBEs including work performed by the prime consultant's own forces, if the prime is a DBE. If 100% of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See Section VI. of the RFP, Disadvantaged Business Enterprises to determine how to count the participation of DBE firms.
7. **DBE Firm Contact Information** - Enter the name and telephone number of all DBE subcontracted consultants. Also, enter the prime consultant's name and telephone number, if the prime is a DBE.
8. **DBE Cert. Number** - Enter the DBEs Certification Identification Number. All DBEs must be certified on the date bids are opened. (DBE subcontracted consultants should notify the prime consultant in writing with the date of the decertification if their status should change during the course of the contract.)
9. **DBE %** - Percent participation of work to be performed or service provided by a DBE. Include the prime consultant if the prime is a DBE. See Section VI. of the RFP, Disadvantaged Business Enterprises.
10. **Total % Claimed** – Enter the total DBE participation claimed. If the Total % Claimed is less than item "5. Contract DBE Goal", an adequately documented Good Faith Effort (GFE) is required (see Exhibit 15-H *DBE Information - Good Faith Efforts*) and Section VI. of the RFP, Disadvantaged Business Enterprises.
11. **Preparer's Signature** – The person completing this section of the form for the consultant's firm must sign their name.
12. **Preparer's Name (Print)** – Clearly enter the name of the person signing this section of the form for the consultant.
13. **Preparer's Title** - Enter the position/title of the person signing this section of the form for the consultant.
14. **Date** - Enter the date this section of the form is signed by the preparer.
15. **(Area Code) Tel. No.** - Enter the area code and telephone number of the person signing this section of the form for the consultant.

**City of Moreno Valley Section:***The City of Moreno Valley representative shall:*

16. **City of Moreno Valley Contract Number** - Enter the City of Moreno Valley Contract Number.
17. **Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
18. **Contract Execution Date** - Enter date the contract was executed and Notice to Proceed issued. See LAPM Chapter 10, page 23.
19. **City of Moreno Valley Representative Name (Print)** - Clearly enter the name of the person completing this section.
20. **City of Moreno Valley Representative Signature** - The person completing this section of the form for the City of Moreno Valley must sign their name to certify that the information in this and the Consultant Section of this form is complete and accurate.
21. **Date** - Enter the date the City of Moreno Valley Representative signs the form.
22. **City of Moreno Valley Representative Title** - Enter the position/title of the person signing this section of the form.
23. **(Area Code) Tel. No.** - Enter the area code and telephone number of the City of Moreno Valley representative signing this section of the form.



# ATTACHMENT 16

**EXHIBIT 10-O2 CONSULTANT CONTRACT DBE INFORMATION**

(Inclusive of all DBEs listed at contract award. Refer to instructions on the reverse side of this form)

| <b>Consultant to Complete this Section</b>   |                                  |                            |                             |
|--|----------------------------------|----------------------------|-----------------------------|
| 1. City of Moreno Valley _____   |                                  |                            |                             |
| 2. Project Location: _____   |                                  |                            |                             |
| 3. Project Description: _____  |                                  |                            |                             |
| 4. Total Contract Award Amount: \$ _____   |                                  |                            |                             |
| 5. Consultant Name: _____  |                                  |                            |                             |
| 6. Contract DBE Goal %: _____  |                                  |                            |                             |
| 7. Total Dollar Amount for <u>all</u> Subconsultants: \$ _____   |                                  |                            |                             |
| 8. Total Number of <u>all</u> Subconsultants: _____  |                                  |                            |                             |
| <b>Award DBE Information</b>   |                                  |                            |                             |
| 9. Description of Services to be Provided  | 10. DBE Firm Contact Information | 11. DBE Cert. Number       | 12. DBE Dollar Amount       |
|  |                                  |                            |                             |
|  |                                  |                            |                             |
|  |                                  |                            |                             |
|  |                                  |                            |                             |
|  |                                  |                            |                             |
|  |                                  |                            |                             |
|  |                                  |                            |                             |
| <b>City of Moreno Valley to Complete this Section</b>  |                                  | 13. Total Dollars Claimed  | 12. DBE Dollar Amount       |
| 20. City of Moreno Valley Contract Number: _____   |                                  | \$ _____                   |                             |
| 21. Federal-aid Project Number: _____  |                                  | 14. Total % Claimed        | _____ %                     |
| 22. Contract Execution Date: _____   |                                  |                            |                             |
| City of Moreno Valley certifies that all DBE certifications are valid and the information on this form is complete and accurate: |                                  |                            |                             |
| 23. City of Moreno Valley Representative Name (Print) _____  |                                  |                            |                             |
| 24. City of Moreno Valley Representative Signature _____   | 25. Date _____                   |                            |                             |
| 26. City of Moreno Valley Representative Title _____   | 27. (Area Code) Tel. No. _____   |                            |                             |
| <b>Caltrans to Complete this Section</b>   |                                  | 15. Preparer's Signature   | 16. Preparer's Name (Print) |
| Caltrans District Local Assistance Engineer (DLAE) certifies that this form has been reviewed for completeness:                  |                                  | _____                      | _____                       |
| 28. DLAE Name (Print) _____  | 29. DLAE Signature _____         | 17. Preparer's Title _____ | 18. Date _____              |
| 30. Date _____   | 19. (Area Code) Tel. No. _____   |                            |                             |

- Distribution:** (1) Copy – Email a copy to the Caltrans District Local Assistance Engineer (DLAE) within 30 days of contract award. Failure to send a copy to the DLAE within 30 days of contract award may result in delay of payment.  
 (2) Copy – Include in award package sent to Caltrans DLAE  
 (3) Original – City of Moreno Valley files

**INSTRUCTIONS - CONSULTANT CONTRACT AWARD DBE INFORMATION****Consultant Section***The Consultant shall:*

1. **City of Moreno Valley**
2. **Project Location** - Enter the project location as it appears on the project advertisement.
3. **Project Description** - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc).
4. **Total Contract Award Amount** - Enter the total contract award dollar amount for the prime consultant.
5. **Consultant Name** - Enter the consultant's firm name.
6. **Contract DBE Goal %** - Enter the contract DBE goal percentage, as indicated in Section VI. of the RFP, Disadvantaged Business Enterprises.
7. **Total Dollar Amount for all Subconsultants** – Enter the total dollar amount for all subcontracted consultants. SUM = (DBE's + all Non-DBE's). Do **not** include the prime consultant information in this count.
8. **Total number of all subconsultants** – Enter the total number of all subcontracted consultants. SUM = (DBE's + all Non-DBE's). Do **not** include the prime consultant information in this count.
9. **Description of Services to be Provided** - Enter item of work description of services to be provided. Indicate all work to be performed by DBEs including work performed by the prime consultant's own forces, if the prime is a DBE. See Section VI. of the RFP, Disadvantaged Business Enterprises to determine how to count the participation of DBE firms.
10. **DBE Firm Contact Information** - Enter the name and telephone number of all DBE subcontracted consultants. Also, enter the prime consultant's name and telephone number, if the prime is a DBE.
11. **DBE Cert. Number** - Enter the DBE's Certification Identification Number. All DBEs must be certified on the date bids are opened. (DBE subcontracted consultants should notify the prime consultant in writing with the date of the decertification if their status should change during the course of the contract.)
12. **DBE Dollar Amount** - Enter the subcontracted dollar amount of the work to be performed or service to be provided. Include the prime consultant if the prime is a DBE, and include DBEs that are not identified as subconsultants on the Exhibit 10-O1 *Consultant Proposal DBE Commitment* form. See Section VI. of the RFP, Disadvantaged Business Enterprises.
13. **Total Dollars Claimed** – Enter the total dollar amounts for column 13.
14. **Total % Claimed** – Enter the total DBE participation claimed for column 13. SUM = (item "14. Total Participation Dollars Claimed" divided by item "4. Total Contract Award Amount"). If the Total % Claimed is less than item "6. Contract DBE Goal", an adequately documented Good Faith Effort (GFE) is required (see Exhibit 15-H *DBE Information - Good Faith Efforts*) and Section VI. of the RFP, Disadvantaged Business Enterprises.
15. **Preparer's Signature** – The person completing this section of the form for the consultant's firm must sign their name.
16. **Preparer's Name (Print)** – Clearly enter the name of the person signing this section of the form for the consultant.
17. **Preparer's Title** - Enter the position/title of the person signing this section of the form for the consultant.
18. **Date** - Enter the date this section of the form is signed by the preparer.
19. **(Area Code) Tel. No.** - Enter the area code and telephone number of the person signing this section of the form for the consultant.

**City of Moreno Valley Section:***The City of Moreno Valley representative shall:*

20. **City of Moreno Valley Contract Number** - Enter the City of Moreno Valley Contract Number.
21. **Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
22. **Contract Execution Date** - Enter the date the contract was executed and Notice to Proceed issued. See LAPM Chapter 10, page 23.
23. **City of Moreno Valley Representative Name (Print)** - Clearly enter the name of the person completing this section.
24. **City of Moreno Valley Representative Signature** - The person completing this section of the form for the City of Moreno Valley must sign their name to certify that the information in this and the Consultant Section of this form is complete and accurate.
25. **Date** - Enter the date the City of Moreno Valley Representative signs the form.
26. **City of Moreno Valley Representative Title** - Enter the position/title of the person signing this section of the form.
27. **(Area Code) Tel. No.** - Enter the area code and telephone number of the City of Moreno Valley representative signing this section of the form.

**Caltrans Section:***Caltrans District Local Assistance Engineer (DLAE) shall:*

28. **DLAE Name (Print)** – Clearly enter the name of the DLAE.
29. **DLAE Signature** – DLAE must sign this section of the form to certify that it has been reviewed for completeness.
30. **Date** - Enter the date that the DLAE signs this section the form.

# ATTACHMENT 17

**EXHIBIT 10-P NONLOBBYING CERTIFICATION FOR FEDERAL-AID CONTRACTS**

The prospective participant certifies by signing and submitting this proposal/bid to the best of his or her knowledge and belief that:

- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant also agrees by submitting his/her proposal/bid that he/she shall require that the language of this certification be included in all lower-tier subcontracts which exceed \$100,000 and that all such sub-recipients shall certify and disclose accordingly.

# ATTACHMENT 18

EXHIBIT 10-Q DISCLOSURE OF LOBBYING ACTIVITIES

COMPLETE THIS FORM TO DISCLOSE LOBBYING ACTIVITIES PURSUANT TO 31 U.S.C. 1352

|   |  |  |
|---|--|--|
| <p><b>1. Type of Federal Action:</b></p> <p><input type="checkbox"/> a. contract<br/> <input type="checkbox"/> b. grant<br/> <input type="checkbox"/> c. cooperative agreement<br/> <input type="checkbox"/> d. loan<br/> <input type="checkbox"/> e. loan guarantee<br/> <input type="checkbox"/> f. loan insurance</p>  | <p><b>2. Status of Federal Action:</b></p> <p><input type="checkbox"/> a. bid/offer/application<br/> <input type="checkbox"/> b. initial award<br/> <input type="checkbox"/> c. post-award</p>   | <p><b>3. Report Type:</b></p> <p><input type="checkbox"/> a. initial<br/> <input type="checkbox"/> b. material change</p> <p><b>For Material Change Only:</b><br/> year ____ quarter ____<br/> date of last report _____</p> |
| <p><b>4. Name and Address of Reporting Entity</b></p> <p><input type="checkbox"/> Prime                      <input type="checkbox"/> Subawardee<br/> Tier _____, if known</p> <p>Congressional District, if known _____</p>  | <p><b>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</b></p> <p>Congressional District, if known _____</p>  |  |
| <p><b>6. Federal Department/Agency:</b></p>   | <p><b>7. Federal Program Name/Description:</b></p> <p>CFDA Number, if applicable _____</p>   |  |
| <p><b>8. Federal Action Number, if known:</b></p>   | <p><b>9. Award Amount, if known:</b></p>   |  |
| <p><b>10. Name and Address of Lobby Entity</b><br/> (If individual, last name, first name, MI)</p> <p>(attach Continuation Sheet(s) if necessary)</p>   | <p><b>11. Individuals Performing Services</b> (including address if different from No. 10a)<br/> (last name, first name, MI)</p>   |  |
| <p><b>12. Amount of Payment (check all that apply)</b></p> <p>\$ _____ <input type="checkbox"/> actual    <input type="checkbox"/> planned</p>  | <p><b>14. Type of Payment (check all that apply)</b></p> <p><input type="checkbox"/> a. retainer<br/> <input type="checkbox"/> b. one-time fee<br/> <input type="checkbox"/> c. commission<br/> <input type="checkbox"/> d. contingent fee<br/> <input type="checkbox"/> e. deferred<br/> <input type="checkbox"/> f. other, specify _____</p> |  |
| <p><b>13. Form of Payment (check all that apply):</b></p> <p><input type="checkbox"/> a. cash<br/> <input type="checkbox"/> b. in-kind; specify: nature _____<br/> Value _____</p>  |  |  |
| <p><b>15. Brief Description of Services Performed or to be performed and Date(s) of Service, including officer(s), employee(s), or member(s) contacted, for Payment Indicated in Item 11:</b></p> <p>(attach Continuation Sheet(s) if necessary)</p>  |  |  |
| <p><b>16. Continuation Sheet(s) attached:</b>      Yes <input type="checkbox"/>      No <input type="checkbox"/></p>  |  |  |
| <p><b>17. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying reliance was placed by the tier above when his transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to Congress semiannually 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></p> |  |  |
|   |  | <p>Signature: _____<br/> Print Name: _____<br/> Title: _____<br/> Telephone No.: _____ Date: _____</p>   |
|   |  | <p>Authorized for Local Reproduction<br/> Standard Form - LLL</p>  |
| <p><b>Federal Use Only:</b></p>   |  |  |

Standard Form LLL Rev. 04-28-06

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**INSTRUCTIONS FOR COMPLETING EXHIBIT 10-Q 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 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 of 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. Enter the full name, address, city, state, and zip code of the lobbying entity engaged by the reporting entity identified in Item 4 to influence the covered federal action.
11. 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).
12. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (Item 4) to the lobbying entity (Item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
13. Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
14. Check all boxes that apply. If other, specify nature.
15. Provide a specific and detailed description of the services that the lobbyist has performed or will be expected to perform and the date(s) of any services rendered. Include all preparatory and related activity not just time spent in actual contact with federal officials. Identify the federal officer(s) or employee(s) contacted or the officer(s) employee(s) or Member(s) of Congress that were contacted.
16. Check whether or not a continuation sheet(s) is attached.
17. The certifying official shall sign and date the form, and print his/her name title and telephone number.

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. SF-LLL-Instructions Rev. 06-04

# ATTACHMENT 19

**EXHIBIT 12-B BIDDER'S LIST OF SUBCONTRACTORS (DBE AND NON-DBE)**

**PART I**

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

| Firm Name/<br>Address/<br>City, State, ZIP | Phone/<br>Fax | Annual Gross<br>Receipts                | Description of Portion of Work to be Performed | Local Agency Use<br>Only<br>(Certified DBE?) |
|--|---------------|---|--|--|
| <i>Name</i>                                | <i>Phone</i>  | <input type="checkbox"/> < \$1 million  |  | <input type="checkbox"/> YES                 |
| <i>Address</i>                             |               | <input type="checkbox"/> < \$5 million  |  | <input type="checkbox"/> NO                  |
| <i>City State ZIP</i>                      | <i>Fax</i>    | <input type="checkbox"/> < \$10 million |  | <i>If YES list DBE #:</i>                    |
|  |               | <input type="checkbox"/> < \$15 million |  | <i>Age of Firm (Yrs.)</i>                    |
|  |               | <input type="checkbox"/> > \$15 million |  |  |
| <i>Name</i>                                | <i>Phone</i>  | <input type="checkbox"/> < \$1 million  |  | <input type="checkbox"/> YES                 |
| <i>Address</i>                             |               | <input type="checkbox"/> < \$5 million  |  | <input type="checkbox"/> NO                  |
| <i>City State ZIP</i>                      | <i>Fax</i>    | <input type="checkbox"/> < \$10 million |  | <i>If YES list DBE #:</i>                    |
|  |               | <input type="checkbox"/> < \$15 million |  | <i>Age of Firm (Yrs.)</i>                    |
|  |               | <input type="checkbox"/> > \$15 million |  |  |
| <i>Name</i>                                | <i>Phone</i>  | <input type="checkbox"/> < \$1 million  |  | <input type="checkbox"/> YES                 |
| <i>Address</i>                             |               | <input type="checkbox"/> < \$5 million  |  | <input type="checkbox"/> NO                  |
| <i>City State ZIP</i>                      | <i>Fax</i>    | <input type="checkbox"/> < \$10 million |  | <i>If YES list DBE #:</i>                    |
|  |               | <input type="checkbox"/> < \$15 million |  | <i>Age of Firm (Yrs.)</i>                    |
|  |               | <input type="checkbox"/> > \$15 million |  |  |
| <i>Name</i>                                | <i>Phone</i>  | <input type="checkbox"/> < \$1 million  |  | <input type="checkbox"/> YES                 |
| <i>Address</i>                             |               | <input type="checkbox"/> < \$5 million  |  | <input type="checkbox"/> NO                  |
| <i>City State ZIP</i>                      | <i>Fax</i>    | <input type="checkbox"/> < \$10 million |  | <i>If YES list DBE #:</i>                    |
|  |               | <input type="checkbox"/> < \$15 million |  | <i>Age of Firm (Yrs.)</i>                    |
|  |               | <input type="checkbox"/> > \$15 million |  |  |

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**EXHIBIT 12-B BIDDER'S LIST OF SUBCONTRACTORS (DBE AND NON-DBE)**

**PART II**

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

| Firm Name/<br>Address/<br>City, State, ZIP | Phone/<br>Fax | Annual Gross Receipts   | Description of Portion of Work to be Performed | Local Agency Use Only<br>(Certified DBE?)  |
|--|---------------|---|--|--|
| <i>Name</i>                                | <i>Phone</i>  | <input type="checkbox"/> < \$1 million<br><input type="checkbox"/> < \$5 million<br><input type="checkbox"/> < \$10 million<br><input type="checkbox"/> < \$15 million<br><input type="checkbox"/> > \$15 million |  | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><i>If YES list DBE #:</i> |
| <i>Address</i>                             | <i>Fax</i>    |   |  | <i>Age of Firm (Yrs.)</i>  |
| <i>City State ZIP</i>                      |               |   |  |  |
| <i>Name</i>                                | <i>Phone</i>  | <input type="checkbox"/> < \$1 million<br><input type="checkbox"/> < \$5 million<br><input type="checkbox"/> < \$10 million<br><input type="checkbox"/> < \$15 million<br><input type="checkbox"/> > \$15 million |  | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><i>If YES list DBE #:</i> |
| <i>Address</i>                             | <i>Fax</i>    |   |  | <i>Age of Firm (Yrs.)</i>  |
| <i>City State ZIP</i>                      |               |   |  |  |
| <i>Name</i>                                | <i>Phone</i>  | <input type="checkbox"/> < \$1 million<br><input type="checkbox"/> < \$5 million<br><input type="checkbox"/> < \$10 million<br><input type="checkbox"/> < \$15 million<br><input type="checkbox"/> > \$15 million |  | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><i>If YES list DBE #:</i> |
| <i>Address</i>                             | <i>Fax</i>    |   |  | <i>Age of Firm (Yrs.)</i>  |
| <i>City State ZIP</i>                      |               |   |  |  |
| <i>Name</i>                                | <i>Phone</i>  | <input type="checkbox"/> < \$1 million<br><input type="checkbox"/> < \$5 million<br><input type="checkbox"/> < \$10 million<br><input type="checkbox"/> < \$15 million<br><input type="checkbox"/> > \$15 million |  | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><i>If YES list DBE #:</i> |
| <i>Address</i>                             | <i>Fax</i>    |   |  | <i>Age of Firm (Yrs.)</i>  |
| <i>City State ZIP</i>                      |               |   |  |  |

# ATTACHMENT 20

EXHIBIT 15-H DBE INFORMATION —GOOD FAITH EFFORTS

DBE INFORMATION - GOOD FAITH EFFORTS

Federal-aid Project No. \_\_\_\_\_ Proposal Due Date \_\_\_\_\_

The City of Moreno Valley/County of Riverside established a Disadvantaged Business Enterprise (DBE) goal of **8%** for this project. The information provided herein shows that a good faith effort was made.

All proposers shall submit the following information to document adequate good faith efforts. Proposer should submit the following information even if the Proposer Exhibit 10-O1 “Consultant Proposal DBE Commitment” form indicates that the proposer has met the DBE goal. This will protect the Proposer’s eligibility for award of the contract if the City of Moreno Valley determines that the Proposer failed to meet the goal for various reasons, e.g., a DBE firm was not certified at bid opening, or the Proposer made a mathematical error.

Submittal of only the “Proposer Consultant Proposal DBE Commitment” form may not provide sufficient documentation to demonstrate that adequate good faith efforts were made.

The following items are listed in Section VI. of the RFP, “Disadvantaged Business Enterprises:

- A. The names and dates of each publication in which a request for DBE participation for this project was placed by the proposer (please attach copies of advertisements or proofs of publication):

| <u>Publications</u> | <u>Dates of Advertisement</u> |
|---------------------|-------------------------------|
|                     |                               |
|                     |                               |
|                     |                               |

- B. The names and dates of written notices sent to certified DBEs soliciting bids for this project and the dates and methods used for following up initial solicitations to determine with certainty whether the DBEs were interested (please attach copies of solicitations, telephone records, fax confirmations, etc.):

| <u>Names of DBEs Solicited</u> | <u>Date of Initial Solicitation</u> | <u>Follow Up Methods and Dates</u> |
|--------------------------------|-------------------------------------|------------------------------------|
|                                |                                     |                                    |
|                                |                                     |                                    |
|                                |                                     |                                    |
|                                |                                     |                                    |
|                                |                                     |                                    |
|                                |                                     |                                    |
|                                |                                     |                                    |

C. The items of work which the proposer made available to DBE firms including, where appropriate, any breaking down of the contract work items (including those items normally performed by the proposer with its own forces) into economically feasible units to facilitate DBE participation. It is the proposer's responsibility to demonstrate that sufficient work to facilitate DBE participation was made available to DBE firms.

| Items of Work | Proposer Normally Performs Item (Y/N) | Breakdown of Items | Amount (\$) | Percentage Of Contract |
|---------------|---------------------------------------|--------------------|-------------|------------------------|
|               |                                       |                    |             |                        |
|               |                                       |                    |             |                        |
|               |                                       |                    |             |                        |

D. The names, addresses and phone numbers of rejected DBE firms, the reasons for the proposer's rejection of the DBEs, the firms selected for that work (please attach copies of cost proposals from the firms involved), and the price difference for each DBE if the selected firm is not a DBE:

Names, addresses and phone numbers of rejected DBEs and the reasons for the proposer's rejection of the DBEs:

---

---

---

---

Names, addresses and phone numbers of firms selected for the work above:

---

---

---

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E. Efforts made to assist interested DBEs in obtaining bonding, lines of credit or insurance, and any technical assistance or information related to the plans, specifications and requirements for the work which was provided to DBEs:

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F. Efforts made to assist interested DBEs in obtaining necessary equipment, supplies, materials or related assistance or services, excluding supplies and equipment the DBE subconsultant purchases or leases from the prime consultant or its affiliate:

---

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G. The names of agencies, organizations or groups contacted to provide assistance in contacting, recruiting and using DBE firms (please attach copies of requests to agencies and any responses received, i.e., lists, Internet page download, etc.):

| Name of Agency/Organization | Method/Date of Contact | Results |
|-----------------------------|------------------------|---------|
|-----------------------------|------------------------|---------|

---

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H. Any additional data to support a demonstration of good faith efforts (use additional sheets if necessary):

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**NOTE:** USE ADDITIONAL SHEETS OF PAPER IF NECESSARY.

## Exhibit B

February 5, 2015

Ms. Margery Lazarus, P.E., Senior Engineer  
City of Moreno Valley, Capital Projects Division  
14177 Frederick Street  
Moreno Valley, CA 92552-0805

Reference: Revised Cost Proposal for Professional Consultant Services for Aqueduct Trail System including Missing Segments and Street Crossings, Project Number: 801 0055

Dear Ms. Lazarus:

KOA Corporation is very pleased to submit our Revised Cost Proposal for the above referenced project. Our team is composed of very qualified staff with a solid history and experience on similar projects.

KOA has used the scope included in the RFP and subsequent revision discussions as the basis for the fee proposal. KOA's Ontario office will serve as the project office and I will lead the team as Project Manager.

Please note that KOA's proposed General and Administrative overhead rate is lower than our most recent Federal Audited Rate (Our audited rate is 67.59%, while our proposed rate is 25%). We have provided this rate voluntarily and as an effort to maintain the cost of the project within budget limitations.

Our proposal is valid for a period of 90 days from the date of this submittal. We look forward to working on this interesting and exciting project for the City.

Sincerely,  
**KOA Corporation**



Chuck Stephan, P.E.  
Principal-in-Charge

## City of Moreno Valley - Aqueduct Trail System Cost Proposal

Consultant: KOA Corporation

Contract No. Proj 801 0055

Date: 2/5/2105

### DIRECT LABOR

| Classification/Title  | Name              | Hours | Actual Hourly Rate | Total        |
|-----------------------|-------------------|-------|--------------------|--------------|
| Principal Engineer I  | Chuck Stephen     | 269   | \$ 70.00           | \$ 18,830.00 |
| Principal Engineer I  | Min Zhou          | 133   | \$ 73.50           | \$ 9,775.50  |
| Senior Engineer I     | Walter Okitsu     | 24    | \$ 68.00           | \$ 1,632.00  |
| Senior Engineer II    | Ming Guan         | 182   | \$ 42.40           | \$ 7,716.80  |
| Principal Engineer I  | Alan Braatvedt    | 68    | \$ 69.00           | \$ 4,692.00  |
| Assistant Engineer II | Andrew Osaki      | 168   | \$ 29.50           | \$ 4,956.00  |
| Assistant Designer II | William Greenwell | 184   | \$ 21.00           | \$ 3,864.00  |
| Administrative I      | Denise Martin     | 42    | \$ 29.45           | \$ 1,236.90  |
|                       |                   | 0     | \$ -               | \$ -         |
|                       |                   | 0     | \$ -               | \$ -         |

### LABOR COSTS

a) Subtotal Direct Labor Costs  
b) Anticipated Salary Increases

\$ 52,703.20  
\$ -

c) **TOTAL DIRECT LABOR COSTS** [(a)+(b)] \$ 52,703.20

### FRINGE BENEFITS

d) Fringe Benefit (Rate: 57.12%)

e) **TOTAL FRINGE BENEFITS**

[(c) x (d)] \$ 30,104.07

### INDIRECT COSTS

f) Overhead (Rate: 49.95%)

g) Overhead [(c) x (f)] \$ 26,325.25

h) General and Administrative (Rate: 25.00%)\*

i) Gen & Admin [(c) x (h)] \$ 13,175.80

(\*voluntary reduced rate)

j) **TOTAL INDIRECT COSTS** [(e) + (g) + (i)] \$ 69,605.12

### FIXED FEE (Profit)

q) (Rate: 10%)

k) **TOTAL PROFIT** [(c) + (j)] x (q) \$ 12,230.83

### OTHER DIRECT COSTS (ODC)

#### Description

l) Travel/Mileage Costs (supported by consultant actual costs)

\$ 500.00

m) Equipment Rental and Supplies (itemize)

\$ -

n) Permit Fees (itemize), Plan sheets (each), Test Holes (each) etc.

\$ -

o) Subconsultant Costs (attach detailed cost proposal in same format as prime consultant estimate for each subconsultant)

\$ 240,416.03

p) **TOTAL OTHER DIRECT COSTS** [(l) + (m) + (n) + (o)] \$ 240,916.03

**TOTAL COST** [(c) + (j) + (k) + (p)] \$ 375,455.18

### NOTES:

Employees subject to prevailing wage requirements to be marked with an \*.

ODC items should be based on actual costs and supported by historical data and other documentation.

ODC items that would be considered "tools of the trade" are not reimbursable.

ODC items should be consistently billed directly to all clients, not just when client will pay for them as a direct cost.

ODC items when incurred for the same purpose, in like circumstances, should not be included in any indirect cost pool or in overhead rate

December 8, 2014

Ms. Margery Lazarus, P.E., Senior Engineer  
City of Moreno Valley, Capital Projects Division  
14177 Frederick Street  
Moreno Valley, CA 92552-0805

Reference: Proposal for Professional Consultant Services for Aqueduct Trail System including Missing Segments and Street Crossings, Project Number: 801 0055  
**Phase I Priority PS&E Design – Typical Scope and Fee**

Dear Ms. Lazarus:

As per the RFP, we have enclosed a separate Scope and Fee for development of a typical Priority I PS&E document. We note that this is a very subjective Scope and Cost, subject to modification based on the actual scope of work to be completed.

KOA Corporation is very pleased to submit our Cost Proposal for the above referenced project. Our team is composed of very qualified staff with a solid history and experience on similar projects.

KOA has used the scope included in the RFP as the base for the fee proposal. KOA's Ontario office will serve as the project office and I will lead the team as Project Manager.

We believe that you will find our proposal to be comprehensive and responsive with demonstrated ideas and approaches that clearly outline our approach to successful completion of this project.

Our proposal is valid for a period of 90 days from the date of this submittal.

Thank you very much for affording us the opportunity to work with the City of Moreno Valley on this important project.

Sincerely,  
**KOA Corporation**



Chuck Stephan, P.E.  
Principal-in-Charge

## Priority 1 Improvement PS&E Scope of Work

KOA Corporation will prepare construction ready Plans, Specifications and Construction Cost Estimate (PS&E) for a typical Priority I Trail segment as designated by the City of Moreno Valley. Note that the proposed Scope of Work and costs are typical only.

An actual Priority I project segment could be as simple as improving a trail entrance area, or providing on-street bike lane signing and striping through a residential neighborhood; or could be as complex as designing a ½ mile segment through undeveloped property, with associated trail entrances and arterial highway crossings with traffic signal modifications. We would meet with the City to discuss any selected project segments in detail, and tailor our work to provide the City with the most cost effective and efficient approach possible for the designated project area.

With KOA's highly qualified Traffic Engineering, Civil Engineering, Project Management, and Construction Management resources, we are able to provide the City with experienced staff able to develop the Aqueduct Trail scoping document as well as PS&E and constructability review tasks. KOA would utilize our subconsultant team of **Epic Land Solutions, ICF Jones & Stokes, MIG, Psomas, and Twining Laboratories** to provide specialty services as needed for the specific project segment selected.

Our PS&E Services would include, at a minimum, the following tasks:

- Prepare Plans and Specifications for the designated Aqueduct Trail improvement project, including street improvements, drainage facilities, traffic signals, striping and signing, and traffic control plans, with submission for review at 100%, final, and Mylar stages. We propose an additional preliminary submittal and review at the 50% complete level to ensure that work is proceeding in the direction as desired by the City. PS&E work will include Quality Control and Assurance measures, and an independent Constructability Review prior to submittal of the final draft plans.
- Design off-site improvements as required by the selected project alternate, such as signage and drainage improvements.
- Prepare Construction Cost Estimates, separated by funding sources and construction bid items, with submission for review along with plans and specifications.
- The final Plans, Specifications, and Construction Cost Estimate (PS&E) will be stamped and signed by KOA's California licensed responsible Civil Engineer in charge of the project.
- Final landscaping, irrigation, and planting plans (if included) will be stamped and signed by KOA's California licensed responsible Landscape Architect (MIG), in charge of that portion of the project.
- KOA will prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) (if required) for approval in accordance with City requirements.
- KOA will prepare 2nd, 3rd and final utility notices, and coordinate with utility companies for relocation of interfering utilities as required.
- KOA will adjust the final design plans and corresponding documents to reduce the scope of work to match available budget in accordance with City-specified priorities.

# Item No. A.4

| KOA Corporation  |   | Month 1 | 2 | 3 | 4 | 5 | 6 |
|--|---|---------|---|---|---|---|---|
| <b>TYPICAL Priority I PS&amp;E Project Schedule</b>      |   |         |   |   |   |   |   |
| Aqueduct Trail Project                                   |   |         |   |   |   |   |   |
| City of Moreno Valley                                    |   |         |   |   |   |   |   |
| <b>TASKS</b>   |   |         |   |   |   |   |   |
| <b>PRIORITY I PS&amp;E DEVELOPMENT (SAMPLE SCHEDULE)</b> |   |         |   |   |   |   |   |
| 230-   | 1. Improvement Plan Preparation                               |         |   |   |   |   |   |
|  | 2. Deliverables   |         |   |   |   |   |   |
|  | 3. Submittals to City, Agencies, Utilities, etc.              |         |   |   |   |   |   |
|  | 4. Environmental Documentation                                |         |   |   |   |   |   |
|  | 5. Survey   |         |   |   |   |   |   |
|  | 6. Right of Way   |         |   |   |   |   |   |
|  | 7. Landscaping/Wayfinding                                     |         |   |   |   |   |   |
|  | 8. Final Estimate of Quantities and Cost                      |         |   |   |   |   |   |
|  | 9. Reproduction of the Design Drawings and Contract Documents |         |   |   |   |   |   |
|  | 10. Questions During Bidding and Pre-Construction Meeting     |         |   |   |   |   |   |

December 8, 2014

Ms. Margery Lazarus, P.E., Senior Engineer  
City of Moreno Valley, Capital Projects Division  
14177 Frederick Street  
Moreno Valley, CA 92552-0805

Reference: Proposal for Professional Consultant Services for Aqueduct Trail System including Missing Segments and Street Crossings, Project Number: 801 0055

Dear Ms. Lazarus:

KOA Corporation is excited to provide professional engineering services to the City of Moreno Valley for this important active trail project. Our civil engineering design division specializes in developing state of the art recreational and bicycle trail projects. KOA has recently completed a project study report for the County of Los Angeles LA River Trail; we are currently working on a planning study for the Orange County Transportation Authority's 66-mile-long "OC Loop" trail; and KOA completed a project study for the Port of Long Beach Pier J Bicycle and Pedestrian Trail project, for which we are now preparing construction plans and specifications.

I will be the contact person for the selection process. I am located in our Ontario office at 3190 C Shelby Street, Ontario, California 91764, (909) 890-9693. I can also be reached by cell phone at (310) 525-0678.

We have teamed with **Epic Land Solutions, ICF Jones & Stokes, MIG, Psomas, and Twining Laboratories** to provide right of way, environmental, landscape architecture, surveying, and geotechnical engineering services, respectively. **Epic Land Solutions** is a CUCP **DBE** Certified firm.

We concur that the City's RFP will be incorporated in its entirety, jointly with this proposal prepared by KOA, and will become part of the Agreement for professional consultant services when executed by both parties. We have listed all the required statements requested by the City as a part of this proposal. We have utilized one DBE certified firm as a part of our effort to encourage DBE participation on projects, and exceed the City's required goal.

The attached proposal presents our technical qualifications, schedule, and our estimated resource allocations for the project. Our cost proposal is provided in a separate sealed envelope, as requested. We look forward to working with the City on this project. A scope and fee to complete 100% plans for a typical first priority improvement (Priority I improvement PS&E) project is included in a separate envelope as requested.

Sincerely,  
**KOA Corporation**



Chuck Stephan, P.E.  
Principal-in-Charge/Project Manager



## SECTION A – PROJECT UNDERSTANDING



### A. Project Understanding

What is the Aqueduct Trail Project? Portions of a public recreational trail system and open space, in various forms, have been constructed in various locations in the City of Moreno Valley along the alignment of the Santa Ana Pipeline, which is a segment of the California State Water Project (SWP). The 28-mile-long Santa Ana Pipeline delivers water from the SWP Devil Canyon Powerplant and its two afterbays north of San Bernardino, underground to Lake Perris, the southernmost SWP facility and one of Southern California's most popular recreation locations. Within Moreno Valley, the buried pipeline is 10' in diameter, located generally within a 100' wide easement, although the alignment right of way exists in various forms. The proposed Aqueduct Trail Project will upgrade and complete the entire trail system across the City, connecting to the Lake Perris State Recreational Area (incomplete sections of the trail are shown in green

in the above exhibit). Our proposed study will examine the entire alignment, including users, trails, street crossings, and connections, and develop recommendations for typical cross sections, alignments, street crossing treatments, materials, wayfinding and landscaping, and connections, to maximize use and benefit of the trail for the public. Our work will include a general topographic survey, right of way research, planning, engineering, and landscape architecture services to develop an optimized system for the City. We will make recommendations for follow-up work in the phased implementation of plans and specifications for actual construction development of the trail system.

### Overview

The City of Moreno Valley's Proposed Aqueduct Trail System ("Trail") is proposed to align generally along the existing Santa Ana Pipeline alignment. Various sections of the trail have already been completed, and most of the other sections are already publically utilized to some extent, although in an unimproved (i.e., bare dirt) condition. KOA staff had the opportunity to ride and assess the entire length of the Trail in its current condition on a mild Saturday morning. It was quite enjoyable to see how the Trail will connect with a variety of community activities and public spaces. We passed several schools and parks, dining, shopping, entertainment, office, commercial, and residential areas. There were various soccer, football, and baseball events, as well as people of all ages walking, jogging, cycling, and enjoying the Trail and parks along the route.



The proposed Trail alignment is fairly unique, in that it cuts right through the heart of the City, providing convenient and ready access to City residents. On our return ride, we were able to ride the entire length of the Trail in just 40 minutes, even with the current unimproved street crossings. Completion of the Trail is an exciting prospect which will create a valuable asset to the City, providing a convenient corridor for transit and recreational uses. The generally 100' wide corridor provides significant opportunity for greening, landscaping, rest areas, wildlife oasis, and open area enjoyment.

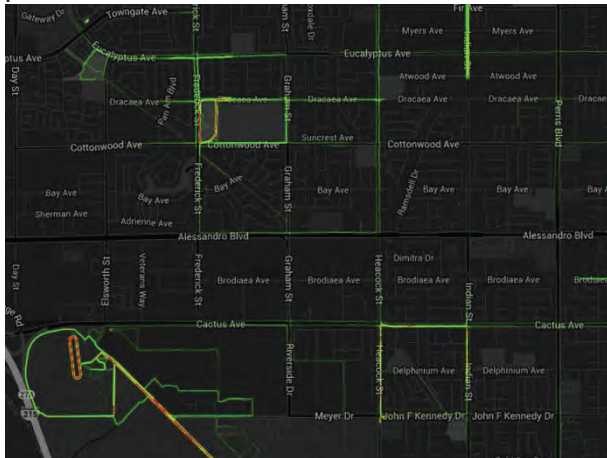
## SECTION B – APPROACH AND MANAGEMENT PLAN

### Commencement, Schedule and Budget

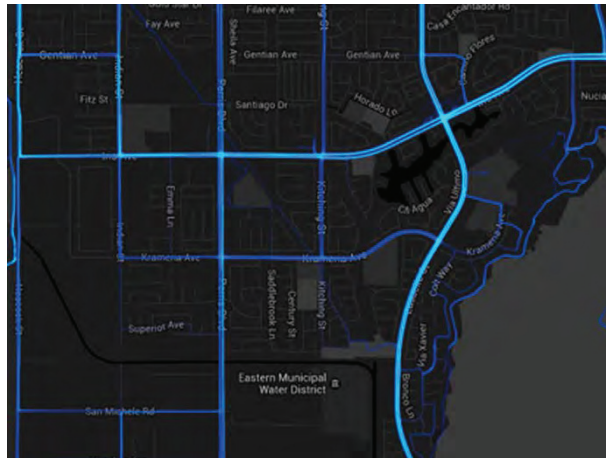
At project commencement, KOA will meet with the City to discuss the project goals, meetings, information submittals, and scope of work in depth. We will establish an agreed-upon schedule and budget, and review program with the City. The schedule and project cost will be monitored throughout project development, and regular updates provided to the City through reporting and/or at our regular project meetings. We will have detailed cost reports available each month at the reconciliation of our accounting system.

### Analyze Existing and Proposed Environment

KOA will begin work by analyzing existing and proposed land uses, proposed developments, and General Plan; existing and proposed bike and recreation paths and trails in the City of Moreno Valley, and for neighboring jurisdictions at the trail terminus; and existing available bike and running data (i.e., “Strava” application and field research). This data will help determine the types of facility to construct, and help in proposing project phasing priorities.



“Strava” runner graphic data for Moreno Valley



“Strava” cycling graphic data

This type of data will begin to paint an image of where residents and visitors choose to go and how they move about Moreno Valley. Improving the connections with the overall regional bicycle network will become increasingly valuable as more people choose to commute by bicycle.

The Riverside Transit Agency provides a range of local, regional and inter-regional transit services to Moreno Valley residents. These routes help to provide connections between many of the attractions and destinations within the city and adjacent communities. RTA operates 9 routes and 22 transfer stations within the city, of which 7 routes and 11 stations are accessible within a mile radius of the proposed route. The availability of transit services along the route expands the potential travel distance for cyclists and can help to encourage increased cycling and transit usage for commute and non-commute trips.

In general, residential density along the proposed route consists of a mix of single family residential on the east side and significant areas zoned for 15-20 dwelling units per acre on the west side. There is also a large amount of medium density residential zoning consisting of 10 units per acre located adjacent and bordering Lake Perris State Recreation Area. This mix of densities provides a great opportunity to improve the connections with the overall regional bicycle network which will become increasingly valuable as more people choose to commute by bicycle.

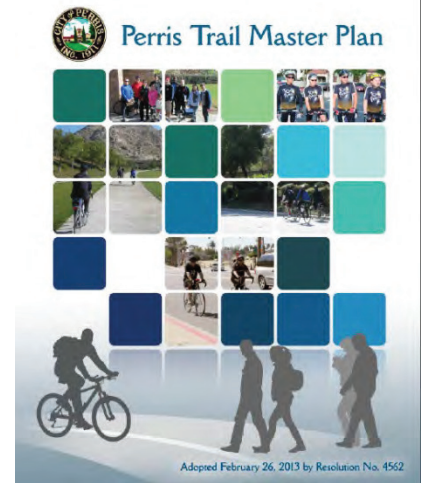
The City of Moreno Valley supports 23 elementary schools, 6 middle schools, 5 high schools, 6 alternative schools, and a community college. There are approximately 16 of these schools located within a mile radius of the proposed route. There are 30 park facilities distributed throughout the city, of which approximately 11 of these facilities are



within a mile radius of the proposed route. Lake Perris State Recreation Area borders the city on the southeast. This is the terminus of the proposed route; however, it also represents a great opportunity to expand the bikeway connections for On Road Bicycles, Off-road Bicycles, Pedestrians/Joggers, Equestrians, Casual and other Competitive Users into the park.

In general, most retail and other consumer service centers, major employers, office complexes, and industrial sites are located immediately north and east of the March Air Reserve Base and in the southwest portion of the city. This in turn creates a direct relation to employment density, and indicates the need to provide a bikeway facility to meet the demands for the potential commuting and shopping trips. The proposed route would provide a safe connection to major attractions and destinations.

We will examine connections to the adjoining facilities for additional usability and transit/recreational opportunities. The City of Perris has prepared their Perris Trail Master Plan, which includes opportunities for connection to the Moreno Valley Aqueduct Trail to create a regional trail system.



### Develop Recommendations for Providing Access and Accommodating Users

KOA will consult with the City in determining recommendations for providing maximum access and use of the trail for daily commuters (schools and businesses), transit to local parks and recreation programs, and for recreational riders. With regional connections, the trail can become a popular part of larger events.

### Create Identity (MIG)

KOA, with our Landscape Architect partner, MIG, will create a unique sense of identity for the Trail across the city. We anticipate the consideration of signature wayfinding entrances and waypoints, directional and instructional signage including historical perspectives and ecological points, and comfort stations. The project will link to residential neighborhoods, businesses, schools, and parks, which will each lend a destination to the project. We will discuss the merits of including historical references to the original land users and of the important Juan Bautista de Anza Trail.



### Proposed Improvements

#### Trail Section

KOA will review existing and proposed uses, regulatory requirements (including the Caltrans Manual of Uniform Traffic Control Devices [MUTCD], and Highway Design Manual), and available properties, and develop recommendations for typical trail sections to be utilized along the length of the Trail System. Several typical sections will be developed based on the available right of way, off- or on-road alignments, existing landscape or infrastructure improvements, destinations, and expected users. For example, toward Lake Perris, the City may want to consider accommodating some equestrian usage if appropriate. Other accommodations may be recommended for school, office and manufacturing, or entertainment and shopping areas.

#### Pavement

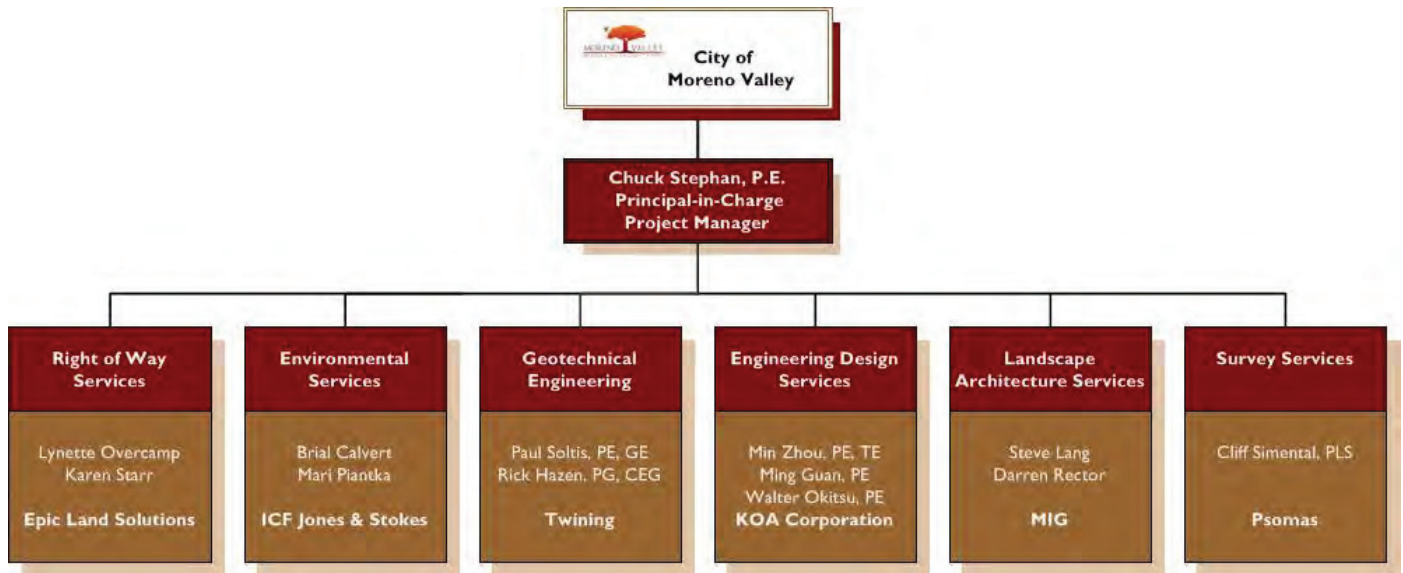
We will consult with the City in the determination of appropriate pavement materials, colors, textures, and design requirements. Material lifespan and expected maintenance requirements will be considered. Generally, we will look at durable paving for cycling and on-street areas (asphalt concrete, or Portland cement concrete pavements), and natural aggregates for jogging and equestrian areas. Typical maintenance considerations are tree root intrusion, and maintenance vehicle usage. An additional concern will be from California Water Project inspection and maintenance activities. The design and materials should accommodate expected uses at a manageable cost for construction and

maintenance. We do have the ability to incorporate decorative or wayfinding elements such as color and texture, as well as detail materials such as concrete pavers.

**Striping, Markings, and Regulatory Signs**

KOA will ensure that all signing and markings will conform to regulatory requirements, including use of the current California MUTCD. Additional signing and markings will be developed as a part of the landscape architecture process to ensure that the trail has its own identifiable signature and obvious wayfinding elements, maps, and educational/interpretive exhibits.

**Further discussion of specific scope of work is detailed in Section E - Work Plan and Schedule**



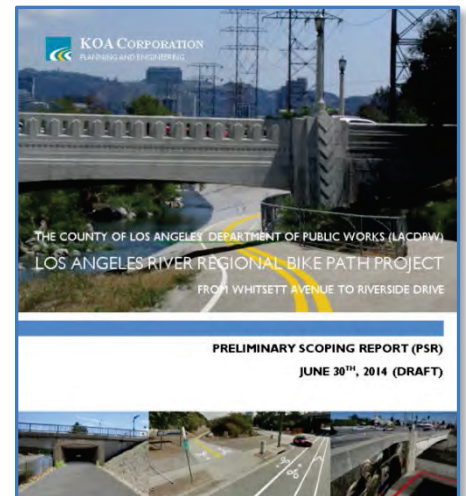
## SECTION C – QUALIFICATIONS AND EXPERIENCE

### KOA PROJECT EXPERIENCE

**Los Angeles County Department of Public Works, Los Angeles River Regional Bike Path Project, Preliminary Scoping Report, Los Angeles, CA.** The LA County Department of Public Works selected KOA to conduct an extensive site investigation and analysis of the Los Angeles River area, and complete a Preliminary Scoping Report (PSR) regarding development of a proposed continuous Class I bike trail system for a 6-mile stretch along the River, from Whitsett Avenue to Riverside Drive. The PSR identifies general right-of-way constraints, physical constructability constraints, environmental impacts, overall program schedule, route alignment alternatives, and recommendations for construction of the bike path. Development of the PSR was based on the compilation and review of previous studies and existing available data, existing planned projects, meetings with stakeholders, and the assessment of multiple design alternatives. The study effort resulted in a preferred recommendation and several alternative recommendations for the development of follow-on design work. Major task elements included:

- Right-of-Way
- Environmental
- Bike Path and Roadway Design
- Drainage
- Utilities
- Construction
- Sustainability
- Schedule for Design and Construction Phases of the Project
- Project Cost Estimate
- Provide design cost estimate
- Discussion of Community/Public Outreach Planning
- Cities of Los Angeles, Glendale, and Burbank Coordination; ACOE; major film studios; neighborhood associations; public outreach

**Reference:** Mr. Allan Abramson, Senior Civil Engineer, Programs Development Division, Federal Programs, County of Los Angeles Department of Public Works, 900 S. Fremont Ave., Alhambra, CA 91803, (626) 458-3950, [AABRAMS@dpw.lacounty.gov](mailto:AABRAMS@dpw.lacounty.gov).



**Port of Long Beach South Waterfront/ Pier J Bike/ Pedestrian Path, Long Beach, CA.** The Port of Long Beach (POLB) selected KOA to conduct an extensive site investigation and analysis of the POLB Pier J waterfront area, and complete a Preliminary Scoping Report regarding development of proposed continuous bike and pedestrian trail systems for a 1.5-mile stretch along the Port. The Pier J area includes important City resources and attractions including hotels and restaurants, natural ocean resources and recreation activities, the Queen Mary and cruise lines, and Port operations. The preliminary study effort resulted in a preferred recommendation and alternative recommendations for the development of follow-on design work. KOA is currently completing the design work for this project. Major task elements include:

- Environmental
- Bike Path and Roadway Design
- Drainage
- Utilities
- Construction
- Sustainability
- Schedule
- Cost Estimate
- Community/Public Outreach

**Reference:** Ron Richardson, P.E., Senior Civil Engineer, Port of Long Beach, 4801 Airport Plaza Dr., 3rd Fl., Long Beach CA 90815, (562) 283-7872, [ron.richardson@polb.com](mailto:ron.richardson@polb.com)



**OCTA Orange County Bikeway Loop Planning Support, Orange County, CA.** OCTA is reaching out to the community in support of SCAG's Orange County Bikeway Loop feasibility study to close five remaining gaps along the county-wide 64-mile route. The completion of the loop will significantly increase recreational ridership and, more importantly, utilitarian ridership such as by commuters, students, and shoppers. The goal is to provide a safe, convenient, and pleasant riding experience along the OC Loop for all users. KOA is providing dedicated professional and support staff expertise to OCTA for the coordination and collaboration between stakeholders, and is assisting with the implementation of the planning and programming for the completion of the loop. KOA's tasks on this project include project management; project support for the loop, such as with campaign branding, coordinating summits for elected officials, public outreach, and developing an action plan; and local agency assistance. **Reference:** Carolyn Mamaradlo, Transportation Analyst, Orange County Transportation Authority, 550 S. Main Street, Orange, CA 92868, (714) 560-5748, [cmamaradlo@octa.net](mailto:cmamaradlo@octa.net).

**Santa Ana River Trail, Orange County, CA.** KOA provided civil, lighting, and traffic engineering design for the construction of a new 10-foot wide by 1,200-foot-long pedestrian pathway along the Santa Ana River Trail adjacent to the new ARTIC multimodal station in Anaheim. The development of the plans required coordination with the City of Anaheim, the Orange County Flood Control District, Orange County Public Works, Caltrans, and the contractor and engineer for the construction of the ARTIC station. The project included the construction of a planted modular retaining wall topped with decorative railing. The plans are in final Caltrans review. The project is expected to be constructed by the end of 2014.



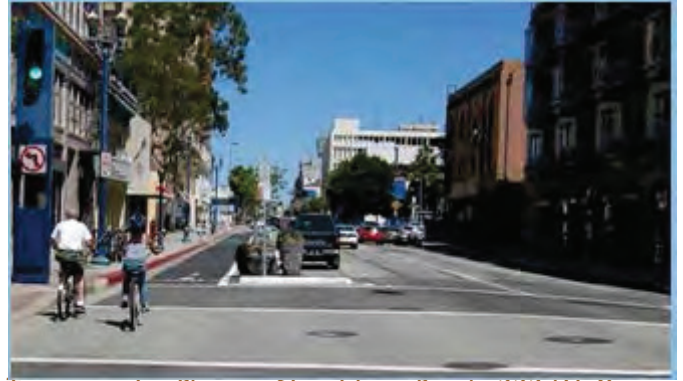
**Reference:** Don Wilson, Principal, Cornerstone Studios, 106 W. 4<sup>th</sup> Street, #5, Santa Ana, CA 92701, (714) 973-2200, [don@csstudios.com](mailto:don@csstudios.com).

**El Camino Real – Class I (Protected) Bikeway Final Plan Preparation, San Clemente, CA.** The City of San Clemente obtained a grant to implement a Class I bike lane along El Camino Real between Camino Capistrano and Avenida Estacion. KOA's work included designing a 0.9-mile protected bicycle path stretching from Coast Highway at Camino Capistrano to El Camino Real at Avenida Estacion in North Beach. The design components included K-rail concrete barriers, re-striping, sidewalk pavers, upgrades of the existing wheel chair ramps, bike signals, and traffic signal modification. The striped lanes would offer an alternative to cyclists who prefer a freer, higher-speed route versus the confined space of the barrier-protected facility, which would likely attract mixed traffic such as joggers, walkers, skateboarders, strollers, and dog walkers. It is expected that the route would be a tremendously popular path upon completion of the construction in early 2015. KOA completed the conceptual design, which was approved by the City Council. **Reference:** Tom Frank, P.E., Transportation Engineering Manager, City of San Clemente, 100 Avenida Presidio, San Clemente, CA 92672, (949) 361-6127, [FrankT@san-clemente.org](mailto:FrankT@san-clemente.org).

**Broadway and Third Street Protected Bicycle Lanes Feasibility Study & Design Project; Broadway and Third Street Cycle Track Redesign Project, Long Beach, CA.** Broadway and Third Street from a one-way couplet, providing important access from the downtown core of Long Beach to the I-710 Freeway. The City retained KOA to develop a protected bikeway facility, also known in Europe as a cycle track, to provide an enhanced facility for bicyclists accessing the downtown area. The protected bikeway shifts parking away from the curb line and provides a bikeway located between parked vehicles and the left-side curb. Special left-turn signals and bicycle signals were provided to reduce conflicts between left-turn vehicles and the bikeway. Adjacent crosswalk signals were re-timed to provide synchronization for both motorists and bicyclists. The project required approval by the Federal Highway Administration (FHWA) for the use of bicycle signal indications and green pavement paint in certain conflict zones. The project had its grand opening in May 2011.

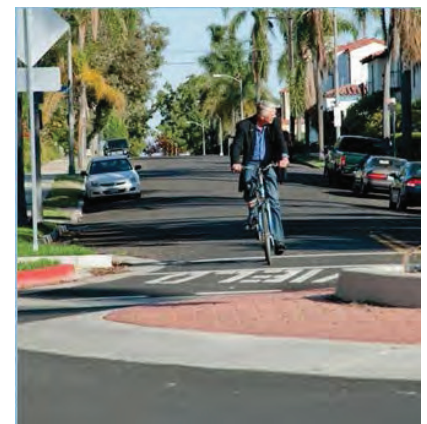


After two years of implementing the cycle tracks as a demonstration project, KOA was again retained by the City to help redesign the cycle track and aim for its permanent implementation. Phase I of the project provided conceptual redesign by focusing on balancing vehicle traffic, bicycle activities, pedestrian activities, and on-street parking. Two conceptual alternatives, including contra-flow cycle tracks and two-way cycle tracks, were explored and developed. KOA provided construction engineering cost estimates as part of the Phase I design effort. We are currently waiting to start the Phase II final design effort, possibly in late 2014. **Reference:** Steve Tweed, Transportation Planner, City of Long Beach, 333 W. Ocean Blvd., Long Beach, CA 90802, (562) 570-6266, [Steve.Tweed@longbeach.gov](mailto:Steve.Tweed@longbeach.gov).



**Vista Street Bicycle Boulevard Feasibility Study and PS&E Design, Long Beach, CA.**

This project, constructed in 2011, is the first modern bicycle boulevard in Southern California. KOA wrote the grant, performed the feasibility study, and designed the 1.25-mile-long bicycle boulevard. The bike boulevard is located along Vista Street, an upscale, low-volume residential street a mile from downtown Long Beach. Bike boulevards are important facilities that serve bicycle riders at all age and experience levels. The project provides safe routes to school and includes two roundabouts, six traffic circles, and a bicycle signal at the busy cross street of Redondo Avenue with restricted vehicular movements and wayfinding. These traffic calming measures, designed for low-volume streets, are aimed to lower vehicle speeds and discourage through traffic. The project has become a model for other bicycle boulevard projects. **Reference:** Steve Tweed, Transportation Planner, City of Long Beach, 333 W. Ocean Blvd., Long Beach, CA 90802, (562) 570-6266, [Steve.Tweed@longbeach.gov](mailto:Steve.Tweed@longbeach.gov).



**ICF PROJECT EXPERIENCE**

Founded in 1969, ICF Jones & Stokes, Inc. (an ICF International company hereafter referred to as ICF) is a multidisciplinary professional services firm specializing in NEPA/CEQA/SEPA compliance and providing an array of integrated services in environmental planning and natural resource management for transportation, local government, water, energy, and natural resources clients.

**On-Call Environmental Services, Contract No.’s 08A1169, 08A1521, and 08A2107— Caltrans District 8, Riverside and San Bernardino Counties, California (2005- Ongoing):** ICF was selected by Caltrans District 8 in 2005, 2007, and 2012 to complete a series of environmental task orders related to a variety of roadway improvements in Riverside and San Bernardino Counties. Between the three contracts, we have executed more than 60 task orders. Assignments have involved interchange improvements, interchange construction, a curve radius increase, a left-turn pocket and shoulder widening, a roadway widening and shoulder upgrade, installation of traffic signals at off-ramps, adding left-turn pockets and widening outside shoulders, installation of a traffic signal and safety lighting at an intersection, and a series of air quality studies targeted to these specific roadway improvements. ICF has either completed or contributed to many documents required for CEQA/NEPA compliance under these contracts, including IS/MNDs, IS/EAs, EIS/EIRs, community impact assessments, Natural Environment Studies, air quality reports, and noise studies.

- Big Bear Lake Dam bridge replacement final EIR/EIS
- I-10 at Ramon Road/Bob Hope Drive interchange technical reports and IS/EA
- SR 2 widening and shoulder upgrade IS/MND
- SR 58 Kramer Junction EIR/EIS
- SR 62 Colorado River bridge replacement IS/EA



**Reference:** Chee Ong, Senior Transportation Engineer, Caltrans District 8, 464 W 4th St., San Bernardino, CA 92401, (909) 383-6417, [chee\\_ong@dot.ca.gov](mailto:chee_ong@dot.ca.gov)

### EPIC LAND SOLUTIONS PROJECT EXPERIENCE

Epic Land Solutions, Inc. is a full service right of way consulting firm certified as a Disadvantaged Business Enterprise (woman-owned), and Small Business Enterprise. Epic was founded in 2000 as a California Corporation and currently holds business licenses in California, Oregon and Washington. Epic has been performing work in Southern California for over 14 years. Firm headquarters are located in Los Angeles, with offices in Torrance, Riverside, San Diego, Portland, Oregon and Spokane, Washington. With over 50 qualified professionals committed to superior client service, Epic performs all government projects in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, as well as state and local regulations. Epic is a certified DBE, WBE, and SBE.

**Mid County Parkway, Riverside County, CA (2004-On-going).** Epic secured right of entry grants and provided right of way cost estimates and data sheets for this major transportation project in Riverside County. Epic has also executed value analysis studies, beginning as far back as 2004. Epic prepared a Draft Relocation Impact Report Statement for multiple parcels. With more than 10 alignments being originally proposed, the project included numerous alternatives which involved two major lake dams, numerous habitat lands, and land uses. Some of the unusual right of way challenges included culturally sensitive tribal sites, railroad crossings, outdoor advertising signs, cellular sites, a fire station, police sub-station, recently approved residential tract maps, last resort housing and mobile home properties along with the unusually difficult commercial and industrial properties. Epic successfully acquired 3,000 Rights of Entry Grants in a 7 month timeframe. Epic staff worked closely with RCTC legal counsel to provide all the necessary information required to file on those property owners who did not want to participate voluntarily. **Reference:** Jacobs Civil, Inc., Meredith Cann, P.E., 3257 E. Guasti Road, Suite 120, Ontario, CA 92507, (909) 974-2701, [merideth.cann@jacobs.com](mailto:merideth.cann@jacobs.com).

**Perris Valley Line (PVL), Riverside County, CA (2003- On-going).** Epic's understanding of FTA guidelines and federal provisions for advanced acquisitions proved critical to the success of this 24-mile rail corridor project with 14 crossings. Three properties, totaling nearly \$10 million and covering 22.4 acres, were acquired through advanced acquisition. Epic saved the project millions of dollars by proactively identifying and acquiring these properties prior to imminent development. Epic also was the utility coordinator on this project, identifying 125 potential conflicts throughout the project's alignment, including 162 potholes. Epic provided the LPA with a funding advantage when seeking the best value for potholing services by securing four separate potholing bids for the 162 potholes, resulting in significant project savings. Epic coordinated the exchange of technical data between engineering partners and utility owners to investigate existing utilities. Epic was also responsible for the relocation or removal of seven signboards along the length of the PVL. Lastly, in adherence to FTA requirements, Epic assisted RCTC in the development of a real estate acquisition management plan (RAMP). **Reference:** Nisa Hester, Project Coordinator, 4080 Lemon Street, 3rd Floor, Riverside, CA 92502, (951) 787-7141, [nhester@rctc.org](mailto:nhester@rctc.org).

**SR-79 Realignment, Riverside County, CA (2009-2010).** Epic prepared right of way cost estimates and a Draft Relocation Impact Report for the SR-79 project. The project will realign SR-79 from San Jacinto to Perris. Epic analyzed approximately 200 impacted parcels including residential dwellings, businesses, billboards, dairy farms, and chicken ranches. **Reference:** Alicia Cannon P.E., CH2M Hill, (951) 276-3003, 1770 Iowa Avenue, Suite 200, Riverside, CA 92507, [alicia.cannon@ch2m.com](mailto:alicia.cannon@ch2m.com).

### MIG, INC. PROJECT EXPERIENCE

Since it was founded in 1982, **MIG, Inc.** has focused on planning, designing and sustaining environments that support human development and active lifestyles. Their team of 180 professionals has assisted public agencies throughout the West and the nation in projects that enhance community livability, support revitalization and connect people with places. For over 30 years, their plans have produced results. MIG's work is characterized by a dedication to quality, a flexible approach and creativity in planning and design. For each project, their approach is strategic, context-driven and holistic, addressing social, political, economic and physical factors to ensure their clients achieve the results they

want—on time and within budget. MIG’s planners and designers balance user needs with elegant design to create lasting, award-winning sustainable environments. MIG provides a full range of services from concept, design, feasibility studies, and master plans to construction documentation. They have broad experience in the design of civic, community and outdoor environments that contribute to community livability, integrate people with and without disabilities, promote healthy, active lifestyles and create a sense of place.

**West San Gabriel River Parkway Nature Trail Phases I, II and III, Lakewood, CA (2004-2014).**

West San Gabriel River Parkway Nature Trail represents a multi-phased development of over 20 acres and 1 ½ miles of meandering decomposed granite trail along the west bank of the San Gabriel River. Phase I was developed under transmission lines and required collaboration with Southern California Edison. It also included the redevelopment of the adjacent special use area, Monte Verde Park which involved a new community center with covered patio, informal amphitheater, themed interpretive trail and group picnic area. Phase I planting included many native drought tolerant plants and California grassland. Phases II and III extended the trail and open space planting northerly connecting into May Boyer Park and major arterial streets and regional bike trail on the east bank. MIG was responsible for the public outreach process, conceptual plans, design development, construction plans and construction support services. In addition, MIG participated in the preparation of successful grant proposals and subsequent interviews for State funding of the projects. **Reference:** Ms. Lisa Rapp, Director of Public Works, City of Lakewood, 5050 N. Clark Avenue, Lakewood, CA 90712, (562) 866-9771, lrapp@lakewoodcity.org.



**Big Bear Valley Pedestrian, Bicycle and Equestrian Master Plan, City of Big Bear Lake, CA (2013-2014).**

MIG prepared a Master Plan for a comprehensive plan and vision for a well-planned multi-modal system to improve connectivity and safety for all modes and users in the Big Bear Valley community. The project area included 16.5 square miles of land, including both incorporated and unincorporated communities. The Valley’s influx of tourists and goal of becoming a year round recreational resort places an even greater strain on streets and trails. This required a balanced and responsive system plan for all transportation modes and connection to the surrounding US Forest trails and recreational opportunities. MIG is currently working on the first implementation project from the Master Plan which is the Rathbun Creek Corridor, which runs from the National Forest to Big Bear Lake and will provide a great recreational and educational transect trail. This trail is intended to reinvigorate the Moonridge commercial district as well by connecting to the Alpine Zoo and enhancing safe pedestrian access to the street side businesses. MIG was responsible for the community outreach, stakeholder interviews, presentations to advisory committees and City Council, coordination of project “Get There Big Bear” website, and preparation of draft and final master plan report. **Reference:** Mr. Jim Miller, Director of Community Development, City of Big Bear Lake, 39707 Big Bear Blvd., Big Bear Lake, CA 92315, (909) 633-2391, jmiller@citybigbearlake.com.



**Anaheim Coves Multi-Use Trail, Anaheim, CA (2006-2012).**

MIG was contracted to develop a master plan and construction documents to develop a universally accessible trail with viewing decks, interpretive signage and native plantings. From a safe distance, visitors are able to enjoy the wildlife and 14 acres of open green space around the perimeter of the basin. Located adjacent to the Santa Ana River between Lincoln Avenue and Ball Road, it has been a very successful recharging facility and an important part of OCWD’s water management system for decades. Through the years it has also become a habitat for migrating water fowl that seek refuge and feed on the fish that live in the basin. The City of Anaheim, with the input from the neighboring community and support from State funding, saw this as an opportunity to provide a natural passive recreation



experience as a developed interpretive trail along the banks of the reservoir basin. MIG participated in extensive community outreach, agency meetings, conceptual plans, design development, construction documents and construction support services for this challenging and collaborative project. MIG also assisted in preparing exhibit documents that were included in the successful grant application to the State. **Reference:** Ms. Pamela Galera, Senior Community Services Project Manager, City of Anaheim, 200 S. Anaheim Blvd., Ste. 433, Anaheim, CA 92805, (714) 765-4463, [PGalera@anaheim.net](mailto:PGalera@anaheim.net).

### **TWINING PROJECT EXPERIENCE**

For over 115 years, Twining has taken pride in its reputation for quality, reliability and expertise in providing geotechnical engineering consulting, including design and construction, construction materials testing and construction inspection services. As one of California's largest service providers, Twining has the in-house resources to meet the changing needs of complex construction projects. They employ some of the industry's most well-known construction material experts who perform research and consult with regulatory agencies to shape the future of construction standard practices. The geotechnical team leaders at Twining are highly qualified with experience in geotechnical engineering design, analysis and construction support. Twining's geotechnical engineering team experience includes design support for various facilities including Caltrans bridges and highways, hospitals, schools, water treatment facilities, and other public works facilities.

**Grapefruit Blvd/Old Hwy 111 from 3<sup>rd</sup> to 54<sup>th</sup> Avenue, City of Coachella, CA. (August 2014).** Twining performed pavement evaluation in accordance with ASTM Standard D 6433 and Caltrans Flexible Pavement Rehabilitation Manual. Our team also performed subsurface material investigation to analyze the subgrade soil condition. Based on the findings from surface evaluation and the subsurface testing results, we recommended rehabilitation and reconstruction strategies to the City. Additionally, the current Pavement Condition Index (PCI) for the section was calculated for the city to update their Pavement Management Database. **Reference:** City of Coachella, Oscar Espinoza, PE, Senior Civil Engineer, 1515 6<sup>th</sup> Street, Coachella, CA 92236, (760) 398-5744, [oespinoza@coachella.org](mailto:oespinoza@coachella.org).

**Del Rosa Ave and Highland Ave, City of San Bernardino, CA (November 2012).** Twining provided pavement design recommendations on Del Rosa Avenue from Date Street to Pumalo Street and on Highland Ave from Golden Ave to Lawrence Street. Both sections have alligator cracking and the City wanted us to provide pavement design recommendations for overlay and reconstruction of the pavements. Twining's first tasks was to coordinate and perform field exploration by evaluating the existing pavement condition to determine the type of distress. Task 2, was to perform pavement/materials laboratory testing using the samples obtained by the cores taken from the site. Once completed and results were in, Twining then prepared pavement/materials and design recommendation for design and construction. **Reference:** City of San Bernardino, Ted Rigoni, 300 North D Street, San Bernardino, CA, (909) 384-5198, [Rigoni\\_Le@sbcity.org](mailto:Rigoni_Le@sbcity.org).

### **PSOMAS PROJECT EXPERIENCE**

**On-Call Survey Services, City of Moreno Valley, CA (2005 to Present):** Psomas was selected by the City of Moreno Valley to provide design surveying and construction staking services for its Capital Improvement Program on an on-call basis. We recently completed the 2009 Pavement Resurfacing Project, Phase I (Project No. 08-12256330). This project's scope of services included providing construction control stakes, saw cut and removal marking, curb and edge of pavement staking, ADA handicap ramp staking, pre-construction centerline monument ties, monument replacement, and post-construction Corner Records as required by the Land Surveyors Act.

**Reference:** Mr. Prem Kumar, City Engineer, City of Moreno Valley, Capital Projects Division, 14177 Frederick Street, Moreno Valley, CA 92552, (951) 413-3116, [premk@moval.org](mailto:premk@moval.org).

## SECTION D – STAFFING PLAN

Resumes of key staff, along with their on-going projects and availability are detailed in the Appendix per the RFP.

### **CHUCK STEPHAN, P.E., Project Manager**

#### **KOA CORPORATION**

Chuck Stephan will be the Principal in Charge and Project Manager for this assignment. Chuck has 32 years of engineering and construction experience. As the manager of our Inland Empire office, he will oversee this important project. Chuck is currently managing development of plans and specifications for the Port of Long Beach Pier J Bicycle/Pedestrian Path project, among others.

**CURRENT ASSIGNMENTS AND AVAILABILITY:** Chuck is currently managing development of plans and specifications for the Port of Long Beach Pier J Bicycle/Pedestrian Path project, among others. He can provide an average of 20 hours per week to complete this project.

### **MIN ZHOU, P.E., Traffic Engineer**

#### **KOA CORPORATION**

Min Zhou, P.E. will be our Traffic Engineer assisting in evaluating and developing recommendations for the on-street segments of the Aqueduct Trail, including the important street crossing work. She will ensure that the work meets City needs while adhering to current regulatory requirements.

**CURRENT ASSIGNMENTS AND AVAILABILITY:** Ms. Zhou is available as needed to meet the requirements for our proposed scope of work.

### **MING GUAN, P.E., Project Engineer**

#### **KOA CORPORATION**

Ms. Guan will serve as the Project Engineer on this project, and has over 8 years of experience with work in civil, traffic and highway design. She has worked on a number of roadway, sidewalk and drainage improvement projects including completing PS&E documents. She has hands-on experience in the use and application of AutoCAD and MicroStation, and has been instrumental in completing various KOA design projects per Caltrans requirements. She is the co-author of a technical textbook entitled “Highway Geometric Design using InRoads” along with Professor Xudong Jia of Cal Poly Pomona. Her recent projects include the realignment of SR-79 for RCTC where she was responsible for running MicroStation and InRoads programs to design grading profiles for two project segments. Ms. Guan has worked on numerous projects that have required pavement rehabilitation design, sidewalk improvements including drainage design considerations. She has also completed a number of Safe Route to School (SR2S) projects that have required completion of missing links of sidewalks including ADA modifications.

**CURRENT ASSIGNMENTS AND AVAILABILITY:** Ms. Guan has just completed some major projects including the ones described above. She is currently working on a very similar Riverside Road Improvement project for the City of Rialto where sidewalk and street rehabilitation is required. Design plans have been submitted to the City for review. She is available and committed to the completion of this project.

### **WALTER OKITSU, P.E., Project Engineer**

#### **KOA CORPORATION**

Walter Okitsu specializes in reviewing and implementing current state and federal regulatory requirements for our project. Walter will ensure that the project recommendations are compliant and meet current standards.

**CURRENT ASSIGNMENTS AND AVAILABILITY:** Walter is available as needed to meet the requirements for our proposed scope of work.



**BRIAN CALVERT, Environmental Project Lead**

**ICF**

Brian Calvert has 20 years of experience preparing environmental documents and specializes in transportation projects involving Caltrans; having worked on over more than forty transportation projects in his career involving Caltrans and FHWA (prior to NEPA delegation). Brian has managed ICF's environmental on-call contract with Caltrans District 8, RCTD, and RCTC, where he has proven his ability to deliver projects on schedule and within budget. Brian's broad experience managing the planning and environmental work for transportation projects gives him a comprehensive knowledge of all relevant resource areas. The environmental documents and reports he has prepared to meet federal (NEPA) and state (CEQA) regulations requires the interpretation and analysis of environmental, social, and cultural data, and the presentation of this information in a clear and concise manner that conforms to established regulations and legislation.

**MARI PIANTKA, CEQA/NEPA, Environmental Lead Planner**

**ICF**

Mari Piantka is an environmental planner with more than 18 years of experience in both public sector and private sector consulting. Her experience includes preparing environmental documents for transportation, waste management, industrial, power, campus, and residential projects for various clients such as local cities and counties, transportation agencies, public utility agencies, college institutions, private energy companies, and waste management agencies. Mari's areas of expertise include CEQA and NEPA compliance. She has managed and authored numerous reports including EIRs, EISs, ISs, technical studies, and applications for certification (AFCs). Mari performs policy and analysis, prepares environmental constraints and feasibility studies, and develops mitigation programs to reduce and avoid environmental impacts. Her primary technical expertise is in the analysis of land use and planning issues, transportation planning, demographics and socioeconomics, power plant development, and permitting.

**LYNETTE OVERCAMP, SR/WA, Principal-in-Charge/Advisory Manager**

**EPIC LAND**

Ms. Overcamp has over 25 years of right of way experience. She is highly knowledgeable in both acquisition and relocation assistance, and familiar with the Federal and State laws pertaining to those areas. She also possesses extensive experience working on projects featuring involvement with the County of Riverside, Caltrans District 8, Caltrans Local Program, FHWA, Regulatory Agencies, and Utility Companies. Ms. Overcamp has managed acquisition and relocation projects for cities, counties, redevelopment agencies, school districts, energy companies and many other types of public agencies and public utilities. Her range of experience includes working with residential, retail, industrial and specialty properties, including airports, churches, dairy/cattle ranches and mortuaries.

**KAREN STARR, CPM®, R/W-AMC, SR/WA, Project Manager**

**EPIC LAND**

Ms. Starr is Epic's Regional Manager for the Inland Empire office (in Riverside), and handles our major clients' project management needs. She has more than 25 years of experience in all aspects of project management. Her experience includes acquisition for residential, multi-family, mobile home parks, commercial and industrial properties. She also possesses extensive experience working on projects featuring involvement with the County of Riverside, Caltrans District 8, Caltrans Local Program, FHWA, Regulatory Agencies, and Utility Companies. In addition to her experience, she has provided recent services to the City of Corona for the Auto Center Grade Separation project, the North First Avenue Barstow Bridge Project, and the Lenwood Road Grade Separation project. Other relevant experience includes the Downtown San Bernardino Passenger Rail project and the City of Riverside Magnolia and Columbia Grade Separation projects.

**STEVE LANG, Principal/Project Manager**

**MIG**

A Principal in MIG's Fullerton office, Steve Lang has more than 35 years of experience in landscape architecture and project management. He has managed the preparation of conceptual studies, master plans, and construction

drawings for projects ranging from trails and corridors, to urban redevelopment and natural parks. His experience includes regional interpretive trails along waterways; neighborhood, community and regional parks; equestrian facilities; sports complexes; streetscapes; and road improvements.

**DARREN RECTOR, Deputy Project Manager**

**MIG**

Mr. Rector has a wide range of interests including park renovation and rehabilitation, historical preservation, urban design, regenerative landscape systems, and the Sustainable Sites Initiative and LEED certification. He has managed to complete a wide variety of projects ranging from community and neighborhood parks to international destination resort enhancement and municipal facility restoration. His work responsibilities include park master planning and conceptual design, public workshop facilitation, and oversight of construction document production through bidding and implementation.

**CLIFF SIMENTAL, PLS, Vice President, Land Surveying and Mapping**

**PSOMAS**

Mr. Simental is Vice President and Survey Team Leader for Psomas' Riverside office. He is a registered professional land surveyor with more than 38 years of surveying experience in California. Mr. Simental has a broad background including design surveys, construction, hydrographic, topographic, boundaries, and cadastral surveys. He has served as project manager in charge of on-call surveying services for various public agencies. This background gives Mr. Simental a diverse range of experience working on a variety of survey projects, as well as working with client standards and design criteria.

**PAUL SOLTIS, P.E., G.E., Vice President, Geotechnical Engineering/Senior Engineer**

**TWINING**

Mr. Paul Soltis has over 21 years of experience, with an emphasis on public works projects. His professional experience includes geotechnical investigations and analyses relative to the development of transportation, rail, landfill, airport and roadway, and water resource facilities. He has specialized expertise in bridge foundation and pavement design calculations, foundation and preliminary materials reports in accordance with Caltrans requirements, geotechnical site investigations using hollow stem auger, mud rotary, air rotary, and bucket auger drilling and CPT, Geotechnical Engineer of Record for several large hospital projects, engineering oversight during the construction phase of projects, geotechnical engineering analyses for deep foundations, shallow foundations, and retaining walls, including bearing capacity, lateral capacity, static and seismic settlement, and selection of most appropriate foundation type. His projects include roadway rehabilitation, street design, parking lots, ADA requirements, drainage, and grading both in the private and public sectors.

**RICK HAZEN, PG, CEG, Principal Engineering Geologist**

**TWINING**

Mr. Hazen has over 35 years of experience as a geologist in California. He manages multiple projects and multiple deadlines, and has a history of increasing the client's profitability on projects by utilizing innovative and time saving techniques. He specializes in design and construction projects in Southern California, and has provided geotechnical services on numerous projects from the initial planning and conceptualization phase to final design and construction. Mr. Hazen is responsible for the technical oversight of geologic aspects of the firm's projects.

## SECTION E – WORK PLAN AND SCHEDULE

### A.1 City Staff and Consultant Kick-off Meeting

City staff, KOA, and the project team will meet to review the project scope, project schedule, the City's expectations and requirements. The meeting will include an in-depth discussion on how to conduct future community-based meetings, including content for each meeting, structure, and goals to be accomplished at the conclusion of each meeting. All key members from the consultant staff and the City will help coordinate and attend the meeting.

### A.2 Staff Coordination with Consultant

KOA will participate in regular update calls and in-person project meetings with City staff to ensure that the project remains on-schedule and within budget. The discussions will include the identification of project issues, needs for information, problem resolutions, project progress, and other topics pertaining to the project schedule and scope. Any action items will be identified and included in the meeting minutes.

### B.1 Research Existing Information

KOA will compile and review existing relevant documents available from the City, County, and other applicable agencies. These documents are anticipated to include regulatory and planning documents, ordinances, interagency agreements, utility locations, easement agreements, and MOUs. This task is to concentrate on the details of constraints, including ownership, access, and utility constraints. Based on preliminary assessments, the needs for an environmental assessment will be determined. We will prepare a brief memorandum summarizing relevant information. We will submit the memorandum to the City for review and comments.

#### **Site Research: Photography, Video, Field Verification**

KOA will review the existing site in depth, including the collection of detailed site photographs, video, and field verification of record plans. Data will be used throughout the conceptual process and for developing renderings.

#### **Record Plans**

KOA will compile and review existing documents and reports pertaining to the Trail, trail connectivity, population demographics and characteristics, traffic conditions, public meetings held by City staff, and neighborhood and business climates near the project site. The purpose of this task is to ensure that KOA is prepared to engage in meaningful meetings with City staff and is prepared to develop a comprehensive plan early in the process. KOA will prepare a catalog of the compiled documents that will identify the document, its owner, date of issue, and an abstract of its relevant content. We will prepare a brief memorandum summarizing relevant information. We will submit the memorandum to the City for review and comments. Part of our research will include available bicycle and pedestrian usage data from Strava, among other sources.

#### **Utility Research and Notifications**

KOA will compile and review available utility information along the proposed trail corridor. Utility research will be augmented by Epic Land Solutions as follows:

The goal of Right of Way Utility Support is to determine who has prior rights and identifies difficult potential moves and time frames. Critical during this early phase is the conducting of early utility identification and the coordination, communication and continued involvement with design engineers, utility companies, and utility relocation contractors. The intent of this early investigation is to minimize conflicts through better/smarter design and to get utility companies to start thinking, planning and preparing for unavoidable adjustments earlier. Epic's Utility Relocation Manager will prepare a Utility Matrix identifying utility owners, descriptions of facilities, dispositions (i.e., protect, relocate, abandon), utility relocation designer and utility contractor, and initial cost liability determinations. Epic's agents will perform visual identification and verification of facilities by researching utility records and as-built plans; prepare utility relocation cost estimates for affected utilities includes identifying facilities that may require additional relocation lead times to meet project deadlines; prepare utility conflict matrix to identify all potential



conflicts and develop a plan of action and tentative schedule; perform joint field reviews, review permit records, license agreements and GIS; and verify facilities from each owner which has facilities in the project alignment area. We have noted 19 utilities that could be present in the project based on Epic's preliminary research for this task.

As an overview, Epic's Utility Relocation Support includes:

- Obtain as-built plans, data from the design consultant, and other resources
- Review the project and utility plans
- Conduct interviews with design team
- Determine utility relocation and easement requirements
- Identify and interview all utility owners, and confirm their facilities within the project area
- Coordinate with Project Engineer, Local Agency, and utility owners
- Review utility owner's designs, prepare utility agreements and notices to owners
- Determine advance utility alternatives, perform site verifications

### **Right of Way Research**

KOA, with Epic Land, will research and identify existing right of way and deficiencies throughout the proposed trail corridor. Epic will use preliminary design work to identify any additional right of way required for the project. Design files will be imported into a Geographic Information System (GIS) and overlaid onto parcel boundary data layer that includes ownership and land use information. Epic's analysts will identify any impacted properties and the extent to which they would be impacted by the proposed design. Areas where potentially significant right of way impacts are identified will be revisited by the design team to ensure that the proposed design indeed provides for the maximum public benefit with the least impact to existing infrastructure and private property. The list of properties identified by this process will be used to populate the Right of Way Estimate Worksheet and, in turn, the Right of Way Data Sheet. The Right of Way Data Sheet will also list the utilities identified by the utility impact assessment.

## **B.2 Geotechnical Review and Recommendations**

KOA, with Twining Laboratories, will conduct geotechnical field investigations, sampling, laboratory testing, and engineering to assess existing soils and determine adequate pavement designs for the proposed trail surface. Based on our understanding of the project, we propose the following scope of services:

- Subsurface Exploration and Analysis, Report Preparation
- Review Background Information
- Coordinate and Perform Field Exploration
- Perform Geotechnical Laboratory Testing
- Perform Engineering Analyses
- Prepare a Geotechnical Report

### **Review Background Information**

We will review available geotechnical investigation reports for the site vicinity and any other plans and reports for the project site, if available. We will also review available published and unpublished geologic literature contained in our files, including publications prepared by the California Geological Survey (CGS) and the United States Geological Survey (USGS).

### **Coordinate and Perform Field Exploration**

Before starting our exploration program, we will conduct a field reconnaissance and mark the locations of our planned subsurface explorations. We will also notify Underground Service Alert (USA) and provide a private locator to evaluate the presence of utility lines in the vicinity of the proposed subsurface exploration locations prior to drilling.

We propose to explore the site by performing 8 soil borings to approximate depths of 3 to 5 feet below the existing ground surface, or to refusal, if shallower. Borings will be advanced using a manual auger. The soil boring operations will be observed by a Twining staff engineer who will log the subsurface conditions, as encountered. Driven and bulk samples from the soil borings will be collected for laboratory observation and testing. It is assumed that no higher than Level D for personal protection equipment will be required (i.e., hard hat, steel-toe boots, eye and hearing protection).

Drive samples will be collected using either a California Modified sampler. Immediately upon completion of drilling and sampling, the borings will be backfilled with soil cuttings derived from the borings. Excess cuttings will be spread out in existing dirt-covered areas. We will conduct the drilling and sampling in general accordance with applicable American Society of Testing and Materials (ASTM) standards. At the completion of the drilling, we will transport the collected soil samples to our laboratory for testing.

### **Perform Geotechnical Field and Laboratory Testing**

Samples obtained from the exploratory borings will be transported to Twining, Inc. for observation and testing. Laboratory tests will be performed on selected samples obtained from the borings to aid in the classification and to evaluate the engineering properties of the subsurface soils. The laboratory tests may include the following:

- Moisture and Density
- Soil classification testing including sieves with wash and Atterberg limits
- Direct shear
- Consolidation testing
- Maximum Dry Density-Optimum Moisture Content
- R-value

The exact quantities and types of tests will depend on the material types encountered during our subsurface exploration. For the purposes of this proposal, we have estimated a laboratory testing budget based upon our experience with similar projects.

### **Conduct Engineering Analyses**

The results of our field exploration and geotechnical laboratory tests will be evaluated and engineering analyses will be performed in order to provide geotechnical recommendations for the design and construction of the proposed project. Based upon our experience with similar projects, at a minimum, the following engineering analyses will be performed for the proposed project:

- Evaluation of general subsurface conditions and description of types, distribution, and engineering characteristics of subsurface materials at the site
- Evaluation of the on-site soils for subgrade support
- Development of general recommendations for earthwork, including site preparation and excavation, requirements for placement of compacted fill, and site drainage
- Recommendations for asphalt and concrete pavement sections based on recommended traffic indices

### **Prepare Geotechnical Report**

After the laboratory testing is complete, a report will be prepared to summarize the data collected and present our findings, conclusions, and geotechnical recommendations for design and construction of the proposed project. The report will include the following:

- Site location map
- Boring location map and logs of borings that include summarized laboratory testing results
- Regional geologic map and fault location map
- Soil classification of the soil materials encountered in accordance with the Unified Soil Classification System (USCS) for borings
- Review/summary of field and laboratory test procedures and data

- Geotechnical recommendations for design and construction

### **B.3 Environmental Assessment**

KOA, with ICF, will conduct detailed environmental studies and analysis to prepare NEPA and CEQA determinations for the trail project. For this scope and cost the following assumptions have been made:

- The National Environmental Policy Act (NEPA) document will be Categorical Exclusion (CE)
- The California Environmental Quality Act (CEQA) document will be a Categorical Exemption (CE)
- The California Department of Transportation will be the lead agency under NEPA and the City will be the lead agency under CEQA
- The project will address one Build and a No-Build alternative to be addressed in the technical studies and environmental document

Note that only those items specifically identified in this scope of work are included. No other effort is assumed or implied.

#### **Preliminary Environmental Study (PES)**

Once the build alternative to carry forward as part of the Project Approval/ Environmental Document (PA/ED) phase have been identified by the engineering team and provided to ICF, a current Caltrans Preliminary Environmental Study (PES) form will be prepared for submittal to the City. The purpose of the PES is to identify and receive concurrence regarding the technical studies that will need to be prepared for the proposed project and to receive concurrence regarding the environmental document to be prepared. The PES will be prepared using existing, available information and no new analyses or detailed evaluations are assumed or included. The PES will be revised once following review. Figures will include a vicinity map, a location map, and the project layouts. No additional figures or graphics are assumed to be necessary. The PES will also include an ISA Checklist, Flood Insurance Rate Map, and Visual Assessment Guide checklist.

#### **Technical Studies**

Preparation of all technical analyses and reports will follow local, state, and federal environmental guidelines, primarily consisting of the Caltrans Standard Environmental Reference (SER) website, Caltrans Local Assistance Procedures Manual, local and state CEQA Guidelines, and FHWA Technical Advisory 6640.81 Guidance on Preparing and Processing Environmental and Section 4(f) Documents. The formats to be used for the technical studies will follow the guidance available on the Caltrans SER website as of the date that those studies are initiated. See scope of work for each technical study for details regarding studies to be prepared.

For this scope of work, the technical studies for which a specific scope of work has been included have been assumed based on a review of existing project information. If additional studies are identified during the environmental phase of the project a scope of work and cost will be submitted for approval prior to their initiation. The following assumptions have been made with regard to the technical studies that are to be prepared.

- Aerial photograph at a scale suitable for preparation of project mapping, figures, and analyses will be provided (1 inch=200 feet scale minimum, with a minimum of 500 feet shown around any areas of improvement). Pixel size shall be no more than 2.5 square feet and image shall be orthorectified.
- Focused protocol surveys for any species are not included in this scope and cost, other than those specified under the Natural Environment Study/Minimal Impact scope. If additional focused surveys are identified during the biological field reconnaissance then this will be communicated to the engineering team and City and a scope and cost for this work will be provided.
- A maximum of one build alternative will be evaluated.
- NEPA/404 integration process will not be required.
- It is assumed that all rights of entry and access for field work and surveys, if required, shall be obtained and provided by the engineering prime's right-of-way consultant or the City.
- Information regarding construction equipment, duration, etc. will be provided by the engineering prime sufficient for preparing any air quality construction analysis.

### **Air Quality Technical Memorandum**

ICF will prepare an Air Quality Memorandum. The document will provide the following discussions and analyses:

- **Regulatory Setting and Existing Conditions.** Summarize the existing federal, state, and local air quality regulatory environment as it affects the proposed project, and describe the location of sensitive receptors in the project vicinity. Using data provided by the California Air Resources Board (CARB) and the South Coast Air Quality Management District (SCAQMD), characterize existing air quality conditions in the project area and explain how those conditions are affected by local climate and topography.
- **Evaluation of Construction Emissions.** Quantify short-term construction emissions using the SCAQMD-recommended CalEEMod emissions estimation model. Emissions will be compared to SCAQMD regional and local emissions thresholds to determine significance.
- **Evaluation of Operations-Period Emissions.** Qualitatively discuss why operations-period criteria pollutant and toxic air contaminant (TAC) emissions associated with periodic maintenance activities would be negligible, and therefore have no potential to result in any significant impact to local or regional air quality.
- **Transportation Conformity Analysis.** Document why the project is exempt from the requirement to demonstrate transportation conformity per 40 CFR 93.126.
- **Climate Change/Greenhouse Gas Emissions.** Construction- and operational-period greenhouse gas (GHG) emissions associated with implementation of the proposed project will be quantified using the SCAQMD-recommended CalEEMod model. A discussion of project consistency with all applicable Assembly Bill (AB) 32 scoping plan measures will be provided.
- **Mitigation Measures.** ICF will develop mitigation measures, where applicable, to address significant air quality impacts, if present. No significant impacts are anticipated.
- **Air Quality Conformity Checklist**

ICF will fill out and submit the AQ Conformity Checklist documenting that the project is exempt per 40 CFR 93.126.

### **Noise Technical Memorandum**

ICF will conduct a site visit to identify noise sensitive land uses and other features along the project alignment. ICF will consult with the Caltrans District 8 noise specialist assigned to this project to ensure that all requirements are addressed. A field noise study will be performed to quantify and assess existing noise conditions at the potential noise-sensitive areas. It is estimated that short-term (10 to 15 minutes duration) sound-level data will be collected at up to ten (10) representative land uses and noise-sensitive locations throughout the area. No continuous 24-hour noise monitoring will be conducted.

It is assumed that no operational noise component would occur, therefore, operational noise will not be discussed. ICF will prepare a noise memorandum outlining construction noise impacts from potential grading, and construction of the proposed trail system. Construction noise impacts will be analyzed based on the City's municipal code and general plan thresholds. Mitigation will be provided (where feasible), if necessary, to mitigate any impacts to less than significant.

### **Natural Environment Study/Minimal Impacts**

ICF will conduct a literature search, perform field surveys, and prepare a Natural Environmental Study Minimal Impacts (NES/MI) report analyzing potential impacts to biological resources. The report will be prepared in accordance with Caltrans SER guidance and will conform to the Caltrans NES/MI annotated outline that is available at the time that the NES/MI is initiated. ICF assumes that the proposed project will have minimal impacts to special-status species or sensitive natural resources and that an NES/MI would provide a sufficient level of reporting for the proposed project. The following tasks will be performed during the preparation of the NES/MI:

- **Review of Project Information and Applicable Literature**  
A literature review will be conducted to identify special-status species known or reported from the project area. The literature review will include:

- Special status species lists from the California Department of Fish and Game (CDFG) and U.S. Fish and Wildlife Service (USFWS)
  - Database searches of current versions of the California Natural Diversity Database (CNDDDB) and the Online Inventory of the California Native Plant Society (CNPS)
  - The most recent applicable Federal Register listing package and critical habitat determination for each federally listed Endangered or Threatened species potentially occurring within the project site
  - The most recent CDFG Annual Report on the status of California's listed Threatened and Endangered plants and animals
  - Other available biological studies conducted in the vicinity of the project site
- Field Evaluation for Biological Resource Constraints  
After reviewing relevant information, the project area will be evaluated, with a thorough walkover covering all portions relevant to potential biological resource constraints. Detailed field notes will be compiled including conditions, visible disturbance factors, species, habitats, and more general biological resource issues observed or detected. The site will be evaluated regarding the presence, absence, or likelihood of occurrence for all special status species, habitats, or more general biological resource issues potentially posing a constraint to the project through applicable laws and regulations. Adjacent areas will also be briefly examined to provide context. It is assumed that access shall be provided by the City or the engineering prime for the field surveys. If focused habitat evaluations and/or focused surveys for any species other than those included in this scope of work are required for any species then this will be communicated to the City or the engineering prime immediately and a separate scope and cost for this work will be provided. The study area is assumed to be the proposed project footprint plus 300 feet (where access is permissible). This task includes evaluations/determinations for the following potential resource issues:
    - Habitat Evaluation and Focused Survey for Burrowing Owl  
A qualified biologist will perform an evaluation of the potential for Burrowing Owl (*Athene cunicularia*) to occur. All areas to be evaluated will be examined carefully for habitat characteristics and disturbance factors. The study area for this work is assumed to be the proposed project footprint and a 300-foot buffer, as accessible to ICF. An additional 200-foot buffer beyond the 300-foot buffer will be visually assessed only. This scope and cost assume that the City or the engineering prime will be responsible for providing access. Potentially suitable habitat will be mapped including potential burrows. No permits are required to perform a habitat evaluation, but the biologist must be experienced with the species' biology, identification of direct and indirect sign, and physical characteristics of potentially suitable habitat. Habitat evaluations for this species can be performed any time of year. The results will be directly incorporated into the NES/MI. This scope of work assumes that a focused survey for burrowing owl will be required. The total amount of acreage assumed to need surveying is approximately 50 acres. The results of the focused survey for Burrowing Owl will be directly incorporated into the NES/MI and will follow the current MSHCP protocol for the species. Four visits will be conducted on four separate days during the breeding season (March 1 through August 31). Where feasible, the focused survey will be combined with the reconnaissance habitat assessment. The results of the focused survey will be directly incorporated into the NES/MI.
    - Habitat Evaluation for Los Angeles Pocket Mouse (LAPM)  
A portion of the project site occurs within the MSHCP Los Angeles Pocket Mouse (LAPM) survey area, thus a habitat assessment will be required at a minimum. A biologist experienced with the resource needs of LAPM will evaluate the study area for potential to support this species. The area of study will be the project site plus a 300-foot buffer. Potential for direct and indirect effects will be evaluated as it relates to LAPM and will be incorporated directly into the NES/MI. It is assumed based on a cursory review of the soils and topography shown on aerial imagery, that suitable habitat will be absent and a focused survey will not be required. If suitable habitat is found present during the habitat evaluation, potential habitat will be mapped and a focused survey would be required. The City will be immediately notified of the need for a focused survey and a scope and cost will be provided. The results of the surveys will also be directly incorporated into the NES/MI.



- **Habitat Evaluation for Fairy Shrimp**  
A habitat evaluation for potential fairy shrimp habitat and vernal pools will be conducted by a qualified biologist. The study area will consist of the project site and a 50-ft buffer. The results of the habitat evaluation will be incorporated into the NES/MI. Based on a cursory review of aerial imagery and soils maps, it is assumed that no suitable habitat for fairy shrimp is present within the study area, however if suitable habitat is found, the City will be immediately notified and a separate scope and cost will be provided for focused surveys (wet and dry season surveys) for fairy shrimp.
- **Habitat Evaluation and Focused Survey for Special Status Plants**  
There is a potential for a number of special-status plants along the project site. In addition, the project site occurs within the MSHCP Criteria Area Species Survey Area 3a. The project site will be reviewed for habitat suitability for key species which include but are not limited to: San Jacinto Valley Crownscale, Parish's brittlescale, Davidson's saltscale, thread-leaved brodiaea and smooth tarplant. The study area for this work is assumed to include the proposed project footprint and a 200-foot buffer. This scope and cost assume that the City or the engineering prime will be responsible for providing access. A qualified biologist who is familiar with the habitat needs and identification of rare plants with potential for occurrence in the region will perform the evaluation and determine whether a focused survey is necessary. The results will be directly incorporated into the NES/MI.  
We have assumed in this scope of work that a focused survey will be necessary. Due to differing seasonal windows among plant species, we have assumed a total of three visits to cover the survey windows in the early spring, late spring, and late summer. Results of focused survey work will be directly incorporated into the NES/MI.

#### **Natural Environment Study (NES/MI)**

A draft NES/MI will be developed based on results of the biological surveys and analysis and will conform to the current Caltrans NES/MI annotated outline, as previously described. The report will describe:

- The study methods used in identifying and assessing the biological resources at the project site, the personnel who conducted the studies, contacts made with agencies, and any limitations associated with the study
- The environmental setting including both the biological and physical setting at the project site
- The results, including special-status species present on the site, if any, and a discussion of impacts and mitigation, as necessary
- The appropriate regulatory requirements and necessary permits, if any

We anticipate that impacts to sensitive natural resources and special-status species will be minimal and that an NES/MI will provide the sufficient documentation required by Caltrans. If after fieldwork is completed, it appears that the project would impact sensitive resources or special-status species that would constrain the project, a full Natural Environment Study (NES) report would be required by Caltrans.

#### **Section 4(f)**

The Aqueduct Trail System would be considered a Section 4(f) facility under the Department of Transportation Act. As defined in 23 CFR 774.13(g), the requirement for Section 4(f) approval does not apply when 1) the use of the Section 4(f) property is solely for the purpose of preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection; and (2) the official(s) with jurisdiction over the Section 4(f) resource agrees in writing with item 1. The proposed work appears to be solely for the purpose of preserving or enhancing an activity, feature or attribute that qualified the property for Section 4(f) protection. ICF will obtain written confirmation from the official with jurisdiction over the Trail (i.e., the City) to confirm concurrence with this assessment. No additional effort related to Section 4(f) is assumed.

#### **Cultural Resources**

The proposed project improvements will be subject to compliance with Section 106 of the National Historic Preservation Act. This requires consideration of potential project effects to historic properties including



archaeological and historical resources listed in or eligible for listing in the National Register of Historic Places according to criteria listed in 36 CFR800. Caltrans administers Section 106 compliance on behalf of FHWA and requires that documentation conform to specifications contained in Caltrans Standard Environmental Reference. As of January 1, 2004, cultural resource studies must be prepared and processed in accordance with the Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program In California.

ICF shall conduct a records search at the Eastern Information Center of the California Historical Resources Information System. This records search will consult California's database of previous studies and previously recorded sites within the proposed project area and within a 0.5-mile radius, per Caltrans guidelines. Historic maps and photographs shall also be reviewed, if available. ICF shall establish an Area of Potential Effect (APE) map in consultation with the City and Caltrans for obtaining Caltrans approval. The map shall provide the survey boundaries for cultural resources to be evaluated during project studies. The APE map shall be based on the total anticipated disturbance footprint associated with project activities (e.g., road widening/interchange construction, staging areas and other temporary construction easements, detours, drainage facilities, temporary construction activities, and parcels containing impacted structures, if any). ICF will also contact the Native American Heritage Commission and request a review of the Sacred Lands File and will consult with Native American groups and other interested parties to request information regarding the types of potential cultural resources in the study area. Consultation will be conducted in accordance with appropriate current state and federal regulations.

Following completion of the record search/review, ICF shall conduct a field survey of the APE for archaeological resources. It is assumed that the City or engineering prime will be responsible for obtaining access for conducting the surveys. This scope of work assumes that no archaeological sites will be identified in the APE and that no testing and/or evaluation will be required. It is anticipated that an Archaeological Survey Report (Finding of No Archaeological Resources Present) will be prepared and no additional documentation will be required.

An ICF qualified architectural historian will conduct a field survey of the proposed project area to record buildings, structures, and historic features through photography and written descriptions. It is anticipated that no structures within the APE will require evaluation and that a Historical Resource Evaluation Report (HRER) will not be required. Following completion and approval of the APE and detailed reports discussed above, a summary document (the HPSR) shall be generated in accordance with Caltrans/FHWA standards for Section 106 compliance with the NHPA. It is anticipated that the proposed project shall result in an HPSR with a finding that no properties requiring evaluation are present within the project's APE.

#### **B.4 Preliminary Field Survey and Map Research**

KOA will research and procure available maps, photographs, and other documents detailing the proposed trail corridor. We will conduct field research to verify or update information as shown on these documents, and utilize throughout the conceptual design process.

#### **B.5 Public Outreach**

KOA will conduct an anticipated two public outreach community meetings to present the plan to residents, businesses, schools, sports groups, and other stakeholders. We will present the proposed concept, solicit comments, and answer questions. We will discuss the exact format and requested information with the City prior to any such meetings.

#### **B.6 Traffic Studies**

KOA will conduct various in-field traffic assessments and studies during the course of development for the on-street and street crossing segments of the Trail. We will be especially concerned with the level of traffic in relation to the perceived safety of the trail location, i.e., we want to make the trail suitable for the age "8 to 80" crowd as much as

feasible. Street crossings will consider a variety of possible configurations, including raised “tables”, augmented crosswalk patterns/materials, rumble strips, speed bumps, and flashing beacons. On-street segments will include consideration of buffered bike lanes, cycle tracks, and shared use areas at back of curb.

### **B.7 Preliminary Drainage Assessment and Study**

KOA will review existing drainage patterns, flow paths, and facilities, and recommend improvements accommodating the conceptual trail. It is likely that the trail will need to include some forms of stormwater treatment facilities to conform to current stormwater permit requirements. We will take a look at methods to capture and treat or retain stormwater runoff including bioswales, percolation basins, infiltration areas, subgrade infiltration storage, and permeable asphalt. Work will be coordinated to ensure that it blends with the landscape architecture design.

### **B.8 Permit Investigation**

KOA will review the proposed work and determine impacts to existing facilities, easements, and rights that may require additional permits for construction.

### **B.9 Preliminary Landscape Architecture Conceptual Investigation**

KOA, with MIG, will explore and create various landscape architecture themes and elements to support the project and make it inviting and enjoyable. MIG will participate in a kick-off meeting with the City of Moreno Valley and KOA staff to review the scope of services; goals and objectives; design programming and needs for the project; community and user group needs; agency contract agreement; the City’s budget; project milestones; and time line. MIG will collect and review all pertinent data and information regarding the project site, survey data, base map information, and City/KOA staff input. We will meet with City staff to review and discuss the wayfinding, standard directional and interpretive signage needs associated with the proposed multi-use trail. The project base sheet information to be used for project design development will be supplied in an AutoCAD electronic format by KOA. MIG will participate in a site reconnaissance to review site constraints and opportunities, adjacent land uses, and area context associated with the proposed multi-use trail improvements. MIG will participate in a community outreach meeting to garner concerns and desires of stakeholders and interested community members regarding the existing and proposed multi-use trail improvements.



Based on City and KOA staff input, community outreach, data/information collected and survey information, MIG will prepare: two (2) conceptual landscape design plans for typical reaches of the multi-use trail; typical plans for trailheads and rest areas; typical plans for signage and wayfinding details/maps; typical plans for entry signage at major intersections; and typical plans for interpretive signage or kiosks. The interpretive signage may highlight landmarks and the significance of historical Juan Bautista de Anza Trail, the Santa Ana Pipeline/California Water Project, native flora and fauna, and storm water treatment processes.

MIG will provide presentation material for the conceptual landscape designs and wayfinding and interpretive signage studies for the multi-use trail at the second community meeting for review and input. Based on input from City and KOA staff and the second community meeting outreach, MIG will refine and revise the landscape and trail enhancement concept plans.

### **B.10 Alternatives Workshop with City Staff**

KOA will conduct an in-depth alternatives design concept workshop with City staff. This will be a full charrette style workshop taking a look at each design element and generating comment from City staff before proceeding with additional effort.

### **B.11 Develop Typical Details**

Based upon work developed to date, public input, and City review, we will proceed to develop specific typical design details for incorporation at specific locations and throughout the project. Details will encompass the full range of the project including pavement cross sections, alignment, materials, landscaping and irrigation, drainage, lighting, connections, on-street segments, and street crossings.

### **B.12 Standards Compliance Review**

KOA will review each of the proposed details for compliance with required standards, including state transportation regulations (bike lanes and trails), stormwater runoff, Manual of Uniform Traffic Control Devices requirements, and other significant standards.

### **B.13 ADA Compliance Review**

KOA will examine each detail and the proposed Trail in general for compliance to Americans with Disabilities Act requirements. We will ensure that the trail and each facility are compliant, and that it provides for an accessible path of travel.

### **B.14 Preliminary Design Review Workshop**

KOA will conduct a second in-depth alternatives design workshop with City staff. This will be a full charrette style workshop taking a review at each design element and generating comment from City staff before proceeding with the final project effort

### **B.15 Develop Final Typical Details and Preliminary Concept Report**

Based upon work developed to date, and City review, we will proceed to develop the final specific typical design details and concept report summary. Details will encompass the full range of the project including pavement cross sections, alignment, materials, landscaping and irrigation, drainage, lighting, connections, on-street segments, and street crossings

### **B.16 Right of Way Needs Assessment and Plan**

A final Right of Way summary assessment and plan will be developed, based upon the final typical details and concept report developed above. Right-of-way data sheets will be prepared as typically required by Caltrans. Tasks include performing a review of the proposed right of way requirements and alternatives, and preparing individual parcel estimates for parcels identified by the project team. Estimates include costs for acquisition (land and improvements), severance damages, relocation assistance, and escrow and legal costs, if necessary. Right of Way Utility Estimates will be prepared based on the impacts identified by the alternatives. Tasks include utility verification, potholing, identification of conflicts, utility impact assessment/avoidance, and utility relocation estimates. From the cost estimates, Right of Way Data Sheets will be developed to summarize impacts in standard Caltrans Data Sheet format.

### **B.17 CEQA/NEPA/Environmental Documentation**

A final CEQA/NEPA determination and documentation will be developed, based upon the final typical details and concept report developed above.

#### *Categorical Exclusion (NEPA)*

Based on the environmental technical studies previously discussed, a Categorical Exclusion (CE) will be prepared pursuant to NEPA. ICF will prepare the CE/CE form (NEPA portion only) in compliance with the latest format identified on Caltrans Standard Environmental Reference website for Caltrans approval. As part of the CE, a brief (two to three sentences) summary of the findings of each of the technical studies will be included. No separate environmental document is assumed to be prepared to support the CE and none is included in this scope and cost. An Environmental Commitment Record will be prepared and attached to the CE that documents environmental commitments for the project, if any are identified.

*Notice of Exemption (CEQA)*

A CEQA Notice of Exemption (NOE) will be prepared and filed with the State Clearinghouse.

**B.18 (OPTIONAL) Aerial Topographic Survey of Entire Trail Alignment**

As an optional item, KOA (with Psomas) can provide a current aerial photograph and topographic survey suitable for concept design and environmental review. This information would augment existing documentation to be obtained from available records. This item was provided in an optional format to maintain the budget within the limits as noted in the RFP.

**Research Existing Records**

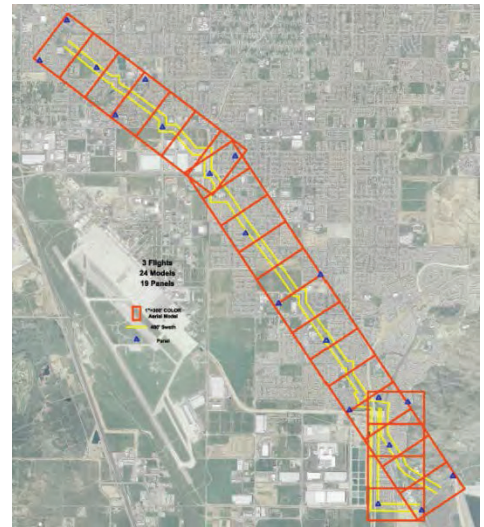
Psomas will research record information consisting of subdivision maps, records of survey, corner records, county survey maps, and centerline ties within the project area. Psomas will also research available vertical bench mark control within the project area.

**Survey Control**

Psomas survey crews will set aerial photogrammetric targets in conformance with the aerial flight plan. Where possible, these targets will be centered on existing cadastral monuments. Where no such monument is found, the surveyors will set a semi-permanent monument to define the center of the target. Horizontal datum for this mapping control will be the North American Datum of 1983 (NAD83). Vertical datum will be based on available vertical datum.

**Photogrammetric Mapping**

The approximate 8.5 mile mapping option, as delineated on attached photo layout, will be flown with COLOR stereo models to produce a 1"=100' topographical map with 2' contour intervals of the site. COLOR aerial photography of the proposed site will be flown at a nominal photo scale of 1"=500' (1:6,000). Mapping will conform to typical 100 scale mapping collecting features for roadway, structures and property line features. A nominal 400' swath will be centered on proposed study alignment. DTM breaklines and mass points will supplement select planimetric features for triangulation of the surface model and ultimately the creation of the 2' contours in Civil3d DWG files with surface and exported XML file.



Note: Orthophoto production is not included as part of this scope.

**Land Net Cadastral Ties**

Psomas will field locate 10 major cadastral monuments in the project area and provide the coordinate values to the Design team for project orientation and planning efforts. Centerline and right of way determination is not included as a part of this scope.

**PROJECT SCHEDULE**

A preliminary project schedule has been prepared and included in the Appendix per the RFP. The schedule will apply to all various bid combinations proposed.



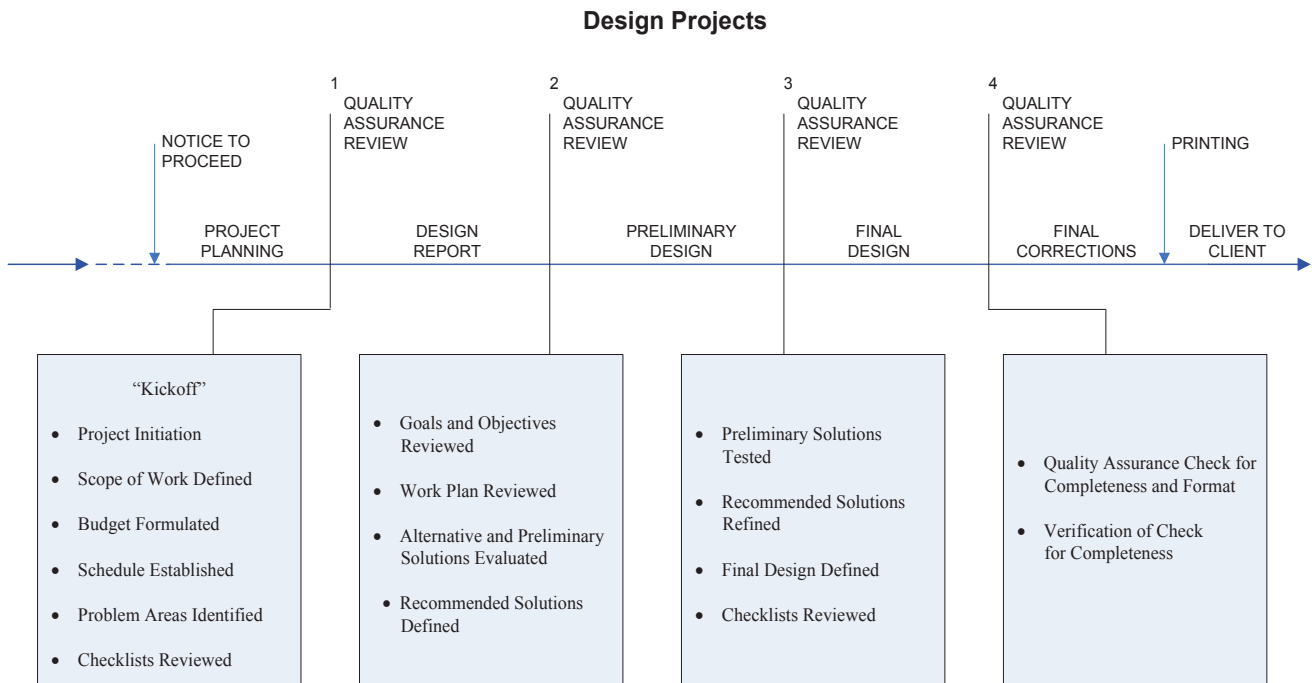
## SECTION F – QUALITY CONTROL AND ASSURANCE

KOA has an established Quality Control and Assurance program that we utilize for our engineering design work, and for this project. Our basic elements include:

- Verification that required deliverables and documents noted in the Scope of Work are provided.
- An Independent Peer Review will be conducted by our professional staff to solicit critical comments and verify correctness.
- Retention of documents with highlighted markings and redline comments, and verification that required revisions are incorporated into new documents.
- Continual assessment and tracking of project schedule and budget against baseline data.
- Our Construction Management Division will conduct a complete construction review constructability/ biddability/and claims avoidance review of the complete 95% PS&E package prior to submittal.

The Principal-in-Charge will be responsible for implementation of the QC measures for this project.

### QUALITY ASSURANCE COMMITTEE REVIEWS



## SECTION G – ADDITIONAL RELEVANT INFORMATION

### ADDITIONS OR EXCEPTIONS TO THE CITY’S REQUEST FOR PROPOSAL

N/A

## APPENDIX

### RESUMES

**CHUCK STEPHAN, P.E., LEED® AP**  
Principal-in-Charge/Project Manager



#### PROFESSIONAL EXPERIENCE

Mr. Stephan has 32 years of experience in civil engineering design and project management on projects for many municipalities and private firms. He has diverse project experience in planning, design, management, and construction of transportation, educational, institutional, industrial, aerospace, municipal, residential and commercial projects. Mr. Stephan works in multiple capacities as Principal-In-Charge, project manager, project engineer, lead engineer, design engineer, and construction engineer in both the civil and construction management disciplines.

#### PROJECT EXPERIENCE

**Los Angeles County Department of Public Works, Los Angeles River Regional Bike Path Project, Preliminary Scoping Report, Los Angeles, CA.** *Civil Design Engineer.* The LA County Department of Public Works selected KOA to conduct an

extensive site investigation and analysis of the Los Angeles River area, and complete a Preliminary Scoping Report (PSR) regarding development of a proposed continuous Class I bike trail system for a 6-mile stretch along the River, from Whitsett Avenue to Riverside Drive. The PSR identifies general right-of-way constraints physical constructability constraints, environmental impacts, overall program schedule, route alignment alternatives, and recommendations for construction of the bike path. Development of the PSR was based on the compilation and review of previous studies and existing available data, existing planned projects, meetings with stakeholders, and the assessment of multiple design alternatives. The study effort resulted in a preferred recommendation and several alternative recommendations for the development of follow-on design work.

**Port of Long Beach South Waterfront/ Pier J Bike/ Pedestrian Path, Long Beach, CA.** *Civil Design Engineer.* The Port of Long Beach (POLB) selected KOA to conduct an extensive site investigation and analysis of the POLB Pier J waterfront area, and complete a Preliminary Scoping Report regarding development of proposed continuous bike and pedestrian trail systems for a 1.5-mile stretch along the Port. The Pier J area includes important City resources and attractions including hotels and restaurants, natural ocean resources and recreation activities, the Queen Mary and cruise lines, and Port operations. The preliminary study effort resulted in a preferred recommendation and alternative recommendations for the development of follow-on design work. KOA is currently completing the design work for this project. Major task elements include:

- Environmental
- Bike Path and Roadway Design
- Drainage
- Utilities
- Construction
- Sustainability
- Schedule
- Cost Estimate
- Community/Public Outreach

#### Education

B.S., Agricultural Engineering,  
California Polytechnic State  
University, San Luis Obispo (1982)

#### Registrations

Professional Engineer, Civil, CA  
#C50481 (1993)  
Professional Engineer, Civil, OR  
#1872PE (1995)  
Professional Engineer, Civil, HI # PE-  
8432(CE) (1996)  
LEED® Accredited Professional  
(2007)

**Years with Firm: 14**

**Years of Experience: 32**



**El Camino Real – Class I (Protected) Bikeway Final Plan Preparation, San Clemente, CA.** *Civil Design Engineer.* The City of San Clemente obtained a grant to implement a Class I bike lane along El Camino Real between Camino Capistrano and Avenida Estacion. KOA's work included designing a 0.9-mile protected bicycle path stretching from Coast Highway at Camino Capistrano to El Camino Real at Avenida Estacion in North Beach. The design components included K-rail concrete barriers, re-stripping, sidewalk pavers, upgrades of the existing wheel chair ramps, bike signals, and traffic signal modification. The striped lanes would offer an alternative to cyclists who prefer a freer, higher-speed route versus the confined space of the barrier-protected facility, which would likely attract mixed traffic such as joggers, walkers, skateboarders, strollers, and dog walkers. It is expected that the route would be a tremendously popular path upon completion of the construction in early 2015. KOA completed the conceptual design, which was approved by the City Council.

**Flint Canyon Trail Restoration, La Cañada Flintridge, CA.** *Project Manager/Design Engineer.* Mr. Stephan provided design, and construction support for various park improvements for this city recreation and equestrian trail stabilization project. The City desired to repair an existing recreational trail in Flint Canyon which is constructed on a steep slope above a creek channel, and below the adjacent 210 freeway. The slope experienced continual erosion, which resulted in narrow trail sections and vertical slopes. Permanent repair was recommended for long-term stability of the slope; however required significant time to coordinate with various agencies and permitting processes, and costs for implementation. Also, the Army Corps of Engineers studied the region, inclusive of Flint Canyon, for long-term restoration projects. Meanwhile, the City desired to pursue short term repair to stabilize the upper portion of the slope. KOA provided services from project concept to completion and maintenance services thereafter. Construction contract documents for the proposed work, consisting of plans, specifications, and engineer's estimate of construction cost, Caltrans Coordination, Construction Bid Support, RFI Coordination/Submittal Review, Preconstruction Meeting attendance/support, and Construction Support.

**CURRENT ASSIGNMENTS AND AVAILABILITY:** Chuck is currently managing development of plans and specifications for the Port of Long Beach Pier J Bicycle/Pedestrian Path project, among others. He can provide an average of 20 hours per week to complete this project.

**MIN ZHOU, P.E.**  
**Traffic Engineer**



**PROFESSIONAL EXPERIENCE**

Ms. Zhou has 22 years of transportation engineering and planning experience with both private consultant companies and public agencies. She is knowledgeable in road design, traffic design, transportation modeling and study, non-motorized transportation, database management, and statistical analysis. Ms. Zhou has managed several large-scale projects involving multiple stake holder groups and has a reputation of delivering projects on-time and under budget.

**PROJECT EXPERIENCE**

**Port of Long Beach Pier J Bike Path PS&E, Long Beach, CA.**

*Project Manager.* The KOA team helped the Port design their first bike path, which ran adjacent to various tourist attractions. A combination of Class I, II, and III bike lanes; innovative bike facilities; landscapes; wayfinding signs; public art/display boards; and three crescent piers were provided for pedestrians and bicyclists along the southshore ocean front area that included access to the the hotels, the Harbor Light Yacht Club, the Reef Restaurant, Harry Bridges Memorial Park, Catalina Express charter services, the Russian Submarine Scorpion, the RMS Queen Mary, Carnival Cruise Lines terminal, Island Express Helicopters, and the recreational fishing area along the riprap lining the east shoreline of Pier J. Ms. Zhou managed KOA staff and five other firms for this project. She provided project oversight and was the liaison

**Education**

M.S., Civil Engineering, Michigan State University, E. Lansing, Michigan (1993)  
M.S., Urban Planning, School of Architecture, Tsinghua University, Beijing, China (1989)  
B.S., Urban Planning, School of Architecture, Tongji University, Shanghai, China (1986)

**Registrations**

Professional Engineer (Civil), CA  
#66448

**Years with Firm: 7**

**Years of Experience: 22**

between the project team, the Port of Long Beach, and the project stakeholders, which included the above-mentioned businesses.

**Bike Trail Crossing Signal Warrant Study, Orange, CA.** *Planning Manager.* A bike trail along west side of Hewes Street was proposed that would connect the existing bike path along Rancho Santiago Boulevard. Since the bike trail crossed a major roadway (Hewes Street), KOA conducted a signal warrant study based on the California MUTCD. KOA verified that a traffic signal was warranted. Furthermore, a field review conducted by KOA indicated that a traffic signal would enhance bicycle convenience and safety at this location.

**Vista Street and 2<sup>nd</sup> Street Bike Boulevard Feasibility Study and PS&E Design, Long Beach, CA.** *Task Leader.* This project is to study the alternatives of a bike boulevard assignment and design the Bike Boulevard to promote bike ridership as well as to calm traffic in the residential area. The study also recommended roundabout design, curb extension (diverters), signing, striping, and signal design. As part of the overall design, a FHWA approved demonstration for bike facilities was implemented and installed on 2nd Street from Livingston to the east city limit in July 2009 that will last 6 months.

**CURRENT ASSIGNMENTS AND AVAILABILITY:** Ms. Zhou has just completed various projects including some of those described above. She is available and committed to the completion of this project.

**MING GUAN, P.E.**  
**Project Engineer**



**PROFESSIONAL EXPERIENCE**

Ms. Guan will serve as Project Engineer on this project, and has over 8 years of experience with work in civil, traffic and highway design. She has worked on a number of roadway, sidewalk and drainage improvement projects including completing PS&E documents. She has hands-on experience in the use and application of AutoCAD and MicroStation, and has been instrumental in completing various KOA design projects per Caltrans requirements. **She is the co-author of a technical textbook entitled “Highway Geometric Design using InRoads” along with Professor Xudong Jia of Cal Poly Pomona.** Her recent projects include the realignment of SR-79 for RCTC where she was responsible for running MicroStation and InRoads programs to design grading profiles for two project segments. Ms. Guan has worked on numerous projects that have required pavement rehabilitation design, sidewalk improvements including drainage design considerations. She has also completed a number of Safe Route to School (SR2S) projects that have required completion of missing links of sidewalks including ADA modifications.

**Education:**

M.S., Civil Engineering  
B.S., Civil Engineering, Cal Poly  
Pomona, 2006

**Registrations:**

Professional Civil Engineer, CA,  
#75793

**Years with Firm: 8**

**Years of Experience: 8**

**PROJECT EXPERIENCE**

- Project Engineer for **City of Rialto Sidewalk Improvement Project, Rialto, CA.** Project was federally funded and required SR2S sidewalk improvements at various locations in the city. Project was completed in December 2012 and advertised for construction in January 2013. Design Fee: \$88k.
- Project Manager for **City of Fontana, ADA Ramp Improvements project, Fontana, CA** at various locations.
- Project Manager for **SR60/Perris Blvd Lane Widening and Traffic Signal Modifications, Moreno Valley, CA.** Ming is responsible for PS&E for adding a right-turn lane and obtaining Encroachment Permit and Fact Sheet Approval from Caltrans District 8. Design Fee: \$100k.
- Project Engineer for **Thermal Road Improvement Project, Riverside County, CA.** This was a major road improvement project that required improvement and widening of over 3 miles of roadway and

rehabilitation of all street network within the Town of Thermal. Ming was responsible for completing the PS&E documents.

- Project Engineer for Moreno Valley **Reche Vista Road Realignment, Moreno Valley, CA.** Ming was responsible for geometric design and plan preparation (NEPA coordination with District 8). Final PS&E package was submitted to the City on December 2011. Design Fee: \$655k.
- Project Manager for **Vista Chino at Farrell Drive Street Improvements, Palm Springs, CA.** Project included design of a dedicated northbound right-turn lane on Farrell Drive and curb, gutter, sidewalk; ADA access ramp modification; a bus turn-out design; traffic signal modification plan; and new signing and striping. Encroachment Permit was issued by Caltrans District 8 for this project.
- Project Manager for Rialto **Riverside Avenue Widening at Linden Avenue, Rialto, CA.** The scope of the project includes widening the existing three lane road to 4 lanes with a 10-foot shoulder. Multiple Parcels will be impacted and right of way is required for which legal description has to be prepared. Additionally, the project requires CEQA clearance.

**CURRENT ASSIGNMENTS AND AVAILABILITY:** Ming has just completed some major projects including the ones described above. She is currently working on Riverside Road Improvement project for the City of Rialto where sidewalk and street rehabilitation is required. Design plans have been submitted to the City for review. She is available and committed to the completion of this project.

**WALTER OKITSU, P.E., PTOE, PTP**  
Project Engineer



**PROFESSIONAL EXPERIENCE**

Mr. Okitsu is a founder and a principal of KOA Corporation. Mr. Okitsu has extensive experience in transportation planning and traffic design over a wide variety of highway, transitway, and bikeway projects. This includes designs for traffic signals, street lighting, signing & striping, worksite traffic control. He has field and managerial experience on traffic impact, feasibility analysis, and circulation projects.

**PROJECT EXPERIENCE**

**Compton Creek Bikeway Design, Compton, CA.** *Project Principal.* Mr. Okitsu was responsible for lighting design for the Class I bikeway and accompanying equestrian trail. The bikeway is approximately 3.2 linear miles long and is located on the east side of the Compton Creek Flood Control Channel. The equestrian trail is on the west side of the channel. Mr. Okitsu compared newer solar alternatives to more conventional alternatives. The lighting design provided illumination along the two trails and at seven major cross streets. Mr. Okitsu assisted in the identification of right-of-way, easements, and utilities that could potentially require design modifications. Elements of the design included details at street crossings, special bikeway and equestrian lighting, decorative wrought iron fencing, identifying encroachments, signing and striping and multi-agency coordination.

**Point Dume Walkway, Point Dume Elementary School, Malibu, CA.** *Project Manager.* Through a Safe Routes to School grant, the City of Malibu installed a 1.6-mile pedestrian walkway along Dume Drive, Grayfox Street, Fernhill Drive, and Wildlife Road to serve Pt. Dume Elementary School in Malibu. KOA Corporation (then known as Katz, Okitsu & Associates) identified encroachment into the public right-of-way by adjacent private properties on almost half of the extent of the project. Those encroachments were eventually removed during the course of the project. Mr. Okitsu served as project manager who recommended the path routing, the decomposed

**Education**  
 B.S., Civil Engineering, California State University, Los Angeles (1994)  
 M.S., Transportation Engineering, UC Berkeley (1981)  
 B.S., Math-Computer Science, UCLA (1979)

**Registrations**  
 Professional Engineer (Traffic) CA # 1406, 1985  
 Professional Engineer (Civil) CA # 52655, 1994  
 Professional Traffic Operations Engineer (PTOE)

**Years with Firm: 27**

**Years of Experience: 33**

granite and timber trail surface materials, and roadway crossing solutions. KOA prepared the construction documents and assisted during construction.

**Exposition Right-of-Way Bikeway Conceptual Design, Santa Monica, CA, for City of Santa Monica, CA.** *Principal-in-Charge.* The City of Santa Monica received federal funding for conceptual design of a bike path in abandoned railroad right-of-way. The City hired Crain & Associates, a wholly-owned subsidiary of KOA Corporation, to conduct the design in 2007. During the course of the project, however, the Exposition LRT received funding for construction. As a consequence, Crain’s task shifted to designing the bikeway to share the right-of-way with the LRT tracks. Walter Okitsu initiated the idea of a split-platform station at Bergamot Station and a two-stage signalized crossing of Olympic Boulevard for the bikeway. He also worked on bikeway crossings, a potential Class II bike lane segment, and the 17th Street Station layout.

**Rosemead Boulevard Separated Bike Lanes, City of Temple City, CA.** *Project Principal.* With Mr. Okitsu’s guidance, KOA produced conceptual geometrical layouts for Rosemead Boulevard from Callita Street near the northern City boundary to the railroad grade separation at the southern City boundary, approximately 2 miles. The plan identified locations for proposed bulb-outs, center raised medians, and other street modifications to accommodate a street beautification project. During the course of the design, separated bike lanes, or “cycle tracks”, were inserted on the existing street between curb and parked cars. Mr. Okitsu developed sight distance clearance guidelines to prevent “right hook” collisions between bicyclists and motorists turning right into driveways and cross streets. This resulted in a slight reduction in on-street parking, but was deemed necessary to maintain safety. KOA produced the construction documents related to traffic control devices.

**CURRENT ASSIGNMENTS AND AVAILABILITY:** Walter is available as needed to meet the requirements for our proposed scope of work.

**BRIAN CALVERT**  
Environmental Project Lead



**PROFESSIONAL EXPERIENCE**

Brian Calvert has 20 years of experience preparing environmental documents and specializes in transportation projects involving Caltrans; having worked on over more than forty transportation projects in his career involving Caltrans and FHWA (prior to NEPA delegation). Brian has managed ICF’s environmental on-call contract with Caltrans District 8, RCTD, and RCTC, where he has proven his ability to deliver projects on schedule and within budget. Brian’s broad experience managing the planning and environmental work for transportation projects gives him a comprehensive knowledge of all relevant resource areas. The environmental documents and reports he has prepared to meet federal (NEPA) and state (CEQA) regulations requires the interpretation and analysis of environmental, social, and cultural data, and the presentation of this information in a clear and concise manner that conforms to established regulations and legislation.

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| <p><b>Education</b><br/>MEP, Master of Environmental Planning, Arizona State University, Arizona, 2000<br/>BA (cum laude), Geography and Regional Science, The George Washington University, Washington, D.C., 1993</p> <p><b>Years with Firm: 11</b></p> <p><b>Years of Experience: 21</b></p> |
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**PROJECT EXPERIENCE**

**On-Call Environmental Services Contract—Caltrans District 8, Riverside and San Bernardino, California.** Project Manager. Brian supports the team to complete a series of environmental task orders related to a variety of roadway improvements in Riverside and San Bernardino Counties. More than 60 task orders have been produced involving interchange improvements, interchange construction, roadway and shoulder widening and upgrades.



**On-Call Environmental Consulting Services—RCTD, Riverside County, California.** Project Manager. Brian has served as project manager for RCTD’s on-call environmental contract since 2006. Eighteen task orders were issued under the contract to date. Work has included the preparation of environmental documents and technical studies, as well as obtaining regulatory permits.

**I-15 Express Lanes Project—Riverside County Transportation Commission, Riverside, California.** Environmental Manager for the I-15 Express Lanes project with RCTC. He is overseeing the preparation of the environmental technical studies, including air quality, noise, community impact, visual impacts, cultural resources, biological resources, and jurisdictional resources, and is responsible for the preparation and processing of the environmental document (Initial Study/Environmental Assessment). Brian is also responsible for coordinating with Caltrans and the resource agencies, where appropriate.

**Clinton Keith Road and I-215 Interchange Project Study Report and IS/EA—City of Murrieta/Caltrans/FHWA, Riverside County, California.** Served as environmental project manager. The City of Murrieta, in cooperation with Caltrans District 8, is pursuing improvement of an existing interchange at Clinton Keith Road and I-215. The project involves reconstructing the I-215/Clinton Keith Road interchange to facilitate future traffic flows resulting from nearby development. ICF assisted in preparing a PSR and prepared the NEPA/CEQA document and associated technical studies (NES, HPSR, VIA, Noise, and Air Quality). Key environmental issues included endangered species critical habitat and Section 404 and 401 of the Clean Water Act. Brian was responsible for managing the preparation of the environmental technical studies and NEPA document for obtaining Caltrans concurrence.

**Interstate 15/Duncan Canyon Road New Interchange PSR/PEAR and IS/EA/MND/FONSI—City of Fontana, California.** Served as project manager. The City of Fontana, in cooperation with the County of San Bernardino and the Caltrans is constructing a new interchange on Interstate 15 (I-15) at the existing Duncan Canyon Road overcrossing in the City of Fontana, San Bernardino County, California. The proposed interchange is being constructed south of the existing Sierra Avenue Interchange and north of the existing Summit Avenue Interchange along I-15. For this project, ICF prepared the necessary technical studies including a Natural Environment Study, Historic Property Survey Report, Visual Impact Assessment, Noise Study Report, and Air Quality Report. In addition, ICF prepare the IS/EA/MND/FONSI for the project. For this project Brian was responsible for managing the preparation of the environmental technical studies and NEPA document for obtaining Caltrans concurrence.

**Cajalco Road Widening from Harvill Avenue to Temescal Canyon Road—Riverside County Transportation Department, Riverside, California.** Project Manager. RCTD is proposing to widen Cajalco Road from two lanes to three lanes in each direction (east and west) from Temescal Canyon Road to I-215; a distance of approximately 16 miles. The project is evaluating various alignments along Cajalco Road and is also evaluating the General Plan roadway alignment. Services include the following: Preliminary Environmental Study (PES), Notice of Preparation/Initial Study (NOP/IS), Notice of Intent (NOI) Historic Property Survey Report, Finding of Effect, Visual Impact Assessment, Noise Study Report, Noise Abatement Decision Report (NADR), Natural Environment Study (NES), Initial Site Assessment (ISA), and EIR/EIS.

**SR-58 via Hinkley Widening EIR/EIS—Caltrans District 8, San Bernardino County, California.** Project Director. ICF is preparing the EIS/EIR for the SR-58 via Hinkley project in San Bernardino County. ICF is also preparing a water quality report, community impact assessment, relocation impact study, and a visual impact assessment. Document preparation involves coordination with BLM, USFWS and PG&E. The proposed project would involve widening and realignment of an approximately 10-mile segment of SR-58 from a two-lane conventional highway to a four-lane expressway/freeway west of the City of Barstow near the community of Hinkley. This will be a gap closure project, as SR-58 is a four-lane expressway on either side of the proposed project.

**CURRENT ASSIGNMENTS AND AVAILABILITY:** Brian is available as needed to meet the requirements for our proposed scope of work.

**MARI PIANTKA**  
**CEQA/NEPA, Environmental Lead Planner**



**PROFESSIONAL EXPERIENCE**

Mari Piantka is an environmental planner with more than 18 years of experience in both public sector and private sector consulting. Her experience includes preparing environmental documents for transportation, waste management, industrial, power, campus, and residential projects for various clients such as local cities and counties, transportation agencies, public utility agencies, college institutions, private energy companies, and waste management agencies. Mari’s areas of expertise include CEQA and NEPA compliance. She has managed and authored numerous reports including EIRs, EISs, ISs, technical studies, and applications for certification (AFCs). Mari performs policy and analysis, prepares environmental constraints and feasibility studies, and develops mitigation programs to reduce and avoid environmental impacts. Her primary technical expertise is in the analysis of land use and planning issues, transportation planning, demographics and socioeconomics, power plant development, and permitting.

**Education**  
 BA, Environmental Studies (emphasis in environmental law, environmental and urban planning, and CEQA compliance), University of California at Santa Barbara, 1997

**Years with Firm: 11**

**Years of Experience: 18**

**PROJECT EXPERIENCE**

**I-15 Widening from San Bernardino to I-215 EIR/EIS—Riverside County Transportation Commission/HDR Engineering, California.** Served as assistant project manager. Prepared the environmental documents for the project. Managed and coordinated the revisions and submittals of the technical studies with the project team. Provided day-to-day coordination with client, engineers, Caltrans, subconsultants, and task leaders.

**I-215 from Scott Road to Nuevo Road Additional Lane Environmental Document—Riverside County Transportation Commission, California** Served as assistant project manager. Prepared the IS/EA for the project. Managed and coordinated revisions and submittals of the technical studies with the project team. Provided day-to-day coordination with client, engineers, Caltrans, subconsultants, and task leaders.

**I-15/Duncan Canyon Road New Interchange IS/EA—City of Fontana and Caltrans District 8, California**  
 Served as senior environmental planner. Assisted with the preparation of an IS/EA for a project involving the construction of a new interchange on I-15 at the existing Duncan Canyon Road overcrossing. Responsible for responding to agency review comments on the IS/EA.

**ND for SR 86S at Airport Boulevard New Interchange Project—Caltrans District 8, Coachella, California**  
 Served as Project Task Manager. Assisted with preparation of the IS/ND. Prepared the response to comments and the final ND for a project involving the construction of a new interchange.

**MND for SR 74 Left-Turn Pocket and Shoulder Widening Project—Caltrans District 8, Lake Elsinore, California** Project Task Manager. Assisted with preparing the IS/MND. Prepared the response to comments and the final MND. The project added left-turn pockets to Gunnerson Street/Strickland Avenue, and widened the outside shoulders on SR 74 from Richard Street to Bunker Street.

**SR 74 Increase Curve Radius Project MND—Caltrans District 8, Lake Elsinore, California** Project Task Manager. Assisted with the preparation of the IS/MND. Prepared the response to comments and the final MND. The project increased the current curve radius along SR 74.

**I-405 HOV Lane Conversion Project — Orange County Transportation Authority Cities of Irvine and Costa Mesa, Orange County, California** Project Manager. Preparing the necessary environmental compliance



documents including the Categorical Exemption/Categorical Exclusion form, Natural Environment Study/Minimal Impacts, Water Quality memorandum, and Section 4(f) memorandum. The Orange County Transportation Authority (OCTA), in coordination with the California Department of Transportation (Department), is proposing to convert the existing full-time buffer-separated and limited-access High Occupancy Vehicle (HOV) facility along Interstate (I-) 405 to a continuous-access HOV facility in the northbound and southbound direction.

**Alton Avenue Overcrossing Over State Route 55 — City of Santa Ana, Santa Ana, California**

Project Manager. Prepared the Environmental Re-validation (NEPA Re-evaluation/CEQA Addendum). Prepared a Supplemental Historic Property Survey Report (HPSR), Historical Resources Evaluation Report (HRER), Air Quality Report, Biological Technical Memorandum (including a Jurisdictional Delineation), and a Noise Technical Memorandum. This proposed project includes the construction of an overcrossing along Alton Avenue/Parkway over SR-55 with high-occupancy vehicle (HOV) drop ramps connecting to SR-55, widening SR-55 to accommodate the drop ramps, widening/improving Alton Avenue/Parkway from just east of Red Hill Avenue to Main Street.

**Santa Ana Boulevard Grade Separation Project — City of Santa Ana, California**

Project Manager. Providing the Community Impact Assessment, Historic Property Survey Report (including Archaeological Survey Report and Historical Resources Evaluation Report), Relocation Impact Memorandum, and Natural Environment Study (Minimal Impact). Project improvements would include the construction of an underpass bridge and retaining walls, installation of paving, curbs, gutters, medians, sidewalks, streetlights, landscape and irrigation features, drainage facilities, and the relocation of utilities.

**CURRENT ASSIGNMENTS AND AVAILABILITY:** Mari is available as needed to meet the requirements for our proposed scope of work.

**LYNETTE OVERCAMP, SR/WA**  
Principal-in-Charge / Advisory Manager

Epic Land Solutions, Inc.

**PROFESSIONAL EXPERIENCE**

Ms. Overcamp has over 25 years of right of way experience. She is highly knowledgeable in both acquisition and relocation assistance, and familiar with the Federal and State laws pertaining to those areas. She also possesses extensive experience working on projects featuring involvement with the County of Riverside, Caltrans District 8, Caltrans Local Program, FHWA, Regulatory Agencies, and Utility Companies. Ms. Overcamp has managed acquisition and relocation projects for cities, counties, redevelopment agencies, school districts, energy companies and many other types of public agencies and public utilities. Her range of experience includes working with residential, retail, industrial and specialty properties, including airports, churches, dairy/cattle ranches and mortuaries.

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| <p><b>Education</b><br/>BS, Business Administration, Cal State Dominguez Hills</p> <p><b>Certifications</b><br/>Senior Member, International Right of Way Association, #5475</p> <p><b>Years with Firm: 14</b></p> <p><b>Years of Experience: 25</b></p> |
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**PROJECT EXPERIENCE**

**Mid County Parkway, Riverside County Transportation Commission, Riverside, CA, Project Manager.** Ms. Overcamp is managing right of way services being performed for this study. She has spearheaded a team of agents to obtain 3,000 permits to enter, as well as prepare right of way and utility cost estimates and Caltrans right of way data sheets for several alternatives and interchanges.

**SR-79 Widening, Riverside County Transportation Commission, Riverside County, CA, Project Manager.** Ms. Overcamp managed Epic’s team which provided right of way costs estimates, prepared Caltrans right of way data sheets and drafted a Draft Relocation Impact Report. Epic’s team analyzed over 100 parcels and numerous alternatives.

**Lenwood Road Grade Separation, SANBAG, Barstow, CA, Advisory Manager.** Epic provided turnkey right of way services for this project impacting over 25 properties for overpass, alternate routes and detour roads. Ms. Overcamp oversaw Epic's team, which procured title reports, utility coordination, right of way certification, cost estimating, right of way data sheets, appraisals, appraisal reviews, property acquisition, and relocation assistance for three businesses, seven residences and one mobile home. The team performed interim property management and worked with the County of San Bernardino and the City of Barstow. The project had Caltrans and SANBAG oversight. Schedule deadlines were met and work was completed within budget.

**I-215 Median Widening, Riverside County Transportation Commission, Riverside, CA, Project Manager.** Ms. Overcamp managed Epic's right of way team to secure over 170 rights of entry for properties for preliminary engineering and preparation of the environmental document. Epic's team also provided right of way studies, cost estimates for right of way and utilities and prepared Caltrans right of way data sheets.

**San Bernardino Avenue, Riverside Avenue & Willow Avenue, Street & Storm Drainage Improvements (City Project No. 130801), City of Rialto, CA, Project Manager.** Epic is providing the City of Rialto with right of way services for the widening of San Bernardino Avenue, Riverside Avenue and Willow Avenue. Services include title research, appraisals, acquisitions, escrow coordination, and eminent domain support for 10 parcels.

**Meadowlark Road Improvements, City of Murrieta, CA, Advisory Manager.** Ms. Overcamp is overseeing Epic's team, which is acquiring easements, slope easements and temporary construction easements for 18 properties affected by the road widening and improvement project. Epic's team is providing appraisal, acquisition/negotiation and escrow coordination services.

**Magnolia Center Grade Separation Project, City of Riverside, CA, Advisory Manager.** Ms. Overcamp provided oversight for the relocation of 27 businesses. She managed the preparation of a relocation plan, provided required noticing and referrals, performed moving coordination, coordinated claim and payment of relocation benefits and provided advisory services. Epic's team drafted and presented offers for Fixtures & Equipment and reconciled between the tenants and the owners. Ms. Overcamp also provided interim property management services for the businesses. This was an off-system Caltrans oversight project.

**Columbia Avenue Grade Separation Project, City of Riverside, CA, Advisory Project Manager.** Ms. Overcamp supervised the relocation assistance of seven residences (owner and tenant occupied), and two automotive businesses. Epic's team drafted a relocation plan, provided required noticing, provided referrals, provided DSS inspections for the residential tenants, performed moving coordination, coordinated claim and payment of relocation benefits and provided advisory services. Epic also provided interim property management services for the businesses on this off-system Caltrans oversight project.

**CURRENT ASSIGNMENTS AND AVAILABILITY:** Lynette is available as needed to meet the requirements for our proposed scope of work.

**KAREN STARR, CPM®, R/W-AMC, SR/WA**  
**Project Manager**

**Epic Land Solutions, Inc.**

**PROFESSIONAL EXPERIENCE**

Ms. Starr is Epic’s Regional Manager for the Inland Empire office (in Riverside), and handles our major clients’ project management needs. She has more than 25 years of experience in all aspects of project management. Her experience includes acquisition for residential, multi-family, mobile home parks, commercial and industrial properties. She also possesses extensive experience working on projects featuring involvement with the County of Riverside, Caltrans District 8, Caltrans Local Program, FHWA, Regulatory Agencies, and Utility Companies. In addition to her experience, she has provided recent services to the City of Corona for the Auto Center Grade Separation project, the North First Avenue Barstow Bridge Project, and the Lenwood Road Grade Separation project. Other relevant experience includes the Downtown San Bernardino Passenger Rail project and the City of Riverside Magnolia and Columbia Grade Separation projects.

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| <p><b>Education</b><br/>BS, Business and Management, University of Redlands</p> <p><b>Certifications</b><br/>Right of Way Asset Management Certification, IRWA<br/>Senior Member, International Right of Way Association</p> <p><b>Years with Firm: 7</b></p> <p><b>Years of Experience: 25</b></p> |
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**PROJECT EXPERIENCE**

**Auto Center Road Grade Separation Project, City of Corona, CA, Project Manager.** Epic provided right of way services for this grade separation where 11 parcels were impacted. Ms. Starr managed all acquisition tasks including rights of entry and the acquisition of part-takes for properties requiring fee acquisitions, utility easements, aerial easements, slope easements, retaining wall easements, multi-purpose easements and temporary construction easements. Epic obtained Caltrans right of way certification for this project.

**Lenwood Road Grade Separation, SANBAG, Barstow, CA, Project Manager.** As Project Manager, Ms. Starr managed the full spectrum of right of way services for the Preliminary Engineering/Environmental Document and Final Design phases. Epic prepared right of way cost estimates and data sheets. The project impacted over 25 properties for an overpass. Epic’s team also provided acquisition, relocation services, property management services (demolition and clearance), and Caltrans District 8 right of way certification. Ms. Starr coordinated efforts with the County of San Bernardino and the City of Barstow.

**Downtown San Bernardino Passenger Rail Project, SANBAG, County of San Bernardino, CA, Project Manager.** Epic is engaged in right of way services as part of the preliminary engineering and environmental report team. Ms. Starr is managing Epic’s team as it provides acquisition services for over 35 parcels including fee, part take, and temporary construction easements. Services include obtaining rights of entry, title reports, appraisals, appraisal reviews, fixture, furniture and equipment appraisals, negotiating with business and residential owners, providing support for goodwill, and relocation assistance.

**I-215/SR-60 East Junction HOV, Riverside County Transportation Commission, Riverside, CA, Project Manager.** Epic provided turn-key right of way services for this Caltrans oversight project. Ms. Starr managed the Epic team responsible for performing title services, appraisal and appraisal review, acquisition/negotiation of 3 parcels, and relocation assistance for 18 residential tenant-occupied residents. In addition, she managed the team’s utility relocation of 7 utility facilities, provided property management services, environmental site assessments, asbestos/lead remediation, demolition and clearance, and right of way certification. Impacts included an apartment complex, used car lot, vacant land, outdoor advertising sign, utilities and utility equipment facilities.

**Rail Property Management, SANBAG, County of San Bernardino, CA, Property Manager.** Ms. Starr is managing Epic’s property management of SANBAG-owned right of way for the San Gabriel Subdivision, Baldwin Park Subdivision, and the Redlands Subdivision, approximately 70 miles of right of way. She is analyzing and negotiating

approximately 955 non-revenue agreements. The scope of work involves 87 revenue agreements adding up to more than \$400,000 in annual revenue. Other tasks involve creating new licenses/agreements, developing master utility agreements, enforcing agreements and collecting fees.

**Magnolia Center Grade Separation Project, City of Riverside, CA, Property Manager.** Ms. Starr supervised relocations for 27 businesses. She managed Epic’s team, which prepared a relocation plan, provided required noticing and referrals, performed moving coordination, coordinated claim and payment of relocation benefits and provided advisory services. Epic’s team drafted and presented offers for Fixtures & Equipment and reconciled between the tenants and the owners. Ms. Starr provided interim property management services for the businesses for this off-system Caltrans oversight project.

**San Bernardino Avenue, Riverside Avenue & Willow Avenue, Street & Storm Drainage Improvements (City Project No. 130801), City of Rialto, CA, Project Manager.** Epic is providing the City of Rialto with right of way services for the widening of San Bernardino Avenue, Riverside Avenue and Willow Avenue. Services include title research, appraisals, acquisitions, escrow coordination, and eminent domain support for 10 parcels.

**Meadowlark Improvement Project, City of Murrieta, CA, Project Manager.** Epic provided right of way acquisition services for the Meadowlark Road Widening and Improvement project. Ms. Starr oversaw the Epic team’s negotiations with 12 property owners for acquisitions of various types of permanent easements and temporary construction easements. This project met schedule deadlines and was completed within the project budget.

**CURRENT ASSIGNMENTS AND AVAILABILITY:** Karen is available as needed to meet the requirements for our proposed scope of work.

**STEVE LANG**  
Principal / Project Manager



**PROFESSIONAL EXPERIENCE**

A Principal in MIG’s Fullerton office, Steve Lang has more than 35 years of experience in landscape architecture and project management. He has managed the preparation of conceptual studies, master plans, and construction drawings for projects ranging from trails and corridors, to urban redevelopment and natural parks. His experience includes regional interpretive trails along waterways; neighborhood, community and regional parks; equestrian facilities; sports complexes; streetscapes; and road improvements.

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| <p><b>Education</b><br/>Bachelor of Arts, Landscape Architecture,<br/>University of California, Berkeley</p> <p><b>Registrations</b><br/>Landscape Architect, CA #1771<br/>Nevada #461</p> <p><b>Years with Firm: 20</b></p> <p><b>Years of Experience: 35</b></p> |
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**PROJECT EXPERIENCE**

- El Dorado Nature Park on the Pacoima Wash, Los Angeles, California (in progress)
- Claremont Hills Wilderness Park, Claremont, California (in progress)
- Rathbun Creek Corridor Feasibility Study, Big Bear Lake, California (in progress)
- Compton Creek Nature Park, Compton, California
- Big Bear Valley Pedestrian, Bicycle and Equestrian Master Plan, Big Bear Lake, California
- Award-Winning Anaheim Urban Greening Plan, (connectivity plan featuring trails in utility corridors and along the Santa Ana River), Anaheim, California

- Award–Winning Anaheim Coves (Multi-use trail development adjacent to the Santa Ana River), *Anaheim, California*

**CURRENT ASSIGNMENTS AND AVAILABILITY:** Steve is available as needed to meet the requirements for our proposed scope of work.

**DARREN RECTOR**  
Deputy Project Manager



**PROFESSIONAL EXPERIENCE**

Mr. Rector has a wide range of interests, including park renovation and rehabilitation, historical preservation, urban design, regenerative landscape systems, and the Sustainable Sites Initiative and LEED certification. He has managed to completion a wide variety of projects ranging from community and neighborhood parks to international destination resort enhancement and municipal facility restoration. His work responsibilities include park master planning and conceptual design, public workshop facilitation and oversight of construction document production through bidding and implementation.

**Education**  
B.S., Landscape Architecture  
California State Polytechnic University

**Registrations**  
Landscape Architect, CA #4861  
Nevada #627

**Years with Firm:** 10

**Years of Experience:** 22

**PROJECT EXPERIENCE**

- El Dorado Nature Park on Pacoima Wash, *Los Angeles, California*
- West San Gabriel River Trail, Phase III, *Lakewood, California*
- Gateway Park, *El Monte, California*
- Rio Hondo Trail and Emerald Necklace Valley Boulevard Gateway, *El Monte, California*
- Lower Mission Creek, *Santa Barbara, California*
- Hahamonga Watershed Park Annex Master Plan Assessment, *Pasadena, California*
- Lemon Park Master Plan, *Fullerton, California*
- Fallbrook Park, *Woodbridge, Irvine, California*
- Central Park, *La Palma, California*
- Canyon Oaks Park, *Westlake Village, California*
- Angeles National Forest Supervisor’s Office, *Arcadia, California*

**CURRENT ASSIGNMENTS AND AVAILABILITY:** Darren is available as needed to meet the requirements for our proposed scope of work.



**CLIFF SIMENTAL, PLS**  
**Vice President, Land Surveying and Mapping**



### PROFESSIONAL EXPERIENCE

Mr. Simental is Vice President and Survey Team Leader for Psomas' Riverside office. He is a registered professional land surveyor with more than 38 years of surveying experience in California. Mr. Simental has a broad background including design surveys, construction, hydrographic, topographic, boundaries, and cadastral surveys. He has served as project manager in charge of on-call surveying services for various public agencies. This background gives Mr. Simental a diverse range of experience working on a variety of survey projects, as well as working with client standards and design criteria.

### PROJECT EXPERIENCE

**City of Moreno Valley On-Call Surveying, Moreno Valley, CA (2005/Present):** Task Manager for various survey tasks as part of Psomas' on-call contract with the City. These tasks represent a broad-range of surveying functions in support of both design and post-design construction staking surveys, including signal location, roadway construction staking, and various street improvements including curb, gutter, and sidewalk location surveys.

**Sunnymead Ranch Development, Moreno Valley, CA:** As Survey Manager for the private developer of this 1,000 home subdivision, directed a survey party to provide the alignment and topographic survey for over 15 individual tracts, a lake, parks and an equestrian trail on the hillsides of North Moreno Valley. The project required the preparation and recordation of a legal description and construction staking for grading. Also provided was a hydrographic survey of the lake.

**Moreno Valley Ranch Development, Moreno Valley, CA:** On this 1,500+ home subdivision project including a PGA 27-hole golf course and lake, served as Survey Manager responsible for running multiple crews. He and his crews were responsible for topography, boundary and construction surveying and staking of the entire site which included over 40 individual tracts. Also responsible for the direction of surveying and preparation of a legal description and plat for the easement of an equestrian trail. The survey included establishing the state park boundary, monumentation, and recordation of a Record of Survey.

**Santa Clara River Trail, Phase II, Santa Clarita, CA:** As Survey Manager on this project, was responsible for providing survey services confirming existing property lines, and existing and proposed rights of way and easements through the project area, and that accurately depict the topography of the area in relation to the properties. This ensured the trail remained within the limits of the correct property. Also oversaw the survey crews that supplemented aerial topo maps with pertinent data and located specific points necessary for correct routing of the trail.

**South Fork River Trail, Phase IV, Santa Clarita, CA:** Responsible for directing the survey field crew and office personnel who confirmed existing property lines, and existing and proposed rights of way and easements through the project area, and that depicted the topography of the area in relation to the properties. Also oversaw preparation of the supplemented aerial topo maps and verified the pertinent data and located specific points necessary for correct routing of the trail.

**Palm Desert Sports Complex, Palm Desert, CA:** Survey Manager/Party Chief for construction staking of the City of Palm Desert Sports Complex which included a jogging path and bike trail.

#### Education

1975/San Bernardino Valley College, Land Surveying Curriculum  
1989/Supervisory Excellence/Certificate/University of California, Riverside  
2002/Graduate/ACEC Senior Executive Institute, Leadership Development

#### Registrations

Professional Land Surveyor/CA #5022  
Professional Land Surveyor/NV #11769

**Years with Firm: 4**

**Years of Experience: 38**



**Martha McLean Anza Narrows Park, Riverside, CA:** This project for Riverside County Parks Department was for the renovation of an existing park. As Survey Manager, directed the layout of this trail. The plans used were preliminary in nature and required a field fit situation holding design criteria.

**Bogart Park Bike Trail, Cherry Valley, CA:** As Survey Manager for design of a bike trail through an existing park, coordinated with an aerial firm the topographic survey and directed the survey party and office calculations for the ground control.

**Caltrans District 8, On-Call Land Surveying Services, San Bernardino County, CA:** Project Manager responsible for horizontal and vertical control surveys; topographic surveys; cross-section data collection; survey calculations and adjustments; design surveys; survey data formatting; construction surveys; right-of-way surveys and mapping; Record of Survey mapping; monumentation surveys; preparation and maintenance of survey and acquisition documents; and traffic control.

**Caltrans District 8, Contract 08A1288, On-Call Land Surveying Services, San Bernardino County, CA:** Principal-In-Charge on this contract to provide land surveying services on various projects in the San Bernardino County areas. A variety of surveying services were performed on the SR330, I-15, I-215, SR60, SR18, SR74, SR2, SR79, SR38, SR111, SR40, and the SR71 to name a few.

**Riverside County Transportation Commission, On-Call Surveying Services for Future Measure "A" Transportation Improvement Projects, Riverside County, CA:** Principal-In-Charge on this four-year contract to provide on-call surveying services. Services include right-of-way engineering, monumentation perpetuation, record of survey, construction, design, GPS and railroad surveys.

**CURRENT ASSIGNMENTS AND AVAILABILITY:** Cliff is available as needed to meet the requirements for our proposed scope of work.

**PAUL SOLTIS, PE, GE**  
Vice President, Geotechnical Senior Engineer



**PROFESSIONAL EXPERIENCE**

Mr. Paul Soltis has over 21 years of experience, with an emphasis on public works projects. His professional experience includes geotechnical investigations and analyses relative to the development of transportation, rail, landfill, airport and roadway, and water resource facilities Mr. Soltis manages multiple projects and multiple deadlines, and has a history of increasing the client's profitability on projects by utilizing innovative and time saving techniques. He has specialized expertise in bridge foundation and pavement design calculations, foundation and preliminary materials reports in accordance with Caltrans requirements, geotechnical site investigations using hollow stem auger, mud rotary, air rotary, and bucket auger drilling and CPT, Geotechnical Engineer of Record for several large hospital projects, engineering oversight during the construction phase of projects, geotechnical engineering analyses for deep foundations, shallow foundations, and retaining walls, including bearing capacity, lateral capacity, static and seismic settlement, and selection of most appropriate foundation type. His projects include roadway rehabilitation, street design, parking lots, ADA requirements, drainage, and grading both in the private and public sectors. Mr. Soltis works in multiple capacities as project manager, project engineer, lead engineer, design engineer, and construction engineer in both the civil and construction management disciplines.

|  |
|--|
| <p><b>Education</b><br/>BS, Civil Engineering, 1993, California Polytechnic State University, San Luis Obispo<br/>MS, 2000, University of Colorado, Boulder</p> <p><b>Registrations</b><br/>Prof. Engineer (Civil) CA #56140<br/>Prof. Engineer (Geotechnical) CA #2606</p> <p><b>Years with Firm: 8</b></p> <p><b>Years of Experience: 21</b></p> |
|--|

## PROJECT EXPERIENCE

**Del Rosa Ave and Highland Ave, San Bernardino, CA.** Project Manager/Geotechnical Engineer. As the Project Manager/Geotechnical Engineer, Mr. Soltis was in charge of overseeing the entire project, Field exploration, reviewing the results and preparing materials and design recommendations for this project. Both sections of the road have alligator cracking and the City wanted us to provide pavement design recommendations for overlay and reconstruction of the pavements. Twining's first tasks was to coordinate and perform field exploration by evaluating the existing pavement condition to determine the type of distress. Tasks 2, was to perform pavement/materials laboratory testing using the samples obtained by the cores taken from the site. Once completed and results were in, Mr. Soltis then prepared pavement/materials and design recommendation for design and construction to the City.

**Martin Luther King Community-Oriented Skatepark, El Centro, CA.** Project Manager/Geotechnical Engineer. As project manager/geotechnical engineering Mr. Soltis provided engineering oversight for this project. He provided coordinating and performing field exploration, geotechnical laboratory testing, engineering analyses as well as preparing the final geotechnical engineering report. This project consisted of the design for a community-oriented skatepark and related facilities on approximately fifty-four thousand square feet located between Adams and Park Avenues and 7th and 6th Streets within Adams Park in the City of El Centro.

**Norwegian Grade, City of Thousand Oaks, CA.** Senior Geotechnical Engineer. As Senior Geotechnical Engineer, Mr. Soltis performed an initial pavement evaluation. Based on this evaluation, our team completed a pavement design utilizing as much of the natural material as possible. We also performed slope stability analyses along portions of the narrow, restricted, hillside roadway. Pavement design activities included the performance of falling weight deflectometer testing and services during construction included comprehensive quality assurance inspection and testing. Mr. Soltis also provided on-site engineering solutions to support project needs that emerged during construction due to the special circumstances of this 100-year-old road.

**State Street/Highway 101 Bridge, Santa Barbara, CA. Staff Engineer.** As staff engineer, Mr. Soltis served as staff engineer and performed geotechnical investigation and analyses for Foundation Report for new bridge over Highway 101 at State Street in Santa Barbara. Performed calculations and provided recommendations for CIDH piles and abutment foundations in older alluvial and bedrock materials. Additionally, Mr. Soltis performed investigation and analyses for preparation of Materials Report for new pavements at bridge approaches.

**Cochran Street Bridge Widening, City of Simi Valley, CA.** Senior Geotechnical Engineer. As senior geotechnical engineer Mr. Soltis provided senior geotechnical engineering oversight during the design of the bridge widening at the Llajas Creek overcrossing. He performed geotechnical field investigation in support of the design of bridge foundations consisting of cast-in-drilled-hole (CIDH) piles. The work was performed for the City of Simi Valley utilizing Caltrans design and construction standards. Investigation was performed in limited access conditions with the presence of active traffic and required coordination with County of Ventura Flood Control District.

**CURRENT ASSIGNMENTS AND AVAILABILITY:** Paul is available as needed to meet the requirements for our proposed scope of work.

**RICK HAZEN, PG, CEG**  
**Principal Engineering Geologist**



### PROFESSIONAL EXPERIENCE

Mr. Hazen has over 35 years of experience as a geologist in California. He manages multiple projects and multiple deadlines, and has a history of increasing the client's profitability on projects by utilizing innovative and time saving techniques. He specializes in design and construction projects in Southern California, and has provided geotechnical services on numerous projects from the initial planning and conceptualization phase to final design and construction. Mr. Hazen is responsible for the technical oversight of geologic aspects of the firm's projects.

#### Education

MS, Geology, University of California, Los Angeles (1983)  
BS, Applied Earth Sciences, Stanford University, Palo Alto (1978)

#### Registrations

Prof. Geologist CA # 1983  
Cert. Engineering Geologist, CA #1712

**Years with Firm: 10**

**Years of Experience: 36**

### PROJECT EXPERIENCE

**Long Beach Naval Station, Redevelopment Environmental Impact Report , Long Beach CA.** Geologist. As geologist for this project Mr. Hazen was responsible for geologic analyses for the environmental impact report associated with closure of the Long Beach Naval Station and redevelopment of the property for use by the Port of Long Beach.

**Long Beach Naval Ship Yard Environmental Impact Report, Long Beach, CA.** Geologist. As geologist for this project Mr. Hazen was responsible for geologic analyses for the environmental impact report associated with closure of the Long Beach Naval Ship Yard and redevelopment of the property for use by the Port of Long Beach.

**San Juan Hills Estates Project, San Juan Capistrano, CA.** Geologist. As Geologist for this project, Mr. Hazen was asked to represent the Homeowners Association to evaluate several slope stability concerns. Part of one slope had already failed and posed future risk for housing tract for possible damage from landslide and flooding. Mr. Hazen performed geologic investigation. Our investigation revealed a much larger problem with greater risk to the local neighborhood as well as city water facilities.

**College For Officer Training (CFOT), Remedial Slope Repair, Rancho Palos Verdes, CA.** Geologist. As Geologist for this project, Mr. Hazen provided remedial recommendations. The College for Officer Training is owned and operated by the Salvation Army and sits on a hillside. Twining was contracted to address surficial slope failures potentially disruptive to existing tennis courts and clubhouse. Our investigation revealed that existing facilities had been built on uncertified fill which was placed in 1958. This project is currently under study and investigation..

**Cedar and Front Streets San Diego, CA.** Geologist. As Geologist of record for design of mixed use (commercial/residential) 11-story building, 4 levels of subterranean parking in San Diego. Mr. Hazen's Investigation included fault trench logging in compliance with the requirements of the City of San Diego for projects located within the Downtown Special Fault Zone. Design included mitigation of potential intermittent shallow groundwater conditions.

**26647 Logwood Canyon Drive, Wrightwood, CA. Geologist.** As Geologist of record for design and construction of a single family residence located in an Alquist-Priolo Earthquake Fault Zone. Mr. Hazen's Investigation included fault trenching, and consultation with the design civil engineer to move the structure when it was discovered that a strand of the San Andreas fault passed through the originally-proposed location. Design report was reviewed and approved by the County of Los Angeles.

**BILLING RATE SCHEDULE**

**KOA CORPORATION**

| <b>Name</b>   | <b>Title/Role</b> | <b>Hourly Rate</b> |
|---------------|-------------------|--------------------|
| Chuck Stephan | Project Manager   | \$135              |
| Min Zhou      | Traffic Engineer  | \$120              |
| Ming Guan     | Project Engineer  | \$102              |
| Walter Okitsu | Project Engineer  | \$102              |

**EPIC LAND**

| <b>Name</b>      | <b>Title/Role</b> | <b>Hourly Rate</b> |
|------------------|-------------------|--------------------|
| Lynette Overcamp | Advisory Manager  | \$213.05           |
| Karen Starr      | Project Manager   | \$156.24           |

**ICF**

| <b>Name</b>   | <b>Title/Role</b> | <b>Hourly Rate</b> |
|---------------|-------------------|--------------------|
| Brian Calvert | Project Director  | \$146.61           |
| Mari Piantka  | Sr. Consultant II | \$97.89            |

**MIG**

| <b>Name</b>   | <b>Title/Role</b>   | <b>Hourly Rate</b> |
|---------------|---------------------|--------------------|
| Steve Lang    | Principal-in-Charge | \$175              |
| Darren Rector | Project Manager     | \$135              |

**PSOMAS**

| <b>Name</b>    | <b>Title/Role</b>                  | <b>Hourly Rate</b> |
|----------------|------------------------------------|--------------------|
| Cliff Simental | Project Manager/Survey Team Leader | \$225              |

**TWINING**

| <b>Name</b>   | <b>Title/Role</b>            | <b>Hourly Rate</b> |
|---------------|------------------------------|--------------------|
| Paul Soltis   | Principal Engineer/Geologist | \$160              |
| Richard Hazen | Registered Geologist         | \$160              |

The hourly rate schedule is part of KOA's Proposal for use in invoicing for progress payments and for extra work incurred that is not part of the Request for Proposal. All extra work will require prior approval from the City.

Item No. A.4

| KOA Team  |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
|---|---------------|-------|-------|-----|------|------|--------|-----------|---------|----------|----------|--------------|----------|-------|-------|
| Project Design Schedule   |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| Aqueeduct Trail Project   |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| City of Moreno Valley   |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| TASKS   | February 2015 | March | April | May | June | July | August | September | October | November | December | January 2016 | February | March | April |
| <b>A. GENERAL</b>   |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 1. Meetings Kickoff, P.D.T. Council, etc.) including Proj. Mgmt & Admin |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 2. Agency Coordination  |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 3. Project Schedule Flowchart, Deliverables Definition                  |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| <b>B. PHASE I: PLANNING, ENVIRONMENTAL, AND CONCEPTUAL DESIGN</b>       |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 1. Research of Existing Information                                     |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 1A. Site Research- Photography, Video, Field Verification               |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 1B. Record Plans  |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 1C. Utility Research and Notifications                                  |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 1D. Right of Way Research   |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 1E. Technical Investigation and Recommendations                         |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 1F. Environmental Assessment  |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 1G. Utility Surveying and Topographic Mapping                           |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 1H. Public Outreach   |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 1I. Traffic Studies   |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 1J. Preliminary Drainage Study and Assessment                           |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 1K. Permit Investigation  |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 8. Preliminary Landscape Architecture Conceptual Investigation          |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 10. Alternatives Workshop with City Staff                               |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 11. Develop Typical Details   |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 11A. Trail Cross Sections and Plan-Call Layout                          |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 11B. Landscaping Detail Plans   |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 11C. Wayfinding Detail Plans  |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 11D. Street Crossings   |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 11E. Drainage/SWPPP Recommendations/LID                                 |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 11F. Safety Lighting  |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 12. Standards Compliance Review   |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 13. ADA Compliance Review   |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 14. Preliminary Design Review Workshop with City Staff                  |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 15. Develop Final Typical Details and Preliminary Concept Report        |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 16. Right of Way Needs Assessment and Plan                              |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| 17. CEQA/NEPA/Environmental Documentation                               |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |
| <i>Schedule Includes Sub-consultants.</i>                               |               |       |       |     |      |      |        |           |         |          |          |              |          |       |       |



**RESOURCE ALLOCATION MATRIX**

A resource allocation matrix for KOA and sub-consultants are noted below.

**KOA Corporation**

| <b>City of Moreno Valley<br/>Aqueduct Trail System</b>                 |                 |                  |                  |            |                |             |
|--|-----------------|------------------|------------------|------------|----------------|-------------|
|  | Project Manager | Project Engineer | Traffic Engineer | CAD Tech   | Admin. Assist. | TOTAL HOURS |
| Note: Only hours for KOA Corporation shown hereon                      |                 |                  |                  |            |                |             |
| <b>A - PHASE I: GENERAL</b>  |                 |                  |                  |            |                |             |
| 1. Meetings (Kickoff, PDT, Council, etc.) including Proj. Mgmt & Admin | 8               | 16               | 16               |            | 4              | 44          |
| 2. Agency Coordination   |                 | 24               | 8                |            | 8              | 40          |
| 3. Project Schedule, Flowtask Chart, Deliverables Definition           | 4               | 2                | 1                |            | 1              | 8           |
| <b>B - PHASE I: PLANNING, ENVIRONMENTAL, AND CONCEPTUAL DESIGN</b>     |                 |                  |                  |            |                |             |
| 1. Research of Existing Information                                    |                 |                  |                  |            |                |             |
| 1A. Site Research- Photography, Video, Field Verification              | 16              | 32               | 24               | 24         | 2              | 98          |
| 1B. Record Plans   | 4               | 8                | 8                | 24         |                | 44          |
| 1C. Utility Research and Notifications                                 | 1               | 4                |                  | 8          | 4              | 17          |
| 1D. Right of Way Research  | 4               | 4                |                  | 2          | 2              | 12          |
| 2. Geotechnical Investigation and Recommendations                      | 4               | 8                |                  |            | 2              | 14          |
| 3. Environmental Assessment  | 4               | 4                |                  |            | 2              | 10          |
| 4. Preliminary Surveying and Topographic Mapping                       | 8               | 16               |                  | 16         | 4              | 44          |
| 5. Public Outreach   | 16              | 24               | 8                | 24         | 16             | 88          |
| 6. Traffic Studies   | 8               | 8                | 80               | 4          | 4              | 104         |
| 7. Preliminary Drainage Study and Assessment                           | 4               | 16               |                  | 4          |                | 24          |
| 8. Permit Investigation  | 2               | 8                |                  |            | 2              | 12          |
| 9. Preliminary Landscape Architecture Conceptual Investigation         | 16              | 16               |                  |            | 4              | 36          |
| 10. Alternatives Workshop with City Staff                              | 8               | 8                | 8                | 8          | 2              | 34          |
| 11. Develop Typical Details  |                 |                  |                  |            |                |             |
| 11A. Trail Cross Sections and Plan-Civil Layout                        | 4               | 16               |                  | 40         |                | 60          |
| 11B. Landscaping Detail Plans  | 4               | 8                |                  | 8          | 4              | 24          |
| 11C. Wayfinding Detail Plans   | 2               | 4                |                  | 4          | 4              | 14          |
| 11D. Street Crossings  | 16              |                  | 40               | 60         | 4              | 120         |
| 11E. Drainage/SWPPP Recommendations/LID                                | 16              | 16               |                  | 4          |                | 36          |
| 11F. Safety Lighting   | 2               | 16               |                  | 16         | 2              | 36          |
| 12. Standards Compliance Review  | 16              | 16               |                  |            |                | 32          |
| 13. ADA Compliance Review  | 8               | 8                |                  |            |                | 16          |
| 14. Preliminary Design Review Workshop with City Staff                 | 4               | 4                | 4                | 4          |                | 16          |
| 15. Develop Final Typical Details and Preliminary Concept Report       | 8               | 16               | 8                | 24         | 8              | 64          |
| 16. Right of Way Needs Assessment and Plan                             | 2               | 4                |                  |            |                | 6           |
| 17. CEQA/NEPA/Environmental Documentation                              | 2               | 4                |                  |            |                | 6           |
| <i>Phase I Subtotal</i>  | <b>191</b>      | <b>310</b>       | <b>205</b>       | <b>274</b> | <b>79</b>      | <b>1059</b> |



| Epic Land Solutions, Inc.                         |                  |                 |                 |                     |             |                     |             |               |                 |                    |
|---|------------------|-----------------|-----------------|---------------------|-------------|---------------------|-------------|---------------|-----------------|--------------------|
| City of Moreno Valley - Aqueduct Trail System RFP |                  |                 |                 |                     |             |                     |             |               |                 |                    |
| 1-Dec-14  |                  |                 |                 |                     |             |                     |             |               |                 |                    |
|   | Lynette Overcamp | Karen Starr     | Gary Skow       | Curtis Bibolet      | Kari Anvick | Chris Bibolet       | BJ Swanner  | Kelsey Kaszas | Linda Rodriguez |                    |
|   | Advisory Manager | Project Manager | Utility Manager | Utility Coordinator | ROW Agent   | Utility Coordinator | GIS Manager | GIS Analyst   | Admin Support   |                    |
| <b>Right of Way Tasks</b>                         |                  |                 |                 |                     |             |                     |             |               |                 | <b>Total Hours</b> |
| Project Management & Administration               | 4                | 20              |                 |                     |             |                     |             |               |                 | 24                 |
| GIS Services to identify right of way             |                  |                 |                 |                     |             |                     | 4           | 16            |                 | 20                 |
| DRIS- Draft                                       | 2                | 5               |                 |                     | 25          | 25                  |             |               | 20              | 77                 |
| R/W Data Sheet                                    | 2                | 5               |                 |                     | 20          | 20                  |             |               |                 | 47                 |
| Utility Coordination (Assumes 19 utilities)       |                  |                 | 114             | 114                 |             |                     |             |               |                 | 228                |
| DRIS - Final                                      | 2                |                 |                 |                     |             |                     |             |               |                 | 2                  |
| QA/QC   | 2                | 5               |                 |                     | 15          | 15                  |             |               | 15              | 52                 |
| <b>TOTAL</b>                                      | <b>12</b>        | <b>35</b>       | <b>114</b>      | <b>114</b>          | <b>60</b>   | <b>60</b>           | <b>4</b>    | <b>16</b>     | <b>35</b>       | <b>450</b>         |

**ICF**

| RESOURCE ALLOCATION MATRIX   |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             |            |
|--|-----------------------|----------------------------|-----------------------|-----------------------|---------------------------|-----------------------------|-------------------------------|-----------------------|--------------------------------|------------------------------|------------------------------|-----------------------------------|-----------------------------|----------------------------|---------------------------|----------------------------|-------------------------------|----------------------|-------------|------------|
| AQUEDUCT TRAIL SYSTEM  |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             |            |
| TASKS  | Calvert B<br>Proj Dir | Plantka M<br>Sr Consult II | Shook J<br>Admin Tech | Buehler D<br>Proj Dir | Hardie J<br>Sr Consult II | Cooper K<br>Sr Tech Analyst | Robinson M<br>Sr Tech Analyst | West Z<br>Mng Consult | Swintak S<br>Assoc Consult III | Farnsworth M<br>Asst Consult | Jones T<br>Assoc Consult III | Mountain-Gastro J<br>Asst Consult | Richards P<br>Sr Consult II | Ritenour D<br>Sr Consult I | McFalls M<br>Sr Consult I | Richards M<br>Sr Consult I | Flores M<br>Assoc Consult III | Parra A<br>Consult I | TOTAL HOURS |            |
| <b>A - GENERAL</b>   |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             |            |
| 1. Meetings (Kickoff, PDT, Council, etc.) including Proj. Mgmt & Admin | 100                   | 72                         | 6                     | 0                     | 0                         | 0                           | 0                             | 0                     | 0                              | 0                            | 0                            | 0                                 | 0                           | 0                          | 0                         | 0                          | 0                             | 0                    | 0           | 178        |
| 2. Schedule  |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             | 0          |
| <b>Subtotal</b>  | <b>100</b>            | <b>72</b>                  | <b>6</b>              | <b>0</b>              | <b>0</b>                  | <b>0</b>                    | <b>0</b>                      | <b>0</b>              | <b>0</b>                       | <b>0</b>                     | <b>0</b>                     | <b>0</b>                          | <b>0</b>                    | <b>0</b>                   | <b>0</b>                  | <b>0</b>                   | <b>0</b>                      | <b>0</b>             | <b>0</b>    | <b>178</b> |
| <b>B - PHASE I: PLANNING, ENVIRONMENTAL, AND CONCEPTUAL DESIGN</b>     |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             |            |
| 1. Report of Project Issues  |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             | 0          |
| 2. Research of Record Information                                      |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             | 0          |
| 3. Environmental   | 30                    | 176                        | 0                     | 2                     | 70                        | 16                          | 32                            | 64                    | 98                             | 70                           | 6                            | 10                                | 110                         | 12                         | 24                        | 84                         | 242                           | 156                  | 1202        |            |
| 4. Surveying and Topographic Mapping                                   |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             | 0          |
| 5. Existing Utilities Research   |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             | 0          |
| 6. Utility Potting   |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             | 0          |
| 7. Right-of-Way  |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             | 0          |
| 8. Preliminary Design (Concept Layout Plans, 35%)                      |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             | 0          |
| 9. Submittals  |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             | 0          |
| <b>Subtotal</b>  | <b>30</b>             | <b>176</b>                 | <b>0</b>              | <b>2</b>              | <b>70</b>                 | <b>16</b>                   | <b>32</b>                     | <b>64</b>             | <b>98</b>                      | <b>70</b>                    | <b>6</b>                     | <b>10</b>                         | <b>110</b>                  | <b>12</b>                  | <b>24</b>                 | <b>84</b>                  | <b>242</b>                    | <b>156</b>           | <b>1202</b> |            |
| <b>C - PHASE II: DESIGN (PS&amp;E)</b>                                 |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             |            |
| 1. Improvement Plan Preparation  |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             | 0          |
| 2. Deliverables  |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             | 0          |
| 3. Submittals to City, Agencies, Utilities, etc.                       |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             | 0          |
| 4. Final Estimate of Quantities and Cost                               |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             | 0          |
| 5. Reproduction of the Design Drawings and Contract Documents          |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             | 0          |
| 6. Questions During Bidding and Pre-Construction Meeting               |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             | 0          |
| <b>Subtotal</b>  | <b>0</b>              | <b>0</b>                   | <b>0</b>              | <b>0</b>              | <b>0</b>                  | <b>0</b>                    | <b>0</b>                      | <b>0</b>              | <b>0</b>                       | <b>0</b>                     | <b>0</b>                     | <b>0</b>                          | <b>0</b>                    | <b>0</b>                   | <b>0</b>                  | <b>0</b>                   | <b>0</b>                      | <b>0</b>             | <b>0</b>    | <b>0</b>   |
| <b>D - PHASE III: CONSTRUCTION</b>                                     |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             |            |
| 1. Pre-Construction Meeting  |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             | 0          |
| 2. Construction including As-Builts & GASB, etc.                       |                       |                            |                       |                       |                           |                             |                               |                       |                                |                              |                              |                                   |                             |                            |                           |                            |                               |                      |             | 0          |
| <b>Subtotal</b>  | <b>0</b>              | <b>0</b>                   | <b>0</b>              | <b>0</b>              | <b>0</b>                  | <b>0</b>                    | <b>0</b>                      | <b>0</b>              | <b>0</b>                       | <b>0</b>                     | <b>0</b>                     | <b>0</b>                          | <b>0</b>                    | <b>0</b>                   | <b>0</b>                  | <b>0</b>                   | <b>0</b>                      | <b>0</b>             | <b>0</b>    | <b>0</b>   |
| <b>TOTAL HOURS</b>   | <b>130</b>            | <b>248</b>                 | <b>6</b>              | <b>2</b>              | <b>70</b>                 | <b>16</b>                   | <b>32</b>                     | <b>64</b>             | <b>98</b>                      | <b>70</b>                    | <b>6</b>                     | <b>10</b>                         | <b>110</b>                  | <b>12</b>                  | <b>24</b>                 | <b>84</b>                  | <b>242</b>                    | <b>156</b>           | <b>1380</b> |            |

**MIG**

**resource allocation matrix**

City of Moreno Valley

|                            |   | Aqueduct Trail System |                 |            |  |                |                  |                               |  |          |  |  | Total Hours |
|----------------------------|---|-----------------------|-----------------|------------|--|----------------|------------------|-------------------------------|--|----------|--|--|-------------|
|                            |   | Principal in Charge   | Project Manager | ADA Expert | Landscape Architect<br>Water Mgt. Expert | Project Assoc. | Graphic Designer | MIG<br>Administrative Support |  |          |  |  |             |
|                            |   | Hours                 | Hours           | Hours      | Hours                                    | Hours          | Hours            | Hours                         |  |          |  |  |             |
| <b>I Conceptual Design</b> |   |                       |                 |            |  |                |                  |                               |  |          |  |  |             |
| 1.1                        | Kick Off Meeting with City and KOA staff (1 mtg.)                           | 4                     | 6               |            |  |                |                  |                               |  |          |  |  | 10          |
| 1.2                        | Data collection and review  | 4                     | 16              | 4          | 4  |                | 16               | 4                             |  |          |  |  | 48          |
| 1.3                        | Site reconnaissance   | 4                     | 8               | 8          |  |                | 8                |                               |  |          |  |  | 28          |
| 1.4                        | Prep and Community outreach meeting (1 mtg.)                                | 4                     | 8               |            |  |                | 8                |                               |  | 2        |  |  | 22          |
| 1.5                        | Conceptual trail landscape designs (2) and signage studies                  | 4                     | 40              | 4          | 4  |                | 72               | 32                            |  |          |  |  | 156         |
| 1.6                        | Conceptual trail landscape design to KOA, client and community (3 mtgs.)    | 9                     | 12              |            |  |                | 16               |                               |  |          |  |  | 37          |
| 1.7                        | Refinement of conceptual designs (2) and signage studies (1 mtg.)           | 3                     | 24              | 2          | 2  |                | 40               | 24                            |  |          |  |  | 95          |
| 1.8                        | Prepare opinion of probable costs for landscape and wayfinding improvements | 2                     | 6               |            | 2  |                | 16               |                               |  | 4        |  |  | 30          |
| 1.9                        | Assist in completing Summary Report for acceptance by the City              | 2                     | 8               |            |  |                | 8                |                               |  |          |  |  | 18          |
| <b>TOTAL</b>               |   | <b>36</b>             | <b>128</b>      | <b>18</b>  | <b>12</b>                                |                | <b>184</b>       | <b>60</b>                     |  | <b>6</b> |  |  | <b>444</b>  |

**LAND SURVEYING AND MAPPING SERVICES**

**PSOMAS**

| CONSTRUCTION SURVEYING |                           | PROFESSIONAL & TECHNICAL CLASSIFICATIONS |                 |            |               |                       |                 |             | TOTAL MAN HOURS |
|------------------------|---------------------------|--|-----------------|------------|---------------|-----------------------|-----------------|-------------|-----------------|
|                        |                           | Project Manager                          | Office Surveyor | Survey Cad | Project Admin | 2- Person Survey Crew | Aerial Softcopy | Aerial Cadd |                 |
|                        |                           |  |                 |            |               |                       |                 |             |                 |
| 1                      | Research                  | 2  | 4               |            | 4             |                       |                 |             | 10              |
| 2                      | Set Aerial Control Points | 2  | 16              | 4          |               | 24                    |                 |             | 46              |
| 3                      | Aerial Mapping            | 2  |                 |            |               |                       | 50              | 255         | 307             |
| 4                      | Land Net Cadastral Ties   | 2  | 16              | 4          |               | 16                    |                 |             | 38              |
| <b>Sub Total</b>       |                           | <b>8</b>                                 | <b>36</b>       | <b>8</b>   | <b>4</b>      | <b>40</b>             | <b>50</b>       | <b>255</b>  | <b>401</b>      |



| <b>TWINING - RESOURCE ALLOCATION MATRIX</b>                            |                        |                         |                         |                 |                       |                    |
|--|------------------------|-------------------------|-------------------------|-----------------|-----------------------|--------------------|
| <b>Aqueduct Trail System</b>   |                        |                         |                         |                 |                       |                    |
| <b>TASKS</b>   | <b>Project Manager</b> | <b>Project Engineer</b> | <b>Traffic Engineer</b> | <b>CAD Tech</b> | <b>Admin. Assist.</b> | <b>TOTAL HOURS</b> |
| <b>A - GENERAL</b>   |                        |                         |                         |                 |                       |                    |
| 1. Meetings (Kickoff, PDT, Council, etc.) including Proj. Mgmt & Admin | 16                     | 12                      | 8                       |                 | 4                     | 40                 |
| 2. Schedule  | 4                      | 2                       |                         |                 | 2                     | 8                  |
| <b>Subtotal</b>  | <b>20</b>              | <b>14</b>               | <b>8</b>                | <b>0</b>        | <b>6</b>              | <b>48</b>          |
| <b>B - PHASE I: PLANNING, ENVIRONMENTAL, AND CONCEPTUAL DESIGN</b>     |                        |                         |                         |                 |                       |                    |
| 1. Report of Project Issues  | 4                      |                         | 16                      |                 | 2                     | 22                 |
| 2. Research of Record Information                                      | 4                      | 2                       | 2                       |                 | 2                     | 10                 |
| 3. Environmental   | 8                      | 4                       |                         |                 | 2                     | 14                 |
| 4. Surveying and Topographic Mapping                                   | 4                      |                         |                         | 8               | 2                     | 14                 |
| 5. Existing Utilities Research   | 2                      | 4                       |                         | 8               | 2                     | 16                 |
| 6. Utility Potholing   | 2                      | 2                       |                         | 4               | 2                     | 10                 |
| 7. Right-of-Way  | 1                      | 2                       |                         | 2               | 2                     | 7                  |
| 8. Preliminary Design (Concept Layout Plans, 35%)                      | 16                     | 32                      | 8                       | 48              | 4                     | 108                |
| 9. Submittals  | 4                      | 8                       |                         | 12              | 4                     | 28                 |
| <b>Subtotal</b>  | <b>45</b>              | <b>54</b>               | <b>26</b>               | <b>82</b>       | <b>22</b>             | <b>229</b>         |
| <b>C - PHASE II- DESIGN (PS&amp;E)</b>                                 |                        |                         |                         |                 |                       |                    |
| 1. Improvement Plan Preparation  | 12                     | 16                      | 12                      | 64              | 4                     | 108                |
| 2. Deliverables  | 2                      | 4                       |                         | 8               | 4                     | 18                 |
| 3. Submittals to City, Agencies, Utilities, etc.                       | 1                      | 2                       |                         | 4               | 2                     | 9                  |
| 4. Final Estimate of Quantities and Cost                               | 4                      | 8                       | 4                       | 2               | 2                     | 20                 |
| 5. Reproduction of the Design Drawings and Contract Documents          | 2                      | 4                       |                         | 6               | 4                     | 16                 |
| 6. Questions During Bidding and Pre-Construction Meeting               | 2                      | 4                       | 6                       |                 | 2                     | 14                 |
| <b>Subtotal</b>  | <b>23</b>              | <b>38</b>               | <b>22</b>               | <b>84</b>       | <b>18</b>             | <b>185</b>         |
| <b>D - PHASE III- CONSTRUCTION</b>                                     |                        |                         |                         |                 |                       |                    |
| 1. Pre-Construction Meeting  | 8                      | 4                       |                         |                 | 2                     | 14                 |
| 2. Construction including As-builts & GASB, etc.                       | 4                      | 12                      | 4                       | 16              | 2                     | 38                 |
| <b>Subtotal</b>  | <b>12</b>              | <b>16</b>               | <b>4</b>                | <b>16</b>       | <b>4</b>              | <b>52</b>          |
| <b>TOTAL HOURS</b>   | <b>100</b>             | <b>122</b>              | <b>60</b>               | <b>182</b>      | <b>50</b>             | <b>514</b>         |

**CERTIFICATIONS**

**CALIFORNIA UNIFIED CERTIFICATION PROGRAM  
DISADVANTAGED BUSINESS ENTERPRISE CERTIFICATE**

**EPIC LAND SOLUTIONS, INC**  
2601 AIRPORT DRIVE, SUITE 115  
TORRANCE, CA 90505

**Owner: HOLLY ROCKWELL**  
**Business Structure: CORPORATION**

This certificate acknowledges that said firm is approved by the California Unified Certification Program (CUCP) as a Disadvantaged Business Enterprise (DBE) as defined by the U.S. Department of Transportation (DOT) CFR 49 Part 26, as may be amended, for the following NAICS codes:

**NAICS Code(s) \* Indicates primary NAICS code**

|   |  |
|---|--|
| * 541618 Other Management Consulting Services | 561499 All Other Business Support Services |
|---|--|

**Work Category Code(s)**

|                                      |                               |
|--------------------------------------|-------------------------------|
| C8700 CONSULTANT, NON ENGINEERING    | C8701 BUSINESS ADMINISTRATION |
| C8702 MANAGEMENT INFORMATION SYSTEMS | I7380 MISC BUSINESS SERVICES  |
| I8740 MANAGEMENT & PUBLIC RELATIONS  |                               |

**Licenses**

UNIFIED CERTIFICATION PROGRAM

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|  |  |                |
|--|--|----------------|
| <b>CERTIFYING AGENCY:</b><br>DEPARTMENT OF TRANSPORTATION<br>1823 14TH STREET<br>SACRAMENTO, CA 95811 0000<br>(916) 324-1700 | UCP Firm Number : 32152<br><br><i>Jenise Salais</i><br>_____<br>CUCP OFFICER | August 9, 2011 |
|--|--|----------------|

It is CUCP's policy and objective to promote and maintain a level playing field for DBEs in California on Federal-aid contracts. We ensure nondiscrimination in the award and administration of U.S. DOT assisted contracts based on the requirements of 49 CFR Parts 21 and 26.

**REQUIRED FORMS**

Certification for Contracts, Grants, Loans, and Cooperative Agreements  
(Federal Fiscal Year \_\_\_\_\_ to \_\_\_\_\_)

I, Charles Stephan, Vice President, hereby certify on behalf  
(Name and title of Grantee official)

of The City of Moreno Valley, that  
(Name of Grantee)

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, of cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, an cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Executed this 5 of December, 2014.

By:  
(Signature of authorized official)  
[Signature] Vice President  
(Title of authorized official)




**EXHIBIT 10-F CERTIFICATION OF CONSULTANT, COMMISSIONS & FEES**

I HEREBY CERTIFY that I am the Vice President, and duly authorized representative of the firm of KOA Corporation, whose address is 3190 C Shelby Street, Ontario, CA 91764, and that, except as hereby expressly stated, neither I nor the above firm that I represent have:

- (a) employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above consultant) to solicit or secure this contract; nor
- (b) agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out the contract; nor
- (c) paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above consultant) any fee, contribution, donation, or consideration of any kind, for or in connection with, procuring or carrying out this contract.

I acknowledge that this Certificate is to be made available to the California Department of Transportation (Caltrans) in connection with this contract involving participation of federal-aid highway funds, and is subject to applicable state and federal laws, both criminal and civil.

12/5/14  
(Date)

 Vice President  
(Signature)

**Distribution:** 1) Local Agency Project File (Original & Contract)  
2) DLAE (with contract copy)



**EXHIBIT 10-K CONSULTANT CERTIFICATION OF CONTRACT COSTS AND FINANCIAL  
MANAGEMENT SYSTEM**

**Certification of Final Indirect Costs:**

Consultant Firm Name: KOA Corporation

Indirect Cost Rate: 174.66%

Fiscal Period Covered for Indirect Cost Rate Developed (mm/dd/yyyy to mm/dd/yyyy): 01/01/2012 to 12/31/12

Date of Proposal Preparation (mm/dd/yyyy): 12/05/2014

Fiscal Period Covered (mm/dd/yyyy to mm/dd/yyyy): 01/01/2012 to 12/31/12

I, the undersigned, certify that I have reviewed the proposal to establish final indirect cost rates for the fiscal period as specified above and to the best of my knowledge and belief:

1. All costs included in this proposal to establish final indirect cost rates are allowable in accordance with the cost principles of the Federal Acquisition Regulations (FAR) of Title 48, Code of Federal Regulations (CFR), Part 31.
2. This proposal does not include any costs which are expressly unallowable under the cost principles of the FAR of 48 CFR, Part 31.

All known material transactions or events that have occurred affecting the firm's ownership, organization, and indirect cost rates have been disclosed as of the date of proposal preparation noted above.

**Certification of Financial Management System:**

I, the undersigned, certify to the best of my knowledge and belief that our financial management system meets the standards for financial reporting, accounting records, internal and budget control as set forth in the FAR of Title 49, CFR, Part 18.20 to the extent applicable to Consultant.

**Certification of Dollar Amount for all A&E contracts:**

I, the undersigned, certify that the approximate dollar amount of all A&E contracts awarded by Caltrans or a California local agency to this firm within the last three (3) calendar years for all State DOT and Local Agencies is \$6,953,576 and the number of States in which the firm does business is 3.

**Certification of Direct Costs:**

I, the undersigned, certify to the best of my knowledge and belief that all direct costs identified on the cost proposal(s) in this contract are reasonable, allowable and allocable to the contract in accordance with the cost principles of the FAR of Title 48, CFR, Part 31. Allowable direct costs to a Government contract shall be:

1. Compliant with Generally Accepted Accounting Principles (GAAP) and standards promulgated by the Cost Accounting Standards Board (when applicable).
2. Compliant with the terms of the contract and is incurred specifically for the contract.
3. Not prohibited by 23 CFR, Chapter 1, Part 172 –Administration of Engineering and Design Related Service Contracts to the extent requirements are applicable to Consultant.

Local Assistance Procedures Manual

EXHIBIT 10-K

Consultant Certification of Costs and Financial Management System

All costs must be applied consistently and fairly to all contracts. All documentation of compliance must be retained in the project files.

**Subconsultants (if applicable)**

Proposed Contract Amount (or amount not to exceed if on-call contract): \$ TBD

**Prime Consultants (if applicable)**

Proposed **Total** Contract Amount (or amount not to exceed if on-call contract): \$ TBD

Prime, list all subconsultants and proposed subcontract dollar amounts (attach additional page if necessary):

|       |    |       |
|-------|----|-------|
| _____ | \$ | _____ |
| _____ | \$ | _____ |
| _____ | \$ | _____ |
| _____ | \$ | _____ |
| _____ | \$ | _____ |

\* Consultant Certification Signature: \_\_\_\_\_ 

Consultant Certifying (Print Name and Title):

Name: Juan Gutierrez

Title: Chief Financial Officer

Consultant Contact Information:

Email: jgutierrez@koacorp.com

Phone number: (323) 260-4703

Date of Certification (mm/dd/yyyy): 12/05/2014

\*An individual executive or financial officer of the consultant's organization at a level no lower than a Vice President or Chief Financial Officer, or equivalent, who has authority to represent the financial information utilized to establish the indirect cost rate proposal submitted in conjunction with the contract.

Note: Per 23 U.S.C. 112(b)(2)(B), Subconsultants must comply with the FAR Cost Principles contained in 48 CFR, Part 31. 23 CFR Part 172.3 Definitions state: Consultant means the individual or firm providing engineering and design related services as a party to the contract. Therefore, subconsultants as parties of a contract must complete a certification and send originals to A&I and keep copies in Local Agency Project Files.

Distribution: 1) Original to Caltrans Audits and Investigations  
2) Retained in Local Agency Project Files



**EXHIBIT 10-01 CONSULTANT PROPOSAL DBE COMMITMENT**

(Inclusive of all DBEs listed at bid proposal. Refer to instructions on the reverse side of this form)

| Consultant to Complete this Section  |                                 |  |          |
|--|---------------------------------|--|----------|
| 1. City of Moreno Valley <u>City of Moreno Valley</u>  |                                 |  |          |
| 2. Project Location: <u>Moreno Valley-Moreno Valley Mall area to Lake Perris State Recreational Area</u>                         |                                 |  |          |
| 3. Project Description: <u>Aqueduct Trail System, including Missing Segments and Street Crossings</u>                            |                                 |  |          |
| 4. Consultant Name: <u>KOA Corporation</u>   |                                 |  |          |
| 5. Contract DBE Goal %: <u>8</u>   |                                 |  |          |
| DBE Commitment Information   |                                 |  |          |
| 6. Description of Services to be Provided  | 7. DBE Firm Contact Information | 8. DBE Cert. Number  | 9. DBE % |
| ROW Services   | Epic Land (310) 626-4848        | 32152  | 12.5     |
|  |                                 |  |          |
|  |                                 |  |          |
|  |                                 |  |          |
|  |                                 |  |          |
|  |                                 |  |          |
|  |                                 |  |          |
|  |                                 |  |          |
|  |                                 |  |          |
|  |                                 |  |          |
|  |                                 |  |          |
|  |                                 |  |          |
|  |                                 |  |          |
| City of Moreno Valley to Complete this Section   |                                 | 10. Total % Claimed  | _____ %  |
| 16. City of Moreno Valley Contract Number: _____   |                                 |  |          |
| 17. Federal-aid Project Number: _____  |                                 |  |          |
| 18. Proposed Contract Execution Date: _____  |                                 |  |          |
| City of Moreno Valley certifies that all DBE certifications are valid and the information on this form is complete and accurate: |                                 | <br>11. Preparer's Signature   |          |
| 19. City of Moreno Valley Representative Name (Print) _____  |                                 | <u>Charles Stephan</u><br>12. Preparer's Name (Print)  |          |
| 20. City of Moreno Valley Representative Signature _____   |                                 | <u>Vice President</u><br>13. Preparer's Title  |          |
| 21. Date _____   |                                 | <u>12/5/14</u> <u>(909) 890-9693</u><br>14. Date                      15. (Area Code) Tel. No. |          |
| 22. City of Moreno Valley Representative Title _____   |                                 |  |          |
| 23. (Area Code) Tel. No. _____   |                                 |  |          |

**Distribution:** (1) Original – Consultant submits to City of Moreno Valley with proposal  
 (2) Copy – City of Moreno Valley files

## Epic Land Solutions, Inc.

3850 Vine Street, Suite 200  
Riverside, CA 92507

Phone: (951) 321-1800

Fax: (951) 321-1836

November 21, 2014

Mr. Chuck Stephan, P.E.  
Vice President  
KOA Corporation  
3190 C Shelby Street  
Ontario, California 91764

Subject: **Letter of Commitment**  
City of Moreno Valley Aqueduct Trail System including Missing Segments and Street Crossings

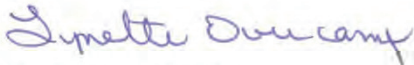
Dear Mr. Stephan:

**Epic Land Solutions, Inc. (Epic)**, a certified DBE firm, is pleased to join KOA Corporation in pursuit of the City of Moreno Valley Aqueduct Trail System including Missing Segments and Street Crossings project. This letter confirms our commitment, as sub-consultant, to provide Right of Way Consulting services.

We appreciate the interest in Epic, and look forward to working with you and the City of Moreno Valley.

If you have any questions, please do not hesitate to contact me by phone: (310) 626-4848, by fax: (310) 891-3348, or via email: [lynetteovercamp@epicland.com](mailto:lynetteovercamp@epicland.com).

Sincerely,



Lynette Overcamp, SR/WA  
Vice President

CREATING LAND SOLUTIONS FOR THE PUBLIC GOOD  
[www.EpicLand.com](http://www.EpicLand.com)

**CALIFORNIA UNIFIED CERTIFICATION PROGRAM  
DISADVANTAGED BUSINESS ENTERPRISE CERTIFICATE**

**EPIC LAND SOLUTIONS, INC**

2601 AIRPORT DRIVE, SUITE 115  
TORRANCE, CA 90505

**Owner: HOLLY ROCKWELL  
Business Structure: CORPORATION**

This certificate acknowledges that said firm is approved by the California Unified Certification Program (CUCP) as a Disadvantaged Business Enterprise (DBE) as defined by the U.S. Department of Transportation (DOT) CFR 49 Part 26, as may be amended, for the following NAICS codes:

**NAICS Code(s) \* Indicates primary NAICS code**

- \* 541618 Other Management Consulting Services
- 561499 All Other Business Support Services

**Work Category Code(s)**

- |       |                                |       |                         |
|-------|--------------------------------|-------|-------------------------|
| C8700 | CONSULTANT, NON ENGINEERING    | C8701 | BUSINESS ADMINISTRATION |
| C8702 | MANAGEMENT INFORMATION SYSTEMS | I7380 | MISC BUSINESS SERVICES  |
| I8740 | MANAGEMENT & PUBLIC RELATIONS  |       |                         |

**Licenses**



**CERTIFYING AGENCY:**  
DEPARTMENT OF TRANSPORTATION  
1823 14TH STREET  
SACRAMENTO, CA 95811 0000  
(916) 324-1700

UCP Firm Number : 32152

*Jenise Salas*  
\_\_\_\_\_  
CUCP OFFICER

August 9, 2011

It is CUCP's policy and objective to promote and maintain a level playing field for DBEs in California on Federal-aid contracts. We ensure nondiscrimination in the award and administration of U.S. DOT assisted contracts based on the requirements of 49 CFR Parts 21 and 26.







**EXHIBIT 12-B BIDDER'S LIST OF SUBCONTRACTORS (DBE AND NON-DBE)**

**PART I**

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

| Firm Name/<br>Address/<br>City, State, ZIP      | Phone/<br>Fax                | Annual Gross<br>Receipts   | Description of Portion of Work to be Performed | Local Agency Use<br>Only<br>(Certified DBE?)                |
|---|------------------------------|--|--|---|
| <i>Name</i><br>Epic Land Solutions, Inc.        | <i>Phone</i><br>310-626-4848 | <input type="checkbox"/> < \$1 million<br><input type="checkbox"/> < \$5 million<br><input checked="" type="checkbox"/> < \$10 million | Right of Way Services                          | <input type="checkbox"/> YES<br><input type="checkbox"/> NO |
| <i>Address</i><br>2601 Airport Drive, Suite 115 | <i>Fax</i>                   | <input type="checkbox"/> < \$15 million<br><input type="checkbox"/> > \$15 million   |  | <i>If YES list DBE #:</i>                                   |
| <i>City State ZIP</i><br>Torrance, CA 90505     | 310-891-3348                 |  |  | Age of Firm (Yrs.)  |
| <i>Name</i>                                     | <i>Phone</i>                 | <input type="checkbox"/> < \$1 million<br><input type="checkbox"/> < \$5 million<br><input type="checkbox"/> < \$10 million            |  | <input type="checkbox"/> YES<br><input type="checkbox"/> NO |
| <i>Address</i>                                  | <i>Fax</i>                   | <input type="checkbox"/> < \$15 million<br><input type="checkbox"/> > \$15 million   |  | <i>If YES list DBE #:</i>                                   |
| <i>City State ZIP</i>                           |                              |  |  | Age of Firm (Yrs.)  |
| <i>Name</i>                                     | <i>Phone</i>                 | <input type="checkbox"/> < \$1 million<br><input type="checkbox"/> < \$5 million<br><input type="checkbox"/> < \$10 million            |  | <input type="checkbox"/> YES<br><input type="checkbox"/> NO |
| <i>Address</i>                                  | <i>Fax</i>                   | <input type="checkbox"/> < \$15 million<br><input type="checkbox"/> > \$15 million   |  | <i>If YES list DBE #:</i>                                   |
| <i>City State ZIP</i>                           |                              |  |  | Age of Firm (Yrs.)  |
| <i>Name</i>                                     | <i>Phone</i>                 | <input type="checkbox"/> < \$1 million<br><input type="checkbox"/> < \$5 million<br><input type="checkbox"/> < \$10 million            |  | <input type="checkbox"/> YES<br><input type="checkbox"/> NO |
| <i>Address</i>                                  | <i>Fax</i>                   | <input type="checkbox"/> < \$15 million<br><input type="checkbox"/> > \$15 million   |  | <i>If YES list DBE #:</i>                                   |
| <i>City State ZIP</i>                           |                              |  |  | Age of Firm (Yrs.)  |

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| Firm Name/<br>Address/<br>City, State, ZIP | Phone/<br>Fax                  | Annual Gross<br>Receipts   | Description of Portion of Work to be Performed    | Local Agency Use<br>Only<br>(Certified DBE?)   |
|--|--------------------------------|--|---|--|
| <i>Name</i><br>ICF Jones & Stokes, Inc.    | <i>Phone</i><br>(949) 333-6600 | <input type="checkbox"/> < \$1 million<br><input type="checkbox"/> < \$5 million<br><input type="checkbox"/> < \$10 million<br><input type="checkbox"/> < \$15 million<br><input checked="" type="checkbox"/> > \$15 million | Environmental Compliance Services & Documentation | <input type="checkbox"/> YES<br><input checked="" type="checkbox"/> NO<br><i>If YES list DBE #:</i><br>Age of Firm (Yrs.) 44 |
| <i>Address</i><br>1 Ada Parkway, Suite 100 | <i>Fax</i><br>(949) 333-6601   |  |   |  |
| <i>City State ZIP</i><br>Irvine, CA 92618  |                                |  |   |  |
| <i>Name</i>                                | <i>Phone</i>                   | <input type="checkbox"/> < \$1 million<br><input type="checkbox"/> < \$5 million<br><input type="checkbox"/> < \$10 million<br><input type="checkbox"/> < \$15 million<br><input type="checkbox"/> > \$15 million            |   | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><i>If YES list DBE #:</i><br>Age of Firm (Yrs.)               |
| <i>Address</i>                             | <i>Fax</i>                     |  |   |  |
| <i>City State ZIP</i>                      |                                |  |   |  |
| <i>Name</i>                                | <i>Phone</i>                   | <input type="checkbox"/> < \$1 million<br><input type="checkbox"/> < \$5 million<br><input type="checkbox"/> < \$10 million<br><input type="checkbox"/> < \$15 million<br><input type="checkbox"/> > \$15 million            |   | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><i>If YES list DBE #:</i><br>Age of Firm (Yrs.)               |
| <i>Address</i>                             | <i>Fax</i>                     |  |   |  |
| <i>City State ZIP</i>                      |                                |  |   |  |
| <i>Name</i>                                | <i>Phone</i>                   | <input type="checkbox"/> < \$1 million<br><input type="checkbox"/> < \$5 million<br><input type="checkbox"/> < \$10 million<br><input type="checkbox"/> < \$15 million<br><input type="checkbox"/> > \$15 million            |   | <input type="checkbox"/> YES<br><input type="checkbox"/> NO<br><i>If YES list DBE #:</i><br>Age of Firm (Yrs.)               |
| <i>Address</i>                             | <i>Fax</i>                     |  |   |  |
| <i>City State ZIP</i>                      |                                |  |   |  |

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**EXHIBIT 12-B BIDDER'S LIST OF SUBCONTRACTORS (DBE AND NON-DBE)**

**PART I**

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

| Firm Name/<br>Address/<br>City, State, ZIP | Phone/<br>Fax    | Annual Gross<br>Receipts                          | Description of Portion of Work to be Performed | Local Agency Use<br>Only<br>(Certified DBE2) |
|--|------------------|---|--|--|
| Name <b>MIG, INC.</b>                      | Phone <b>714</b> | <input type="checkbox"/> < \$1 million            | <b>LANDSCAPE ARCHITECTURAL SERVICES</b>        | <input type="checkbox"/> YES                 |
| Address <b>109 W. UNION AVE</b>            | 871-3638         | <input checked="" type="checkbox"/> < \$5 million |  | <input checked="" type="checkbox"/> NO       |
|  | Fax <b>714</b>   | <input type="checkbox"/> < \$10 million           |  | If YES list DBE #                            |
| City State ZIP <b>FULLERTON 92832</b>      | 871-1188         | <input type="checkbox"/> < \$15 million           |  | Age of Firm (Yrs.)                           |
|  |                  | <input type="checkbox"/> > \$15 million           |  |  |
| Name                                       | Phone            | <input type="checkbox"/> < \$1 million            |  | <input type="checkbox"/> YES                 |
| Address                                    | Fax              | <input type="checkbox"/> < \$5 million            |  | <input type="checkbox"/> NO                  |
|  |                  | <input type="checkbox"/> < \$10 million           |  | If YES list DBE #                            |
| City State ZIP                             |                  | <input type="checkbox"/> < \$15 million           |  | Age of Firm (Yrs.)                           |
|  |                  | <input type="checkbox"/> > \$15 million           |  |  |
| Name                                       | Phone            | <input type="checkbox"/> < \$1 million            |  | <input type="checkbox"/> YES                 |
| Address                                    | Fax              | <input type="checkbox"/> < \$5 million            |  | <input type="checkbox"/> NO                  |
|  |                  | <input type="checkbox"/> < \$10 million           |  | If YES list DBE #                            |
| City State ZIP                             |                  | <input type="checkbox"/> < \$15 million           |  | Age of firm (Yrs.)                           |
|  |                  | <input type="checkbox"/> > \$15 million           |  |  |
| Name                                       | Phone            | <input type="checkbox"/> < \$1 million            |  | <input type="checkbox"/> YES                 |
| Address                                    | Fax              | <input type="checkbox"/> < \$5 million            |  | <input type="checkbox"/> NO                  |
|  |                  | <input type="checkbox"/> < \$10 million           |  | If YES list DBE #                            |
| City State ZIP                             |                  | <input type="checkbox"/> < \$15 million           |  | Age of Firm (Yrs.)                           |
|  |                  | <input type="checkbox"/> > \$15 million           |  |  |

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| Firm Name/<br>Address/<br>City, State, ZIP | Phone/<br>Fax       | Annual Gross<br>Receipts                           | Description of Portion of Work to be Performed | Local Agency Use<br>Only<br>(Certified DBE?) |
|--|---------------------|--|--|--|
| Name Psomas                                | Phone 951/ 787-8421 | <input type="checkbox"/> < \$1 million             | Survey Services                                | <input type="checkbox"/> YES                 |
| Address 1500 Iowa Avenue, Suite 210        | Fax 951/ 682-3379   | <input type="checkbox"/> < \$5 million             |  | <input type="checkbox"/> NO                  |
|  |                     | <input type="checkbox"/> < \$10 million            |  | If YES list DBE #:                           |
| City State ZIP Riverside, CA 92507         |                     | <input type="checkbox"/> < \$15 million            |  | Age of Firm (Yrs.)                           |
|  |                     | <input checked="" type="checkbox"/> > \$15 million |  |  |
| Name                                       | Phone               | <input type="checkbox"/> < \$1 million             |  | <input type="checkbox"/> YES                 |
| Address                                    | Fax                 | <input type="checkbox"/> < \$5 million             |  | <input type="checkbox"/> NO                  |
|  |                     | <input type="checkbox"/> < \$10 million            |  | If YES list DBE #:                           |
| City State ZIP                             |                     | <input type="checkbox"/> < \$15 million            |  | Age of Firm (Yrs.)                           |
|  |                     | <input type="checkbox"/> > \$15 million            |  |  |
| Name                                       | Phone               | <input type="checkbox"/> < \$1 million             |  | <input type="checkbox"/> YES                 |
| Address                                    | Fax                 | <input type="checkbox"/> < \$5 million             |  | <input type="checkbox"/> NO                  |
|  |                     | <input type="checkbox"/> < \$10 million            |  | If YES list DBE #:                           |
| City State ZIP                             |                     | <input type="checkbox"/> < \$15 million            |  | Age of Firm (Yrs.)                           |
|  |                     | <input type="checkbox"/> > \$15 million            |  |  |
| Name                                       | Phone               | <input type="checkbox"/> < \$1 million             |  | <input type="checkbox"/> YES                 |
| Address                                    | Fax                 | <input type="checkbox"/> < \$5 million             |  | <input type="checkbox"/> NO                  |
|  |                     | <input type="checkbox"/> < \$10 million            |  | If YES list DBE #:                           |
| City State ZIP                             |                     | <input type="checkbox"/> < \$15 million            |  | Age of Firm (Yrs.)                           |
|  |                     | <input type="checkbox"/> > \$15 million            |  |  |

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| Firm Name/<br>Address/<br>City, State, ZIP     | Phone/<br>Fax                | Annual Gross<br>Receipts                           | Description of Portion of Work to be Performed | Local Agency Use<br>Only<br>(Certified DBE?) |
|--|------------------------------|--|--|--|
| <i>Name</i> Twining, Inc                       | <i>Phone</i><br>909.383.6660 | <input type="checkbox"/> < \$1 million             | Geotechnical Investigation                     | <input type="checkbox"/> YES                 |
| <i>Address</i> 732 E. Carnegie Dr., Suite 100  |                              | <input type="checkbox"/> < \$5 million             |  | <input checked="" type="checkbox"/> NO       |
| <i>City State ZIP</i> San Bernardino, CA 92408 | <i>Fax</i><br>909.383.6660   | <input type="checkbox"/> < \$10 million            |  | <i>If YES list DBE #:</i>                    |
|  |                              | <input type="checkbox"/> < \$15 million            |  | Age of Firm (Yrs.) 116                       |
|  |                              | <input checked="" type="checkbox"/> > \$15 million |  |  |
| <i>Name</i>                                    | <i>Phone</i>                 | <input type="checkbox"/> < \$1 million             |  | <input type="checkbox"/> YES                 |
| <i>Address</i>                                 |                              | <input type="checkbox"/> < \$5 million             |  | <input type="checkbox"/> NO                  |
| <i>City State ZIP</i>                          | <i>Fax</i>                   | <input type="checkbox"/> < \$10 million            |  | <i>If YES list DBE #:</i>                    |
|  |                              | <input type="checkbox"/> < \$15 million            |  | Age of Firm (Yrs.)                           |
|  |                              | <input type="checkbox"/> > \$15 million            |  |  |
| <i>Name</i>                                    | <i>Phone</i>                 | <input type="checkbox"/> < \$1 million             |  | <input type="checkbox"/> YES                 |
| <i>Address</i>                                 |                              | <input type="checkbox"/> < \$5 million             |  | <input type="checkbox"/> NO                  |
| <i>City State ZIP</i>                          | <i>Fax</i>                   | <input type="checkbox"/> < \$10 million            |  | <i>If YES list DBE #:</i>                    |
|  |                              | <input type="checkbox"/> < \$15 million            |  | Age of Firm (Yrs.)                           |
|  |                              | <input type="checkbox"/> > \$15 million            |  |  |
| <i>Name</i>                                    | <i>Phone</i>                 | <input type="checkbox"/> < \$1 million             |  | <input type="checkbox"/> YES                 |
| <i>Address</i>                                 |                              | <input type="checkbox"/> < \$5 million             |  | <input type="checkbox"/> NO                  |
| <i>City State ZIP</i>                          | <i>Fax</i>                   | <input type="checkbox"/> < \$10 million            |  | <i>If YES list DBE #:</i>                    |
|  |                              | <input type="checkbox"/> < \$15 million            |  | Age of Firm (Yrs.)                           |
|  |                              | <input type="checkbox"/> > \$15 million            |  |  |

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**EXHIBIT 12-B BIDDER'S LIST OF SUBCONTRACTORS (DBE AND NON-DBE) N/A**

**PART II**

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

| Firm Name/<br>Address/<br>City, State, ZIP | Phone/<br>Fax | Annual Gross Receipts                   | Description of Portion of Work to be Performed | Local Agency Use Only<br>(Certified DBE?) |
|--|---------------|---|--|---|
| <i>Name</i>                                | <i>Phone</i>  | <input type="checkbox"/> < \$1 million  |  | <input type="checkbox"/> YES              |
| <i>Address</i>                             |               | <input type="checkbox"/> < \$5 million  |  | <input type="checkbox"/> NO               |
| <i>City State ZIP</i>                      | <i>Fax</i>    | <input type="checkbox"/> < \$10 million |  | <i>If YES list DBE #:</i>                 |
|  |               | <input type="checkbox"/> < \$15 million |  | <i>Age of Firm (Yrs.)</i>                 |
|  |               | <input type="checkbox"/> > \$15 million |  |   |
| <i>Name</i>                                | <i>Phone</i>  | <input type="checkbox"/> < \$1 million  |  | <input type="checkbox"/> YES              |
| <i>Address</i>                             |               | <input type="checkbox"/> < \$5 million  |  | <input type="checkbox"/> NO               |
| <i>City State ZIP</i>                      | <i>Fax</i>    | <input type="checkbox"/> < \$10 million |  | <i>If YES list DBE #:</i>                 |
|  |               | <input type="checkbox"/> < \$15 million |  | <i>Age of Firm (Yrs.)</i>                 |
|  |               | <input type="checkbox"/> > \$15 million |  |   |
| <i>Name</i>                                | <i>Phone</i>  | <input type="checkbox"/> < \$1 million  |  | <input type="checkbox"/> YES              |
| <i>Address</i>                             |               | <input type="checkbox"/> < \$5 million  |  | <input type="checkbox"/> NO               |
| <i>City State ZIP</i>                      | <i>Fax</i>    | <input type="checkbox"/> < \$10 million |  | <i>If YES list DBE #:</i>                 |
|  |               | <input type="checkbox"/> < \$15 million |  | <i>Age of Firm (Yrs.)</i>                 |
|  |               | <input type="checkbox"/> > \$15 million |  |   |
| <i>Name</i>                                | <i>Phone</i>  | <input type="checkbox"/> < \$1 million  |  | <input type="checkbox"/> YES              |
| <i>Address</i>                             |               | <input type="checkbox"/> < \$5 million  |  | <input type="checkbox"/> NO               |
| <i>City State ZIP</i>                      | <i>Fax</i>    | <input type="checkbox"/> < \$10 million |  | <i>If YES list DBE #:</i>                 |
|  |               | <input type="checkbox"/> < \$15 million |  | <i>Age of Firm (Yrs.)</i>                 |
|  |               | <input type="checkbox"/> > \$15 million |  |   |

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**EXHIBIT 15-H DBE INFORMATION — GOOD FAITH EFFORTS**

**N/A**

**DBE INFORMATION - GOOD FAITH EFFORTS**

Federal-aid Project No. \_\_\_\_\_ Proposal Due Date \_\_\_\_\_

The City of Moreno Valley/County of Riverside established a Disadvantaged Business Enterprise (DBE) goal of **8%** for this project. The information provided herein shows that a good faith effort was made.

All proposers shall submit the following information to document adequate good faith efforts. Proposer should submit the following information even if the Proposer Exhibit 10-O1 “Consultant Proposal DBE Commitment” form indicates that the proposer has met the DBE goal. This will protect the Proposer’s eligibility for award of the contract if the City of Moreno Valley determines that the Proposer failed to meet the goal for various reasons, e.g., a DBE firm was not certified at bid opening, or the Proposer made a mathematical error.

Submittal of only the “Proposer Consultant Proposal DBE Commitment” form may not provide sufficient documentation to demonstrate that adequate good faith efforts were made.

The following items are listed in Section VI. of the RFP, “Disadvantaged Business Enterprises:

- A. The names and dates of each publication in which a request for DBE participation for this project was placed by the proposer (please attach copies of advertisements or proofs of publication):

| <u>Publications</u> | <u>Dates of Advertisement</u> |
|---------------------|-------------------------------|
|                     |                               |
|                     |                               |
|                     |                               |

- B. The names and dates of written notices sent to certified DBEs soliciting bids for this project and the dates and methods used for following up initial solicitations to determine with certainty whether the DBEs were interested (please attach copies of solicitations, telephone records, fax confirmations, etc.):

| <u>Names of DBEs Solicited</u> | <u>Date of Initial Solicitation</u> | <u>Follow Up Methods and Dates</u> |
|--------------------------------|-------------------------------------|------------------------------------|
|                                |                                     |                                    |
|                                |                                     |                                    |
|                                |                                     |                                    |
|                                |                                     |                                    |
|                                |                                     |                                    |

**Exhibit 15-H  
DBE Information -Good Faith Effort**

**Local Assistance Procedures Manual**

C. The items of work which the proposer made available to DBE firms including, where appropriate, any breaking down of the contract work items (including those items normally performed by the proposer with its own forces) into economically feasible units to facilitate DBE participation. It is the proposer's responsibility to demonstrate that sufficient work to facilitate DBE participation was made available to DBE firms.

| Items of Work | Proposer Normally Performs Item (Y/N) | Breakdown of Items | Amount (\$) | Percentage Of Contract |
|---------------|---------------------------------------|--------------------|-------------|------------------------|
|               |                                       |                    |             |                        |
|               |                                       |                    |             |                        |
|               |                                       |                    |             |                        |

D. The names, addresses and phone numbers of rejected DBE firms, the reasons for the proposer's rejection of the DBEs, the firms selected for that work (please attach copies of cost proposals from the firms involved), and the price difference for each DBE if the selected firm is not a DBE:

Names, addresses and phone numbers of rejected DBEs and the reasons for the proposer's rejection of the DBEs:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Names, addresses and phone numbers of firms selected for the work above:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

E. Efforts made to assist interested DBEs in obtaining bonding, lines of credit or insurance, and any technical assistance or information related to the plans, specifications and requirements for the work which was provided to DBEs:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- F. Efforts made to assist interested DBEs in obtaining necessary equipment, supplies, materials or related assistance or services, excluding supplies and equipment the DBE subconsultant purchases or leases from the prime consultant or its affiliate:

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- G. The names of agencies, organizations or groups contacted to provide assistance in contacting, recruiting and using DBE firms (please attach copies of requests to agencies and any responses received, i.e., lists, Internet page download, etc.):

| Name of Agency/Organization | Method/Date of Contact | Results |
|-----------------------------|------------------------|---------|
|-----------------------------|------------------------|---------|

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- H. Any additional data to support a demonstration of good faith efforts (use additional sheets if necessary):

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NOTE: USE ADDITIONAL SHEETS OF PAPER IF NECESSARY.

## **REQUIRED STATEMENTS**

KOA Corporation agrees to the following statements in reference to this proposal:

- This Request for Proposal will be incorporated in its entirety as a part of KOA's Proposal.
- This Request for Proposal and our Proposal will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by KOA and the Mayor or City Manager of Moreno Valley.
- KOA's services to be provided, and fees therefore, will be in accordance with the City's Request for Proposal except as otherwise specified in our Proposal under the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."
- The hourly rate schedule is part of KOA's Proposal for use in invoicing for progress payments and for extra work incurred that is not part of the Request for Proposal. All extra work will require prior approval from the City.
- KOA acknowledges and understands that it will not be allowed to change sub-consultants without written permission from the City.
- All charges for KOA services are a "Not-to-Exceed Fee" which include conservatively estimated reimbursable expenses, as submitted with and made a part of KOA's Proposal.
- KOA 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.
- KOA will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior to, during, or after the construction work.
- KOA will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.
- All federal laws and regulations shall be adhered to notwithstanding any state or local laws and regulations. In a case of conflict between federal, state, or local laws or regulations the strictest shall be adhered to.
- KOA 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.
- KOA will 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.
- KOA will comply with the Copeland Anti-Kickback Act (18 USC 874) and the Implementation Regulation (29 CFR 3) issued pursuant thereto, and any amendments thereof.
- KOA 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 KOA, without further acknowledgment by the parties.
- This agreement is subject to 49 CFR, Part 26 entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs".

## **EXHIBIT C**

### CITY - SERVICES TO BE PROVIDED TO CONSULTANT

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



## **EXHIBIT D**

### TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed \$375,455.18.
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 along with documentation evidencing services completed to date as specified in the Request for Proposal. Progress payments will be made in accordance with the payment schedule outlined in the Request for Proposal, but in no case will progress payments be made to the Consultant more frequently than once per month. The progress payment is based on actual time and materials expended in furnishing authorized professional services during the preceding calendar month. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final. The consultant will submit all original invoices to Accounts Payable staff at [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 [reneh@moval.org](mailto:reneh@moval.org) or calls directed to (951) 413-3155.



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

[http://www.moval.org/city\\_hall/forms.shtml#bf](http://www.moval.org/city_hall/forms.shtml#bf)

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

## EXHIBIT E

### INSURANCE REQUIREMENTS

#### Minimum Scope of Insurance

Coverage shall be at least as broad as:

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

#### Minimum Limits of Insurance

Consultant shall maintain limits of liability of not less than:

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

4. Professional Liability (Errors and Omissions):

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

**Umbrella or Excess Insurance**

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

**Deductibles and Self-Insured Retentions**

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

**Other Insurance Provisions**

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

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

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

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

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

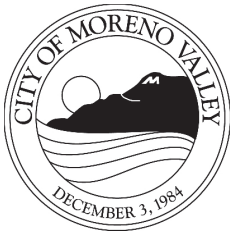
All policies of insurance required hereunder shall be endorsed to provide that the coverage shall not be cancelled, non-renewed, reduced in coverage or in limits except after 30 calendar day written notice by certified mail, return receipt requested, has been given to City. Upon issuance by the insurer,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

#### **Acceptability of Insurers**

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

### **Verification of Coverage**

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



| APPROVALS      |           |
|----------------|-----------|
| BUDGET OFFICER | <i>me</i> |
| CITY ATTORNEY  | <i>R</i>  |
| CITY MANAGER   | <i>D</i>  |

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## Report to City Council

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**TO:** Mayor and City Council

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

**AGENDA DATE:** February 24, 2015

**TITLE:** TRACT MAP 31618 – APPROVAL OF MAINTENANCE AGREEMENT BY AND BETWEEN THE CITY OF MORENO VALLEY AND ESTANCIA MORENO VALLEY ASSOCIATION FOR THE TRACT LOCATED AT THE SOUTHWEST CORNER OF MORENO BEACH DRIVE AND BAY AVENUE - DEVELOPER – FRONTIER COMMUNITIES, LLC

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### RECOMMENDED ACTION

Recommendations:

1. Approve the Maintenance Agreement by and between The City of Moreno Valley and Estancia Moreno Valley Association.
2. Authorize the Mayor to execute the Maintenance Agreement with Estancia Moreno Valley Association.
3. Authorize the City Attorney to work with Estancia Moreno Valley Association to draft subsequent modifications or amendments to the Maintenance Agreement, as necessary, to clarify the intent and effectuate the provisions of said Agreement.
4. Authorize the City Manager to execute modifications or amendments to the Maintenance Agreement, subject to the approval of the City Attorney.
5. Authorize the City Clerk to transmit the executed Maintenance Agreement to the Riverside County Recorder's Office for recordation.



## **SUMMARY**

This report recommends approval of a Maintenance Agreement with Estancia Moreno Valley Association, a homeowners association (HOA) formed by the developer and owner, Frontier Communities, LLC. (Frontier), for a residential tract which is located at the southwest corner of Moreno Beach Drive and Bay Avenue. Frontier proposes that the City maintain the water quality basin within the development to reduce pollutants in stormwater and non-stormwater discharges associated with the development. The proposed maintenance agreement between Frontier and the City will ensure long-term access, maintenance, and funding are provided.

## **DISCUSSION**

Frontier Communities, LLC (Frontier) has installed Best Management Practices (BMPs) within Final Map 31618 to mitigate the development's impact on water quality. These BMPs include one water quality basin in which the City will maintain the landscaping. Staff determined that a maintenance agreement would be required since the water quality basin will be privately owned.

Frontier is the developer and owner of Final Map 31618 which is located at the southwest corner of Moreno Beach Drive and Bay Avenue. Frontier is required to construct a water quality basin to mitigate certain environmental impacts. The developer has formed a HOA, Estancia Moreno Valley Association, to retain ownership of the water quality basin and upon the first conveyance of a home to an individual property owner, Estancia Moreno Valley Association, will assume the obligation stipulated in the maintenance agreement.

The water quality basin not only provides mitigation for certain water quality impacts but also acts as an extension of the City's storm drain system. Under the requirements of the 2010 National Pollutant Discharge Elimination System (NPDES) Permit, it is essential that the City monitors and ensures continued maintenance of the water quality basin that will accept stormwater and non-stormwater discharges from the development.

Authorizing the City to maintain the landscaping within the water quality basin will assist the City in the following ways:

- Assure continued maintenance of the required extensive landscaping within the water quality basin, and
- Comply with State and Federal regulations for monitoring stormwater and non-stormwater discharges to the City storm drains.

The maintenance agreement is necessary to guarantee long-term funding for public maintenance of the landscaping and to ensure continued access to the water quality basin. Some of the key components of the agreement include:

- Thirty (30) year term with provisions for extension(s).
- Identifies specific areas to be maintained by the City.
- Identifies schedules for maintenance.
- Minimum insurance requirements to be carried by the HOA.

**ALTERNATIVES**

1. Approve and authorize the recommended actions as presented in this staff report. *This alternative ensures the water quality basin will be maintained by a public agency and ensures the City remains in compliance with NPDES requirements.*
2. Do not approve and authorize the recommended actions as presented in this staff report. *This alternative leaves maintenance of the water quality basin with Frontier Communities, LLC or Estancia Moreno Valley Association. Additionally, this alternative may cause the City to be in non-compliance with NPDES requirements.*

**FISCAL IMPACT**

There is no fiscal impact associated with Alternative One. The NPDES Rate Schedule has been approved. Private homeowners are assessed NPDES fees which funds the cost of maintenance of the water quality basins.

**CITY COUNCIL GOALS**

**REVENUE DIVERSIFICATION AND PRESERVATION:**

Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

**PUBLIC 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.

**NOTIFICATION**

Publication of Agenda

**ATTACHMENTS**

Attachment 1: Maintenance Agreement by and between City of Moreno Valley and Estancia Moreno Valley Association

Prepared By:  
Hoang Nguyen  
Associate Engineer

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

Concurred By:  
Mark W. Sambito, P.E.  
Engineering Division Manager

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**MAINTENANCE AGREEMENT  
BY AND BETWEEN  
CITY OF MORENO VALLEY  
AND  
ESTANCIA MORENO VALLEY ASSOCIATION**

This Maintenance Agreement (“**Agreement**”) is made and entered into effective on the date (“**Effective Date**”) the Mayor signs this Agreement. This Agreement is by and between ESTANCIA MORENO VALLEY ASSOCIATION, a California nonprofit mutual benefit corporation (“**Association**”), and the CITY OF MORENO VALLEY (the “**City**”). Each of Association and the City are sometimes hereinafter referred to as a “**Party**” and collectively as the “**Parties**”.

**P R E A M B L E**

A. Association is an incorporated homeowners’ association formed in connection with the single-family residential development known as “Estancia” located on Tract No. 31618 in the City of Moreno Valley, County of Riverside, State of California (the “**Project**”). Association’s duties are set forth in Article III of the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements for Estancia recorded against the Project (the “**Declaration**”). Unless otherwise expressly provided, all capitalized terms used in this Agreement shall have the definition and meanings set forth in the Declaration.

B. In satisfaction of the City conditions of approval for development of the Project, the Association is required to enter into an agreement for the City to provide certain services relating to maintenance (“**Maintenance**”) of the storm water detention basin (the “**Basin**”) located on Lot I of the Project (the “**Basin Lot**”) all as more fully described on **Exhibit “A”**.

NOW THEREFORE, in consideration of the promises contained herein, the City and Association agree as set forth below:

1. **Term.** Subject to applicable law, the term (“**Term**”) of this Agreement shall commence as of the Effective Date of this Agreement, and shall remain in effect for thirty (30) years from the Effective Date of this Agreement. At the end of such thirty (30) year period, this Agreement shall be extended for successive terms of thirty (30) years unless a document executed by each of the Parties hereto or their respective successors-in-interest cancels this Agreement or any portion hereof and said document is recorded in the office of the County Recorder of Riverside County. If applicable law limits the duration of the Term, then this Agreement shall be deemed to have a Term equal to the maximum Term permitted by law, and unless affirmatively terminated by the parties hereto, shall be deemed to be renewed and extended for successive maximum terms as permitted by law. The Maintenance shall commence at such time as such maintenance is required following the Effective Date of this Agreement. During the Term of this Agreement, the Parties hereby covenant and agree to negotiate in good faith any changes to the terms set forth herein as then required by law or otherwise reasonably required.

2. Maintenance of Association Property by the City. After the termination of the Establishment Period (as defined in **Exhibit "B"** and throughout the remaining term of this Agreement, the City shall directly provide all Maintenance of the Basin. Such Maintenance shall include, without limitation, the maintenance responsibilities described on **Exhibit "B"** attached hereto and incorporated herein. For as long as it is authorized to do so, the City shall assess annual levy, parcel charge, or fee (however such amount shall be denominated, the "**Annual Levy**") against the Lots within the Project designed and intended for the construction of a residence and ownership by an individual Owner (hereinafter referred to as the "**Residential Lots**") for the cost and expenses related to the Maintenance.

3. Suspension of Payments of the City. For a period ("**Suspension Period**") commencing on the Effective Date of this Agreement and continuing to the date as of which the City is no longer able to assess all or a portion of the Annual Levy, the Association shall not be responsible for the payment of any cost or expenses related to the Maintenance. Upon receipt of written notice from the City to the Association at the address listed in **Section 8** hereof (or such other address of which the Association shall have previously notified the City in writing in accordance with **Section 8** hereof), informing the Association of the City's inability to assess all or any portion of the Annual Levy sufficient for the Maintenance, the Suspension Period shall terminate and the Association shall have the absolute obligation to pay the City the full amount (the "**HOA Payment Obligations**") necessary to cover all costs and expenses related to the City's Maintenance of the Basin in excess of the Annual Levy that the City is able to assess directly against the Residential Lots. Further, Association hereby assigns to the City, and the City shall have, the first right to any amounts collected by Association from owners of Residential Lots ("**Owners**") in such amounts as necessary to satisfy the HOA Payment Obligations.

4. Budget and Reimbursement to the City. Following termination of the Suspension Period, the City shall prepare and provide to Association a budget for the next Fiscal Year (as defined below) for the Maintenance obligations described in **Exhibit "B"** ("**Budget**"), which Budget shall set forth the Fiscal Year expenses projected to be incurred by the City for Maintenance and operations of the City with respect to Basin (including, without limitation, the City's administrative overhead). The expense projections in each year's Budget shall be based upon the Maintenance and operating expenses (including, without limitation, the City's administrative overhead) incurred by the City within the previous three (3) years, and may include (i) normal and customary reserves and contingencies, and (ii) cost of living increases based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index, as published by the United States Department of Labor's Bureau of Labor Statistics. The Budget shall also reflect an amount for depreciation of facilities, if any, and a reserve for replacement of plants and other improvements. Following the termination of the Suspension Period and the Association's receipt of the Budget, Association shall make annual payments to the City for Maintenance and operations expenses incurred by the City as set forth in such Budget by July 1 of the Fiscal Year to which such payment applies. For the purposes of this Agreement, the City's "Fiscal Year" shall be July 1 through June 30, unless Association is otherwise notified of a change pursuant to **Section 8** hereof.

Notwithstanding any other provision herein, the parties hereto acknowledge, understand and agree that in the event that the right of the City to impose the charges contemplated herein is



or becomes prohibited, then, notwithstanding such prohibition, it is the intention of the parties hereto to continue to have the City perform the Maintenance as contemplated hereby, and to have the costs therefor charged to Association. In the event that Association fails or is unable to so assess the Owners for the amounts that the City is prohibited from assessing as contemplated hereby, then, after no less than sixty (60) days prior written notice by the City that Association is in default, Association shall have the absolute obligation to pay the City, and the City shall have the right to collect the HOA Payment Obligations from Association. Further, if and to the extent that there is a change in applicable law, including, without limitation, Section 1367.1 of the California Civil Code (which the Parties acknowledge arguably prohibits an "Assignment" (as defined below)) such that an Assignment is clearly permitted (as reasonably determined by Association), the City shall have the option to require Association to assign to the City Association's right to directly assess Owners for such assessments, together with Association's corresponding remedies of lien and foreclosure provided in the Declaration in the event that any such Owner(s) fail to pay the required assessments (an "Assignment"). An Assignment pursuant to this paragraph is expressly subject to the following:

a. Any such delegation and/or assignment of assessment and/or lien rights shall be deemed a partial, non-exclusive assignment;

b. Association shall not make and expressly disclaims any representations and/or warranties that it has the right to assign any of its lien rights or rights to assess real property or levy assessments under the Declaration, and, if any assignment is made or deemed made, the City pursues same at its own risk; and

c. If any Assignment is determined, at any time, by any court or arbitrator, to not be permitted as a matter of law, the City shall immediately cease any actions related thereto.

5. Special Assessments and Increases in Assessments. This Agreement shall have no effect on Association's ability and right, in accordance with the terms of the Declaration, to (i) levy assessments, as may be required, or (ii) increase the budgeted amount of regular assessments, or (iii) collect any parcel charges and to file assessment liens for such charges.

6. Obligations of Association. Association agrees as follows:

a. Association and its members shall not amend or repeal, directly or indirectly, the Declaration, or the restrictions described therein, and no rules or regulations of the Board of Association shall be adopted, amended, or repealed, in each case which in any manner increases or may increase the obligations of the City, or decreases or may decrease the obligations of Association, under this Agreement, without the prior written consent of the City, which consent the City may grant or withhold in its sole and absolute discretion;

b. Association may not assign, transfer, or hypothecate this Agreement or their rights or obligations hereunder; provided, however, that the parties hereto hereby agree and recognize that any right of the City to payment from Association in respect of the HOA Payment Obligations does not constitute an assignment or transfer of the rights or obligations under this Agreement. In addition, in view of the personal nature of this Agreement, Association agrees that, during the term of this Agreement, it will not sell, transfer, encumber, or otherwise dispose



of Association Property, or any part thereof, without the prior written consent of the City, which consent the City may grant or withhold in its sole and absolute discretion, and any purported sale, transfer, hypothecation, or other disposition thereof, without such consent, shall be null and void ab initio; and

c. Association shall pay, the annual amount to the City required pursuant to **Section 4** hereof, if any.

7. Intentionally Omitted

8. Notices. All notices, statements, or other documents which any party shall be required or desire to give to any other party hereunder must be in writing and shall be given by the party only in one of the following ways: (i) by personal delivery, or (ii) by addressing it as indicated below, and by depositing it, registered or certified mail, postage prepaid, in the United States mail. If so delivered or mailed, each such notice, statement, or other document shall be conclusively deemed to have been given when personally delivered, or forty-eight (48) hours after the date of mailing (excluding Saturdays, Sundays, and federal holidays), as the case may be. The addresses for notices and other communications, until further notice, are:

THE CITY: City of Moreno Valley  
14177 Frederick Street  
Moreno Valley, California 92553  
Attn: [ \_\_\_\_\_ ]

ASSOCIATION: Estancia Moreno Valley Association  
8300 Utica Avenue, Suite 300  
Rancho Cucamonga, CA 91730

9. Resolution of Certain Disputes. Any dispute between the City and Association, which relates to this Agreement shall be settled between them by Judicial Reference as provided by California Law. Accordingly, any such dispute shall be heard by a referee pursuant to the provisions of the California Code of Civil Procedure, §§638 - 645.1, inclusive, and in connection therewith:

a. The Parties to such dispute shall promptly and diligently cooperate with one another and the referee, and shall perform such acts as may be necessary to obtain a prompt and expeditious resolution of the dispute or controversy in accordance with the terms of this Agreement;

b. The Parties to such dispute shall agree upon a single referee who shall then try all issues, whether of fact or law, and report a finding and judgment thereon. If the Parties are unable to agree upon a referee within ten (10) days of a written request to do so by any party, then any party may seek to have a referee appointed pursuant to the California Code of Civil Procedure §§638 and 640;

c. Subject to the limitations of this Section, the referee shall have the right to award all legal or equitable relief appropriate under the circumstances of the controversy before him or her;

d. The cost of such proceeding shall be apportioned among the Parties to the dispute in accordance with California Code of Civil Procedure §645.1. In no event shall any such reference proceeding or any appeal therefrom result in an award of punitive damages, and all such damages are hereby waived.

10. Indemnity.

a. Association agrees to indemnify, save, defend, and hold harmless the Community Services District of the City of Moreno Valley, the City, the Moreno Valley Housing Authority, and their respective officers, agents and employees (all of the foregoing persons, other than Association, are collectively referred to as the “**City Indemnitees**”) from and against any claim, action, damages, costs (including, without limitation, all attorney’s fees and litigation costs), injuries, or liability (collectively referred to as “**Claims**”) arising out of the performance of any action contemplated by this Agreement by Association. Should any of the City Indemnitees be named in any suit, or should any claim be brought against any of the City Indemnitees by suit or otherwise, arising out of performance by Association of services rendered pursuant to this Agreement, Association will defend each such City Indemnitee (at each such City Indemnitee’s request and with counsel satisfactory to each such City Indemnitee) and will indemnify each such City Indemnitee for any judgment rendered against it or any sums paid out in settlement or costs incurred in defense otherwise; provided, however, that this indemnification and hold harmless shall not include any Claims arising from the sole negligence or willful misconduct of such City Indemnitee.

b. The City agrees to indemnify, save, defend and hold harmless the Association and its officers, agents and employees from any and all liability, claims, damages or injuries to any person, including injury to the City’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, its 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 Association, its officers, agents or employees.

11. Insurance.

a. Before commencing performance under this Agreement, and at all other times this Agreement is effective, Association will procure and maintain the following types of insurance with coverage limits complying, at a minimum, with the limits set forth below:

| <u>Type of Insurance</u>      | <u>Limits (combined single)</u>                          |
|-------------------------------|--|
| Commercial general liability: | \$1,000,000 per occurrence<br>\$ 500,000 Property Damage |

|                               |                        |
|-------------------------------|------------------------|
| Business automobile liability | \$2,000,000 aggregate  |
| Workers' compensation         | \$1,000,000            |
|                               | Statutory requirement. |

b. Commercial general liability insurance will meet or exceed the requirements of ISO-CGL Form No. CG 00 01 11 85 or 88. The amount of insurance set forth above will be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. Liability policies will be endorsed (i) to name the City, Moreno Valley Community Services District, the Moreno Valley Housing Authority, and their respective officials and employees as "additional insured" under said insurance coverage, and (ii) to state that such insurance will be deemed "primary" such that any other insurance that may be carried by any of the City Indemniteses will be excess thereto. Such insurance will be on an "occurrence," not a "claims made," basis and will not be cancellable or subject to reduction except upon thirty (30) days prior written notice to the City Indemniteses.

c. [Intentionally Omitted]

d. Automobile coverage will be written on ISO Business Auto Coverage Form CA 00 01 06 92, including symbol 1 (Any Auto).

e. Each of the City Indemniteses shall be named as additional insured on all policies of insurance except errors and omissions and workers' compensation.

f. Association will furnish to the City duly authenticated Certificates of Insurance evidencing maintenance of the insurance required under this Agreement, endorsements as required herein, and such other evidence of insurance or copies of policies as may be reasonably required by the City from time to time. Insurance must be placed with insurers with a current A.M. Best Company Rating equivalent to at least a Rating of "A:-VII." Certificate(s) must reflect that the insurer will provide thirty (30) day notice of any cancellation of coverage.

g. Should Association, for any reason, fail to obtain and maintain the insurance required by this Agreement, the City may obtain such coverage at Association's expense and deduct the cost of such insurance from payments due to Association under this Agreement or terminate.

h. If the definitive insurance policy meeting the terms of **Section 11** and corresponding to the pro forma policy is not issued within ninety (90) days from the Effective Date of this Agreement, then Association covenants and hereby agrees without defense or future objection that the City may do the following without any liability whatsoever:

i. Cease issuing building permits for the Project; and

ii. Cease issuing or otherwise approving certificates of occupancy for any aspect of the Project regardless of the date the building permit was issued.

i. Association further acknowledges and agrees that notwithstanding **Subsections 11(g)** and **11(h)** above, all of its other obligations under this Agreement will become effective and remain in full force and effect upon the execution and delivery of this

Agreement and the delivery and acceptance by the City of the documents and material described in **Subsection 11(f)** above and/or the insurance policy.

The requirements for the insurance shall only terminate upon termination of this Agreement as specified in **Section 1** hereof.

12. Recordation. This Agreement and any amendment thereto shall be recorded within the records of the Office of the Recorder for the County of Riverside and shall constitute a covenant running with the land for all the parcels within the Project and shall be binding on Association, all property owners, administrators, executors, assigns, heirs, and all other successors in interest.

13. Default and Remedies. In the event Association fails to make the payments required under **Section 4** hereof, fails to obtain the insurance required under **Section 11** hereof, or fails to take any other required action under this Agreement, the City may take whatever action at law or in equity or under this Agreement to which it is entitled, including but not limited to an action for damages or for specific performance or otherwise to enforce performance and observance of any obligation, condition or covenant of Association under this Agreement. Notwithstanding anything else in this Agreement, if Association fails to obtain the insurance required under **Section 11** hereof, the City may obtain such insurance insuring the City, and if available, Association, and charge Association for same. As permitted under the Declaration, the City may recover such insurance costs and other costs associated with the remedies permitted hereby through the Regular Assessment as defined in the Declaration. In addition, the City shall be entitled to all of its costs associated with enforcing the terms of this Agreement, including, without limitation, attorneys' fees and costs, and court costs. Such costs may also be enforced through the Regular Assessments.

14. Miscellaneous. As used in this Agreement, all words in the masculine, feminine, or neuter gender, and the plural or singular number, shall each be construed to include the others whenever the context so requires. This Agreement shall be binding upon and inure to the benefit of the respective successors and assigns of the Parties hereto. This Agreement shall be governed by and construed in accordance with the laws of the State of California. Time is of the essence of this Agreement. No change in or addition to, or waiver or termination of this Agreement or any part thereof, shall be valid unless in writing and signed on behalf of each of the Parties hereto. Every provision of this Agreement is intended to be severable. If any term or provision hereof is illegal or invalid for any reason whatsoever, such illegality or unenforceability shall not affect the validity of the remainder of this Agreement. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

*[signature page follows]*

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date set forth below.

THE CITY:

CITY OF MORENO VALLEY

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Attest:


\_\_\_\_\_  
Jane Halstead, the City Clerk  
Date

Approved As To Form:

\_\_\_\_\_  
Suzanne Bryant, the City Attorney  
Date

ASSOCIATION:

ESTANCIA MORENO VALLEY  
ASSOCIATION, a California nonprofit mutual  
benefit corporation

By:   
Name: John Rowberry  
Title: Director

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_



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 San Bernardino )

On January 26, 2015, before me, G. Lovett, a Notary Public in and for said State, personally appeared John Rawberry, 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.

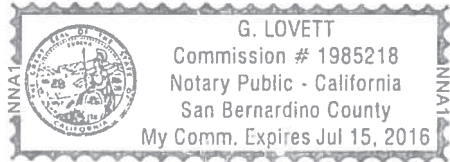
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

G. Lovett  
Notary Public in and for said County and State

(SEAL)

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 \_\_\_\_\_ )

On \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_, a Notary Public in and for said State, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and 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.

\_\_\_\_\_  
Notary Public in and for said County and State

(SEAL)



**EXHIBIT "A"**

**Basin Lot**

LOT I OF TRACT 31618 IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER THAT TRACT MAP RECORDED IN BOOK 427, PAGE(S) 37 TO 39 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA.

## **EXHIBIT "B"**

### **Maintenance of Basin by the City**

The purpose of the maintenance services program is to ensure the protection of water quality and stormwater control by the successful implementation of those landscape and irrigation improvements, located within the Basin Lot described in **Exhibit "A"**.

These maintenance guidelines are specifically tailored to establish and sustain material installed within Basin. The City personnel with experience and knowledge in first flush/water quality ponds, plant habitat creation/preservation and landscaping and irrigation management will supervise all maintenance personnel.

For a minimum period of ninety (90) days ("**Establishment Period**") following completion of the initial material installation including completion of the landscape and irrigation improvements by FH II, LLC, a California limited liability company doing business as Frontier Communities, the developer of the Project ("**Developer**"), Developer will be responsible for the care and maintenance of all material and improvements. Developer's involvement during this period is proven to increase the successful adaptation of the plant material.

Within fourteen (14) calendar days, following the Establishment Period and the submittal to the City of "As-Built" planting, irrigation and grading plans for all areas to maintained under this Agreement, the City will evaluate the Basin for health of plant material and determine whether the landscape and irrigation systems are fully operable. If judged satisfactory by the City, the Establishment Period will be considered concluded and the City will notify Association pursuant to Section 8 of this Agreement. At that time, the long-term maintenance program will begin, and the City will assume the maintenance services identified herein. Should the City judge the health of plant material and/or the landscape and irrigation systems are not fully operable, the City will not assume maintenance services and will notify Developer of its decision at the following address: 8300 Utica Avenue, Suite 300, Rancho Cucamonga, California 91730, Attention: General Counsel.

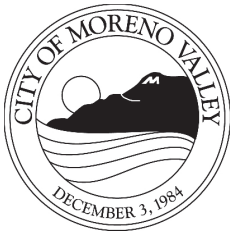
### **Maintenance Services**

In accordance with the City's Plant and Irrigation Maintenance Specifications, and all applicable law or regulations, the City will perform the maintenance services on an as-needed basis within the Basin. The determination of when such services are needed will be in the City's sole discretion.

The City shall not perform or otherwise be responsible to implement any monitoring or mitigation compliance or certify to monitoring or mitigation compliance affecting the Basin pursuant to, (i) any conservation covenant or easement, and (ii) any permits issued by the United States Army Corps of Engineers or other similar governmental regulatory agencies.

No other services by the City may be implied or inferred without amendment or modification to this Agreement.

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| APPROVALS      |           |
|----------------|-----------|
| BUDGET OFFICER | <i>me</i> |
| CITY ATTORNEY  | <i>R</i>  |
| CITY MANAGER   | <i>D</i>  |

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## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Betsy Adams, Director of Parks and Community Services

**AGENDA DATE:** February 24, 2015

**TITLE:** RATIFY GRANT APPLICATION SUBMISSION FOR THE 2014 HOUSING-RELATED PARKS PROGRAM AND ADOPT RESOLUTION NO. 2015-11 AUTHORIZING APPLICATION FOR THE HOUSING-RELATED PARKS GRANT

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### **RECOMMENDED ACTION**

Recommendations:

1. Ratify the grant application submitted to the California Department of Housing and Community Development for the 2014 Housing-Related Parks Program.
2. Adopt Resolution No. 2015-11. A Resolution of the City Council of the City of Moreno Valley, California, Authorizing Application for Housing-Related Parks Grant.

### **SUMMARY**

This report recommends ratifying the City's grant application and adopting a corresponding Resolution for the California Department of Housing and Community Development's 2014 Housing-Related Parks (HRP) Program. The 2014 HRP Program provides parks funds to eligible jurisdictions for low and very-low affordable housing created between January 1, 2010 and December 31, 2014.

### **DISCUSSION**

The California Department of Housing and Community Development's (HCD) HRP Program is funded through Proposition 1C, the Housing and Emergency Shelter Trust Fund Act of 2006. The HRP Program is designed to reward cities and counties that approve new affordable housing projects, and which are in compliance with State housing element law, with grant funds to create or rehabilitate parks and recreational

facilities. The Moreno Valley Community Services District is not eligible to apply for the grant which is why the grant application will be submitted by the City.

The Parks and Community Services Department was alerted to this potential grant opportunity through a notice received from the California Park & Recreation Society on January 5<sup>th</sup>. The filing deadline for 2014 HRP Program grant funds was February 5<sup>th</sup> so the Department worked quickly, with assistance from the Financial and Management Services Department and the Community and Economic Development Department, to determine the City's eligibility for the grant and to gather numerous documents required in support of the grant application. HRP Program grants do not require a funding match from the City. This and the fact that the grant funds could be used for parks and recreational facility rehabilitation projects were strong motivators to apply for these grant funds.

The HRP Program includes a base award along with substantial bonus awards. The base award provides funding based upon the number of qualifying units that are low income (\$500/bedroom) and very-low income (\$750/bedroom). The City's grant application for 427 bedrooms provides a base award of \$275,500.

The HRP Program also provides for several bonus awards on a per bedroom basis. The City has affordable housing projects during the specified time period with units eligible for one or more of the following bonus: new construction (\$300/bedroom), extremely low-income units (\$250/bedroom), and disadvantaged community (\$500/bedroom). The City applied for bonus awards totaling \$341,600.

It is important to note that the disadvantaged community bonus is only available if all the parks and recreational facilities projects submitted with the grant application are within or bordered by a qualified census tract as determined by the U.S. Department of Housing and Urban Development. The City was able to meet this bonus criterion by submitting projects within the City's Community Development Block Grant Targeted Areas.

Grant funding available through the 2014 HRP Program is \$35 million. If HCD does not disallow any portion of the City's grant application, the City is eligible for \$617,100 (\$275,500 base award + \$341,600 bonus award). The City was required to submit housing element compliance, annual progress reports on implementation of the housing element, regulatory agreements, building permits, certificates of occupancy, and rental rolls as part of the grant application documentation.

There are two things which could impact the City's potential grant award. The first is that if HCD receives qualified grant applications in excess of \$35 million, then all grant awards will be pro-rated. The second is that if HCD determines as part of its grant application review that the City qualifies for the Regional Housing Needs Allocation (RHNA) bonus (\$50/bedroom for low-income units and \$75/bedroom for extremely low-income units), then HCD could increase the City's grant award by an additional \$22,225.00.

The City's grant application includes one project in each of the City's CDBG Targeted Areas, as shown on the map which is the second attachment to the staff report. Grant funds must be spent within two years of the date of award announcement, which is anticipated to be before June 30, 2015. The Parks and Community Services Department identified three projects that could be completed within the two year deadline and which presently have no other funding source. A brief summary of the projects is provided below:

1. John F. Kennedy Park – Renovation (CDBG Target Area for District 4)  
Many areas of John F. Kennedy Park, which is over 30 years old, are in need of rehabilitation. The proposed project includes the renovation of restrooms, three small picnic shelters, and baseball/softball field (includes fencing). Walkway and parking lot lighting will be enhanced or replaced and a new large picnic shelter will be constructed near Indian Street.
2. Senior Community Center – Fitness Center Renovation and Refurbishment (CDBG Target Area for District 3)  
The fitness center has not been updated since the Senior Community Center was constructed over 20 years ago. The proposed project includes new flooring, energy efficient lighting, and wall coating. The old treadmills and workout equipment would be replaced with commercial grade treadmills and weight-bearing/cardio exercise equipment suitable for use by senior citizens.
3. Conference and Recreation Center – Outdoor Theater System and Crowd Lighting (CDBG Target Area for District 5)  
The west lawn at the Conference and Recreation Center (CRC) is used for many of the City's community events, including the free summer concert and movie series, which is very staff intensive to set up and take down. The proposed project would install an all-weather projection screen, outdoor sound system, and enhanced crowd lighting.

The Resolution is required to be submitted within 30 days of the date of application submission, authorizing the City's application for the Housing-Related Parks Grant.

### **ALTERNATIVES**

1. Ratify the grant application and corresponding Resolution submitted to the California Department of Housing and Community Development for the 2014 Housing-Related Parks Program and adopt the corresponding Resolution. *Staff recommends this alternative.*
2. Do not ratify the grant application and corresponding Resolution submitted to the California Department of Housing and Community Development for the 2014 Housing-Related Parks Program and provide further direction to staff. Failure to provide the adopted Resolution to HCD by March 6, 2015 will nullify the City's grant application.



**FISCAL IMPACT**

If the City is awarded 2014 HRP Program grant funds, the Council will need to approve entering into a State Standard Agreement for distribution of the funds and will also need to adopt a Resolution with the final grant amount. No fiscal action is required by the Council until grant award notification received.

**NOTIFICATION**

Posting of the agenda.

**ATTACHMENTS**

Attachment 1: Grant Application for 2014 Housing-Related Parks Program

Attachment 2: Map of Parks and Recreation Facilities Projects

Attachment 3: Resolution Authorizing Application for Housing-Related Parks Grant

Prepared By:  
Betsy Adams  
Director of Parks and Community Services

Department Head Approval:  
Betsy Adams  
Director of Parks and Community Services



# Department of Housing and Community Development

## HOUSING-RELATED PARKS PROGRAM

### Grant Application 2014 Designated Program Year NOFA

#### Applicant Information

|                                  |  |           |              |
|----------------------------------|--|-----------|--------------|
| Applicant:                       | City of Moreno Valley                  |           |              |
| Mailing Address:                 | 14075 Frederick Street, P.O. Box 88005 |           |              |
| City:                            | Moreno Valley                          |           |              |
| State:                           | California                             | Zip Code: | 92552-0805   |
| County:                          | Riverside                              |           |              |
| Website:                         | www.moval.org                          |           |              |
| Authorized Representative Name:  | Betsy M. Adams                         |           |              |
| Authorized Representative Title: | Parks & Community Services Director    |           |              |
| Phone:                           | 951-413-3709                           | Fax:      | 951-413-3719 |
| Email:                           | betsya@moval.org                       |           |              |
| Contact Person Name:             | Gina Henderson                         |           |              |
| Contact Person Title:            | Administrative Assistant               |           |              |
| Phone:                           | 951-413-3712                           | Fax:      | 951-413-3719 |
| Email:                           | ginah@moval.org                        |           |              |

#### Applicant Certification

As the official designated by the governing body, I hereby certify that if approved by HCD for funding through the HRP Program, the City of Moreno Valley assumes the responsibilities specified in the HRP Program Notice of Funding Availability and Program Guidelines and certifies that the information, statements, and attachments contained in this application are, to the best of my knowledge and belief, true and correct.

Signature:  Name: Betsy M. Adams

Date: February 3, 2015 Title: Parks & Community Services Director

Updated 12/17/2014

## Legislative Information

Please list all representatives for the City/County. Attach additional sheets if necessary.  
 Legislative information is available at <http://www.leginfo.ca.gov>.

Applicant: City of Moreno Valley

|                                 | District | Legislator Name |
|---------------------------------|----------|-----------------|
| Federal Congressional District: | 41       | Mark Takano     |
|                                 |          |                 |
|                                 |          |                 |
|                                 |          |                 |
|                                 |          |                 |
| State Assembly District:        | 61       | Jose Medina     |
|                                 |          |                 |
|                                 |          |                 |
|                                 |          |                 |
|                                 |          |                 |
| State Senate District:          | 31       | Richard Roth    |
|                                 |          |                 |
|                                 |          |                 |
|                                 |          |                 |
|                                 |          |                 |

## Eligibility Threshold Requirements

Applicant: City of Moreno Valley

### 1. HOUSING ELEMENT COMPLIANCE

Does the applicant have an adopted housing element which has been found to be in substantial compliance with Housing Element Law pursuant to Government Code Section 65585 which was submitted to the Department by the issuance date of the NOFA?

YES      Date of HCD Review Letter: May 19, 2014       NO

### 2. ELIGIBLE UNITS

Did the applicant issue building permits or certificates of occupancy for Eligible Units during the Designated Program Year 2014 which meet the affordability requirements for extremely low-, very low- or low-income households?

2010       2011       2012       2013       2014

### 3. ANNUAL PROGRESS REPORT SUBMITTAL

Has the applicant submitted to the Department the Annual Progress Report (APR) for the applicable calendar years, pursuant to Government Code Section 65400, on the jurisdiction's progress in implementing the housing element prior to February 5, 2015?

*For example: applicants must submit the 2013 APR in order to be eligible to receive funding for Eligible Units from 2014. To receive funding for 2013 Eligible Units, the 2012 APR must be submitted to the Department.. Please refer to the chart below:*

| Eligible Units from:         | APR  | Date Submitted |
|------------------------------|--|----------------|
| January 1- December 31, 2010 | <input checked="" type="checkbox"/> 2009 CY Report | April 15, 2010 |
| January 1- December 31, 2011 | <input type="checkbox"/> 2010 CY Report            |                |
| January 1- December 31, 2012 | <input type="checkbox"/> 2011 CY Report            |                |
| January 1- December 31, 2013 | <input checked="" type="checkbox"/> 2012 CY Report | May 29, 2013   |
| January 1- December 31, 2014 | <input type="checkbox"/> 2013 CY Report            |                |

### 4. MINIMUM GRANT AMOUNT

Does the applicant meet the minimum grant amount of \$75,000, including any bonus awards, based on Eligible Units from the 2014 Designated Program Year?

YES       NO

**Note: If the applicant has answered NO to any of the questions above, the application will not be reviewed further and the applicant is ineligible for funding.**



## Park and Recreation Facility (Park Project) Description

|   |                                     |                                      |  |  |                          |
|---|-------------------------------------|--------------------------------------|--|--|--------------------------|
| Applicant:  | City of Moreno Valley               |                                      |  |  |                          |
| Park Project Name:  | John F. Kennedy Park - Renovation   |                                      |  |  |                          |
| Type of Park Project:   | Creation <input type="checkbox"/>   | Development <input type="checkbox"/> | Rehabilitation <input checked="" type="checkbox"/> |  |                          |
| Park Project Location (include address, if known, or otherwise indicate nearest intersection):  |                                     |                                      |  |  |                          |
| John F. Kennedy Park is located at 15115 Indian Street which is in City's CDBG Target Area for District 4.  |                                     |                                      |  |  |                          |
| Park Project Census Tract:<br><small>(please use 11-digit census tract number as detailed in instructions)</small>  | 06-065-042508                       |                                      |  |  |                          |
| Senate & Assembly District for Park Project Location:   | Senate District:                    | 31                                   |  |  |                          |
|   | Assembly District:                  | 61                                   |  |  |                          |
| Park Project Summary:   |                                     |                                      |  |  |                          |
| Project provides major renovation of a 30 year old park. Improvements include restrooms (covering two small restrooms into large ADA compliant one + refurbish another), picnic shelters (new large one + refurbish three small ones), baseball/softball field renovation (includes fencing), enhance/replace walkway and parking lot lighting, and site amenities (benches, etc.).   |                                     |                                      |  |  |                          |
| Will the Park Project be in support of any Infill developments, as described in Section 106(F)? * If so, please name at least one development and indicate the development status (indicate N/A if not applicable) <b>OR</b> Does the jurisdiction's adopted General Plan conform to the region's adopted Regional Blueprint Plan? If so, please complete the Regional Blueprint Bonus Coversheet (next tab) and attach supporting documentation as required. |                                     |                                      |  |  |                          |
| Infill-Supporting   |                                     | <b>OR</b>                            | Regional Blueprint                                 | If claiming Infill-Supporting, provide name/address of at least one infill development and status: |                          |
| NO  | YES                                 |                                      | NO   |  | YES                      |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/>            |                                      | <input checked="" type="checkbox"/>                |  | <input type="checkbox"/> |
| Will the Park be located within a Disadvantaged Community, as described in Section 106(D)? * Please note: to receive bonus funds the application must include supporting documentation.   |                                     |                                      |  |  |                          |
| YES   | NO                                  |                                      |  |  |                          |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/>            |                                      |  |  |                          |
| Will the Park be located within a Park-Deficient Community, as described in Section 106(E)? * Please note: to receive bonus funds the application must include supporting documentation.  |                                     |                                      |  |  |                          |
| YES   | NO                                  |                                      |  |  |                          |
| <input type="checkbox"/>  | <input checked="" type="checkbox"/> |                                      |  |  |                          |

### Project Cost Breakdown and Other Funding Sources

| Project Cost               |                |  |                          |                     |
|----------------------------|----------------|--|--------------------------|---------------------|
| Subproject                 | Estimated Cost |  | Subproject               | Estimated Cost      |
| Restrooms                  | \$120,000.00   |  | Walkway/Parking Lighting | \$100,000.00        |
| Picnic Shelters            | \$108,000.00   |  | Site Amenities           | \$25,000.00         |
| Ball Field Renovation      | \$75,000.00    |  | Project Oversight        | \$35,100.00         |
| <b>Total Project Cost:</b> |                |  |                          | <b>\$463,100.00</b> |

### Other Funding Sources

| Name of Source           | Dollar Amount |  | Name of Source | Dollar Amount |
|--------------------------|---------------|--|----------------|---------------|
|                          |               |  |                |               |
|                          |               |  |                |               |
| <b>Total Other Funds</b> |               |  |                |               |

\* Applicable Bonus Funds as detailed in Section 106 of the Program Guidelines  
2014 DPY Housing-Related Parks Program Application

## Park and Recreation Facility (Park Project) Description

|   |   |                                      |  |  |
|---|---|--------------------------------------|--|--|
| Applicant:  | City of Moreno Valley   |                                      |  |  |
| Park Project Name:  | Senior Community Center - Fitness Center Renovation & Refurbishment |                                      |  |  |
| Type of Park Project:   | Creation <input type="checkbox"/>                                   | Development <input type="checkbox"/> | Rehabilitation <input checked="" type="checkbox"/> |  |
| Park Project Location (include address, if known, or otherwise indicate nearest intersection):  |   |                                      |  |  |
| Senior Community Center is located at 25075 Fir Avenue which is in City's CDBG Target Area for District 1.  |   |                                      |  |  |
| Park Project Census Tract:<br><small>(please use 11-digit census tract number as detailed in instructions)</small>  | 06-065-042520   |                                      |  |  |
| Senate & Assembly District for Park Project Location:   | Senate District:  | 31                                   |  |  |
|   | Assembly District:  | 61                                   |  |  |
| Park Project Summary:   |   |                                      |  |  |
| Fitness Center renovation includes new flooring, energy efficient lighting, and wall coating. Refurbishment includes replacing old treadmills and workout equipment with commercial grade treadmills and weight-bearing/cardio exercise equipment suitable for senior citizen use. Old TVs will be replaced with flat screen TVs. Fitness Center has not been updated since Senior Community Center opened over 20 years ago.                                 |   |                                      |  |  |
| Will the Park Project be in support of any Infill developments, as described in Section 106(F)? * If so, please name at least one development and indicate the development status (indicate N/A if not applicable) <b>OR</b> Does the jurisdiction's adopted General Plan conform to the region's adopted Regional Blueprint Plan? If so, please complete the Regional Blueprint Bonus Coversheet (next tab) and attach supporting documentation as required. |   |                                      |  |  |
| Infill-Supporting   |   | Regional Blueprint                   |  | If claiming Infill-Supporting, provide name/address of at least one infill development and status: |
| NO  | YES   | NO                                   | YES  |  |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/>  | <input checked="" type="checkbox"/>  | <input type="checkbox"/>                           |  |
| Will the Park be located within a Disadvantaged Community, as described in Section 106(D)? * Please note: to receive bonus funds the application must include supporting documentation.   |   |                                      |  |  |
| YES   | NO  |                                      |  |  |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/>  |                                      |  |  |
| Will the Park be located within a Park-Deficient Community, as described in Section 106(E)? * Please note: to receive bonus funds the application must include supporting documentation.  |   |                                      |  |  |
| YES   | NO  |                                      |  |  |
| <input type="checkbox"/>  | <input checked="" type="checkbox"/>                                 |                                      |  |  |

### Project Cost Breakdown and Other Funding Sources

| Project Cost                |                |  |                          |                     |
|-----------------------------|----------------|--|--------------------------|---------------------|
| Subproject                  | Estimated Cost |  | Subproject               | Estimated Cost      |
| Flooring, Walls & Ceiling   | \$30,000.00    |  | Weight-bearing Equipment | \$15,000.00         |
| Lighting & TVs              | \$15,000.00    |  | Cardio Equipment         | \$10,000.00         |
| Treadmills w/ Medical Rails | \$20,000.00    |  | Project Oversight        | \$10,000.00         |
| <b>Total Project Cost:</b>  |                |  |                          | <b>\$100,000.00</b> |

### Other Funding Sources

| Name of Source           | Dollar Amount |  | Name of Source | Dollar Amount |
|--------------------------|---------------|--|----------------|---------------|
|                          |               |  |                |               |
|                          |               |  |                |               |
| <b>Total Other Funds</b> |               |  |                |               |

\* Applicable Bonus Funds as detailed in Section 106 of the Program Guidelines  
2014 DPV Housing-Related Parks Program Application



## Park and Recreation Facility (Park Project) Description

|   |  |                                      |  |  |                          |
|---|--|--------------------------------------|--|--|--------------------------|
| Applicant:  | City of Moreno Valley  |                                      |  |  |                          |
| Park Project Name:  | Conference & Recreation Center - Outdoor Theater System & Crowd Lighting |                                      |  |  |                          |
| Type of Park Project:   | Creation <input type="checkbox"/>  | Development <input type="checkbox"/> | Rehabilitation <input checked="" type="checkbox"/> |  |                          |
| Park Project Location (include address, if known, or otherwise indicate nearest intersection):  |  |                                      |  |  |                          |
| Conference & Recreation Center is located at 14075 Frederick Street which is in City's CDBG Target Area for District 5.   |  |                                      |  |  |                          |
| Park Project Census Tract:<br><small>(please use 11-digit census tract number as detailed in instructions)</small>  | 06-065-046700  |                                      |  |  |                          |
| Senate & Assembly District for Park Project Location:   | Senate District:   | 31                                   |  |  |                          |
|   | Assembly District:   | 61                                   |  |  |                          |
| Park Project Summary:   |  |                                      |  |  |                          |
| Conference & Recreation Center (CRC) serves as the venue for many free community events including the City's outdoor summer concert and movie series. Outdoor Theater System project includes installation of a large all-weather projection screen and outdoor sound system. Crowd lighting will provide additional light in west lawn area of the CRC when people leave these outdoor events.   |  |                                      |  |  |                          |
| Will the Park Project be in support of any Infill developments, as described in Section 106(F)? * If so, please name at least one development and indicate the development status (indicate N/A if not applicable) <b>OR</b> Does the jurisdiction's adopted General Plan conform to the region's adopted Regional Blueprint Plan? If so, please complete the Regional Blueprint Bonus Coversheet (next tab) and attach supporting documentation as required. |  |                                      |  |  |                          |
| Infill-Supporting   |  | <b>OR</b>                            | Regional Blueprint                                 | If claiming Infill-Supporting, provide name/address of at least one infill development and status: |                          |
| NO  | YES  |                                      | NO   |  | YES                      |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/>   |                                      | <input checked="" type="checkbox"/>                |  | <input type="checkbox"/> |
| Will the Park be located within a Disadvantaged Community, as described in Section 106(D)? * Please note: to receive bonus funds the application must include supporting documentation.   |  |                                      |  |  |                          |
| YES   | NO   |                                      |  |  |                          |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/>   |                                      |  |  |                          |
| Will the Park be located within a Park-Deficient Community, as described in Section 106(E)? * Please note: to receive bonus funds the application must include supporting documentation.  |  |                                      |  |  |                          |
| YES   | NO   |                                      |  |  |                          |
| <input type="checkbox"/>  | <input checked="" type="checkbox"/>                                      |                                      |  |  |                          |

### Project Cost Breakdown and Other Funding Sources

| Project Cost               |                |  |                   |                    |
|----------------------------|----------------|--|-------------------|--------------------|
| Subproject                 | Estimated Cost |  | Subproject        | Estimated Cost     |
| Projection screen          | \$9,000.00     |  | Project Oversight | \$6,000.00         |
| Outdoor Sound System       | \$24,000.00    |  |                   |                    |
| Electrical & Lighting      | \$15,000.00    |  |                   |                    |
| <b>Total Project Cost:</b> |                |  |                   | <b>\$54,000.00</b> |

### Other Funding Sources

| Name of Source           | Dollar Amount |  | Name of Source | Dollar Amount |
|--------------------------|---------------|--|----------------|---------------|
|                          |               |  |                |               |
|                          |               |  |                |               |
| <b>Total Other Funds</b> |               |  |                |               |

\* Applicable Bonus Funds as detailed in Section 106 of the Program Guidelines  
2024 DPY Housing-Related Parks Program Application



## Comprehensive Unit Listing

Applicant: City of Moreno Valley

Please provide a listing, by unique project identifier used in the Housing Project Cover Sheet, of all units contained in this application. The Department will use this listing in both reviewing the application to determine eligibility of each project and calculating the final grant award amount. There should be a separate line entry for each of the Housing Project Cover Sheets included in the application. Please list the projects in the same order as they appear in the application to facilitate the application review process.

*\*\*If necessary, please add additional rows to accommodate all eligible projects but be sure to copy formatting to carry forward associated formulas\*\**

| Project Cover Sheet # | Project Name/Identifier from Housing Project Cover Sheet | Unit Count          |                 |                   |                        |                       |                      |                          | Base Award Amount | Bonus Awards            |               |   |                           |                          |           | Total Bonus Funds | TOTAL<br>Total Award Amount |
|-----------------------|--|---------------------|-----------------|-------------------|------------------------|-----------------------|----------------------|--------------------------|-------------------|-------------------------|---------------|---|---------------------------|--------------------------|-----------|-------------------|-----------------------------|
|                       |  | A<br># of ELI units | B<br># VL units | C<br># of L units | D<br># of ELI bedrooms | E<br># of VL bedrooms | F<br># of L bedrooms | G<br>Total # of bedrooms |                   | New Construction Units? | Infill Units? | Infill-Supporting/<br>Regional Blueprint? | Park-Deficient Community? | Disadvantaged Community? |           |                   |                             |
|                       | SAMPLE PROJECT   | 1                   | 24              | 30                | 3                      | 50                    | 31                   | 84                       | \$56,000          | No                      | No            | Yes                                       | No                        | No                       | \$8,400   | \$64,400          |                             |
| 1                     | Rancho Dorado -North                                     | 15                  | 6               | 13                | 16                     | 15                    | 38                   | 69                       | \$46,250          | Yes                     | No            | No  | No                        | Yes                      | \$55,200  | \$101,450         |                             |
| 2                     | Hemlock Family Apartments                                | 0                   | 25              | 52                | 0                      | 61                    | 117                  | 178                      | \$104,250         | Yes                     | No            | No  | No                        | Yes                      | \$142,400 | \$246,650         |                             |
| 3                     | Rancho Dorado - South                                    | 8                   | 44              | 26                | 19                     | 102                   | 59                   | 180                      | \$125,000         | Yes                     | No            | No  | No                        | Yes                      | \$144,000 | \$269,000         |                             |
| 4                     |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 5                     |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 6                     |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 7                     |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 8                     |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 9                     |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 10                    |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 11                    |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 12                    |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 13                    |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 14                    |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 15                    |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 16                    |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 17                    |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 18                    |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 19                    |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 20                    |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 21                    |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 22                    |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 23                    |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 24                    |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 25                    |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 26                    |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| 27                    |  |                     |                 |                   |                        |                       |                      | 0                        | \$0               |                         |               |   |                           |                          | \$0       | \$0               |                             |
| <b>TOTAL</b>          |  | 23                  | 75              | 91                | 35                     | 178                   | 214                  | 427                      | \$275,500         |                         |               |   |                           |                          | \$341,600 | \$617,100         |                             |



## Housing Project Cover Sheet - 1

**\*\*\* Please complete and submit a separate Project Cover Sheet for each Residential Project \*\*\***

|  |   |  |  |
|--|---|--|--|
| Applicant:   | City of Moreno Valley   |  |  |
| Project Name, Address and/or other Identifier: (please note, it is critical that project identifier is consistent or readily identifiable across all required documentation) | Rancho Dorado - North (Regulatory Agreement Doc# 2009-0414305)  |  |  |
| Type of Project:   | <input checked="" type="checkbox"/> New Construction<br><input type="checkbox"/> Substantial Rehabilitation, Conversion, or Preservation*<br>*Note: Applicant must also fill out Housing Project Attachment |  |  |
| Building Permit(s) Issuance Date(s): (for new construction units)  | 1/13/2010   |  |  |
| Date(s) of Certificate(s) of Occupancy: (units rehabilitated, converted, or preserved)   | 9/30/2010   |  |  |
| Are Eligible Units considered Infill, pursuant to Section 106(C)(1)-(3)?   | No  |  |  |
| If yes, please identify how units determined to be infill (refer to Section 106(C) of Program Guidelines) and include supporting documentation.                              | <input type="checkbox"/> site previously developed<br><input type="checkbox"/> 75 percent of perimeter adjoins parcels currently developed with urban uses  |  |  |

### Affordability Documentation (Mark appropriate box and provide supporting documentation)

|   |   |
|---|---|
| <b>Rental Units</b>   |   |
| <input checked="" type="checkbox"/> Deed-Restricted   |   |
| Method of Restriction/<br>Type of Subsidy Used:   | 9% low income tax credits; City RDA funds                     |
| Length of Deed Restriction:   | 56 years  |
| <b>Ownership Units</b>  |   |
| <input type="checkbox"/> Deed-Restricted  |   |
| Method of Restriction/<br>Type of Subsidy Used:   |   |
| Length of Deed Restriction:   | *Ownership units must be restricted for a minimum of 20 years |
| <input type="checkbox"/> Non-Restricted Units   |   |
| Sales Price & Initial<br>Occupant's Income  |   |
| * Please note if counting non-restricted ownership units, supporting documentation must include both the initial sales price and household income of initial occupant considering household size. |   |

### Project Summary Table

#### Number of Bedrooms By Unit Type and Affordability

| *Extremely Low-Income Units |             | Unit Type | Very Low-Income Units |             | Unit Type | Low-Income Units |             |
|-----------------------------|-------------|-----------|-----------------------|-------------|-----------|------------------|-------------|
| Number of Units             | Total Bdrms |           | Number of Units       | Total Bdrms |           | Number of Units  | Total Bdrms |
|                             | 0           | Studio    |                       | 0           | Studio    |                  | 0           |
| 14                          | 14          | 1-Bed     |                       | 0           | 1-Bed     |                  | 0           |
| 1                           | 2           | 2-Bed     | 3                     | 6           | 2-Bed     | 1                | 2           |
|                             | 0           | 3-Bed     | 3                     | 9           | 3-Bed     | 12               | 36          |
|                             | 0           | 4-Bed     |                       | 0           | 4-Bed     |                  | 0           |
|                             | 0           | 5-Bed     |                       | 0           | 5-Bed     |                  | 0           |
| 15                          | 16          | Totals    | 6                     | 15          | Totals    | 13               | 38          |

### Project Description:

Regulatory Agreement, Article 1. Definitions, provides type of subsidy (Sections 32 & 33), length of deed restriction (Section 30), and number of affordable units (Section 29). Section 26 and Article II. Land Use Requirements, Section 2. Affordable Housing, provide unit mix.

## Housing Project Cover Sheet - 2

**\*\*\* Please complete and submit a separate Project Cover Sheet for each Residential Project \*\*\***

|  |   |  |  |
|--|---|--|--|
| Applicant:   | City of Moreno Valley   |  |  |
| Project Name, Address and/or other Identifier: (please note, it is critical that project identifier is consistent or readily identifiable across all required documentation) | Hemlock Family Apartments (Regulatory Agreements Doc# 2011-0465453 and Doc# 2011-0465454 )  |  |  |
| Type of Project:   | <input checked="" type="checkbox"/> New Construction<br><input type="checkbox"/> Substantial Rehabilitation, Conversion, or Preservation*<br>*Note: Applicant must also fill out Housing Project Attachment |  |  |
| Building Permit(s) Issuance Date(s):<br>(for new construction units)   | 05/16/2012 and 08/22/2012   |  |  |
| Date(s) of Certificate(s) of Occupancy:<br>(units rehabilitated, converted, or preserved)  | 6/27/2013   |  |  |
| Are Eligible Units considered Infill, pursuant to Section 106(C)(1)-(3)?   |   |  |  |
| If yes, please identify how units determined to be infill (refer to Section 106(C) of Program Guidelines) and include supporting documentation.                              | <input type="checkbox"/> site previously developed<br><input type="checkbox"/> 75 percent of perimeter adjoins parcels currently developed with urban uses  |  |  |

### Affordability Documentation (Mark appropriate box and provide supporting documentation)

|  |   |
|--|---|
| <b>Rental Units</b>  |   |
| <input checked="" type="checkbox"/> Deed-Restricted  |   |
| Method of Restriction/<br>Type of Subsidy Used:  | 4% low income tax credits (bonds); City RDA and City HOME funds   |
| Length of Deed Restriction:  | 58 years <small>*Rental units must be restricted for a minimum of 55 years except for preservation which requires 40 years.</small> |
| <b>Ownership Units</b>   |   |
| <input type="checkbox"/> Deed-Restricted   |   |
| Method of Restriction/<br>Type of Subsidy Used:  |   |
| Length of Deed Restriction:  | <small>*Ownership units must be restricted for a minimum of 20 years</small>  |
| <input type="checkbox"/> Non-Restricted Units  |   |
| Sales Price & Initial<br>Occupant's Income   |   |
| <small>* Please note if counting non-restricted ownership units, supporting documentation must include both the initial sales price and household income of initial occupant considering household size.</small> |   |

### Project Summary Table

#### Number of Bedrooms By Unit Type and Affordability

| *Extremely Low-Income Units |             | Unit Type | Very Low-Income Units |             | Unit Type | Low-Income Units |             |
|-----------------------------|-------------|-----------|-----------------------|-------------|-----------|------------------|-------------|
| Number of Units             | Total Bdrms |           | Number of Units       | Total Bdrms |           | Number of Units  | Total Bdrms |
|                             | 0           | Studio    |                       | 0           | Studio    |                  | 0           |
|                             | 0           | 1-Bed     |                       | 0           | 1-Bed     |                  | 0           |
|                             | 0           | 2-Bed     | 14                    | 28          | 2-Bed     | 39               | 78          |
|                             | 0           | 3-Bed     | 11                    | 33          | 3-Bed     | 13               | 39          |
|                             | 0           | 4-Bed     |                       | 0           | 4-Bed     |                  | 0           |
|                             | 0           | 5-Bed     |                       | 0           | 5-Bed     |                  | 0           |
| 0                           | 0           | Totals    | 25                    | 61          | Totals    | 52               | 117         |

### Project Description:

Both Regulatory Agreements, Article 1. Definitions, provide type of subsidy (Sections 15, 28 & 29), length of deed restriction (Section 26) and number of affordable units (Section 25). Section 23 and Article II. Land Use Requirements, Section 2. Affordable Housing, provide unit mix.



## Housing Project Cover Sheet - 2

**\*\*\* Please complete and submit a separate Project Cover Sheet for each Residential Project \*\*\***

|  |   |  |  |
|--|---|--|--|
| Applicant:   | City of Moreno Valley   |  |  |
| Project Name, Address and/or other Identifier: (please note, it is critical that project identifier is consistent or readily identifiable across all required documentation) | Rancho Dorado - South (Regulatory Agreement Doc# 2014-0037961)  |  |  |
| Type of Project:   | <input checked="" type="checkbox"/> New Construction<br><input type="checkbox"/> Substantial Rehabilitation, Conversion, or Preservation*<br>*Note: Applicant must also fill out Housing Project Attachment |  |  |
| Building Permit(s) Issuance Date(s):<br>(for new construction units)   | 8/22/2012   |  |  |
| Date(s) of Certificate(s) of Occupancy:<br>(units rehabilitated, converted, or preserved)  | 8/29/2013   |  |  |
| Are Eligible Units considered Infill, pursuant to Section 106(C)(1)-(3)?   |   |  |  |
| If yes, please identify how units determined to be infill (refer to Section 106(C) of Program Guidelines) and include supporting documentation.                              | <input type="checkbox"/> site previously developed<br><input type="checkbox"/> 75 percent of perimeter adjoins parcels currently developed with urban uses  |  |  |

### Affordability Documentation (Mark appropriate box and provide supporting documentation)

|  |   |
|--|---|
| <b>Rental Units</b>  |   |
| <input checked="" type="checkbox"/> Deed-Restricted  |   |
| Method of Restriction/<br>Type of Subsidy Used:  | 9% low income tax credits; City RDA funds   |
| Length of Deed Restriction:  | 56 years <small>*Rental units must be restricted for a minimum of 55 years except for preservation which requires 40 years.</small> |
| <b>Ownership Units</b>   |   |
| <input type="checkbox"/> Deed-Restricted   |   |
| Method of Restriction/<br>Type of Subsidy Used:  |   |
| Length of Deed Restriction:  | <small>*Ownership units must be restricted for a minimum of 20 years</small>  |
| <input type="checkbox"/> Non-Restricted Units  |   |
| Sales Price & Initial<br>Occupant's Income   |   |
| <small>* Please note if counting non-restricted ownership units, supporting documentation must include both the initial sales price and household income of initial occupant considering household size.</small> |   |

### Project Summary Table

#### Number of Bedrooms By Unit Type and Affordability

| *Extremely Low-Income Units |             | Unit Type | Very Low-Income Units |             | Unit Type | Low-Income Units |             |
|-----------------------------|-------------|-----------|-----------------------|-------------|-----------|------------------|-------------|
| Number of Units             | Total Bdrms |           | Number of Units       | Total Bdrms |           | Number of Units  | Total Bdrms |
|                             | 0           | Studio    |                       | 0           | Studio    |                  | 0           |
|                             | 0           | 1-Bed     |                       | 0           | 1-Bed     |                  | 0           |
| 5                           | 10          | 2-Bed     | 30                    | 60          | 2-Bed     | 19               | 38          |
| 3                           | 9           | 3-Bed     | 14                    | 42          | 3-Bed     | 7                | 21          |
|                             | 0           | 4-Bed     |                       | 0           | 4-Bed     |                  | 0           |
|                             | 0           | 5-Bed     |                       | 0           | 5-Bed     |                  | 0           |
| 8                           | 19          | Totals    | 44                    | 102         | Totals    | 26               | 59          |

### Project Description:

Regulatory Agreements, Article 1. Definitions, provided type of subsidy (Sections 26 & 27), length of deed restriction (Section 24) and number of affordable units (Section 23). Section 20 and Article II. Land Use Requirements, Section 2. Affordable Housing, provide unit mix.

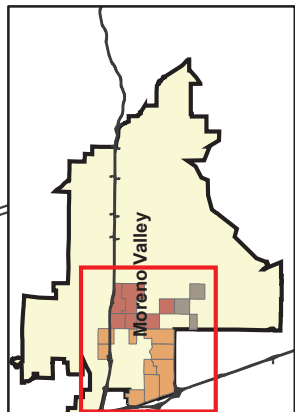
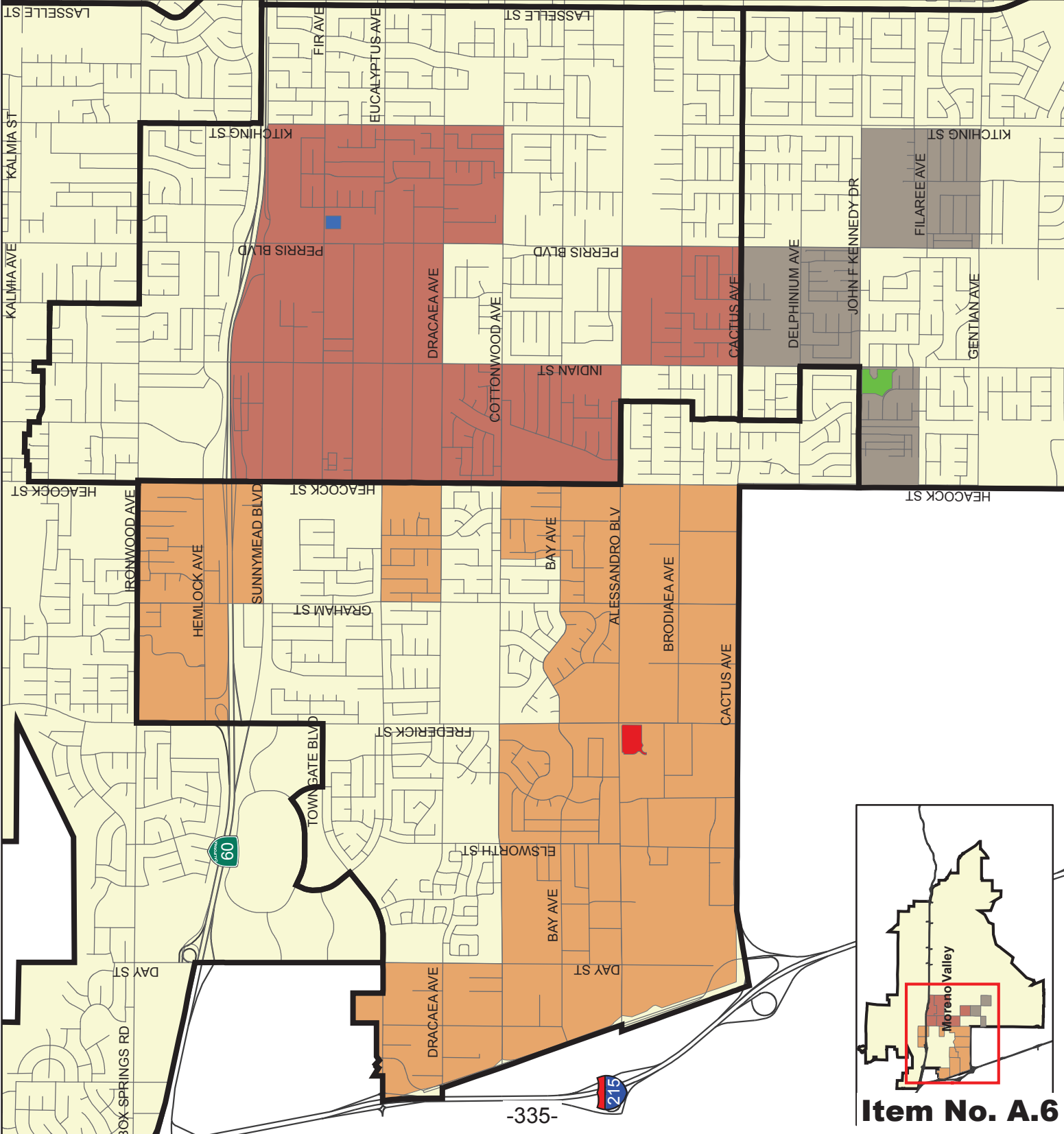
# CITY OF MORENO VALLEY CDBG TARGET AREAS

- Conference and Recreation Center
- Senior Center
- John F Kennedy Park
- Council District Boundaries
- CDBG Districts**
- District 1
- District 4
- District 5
- Moreno Valley



**Map Produced by Moreno Valley Geographic Information System**  
 Geographic Information in:  
 State Plane NAD 83 California Zone 6 Feet  
 G:\ArcMap\Parks\ CDBG\_CRCSENIORJFK\_2015.mxd  
 January 29, 2015

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley 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.



Item No. A.6



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RESOLUTION NO. 2015-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING APPLICATION FOR HOUSING-RELATED PARKS GRANT

WHEREAS, The State of California, Department of Housing and Community Development (Department) has issued a Notice of Funding Availability dated December 10, 2014 (NOFA), under its Housing-Related Parks (HRP) Program; and

WHEREAS, the City of Moreno Valley desires to apply for a HRP Program grant and submit the 2014 Designated Program Year Application Package released by the Department for the HRP Program; and

WHEREAS, the Department is authorized to approve funding allocations for the HRP Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package, and Standard Agreement.

NOW, THEREFORE, THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. Applicant is hereby authorized and directed to apply for and submit to the Department the HRP Program Application Package released December 2014 for the 2014 Designated Program Year in the amount of \$617,100.00. If the application is approved, the Applicant is hereby authorized and directed to enter into, execute, and deliver a State of California Standard Agreement (Standard Agreement) in the amount of \$617,100.00, and any and all other documents required or deemed necessary or appropriate to secure the HRP Program Grant from the Department, and all amendments thereto (collectively, the "HRP Grant Documents").
2. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement. Funds are to be used for allowable capital asset project expenditures to be identified in Exhibit A of the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement. Applicant hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by the Department and in accordance with the NOFA and Program Guidelines and Application Package.

3. The City of Moreno Valley authorizes the Parks and Community Services Director to execute in the name of the Applicant the HRP Program Application Package and the HRP Grant Documents as required by the Department for participation in the HRP Program.

APPROVED AND ADOPTED this 24th day of February, 2015.

\_\_\_\_\_  
Mayor

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. 2015-11 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 24<sup>th</sup> day of February, 2015 by the following vote:

AYES:

NOES:

ABSENT:

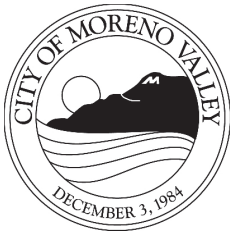
ABSTAIN:

---

CITY CLERK

(SEAL)

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| APPROVALS      |           |
|----------------|-----------|
| BUDGET OFFICER | <i>me</i> |
| CITY ATTORNEY  | <i>R</i>  |
| CITY MANAGER   | <i>D</i>  |

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## Report to City Council

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**TO:** Mayor and City Council acting in their capacity as Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley

**FROM:** Richard Teichert, Chief Financial Officer

**AGENDA DATE:** February 24, 2015

**TITLE:** RESOLUTION OF THE CITY OF MORENO VALLEY SERVING AS THE SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR THE PERIOD OF JULY 1, 2015 THROUGH DECEMBER 31, 2015 (ROPS 15-16 A)

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### RECOMMENDED ACTION

Recommendations:

1. Adopt Resolution No. SA 2015-01. A Resolution of the City Council of the City of Moreno Valley, California, Serving As Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley Approving the Recognized Obligation Payment Schedule and Administrative Budget for the Period of July 1, 2015 through December 31, 2015 (ROPS 15-16 A), and Authorizing the Executive Director or their Designee to Make Modifications Thereto.
2. Authorize the Executive Director or their designee to make modifications to the Schedule.
3. Authorize the transmittal of the ROPS 15-16 A, for the period of July 1, 2015 through December 31, 2015, including Administrative Budget for the said period, ("Exhibit A") to the Oversight Board for review and approval.



## **SUMMARY**

This report recommends adoption of the proposed Resolution approving a Recognized Obligation Payment Schedule (ROPS 15-16 A), including the Administrative Budget, for the period of July 1, 2015 through December 31, 2015. This is the eighth ROPS presented to the State Department of Finance (DOF) for approval since the elimination of the City's Redevelopment Agency effective February 1, 2012.

As Successor Agency to the Community Redevelopment Agency (RDA) of the City of Moreno Valley, the City is responsible for winding down the affairs of the former RDA including disposing of its assets, making payments and performing other obligations due for Enforceable Obligations. The Recognized Obligation Payment Schedules for the stated periods provide the details necessary for the City serving as the Successor Agency to fulfill the former RDA's legally binding and enforceable agreements as required by law.

Generally, the items listed on the proposed ROPS have been thoroughly vetted and reviewed by analysts at the State DOF over the past three years. Staff has received a commitment from the State DOF that the debt service for the 2011 refunding of the 1997 Lease Revenue Bonds will be addressed in a State Budget trailer bill in June 2015 and will be allowable on this ROPS. This item was rejected on the most recent ROPS submittal; however, DOF is proposing a bill to legally allow this debt service for Moreno Valley and several other cities in a similar situation. All other ROPS items are expected to be approved consistent with previous DOF approval.

## **DISCUSSION**

ABX1 26 requires the Successor Agency to approve a Recognized Obligation Payment Schedule ("ROPS") for each six-month period. The required content of the ROPS, set forth in Health and Safety Code Section 34177(l)(1), details all of the Agency's legally binding and enforceable obligations, anticipated payments, and sources of payments. Recognized obligations include bonds, loans, judgments, settlements, any legally binding and enforceable agreements or contracts, and contracts and agreements for agency administration or operation. AB 1484 further clarifies certain matters associated with the dissolution of RDAs and addresses substantive issues related to administrative processes, affordable housing activities, and repayment of loans from communities, use of existing bond proceeds, and the disposition or retention of former Community Redevelopment Agency of the City of Moreno Valley assets.

The City of Moreno Valley is the Successor Agency for the former RDA pursuant to Part 1.85 of Division 24 of the Health and Safety Code. As Successor Agency, the City is responsible for winding down the affairs of the RDA including disposing of its assets, making payments and performing other obligations due for Enforceable Obligations of the former RDA. In order to facilitate the process, the City Council has adopted the following Resolutions:

- Resolution No. 2012-13, adopted on February 28, 2012, approving a Recognized

Obligation Payment Schedule for the period of January 1, 2012 through June 30, 2012.

- Resolution No. 2012-22, adopted on April 10, 2012, approving a Second Recognized Obligation Payment Schedule for the period of July 1, 2012 through December 31, 2012.
- Resolution No. SA 2013-02, adopted on February 26, 2013, approving a Recognized Obligation Payment Schedule (ROPS 13-14 A) for the period of July 1, 2013 through December 31, 2013.
- Resolution No. SA 2013-09, adopted on September 24, 2013, approving a Recognized Obligation Payment Schedule (ROPS 13-14 B) for the period of January 1, 2014 through June 30, 2014.
- Resolution No. SA 2014-01, adopted on February 25, 2014, approving a Recognized Obligation Payment Schedule (ROPS 14-15 A) for the period of July 1, 2014 through December 31, 2014.
- Resolution No. SA 2014-02, adopted on September 23, 2014, approving a Recognized Obligation Payment Schedule (ROPS 14-15 B) for the period of January 1, 2015 through June 30, 2015.

Once approved, the ROPS 15-16 A will be submitted to the Oversight Board for review and approval. Upon approval by the Oversight Board, a copy of the approved ROPS will be transmitted to the County-Auditor Controller, the State Controller's Office, the State Department of Finance, and posted to the City's website.

### **ALTERNATIVES**

1. Adopt the attached proposed Resolution, which approves the Recognized Obligation Payment Schedule, including the administrative budget for the period of July 1, 2015 through December 31, 2015 and authorizing the transmittal of said Schedules to the Oversight Board for review and approval. *Staff recommends this alternative because it allows the City serving as the Successor Agency to make required debt service payments in accordance with the State legislation.*
2. Decline to adopt the attached proposed resolution which would not allow the City, serving as the Successor Agency, to maintain the operations, and fulfill debt obligations of the former RDA as required by law. *Staff does not recommend this alternative.*

### **FISCAL IMPACT**

The Recognized Obligation Payment Schedule provides the details necessary for the City serving as the Successor Agency to fulfill the former RDA's legally binding and

enforceable agreements. The ROPS 15-16 A will serve as authorization to pay obligations listed during the noted period including allowable administrative costs of \$125,000.

With the dissolution of the former RDA, there are continued risks that the payment of certain agreements may not be approved by the California Department of Finance, which will impact the General Fund. When these costs can be considered a short-term loan from the City to the Successor Agency and thus considered an enforceable obligation of the Successor Agency, the City shall seek reimbursement as available.

**NOTIFICATION**

No public notice is required prior to the City Council taking action on this item. However, the agenda for the meeting during which this item may be considered has been posted in the three locations that have been designated for the posting of City Council agendas.

**ATTACHMENTS**

Attachment 1: Proposed Resolution

Exhibit A: Recognized Obligation Payment Schedule (ROPS 15-16 A)

Prepared By:  
Marshall Eyerman  
Financial Resources Division Manager

Department Head Approval:  
Richard Teichert  
Chief Financial Officer

## RESOLUTION NO. SA 2015-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, SERVING AS SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR THE PERIOD OF JULY 1, 2015 THROUGH DECEMBER 31, 2015 (ROPS 15-16 A), AND AUTHORIZING THE EXECUTIVE DIRECTOR OR THEIR DESIGNEE TO MAKE MODIFICATIONS THERETO

WHEREAS, the Community Redevelopment Agency of the City of Moreno Valley ("Agency") is a community redevelopment agency organized and existing under the California Community Redevelopment Law, Health and Safety Code Sections 33000, et seq. ("CRL") and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council ("City Council") of the City of Moreno Valley ("City"); and

WHEREAS, the Agency was established pursuant to the Redevelopment Law. The Agency was activated on February 18, 1986, by City Ordinance No. 50. The City Council adopted and approved the Redevelopment Plan for the Project Area by Ordinance 87-154 of the City on December 29, 1987 (the "Original Plan"), as subsequently amended by Ordinance No. 448 of the City adopted January 10, 1995, Ordinance No. 556 of the City adopted December 14, 1999, and Ordinance No. 732 adopted December 19, 2006 (as so amended, the "Amended Redevelopment Plan", the area of which is referred to herein as the "Project Area"); and

WHEREAS, Parts 1.8, 1.85 and 1.9 of Division 24 of the Health and Safety Code were added to the CRL by ABX1 26 and ABX1 27, which measures purport to become effective immediately. ABX1 26 and ABX1 27, which are trailer bills to the 2011-12 budget bills, were approved by both houses of the Legislature on June 15, 2011 and signed by the Governor on June 28, 2011; and

WHEREAS, Part 1.85 of the CRL ("Part 1.85") provides for the statewide dissolution of all redevelopment agencies, including the Agency, as of October 1, 2011 (which dated has been deemed to be February 1, 2012 pursuant to a decision by the California Supreme Court), and provides that, thereafter, a successor agency to administer the enforceable obligations of the Agency and otherwise wind up the Agency's affairs, all subject to the review and approval by an oversight committee; and

WHEREAS, Part 1.8 of the CRL ("Part 1.8") provides for the restriction of activities and authority of the Agency in the interim period prior to dissolution to certain "enforceable obligations" and to actions required for the general winding up of affairs, preservation of assets, and certain other goals delineated in Part 1.8; and

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Resolution No. SA 2015-01  
Date Adopted: February 24, 2015

WHEREAS, in connection with the implementation of those provisions of ABX1 26 which require the adoption of an enforceable obligation schedule, the City serving as the Successor Agency has previously adopted an amended enforceable obligation schedule in the form previously submitted (the "Amended Enforceable Obligation Schedule") and has authorized the City Manager or his designee to augment, modify or revise such Amended Enforceable Obligation Schedule; and

WHEREAS, ABX1 26 further requires the adoption of an Initial Recognized Obligation Payment Schedule; such initial Recognized Obligation Payment Schedule was approved by Resolution No. 2012-13 of the City of Moreno Valley serving as Successor Agency to the Community Redevelopment Agency of the City of Moreno Valley ("Successor Agency") on February 28, 2012; and

WHEREAS, ABX1 26 further requires the adoption of a Recognized Obligation Payment Schedule for every six month period; and

WHEREAS, an oversight board, as provided under ABX1 26 ("Oversight Board") has been established for the former Agency; and

WHEREAS, pursuant to ABX1 26 and the implementation thereof, the Successor Agency desires to adopt a Recognized Obligation Payment Schedule and administrative budget, for the period covering July 1, 2015 through December 31, 2015 ("ROPS 15-16 A"), in the form submitted herewith. The ROPS 15-16 A is attached hereto, marked as Exhibit "A", and is incorporated herein by reference. By this resolution, the City Council, on behalf of the Successor Agency, approves and authorizes the transmittal of the ROPS 15-16 A to the Oversight Board; and

WHEREAS, given the adoption of ABX1 26, the City Council, on behalf of the City acting in its capacity as Successor Agency to the Agency, has duly considered this Resolution and has determined that the adoption of this Resolution is in the best interests of the City, in its capacity as Successor Agency to the Agency, and the health, safety, and welfare of the residents of the City, and in accord with the public purposes and provisions of applicable state and local laws and requirements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, SERVING AS THE SUCCESSOR AGENCY, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The foregoing recitals are incorporated into this resolution by this reference, and constitute a material part of this resolution.

SECTION 2. The Successor Agency approves for transmittal to the Oversight Board the Recognized Obligation Payment Schedule and administrative budget, for the period July 1, 2015 through December 31, 2015 ("Exhibit A"), with such augmentation, modification, additions or revisions as the Chief Financial Officer of the

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Resolution No. SA 2015-01  
Date Adopted: February 24, 2015

Successor Agency or their designee may make before transmittal to the Oversight Board.

SECTION 3. The Successor Agency is authorized and directed to submit ROPS 15-16 A to the State of California Department of Finance upon approval by the Oversight Board.

SECTION 4. The Successor Agency shall maintain on file as a public record this Resolution and ROPS 15-16 A as approved hereby.

SECTION 5. This Resolution shall be effective immediately upon adoption.

SECTION 6. The City Clerk shall certify to the adoption of this resolution.

APPROVED AND ADOPTED this 24<sup>th</sup> day of February 2015.

\_\_\_\_\_  
Mayor of the City of Moreno Valley

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

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Resolution No. SA 2015-01  
Date Adopted: February 24, 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. SA 2015-01 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 24<sup>th</sup> day of February, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK

(SEAL)

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Resolution No. SA 2015-01  
Date Adopted: February 24, 2015

## Recognized Obligation Payment Schedule (ROPS 15-16A) - Summary

Filed for the July 1, 2015 through December 31, 2015 Period

Name of Successor Agency: Moreno Valley  
 Name of County: Riverside

| Current Period Requested Funding for Outstanding Debt or Obligation   | Six-Month Total     |
|---|---------------------|
| <b>Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding Sources (B+C+D):</b> |                     |
| A   | \$ -                |
| B   | -                   |
| C   | -                   |
| D   | -                   |
| <b>E Enforceable Obligations Funded with RPTTF Funding (F+G):</b>   | <b>\$ 3,428,050</b> |
| F   | 3,303,050           |
| G   | 125,000             |
| <b>H Current Period Enforceable Obligations (A+E):</b>  | <b>\$ 3,428,050</b> |

|   |                     |
|---|---------------------|
| <b>Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding</b> |                     |
| I   | 3,428,050           |
| J   | (94,274)            |
| <b>K Adjusted Current Period RPTTF Requested Funding (I-J)</b>  | <b>\$ 3,333,776</b> |

|   |                  |
|---|------------------|
| <b>County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding</b> |                  |
| L   | 3,428,050        |
| M   | -                |
| <b>N Adjusted Current Period RPTTF Requested Funding (L-M)</b>  | <b>3,428,050</b> |

Certification of Oversight Board Chairman:  
 Pursuant to Section 34177 (m) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named agency.

\_\_\_\_\_  
 Name Title  
 /s/ \_\_\_\_\_  
 Signature Date

**Item No. A.7**

**Recognized Obligation Payment Schedule (ROPS 15-16A) - ROPS Detail**  
**July 1, 2015 through December 31, 2015**  
 (Report Amounts in Whole Dollars)

| A   | B   | C  | D          | E         | F  | G   | H             | I           | J       | K | L | M | N         | O | P         |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
|-----|---|--|------------|-----------|--|---|---------------|-------------|---------|---|---|---|-----------|---|-----------|--------------------------------|-----------------|-----------------------------------|-------------------------------------|-------|---------------------------|--------------|--------------------------------------|---------------------------------------|-----------------------------|---------------|-------------|-----------|
|     |   |  |            |           |  |   |               |             |         |   |   |   |           |   |           | Project Name / Debt Obligation | Obligation Type | Contract/Agreement Execution Date | Contract/Agreement Termination Date | Payee | Description/Project Scope | Project Area | Total Outstanding Debt or Obligation | Funding Source                        |                             |               | RPTTF       |           |
|     |   |  |            |           |  |   |               |             |         |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      | Non-Refunding Property Tax Trust Fund | Reserve Balance (Non-RPTTF) | Bond Proceeds | Other Funds | Non-Admin |
| 1   | 2007 Tax Allocation Bonds                                       | Bonds Issued On or Before 12/31/10         | 11/29/2007 | 8/1/2038  | Wells Fargo Bank   | Debt service payments for bonds issued to finance the acquisition of public facilities  | Original Area | 107,150,434 | Retired |   |   |   | 3,303,050 |   | 3,428,050 |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 2   | 2007 Special Tax Refunding Bonds - Towngate 87-1                | Bonds Issued On or Before 12/31/10         | 11/29/2007 | 12/1/2021 | Wells Fargo Bank   | Debt service payments for bonds issued to finance the acquisition of public facilities  | Original Area | 74,908,979  | N       |   |   |   | 1,243,117 |   | 1,243,117 |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 3   | Improvement Area No. 1 Special Tax Refunding Bonds              | Bonds Issued On or Before 12/31/10         | 11/29/2007 | 10/1/2023 | Wells Fargo Bank   | Debt service payments for bonds issued to finance the construction of public facilities | Original Area | 3,258,351   | N       |   |   |   | 139,120   |   | 139,120   |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 5   | 2011 Refunding of 97 LRB Bonds                                  | Revenue Bonds Issued After 12/31/10        | 1/1/2011   | 11/1/2022 | Bank of America  | Debt service payments for bonds issued to finance the construction of a public facility | Original Area | 1,200,000   | N       |   |   |   | 150,000   |   | 150,000   |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 6   | 2005 Lease Revenue Bonds  | Revenue Bonds Issued On or Before 12/31/10 | 6/1/2005   | 11/1/2035 | Wells Fargo Bank   | Debt service payments for bonds issued to finance Sunnymead Blvd project                | Original Area |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 7   | On-going Housing Monitoring Requirements                        | Project Management Costs                   | 1/1/2014   | 6/30/2014 | City of Moreno Valley/Successor Agency                       | Costs to perform the recertification and monitoring of housing units                    | Original Area | 25,000      | N       |   |   |   | 25,000    |   | 25,000    |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 10  | Contract for Abatement of Properties                            | Property Maintenance                       | 7/1/2009   | 7/30/2014 | Fire Prevention/Inland Empire Property Service, Inc.         | Nuisance/weed abatement of Agency owned properties                                      | Original Area | 3,000       | N       |   |   |   | 3,000     |   | 3,000     |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 13  | CalPERS Retirement Liability                                    | Unfunded Liabilities                       | 7/1/2012   | 7/1/2031  | The California Public Employees' Retirement System (CalPERS) | Unfunded PERS Retirement Liability Acct   | Original Area | 544,571     | N       |   |   |   | 13,855    |   | 13,855    |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
|     | iree Medical Trust (GERBT)                                      | Unfunded Liabilities                       | 7/1/2012   | 7/1/2031  | Califoma Employers' Retiree Medical Trust(CERBT)/CalPERS     | Unfunded Retiree Medical Trust Acct   | Original Area | 175,373     | N       |   |   |   | 4,462     |   | 4,462     |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
|     | Club Acquisition Note   | Third-Party Loans                          | 5/7/1992   | 5/7/2015  | The Price Family Charitable Fund                             | Participation Agreement   | Original Area |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 17  | Towngate Acquisition Note                                       | Third-Party Loans                          | 5/2/2004   | 6/30/2044 | City of Moreno Valley  | Participation Agreement   | Original Area | 15,568,341  | N       |   |   |   | 700,000   |   | 700,000   |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 19  | Robertson's Ready Mix, Inc. OPA                                 | OPA/DBA/Constructi on                      | 9/26/2006  | 9/30/2028 | Robertson's Ready Mix, Inc                                   | Owner Participation Agreement   | Original Area | 4,000,000   | N       |   |   |   | 280,000   |   | 280,000   |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 24  | Payroll Costs/Operating Costs                                   | Admin Costs                                | 1/1/2015   | 6/30/2015 | City of Moreno Valley/Employees                              | Successor Agency's Payroll & Operating Costs  | Original Area | 125,000     | N       |   |   |   | 125,000   |   | 125,000   |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 63  | Public Works Agreement  | City/County Loans After 6/27/11            | 9/25/2013  | 7/30/2029 | City of Moreno Valley  | Public Works Agreement  | Original Area |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 66  | Housing Entity Administrative Cost Allowance per AB 471/Project | Housing Entity Admin Cost                  | 7/1/2014   | 6/30/2018 | Moreno Valley Housing Authority                              | Housing entity administrative cost allowance per AB 471                                 | Original Area | 150,000     | N       |   |   |   | 150,000   |   | 150,000   |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 87  |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 88  |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 89  |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 90  |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 91  |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 92  |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 93  |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 94  |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 95  |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 96  |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 97  |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 98  |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 99  |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 100 |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 101 |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 102 |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 103 |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 104 |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 105 |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 106 |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 107 |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 108 |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 109 |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 110 |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 111 |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 112 |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 113 |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 114 |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 115 |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 116 |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |
| 117 |   |  |            |           |  |   |               |             | N       |   |   |   |           |   |           |                                |                 |                                   |                                     |       |                           |              |                                      |                                       |                             |               |             |           |

## Recognized Obligation Payment Schedule (ROPS 15-16A) - Report of Cash Balances

(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see [https://rad.dof.ca.gov/rad-sa/pdf/Cash\\_Balance\\_Agency\\_Tips\\_Sheet.pdf](https://rad.dof.ca.gov/rad-sa/pdf/Cash_Balance_Agency_Tips_Sheet.pdf).

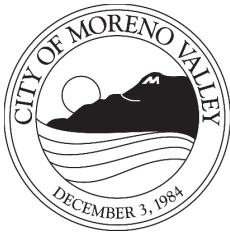
| A   | B  | C  | D  | E                            | F                   | G        | H    | I           |   |  |                 |  |       |  |       |  |
|---|--|--|--|------------------------------|---------------------|----------|------|-------------|---|--|-----------------|--|-------|--|-------|--|
|   |  |  |  |                              |                     |          |      |             | Fund Sources  |  |                 |  |       |  |       |  |
|   |  |  |  |                              |                     |          |      |             | Bond Proceeds   |  | Reserve Balance |  | Other |  | RPTTF |  |
| Bonds Issued on or before 12/31/10                | Bonds Issued on or after 01/01/11  | Prior ROPS period balances and DDR RPTTF balances retained | Prior ROPS period balances distributed as RPTTF reserve for future period(s) | Rent, Grants, Interest, Etc. | Non-Admin and Admin |          |      |             |   |  |                 |  |       |  |       |  |
| <b>Cash Balance Information by ROPS Period</b>    |  |  |  |                              |                     |          |      |             |   |  |                 |  |       |  |       |  |
| <b>ROPS 14-15A Actuals (07/01/14 - 12/31/14)</b>  |  |  |  |                              |                     |          |      |             |   |  |                 |  |       |  |       |  |
| 1   | Beginning Available Cash Balance (Actual 07/01/14)   | -  | -  | -                            | 2,277,693           | -        | -    | -           |   |  |                 |  |       |  |       |  |
| 2   | Revenue/Income (Actual 12/31/14)<br>RPTTF amounts should tie to the ROPS 14-15A distribution from the County Auditor-Controller during June 2014                                       | -  | -  | -                            | -                   | 2,645    | -    | 2,254,377   | Column G - Interest Income                            |  |                 |  |       |  |       |  |
| 3   | Enditures for ROPS 14-15A Enforceable Obligations (Actual 12/31/14)<br>RPTTF amounts, H3 plus H4 should equal total reported actual expenditures in the Report of PPA, Columns L and Q | -  | -  | -                            | -                   | -        | -    | -           |   |  |                 |  |       |  |       |  |
| 4   | Retention of Available Cash Balance (Actual 12/31/14)<br>RPTTF amount retained should only include the amounts distributed as reserve for future period(s)                             | -  | -  | -                            | -                   | -        | -    | -           |   |  |                 |  |       |  |       |  |
| 5   | ROPS 14-15A RPTTF Prior Period Adjustment<br>RPTTF amount should tie to the self-reported ROPS 14-15A PPA in the Report of PPA, Column S   | -  | -  | -                            | -                   | -        | -    | -           |   |  |                 |  |       |  |       |  |
| 6   | Ending Actual Available Cash Balance<br>C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)  | \$ -   | \$ -   | \$ -                         | \$ 1,271,076        | \$ 2,645 | \$ - | \$ (95,252) | 94,274  |  |                 |  |       |  |       |  |
| <b>ROPS 14-15B Estimate (01/01/15 - 06/30/15)</b> |  |  |  |                              |                     |          |      |             |   |  |                 |  |       |  |       |  |
| 7   | Beginning Available Cash Balance (Actual 01/01/15)<br>(C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)  | \$ -   | \$ -   | \$ -                         | \$ 1,271,076        | \$ 2,645 | \$ - | \$ (978)    |   |  |                 |  |       |  |       |  |
| 8   | Revenue/Income (Estimate 06/30/15)<br>F amounts should tie to the ROPS 14-15B distribution from the County Auditor-Controller during January 2015                                      | -  | -  | -                            | -                   | -        | -    | 3,294,015   |   |  |                 |  |       |  |       |  |
| 9   | Enditures for ROPS 14-15B Enforceable Obligations (Estimate 06/30/15)  | -  | -  | -                            | -                   | -        | -    | -           |   |  |                 |  |       |  |       |  |
| 10  | Retention of Available Cash Balance (Estimate 06/30/15)<br>F amount retained should only include the amounts distributed as reserve for future period(s)                               | -  | -  | -                            | -                   | -        | -    | -           |   |  |                 |  |       |  |       |  |
| 11  | Ending Estimated Available Cash Balance (7 + 8 - 9 - 10)   | \$ -   | \$ -   | \$ -                         | \$ 29,459           | \$ 2,645 | \$ - | \$ (978)    | 3,294,015<br>(Column F - 2007 TABS Debt for Aug 2015) |  |                 |  |       |  |       |  |







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

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## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Jane Halstead, City Clerk

**AGENDA DATE:** February 24, 2015

**TITLE:** APPOINTMENT TO MARCH JOINT POWERS AUTHORITY (MJPA) SUCCESSOR AGENCY OVERSIGHT COMMITTEE

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### **RECOMMENDED ACTION**

Recommendation:

1. Approve Mayor Jesse L. Molina's recommendation to appoint Jeffrey J. Giba to serve as the City of Moreno Valley's representative on the March Joint Powers Authority (MJPA) Successor Agency Oversight Committee.

### **SUMMARY**

Through a Joint Powers Agreement amendment, the March Joint Powers Commission (MJPC) and its member jurisdictions took the steps necessary to enable the March Joint Powers Authority (MJPA) to assume the March Joint Powers Redevelopment Agency's responsibilities as Successor Agency. An Oversight Committee was established, consisting of seven members, one of which is appointed by the Mayor of the City of Moreno Valley.

### **FISCAL IMPACT**

None

### **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  
City Clerk

**MINUTES – REGULAR MEETING OF  
FEBRUARY 10, 2015  
(Report of: City Clerk Department)**

**Recommendation: Approve as submitted.**

**SEE AGENDA ITEM A.2**

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**MINUTES – REGULAR MEETING OF  
FEBRUARY 10, 2015  
(Report of: City Clerk Department)**

**Recommendation: Approve as submitted.**

**SEE AGENDA ITEM A.2**



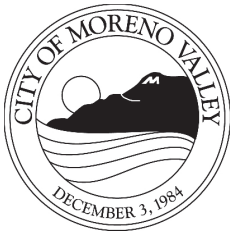
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**MINUTES – REGULAR MEETING OF  
FEBRUARY 10, 2015  
(Report of: City Clerk Department)**

**Recommendation: Approve as submitted.**

**SEE AGENDA ITEM A.2**

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| APPROVALS      |           |
|----------------|-----------|
| BUDGET OFFICER | <i>me</i> |
| CITY ATTORNEY  | <i>R</i>  |
| CITY MANAGER   | <i>D</i>  |

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## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Richard Teichert, Chief Financial Officer

**AGENDA DATE:** February 24, 2015

**TITLE:** PUBLIC HEARING REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAIL BALLOT PROCEEDING TO APPROVE THE RESIDENTIAL REGULATORY RATE FOR MV24 31789 (RESIDENTIAL HOUSING TRACT 31789 - SOUTH SIDE OF IRONWOOD AVENUE, EAST OF LASSELLE STREET)

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### **RECOMMENDED ACTION**

Recommendations: That the City Council:

1. Conduct the Public Hearing and accept public testimony regarding the mail ballot proceeding for properties owned by MV24 31789 for approval of the NPDES maximum regulatory residential rate to be applied to the property tax bills.
2. Direct the City Clerk to count the returned NPDES ballot.
3. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet.
4. Receive and file the Official Tally Sheet with the City Clerk's office.
5. If approved, authorize and impose the NPDES maximum residential regulatory rate to all Assessor's Parcel Numbers associated with residential housing Tract 31789.

### **SUMMARY**

The action before the City Council is to conduct a Public Hearing for the National Pollutant Discharge Elimination System ("NPDES") mail ballot proceeding requested

by a single property owner/developer as a normal step in the process of developing residential homes. If approved, 24 parcels will be accepted into the City's NPDES annual parcel charge levy process. This proceeding affects only 1 property owner, not the general citizens or taxpayers of the City.

Conducting a Public Hearing allows the item to be publicly discussed prior to counting the returned ballot. It also provides transparency and satisfies state law requirements including Proposition 218 state statutes.

The City conditions developers to mitigate the cost of certain impacts, such as the cost of meeting the Federal National Pollutant Discharge Elimination System (NPDES) requirements that are created by their proposed development. The City offers the NPDES Fee Program that levies a parcel charge on the property as a mechanism to provide the funding to mitigate the financial impact. The developer must voluntarily elect to join the NPDES Program through an official ballot process.

The residential housing development of Tract 31789 (south side of Ironwood Avenue, east of Lasselle Street) was conditioned to provide an ongoing funding source for the NPDES program. The property owner (MV24 31789) has elected to satisfy the condition by participating in a mail ballot proceeding to authorize the City to collect the NPDES rate as part of its annual Riverside County property tax bill. Descriptions of the location of the parcels subject to the conditions of approval are shown in the table in the following section of this report (page 3). A process chart (Attachment 2) shows the procedure the property owner/developer follows to satisfy its conditions of approval for the City's NPDES program.

Revenue generated by the NPDES Program provides a funding source for pollution control of storm water runoff into municipally owned drainage facilities, lessening the impact of compliance with federal requirements on the general taxpayer in Moreno Valley.

## **DISCUSSION**

Public agencies are required to obtain NPDES Permits to discharge urban storm water runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels. To comply with the 1972 Federal Clean Water Act, the City's Land Development Division (Public Works Department) conditions new residential development projects to provide funding for the federally mandated program by collection of the annual NPDES residential regulatory rate. The City Council established the residential regulatory rate on June 10, 2003.

Revenue received from the NPDES residential rate funds the City's activities related to the NPDES program. These activities may include: monitoring residential developments by providing the necessary services for the continuous operation, enhancement, and maintenance of the storm water discharge system (water quality basin/pond); and performing inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements.

Residential Housing Tract 31789, MV24 31789 (the “Property Owner”) has been conditioned to provide an ongoing funding source to support the NPDES program. The Assessor’s Parcel Numbers (“APNs”), location of the project, and maximum residential rate are listed in the following table.

| Property Owner | Assessor’s Parcel Numbers   | Location                                 | FY 2014/15 Maximum Rate Residential |
|----------------|---|--|-------------------------------------|
| MV24 31789     | 487-540-001 through 487-540-016 & 487-541-001 through 487-541-008 | South side of Ironwood, east of Lasselle | \$300.14/parcel                     |

The Property Owner has two options to satisfy this condition of approval: 1) authorize the City to collect the NPDES rate as part of its annual Riverside County property tax bills or 2) fund an endowment that will be used to fund the parcel(s) annual requirement. The Property Owner has elected to satisfy the condition by authorizing the collection of the NPDES rate as part of its annual Riverside County property tax bills. Before the NPDES rate can be levied on the property tax bill, the Property Owner must approve the rate through the mail ballot proceeding process.

Proposition 218 outlines the mail ballot proceeding process which must be used before a new charge or increase to an existing charge can be levied onto the property tax bill. A notice explaining what the proposed charge is for and how the charge will be determined annually was mailed to the Property Owner along with a ballot to cast their vote. The Property Owner must be provided 45 days to review the notice and have two opportunities to address the legislative body (City Council). These two opportunities are the February 10<sup>th</sup> Public Meeting and the scheduled February 24<sup>th</sup> Public Hearing. The returned ballot can be counted and the results of the mail ballot proceeding announced after the close of the Public Hearing.

Approval of the mail ballot to authorize the City to levy the NPDES maximum residential regulatory rate to the annual property tax bill will fulfill this condition of approval. If the Property Owner does not approve the mail ballot, this condition of approval will remain unsatisfied.

### **ALTERNATIVES**

1. **Conduct the Public Hearing**, count the returned ballot, verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet, receive and file the Official Tally Sheet with the City Clerk’s office, and if approved, authorize and impose the NPDES residential regulatory rate to the APNs discussed in this report and included on the ballot. *This alternative will fulfill the 45-day noticing period and Public Hearing requirements as mandated by Proposition 218 for the project being balloted.*
2. **Open the Public Hearing and continue it** to a future regular City Council



meeting. *This alternative will fulfill the 45-day noticing period and Public Hearing requirements as mandated by Proposition 218. This alternative will not incur any additional costs for re-noticing but could delay the release of a certificate of occupancy for the project being balloted.*

3. **Do not conduct the Public Hearing**, count the returned ballot, verify, or accept the results of the mail ballot proceeding. *This alternative prohibits the Property Owner from using this funding mechanism to satisfy their conditions of approval and may delay the release of a certificate of occupancy for the project. This alternative would also be contrary to state statutes and would require the noticing period for the mail ballot proceeding to start over, causing additional costs to be incurred for re-noticing.*
4. **Do not conduct the Public Hearing** at this time but reschedule it to a date certain during a regular City Council meeting. *This alternative would require the 45-day noticing period to start over and cause additional costs to be incurred for re-noticing. Rescheduling the public hearing may also delay the release of a certificate of occupancy for the project being balloted.*

### **FISCAL IMPACT**

For Fiscal Year (“FY”) 2014/15, the NPDES maximum annual regulatory rate for residential properties is \$300.14 per parcel. If approved, the NPDES rate will be applied to the property tax bills for only those properties where the Property Owner has approved the NPDES rate and has authorized the City to collect the charge. Beginning FY 2015/16, the maximum regulatory rate will be subject to an annual adjustment based on the percentage change calculated for the previous year in the Consumer Price Index (“CPI”). Each year, the City Council reviews and approves the CPI rate applied to the maximum residential regulatory rate. The maximum rate cannot be increased beyond the annual CPI adjustment without approval of the property owners subject to the charge.

The NPDES rates support the current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. **Funds collected from the NPDES rate are restricted for use only within the Storm Water Management program.**

### **CITY COUNCIL GOALS**

#### **Advocacy**

Management of the storm water will ensure that water pollutants are discharged in compliance with federal mandates and City policies.

#### **Revenue Diversification and Preservation**

The NPDES maximum residential regulatory rate provides funding for program costs, which include maintenance and administration.

**NOTIFICATION**

The Property Owner was provided the required 45-day noticing period to review the ballot documents. The documents included a notice to the property owner, map of the project area, NPDES ballot, NPDES residential rate schedule, instructions for marking and returning the ballot, and a return, postage paid envelope addressed to the City Clerk (Attachment 1).

Newspaper advertising for the February 10, 2015 Public Meeting and February 24, 2015 Public Hearing was published in The Press-Enterprise on January 22, 2015. Additionally, the Public Hearing notification was published on February 5, 2015 and on February 12, 2015.

**ATTACHMENTS**

1. Mail Ballot Packet for MV24 31789 (Property Owner of APNs 487-540-001 through 487-540-016 and 487-541-001 through 487-541-008)
2. Process Flow for Property Owners/Developers to satisfy conditions of approval for the City's NPDES program

Prepared by:  
Jennifer Terry  
Management Analyst

Department Head Approval:  
Richard Teichert  
Chief Financial Officer

Concurred by:  
Candace E. Cassel  
Special Districts Division Manager

Concurred by:  
Mark W. Sambito, P.E.  
Engineering Division Manager

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 FAX: 951.413.3498  
 WWW.MOVAL.ORG



14331 FREDERICK STREET, SUITE 2  
 P. O. BOX 88005  
 MORENO VALLEY, CA 92552-0805

MV24 31789  
 c/o GFR Enterprises Inc.  
 Attention: Michael Aulicino  
 434 N 2<sup>nd</sup> Ave  
 Upland, CA 91786

December 23, 2014

**NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM RESIDENTIAL REGULATORY RATE FOR ALL TAXABLE ASSESSOR'S PARCEL NUMBERS ASSOCIATED WITH TRACT 31789**

**\*\*\*\*\* OFFICIAL BALLOT ENCLOSED \*\*\*\*\***

**Introduction**

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of Assessor's Parcel Numbers (APNs) 487-540-001 through 487-540-016 and 487-541-001 through 487-541-008 the opportunity to express support for or opposition to the approval of the NPDES Maximum Residential Regulatory Rate and services. Approval of the NPDES Maximum Residential Regulatory Rate through a mail ballot proceeding will fulfill the Conditions of Approval to provide a funding source for the NPDES program.

**Background**

The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in storm water runoff from all development types. The City provides the services necessary to meet mandates of the Federal Clean Water Act. NPDES Maximum Residential Regulatory Rate provides financial support for monitoring, maintaining, and if necessary, improving the storm water discharge system, and performing inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

**Services Provided**

In compliance with the Federal Clean Water Act, the City of Moreno Valley shall provide the necessary services for the continuous operation, enhancement, and maintenance of the storm water discharge system, and perform inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements.

**How is the Amount of the Charge Determined?**

Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary

to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owner.

**Proposed Charge**

For FY 2014/15, the NPDES Maximum Residential Regulatory Rate is \$300.14 per parcel. The total amount of the NPDES rates levied for FY 2014/15 for the program as a whole was \$439,115.06.

**Annual Adjustment**

Beginning in FY 2015/16, the NPDES Maximum Residential Regulatory Rate will be subject to an annual adjustment based on the percentage change calculated for the previous year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor’s Bureau of Labor Statistics.

**Duration of the Charge**

Upon approval of the NPDES Maximum Residential Regulatory Rate, the annual levy amount will be assessed to APNs 487-540-001 through 487-540-016 and 487-541-001 through 487-541-008 and shall be placed on the Riverside County property tax bill or included as a monthly charge on a utility bill. The NPDES Maximum Residential Regulatory Rate will be levied each following year at the proposed rate, which includes an annual inflation adjustment.

**Public Hearing**

To provide information concerning this mail ballot proceeding the City has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

| <u>Public Meeting</u>   | <u>Public Hearing</u>   |
|---|---|
| Tuesday, February 10, 2015<br>6:00 P.M.<br>(Or As Soon Thereafter As<br>The Matter May Be Called) | Tuesday, February 24, 2015<br>6:00 P.M.<br>(Or As Soon Thereafter As The<br>Matter May Be Called) |

Tabulation of returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

**Effect if the Charge is Approved**

Approval of the NPDES Maximum Residential Regulatory Rate will be confirmed if the ballot is marked in favor of the NPDES rate. Approving the NPDES Maximum Residential Regulatory Rate through a mail ballot proceeding will fulfill the Conditions of Approval to provide a funding source for the NPDES program.

**Effect if the Charge is Not Approved**

Not approving the NPDES Maximum Residential Regulatory Rate to meet federally mandated NPDES Permit requirements may result in noncompliance with the Conditions of Approval. If the returned ballot is marked opposing the NPDES rate, then the rate will not be levied on the property tax bill.

### For More Information

If you have any questions about the proposed program, the annual rate, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Financial and Management Services Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 7:30 a.m. to 4:30 p.m. at 951.413.3505 or via email at JenniferT@moval.org.

### Completing Your Ballot

Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballot are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed program and annual rate **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your completed ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, February 24, 2015**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:00 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

### Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:



A check mark substantially inside a box;



An X mark substantially inside a box;



A dot or oval mark substantially inside a box;



A completely shaded or filled mark substantially inside a box;



A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;



A circle around the box and/or associated clause; or



A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.



**Ballot Mark Revisions (Changes):** An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

**RESIDENTIAL NPDES RATE SCHEDULE**  
 Adopted by the City Council on June 10, 2003 (Level I, II, III, IV)  
 Adopted by the City Council on June 10, 2008 (Level II-A)

| LEVEL 1   |   | LEVEL II  |   | Level II-A   |                               | LEVEL III            |          | LEVEL IV |                      |          |         |         |        |          |
|---|---|---|---|--|-------------------------------|----------------------|----------|----------|----------------------|----------|---------|---------|--------|----------|
| NPDES Administration<br>(Not covered by CSA 152)  | Water Quality Pond/Basin Maintenance  | Water Quality Pond/Basin Maintenance  | Sand Filter Maintenance   | Water Quality Pond/Basin Remediation/Reconstruction  | Water Quality System Retrofit | Proposed Parcel Rate | Per/Mon. | Per/Yr.  | Proposed Parcel Rate | Per/Mon. | Per/Yr. |         |        |          |
| Costs associated with personnel administration and management of the storm water management program. Administrative tasks include development and filing of various storm water reports and data collection and management. | Costs associated with the maintenance and monitoring of the water quality pond/basin. This includes, but is not limited to maintenance on a quarterly basis of vegetative material, civil work and utility and personnel costs. | Costs associated with the maintenance and monitoring of the sand filter within a water quality pond/basin. This includes, but is not limited to maintenance of a sand bed, bleeder lines and costs for personnel.   | Costs associated with the remediation and reconstruction of water quality pond/basin. Remediation and reconstruction may include the following: replacement of soil, plants, irrigation, removal and hauling of wastes and possible civil work. | Costs associated with the retrofitting, replacement, monitoring and maintenance of the water quality pond/basin systems and appurtenances. This may include retrofitting of catch basin insert filters, vortex devices, installation of in-line filter systems, and nutrient baskets, etc. |                               | \$2.50               | \$4.75   | \$57.00  | \$2.50               | \$30.00  | \$4.24  | \$50.88 | \$9.64 | \$115.68 |
| Level I is levied on all parcels conditioned for the NPDES Rate Schedule.   | Level II, in addition to Level I is levied on all properties within tracts that have a water quality pond/basin or on properties that benefit from a neighboring water quality pond/basin.                                      | Level II, in addition to Level II and Level I is levied on all properties within residential developments that have a water quality pond/basin with a sand filter or on properties that benefit from a neighboring water quality pond/basin with a sand filter. |   |  |                               |                      |          |          |                      |          |         |         |        |          |

Each Service Level may be imposed on an as-needed basis and cumulative (if required)

Fiscal Year (FY) 2003/2004 - Base Year Calculation, subject to inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index

**Inflation Factor Adjustments:**

- 2004/2005 - 1.8% = (\$31.00, 58.00, 52.00 & 118.00)
- 2005/2006 - 4.4% = (\$32.00, 61.00, 54.00 & 123.00)
- 2006/2007 - 4.5% = (\$33.00, 64.00, 56.00, & 128.00)
- 2007/2008 - 3.1% = (\$34.00, 66.00, 58.00, & 132.00)
- 2008/2009 - 4.2% = (\$35.00, 69.00, 60.00, \$138.00)
- 2009/2010 - no change = (\$35.00, 69.00, \$31.00, 60.00, \$138.00)
- 2010/2011 - no change = (\$35.00, 69.00, \$31.00, 60.00, \$138.00)
- 2011/2012 - 3.8% = (\$36.00, 72.00, \$32.00, 62.00, \$143.00)
- 2012/2013 - 2.7% = (\$37.00, 74.00, \$33.00, 64.00, \$147.00)
- 2013/2014 - 2.0% = (\$38.00, 75.00, \$34.00, 65.00, \$150.00) rounded to the nearest whole dollar
- 2014/2015 - 1.14% = (\$39.38, 74.82, \$34.10, 66.73, \$151.84) Pursuant to City Council approval on June 10, 2014.

**OFFICIAL MAIL BALLOT for  
All Taxable Assessor's Parcel Numbers (APNs) Associated with  
Tract 31789**

**National Pollutant Discharge Elimination System (NPDES)  
Maximum Residential Regulatory Rate**

**YES\*** — as property owner of APNs 487-540-001 through 487-540-016 and 487-541-001 through 487-541-008, **I approve** the NPDES Maximum Residential Regulatory Rate and services. For fiscal year (FY) 2014/15, the NPDES Maximum Residential Regulatory Rate is \$300.14 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the Riverside County property tax bill or included as a monthly charge on a utility bill. Beginning FY 2015/16, the maximum regulatory rate will be subject to an annual adjustment based on the percentage change calculated for the previous year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City will provide storm water maintenance to residential neighborhoods for the continuous operation, systems evaluation/enhancement of the affected areas and the implementation of federally mandated NPDES requirements. Additionally, the rate schedule provides funds for monitoring, maintaining, and if necessary, for improving the storm water discharge system.

**NO\*\*** — as property owner of APNs 487-540-001 through 487-540-016 and 487-541-001 through 487-541-008, **I do not approve** the NPDES Maximum Residential Regulatory Rate and services. I understand that not approving the NPDES Maximum Residential Regulatory Rate to fund federally mandated NPDES Permit requirements may result in noncompliance with the project's Conditions of Approval. If the NPDES Maximum Residential Regulatory Rate is not approved the rate will not be levied on the Riverside County property tax bill.

| <b>Assessor's Parcel Numbers</b> | <b>YES*</b>              | <b>NO**</b>              | <b>NPDES Maximum Residential Regulatory Rate</b> |
|----------------------------------|--------------------------|--------------------------|--|
| 487-540-001                      | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14   |
| 487-540-002                      | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14   |
| 487-540-003                      | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14   |
| 487-540-004                      | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14   |
| 487-540-005                      | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14   |
| 487-540-006                      | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14   |
| 487-540-007                      | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14   |
| 487-540-008                      | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14   |
| 487-540-009                      | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14   |
| 487-540-010                      | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14   |
| 487-540-011                      | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14   |
| 487-540-012                      | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14   |
| 487-540-013                      | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14   |
| 487-540-014                      | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14   |
| 487-540-015                      | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14   |

| Assessor's Parcel Numbers | YES*                     | NO**                     | NPDES Maximum Residential Regulatory Rate |
|---------------------------|--------------------------|--------------------------|---|
| 487-540-016               | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14                                  |
| 487-541-001               | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14                                  |
| 487-541-002               | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14                                  |
| 487-541-003               | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14                                  |
| 487-541-004               | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14                                  |
| 487-541-005               | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14                                  |
| 487-541-006               | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14                                  |
| 487-541-007               | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14                                  |
| 487-541-008               | <input type="checkbox"/> | <input type="checkbox"/> | \$300.14                                  |

**This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on February 24, 2015, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:00 p.m. or as soon thereafter as the matter may be called.**

\_\_\_\_\_  
PROPERTY OWNER SIGNATURE

\_\_\_\_\_  
DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope prior to the close of the February 24, 2015 Public Hearing.

# Tract 31789 PA03-0131

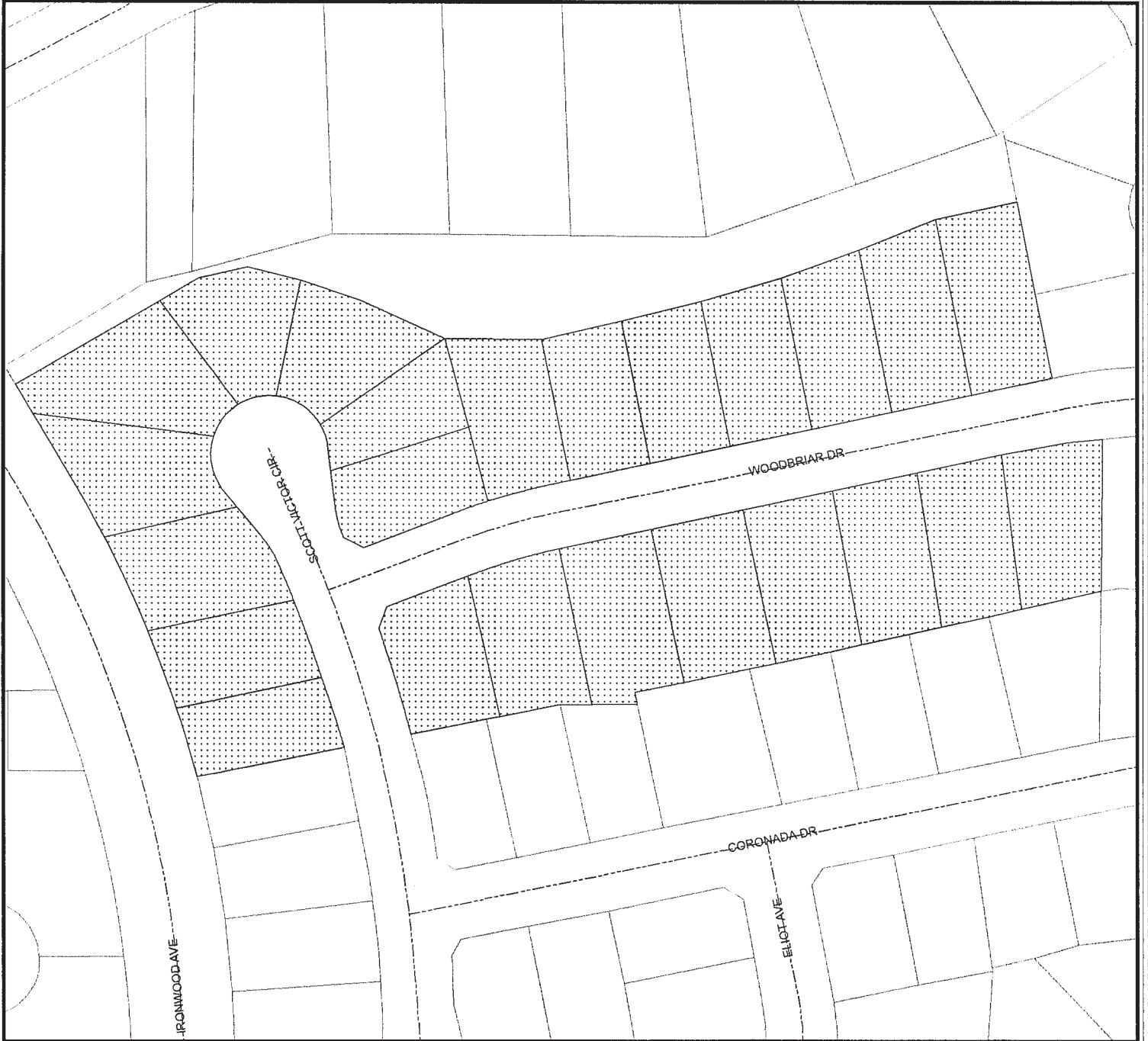
- Tract 31789
- Roads
- Parcels
- City Boundary

Map reflects all changes indicated on Riverside County Assessor Maps as of December 18, 2014.

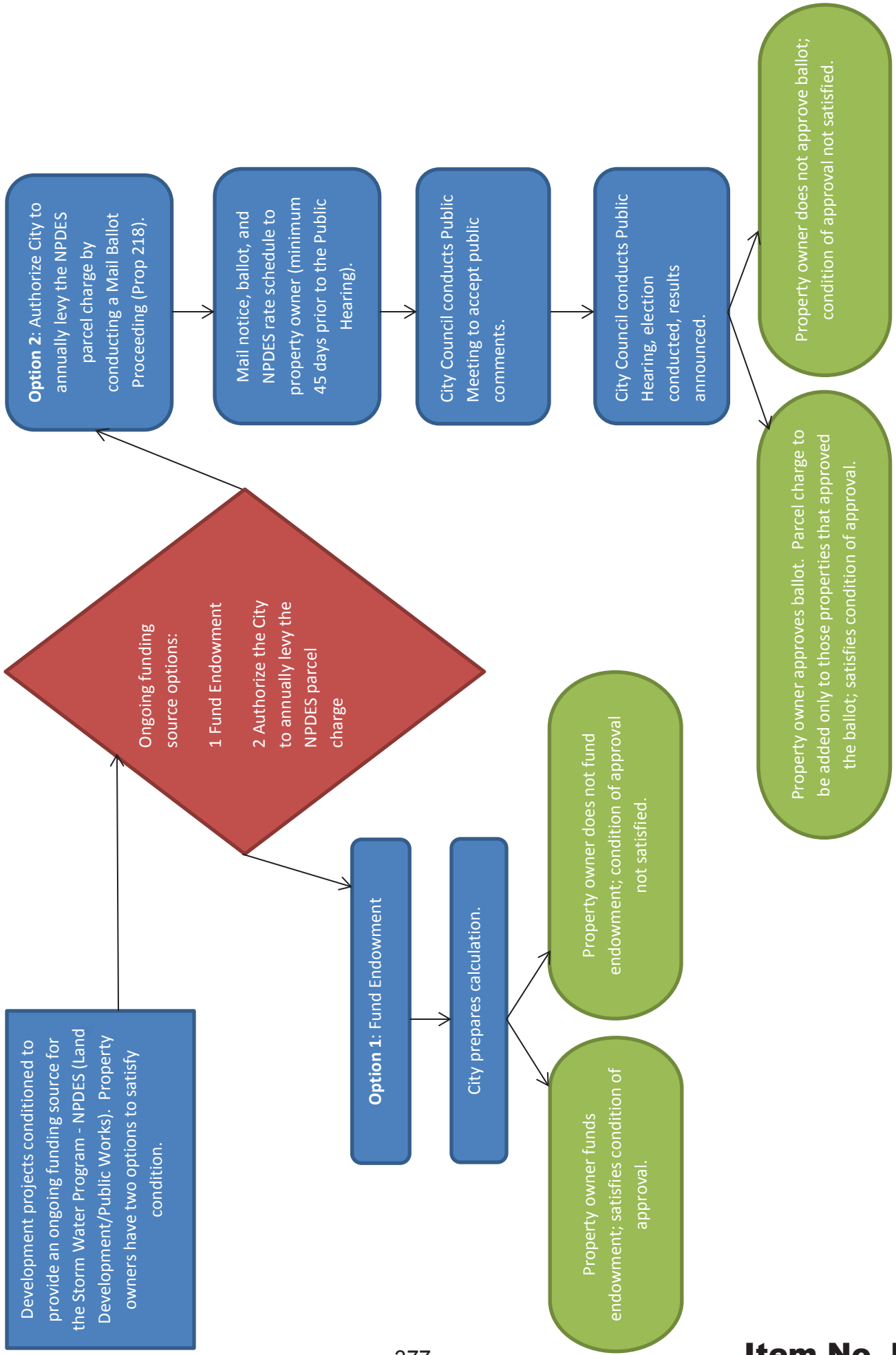


G:\VAP\ISDA\Tract 31789 PA03-0131.mxd

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley 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. Data and information on this map is subject to update and modification. 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 map is not to be recopied or resold.

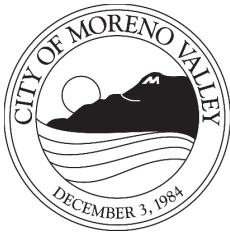


Process Flow for Property Owners/Developers to Satisfy Funding Requirement for the Storm Water Program





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

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## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Mike Lee, Community & Economic Development Director

**AGENDA DATE:** February 24, 2015 (Continued from February 10, 2015)

**TITLE:** 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.

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### RECOMMENDED ACTION

Recommendations: That the City Council:

1. **Continue the Public Hearing to March 10, 2015 as requested by the project applicant as well as the appellant.**

### SUMMARY

The City Council has been requested to conduct a Public Hearing on an Appeal filed January 20, 2015 against the Planning Commission actions of January 8, 2015 approving a conditional use permit, tentative tract map and the supporting negative declaration for a new 76 unit residential development planned for the north side of Cottonwood east of Perris Boulevard by Frontier Communities. As set forth in the City's Municipal Code, upon filing of an appeal by any interested parties the matter shall be set for a public hearing by the City Council and shall be given appropriate public noticing as required by law. Upon consideration, the City Council may sustain, modify, reject or overrule any actions or rulings of the Planning Commission. As additional

information has been submitted to staff this week on the project, additional time is warranted to ensure staff has reviewed the information prior to City Council consideration. The appellant and the project applicant are both in agreement for the public hearing to be continued to March 10, 2015 see attachments 18 and 19.

## **DISCUSSION**

### **ADVISORY BOARD/COMMISSION RECOMMENDATION**

The Planning Commission at its January 8, 2015 meeting approved Planning Commission Resolution 2015-01 by a 3-2 vote, with one Commissioner absent and one Commissioner seat vacant, adopting a Negative Declaration pursuant to the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (PA14-0033 and Tentative Tract Map 34544 (PA14-0032) for a new Planned Unit Development on the north side of Cottonwood Avenue east of Perris Boulevard.

In accordance with procedures set forth in Title 9 of the City's Municipal Code (Sec 9.02.240) any affected person may appeal a decision of the Planning Commission to the City Council. An appeal of the Planning Commission action to the City Council was received by the City from Juan Villa and Jeri Roberts on January 20, 2015. A copy of the Appeal letter is included as Attachment 3 to this report.

## **Background**

At the January 8, 2015 Planning Commission meeting, the commissioners received a written staff report (Attachment 6), a verbal staff presentation including supporting exhibits, and verbal input from the applicant with regard to the proposed project, processing overview and the recommended actions. Staff provided detailed revised Conditions of Approval (including a strike-out version) to further clarify the conditions and ensure the conditions required revisions to the map and site plan to be submitted to match the conditions related to Watson Way and the addition of a cul-de-sac design. In addition, the applicant presented suggested modifications to the conditions of approval.

During the public comments portion of the public hearing, several speakers spoke about the project with comments, concerns and questions including consideration of electrical connections along Cottonwood and inadvertently impacts to electrical service on surrounding properties, a requirement for disclosures to potential buyers about the presence of industrial uses on the south side of Cottonwood, concern with compliance with City standards for multi-family development and CEQA analysis, project design in relation to Tacoma and Bencliff, secondary vehicular connection, safety, consideration of existing fire hydrant and sewer connections at the end of Tacoma and Bencliff. After discussion with staff and the applicant regarding the project, the conditions of approval, the site plan and the issues raised, the Planning Commission approved the project on a split 3-2 vote.

During the course of the deliberation the Commission had questions and requested clarification on elements of the project including vehicular turnarounds, fire access connection at Watson Way, overall ingress/egress, the absence of a revised plan that matched the conditions of approval, options to continue the public hearing, and processing time frame. The clarifying information for each question was provided by staff and the project applicant.

### **Project Overview**

The project consists of two applications. Tentative Tract Map 34544 (PA14-0032) provides for a Condominium Map for 9.4 acres. The second application is a Conditional Use Permit (PA14-0033) for a Planned Unit Development (PUD) that establishes design standards for the condominium complex and the development regulations for the private and common open space recreational opportunities. The project details are provided in the attached Planning Commission staff report (Attachment 6).

Subsequent to the Planning Commission hearing and filing of the Appeal letter the applicant provided a revised site plan (Attachment 8). The revised site plan reflects the cul-de-sac modification at Watson Way and the Fire access lane along the western property line that were addressed as Conditions of Approval with the Planning Commission action. With the revised site plan the project applicant has demonstrated that the infrastructure improvements and maximum of 76 units can be achieved. The project is approved, the revised site plan design will be appropriately plan checked prior to final map recordation in accordance with Conditions of Approval included in the Planning Commission approval of the project.

Subsequent to the Planning Commission hearing and filing of the Appeal letter, the applicant provided revised Planned Unit Development Guidelines (Attachment 10) which removes an erroneous reference to Adams Street and includes a corrected version of Floor Plan 3. If the revised site plan is approved by the City Council, the PUD Guideline exhibits will be revised to reflect the approved site plan along with any other pertinent changes as required by Condition of Approval P9 included with the Planning Commission action.

This week, on February 17, 2015, the applicant provided several additional exhibits and documents in response to issues raised in the Appeal letter, and developed for use in meetings held between Frontier and the Appellant on February 13<sup>th</sup>. Given the very recent submittal of this new information staff has not had the opportunity to fully analyze them and will be doing so prior to the March 10, 2015 hearing if the City Council continues to the hearing to that date. The Appellants were provided the information by staff on February 17, 2015.

Upon a cursory review, the documents provided by the applicant include:

“Master Property Disclosure Report” (Attachment 14): This a summary report providing information on the project site relating to the flood zone, potential flooding, fire hazard severity zone and wildland fire areas, earthquake zone, and seismic hazard relating to landslides and liquefaction.

“Industrial Use Disclosure” form (Attachment 15): Addresses the surrounding uses which include the industrial yard and the Riverside County Maintenance Facility on the south side of Cottonwood across from the project site.

Three additional exhibits codified as one (Attachment 16) were provided by the applicant and includes an off-site drainage exhibit depicting proposed catch basins at the ends of Tacoma and Bencliff that will receive the tributary flows from those streets through the project site, a graphic detailing suggested off-site fire hydrant relocations, and an off-site screening exhibit showing specific landscaping concepts along the northern project boundary to address screening for the adjacent properties. This exhibit also includes 8 pages of plant material typical to screening.

The Appeal letter does accurately identify that the proposed tentative tract map should have been considered a Revised Tentative Tract Map in accordance with Section 9.14.080A (1, 2). The Subdivision Map Act and City Code require that the Revised Map cannot extend the life of the original map. Therefore the expiration date of the Tentative Tract Map 34544 on file would remain as April 24, 2017. Condition of Approval P2 in Exhibit A of the Resolution of approval for the Tentative Tract Map has been revised accordingly (Attachment 2).

### **Appeal Overview**

The following is a summary of the issues raised by the Appellant and staff’s evaluation of each: The complete appeal letter including the signature page with all parties included in the appeal, the supplemental information pages and the map of the prior approved project has been included in Attachment 3. The additional line-out strike-out version of the supplemental information pages provided in Attachment 3 was provided by the Appellants to show minor corrections subsequently on January 29<sup>th</sup>.

#### ***1. Inadequate disclosure and characterization of the nature of the proposed action.***

The Tentative Tract Map was submitted per the City’s Municipal Code requirements and is in conformance with the Subdivision Map Act. Any Tentative Tract Map or Revised Tentative Tract Map is process in the same manner.

The project is a Condominium Map, multi-family development with detached units.

#### ***2. Inadequate disclosure and characterization of the project setting.***

As stated in the Planning Commission staff report as well as in public discussion at the Planning Commission hearing, the project site is 9.4 gross acres and is a vacant lot that has been previously disked for weed abatement. The site has previously been planned and entitled for an 84-unit multi-family residential project that has not been built. Much of the area surrounding the project site is characterized as residential development, with established single-family neighborhoods to the north, east and west. Cottonwood Avenue serves as the southern project area boundary, with a church, a single-family home, and industrial land uses located across Cottonwood Avenue.

The property slopes from north to south towards Cottonwood Avenue. Drainage that currently occurs from north of the project site via Bencliff and Tacoma Streets passes through the vacant site and will continue to be received through the project site upon development. Berms placed on the north property lines adjacent to the terminus of Tacoma and Bencliff, presumably to discourage illegal dumping and trespassing have contributed to blocked drainage conditions in the past. This condition will be improved with construction of the project.

At the Planning Commission hearing, as noted above, one speaker expressed desire for a condition of approval to be required with the project to ensure potential buyers are made aware of the industrial uses occurring across Cottonwood Avenue. These include an industrial construction yard, and the Riverside County Maintenance Facility with above ground fuel tanks.

**3. *Inadequate disclosure and analysis of potential environmental consequences under the California Environmental Quality Act.***

The project is an in-fill project on a site where an 84-unit multi-family residential project is currently approved. A copy of the Initial Study that includes appropriate environmental disclosures for the project was provided to the Planning Commission and is provided here as Attachment 7.

**4. *Failure to comply with substantive requirements for public notice.***

The project was noticed per the City Municipal Code requirements for both the Planning Commission and this City Council hearing. The noticing includes a posting on the project site, a notice in the newspaper and a mailing to the property owners within 300 feet of the project site.

Noticing for this February 10, 2015 City Council hearing has also included placement of additional signs on the site at Tacoma, Bencliff, Patricia Lane, Watson Way and Cottonwood.

**5. *Failure to comply with the provisions of the Subdivision Map Act.***

The proposed map is within substantial conformance with the prior map in that it was a condominium map (a single lot) with a multi-family project approved to address the



construction of the site. Changes to the map include a reduced number of units and changes to the ingress/egress.

The Subdivision Map Act and City Municipal Code requirements allow a project to submit a new map or process a revised map. If the Map numbers are the same, the proposed map (revised), if approved annuls the prior approved map and the original expiration date remains with new approved map.

**6. *Failure to comply with the provisions of the Moreno Valley General Plan and Municipal Code.***

The project does meet the objectives of the City General Plan and Zoning Code

The proposed project includes a conditional use permit (PA14-0033) for a Planned Unit Development (PUD). The City's Municipal Code specifically allows for greater flexibility/opportunity with development standards through the processing of a conditional use permit for planned unit developments (PUD). The detailed PUD Guidelines provide specific development guidelines for this project. The City's Municipal Code states that planned unit developments may deviate from the site development standards set forth in the applicable zoning district regarding lot area, lot dimensions, lot coverage, setbacks, and building height. A PUD provides for greater innovation in housing development including a variation in lot areas and amenities not found in standard housing tracts. The specific project requirements for this PUD include setbacks around the exterior compatible with the adjacent residential developments. The proposed project includes a 15 foot setback along the north property line and the east property line which is consistent with the surrounding single family residential developments on Watson Way, Bencliff and Tacoma which are zoned R5 and require a 15 foot rear setback, and 15 foot side yards with a 5 foot minimum. The proposed project meets this objective. Two story units/homes are allowed in both the proposed and existing residential developments.

The proposed guidelines for the PUD provides for multiple architectural styles of the units that meet or exceed City-wide standards. All features of the project are required to meet the standards as stated in the PUD including units, landscaping, walls/fences, open space, plotting, setbacks and four sided architecture.

**7. *Failure to make all required approval findings and lack of substantial evidence to support findings.***

The statements of fact and findings made in the Resolutions for the project along with the conditions of approval clearly articulate and state how the project is and will be developed consistent with the City's General Plan and Municipal Code requirements.

**8. *Irregularities in the Planning Commission Hearing.***

The Planning Commission hearing was carried out in accordance with appropriate Municipal Code requirements as well as consistent with the adopted Planning Commission Rules of Procedures.

### **9. *Additional Designs provided by Appellants***

On February 17, 2015 the Appellants submitted four (4) new proposed alternative site plans (Attachment 17). The plans provide alternative designs for the project to address their concerns with the proposed project. Staff has not had the opportunity to analyze the proposed plans in detail and will do so prior to the March 10, 2015 hearing. It is noted the various options being considered support flexibility that the Planned Unit regulations in the Municipal Code allows.

Staff provided the alternative designs to the Applicant on February 17, 2015.

It is noted for the City Council consideration that on February 10, 2015, staff received a letter from Attorneys at Law, Johnson & Sedlack (Attachment 13) on behalf of concerned area residents regarding the project. Staff is in the process of analyzing the content within the letter and will provide the results in the March 10, 2015 staff report.

### **ENVIRONMENTAL**

The project site is a 9.4 gross acre parcel located on the north side of Cottonwood Avenue east of Perris Boulevard. The project is an in-fill development with existing residential surrounding the project site. The proposed Revised Tentative Tract Map and Conditional Use Permit for a Planned Unit Development have been processed consistent with the General Plan and the zoning regulations for the site.

The project site is not within the criteria area of the Multi Species Habitat Conservation Plan. A MSHCP required 30-Day Burrowing Owl survey of the site was completed on December 10, 2014 and no Owls or evidence of Owls were observed on the property. The site is relatively flat with minimal vegetation present as the site has been routinely disked for weed abatement. A subsequent Burrowing Owl survey 30 day pre-construction report is a requirement of the project prior to any site disturbance (grading) to avoid the potential take of any nests that may become present. Attachment 7 has been revised to include the Burrowing Owl report and the MSHCP data sheet.

The site is located within the South Coast Air Quality Management District. The proposed project is consistent with the assumed residential use of the property and its development in accordance with the PUD Guidelines would not obstruct implementation of the South Coast Air Quality Management Plan.

The project site was inspected as appropriate and there was no evidence of significant riparian vegetation nor blue line stream found to be present on the site. The property flows naturally from north to south and, at the time of inspection, there was no evidence of standing water on the site.

A Preliminary Water Quality Management Plan was reviewed by the Land Development Division of Public Works. The Preliminary Water Quality Management Plan is a conceptual drainage and storm water treatment design plan reviewed by the Land Development Division to meet the minimum requirements of a regulatory permit. During the improvement plan review phase of the project, the developer will be required to provide a Final Water Quality Management Plan with details and calculations for construction.

As with any development on a vacant parcel, the potential exists for any adjacent existing development to experience an increase in noise. However, the residential development proposed for the site is consistent with that which would be expected with the underlying zoning and there will be no adverse increase in the ambient noise levels outside of established standards with the proposed project. Short term noise levels generated during construction are considered less than significant and can be mitigated through compliance with the City's Municipal Code including restrictions on construction hours.

With consideration given to the preceding information, an Initial Study was completed for the proposed Revised Tentative Tract Map and Conditional Use Permit. Based upon the Initial Study, a determination was made that the proposed project will not result in the potential for significant impacts to the environment. Therefore, the adoption of a Negative Declaration was recommended to and certified by the Planning Commission, and further recommended for certification by the City Council upon your consideration of this project.

When the Initial Study was prepared, the description for the project included seventy-two (72) units. When the project was modified to eliminate the knuckle connection to Cottonwood from Watson Way, the project was able to accommodate four additional units bringing the total to seventy-six (76). The four additional units would not trigger additional environmental review nor would it require a traffic study. The project is still within the density of 8-10 units per acre for the underlying zoning.

Summary of Revisions to attachments completed after February 10, 2015 (See details within the body of the report):

- Attachment 3 has been updated to include the appeal letter, signature pages of all residents included in the appeal, the map of the prior approved project, and the line-out strike out document provided by the appellants to clarify the document.
- Attachment 7 has been revised to include the Burrowing Owl report and the MSHCP data sheet.
- Attachment 10 has been updated from the document provided at the Planning Commission hearing to eliminate the reference to Adams Street which is not related to this project and ensuring a correct version of Floor Plan 3. If approved,

the document will be revised to include the final site plan as approved by the City Council.

- Attachment 13 Letter from Johnson & Sedlack, received prior to the City Council meeting of February 10, 2015.
- Attachment 14 Master Property Disclosure Report provided by the Applicant February 17, 2015.
- Attachment 15 Industrial Use Disclosure Report provided by the Applicant February 17, 2015.
- Attachment 16 Drainage, hydrant placement and proposed screening plans provided by the Applicant February 17, 2015.
- Attachment 17 Four proposed site plans provided by the Appellants February 17, 2015.
- Attachment 18 Continuance Request from the Appellants on February 18, 2015
- Attachment 19 Continuance Request from the Applicants on February 18, 2015

### **ALTERNATIVES**

1. Continue the Public Hearing to March 10, 2015 as requested by the project applicant as well as the appellant. **Staff recommends this alternative.**
2. Approve the proposed Resolution and thereby deny the appeal and sustain the decision of the Planning Commission and adopt a Negative Declaration **and** approve Conditional Use Permit (PA14-0033) and Tentative Tract Map 34544 (PA14-0032) for a Planned Unit Development on 9.4 acres on the north side of Cottonwood Avenue east of Perris Boulevard Assessor's Parcel Number 478-140-022, subject to the attached conditions of approval included as Exhibit A.
3. Deny the project applications, and thereby uphold the appeal. This would not modify the existing entitlements on the property that allow for a total of 84 multi-family attached units within the one lot Condominium Map 34544.
4. Refer the proposed project back the Planning Commission for further review and consideration.

### **FISCAL IMPACT**

Not applicable.

**CITY COUNCIL GOALS**

Not applicable

**NOTIFICATION**

A notice of the City Council public hearing appeared in the Press Enterprise newspaper on February 1, 2015, was posted on the affected property at 5 locations on January 30, 2015 and was mailed to all property owners within 300 feet of the affected property on January 29, 2015.

**ATTACHMENTS**

1. Public Hearing Notice
2. Proposed Resolution
3. Appeal Letter from the Appellants dated January 20, 2015
4. Continuance Request Letter from Appellants
5. Continuance Request Letter from Applicant
6. Planning Commission Staff Report dated January 8, 2015
7. Initial Study
8. Revised Tentative Tract/PUD Plans provided by the Applicant February 2, 2015
9. Plans presented at Planning Commission
10. Planned Unit Development Guidelines (Revised)
11. Zoning Map
12. Aerial Photograph
13. Letter from Johnson & Sedlack
14. Master Property Disclosure Report
15. Industrial Use Disclosure
16. Drainage, hydrant placement and proposed screening
17. Four proposed site plans
18. Continuance Request letter from Appellants dated February 18, 2015
19. Continuance Request letter from Applicants dated February 19, 2015

Prepared By:  
Julia Descoteaux  
Associate Planner

Department Head Approval:  
Mike Lee  
Community & Economic Development Director

Concurred By:  
Richard J. Sandzimier  
Planning Official



CITY OF MORENO VALLEY  
Community and Economic Development Department  
Planning Division

## MEMORANDUM

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To: Mayor and City Council  
From: Julia Descoteaux, Associate Planner  
Date: February 18, 2015  
Subject: Continuation of Agenda Item E2: Appeal of PA14-0033 (CUP) and PA14-0032 (TTM 34544), February 24, 2015 (APPLICANT: Frontier Communities /APPELLANT: Juan Villa and Jeri Roberts, et al)

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On February 18, 2015, the applicant and appellants submitted written request to postpone the February 24, 2015 public hearing date as they are in the process of meeting in an effort to resolve issues identified by the Appellants in the Appeal letter.

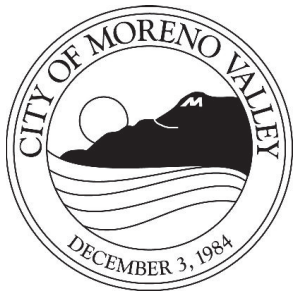
Approved by:   
Richard J. Sandzimer, Planning Official

Cc: Michelle Dawson, City Manager  
Tom DeSantis, Assistant City Manager  
Mike Lee, Community & Economic Development Director

Attachments: Email from Juan Villa and Jeri Roberts dated February 18, 2015  
Email/letter from Frontier Communities dated February 18, 2015



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# Notice of PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s)

**Project(s):** PA14-0032 (Revised TTM 34544)  
PA14-0033 (CUP)

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.

**APPELLANTS:** Juan Villa and Jeri Roberts

**PROJECT APPLICANT:** FH II LLC

**OWNER:** Cottonwood 939

**REPRESENTATIVE:** Daniel Pocius

**LOCATION:** Cottonwood Avenue, east of Perris Boulevard. APN: 479-140-022

**PROPOSAL:** Appeal of the Planning Commission action of January 8, 2015, approving Tentative Tract Map 34544 (PA14-0032) and Conditional Use Permit (PA14-0033) for a Planned Unit Development for a single family 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.

**ENVIRONMENTAL DETERMINATION:** The City of Moreno Valley, in accordance with the California Environmental Quality Act, has prepared an initial study for the project. On the basis of the initial study, it was determined the project will not have significant effects on the environment. Approval of a Negative Declaration by the City Council is recommended.

**COUNCIL DISTRICT:** 1

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 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



## LOCATION CITY COUNCIL HEARING

City Council Chamber, City Hall  
14177 Frederick Street  
Moreno Valley, Calif. 92553

**DATE AND TIME:** February 10, 2015, 6:00 PM

**CONTACT PLANNER:** Julia Descoteaux

**PHONE:** (951) 413-3209

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RESOLUTION NO. 2015-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DENYING THE APPEAL AND SUSTAINING THE DECISION OF THE PLANNING COMMISSION TO ADOPT A NEGATIVE DECLARATION AND APPROVE CONDITIONAL USE PERMIT (PA14-0033), TENTATIVE TRACT MAP 34544 (PA14-0032), FOR A PLANNED UNIT DEVELOPMENT (PUD) ON 9.4 ACRES ON THE NORTH SIDE OF COTTONWOOD AVENUE EAST OF PERRIS BOULEVARD (ASSESSOR PARCEL NUMBER 478-140-022).

WHEREAS, the applicant, FHII LLC., filed a Conditional Use Permit (PA14-0033) and Tentative Tract Map 34544 (PA14-0032) for a unit Planned Unit Development (PUD) on the north side of Cottonwood Avenue east of Perris Boulevard as described in the title of this Resolution; and

WHEREAS, on January 8, 2015, a public hearing was conducted by the Planning Commission in accordance with applicable law for a unit Planned Unit Development with a minimum of 72 units and a maximum of 76 units ; and

WHEREAS, an environmental assessment, including an Initial Study, has been prepared to address the environmental impacts associated with Conditional Use Permit (PA14-0033,) and Tentative Tract Map 34544 (PA14-0032) and a Negative Declaration has been recommended pursuant to the California Environmental Quality Act (CEQA), as there is no evidence that the proposed development application, as designed and conditioned, will have a significant effect on public health or be materially injurious to surrounding properties or the environment as a whole.

WHEREAS, at said public hearing, the Planning Commission carefully reviewed and considered all the evidence presented in connection with the hearing on the project, including but not limited to the staff report, all written and oral testimony presented, and voted 3-2, with one absent and one Commissioner seat vacant, to approve the subject project; and

WHEREAS, on January 20, 2015, Juan Villa and Jeri Roberts (“Appellants”) filed an appeal with the Community & Economic Development Department, pursuant to Chapters 9.02.240 and 9.14.050 of the Municipal Code, of the Planning Commission’s decision to approve the proposed project on the north side of Cottonwood Avenue east of Perris Boulevard; and

1  
Resolution No. 2015-10  
Date Adopted: February 10, 2015

WHEREAS, on February 2, 2015 Frontier Communities submitted a revised exhibit consistent with the conditions of development approved by the Planning Commission demonstrating a final configuration of 76 units; and

WHEREAS, on February 10, 2015 a public hearing on the appeal was held by the City Council in accordance with applicable law; and

WHEREAS, the City Council of the City of Moreno Valley has carefully reviewed and considered all of the evidence presented in connection with the appeal hearing on the project, including, but not limited to the staff report and all written and oral testimony presented.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred;

WHEREAS, all of the facts set forth in this Resolution are true and correct.

BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, HEREBY RESOLVE AS FOLLOWS:

1. Pursuant to Sections 9.02.060 and 9.14.050 of the Moreno Valley Municipal Code, the Approving Body is required to make certain findings when approving a Conditional Use Permit, Tentative Tract Map 34544 application and the supporting negative declaration. The City Council action here confirms the findings set forth in Planning Commission Resolutions 2015-01 and 2015-02 of January 8, 2015, and sustains Planning Commission approval of the projects.

BE IT FURTHER RESOLVED that the City Council of the City of Moreno Valley HEREBY APPROVES Resolution No. 2015-XX denying the appeal and upholding the decision of the Planning Commission to adopt a Negative Declaration and approve PA14-0033 (CUP), PA14-0032 (TTM 34544), for the development of a 76 unit Planned Unit Development on 9.4 acres located on the north side of Cottonwood Avenue east of Perris Boulevard; subject to the attached conditions of approval included as Exhibit A, HEREBY APPROVING the project.

APPROVED AND ADOPTED this 10<sup>th</sup> day of February 2015.

2  
Resolution No. 2015-10  
Date Adopted: February 10, 2015

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

3  
Resolution No. 2015-10  
Date Adopted: February 10, 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. 2015-10 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 10th day of February, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK

(SEAL)

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Resolution No. 2015-10  
Date Adopted: February 10, 2015

CITY OF MORENO VALLEY  
CONDITIONS OF APPROVAL  
PA14-0033 CONDITIONAL USE PERMIT (PUD)  
APN: 479-140-022

APPROVAL DATE:  
EXPIRATION DATE:

February 24, 2015  
February 24, 2018

- Planning (P), including School District (S), Post Office (PO), Police (PD)
- Building Division (B)
- Fire Prevention Bureau (F)
- Public Works, Land Development (LD)
- Public Works – Transportation Engineering (TE)
- Financial and Management Services, Special Districts (SD)
- Parks & Community Services (PCS)

**COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT**

**Planning Division**

**For questions regarding any Planning condition of approval, please contact the Planning Division at (951) 413-3206.**

- P1. 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)
- P2. In the event the use hereby permitted ceases operation for a period of one (1) year or more, or as defined in the current Municipal Code, this permit may be revoked in accordance with provisions of the Municipal Code. (MC 9.02.260)
- P3. 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)
- P4. The developer, or the developer's successor-in-interest, shall be responsible for

**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 |  |

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maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)

- P5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- P6. Any signs indicated on the submitted plans are not included with this approval. Any signs, whether permanent (e.g. wall, monument) or temporary (e.g. banner, flag), proposed for this development shall be designed in conformance with the sign provisions of the Development Code or approved sign program, if applicable, and shall require separate application and approval by the Planning Division. No signs are permitted in the public right of way. (MC 9.12)
- P7. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated to ensure consistency between each and for consistency with this approval.

Special Conditions

- P8. The Conditional Use Permit has been approved for a Planned Unit Development (PUD), for condominium purposes, and includes specific Planned Unit Development Guidelines. Any change or modification to the project, except as specifically conditioned for in this Resolution, shall require separate approval. Violation of this Condition may result in revocation of the Conditional Use Permit.
- P9. Prior to approval of the final subdivision map/condominium map, the PUD Guidelines shall be revised and submitted to the City for concurrence by the Planning Official to ensure modifications comply with Conditions of Approval P16, P17, P18, P22, F1, TE2, TE5, and TE6. The modified PUD Guidelines upon approval shall be labeled and signed off as "Final Approved" PUD Guidelines.
- P10. All dwelling units located along the north, east and west project site property boundaries shall be setback a minimum of 15 feet from the property line and include a minimum of 10 feet of flat useable private open space area behind the dwelling.
- P11. All interior dwellings shall include a minimum of 10 feet of flat useable area behind the dwelling.
- P12. All units will be a minimum of 10 feet apart.

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- P13. Prior to issuance of the first building permit, the developer shall demonstrate to the satisfaction of the Planning Official that open space for the project will be in compliance with the City Municipal Code. Open space shall be calculated per the Municipal Code requirement of 150 square foot of private open space, and 300 square feet of common open space, per unit.
- P14. Prior to approval of the final subdivision map, if a vehicular connection is provided between the development and Tacoma Lane, the developer shall submit evidence to the City that a reciprocal access agreement has been entered into with all property owners on Tacoma Lane for ingress and egress of emergency vehicles only between the two developments.
- P15. Prior to approval of the final subdivision map, if a vehicular connection is provided between the development and Bencliff Lane, the developer shall submit evidence to the City that a reciprocal access agreement has been entered into with all property owners on Bencliff Lane for ingress and egress of emergency vehicles only between the two developments.
- P16. Prior to approval of the final subdivision map, if a vehicular connection is provided between the development and Bencliff Lane, the developer shall submit plans to the satisfaction of the Director of Public Works which includes a 28-foot radius cul-de-sac or other mutually acceptable alternative design for vehicular turnaround on Bencliff Lane outside of the private gate installed for ingress and egress of emergency vehicles only between the two developments.
- P17. Prior to approval of the final subdivision map, if a vehicular connection is provided between the development and Tacoma Lane, the developer shall submit plans to the satisfaction of the Director of Public Works which includes a 28-foot radius cul-de-sac or other mutually acceptable alternative design for vehicular turnaround on Tacoma Lane outside of the private gate installed for ingress and egress of emergency vehicles only between the two developments.
- P18. Prior to approval of the Final subdivision map, a revised map and site plan shall be submitted and approved to the satisfaction of the Public Works Director and Fire Marshall, which includes a 28-foot radius cul-de-sac or other mutually acceptable alternative design for vehicular turnaround on Watson Way outside of the private gate, and including details for the gate proposed for emergency ingress and egress to and from the development and Watson Way.
- P19. Water quality features included in the tract design that are visible from the public right-of-way shall be integrated into the landscaping and include street trees on either side of the fencing based on design.

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- P20. A Phasing Plan will be required for the development and must be submitted and approved prior to issuance of the first grading permit. Water quality treatment areas, Home Owners Association (HOA) maintained areas including streets, open space recreation areas, perimeter landscaping and fencing shall be included and developed in the first phase.
- P21. The Planned Unit Development shall be developed per the approved plans, the Conditions of Approval set forth in this Resolution, the Cottonwood Planned Unit Development Guidelines, and the City's Municipal Code. All requirements must meet or exceed the City's Municipal Code Requirements.
- P22. Prior to submittal of the Final Map, a revised map and site plan shall be submitted and approved to include a twenty four foot (24') drive lane for fire access connecting proposed Street "B" to Street "G" along the west project boundary and parallel with the existing sewer easement, providing a contiguous route to Watson Way for emergency response vehicles.

**Prior to Issuance of Grading Permits**

- P23. (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.

If human remains are discovered, no further disturbance shall occur until the County Coroner has made necessary findings as to origin. If the County Coroner determines that the remains are potentially Native American, the California Native American Heritage Commission shall be contacted within a reasonable timeframe to identify the "most likely descendant." The "most likely descendant" shall then make recommendations, and engage in consultations concerning the treatment of the remains (California Public Resources Code 5097.98). (GP Objective 23.3, CEQA).

- P24. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

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- P25. (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.
- P26. (GP) Prior to the issuance of any grading permit, the final condominium tract map shall be recorded.
- P27. (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 Multiple Species Habitat Conservation Plan.
- P28. Prior to any disturbance of the site, clearing of the site or grading permit issuance, the clearing of potential nesting vegetation shall be conducted outside of the nesting season (February 1<sup>st</sup> to August 31<sup>st</sup>). If vegetation must be removed during the nesting season a qualified biologist shall conduct a nesting bird survey of potentially suitable nesting vegetation prior to removal not more than 3 days prior to scheduled removals. If active nests are identified, the biologist will be required to establish appropriate buffers around the vegetation containing the active nests. The vegetation contain the active nest is not permitted to be removed, and no grading shall occur within the established buffer, until a qualified biologist has determined that the nest is no longer active.
- P29. 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.
- P30. (GP) Decorative pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect dwellings with open spaces and/or recreational uses with open space and/or parking and/or the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)
- P31. (GP) Prior to the issuance of building permits, the site plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project.
- P32. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans per the Planned Unit Development Guidelines and the City's Municipal Code requirements to the Planning Division for review and approval as follows:
- A. A maximum 6 foot high solid decorative block perimeter wall with pilasters and a cap shall be required adjacent to all residential zoned areas.
  - 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.



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- C. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zone property. The height, placement and design will be based on a site specific review of the project. All walls are subject to the approval of the Planning Official. (DC 9.08.070)

**PRIOR TO BUILDING PERMITS**

- P33. (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. Gas and Electrical meters shall be located on the garage side of the dwelling out of public view. All air conditioning units shall be behind the side fence or in the rear of the parcel out of public view.
- P34. (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, open space areas, and landscaping lighting, shall be submitted to the Planning Division for review and approval. The lighting plan shall be generated on the site 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 as stated in the City's Municipal Code. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)
- P35. (BP) Prior to issuance of a certificate of occupancy, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees (DIF) (Ord).
- P36. (BP) Prior to issuance of building permits, for multi-family projects that will be phased, a phasing plan submitted to the Planning Division will be required if occupancy is proposed to be phased.
- P37. (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 Planned Unit Development Guidelines and the City's Landscape Standards and shall include:

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- A. Drought tolerant landscape shall be used. Sod shall be limited to gathering areas.
- B. Street trees shall be provided every 40 feet on center in the right of way.
- C. On-site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of the within the setback area along Cottonwood Avenue and along the reverse frontage area on Patricia Lane. Trees may be massed for pleasing aesthetic effects.
- D. Enhanced landscaping shall be provided at all driveway entries and street corner locations
- E. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.
- F. A minimum of 25% of all yard areas shall be drought tolerant and turfless.
- G. Each unit yard shall have one tree in the front yard.
- H. Enhanced landscaping shall be provided at all driveway entries and street corner locations
- I. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.
- J. All site perimeter and open space landscaping and irrigation shall be installed prior to the release of certificate of any occupancy permits for the first unit in the project.

P38. Prior to the issuance of any building permits, landscape and irrigation plans shall be approved by the Planning Division for the HOA maintained areas, basins, parks, right of way areas, setbacks and front yards. All landscape plans shall be approved prior to the release of any building permits for the site. The plans shall be prepared in accordance with the PUD guidelines and the City's Landscape Requirements. Landscaping is required for the sides and or slopes of all water quality basin and drainage areas, while a hydroseed mix with irrigation is acceptable for the bottom of the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters and mow curbs, or other fence or wall approved by the Planning Official is required to secure all water quality and detention basins. The plans shall be prepared in accordance with the Planned Unit Development Guidelines and the City's Municipal Code and shall include:

- A. Drought tolerant landscape shall be used. Sod shall be limited to gathering areas.
- B. Enhanced landscaping shall be provided at all driveway entries and street corner locations
- C. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view.
- D. All site perimeter and open space landscaping and irrigation shall be installed prior to the release of certificate of any occupancy permits for the first unit in

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the project.  
(After the third plan check review, additional plan check fees apply).

- P39. Street trees planted every 40 foot on center shall be installed in the right-of-way on Cottonwood Avenue and the reverse frontage area of Patricia Lane and Watson Way, and be shown on the project landscape plans.
- P40. Consistent with the Planned Unit Development Guidelines all driveways shall be a minimum of 18 feet in length.
- P41. Consistent with the Planned Unit Development Guidelines all garages are required to have automatic roll up doors with remote access.
- P42. An entry monument will be provided at the entrance to the project on Cottonwood Avenue.

**PRIOR TO CERTIFICATE OF OCCUPANCY**

- P43. (CO) Prior to issuance of Certificates of Occupancy or building final, the required landscaping and irrigation shall be installed and inspected by the Planning Division.
- P44. (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).

**Building and Safety Division**

- B1. New buildings/structures shall comply with the current California Building Standards Code (CBC, CEC, CMC, CPC and Green Building Standards) as well as City ordinances. Plans shall be submitted to the Building and Safety Division as a separate submittal and shall include a soils report at time of first submittal. Beginning on January 1, 2014, the 2013 CBC will become effective for all new building permit applications.
- B2. Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, as a portion of the building or demolition permit process.
- B3. An automatic fire extinguishing system is required in accordance with the latest adopted California Residential Code and/or Moreno Valley Fire Code Ordinance. Fire suppression systems shall conform to the standards adopted by the National Fire Protection Association and the Moreno Valley Fire Department.

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**SCHOOL DISTRICT**

- S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community & Economic Development Director Building Division, 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.

**POLICE DEPARTMENT**

**Note: All Special conditions are in bold lettering.** All other conditions are standard to all or most development projects

**Standard Conditions**

- PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (DC 9.08.080)
- PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
  - b. The developer's name, address, and a 24-hour emergency telephone number. (DC 9.08.080)

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PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact information Form for the project shall be completed at the permit counter of the Community and Economic Development Department - Building Division for routing to the Police Department. (DC 9.08.080)

PD4. Addresses need to be in plain view visible from the street and visible at night. It needs to have a backlight, so the address will reflect at night or a lighted address will be sufficient.

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**FIRE PREVENTION BUREAU**

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards: The following conditions will apply: (These conditions are based on the most current revised submittal of 12/15/2014)

- F1. Based on the number of proposed units this development will require a minimum of 2 (two) fire access entry points/roads. Tacoma St. and Bencliff avenues are both private roads which are not publicly maintained and may not be available for emergency response due to obstructed access or deterioration of street pavement. Watson Way shall be designed to accommodate the required emergency access.
- F2. Prior to precise grading, and due to proposed revisions shown on plan a connection on the West side of development between B street and G street will be required to provide a continuous route to Watson Way for emergency response vehicles. In the event of a multiple alarm fire in which multiple apparatus may be assigned, the throughway will provide for effective and efficient exiting by fire apparatus and prevent emergency response delays due to the closed loop street design.
- F3. The minimum setback for fire access gates shall be 60 feet from curb to gate at Cottonwood Avenue; setbacks to fire access gates at any other location(s) must be reviewed and approved by the City and Fire Department prior to issuance of a grading permit.
- F4. Alternative means and materials (Screed) for fire access entry will not be approved if it does not meet MVFD requirements for fire access roads. Required road or access (all weather surface) are to be 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)
- F5. Hydrants are required along Cottonwood Ave. frontage.
- F6. 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)
- F7. 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)



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- F8. 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])
- F9. Prior to construction, "private" driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. Driveway grades shall not exceed 12 percent. (CFC 503 and MVMC 8.36.060, CFC 501.4)
- F10. 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)
- F11. 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])
- F12. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4)
- F13. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
- F14. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
- F15. Maximum cul-de-sac or dead end road length shall not exceed 660 feet. The Fire Chief, based on City street standards, shall determine minimum turning radius for fire apparatus based upon fire apparatus manufacture specifications. (CFC 503.2, MVMC 9.15.030)
- F16. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire.
- F17. Prior to Certificate of Occupancy all locations where medians are constructed and prohibit vehicular ingress/egress into or away from the site, provisions must be made to construct a median-crossover at all locations determined by the Fire Marshal and the City Engineer. Prior to the construction, design plans will be submitted for review and approval by the City Engineer and all applicable inspections conducted by Land Development Division. (CFC 503.1 and 503.2.5)
- F18. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer. (Example: speed bumps, if applicable.)

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- F19. 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)
- F20. 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.

- F21. 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. 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)
- F23. Single Family Dwellings. Schedule "A" fire prevention approved standard fire hydrants (6" x 4" x 2 ½") located at each intersection of all residential streets and spaced no more than 500 feet apart in any direction, more than 250 feet from any portion of the building as measured along approved emergency vehicular travel ways. Minimum fire flow shall be 1000 GPM for 2 hours duration of 20 PSI. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, serving one and two-family residential developments, standard fire hydrants shall be provided at spacing not to exceed 1000 feet along the tract boundary for transportation hazards. (CFC 507.3, Appendix B, MVMC 8.36.060).
- F24. 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])

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- F25. 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.
- F26. 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])
- F27. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.
- 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. 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)
- F30. Prior to issuance of a Certificate of Occupancy or Building Final, a directory display monument sign shall be required for apartment, condominium, townhouse or mobile home parks. Each complex shall have an illuminated diagrammatic layout of the complex which indicates the name of the complex, all streets, building identification, unit numbers, and fire hydrant locations within the complex. Location of the sign and design specifications shall be submitted to, and approved by, the Community Development Department – Planning Division and the Fire Prevention Bureau prior to installation. (MVMC 9.12.060 [H,I])
- F31. 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.
- F32. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105, MVMC 8.36.100[A])

**CITY OF MORENO VALLEY  
CONDITIONS OF APPROVAL  
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- F33. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F34. 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)
- F35. 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)
- F36. 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)
- F37. 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)
- F38. 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)

**CITY OF MORENO VALLEY  
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION  
CONDITIONS OF APPROVAL  
PA14-0032 / TTM 34544 – Subdivision of 9.4 Ac into a single lot subdivision for  
condominium purposes  
APN 479-140-022**

**PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION**

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

**General Conditions**

- LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)
- LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.
- LD3. (G) It is understood that the tentative map correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)
- LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at



such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

- LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.
- LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
- (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
  - (b) Observance of working hours as stipulated on permits issued by the Public Works Department.
  - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
  - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

- LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)
- LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.
- LD9. (G) For single family residential subdivisions, all lots shall drain toward the street unless otherwise approved by the City Engineer. Residential lot drainage to the



street shall be by side yard swales and include yard drain pipes and inlet grates (or stubbed and capped if area is not yet landscaped) that convey flows to the street in accordance to City Standard No. 303 independent of adjacent lots. No over the sidewalk drainage shall be allowed, all drainage shall be directed to a driveway or drainage devices located outside the right-of-way. (MC 9.14.110)

- LD10. (G) A detailed 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.
- LD11. (G) Water quality basins designed to meet Water Quality Management Plan (WQMP) requirements for single-family residential development may not be used as a construction best management practice. The water quality basin shall be maintained for the entire duration of project construction and be used to treat runoff from those developed portions of the project. The water quality basin shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. The water quality basin shall be graded per the approved design drawings and once landscaping and irrigation has been installed, it and its maintenance shall be turned over to an established Homeowner's Association.
- LD12. (G) 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)
- LD13. (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 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.
- LD14. (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.

- LD15. (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.
- LD16. (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, Signing and Striping Plans, Traffic Control Plans on 24"x36" sheet size for City review and approval.

Prior to Grading Plan Approval or Grading Permit

- LD17. (GPA) Prior to approval of the Rough and Precise Grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- 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. 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 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 grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.
- LD23. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check and inspection fees.

- 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, the developer shall obtain from Riverside County Flood Control District a connection permit to join to MDP Line P.
- 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 completion of the grading required as a condition of approval of the project. (MC 8.21.070)
- LD29. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the 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)

Prior to Map Approval or Recordation

- LD30. (MA) Prior to approval of the Final Map , the developer shall submit a copy of the Covenants, Conditions and Restrictions (CC&Rs) to the Land Development Division for review and approval. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project, and documentation informing future owners of their implementation and maintenance requirement of the approved F-WQMP. In addition, for single-family residential development, the developer shall submit bylaws and articles of incorporation for review and approval as part of the maintenance agreement for any water quality basin.
- LD31. (MA) Prior to approval of the Final Map , all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.

- LD32. (MA) Prior to approval of the Final Map , the Developer shall provide a security as a guarantee of the completion of the public improvements required as a condition of approval of the project. A Public Improvement Agreement (PIA) will be required to be executed.
- LD33. (MA) Prior to approval of the Final Map , the developer shall enter into a Cooperative Agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project. (MC 9.14.110)
- LD34. (MR) Prior to recordation of the Final Map , if the developer chooses to construct the project in construction phases, a Construction Phasing Plan for the construction of on-site public and private improvements shall be reviewed and approved by the City Engineer. This approval must be obtained prior to the Developer submitting a Phasing Plan to the California State Department of Real Estate.
- LD35. (MR) Prior to recordation of the Final Map , if applicable, the developer shall have all street names approved by the City Engineer. (MC 9.14.090)
- LD36. (MR) Prior to recordation of the Final Map or issuance of the first building permit, whichever happens first, 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 and must adhere to the following requirements:
- a. Establish a Home Owners Association (HOA) to finance the maintenance of the "Water Quality Ponds/Bio-swales". Any lots which are identified as "Water Quality Ponds/Bio-Swales" shall be owned in fee by the HOA.
  - b. Dedicate a maintenance easement to the City of Moreno Valley.
  - c. Execute a maintenance agreement between the City of Moreno Valley and the HOA. The maintenance agreement must be approved by City Council.
  - d. Establish a trust fund per the terms of the maintenance agreement.
  - e. Provide a certificate of insurance per the terms of the maintenance agreement.
  - f. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.
    - i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Residential NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process, or
    - ii. Establish an endowment to cover future maintenance costs for the Residential NPDES Regulatory Rate Schedule.
  - g. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. The final option selected shall be in



place prior to the issuance of certificate of occupancy. (California Government Code & Municipal Code)

- LD37. (MR) Prior to recordation of the Final Map, 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)
- LD38. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Improvement Plan Approval or Construction Permit

- LD39. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD40. (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)
- LD41. (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.
- LD42. (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 MVS1-165-0 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.
  - b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)
  - c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)
  - d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees per City Standard No. MVS1-106A-0, or as approved by the City Engineer. (MC 9.14.020)



- LD43. (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.
- LD44. (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.
- LD45. (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)
- LD46. (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)
- LD47. (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)
- LD48. (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)
- LD49. (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.

LD50. (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.

LD51. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD52. (BP) Prior to issuance of building permits, if the project involves a residential subdivision, the map shall be recorded (excluding model homes). (MC 9.14.090)

LD53. (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.

LD54. (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.

LD55. (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.

LD56. (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.

LD57. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:

- a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include

- roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
- b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
- c. The vendor(s) that the applicant proposes to use to haul the materials.
- d. Facility(s) the materials will be hauled to, and their expected diversion rates.
- e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled .

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

- LD58. (BP) Prior to issuance of the first building permit, the developer shall record with the County-Clerk Recorder a "Covenant and Agreement" that informs future property owners and Home Owners Association (HOA) of the requirement to maintain Lot I, as shown on the Grading Plans on file at the City of Moreno Valley Public Works Department as a bio-retention/detention basin. The owner of Lot I, will not be allowed to build over, grade, or otherwise modify the bio-retention/detention basin. The "Covenant and Agreement" shall be in a form acceptable to the City of Moreno Valley. Proof of recordation must be provided to the City prior to issuance of the first building permit (excluding model homes).

Prior to Certificate of Occupancy

- LD59. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

- LD60. (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:

- 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.

- 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)

LD61. (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. Cottonwood Avenue may be eligible for DIF credits for eligible improvements. The developer would have to enter into a credit agreement to secure credit.

LD62. (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.

LD63. (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, 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.

LD64. (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)

LD65. (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 lots of any Map Phase, punch list work for improvements and capping of streets in that phase must be completed and approved for acceptance by the City.

LD66. (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.

LD67. (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.

LD68. (CO) Prior to issuance of a certificate of occupancy or building final, the applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:

- a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP)
- b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted to the City for review and approval.



Prior to Acceptance of Streets into the City Maintained Road System

LD69. (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

LD70. Prior to rough grading the developer shall obtain from all on-site easements holders written permission for right of entry for grading and construction.

LD71. Prior to issuance of building permits, this project shall cause the quitclaim of existing 15' wide easements along the northerly property line, especially those easements underneath any proposed building footprints. This shall include, but not limited to, the 15-foot wide existing EMWD easement across building areas 1 through 11. All utilities shall be relocated, as necessary, prior to quitclaim. All new easements shall be granted prior to utility relocations and quitclaims of existing easements.

LD72. Prior to final map approval, the map shall clearly show an easement in favor of Eastern Municipal Water District (EMWD) at two locations along the project's northerly property line, as approved by EMWD and the City Engineer, and any other locations as shown on the tentative tract map.

LD73. Prior to rough grading plan approval, the plans shall show a 30-foot reservation at two locations along the northerly property line for Fire Access if required.

LD74. Prior to approval of the Final Map, the map shall show the following:

- a. A 4-foot street right-of-way dedication on the north side of Cottonwood Avenue along project frontage to ensure a centerline to north right-of-way distance of 44 feet for a Minor Arterial, City Standard MVSI-105A-0.
- b. The appropriate street right-of-way dedication for the extension of Watson Street per City Standard Plan MVSI-107A-0 and the cul-de-sac at the mid-street terminus north of Cottonwood Avenue per City Standard Plan MVSI-162-0 or as approved by the City Engineer.
- c. Additional right of way maybe required along the project east property line of Patricia Lane, unless the applicant can show the right of way exist.



d. Corner cutbacks per City Standard MVS1-165-0.

- LD75. Prior to Final Map approval, the limits of private and public streets shall be clearly delineated on the map. The developer shall dedicate those streets intended for public use to the City and construct them per City standards.
- LD76. Prior to any grading plan approval, the plans shall clearly show that any slope near the public right-of-way has a minimum set-back area at 2% maximum of 2 feet before the start of the top or toe of slope.
- LD77. Prior to rough grading plan approval, obtain permission (right of entry and grading restrictions) from the existing gas line easement holder to grade and construct over the existing easement.
- LD78. 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.
- LD79. Prior to approval of any grading plan, the plans and the submitted final drainage study shall clearly demonstrate this project's increased runoff mitigation. This project shall not discharge runoff at a rate greater in the post-developed condition than that in the pre-developed condition, for any given storm event. The storms to be studied include the 1-hour, 3-hour, 6-hour and 24-hour duration events for the 2-year, 5-year, 10-year and 100-year return frequencies.
- LD80. Prior to grading plan approval, as all of this site resides in FEMA floodzone 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.
- LD81. Prior to rough grading plan approval, 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.
- LD82. 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 a homeowner's association and those within public streets by the City.
- LD83. The developer shall connect the proposed private storm drain system to the existing Sunnymead Area Drainage Plan Line P. A storm drain manhole shall be

placed at the right-of-way to mark the beginning of the publicly maintained portion of this storm drain.

- LD84. Due to the relatively shallow street grade of existing Cottonwood Avenue, storm drain inlets shall be installed. Spacing, sizing and location shall be determined per the final drainage study as approved by the City Engineer.
- LD85. Prior to Final Map approval, the Developer shall guarantee the construction of the following improvements by entering into a Public Improvement Agreement (PIA) and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.
- a. Cottonwood Avenue, Minor Arterial, City Standard, MVS1-105A-0 (88-foot RW / 64-foot CC) shall be constructed to half-width plus an additional 12 feet south of the centerline, along the entire project's south frontage. A 4-foot right-of-way dedication on the north side of the street, along the project's south property line, shall be shown on the tract map. The developer shall construct any missing or deficient improvements along the project frontage, including the ultimate structural section for pavement, any missing off-site improvements from the projects westerly property line west for approximately 215 feet to join the existing street improvements (east of Perris Blvd), and replace the access ramp at the northeast corner of Perris Blvd with an ADA compliant ramp and landing. The City Engineer may require additional signing and striping for the frontage improvements to accommodate increased traffic imposed by the development. Improvements shall consist of, but not be limited to, pavement, base, redwood header, curb, gutter, sidewalk, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal and undergrounding of any power poles with overhead utility lines less than 115,000 volts, and remove/relocate overhead utilities lining crossing the street and dry and wet utilities, except those power poles along the west tract boundary.
  - b. No decorative pavers shall be placed within the public right-of-way.
  - c. Pavement core samples of existing pavement may be taken and findings submitted to the City for review and consideration of alternate pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a one-tenth inch grind and overlay or slurry seal depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.
  - d. The developer shall install all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within

and along the project site, and downstream off-site improvements of master plan storm drain lines.

LD86. Prior to issuance of occupancy permits, all overhead utility lines less than 115,000 volts fronting or within the entire project site boundary shall be placed underground per Section 9.14.130C of the City Municipal Code.

LD87. 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.

LD88. 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.

LD89. 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.

LD90. 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.

**CITY OF MORENO VALLEY**  
**CONDITIONS OF APPROVAL**  
**PA14-0032/0033**

TTM 34544 and Conditional Use Permit for 76 condominium units located north of  
Cottonwood Avenue and east of Perris Boulevard.

**Transportation Engineering Division – Conditions of Approval**

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

**GENERAL CONDITIONS**

- TE1. Cottonwood Avenue is classified as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-0. Any improvements to the roadway shall be per City standards or as approved by the City Engineer. Improvements to Cottonwood Avenue shall connect to the existing street improvements (i.e. curb and gutter, pavement, etc.) to the west of the project.
- TE2. Watson Way is classified as a Local Street (56'RW/36'CC) per City Standard Plan No. MVSI-107A-0. Watson Way shall include a cul de sac at its terminus with a minimum 28' radius 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 City Standard Plan No. MVSI-112C-0 for commercial driveway approach.
- TE4. The Cottonwood Avenue 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. If fire access Lot A located along the northern property boundary connecting to Bencliff Drive is proposed, then it shall include a turnaround to the satisfaction of the City Engineer.

- TE6. If fire access Lot B located along the northern property boundary connecting to Tacoma Street is proposed, then it shall include a turnaround to the satisfaction of the City Engineer.
- TE7. Interior streets shall be designed and constructed per City Standards or to the satisfaction of the City Engineer, consistent with Municipal Code Section 9.14.020 C.4. This may include but not be limited to street widths and structural sections, curb and gutter, knuckles, sidewalks, etc.
- TE8. 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**

- TE9. 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.
- TE10. 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.
- TE11. 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**

- TE12. (CO) Prior to issuance of a Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards

**PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM**

- TE13. Prior to acceptance of streets into the City-maintained road system, all approved signing and striping shall be installed per current City Standards and the approved plans.



**CITY OF MORENO VALLEY  
CONDITIONS OF APPROVAL  
Case Nos.: PA14-0032 (TTM 34544 for detached condos)  
PA14-0033 (Conditional Use Permit)  
APN: 479-140-022**

**FINANCIAL & MANAGEMENT SERVICES DEPARTMENT**

**Special Districts Division**

**Acknowledgement of Conditions**

The following items are the Special Districts Division's Conditions of Approval for projects **PA14-0032 (TTM 34544 for detached condos)** and **PA14-0033 (Conditional Use Permit)**; 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**

- SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services District Zone A (Parks & Community Services) and Zone C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual parcel taxes for Zone A and Zone C for operations and capital improvements.
- SD-2 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.
- SD-3 The ongoing maintenance of any landscaping required to be installed behind the curb on **Cottonwood Avenue** and all lettered lots within the tract shall be the maintenance responsibility of the Home Owner's Association and/or property owner unless another condition is specifically called out by another Division.
- SD-4 Street Light Authorization forms for all street lights conditioned to be installed on public right-of-ways as part of this project must be submitted to the Special Districts Division for approval, prior to street light installation. The Street Light Authorization form can be obtained from the utility company providing electric service to the project, either Moreno Valley Utility or Southern California Edison.

**Prior to Recordation of Final Map**

SD-5 (R) This project has been conditioned to provide a funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trail systems. The Developer shall satisfy this condition with one of the options below. The Developer must notify the Special Districts Division of its selected financial option 90 days prior to City Council action authorizing recordation of the final map for the development to allow adequate time to be in compliance with the provisions of Articles 13C of the California Constitution.

- 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 costs, if any; or
- b. Establish an endowment fund to cover future maintenance costs for new neighborhood parks.

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.

SD-6 (R) This project has been identified to be included in the formation of a Community Facilities District for **Public Safety** services including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. If this District has been formed, 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 that may already be established. If the District has not been formed prior to the recordation of the final map, this condition will not apply. The Developer must contact the Special Districts Division at 951.413.3480 prior to its intent to record the final map for the development. If the District has been formed, the special election (mail ballot) process will need to occur 90 days prior to City Council action authorizing recordation of the map to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution. (California Government Code Section 53313 et. seq.)

SD-7 (R) This project is conditioned to provide a funding source for the capital improvements, energy charges, and maintenance for residential street

lights installed in the public right-of-way and the Developer shall satisfy this condition with either option a or b below and for street lights installed on private streets, the Developer shall satisfy this condition with option c below. The Developer must contact the Special Districts Division at 951.413.3480 to notify of its selected financial option 90 days prior to City Council action authorizing recordation of the final map for the development to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution.

- a. Participate in a ballot proceeding for **street lighting** and pay all associated costs with the ballot process and formation costs, if any for residential street lights installed in the public right-of-way. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or
- b. Establish an endowment fund to cover future operation and maintenance costs for residential street lights installed in the public right-of-way.
- c. Projects with privately maintained streets, establish a Property Owner Association (POA) or Home Owner's Association (HOA) which will be responsible for any and all operation and maintenance costs associated with the street lights installed on private roadways. This does not apply to publicly accepted roadways.

The financial option selected shall be in place prior to the issuance of the first building permit.

- SD-8 (R) If this District has been formed, this project is conditioned 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 below. The Developer must contact the Special Districts Division at 951.413.340 to determine if the District will be formed prior to City Council action authorizing recordation of the final map and if so, select the financial option. Participation in a special election requires 90 days prior to City Council action authorizing recordation of the final map for the development to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution. If the District has not been formed, this condition will not apply.

Special Districts Division  
Conditions of Approval  
PA14-0032 (TTM 34544 for 70 condos)  
PA14-0033 (Conditional Use Permit)  
APN: 479-140-022  
Date: 1.5.15  
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- a. Participate in a special election for **maintenance/services** and pay all associated costs with the election process and formation costs, if any. Financing may be structured through a Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or
- b. Establish an endowment fund to cover the future maintenance and/or service costs.

The financial option selected shall be in place prior to the issuance of the first building permit.

SD-9 *Residential (R)* If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the required continuous operation, maintenance, monitoring, system evaluations and enhancements, remediation and/or replacement, a funding source needs to be established. The Developer must notify the Special Districts Division of its selected financial option (see Land Development's related condition) 90 days prior to City Council action authorizing recordation of the final map for the development to allow adequate time to be in compliance with the provisions of Article 13D of the California Constitution. (California Health and Safety Code Sections 5473 through 5473.8 (Ord. 708 Section 3.1, 2006) & City of Moreno Valley Municipal Code Title 3, Section 3.50.050.)

#### **Prior to Building Permit Issuance**

SD-10 (BP) If this District has been formed, this project will be included in the Special District Map Act Area of Benefit for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. The Developer must notify the Special Districts Division of intent to request building permits 90 days prior to their issuance to determine whether the development will be subjected to this condition. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

Special Districts Division  
Conditions of Approval  
PA14-0032 (TTM 34544 for 70 condos)  
PA14-0033 (Conditional Use Permit)  
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- SD-11 (BP) Prior to the issuance of the first building permit for this project, the Developer shall pay Advanced Energy fees for all applicable Residential and Arterial Street Lights required for this development. Payment shall be made to the City of Moreno Valley and collected by the Land Development Division. Fees are based upon the Advanced Energy fee rate in place at the time of payment, as set forth in the current Listing of City Fees, Charges, and Rates adopted by City Council. The Developer shall provide a copy of the receipt to the Special Districts Division (*specialdistricts@moval.org*). Any change in the project which may increase the number of street lights to be installed will require payment of additional Advanced Energy fees at the then current fee.

**CITY OF MORENO VALLEY  
CONDITIONS OF APPROVAL FOR  
TTM 34544, Case No. PA 14-0032, PA14-0033**

**PARKS AND COMMUNITY SERVICES DEPARTMENT**

**Acknowledgement of Conditions**

The following items are Parks and Community Services Department Conditions of Approval for project **TTM 34544, Case No. PA 14-0032, PA14-0033**; this project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department regarding the conditions.

**PCS-1 SPECIFIC CONDITIONS OF APPROVAL**

Not Applicable

**PCS-2 Parks and Community Services Department  
Standard Conditions:**

Not Applicable

**PCS-3** (R) This project is required to supply a funding source for the continued maintenance, enhancement, and or retrofit of neighborhood parks, open spaces, linear parks, and/or trails systems. The Developer must notify Special Districts of intent to record the final map 70 days prior to recordation of the final map and the financial option selected to fund the continued maintenance. (California Government Code, GP Chapter 2.7)

**PCS-3b** (BP) This project is required to supply a funding source for the continued maintenance, enhancement, and or retrofit of neighborhood parks, open spaces, linear parks, and/or trails systems. The Developer must notify Special Districts of intent to request building permits 70 days prior to their issuance and the financial option selected to fund the continued maintenance. (California Government Code, GP Chapter 2.7)

**PCS-4** The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks and Community Services). All assessable parcels therein shall be subject to the annual Zone 'A' charge for operations and capital improvements. Proof of such shall be supplied to Parks and Community Services upon Final Map and at Building Permits.

**PCS-5** This project is subject to current Development Impact Fees.

**PCS-6** This project is subject to current Quimby Fees.



**CITY OF MORENO VALLEY  
 CONDITIONS OF APPROVAL  
 PA14-0032 TENTATIVE TRACT MAP 34544  
 A.P.N.: 479-140-022**

**APPROVAL DATE:** February 24, 2015  
**EXPIRATION DATE:** April 24, 2017

- Planning (P), including School District (S), Post Office (PO), Police (PD)**
- Building Division (B)**
- Fire Prevention Bureau (F)**
- Public Works, Land Development (LD)**
- Public Works – Transportation Engineering (TE)**
- Financial and Management Services, Special Districts (SD)**
- Parks & Community Services (PCS)**

**Note: All Special conditions are in bold lettering.** All other conditions are standard to all or most development projects.

**COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT**

**Planning Division**

**For questions regarding any Planning condition of approval, please contact the Planning Division at (951) 413-3206.**

- P1. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.
- P2. This tentative map shall expire April 24, 2017 unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)

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**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 |  |

**PLANNING DIVISION  
CONDITIONS OF APPROVAL  
PA14-0032 TENTATIVE TRACT MAP 34544  
FINAL**

- P3. The site has been approved for a single lot condominium map and shall be developed in accordance with the requirements and regulation set forth in the Conditional Use Permit for the Planned Unit Development (Planning Commission Resolution 2015-01) and the "Final Approved" Planned Unit Development Guidelines.
- P4. All dwellings along the north, east and west property lines shall be a minimum of 15 feet from the property line.
- P5. Prior to approval of the final subdivision map, if a vehicular connection is provided between the development and Tacoma Lane, the developer shall submit evidence to the City that a reciprocal access agreement has been entered into with all property owners on Tacoma Lane for ingress and egress of emergency vehicles only between the two developments.
- P6. Prior to approval of the final subdivision map, if a vehicular connection is provided between the development and Bencliff Lane, the developer shall submit evidence to the City that a reciprocal access agreement has been entered into with all property owners on Bencliff Lane for ingress and egress of emergency vehicles only between the two developments.
- P7. Prior to approval of the final subdivision map, if a vehicular connection is provided between the development and Bencliff Lane, the developer shall submit plans to the satisfaction of the Director of Public Works which includes a 28-foot radius cul-de-sac or other mutually acceptable alternative design for vehicular turnaround on Bencliff Lane outside of the private gate installed for ingress and egress of emergency vehicles only between the two developments.
- P8. Prior to approval of the final subdivision map, if a vehicular connection is provided between the development and Tacoma Lane, the developer shall submit plans to the satisfaction of the Director of Public Works which includes a 28-foot radius cul-de-sac or other mutually acceptable alternative design for vehicular turnaround on Tacoma Lane outside of the private gate installed for ingress and egress of emergency vehicles only between the two developments.
- P9. Prior to approval of the Final subdivision map, a revised map and site plan shall be submitted and approved to the satisfaction of the Public Works Director and Fire Marshall, which includes a 28-foot radius cul-de-sac or other mutually acceptable alternative design for vehicular turnaround on Watson Way outside of the private gate, and including details for the gate proposed for emergency ingress and egress to and from the development and Watson Way.

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- P10. Prior to submittal of the Final Map, a revised map and site plan shall be submitted and approved to include a twenty four foot (24') drive lane for fire access connecting proposed Street "B" to Street "G" along the west project boundary and parallel with the existing sewer easement, providing a contiguous route to Watson Way for emergency response vehicles.
- P11. The site shall be developed in accordance with the approved tentative map on file in the Community & Economic Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020)
- P12. A drought tolerant, low water using landscape palette shall be utilized throughout the tract to the extent feasible.
- P13. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)
- P14. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- P15. All site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval.

**PRIOR TO GRADING**

- P16. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P17. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG)
- P18. (GP) Prior to approval of precise grading plan, final front and street side yard landscape and irrigation plans shall be submitted to the Planning Division for review. The plans shall be prepared in accordance with the Planned Unit Development Guidelines, the City's Municipal Code in conjunction with the landscape requirements, and include required street trees.

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- P19. (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.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented.  
(GP Objective 23.3, DG, CEQA).

- P20. (GP) Prior to the issuance of grading permits, a pre-construction Burrowing Owl survey shall be completed with written documentation provided to the Planning Division. The survey shall be completed in accordance with the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Area.
- P21. (GP) Prior to issuance of grading permits, plans for any security gate system shall be submitted to the Planning Division for review and approval.
- P22. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval for a six (6) foot high solid decorative block perimeter wall with cap, along the sides and rear perimeter of the project and iron fencing with pilasters along Cottonwood Avenue per the Planned Unit Development Guidelines and City Standards. A decorative block wall shall be provided along the street side for corner lots within the development. (MC 9.08.070)
- P23. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval per the Planned Unit Development Guidelines and the City Standards which include:
- A. Side and rear yard fences/walls (not adjacent to a right of way) are required to be constructed of decorative block, poly-vinyl or wood.

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- B. A solid decorative block wall with pilasters and a cap is required along the perimeter of the tract adjacent to any right of way or reverse frontage location and along any right of way within the interior of the tract (all corner lots).
  - D. Decorative open iron or steel fencing with pilasters is required adjacent to open space areas and water quality features.
- P24. (GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an HOA or other private entity shall be submitted to the Planning Division for review and approval for the sides and/or slopes. A hydroseed mix w/irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community & Economic Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

**PRIOR TO RECORDATION OF FINAL MAP**

- P25. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080)
- P26. (R) Prior to recordation of the final map, the developer shall submit to the Planning Division for review and approval, the form of deed restriction or open space easement (secured by Development Agreement or other form) binding on the land, the subdivider, and/or future land owners which shall prohibit an increase in the number of lots within the Hillside Residential District. The map shall then be recorded with the approved restriction in place.
- P27. (R) Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:
- a. The document to convey title
  - b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded



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The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use items such as general building maintenance (apartments, condominiums and townhomes) tot lot/public seating areas and other recreation facilities or buildings. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

In addition, the following deed restrictions and disclosures shall be included within the document and grant deed of the properties:

- The developer and homeowners association shall promote and install the use of native plants and trees and drought tolerant species.
- (R) All lots designated for open space and or detention basins, shall be included as an easement to, and maintained by a Homeowners Association (HOA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite HOA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.
- Maintenance of any and all common facilities including private streets.
- A conservation easement for lettered lots shall be recorded on the deed of the property and shown on the final map. Said easement shall include access restrictions prohibiting motorized vehicles from these areas.

**PRIOR TO BUILDING PERMIT**

- P28. (BP) Prior to issuance of certificate of occupany, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees (DIF) (Ord).
- P29. (BP) Prior to issuance of building permits, final front and street side yard landscape and irrigation plans, and slope landscape plans and basin landscape plans, shall be approved.



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- P30. (BP) Prior to issuance of building permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an HOA, or other private entity, shall be approved for the sides and or slopes of all water quality basins and drainage areas. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community & Economic Development Director is required to secure all water quality and detention basins more than 18 inches in depth.
- P31. (BP) Concurrent with submittal of applications for the first building permit(s), evidence of recordation of all of the approved documents required in Condition P27 above shall be submitted to the Planning Division for review and concurrence prior to the issuance of building permits.

**PRIOR TO CERTIFICATE OF OCCUPANCY**

- P32. (CO) Prior to the issuance of Certificates of Occupancy or building final, all landscape and irrigation shall be installed per the plans on file in the Planning Division.
- P33. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed per the approved plans on file in the Planning Division.
- P34. (CO) For a basin maintained by an HOA or other private entity, landscape (trees, shrubs and groundcover) and irrigation shall be installed, and maintained by the HOA or other private entity.

**Building and Safety Division**

- B1. New buildings/structures shall comply with the current California Building Standards Code (CBC, CEC, CMC, CPC and Green Building Standards) as well as City ordinances. Plans shall be submitted to the Building and Safety Division as a separate submittal and shall include a soils report at time of first submittal. Beginning on January 1, 2014, the 2013 CBC will become effective for all new building permit applications.
- B2. Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, as a portion of the building or demolition permit process.
- B3. An automatic fire extinguishing system is required in accordance with the latest adopted California Residential Code and/or Moreno Valley Fire Code Ordinance. Fire suppression systems shall conform to the standards adopted by the National Fire Protection Association and the Moreno Valley Fire Department.

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**SCHOOL DISTRICT**

- S-1. (BP) Prior to issuance of building permits, the developer shall provide to the Community & Economic 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**

- PO-1. (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.

**POLICE DEPARTMENT**

- PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (DC 9.08.080)
- PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
  - b. The developer's name, address, and a 24-hour emergency telephone number. (DC 9.08.080)
- PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact information Form for the project shall be completed at the permit counter of the Community Development Department - Building Division for routing to the Police Department. (DC 9.08.080)

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PD4. Recreation and mail box areas shall include light fixtures to ensure safety designed to meet the City's Municipal Code.

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**FIRE PREVENTION BUREAU**

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards: The following conditions will apply: (These conditions are based on the most current revised submittal of 12/15/2014)

- F1. Based on the number of proposed units this development will require a minimum of 2 (two) fire access entry points/roads. Tacoma St. and Bencliff avenues are both private roads which are not publicly maintained and may not be available for emergency response due to obstructed access or deterioration of street pavement. Watson Way shall be designed to accommodate the required emergency access.
- F2. Prior to precise grading, and due to proposed revisions shown on plan a connection on the West side of development between B street and G street will be required to provide a continuous route to Watson Way for emergency response vehicles. In the event of a multiple alarm fire in which multiple apparatus may be assigned, the throughway will provide for effective and efficient exiting by fire apparatus and prevent emergency response delays due to the closed loop street design.
- F3. The minimum setback for fire access gates shall be 60 feet from curb to gate at Cottonwood Avenue; setbacks to fire access gates at any other location(s) must be reviewed and approved by the City and Fire Department prior to issuance of a grading permit.
- F4. Alternative means and materials (Screed) for fire access entry will not be approved if it does not meet MVFD requirements for fire access roads. Required road or access (all weather surface) are to be 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)
- F5. Hydrants are required along Cottonwood Ave. frontage.
- F6. 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)
- F7. 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)

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- F8. 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])
- F9. Prior to construction, "private" driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. Driveway grades shall not exceed 12 percent. (CFC 503 and MVMC 8.36.060, CFC 501.4)
- F10. 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)
- F11. 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])
- F12. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4)
- F13. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5)
- F14. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.060, CFC 501.4)
- F15. Maximum cul-de-sac or dead end road length shall not exceed 660 feet. The Fire Chief, based on City street standards, shall determine minimum turning radius for fire apparatus based upon fire apparatus manufacture specifications. (CFC 503.2, MVMC 9.15.030)
- F16. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire.
- F17. Prior to Certificate of Occupancy all locations where medians are constructed and prohibit vehicular ingress/egress into or away from the site, provisions must be made to construct a median-crossover at all locations determined by the Fire Marshal and the City Engineer. Prior to the construction, design plans will be submitted for review and approval by the City Engineer and all applicable inspections conducted by Land Development Division. (CFC 503.1 and 503.2.5)
- F18. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer. (Example: speed bumps, if applicable.)

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- F19. 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)
- F20. 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.

- F21. 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. 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)
- F23. Single Family Dwellings. Schedule "A" fire prevention approved standard fire hydrants (6" x 4" x 2 1/2") located at each intersection of all residential streets and spaced no more than 500 feet apart in any direction, more than 250 feet from any portion of the building as measured along approved emergency vehicular travel ways. Minimum fire flow shall be 1000 GPM for 2 hours duration of 20 PSI. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, serving one and two-family residential developments, standard fire hydrants shall be provided at spacing not to exceed 1000 feet along the tract boundary for transportation hazards. (CFC 507.3, Appendix B, MVMC 8.36.060).
- F24. 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])



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- F25. 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.
- F26. 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])
- F27. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.
- 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. 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)
- F30. Prior to issuance of a Certificate of Occupancy or Building Final, a directory display monument sign shall be required for apartment, condominium, townhouse or mobile home parks. Each complex shall have an illuminated diagrammatic layout of the complex which indicates the name of the complex, all streets, building identification, unit numbers, and fire hydrant locations within the complex. Location of the sign and design specifications shall be submitted to, and approved by, the Community Development Department – Planning Division and the Fire Prevention Bureau prior to installation. (MVMC 9.12.060 [H,I])
- F31. 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.
- F32. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105, MVMC 8.36.100[A])

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- F33. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F34. 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)
- F35. 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)
- F36. 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)
- F37. 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)
- F38. 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)

**CITY OF MORENO VALLEY  
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION  
CONDITIONS OF APPROVAL  
PA14-0032 / TTM 34544 – Subdivision of 9.4 Ac into a single lot subdivision for  
condominium purposes  
APN 479-140-022**

**PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION**

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

**General Conditions**

- LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)
- LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.
- LD3. (G) It is understood that the tentative map correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)
- LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at

such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

- LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.
- LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
- (a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
  - (b) Observance of working hours as stipulated on permits issued by the Public Works Department.
  - (c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
  - (d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

- LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)
- LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.
- LD9. (G) For single family residential subdivisions, all lots shall drain toward the street unless otherwise approved by the City Engineer. Residential lot drainage to the

street shall be by side yard swales and include yard drain pipes and inlet grates (or stubbed and capped if area is not yet landscaped) that convey flows to the street in accordance to City Standard No. 303 independent of adjacent lots. No over the sidewalk drainage shall be allowed, all drainage shall be directed to a driveway or drainage devices located outside the right-of-way. (MC 9.14.110)

- LD10. (G) A detailed 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.
- LD11. (G) Water quality basins designed to meet Water Quality Management Plan (WQMP) requirements for single-family residential development may not be used as a construction best management practice. The water quality basin shall be maintained for the entire duration of project construction and be used to treat runoff from those developed portions of the project. The water quality basin shall be protected from upstream construction related runoff by having proper best management practices in place and maintained. The water quality basin shall be graded per the approved design drawings and once landscaping and irrigation has been installed, it and its maintenance shall be turned over to an established Homeowner's Association.
- LD12. (G) 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)
- LD13. (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 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.
- LD14. (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.

- LD15. (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.
- LD16. (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, Signing and Striping Plans, Traffic Control Plans on 24"x36" sheet size for City review and approval.

Prior to Grading Plan Approval or Grading Permit

- LD17. (GPA) Prior to approval of the Rough and Precise Grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- 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. 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 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 grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.
- LD23. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check and inspection fees.

- 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, the developer shall obtain from Riverside County Flood Control District a connection permit to join to MDP Line P.
- 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 completion of the grading required as a condition of approval of the project. (MC 8.21.070)
- LD29. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the 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)

Prior to Map Approval or Recordation

- LD30. (MA) Prior to approval of the Final Map , the developer shall submit a copy of the Covenants, Conditions and Restrictions (CC&Rs) to the Land Development Division for review and approval. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project, and documentation informing future owners of their implementation and maintenance requirement of the approved F-WQMP. In addition, for single-family residential development, the developer shall submit bylaws and articles of incorporation for review and approval as part of the maintenance agreement for any water quality basin.
- LD31. (MA) Prior to approval of the Final Map , all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.

- LD32. (MA) Prior to approval of the Final Map , the Developer shall provide a security as a guarantee of the completion of the public improvements required as a condition of approval of the project. A Public Improvement Agreement (PIA) will be required to be executed.
- LD33. (MA) Prior to approval of the Final Map , the developer shall enter into a Cooperative Agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project. (MC 9.14.110)
- LD34. (MR) Prior to recordation of the Final Map , if the developer chooses to construct the project in construction phases, a Construction Phasing Plan for the construction of on-site public and private improvements shall be reviewed and approved by the City Engineer. This approval must be obtained prior to the Developer submitting a Phasing Plan to the California State Department of Real Estate.
- LD35. (MR) Prior to recordation of the Final Map , if applicable, the developer shall have all street names approved by the City Engineer. (MC 9.14.090)
- LD36. (MR) Prior to recordation of the Final Map or issuance of the first building permit, whichever happens first, 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 and must adhere to the following requirements:
- a. Establish a Home Owners Association (HOA) to finance the maintenance of the "Water Quality Ponds/Bio-swales". Any lots which are identified as "Water Quality Ponds/Bio-Swales" shall be owned in fee by the HOA.
  - b. Dedicate a maintenance easement to the City of Moreno Valley.
  - c. Execute a maintenance agreement between the City of Moreno Valley and the HOA. The maintenance agreement must be approved by City Council.
  - d. Establish a trust fund per the terms of the maintenance agreement.
  - e. Provide a certificate of insurance per the terms of the maintenance agreement.
  - f. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.
    - i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Residential NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process, or
    - ii. Establish an endowment to cover future maintenance costs for the Residential NPDES Regulatory Rate Schedule.
  - g. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. The final option selected shall be in

place prior to the issuance of certificate of occupancy. (California Government Code & Municipal Code)

- LD37. (MR) Prior to recordation of the Final Map, 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)
- LD38. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Improvement Plan Approval or Construction Permit

- LD39. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD40. (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)
- LD41. (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.
- LD42. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:
- a. Corner cutbacks in conformance with City Standard MVSI-165-0 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.
  - b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)
  - c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)
  - d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees per City Standard No. MVSI-106A-0, or as approved by the City Engineer. (MC 9.14.020)

- LD43. (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.
- LD44. (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.
- LD45. (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)
- LD46. (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)
- LD47. (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)
- LD48. (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)
- LD49. (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.



LD50. (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.

LD51. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD52. (BP) Prior to issuance of building permits, if the project involves a residential subdivision, the map shall be recorded (excluding model homes). (MC 9.14.090)

LD53. (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.

LD54. (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.

LD55. (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.

LD56. (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.

LD57. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:

- a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include



- roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
- b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
- c. The vendor(s) that the applicant proposes to use to haul the materials.
- d. Facility(s) the materials will be hauled to, and their expected diversion rates.
- e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled .

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

- LD58. (BP) Prior to issuance of the first building permit, the developer shall record with the County-Clerk Recorder a "Covenant and Agreement" that informs future property owners and Home Owners Association (HOA) of the requirement to maintain Lot I, as shown on the Grading Plans on file at the City of Moreno Valley Public Works Department as a bio-retention/detention basin. The owner of Lot I, will not be allowed to build over, grade, or otherwise modify the bio-retention/detention basin. The "Covenant and Agreement" shall be in a form acceptable to the City of Moreno Valley. Proof of recordation must be provided to the City prior to issuance of the first building permit (excluding model homes).

Prior to Certificate of Occupancy

- LD59. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

- LD60. (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:

- 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.

- 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)

LD61. (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. Cottonwood Avenue may be eligible for DIF credits for eligible improvements. The developer would have to enter into a credit agreement to secure credit.

LD62. (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.

LD63. (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, 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.

LD64. (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)

LD65. (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 lots of any Map Phase, punch list work for improvements and capping of streets in that phase must be completed and approved for acceptance by the City.

LD66. (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.

LD67. (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.

LD68. (CO) Prior to issuance of a certificate of occupancy or building final, the applicant shall ensure the following, pursuant to Section XII. I. of the 2010 NPDES Permit:

- a. Field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved Final Water Quality Management Plan (WQMP)
- b. Certification of best management practices (BMPs) from a state licensed civil engineer. An original WQMP BMP Certification shall be submitted to the City for review and approval.

Prior to Acceptance of Streets into the City Maintained Road System

LD69. (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

LD70. Prior to rough grading the developer shall obtain from all on-site easements holders written permission for right of entry for grading and construction.

LD71. Prior to issuance of building permits, this project shall cause the quitclaim of existing 15' wide easements along the northerly property line, especially those easements underneath any proposed building footprints. This shall include, but not limited to, the 15-foot wide existing EMWD easement across building areas 1 through 11. All utilities shall be relocated, as necessary, prior to quitclaim. All new easements shall be granted prior to utility relocations and quitclaims of existing easements.

LD72. Prior to final map approval, the map shall clearly show an easement in favor of Eastern Municipal Water District (EMWD) at two locations along the project's northerly property line, as approved by EMWD and the City Engineer, and any other locations as shown on the tentative tract map.

LD73. Prior to rough grading plan approval, the plans shall show a 30-foot reservation at two locations along the northerly property line for Fire Access if required.

LD74. Prior to approval of the Final Map, the map shall show the following:

- a. A 4-foot street right-of-way dedication on the north side of Cottonwood Avenue along project frontage to ensure a centerline to north right-of-way distance of 44 feet for a Minor Arterial, City Standard MVSI-105A-0.
- b. The appropriate street right-of-way dedication for the extension of Watson Street per City Standard Plan MVSI-107A-0 and the cul-de-sac at the mid-street terminus north of Cottonwood Avenue per City Standard Plan MVSI-162-0 or as approved by the City Engineer.
- c. Additional right of way maybe required along the project east property line of Patricia Lane, unless the applicant can show the right of way exist.

d. Corner cutbacks per City Standard MVS1-165-0.

- LD75. Prior to Final Map approval, the limits of private and public streets shall be clearly delineated on the map. The developer shall dedicate those streets intended for public use to the City and construct them per City standards.
- LD76. Prior to any grading plan approval, the plans shall clearly show that any slope near the public right-of-way has a minimum set-back area at 2% maximum of 2 feet before the start of the top or toe of slope.
- LD77. Prior to rough grading plan approval, obtain permission (right of entry and grading restrictions) from the existing gas line easement holder to grade and construct over the existing easement.
- LD78. 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.
- LD79. Prior to approval of any grading plan, the plans and the submitted final drainage study shall clearly demonstrate this project's increased runoff mitigation. This project shall not discharge runoff at a rate greater in the post-developed condition than that in the pre-developed condition, for any given storm event. The storms to be studied include the 1-hour, 3-hour, 6-hour and 24-hour duration events for the 2-year, 5-year, 10-year and 100-year return frequencies.
- LD80. Prior to grading plan approval, as all of this site resides in FEMA floodzone 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.
- LD81. Prior to rough grading plan approval, 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.
- LD82. 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 a homeowner's association and those within public streets by the City.
- LD83. The developer shall connect the proposed private storm drain system to the existing Sunnymead Area Drainage Plan Line P. A storm drain manhole shall be



placed at the right-of-way to mark the beginning of the publicly maintained portion of this storm drain.

LD84. Due to the relatively shallow street grade of existing Cottonwood Avenue, storm drain inlets shall be installed. Spacing, sizing and location shall be determined per the final drainage study as approved by the City Engineer.

LD85. Prior to Final Map approval, the Developer shall guarantee the construction of the following improvements by entering into a Public Improvement Agreement (PIA) and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

- a. Cottonwood Avenue, Minor Arterial, City Standard, MVS1-105A-0 (88-foot RW / 64-foot CC) shall be constructed to half-width plus an additional 12 feet south of the centerline, along the entire project's south frontage. A 4-foot right-of-way dedication on the north side of the street, along the project's south property line, shall be shown on the tract map. The developer shall construct any missing or deficient improvements along the project frontage, including the ultimate structural section for pavement, any missing off-site improvements from the projects westerly property line west for approximately 215 feet to join the existing street improvements (east of Perris Blvd), and replace the access ramp at the northeast corner of Perris Blvd with an ADA compliant ramp and landing. The City Engineer may require additional signing and striping for the frontage improvements to accommodate increased traffic imposed by the development. Improvements shall consist of, but not be limited to, pavement, base, redwood header, curb, gutter, sidewalk, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal and undergrounding of any power poles with overhead utility lines less than 115,000 volts, and remove/relocate overhead utilities lining crossing the street and dry and wet utilities, except those power poles along the west tract boundary.
- b. No decorative pavers shall be placed within the public right-of-way.
- c. Pavement core samples of existing pavement may be taken and findings submitted to the City for review and consideration of alternate pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement structural section is found to be adequate, the developer may still be required to perform a one-tenth inch grind and overlay or slurry seal depending on the severity of existing pavement cracking, as required by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall replace the pavement to meet or exceed the City's pavement structural section standard.
- d. The developer shall install all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within



and along the project site, and downstream off-site improvements of master plan storm drain lines.

LD86. Prior to issuance of occupancy permits, all overhead utility lines less than 115,000 volts fronting or within the entire project site boundary shall be placed underground per Section 9.14.130C of the City Municipal Code.

LD87. 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.

LD88. 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.

LD89. 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.

LD90. 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.

**CITY OF MORENO VALLEY**  
**CONDITIONS OF APPROVAL**  
**PA14-0032/0033**

TTM 34544 and Conditional Use Permit for 76 condominium units located north of Cottonwood Avenue and east of Perris Boulevard.

**Transportation Engineering Division – Conditions of Approval**

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

**GENERAL CONDITIONS**

- TE1. Cottonwood Avenue is classified as a Minor Arterial (88'RW/64'CC) per City Standard Plan No. MVSI-105A-0. Any improvements to the roadway shall be per City standards or as approved by the City Engineer. Improvements to Cottonwood Avenue shall connect to the existing street improvements (i.e. curb and gutter, pavement, etc.) to the west of the project.
- TE2. Watson Way is classified as a Local Street (56'RW/36'CC) per City Standard Plan No. MVSI-107A-0. Watson Way shall include a cul de sac at its terminus with a minimum 28' radius 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 City Standard Plan No. MVSI-112C-0 for commercial driveway approach.
- TE4. The Cottonwood Avenue 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. If fire access Lot A located along the northern property boundary connecting to Bencliff Drive is proposed, then it shall include a turnaround to the satisfaction of the City Engineer.

- TE6. If fire access Lot B located along the northern property boundary connecting to Tacoma Street is proposed, then it shall include a turnaround to the satisfaction of the City Engineer.
- TE7. Interior streets shall be designed and constructed per City Standards or to the satisfaction of the City Engineer, consistent with Municipal Code Section 9.14.020 C.4. This may include but not be limited to street widths and structural sections, curb and gutter, knuckles, sidewalks, etc.
- TE8. 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**

- TE9. 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.
- TE10. 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.
- TE11. 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. MVS1-164A, B, C-0.

**PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL**

- TE12. (CO) Prior to issuance of a Certificate of Occupancy, all approved signing and striping shall be installed per current City Standards

**PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM**

- TE13. Prior to acceptance of streets into the City-maintained road system, all approved signing and striping shall be installed per current City Standards and the approved plans.

**CITY OF MORENO VALLEY  
CONDITIONS OF APPROVAL  
Case Nos.: PA14-0032 (TTM 34544 for detached condos)  
PA14-0033 (Conditional Use Permit)  
APN: 479-140-022**

**FINANCIAL & MANAGEMENT SERVICES DEPARTMENT**

**Special Districts Division**

**Acknowledgement of Conditions**

The following items are the Special Districts Division's Conditions of Approval for projects **PA14-0032 (TTM 34544 for detached condos)** and **PA14-0033 (Conditional Use Permit)**; 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**

- SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services District Zone A (Parks & Community Services) and Zone C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual parcel taxes for Zone A and Zone C for operations and capital improvements.
  
- SD-2 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.
  
- SD-3 The ongoing maintenance of any landscaping required to be installed behind the curb on **Cottonwood Avenue** and all lettered lots within the tract shall be the maintenance responsibility of the Home Owner's Association and/or property owner unless another condition is specifically called out by another Division.
  
- SD-4 Street Light Authorization forms for all street lights conditioned to be installed on public right-of-ways as part of this project must be submitted to the Special Districts Division for approval, prior to street light installation. The Street Light Authorization form can be obtained from the utility company providing electric service to the project, either Moreno Valley Utility or Southern California Edison.

**Prior to Recordation of Final Map**

- SD-5 (R) This project has been conditioned to provide a funding source for the continued maintenance, enhancement, and/or retrofit of parks, open spaces, linear parks, and/or trail systems. The Developer shall satisfy this condition with one of the options below. The Developer must notify the Special Districts Division of its selected financial option 90 days prior to City Council action authorizing recordation of the final map for the development to allow adequate time to be in compliance with the provisions of Articles 13C of the California Constitution.
- 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 costs, if any; or
  - b. Establish an endowment fund to cover future maintenance costs for new neighborhood parks.

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.

- SD-6 (R) This project has been identified to be included in the formation of a Community Facilities District for **Public Safety** services including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. If this District has been formed, 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 that may already be established. If the District has not been formed prior to the recordation of the final map, this condition will not apply. The Developer must contact the Special Districts Division at 951.413.3480 prior to its intent to record the final map for the development. If the District has been formed, the special election (mail ballot) process will need to occur 90 days prior to City Council action authorizing recordation of the map to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution. (California Government Code Section 53313 et. seq.)
- SD-7 (R) This project is conditioned to provide a funding source for the capital improvements, energy charges, and maintenance for residential street



lights installed in the public right-of-way and the Developer shall satisfy this condition with either option a or b below and for street lights installed on private streets, the Developer shall satisfy this condition with option c below. The Developer must contact the Special Districts Division at 951.413.3480 to notify of its selected financial option 90 days prior to City Council action authorizing recordation of the final map for the development to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution.

- a. Participate in a ballot proceeding for **street lighting** and pay all associated costs with the ballot process and formation costs, if any for residential street lights installed in the public right-of-way. Financing may be structured through a Community Services District zone, Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or
- b. Establish an endowment fund to cover future operation and maintenance costs for residential street lights installed in the public right-of-way.
- c. Projects with privately maintained streets, establish a Property Owner Association (POA) or Home Owner's Association (HOA) which will be responsible for any and all operation and maintenance costs associated with the street lights installed on private roadways. This does not apply to publicly accepted roadways.

The financial option selected shall be in place prior to the issuance of the first building permit.

- SD-8 (R) If this District has been formed, this project is conditioned 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 below. The Developer must contact the Special Districts Division at 951.413.340 to determine if the District will be formed prior to City Council action authorizing recordation of the final map and if so, select the financial option. Participation in a special election requires 90 days prior to City Council action authorizing recordation of the final map for the development to allow adequate time to be in compliance with the provisions of Article 13C of the California Constitution. If the District has not been formed, this condition will not apply.

- a. Participate in a special election for **maintenance/services** and pay all associated costs with the election process and formation costs, if any. Financing may be structured through a Community Facilities District, Landscape and Lighting Maintenance District, or other financing structure as determined by the City; or
- b. Establish an endowment fund to cover the future maintenance and/or service costs.

The financial option selected shall be in place prior to the issuance of the first building permit.

SD-9 *Residential (R)* If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the required continuous operation, maintenance, monitoring, system evaluations and enhancements, remediation and/or replacement, a funding source needs to be established. The Developer must notify the Special Districts Division of its selected financial option (see Land Development's related condition) 90 days prior to City Council action authorizing recordation of the final map for the development to allow adequate time to be in compliance with the provisions of Article 13D of the California Constitution. (California Health and Safety Code Sections 5473 through 5473.8 (Ord. 708 Section 3.1, 2006) & City of Moreno Valley Municipal Code Title 3, Section 3.50.050.)

#### **Prior to Building Permit Issuance**

SD-10 (BP) If this District has been formed, this project will be included in the Special District Map Act Area of Benefit for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. The Developer must notify the Special Districts Division of intent to request building permits 90 days prior to their issuance to determine whether the development will be subjected to this condition. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

Special Districts Division  
Conditions of Approval  
PA14-0032 (TTM 34544 for 70 condos)  
PA14-0033 (Conditional Use Permit)  
APN: 479-140-022  
Date: 1.5.15  
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- SD-11 (BP) Prior to the issuance of the first building permit for this project, the Developer shall pay Advanced Energy fees for all applicable Residential and Arterial Street Lights required for this development. Payment shall be made to the City of Moreno Valley and collected by the Land Development Division. Fees are based upon the Advanced Energy fee rate in place at the time of payment, as set forth in the current Listing of City Fees, Charges, and Rates adopted by City Council. The Developer shall provide a copy of the receipt to the Special Districts Division ([specialdistricts@moval.org](mailto:specialdistricts@moval.org)). Any change in the project which may increase the number of street lights to be installed will require payment of additional Advanced Energy fees at the then current fee.

**CITY OF MORENO VALLEY  
CONDITIONS OF APPROVAL FOR  
TTM 34544, Case No. PA 14-0032, PA14-0033**

**PARKS AND COMMUNITY SERVICES DEPARTMENT**

**Acknowledgement of Conditions**

The following items are Parks and Community Services Department Conditions of Approval for project TTM 34544, Case No. PA 14-0032, PA14-0033; this project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department regarding the conditions.

**PCS-1 SPECIFIC CONDITIONS OF APPROVAL**

Not Applicable

**PCS-2 Parks and Community Services Department  
Standard Conditions:**

Not Applicable

**PCS-3** (R) This project is required to supply a funding source for the continued maintenance, enhancement, and or retrofit of neighborhood parks, open spaces, linear parks, and/or trails systems. The Developer must notify Special Districts of intent to record the final map 70 days prior to recordation of the final map and the financial option selected to fund the continued maintenance. (California Government Code, GP Chapter 2.7)

**PCS-3b** (BP) This project is required to supply a funding source for the continued maintenance, enhancement, and or retrofit of neighborhood parks, open spaces, linear parks, and/or trails systems. The Developer must notify Special Districts of intent to request building permits 70 days prior to their issuance and the financial option selected to fund the continued maintenance. (California Government Code, GP Chapter 2.7)

**PCS-4** The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks and Community Services). All assessable parcels therein shall be subject to the annual Zone 'A' charge for operations and capital improvements. Proof of such shall be supplied to Parks and Community Services upon Final Map and at Building Permits.

**PCS-5** This project is subject to current Development Impact Fees.

**PCS-6** This project is subject to current Quimby Fees.

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January 20, 2015

Mr. Allen Brock  
Acting Community and Economic Development Director  
14177 Frederick Street  
Moreno Valley, CA 92552

Ms. Jane Halstead  
City Clerk  
14177 Frederick Street  
Moreno Valley, CA 92552

Subject: Appeal of Planning Commission Action of January 8, 2015  
Case Numbers PA14-0032 and PA14-0033, Tentative Tract Map 34544 and Concurrent Conditional Use Permit for Planned Unit Development

Mr. Brock and Ms. Halstead:

This letter is submitted in accordance with City of Moreno Valley Municipal Code Sections 9.02.240(A)(2), 9.02.240(B) and 9.14.050(G)(1) to appeal the actions taken by the City of Moreno Valley Planning Commission on January 8, 2015 relative to the referenced cases ("project") involving a proposed residential development on Cottonwood Avenue, generally between Perris Boulevard and Kitching Street. This appeal is submitted by residents of the established residential neighborhoods adjoining the subject site, including individuals who attended and participated in the December 11, 2014 and January 8, 2015 Planning Commission meetings, and who would be negatively affected by the project as conditionally approved by the Planning Commission.

The reasons for this appeal include, but may not be limited to:

1. Inadequate Disclosure and Characterization of the Nature of the Proposed Action
2. Inadequate Disclosure and Characterization of the Project Setting
3. Inadequate Disclosure and Analysis of Potential Environmental Consequences under the California Environmental Quality Act
4. Failure to Comply with Substantive Requirements for Public Notice
5. Failure to Comply with Provisions of the Subdivision Map Act
6. Failure to Comply with Provisions of the Moreno Valley General Plan and Municipal Code
7. Failure to Make All Required Approval Findings and Lack of Substantial Evidence to Support Findings
8. Irregularities in the Planning Commission Hearing

Additional detail regarding each of the reasons for appeal is provided in an enclosure to this letter.

The multitude of reasons for appeal detailed in this letter establish without question that the City Council must overturn the action of the Planning Commission. The appellants would not seek denial of the project, but would seek modifications to address General Plan and Municipal Code inconsistencies related to (1) access, (2) utilities, (3) fire safety, (4) perimeter walls and fences, and (5) compatibility along the north site boundary (as related to building scale, building mass and general layout). The changes the appellants seek would not substantially alter the project and would create a superior project for Frontier Communities and the City of Moreno Valley.

Notwithstanding the appellants desire to resolve the deficiencies with this project, there is a single factor which dictates that the City Council deny PA14-0032 and PA14-0033. A material fact in this matter, which was not disclosed, is that Tentative Tract Map 34544 as conditionally approved by the Planning Commission on January 8, 2015 under Case PA14-0032 is a revision of Tentative Tract Map 34544 as conditionally approved by the Planning Commission on April 24, 2008 under City of Moreno Valley Case PA06-0055.



Moreno Valley Municipal Code Sections 9.14.080(A)(1) and 9.15.030 (definition of "Revised tentative map"), establish the ground rules for processing revisions to approved tentative tract maps, with a qualifying requirement for "no substantial change in concept" from the original approved tentative tract map.

Tentative Tract Map 34544 as conditionally approved by the Planning Commission on January 8, 2015 is a "substantial change in concept" from Tentative Tract Map 34544 as conditionally approved on April 24, 2008. Substantial differences in concept between the current and previously-approved tentative tract maps are readily apparent (exhibit of 2008 approved map from City file enclosed) and include:

- The revised map conditionally approved on January 8, 2015 eliminates a second public street connection at Watson Way<sup>1</sup> (which also substantially alters established pedestrian movement patterns).
- The revised map conditionally-approved on January 8, 2015 eliminates hammerhead turnarounds at the termini of Bencliff Avenue and Tacoma Drive
- The revised map conditionally-approved on January 8, 2015 reflects a substantially altered interface along the north site boundary that no longer respects, and that is not compatible with, the existing adjoining residential development
- The revised map conditionally-approved on January 8, 2015 establishes a substantially different residential product type.

Unless the project as presently proposed is revised to eliminate the "substantial change in concept" from the April 24, 2008 approved tentative tract map, the City Council has no discretion to take an action other than denial of Cases PA14-0032 and PA14-0033. A new entitlement process, with a new tentative tract map number, and withdrawal of the tentative tract map approved under PA06-0055, is required before the City may consider approval of a project similar to that improperly conditionally approved by the Planning Commission on January 8, 2015. Concurrent processing of a change of zone application would also be required, as detailed in the Supplemental Information enclosure (see discussion of Municipal Code Section 9.03.020(H)).

The appellants are aware Mayor Molina has exercised the authority under Municipal Code Sections 9.02.200(E) and 9.14.050(F)(2) to assume jurisdiction of this project, which revokes the Planning Commission action and initiates a new notice and hearing process before the City Council. While the appellants understand this provides the opportunity to comment once again on the project, the history of this neighborhood being dismissed, ignored and rebuffed by City staff, the Planning Commission and the City Council makes the appellants necessarily doubtful that the neighbors will be granted a legitimate voice in the process. This appeal is being filed to ensure the residents a substantial voice as the applicant for the appeal.

Appellants are amenable to concurrent processing of this appeal with the City Council assumption of jurisdiction. Appellants are hopeful Frontier Communities will act as a responsible corporate citizen by agreeing to a reasonable continuance of the mandated appeal processing timeframes so that the numerous substantive problems with the project record and the project design raised in this appeal may be fully, and cooperatively, addressed. Appellants implore City staff and Frontier Communities to meet with the neighbors before the City decides the course of action for this appeal.

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<sup>1</sup> The residents of Watson Way and Birchwood Drive support this change to the project as previously approved under PA06-0055. However, this does not alter the fact that this substantial change may not be approved without filing of a new tentative map.

January 20, 2015  
Mr. Allen Brock and Ms. Jane Halstead  
Appeal of Planning Commission Action of January 8, 2015  
Cases PA14-0032 and PA14-0033  
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The City's complete and utter failure to uphold the General Plan and the Municipal Code, as evident in the number and severity of irregularities with the project record and the project design, leaves appellants no option other than to pursue this appeal to compel protection of the public health, safety and welfare. The City should acknowledge the serious procedural error in processing this substantial revision to an approved tentative tract map and refund the appellants' filing fee.

Respectfully submitted,



Juan Villa, 13372 Bencliff Avenue, on behalf of additional participating residents



Jeri Roberts, 13362 Tacoma Drive, on behalf of additional participating residents

Encs Supplemental Information Regarding Reasons for Appeal  
Approved Tentative Tract Map 34544 (Case PA06-0055 and related CUP, PA06-0056)  
Roster of Additional Participating Residents (additional signatures may be gathered and submitted)  
Filing Fee (\$750)

We the undersigned residents of Birchwood Drive, Watson Way, Bencliff Avenue and Tacoma Street in the City of Moreno Valley support, and join, the appeal of the Planning Commission action regarding the residential development approved on January 8, 2015 as Cases PA14-0032 and PA14-0033.

| Name                 | Address                                  |
|----------------------|--|
| JUAN C CORONA ✓      | 13318 TACOMA DR - MORENO VALLEY CA 92553 |
| PAULINO BARRAZA ✓    | 13372 TACOMA DR MORENO VALLEY CA-92553   |
| Pedro Morelos ✓      | 13338 Tacoma Dr Moreno Valley CA 92553   |
| Maria Morelos ✓      | 13349 Tacoma Dr - Moreno Valley 92553    |
| Maria Vazquez        | 13371 Tacoma Dr Moreno Valley 92553      |
| Emmanuel Vazquez     | 13371 Tacoma DR MOUALL                   |
| Gustavo Jacobo ✓     | 13349 Tacoma Private Moreno Valley       |
| Erika Moya Olivera ✓ | 13349 Tacoma DR Moreno Valley 92553      |
| Janie Frathers ✓     | 13315 TACOMA - 13337 TACOMA              |
| William Bradford     | 13298 TACOMA DR                          |
| Rogelio Ramirez      | 13372 Tacoma dr Moreno Valley CA 92553   |
| Maria Ramirez        | 13372 Tacoma dr Moreno Valley CA 92553   |
| Hector Gradilla      | 13308 Tacoma, dr Moreno Valley CA 92553  |
| Rosa Suarez          | 13301 Tacoma Dr Moreno Valley CA         |
| Jeri Roberts ✓       | 13362 Tacoma Dr Moreno Valley CA 92553   |
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Enclosure to 1/20/15 Appeal Letter  
**Item No. E.2**



1. Inadequate Disclosure and Characterization of the Nature of the Proposed Actions - including but not limited to:
  - a. the material fact that the subdivision action is a Revised Tentative Tract Map.
  - b. inconsistent characterization and treatment of the project as single-family residential versus multiple-family residential (related discussion in point 6.d, below).
2. Inadequate Disclosure and Characterization of the Project Setting - including but not limited to:
  - a. the local circulation system (both vehicular and pedestrian). Of particular concern to appellants is the omission of consideration of Municipal Code requirements requiring proper termination of Bencliff Avenue and Tacoma Drive (related discussion in point 6.l.v, below) and existing pedestrian movement patterns between Watson Way and Cottonwood Avenue.
  - b. existing utility and service facilities and operations. Again, concerns are primarily related to existing Bencliff Avenue and Tacoma Drive and Municipal Code requirements for proper termination (related discussion in point 6.l.v, below). Further, project exhibits do not depict existing sewer, water, electricity and storm drain improvements, or the intended disposition or protection of same. A clear depiction of existing improvements and identification of their disposition/protection is essential to assessment of the potential impacts and consequences of the proposed development.
  - c. biological resources. Field observation indicates a riparian stream feature (defined bed and bank, damp, with riparian vegetation) emanating from Watson Way and extending to the existing Flood Control inlet along the Cottonwood Avenue frontage. Isolated patches of riparian vegetation also exist in the vicinity of the berms that have been illegally established within the north project limits at the termini of Bencliff Avenue and Tacoma Drive. These conditions were overlooked or mischaracterized in the December 2014 burrowing owl assessment.
  - d. hazardous conditions. The staff report and initial study ignore the obvious presence of above ground fuel tanks and non-conforming industrial uses immediately opposite the project site on the south side of Cottonwood Avenue. Establishment sensitive uses, such as residential, in proximity to such hazards requires, at a minimum, acknowledgement of the condition and a screening analysis to determine the potential for adverse effects on future residents. Staff and the Planning Commission were advised of the accepted HUD methodology for evaluating the hazard from above ground tanks<sup>1</sup> during the course of the January 8, 2015 public hearing and were also requested by one of the public speakers to establish a project condition for disclosure regarding the non-conforming industrial use. Both public comments were ignored.
3. Inadequate Disclosure and Analysis of Potential Environmental Consequences under the California Environmental Quality Act - including but not limited to:
  - a. Aesthetics – failure to address potential to substantially degrade the existing visual character of the project surroundings (checklist item 1c) as a result of the incompatible building mass and scale proposed along the north site boundary adjacent to

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<sup>1</sup> "Barrier Design Guidance for HUD Assisted Projects Near Hazardous Facilities" Guidebook 6600.G



Supplemental Information Regarding Reasons for Appeal  
January 20, 2015 Appeal Letter for  
Cases PA14-0032 and PA14-0033

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- substantially more modest, single-story residences in the existing adjoining neighborhood.
- b. Air quality – the initial study discussion of checklist item III.d concludes that impacts will be less than significant with mitigation; however, no mitigation is identified. This discrepancy must be resolved.
  - c. Air quality – the proposed project entails a substantial amount of grading, including 46,000 cubic yards of overexcavation, and 19,500 cubic yards of import (approximately 1,200 to 2,450 truck loads of dirt). The analysis of air quality impacts in the initial study as circulated for public review concludes that the project is below screening thresholds. The cited Air Quality Handbook is obsolete and guidance readily available on the South Coast Air Quality Management District website advises local agencies to no longer rely upon the screening tables in the obsolete handbook ([http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993))). The indicated scale of construction activity warrants modeling to evaluate potential construction-period emissions, both on-site and off-site (along truck haul routes). Air quality analysis should address impacts with respect to both regional and localized significance thresholds.
  - d. Biological resources – checklist items IV.a, IV.b, and IV.c misrepresent existing conditions with respect to riparian resources, stream features, and potential wetlands. A biological assessment of the existing channel along the south end of the west site boundary and the isolated riparian patches in the northern project limits is required to characterize the resources present and to assess the associated impacts. If riparian resources on the site are determined to be protected under the Western Riverside County Multiple Species Habitat Conservation Plan, the existing resource characterization and associated impacts must be addressed under checklist items IV.e and IV.f.
  - e. Hazards and hazardous materials – failure to address the potential exposure to explosion and fire hazard (checklist items VIII.a and VIII.b) due to project proximity to existing above-ground petroleum fuel tanks at County maintenance facility on Cottonwood Avenue opposite the project site.
  - f. Hydrology and water quality – the preliminary drainage plan submitted for PA14-0032 and PA14-0033 (on file with the Land Development Department) fails to acknowledge and address tributary drainage flows from Tacoma Drive and Bencliff Avenue. Berms were constructed on the north limits of the project site (by the property owner or agents for the property owner), allegedly to curtail illegal dumping activity (there is a record of multiple Code Enforcement notices for same). Residents of Tacoma Drive observed the berms being reconstructed and raised in Summer 2014. While questionably effective in curtailing dumping (as evidenced by current conditions on the project site) these berms have blocked the natural flow of drainage from Bencliff Avenue and Tacoma Drive and upstream tributary areas, and have created flooding and ponding problems impacting the roads and the residences. The initial study discussion



of item IX.d<sup>2</sup> must be revised to acknowledge existing conditions, disclose proposed improvements, and identify associated impacts and required mitigation, if any.

- g. Land use/planning – checklist item X.a addresses physical disruption of established communities. There is an established pedestrian connection between Cottonwood Avenue and Watson Way that appears on readily-available aerial photographs dating back to 2002 and which was protected in approximately 2008 by installation of culverts and fill along the Cottonwood Avenue frontage. The proposed project design in this area appears to eliminate this pedestrian route, severing the existing pedestrian route between the neighborhood and the nearby church, commercial area and school. The initial study must address the impacts to this pedestrian route and evaluate the associated changes in pedestrian circulation and community interaction.
- h. Land use/planning – the issues related to riparian resources and the Western Riverside County Multiple Species Habitat Conservation Plan noted under biological resources above are also relevant to checklist items X.b and X.c.
- i. Public services – the project as approved and conditioned does not consider required access for fire protection for existing Bencliff Avenue and Tacoma Drive outside the project limits (unless the proponent chooses to take emergency access at these locations and all indications at the hearing is that they have no intent to do so). Inasmuch as the project proponent has elected not to complete the logical street pattern in this area, the project is obliged to provide for proper termination of these existing streets (in accordance with Municipal Code Section 9.14.020(B)(10)). Regardless of their status as public or private streets, these streets are the sole means of access for fire access and resident evacuation. Initial study checklist item XIV.a must address this circumstance, identify the potential impacts and recommend appropriate mitigation (appellants suggest the following project modifications/mitigation in order of effectiveness/preference: (1) connection of Tacoma and Bencliff in a horseshoe configuration, or by connection to Patricia Avenue, (2) establishment of cul-de-sacs outside the project gates (as required for Watson Way), and (3) establishment of hammerhead turnarounds outside the project gates (as required for Tentative Tract Map 34544 as approved under PA06-055/0056). Appellants are mystified as to why staff, the applicant and the Planning Commission were so focused on resolution to the benefit of residents on Birchwood Drive and Watson Way, but dismissive of the same circumstances on Tacoma Drive and Bencliff Avenue.
- j. Public services – project impacts and potential project modifications/mitigation related to access for school bus service on Bencliff Avenue and Tacoma Drive (under checklist item XIV.d) is similar to that noted above for fire service.
- k. Transportation/traffic – issues related to emergency access under item XVI.e are the same as noted above for fire services under point i.
- l. Mandatory findings of significance - the proposed project as designed and conditioned would turn its back on the existing residential neighborhoods to the north on Tacoma

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<sup>2</sup> The language for this checklist item question has been altered in the initial study as circulated for public review. The applicable language based upon Appendix G of the State CEQA Handbook is directed at addressing drainage pattern alterations that would result in flooding, on- or off-site.

Drive and Bencliff Avenue, precluding any opportunity to complete the logical street pattern envisioned at the time the existing street sections were established in the late 1950s, and overlooking the project obligation to provide logical termination of these existing streets. The resulting permanently compromised access presents the potential for adverse effects on residents of these streets as noted above with respect to public services and transportation/traffic. Checklist item XVIII.c should recognize and address this potential impact. The recommended project modifications/mitigation noted under discussion of public services for fire protection access are also applicable to this potential impact.

4. Failure to Comply with Substantive Requirements for Public Notice - including but not limited to:
  - a. Property Posting – the property was posted for the December 11, 2014 meeting along the Cottonwood Avenue frontage. Residents most affected by the proposed development take access to the north on Dracaea Avenue and would have no reasonable likelihood of seeing this notice. While the staff report states the site was posted for the January 8, 2014 meeting as well, there was no evidence of posted notice on January 6<sup>th</sup>. Appellants respectfully request that the notice for any future hearings is posted at the ends of Tacoma Drive, Bencliff Avenue, Watson Way and along Patricia Street/Drake Drive so that the intent of this public notification requirement is met for the affected adjoining neighbors
  - b. Direct Mailing - Regarding mailed notice, the standard 300-foot radius excluded nine residents at the north end of Birchwood Drive and 13 residents at the north ends of Tacoma Drive and Bencliff Avenue. Considering the enormity of the consequences of this project for the public health and safety and peaceful enjoyment of the established neighborhoods west and north of the site, the Planning Official should exercise his discretion to extend the notice boundaries to include these substantially affected properties. Appellants respectfully request that the notice for any future hearings be so extended. It is also requested that when a mailing addresses is to an absentee owner that a notice is also sent to the site address. This circumstance is limited in this case because approximately 90 percent of the homes receiving direct mail for the previous notices are owner-occupied, however, this small gesture will ensure outreach to all affected neighbors.
  - c. Timing of availability and content of written materials supporting the December 11, 2014 Planning Commission Meeting – while the notice sent in early December advising neighbors of the December 11, 2014 meeting inferred that materials were available for public inspection, in fact Frontier Communities had not submitted plans and when the agenda was finally posted, all that was made available for public review was a brief continuance memorandum. There was no basis for a public hearing or substantive discussion at that meeting.
  - d. Timing of availability and content of written materials supporting the January 8, 2015 public hearings – while the applicant was aware of the continuance on December 11, 2014 and successfully argued for a change in the continuance date from January 22<sup>nd</sup> to January 8<sup>th</sup>, matters were once again rushed and submittals by Frontier Communities and analysis by staff meant that the staff report and supporting materials for the January 8<sup>th</sup> meeting were not posted for public access until the afternoon on January 6<sup>th</sup>.

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This leaves little time for laypersons to download and digest 150 pages of report materials. Further the scale and legibility of posted plans makes them essentially worthless. For an average citizen to gain an understanding of the materials, formulate any questions, and get into City hall to get them answered, the only legitimate opportunity to do so would have been on Thursday, if they could get off work to do so. And then, on top of all of that, City staff entered the Council Chambers a few minutes before the hearing started with approximately 100 pages of supplemental materials and Frontier Homes spent a significant amount of time addressing several pages of changes to the conditions of approval. It was essentially impossible for the public to understand or follow the hearing.

5. Failure to Comply with Provisions of the Subdivision Map Act - specifically:
  - a. failure to maintain substantial conformance with approved Tentative Tract Map 34544 (as approved in April 2008 under cases PA06-0055 and related CUP PA06-0056) or process this project as a new tentative tract map.
6. Failure to Comply with Provisions of the Moreno Valley General Plan and Municipal Code - including but not limited to:
  - a. General Plan Objective 2.3 and associated Policies 2.3.1, 2.3.2, 2.3.3 and 2.3.4 regarding sense of community and neighborhood design. Project exhibits depict indistinguishable building footprints for the purported three residence models placed in cookie-cutter fashion upon the project site. The mass, scale, architectural style and general project layout entirely discounts and disrespects the existing neighborhood, particularly along the west and north site boundaries.
  - b. General Plan Objective 2.10 and related policies 2.10.1, 2.10.4, and 2.10.9 intended to ensure that development within the City yields a pleasant living environment for existing and future residents. The mass, scale, architectural style and general project layout entirely discounts and disrespects the existing neighborhood, particularly along the west and north site boundaries, and would clearly diminish the living environment of the existing adjoining neighborhood, particularly for the existing homes at the southern ends of Bencliff Avenue and Tacoma Drive.
  - c. General Plan Objective 2.14 and related Policy 2.14.3 establishing a requirement to review development projects for their impacts on public services and facilities. Notwithstanding the conditions that have existed in the neighborhoods along Tacoma Drive, Bencliff Avenue, Birchwood Drive and Watson Way for decades, the termination of these streets in their current configuration contemplated their extension through the adjoining property with a connection to Cottonwood Avenue (this design is depicted by drawing on an exhibit in the Preliminary Drainage Report on file in the Public Works Department, Land Development Division). Inasmuch as the project proponent is electing to preclude completion of the intended neighborhood design, it is their obligation to provide, and the City's obligation to ensure, logical termination of these existing streets in a manner that provides for long-term functioning of the various public service entities (including police, fire, utilities, waste management, postal service, and school transportation). The neighbors have suggested three options for doing so, in order of preference in the discussion of item 3.i, above.

The following additional General Plan goals objectives and policies are also relevant to this issue regarding the circulation, public safety and public services consequences of the proposed project:

- General Plan Goal 5.1, related Objective 5.1 and related policies 5.1.1 and 5.1.6 related to maintenance of safe and adequate transportation improvements to support planned land uses, taking into consideration emergency and public service access needs and opportunities for access to adjacent developments.
- General Plan Policy 5.5.8 requiring private and public and developments to provide on-site and off-site improvements to mitigate any development-generated circulation impacts.
- General Plan Policy 5.8.4 requiring developments to make adequate provisions for school bus service
- General Plan Policies 6.16.2 and 6.16.3 (design of urbanized areas with accepted safety, including mitigation of existing hazards and provision of adequate emergency ingress/egress).

While considerable attention was directed to this issue during the January 8, 2015 Planning Commission hearing with respect to the future residents of the proposed development and the existing residents on Watson Way and Birchwood Drive, the needs and rights of residents of Bencliff Avenue and Tacoma Drive were dismissed and rebuffed. Also, the conditions of approval regarding required improvements at the terminus of Watson Way are internally inconsistent – there is no clear indication or assurance as to project improvements at this location. The residents of Watson Way and Birchwood Drive left the Planning Commission meeting understanding their street would be terminated as a 28-foot-radius cul-de-sac.

- d. General Plan Objective 5.12, Policy 5.12.1 and Policy 7.5.2 regarding circulation planning, pedestrian routes between neighborhood and schools, and general encouragement of energy efficient modes of transportation (including walking). There is an existing pedestrian route from the terminus of Watson Way to Cottonwood Avenue that is likely used as the walking route for students attending nearby Butterfield Elementary School. Changes to this established route with the proposed gated communities will require a much longer and more circuitous route. Consideration of established pedestrian circulation patterns for the entire community, not just the project site, is required to demonstrate compliance with this general plan provision.
- e. General Plan Objective 6.2 and Policy 6.2.4 regarding project design to minimize potential for loss of life, physical injury and property damage due to flooding, including design and construction of street and storm drain improvements to accommodate 10-year and 100-year storms. The preliminary drainage study submitted in support of the subject cases is silent to tributary flows from Tacoma Drive and Bencliff Avenue. Residents on these streets are subjected to flooding with every rain event due to illegal grading on the subject property which blocks natural drainage patterns. The project record is silent to facilities potentially required to accommodate drainage along the north site boundary. It is not possible with the information available to know whether



required improvements would require adjustments to the project layout that may affect the unit yield or the nature of such improvements and potential impacts upon adjoining properties. A revised preliminary drainage plan is required before a decision is taken to approve the proposed development.

- f. General Plan Objective 6.9 and related Policy 6.9.3 regarding reduction of risk and fear of crime through incorporation of defensible space concepts, including consideration of the configuration of lots, fences and walls. The proposed development does not embody the intent of this policy, particularly considering the “rear to side” interface at the north site boundary, and the ambiguities and inconsistencies in the proposed plans and conditions of approval regarding disposition of overhead utility lines and fence/wall placement on the west and north boundaries. This city is replete with examples of creative interpretation of conditions at the plan check stage where walls are pulled off the property line to avoid relocation of overhead power lines and the finished condition creates a “no man’s land” between two walls or fences that becomes an eyesore and an attractive nuisance for criminal activity (visit the apartments north of the homes fronting Filaree Avenue east of Perris Boulevard for an example of this situation).
- g. General Plan Objective 6.10 and Policy 6.10.1 regarding protection of life and property from effects of use of hazardous materials and waste and land use approval consistency with the adopted Hazardous Waste Management Plan. The initial study makes brief reference to the Hazardous Waste Management Plan but is silent to any siting criteria or other applicable provisions (discussion under checklist items VIII.g and VIII.h is limited to brief mention of provisions related to emergency response). The current record does not adequately address potential hazards associated with the above-ground fuel tanks and non-conforming industrial uses on the south side of Cottonwood Avenue opposite the project site.
- h. General Plan Objective 6.16 and related policies 6.16.2 and 6.16.3 as related to design and planning consistent with accepted safety standards and practices. The policies address systematic mitigation of hazards related to existing development and ensuring adequate emergency ingress and egress is provided for each development. The project shortcomings in this regard are well established throughout this document.
- i. General Plan Objective 7.5 and policies 7.5.1 and 7.5.5 encouraging efficient use of energy resources and building, site design and landscaping to accommodate passive heating and cooling and use of solar power. The proposed building design and placement along the north site boundary will essentially preclude opportunities for passive solar heating or use of solar power for the existing homes at the end of existing Bencliff Avenue and Tacoma Drive. The project record is silent to this issue.
- j. Municipal Code Section 1.10.040(D) by failing to take into consideration the Notice of Violation and associated City lien against the subject property as noted in the Title Report submitted in support of this application.
- k. Municipal Code Sections 9.02.020 (Permitted uses) and 9.03.030 (Use regulations for residential districts), as to characterization of the project as a single-family use which is clearly NOT permitted in the Residential 10 (R10) Zone.
- l. Municipal Code Section 9.03.020(H) [Primary purpose of Residential 10 District] which is for “development of attached residential dwelling units, as well as mobile home parks”.

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The Moreno Valley Municipal Code only authorizes variances from development standards [Section 9.02.100(B)] and parking standards [Section 9.02.100(D)]. The statement in the Planning Commission staff report (first full paragraph on page 3) that detached product types are permitted with a Planned Unit Development (PUD) is simply incorrect (also see Municipal Code Section 9.03.060(F) (Planned Unit Developments, Permitted Uses and Density). The project as conditionally-approved by the Planning Commission is an illegal use variance (California Government Code Section 65906). The Residential Single-Family 10 zoning district (RS10) [Municipal Code Section 9.03.020(H)] is intended for detached residential units on small lots. A rezoning to RS10 is required if the City intends to approve a project of the design proposed under PA14-0032/0033.

- m. Municipal Code Section 9.03.040(F)(1) – see point 6.h. below.
- n. Municipal Code Section 9.03.040(F)(3) establishes provisions related to placement, screening and noise from air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices. The limited depth of the “rear yard” use areas for the individual units along the north and east site boundaries, as well as the limited effective side yard areas, substantially restrict options for placement of such equipment (the PUD document prohibits placement on roofs) and suggest that compliance with this Municipal Code provision may not be feasible. Further detail regarding this aspect of project design or modification of the unit layout along the north and east boundaries is required.
- o. Municipal Code Section 9.03.040(F)(5) requires that a minimum of 35 percent of net site area, exclusive of private patio and yard areas is landscaped (applies in among others, the R10 zoning district). The staff report, including attached resolutions, plans and PUD document do not appear to address this standard. It is also noted that landscaping standards are not identified as eligible for deviation under Municipal Code Section 9.03.060(G).
- p. Municipal Code Section 9.03.040(F)(6) requires “a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width” where a multiple-family project abuts property in a single-family district. This requirement has not been reflected in the project as proposed or conditioned.
- q. Municipal Code Section 9.03.060 (Planned unit developments) identifies 5 bases for approval of a Planned Unit Development. The subject project and location is potentially eligible only under the purpose stated in Section 9.03.060(A), which is “greater innovation in housing development and diversity of housing choices than would otherwise be possible according to the strict application of site development regulations contained in this title. The project staff report and attached approval resolutions are silent to, inconsistent regarding, and inadequate with respect to substantial evidence to support the applicability of the Planned Unit Development provisions for this project (Municipal Code Section 9.03.060(B) – “This section shall only apply where warranted to advance one or more of the purposes listed in subsection A). One example in this regard is the purported “walkable community” noted in Finding 4 on page 2 of Resolution 2015-01. The facts are contrary to this conclusory statement – the Planned Unit Development guidelines as approved depict sidewalks on only one side of the street, the project proponent vigorously argued for relaxation of the sidewalk



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requirements on the internal streets during the January 8<sup>th</sup> Planning Commission meeting (the project record is unclear as to the resolution of this matter – compare PUD Guidelines to Condition of Approval TE7), and the project design will eliminate a well-used neighborhood pedestrian route from Watson Way (which is not addressed at all in the project record and which the City appears to have had a role in establishing and perpetuating as evidenced by the culverts and fill on Cottonwood Avenue near the southwest property corner).

As noted in the point 6.d, above, related to Municipal Code Section 9.03.020(H), the RS10 zone provides for exactly the type of development proposed, accordingly, there is no need to grant deviations from the development standards of the R10 zone to achieve the purported “innovations” this project offers.

Further, the housing inventory in Moreno Valley includes thousands of detached single-family homes on small lots, as a vestige of the R6 zoning thrust upon our community by the County of Riverside in the early 1980s. These existing developments are readily identifiable in aerial photographs, including in the area around Moreno Valley High School, along Heacock Avenue and Indian Street south of Cactus Avenue, at Ironwood Avenue and Graham Street, along Heacock Street at Parkland Avenue, along Kitching Street between Alessandro Boulevard and Cottonwood Avenue, and along Lasselle Street between Cottonwood and Fir Avenues). Relaxation of development standards under the Planned Unit Development provisions is not needed to provide diversity in the housing stock for this type of housing product. It is also interesting to note that the City has consistently applied the RS10 zone to these existing developments (consistent with the point made under preceding item d.

- r. Municipal Code Section 9.06.030(G) (Planned Unit Developments, Deviations from Site Development Standards) allows deviation “from site development standards set forth in the applicable zoning district regarding lot area, lot dimensions, lot coverage, setbacks and building height.” This section of the Municipal Code also provides that: “Any such deviations shall be to the minimum degree necessary to achieve one of more of the stated purposes listed in subsection A.” While appellants provide extensive documentation herein that the project as proposed does not qualify for use of the Planned Unit Development provisions of the City Municipal Code, for sake of addressing further irregularities of the project review process, applicability of Section 9.06.030(G) is addressed.

The primary project design element of concern to the residents regarding application of Municipal Code Section 9.06.030(G) is the project interface along the north project limit. Municipal Code Section 9.03.040(F)(a) requires that buildings exceeding one story in height must maintain a setback of fifty feet from any single-family district. The zoning exhibit presented as Attachment 5 of the January 8, 2015 staff report clearly identifies the surrounding residential neighborhoods to the west, north and east as within the R5 zoning district, which is a single-family district within the meaning of Municipal Code Section 9.03.040(F)(a).

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The project design includes only two-story buildings and substantially deviates from the required 50-foot setback along the north site boundary (affects Units 1 through 11) and along the east site boundary (affects Units 14 through 19). The staff report and approval resolutions (1) do not disclose any relaxation of this standard as part of the Planned Unit Development, and (2) do not establish any substantiation that relaxation of this standard meets the test of being the minimum necessary to achieve one of the qualifying the PUD purposes. This point was raised with Planning staff in a visit to the Planning Department on January 6<sup>th</sup> and with the project proponent, Commissioners, and Planning staff again before and during the January 8<sup>th</sup> Planning Commission hearing. The project proponent feigned ignorance of this requirement (which is known to be disingenuous as the 50-foot setback standard was documented in the pre-application review for this project under Case P14-043 (Comment P13 in May 13, 2014 minutes) and the staff report for the April 24, 2008 prior approval of Tentative Tract Map 34544 and related planned unit development under Cases PA06-0055/0066 clearly addresses the applicability of this standard. The Planning Official rudely ignored and rebuffed comments in this regard during the public hearing, peering over his shoulder toward the audience and stating "we addressed that" without even reiterating the numerous substantive concerns embodied in "that".

Two additional R10 site development standards (Municipal Code Table 9.03.040-7) for which deviations appear to be granted under the PUD, also without disclosure or substantiation, are the maximum lot coverage and the minimum distance between buildings. Deviations from these standards influence the incongruous building massing and placement along the north site boundary that is clearly not "compatible" with the modest, single-story homes in the adjoining neighborhood to the north.

- s. Municipal Code Section 9.06.030(H) (Planned Unit Developments, Conditions of Approval) stipulates requirements of the project conditions of approval, including minimum lot area and dimensions; maximum floor area covered by buildings; minimum front, side and rear setbacks; height, size, location and design of all proposed buildings, common areas, walls and other improvements, and the method of maintaining all common areas an improvements. This section further provides that: "The setbacks around the exterior of the planned unit development shall be compatible with any adjacent residential developments. This level of detail is required in return for being granted concessions to the development standards and distinguishes the PUD from a typical tentative tract map for residential development (as staff and the project proponent suggest they have done with the numerous project details that are conditioned, inconsistently depicted, or absent from the approval record).

First, the conditions of approval are simply deficient in addressing all the required elements in accordance with Municipal Code Section 9.06.030(H). There are numerous inconsistencies within, and between, the project exhibits and the conditions of approval such that it is unclear what was approved. Established City practices will leave clarification of these inconsistencies to City staff and the developer, with no opportunity

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for public involvement or public knowledge of the resolution until the project is under construction and it is too late to correct what is certain to be further misapplications of Municipal Code requirements. Examples of concern to the residents include: fence/wall treatments at Lots A and B; turnaround provisions at Lot A, Lot B and Watson Way; architectural details for proposed residences (see pages III-16 through III-21 of the Planned Unit Development document posted as Attachment 8 of the January 8, 2015 Planning Commission staff report which indicates patio covers depicted on the drawings will only be provided for lots backing to Adams Street); wall placement along the west and north site boundaries (concern with placement of wall off property line to avoid conflict with existing property line utility poles and creation of no man's land gap as has occurred at other locations within the City).

Second, the staff report and approval resolutions are silent as to any discussion of the exterior setbacks being compatible with adjacent residential development. The term "compatible" is defined in Municipal Code Section 9.15.030 as follows:

1. The term "compatible" means capable of coexisting in harmony or without significant conflict. A compatible land use will not cause a significant detriment to the use, economic value, habitability and enjoyment of residents, owners, workers, and/or patrons of any land uses in the surrounding and adjacent area. In terms of building design, compatible means consistent in harmony with existing and planned development.
2. Element to be considered in the evaluation of compatibility include, without limitation by this enumeration, style, mass, bulk, size, use, occupancy, improvements, character, scale, texture, color and other principles of design described in the city of Moreno Valley design guidelines.

Municipal Code Section 9.16.120 provides further guidance regarding compatible design principles, including:

- i. Setbacks from adjacent properties relating to the scale of the proposed structure, with larger structures requiring more setback [9.16.120(A)(1)]. The homes in the existing neighborhood to the north are all single story and range from 900 square feet of living space to approximately 1,200 square feet of living space (this information was obtained from the case file as part of the Title Company submittal for the direct mail notice). In contrast, the proposed homes are all two story in height with just over double the living space of the existing adjoining homes. A setback more in keeping with the 50 feet required under Municipal Code Section 9.03.040(F)(1) is clearly warranted. Alternately, the project proponent could propose a smaller, one-story product type [Setback in this case under 9.03.040(F)(1) is 20 feet]
- ii. Building mass and scale in proper proportion to, among other things, surrounding developments [9.16.120(A)(8)]. The points noted immediately above regarding the comparative scale of the existing and proposed development and potential solutions are also applicable to this Code provision.

- iii. Building design and siting should be compatible with surrounding land uses [9.16.120(A)(11)]. Design issues are addressed under i and ii, above. Building siting creates conflicts by placing the rear yards of the proposed new development along the side yards of the existing homes at the terminus of Bencliff Avenue and Tacoma Drive to the north. As was pointed out during the Planning Commission public hearing, with Mr. Villas home as an example, his one-story, 868 square-foot house would be bordered by three two-story structures (Units 3,4 and 5) that would establish and imposing wall of stucco with two small 10-foot breaks, a mere 15 feet off his property line. Appellants are confident is stating that there is not a single City planner, Planning Commissioner, or City Councilmember who, if being honest, would not vociferously object to such an imposition on their existing home.
  - iv. Building architecture should be compatible with surrounding existing architectural character [9.16.120(A)(12)]. There is no need to elaborate further on this issue. A simple visit to the project site shows that the proposed architecture is entirely out of character with the existing neighborhood to the north. Revised architectural treatments for this interface, and adjustments in layout and setbacks are necessary to comply with this Code provision.
  - v. To facilitate compatibility in massing and scale, two-story buildings adjacent to one-story buildings should contain a one-story element or intermediate roof treatment, or have an appropriate setback from the one story building [9.16.120(A)(25)]. Concerns regarding compliance with this Code provision are the same as noted in point 1, above
- t. Municipal Code Section 9.14.020 regarding standards of land division, including:
- i. Documentation of Exceptions in accordance with Section 9.14.020(A)(3) and 9.14.020(A)(4) (for instance regarding requirement for secondary access)
  - ii. Street system design relationship to existing streets in surrounding area [9.14.020(B)(2)].
  - iii. Street system design with respect to use of abutting land [9.14.020(B)(3)]
  - iv. Requirements for secondary access [9.14.020(B)(9)]. Commissioner Lowell directed this question to staff numerous times during the January 8, 2015 hearing and never received an appropriate response.
  - v. Requirements for proper termination of dead-end streets when adjacent land use precludes extension or widening [9.14.020(B)(10)]. While the City appears to be narrowly applying this requirement to new improvements proposed within the subject tentative tract map, this requirement is equally applicable to the preclusion of safe and logical termination of existing Bencliff Avenue and Tacoma Drive as a result of the layout of the proposed development.
  - vi.
- u. Municipal Code Section 9.14.040 regarding depiction and verification of required information for a tentative subdivision map, including:
- i. Name, address and telephone number of land owner [(9.14.040(A)(1)(c)]
  - ii. Ownership information on additional contiguous ownership [(9.14.040(A)(1)(c)]

- iii. Names and locations of adjacent transmission lines, pipelines, sewers and existing structures, both above and below ground, particularly as related to existing overhead power lines, water lines and appurtenances, and sewer lines and appurtenances serving existing homes on Bencliff Avenue, Tacoma Drive, Birchwood Drive and Watson Way, but also as related to the existing high-pressure gas line along the Cottonwood frontage [(9.14.040(A)(1)(f)]
  - iv. Location of water courses, channel, and drain pipes as related to the surface channel emanating from Watson Way and the existing buried storm drain along the Cottonwood Avenue frontage (and perhaps east site boundary) [(9.14.040(A)(1)(k)]
  - v. Existing use and zoning of property immediately surrounding the tract [(9.14.040(A)(1)(s)]
  - vi. While not specifically required to be depicted on the drawings [(9.14.040(A)(1)(u) only requires a list of APNs for adjacent parcels], inasmuch as the applicant elected to, correct information regarding the Assessor Parcel Numbers for adjoining lots (exhibits as prepared incorrectly depict a single parcel along each site boundary).
  - v. Municipal Code Section 9.14.080(A)(2) regarding expiration date for a revised tentative tract map (although this point is moot when City acknowledges that this project may not be processed as a revised tentative tract map).
  - w. Municipal Code Section 9.14.130 regarding undergrounding of electrical and communication facilities. The plans presented for Planning Commission review do not clearly identify all existing overhead facilities, particularly those along the west and north property lines. Municipal Code Section 9.14.130(A)(4) clearly requires undergrounding of these existing facilities as they are "located along or within six feet of the rear or side lot lines of the property to be developed". The conditions of approval as approved by the Planning Commission are inconsistent regarding requirements to underground existing overhead facilities for this project - LD 64 and LD86 for both the CUP and Tentative Tract Map require undergrounding in accordance with Municipal Code Section 9.14.130. In contrast, Condition LD 85a for both the CUP and Tentative Tract Map excepts the existing power poles along the west site boundary from undergrounding, and is silent to any requirement regarding the lines along the north site boundary.
7. Failure to Make All Required Findings and Lack of Substantial Evidence to Support Findings - including but not limited to:
- a. Resolutions 2015-01 and 2015-02 omit any reference to the December 11, 2014 meeting and associated noticing.
  - b. The findings presented in Resolutions 2015-01 and 2015-02 are inconsistent with substantial evidence in the project record.
    - i. Finding 1 on page 3 of Resolution 2015-01 and Finding 1 on page 1 of Resolution 2015-02 addresses only narrow aspects of General Plan consistency related to land use density and housing types. Information provided under point 6, above, documents numerous inconsistencies with the much broader reach of General Plan Programs Policies and Objectives (General Plan Chapter 9). Affirmative



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- findings regarding General Plan consistency for the Tentative Tract Map and the PUD are supported by the project record.
- ii. Finding 2 on page 3 of Resolution 2015-01 addresses only one aspect of zoning (and other regulation) consistency related to residential development density. This would also be the appropriate place to document deviations from standards granted under the PUD and justification for same. Information provided under points 3 and 6, above, documents numerous inconsistencies with the Municipal Code and other regulations (including California Fish and Game Code Section 1600, et seq). An affirmative finding regarding zoning (and other regulation) consistency is not supported by the project record.
  - iii. Finding 3 on page 2 of Resolution 2015-01 does not acknowledge or consider the public health and safety considerations of placement of sensitive receptors in proximity to above-ground fuel tanks, placement of sensitive receptors in proximity to non-conforming industrial uses, and site design elements that constrain (and preclude resolution of) provision of public services and fire protection to the adjacent established residential development. These conditions should have been readily apparent if a competent field review had been conducted by staff. These issues were also raised by public speakers during the January 8, 2015 public hearing. An affirmative finding regarding public health, safety and welfare is not supported by the project record.
  - iv. Finding 4 on page 2 of Resolution 2015-01 provides a conclusory statement of consistency with existing surrounding development, for which substantial contrary evidence is provided under point 6, above. An affirmative finding regarding location, design and operation is not supported by the project record.
  - v. Finding 2 on page 2 of Resolution 2015-02 cites flat topography and lack of physical constraints as the basis for finding that the project site is physically suitable for the proposed type of development. Information provided under points 3 and 6, above, and evidence presented during the January 8, 2015 Planning Commission hearing documents numerous conditions and circumstance that constrain the project site (including hazards present on adjacent properties, access, utilities, and public services) and that are causing difficulty in meeting the minimum Municipal Code density for the proposed type of development (large detached units in a multiple family zone intended for attached units and mobile homes). An affirmative finding regarding physical suitability is not supported by the project record.
  - vi. Finding 3 on page 2 of Resolution 2015-02 relies upon the Initial Study as posted with the January 8, 2015 staff report to support the determination that the project will not cause substantial environmental damage or unavoidable injure fish and wildlife or their habitat. Information under point 3, above, identifies substantial deficiencies and inconsistencies with the Initial Study and related Negative Declaration. The required affirmative finding regarding environmental consequences of the proposed project is not supported by the project record.
  - vii. Finding 4 on page 3 of Resolution 2015-02 cites provision of sewer and water service by EMWD and lack of any known hazards as substantiation for a



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determination that the project would not likely cause serious public health problems. Information provided in points 3 and 6, above, identifies several circumstances of the proposed project and its setting involving presence of known hazards (above-ground fuel tanks and non-conforming industrial uses), drainage, and public services and utilities that indicate the project may, in fact, pose public health problems. An affirmative finding regarding public is not supported by the project record.

- viii. Finding 5 on page 3 of Resolution 2015-02 concludes that all easements have been addressed in the project design and will be included in the final map. This may not be the case with respect to the existing overhead utility lines on the west and north property boundaries, as no information regarding the existing facilities is identified on the project exhibits and no detail is provided regarding the disposition or protection of these existing facilities. An affirmative finding regarding conflict with existing public easements is not supported by the project record.
- c. The findings presented in Resolution 2015-02 omit certain required findings<sup>3</sup>.
  - i. Consistency with applicable City Ordinances per Municipal Code Section 9.14.070(A)(9) within Resolution 2015-02). The Resolution must be amended to include this finding. The concerns noted in point 7.b.ii, above, must be taken into consideration is preparing the required findings.
  - ii. It appears that the City may have intended to incorporate the required finding under Municipal Code Section 9.14.070(A)(2) into Finding 1 and the required finding under Municipal Code Section 9.14.070(A)(4) into Finding 2. The Resolution must be amended to revise the title of these findings to clearly state the combined findings. The concerns noted in points 7.b.i and 7.b.v, above, must be taken into consideration is preparing the required findings.
- 8. Irregularities in the Planning Commission Hearing - including but not limited to:
  - a. Possible failure to disclose conflict of interest by one Commissioner voting with the majority in the approval (if Commissioner is owner of home within notice limits, he was obliged to disclose this fact and recuse himself). Elimination of this Commissioner's vote results in failure of the approval motions.
  - b. Incongruity between Commissioner comment during debate and discussion and votes – several Commissioners stated throughout the course of the discussion that they did not have a plan that depicted what they were being asked to approve and that the lack of information and inconsistencies in the record were an impediment to their ability to make an informed decision. Considering the information available and the nature and content of Commissioner discussion, Appellants were confused and dismayed when the third motion to conditionally approve this project carried.
  - c. Timing of break during Commissioner debate – Appellants recollection of the sequence of events at the Planning Commission meeting is that a motion to approve with all

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<sup>3</sup> While it is noted that Resolution 2015-02 also omits findings required under Municipal Code Section 9.14.070(A)(8) regarding conformance with Williamson Act requirements, appellants note that this finding is not applicable to the subject project and do not object to its omission.

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revisions requested by the appellant died for lack of a second and a second motion to continue failed by a 2-2-1 vote (the basis for abstention by one of the Commissioners was never questioned). At this juncture the Commissioners attempted to construct a third motion, but before doing so called for a break and left the Chambers, with the Frontier Communities representatives close behind. Shortly after returning from this break, the motion to conditionally approve was made, seconded and carried. This recollection, if proven by the meeting video, is simply disturbing.

- d. Substantial and relevant information was raised in the public comments and was either overlooked or summarily dismissed by the Commissioners and staff. Accepted standards of practice for public hearings, simple common courtesy, demand that the hearing body at least acknowledge each issue raised and provide a few words so that the public understands how public concerns have been taken into consideration in the decision. The debacle that was the public hearing of January 8, 2015 is an embarrassment and will be on display in perpetuity thanks to the age of digital media.

ATTACHMENT FOR APPROVAL OF PA14-0032 TURN FN ON 07/20/15 15:18 JV

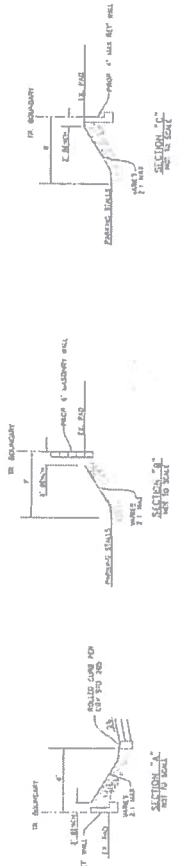
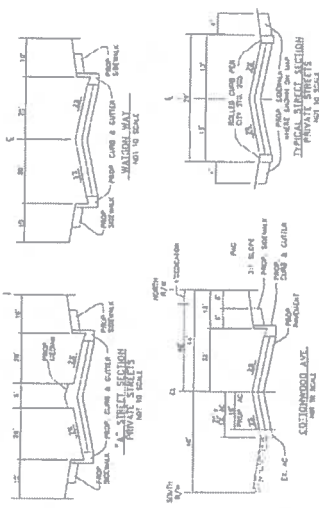
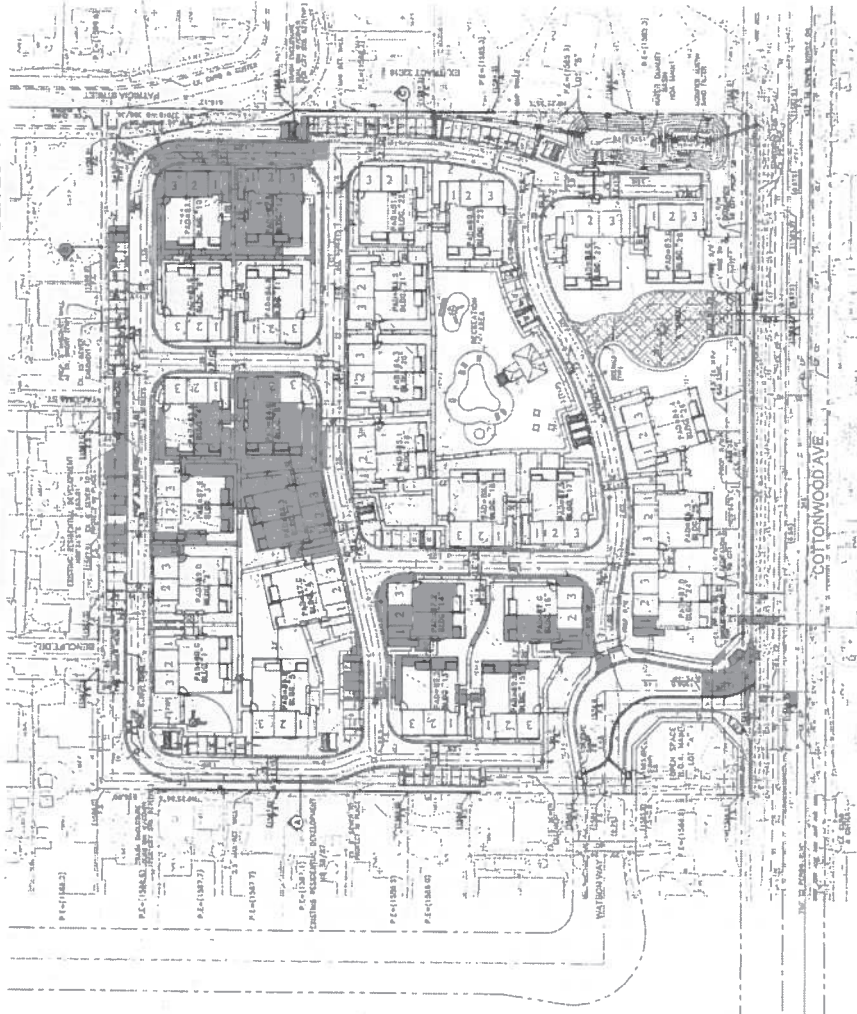
CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
**TENTATIVE TRACT MAP 34544**  
 FOR CONDOMINIUM PURPOSES NOVEMBER 2006



**LEGEND**

|  |                            |
|--|----------------------------|
|  | <b>PUBLIC UTILITIES</b>    |
|  | <b>ZONE/ASSIGNMENT</b>     |
|  | <b>AREA/ASSIGNMENT</b>     |
|  | <b>LAND USE AND ZONING</b> |
|  | <b>EASEMENTS</b>           |
|  | <b>OTHER</b>               |

**GRAPHIC SCALE**  
1 inch = 40 feet



**TGA**  
 PA 06-0056  
 DEVELOPMENT & ENGINEERING, INC.  
 PLANNING AND LAND ENGINEERING  
 10000 COTTONWOOD AVENUE, SUITE 100  
 MORENO VALLEY, CALIFORNIA 92553

1. Inadequate Disclosure and Characterization of the Nature of the Proposed Actions - including but not limited to:
  - a. the material fact that the subdivision action is a Revised Tentative Tract Map.
  - b. inconsistent characterization and treatment of the project as single-family residential versus multiple-family residential (related discussion in points ~~6-d~~6.k and 6.l, below).
2. Inadequate Disclosure and Characterization of the Project Setting - including but not limited to:
  - a. the local circulation system (both vehicular and pedestrian). Of particular concern to appellants is the omission of consideration of Municipal Code requirements requiring proper termination of Bencliff Avenue and Tacoma Drive (related discussion in ~~point~~ points 6.l.v3.i, 6.c, and 6.t.v, below) and existing pedestrian movement patterns between Watson Way and Cottonwood Avenue.
  - b. existing utility and service facilities and operations. Again, concerns are primarily related to existing Bencliff Avenue and Tacoma Drive and Municipal Code requirements for proper termination (related discussion in point ~~6.l.v~~points 3i, 6.c, and 6.t.v, below). Further, project exhibits do not depict existing sewer, water, electricity and storm drain improvements, or the intended disposition or protection of same. A clear depiction of existing improvements and identification of their disposition/protection is essential to assessment of the potential impacts and consequences of the proposed development.
  - c. biological resources. Field observation indicates a riparian stream feature (defined bed and bank, damp, with riparian vegetation) emanating from Watson Way and extending to the existing Flood Control inlet along the Cottonwood Avenue frontage. Isolated patches of riparian vegetation also exist in the vicinity of the berms that have been illegally established within the north project limits at the termini of Bencliff Avenue and Tacoma Drive. These conditions were overlooked or mischaracterized in the December 2014 burrowing owl assessment.
  - d. hazardous conditions. The staff report and initial study ignore the obvious presence of above ground fuel tanks and non-conforming industrial uses immediately opposite the project site on the south side of Cottonwood Avenue. Establishment of sensitive uses, such as residential, in proximity to such hazards requires, at a minimum, acknowledgement of the condition and a screening analysis to determine the potential for adverse effects on future residents. Staff and the Planning Commission were advised of the accepted HUD methodology for evaluating the hazard from above ground tanks<sup>1</sup> during the course of the January 8, 2015 public hearing and were also requested by one of the public speakers to establish a project condition for disclosure regarding the non-conforming industrial use. Both public comments were ignored.
3. Inadequate Disclosure and Analysis of Potential Environmental Consequences under the California Environmental Quality Act - including but not limited to:
  - a. Aesthetics – failure to address potential to substantially degrade the existing visual character of the project surroundings (checklist item 1c) as a result of the incompatible building mass and scale proposed along the north site boundary adjacent to

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<sup>1</sup> “Barrier Design Guidance for HUD Assisted Projects Near Hazardous Facilities” Guidebook 6600.G



substantially more modest, single-story residences in the existing adjoining neighborhood.

- b. Air quality – the initial study discussion of checklist item III.d concludes that impacts will be less than significant with mitigation; however, no mitigation is identified. This discrepancy must be resolved.
- c. Air quality – the proposed project entails a substantial amount of grading, including 46,000 cubic yards of overexcavation, and 19,500 cubic yards of import (approximately 1,200 to 2,450 truck loads of dirt). The analysis of air quality impacts in the initial study as circulated for public review concludes that the project is below screening thresholds. The cited Air Quality Handbook is obsolete and guidance readily available on the South Coast Air Quality Management District website advises local agencies to no longer rely upon the screening tables in the obsolete handbook ([http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-\(1993\)](http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/ceqa-air-quality-handbook-(1993))). The indicated scale of construction activity warrants modeling to evaluate potential construction-period emissions, both on-site and off-site (along truck haul routes). Air quality analysis should address impacts with respect to both regional and localized significance thresholds.
- d. Biological resources – checklist items IV.a, IV.b, and IV.c misrepresent existing conditions with respect to riparian resources, stream features, and potential wetlands. A biological assessment of the existing channel along the south end of the west site boundary and the isolated riparian patches in the northern project limits is required to characterize the resources present and to assess the associated impacts. If riparian resources on the site are determined to be protected under the Western Riverside County Multiple Species Habitat Conservation Plan, the existing resource characterization and associated impacts must be addressed under checklist items IV.e and IV.f.
- e. Hazards and hazardous materials – failure to address the potential exposure to explosion and fire hazard (checklist items VIII.a and VIII.b) due to project proximity to existing above-ground petroleum fuel tanks at County maintenance facility on Cottonwood Avenue opposite the project site.
- f. Hydrology and water quality – the preliminary drainage plan submitted for PA14-0032 and PA14-0033 (on file with the Land Development Department) fails to acknowledge and address tributary drainage flows from Tacoma Drive and Bencliff Avenue. Berms were constructed on the north limits of the project site (by the property owner or agents for the property owner), allegedly to curtail illegal dumping activity (there is a record of multiple Code Enforcement notices for same). Residents of Tacoma Drive observed the berms being reconstructed and raised in Summer 2014. While questionably effective in curtailing dumping (as evidenced by current conditions on the project site) these berms have blocked the natural flow of drainage from Bencliff Avenue and Tacoma Drive and upstream tributary areas, and have created flooding and ponding problems impacting the roads and the residences. The initial study discussion

- of item IX.d<sup>2</sup> must be revised to acknowledge existing conditions, disclose proposed improvements, and identify associated impacts and required mitigation, if any.
- g. Land use/planning – checklist item X.a addresses physical disruption of established communities. There is an established pedestrian connection between Cottonwood Avenue and Watson Way that appears on readily-available aerial photographs dating back to 2002 and which was protected in approximately 2008 by installation of culverts and fill along the Cottonwood Avenue frontage. The proposed project design in this area appears to eliminate this pedestrian route, severing the existing pedestrian route between the neighborhood and the nearby church, commercial area and school. The initial study must address the impacts to this pedestrian route and evaluate the associated changes in pedestrian circulation and community interaction.
  - h. Land use/planning – the issues related to riparian resources and the Western Riverside County Multiple Species Habitat Conservation Plan noted under biological resources above are also relevant to checklist items X.b and X.c.
  - i. Public services – the project as approved and conditioned does not consider required access for fire protection for existing Bencliff Avenue and Tacoma Drive outside the project limits (unless the proponent chooses to take emergency access at these locations and all indications at the hearing is that they have no intent to do so). Inasmuch as the project proponent has elected not to complete the logical street pattern in this area, the project is obliged to provide for proper termination of these existing streets (in accordance with Municipal Code Section 9.14.020(B)(10)). Regardless of their status as public or private streets, these streets are the sole means of access for fire access and resident evacuation. Initial study checklist item XIV.a must address this circumstance, identify the potential impacts and recommend appropriate mitigation (appellants suggest the following project modifications/mitigation in order of effectiveness/preference: (1) connection of Tacoma and Bencliff in a horseshoe configuration, or by connection to Patricia Avenue, (2) establishment of cul-de-sacs outside the project gates (as required for Watson Way), and (3) establishment of hammerhead turnarounds outside the project gates (as required for Tentative Tract Map 34544 as approved under PA06-055/0056). Appellants are mystified as to why staff, the applicant and the Planning Commission were so focused on resolution to the benefit of residents on Birchwood Drive and Watson Way, but dismissive of the same circumstances on Tacoma Drive and Bencliff Avenue.
  - j. Public services – project impacts and potential project modifications/mitigation related to access for school bus service on Bencliff Avenue and Tacoma Drive (under checklist item XIV.d) is similar to that noted above for fire service.
  - k. Transportation/traffic – issues related to emergency access under item XVI.e are the same as noted above for fire services under point i.
  - l. Mandatory findings of significance - the proposed project as designed and conditioned would turn its back on the existing residential neighborhoods to the north on Tacoma

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<sup>2</sup> The language for this checklist item question has been altered in the initial study as circulated for public review. The applicable language based upon Appendix G of the State CEQA Handbook is directed at addressing drainage pattern alterations that would result in flooding, on- or off-site.



Drive and Bencliff Avenue, precluding any opportunity to complete the logical street pattern envisioned at the time the existing street sections were established in the late 1950s, and overlooking the project obligation to provide logical termination of these existing streets. The resulting permanently compromised access presents the potential for adverse effects on residents of these streets as noted above with respect to public services and transportation/traffic. Checklist item XVIII.c should recognize and address this potential impact. The recommended project modifications/mitigation noted under discussion of public services for fire protection access are also applicable to this potential impact.

4. Failure to Comply with Substantive Requirements for Public Notice - including but not limited to:
  - a. Property Posting – the property was posted for the December 11, 2014 meeting along the Cottonwood Avenue frontage. Residents most affected by the proposed development take access to the north on Dracaea Avenue and would have no reasonable likelihood of seeing this notice. While the staff report states the site was posted for the January 8, 2014 meeting as well, there was no evidence of posted notice on January 6<sup>th</sup>. Appellants respectfully request that the notice for any future hearings is posted at the ends of Tacoma Drive, Bencliff Avenue, Watson Way and along Patricia Street/Drake Drive so that the intent of this public notification requirement is met for the affected adjoining neighbors
  - b. Direct Mailing - Regarding mailed notice, the standard 300-foot radius excluded nine residents at the north end of Birchwood Drive and 13 residents at the north ends of Tacoma Drive and Bencliff Avenue. Considering the enormity of the consequences of this project for the public health and safety and peaceful enjoyment of the established neighborhoods west and north of the site, the Planning Official should exercise his discretion to extend the notice boundaries to include these substantially affected properties. Appellants respectfully request that the notice for any future hearings be so extended. It is also requested that when a mailing addresses is to an absentee owner that a notice is also sent to the site address. This circumstance is limited in this case because approximately 90 percent of the homes receiving direct mail for the previous notices are owner-occupied, however, this small gesture will ensure outreach to all affected neighbors.
  - c. Timing of availability and content of written materials supporting the December 11, 2014 Planning Commission Meeting – while the notice sent in early December advising neighbors of the December 11, 2014 meeting inferred that materials were available for public inspection, in fact Frontier Communities had not submitted plans and when the agenda was finally posted, all that was made available for public review was a brief continuance memorandum. There was no basis for a public hearing or substantive discussion at that meeting.
  - d. Timing of availability and content of written materials supporting the January 8, 2015 public hearings – while the applicant was aware of the continuance on December 11, 2014 and successfully argued for a change in the continuance date from January 22<sup>nd</sup> to January 8<sup>th</sup>, matters were once again rushed and submittals by Frontier Communities and analysis by staff meant that the staff report and supporting materials for the January 8<sup>th</sup> meeting were not posted for public access until the afternoon on January 6<sup>th</sup>.

This leaves little time for laypersons to download and digest 150 pages of report materials. Further the scale and legibility of posted plans makes them essentially worthless. For an average citizen to gain an understanding of the materials, formulate any questions, and get into City ~~hall~~Hall to get them answered, the only legitimate opportunity to do so would have been on Thursday, if they could get off work to do so. And then, on top of all of that, City staff entered the Council Chambers a few minutes before the hearing started with approximately 100 pages of supplemental materials and Frontier Homes spent a significant amount of time addressing several pages of changes to the conditions of approval. It was essentially impossible for the public to understand or follow the hearing.

5. Failure to Comply with Provisions of the Subdivision Map Act - specifically:
  - a. failure to maintain substantial conformance with approved Tentative Tract Map 34544 (as approved in April 2008 under cases PA06-0055 and related CUP PA06-0056) or process this project as a new tentative tract map.
6. Failure to Comply with Provisions of the Moreno Valley General Plan and Municipal Code - including but not limited to:
  - a. General Plan Objective 2.3 and associated Policies 2.3.1, 2.3.2, 2.3.3 and 2.3.4 regarding sense of community and neighborhood design. Project exhibits depict indistinguishable building footprints for the purported three residence models placed in cookie-cutter fashion upon the project site. The mass, scale, architectural style and general project layout entirely discounts and disrespects the existing neighborhood, particularly along the west and north site boundaries.
  - b. General Plan Objective 2.10 and related policies 2.10.1, 2.10.4, and 2.10.9 intended to ensure that development within the City yields a pleasant living environment for existing and future residents. The mass, scale, architectural style and general project layout entirely discounts and disrespects the existing neighborhood, particularly along the west and north site boundaries, and would clearly diminish the living environment of the existing adjoining neighborhood, particularly for the existing homes at the southern ends of Bencliff Avenue and Tacoma Drive.
  - c. General Plan Objective 2.14 and related Policy 2.14.3 establishing a requirement to review development projects for their impacts on public services and facilities. Notwithstanding the conditions that have existed in the neighborhoods along Tacoma Drive, Bencliff Avenue, Birchwood Drive and Watson Way for decades, the termination of these streets in their current configuration contemplated their extension through the adjoining property with a connection to Cottonwood Avenue (this design is depicted by drawing on an exhibit in the Preliminary Drainage Report on file in the Public Works Department, Land Development Division). Inasmuch as the project proponent is electing to preclude completion of the intended neighborhood design, it is their obligation to provide, and the City's obligation to ensure, logical termination of these existing streets in a manner that provides for long-term functioning of the various public service entities (including police, fire, utilities, waste management, postal service, and school transportation). The neighbors have suggested three options for doing so, in order of preference in the discussion of item 3.i, above.

The following additional General Plan goals objectives and policies are also relevant to this issue regarding the circulation, public safety and public services consequences of the proposed project:

- General Plan Goal 5.1, related Objective 5.1 and related policies 5.1.1 and 5.1.6 related to maintenance of safe and adequate transportation improvements to support planned land uses, taking into consideration emergency and public service access needs and opportunities for access to adjacent developments.
- General Plan Policy 5.5.8 requiring private and public and developments to provide on-site and off-site improvements to mitigate any development-generated circulation impacts.
- General Plan Policy 5.8.4 requiring developments to make adequate provisions for school bus service.
- General Plan Policies 6.16.2 and 6.16.3 (design of urbanized areas with accepted safety, including mitigation of existing hazards and provision of adequate emergency ingress/egress).

While considerable attention was directed to this issue during the January 8, 2015 Planning Commission hearing with respect to the future residents of the proposed development and the existing residents on Watson Way and Birchwood Drive, the needs and rights of residents of Bencliff Avenue and Tacoma Drive were dismissed and rebuffed. Also, the conditions of approval regarding required improvements at the terminus of Watson Way are internally inconsistent – there is no clear indication or assurance as to project improvements at this location. The residents of Watson Way and Birchwood Drive left the Planning Commission meeting understanding their street would be terminated as a 28-foot-radius cul-de-sac.

- d. General Plan Objective 5.12, Policy 5.12.1 and Policy 7.5.2 regarding circulation planning, pedestrian routes between neighborhood and schools, and general encouragement of energy efficient modes of transportation (including walking). There is an existing pedestrian route from the terminus of Watson Way to Cottonwood Avenue that is likely used as the walking route for students attending nearby Butterfield Elementary School. Changes to this established route with the proposed gated communities will require a much longer and more circuitous route. Consideration of established pedestrian circulation patterns for the entire community, not just the project site, is required to demonstrate compliance with this general plan provision.
- e. General Plan Objective 6.2 and Policy 6.2.4 regarding project design to minimize potential for loss of life, physical injury and property damage due to flooding, including design and construction of street and storm drain improvements to accommodate 10-year and 100-year storms. The preliminary drainage study submitted in support of the subject cases is silent to tributary flows from Tacoma Drive and Bencliff Avenue. Residents on these streets are subjected to flooding with every rain event due to illegal grading on the subject property which blocks natural drainage patterns. The project record is silent to facilities potentially required to accommodate drainage along the north site boundary. It is not possible with the information available to know whether

required improvements would require adjustments to the project layout that may affect the unit yield or the nature of such improvements and potential impacts upon adjoining properties. A revised preliminary drainage plan is required before a decision is taken to approve the proposed development.

- f. General Plan Objective 6.9 and related Policy 6.9.3 regarding reduction of risk and fear of crime through incorporation of defensible space concepts, including consideration of the configuration of lots, fences and walls. The proposed development does not embody the intent of this policy, particularly considering the “rear to side” interface at the north site boundary, and the ambiguities and inconsistencies in the proposed plans and conditions of approval regarding disposition of overhead utility lines and fence/wall placement on the west and north boundaries. This city is replete with examples of creative interpretation of conditions at the plan check stage where walls are pulled off the property line to avoid relocation of overhead power lines and the finished condition creates a “no man’s land” between two walls or fences that becomes an eyesore and an attractive nuisance for criminal activity (visit the apartments north of the homes fronting Filaree Avenue east of Perris Boulevard for an example of this situation).
- g. General Plan Objective 6.10 and Policy 6.10.1 regarding protection of life and property from effects of use of hazardous materials and waste and land use approval consistency with the adopted Hazardous Waste Management Plan. The initial study makes brief reference to the Hazardous Waste Management Plan but is silent to any siting criteria or other applicable provisions (discussion under checklist items VIII.g and VIII.h is limited to brief mention of provisions related to emergency response). The current record does not adequately address potential hazards associated with the above-ground fuel tanks and non-conforming industrial uses on the south side of Cottonwood Avenue opposite the project site.
- h. General Plan Objective 6.16 and related policies 6.16.2 and 6.16.3 as related to design and planning consistent with accepted safety standards and practices. The policies address systematic mitigation of hazards related to existing development and ensuring adequate emergency ingress and egress is provided for each development. The project shortcomings in this regard are well established throughout this document.
- i. General Plan Objective 7.5 and policies 7.5.1 and 7.5.5 encouraging efficient use of energy resources and building design, site design and landscaping to accommodate passive heating and cooling and use of solar power. The proposed building design and placement along the north site boundary will essentially preclude opportunities for passive solar heating or use of solar power for the existing homes at the end of existing Bencliff Avenue and Tacoma Drive. The project record is silent to this issue.
- j. Municipal Code Section 1.10.040(D) by failing to take into consideration the Notice of Violation and associated City lien against the subject property as noted in the Title Report submitted in support of this application.
- k. Municipal Code Sections 9.02.020 (Permitted uses) and 9.03.030 (Use regulations for residential districts), as to characterization of the project as a single-family use which is clearly NOT permitted in the Residential 10 (R10) Zone.
- l. Municipal Code Section 9.03.020(H) [Primary purpose of Residential 10 District] which is for “development of attached residential dwelling units, as well as mobile home parks”.



The Moreno Valley Municipal Code only authorizes variances from development standards [Section 9.02.100(B)] and parking standards [Section 9.02.100(D)]. The statement in the Planning Commission staff report (first full paragraph on page 3) that detached product types are permitted with a Planned Unit Development (PUD) is simply incorrect (also see Municipal Code Section 9.03.060(F) (Planned Unit Developments, Permitted Uses and Density). The project as conditionally-approved by the Planning Commission is an illegal use variance (California Government Code Section 65906). The Residential Single-Family 10 zoning district (RS10) [Municipal Code Section 9.03.020(H)] is intended for detached residential units on small lots. A rezoning to RS10 is required if the City intends to approve a project of the design proposed under PA14-0032/0033.

- m. Municipal Code Section 9.03.040(F)(1) – see point ~~6.h.6.s~~, below.
- n. Municipal Code Section 9.03.040(F)(3) establishes provisions related to placement, screening and noise from air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices. The limited depth of the “rear yard” use areas for the individual units along the north and east site boundaries, as well as the limited effective side yard areas, substantially restrict options for placement of such equipment (the PUD document prohibits placement on roofs) and suggest that compliance with this Municipal Code provision may not be feasible. Further detail regarding this aspect of project design or modification of the unit layout along the north and east boundaries is required.
- o. Municipal Code Section 9.03.040(F)(5) requires that a minimum of 35 percent of net site area, exclusive of private patio and yard areas is landscaped (applies in among others, the R10 zoning district). The staff report, including attached resolutions, plans and PUD document do not appear to address this standard. It is also noted that landscaping standards are not identified as eligible for deviation under Municipal Code Section 9.03.060(G).
- p. Municipal Code Section 9.03.040(F)(6) requires “a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width” where a multiple-family project abuts property in a single-family district. This requirement has not been reflected in the project as proposed or conditioned.
- q. Municipal Code Section 9.03.060 (Planned unit developments) identifies 5 bases for approval of a Planned Unit Development. The subject project and location is potentially eligible only under the purpose stated in Section 9.03.060(A), which is “greater innovation in housing development and diversity of housing choices than would otherwise be possible according to the strict application of site development regulations contained in this title.” The project staff report and attached approval resolutions are silent to, inconsistent regarding, and inadequate with respect to substantial evidence to support the applicability of the Planned Unit Development provisions for this project (Municipal Code Section 9.03.060(B) – “This section shall only apply where warranted to advance one or more of the purposes listed in subsection A). One example in this regard is the purported “walkable community” noted in Finding 4 on page 2 of Resolution 2015-01. The facts are contrary to this conclusory statement – the Planned Unit Development guidelines as approved depict sidewalks on only one side of the street, the project proponent vigorously argued for relaxation of the sidewalk

requirements on the internal streets during the January 8<sup>th</sup> Planning Commission meeting (the project record is unclear as to the resolution of this matter – compare PUD Guidelines to Condition of Approval TE7), and the project design will eliminate a well-used neighborhood pedestrian route from Watson Way (which is not addressed at all in the project record and which the City appears to have had a role in establishing and perpetuating as evidenced by the culverts and fill on Cottonwood Avenue near the southwest property corner).

As noted in the point ~~6.d.1~~, above, related to Municipal Code Section 9.03.020(H), the RS10 zone provides for exactly the type of development proposed, accordingly, there is no need to grant deviations from the development standards of the R10 zone to achieve the purported “innovations” this project offers.

Further, the housing inventory in Moreno Valley includes thousands of detached single-family homes on small lots, as a vestige of the R6 zoning thrust upon our community by the County of Riverside in the early 1980s. These existing developments are readily identifiable in aerial photographs, including in the area around Moreno Valley High School, along Heacock Avenue and Indian Street south of Cactus Avenue, at Ironwood Avenue and Graham Street, along Heacock Street at Parkland Avenue, along Kitching Street between Alessandro Boulevard and Cottonwood Avenue, and along Lasselle Street between Cottonwood and Fir Avenues). Relaxation of development standards under the Planned Unit Development provisions is not needed to provide diversity in the housing stock for this type of housing product. It is also interesting to note that the City has consistently applied the RS10 zone to these existing developments (consistent with the point made under preceding item ~~6.l~~).

- r. Municipal Code Section 9.06.030(G) (Planned Unit Developments, Deviations from Site Development Standards) allows deviation “from site development standards set forth in the applicable zoning district regarding lot area, lot dimensions, lot coverage, setbacks and building height.” This section of the Municipal Code also provides that: “Any such deviations shall be to the minimum degree necessary to achieve one of more of the stated purposes listed in subsection A.” While appellants provide extensive documentation herein that the project as proposed does not qualify for use of the Planned Unit Development provisions of the City Municipal Code, for sake of addressing further irregularities of the project review process, applicability of Section 9.06.030(G) is addressed.

The primary project design element of concern to the residents regarding application of Municipal Code Section 9.06.030(G) is the project interface along the north project limit. Municipal Code Section 9.03.040(F)(a) requires that buildings exceeding one story in height must maintain a setback of fifty feet from any single-family district. The zoning exhibit presented as Attachment 5 of the January 8, 2015 staff report clearly identifies the surrounding residential neighborhoods to the west, north and east as within the R5 zoning district, which is a single-family district within the meaning of Municipal Code Section 9.03.040(F)(a).



The project design includes only two-story buildings and substantially deviates from the required 50-foot setback along the north site boundary (affects Units 1 through 11) and along the east site boundary (affects Units 14 through 19). The staff report and approval resolutions (1) do not disclose any relaxation of this standard as part of the Planned Unit Development, and (2) do not establish any substantiation that relaxation of this standard meets the test of being the minimum necessary to achieve one of the qualifying the PUD purposes. This point was raised with Planning staff in a visit to the Planning Department on January 6<sup>th</sup> and with the project proponent, Commissioners, and Planning staff again before and during the January 8<sup>th</sup> Planning Commission hearing. The project proponent feigned ignorance of this requirement (which is known to be disingenuous as the 50-foot setback standard was documented in the pre-application review for this project under Case P14-043 (Comment P13 in May 13, 2014 minutes) and the staff report for the April 24, 2008 prior approval of Tentative Tract Map 34544 and related planned unit development under Cases PA06-0055/0066 clearly addresses the applicability of this standard. The Planning Official rudely ignored and rebuffed comments in this regard during the public hearing, peering over his shoulder toward the audience and stating “we addressed that” without even reiterating the numerous substantive concerns embodied in “that”.

Two additional R10 site development standards (Municipal Code Table 9.03.040-7) for which deviations appear to be granted under the PUD, also without disclosure or substantiation, are the maximum lot coverage and the minimum distance between buildings. Deviations from these standards influence the incongruous building massing and placement along the north site boundary that is clearly not “compatible” with the modest, single-story homes in the adjoining neighborhood to the north.

- s. Municipal Code Section 9.06.030(H) (Planned Unit Developments, Conditions of Approval) stipulates requirements of the project conditions of approval, including minimum lot area and dimensions; maximum floor area covered by buildings; minimum front, side and rear setbacks; height, size, location and design of all proposed buildings, common areas, walls and other improvements, and the method of maintaining all common areas an improvements. This section further provides that: “The setbacks around the exterior of the planned unit development shall be compatible with any adjacent residential developments. This level of detail is required in return for being granted concessions to the development standards and distinguishes the PUD from a typical tentative tract map for residential development (as staff and the project proponent suggest they have done with the numerous project details that are conditioned, inconsistently depicted, or absent from the approval record).

First, the conditions of approval are simply deficient in addressing all the required elements in accordance with Municipal Code Section 9.06.030(H). There are numerous inconsistencies within, and between, the project exhibits and the conditions of approval such that it is unclear what was approved. Established City practices will leave clarification of these inconsistencies to City staff and the developer, with no opportunity

for public involvement or public knowledge of the resolution until the project is under construction and it is too late to correct what is certain to be further misapplications of Municipal Code requirements. Examples of concern to the residents include: fence/wall treatments at Lots A and B; turnaround provisions at Lot A, Lot B and Watson Way; architectural details for proposed residences (see pages III-16 through III-21 of the Planned Unit Development document posted as Attachment 8 of the January 8, 2015 Planning Commission staff report which indicates patio covers depicted on the drawings will only be provided for lots backing to Adams Street); wall placement along the west and north site boundaries (concern with placement of wall off property line to avoid conflict with existing property line utility poles and creation of no man's land gap as has occurred at other locations within the City).

Second, the staff report and approval resolutions are silent as to any discussion of the exterior setbacks being compatible with adjacent residential development. The term "compatible" is defined in Municipal Code Section 9.15.030 as follows:

1. The term "compatible" means capable of coexisting in harmony or without significant conflict. A compatible land use will not cause a significant detriment to the use, economic value, habitability and enjoyment of residents, owners, workers, and/or patrons of any land uses in the surrounding and adjacent area. In terms of building design, compatible means consistent in harmony with existing and planned development.
2. Element to be considered in the evaluation of compatibility include, without limitation by this enumeration, style, mass, bulk, size, use, occupancy, improvements, character, scale, texture, color and other principles of design described in the city of Moreno Valley design guidelines.

Municipal Code Section 9.16.120 provides further guidance regarding compatible design principles, including:

- i. Setbacks from adjacent properties relating to the scale of the proposed structure, with larger structures requiring more setback [9.16.120(A)(1)]. The homes in the existing neighborhood to the north are all single story and range from 900 square feet of living space to approximately 1,200 square feet of living space (this information was obtained from the case file as part of the Title Company submittal for the direct mail notice). In contrast, the proposed homes are all two story in height with just over double the living space of the existing adjoining homes. A setback more in keeping with the 50 feet required under Municipal Code Section 9.03.040(F)(1) is clearly warranted. Alternately, the project proponent could propose a smaller, one-story product type [Setback in this case under 9.03.040(F)(1) is 20 feet]
- ii. Building mass and scale in proper proportion to, among other things, surrounding developments [9.16.120(A)(8)]. The points noted immediately above regarding the comparative scale of the existing and proposed development and potential solutions are also applicable to this Code provision.

- iii. Building design and siting should be compatible with surrounding land uses [9.16.120(A)(11)]. Design issues are addressed under i and ii, above. Building siting creates conflicts by placing the rear yards of the proposed new development along the side yards of the existing homes at the terminus of Bencliff Avenue and Tacoma Drive to the north. As was pointed out during the Planning Commission public hearing, with Mr. Villa's home as an example, his one-story, 868 square-foot house would be bordered by three two-story structures (Units 3, 4 and 5) that would establish ~~and an~~ imposing wall of stucco with two small 10-foot breaks, a mere 15 feet off his property line. Appellants are confident ~~is in~~ stating that there is not a single City planner, Planning Commissioner, or City Councilmember who, if being honest, would not vociferously object to such an imposition on their existing home.
  - iv. Building architecture should be compatible with surrounding existing architectural character [9.16.120(A)(12)]. There is no need to elaborate further on this issue. A simple visit to the project site shows that the proposed architecture is entirely out of character with the existing neighborhood to the north. Revised architectural treatments for this interface, and adjustments in layout and setbacks are necessary to comply with this Code provision.
  - v. To facilitate compatibility in massing and scale, two-story buildings adjacent to one-story buildings should contain a one-story element or intermediate roof treatment, or have an appropriate setback from the one story building [9.16.120(A)(25)]. Concerns regarding compliance with this Code provision are the same as noted in point ~~4i~~, above
- t. Municipal Code Section 9.14.020 regarding standards of land division, including:
- i. Documentation of Exceptions in accordance with Section 9.14.020(A)(3) and 9.14.020(A)(4) (for instance regarding requirement for secondary access)
  - ii. Street system design relationship to existing streets in surrounding area [9.14.020(B)(2)].
  - iii. Street system design with respect to use of abutting land [9.14.020(B)(3)]
  - iv. Requirements for secondary access [9.14.020(B)(9)]. Commissioner Lowell directed this question to staff numerous times during the January 8, 2015 hearing and never received an appropriate response.
  - v. Requirements for proper termination of dead-end streets when adjacent land use precludes extension or widening [9.14.020(B)(10)]. While the City appears to be narrowly applying this requirement to new improvements proposed within the subject tentative tract map, this requirement is equally applicable to the preclusion of safe and logical termination of existing Bencliff Avenue and Tacoma Drive as a result of the layout of the proposed development.
- ~~vi.~~
- u. Municipal Code Section 9.14.040 regarding depiction and verification of required information for a tentative subdivision map, including:
- i. Name, address and telephone number of land owner [(9.14.040(A)(1)(c))]
  - ii. Ownership information on additional contiguous ownership [(9.14.040(A)(1)(c))]

- iii. Names and locations of adjacent transmission lines, pipelines, sewers and existing structures, both above and below ground, particularly as related to existing overhead power lines, water lines and appurtenances, and sewer lines and appurtenances serving existing homes on Bencliff Avenue, Tacoma Drive, Birchwood Drive and Watson Way, but also as related to the existing high-pressure gas line along the Cottonwood frontage [(9.14.040(A)(1)(f)]
  - iv. Location of water courses, channel, and drain pipes as related to the surface channel emanating from Watson Way and the existing buried storm drain along the Cottonwood Avenue frontage (and perhaps east site boundary) [(9.14.040(A)(1)(k)]
  - v. Existing use and zoning of property immediately surrounding the tract [(9.14.040(A)(1)(s)]
  - vi. While not specifically required to be depicted on the drawings [(9.14.040(A)(1)(u) only requires a list of APNs for adjacent parcels], inasmuch as the applicant elected to, correct information regarding the Assessor Parcel Numbers for adjoining lots (exhibits as prepared incorrectly depict a single parcel along each site boundary).
  - v. Municipal Code Section 9.14.080(A)(2) regarding expiration date for a revised tentative tract map (although this point is moot when City acknowledges that this project may not be processed as a revised tentative tract map).
  - w. Municipal Code Section 9.14.130 regarding undergrounding of electrical and communication facilities. The plans presented for Planning Commission review do not clearly identify all existing overhead facilities, particularly those along the west and north property lines. Municipal Code Section 9.14.130(A)(4) clearly requires undergrounding of these existing facilities as they are "located along or within six feet of the rear or side lot lines of the property to be developed". The conditions of approval as approved by the Planning Commission are inconsistent regarding requirements to underground existing overhead facilities for this project - LD 64 and LD86 for both the CUP and Tentative Tract Map require undergrounding in accordance with Municipal Code Section 9.14.130. In contrast, Condition LD 85a for both the CUP and Tentative Tract Map exempts the existing power poles along the west site boundary from undergrounding, and is silent to any requirement regarding the lines along the north site boundary.
7. Failure to Make All Required Findings and Lack of Substantial Evidence to Support Findings - including but not limited to:
- a. Resolutions 2015-01 and 2015-02 omit any reference to the December 11, 2014 meeting and associated noticing.
  - b. The findings presented in Resolutions 2015-01 and 2015-02 are inconsistent with substantial evidence in the project record.
    - i. Finding 1 on page 3 of Resolution 2015-01 and Finding 1 on page 1 of Resolution 2015-02 addresses only narrow aspects of General Plan consistency related to land use density and housing types. Information provided under point 6, above, documents numerous inconsistencies with the much broader reach of General Plan Programs Policies and Objectives (General Plan Chapter 9). Affirmative

- findings regarding General Plan consistency for the Tentative Tract Map and the PUD are **not** supported by the project record.
- ii. Finding 2 on page 3 of Resolution 2015-01 addresses only one aspect of zoning (and other regulation) consistency related to residential development density. This would also be the appropriate place to document deviations from standards granted under the PUD and justification for same. Information provided under points 3 and 6, above, documents numerous inconsistencies with the Municipal Code and other regulations (including California Fish and Game Code Section 1600, et seq). An affirmative finding regarding ~~of~~-zoning (and other regulation) consistency is not supported by the project record.
  - iii. Finding 3 on page 2 of Resolution 2015-01 does not acknowledge or consider the public health and safety considerations of placement of sensitive receptors in proximity to above-ground fuel tanks, placement of sensitive receptors in proximity to non-conforming industrial uses, and site design elements that constrain (and preclude resolution of) provision of public services and fire protection to the adjacent established residential development. These conditions should have been readily apparent if a competent field review had been conducted by staff. These issues were also raised by public speakers during the January 8, 2015 public hearing. An affirmative finding regarding public health, safety and welfare is not supported by the project record.
  - iv. Finding 4 on page 2 of Resolution 2015-01 provides a conclusory statement of consistency with existing surrounding development, for which substantial contrary evidence is provided under point 6, above. An affirmative finding regarding location, design and operation is not supported by the project record.
  - v. Finding 2 on page 2 of Resolution 2015-02 cites flat topography and lack of physical constraints as the basis for finding that the project site is physically suitable for the proposed type of development. Information provided under points 3 and 6, above, and evidence presented during the January 8, 2015 Planning Commission hearing documents numerous conditions and circumstances that constrain the project site (including hazards present on adjacent properties, access, utilities, and public services) and that are causing difficulty in meeting the minimum Municipal Code density for the proposed type of development (large detached units in a ~~multiple-multiple~~-family zone intended for attached units and mobile homes). An affirmative finding regarding physical suitability is not supported by the project record.
  - vi. Finding 3 on page 2 of Resolution 2015-02 relies upon the Initial Study as posted with the January 8, 2015 staff report to support the determination that the project will not cause substantial environmental damage or unavoidable injure fish and wildlife or their habitat. Information under point 3, above, identifies substantial deficiencies and inconsistencies with the Initial Study and related Negative Declaration. The required affirmative finding regarding environmental consequences of the proposed project is not supported by the project record.
  - vii. Finding 4 on page 3 of Resolution 2015-02 cites provision of sewer and water service by EMWD and lack of any known hazards as substantiation for a



determination that the project would not likely cause serious public health problems. Information provided in points 3 and 6, above, identifies several circumstances of the proposed project and its setting involving presence of known hazards (above-ground fuel tanks and non-conforming industrial uses), drainage, and public services and utilities that indicate the project may, in fact, pose public health problems. An affirmative finding regarding public health is not supported by the project record.

- viii. Finding 5 on page 3 of Resolution 2015-02 concludes that all easements have been addressed in the project design and will be included in the final map. This may not be the case with respect to the existing overhead utility lines on the west and north property boundaries, as no information regarding the existing facilities is identified on the project exhibits and no detail is provided regarding the disposition or protection of these existing facilities. An affirmative finding regarding conflict with existing public easements is not supported by the project record.
- c. The findings presented in Resolution 2015-02 omit certain required findings<sup>3</sup>.
  - i. Consistency with applicable City Ordinances per Municipal Code Section 9.14.070(A)(9) within Resolution 2015-02). The Resolution must be amended to include this finding. The concerns noted in point 7.b.ii, above, must be taken into consideration is preparing the required findings.
  - ii. It appears that the City may have intended to incorporate the required finding under Municipal Code Section 9.14.070(A)(2) into Finding 1 and the required finding under Municipal Code Section 9.14.070(A)(4) into Finding 2. The Resolution must be amended to revise the title of these findings to clearly state the combined findings. The concerns noted in points 7.b.i and 7.b.v, above, must be taken into consideration is preparing the required findings.
- 8. Irregularities in the Planning Commission Hearing - including but not limited to:
  - a. Possible failure to disclose conflict of interest by one Commissioner voting with the majority in the approval (if Commissioner is owner of home within notice limits, he was obliged to disclose this fact and recuse himself). Elimination of this Commissioner's vote results in failure of the approval motions.
  - b. Incongruity between Commissioner comment during debate and discussion and votes – several Commissioners stated throughout the course of the discussion that they did not have a plan that depicted what they were being asked to approve and that the lack of information and inconsistencies in the record were an impediment to their ability to make an informed decision. Considering the information available and the nature and content of Commissioner discussion, Appellants were confused and dismayed when the third motion to conditionally approve this project carried.
  - c. Timing of break during Commissioner debate – Appellants recollection of the sequence of events at the Planning Commission meeting is that a motion to approve with all

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<sup>3</sup> While it is noted that Resolution 2015-02 also omits findings required under Municipal Code Section 9.14.070(A)(8) regarding conformance with Williamson Act requirements, appellants note that this finding is not applicable to the subject project and do not object to its omission.



revisions requested by the ~~appellant-applicant~~ died for lack of a second and a second motion to continue failed by a 2-2-1 vote (the basis for abstention by one of the Commissioners was never questioned). At this juncture the Commissioners attempted to construct a third motion, but before doing so called for a break and left the Chambers, with the Frontier Communities representatives close behind. Shortly after returning from this break, the motion to conditionally approve was made, seconded and carried. This recollection, if proven by the meeting video, is simply disturbing.

- d. Substantial and relevant information was raised in the public comments and was either overlooked or summarily dismissed by the Commissioners and staff. Accepted standards of practice for public hearings and, simple common courtesy, demand that the hearing body at least acknowledge each issue raised and provide a few words so that the public understands how public concerns have been taken into consideration in the decision. The debacle that was the public hearing of January 8, 2015 is an embarrassment and will be on display in perpetuity thanks to the age of digital media.

February 3, 2015

Mr. Allen Brock  
Acting Community and Economic Development Director  
14177 Frederick Street  
Moreno Valley, CA 92552

Ms. Jane Halstead  
City Clerk  
14177 Frederick Street  
Moreno Valley, CA 92552

Subject: Appeal of Planning Commission Action of January 8, 2015  
Case Numbers PA14-0032 and PA14-0033, Tentative Tract Map 34544 and Concurrent Conditional Use  
Permit for Planned Unit Development  
**Request for Continuance from February 10, 2015 Council Hearing**

Mr. Brock and Ms. Halstead:

This letter is submitted to request a continuance of the above-referenced matter from the currently-scheduled City Council agenda of February 10, 2015.

The residents' representatives met with Frontier Communities and their public relations representatives last night to discuss the neighbors' concerns, primarily as related to the project design along the north site boundary. In light of Frontier Communities willingness to evaluate project modifications to address the neighbors' concerns, a continuance is appropriate. Mr. Pocius, of Frontier Communities, advised that his firm would be submitting a similar request for continuance.

The residents are hopeful that the continuance will allow for productive coordination between the parties and development of mutually-beneficial design modifications reflecting the letter and spirit of the City's General Plan and Municipal Code. As such, the continuance timeframe must also allow for staff review and preparation of modified reports and approval documents in accordance with deadlines for noticing and City Council agenda production.

A brief continuance to the next regular meeting of February 24, 2015 was mentioned in last night's meeting. The residents respectfully note that the next regular meeting of March 10, 2015 may be a more practical continuance date when taking into consideration the coordination between the parties and City staff that will be entailed in genuine resolution of the neighbors legitimate concerns regarding access, drainage, utilities and compatible development. The appellants are amenable to continuance to either of these dates.

Respectfully submitted,



Juan Villa, 13372 Bencliff Avenue, on behalf of additional participating residents



Jeri Roberts, 13362 Tacoma Drive, on behalf of additional participating residents

c: Julia Descoteaux  
Daniel Pocius, Frontier Communities

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February 2, 2015

Julia Descoteaux – Planning Division  
City of Moreno Valley  
PO Box 88005  
Moreno Valley, CA 92552

**RE: Moreno Valley – Cottonwood (Tract 34544) - Request for Continuance**

FH II, LLC is Applicant of PA14-0032 (Tentative Tract Map 34544) and PA14-0033 (Conditional Use Permit) currently noticed to be heard by the City Council on February 10, 2015.

Applicant is in the process of meeting with Appellants in an effort to resolve issues identified by Appellants in the Appeal.

Applicant requests that this matter be continued to the February 24, 2015 Council meeting.

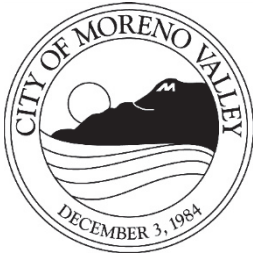
Respectfully requested,

A handwritten signature in blue ink, appearing to read "Lonnie Ellisor", is written over a horizontal line.

Lonnie Ellisor

Planning Manager

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## PLANNING COMMISSION STAFF REPORT

Project(s): PA14-0033 (Conditional Use Permit)  
PA14-0032 (Tentative Tract Map No. 34544)

Date: January 8, 2015

Applicant: Frontier Communities

Representative: FH II, LLC

Location: North side of Cottonwood Avenue east of  
Perris Boulevard Assessor Parcel Number  
479-140-022.

Proposal: A Tentative Tract Map 34544 and a  
Conditional Use Permit for a Planned Unit  
Development for a single family detached unit  
condominium complex including common  
recreation areas with a minimum of 72 and a  
maximum of 76 units.

Council District: 1

Recommendation: Approve with Conditions

### SUMMARY

The applicant, Frontier Communities, has submitted applications for a Tentative Tract Map 34544 (PA14-0032) and Conditional Use Permit (PA14-0033) for a Planned Unit Development (PUD) located in the mid portion of the City east of Perris Boulevard on the north side of Cottonwood Avenue. The project site is 9.4 gross acres and has a current net acreage of approximately 8.85. In addition to 76 single family units, the project's lay out and pedestrian design includes two interior private parks, one with a tot lot area, two paseos providing pedestrian connectivity throughout the project and a connection to Patricia Lane. It is noted that conditions of approval required for this project, particularly those associated with emergency vehicle ingress/egress, will require modifications to the condominium map that will likely result in a reduction in the total number of units below the proposed 76. This has been discussed with the project applicant and they understand the approval will address a minimum and maximum number of units rather than a specific number. The minimum number of units to



ensure compliance with the underlying Residential 10 (R10) zoning is 72 units (8du/per net acre).

## **PROJECT**

### **Tentative Tract Map 34544**

The Tentative Tract Map 34544 (PA14-0032) covers the entire 9.4 acre project site and creates a one lot subdivision for the proposed condominium project. The map presented for the Commission's review describes the condominium project with 76 detached units, 2 recreation areas, private streets, two emergency driveways and one Bio-Retention Facility.

Conditions of Approval are included in the resolution of approval for improvement modifications to two potential emergency vehicle driveways at Bencliff Lane and Tacoma Lane, (private streets), that could also provide operational enhancement for the two private streets. Conditions of Approval are also included for required improvements to Watson Way, a public street, to improve traffic maneuverability and provide for required second primary emergency vehicle ingress and egress to the project. A twenty-four foot wide emergency vehicle easement must also be added to the project along the west project boundary connecting interior streets to Watson Way. It is noted that the land area needed to accommodate these improvements will likely reduce the residential unit count below 76. As the driveways to Tacoma and Bencliff are not required emergency access points they may be eliminated and provide the applicant opportunity to preserve some unit count. The project unit count cannot be lower than 72 to ensure consistency with minimum density (8 du/per net acre) requirement of the underlying R10 zoning for the project site.

The Tentative Tract Map will include street improvements to Cottonwood Avenue, reverse frontage on Patricia Lane and Watson Way.

### **Conditional Use Permit for a Planned Unit Development**

The proposed project includes a Conditional Use Permit (PA14-0033) for a Planned Unit Development (PUD). The City's Municipal Code provides the opportunity through the Conditional Use Permit to allow the PUD process to deviate from the City Standards for development. The purpose of the PUD is to provide specific development guidelines for this project. A PUD provides for greater innovation in housing development including a variation in lot areas and amenities not found in standard housing tracts.

The proposed guidelines for the PUD provides for multiple styles of housing that meet or exceed City-wide standards in the Municipal Code. All development within the project is required to meet the standards as stated in the PUD including plotting, setbacks and four sided architecture. The PUD will require a pedestrian oriented environment with two common open space parks in the development. Enhanced landscaping will be provided on all main streets with an entry monument provided

along Cottonwood Avenue and all front yards landscaped by the developer with 25% being a xeriscape design as required per the Municipal Code.

The project is located in a Residential 10 (R10) land use district which typically includes multiple-family attached product. Detached products are allowed with the approval of a Conditional Use Permit for a Planned Unit Development (PUD). Individual residential units and associated yards within the proposed PUD range in size from 2,700 square feet to 5,039 square feet. There are no specific minimum lot size imposed for condominium projects with detached townhome style residences where a PUD is used, however, the total number of units for the PUD must be within the allowable density range for the underlying zoning. Provisions within the City's Municipal Code require that eighty (80%) percent of allowable density be achieved by all developments within multiple-family zoning. The minimum density required in the R10 land use district is eight (8) dwelling units per net acre. The density of the proposed 76 unit complex is eight point five nine (8.59) units per net acre. As noted above, conditions of approval for this project will result in a lower unit count, but the unit count cannot be lower than 72 units to ensure the R10 zoning regulations are met. The proposed project will meet housing needs provided within the City's Housing Element of the General Plan by expanding the range of housing options in the community. Moreover, the project's detached unit design and resulting density of at least 8 units per net acre is consistent with the R10 land use district.

Street side setbacks in the R10 zone are twenty (20) feet along Cottonwood Avenue and a ten (10) foot reverse frontage landscape buffer along the portion of Patricia Lane adjacent to the project.

### **Other Design Considerations**

Included in the PUD Guidelines are requirements for the architectural design of the proposed residential units. They call for three (3) footprints and three (3) elevations with two story homes between 2,308 to 2,689 square feet in size all with two car garages. The submitted PUD home plans have been reviewed and found to be consistent with the City's Design Guidelines. The plans include incorporation of three architectural styles, Spanish, Country, and Cottage with several color combinations and rooflines that will complement the architectural styles and provide a variety in mass, scale, color, and finishing of homes that will be visually appealing from the street. All units will have usable outdoor living areas and front porches and will be articulated in the Condominium Plan, and Home Owners Association (HOA) Covenants, Conditions & Restrictions (CC&R's). The proposed home plans provide all required design elements that would establish an attractive neighborhood, and would be compatible with other buildings on adjoining and nearby properties.

The applicant's proposed project is providing on-site recreation facilities in the form of private yards (minimum of 150 square feet per unit) and common open space (minimum of 300 square feet per unit), including picnic areas and a tot lot/playground. The configuration of the residential development project creates a desirable walkable community and pedestrian access is also considerate of existing commercial uses less than a half mile northwest of the project on Perris Boulevard. The proposed project

will offer new residential home ownership opportunities that are expected to be attractive to first time home buyers as well as to those buyers seeking a gated community with moderate sized homes and manageable yard area.

### **Site/Surrounding Area**

The project site in 9.4 gross acres and is a vacant lot that has been previously disked for weed abatement. The site has previously been planned for multi-family residential project that was not built. Much of the project site surrounding area is characterized by residential development, with established single-family neighborhoods to the north, east and west. Cottonwood Avenue serves as the southern project area boundary, and a church is located across Cottonwood Avenue.

### **Access/Parking**

The primary project access will be from Cottonwood Avenue with the primary point of access near the east edge of the development. Because the project size is greater than 35 units but less than 100 units, a second point of ingress/egress to a public street is needed to satisfy Fire Department requirements for developments of this size. The project is conditioned to provide this access at Watson Way. Two alternate fire access driveways are currently located along the northern property line to allow emergency vehicles to access this project site from Bencliff Lane and Tacoma Lane; however, it is important to note that the primary consideration for those improvements was to address operational interests for those private streets during emergency vehicle responses. However, the improvements are not 'required' fire access points for this condominium project and can be eliminated if the applicant desires. This has been discussed with the applicant and they will be considering modifications. If the access points are maintained it is the City's interest to work with this applicant to improve the vehicular turnaround operations on Bencliff and Tacoma, along with the design of a compatible interface between the new and existing neighborhoods. The project has been conditioned to revise the tentative tract map and the CUP to provide a cul-de-sac at Watson Way, Bencliff and Tacoma Lanes, providing a 28 foot minimum radius cul-de-sac for large vehicles to turnaround. All cul-de-sac's will include a Knox box gate for Fire ingress and egress. All proposed interior streets and recreation areas would be gated off from general outside public access and will be maintained by a homeowners association.

The units will be required by the PUD and the Home Owners Association CC&Rs to keep garages clear for parking of vehicles. Each residence in the proposed project will include an 18 foot driveway. The driveways are considered a project attribute as they can accommodate additional parking above and beyond the municipal code requirements, which would benefit the larger bedroom count units. The streets have been designed to allow for some minimal parking.

### **Design/Landscaping**

The PUD Guidelines and the City's Landscape Requirements articulate the desired landscape and fencing design. The project will be required to submit the Landscape

and Fence and Wall plans for review and approval prior to Building Permit issuance. All landscaping within the project and along Cottonwood Avenue, Watson Way and Patricia Lane will be maintained by the HOA.

A water quality detention basin, for water quality and flood control, will be constructed in the southeast corner of the PUD. Landscape, including trees, shrubs and groundcover, as well as irrigation shall be per the PUD guidelines, installed and maintained by the HOA.

### **REVIEW PROCESS**

The project application was submitted on June 9, 2014. The plan review phase required several reviews and meetings with staff and the applicant. The project layouts and design has been modified various times and have included various iterations of total unit counts between 70 and 76. Vehicular access has been a key consideration for the project and some versions of the project have include a second point of access from Cottonwood Avenue via either a knuckle to Watson Way or a cul de sac for the project.

On December 16, 2014, the applicant submitted the revised plans that are now before the Planning Commission for consideration. This version of the project eliminated the knuckle connecting Watson Way with Cottonwood Avenue, eliminated the Fire Lane along the western property line, and increased the number of units from 72 to 76 units. Staff reviewed the design and determined that the design provides some key deficiencies that must be addressed. In order to facilitate the project to the Commission by this January 8<sup>th</sup> date, staff and the applicant have agreed to address the unresolved issues through Conditions of Approval contained in the respective Resolutions for the Conditional Use Permit and Tentative Tract Map.

For the principal areas of concern for vehicular access and emergency access, staff has included conditions of approval that will effectively require the applicant to submit for subsequent review and approval designs that meet the City's objectives for connectivity and safety standards for City Streets.

### **ENVIRONMENTAL**

The project site is a 9.4 gross acre portion of the parcel located on the south side of Cottonwood Avenue east of Perris Boulevard. The site is generally an in-fill site with existing development on all sides of the project. The proposed Tentative Tract Map and Conditional Use Permit for a Planned Unit Development are consistent with the General Plan and the zoning for the site.

The project site is not within the criteria area Multi Species Habitat Conservation Plan. A survey was completed and no Owls or evidence of Owls were observed on the property. The site is relatively flat with minimal vegetation as the site has been disked for weed abatement. However, a Burrowing Owl 30 day pre-construction report is required prior to any site disturbance (grading) to avoid the potential take of any nests that may become present.

The site is located within the jurisdiction of the South Coast Air Quality Management District. The proposed project is consistent with the assumed residential use of the property and would not obstruct implementation of the South Coast Air Quality Management Plan.

The site was inspected and it was determined there was no significant riparian vegetation on the site or blue line stream. The property flows naturally from north to south, with no evidence of standing water on the site.

A Preliminary Water Quality Management Plan was reviewed by the Land Development Division of Public Works. The Preliminary Water Quality Management Plan is a conceptual drainage and storm water treatment design plan reviewed by the Land Development Division to meet the minimum requirements of a regulatory permit. During the improvement plan review phase of the project, the developer will be required to provide a Final Water Quality Management Plan with details and calculations for construction.

As with any development of a vacant parcel, the potential exists for the increase in noise, however there will be no substantial permanent increase in the ambient noise levels with the proposed project. Short term noise levels generated during construction are considered less than significant through compliance with the City's Municipal Code including restrictions on construction hours.

With consideration given to the preceding information, an Initial Study has been completed for the proposed Tentative Tract Map and Conditional Use Permit. Based upon the Initial Study, a determination has been made that the proposed project will not result in the potential for significant impacts to the environment. Therefore, the adoption of a Negative Declaration is recommended.

### **NOTIFICATION**

The project was noticed in the Press Enterprise on November 21, 2014 and a public notice was sent to all property owners of record within 300' of the project and posted on the site on December 1, 2014. The project was continued to the January 8, 2014 Planning Commission meeting.

Due to the continuance, the project was again noticed in the Press Enterprise on December 19, 2014 and site posting and mailings to all property owners within 300 feet were mailed on December 22, 2014 to ensure surrounding property owners were aware of the meeting date.

### **ALTERNATIVE**

If the applicant does not agree to the Conditions of Approval that will ensure the project includes a second required point of ingress and egress for emergency vehicle purposes, and improves the traffic operational concerns on Watson Way, staff will recommend Planning Commission denial of the project.

**STAFF RECOMMENDATION**

Recommend the Planning Commission **APPROVE** Resolution No. 2015-01:

1. **ADOPT** a Negative Declaration for PA14-0033 (Conditional Use Permit for a Planned Unit Development) pursuant to the California Environmental Quality Act (CEQA) Guidelines; and,
2. **APPROVE** PA14-0033 (Conditional Use Permit) based on the findings contained in the resolution and subject to the conditions of approval with no modifications included as Exhibit A of the resolution.

**And;**

Recommend the Planning Commission **APPROVE** Resolution No. 2015-02:

1. **ADOPT** a Negative Declaration for PA14-0032 (Tentative Tract Map 34544) pursuant to the California Environmental Quality Act (CEQA) Guidelines; and,
2. **APPROVE** PA14-0032 (Tentative Tract Map 34544) based on the findings contained in the resolution and subject to the conditions of approval with no modifications included as Exhibit A of the resolution.

Prepared by:

Julia Descoteaux  
Associate Planner

Approved by:

Richard J. Sandzimier  
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2015-01 with Conditions of Approval (Exhibit A) and Resolution No. 2015-02 with Conditions of Approval (Exhibit A)
3. Initial Study
4. Zoning Map
5. Aerial Photo
6. Project Plans
7. PUD Guidelines



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**INITIAL STUDY/  
ENVIRONMENTAL CHECKLIST FORM  
CITY OF MORENO VALLEY**

1. Project Title: PA14-0032 Tentative Tract Map 34544  
PA14-0033 Conditional Use Permit for a Planned Unit Development
2. Lead Agency Name and Address: City of Moreno Valley  
14177 Frederick Steet  
Moreno Valley CA 92553
3. Contact Person and Phone Number: Julia Descoteaux, Associate Planner (951) 413-3209
4. Project Location: North side of Cottonwood Avenue East of Perris Boulevard  
Assessor's Parcel Number 479-140-022
5. Project Sponsor's Name and Address: FH II, LLC  
8300 Utica Ave, Ste. 300  
Rancho Cucamonga CA 91730
6. General Plan Designation: Residential 10
7. Zoning: Residential 10
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)

The proposed project is a 9.4 acre single lot Condominium Development for 72 detached single family residences with shared open space. The project would include the following amenities: four pocket parks with more than 19,000 square feet including child-play areas, (Tot Lot) barbeque areas and exercise areas. The project would also include a 14,889 square-foot bio-retention basin. The proposed unit areas range in area from 2,700 to 5,039 square feet with fenced yards. The residential units will include living areas from 1,893 sf (5 bedrooms) to 2,274 sf (5 bedrooms) and attached 415 square foot garages.

9. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings)

Properties to the north, east and west include developed single family residences zoned Residential 5 (R5) office (O) and R5 zoning to the south.

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.  | X |
| 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.   |   |


12/15/14  
 \_\_\_\_\_  
 Signature Date  
 Julia Descoteaux

\_\_\_\_\_  
 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?  |  |  |   | X |
| The project site is not located in an area identified in the General Plan as an aesthetic resource or a significant visual resource. Since the project is proposed in an area where development has taken place over the years, the effect would be a less than significant effect on the aesthetics of the surrounding area. The project as designed and conditioned will assure a design standard that will not have a substantial adverse effect on the scenic vista of the area. |  |  |   |   |
| b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?  |  |  |   | X |
| There are no trees, rock outcroppings or historic buildings on the site. There are no state scenic highways in the vicinity of the site. The site has been disked over the years for weed abatement. As designed and conditioned, the project will not substantially damage scenic resources.  |  |  |   |   |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?  |  |  |   | X |
| The site is currently vacant and is bounded on the north, east and west by developed single family residences zoned R5. The proposed Condominium Map and the Conditional Use Permit for a Planned Unit Development will provide for approximately 72 single family detached units within the Residential 10 zone. The project as designed and conditioned will not substantially degrade the existing visual character or quality of the site and its surroundings.                  |  |  |   |   |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?  |  |  | X |   |
| As the site is currently vacant, the proposed development will add new light and glare similar to other residential developments in the area. All project lighting will be required to comply with the Municipal Code provisions regarding light and glare. Compliance with the Municipal Code, including shielding of all exterior lights, will reduce light and glare impacts to surrounding properties to less than significant.  |  |  |   |   |
| <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?   |  |  |   | X |
| The Municipal Code allows for agricultural uses such as crops in all zoning districts. The site has no agriculturally productive activities occurring within the project boundaries.   |  |  |   |   |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   |  |  |   | X |
| The site is not currently in agricultural use, or under Williamson Act control. There is no existing surrounding agricultural use, or sites under Williamson Act contract. The Municipal Code allows for agricultural uses such as crops in all zoning districts, therefore, the proposed project does not conflict with existing zoning for agricultural use, or impact sites under 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?  |  |  |   | X |
| There is no immediate surrounding agricultural use, or any proposed according to the General Plan. The proposed project will not involve changes to the existing environment, which will result in the 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?  |  |  | X |   |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation.   |  |  |   | X |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?  |  |  |   | X |
| (a. through c.) The project is located within the jurisdiction of the South Coast Air Quality Management District. The project is consistent with the General Plan. The project would not obstruct implementation of the South Coast Air Quality Management Plan. The proposed project falls below the threshold of project size identified in the SCAQMD Air Quality Handbook.  |  |  |   |   |
| d) Expose sensitive receptors to substantial pollutant concentrations?   |  |  |   | X |



| Issues and Supporting Information   | Potentially Significant Impact | Less than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| The proposed residential project will not result in substantial pollutant concentrations after mitigation, and therefore will not expose people to pollutant concentrations.  |                                |  |                              |           |
| e) Create objectionable odors affecting a substantial number of people?   |                                |  |                              | X         |
| The proposed residential project would not create any source of objectionable odors affecting other people since it does not involve any industrial or other production activities.   |                                |  |                              |           |
| <b>IV. BIOLOGICAL RESOURCES.</b> Would the project:   |                                |  |                              |           |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?   |                                |  |                              | X         |
| There are no blue line streams or riparian vegetation noted on the site, or on the USGS Maps reviewed. The site is free from any standing water. The parcel is considered an infill development project, with development surrounding the site. A Burrowing Owl Survey will be required prior to any disturbance of the site.   |                                |  |                              |           |
| 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?  |                                |  |                              | X         |
| Based on the site visit, no major riparian habitat or other sensitive community was found on the site. The site was free from standing water or condensed riparian vegetation that could warrant a habitat area for sensitive or endangered species. It is not anticipated that the proposed project would have a substantially adverse effect on existing land use conditions on the site.   |                                |  |                              |           |
| 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?  |                                |  |                              | X         |
| The proposed project will not conflict with any General Plan or local policies pertaining to the protection of biological resources. The proposed project is consistent with the goals and objectives of the General Plan under the current land use designation. There are no federally protected wetland areas such as marsh or vernal pool evident at the site.  |                                |  |                              |           |
| 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?  |                                |  |                              | X         |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?   |                                |  |                              | X         |
| (d. and e.) The proposed project will not conflict with any General Plan or local policies pertaining to the protection of biological resources. The project site is an infill location well removed from hillsides and the San Jacinto Preserve areas that are the focus of local biological resources preservation programs. The project site is an infill location in an urban setting. The project is consistent with the goals and objectives of the General Plan and the Municipal Code related to the residential land use designation.  |                                |  |                              |           |
| 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?  |                                |  |                              | X         |
| The proposed project will not conflict with the Stephen's Kangaroo Rat Habitat Conservation Plan (SKR HCP) pertaining to the protection of biological resources or any other known local, regional or state habitat conservation plans. If not previously paid, the SKR Habitat plan will require a fee of \$500.00 per acre to be paid by the developer to assist in setting aside established protection areas for said habitat.<br>The project site is within the plan area for the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP). The project is outside the plan Criteria Area, does not support riparian resources and is not within the special survey areas designated under the plan for narrow endemic plants, small mammals or amphibians. The proposed project will not conflict with the Riverside County Multi-species plan. Multi-species mitigation fees will also be in affect and collected prior to building permit issuance and support existing MSHCP conservation and management programs. A Burrowing Owl Study was completed and no Owls or evidence of was observed. A 30-day pre-construction Owl report is required prior to any site disturbance or grading permit issuance. |                                |  |                              |           |
| <b>V. CULTURAL RESOURCES.</b> Would the project:  |                                |  |                              |           |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?   |                                |  |                              | X         |
| b) Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5?   |                                |  |                              | X         |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?   |                                |  |                              | X         |



| Issues and Supporting Information  | Potentially Significant Impact | Less than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| (a.through c.) Based on the review of the Cultural Resources Inventory for the City of Moreno Valley (October 1987), there are no known archaeological or historical resources on the site. There are no known paleontological or unique geological features on the site.  |                                |  |                              |           |
| d) Disturb any human remains, including those interred outside of formal cemeteries?   |                                |  |                              | X         |
| There is no known location of archaeological resources or human remains on the site. The standard condition of approval of any future development proposed for the site would be the requirement of work on the project to be terminated in the event that human remains are found on the site.  |                                |  |                              |           |
| <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.  |                                |  |                              | X         |
| The site is not within an Alquist-Priolo zone or other designated vault hazard zone.   |                                |  |                              |           |
| (ii) Strong seismic ground shaking?  |                                |  | X                            |           |
| The nearest fault system is the San Jacinto fault system, which lies over 3 miles east of the site. The San Andreas fault is more than 25 miles from the site. The active sierra Madre and San Gabriel fault zones lie roughly 35 and 40 miles respectively to the northwest of the site. The active Elsinore and Newport-Inglewood fault zones lie approximately 20 and 45 miles respectively to the southwest of the site. This faulting is not considered a significant constraint to development on the site with use of development codes.  |                                |  |                              |           |
| (iii) Seismic-related ground failure, including liquefaction?  |                                |  |                              |           |
| It is anticipated that there will be a low chance of significant impact from surface fault rupture, seismic ground shaking or ground failure. The site is not in an area subject to liquefaction.  |                                |  |                              |           |
| (iv) Landslides?   |                                |  |                              |           |
| Since the site is generally flat, there is no potential hazard related to landslides.  |                                |  |                              |           |
| (b) Result in substantial soil erosion or the loss of topsoil?   |                                |  | X                            |           |
| In the construction phase of development, exposed soils on the project site may be prone to erosion as a result of exposure to both wind and rain. Established regulatory programs of the South Coast Air Quality Management District (SCAQMD) and the California Regional Water Quality Control Board require implementation of known best management practices during construction. This issue will be addressed as part of standard construction of any proposed project, with such measures as watering to reduce dust and sandbagging, if required, during rainy periods. The Stormwater Pollution Prevention Plan required for compliance with RWQCB regulations details the applicable measure, the location of the application, and the responsibility for monitoring and maintenance of control plans are implemented during construction and that erosion impact during project construction are less than significant. Once completed, the buildings, paving, landscaping and any water quality basins that will occupy the site will establish a condition presenting negligible potential for soil erosion. |                                |  |                              |           |
| (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?  |                                |  | X                            |           |
| (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?  |                                |  | X                            |           |
| (c.through d.) According to the information developed as part of the City's General Plan, the project site is not known to be exposed to any unstable geologic or soil conditions. Standard building code requirements establish standards for investigation of potentially stability hazards and engineering design to address any identified stability issues. Established City procedures for plan check, permit issuance, and building inspection ensure incorporation of engineering recommendations in project design.   |                                |  |                              |           |
| (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?  |                                |  |                              | X         |
| The proposed project will be served by the regional sewer system serviced by Eastern Municipal Water District.   |                                |  |                              |           |
| <b>VII. GREENHOUSE GAS EMISSIONS.</b> Would this project?  |                                |  |                              |           |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?  |                                |  | X                            |           |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?   |                                |  | X                            |           |

| Issues and Supporting Information  | Potentially Significant Impact | Less than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| (a, and b.) "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. 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 consistency of the project with the City's adopted General Plan and zoning, the City has chosen to rely on a qualitative analysis. The project is consistent with the goals and objectives of the City's General Plan and will not create regional growth beyond that already considered in the General Plan. 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>VIII. HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project?   |                                |  |                              |           |
| a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?   |                                |  | X                            |           |
| 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?  |                                |  | X                            |           |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  |                                |  | X                            |           |
| (a.through c.) The proposed project will not involve the routine transport, use or disposal of hazardous materials. The proposed project will not create a significant hazard to the public or the environment through the routine transport, or use or disposal of hazardous materials. Since the project will not involve the routine transport, use or disposal of hazardous material, there will not be the potential for significant hazard to the public or environment.   |                                |  |                              |           |
| 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?  |                                |  |                              | X         |
| The site is not located on a list of hazardous material sites compiled pursuant to Government Code Section 65962.54.   |                                |  |                              |           |
| 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?   |                                |  |                              | X         |
| The site is not within an airport land use plan.   |                                |  |                              |           |
| 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?  |                                |  |                              | X         |
| There are no private airstrips within the City of Moreno Valley.   |                                |  |                              |           |
| g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?   |                                |  | X                            |           |
| 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?   |                                |  |                              | X         |
| (g and h) The proposed project would not have any direct effect on an adopted emergency response plan, or emergency evacuation plan. The City has an adopted Hazardous Waste Management Plan (January 1991) as part of its General Plan, which addresses emergency response pertaining to hazardous materials. The City's emergency plans are also consistent with the General Plan. Since the proposed project is consistent with the General Plan, the proposed project would not be in conflict in any way with the emergency response or emergency evacuation plans.   |                                |  |                              |           |
| <b>IX. HYDROLOGY AND WATER QUALITY.</b> Would the project:   |                                |  |                              |           |
| a) Violate any water quality standards or waste discharge requirements?  |                                |  |                              |           |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?  |                                |  |                              | X         |
| (a and b) The project will have a negligible effect on groundwater supply. The project will create more impervious surfaces through the construction of streets, hardscape, and structures.  |                                |  |                              |           |
| c) Substantially alter the existing drainage pattern of the site or area, including  |                                |  |                              | X         |

| 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 will not substantially alter the existing drainage pattern of the site or area, in a manner, which would result in substantial erosion or siltation on or off-site. The site is within the zone X which is determined to be outside the 0.2% annual chance floodplain. The project is required to participate in a Water Quality Management Plan to ensure proper drainage of the site, and has dedicated one lot for water quality and retention basins. |                                |  |                              |           |
| 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 X site?  |                                |  |                              | X         |
| The project will not substantially alter the existing drainage pattern of the site or area in a manner, which would result in substantial erosion or siltation on or off-site.  |                                |  |                              |           |
| 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?   |                                |  |                              | X         |
| f) Otherwise substantially degrade water quality?   |                                |  |                              | X         |
| (e and f) The proposed tentative tract map is consistent with the General Plan. The proposal would be consistent with planned stormwater drainage systems and will not exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff or otherwise substantially degrade water quality.  |                                |  |                              |           |
| 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?  |                                |  | X                            |           |
| The project would not place housing within a 100-year flood plain. The project is in Zone X area, less than the 1% and not within the 100 year floodplain.  |                                |  |                              |           |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?   |                                |  | X                            |           |
| 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?  |                                |  | X                            |           |
| (h and i) The site is within the Zone X which is determined to be outside the 0.2% annual chance floodplain. The proposed tentative tract map is an in-fill project which will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.  |                                |  |                              |           |
| j) Inundation by seiche, tsunami, or mudflow?   |                                |  |                              | X         |
| The site is not identified in the General Plan as a location subject to seiche, or mudflow.   |                                |  |                              |           |
| <b>X. LAND USE AND PLANNING.</b> Would the project:   |                                |  |                              |           |
| a) Physically divide an established community?  |                                |  |                              | X         |
| The project will not divide an established community. The project provides a connection from the site to the project to the east and provides a street to connect the houses to the west to Cottonwood Avenue.  |                                |  |                              |           |
| 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?   |                                |  | X                            |           |
| The proposed project is consistent with the General Plan and will not conflict with any applicable land use plan or policy. The project will include a Conditional Use Permit for a Planned Unit Development to accommodate the variation in housing and tract design consistent with the City's Municipal Code. The projects density is 8.13 which is within the criteria for the Residential 10 zoning requirements.  |                                |  |                              |           |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?   |                                |  |                              |           |
| The project is not within a reserve area established under the Stephen's Kangaroo Rat Habitat Conservation Plan (SKR HCP). In addition, the project is not within the criteria area of the Multi-species Habitat Conservation Plan for the burrowing owl. The project will be required to obtain a Burrowing Owl survey and provide a 30 days pre-construction survey prior to any land disturbance.  |                                |  |                              |           |
| <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?  |                                |  |                              | X         |
| There are no known mineral resources on the site. There are no locally important mineral resource recovery sites in the proximity to the site.  |                                |  |                              |           |
| b) Result in the loss of availability of a locally-important mineral resource   |                                |  |                              | X         |



| Issues and Supporting Information  | Potentially Significant Impact | Less than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| recovery site delineated on a local general plan, specific plan or other land use plan?  |                                |  |                              |           |
| There are no known mineral resources on the site. There are no locally important mineral resource recovery sites in the proximity to the site.   |                                |  |                              |           |
| <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?  |                                |  | X                            |           |
| While short-term noise levels would be generated during each construction phase of development, long-term noise impacts were expected to result from the increased on-site population and stationary source intensity, as well as the mobile noise resulting from corresponding vehicle trips. Noise from construction would be less than significant by complying with the Municipal Code standards, and the long-term noise impacts would be typical of a residential tract development.   |                                |  |                              |           |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?  |                                |  |                              | X         |
| The proposed project has incorporated the City's conditions of approval into the project design. As a result, construction and operation activities would be restricted to Monday through Friday from 6:00 AM to 8:00 PM, excluding holidays, and from 7:00 AM to 8:00 PM on weekends and holidays. As a result, no significant impacts would occur.   |                                |  |                              |           |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?   |                                |  | X                            |           |
| There will be not substantial permanent increase in ambient noise levels with the proposed project as designed and conditioned, there would be only minor increases in noise levels over existing conditions. The project is consistent with the General Plan and Zoning.  |                                |  |                              |           |
| d) A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?   |                                |  | X                            |           |
| This proposed project is consistent with the General Plan. During construction, there will be limited impact of noise from construction equipment. The Public Works Department has a standard condition of approval regarding the public nuisance aspect of the construction activities. The construction operations including building related activities and deliveries shall be restricted to Monday through Friday from 6:00 AM to 8:00 PM, excluding holidays, and from 7:00 AM to 8:00 PM on weekends and holidays, in accordance with City Municipal Code 8.14.040, unless otherwise extended or shortened by the City Engineer or Building Official. |                                |  |                              |           |
| 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         |
| The proposed project site is not within an airport land use plan.  |                                |  |                              |           |
| 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         |
| There is no private airstrip within the vicinity of the site, or within the City of Moreno Valley.   |                                |  |                              |           |
| <b>XIII. POPULATION AND HOUSING.</b> Would the project:  |                                |  |                              |           |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?  |                                |  | X                            |           |
| This infill project with 72 new residential units, and will have a minimal impact on population growth in the area.  |                                |  |                              |           |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?  |                                |  |                              | X         |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?  |                                |  |                              | X         |
| (b and c) This property is currently vacant. Hence, no housing will be displaced.  |                                |  |                              |           |
| <b>XIV. PUBLIC SERVICES.</b> 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:  |                                |  |                              |           |
| a) Fire protection?  |                                |  | X                            |           |
| The project will require service from fire. The proposed project has incorporated the City's standard conditions of approval into its design. These standards include measures, which specifically address concerns regarding the Fire Prevention Bureau with regards to residential development. Upon consultation with the fire department and payment of applicable development impact fees, impacts would be less than significant.  |                                |  |                              |           |

| Issues and Supporting Information  | Potentially Significant Impact | Less than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| b) Police protection?  |                                |  | X                            |           |
| The project will require police service. It is in conformance with the General Plan. Conditions of approval specifically addressing the concerns of the Police Department such as security fencing during construction, and providing emergency contact information have all been incorporated into the project's design. Police protection to the project area is provided through the Moreno Valley Police. Development of the project site would increase the demand on the Police Department. The addition of 72 dwelling units at this location would not over-burden the ability to provide high quality police service. Impacts would be less than significant. |                                |  |                              |           |
| c) Schools?  |                                |  | X                            |           |
| d) Parks?  |                                |  | X                            |           |
| (c and d) The project will require service from schools, parks, and other public facilities. It is expected that the level of service for these uses would be typical for a residential development. The project is conditioned to pay Development Impact Fees.  |                                |  |                              |           |
| e) Other public facilities?  |                                |  | X                            |           |
| As the project is consistent with the General Plan, all other public facilities can be adequately provided.  |                                |  |                              |           |
| <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?  |                                |  | X                            |           |
| The project will have a minimal impact on existing parks. The project will include several pocket parks within the development for use by the residents. Additionally, the project will pay Development Impact fees and Parks fees based on current City requirements.   |                                |  |                              |           |
| 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?  |                                |  | X                            |           |
| The project will include several pocket parks within the development for use by the residents. There will be no adverse physical effects on the environment.   |                                |  |                              |           |
| <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?  |                                |  | X                            |           |
| This project, with the addition of 72 new dwellings, is consistent with the General Plan, and will result in a minimal increase in traffic. The project was not required to complete a Traffic Study.  |                                |  |                              |           |
| 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 project, with the addition of 72 new dwelling units will not exceed a level of service established by an adopted regional congestion management plan.  |                                |  |                              |           |
| 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?  |                                |  |                              | X         |
| The proposed project would have no direct or indirect effect on air traffic patterns.  |                                |  |                              |           |
| d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?  |                                |  |                              | X         |
| All streets would be developed to the specifications of the City Engineer and Traffic Engineer, as well as General Plan. Additionally, all standard conditions of approval have been incorporated into the project design related to street design, permitting, sidewalk and driveway construction and lighting criteria. This would ensure that no hazardous traffic situations would occur during construction or with completion of the project. Additionally, this would ensure that emergency access is not jeopardized.  |                                |  |                              |           |
| e) Result in inadequate emergency access?  |                                |  |                              | X         |
| All streets would be developed to the specifications of the City Engineer and Traffic Engineer, as well as General Plan. Additionally, all standard conditions of approval have been incorporated into the project design related to street design, permitting, sidewalk and driveway construction and lighting criteria. This would ensure that no hazardous traffic situations would occur during construction or with completion of the project. Additionally, this would ensure that emergency access is not jeopardized.  |                                |  |                              |           |
| f) Conflict with adopted policies or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?   |                                |  |                              | X         |

| Issues and Supporting Information   | Potentially Significant Impact | Less than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-----------|
| The proposed project will not conflict with adopted policies or programs supporting alternative transportation.   |                                |  |                              |           |
| <b>XVII. UTILITIES AND SERVICE SYSTEMS.</b> Would the project:  |                                |  |                              |           |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?   |                                |  |                              | X         |
| 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?  |                                |  |                              | X         |
| 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?   |                                |  |                              | X         |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?  |                                |  |                              | X         |
| 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?  |                                |  |                              | X         |
| (a through e) The proposed tentative tract map is consistent with the General Plan, and therefore will not exceed wastewater requirements of the Regional Water Quality Control Board. Since the project is consistent with the General Plan, the project would not require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities.  |                                |  |                              |           |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  |                                |  |                              | X         |
| The needs of the project for solid waste capacity would be negligible. Since the project is consistent with the General Plan, there would be adequate solid waste capacity to satisfy the project.  |                                |  |                              |           |
| g) Comply with federal, state, and local statues and regulations related to solid waste?  |                                |  |                              | X         |
| The City is complying with State and Federal regulations regarding solid waste. This project will also comply with the current policies regarding solid waste.  |                                |  |                              |           |
| <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? |                                |  |                              | X         |
| The project does not have the potential to substantially degrade the quality of the environment. The project has been previously disturbed through weed abatement and no plants of significance are located on the site. There are no historic structures on the site, and there will be no impact to historic resources.   |                                |  |                              |           |
| 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)?  |                                |  | X                            |           |
| As the project is consistent with the General Plan, the proposed project will not result in impacts that are individually limited but cumulatively considerable. Thus, will have a less than significant impact on the environment.   |                                |  |                              |           |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?   |                                |  |                              | X         |
| The project is a residential tract consisting of 72 detached residential units on 9.4 acres. The project will be consistent with the General Plan. As designed and conditioned, the proposed project will not cause substantial adverse effects on human beings, either directly or indirectly.   |                                |  |                              |           |





December 10, 2014

Mr. Lonnie Ellis  
**FRONTIER COMMUNITIES**  
8300 Utica Ave., Suite 300  
Rancho Cucamonga, CA 91730

**Re: MSHCP 30-DAY PRE-CONSTRUCTION BURROWING OWL SURVEY FOR THE MORENO VALLEY TENTATIVE TRACT 34544 PROJECT SITE, CITY OF MORENO VALLEY, RIVERSIDE COUNTY, CALIFORNIA**

Dear Lonnie:

This report presents the results of a 30-day pre-construction survey for burrowing owl (*Athene cunicularia*) (BUOW) that was conducted in compliance with P19 of the Planning comments provided by the City of Moreno Valley Project Review Staff Committee. This report summarizes the methodology and findings of a pre-construction survey for this species on the Moreno Valley Tentative Tract 34544 project site ("study area") located in the City of Moreno Valley, Riverside County, California.

#### **STUDY AREA**

The approximately 9.4-acre study area is located east of Perris Boulevard, north of Cottonwood Avenue, west of Kitching Street, and south of Dracaea Avenue. (Figure 1, *Regional Map*, attached). The property can be found on the United States Geological Survey (USGS) 7.5-minute Sunnymead, California Quadrangle, in Section 8, T.3 S., R. 3 W as shown in Figure 2, *Vicinity Map*, attached. The study area consists of flat terrain with elevations ranging from 1,582 feet above mean sea level (MSL) near the southeast corner to 1,594 feet above MSL near the north-central border. The surrounding land uses include residential development to the north, west and east, and a fleet maintenance center to the south.

#### **Vegetation**

The study area was recently disturbed by weed abatement activities, areas where vegetation persisted were dominated by ruderal vegetation such as Russian thistle (*Salsola tragus*), tree tobacco (*Nicotiana glauca*), short-pod mustard (*Hirschfeldia incana*), red brome (*Bromus madritensis*), doveweed (*Eremocarpus setigerus*), and red stemmed filaree (*Erodium cicutarium*).

#### **WILDLIFE**

Wildlife species observed within the study area during the survey included Anna's hummingbird (*Calypte anna*), house sparrow (*Passer domesticus*), house finch (*Haemorhous*

Mr. Lonnie Ellisor  
**FRONTIER COMMUNITIES**  
December 10, 2014 - Page 2



*mexicanus*), bushtit (*Psaltriparus minimus*), American crow (*Corvus brachyrhynchos*) and European starling (*Sturnus vulgaris*).

#### **METHODOLOGY**

The pre-construction BUOW survey was conducted in compliance with the County of Riverside Environmental Programs Department<sup>1</sup> to determine the presence of BUOW as a condition to obtaining a grading permit. PCR biologist Ezekiel Cooley conducted the survey on December 8, 2014. The survey was conducted in the study area, as well as a 500-foot buffer. Transects were utilized in all accessible areas, spaced no more than 100 feet apart, to allow for 100 percent visibility. Observations were made with the use of binoculars for inaccessible areas, mainly within the 500-foot buffer. During the December 8, 2014 survey (7:15 am to 9:00 am), weather conditions consisted of 60% cloud cover with 0-1 mph winds and air temperatures at 58° Fahrenheit.

#### **RESULTS**

No burrowing owls were observed during the pre-construction survey. Suitable BUOW habitat in the form of bare ground and low-growing vegetation was observed on-site. However, no evidence of BUOW, BUOW sign or suitable burrows was observed on-site or within the 500-foot buffer. Due to the lack of suitable burrows and BUOW sign, it is PCR's opinion that the study area is not currently occupied by the species at this time and commencement of construction activities will not impact BUOW.

If you should have any questions regarding the information presented in this letter report please contact Ezekiel Cooley at (949) 753-7001.

Sincerely,  
**PCR SERVICES CORPORATION**

A handwritten signature in black ink, appearing to read "E. Cooley", written in a cursive style.

Ezekiel Cooley  
Senior Biologist

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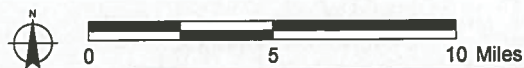
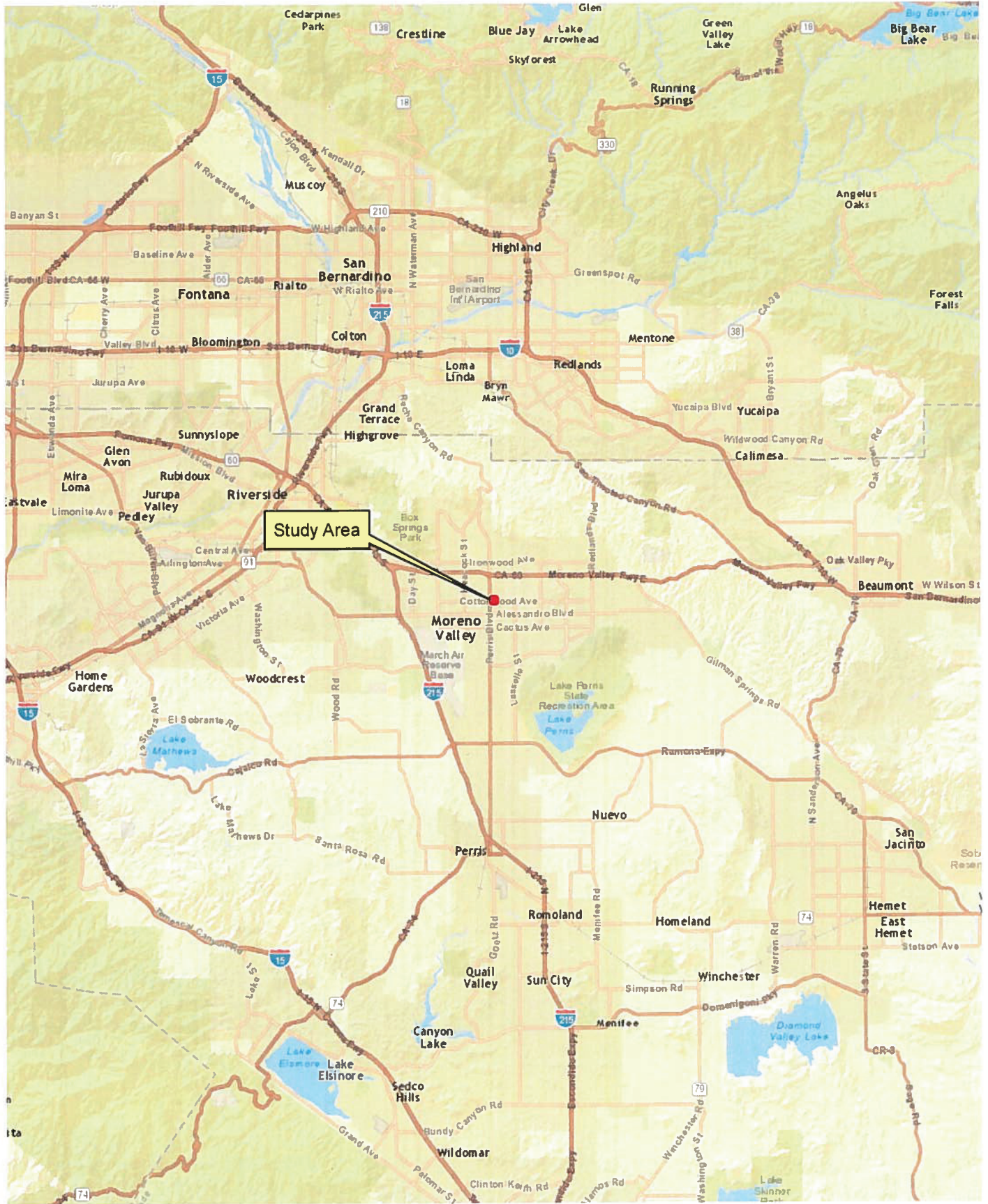
<sup>1</sup> County of Riverside Environmental Programs Department. 2006. Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area. March 29, 2006.

Mr. Lonnie Ellisor  
**FRONTIER COMMUNITIES**  
December 10, 2014 - Page 3



Attachments:  
Figure 1: Regional Map  
Figure 2: Vicinity Map





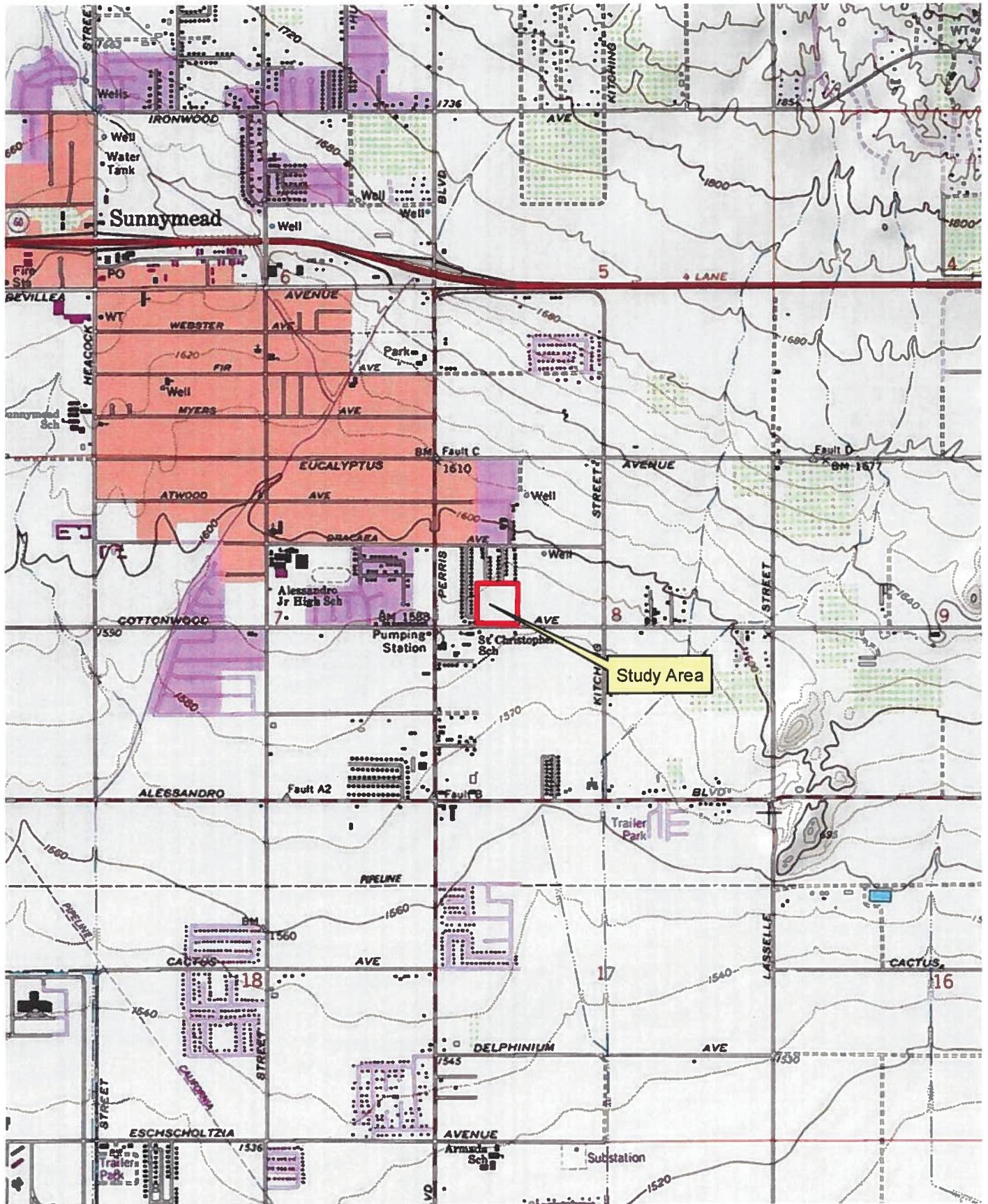
**Regional Map**

FIGURE

**1**

Tentative Tract 34544  
Source: ESRI Street Map, 2009; PCR Services Corporation, 2014.





**Vicinity Map**

FIGURE

Tentative Tract 34544

**2**

Source: USGS Topographic Series (Sunnymead, CA); PCR Services Corporation, 2014.

# Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)

| APN       | Cell       | Cell Group  | Acres | Area Plan               | Sub Unit   |
|-----------|------------|-------------|-------|-------------------------|------------|
| 479140022 | Not A Part | Independent | 9.09  | Reche Canyon / Badlands | Not a Part |

## HABITAT ASSESSMENTS

Habitat assessment shall be required and should address at a minimum potential habitat for the following species:

| APN       | Amphibia Species | Burrowing Owl | Criteria Area Species | Mammalian Species | Narrow Endemic Plant Species | Special Linkage Area |
|-----------|------------------|---------------|-----------------------|-------------------|------------------------------|----------------------|
| 479140022 | NO               | YES           | NO                    | NO                | NO                           | NO                   |

### Burrowing Owl

Burrowing owl.

If potential habitat for these species is determined to be located on the property, focused surveys may be required during the appropriate season.

## Background

The final MSHCP was approved by the County Board of Supervisors on June 17, 2003. The federal and state permits were issued on June 22, 2004 and implementation of the MSHCP began on June 23, 2004.

For more information concerning the MSHCP, contact your local city or the County of Riverside for the unincorporated areas. Additionally, the Western Riverside County Regional Conservation Authority (RCA), which oversees all the cities and County implementation of the MSHCP, can be reached at:

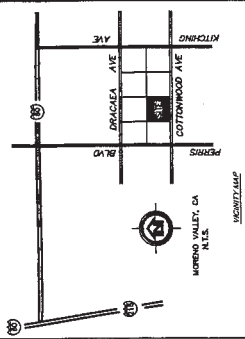
Western Riverside County Regional Conservation Authority



3403 10th Street, Suite 320  
Riverside, CA 92501

Phone: 951-955-9700  
Fax: 951-955-8873

Attachment 8



**APPLICANT**  
THOMAS BROTHERS  
4200 UTIC AVE SUITE 300  
MORONGO VALLEY, CA 91700  
**ASSESSOR'S PARCEL NO.**  
479-149-02

**LEGAL DESCRIPTION**  
9.39 ACRES S/4 1/4 OF R/BK 23 AB  
MORONGO VALLEY, CA 91700  
ALEXANDER DEVELOPMENT CO  
ALEXANDER DEVELOPMENT CO

**AREA AND DENSITY**  
GROSS ACRES 9.4  
NET ACRES 8.2  
DENSITY 1 UNIT PER ACRE  
R-20 UIC

**PARKING**  
150 SPACES  
ON STREET PARKING PER CITY OF MORONGO VALLEY STANDARDS

**FLOOD HAZARD**  
PROJECT SITE IS LOCATED IN ZONE X (X-RISK) DETERMINED TO BE OUTSIDE THE 100-YEAR FLOOD PLAIN AS SHOWN ON THE 060074-0023. THE SUBJECT TRACT IS WITHIN THE 060074-0023. THE SUBJECT TRACT IS WITHIN THE 060074-0023. THE SUBJECT TRACT IS WITHIN THE 060074-0023.

**PUBLIC UTILITIES**  
WATER  
SEWER  
ELECTRICITY  
CABLE TV  
CABLE

**SCHOOL**  
MORONGO VALLEY UNIFIED SCHOOL DISTRICT

**THOMAS BROTHERS GUIDE**  
PAGE 717 6-4, 2005 EDITION

**LAND USE AND ZONING**  
CURRENT ZONING R-20 UIC  
PROPOSED ZONING R-20 UIC  
FEMA FLOOD ZONE

**GRADING QUANTITIES**  
CUT = 1,550 CY  
FILL = 1,550 CY  
OVER EXCAVATION = 45,000 CY  
TOTAL = 48,000 CY

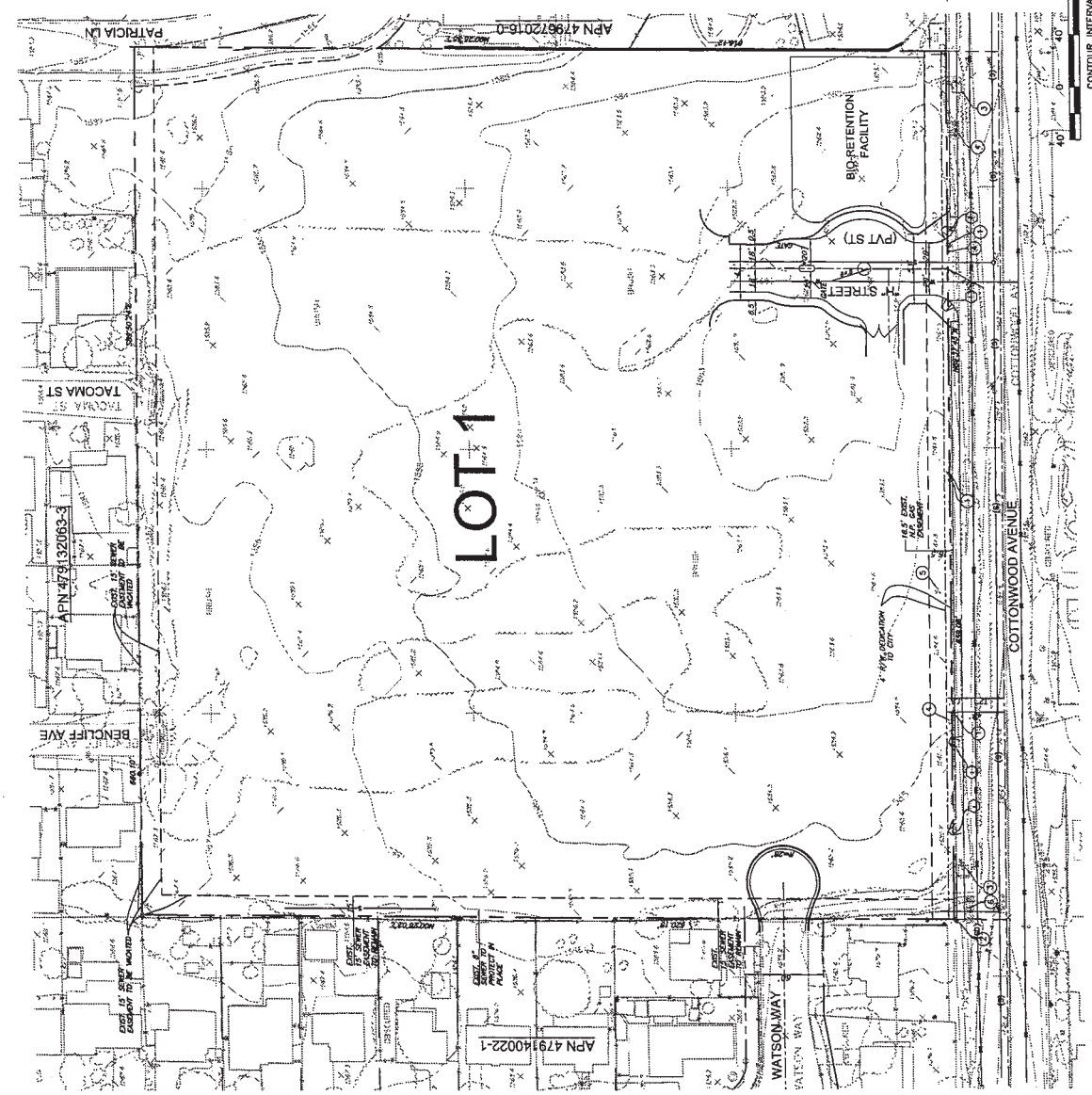
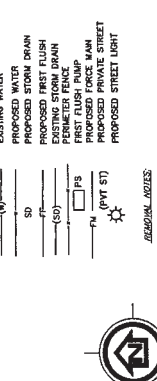
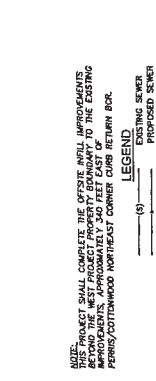
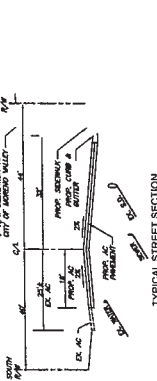
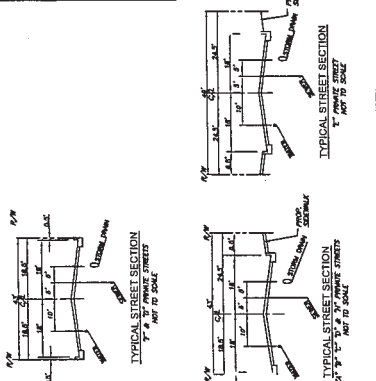
**TOPOGRAPHY**  
PROPOSED BY: DON RICH CORPORATION  
DATE: 4/7/2014

**FOR CONDOMINIUM PURPOSES**  
PA14-0032 TTM 34544  
**B E ENGINEERS**  
1000 S. MORONGO VALLEY BLVD  
MORONGO VALLEY, CA 91700  
TEL: 951-261-1111  
WWW.BEENGINEERS.COM

**TENTATIVE TRACT MAP NO. 34544**  
LOCATED IN THE CITY OF MORONGO VALLEY  
COUNTY OF RIVERSIDE, CALIFORNIA

01-18-2015  
SCALE: 1"=40'  
DATE: 10/17/14

SHEET 1 OF 1 SHEET



**LEGEND**

EXISTING SEWER  
EXISTING WATER  
PROPOSED WATER  
PROPOSED STORM DRAIN  
PROPOSED FIRST FLUSH  
EXISTING STORM DRAIN  
FIRST FLUSH PUMP  
PROPOSED FORCE MAIN  
PROPOSED PRIVATE STREET  
PROPOSED STREET LIGHT

**REGIONAL NOTES**

1. EXISTING PAVEMENT TO BE REPAVED/RECONSTRUCTED.

2. EXISTING PORTS TO BE RELOCATED/REMOVED.

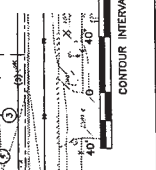
3. UTILITY VALVES TO BE DAMAGED TO BE RELOCATED/REMOVED.

4. EXISTING CURB PIPES TO BE REMOVED.

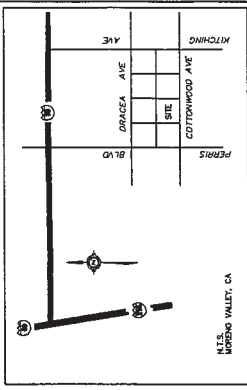
5. EXISTING CURB PIPES TO BE REMOVED.

CONSTRUCTION NOTES

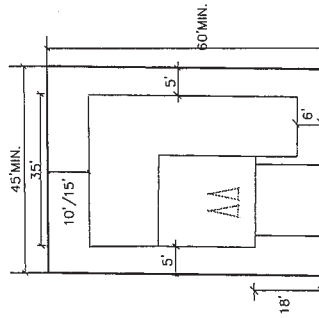
1. CONSTRUCT PRESTRESS RAMP PER CITY STD. MST-114-0.







| LOT   | AREA(sq ft) |
|-------|-------------|
| A     | 2,170       |
| B     | 2,170       |
| C     | 2,051       |
| D     | 2,719       |
| E     | 3,179       |
| F     | 8,592       |
| H     | 2,559       |
| J     | 4,045       |
| TOTAL | 27,485      |



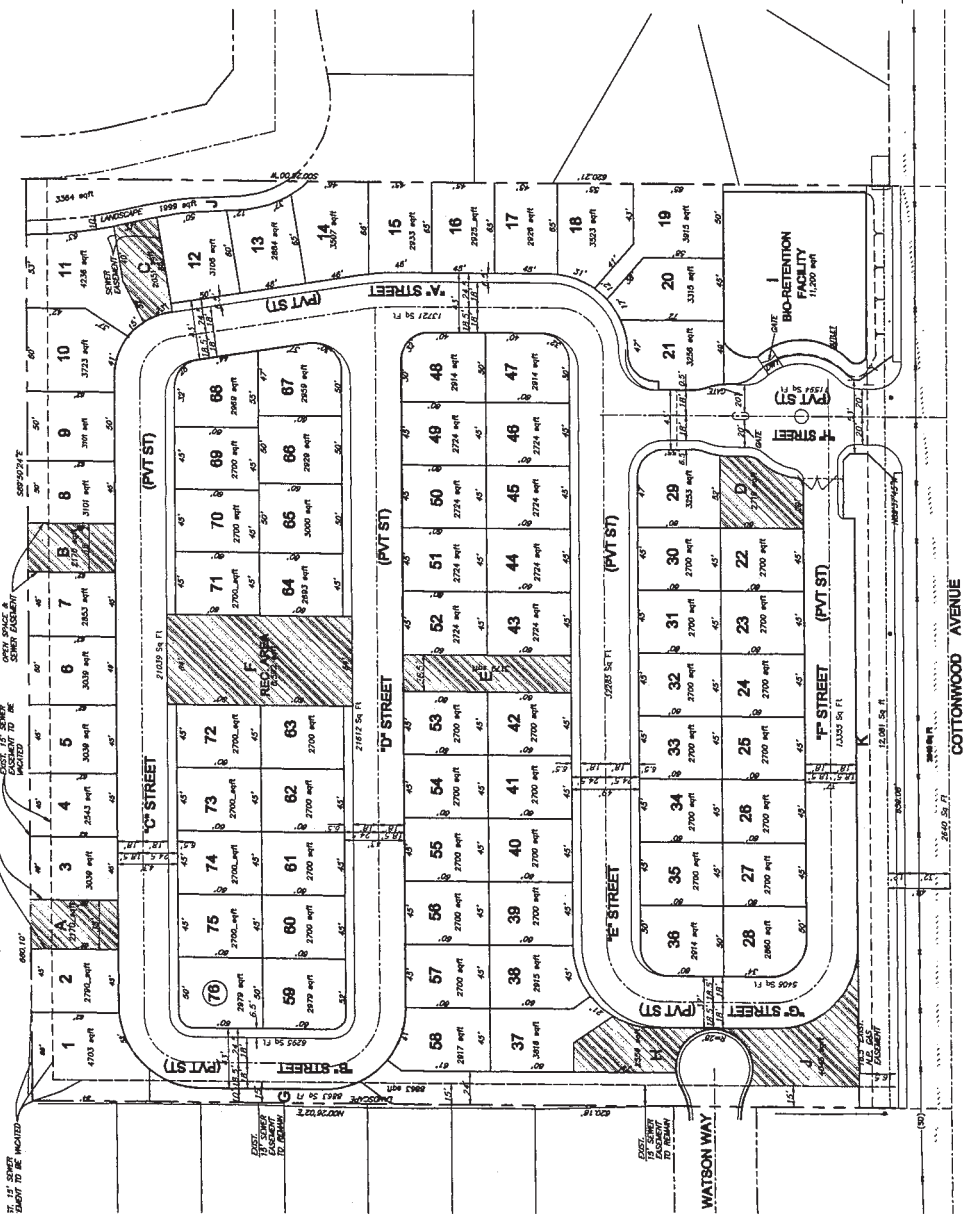
PRIVATE STREET  
TYPICAL MIN YARD SETBACKS  
DETAILS

LOT AREAS  
PA14-0032 TTM 94544  
FOR CONDOMINIUM PURPOSES

**B & E ENGINEERS**  
30 E. FORDAL BLVD., STE. 200  
MILWAUKEE, WI 53212  
TEL: 414.224.1100  
WWW.BEENGINEERS.COM

TENTATIVE TRACT MAP No. 34644  
COUNTY OF WISCONSIN  
STATE OF WISCONSIN

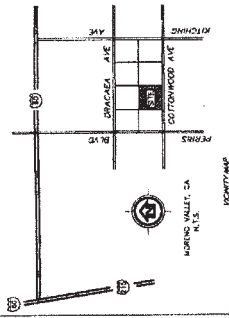
01-19-2015  
SCALE: 1"=40'  
DATE: 01/19/2015  
SHEET 1 OF 1 SHEETS



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Attachment 9



**APPLICANT**  
 THOMAS BROTHERS  
 10000 COTTONWOOD AVE  
 AMARCO, CALIFORNIA, CA 91730

**ASSESSOR'S PARCEL NO.**  
 719-146-022

**LEGAL DESCRIPTION**  
 3.39 ACRES M/A IN LOT 6 & 7 & 8  
 WITH 1.5 ACRES OF UNDEVELOPED AND  
 UNIMPROVED LAND IN LOT 10  
 WITH 1.5 ACRES OF UNDEVELOPED AND  
 UNIMPROVED LAND IN LOT 11

**AREA AND DENSITY**  
 GROSS AREA: 9.4 ACRES  
 NET AREA: 8.27 ACRES  
 DENSITY: 8.30 U/AC

**NET AREA EXCLUDES** 4.77 STREET DEDICATION  
 ALONG COTTONWOOD AVE (0.08 AC) AND  
 PARKING LOT DEDICATION (0.07 AC)

**PARKING**  
 150 ON STREET PARKING PER CITY OF AMARCO VALLEY

**FLOOD HAZARD**  
 FLOOD HAZARD ZONE: X-1 (100 YEAR FLOOD)  
 FLOOD PLAIN FLOOD PROTECTION PLAN NO. 1  
 FLOOD PROTECTION PLAN NO. 1  
 FLOOD PROTECTION PLAN NO. 1  
 FLOOD PROTECTION PLAN NO. 1

**PUBLIC UTILITIES**  
 WATER  
 SEWER  
 GAS  
 TELEPHONE  
 CABLE

**SCHOOL**  
 AMARCO VALLEY UNIFIED SCHOOL DISTRICT

**THOMAS BROTHERS GUIDE**  
 PAGE 717 3-4, 2003 EDITION

**LAND USE AND ZONING**  
 COUNTY: CALIFORNIA  
 COUNTY OFFICE: SACRAMENTO  
 PROJECT: AMARCO VALLEY  
 PREPARED BY: THOMAS BROTHERS

**FEMA FLOOD ZONE**  
 FLOOD HAZARD ZONE: X-1 (100 YEAR FLOOD)  
 FLOOD PLAIN FLOOD PROTECTION PLAN NO. 1  
 FLOOD PROTECTION PLAN NO. 1  
 FLOOD PROTECTION PLAN NO. 1

**GRADING QUANTITIES**  
 CUT: 11,550 CY  
 FILL: 19,800 CY  
 SHALLOWS: 2,750 CY  
 IMPORT: 16,500 CY

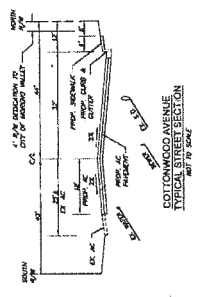
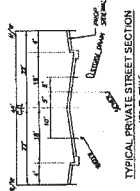
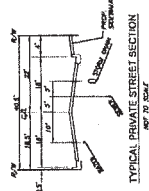
**TOPOGRAPHY**  
 DATUM: 1988  
 PROJECTION: UTM  
 ZONE: 18N  
 ELEVATION: 100 FT

PA14-0032 TTM 34544  
**FOR CONDOMINIUM PURPOSES**

**B & E ENGINEERS**  
 10000 COTTONWOOD AVE  
 AMARCO, CALIFORNIA 91730

TENTATIVE TRACT MAP NO. 34544  
 COUNTY OF FRESNO, STATE OF CALIFORNIA

DATE: 12-28-2014  
 SCALE: 1"=40'  
 SHEET 1 OF 1 SHEET

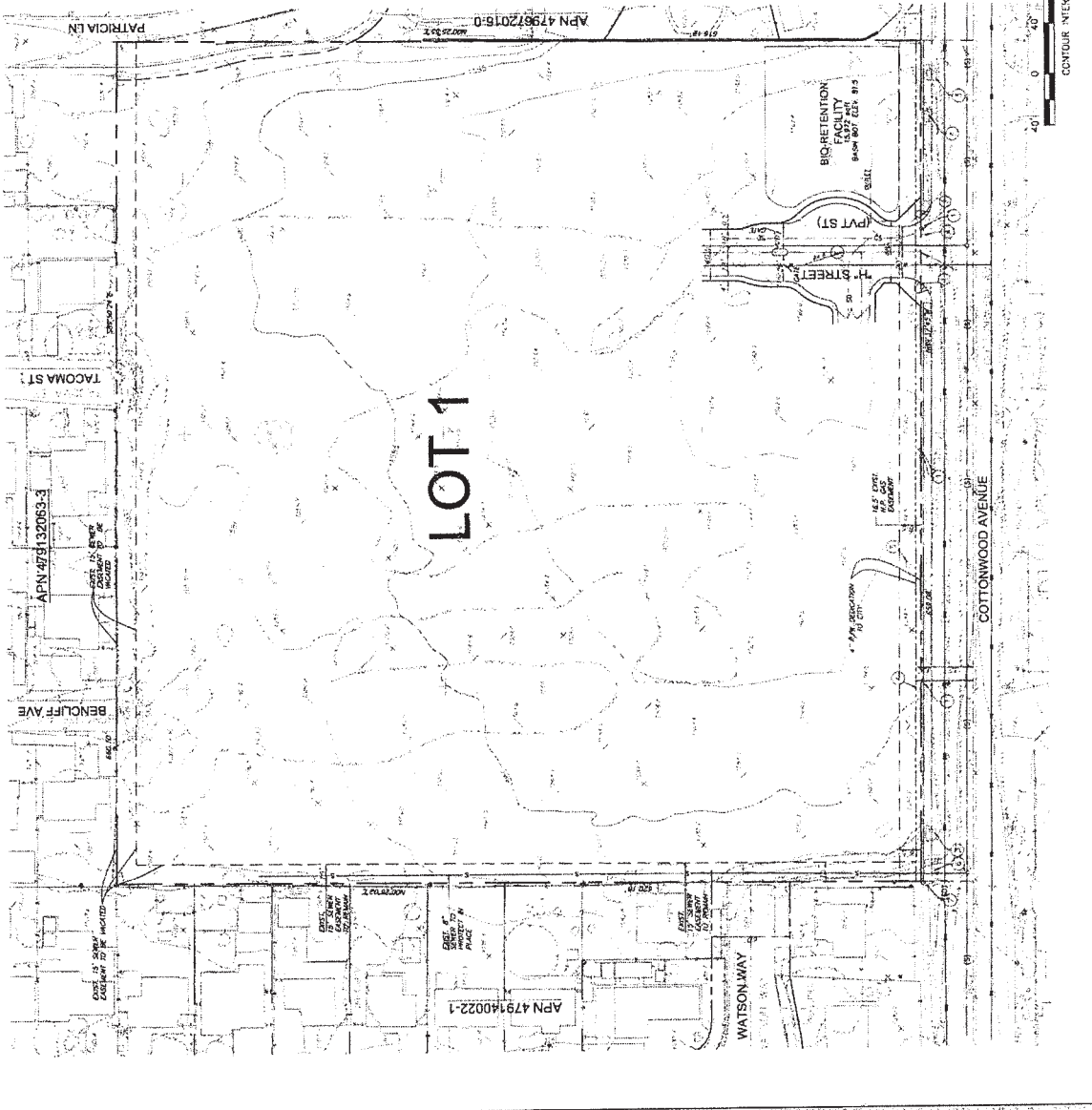


**LEGEND**

EXISTING SINK  
 PROPOSED SEWER  
 PROPOSED WATER  
 PROPOSED STORM DRAIN  
 EXISTING STORM DRAIN  
 PROPOSED STORM DRAIN  
 PROPOSED FORCE MAIN  
 PROPOSED PRIVATE STREET

**GENERAL NOTES**

- EXISTING SINKS SHALL BE RELOCATED TO THE EAST SIDE OF THE STREET.
- EXISTING STORM DRAIN SHALL BE RELOCATED TO THE EAST SIDE OF THE STREET.
- EXISTING WATER MAIN SHALL BE RELOCATED TO THE EAST SIDE OF THE STREET.
- EXISTING STORM DRAIN SHALL BE RELOCATED TO THE EAST SIDE OF THE STREET.
- EXISTING FORCE MAIN SHALL BE RELOCATED TO THE EAST SIDE OF THE STREET.
- EXISTING PRIVATE STREET SHALL BE RELOCATED TO THE EAST SIDE OF THE STREET.



SCALE 1"=40'

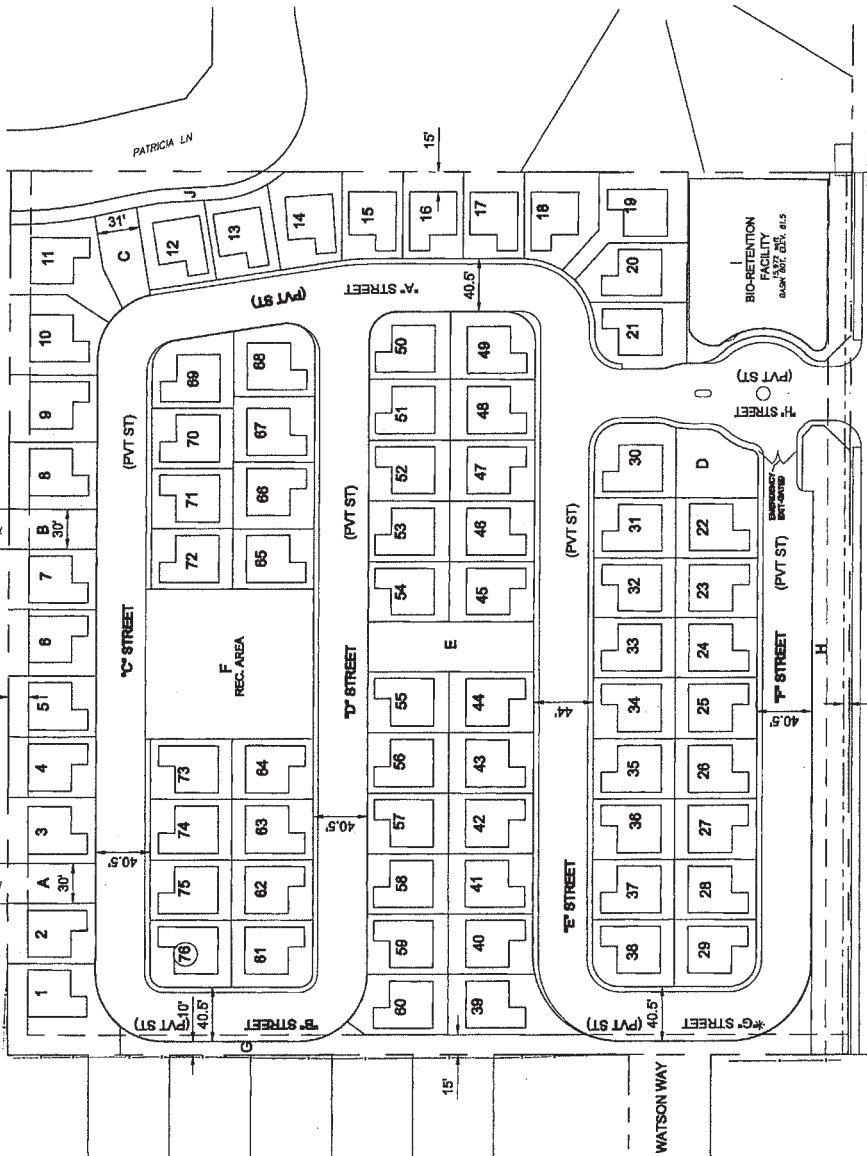
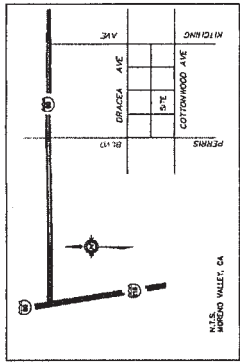
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1"=40'

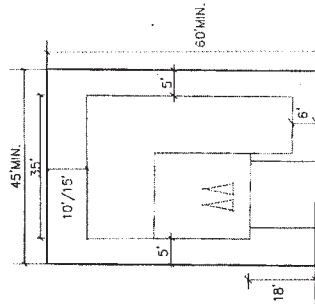
0 40' 80' 120'







TOTAL HOUSES - 76

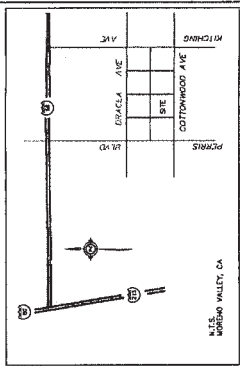


PRIVATE STREET  
 TYPICAL MIN YARD SETBACKS  
 DETAILS  
 N.E.S.

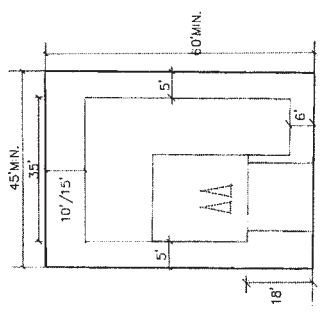
HOUSE PLOTTING  
 PA14-0032 TTM 34544  
 FOR CONDOMINIUM PURPOSES  
**B & E ENGINEERS**  
 28 E. GARDEN, SUITE 200  
 CHICO, CALIFORNIA 95926  
 TEL: (530) 891-1111  
 FAX: (530) 891-1112



TENTATIVE TRACT MAP NO. 34544  
 LOCATED IN THE CITY OF MORGAN VALLEY  
 COUNTY OF RIVERSIDE STATE OF CALIFORNIA  
 12-15-2014  
 SCALE: 1"=40'  
 SHEET 1 OF 1 SHEETS



| LOT          | AREA(sf)      |
|--------------|---------------|
| C            | 2,003         |
| D            | 2,757         |
| E            | 4,599         |
| F            | 13,872        |
| <b>TOTAL</b> | <b>23,231</b> |

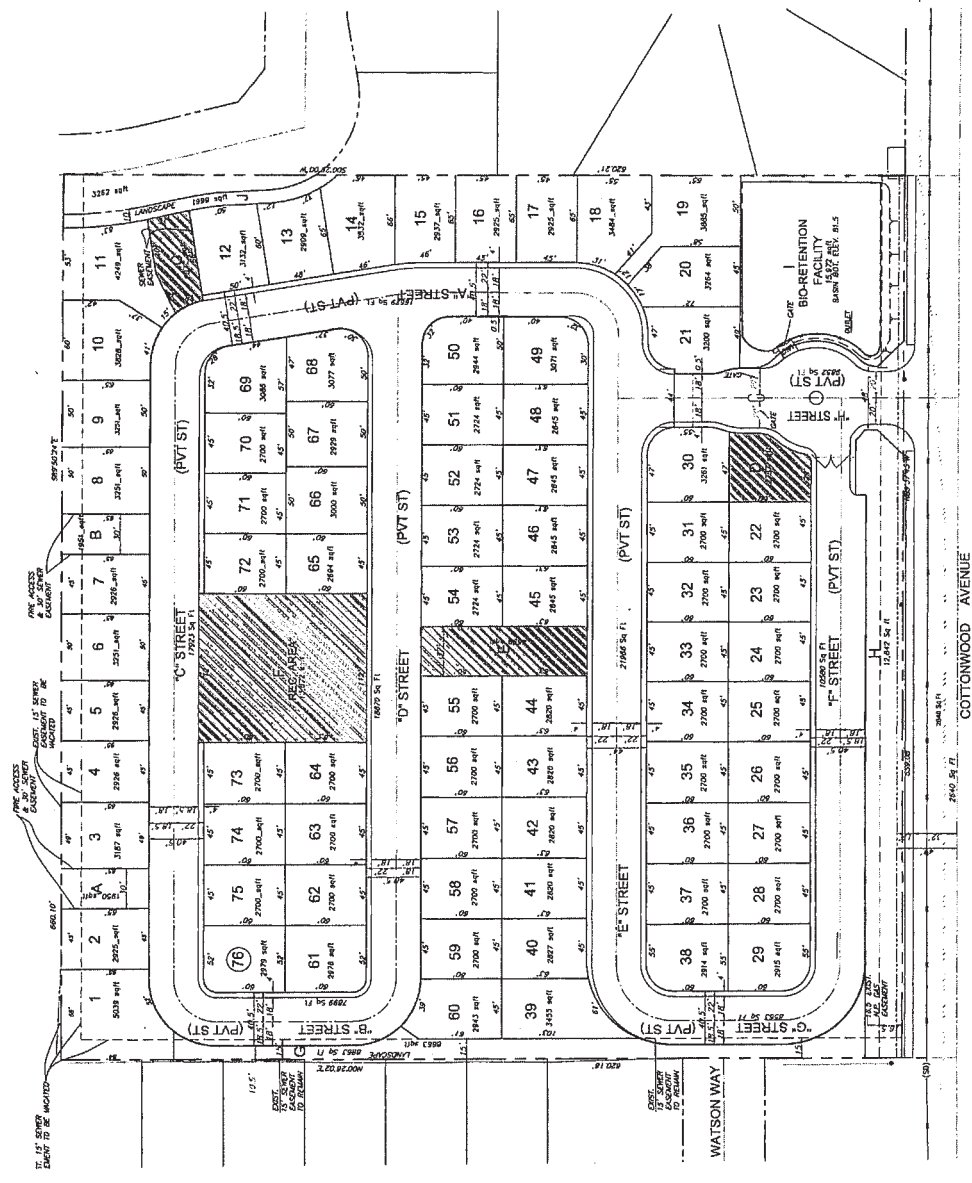


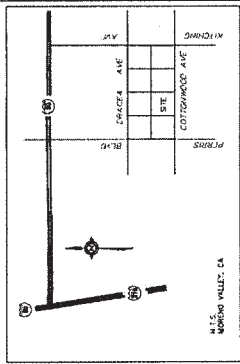
PRIVATE STREET  
TYPICAL MIN YARD SETBACKS  
DETAILS  
N.T.S.

LOT AREAS  
PA14-0032 TTM 34544  
FOR CONDOMINIUM PURPOSES  
**B & E ENGINEERS**  
TENTATIVE TRACT MAP NO. 34544  
LOCATED IN THE CITY OF MORENO VALLEY  
COUNTY OF RIVERSIDE STATE OF CALIFORNIA



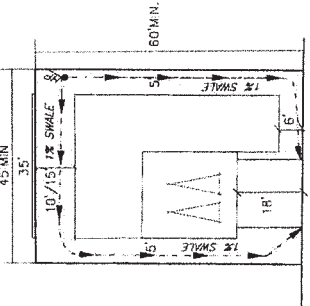
12-12-2014  
SCALE: 1"=40'  
DATE: 12-12-2014  
SHEET: 1 OF 1 SHEETS





PARKING SPACES

|                         |     |
|-------------------------|-----|
| 2 GARAGE / UNIT         | 152 |
| SPACES IN DRIVEWAY      | 152 |
| SUBTOTAL                | 304 |
| STREET PARKING PER CITY | 50  |
| OF MORENO VALLEY STDS   |     |
| TOTAL                   | 354 |

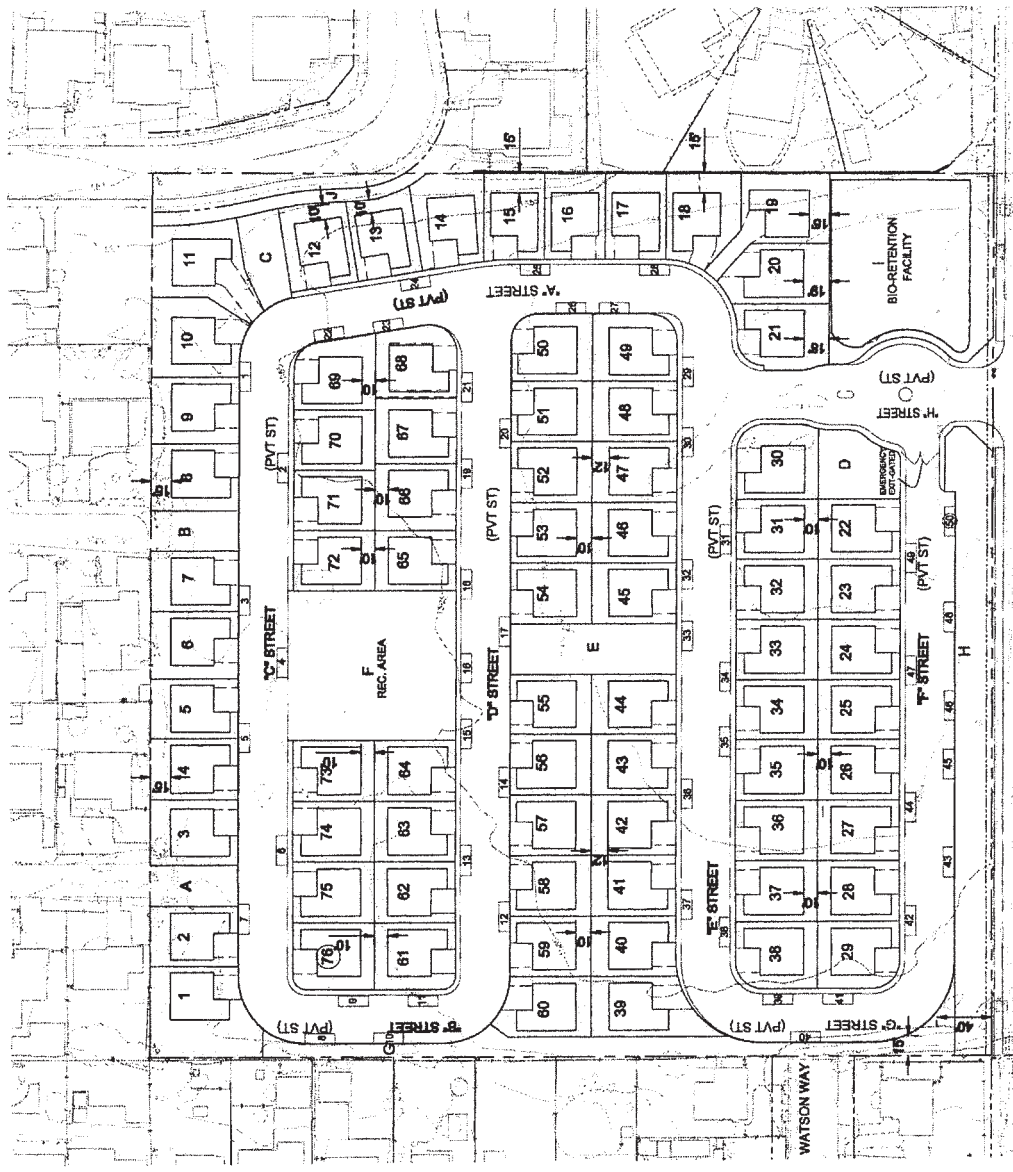


**YARD EXHIBIT**  
 PA14-0032 TTM 34544  
 FOR CONDOMINIUM PURPOSES

**B & E ENGINEERS**  
 28 E. 10TH, SUITE 200  
 ANAHEIM, CALIFORNIA 92805  
 TEL: 714.944.1111 FAX: 714.944.1112

TENTATIVE TRACT MAP NO. 34544  
 LOCATED IN THE CITY OF MORENO VALLEY  
 COUNTY OF RIVERSIDE STATE OF CALIFORNIA

12-15-2014  
 30000 1:24000  
 12/15/2014-00 SHEET 1 OF 1 RWS



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# COTTONWOOD

## TTM 34544 PLANNED UNIT DEVELOPMENT

*Lead Agency:*

**CITY OF MORENO VALLEY**  
14177 Frederick Street  
Moreno Valley, CA 92552

*Developed by:*

**FRONTIER COMMUNITIES**  
8300 Utica Avenue, Suite 300  
Rancho Cucamonga, CA 31739

*Prepared by:*

**T&B PLANNING, INC.**  
17542 East 17<sup>th</sup> Street, Suite 100  
Tustin, CA 92780

*In Consultation With:*

**B&E Engineers**  
*Civil Engineering*

**Kevin L. Crook Architect, Inc.**  
*Architecture*

**BMLA**  
*Landscape Architecture*

**January 2015**  
**Revised: February 2015**



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|               |  |             |
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## I. INTRODUCTION

### A. DOCUMENT PURPOSE

Pursuant to City of Moreno Valley Municipal Code Section 9.03.060, Planned Unit Developments allow for greater innovation in housing development and diversity of housing choice than would otherwise be possible according to the strict application of the site development regulations defined by the City's Municipal Code.

This document serves as the Planned Unit Development for the COTTONWOOD community, Tentative Tract Map 34544, as shown on Figure I-1, *Tentative Tract Map 34544*, which shall be enforced by the City of Moreno Valley via conditions of approval placed on TTM 34544, these PUD Guidelines and where silent, the City's Municipal Code requirements will apply. Tentative Tract Map 34544 creates a residential condominium map that provides for the development of 76 detached residences. Development within the COTTONWOOD community is required to substantially conform to the physical characteristics and design concepts set forth in this document. The City has the discretion to determine if implementing actions substantially conform to this Planned Unit Development document. If an implementing action does not substantially conform, a formal modification to this Planned Unit Development document may be required, which shall require approval by the City of Moreno Valley

The Site Planning and Design Standards (Section II) set forth minimum requirements that shall be adhered to when plotting a home on a residential lot. The Architectural Design Guidelines (Section III) and Landscape Design Guidelines (Section IV) set forth the community's design theme and contain graphic representations that illustrate COTTONWOOD's design theme and its key implementing elements, include residential floor plans and elevations, landscaping, and community theming elements such as entry monumentation, gates and walls.

### B. PROJECT LOCATION

The COTTONWOOD community is located on approximately 9.4 acres in the City of Moreno Valley, Riverside County, California. Specifically, COTTONWOOD is located north of Cottonwood Avenue, west of Kitching Avenue, east of Perris Boulevard, and south of Dracea Avenue. The location of the COTTONWOOD community is graphically depicted on Figure I-2, *Vicinity Map*.





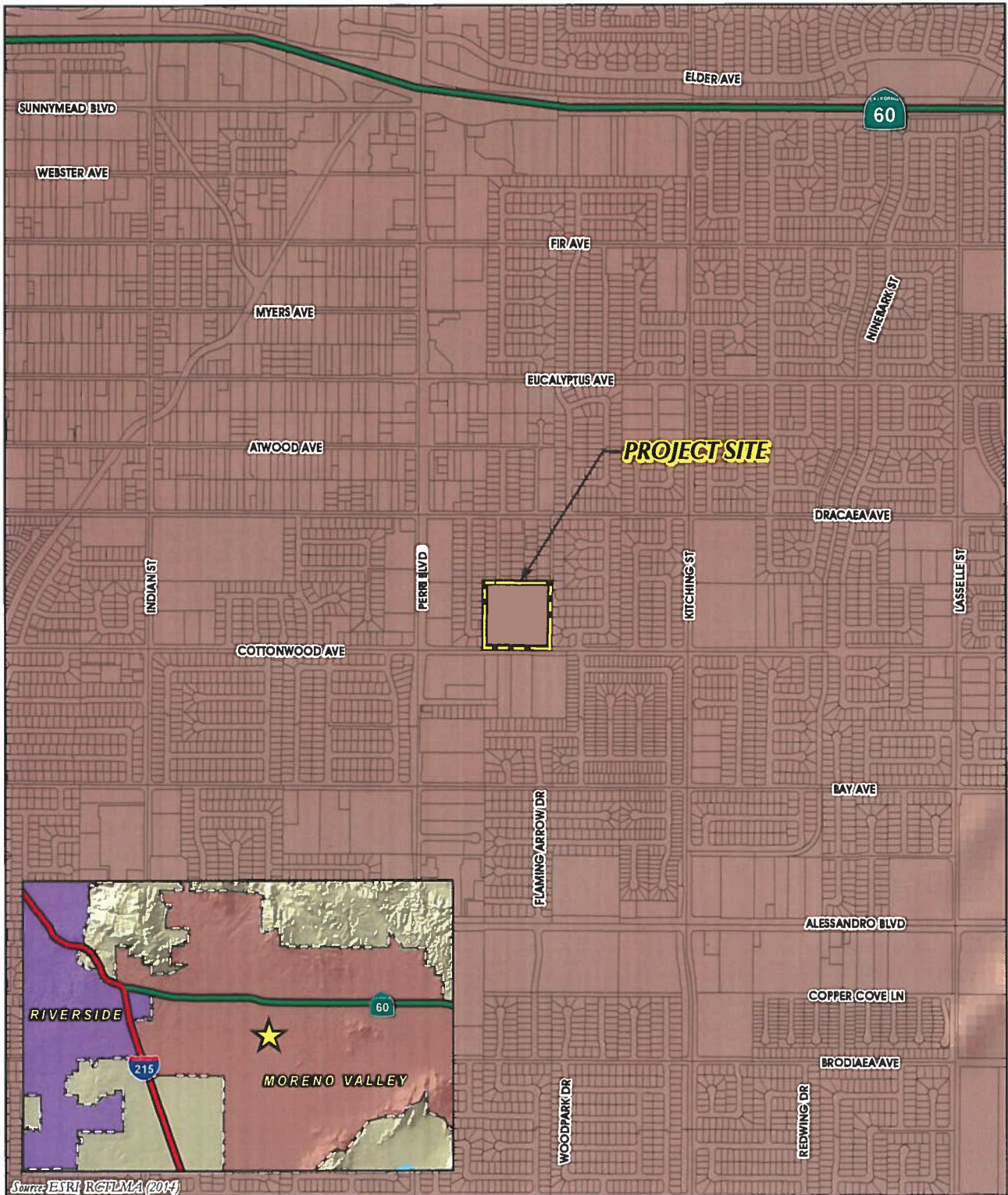


Figure I-2  
VICINITY MAP

## II. SITE PLANNING AND DESIGN

This section includes site planning and design standards that will be enforced to provide for a varied street scene and enable interconnectivity between each home and the community's recreational amenities.

### A. DEVELOPMENT STANDARDS

In order to ensure a varied street scene and to avoid the monotonous repetitive appearance, this Planned Unit Development applies the following development standards to accomplish these goals:

- i. Covered or uncovered porches may be located 6 feet from the edge of sidewalk.
- ii. Driveways for each residential unit shall be a minimum of 18 feet from the back of curb to garage door.
- iii. Minimum setbacks for Lot 1 of TTM 34544 on the north and east sides of lot shall be 15 feet.

These and other standards are summarized in Table II-1, *Development Standards*.

Table II-1 Development Standards

|   |   |
|---|---|
| <b>Building Separation</b>              |   |
| Building to Building Separation         | 10 feet   |
| Building Separation from Sidewalk/Curb: | 18 feet to garage<br>10 ½ feet to living area<br>6 feet to covered or uncovered porches |
| <b>Other</b>                            |   |
| Maximum Building Height:                | 35 feet   |

### B. PLOTTING STANDARDS

COTTONWOOD shall feature a range of home sizes, home styles and floor plans, as described in Section III, *Architectural Design Guidelines*. Figure II-1, *Parking and Private Yards*, illustrates the proposed plotting of residential units for TTM 34544. Each individual ownership right shall include a minimum 2,700 square foot plot of exclusive use area made up of a minimum 10-foot flat rear yard and minimum 5-foot side yards between the residence and the Vinyl Fence that separates each unit.



COTTONWOOD

Section II

TTM 34544 Planned Unit Development

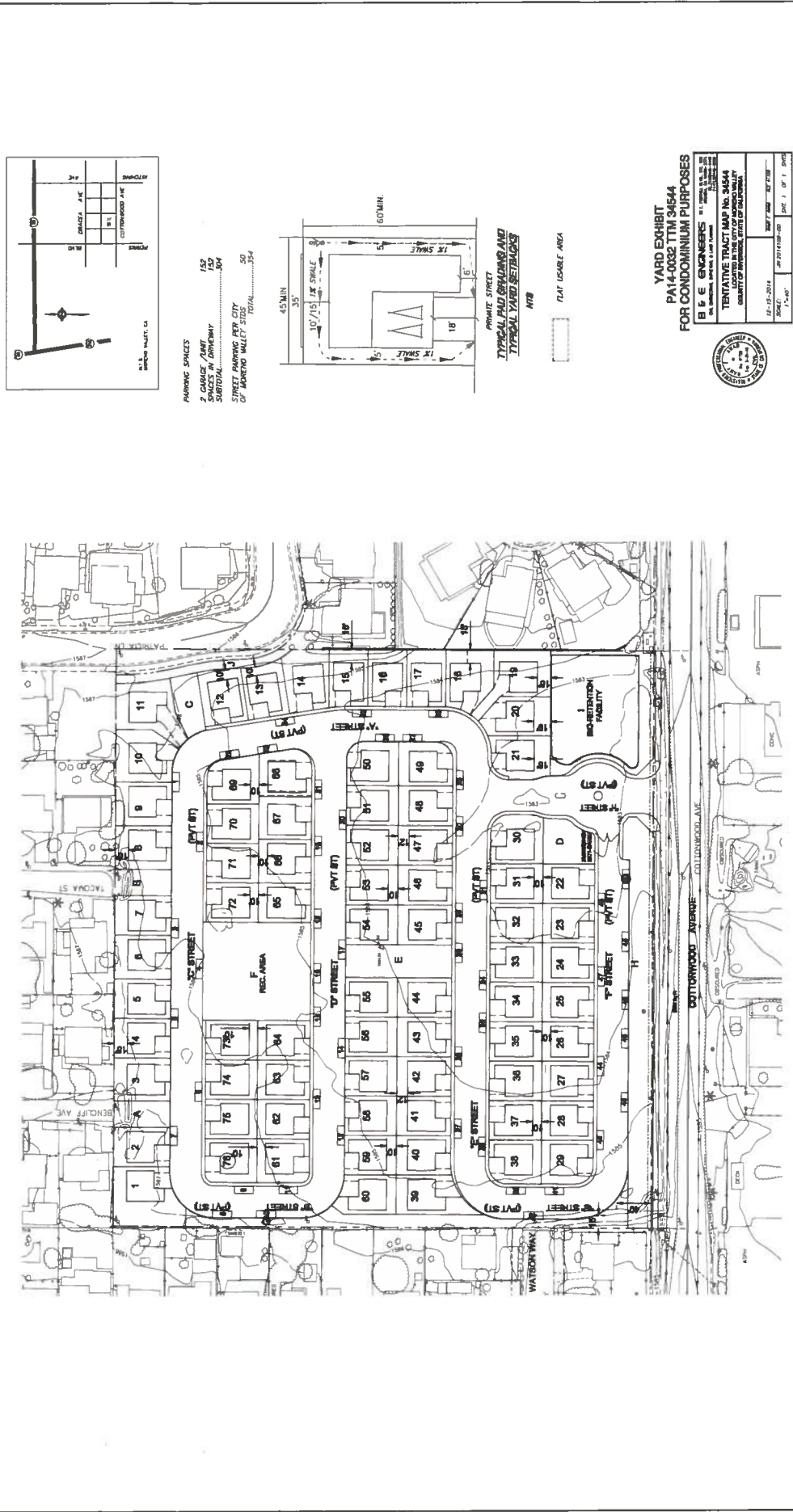


Figure II-1  
 PARKING AND PRIVATE YARDS  
 Page II-2

### III. ARCHITECTURAL DESIGN GUIDELINES

#### A. ARCHITECTURAL DESIGN

These guidelines convey the architectural design theme required in the COTTONWOOD community. These Architectural Design Guidelines provide three floor plans and three architectural styles for each floor plan for a total of nine floor plan/style combinations. Each unit within Cottonwood shall use one of these nine combinations as shown.

##### 1. Form and Massing

Building mass and scale are two primary design components that affect how a building is perceived. The creative use of design articulation of the building’s visible façades, variation of rooflines, balance of roof forms, and changes in vertical and horizontal planes reduces the perceived mass of a building. Even if the front elevation setback for adjacent homes is the same, variations in massing can provide an abundance of visual interest.

- i. Homes shall be arranged in a manner that creates a harmonious, varied appearance of building heights and setbacks.
- ii. Exposed elevations of a two-story house must have at least one plane break at the first and/or second story in order to avoid monolithic elevations. A plane break must be offset by at least twelve inches (12”) at enhanced (exposed) elevations.

##### 2. Roofs

The roofline is a dominant visual element of a home. A roof’s composition allows for a clean interface with the building and the building façade. The roof’s form and composition should reflect the appropriate roof pitch, characteristics, and materials that are consistent and true to the selected architectural style, and shall also not be overbearing nor give the appearance of being disjointed.

- i. Roof materials and colors selected for an architectural style reflect the elements that are typically used in that style.
- ii. Aftermarket solar panels, if used, should be integrated into the roof design as an unobtrusive element. Roofs shall be designed with a 4:12 or 5:12 pitch to accommodate the installation of solar panels.

##### 3. Garage Location and Design

To achieve attractive streetscenes throughout the COTTONWOOD community, particular attention must be given to the design and placement of garages.

- i. Garage door style, color and design reflects the architectural character of the home and will vary between adjacent homes, when appropriate. Acceptable garage door styles include, but are not limited to raised panel, recessed panel, and flush panel automatic roll-up door designs.
- ii. Driveways may include accent paving and a decorative, maintenance-free decorative strip, such as pavers, or other pervious materials, as additional options to provide an enhanced streetscene.

Adherence to the following shall be required:

- iii. Front-facing garage door widths limited to 65% of the house width.
- iv. A minimum 3-foot wide landscape area shall be located on both sides of a driveway.
- v. All garage doors will include automatic garage door openers.

#### 4. Windows and Doors

Window and door details are architectural components that carry a strong visual impact through their placement and design.

- i. Front door details shall be consistent with the architectural style.
- ii. Feature window shapes shall be consistent with the architectural style.
- iii. Accent shutters, when used, shall be proportional to the window and shall reflect the architectural style.

#### 5. Building Materials and Colors

A complementary mixture of colors, textures, and building materials is required throughout the COTTONWOOD community. Building material and color selection are integral components in the definition of a specific architectural style and also provide a varied streetscape design. Material breaks, transitions and terminations should produce complementary and clear definitions of separation while maintaining a prescribed color and materials palette. A variety of exterior accent materials (e.g., brick, stone, siding, pre-cast concrete, ceramic tile, timber) is used as an integral feature in home construction to convey the selected architectural styles.

- i. Three color schemes shall be provided for each architectural style. Color schemes are illustrated in Figures III-1 through III-9.
- ii. A scheme of color values on all exterior elements shall be distinct from one house to the next, with deeper tones encouraged to promote variations. This avoids a monotonous appearance of multiple buildings of the same colors and tones.
- iii. Material breaks, transitions, and termination shall produce complimentary and clear definitions of separation, while maintaining a prescribed color and materials theme. This is especially important in changing from stucco and/or siding to masonry veneers.



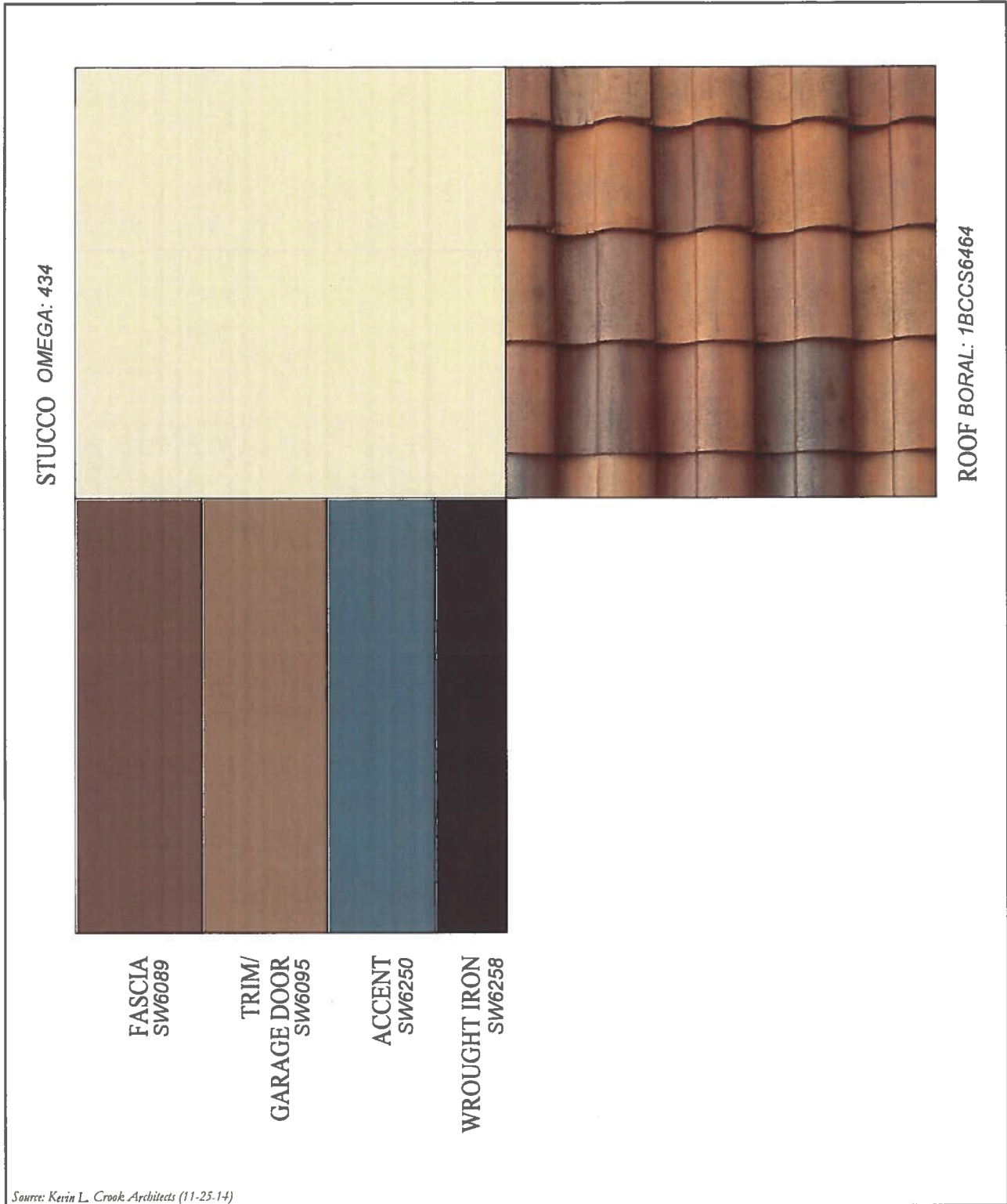
Source: Kevin L. Crook Architects (11-25-14)

Figure III-1

 **T&B PLANNING, INC.**  
17542 E. 1st Street, Suite 100, Tulsa, CA 91774  
P 714 585 8368 F 714 585 8361  
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SPANISH COLOR SCHEME #1



Source: Kevin L. Crook Architects (11-25-14)

Figure III-2





Source: Kevin L. Crook Architects (11-25-14)

Figure III-3

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SPANISH COLOR SCHEME #3



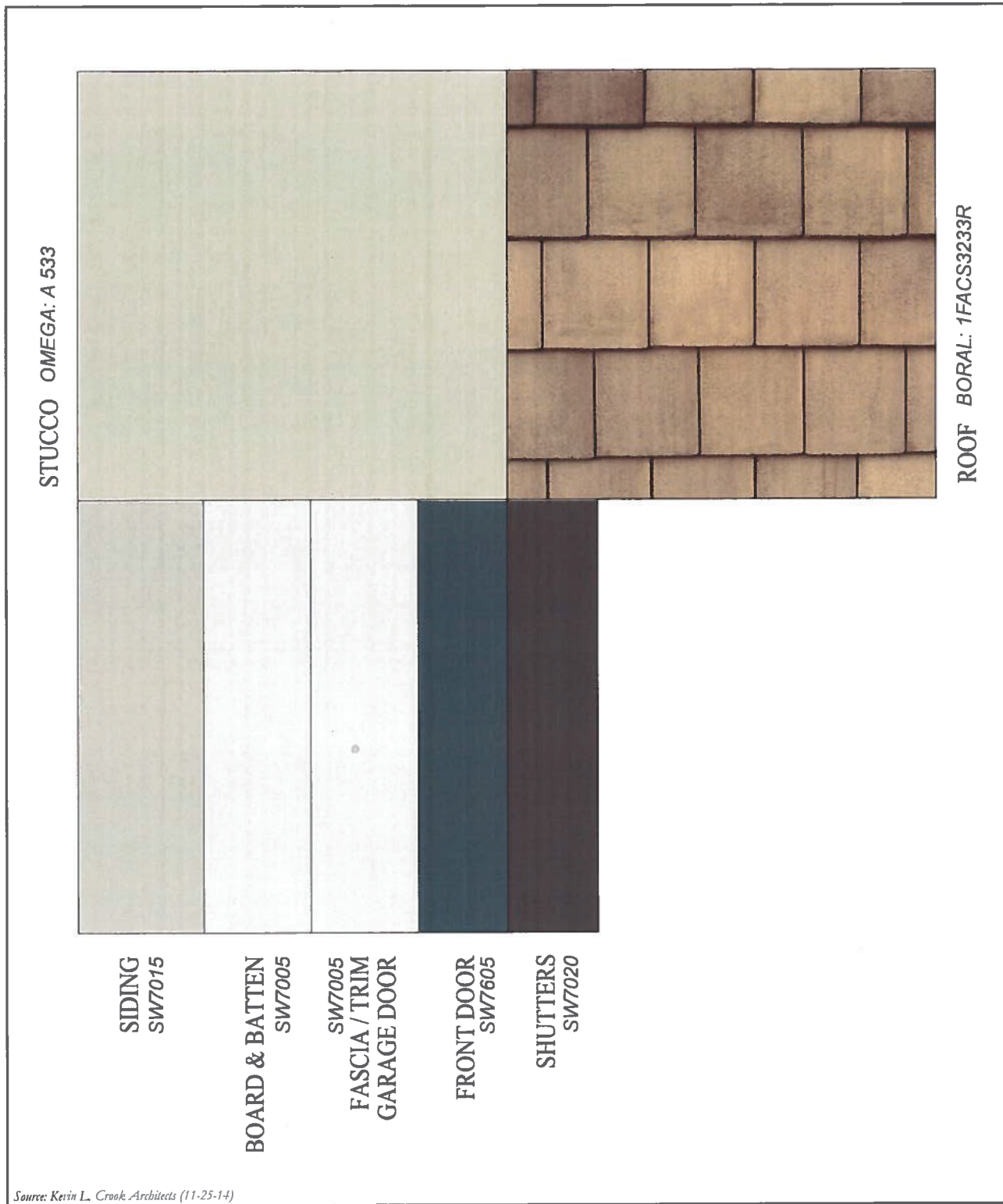
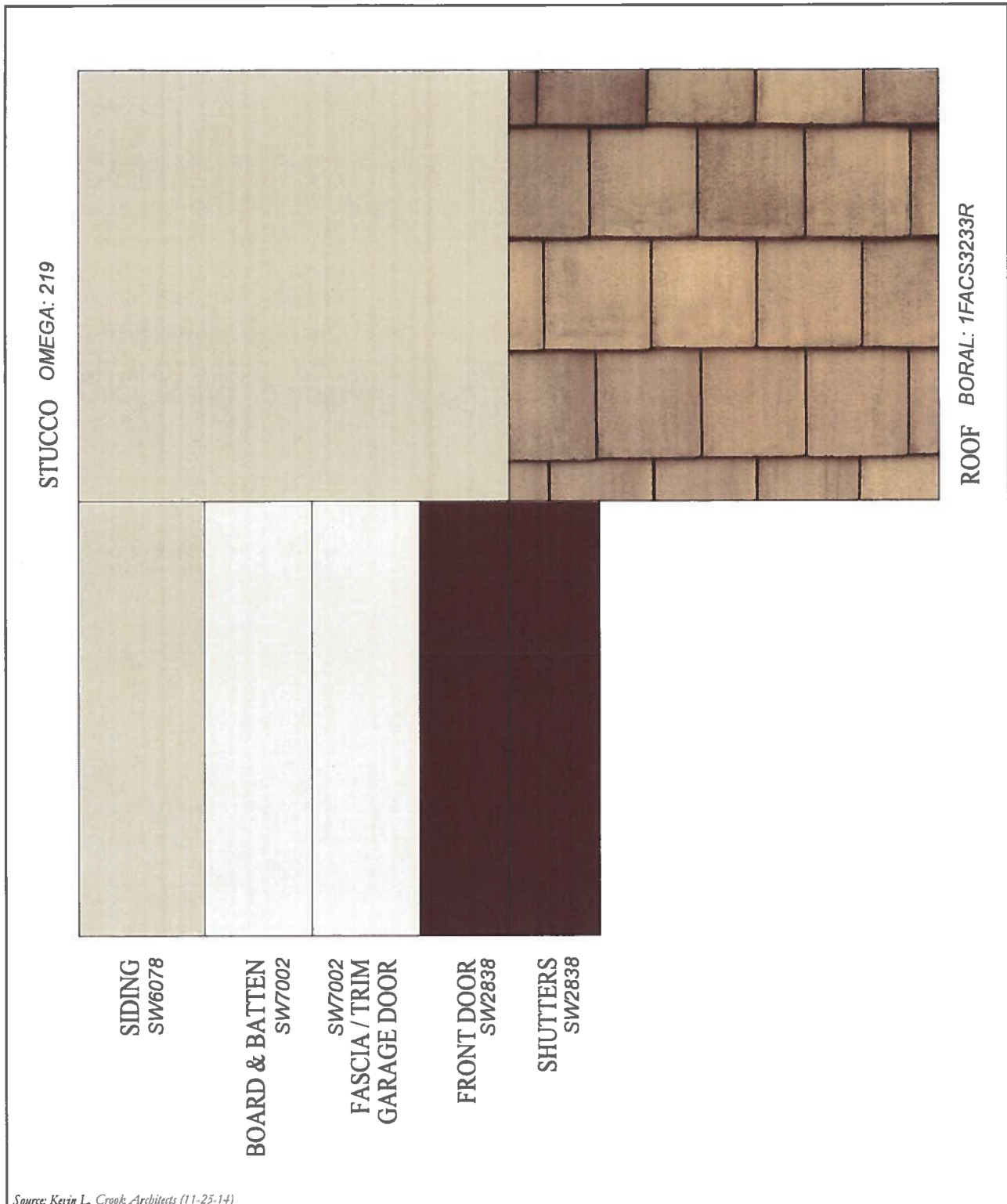


Figure III-4

COUNTRY COLOR SCHEME #1



Source: Kevin L. Crook Architects (11-25-14)

Figure III-5

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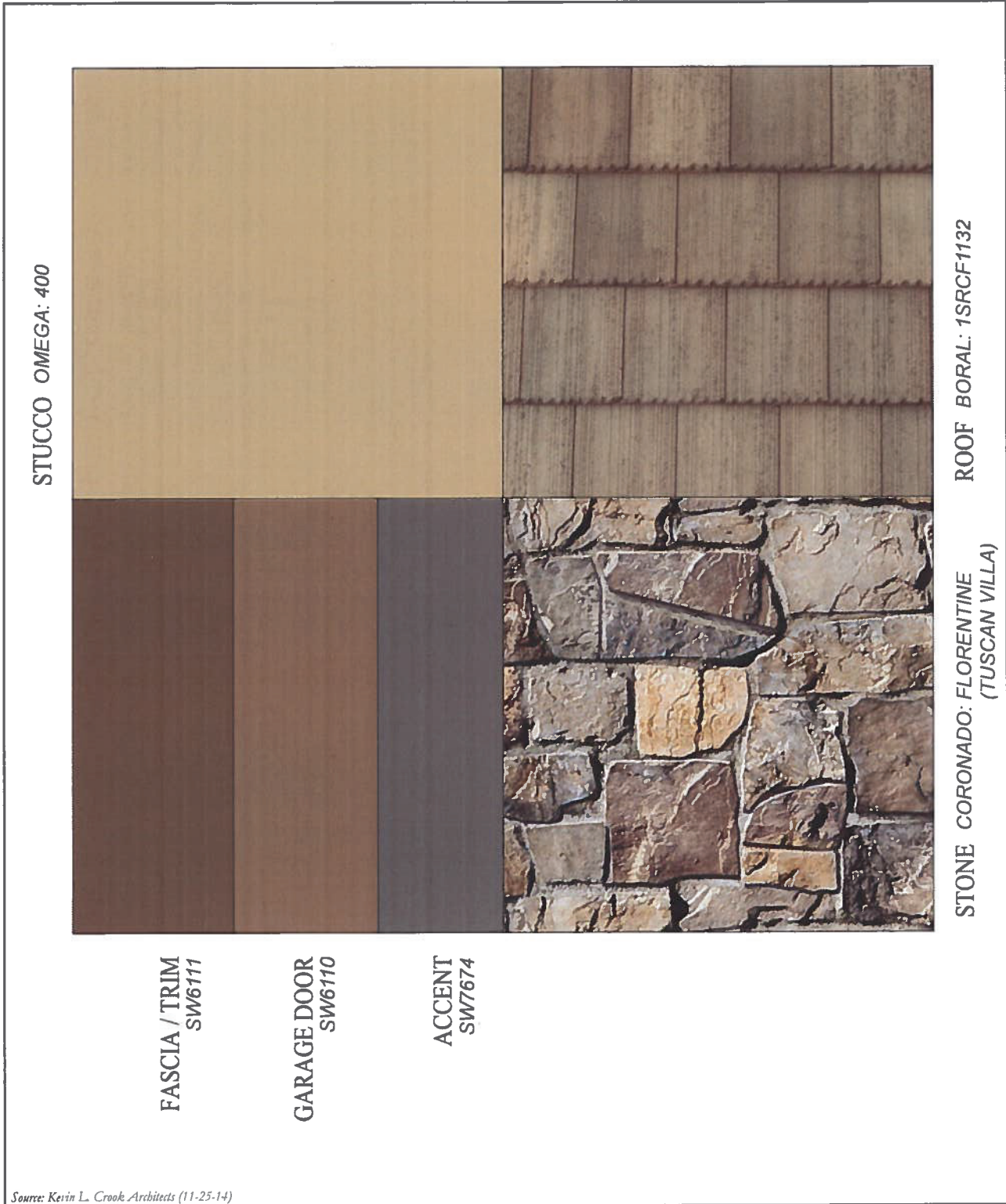
COUNTRY COLOR SCHEME #2



Source: Kevin L. Crook Architects (11-25-14)

Figure III-6





Source: Kevin L. Crook Architects (11-25-14)

Figure III-7

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COTTAGE COLOR SCHEME #1



Source: Kevin L. Crook Architects (11-25-14)

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Figure III-8

COTTAGE COLOR SCHEME #2





Source: Kevin L. Crook Architects (11-25-14)

Figure III-9

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COTTAGE COLOR SCHEME #3



## 6. Outdoor Lighting

Lighting standards throughout Cottonwood shall be similar in style, color and materials, embracing a natural and minimal lighting approach.

- i. All outdoor lighting shall incorporate, to the extent feasible and permissible under City standards, measures to aid in reducing light pollution. Such measures include: wattage reduction, directing lighting downward, shielding lights (or using "cut-off lights" that only illuminate the side or underside of a fixture, rather than shining skyward) and lowering the height of light poles to reduce the illumination radius.
- ii. All outdoor lighting fixtures shall be focused, directed, and arranged to minimize glare and illumination on public streets and adjoining property.

## 7. Mechanical Equipment

Mechanical equipment such as air conditioners, heaters, evaporative coolers, and other such devices shall not be mounted on any roof and must be located behind privacy walls.

## B. FLOOR PLANS

COTTONWOOD shall include three floor plans, as shown on Figure III-10 through Figure III-12. Elevations for each of the three floor plans are shown in Section C, *Architectural Styles*, below.

Plan 1 is illustrated in Figure III-10, *Floor Plan 1*, and shall be a four bedroom home with a total of 1,893 square feet of living space. Plan 1 will also include a two-car garage and front entry porch.

Plan 2 is illustrated in Figure III-11, *Floor Plan 2*, and shall be a five bedroom home with a total of 2,049 square feet of living space. Plan 2 will also include a two car garage and front entry porch.

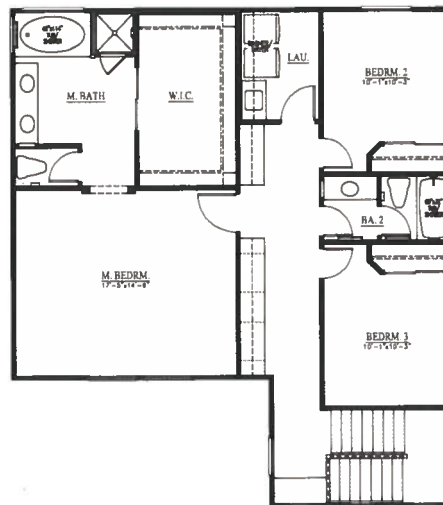
Plan 3 is illustrated in Figure III-12, *Floor Plan 3*, and shall be a five bedroom home with a total of 2,173 square feet of living space. Plan 3 will also include a two car garage and a front entry porch.

## C. ARCHITECTURAL STYLES

The residential architecture of COTTONWOOD includes a complementary palette of architectural styles that are authentic to the southern California landscape. The three architectural styles within Cottonwood are Spanish, Country and Cottage. The character-defining elements of each architectural style are described below. The list of characteristics serves to highlight the defining features of the elevations within COTTONWOOD.



FIRST FLOOR PLAN



SECOND FLOOR PLAN

AREA TABULATION

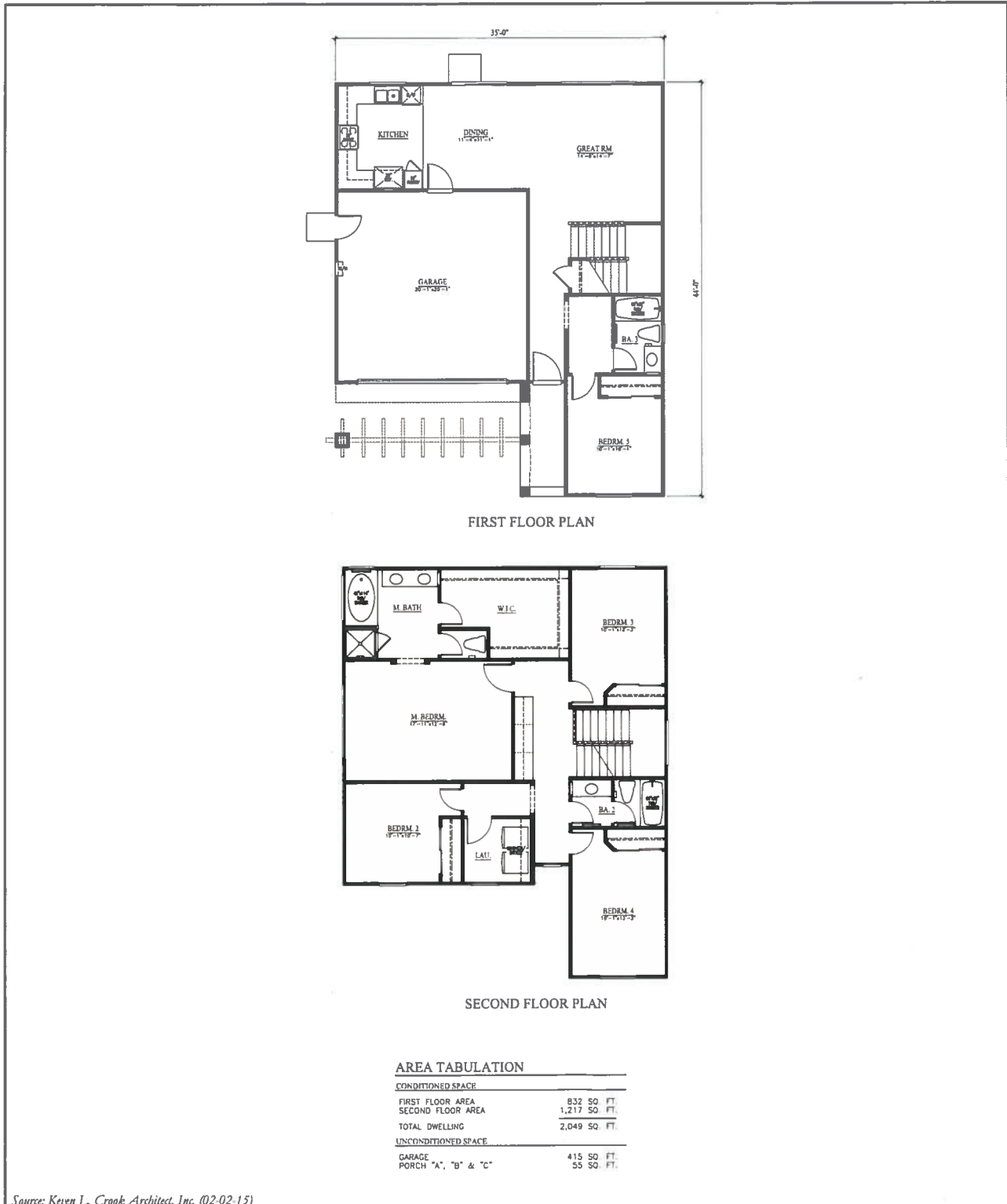
| CONDITIONED SPACE    |               |
|----------------------|---------------|
| FIRST FLOOR AREA     | 807 SQ. FT.   |
| SECOND FLOOR AREA    | 1,086 SQ. FT. |
| TOTAL DWELLING       | 1,893 SQ. FT. |
| UNCONDITIONED SPACE  |               |
| GARAGE               | 415 SQ. FT.   |
| PORCH "A", "B" & "C" | 73 SQ. FT.    |

Source: Keren L. Crook Architect, Inc. (02-02-15)

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Figure III-10  
**FLOOR PLAN 1**

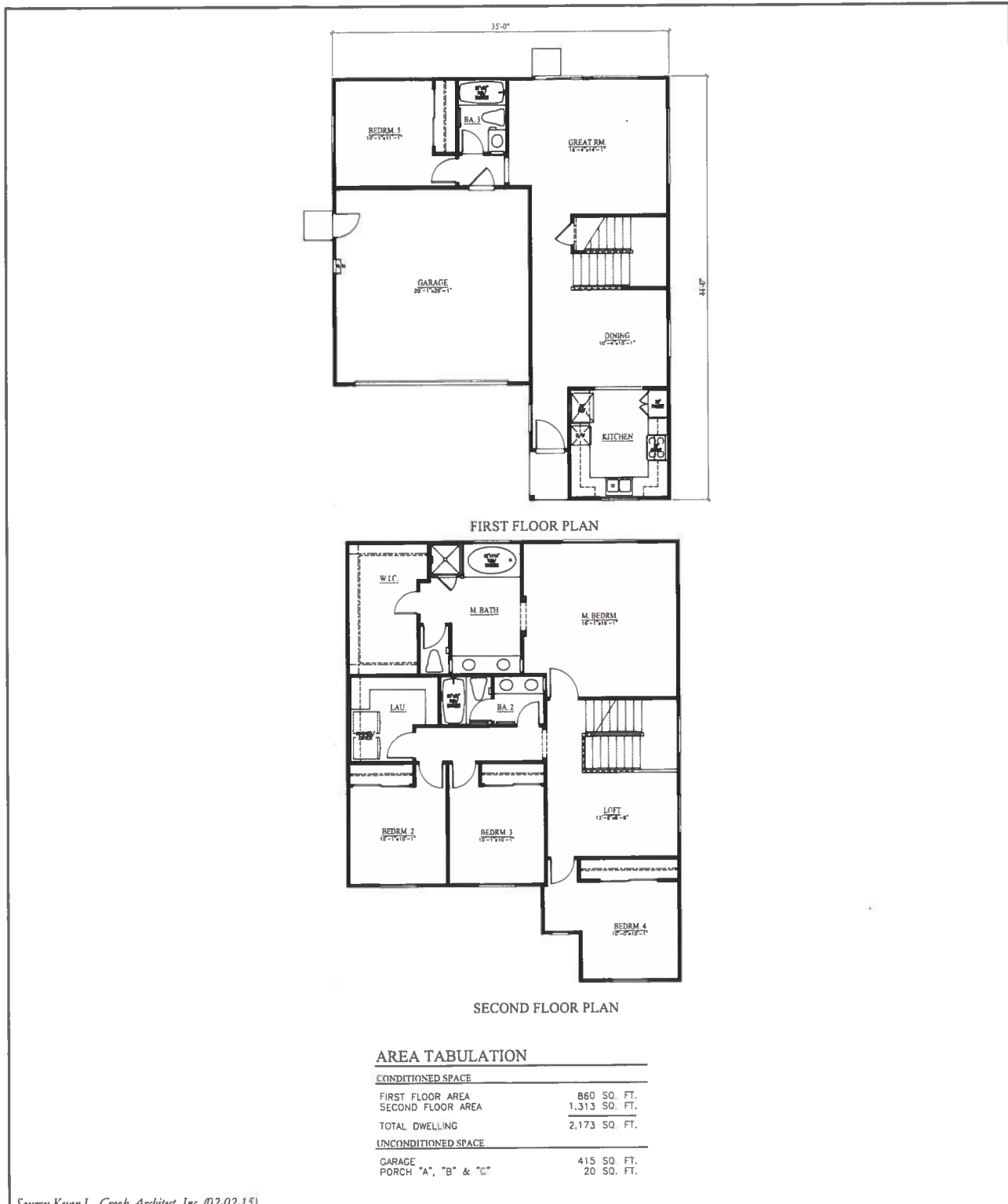


Source: Keven L. Crook Architect, Inc. (02-02-15)

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Figure III-11  
**FLOOR PLAN 2**



Source: Keren L. Crook Architect, Inc. (02-02-15)

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Figure III-12  
**FLOOR PLAN 3**

### Spanish

The Spanish style spread north with the establishment of the early California Missions with construction based on native materials.

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> "S" type roof</li> <li><input type="checkbox"/> Combination of hip and gable roof styles</li> <li><input type="checkbox"/> Stucco wall massing</li> <li><input type="checkbox"/> Arched soffits</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Wood fascia</li> <li><input type="checkbox"/> Plank type shutters</li> <li><input type="checkbox"/> Angled stucco corbels</li> <li><input type="checkbox"/> "Clay" pipe gable detailing</li> </ul> |
|--|--|



Spanish Style – Plan 1

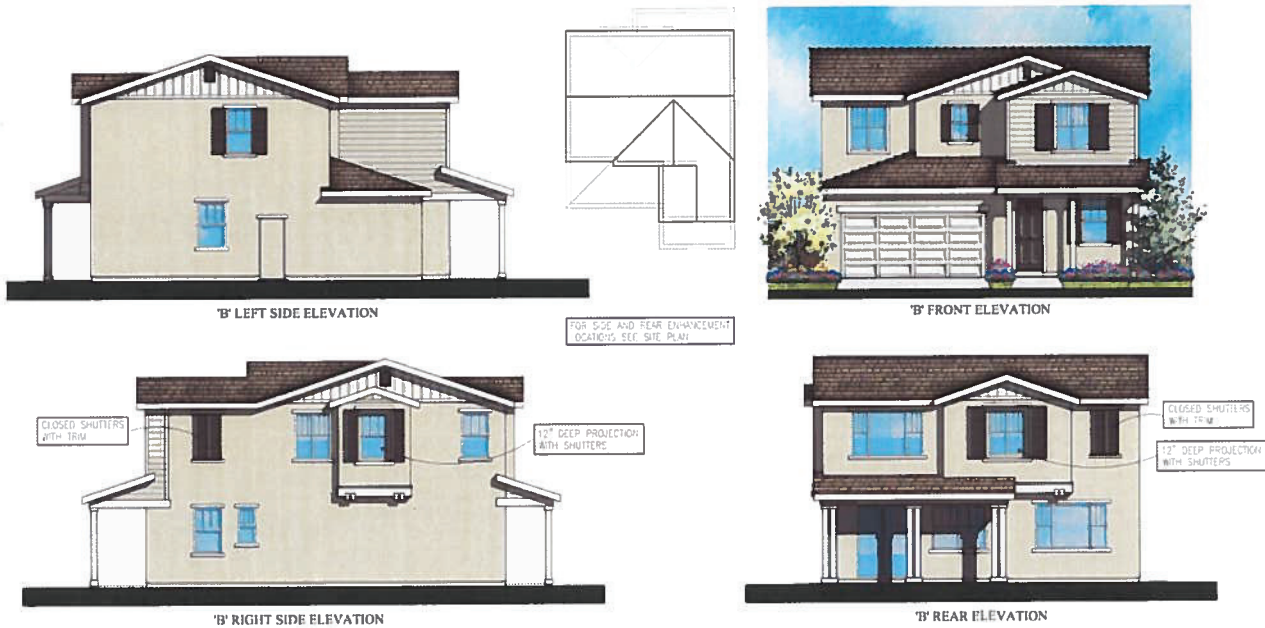




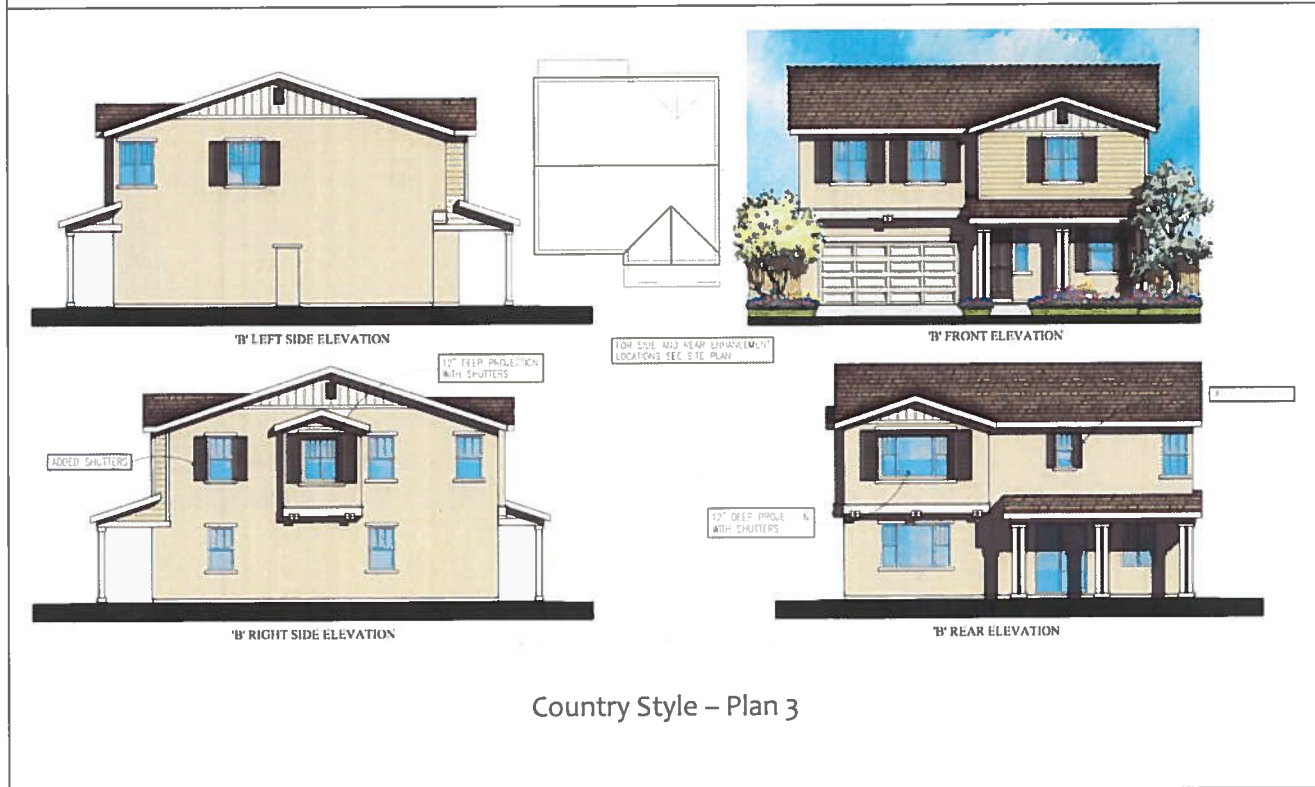
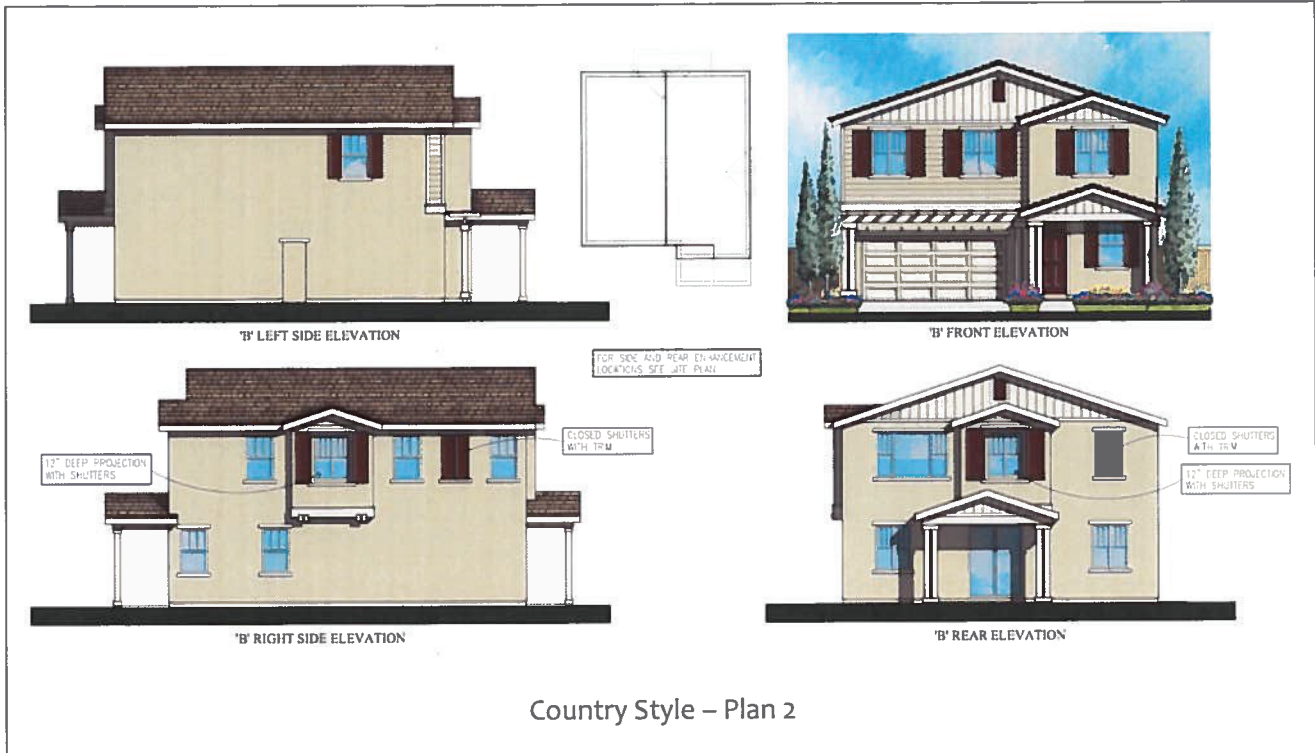
### Country

The Country Styles is a California casual version of the Traditional style originating on the East Coast.

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Flat "Slate" type roof</li> <li><input type="checkbox"/> Primarily gable roof style</li> <li><input type="checkbox"/> Walls - Lap siding</li> <li><input type="checkbox"/> Walls - Stucco</li> <li><input type="checkbox"/> Gables - Board and batten siding</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Gable end vents</li> <li><input type="checkbox"/> Wood fascia</li> <li><input type="checkbox"/> Louver type shutters</li> <li><input type="checkbox"/> Porches with wood columns</li> </ul> |
|---|---|



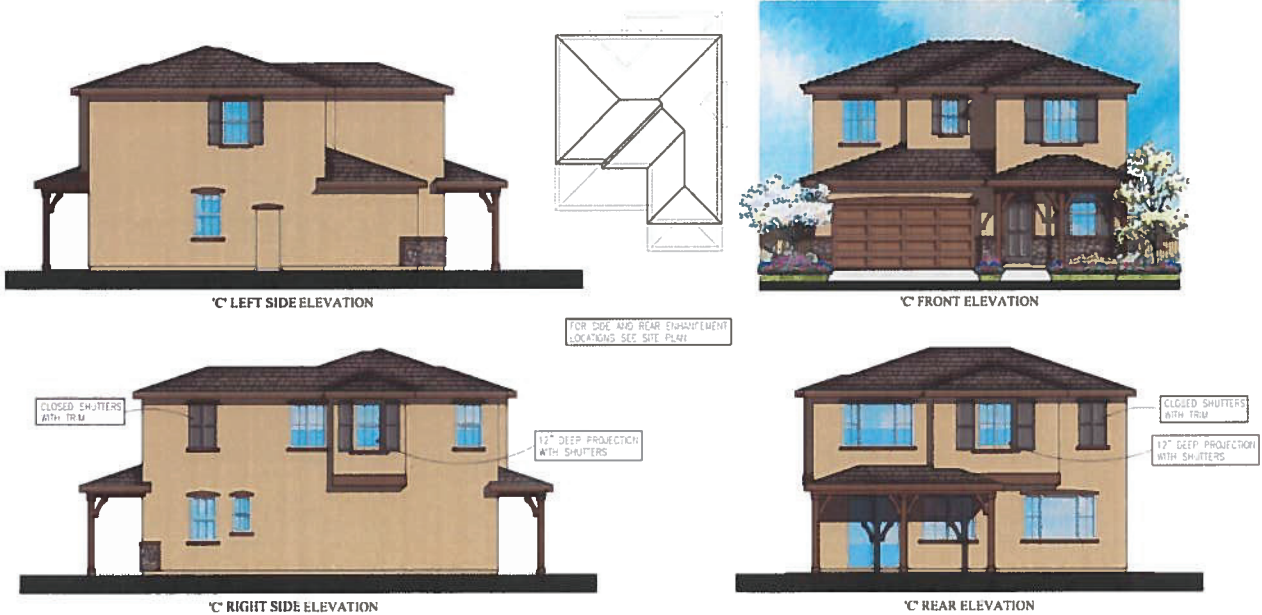
Country Style – Plan 1



### Cottage

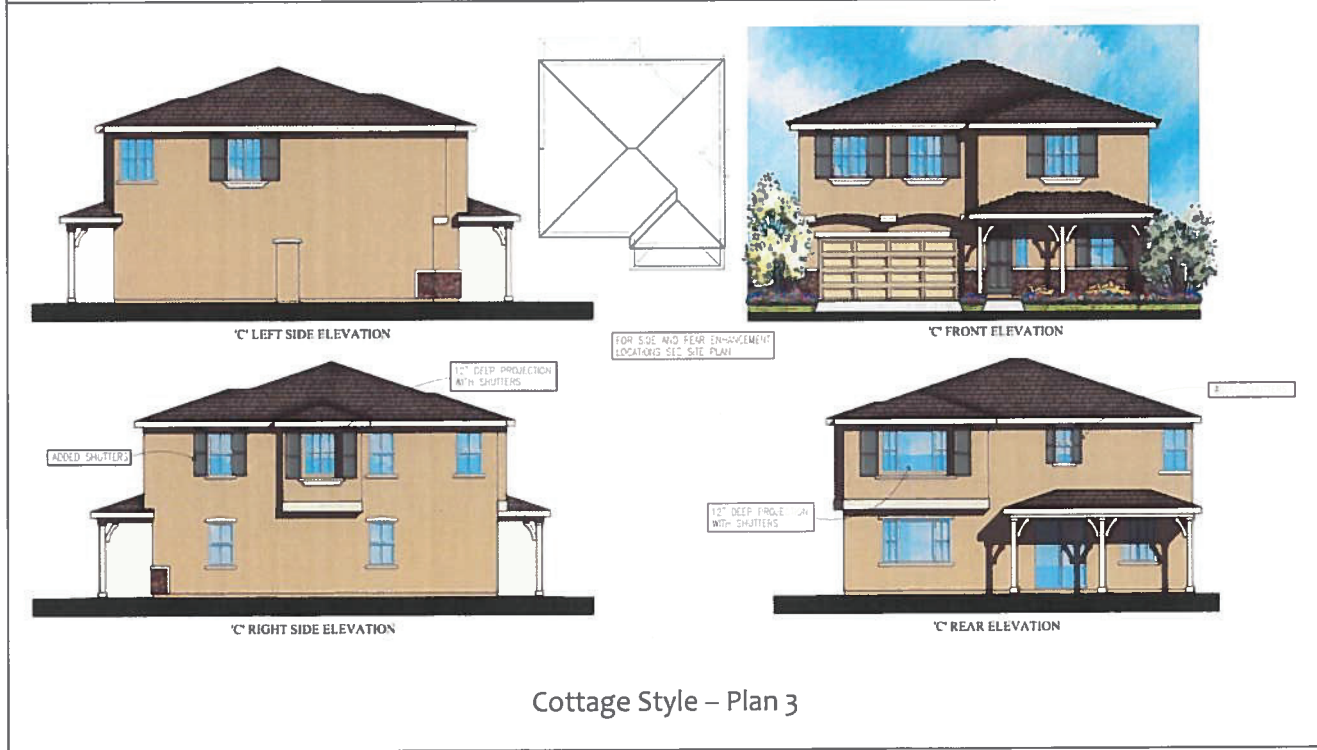
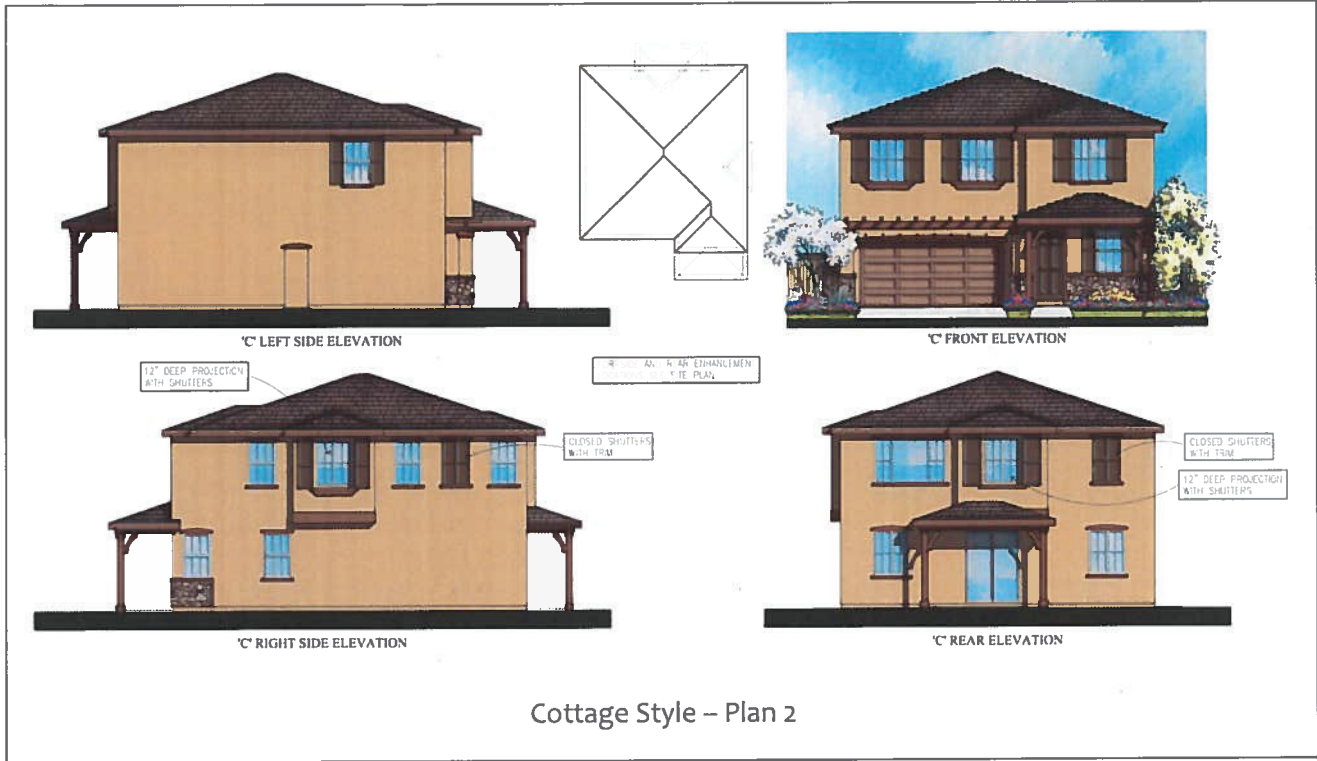
Originating as a rural rustic European style, the Cottage has evolved over the years to become native to California.

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Flat "Shake" type roof</li> <li><input type="checkbox"/> Primarily hip roof style</li> <li><input type="checkbox"/> Walls- Stucco</li> <li><input type="checkbox"/> Walls - Stone wainscot</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Arched top panel type shutters</li> <li><input type="checkbox"/> Wood fascia</li> <li><input type="checkbox"/> Porches with double wood columns and angled knee braces</li> </ul> |
|---|---|



Cottage Style – Plan 1





## IV. LANDSCAPE DESIGN GUIDELINES

These Landscape Design Guidelines articulate the various landscape design components of the COTTONWOOD community's thematic identity.

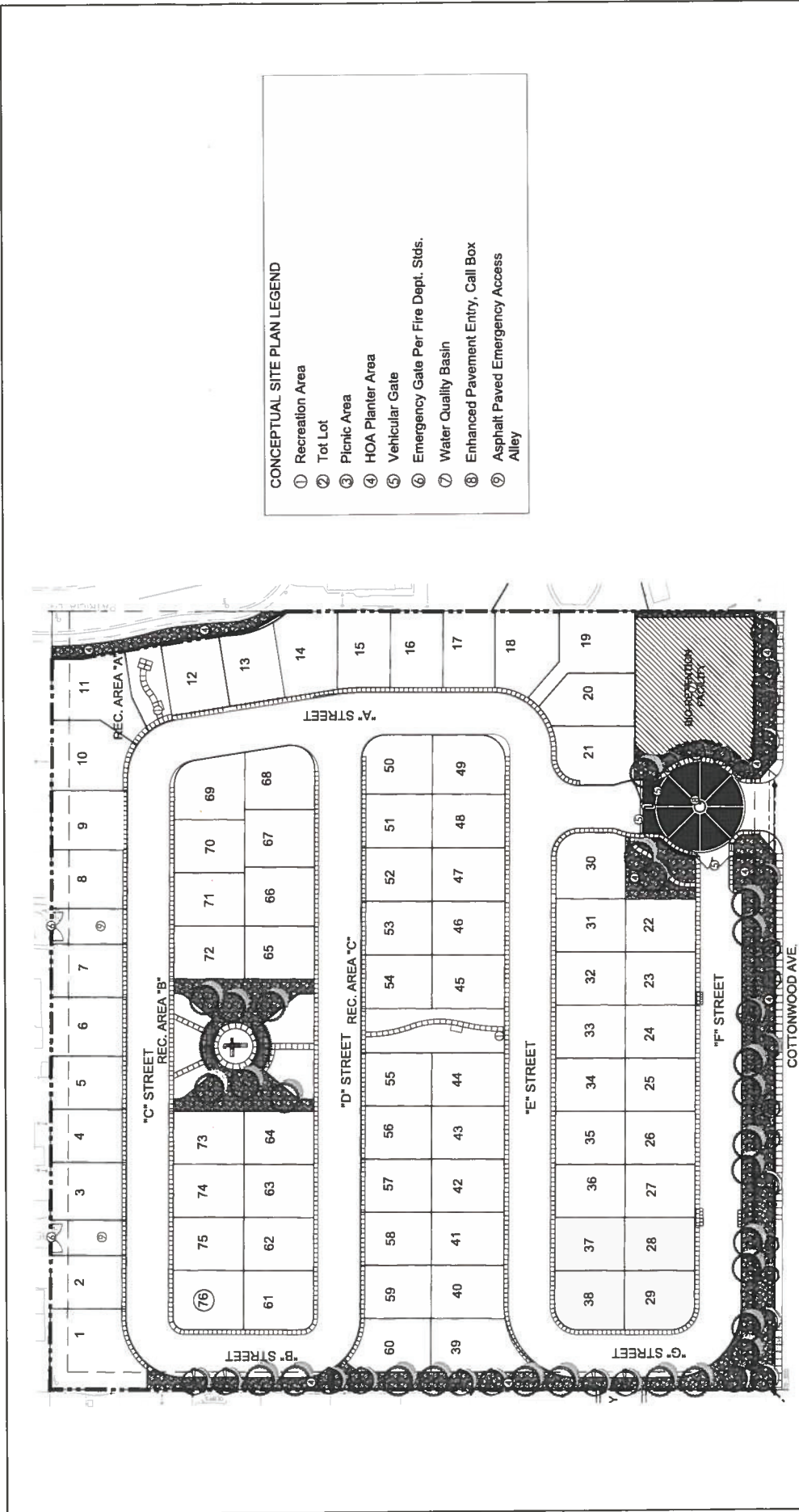
As demonstrated by Figure IV-1, *Landscape Plan*, the landscape concept is intended to create a sense of community identity that links together COTTONWOOD's residential and recreational land uses. Furthermore, the recommended plant palette and hardscape materials applied to common areas are designed to work in concert to reinforce and emphasize the community's landscape theme at major focal points and common areas.

The landscape and planting design provides the identity for the COTTONWOOD community that is sustainable over time and meets the City of Moreno Valley's Landscape Standards. The plant palette chosen for the COTTONWOOD community is appropriate to the site's climate while providing color and seasonal change. Front yard landscaping is required for all front yards and will be designed to meet the City of Moreno Valley Landscape Requirements to include xeriscape landscaping on 25% of the lots.

### A. PLANT PALETTE

The plant palette for COTTONWOOD complements and enhances the community's natural setting, while also reducing irrigation needs and conserving water resources. The plant palette includes colorful plant materials along with evergreen and deciduous trees appropriate for the local climate. The plant palette also accentuates other design elements in the community, such as the recommended architectural styles, walls and fences, etc. Many of the plant materials are water-efficient species native to southern California or naturalized to the arid southern California climate.

Table IV-1, *Plant Palette*, provides a list of the plant materials approved for use in the COTTONWOOD community. The utilization of some materials, depending upon their site location, exposure, and relationship to other influential factors may not be appropriate in all locations of the community, however. Plant selection for specific areas of the community shall have similar watering requirements so that irrigation systems can be designed to minimize water use and plant materials can thrive under optimal conditions.



CONCEPTUAL SITE PLAN LEGEND

- ① Recreation Area
- ② Tot Lot
- ③ Picnic Area
- ④ HOA Planter Area
- ⑤ Vehicular Gate
- ⑥ Emergency Gate Per Fire Dept. Slids.
- ⑦ Water Quality Basin
- ⑧ Enhanced Pavement Entry, Call Box
- ⑨ Asphalt Paved Emergency Access Alley



Table IV-1 Plant Palette

| Botanical Name                               | Common Name                 | Cottonwood Ave | Water Quality Basin |              | Open Space/Rec. |
|--|-----------------------------|----------------|---------------------|--------------|-----------------|
|  |                             |                | Side Slopes         | Basin Bottom |                 |
| <b>Trees</b>                                 |                             |                |                     |              |                 |
| <i>Lagerstroemia 'Natchez'</i>               | White Crape Myrtle          |                |                     |              | ✓               |
| <i>Liquidambar Stryaciflua</i>               | Sweetgum                    | ✓              |                     |              | ✓               |
| <i>Platanus Acerfolia 'Bloodgood'</i>        | Bloodgood London Plane Tree | ✓              |                     |              | ✓               |
| <i>Quercus Ilex</i>                          | Holly Oak                   |                |                     |              | ✓               |
| <i>Rhus Lancea</i>                           | African Sumac               | ✓              | ✓                   |              | ✓               |
| <b>Flowering Accent Plants</b>               |                             |                |                     |              |                 |
| <i>Anigozanthus Flavidus</i>                 | Kangaroo Paw                |                |                     |              | ✓               |
| <i>Convolvulus Cneorum</i>                   | Bush Morning Glory          | ✓              |                     |              | ✓               |
| <i>Gaura Lindheimeri</i>                     | Gaura                       |                |                     |              | ✓               |
| <i>Hemerocallis Hybrids</i>                  | Daylily                     | ✓              |                     |              |                 |
| <i>Kniphofia Uvaria 'Pineapple Popsicle'</i> | Red Hot Poker               |                |                     |              | ✓               |
| <b>Shrubs</b>                                |                             |                |                     |              |                 |
| <i>Artemisia Californica</i>                 | California Sagebrush        |                | ✓                   |              |                 |
| <i>Baccharis Pilularis</i>                   | Coyote Brush                |                | ✓                   |              |                 |
| <i>Baccharis Salicifolia</i>                 | Mule Fat                    |                |                     | ✓            |                 |
| <i>Callistemon 'Little John'</i>             | Bottlebrush                 |                |                     |              | ✓               |
| <i>Carex Praegracilis</i>                    | Clustered Field Sedge       |                |                     | ✓            |                 |
| <i>Cistus Sp.</i>                            | Rockrose                    | ✓              |                     |              | ✓               |
| <i>Dianella Revoluta</i>                     | Flax Lily                   |                |                     |              | ✓               |
| <i>Eleocharis Parishii</i>                   | Spikerush                   |                |                     | ✓            |                 |
| <i>Hesperaloe Parviflora</i>                 | Red Yucca                   |                |                     |              | ✓               |
| <i>Juncus Acutus</i>                         | Rush                        |                |                     | ✓            |                 |
| <i>Juncus Bufonius</i>                       | Toad Rush                   |                |                     | ✓            |                 |
| <i>Juncus Mexicanus</i>                      | Mexican Rush                |                |                     | ✓            |                 |
| <i>Lavandula Stoechas 'Otto Quast'</i>       | Spanish Lavender            |                |                     |              | ✓               |
| <i>Leucophyllum Frutescens 'Compacta'</i>    | Compact Texas Ranger        | ✓              |                     |              | ✓               |
| <i>Leymus Condensatus</i>                    | Giant Wild Rye              |                | ✓                   |              |                 |
| <i>Mimulus Aurantiacus</i>                   | Sticky Monkey Flower        |                | ✓                   |              |                 |
| <i>Myoporum Parvifolium 'Putah Creek'</i>    | NCN                         | ✓              |                     |              | ✓               |
| <i>Muhlenbergia Rigens</i>                   | Deer Grass                  | ✓              |                     |              | ✓               |
| <i>Nandina Domestica 'Nano'</i>              | Dwarf Nandina               | ✓              |                     |              |                 |
| <i>Parthenocissus Tricuspidata</i>           | Boston Ivy                  | ✓              |                     |              | ✓               |
| <i>Pennisetum Setaceum 'Rubrum'</i>          | Purple Fountain Grass       |                |                     |              | ✓               |
| <i>Populus Fremontii</i>                     | Fremont's Cottonwood        |                |                     | ✓            |                 |
| <i>Rosa Californica</i>                      | California Rose             |                | ✓                   |              |                 |
| <i>Rosmarinus Officinalis 'Prostratus'</i>   | Prostrate Rosemary          | ✓              |                     |              | ✓               |
| <i>Rhaphiolepis Indica Spp.</i>              | Indian Hawthorne            | ✓              |                     |              | ✓               |
| <i>Salix Spp.</i>                            | Willow                      |                |                     | ✓            |                 |
| <i>Salvia Amistad</i>                        | Amistad Salvia              |                |                     |              | ✓               |
| <i>Salvia Greggii</i>                        | Autumn Sage                 | ✓              |                     |              | ✓               |
| <i>Sambucus Mexicanus</i>                    | Mexican Elderberry          |                | ✓                   |              |                 |
| <i>Scirpus Americanus</i>                    | Three-square                |                |                     | ✓            |                 |
| <i>Senna Artemisiodes</i>                    | Feathery Cassia             | ✓              |                     |              |                 |
| <i>Tall Fescue</i>                           | Tall Fescue                 |                |                     |              | ✓               |
| <i>Westringia Rosmariniformis</i>            | Australian Rosemary         | ✓              |                     |              | ✓               |

## B. STREETSCAPES

### 1. Community Entry

As shown on Figure IV-2, *Community Entry*, a vehicular access gate provides controlled access to the COTTONWOOD community. The entry will feature a roundabout with enhanced paving. A callbox will be located at the center of the roundabout to allow for guests to be let through the gate by residents. Double vehicular access gates will be located opposite the entrance from Cottonwood Ave. with a second vehicular gate to provide egress located to one side of the roundabout.

### 2. Cottonwood Avenue Landscape Treatment

As shown in Figure IV-3, *Cottonwood Avenue Streetscape*, Cottonwood Avenue will include a curb-adjacent, 6-foot sidewalk and 6-foot landscape parkway, which will be maintained by the Cottonwood HOA. The plant material selected for the Cottonwood Avenue streetscape matches the existing streetscape east of COTTONWOOD, which will help promote a visual continuity between the COTTONWOOD and the existing community. Additionally, plant material has been added to the streetscape in front of the project in order to increase visual identity of the Project.

### 3. Private Street Landscape Treatment

The local streets within COTTONWOOD have three different conditions. As shown on Figure IV-4, *Street "A", "F", and "H" Streetscape*, Streets "A", "F", and "H" feature a 36-foot street width with a 4-foot wide curb-adjacent sidewalk. As shown on Figure IV-5, *Street "B" and "G" Streetscape*, Streets "B" and "G" feature a 36-foot street width with a 4-foot curb adjacent sidewalk in front of the homes within COTTONWOOD, and a 10-foot landscape setback from the existing homes to the west. As shown on Figure IV-6, *Street "C", "D", and "E" Streetscape*, Streets "C", "D", and "E" feature a 36-foot street width with 4-foot, curb adjacent sidewalks on both sides of the street.

## C. WALLS AND FENCES

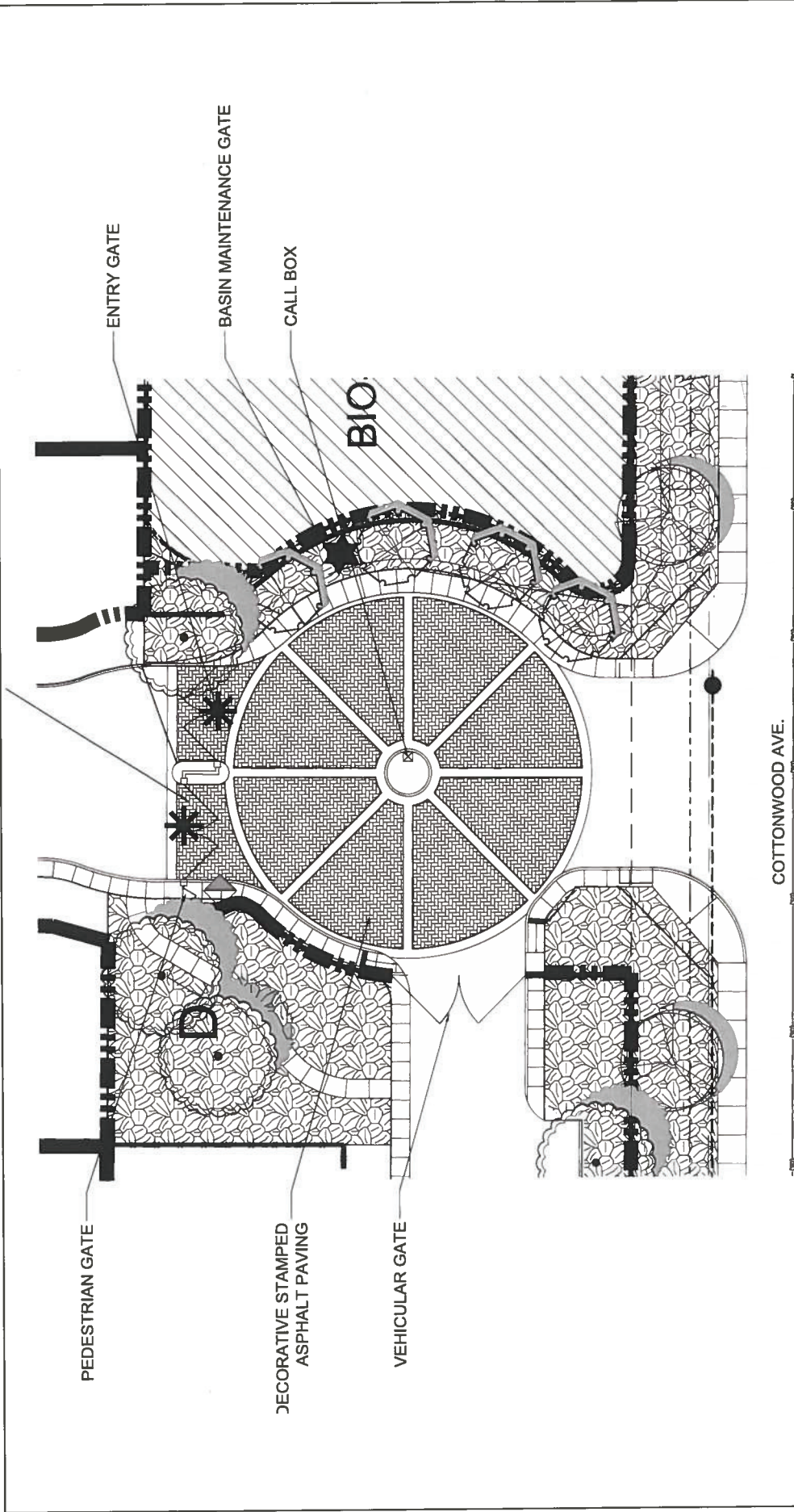
The *Wall and Fence Plan* for the COTTONWOOD community is illustrated on Figure IV-7. As shown, a variety of walls and fences are provided throughout the community to minimize roadway noise, maximize views of scenic resources, increase privacy within each residential lot, and increase safety for pedestrians along primary community roads. Community walls and fences are designed as an integral component and extension of the building design and surrounding landscape. Periphery walls can be integrated into the adjacent structure and extended into the landscape to help integrate the building into its environment. Gates should be complementary in style and color to its fence or wall. Similarly, walls and fences shall be constructed of materials, colors, and textures that are similar to, and harmonious with, the architecture.

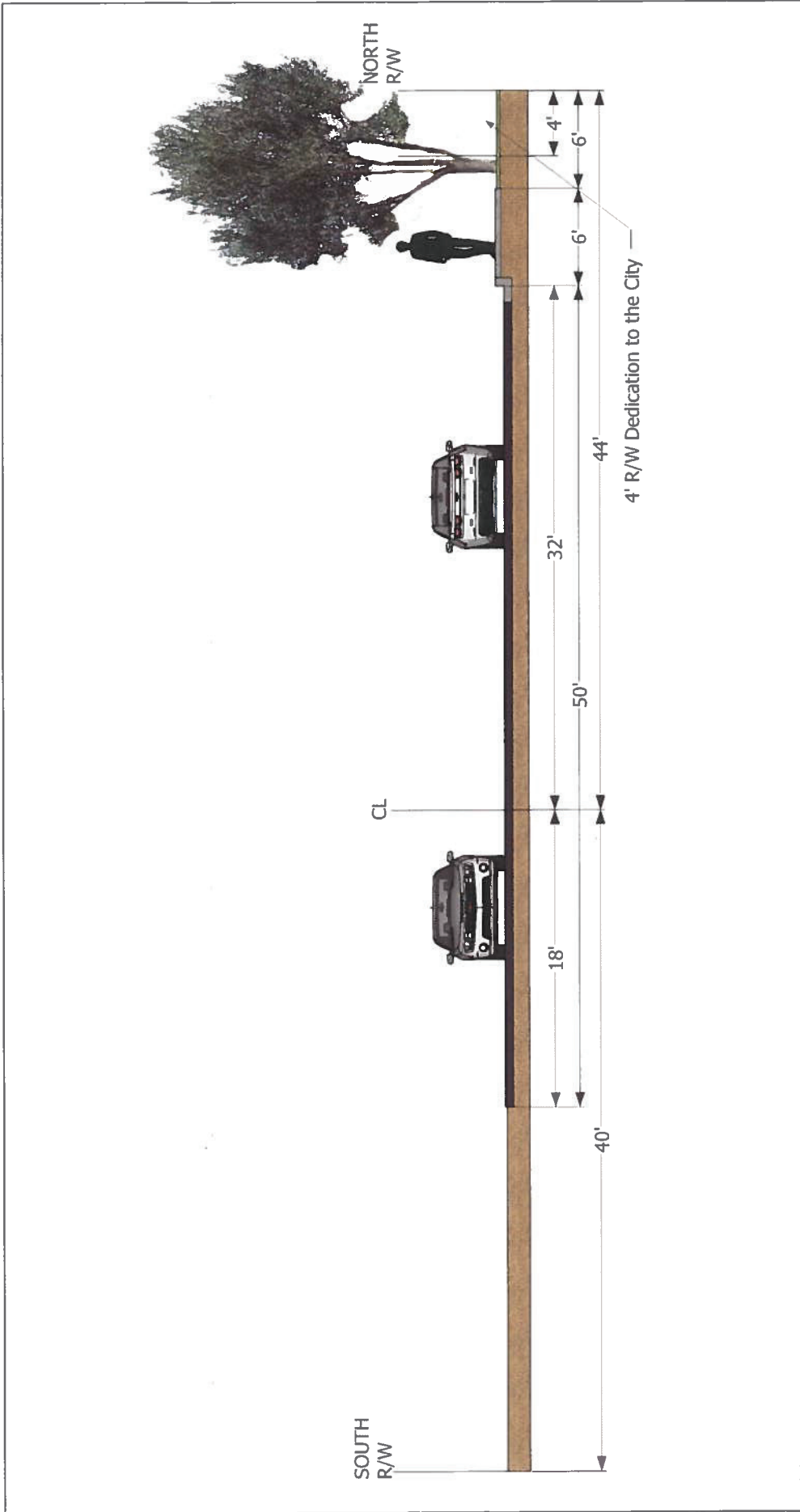
The three types of walls and fencing used within the COTTONWOOD community are described below and illustrated on Figure IV-8, *Wall and Fence Details*.

# COTTONWOOD

## IV Landscape Design Guidelines

TTM 34544 Planned Unit Development

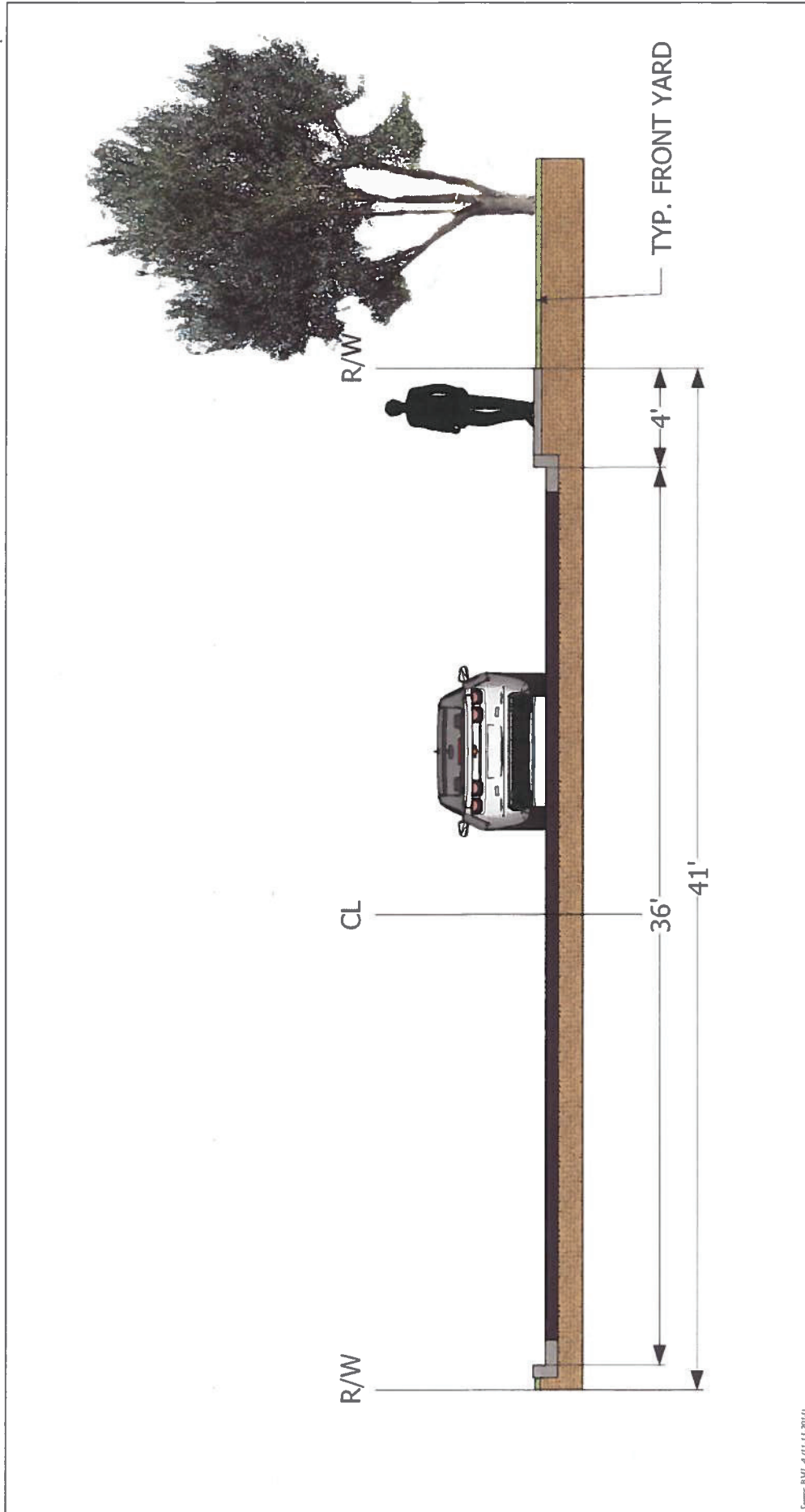




Source: NEMA (11-11-2014)



Figure IV-3



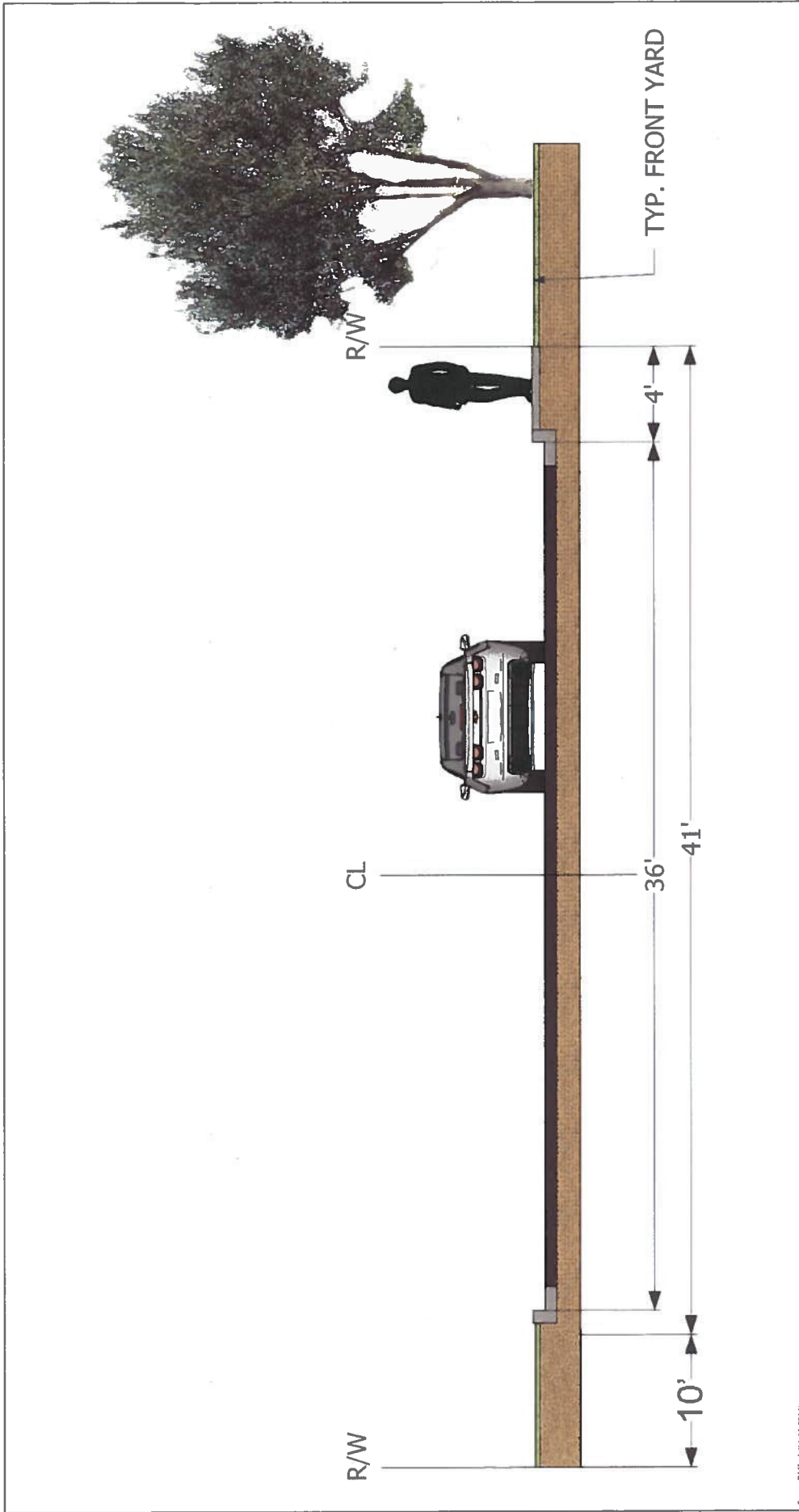
Source: BMLA (11-1-2014)

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Figure IV-4

STREET "A", "P", AND "H" STREETSCAPE



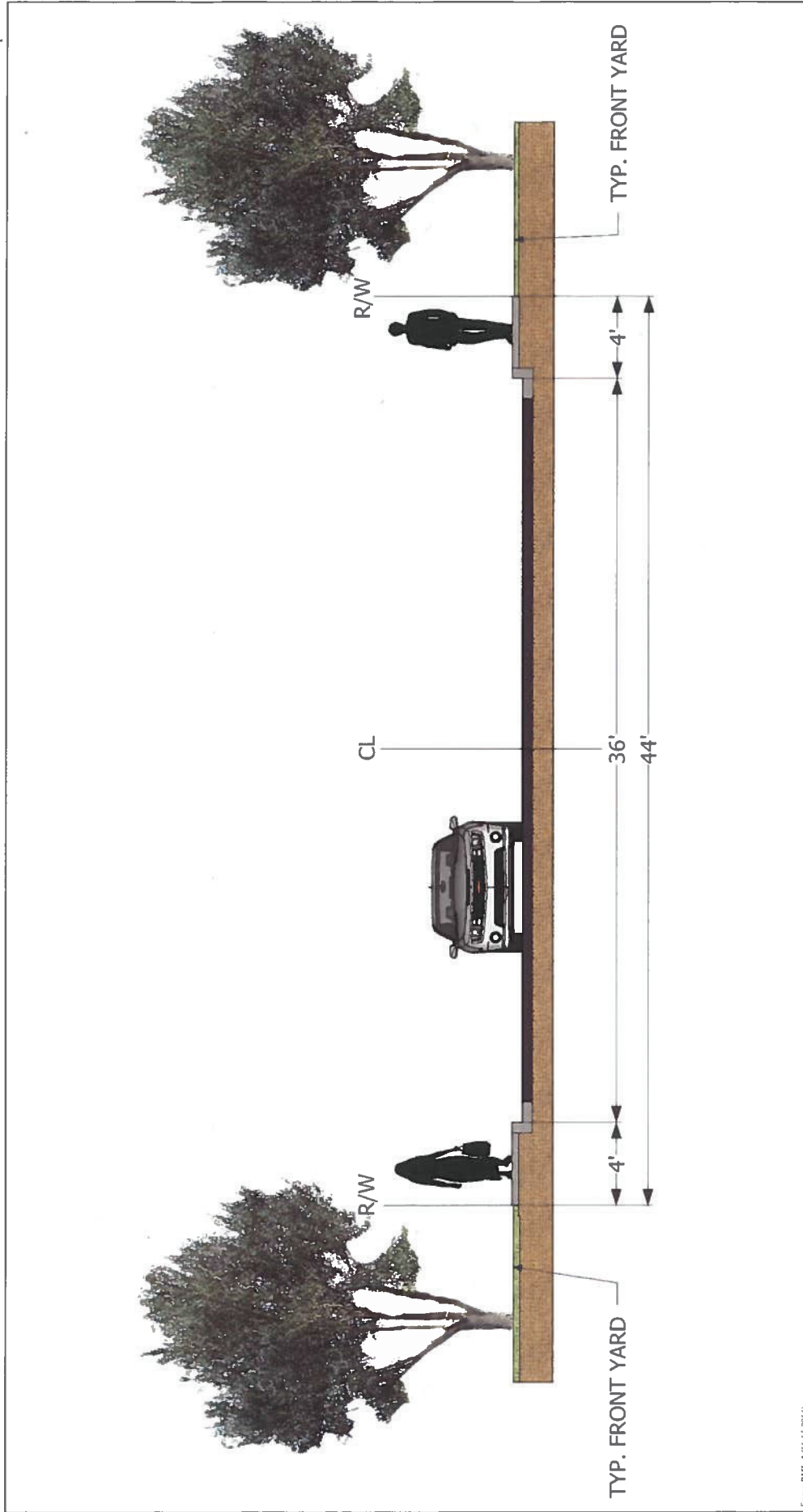


Source: NVLA (1/1/2014)



Figure IV-5  
STREET "B" and "G" STREETSCAPE  
Page IV-8





Source: BMLA (11/13/2014)



Figure IV-6

STREET "C", "D", AND "E" STREETSCAPE

Page IV.9

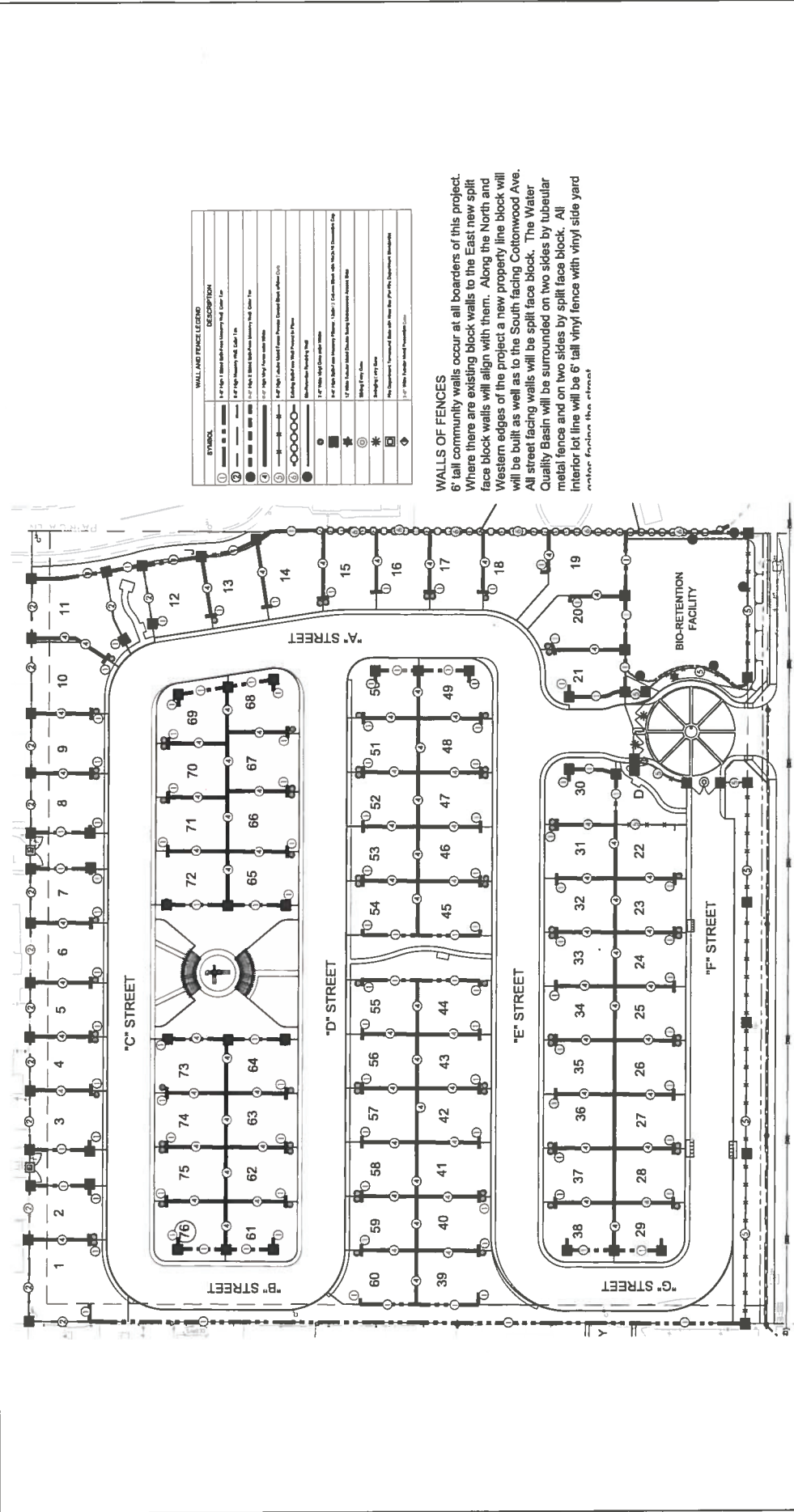


Figure IV-7 WALL AND FENCE PLAN Page IV.10

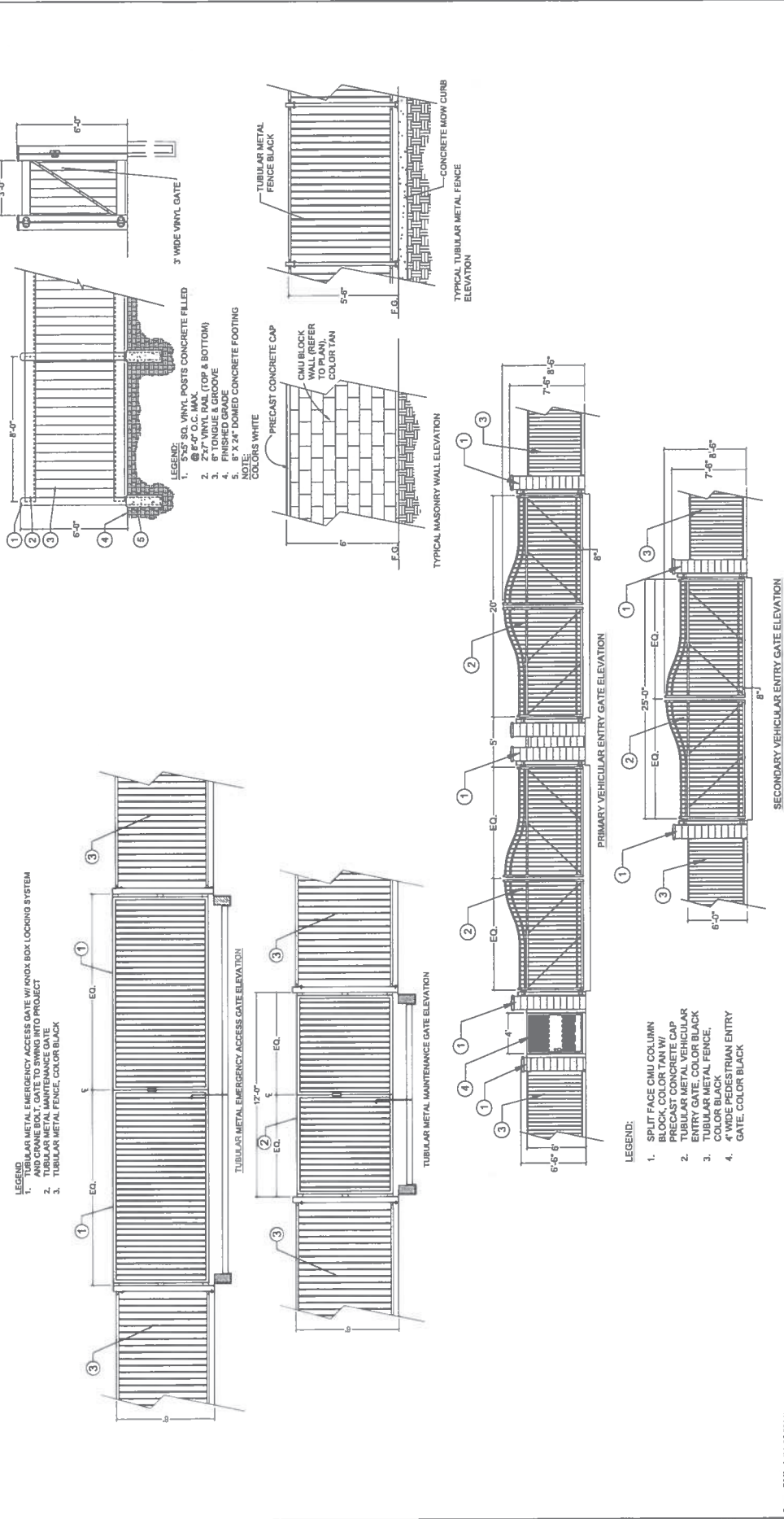


Figure IV-8 WALL AND FENCE DETAILS Page IV-11

- **Masonry Wall.** Three types of Masonry Walls are provided for within COTTONWOOD: smooth, precision block; 1-sided split-face; and 2-sided split-face. The use of slump stone is prohibited. Each type of Masonry Wall is 6 feet tall and painted tan. Masonry Walls are generally provided around the exterior of the community and to provide privacy for private residences where the side yard abuts a local street.
- **Vinyl Fence.** White Vinyl Fences are provided between private yards. Vinyl Fences will be 6 feet tall.
- **Tubular Metal Fence.** Tubular Metal Fences will enclose the Water Quality Basin. Tubular Metal Fences will be constructed of 6-foot tall tubular metal, powder coated black, atop a retaining wall.

In addition to the fences, a number of types of gates will be provided within COTTONWOOD, also shown on Figure IV-8. The vehicular entry gates located at the Community Entry will include a tubular metal gate located between split face concrete masonry columns with precast concrete caps. A 4-foot tall pedestrian entry gate will also be provided at the Community Entry, adjacent to the vehicular entry gate. Pedestrian gates will provide access to the rear yard of each residence along the side of home, which will match the adjacent Vinyl Fences.

## **D. COMMON AREAS AND RECREATIONAL AMENITIES**

### **1. Pocket Parks**

Three (3) Pocket Parks are provided within COTTONWOOD, as conceptually illustrated on Figure IV-9, *Pocket Parks*. One (1) Primary Pocket Park is provided in the center of the community, one (1) Pocket Park is provided in the northeast corner of the community, and one (1) Linear Park is located near the center of the community,.

The Primary Pocket Park, located in the center of the community and identified as Rec. Area F on Figure IV-10, *Pocket Park Details*, is 13,872 square feet and includes a tot lot over rubberized surface, barbecue, covered picnic benches, turf play area, shrubs and trees.

The Pocket Park, located in the northeast corner of the property and identified as Rec. Area C on Figure IV-10, *Pocket Park Details*, is 2,032 square feet and includes exercise equipment, turf, benches, a walking path, and landscaping.

The Linear Park, located in the central portion of the community and identified as Rec. Area E on Figure IV-10, *Pocket Park Details*, is 4,599 square feet and, provides a pedestrian link between the homes on the southern portion of the development with the Primary Pocket Park. This Linear Park includes turf and exercise equipment.





# COTTONWOOD

# IV Landscape Design Guidelines

TTM 34544 Planned Unit Development

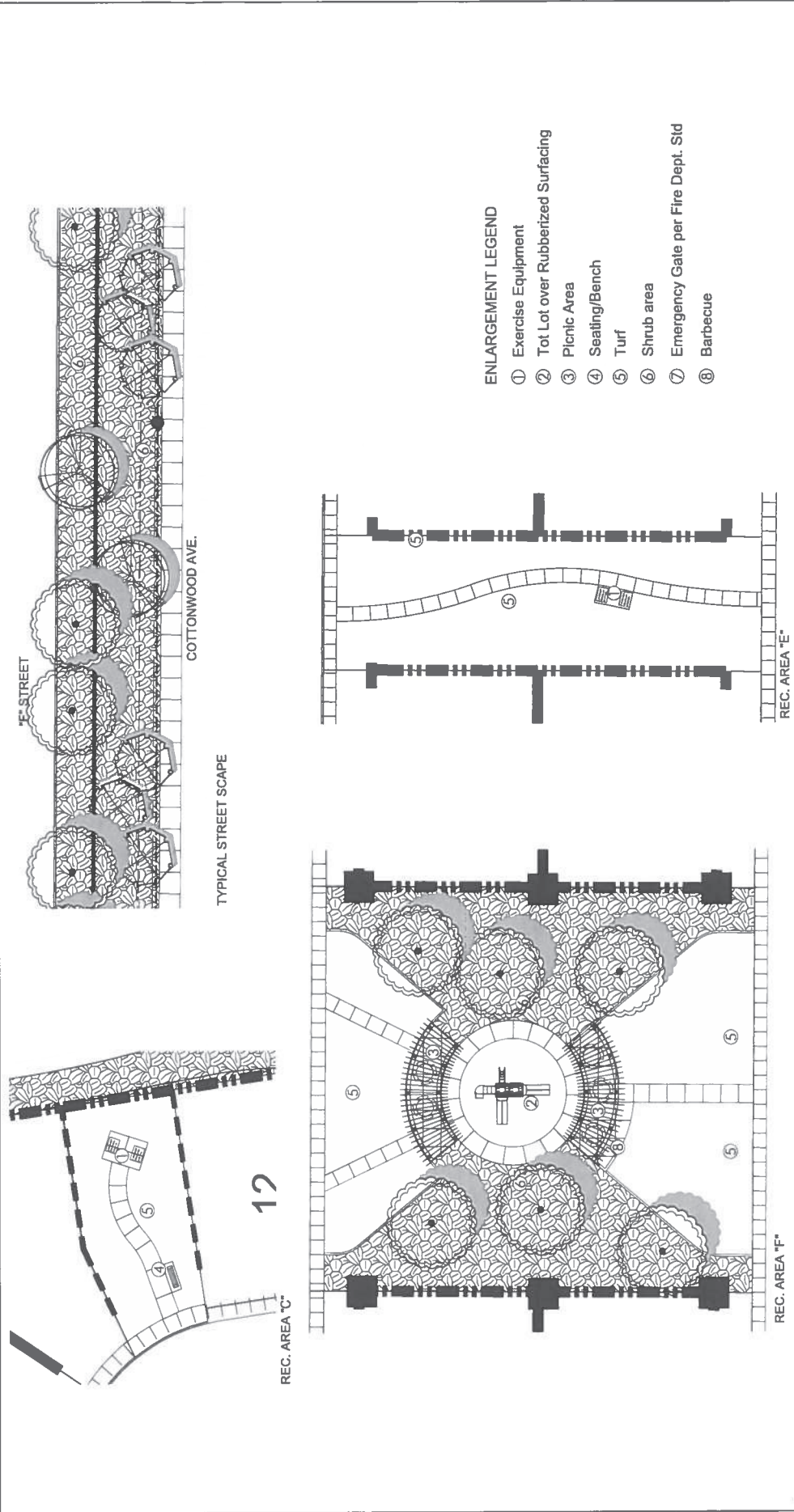


Figure IV-10  
POCKET PARKS DETAILS  
Page IV-14

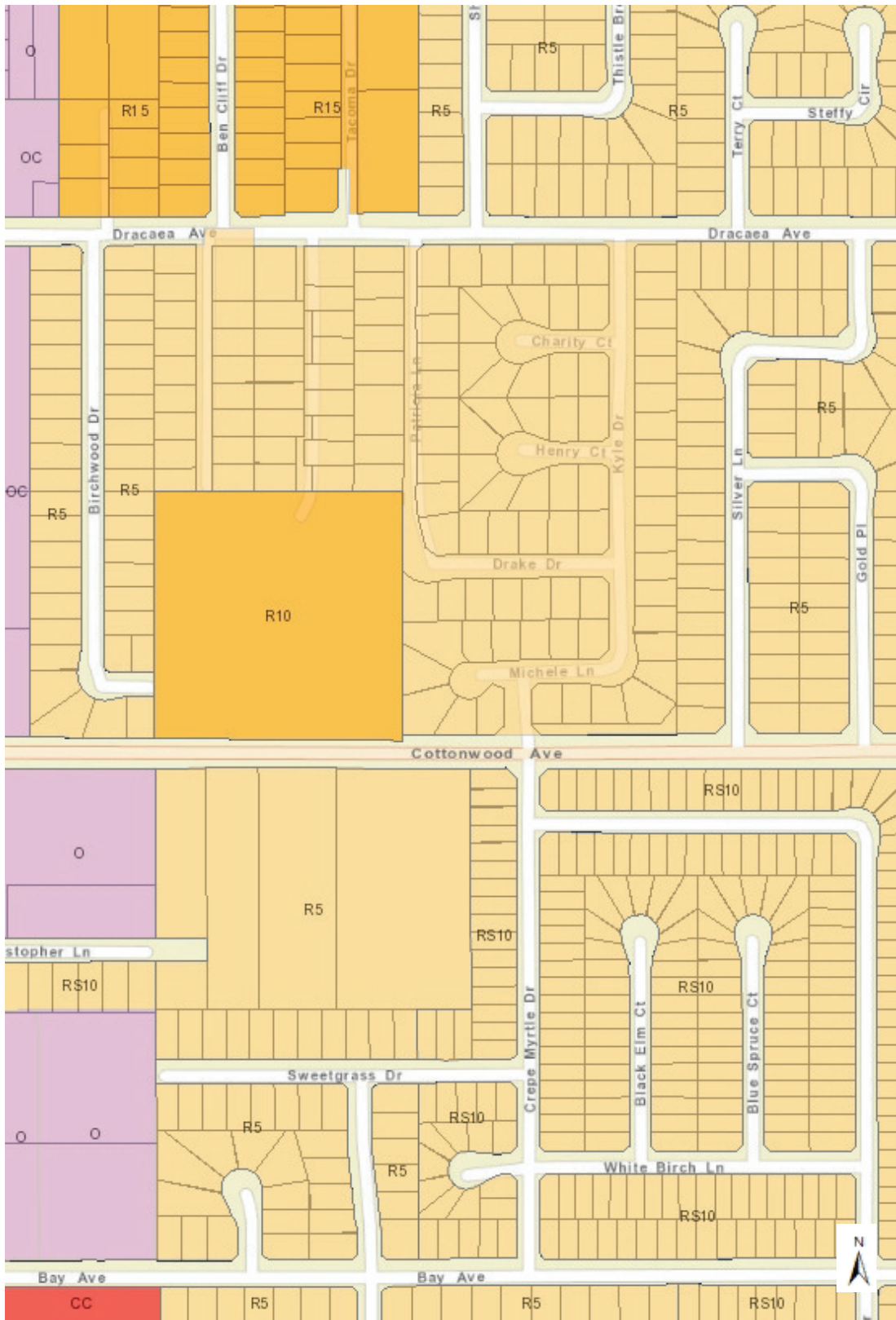
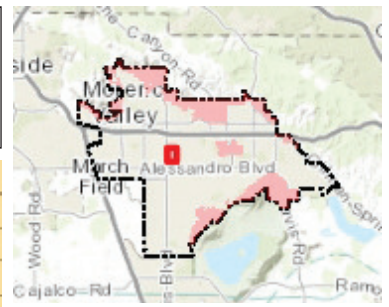
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# PA14-0032 & PA14-0033



### Legend

- Zoning**
- Commercial
  - Industrial/Business Park
  - Public Facilities
  - Office
  - Planned Development
  - Large Lot Residential
  - Residential Agriculture 2 DU/AC
  - Residential 2 DU/AC
  - Suburban Residential
  - Multi-family
  - Open Space/Park

### Master Plan of Trails

- Bridge
- Improved
- Multiuse
- Proposed
- Regional
- State

- Parcels
- City Boundary
- Sphere of Influence

### Notes

794.5 0 397.27 794.5 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

Print Date: 6/24/2014

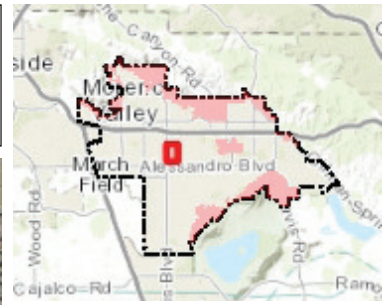
*DISCLAIMER: The information shown on this map was compiled from the City of Moreno Valley GIS and Riverside County GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.*

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# PA14-0032 & PA14-0033



### Legend

- Public Facilities
  - Public Facilities
  - ★ Fire Stations
- Parcels
- ▭ City Boundary
- ▧ Sphere of Influence

### Notes

978.6 0 489.30 978.6 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

Print Date: 6/24/2014

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February 10, 2015

City Council  
City of Moreno Valley  
14177 Frederick Street  
Moreno Valley, CA 92553  
CityClerk@moval.org

**VIA E-MAIL and U.S. MAIL**

**Re: Opposition to Frontier Communities Project, Tentative Tract Map No. 34544 (PA 14-0032), Conditional Use Permit for a Planned Unit Development (PA 14-0033), Adoption of Negative Declaration**

Greetings:

On behalf of concerned area residents, I hereby submit these comments in opposition to the 9.4 acre condominium complex proposed by Frontier Communities, PA 14-0032 and PA 14-0033.

The Project proposes a 9.4 acre single lot condominium development with between 72 and 76 units, four “pocket parks”, a tot lot and a 14,889 square foot retention basin. Each unit will consist of 4 or 5 bedrooms and an attached 2-car garage.

For the reasons detailed herein and in the comments submitted by members of the public, I ask that you deny the Project. If you choose to consider Project approval, a new application for a Tentative Tract Map and preparation of an EIR are needed prior to any consideration by this City Council<sup>1</sup>.

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<sup>1</sup> Please note that, in order to conserve paper, various citations herein are provided electronically and incorporated in full. I ask that you please include the documents cited electronically in your review of this letter as if they were attached. If for whatever reason an electronic link does not function properly, please contact Johnson & Sedlack and I will be happy to provide you with a hard copy of the document.



**I. A New Application for Tentative Tract Map and/or and Application to Revise the Existing TTM 34544 is Required, and Correct Notice and Hearing Needed**

Tentative Tract Map Number 34544 was previously approved in 2008. At the time of the Planning Commission hearing on the Project, there was no indication whatsoever that the applications requested for this Project were intended as a revision to the existing tract map. To the contrary, the Staff Reports, Resolutions, site plans, etc. approved by the Planning Commission each treat the proposed Project as if it were a new tract map. It is not.

Now the notice for the City Council hearing refers to PA 14-0032 as “Revised TTM 34544.” This fact was not previously disclosed by the City and there is no indication that the application is in fact for a revised map. The Staff Report does not indicate the action would approve a *revision* to TTM 34544.

Due process requirements of U.S. and California law require adequate notice and opportunity for a hearing to avoid substantial or significant deprivation of property rights of other landowners. The various procedural, descriptive, disclosure, and other errors have violated the due process rights of Project neighbors. As stated in *Cohan v. City of Thousand Oaks*, 30 Cal.App.4<sup>th</sup> 547, 559-560, ignoring the laws and regulations intended to ensure a fair process “stands due process on its head,” violating due process rights.

There is no dispute that the applicant cannot submit a new map or seek to revise an existing map. However, the action sought must be correctly and adequately disclosed.

Moreover, as this map is a revision to the existing TTM, it should not be deemed to extend the life of the map beyond the existing expiration date of the map. Condition of approval P2 should be deleted where it states, “This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration.” (MC 9.02.230, 9.14.050, 080) The three year life of a new map does not apply to map revisions. The Municipal Code clearly provides that the approval of a revised tentative map shall not extend the life of the map. (MC 9.14.080 (A)(2).)

**II. The City cannot make the Findings needed to Approve a Conditional Use Permit for this Planned Unit Development**

A Conditional Use Permit is required for this Planned Unit Development to deviate from the standards of the Municipal Code zoning regulation and standards. The Project proposes to deviate from the standards of the R10 Zone through a Planned Unit Development, to “allow greater innovation in housing development and diversity of

housing choice than would otherwise be possible according to the strict application of the site development regulations defined by the City's Municipal Code." (PUD p. I-1) The City's Municipal Code relative to PUDs, Section 9.03.060, provides that the section shall only apply where warranted to achieve this purpose (or the others listed). Moreover, deviations from development standards "shall be to the minimum degree necessary" to achieve this purpose. (Municipal Code § 9.03.060 G)

Furthermore, a conditional use permit approving a PUD may only be approved if all the following findings can be made:

1. The proposed project is consistent with the goals, objectives, policies and programs of the general plan;
2. The proposed project complies with all applicable zoning and other regulations;
3. The proposed project will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity;
4. The project conforms with any applicable provisions of any city redevelopment plan;
5. The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity. (Municipal Code § 9.02.060C)

The City cannot make the required findings to approve this PUD or its required conditional use permit. The proposed findings (adopting the findings of the Planning Commission) are not supported by substantial evidence or facts.

**A. The Project would not Allow Greater Innovation in Housing Development or the Absolute Minimum Deviation from Housing Standards**

This Project shows no innovation in housing development which would support a PUD. Innovation may include, for instance, redesigning homes or development to improve sustainability, creating more intelligent design and efficient use of space, novel grouping of residences, smaller communities with core areas, etc. There is nothing new or novel in developing rows of single family residences.

The only difference between this housing development and other single family residential in the City is that this housing development is a detached single-family development on a site too small for the number of lots proposed. The PUD would permit up to 76, 4 and 5-bedroom detached residences on a 9.4-acre site with minimal setbacks from existing housing and housing within the development. The Project thus requires the City ignore its open space, setback requirements, lot coverage, and other requirements. The Project is not innovative; it is the essence of bad planning. A PUD is inappropriate and not warranted.

It also is notable that, according to the Moreno Valley General Plan Housing Element, 80.7% of homes in Moreno Valley are single-family detached. Only 15.1% of homes, on the other hand, are multi-family residential. (Housing Element Figure 8-1) Given these statistics, it is difficult to see how developing additional detached single-family residential, without some novel redesign, is more “innovative” than complying with the existing multi-family residential standards onsite.

There are no facts which support approval of a PUD here. Where the R10 Zone already allows for various housing types and choices, how would the PUD “allow greater innovation in housing development and diversity of housing choice than would otherwise be possible?” Simply put, it would not.

The proposed Project would also deviate *significantly* from the development standards of the R10 zone, well beyond the “minimum degree necessary” for “innovation” required by the Municipal Code. For instance, where the R10 zone would require that any greater than one story building be setback fifty (50) feet from any single-family district, this Project would have setbacks of just 15 feet from the neighboring single-family district.

As another example, where the R10 zone would require a minimum front yard setback of 20 feet, this Project would have front yard setbacks of just 6 feet. Side yards, required in the R10 zone to be setback 10 feet to 20 feet, would be setback just 5 feet. Rear yards requiring a setback of 15 feet are just 10-12 feet. There is no evidence this is the “absolute minimum deviation” required to achieve whatever “innovation” this Project is claiming.

As discussed further below, it is not “innovation” or “diversity of housing” to simply develop conventional single-family homes on substandard lots with substandard setback requirements. There is no evidence supporting approval of a PUD on the plans proposed.

### **B. The Proposed Project does not Comply with all Applicable Zoning and Other Regulations**

The proposed finding for conformance with Zoning Regulations states the Project complies with all applicable zoning and other regulations because, “[t]he proposed density of 8 units per acre is within the units per net acre permitted in the Residential 10 land use district.” (Planning Commission Resolution 2015-01). This finding ignores the remainder of the Zoning Code beyond density.

The Project site is zoned Residential 10(R10). The stated purposes of the R10 zone are “to provide for a variety of residential products and to encourage innovation in

housing types with enhanced amenities such as common open space and recreation areas. This district is intended as an area for development of attached residential dwelling units, as well as mobile home parks at a maximum allowable density of ten (10) dwelling units per net acre in accordance with the provisions outlined herein.” Single- family residences are not allowed.

The Project would not comply with the R10 Zone. Instead of attached residential dwellings with enhanced common open space and recreation areas, the Project would develop detached single-family housing, which would leave very little remaining space for common open space and recreation areas. The PUD also fails to comply with the purposes of the R10 zone to provide enhanced common open space and recreation areas. Instead, such areas are the bare minimum required by the code.

Municipal Code Section 9.03.040G (22) set guidelines seeking to cluster buildings to minimize grading and help maintain the natural landscape. This Project does the opposite: sprawling buildings linearly across the entire site with two story residences located just 10 feet from each other. There is no support for the finding that the Project is consistent with the Zoning Code on these facts.

Moreover, the proposed density of 8 units per acre is not guaranteed to be met with the Project as approved by the Planning Commission. To achieve compliance with the R10 zoning requirement of 8 dwelling units/ net acre, the Project would require a minimum 72 dwelling units according to the Staff Report. The current site plan provides for 76 units; however, significant changes to the Project are needed to ensure adequate fire access is maintained to neighboring residences whose streets dead-end at the Project site. The previously approved TTM 34544, for example, provided hammerhead fire turn-arounds at the end points of Bencliff Avenue and Tacoma Street within the site. As currently proposed, the Project would create a hazard to those existing properties.

Condition of Approval F13. for Planning Case Nos: PA14-0032 and PA14-0033 states, “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)” There is no evidence that the 8 units per acre density may still be met if the Project is modified as needed to address the Project’s impacts to off-site access/ emergency access on Bencliff Avenue and Tacoma Street

Along these same lines lines, to the extent reservations are required along the property line for fire access at Bencliff Avenue and Tacoma Street, the reservations should not be counted towards the Project’s requirements for open space or recreation. (See, e.g. Condition of Approval LD73. Prior to rough grading plan approval, the plans shall show a 30-foot reservation at two locations along the northerly property line for Fire Access if required.)

As currently drafted, Lots A and B are reserved for “open space and sewer easements.” Emergency access has not been addressed. Nor has the City addressed whether this sewer easement may be properly applied towards the Project’s requirements for open space and recreation. If not, the Project must be redesigned to achieve adequate recreational square footage.

The fact is, as noted by the Staff Report to the Planning Commission, “Staff reviewed the design and determined that the design provides some key deficiencies that must be addressed.” These deficiencies have not been addressed.

It seems a PUD was sought for this Project because the Project could not be developed in compliance with the City’s Zoning Code *even with a change of zone*, and could not obtain variances from the Zoning Code. The Project is too dense with too little open space and setbacks pursuant to every City Residential Standard. For instance, the R5 zone which seeks to provide for residential development on common size suburban lots, allows a maximum 5 dwelling units per acre. Application of the R5 zone here would permit a maximum of just 46 units on this site planned for 76 units.

As another example, the RS10 zone, which seeks to provide for residential development on small single family lots with amenities not generally found in suburban subdivisions, would not allow this Project despite allowing up to 10 dwelling units per acre. The RS 10 zone sets minimum lot sizes of 4,500 square feet and maximum lot coverage of 50%. This Project proposes minimum lot sizes ranging from 2,543 to 4,703 square feet, with the majority of lots proposed at or around 2,700 square feet. The Project could also in no way meet the requirements of lot depth, setbacks, lot coverage, and other requirements of the RS10 zone.

Alternatively, the Project could not meet the stringent requirements for variances from the Zoning Code. Specifically, variances from the terms of the Zoning Code can be granted only when, because of special circumstances applicable to the property in question, including size, shape, topography, location or surroundings, the strict application of the zoning regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. There is absolutely nothing wrong with the property in question—only its proposed development as single family residential on a site zoned for multi-family residential, and at about double the allowable density for such use. In fact, the previously approved TTM 34544, would develop 84 condominium units across 28 buildings with adequate setbacks, open space, a recreation area; and adequate site access/ emergency access; consistent with the site’s zoning designation and design requirements. A variance could not be obtained on these facts.

In sum, the Project utterly fails to comply with the Zoning Code and there is no evidence to support finding to the contrary. The Project should be denied.

**C. The Project is inconsistent with the goals, objectives, policies and programs of the General Plan**

The finding in support of “conformance with general plan policies” are based on the claim, “The proposed Conditional Use Permit for a Planned Unit Development is consistent with the General Plan which encourages innovation in single family residential development.” As discussed in this letter, this finding is not supported in the least where the Project would develop single-family residential in a multi-family zone and where the PUD does not evidence any innovation.

The Project is, in fact, inconsistent with the goals, objectives, policies and programs of the General Plan. As discussed above, the Project is inconsistent with the General Plan and Zoning designation on the site. The Project is inconsistent with the goals of the housing element relative to the R10 zoning district and its purposes, as well as the provision for a variety of housing types. Table 8-23 of the General Plan Housing Element clearly shows the R10 zone does not permit single family residential.

Furthermore and for the reasons detailed in this letter, the Project is also inconsistent with, at a minimum, the following goals and policies:

- Goal 2.1 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.
- Goal 2.4 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.
- Objective 2.2 Provide a wide range of residential opportunities and dwelling types to meet the demands of present and future residents of all socioeconomic groups.
- Policy 2.2.8 The primary purpose of areas designated Residential 10 is to provide for a variety of residential products and to encourage innovation in housing types. Developments within Residential 10 areas are typically expected to provide amenities not generally found in suburban subdivisions, such as common open space and recreational areas. The maximum allowable density shall be 10.0 dwelling units per acre.



- **Policy 2.2.12 Planned Unit Developments (PUD) shall be encouraged for residential construction in order to provide housing that is varied by type, design, form of ownership, and size.** PUD's (sic) shall also provide opportunities to cluster units to protect significant environmental features and/or provide unique recreational facilities.
- Policy 2.2.14 Encourage a diversity of housing types, including conventional, factory built, mobile home, and multiple family dwelling units
- Objective 2.3 Promote a sense of community and pride within residential areas through increased neighborhood interaction and enhanced project design.
- Policy 2.3.2 Encourage building placement variations, roofline variations, architectural projections, and other embellishments to enhance the visual interest along residential streets.
- **Policy 2.3.3 Discourage the development of single-family residences with a bulk (building mass) that is out of scale with the size of the parcels on which they are located**
- Policy 2.3.4 Design large-scale small lot single family and multiple family residential projects to group dwellings around individual open space and/or recreational features.
- Objective 2.7 Encourage open space preservation through appropriate land use policies that recognize the valuable natural resources and areas required for protection of public safety that exist in the City.
- Objective 2.10 Ensure that all development within the City of Moreno Valley is of high quality, yields a pleasant living and working environment for existing and future residents, and attracts business as the result of consistent exemplary design.
- Objective 4.2 Provide safe, affordable and accessible recreation facilities and programs to meet the current and future needs of Moreno Valley's various age and interest groups and promote the provision of private recreational facilities.
- Objective 5.1 Create a safe, efficient and neighborhood- friendly street system.
- Policy 5.1.1 Plan access and circulation of each development project to accommodate vehicles (including emergency vehicles and trash trucks), pedestrians, and bicycles.

- Objective 5.2 Implement access management policies.
- Policy 5.2.4 Design new subdivisions to minimize the disruptive impact of motor vehicles on local streets. Long, broad and linear streets should be avoided. Residential streets should be no wider than 40 feet, and should have an uninterrupted length of less than one half mile. Curvilinear streets and cul-de-sacs are preferred. Streets within the subdivision should be designed to facilitate access to residences and to discourage through traffic.
- Objective 5.5 Maximize efficiency of the local circulation system by using appropriate policies and standards to design, locate and size roadways.
- Objective 5.11 Eliminate obstructions that impede safe movement of vehicles, bicyclists, and pedestrians.
- Objective 6.4 Review noise issues during the planning process and require noise attenuation measures to minimize acoustic impacts to existing and future surrounding land uses.
- Policy 6.4.1 Site, landscape and architectural design features shall be encouraged to mitigate noise impacts for new developments, with a preference for noise barriers that avoid freeway sound barrier walls.
- Objective 6.5 Minimize noise impacts from significant noise generators such as, but not limited to, motor vehicles, trains, aircraft, commercial, industrial, construction, and other activities.
- Policy 6.5.2 Construction activities shall be operated in a manner that limits noise impacts on surrounding uses.
- Objective 6.16 Ensure that uses within urbanized areas are planned and designed consistent with accepted safety.
- Policy 6.16.1 Ensure that ordinances, resolutions and policies relating to urban development are consistent with the requirements of acceptable fire safety, including requirements for smoke detectors, emergency water supply and automatic fire sprinkler systems.
- Policy 6.16.2 Encourage the systematic mitigation of existing fire hazards related to land urban development or patterns of urban development as they are identified and as resources permit.
- **Policy 6.16.3 Ensure that adequate emergency ingress and egress is provided for each development.**

- Policy 7.5.1 Encourage building, site design, and landscaping techniques that provide passive heating and cooling to reduce energy demand.

**D. The Proposed Project will be Detrimental to the public safety and materially injurious to properties or improvements in the vicinity.**

As discussed herein, the Project as redesigned proposes a secondary fire access at Watson Way. While potentially adequate access for this Project, it omits any consideration of the fact that the Project would cut off adequate fire accesses or turn-arounds at Bencliff Avenue and Tacoma Street. These dead end roadways will not have been completed to have a turnaround capable of accommodating fire apparatus as required by the California Fire Code § 503.2.5. The Project will thus be detrimental to the safety of neighboring residences.

The Project would also harm neighboring properties in terms of aesthetics, land use consistency, noise, privacy, etc. The Project is too dense for the site and fails to provide the needed setbacks, landscaping, open space, and building variation for its zoning designation.

**E. The Location, Design And Operation Of The Proposed Project Will Be Incompatible With Existing And Planned Land Uses In The Vicinity.**

The finding that the Project is consistent with residential uses just because it is also a residential Project fails to take several issues into account. First, the Project proposes single-family residential uses which fail to provide the needed setbacks, open space, etc. to be consistent and compatible with the existing pattern of development and R5 zoning of surrounding residential uses. Second, the Project's failure to provide adequate emergency access at Bencliff Avenue and Tacoma Street is incompatible with existing residences adjacent to the Project. Third, the so-called "parks" and "open space" within the Project are minimal as a result of the single-family bulk residences in lieu of multi-family clustering. In sum, there is no evidence the project is compatible with existing and planned land uses

**III. The Project fails to Comply with CEQA**

An Initial Study was prepared for the Project. The City proposes to adopt a Negative Declaration on the basis of the "analysis" included in the Initial Study. The adoption of a Negative Declaration ("ND") for this Project is improper where the City has not investigated the Project's adverse environmental impacts and where there is substantial evidence showing the Project may have significant adverse effects on the environment.

CEQA was adopted to ensure that the public and decision makers are informed of the true environmental consequences of a project. The core of this statutory structure is the adequacy of the informational document prepared by the lead agency pursuant to CEQA.

The EIR requirement is the “heart of CEQA,” required to ensure disclosure of information about a project and its environmental consequences. (CEQA Guidelines § 15003(a)). A lead agency may prepare a negative declaration in lieu of an EIR only when there is no substantial evidence in light of the whole record that the Project may have a significant effect on the environment. An EIR is required for any proposed project that may have a significant effect on the environment. (Public Resources Code § 21100 (a))

Here, first and foremost, the City has failed to comply with its duties under CEQA to investigate the Project’s environmental consequences; evaluate those potential impacts on the basis of facts and evidence; and disclose any such impacts to the public and decisionmakers. (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 311.) The City has turned a blind eye to the many potentially significant environmental effects from this Project. None of the potential impacts from the Project have been investigated or studied. By failing to undertake a good faith investigation of the Project’s adverse environmental impacts, the City fails to comply with CEQA.

Second, no substantial evidence supports the findings in the Initial Study and proposed ND. There are simply no facts in the record, no studies, no expert opinion based on facts, nothing to support the Initial Study’s conclusions or adoption of a ND. (Guidelines § 15384.)

Third, there is a fair argument of significant environmental impacts from the Project in the areas of at least aesthetics, air quality, land use and planning, construction noise, traffic, and hazards, among others. Preparation of an EIR is required. (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75.)

Fourth, the City incorporates no mitigation for the Project’s potentially significant impacts. The City also defers needed studies and Project modifications to after Project approval in contravention of CEQA’s mandates. (Pub. Res. Code § 21002, Guidelines § 15126.4)

Please consider the following specific comments on the Initial Study and proposed adoption of a ND on the findings in the Initial Study:

**A. Aesthetics**

The Initial Study finds the Project would have “no impact” on substantially degrading the existing visual character or quality of the site and its surroundings. There is no evidence or reasoning in support of this statement.

To the contrary, the Project may substantially degrade the visual character of the site by developing homes with insufficient setbacks, insufficient open space, and at a level denser than would otherwise be permitted by the General Plan or Zoning Ordinance. The Project may also have significant aesthetic impacts by conflicting with the existing surrounding residential neighborhoods and densities allowed by their zoning designations.

The Project is located to the south of existing residences on Tacoma Street and Bencliff Avenue. The lack of setbacks and open space; excessive lot coverage; and development at two- stories will cast a literal shadow over existing residences.

The courts have found such density increases and reductions in setbacks and open space areas may cause aesthetic impacts which must be addressed in an EIR. *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4<sup>th</sup> 903, is particularly on point and analogous to this case. In *Pocket Protectors*, a PUD was approved for 373 acres incorporating the 20.6-acre project site, and would have developed townhouses on the project site. The site PUD guidelines would not permit single-family detached housing. Two plans to approve townhomes on the site were approved, but neither was developed.

In spite of the site’s zoning and approved PUD guidelines, the applicant in *Pocket Protectors* proposed construction of 143 units of 3- and 4- bedroom single-family detached homes, a density of 6.68 units per net acre. Setbacks were minimal, and street modifications were needed.

City staff observed the project would not fulfill the intent of the PUD’s Townhouse land-use designation as it did not incorporate the landscaping and open space concepts in that document. Staff also observed that the building massing would create a “canyon” effect. There would also be privacy issues from the lack of setbacks. In addition to staff comments, residents commented the development of an approximately 139 lot residential project was too dense, had insufficient setbacks, abandoned the cluster home concept, etc. Residents commented two-story houses with five-foot setbacks would create serious problems of noise, privacy, and visual impacts.

The public comments included:

“Neighbors had bought homes or land near the project site in reliance on the approved PUD, including its plan for cluster homes fronting Pocket Road, and the development agreement for this site, which was still in force. Although the

IS/MND, in keeping with the PUD, spoke of the need for alternatives to conventional housing, the proposed homes were entirely conventional except that they would be built on substandard lots with a substandard private street and substandard setback requirements.” [emphasis added] (*Id.* at 914)

Neighbors also commented major impacts from the failure to preserve open space; the lack of setbacks, and subpar design, calling the project, ““a poor attempt to fit 10 pounds of nails into a 5-pound bag.”” (*Id.*) The project was not consistent with the intended purpose of the land or with planned land use and design. (*Id.*)

The Planning Commission denied the project. On appeal, the project was modified to increase rear setbacks to 10 feet, eliminate two-story buildings, provide “mini-parks” etc. The City Council approved the project over the objections of neighbors who argued the changes had not cured the fundamental flaws including the tunneling effect, the failure to cluster development to provide open space, minimal setbacks, etc.

The Court agreed with the petitioners. The project conflicted with the policies of the PUD and would not meet the open space and landscaping requirements. The court agreed the intent of “clustering” was not met. Setbacks were too small. In sum, there was evidence the project failed to comply with ““sound principles of land use”” including sufficient setbacks, front yards, landscaping, and avoiding excessive massing of housing, encroachment on neighbors’ privacy, etc. (*Id.* at 931-932)

The facts of this case are remarkably similar to *Pocket Protectors*. The site has an existing R10 zoning designation that calls for multi-family residential housing which would be clustered and include setbacks, angling, open space, recreation, adequate circulation, etc. In fact, the previously approved TTM 34544 proposed to develop a multi-family condominium development, but the plan has not yet been developed.

In lieu of developing in compliance with existing standards, the Project proposes to squeeze single-family detached residences on a site about 50% too small for the amount of residences proposed. Setbacks are negligible, open space is minimized, home would be two stories within arms’ reach of each other calling into concerns privacy and aesthetic impacts, etc. The comment in *Pocket Protectors* that the proposed homes were a “poor attempt to fit 10 pounds of nails into a 5-pound bag” is exactly applicable. Likewise the comment that poor planning is not “innovation”: the homes are entirely conventional except that they would be built on substandard lots with substandard setback requirements.

The Initial Study gives no consideration to the existing surrounding single-family development, or the fact that this Project would not be consistent with these existing land uses. The Initial Study also fails to consider the aesthetic impacts of the proposed 6-foot



wall between this development and surrounding residences. The Initial Study fails to disclose evaluate the aesthetic effects of construction a block wall between this Project and existing residences with no differentiation or attempt to make such a wall aesthetically pleasing. Such an impact should be deemed a significant adverse effect.

In addition, the PUD and Conditions of Approval differ in describing what barrier will be developed between Lots A and B and Bencliff Avenue and Tacoma Street. The Conditions of Approval require a 6-foot wall; while the PUD proposes some form of fencing. This issue needs to be addressed to ensure adequate emergency access for existing residences, while reducing aesthetic, noise, privacy, and other impacts. The Initial Study does not address this issue.

The Initial Study also fails to discuss existing power lines onsite relative to the plans for a 6-foot wall. While the revised site plan shows some undergrounding of power lines at the front of the site, power lines along the sides and rear perimeters are not shown to be undergrounded with the Project. The Conditions of Approval require undergrounding of only power lines located “within the entire project site boundary.” This conflicts with the Municipal Code requirement that a project underground power lines within six (6) feet of the property line. Accordingly, all power lines surrounding the Project site should be required to be undergrounded. If plans are maintained as proposed, the aesthetic effects of leaving existing the above-ground power lines and building a 6-foot wall around such power lines must be evaluated, disclosed, and deemed a potentially significant aesthetic impact.

In sum, there is clear substantial evidence of substantial adverse aesthetic impacts from this Project, and an EIR must be prepared.

## **B. Air Quality**

There are no facts or evidence to support the conclusion that air quality impacts would be less than significant as the Project is not consistent with the General Plan. Even if consistent with the General Plan, this Project’s site- and project-specific impacts must be considered, as well cumulative impacts.

Here the Initial Study does not evidence that any of these potential impacts were considered, let alone evaluated. There is no evidence the City considered construction impacts from work on-site including dust, diesel emissions, etc. There is no evaluation of the air quality impacts of truck trips importing almost 19,500 cubic yards of fill or other earthwork onsite. Where trucks on average carry 15- 30 cubic yards of fill, a total of 650-1,219 truck loads (or 1,300-2,438 truck trips) will be needed to import fill to the Project site. The air quality emissions from these trips may be substantial, particularly where there is no export site identified in the Initial Study.

The City has not completed any CalEEMod or other modeling to show that the Project will not cause exceedences of air quality standards during construction or operation. Given there are no facts showing a less than significant air quality impact will occur, and given the evidence the Project *may* cause adverse air quality impacts solely from soils imports, impacts to air quality should be considered potentially significant.

Furthermore, the Initial Study states, “The proposed residential project will not result in substantial pollutant concentrations after mitigation, and therefore will not expose people to pollutant concentrations.” No mitigation was incorporated or proposed for the Project. Again, air quality impacts are significant and unmitigated. An EIR is needed.

### **C. Biological Resources**

The Initial Study states that a Burrowing Owl study was completed and no owls were observed. This study was not incorporated in any of the staff reports, cited in the Initial Study, or otherwise made available for public review. As the Project is located in an area where Burrowing Owls may occur, the impact to the owls should be deemed a potentially significant impact absent disclosed evidence to the contrary.

### **D. Cultural Resources**

According to the Initial Study, there are no known cultural resources on the project site. The Initial Study fails to mention whether cultural resources have been found or known to exist near the Project site. As cultural resources are often buried, cultural resource investigations look to the Project vicinity, not just those resources previously found on the site itself. There is no evidence in support of the “No Impact” determination regarding cultural resources absent this investigation.

### **E. Geology and Soils**

No geotechnical study has been prepared for the site. Moreover, the Initial Study states no factual basis for its conclusions regarding geological impacts where, for instance, it states, “It is anticipated that there will be a low chance of significant impact from surface fault rupture, seismic ground shaking or ground failure. The site is not in an area subject to liquefaction.”

### **F. Greenhouse Gas Emissions**

The Initial Study concludes that the Project will have a less than significant impact on GHGs based on consistency with the City’s General Plan and zoning. The problem with this conclusion is the Project *is not* consistent with the City’s General Plan and Zoning but seeks a PUD in order to fly in the face of those planning documents. Reliance on the General Plan is improper.

Regardless, the Initial Study makes no attempt to quantify GHG emissions or provide any qualitative evaluation of the Project's GHG impact. It simply concludes impacts will be less than significant. There is no explanation of proposed or existing state, regional, or local thresholds regarding GHGs which would apply to this Project. This lack of evaluation fails to show the City has made a good-faith effort to consider GHGs on a project specific basis as required by CEQA.

### **G. Hazards/Hazardous Materials**

The Initial Study concludes the Project would not impair implementation of, or physically interfere with emergency response plans or expose people or structures to the risk of loss from wildland fires. As discussed above, the Project would impact emergency access to neighboring residences. This impact should be deemed potentially significant.

The Initial Study also omits evaluation of potential hazards from bringing additional traffic and residential uses across the street from to an industrial use with above ground tanks filled with gasoline. There is substantial evidence of significant adverse impacts to/from hazard/ hazardous materials.

### **H. Hydrology/ Water Quality**

The Initial Study makes no finding regarding whether the Project would violate water quality standards or waste discharge requirements. There is no reasoning or facts in support of any conclusion regarding this threshold question, IX(a).

The Initial Study finds the Project's capacity to contribute runoff or degrade water quality (Questions IX(e) and (f)) are "no impact" because the Project is consistent with the General Plan and would be consistent with the planned stormwater drainage systems. Neither claim is supported by facts or reasoning. The General Plan considered development of clustered multi-family development onsite which would provide for open space and setbacks between buildings and greater landscaping. The result would be greater pervious area onsite, and less runoff to the stormwater system.

The Initial Study fails to provide information about changes in hydrology onsite. Instead, any hydrological study is deferred in the Conditions of Approval until after the Project has been approved. This is contrary to CEQA's information/disclosure provisions.

Nevertheless, this site- specific and project- specific impact must be evaluated. There is no evidence that hydrology and water quality impacts will not occur with the project.

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## **I. Land Use/ Planning**

The Initial Study finds the Project will have a less than significant impact to land use and planning because it is allegedly consistent with the General Plan and will not conflict with any applicable land use plan or policy because of its density. As discussed above, this limited consideration of Project density above and beyond the other plans, policies, goals, etc. of the General Plan and Zoning Code fails to grasp the myriad ways in which this Project may have significant land use and planning impacts. There is also a conflict in land uses with the industrial use with above-ground tanks across Cottonwood Avenue. An EIR is needed to evaluate these effects.

## **J. Mineral Resources**

There is no factual basis cited for the conclusion that there will be no impact to mineral resources. Substantial evidence does not support this conclusion.

## **K. Noise**

The Initial Study notes that “long-term noise impacts were expected to result from the increased on-site population and stationary source intensity, as well as the mobile noise resulting from corresponding vehicle trips.” There is no mitigation to reduce these noise impacts. The Initial Study fails to consider the added operational noise impacts from the proximity of the proposed two story houses within 15 feet of existing residential uses. There is no evidence these impacts will be less than significant, as stated. The Initial Study makes no attempt to quantify operational noise levels, disclose City noise standards, or disclose existing ambient noise levels. There is also no evaluation of noise from AC units.

Construction noise impacts will likely be significant in terms of exceeding noise standards and causing a substantial temporary increase above ambient levels. Construction noise impacts are not adequately analyzed, disclosed, or mitigated. Typical construction equipment emits noise between 70 to 105 dbA at 50 feet, and construction of this Project will occur adjacent to existing residences. (Table 5.4-1 Construction Equipment Noise Levels from Moreno Valley General Plan EIR, available at < [http://www.moreno-valley.ca.us/city\\_hall/general-plan/06gpfinal/ieir/5\\_4-noise.pdf](http://www.moreno-valley.ca.us/city_hall/general-plan/06gpfinal/ieir/5_4-noise.pdf)> .) There is no evidence merely limiting the hours of such noise will reduce noise impacts *below a level of significance* in terms of City standards or levels above existing ambient noise. Evaluation in an EIR and the adoption of mitigation measures is needed.

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### **L. Transportation/Traffic**

The Initial Study concludes the Project will not result in inadequate emergency access. This conclusion is entirely unsupported. CEQA requires an agency evaluate the impacts from a Project on- and off- site. Here, the Project will result in inadequate emergency access to residences on Bencliff Avenue and Tacoma Street, which will be limited to one access point and no adequate emergency turn-around.

Other transportation/traffic impacts were not evaluated or quantified. Impacts from construction traffic are likely to be significant and unmitigated where some 2,000+ truck trips may be needed to import soil to the site.

There is also no evidence that the Project will result in less than significant operational impacts to traffic as designed. Impact to circulation and levels of service have not been analyzed. Such an analysis is especially necessary where the Project provides only *one* entrance on Cottonwood Avenue for non-emergency access.

The traffic impacts of this Project with the church across the street, its preschool, the industrial use across Cottonwood Avenue, etc. have also not been considered. How will this Project contribute to delays during peak traffic hours? Absent *some study and consideration*, there is zero substantial evidence supporting the finding of less than significant traffic impacts. Traffic impacts are potentially significant and require preparation of an EIR.

### **M. Utilities and Service Systems**

There is no evidence the Project will not impact utilities and service systems. The Project is not consistent with the General Plan.

### **N. Cumulative Impacts**

There is no evidence the Project will not result in cumulative impacts. In fact, at this hearing another housing development about a mile from this Project is being considered for approval. What about the myriad other projects in the vicinity? (*See, e.g.,* Draft EIR for Modular Logistics Center, Moreno Valley EIR Case P13-130 (October 24, 2014), available at < <http://www.moval.org/misc/pdf/modular/deir-complete-1014.pdf> >, page 4.2-22 through 4.2-23) There is no evidence that cumulative impacts were considered, let alone evidence in support of the finding that such impacts will be less than significant.

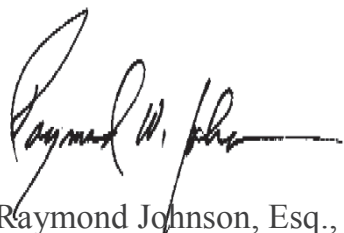
///

#### **IV. Conclusion**

For these reasons, I ask that you uphold the appeal and deny the Project and adoption of a negative declaration. Alternatively, substantial changes are needed to the proposed Project prior to any reconsideration. In addition, an EIR must be prepared and a new Tract Map submitted for review.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond W. Johnson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Raymond Johnson, Esq., AICP, LEED GA  
JOHNSON & SEDLACK



**RAYMOND W. JOHNSON, Esq., AICP, LEED GA**  
**26785 Camino Seco**  
**Temecula, CA 92590**  
**(951) 506-9925**  
**(951) 506-9725 Fax**  
**EsqAICP@gmail.com**

**Johnson & Sedlack**, an Environmental Law firm representing plaintiff environmental groups in environmental law litigation, primarily CEQA.

### **Representation**

Represented various clients in litigation primarily in the fields of Environmental and Election law. Clients include:

- Sierra Club
- San Bernardino Valley Audubon Society
- Sea & Sage Audubon Society
- San Bernardino County Audubon Society
- Center for Community Action and Environmental Justice
- Endangered Habitats League
- Rural Canyons Conservation Fund
- California Native Plant Society
- California Oak Foundation
- Citizens for Responsible Growth in San Marcos
- Union for a River Greenbelt Environment
- Citizens to Enforce CEQA
- Friends of Riverside's Hills
- De Luz 2000
- Save Walker Basin
- Elsinore Murrieta Anza Resource Conservation District

### **City Planning**

#### **Current Planning**

- Two years principal planner, Lenexa, Kansas (consulting)
- Two and one half years principal planner, Lee's Summit, Missouri
- One year North Desert Regional Team, San Bernardino County

- Twenty-five years subdivision design: residential, commercial and industrial
- Twenty-five years as applicants representative in various jurisdictions in: Missouri, Texas, Florida, Georgia, Illinois, Wisconsin, Kansas and California
- Twelve years as applicants representative in the telecommunications field

**General Plan**

- Developed a policy oriented Comprehensive Plan for the City of Lenexa, Kansas
- Updated Comprehensive Plan for the City of Lee's Summit, Missouri
- Created innovative zoning ordinance for Lenexa, Kansas
- One year General Plan Team, San Bernardino County
- Developed Draft Hillside Development Standards, San Bernardino County, CA
- Developed Draft Grading Standards, San Bernardino County
- Developed Draft Fiscal Impact Analysis, San Bernardino County

**Environmental Analysis**

- Two years, Environmental Team, San Bernardino County
- Review and supervision of preparation of EIR's and joint EIR/EIS's
- Preparation of Negative Declarations
- Environmental review of proposed projects
- Eighteen years as an environmental consultant reviewing environmental documentation for plaintiffs in CEQA and NEPA litigation

**Education**

B.A. Economics and Political Science, Kansas State University, 1970

Masters of Community and Regional Planning, Kansas State University, 1974

Additional graduate studies in Economics at the University of Missouri at Kansas City

J.D. University of La Verne, 1997

Dean's List; Class Valedictorian; Member, Law Review; Published, Journal of Juvenile Law

**Professional Associations**

Member, American Planning Association

Member, American Institute of Certified Planners

Member, Association of Environmental Professionals

Member, US Green Building Council, Green Associate

**Johnson & Sedlack, Attorneys at Law**

26785 Camino Seco  
Temecula, CA 92590  
(951) 506-9925

12/97- Present

Principal in the environmental law firm of Johnson & Sedlack. Primary areas of practice are environmental and election law. Have provided representation to the Sierra Club, Audubon Society, AT&T Wireless, Endangered Habitats League, Center for Community Action and Environmental Justice, California Native Plant Society and numerous local environmental groups. Primary practice is writ of mandate under the California Environmental Quality Act.

**Planning-Environmental Solutions**

26785 Camino Seco  
Temecula, CA 92590  
(951) 506-9925

8/94- Present

Served as applicant's representative for planning issues to the telecommunications industry. Secured government entitlements for cell sites. Provided applicant's representative services to private developers of residential projects. Provided design services for private residential development projects. Provided project management of all technical consultants on private developments including traffic, geotechnical, survey, engineering, environmental, hydrogeological, hydrologic, landscape architectural, golf course design and fire consultants.

**San Bernardino County Planning Department**

Environmental Team  
385 N. Arrowhead  
San Bernardino, CA 92415  
(909) 387-4099

6/91 - 8/94

Responsible for coordination of production of EIR's and joint EIR/EIS's for numerous projects in the county. Prepared environmental documents for numerous projects within the county. Prepared environmental determinations and environmental review for projects within the county.

**San Bernardino County Planning Department**

General Plan Team  
385 N. Arrowhead  
San Bernardino, CA 92415  
(909) 387-4099

6/91 - 6/92

Created draft grading ordinance, hillside development standards, water efficient landscaping ordinance, multi-family development standards, revised planned development section and fiscal impact analysis. Completed land use plans and general plan amendment for approximately 250 square miles. Prepared proposal for specific plan for the Oak Hills community.

**San Bernardino County Planning Department**

North Desert Regional Planning Team  
15505 Civic  
Victorville, CA  
(619) 243-8245

6/90 - 6/91

Worked on regional team. Reviewed general plan amendments, tentative tracts, parcel maps and conditional use permits. Prepared CEQA documents for projects.

**Broadmoor Associates/Johnson Consulting**

229 NW Blue Parkway  
Lee's Summit, MO 64063  
(816) 525-6640

2/86 - 6/90

Sold and leased commercial and industrial properties. Designed and developed an executive office park and an industrial park in Lee's Summit, Mo. Designed two additional industrial parks and residential subdivisions. Prepared study to determine target industries for the industrial parks. Prepared applications for tax increment financing district and grants under Economic Development Action Grant program. Prepared input/output analysis of proposed race track Provided conceptual design of 800 acre mixed use development.

**Shepherd Realty Co.**

Lee's Summit, MO

6/84-2-86

Sold and leased commercial and industrial properties. Performed investment analysis on properties. Provided planning consulting in subdivision design and rezoning.

**Contemporary Concepts Inc.**

Lee's Summit, MO  
Owner

9/78-5/84

Designed and developed residential subdivision in Lee's Summit, Mo. Supervised all construction trades

**Environmental Design Association**

Lee's Summit, Mo.  
Project Coordinator

6/77-9/78

Was responsible for site design and preliminary building design for retirement villages in Missouri, Texas and Florida. Was responsible for preparing feasibility studies of possible conversion projects. Was in charge of working with local governments on zoning issues and any problems that might arise with projects. Coordinated work of local architects on projects. Worked with marketing staff regarding design changes needed or contemplated.

**City of Lee's Summit, MO**

220 SW Main  
Lee's Summit, MO 64063  
Community Development Director

4/75-6/77

Supervised Community Development Department staff. Responsible for preparation of departmental budget and C.D.B.G. budget. Administered Community Development Block Grant program. Developed initial Downtown redevelopment plan with funding from block grant funds. Served as a member of the Lee's Summit Economic Development Committee and provided staff support to them. Prepared study of available industrial sites within the City of Lee's Summit. In charge of all planning and zoning matters for the city including comprehensive plan.

**Howard Needles Tammen & Bergdoff**

9200 Ward Parkway  
Kansas City, MO 64114  
(816) 333-4800  
Economist/Planner

5/73 - 4/75

Responsible for conducting economic and planning studies for Public and private sector clients. Consulting City Planner for Lenexa, KS. Conducted environmental impact study on maintaining varying channel depth of the Columbia River including an input/output analysis. Environmental impact studies of dredging the Mississippi River. Worked on the Johnson County Industrial Airport industrial park master plan including a study on the demand for industrial land and the development of target industries based upon location analysis. Worked on various airport master plans. Developed policy oriented comprehensive plan for the City of Lenexa, KS. Developed innovative zoning ordinance heavily dependent upon performance standards for the City of Lenexa, KS.

**Industrial Use Disclosure**

The real property located immediately to the south of the Community is currently operating as commercial and industrial facilities (an industrial construction yard and the Riverside County Maintenance Facility), which may include, but are not limited to, certain manufacturing, industrial and transportation activities involving hazardous materials not normally associated with suburban residential housing development and which could, in some instances, be harmful to residents. At least one proximate property contains above ground fuel tanks. Further, the Community may be subject to lighting, noises, traffic and other nuisances from these uses. Additional commercial businesses may be opened in the vicinity of the Community in the future. Seller has no control over the development of additional commercial businesses.

The zoning and uses of the surrounding property are subject to change. Therefore, the type of future development cannot be predicted with accuracy, and changes in use of property adjacent to or in the vicinity of the Community may occur. Although this disclosure addendum describes current adjacent uses, Seller strongly recommends that prospective Buyers drive and walk around or otherwise inspect the Community and the surrounding area to familiarize themselves with local conditions such as traffic, noise, prospective future development and other factors prior to consummating their purchase transaction because different conditions may impact the purchasing decision on an individual basis.

Notwithstanding the disclosures contained herein, Seller makes no representations about future land uses on adjacent or nearby properties and shall not be liable for any future land uses (or the lack thereof) on adjacent or nearby properties. Because general plans and zoning are subject to change, we encourage Buyer to check with the appropriate planning department of the City and/or County regarding proposed land use for said properties. Buyer should independently verify the surrounding existing and proposed land uses, zones, and other hazards.



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**The First American  
MASTER PROPERTY DISCLOSURE REPORT  
PDR®**

**Information Provided by:**



**PLEASE VERIFY THAT THE PROPERTY INFORMATION BELOW IS CORRECT.**

**Underlying APN ("Property"): N/A**

**APN: 479-140-022-1**

**Project Name:**

**City, State, Zip: MORENO VALLEY, CA**

**Report Date: 04/03/2014**

**RECIPIENTS**

FRONTIER ENTERPRISES  
Attn.: BRITTNEY LOBO  
8300 UTICA AVE. #300  
RANCHO CUCAMONGA, CA 91730

**NOTICE**

First American Natural Hazard Disclosures ("FANHD") is pleased to provide Recipient with this Property Disclosure Report ("PDR®") for the Property identified above. Please note that this PDR® ("Report") is a contract subject to the Methods and Limitations (Section 5) set forth herein which should be reviewed carefully.

*If you have any questions or comments regarding this Report,  
please contact FANHD's Customer Service Department at (800) 200-2561.*



# The First American MASTER PROPERTY DISCLOSURE REPORT PDR®

**Property:** APN: 479-140-022-1  
**Property Address:** ,**Report Date:** 04/03/2014  
 MORENO VALLEY, RIVERSIDE County, CA

**APN:** N/A  
**Report Number:** 1503763

**Parties:** The parties for whom this Report was prepared are the Recipient, any owner(s) of the Property on the Report Date (“Owners”), and any owner or legal entity owned by the Owners.

## CONTENTS

This Report includes (i) a **Determination Summary** (following pages) showing the disclosure determinations specific to the Property provided in detail in Sections 1 through 4, inclusive, and (ii) the Methods and Limitations (Section 5) and this Report is not complete if any one of these 5 sections is missing. Please note that the determinations and information provided address the disclosures mandated by California law to be provided for 1-4 family California residential properties when being sold or transferred.

| SECTION | TITLE   | PURPOSE   |
|---------|---|---|
| 1.      | Statutory Disclosures                         | The statutory disclosures applicable to the Property as required by California Civil Code § 1103 (the “Law”).   |
| 2.      | County Level Natural Hazard Disclosures       | County level disclosures.   |
| 3.      | City Level Natural Hazard Disclosures         | City level disclosures  |
| 4.      | Other Disclosures and Advisories              | Additional mandated disclosures specific to the property and important advisories and notices dealing with potential general concerns related to home ownership in California but not specific to the Property. |
| 5.      | Methods and Limitations<br><b>(IMPORTANT)</b> | A summary explanation of the methods used to make the disclosure determinations and limitations on liability.   |

**THIS IS A PUBLIC RECORD REPORT ONLY:** This Report only provides information identified in this Report. While FANHD has made good faith efforts to report from the Public Records as accurately as possible, the quality, accuracy, and currency of the information contained in these Public Records can vary greatly. For more information regarding a specific disclosure and the related Public Record, please read Sections 1 through 4, inclusive of this Report.

**NOT AN INSPECTION REPORT:** This Report is not the same thing as a physical inspection report nor a full environmental or geological assessment report. FANHD has not physically inspected the Property. This Report only summarizes the information from the specified Public Records.

**LIABILITY PROTECTIONS:** Upon filing of the DRE Application, the Parties involved in the DRE Application are protected against loss caused by any error in this Report as specified in Section 5 below entitled “Methods and Limitations.”

**NOT AN INSURANCE POLICY:** This Report is a binding contract but is not an insurance policy. The price charged for the Report does not cover the costs that would be necessary to provide all of the protections of an insurance policy.

**NOT FOR DISCLOSURES TO THIRD PARTIES:** This Report may not be used to satisfy any disclosure requirements to third parties including, but not limited to, any future transactions of the Property.



# The First American MASTER PROPERTY DISCLOSURE REPORT PDR®

**Property:** APN: 479-140-022-1

**APN:** N/A

**Property Address:** , **Report Date:** 04/03/2014

MORENO VALLEY, RIVERSIDE County, CA

**Report Number:** 1503763

## DETERMINATION SUMMARY

This Report discloses the results of a review of officially adopted maps ("Public Records") containing the information applicable to the Property. For a detailed explanation as to the meaning of each of the disclosures and the reporting standards used to make the determinations, please refer to the Disclosure Explanations in the specific Section as indicated.

### SUMMARY AND INDEX OF DISCLOSURES AND ADVISORIES

*For a complete explanation of the disclosures summarized below, please refer to the sections and pages indicated.*

## SECTION 1 STATUTORY DISCLOSURES

### State Level Statutory Zone Disclosures

### Determination

|         |                                       |                   |                      |
|---------|---------------------------------------|-------------------|----------------------|
| Flood   | A SPECIAL FLOOD HAZARD AREA           | NOT IN            | See Section 1 Page 1 |
|         | AN AREA OF POTENTIAL FLOODING         | NOT IN            | See Section 1 Page 1 |
| Fire    | A VERY HIGH FIRE HAZARD SEVERITY ZONE | NOT IN            | See Section 1 Page 2 |
|         | A WILDLAND FIRE AREA (SRA)            | NOT IN            | See Section 1 Page 2 |
| Seismic | AN EARTHQUAKE FAULT ZONE              | NOT WITHIN        | See Section 1 Page 3 |
|         | A SEISMIC HAZARD LANDSLIDE ZONE       | MAP NOT AVAILABLE | See Section 1 Page 3 |
|         | A SEISMIC HAZARD LIQUEFACTION ZONE    | MAP NOT AVAILABLE | See Section 1 Page 3 |

\* N/A = The map is not yet released by the State.

## SECTION 2 COUNTY LEVEL DISCLOSURES

### County Level Zone Disclosures

|              |                 |                      |
|--------------|-----------------|----------------------|
| FAULT        | NOT IN          | See Section 2 Page 1 |
| LIQUEFACTION | LOW OR VERY LOW | See Section 2 Page 1 |

## SECTION 3 CITY LEVEL DISCLOSURES

### City Level Natural Hazard Disclosures



**The First American  
MASTER PROPERTY DISCLOSURE REPORT  
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MORENO VALLEY, RIVERSIDE County, CA

**Report Number:** 1503763

The jurisdiction in which the subject property is located is either in an unincorporated area or does not have officially adopted mapped information available at this time from which a geologic determination can be made.

**SECTION 4  
OTHER DISCLOSURES AND ADVISORIES**

| <u>Other Zone Disclosures</u>                                    | <u>Determination</u> |
|--|----------------------|
| Mello-Roos, Special Assessment, and Supplemental Tax Disclosures | See Section 4        |
| Military Ordnance  |                      |
| 1 MILE FORMER MILITARY ORDNANCE SITE RADIUS                      | NOT WITHIN           |
| Commercial/Industrial  |                      |
| 1 MILE COMMERCIAL OR INDUSTRIAL SITE RADIUS                      | WITHIN               |
| Airports   |                      |
| AIRPORT INFLUENCE AREA   | NOT IN               |
| AIRPORT NOISE 65 DECIBEL ZONE                                    | NOT WITHIN           |
| California Energy Commission                                     | IN                   |
| Right to Farm Disclosure   |                      |
| 1 MILE STATE-DESIGNATED FARMLAND RADIUS                          | IN                   |
| Notice of Mining Operations                                      |                      |
| 1 MILE REPORTED MINING OPERATION(S) RADIUS                       | NOT IN               |
| Gas and Hazardous Liquid Transmission Pipeline Database Advisory | See Section 4        |



# The First American MASTER PROPERTY DISCLOSURE REPORT PDR®

Property: APN: 479-140-022-1

APN: N/A

Property Address: , Report Date: 04/03/2014  
MORENO VALLEY, RIVERSIDE County, CA

Report Number: 1503763

## SECTION 1 EXPLANATION OF STATUTORY DISCLOSURES

This Section provides a detailed explanation of certain statutory disclosures made in this Report including identifying the applicable Public Record.

**REPORTING STANDARD:** "IN" shall be reported if any portion of the Property is situated within any of the Statutory Hazard Zones as designated in the Public Record. "NOT IN" shall be reported if no portion of the Property is situated within any of the Statutory Hazard Zones. "Map Not Available" shall be reported if the Property is situated in an area which has not yet been evaluated by responsible government agency.

### SPECIAL FLOOD HAZARD AREAS

#### DETERMINATION

**NOT IN a Special Flood Hazard Area.** The Property is **IN a FEMA-designated Flood Zone X.** If the property is located in or partially in any Zone A or V, in certain circumstances some lenders may be required by federal law to require homeowners to purchase and maintain flood insurance.

**Zones X:** An area of moderate to minimal flood risk.

**DISCUSSION:** Property in a Special Flood Hazard Area (any type of Zone "A" or "V" as designated by the Federal Emergency Management Agency ("FEMA")) is subject to flooding in a "100-year rainstorm." Federally connected lenders are required to have homeowners maintain flood insurance in these zones. A 100-year flood occurs on average once every 100 years, but may not occur in 1,000 years or may occur in successive years. According to FEMA, a home located within a SFHA has a 26% chance of suffering flood damage during the term of a 30-year mortgage. Other types of flooding, such as dam failure, are not considered in developing these zones. In some cases, the insurance requirement may be waived or modified by obtaining a "Letter of Map Revision" ("LOMR") or "Letter of Map Amendment" ("LOMA") from ("FEMA"). This might be possible where flooding is shallow and fill was placed on the site, appropriate flood control measures were taken, or only the lot and no part of the structure is in the zone. Contact FEMA directly for more information. Flood insurance for properties in Zones B, C, X or D is available but is not required. This disclosure is not the same as a flood certification as required by federal law for certain lenders.

**PUBLIC RECORD:** Official Flood Insurance Rate Maps ("FIRM") compiled and issued by the Federal Emergency Management Agency ("FEMA") pursuant to 42 United States Code §4001, et seq.

### AREA OF POTENTIAL FLOODING

#### DETERMINATION

**NOT IN an area of potential dam inundation.**

**DISCUSSION:** Local governmental agencies, utilities, and owners of certain dams are required to prepare and submit inundation maps for review and approval by the California Office of Emergency Services ("OES"). A property within an Area of Potential Flooding Caused by Dam Failure is subject to potential flooding in the event of a sudden and total dam failure with a full reservoir. Such a failure could result in property damage and/or personal injury. However, dams rarely fail instantaneously and reservoirs are not always filled to capacity. Please note that not all dams (such as federally controlled dams) located within the state have been included within these dam inundation zones. Also these maps do not identify areas of potential flooding resulting from storms or other causes.





# The First American MASTER PROPERTY DISCLOSURE REPORT PDR®

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**Property Address:** , **Report Date:** 04/03/2014

MORENO VALLEY, RIVERSIDE County, CA

**Report Number:** 1503763

**PUBLIC RECORD:** Official dam inundation maps or digital data thereof made publicly available by The State of California Office of Emergency Services ("OES") pursuant to California Government Code §8589.5.

## VERY HIGH FIRE HAZARD SEVERITY ZONE (VHFHS Zones)

### DETERMINATION

**NOT IN a very high fire hazard severity zone.**

**DISCUSSION:** VHFHSZs can be defined by the California Department of Forestry and Fire Protection ("Calfire") as well as by local fire authorities within "Local Responsibility Areas" where fire suppression is the responsibility of a local fire department. Properties located within VHFHS Zones may have a higher risk for fire damage and, therefore, may be subject to (i) additional construction requirements such as a "Class A" roof for new construction or replacement of existing roofs; and (ii) additional maintenance responsibilities such as adequate vegetation clearance near the structure, spark screens on chimneys and stovepipes, leaf removal from roofs, and other basic fire-safety practices. Contact the local fire department for a complete list of requirements and exceptions.

**PUBLIC RECORD:** Maps issued by Calfire pursuant to California Public Resources Code § 51178 recommending VHFHSZs to be adopted by the local jurisdiction within its Local Responsibility Area, or VHFHSZs adopted by the local jurisdiction within the statutory 120-day period defined in California Public Resources Code § 51179.

## WILDLAND FIRE AREA - STATE RESPONSIBILITY AREA

### DETERMINATION

**Not in a wildland-state responsibility area.**

**DISCUSSION:** The State Board of Forestry classifies all lands within the State of California based on various factors such as ground cover, beneficial use of water from watersheds, probable damage from erosion, and fire risks. Fire prevention and suppression in all areas which are not within a Wildland - State Responsibility Area ("WSRA") is primarily the responsibility of the local or federal agencies, as applicable.

For property located within a WSRA, please note that (1) there may be substantial forest fire risks and hazards; (2) except for property located within a county which has assumed responsibility for prevention and suppression of all fires, it is NOT the state's responsibility to provide fire protection services to any building or structure located within a WSRA unless the Department has entered into a cooperative agreement with a local agency; and (3) the property owner may be subject to (i) additional construction requirements such as a "Class A" roof for new construction or replacement of existing roofs; and (ii) additional maintenance responsibilities such as adequate vegetation clearance near the structure, spark screens on chimneys and stovepipes, leaf removal from roofs, and other basic fire-safety practices

The existence of local agreements for fire service is not available in the Public Record and, therefore, is not included in this disclosure. For very isolated properties with no local fire services there may be significant fire risk or only seasonal fire services. If the Property is located within a WSRA, please contact the local fire department for more detailed information.

**PUBLIC RECORD:** Official maps or digital data thereof issued by the California Department of Forestry and Fire Protection (Calfire) pursuant to California Public Resources Code § 4125.



# The First American MASTER PROPERTY DISCLOSURE REPORT PDR®

Property: APN: 479-140-022-1

APN: N/A

Property Address: , Report Date: 04/03/2014

MORENO VALLEY, RIVERSIDE County, CA

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## SRA Fire Prevention Benefit Fee Advisory

On January 23, 2012, the State Board of Forestry and Fire Protection ("Board") adopted an emergency regulation that implements a Fire Prevention Benefit Fee ("Benefit Fee") imposed annually on property owners in wildland areas where the state has responsibility for providing fire protection. According to the adopted regulation, the Benefit Fee is one hundred-fifty dollars (\$150.00) per habitable structure in the State Responsibility Area ("SRA"), including single-family homes, multi-dwelling structures, mobile and manufactured homes, and condominiums. The Board regulation is pursuant to Chapter 1.5 (commencing with Section 4210) to Part 2 of Division 4 of the Public Resources Code (also known as Assembly Bill X1 29). The regulation allows a fee reduction of thirty-five dollars (\$35.00) per habitable structure located in the SRA and within the boundaries of a local agency that provides fire protection services. For more information, please refer to "Part 5. State Responsibility Area Fire Prevention Fee" in the FANHD Property Tax Report.

## EARTHQUAKE FAULT ZONE

### DETERMINATION

**NOT IN** an earthquake fault zone designated pursuant to the Alquist-Priolo Act.

**DISCUSSION:** Earthquake Fault Zones are delineated and adopted by California as part of the Alquist-Priolo Earthquake Fault Zone Act of 1972. Property within an Earthquake Fault Zone ("EF Zone") does not necessarily have a fault trace existing on the site. EF Zones are areas or bands delineated on both sides of known active earthquake faults. EF Zones vary in width but average one-quarter (1/4) mile in width with the "typical" zone boundaries set back approximately 660 feet on either side of the fault trace. The potential for "fault rupture" damage (ground cracking along the fault trace) is relatively high only if a structure is located directly on a fault trace. If a structure is not on a fault trace, shaking will be the primary effect of an earthquake. During a major earthquake, shaking will be strong in the vicinity of the fault and may be strong at some distance from the fault depending on soil and bedrock conditions. It is generally accepted that properly constructed wood-frame houses are resistant to shaking damage.

Property that lies partially or entirely within a designated EF Zone may be subject to requirements for site-specific geologic studies and mitigation before any new or additional construction may take place. If an active fault is found on a property, structures (including new and replacement structures) generally will not be allowed to be constructed within 50 feet of the fault trace.

**PUBLIC RECORD:** Official earthquake fault zone or special study zone maps or digital data thereof approved by the State Geologist and issued by the California Department of Conservation, California Geological Survey pursuant to California Public Resources Code §2622.

## SEISMIC HAZARD ZONE

### DETERMINATION

**Map Not Available**

**In an area not included on the current inventory of Official Seismic Hazard Maps.**

**DISCUSSION:** Official Seismic Hazard Zone ("SH Zones") maps currently available from the California Geological Survey pursuant to the Seismic Hazards Mapping Act (California Public Resources Code §2690 *et seq.*) delineate Areas of Potential Liquefaction and Areas of Earthquake-Induced Landsliding. A property that lies partially or entirely within a designated SH Zone may be subject to requirements for site-specific geologic studies and mitigation before any new or additional construction may take place.



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**Areas of Potential Liquefaction** are areas where there is a potential for, or an historic occurrence of liquefaction. Liquefaction is a soil phenomenon that can occur when loose, water saturated granular sediment within 40 feet of the ground surface, are shaken in a significant earthquake. The soil temporarily becomes liquid-like and structures may settle unevenly. The Public Record is intended to identify areas with a relatively high potential for liquefaction but not to predict the amount or direction of liquefaction-related ground displacement, nor the amount of damage caused by liquefaction. The many factors that control ground failure resulting from liquefaction must be evaluated on a site specific basis.

**Areas of Earthquake-Induced Landslide** are areas where the potential for earthquake-induced landslides is relatively high. Areas most susceptible to these landslides are steep slopes in poorly cemented or highly fractured rocks, areas underlain by loose, weak soils, and areas on or adjacent to existing landslide deposits. The CGS cautions these maps do not capture *all* potential earthquake-induced landslide hazards and that earthquake-induced ground failures are not addressed by these maps. Furthermore, no effort has been made to map potential run-out areas of triggered landslides. It is possible that such run-out areas may extend beyond the zone boundaries.

An earthquake capable of causing liquefaction or triggering a landslide may not uniformly affect all areas within a SH Zone.

**PUBLIC RECORD:** Official seismic hazard maps or digital data thereof approved by the State Geologist and issued by the California Department of Conservation, California Geological Survey pursuant to California Public Resources Code §2696.



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## SECTION 2 EXPLANATION OF COUNTY LEVEL DISCLOSURES

This Section provides a detailed explanation of the County level disclosures made in this Report including identifying the applicable Public Record and the Reporting Standard used to make each determination.

The following natural hazard disclosures are provided to give local-level Seismic Safety information for the subject property.

**NOTE:** California law allows cities and counties to establish policies and criteria stricter than those set by the State respecting, but not limited to, the permitting and development of properties found to be IN or affected by the following and other natural hazards. This information may be used by the local jurisdiction relative to making decisions regarding new development or additional construction. The agencies and jurisdictions that develop the official maps do not necessarily define or delineate hazards in the same way. A site can be *in* a hazard zone from one source and *not in* a hazard zone from another source.

### RIVERSIDE County Geologic and Seismic Zone Determination

This Property is:

- in an area of low or very low liquefaction susceptibility
- not in a county-designated fault zone

**NOTE:** If the site is in a locally mapped hazard zone or if information of concern exists in another source, the property may require a geologic study prior to any new or additional construction. The disclosures above are material facts and should prudently be disclosed to buyers in addition to the Statutory Natural Hazard Disclosures. Additional sources of information which are not officially adopted, may be available at the local jurisdiction that are not reported here.

### RIVERSIDE COUNTY GEOLOGIC ZONES DISCUSSION

**PUBLIC RECORD(S) SEARCHED:** The following Public Records, contained in the Safety Element of the General Plan as adopted by the County Board of Supervisors in 2003, are utilized for those county-level disclosures below: County-produced digital data of "Earthquake Fault Study Zones" and "Generalized Liquefaction."

#### **FAULT**

Because there are numerous active faults throughout Riverside County, the Safety Element states that "all proposed structures for human occupancy should be required to investigate the potential for and setback from ground rupture." While the County regulates most development projects (including all land divisions and most structures for human occupancy) within earthquake fault zones, the Safety Element notes that the following projects are exempt: Single family, wood-frame and steel-frame dwellings that are one or two stories, are not part of a development of four units or more, and are not located within 50 feet of a fault. The Safety Element also notes that a geologic investigation must show that proposed buildings will not be built across active faults before a project can be permitted within an A-P Earthquake Fault Zone, County Fault Zone, or within 150 feet of any other potentially active or active fault mapped in published United States Geological Survey or California Geological Survey reports. A licensed geologist must prepare a site-specific evaluation and written report. "If an active fault is found, a structure for human occupancy must be set back 50 feet from the fault, unless adequate evidence, as determined and accepted by the County Engineering Geologist, is presented to support a different setback."

**Reporting Standards:** If any portion of the Property is within a fault zone as delineated in the Public Record, "WITHIN" shall be reported. Both vector and .pdf versions of the Public Record identify "Alquist-Priolo Zones" and "Existing County Zones"; however, a third category of zones, "Recommended Zones," were not made available in vector format and are thus not disclosed in this Report.

#### **LIQUEFACTION SUSCEPTIBILITY**



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According to the Safety Element, liquefaction occurs primarily in saturated, loose, fine- to medium grained soils in areas where the groundwater table is within approximately 50 feet of the surface. Shaking causes the soils to lose strength and behave as liquid. Excess water pressure is vented upward through fissures and soil cracks, and a water-soil slurry bubbles onto the ground surface. Liquefaction-related effects include loss of bearing strength, ground oscillations, lateral spreading, and flow failures or slumping. Site-specific geotechnical studies are the only practical and reliable way of determining the specific liquefaction potential of a site; however, a determination of general risk potential can be provided based on soil type and depth of groundwater. Please contact the County to determine if there is a site-specific requirement for a geological and geologic investigation.

**Reporting Standards:** The Public Record identifies 5 levels of Generalized Liquefaction which, for the purposes of this Report, have been grouped as "Very High or High," "Moderate," and "Low or Very Low." If any portion of the Property is within one or more of these Liquefaction areas, only the more/most severe shall be reported.

## **OTHER HAZARDS**

NOTE: Not all maps referenced in the Safety Element have been made publicly available in a format that enables reliable parcel-specific determinations. These include "Earthquake-Induced Slope Instability", "Regions Underlain by Steep Slopes", "Engineering Geologic Materials", "Documented Subsidence Areas", "Wind Erosion Susceptibility", "Dam Failure Inundation Areas", "Wildfire Susceptibility", and "General Ground Shaking Risk". These will be evaluated for inclusion into future reports should such data be made publicly available by Riverside County. For questions regarding geotechnical development regulations pertaining to these additional hazards, please contact the County of Riverside Planning Department.



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## SECTION 3 EXPLANATION OF CITY LEVEL DISCLOSURES

The jurisdiction in which the Property is located in is either in an unincorporated area or does not have officially adopted mapped information available at this time from which a geologic determination can be made.

This Section provides a detailed explanation of the City level disclosures made in this Report including identifying the applicable Public Record and the Reporting Standard used to make each determination.

The following natural hazard disclosures are provided to give local-level seismic safety information for the subject property.

**NOTE:** California law allows cities and counties to establish policies and criteria stricter than those set by the State respecting, but not limited to, the permitting and development of properties found to be IN or affected by the following and other natural hazards. This information may be used by the local jurisdiction relative to making decisions regarding new development or additional construction. The agencies and jurisdictions which develop the official maps do not necessarily define or delineate hazards in the same way. A site can be *in* a hazard zone from one source and *not in* a hazard zone from another source.

### MORENO VALLEY Geologic and Seismic Zone Determination

#### CITY-LEVEL GEOLOGIC AND SEISMIC ZONES DISCUSSION

This disclosure report reviews the officially adopted geologic hazard maps in the Safety Element that each incorporated city in California is required to include in its General Plan. The city the subject property is located in has either not officially adopted hazard zonation maps in its General Plan at an appropriate scale to delineate where hazards may exist on a single parcel basis or will not make such maps available outside city offices. However, potential natural hazards may exist and be delineated on other sources used by the city in its Planning, Engineering, or Building Departments. Such potential sources are not reviewed in this report.

All parties should be aware that California is "earthquake country." Faults that may exist in this City or in neighboring regions could cause earthquake shaking or other fault related phenomena at the property. Other geologic hazards such as, but not limited to liquefaction (a type of soil settling that can occur when loose, water-saturated sediments are shaken significantly in an earthquake) may occur in certain valley floor areas and landslides are a possibility in any hillside area.

NOTE: County and city-level information sources are developed independently of each other and do not necessarily define or delineate hazards in the same way. A site can be in a geologic hazard zone according to the city and not in zone according to the county and vice versa. Cities and counties may use other information in addition to their General Plan sources to determine if hazards exist at a site or which sites may require geologic studies prior to new or additional construction. Such information could be a material fact to be disclosed in addition to General Plan information.

Additional natural hazards may exist and be delineated on other sources used by the City in its Planning, Engineering, or Building Departments. Such potential sources are not reviewed in this report. To investigate other sources of natural hazard information that may be available and used at the city level, contact the city Engineering, Planning, or Building departments.

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First American  
Natural Hazard Disclosures

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**SECTION 4  
OTHER DISCLOSURES AND ADVISORIES**

This Section provides a detailed explanation of the Other Disclosures and Advisories made in this Report including identifying the applicable Public Record and the Reporting Standard used to make each determination.

**MELLO-ROOS and SPECIAL ASSESSMENT DETERMINATION**

*NO DETERMINATIONS MADE IN THIS REPORT*

**Discussion**

California laws allow "special taxes" and "special assessments" to be levied against a parcel of real property in addition to ad valorem property taxes in order to help fund benefits such as streets, curbs, gutters and underground sewer and water infrastructure. The Mello-Roos Community Facilities Act ("Mello-Roos") and the Improvement Bond Act of 1915 ("1915 Bond Act") are two of these assessment laws, and assessments made under these laws carry a disclosure obligation as of January 1, 2002 (California Civil Code § 1102.6b).

When either of these assessment laws is activated, an assessment lien is placed against each affected parcel of property and a special assessment appears on the property tax bill until the amortized debt is fully paid. An important feature of "Mello-Roos" and "1915 Bond Act" assessment districts is that the lien has a priority status. If the assessment tax is not paid on time, the home can be foreclosed upon and sold through an accelerated foreclosure process. Even though a "special" or "supplemental assessment" may appear on the property tax bill, it is not necessarily a "Mello-Roos" or "1915 Bond Act" bond assessment subject to a property lien or a specific disclosure requirement.

**Note: A comprehensive property tax disclosure report has been ordered along with this Report.  
Please contact FANHD for additional information**



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## **FORMER MILITARY ORDNANCE SITE DISCLOSURE**

### **DETERMINATION**

The Property is **NOT WITHIN** one mile of a Formerly Used Defense (FUD) site containing military ordnance.

### **DISCUSSION**

California Civil Code §1102.15 requires the seller of residential real property who has actual knowledge of any "Former Ordnance Locations" (former state or federal ordnance locations which have been identified by an agency or instrumentality of the federal or state government as an area once used for military training purposes which may contain potentially explosive munitions) within the "neighborhood area" (defined as within one (1) mile of the residential real property) to give written notice of that knowledge to buyer as soon as practicable before transfer of title.

Besides former military sites which may have contained ordnance, other Sites may also include real properties containing industrial waste (such as fuels), ordnance or other warfare materiel, unsafe structures to be demolished, or other debris. California Civil Code Section 1102 only requires disclosure of those sites containing unexploded ordnance. "Military ordnance" is any kind of munitions, explosive device/material or chemical agent used in military weapons. Unexploded ordnance are munitions that did not detonate. Only those Sites that the USACE has identified to contain Military Ordnance or have mitigation projects planned for them are disclosed in this Report.

NOTE: Active military bases are NOT eligible FUD Sites; however, portions of currently active facilities that were previously operated or owned by DOD may be reported. In some rare cases the Public Record may not effectively differentiate those divested Sites and may as a result include the currently operated facility within the study area for that Site.

**PUBLIC RECORD:** Data contained in Inventory Project Reports, Archives Search Reports, and related materials produced for, and made publicly available in conjunction with, the Defense Environmental Restoration Program for Formerly Used Defense Sites by the U.S. Army Corps of Engineers. Sites for which no map has been made publicly available shall not be disclosed.

**REPORTING STANDARD:** "IN" shall be reported if one or more facility identified in the Public Record is situated within a one (1) mile radius of the Property. The name of that facility shall also be reported. "NOT IN" shall be reported if no facility identified in the Public Record is situated within a one (1) mile radius of the Property.



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## **COMMERCIAL/INDUSTRIAL ZONE DISCLOSURE**

### **DETERMINATION**

Based on publicly-available parcel zoning records only:

**The Property IS within one-mile of a property that is zoned for industrial or commercial use.**

**DISCUSSION:** Pursuant to California Civil Code § 1102.17, the seller of residential real property who has actual knowledge that his/her property is affected by or zoned to allow commercial or industrial use (as defined in California Code of Civil Procedure § 731a) must give written notice of that knowledge to the buyer as soon as practicable before transfer of title. CCP 731a defines industrial use as areas in which a city and/or county "...has established zones or districts under authority of law wherein certain manufacturing or commercial or airport uses are expressly permitted...."

The "Commercial/Industrial Zoning Disclosure" made in this Report DOES NOT purport to determine whether the Property is or is not "**affected by**" a commercial or industrial zone. As stated above, that determination must be based upon ACTUAL KNOWLEDGE of the seller of the Property.

The disclosure provided in this Report only identifies if any parcels of property zoned for commercial or industrial use exists within a one (1) mile of the Property. It is very common that the general vicinity around a home will have one or more properties that are zoned for commercial or industrial use such as restaurants, gasoline stations, convenience stores, golf courses, country clubs, etc.

**PUBLIC RECORD:** Based on publicly-available hardcopy and/or digital zoning and land use records for California cities and counties.

**REPORTING STANDARD:** "IN" shall be reported if one or more property identified in the Public Record as "commercial," "industrial," or "mixed use" is situated within a one (1) mile radius of the Property. Please note that an airports facility that may be classified as public use facility in the Public Record will be reported as "commercial/industrial" in this disclosure. "NOT IN" shall be reported if no property classified by Public Record as "commercial," "industrial," or "mixed use" is situated within a one (1) mile radius of the Property.



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## AIRPORT INFLUENCE AREA DISCLOSURE

### DETERMINATION

Based on certain mapped Airport Influence Areas determined by a County Airport Land Use Commission, the following determination can be made:

**The Property is NOT IN an officially-designated Airport Influence Area (AIA) and is NOT WITHIN two (2) statute miles of an airport for which no AIA has been officially designated.**

**DISCUSSION:** **Certain airports are not disclosed in this Report.** FANHD has made a good faith effort to identify the airports covered under California Civil Code § 1102.6a(d) and California Business and Professions Code 11010 *et seq.* Most facilities for which an Airport Influence Area (also referred to as an "Airport Referral Area") has been designated are included in the "California Aeronautical Facilities, Airports & Heliports, (FAA) 5010 Airport Master Records" list maintained by the California Department of Transportation's Division of Aeronautics. Not disclosed in this Report are public use airports that are not in the Master Records List- airports that are physically located outside California, heliports and seaplane bases that do not have regularly scheduled commercial service, private airports, and military air facilities unless included in materials provided by the ALUC or other designated government body.

**NOTE:** Proximity to an airport does not necessarily mean that a property is exposed to significant aviation noise levels. Alternatively, there may be properties exposed to aviation noise that are more than two (2) miles from an airport. Factors that affect the level of aviation noise can include weather, aircraft type and size, frequency of aircraft operations, airport layout, flight patterns or nighttime operations. Aviation noise levels can vary seasonally or change if airport usage changes.

**PUBLIC RECORD:** Based on officially adopted land use maps and/or digital data made publicly available by the governing ALUC or other designated government body. If the ALUC or other designated government body has not made publicly available a current officially adopted airport influence area map, then California law states that "a written disclosure of an airport within two (2) statute miles shall be deemed to satisfy any city or county requirements for the disclosure of airports in connection with transfers of real property."

**REPORTING STANDARD:** "IN" shall be reported along with the facility name(s) and the "Notice of Airport in Vicinity" if any portion of the Property is situated within either (a) an Airport Influence Area as designated on officially adopted maps or digital data or (b) a two mile radius of a qualifying facility for which an official Airport Influence Area map or digital data has not been made publicly available by the ALUC or other designated governing body. "NOT IN" shall be reported if no portion of the Property is within either such area.



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## AIRPORT NOISE DISCLOSURE

### DETERMINATION

Based on certain 65 decibel (dB) Community Noise Equivalent Level (CNEL) contour maps produced under the Federal Aviation Administration's *Airport Noise Compatibility Planning Program* Part 150, the following determination has been made:

**The Property IS NOT within a delineated 65 dB CNEL or greater aviation noise zone.**

**DISCUSSION:** California Civil Code § 1102.17 requires that the seller(s) of residential real property who has (have) actual knowledge that his/her property is affected by airport use must give written notice of that knowledge as soon as practicable before the transfer of title.

**Not all airports have produced noise exposure maps. A property may be near or even at some distance from an airport and not be within a delineated noise exposure area, but still experience aviation noise. Unless 65dB CNEL contour maps are published, helipads and military sites are not included in this section of the Report.**

The *Airport Noise Compatibility Planning Program* is voluntary and not all airports have elected to participate. Not all property in the vicinity of an airport is exposed to 65dB CNEL or greater average aviation noise levels. Conversely a property may be at some distance from an airport and still experience aviation noise. Purchasers should also be aware that aviation noise levels can vary seasonally or change if airport usage changes after a map is published or after FANHD has received the annual updated maps within the schedule set by FANHD. FANHD uses the most seasonally conservative noise exposures provided.

Federal funding may be available to help airports implement noise reduction programs. Such programs vary and may include purchasing properties, rezoning, and insulating homes for sound within 65dB areas delineated on CNEL maps. Airport owners have also cooperated by imposing airport use restrictions that include curfews, modifying flight paths, and aircraft limitations.

**PUBLIC RECORD:** Certain 65 decibel (dB) Community Noise Equivalent Level (CNEL) contour maps produced under the Federal Aviation Administration's *Airport Noise Compatibility Planning Program* Part 150.

**REPORTING STANDARD:** "IN" shall be reported if any portion of the Property is situated within a 65 decibel Community Noise Equivalent Level contour identified in the Public Record. "NOT IN" shall be reported if no portion of the Property is situated within a 65 decibel Community Noise Equivalent Level contour identified in the Public Record.





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## CALIFORNIA ENERGY COMMISSION DUCT SEALING & TESTING REQUIREMENT

**DISCUSSION:** According to the California Energy Commission (“CEC”) most California homes have improperly sealed central air conditioning and heating system ducts such that approximately 30 percent of the conditioned air actually leaks outside the home.

Effective October 1, 2005, in order to combat this waste of energy and money, the CEC set forth new duct sealing and testing requirements in Title 24 of the Building Energy Efficiency Standards. Title 24 requires that, in specific climate zones as designated by the CEC, **when a central air conditioner or furnace is installed or replaced**, homeowners must have ducts tested for leaks. Ducts found to leak more than 15 percent or more must be repaired. Once a contractor tests and fixes these ducts, you must have an approved third-party verifier determine that the ducts have been properly sealed. The CEC cautions homeowners that a contractor who fails to obtain a required building permit and fails to test and repair your ducts “is violating the law and exposing you to additional costs and liability.” If you do not obtain a permit, you may be required to bring your home into compliance with code requirements for that work and may incur additional penalties and fines that have to be paid prior to selling your home. Remember that you have a duty to disclose whether you obtained required permits for work performed to prospective buyers and appraisers.

Local governments may mandate more stringent requirements; however, please be advised that duct sealing and associated testing is generally not required:

- if homes are located in specific coastal climates;
- when systems have less than 40 feet of ductwork in unconditioned spaces such as attics, garages, crawlspaces, basements, or outside the building; or
- when ducts are constructed, insulated, or sealed with asbestos.

Please note there are specific alternatives that allow high efficiency equipment and added duct insulation to be installed instead of fixing duct leaks. Please also be advised that there are separate regulations which govern duct insulation levels required by climate zone and HVAC system.

For more information on these requirements, please contact the California Energy Commission or visit the official CEC “2005 HVAC Change-Out Information” portal at <http://www.energy.ca.gov/title24/changeout/>

**PUBLIC RECORD:** Vector digital rendition of the official “California Building Climate Zone Map” made publicly available by the California Energy Commission (“CEC”).

**REPORTING STANDARD:** “IN” shall be reported if the Property is situated within climate zone 2 or any climate zone 9 through 16 as designated in the Public Record. These are areas wherein duct sealing is “prescriptively required when an air conditioner or furnace is replaced and when new ducts are added or ducts are altered in an existing home.” “NOT IN” shall be reported if the Property is situated in climate zone 1 or any climate zones 3 through 8 as designated in the Public Record.



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## RIGHT TO FARM DISCLOSURE

### DETERMINATION

The Property is **WITHIN** one mile of a parcel of real property designated as "Prime Farmland," "Farmland of Statewide Importance," "Unique Farmland," "Farmland of Local Importance," or "Grazing Land" on the most current "Important Farmland Map" issued by the California Department of Conservation, Division of Land Resource Protection, and the following notice is required:

### MANDATORY NOTICE:

#### **NOTICE OF RIGHT TO FARM**

**This property is located within one mile of a farm or ranch land designated on the current county-level GIS "Important Farmland Map," issued by the California Department of Conservation, Division of Land Resource Protection. Accordingly, the property may be subject to inconveniences or discomforts resulting from agricultural operations that are a normal and necessary aspect of living in a community with a strong rural character and a healthy agricultural sector. Customary agricultural practices in farm operations may include, but are not limited to, noise, odors, dust, light, insects, the operation of pumps and machinery, the storage and disposal of manure, bee pollination, and the ground or aerial application of fertilizers, pesticides, and herbicides. These agricultural practices may occur at any time during the 24-hour day. Individual sensitivities to those practices can vary from person to person. You may wish to consider the impacts of such agricultural practices before you complete your purchase. Please be advised that you may be barred from obtaining legal remedies against agricultural practices conducted in a manner consistent with proper and accepted customs and standards pursuant to Section 3482.5 of the Civil Code or any pertinent local ordinance.**

**DISCUSSION:** California has a "Right to Farm Act" (Civil Code Section 3482.5) to protect farming operations. When agricultural land within the State's agricultural areas is bought and sold, the purchasers are often not made aware of the fact that there are right-to-farm laws. This has led to confusion and a misunderstanding of the actual uses of the land or uses of the surrounding agricultural lands.

In 2008 the State of California enacted Assembly Bill 2881 to limit the exposure of farmers to nuisance lawsuits by homeowners in neighboring developments. The mechanism of this bill is a formal notification of the buyer, through a "Notice of Right to Farm" in an expert disclosure report, that advises the buyer if the subject property is within one mile of farmland as defined in the bill.

**If the seller has actual knowledge of an agricultural operation in the vicinity of the subject property that is not disclosed in this report, and that is material to the transaction, the seller should disclose this actual knowledge in writing to the buyer.**

**PUBLIC RECORD:** Based on the most current available version of the "Important Farmland Map" issued by the California Department of Conservation, Division of Land Resource Protection, utilizing solely the county-level GIS map data, if any, available on the Division's Farmland Mapping and Monitoring Program website, pursuant to Section 11010 of the Business and Professions Code, and Section 1103.4 of the California Civil Code.

**REPORTING STANDARD:** "IN" shall be reported and the "Notice of Right to Farm" provided if any portion of the Property is situated within, or within one mile of, a parcel of real property designated as "Prime Farmland," "Farmland of Statewide Importance," "Unique Farmland," "Farmland of Local Importance," or "Grazing Land" in the public record. "NOT IN" shall be reported if no portion of the Property is within that area.

Some counties, or parts thereof, are not included in the Public Record because they have not been mapped for farmland parcels under this State program. Typically, this is because the county area is public land and not planned for incorporation, or, in the case of San Francisco, the county is entirely incorporated. In those instances, we report "Map Not Available" above, or "MNA" in the Summary of Disclosures and Advisories at the beginning of this report.



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**Property:** APN: 479-140-022-1  
**Property Address:** ,**Report Date:** 04/03/2014  
MORENO VALLEY, RIVERSIDE County, CA

**APN:** N/A

**Report Number:** 1503763

## NOTICE OF MINING OPERATIONS DISCLOSURE

### DETERMINATION

The Property is **NOT IN** a one mile radius of a reported mining operation(s).

If the Property has been determined to be located within one (1) mile of a reported mining operation(s), the following notice is provided as mandated by California law:

### **NOTICE OF MINING OPERATIONS**

This property is located within one mile of a mine operation for which the mine owner or operator has reported mine location data to the Department of Conservation pursuant to Section 2207 of the Public Resources Code. Accordingly, the property may be subject to inconveniences resulting from mining operations. You may wish to consider the impacts of these practices before you complete your transaction.

**DISCUSSION:** Historically mining operations have been located in remote areas. However, increasing urbanization has resulted in some residential projects being developed near existing mining operations.

California Public Resources Code §2207 requires owners and operators of mining operations to provide annually specific information to the California Department of Conservation ("DOC"), including but not limited to, (i) ownership and contact information, and (ii) the latitude, longitude, and approximate boundaries of the mining operation marked on a specific United States Geological Survey map. The Office of Mining Reclamation ("OMR") is a division of the DOC. Using the mandatory data specified above, OMR provides map coordinate data that can be used by GIS systems to create points representing mine locations ("OMR Maps"). For more information please visit OMR's Mines OnLine Map Viewer (<http://maps.conservation.ca.gov/mol/index.html>).

Effective January 1, 2012, California Civil Code §1103.4 requires the seller of residential property to disclose to a buyer if the residential property is located with one (1) mile of mining operations as specified on OMR Maps.

### **Special Notes:**

1. This statutory disclosure does **not** rely on the OMR's "AB 3098 List," a list of mines regulated under the Surface Mining and Reclamation Act of 1975 ("SMARA") that meet provisions set forth under California Public Resources Code §2717(b). The AB 3098 List does not include map coordinate data as required under California Public Resources Code §2207 and may not include all mining operations subject to the "Notice of Mining Operations" disclosure.
2. This "Notice of Mining Operations" disclosure is not satisfied by disclosing abandoned mines. An abandoned mine is NOT an operating mine. California Civil Code §1103.4 is satisfied only by disclosing based on OMR Maps.

**PUBLIC RECORD:** Mining operations as provided on OMR Maps made publicly available by DOC pursuant to California law.

**REPORTING STANDARDS:** "IN" is reported if any portion of the Property is located within a one (1) mile radius of one or more mining operation(s) identified in the Public Record for which map coordinate data is provided. If "IN", the name of the mining operation(s) as it appears in the Public Record is also reported. "NOT IN" is reported if no portion of the Property is located within a one (1) mile radius of a mining operation specified on OMR Maps.



# The First American MASTER PROPERTY DISCLOSURE REPORT PDR®

Property: APN: 479-140-022-1

APN: N/A

Property Address: , Report Date: 04/03/2014  
MORENO VALLEY, RIVERSIDE County, CA

Report Number: 1503763

## GAS AND HAZARDOUS LIQUID TRANSMISSION PIPELINE DATABASE DISCLOSURE REQUIREMENT

**DISCUSSION:** Following a number of pipeline disasters in the U.S., such as the 2010 San Bruno explosion in Northern California, there is an increased awareness of the potential dangers associated with underground transmission pipelines. As a result, the California Legislature unanimously passed Assembly Bill 1511 (Bradford), signed by Governor Jerry Brown on July 13, 2012. This law, effective January 1, 2013, is chaptered as California Civil Code Section 2079.10.5 and mandates the disclosure of the following notice to homebuyers:

### NOTICE REGARDING GAS AND HAZARDOUS LIQUID TRANSMISSION PIPELINES

This notice is being provided simply to inform you that information about the general location of gas and hazardous liquid transmission pipelines is available to the public via the National Pipeline Mapping System (NPMS) Internet Web site maintained by the United States Department of Transportation at <http://www.npms.phmsa.dot.gov/>. To seek further information about possible transmission pipelines near the property, you may contact your local gas utility or other pipeline operators in the area. Contact information for pipeline operators is searchable by ZIP Code and county on the NPMS Internet Web site. (California Civil Code Section 2079.10.5(a))

Civil Code Section 2079.10.5(c) adds, *“Nothing in this section shall alter any existing duty under any other statute or decisional law imposed upon the seller or broker, including, but not limited to, the duties of a seller or broker under this article, or the duties of a seller or broker under Article 1.5 (commencing with Section 1102) of Chapter 2 of Title 4 of Part 4 of Division 2.”*

Such “existing duties” include the disclosure of actual knowledge about a potential hazard, such as may be created by the delivery of a letter from the local utility company informing the seller that a gas transmission pipeline exists within 2,000 feet of the Property.

**Beginning on the law’s January 1, 2013, effective date,** except where such “existing duties” apply, “Upon delivery of the notice to the transferee of the real property, the seller or broker is not required to provide information in addition to that contained in the notice regarding gas and hazardous liquid transmission pipelines in subdivision (a). The information in the notice shall be deemed to be adequate to inform the transferee about the existence of a statewide database of the locations of gas and hazardous liquid transmission pipelines and information from the database regarding those locations.” (California Civil Code Section 2079.10.5(b))

The disclosure of underground transmission pipelines helps the parties in a real estate transaction make an informed decision and is in the best interest of the public. Buyer should be aware that, according to the NPMS Internet Web site, gas and/or hazardous liquid transmission pipelines are known to exist in 49 of California’s 58 counties, the exceptions being in rural mountainous parts of the state. Every home that utilizes natural gas is connected to a gas “distribution” pipeline, which is generally of smaller size and lower pressure than a transmission pipeline.

**For More Information:** For a parcel-specific disclosure of gas and hazardous liquid transmission pipelines within 2,000 feet of the Property as depicted on the NPMS website, please obtain the FANHD Residential EnviroCheck Report. To investigate whether any pipeline easement (right-of-way) exists on the Property, buyer should review the Preliminary Title Report. **Buyer should consult an attorney for interpretation of any law. This notice is for information purposes only and should not be construed as legal advice.**



*First American*  
*Natural Hazard Disclosures*

**The First American**  
**MASTER PROPERTY DISCLOSURE REPORT**  
**PDR®**

**Property:** APN: 479-140-022-1

**Property Address:** , **Report Date:** 04/03/2014  
MORENO VALLEY, RIVERSIDE County, CA

**APN:** N/A

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**Property:** APN: 479-140-022-1

**Property Address:** ,**Report Date:** 04/03/2014  
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**APN:** N/A

**Report Number:** 1503763

## **SECTION 5** **METHODS AND LIMITATIONS**

This Section will summarize (a) the methods used in creating this Report, (b) the limitations with respect to the determination and the Public Record, and (c) the responsibilities and liabilities of FANHD under this Report. Please read this section to fully understand the limitations of this Report and FANHD's responsibilities.

### **A. LIMITATIONS ON PUBLIC RECORD INFORMATION AND THIS REPORT**

FANHD has accurately reported the information in the Public Records with respect to the Property as of the Report Date. With respect to the Public Records, it is important to understand that:

- The Public Records may not be accurate, current, fully detailed, or complete.
- A parcel of real property may be affected by hazards that have not been identified in the Public Records.
- There may be other governmental Public Records with relevant information which are not included in this Report.
- FANHD does not make any representations as to:
  - The significance or extent of any hazard disclosed.
  - Any related health or risk of the hazard to humans or animals or how they may affect the Property.
  - The drinking water sources for the Property.
  - Any information regarding the Property after the Report Date.

### **B. REPORTING STANDARDS**

The Reporting Standards utilized by FANHD in making each determination are specified in the Disclosure Explanations (Sections 1 through 4, inclusive) of this Report. If the Property is near the state border, hazards which may be in the adjoining state or nation are not disclosed in this Report. Where appropriate, FANHD may use the assessor's rolls, cadastral-type maps, photographic enlargements of maps and various cartographic techniques to locate the site on the appropriate map. The respective determination is made as accurately as reasonably possible using these maps. For purposes of defining property lines, the assessor's parcel number and parcel maps are used. Any errors in the assessor's rolls may affect the determination procedures. If the Public Record is not of sufficient accuracy or scale that a reasonable person can determine if the Property is within a delineated hazard area or zone, "IN" or "YES" will be reported for the corresponding disclosure.

### **C. NOT AN INSPECTION REPORT**

FANHD does not perform a physical examination or any testing of the Property. This Report only provides information electronically derived from the specific Public Record identified for each disclosure in the Disclosure Explanation (Sections 1 through 4, inclusive) of this Report. This Report should not be considered a substitute for an on-site environmental and/or geological or engineering assessment. If additional information is desired, the Parties are encouraged to investigate other sources and to consult an environmental expert, a geologist, an engineer or other expert.

### **D. CHANGES TO PUBLIC RECORD AFTER REPORT DATE**

The Parties are advised that the Public Records may change after the Report Date and FANHD is not responsible for advising the Parties of any changes to the determinations that may occur after the Report Date. As a courtesy, FANHD will update this Report at no cost during the transaction process for which this Report was issued, if requested.





# The First American MASTER PROPERTY DISCLOSURE REPORT PDR®

**Property:** APN: 479-140-022-1  
**Property Address:** ,**Report Date:** 04/03/2014  
MORENO VALLEY, RIVERSIDE County, CA

**APN:** N/A  
**Report Number:** 1503763

## **E. ONLY THE PARTIES MAY RELY ON THIS REPORT**

This Report is valid, the Parties may rely on the Report, and a contract is formed with FANHD, **only** upon receipt by FANHD of payment of the full price of the Report. This Report cannot be relied upon (a) by any persons or entities other than the Parties, (b) for any other real property, or (c) for any future transactions involving the Property. The price paid for the Report does not include any amounts for protection of such other parties.

## **F. ERRORS AND OMISSIONS INSURANCE**

FANHD maintains errors and omissions insurance. As of the Report Date, FANHD has \$20M aggregate in errors and omissions insurance.

## **G. LIMITATIONS ON FANHD'S LIABILITY**

FANHD is not responsible for:

- Any inaccuracies or incompleteness of the information in the Public Records.
- Inaccurate address information provided for the Property.
- Any other information not contained in the specified Public Records as of the Report Date.
- Any information which would be disclosed by a physical inspection of the Property.
- Any information known by one of the Parties.
- The health or risk to humans or animals that may be associated with any of the disclosed hazards.
- The costs of investigating or remediating any of the disclosed hazards.

***This Report is not an insurance policy*** and does not provide the same protections as an insurance policy. The price of this Report has been established with the understandings of the responsibilities of FANHD as set forth in this Section. The premium for an insurance policy would be significantly greater than the cost of this Report. The Parties acknowledge that claims for damages beyond actual losses can significantly increase the costs of Reports and make prompt resolution of claims more difficult. In order to induce FANHD to provide this Report for the price charged, and to help streamline the process of resolving any disputes between the Parties and FANHD, the Parties agree that if there is a material error or omission in this Report:

- **The Party who suffers damages as a result of such error or omission shall be entitled at most to recover from FANHD the price paid for this Report. The Party making such claim must notify FANHD promptly of such claim, take no action which adversely affect FANHD's liability or defenses to such claim and the Party must fully cooperate with FANHD in the defense of such claim. The Party shall cooperate with providing reasonable evidence of the claim as requested by FANHD.**
- **FANHD shall not be liable for indirect, consequential, personal injury, physical damage or punitive damages (including, but not limited to, emotional distress or pain and suffering).**
- **FANHD will defend the Parties regarding a claim made in accordance with the foregoing provisions. FANHD shall have the right to choose the legal counsel and control the defense of such claim as it reasonably determines.**
- **FANHD shall be subrogated to all rights of the claiming Party against anyone including, but not limited to, another Party who had actual knowledge of a matter and failed to disclose it to the other Parties in writing.**

## **H. PARTY'S RESPONSIBILITY OF FULL DISCLOSURE**

Regardless of the information in this Report, if a Party has any actual knowledge of hazards potentially affecting the Property, that information must be disclosed.



**The First American  
MASTER PROPERTY DISCLOSURE REPORT  
PDR®**

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**Property Address:** ,**Report Date:** 04/03/2014  
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**APN:** N/A  
**Report Number:** 1503763

**I. OTHER AGREEMENTS**

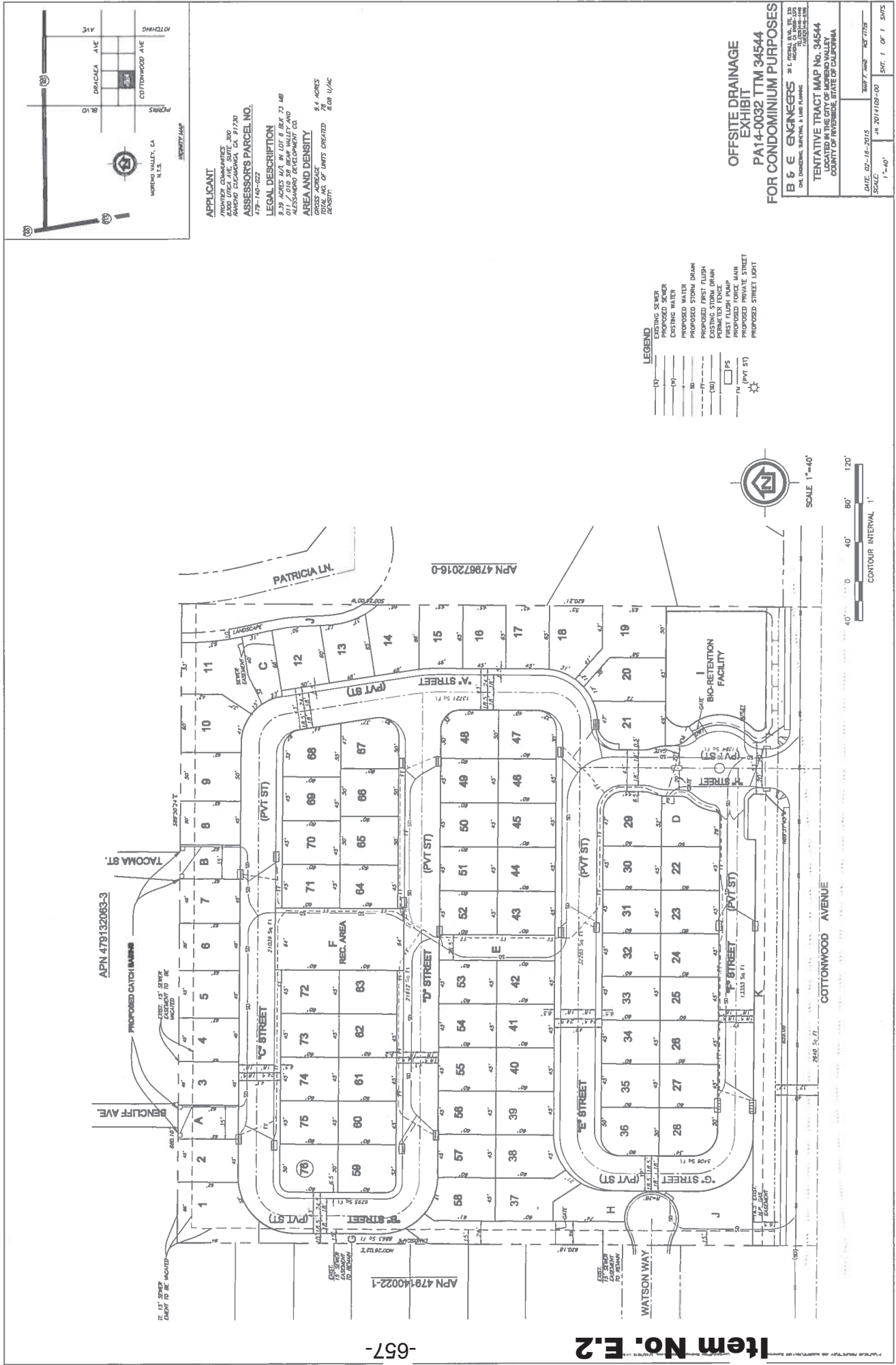
This Report sets forth the complete, integrated agreement between FANHD and the Parties. Evidence of prior or contemporaneous statements, representations, promises or agreements shall not be admissible to vary the terms of this written agreement. This agreement may not be changed or amended except by a written document signed by an authorized representative of FANHD and the Parties. In the event that any dispute arises between FANHD and any Parties arising out of or relating to this Report or its subject matter, or any act or omission of FANHD, the prevailing party shall be entitled to recover his, her or its reasonable costs, including attorneys' fees, from the losing party.

**J. CANCELLATION FEE**

Recipient agrees that a cancellation fee equal to the Report price shall be remitted to FANHD if this Report is cancelled for any reason.

**END OF REPORT**

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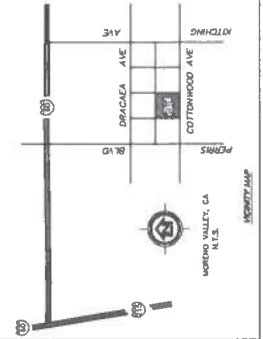
- LEGEND**
- 10" EXISTING SEWER
  - 10" PROPOSED SEWER
  - 6" EXISTING WATER
  - 6" PROPOSED WATER
  - 6" EXISTING FIRE MAIN
  - 6" PROPOSED FIRE MAIN
  - 6" EXISTING FIRST FLUSH
  - 6" PROPOSED FIRST FLUSH
  - 6" EXISTING STORM DRAIN
  - 6" PROPOSED STORM DRAIN
  - PERIMETER FENCE
  - FIRST FLUSH PUMP
  - FIRST FLUSH PUMP MAIN
  - PROPOSED PRIVATE STREET
  - PROPOSED STREET LIGHT

**OFFSITE DRAINAGE EXHIBIT**  
**PA14-0032 TTM 34544**  
**FOR CONDOMINIUM PURPOSES**

**B & E ENGINEERS** 301 S. NORVAL BLVD., SUITE 200  
 WOODLAND, CALIFORNIA 91367  
 TEL: (909) 709-1100  
 FAX: (909) 709-1101

TENTATIVE TRACT MAP NO. 34544  
 LOCATED IN THE CITY OF WOODLAND, CALIFORNIA  
 COUNTY OF YUBA, STATE OF CALIFORNIA

DATE: 02-16-2015  
 SHEET NO. 1 OF 1  
 SCALE: 1"=40'

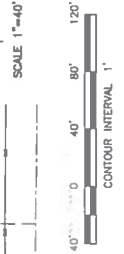


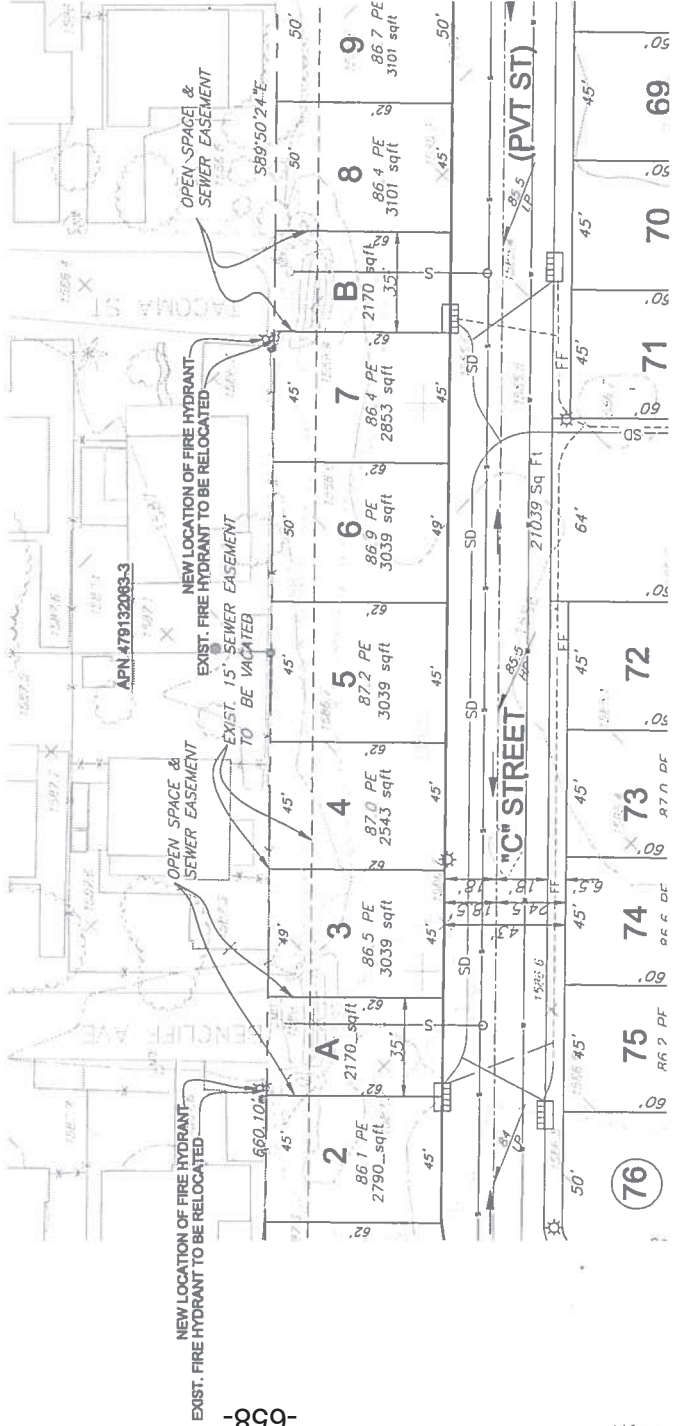
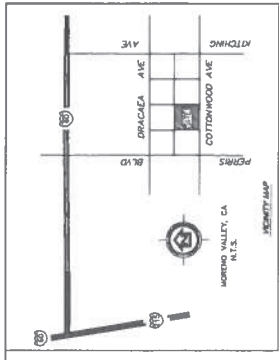
**APPLICANT**  
 PREMIERE COMMUNITIES  
 6300 UNCA AVE, SUITE 300  
 ANAHEIM, CALIFORNIA, CA 91720

**ASSESSOR'S PARCEL NO.**  
 479-140-022

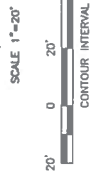
**LEGAL DESCRIPTION**  
 9.39 ACRES M/4 IN LOT 8 BLK 73 AB  
 9.39 ACRES M/4 IN LOT 9 BLK 73 AB  
 9.39 ACRES M/4 IN LOT 10 BLK 73 AB  
 ALEXSANDRO DEVELOPMENT CO.

**AREA AND DENSITY**  
 GROSS ACREAGE 9.4 ACRES  
 NET AC. OF UNITS CREDITED 6.68 U/AC  
 DENSITY:





NOTE:  
NEW LOCATION OF FIRE HYDRANTS TO THE  
SATISFACTION OF THE FIRE DEPARTMENT.



**OFFSITE FIRE HYDRANT  
RELOCATION SITE PLAN  
PA14-0032 TTM 34544  
FOR CONDOMINIUM PURPOSES**

|  |   |
|--|---|
| <b>B &amp; E ENGINEERS</b>   | 2111 JOURNAL BLVD. STE. 100<br>MORNO VALLEY, CA 92553<br>TEL: 951-251-1100<br>WWW.BEENGINEERS.COM |
| TENTATIVE TRACT MAP NO. 34544<br>LOCATED IN THE CITY OF MORENO VALLEY<br>COUNTY OF INVERSIDE STATE OF CALIFORNIA |   |
| DATE: 02-16-2015   | TRACT: 2000 REF: 0159   |
| SCALE: 1"=40'  | IN: 2014/09-10  |
| SHEET: 1 OF 1 SWS  |   |



TREES AT 8'-10'  
ON CENTER



SCREENING EXHIBIT



## California Screening Plant Material

If you're looking for a privacy hedge, sound barrier, or living wall, these trees and plants are the best varieties. Each feature thick, evergreen leaves that create a dense year-round protection for property lines, yards, pool areas, or any other special sections in your landscape.

### Ficus Nitida\



This is by far the most popular choice for making an evergreen screen hedge! If you're looking for a hedge to protect your property, plant a row of Ficus Nitida Columns and the problem is solved!

---

### Japanese Privet



*Ligustrum japonicum*  
Japanese Privet provide both year-round shade and big seasonal color requiring very little maintenance. They're very easy to grow and ideal for the inexperienced landscaper.

---

### Wax Leaf Privet



*Ligustrum japonicum texanum*  
The Wax Leaf Privet blooms long panicles of strongly scented white flowers fall through spring. Landscapers have many uses for this dynamic tree, it can be used as hedges, tall screens, groups with under-plantings, topiaries and inside containers.

---

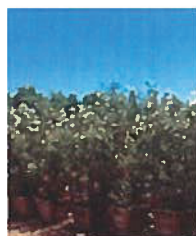
### Podocarpus



*Podocarpus henkelii*  
If you're looking to bring year-round shade into your landscape, the Podocarpus can fit just about any application you have in mind. These are a great choice for hedges and property screens.

---

### Oleander



*Nerium oleander*  
A rare combination of being an evergreen and producing vibrant color, makes the Oleander hedge wonderful in many landscapes. It's fantastic for shading in smaller courtyards and patios.

---

### Bottlebrush



*Callistemon spp.*  
Bottlebrush make for a fantastic year-round colorful hedge, and is named for the brush-shaped flowers that are peppered throughout the foliage. Canopies grow thick and green allowing for maximum shade and privacy.

---

Note: Images and text from Moon valley nurseries

*Prunus caroliniana compacta*  
Carolina Cherry trees are easy to maintain and work vigorously to provide a year round thick dense green

### Carolina Cherry



## Indian Laurel

*Ficus nitida*

- Fast growing, dense, and evergreen foliage that looks shiny and glossy
- Great tree for privacy, screening from golf balls, and sound barrier
- Handles pruning to almost any shape and size
- Handles summer heat very well in desert environments

Ficus Columns are a favorite to use as a formal landscape hedge easily sheared into any shape and size. Landscape designers will often place them along property lines as barriers for blocking sun, noise, wind, and views; as well as letting the exceptional beauty stand out on any property. The foliage is very hardy and can be trimmed into topiary like shapes while handling the extreme summer heat.

Additional Notes: The Ficus Nitida Column is a hardy, clean hedge valued primarily for its dense foliage that blocks light, views, and sound.



Column Form



Tree Form

## Japanese Privet

*Ligustrum japonicum*

- Bright white blossoms during spring
- Ideal for a flowering yet clean tree
- Evergreen canopy provides year-round shade
- Lower maintenance & easy to grow!

The Japanese Privet is an ideal solution to those that want an evergreen that provides year-round shade, a flowering tree that has a massive boost of seasonal color, and a clean tree that's easy to maintain. This "best of both worlds" scenario doesn't occur often, making the Japanese Privet a very popular tree in both shade and color applications.

The Japanese Privet, while commonly seen in hedge applications, can grow large enough for a specimen or shade tree in the proper environment. The evergreen nature of the Japanese Privet also means it provides year-round shade and is relatively low maintenance, making this a very 'easy' tree to use in your yard. Japanese Privets are the no-fuss solution to a great looking flowering evergreen. The Japanese Privet is an easy to grow evergreen that will provide very colorful flowers while requiring very little maintenance or clean up



Tree Form



Column Form

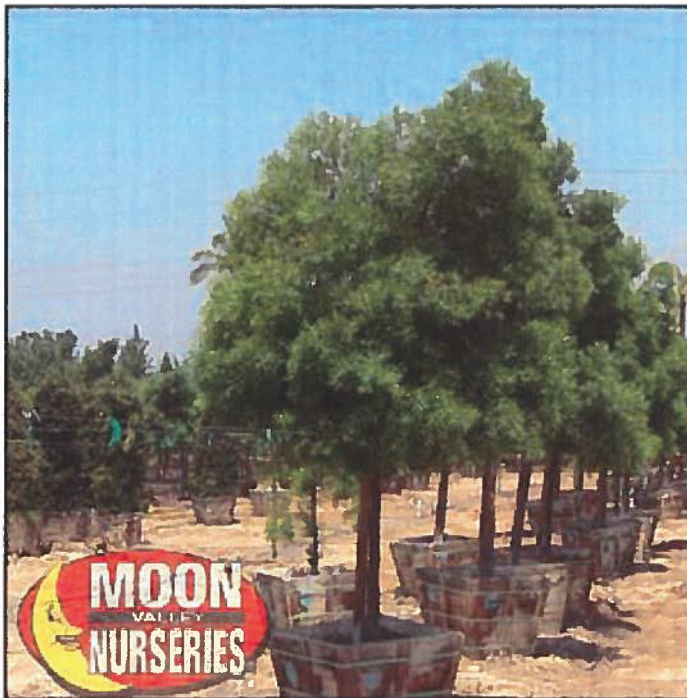


## Podocarpus

If you're looking to bring year-round shade into your landscape, the Podocarpus can fit just about any application you have in mind. These are a great choice for hedges and property screens.



Podocarpus column form



Podocarpus Tree Form

## Nerium oleander

- One of the hardiest plants grown in desert type climates
- Small sized evergreen tree that has blooms most of the year
- Blooms in a variety of colors including red, white, and pink
- This tree makes a great upright hedges, screens, and borders or can be used as a smaller patio tree.

The Oleander Tree is a great choice to plant in warmer climates to give any landscape a much desired splash of color. We sell Oleander trees with a wide variety of bloom colors, so check with our staff and you can achieve just about any color that's possible with these trees. Blooms are the heaviest in the spring and fall seasons but are often extended with mild weather.

The size and shape allow oleanders to be used almost anywhere, but are commonly planted along fences and property lines as a privacy screen or hedge. Oleanders are very hardy and will withstand drought and abuse from even the most inexperienced landscaper.



Tree Form



Hedge Form



## Bottlebrush Tree

*Callistemon spp.*,

- Beautiful red tropical bottlebrush-shaped blooms
- Colorful shade tree to add to gardens
- Strong medium sized evergreen tree
- Loves California's climate and is hardy to heat and cold

Bottlebrush trees are members of the genus *Callistemon* and belong to the family *Myrtaceae*. These tropical trees grow wild all over the coast of Australia. The Bottlebrush tree blooms 2 to 4 inch long flowers which resemble a bright red bottle brush. These trees are drought tolerant and thrive in wet climates making them perfect durable trees for California landscapes. Bottlebrush trees are a great way to add extra privacy to your home due to their dense evergreen foliage.

Bottlebrush trees have strong trunks and canopies that can easily withstand strong California winds. They grow to a medium to large height creating a sun blocking filter that provides convenient shaded relief and cooler temperatures to its surrounding environment. Bottlebrush trees bright red flowers make a fantastic focal point to any landscape and are a must have if you have a tropical themed front or backyard design. Bottlebrush are named after the unique shape of their flowers, and are used for planting colorful and dependable evergreen hedges or stand-alone shade trees.



Tree Form



Hedge Form



## Prunus caroliniana

### *Carolina Cherry*

- A sensational privacy hedge
- Dark green dense foliage
- Beautiful white flowers in the spring
- Great tree to improve a landscape

Carolina Cherry trees come from the fragrant and long lasting Rosaceae tree family which are planted worldwide, but are diverse in the northern hemisphere. They flourish in continuous direct sun exposure once established and create a densely green pyramid shaped top. The leaves are evergreen, lustrous and dark, held on brown thornless stems, which exude the scent of maraschino cherries when broken. Carolina Cherry trees have rapid growth and produce seasonal spring white flowers.

Carolina Cherry trees are easy to maintain and work vigorously to provide a year round thick dense green foliage commonly used by landscapers seeking to add additional privacy to a home or residence. These trees perform fantastically in any southwest landscape and add value to your arrangement with low yard care maintenance input.



Column Form



Tree Form

Additional Tree options:



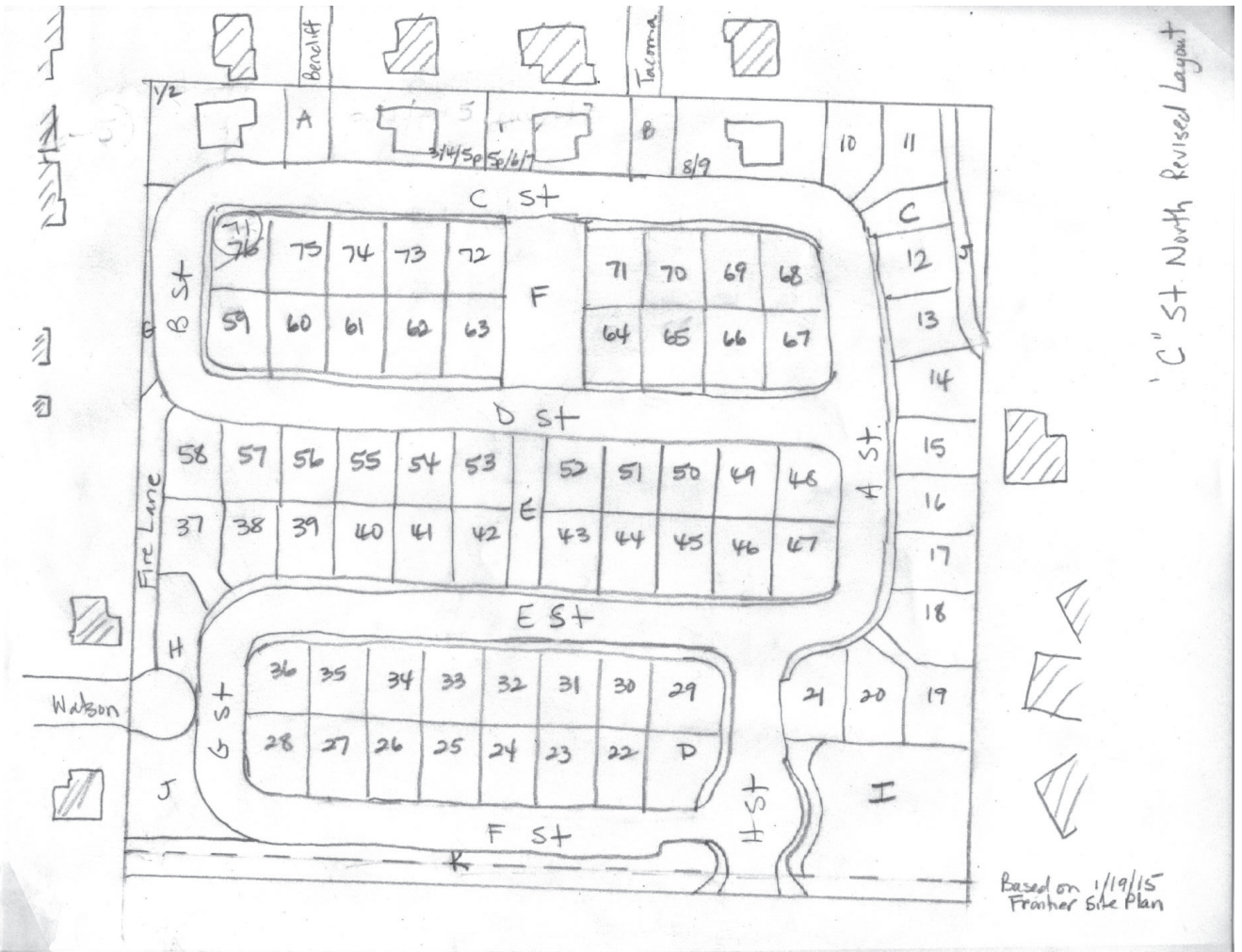
36" Box Tristania Conferta  
Brisbane Box

Tristania Conferta – Brisbane box



Magnolia Little Gem

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THIS ALTERNATIVE MODIFIES THE FRONTIER PLAN AS PRESENTED WITH THE FEBRUARY 10, 2015 CITY COUNCIL STAFF REPORT BY COMBINING LOTS ALONG THE NORTH SITE BOUNDARY AND ROTATING THE HOUSE PLOTTING 90 DEGREES.

THIS ESTABLISHES A LAYOUT ALONG THE NORTH SITE BOUNDARY THAT IS MORE COMPATIBLE WITH THE EXISTING HOMES ON BENCLIFF AVENUE AND TACOMA DRIVE.

THIS CONCEPT DOES NOT ADDRESS THE EQUALLY IMPORTANT ACCESS ISSUES RELATED TO PROPER TERMINATION OF BENCLIFF AVENUE AND TACOMA DRIVE

**Appellants' Suggested Design Alternatives**  
**Presented to Frontier Communities 2/13/15**  
**Submitted to City 2/17/15**  
 Page 1 of 4





THIS ALTERNATIVE REFLECTS THE 2008 APPROVED PLAN ON THE NORTH BOUNDARY, RESPECTING THE MUNICIPAL CODE STANDARD REQUIRING A 50-FOOT SETBACK FOR THE PROPOSED TWO-STORY STRUCTURES AND PROVIDING HAMMERHEADS AT THE ENDS OF BENCLIFF AVENUE AND TACOMA DRIVE.

THE DESIGN IS ALSO MODIFIED TO PROVIDE A REVERSE FRONTAGE TREATMENT ALONG THE COTTONWOOD AVENUE FRONTAGE, WHICH IS COMPATIBLE WITH THE EXISTING RESIDENTIAL DEVELOPMENT TO THE EAST AND PROVIDES AN IMPROVED FRONT YARD EXPOSURE FOR THE FUTURE RESIDENTS OF THE PROPOSED DEVELOPMENT.

THIS CONCEPT DOES NOT FIX THE INCOMPATIBLE LAYOUT FOR THE ADJACENT HOME AT PATRICIA AVENUE AND DRAKE DRIVE.

**Appellants' Suggested Design Alternatives  
Presented to Frontier Communities 2/13/15  
Submitted to City 2/17/15  
Page 2 of 4**



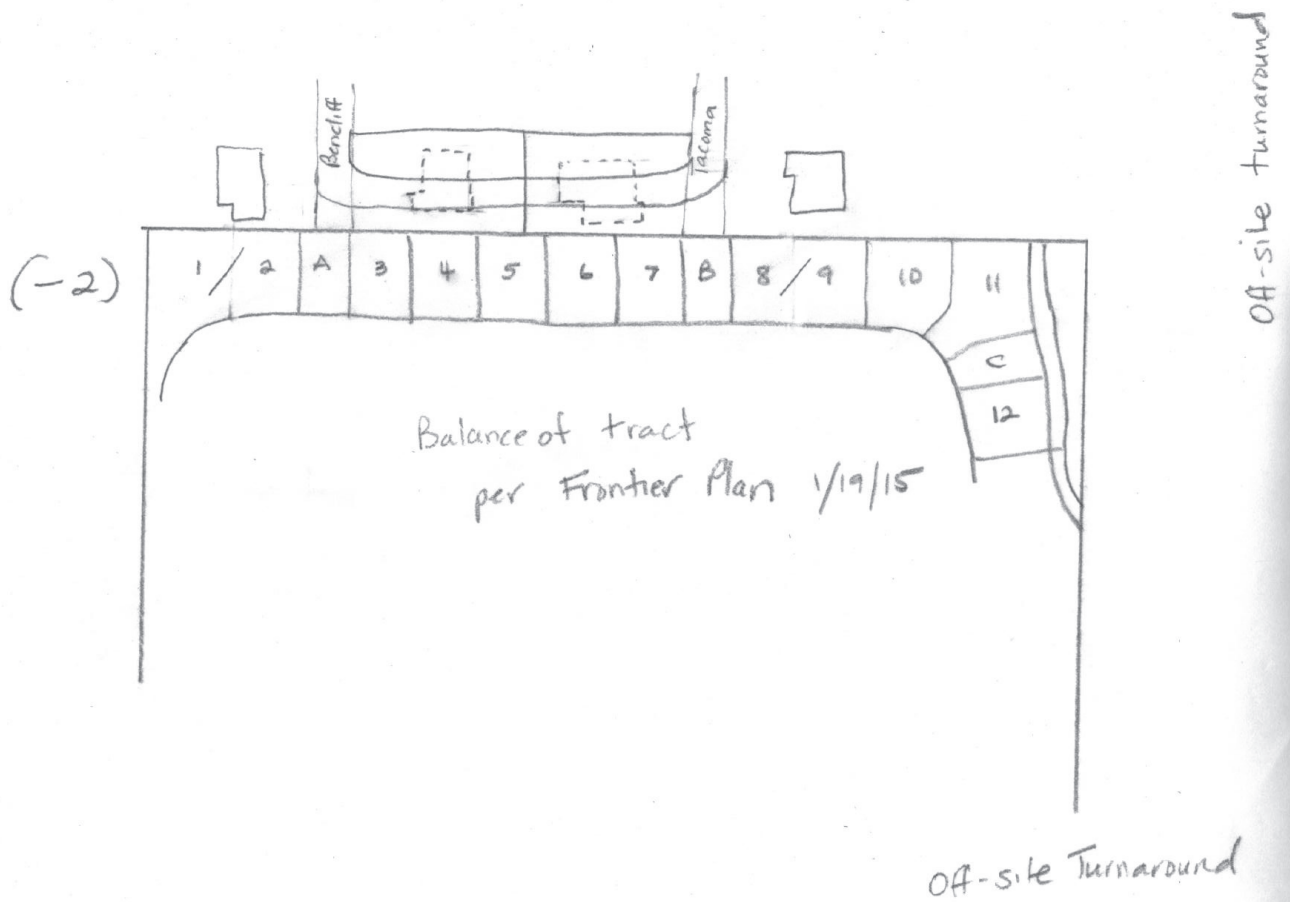
THIS ALTERNATIVE MAXIMIZES COMPATIBILITY FOR ALL EXISTING ADJOINING RESIDENTS – WITH PERHAPS A BIT OF FINE TUNING FOR THE EXISTING HOME ON THE NORTH SIDE OF WATSON WAY. WITH A SIMPLE MODIFICATION ELIMINATING ONE LOT ALONG THE COTTONWOOD FRONTAGE, A SECOND POINT OF ACCESS COULD BE PROVIDED FOR THE FUTURE RESIDENTS.

FRONTIER COMMUNITIES’ INITIAL REACTION TO THIS PLAN WAS THAT IT IS NOT FEASIBLE DUE TO THE EXISTING SEWER LINE ALONG THE WEST SITE BOUNDARY. HOWEVER, THERE IS NO APPARENT IMPEDIMENT TO REROUTING OF THE EXISTING SEWER LINES WITHIN THE NEW PROJECT STREETS.

THIS CONCEPT IS THE APPELLANTS’ PREFERRED OPTION.

Appellants’ Suggested Design Alternatives  
 Presented to Frontier Communities 2/13/15  
 Submitted to City 2/17/15  
 Page 3 of 4





THIS ALTERNATIVE IS AN "OUTSIDE THE BOX" OPTION THAT WOULD REQUIRE FURTHER COORDINATION REGARDING SEVERAL ASPECTS OF IMPLEMENTATION AND LONG-TERM MAINTENANCE. THE CONCEPT INVOLVES PURCHASE OF THE LOTS ON THE EAST END OF BENCLIFF AVENUE AND THE WEST END OF TACOMA DRIVE AND ESTABLISHMENT OF A HORSESHOE CONNECTION BETWEEN THE TWO STREETS.

PROJECT DESIGN IS LARGELY UNCHANGED, WITH LOT COMBINATIONS AND HOME LAYOUT ROTATIONS TO ESTABLISH A COMPATIBLE LAYOUT FOR THE REMAINING EXISTING HOMES AT THE NORTH PROJECT BOUNDARY.

THIS CONCEPT DOES NOT FIX THE INCOMPATIBLE LAYOUT FOR THE ADJACENT HOME AT PATRICIA AVENUE AND DRAKE DRIVE.

**Appellants' Suggested Design Alternatives  
Presented to Frontier Communities 2/13/15  
Submitted to City 2/17/15  
Page 4 of 4**

**Julia Descoteaux**

---

**From:** Juan Villa [REDACTED]  
**Sent:** Wednesday, February 18, 2015 12:35 PM  
**To:** Julia Descoteaux  
**Subject:** Fwd: Re: [REDACTED]

----- Forwarded message -----

**From:** "Juan Villa" [REDACTED]  
**Date:** Feb 18, 2015 12:32 PM  
**Subject:** Re: FW: Voice Message from [REDACTED]  
**To:** "Richard Sandzimier" <[richardsa@moval.org](mailto:richardsa@moval.org)>  
**Cc:**

Richard,

On behalf of the residents, and myself Juan we agree to a continuance. We also look forward to work with you, city staff, and Frontier to work together for a friendlier and more compatible project for all of the existing residents around the proposed project site thank you.

Juan and residents

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February 19, 2015

Julia Descoteaux – Planning Division  
City of Moreno Valley  
PO Box 88005  
Moreno Valley, CA 92552

**RE: Moreno Valley – Cottonwood (Tract 34544) - Request for Continuance**

FH II, LLC is Applicant of PA14-0032 (Tentative Tract Map 34544) and PA14-0033 (Conditional Use Permit) currently noticed to be heard by the City Council on February 24, 2015.

Applicant requests that this matter be continued to the March 10, 2015 Council meeting to allow project neighbors to have meaningful time to review the changes and revisions to the project that have been recently submitted.

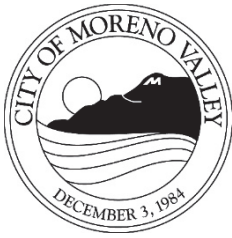
Respectfully requested,

Lonnie Ellisor

Planning Manager

Attachment 19

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

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## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Michelle Dawson, City Manager

**AGENDA DATE:** February 24, 2015

**TITLE:** RESOLUTION DIRECTING THE CITY MANAGER TO ROUTINELY AGENDIZE PERSONNEL CHANGES FOR CITY COUNCIL RATIFICATION

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### **RECOMMENDED ACTION**

Recommendations: That the City Council:

1. Consider adopting Resolution No. 2015-12. A Resolution of the City Council of the City of Moreno Valley, California, Directing City Council Ratification of Personnel Changes Approved by the City Manager.

### **SUMMARY**

At the February 10, 2015 City Council meeting, Mayor Pro Tem Gutierrez requested that an item be placed on the agenda to create a process for the City Council to ratify personnel changes approved by the City Manager.

### **BACKGROUND**

Applicable State Law: The City of Moreno Valley is organized as a “general law city,” which means that the City has those powers specifically granted to municipalities by the California Constitution and state general law. In a “city manager form of government,” the city manager may “appoint and dismiss the chief of police and other subordinate appointive officers and employees except the city attorney....” Government Code § 34856. Government Code section 34852 authorizes a city to define the powers and duties of a city manager by ordinance.



Applicable City Ordinances: Moreno Valley, in 1984, adopted a city manager form of government. Moreno Valley Municipal Code (MVMC) section 2.08.010 states:

The office of the city manager is created and established. The city manager shall be appointed by the city council wholly on the basis of administrative and executive ability and qualifications. The city manager shall hold office for and during the pleasure of the city council.

MVMC section 2.08.060 defines the powers and duties of the City Manager, including:

The city manager shall be the administrative head of the government of the city under the direction and control of the city council except as otherwise provided in this chapter. The city manager shall be responsible for the efficient administration of all affairs of the city which are under his control. In addition to his general powers as administrative head, and not as a limitation thereon, he shall be expected to, and shall have the power to: . . . .

B. Except as provided for in subsection C of this section, appoint, remove, promote and demote any and all officers and employees of the city except elective officers, the city attorney and the city treasurer subject to all applicable personnel rules and regulations which may be adopted by the city council;

C. Appoint, with the consent of the city council, the planning director;

D. Control, order and give directions to all department heads who are subject to his appointment and removal authority, and to subordinate officers and employees of the city under his jurisdiction through their department heads; .....

N. Perform such other responsibilities and exercise such other powers as may be delegated to him from time to time by ordinance or resolution or other official action of the city council.

### **DISCUSSION**

If approved, the attached Resolution would increase transparency by directing staff to create a standard report to appear on the City Council agenda which specifies all hiring, assignment changes and separations which have occurred since the preceding regular meeting of the City Council. Similar to procedures adopted by local school districts, the information will be agendaized with a recommendation for the City Council to ratify all such actions.

The City Attorney has prepared a memorandum for the Council's consideration which is attached to this report.

**FISCAL IMPACT**

Addition of this regular report will not create a measurable financial impact.

**NOTIFICATION**

Publication of the agenda.

**ATTACHMENTS**

Attachment 1: Proposed Resolution

Attachment 2: City Attorney Memorandum

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RESOLUTION NO. 2015-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DIRECTING CITY COUNCIL RATIFICATION OF PERSONNEL CHANGES APPROVED BY THE CITY MANAGER

WHEREAS, Mayor Pro Tem Gutierrez requested that an item be placed on the City Council agenda to create a process for the City Council to ratify personnel changes approved by the City Manager per Section 2.08.060 of the Moreno Valley Municipal Code; and

WHEREAS, all employee positions in the City organization are established/approved/funded by the City Council via the annual budget process and subsequent amendments thereto; and

WHEREAS, the City Manager, through subordinate staff, ensures that personnel actions are consistent with the Council's fiscal and policy approvals; and

WHEREAS, a standard report on the City Council agenda which specifies all hiring, assignment changes and separations which have occurred since the report that appeared on the preceding regular meeting of the City Council would further increase transparency of local government actions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

The City Manager is directed to place a recurring report on the agenda for each Regular Meeting of the City Council which recommends that the City Council ratify all hiring, assignment changes and separations which have been approved by the City Manager since those specified in the report that appeared on the Agenda for the preceding Regular Meeting of the City Council City Council.

APPROVED AND ADOPTED this 24th day of February, 2015.

\_\_\_\_\_  
Mayor of the City of Moreno Valley

ATTEST:

\_\_\_\_\_  
City Clerk

1  
Resolution No. 2015-12  
Date Adopted: February 24, 2015

APPROVED AS TO FORM:

---

City Attorney

Resolution No. 2015-12<sup>2</sup>  
Date Adopted: February 24, 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. 2015-12 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 24<sup>th</sup> day of February, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

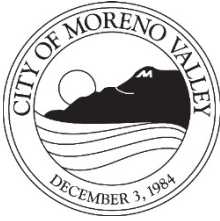
\_\_\_\_\_  
CITY CLERK

(SEAL)

3  
Resolution No. 2015-12  
Date Adopted: February 24, 2015



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**CITY OF MORENO VALLEY**  
**City Attorney**

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## **MEMORANDUM**

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To: Mayor, Mayor Pro Tem and Council members  
From: Suzanne Bryant, City Attorney  
Date: February 18, 2015  
Subject: Attachment to Staff Report regarding Mayor Pro Tem Dr. Gutierrez's Request for the Council to Ratify Personnel Changes

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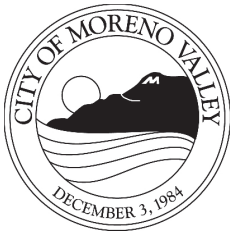
I want the Council to also be aware of the following when considering the Staff Report:

“Ratification” is defined as an “adoption or enactment,” especially one “where the act is the last in a series of necessary steps or consents.” (Black’s Law Dictionary, 10th ed. (2014).) Ratification can also mean the “[c]onfirmation and acceptance of a previous act, thereby making the act valid from the moment it was done.” (Id.)

Since Moreno Valley is a general law city with a city manager form of government, the City Manager has the authority, subject to the City’s Personnel Rules and state law, to appoint and remove most employees, it should be made clear in any such resolution by the City Council that “ratification” is not a required step in the personnel appointment or removal process, and that such actions shall not, by themselves, interfere with the City Manager’s exercise of his or her personnel authority. The City’s Personnel Rules and Regulations are structured around the fact that the City Manager is the “Appointing Authority” who has the final authority to appoint a person to a position of employment. Therefore, if the Council decides to move forward with the Resolution attached to the Staff Report, I suggest that the following language be added:

**“Such actions shall not be construed as an exercise of authority by the City Council over any individual personnel decisions and such ratification shall not be made a requirement in the Personnel Rules.”**

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

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## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Michelle Dawson, City Manager

**AGENDA DATE:** February 24, 2015

**TITLE:** MAYOR'S REQUEST TO CREATE A CITY ETHICS COMMITTEE

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### **RECOMMENDED ACTION**

Recommendation:

1. Per the Mayor's request, that the City Council direct the City Attorney to draft an Ordinance through which the City Council adopts the Code of Ethics process now in place in the City of Riverside.

### **DISCUSSION**

During the "Closing Comments and/or Reports of the City Council" portion of the February 10<sup>th</sup> Council Meeting, Mayor Molina requested that staff place a report on the City Council meeting agenda pertaining to a City Ethics Committee. In subsequent discussion, the Mayor requested that the Moreno Valley City Council be asked to adopt the City of Riverside's existing rules and process.

Ethics Committees or Commissions have been instituted in various levels of local government, with a variety of assignments, structures and processes. Staff has attached Resolution #22461 adopted by the City of Riverside, consistent with the Mayor's request that Moreno Valley adopt the same program.

The attached Resolution, available on the City of Riverside's website, was adopted in 2012. According to recent news articles, the City of Riverside has appointed a Citizens Committee to consider further refinements to the Resolution. The City of Riverside indicates that the complaint process has been "stayed" (placed on hold) by the City Council while a citizen review committee reviews the Code and, in particular, the complaint process, and makes its recommendations for City Council consideration.

**FISCAL IMPACT**

Unknown at this time.

**ATTACHMENTS**

1. City of Riverside Resolution 22461

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RESOLUTION NO. 22461

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, ESTABLISHING A CODE OF ETHICS AND CONDUCT FOR ELECTED OFFICIALS AND MEMBERS OF APPOINTED BOARDS, COMMISSIONS AND COMMITTEES, AND REPEALING RESOLUTION NO. 22318.

WHEREAS, on November 2, 2004, Measure DD was approved by the voters of the City of Riverside, thereby adding Section 202 to the Riverside City Charter; and

WHEREAS, the City Council desires to further amend the Code of Ethics and Conduct.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Riverside that the following shall be the Code of Ethics and Conduct for all elected officials and members of appointed boards, commissions, and committees for the City of Riverside.

I

PREAMBLE

The people of the City of Riverside, at an election held on November 2, 2004, approved an amendment to the City Charter of the City of Riverside which states: "The City of Riverside shall adopt a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees which shall assure public confidence in the integrity of local government and its effective and fair operation." To assure public confidence in and ensure effective and fair operation of the local government of the City of Riverside the following Code of Ethics and Conduct is hereby adopted by the City of Riverside.

II

CODE PROVISIONS

A. Purpose

The purpose of this code is to achieve fair, ethical, and accountable local government for the City of Riverside. The people of Riverside expect public officials, both elected and appointed, to comply with both the letter and the spirit of the laws of the State of California, the United States of America and the Charter, Municipal Code, and established policies of the City of Riverside affecting the operations of local government. In addition, public officials are



1 expected to comply with the provisions of this Code of Ethics and Conduct established pursuant  
2 to the expressed will of the people. All persons covered by this code will aspire to meet the  
3 highest ethical standards in the conduct of their responsibility as an elected or appointed official  
4 of the City of Riverside.

5 B. Scope

6 The provisions of this Code of Ethics and Conduct shall apply to the Mayor and members  
7 of the City Council, and to all members of the boards, commissions, and committees appointed  
8 by the City Council or the Mayor or the Mayor and City Council, including any *ad hoc*  
9 committees. The provisions of this code shall also apply to all members of committees  
10 appointed by individual members of the City Council or by Department Heads.

11 Further, the provisions of this code shall apply to the Mayor and Members of the City  
12 Council at all times during their term of office as elected officials of the City of Riverside.  
13 However, the provisions of this code shall apply to the appointed officials only while they are  
14 acting in their official capacities and in the discharge of their duties.

15 C. Core Values

16 The people of the City of Riverside share a set of core values that constitute the guiding  
17 principles for the establishment of this code. These core values are expressed in the following  
18 aspirations:

- 19 (1) To create a government that is trusted by everyone.
- 20 (2) To make decisions that are unbiased, fair, and honest.
- 21 (3) To use public office for service to the public good and not for personal or private  
22 gain.
- 23 (4) To ensure that everyone is treated with respect and in a just and fair manner.
- 24 (5) To create a community that affirms the value of diversity.
- 25 (6) To ensure that all public decisions are well informed, independent, and in the best  
26 interests of the City of Riverside.
- 27 (7) To maintain a nonpartisan and civic minded local government.
- 28 (8) To ensure that all officials are adequately prepared for the duties of their office.

1 (9) To ensure that members of appointed boards, commissions, and committees make a  
2 diligent effort to attend all regularly scheduled meetings of their board, commission, or  
3 committee.

4 (10) To ensure that neither the Mayor nor any member of the City Council unduly  
5 influence members of appointed boards, commissions and committees.

6 Based upon these core values, it is the City of Riverside's intent to establish through this  
7 Code of Ethics and Conduct, a level of reasonable expectations of behavior for elected and  
8 appointed public officials.

9 D. Core Values Defined

10 (1) Creating Trust of Local Government.

11 The elected and appointed officials of the City of Riverside shall aspire to operate the  
12 City government and exercise their responsibilities in a manner which creates a trust in their  
13 decisions and the manner of delivery of programs through the local government. The officials  
14 shall aspire to create a transparent decision making process by providing easy access to all public  
15 information about actual or potential conflicts between their private interests and their public  
16 responsibilities. The officials shall aspire to make themselves available to the people of the city  
17 to hear and understand their concerns. They shall aspire to make every effort to ensure that they  
18 have accurate information to guide their decisions and to share all public information with the  
19 community to ensure the community's understanding of the basis of the officials' decisions.

20 (2) Making Unbiased, Fair, and Honest Decisions.

21 The elected and appointed officials of the City of Riverside shall aspire to ensure that  
22 their decisions are viewed as unbiased, fair, and honest. They shall strive to avoid participation in  
23 all decisions which create a real or perceived conflict of interest and to disclose any personal  
24 interest that would be perceived to be in conflict with the fair and impartial exercise of their  
25 responsibilities. They will not accept gifts or favors which might compromise the independence  
26 of their judgments or actions or give the appearance of being compromised.

27 (3) Use of Office for Service to the Public Good and Not for Personal or Private  
28 Gain.

1           The elected and appointed officials of the City of Riverside have a responsibility to use  
2 the benefits of public office exclusively for the public purpose for which it was created. Elected  
3 and appointed officials shall not use the Office for personal or private gain except for as allowed  
4 by statute. Therefore, acceptances of gifts shall otherwise be consistent with the requirements  
5 and limitations allowable by state law. Elected and appointment officials shall refrain from the  
6 following: (1) accepting gifts or favors that may compromise independent judgment or give the  
7 appearance of compromised judgment; (2) using official title for matters other than the official  
8 conduct of the office; and (3) engaging in decisions which would affect the level of  
9 compensation received for service except as otherwise required or allowable by law.

10           (4) Treating Everyone with Respect and in a Just and Fair Manner.

11           The elected and appointed officials of the City of Riverside have a responsibility to make  
12 extraordinary attempts to treat all people, including city staff, in a manner which would be  
13 considered just and fair. They shall strive to value and encourage input from members of the  
14 community and encourage open and free discussion of public issues. They shall strive to have all  
15 persons treated with respect as they come before the body on which they serve. They shall aspire  
16 to create an atmosphere of genuine interest in the point of view expressed by members of the  
17 community even if it differs from their own.

18           (5) Creating a Community that Affirms the Value of Diversity.

19           The elected and appointed officials of the City of Riverside shall aspire to recognize and  
20 affirm the value of all persons, families, and communities within the City of Riverside. They will  
21 encourage full participation of all persons and groups, be aware and observe important  
22 celebrations and events which reflect the values of our diverse population, and provide assistance  
23 for those who find it difficult to participate due to language barriers or disabilities.

24           (6) Ensuring that all Public Decisions are Well Informed, Independent, and in the  
25 Best Interests of the City of Riverside.

26           The elected and appointed officials of the City of Riverside will encourage and support  
27 research and information gathering from verifiable sources. They will seek to ensure that  
28 information provided by the City Government to the public is accurate and clear. They will

1 ensure that all information utilized in the decision making process, except that which by law is  
2 confidential, will be shared with the public.

3 (7) Maintaining a Nonpartisan and Civic Minded Local Government.

4 The elected and appointed officials of the City of Riverside shall affirm the value of a  
5 nonpartisan council-manager form of government.

6 (8) Ensuring that All Officials are Prepared for the Exercise of their Duties.

7 The elected and appointed officials shall commit to participation in all orientation and  
8 training sessions which are presented to ensure our full preparation for the exercise of their  
9 public duties.

10 (9) Ensuring Impartiality When Acting in a Quasi-Judicial Capacity.

11 Whenever the members of a board, commission or committee participate in a matter, the  
12 subject of which will be subsequently heard by the City Council, the members shall not contact  
13 the Mayor and/or any members of the City Council for the purpose of influencing the City  
14 Council's decision.

15 (10) Ensuring Against Undue Influence.

16 Neither the Mayor nor any member of the City Council shall contact a board, commission  
17 or committee member at any time for the purpose of influencing that member with respect to the  
18 discharge of his/her official duties.

19 III

20 IMPLEMENTATION OF THE CODE

21 A. Implementation, Monitoring and Oversight

22 Monitoring and oversight are essential to ensure this Code of Ethics and Conduct is  
23 effectively implemented. The objectives of this implementation effort shall include:

24 All persons covered by this code must be aware of its provisions.

25 All persons covered by this code shall have resources available to clarify expectations in  
26 situations where they feel a potential area of noncompliance may exist.

27 All bodies covered by the code shall adopt rules of procedure which include the  
28 provisions of this code.

1 Annual review shall be conducted to ensure the code is being applied in a fair and  
2 effective manner.

3 Annual review shall be conducted by the City Council at a regular meeting.

4 To achieve these objectives the following mechanisms should be utilized.

5 1. All new members of the City Council, upon election or reelection, and members  
6 of boards, commissions, and committees appointed by the Mayor, City Council, Mayor and City  
7 Council, individual members of the City Council, or Department Head, upon appointment or  
8 reappointment, shall be given a copy of the code and required to affirm in writing they have  
9 received the code and understand its provisions. (See Attachment A).

10 2. All new members of the City Council and boards, commissions, and committees shall  
11 be provided a training session which shall clarify the provisions and application of the code.  
12 These sessions shall be coordinated by the City Manager, City Attorney and City Clerk through  
13 the Mayor's Office.

14 3. The City Attorney, or his or her designee, shall serve as a resource person to those  
15 persons covered by the code to assist them in determination of appropriate actions consistent  
16 with the code.

17 4. Complaints from members of the public regarding elected or appointed officials shall  
18 be submitted on the complaint form available from the City Clerk. Complaints concerning  
19 Section II, D(4), herein, shall be presented by the person who claims to be treated in a manner  
20 inconsistent with that Section. Complaints shall be filed with the City Clerk within 180 days of  
21 discovery of an alleged violation of the Code of Ethics and Conduct. "Discovery" is defined as  
22 when the complainant knew or reasonably should have known or discovered evidence of the  
23 alleged violation through the exercise of reasonable diligence.

24 Upon receipt of the complaint form, the City Clerk and City Attorney will review the  
25 submittal for completeness only. Any issue of timeliness will be resolved by the adjudicating  
26 body, and, if there is an appeal, by the City Council. Once the filing is deemed complete, the  
27 City Clerk will schedule the complaint concerning the elected official for a hearing before the  
28 adjudicating body as soon as practicable and notify both parties. For complaints against



1 members of boards, commissions and committees, the City Clerk will forward the matter to the  
2 appropriate board, commission or committee chair for informal resolution if so requested by the  
3 complainant. If the matter is not resolved, or if the complainant did not request to seek an  
4 informal resolution, the City Clerk will schedule the complaint for a hearing before the  
5 adjudicating body as soon as practicable and notify both parties.

6 The adjudicating body shall consist of five members and one alternate chosen from the  
7 chairpersons of the City's boards and commissions selected by lot by the City Clerk. No  
8 chairperson shall serve who is from the same ward as the elected official to which the complaint  
9 concerns. The City Clerk will notify both parties of the hearing date, place and time at least  
10 fourteen (14) days in advance of the hearing. The adjudicating body shall hear all timely filed  
11 complaints and attempt to resolve each complaint on its merits.

12 Following the hearing, the City Clerk will notify both parties, in writing, of the  
13 adjudicating body's decision and the appeal process. The decision of the adjudicating body may  
14 be appealed by either party by submitting such appeal in writing to the City Clerk within seven  
15 (7) days of the adjudicating body's decision. If no appeal is received within seven (7) days, the  
16 matter is concluded. If appealed within seven (7) days, the City Clerk will schedule the appeal  
17 before the City Council and notify both parties at least fourteen (14) days in advance of the  
18 hearing.

19 The record on appeal will consist of a transcript of the hearing before the adjudicating  
20 body as well as all documentary evidence submitted at the hearing. No new evidence will be  
21 considered. The City Council will review the record and will disturb the adjudicating body's  
22 decision only upon a showing of clear error or abuse of discretion.

23 The City Clerk will notify both parties in writing of the City Council's findings and  
24 determination. The determination of the City Council is final and there is no further right to  
25 appeal. The hearing and appeal process shall be concluded if at all possible, within ninety (90)  
26 days of the complaint being determined to be complete. Complaints and any supporting  
27 documentation shall be retained for a period of at least two (2) years.

28 5. The chair of each body covered by this code is responsible to intervene and provide



1 appropriate guidance to members and, if need be, communicate concerns to the City Council.

2 6. In September of each year, the Mayor, the City Manager, the City Attorney and the  
3 chairs of all Boards and Commissions shall meet with the Governmental Affairs Committee of  
4 the City Council to assess the effectiveness of this code and its application. They shall present a  
5 report to the City Council which may include recommendations for the inclusion of new values  
6 or procedures. Prior to the annual Governmental Affairs Committee meeting, every Board and  
7 Commission is encouraged to agendaize and discuss the Code and submit any recommendations  
8 for the Committee's consideration.

9 7. In September of each year, the City Council shall hold a public hearing on its  
10 evening agenda at a regularly scheduled meeting, and shall review the report and make an  
11 independent evaluation of the effectiveness of the Code of Ethics and Conduct.

12 B. Enforcement and Sanctions

13 It is the intention that this code be self enforcing. However, it is recognized that there  
14 may be instances where even after receiving guidance and counsel, a person may continue to  
15 violate the Code's provisions. In those cases sanctions would apply and would occur in a public  
16 meeting.

17 (1) Mayor - City Council

18 The sanctions that would apply by action of the City Council would be:

19 (a) Public censure of a member.

20 The ultimate sanction of removal from office would lie in the hands of the  
21 electorate.

22 (2) Boards and Commissions

23 (a) Public censure by the Board or Commission.

24 (b) Public censure by the Mayor and City Council.

25 (c) Removal from office by the Mayor and City Council.

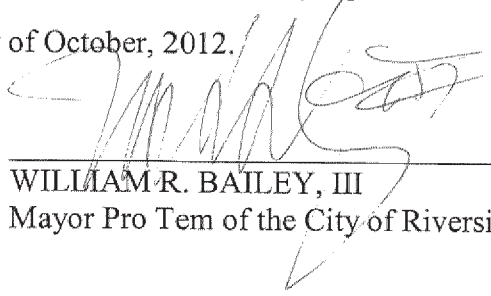
26 Ultimately, the responsibility for the enforcement of this Code of Ethics and Conduct lies  
27 with the Mayor and City Council as they represent the will of the people of the City of Riverside.

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BE IT FURTHER RESOLVED that Resolution No. 22318 is hereby repealed.

ADOPTED by the City Council this 9th day of October, 2012.



WILLIAM R. BAILEY, III  
Mayor Pro Tem of the City of Riverside

Attest:

  
COLLEEN J. NICOL  
City Clerk of the City of Riverside

I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing resolution was duly and regularly adopted at a meeting of the City Council of said City at its meeting held on the 9th day of October, 2012 by the following vote, to wit:


Ayes: Councilmembers Gardner, Melendrez, Bailey, Mac Arthur, Hart, and  
and Adams

Noes: Councilmember Davis

Absent: None

Disqualified: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this 11th day of October, 2012.

  
COLLEEN J. NICOL  
City Clerk of the City of Riverside

[12-1697]  
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ATTACHMENT A

City of Riverside  
Code of Ethics and Conduct  
Officials' Certification

As a newly elected, appointed, or reappointed official of the City of Riverside, California, I herein certify that I have received a copy of the Code of Ethics and Conduct of the City of Riverside, have been offered training and assistance in understanding this Code, and am aware of the provisions of the Code and its application to my responsibilities. Consistent with the Code, I pledge the following in the conduct of my duties.

As an elected/appointed official, I will aspire:

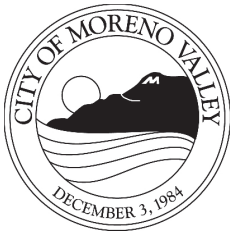
1. To create a government that is trusted by everyone.
2. To make decisions that are unbiased, fair, and honest.
3. To use my public office for service to the public good and not for personal or private gain.
4. To ensure that I treat everyone with respect and in a just and fair manner.
5. To create a community that affirms the value of diversity.
6. To ensure that all public decisions I make are well informed, independent, and in the best interests of the City of Riverside.
7. To maintain a nonpartisan and civic minded local government.
8. To be adequately prepared for the duties of my office.
9. To make a diligent effort to attend all regularly scheduled meetings of the board, commission, or committee.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Office



| APPROVALS      |                    |
|----------------|--------------------|
| BUDGET OFFICER | <i>me</i>          |
| CITY ATTORNEY  | <i>[Signature]</i> |
| CITY MANAGER   | <i>[Signature]</i> |

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## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Mike Lee, Community and Economic Development Director

**AGENDA DATE:** February 24, 2015

**TITLE:** INTRODUCE ORDINANCE 887. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADDING CHAPTER 6.14 TO TITLE 6 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE ESTABLISHING THE REGISTRATION OF RESIDENTIAL PROPERTY IN FORECLOSURE PROGRAM

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### **RECOMMENDED ACTION**

Recommendations: That the City Council:

1. Introduce Ordinance No. 887. An Ordinance of the City Council of the City of Moreno Valley, California, adding Chapter 6.14 to Title 6 of the City of Moreno Valley Municipal Code establishing the Registration of Residential Property in Foreclosure Program.

### **SUMMARY**

This report recommends adoption of an Ordinance to monitor and regulate properties entering into foreclosure in the City of Moreno Valley.

### **DISCUSSION**

This agenda item is the introduction and first reading of the Ordinance adding Chapter 6.14 to Title 6 of the Municipal Code. This is a new Chapter in the Municipal Code and will require mortgage lenders to take an active role in the maintenance and management of properties that are going through the foreclosure process.

***Prior Council Action***

At a Study Session on December 16, 2014, City Council heard a presentation by Nationwide Cost Recovery Services (NCRS) on a foreclosure registration program. NCRS administers this program for a number of southern California cities. The information presented was well received and prompted questions for clarification purposes, which were answered by staff and NCRS. During the session, a public speaker expressed concern about transferring the registration fee on to a home owner and that the program may provide an incentive to impose penalties and fines on a non-compliant property. No action was taken by Council.

At an earlier Study Session on October 15, 2013, a very similar presentation was made on the program by NCRS. The same issue of passing on the registration fee to a home owner at the December 16, 2014 was also expressed at this meeting. As at the last meeting, the information presented was well received. This prompted questions for clarification purposes, which were answered by staff and NCRS. No action was taken by Council.

***Background***

Since the economic downturn of 2008 and the subsequent housing market crash, many communities throughout the State have experienced an increasing number of abandoned properties due to foreclosure by financial institutions. These properties can then become neglected, unkempt and blighted, which tarnishes the community. In an effort to reverse this trend, many local jurisdictions have enacted ordinances requiring financial institutions to register foreclosed properties with the code compliance department.

Foreclosed properties tend to lack proper maintenance and sometimes involve owner vandalism. When the property becomes vacant it becomes subject to squatters, dumping, theft and vandalism. While the number of foreclosures have fallen dramatically in Moreno Valley and surrounding communities, the issue is still significant. Recent foreclosure filings indicate 318 properties in the last four months within the City of Moreno Valley. In the last twelve months 628 Notices of Default were filed, while a total of 1,043 homes are in some stage of the foreclosure process. The foreclosure process is long and typically takes over a year to complete. This time-frame does not include the time prior to the Notice of Default, which marks the beginning of the legal foreclosure process.

***Proposed Ordinance***

The proposed Ordinance would require lenders to take a more active role in the maintenance and management of properties that are going through the foreclosure process. This will allow the City to monitor and advise lenders regarding abandoned and poorly maintained properties.

The Ordinance presented is based on a review of established programs found in various cities within Riverside and Los Angeles counties. Some registration programs have been in existence since 2008 with most coming online in 2013. Staff has conducted an evaluation of these programs and the results indicate a proven track record.

Due to the lengthy time a property may be in the foreclosure process, it is beneficial to establish the registration of these properties at the time of default. This allows the tracking of the property through the entire foreclosure process. The foreclosure registration program would require the lenders to register the property in default and pay an associated fee to recover the City's costs.

This Ordinance will require the following from the property lender or beneficiary:

1. Conduct an inspection of the property prior to issuing a Notice of Default.
2. Within fifteen (15) days of issuing a Notice of Default, the property must be registered with the City.
3. Pay the City's registration fee.
4. Provide City with their property management company 24 hour contact information.
5. Management company must provide monthly inspection reports if the property is vacant.
6. If foreclosed property is vacant and is not for sale or rent, the property shall be posted with name and address of the beneficiary and shall include a twenty-four hour contact phone number of the local property management company.
7. Maintenance of the property must be in compliance with the maintenance standards in the Ordinance and with existing standards in the Moreno Valley Municipal Code. The property exterior must be maintained in good condition.

### ***Fees and Fines***

The Ordinance will define fee types and administrative penalties that will cover the operating costs for the program. The annual registration fee amount will be calculated through a time and material analysis of resources expended to administer the program, including tasks such as building a property database, processing registrations, invoicing, conducting field inspections, and monitoring and continually tracking the database. The proposed fee will be incorporated into a Resolution to be presented for the City Council's review and approval. The fee is expected to be \$300 to \$400 based on these direct costs for service and will be similar to other jurisdiction's rates. Any fines or penalties levied will be in accordance with Title 1, Chapter 1.10 of the Moreno Valley Municipal Code and be remitted to the City.



While crafting the draft Ordinance, local realtors and the Inland Valleys Association of Realtors (IVAR) raised concerns about how to address situations where a home owner could be burdened with paying the registration fee if it were to be passed on (in any form) from a lender despite prohibitions against doing so. The program will create a process for the home owner to request a refund - - from the City -- if this occurred. The program will also provide relief from the registration fee for any home owners who are successful in halting the foreclosure process (eliminating the requirement for the property to be registered under the Ordinance). These provisions will protect home owners, preclude the City from being interjected into transactions between owners and mortgagers, and support home owners who are able to retain their property after the initial foreclosure process begins. The home owner would make the request for a full refund of the registration fee and each request would be reviewed promptly and in detail.

Below is an excerpt from the proposed Ordinance which details these provisions:

“In the event a Trustee, Beneficiary or agent of a Beneficiary, or other third party passes the cost of the registration fee to the Trustor/home owner, the City shall grant a full refund to said Trustor/home owner provided the following evidence is submitted for review and approval by the City:

- A. The Trustor/home owner has occupied the residential property at all times.
- B. The residential property is no longer in default.
- C. The residential property is no longer required to be registered under this Ordinance.
- D. Proof of registration fee paid by Trustor/home owner.”

### ***Administration of Ordinance***

The Ordinance will be implemented through a qualified consultant. This will allow the Code Compliance Division to expand its reach out to the City’s neighborhoods without impacting current staffing levels, thereby improving customer care delivery. Subsequent to the passing of the Ordinance, staff will look to firms such as Nationwide Cost Recovery Services to enter into an agreement for the administration of the Ordinance.

### **ALTERNATIVES**

1. Approve and adopt the proposed Ordinance. This alternative is recommended by staff. Approval will establish a program to register foreclosure property and reduce the amount of blight and improve residential property values in the City of Moreno Valley.

2. Do not approve and adopt the proposed Ordinance thus reducing the City's ability to control neglected and vandalized property, thereby depressing property values and degrading neighborhoods.

### **FISCAL IMPACT**

The proposed program will be revenue neutral to the general fund due to the required collection of registration fees.

### **CITY COUNCIL GOALS**

Community Image, Neighborhood Pride and Cleanliness: Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

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

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.

### **NOTIFICATION**

Posting of the agenda.

### **ATTACHMENTS**

1. Proposed Ordinance

Prepared By:  
Allen D. Brock  
Acting Community and Economic Development Director

Department Head Approval:  
Allen D. Brock  
Acting Community and Economic  
Development Director

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ORDINANCE NO. 887

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADDING CHAPTER 6.14 TO TITLE 6 OF THE MUNICIPAL CODE ESTABLISHING THE REGISTRATION OF RESIDENTIAL PROPERTY IN FORECLOSURE

WHEREAS, the presence of real properties in foreclosure can lead to neighborhood decline by creating a public nuisance which could contribute to lower property values and could discourage potential buyers from purchasing a property adjacent to or in neighborhoods with properties in foreclosure; and

WHEREAS, many properties in foreclosure are the responsibility of out of area or out of state beneficiaries and trustees, and in many instances the beneficiaries and/or trustees fail to adequately maintain and secure these properties in foreclosure; and

WHEREAS, establishing a registration program for properties in foreclosure will assist City staff in developing and maintaining a database to contact the responsible parties and to enforce maintenance and safety provisions of the Municipal Code; and

WHEREAS, the City Council desires to preserve the health, safety and welfare of residents and the community, and to the extent possible, protect neighborhoods from declining property values, aesthetic decay, and/or loss of character.

The City Council of the City of Moreno Valley does ordain as follows:

**SECTION 1.**

Moreno Valley Municipal Code, Chapter 6.14, "Registration of Residential Property in Foreclosure," is added to read as follows:

**Chapter 6.14 REGISTRATION OF RESIDENTIAL PROPERTY IN FORECLOSURE**

**6.14.010 Purpose.**

The purpose of this Chapter is to establish a Property registration program as a mechanism to protect neighborhoods from becoming blighted through lack of adequate maintenance and security of properties due to foreclosure.

**6.14.020 Definitions.**

The following definitions shall govern all terms of this Chapter and shall supersede any term otherwise defined in this Chapter:

*“Abandoned”* means a Property that is vacant and under a current Notice of Default or that has been the subject of a foreclosure sale where the title was retained by the Beneficiary of a Deed of Trust involved in the foreclosure or that was transferred under a Deed in Lieu of Foreclosure and/or Sale.

*“Beneficiary”* means a lender under a note secured by a Deed of Trust.

*“City”* means the City of Moreno Valley, Community Services District (CSD), Housing Authority of Moreno Valley and each of their officers, officials, employees, agents and assigns.

*“Deed in Lieu of Foreclosure and/or Sale”* means a recorded document that transfers ownership of a Property from the trustor upon consent of the Beneficiary of the Deed of Trust.

*“Deed of Trust”* means an instrument by which real estate is transferred to a third party trustee as security for a real estate loan. This definition applies to all deeds of trust regardless of priority.

*“Default”* means the failure to fulfill a contractual obligation, monetary or non-monetary.

*“Foreclosure”* means the process by which a Property, placed as security for a real estate loan, is sold at auction to satisfy the debt if the Trustor (borrower) defaults.

*“Local”* means within 50-road/driving miles distance of the subject Property.

*“Notice of Default”* means a recorded notice that a Default has occurred under a Deed of Trust and that the Beneficiary intends to proceed with a Trustee’s sale or other similar remedies authorized by law.

*“Out of Area”* means in excess of 50-road/driving miles distance of the subject Property.

*“Property”* means any unimproved or improved residential real property, or portion thereof, situated in the City of Moreno Valley and includes the buildings or structures located on the property regardless of condition.

*“Property in Foreclosure”* means any Property upon which a Notice of Default has been issued by a lender, mortgagee, or Beneficiary of any Deed of Trust, or vacant or abandoned real Property that has been the subject of a foreclosure sale where the title was transferred to the Beneficiary of a Deed of Trust involved in the Foreclosure and any properties transferred under a Deed in Lieu of Foreclosure and/or Sale.

“Trustee” means the person, firm, or corporation holding a Deed of Trust on a Property.

“Trustor” means a borrower under a Deed of Trust, who deeds Property to a Trustee as security for payment of a debt.

“Vacant” means a Property that is not lawfully occupied.

#### **6.14.030 Registration of Properties.**

- A. Any Beneficiary or Trustee, who holds, or has an interest in, a Deed of Trust on a Property in Foreclosure, located within the City, shall register the Property in Foreclosure with the Community and Economic Development Department of the City. If the Beneficiary or Trustee issues a Notice of Default after the Effective Date of this Ordinance, they shall register such Property in Foreclosure with the City within fifteen (15) calendar days of the issuance of such Notice of Default. If the Beneficiary or Trustee issues a Notice of Default prior to the Effective Date of this Ordinance, and such Notice of Default has not been rescinded, the Beneficiary or Trustee shall register the Property in Foreclosure with the City within thirty (30) calendar days of the Effective Date of this Ordinance.

The registration requirement described in this section shall also apply to Vacant or Abandoned Property that has been the subject of a Foreclosure sale where the title was transferred to the Beneficiary of a Deed of Trust involved in the Foreclosure and any properties transferred under a Deed in Lieu of Foreclosure and/or Sale.

- B. The registration requirements of this section shall be satisfied by providing the City the following information:
1. The address and Assessor Parcel Number (APN) of the Property in Foreclosure;
  2. The name of the primary Beneficiary and/or Trustee (corporation or individual) responsible for the registration;
  3. The name(s) of all other Beneficiaries and/or Trustees (corporations or individuals) who held a security interest at the time when the Notice of Default was recorded;
  4. The direct street and/or office mailing address of the Beneficiaries and Trustees (P.O. boxes are insufficient);
  5. A direct contact name and phone number for person(s) or agent(s) acting on behalf of the primary Beneficiary and/or Trustee;



6. In the case of a corporation or Out of Area Beneficiary and/or Trustee, a direct contact staff member name and phone number with a Local property management company responsible for the security, maintenance and marketing of the Property in Foreclosure; such staff member must be empowered to (i) comply with code compliance orders issued by the City, (ii) provide a trespass authorization upon request of the local law enforcement authorities if the Property is unlawfully occupied, (iii) conduct weekly inspections of the Property, and (iv) accept rental payments from tenants of the Property if no management company is otherwise employed for such person; and
  7. Other information as deemed necessary by the Community and Economic Development Department.
- C. Any person, firm, or corporation that has registered a Property under this Chapter must report any change of information contained in the registration with the Community and Economic Development Department within ten (10) calendar days of the change. If the Community and Economic Development Department determines that the Beneficiary and/or Trustee has failed to comply with the registry requirements of this Chapter, the Community and Economic Development Department shall mail notice to the Beneficiary and/or Trustee at the last known address as provided in Section 6.14.030 of the failure to comply with this Chapter. If the Beneficiary and/or Trustee fail to comply with this Chapter within thirty (30) calendar days of Community and Economic Development Department notification, the Beneficiary and/or Trustee shall pay a penalty or penalties as prescribed in Section 6.14.100.
- D. Properties subject to this Chapter shall remain subject to the annual registration requirement and the security and maintenance standards of this code as long as they remain Properties in Foreclosure.

**6.14.040 Registration Fee.**

A Foreclosed Properties Registration Fee, as prescribed in Section 6.14.080 shall be paid to City at the time of registration.

**6.14.050 Maintenance and Security of Properties in Foreclosure.**

- A. Properties subject to this Chapter shall be maintained up to City's maintenance standards in compliance with Chapter 6.04.040 of this Code and secured in a manner so as not to be accessible to unauthorized persons.
- B. If the Property is owned by a corporation or an Out of Area Beneficiary/Trustee/Owner, a Local property management company that

holds a valid and current City Business License shall be contracted to perform weekly inspections to verify that the Property is in full compliance with the requirements of this Chapter, and any other applicable laws. If the property management company determines the Property is not in compliance, it shall promptly notify the Beneficiary/Trustee/Owner and seek authorization to correct the substandard conditions.

- C. In addition to specific maintenance standards found in Section 6.04.040 (Declaration of nuisances) of this Code, Properties in Foreclosure shall be maintained in the following manner: watering and mowing of lawn; trimming of trees, hedges and shrubbery; removing and discarding weeds and other dry or dead vegetation, removing and discarding trash, debris, building materials, appliances, and all other items (personal belongings, vehicles, etc.) on the exterior of the building; repairing aesthetic features of the structure to be compatible to the surrounding structures within the block.
- D. Properties in Foreclosure shall be secured such that all windows, doors (walkthrough, sliding, and garage), gates and any other opening that may allow access to the interior of the Property and/or structure(s) are intact, closed and locked. In the case of broken windows, "secured" means re-glazing or boarding-up the window.
- E. If a pool, spa, pond, fountain or other architectural feature capable of holding water exists on the Property, it must be completely emptied of all water and kept dry at all times. Furthermore, any such feature must be inspected and drained periodically so as not to accumulate rainwater.
- F. The Property shall be posted with the name and twenty-four (24) hour contact phone number of the Local contact or property management company. The posting shall be 8½" x 11" or larger in size, shall be of a font that is legible from a distance of twenty (20) feet, and shall contain the following verbiage: "THIS PROPERTY IS MANAGED BY \_\_\_\_\_. TO REPORT PROBLEMS OR CONCERNS CALL (name and phone number)." The posting shall be placed on the interior side of a window facing the street to the front of the Property so it is visible from the street, or secured to the exterior of the building/structure facing the street on the front of the Property so it is visible from the street. If no such area exists, the posting shall be on a stake of sufficient size to support the posting, in a location that is visible from the street to the front of the Property, and to the extent possible, not readily accessible to potential vandalism. Exterior posting must be constructed of, and printed with weather resistant materials.

**6.14.060 Declaration of Nuisance.**

The duties/obligations specified in this Chapter shall be joint and several among

and between all Trustees and Beneficiaries and their respective agents. . Should a property be deemed a public nuisance, hazardous, or substandard by the City, the City may initiate the abatement procedures described in Section 6.04.050 (Abatement) against the Property Owner, Tenant, Beneficiary and/or Trustee.

**6.14.070 Fees.**

- A. A Foreclosed Properties Registration Fee will be required for properties subject to this Chapter. The fee shall reimburse the City for staff time incurred and resources expended in its administration of this Chapter.
- B. The Foreclosed Properties Registration Fee shall be set forth by Resolution as approved by the City Council.
- C. Additional hourly inspection fees as set forth in the City's Fees Schedule may be levied on a Property for staff time to inspect and enforce the provisions of the Chapter when a complaint has been filed on a Property subject to this Chapter.

**6.14.080 Authority and Enforcement.**

The Community and Economic Development Department shall manage the implementation, coordination, documentation, administration and enforcement of this Chapter.

**6.14.090 Penalties.**

- A. Violation of any provision of this Chapter may be enforced by a civil action, including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the prevailing party shall be entitled to recover its attorneys' fees and costs.
- B. A violation of this Chapter may be punished as set forth in Title 1 of the City's Municipal Code.
- C. The procedures established in this Chapter shall supplement and be in addition to any criminal, civil or other remedy established by law or under the provisions of this code to address violations of this Chapter or violations of any other City of Moreno Valley ordinance.

**6.14.100 Refunds.**

In the event a Trustee, Beneficiary or agent of a Beneficiary, or other third party passes the cost of the registration fee to the Trustor/home owner, the City shall grant a full refund to said Trustor/home owner provided the following evidence is submitted for review and approval by the City:

- A. The Trustor/home owner has occupied the residential property at all times.
- B. The residential property is no longer in default.
- C. The residential property is no longer required to be registered under this Ordinance.
- D. Proof of registration fee paid by Trustor/home owner.

**6.14.110 Applicability of Other Laws.**

Nothing in this code shall relieve any Beneficiary or Trustee of the duty to comply with any and all other applicable statutes, regulations, ordinances, codes, and laws regulating property maintenance, zoning, or building construction. Compliance with this code shall not relieve any Beneficiary or Trustee of any legal duties under such laws.

**SECTION 2.**

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 3.**

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 4.**

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this 10<sup>th</sup> day of March, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

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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. 887 had its first reading on February 24, 2015 and had its second reading on March 10, 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 10<sup>th</sup> day of March, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

\_\_\_\_\_  
CITY CLERK

(SEAL)



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