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

May 26, 2009

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

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

City Hall Council Chamber - 14177 Frederick Street
Teleconference: Sheraton Grand Sacramento Hotel
1230 J Street, 13th and J Street
Sacramento, CA 95814

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 the City Clerk's office at 951.413.3001 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.

Richard A. Stewart, Mayor
Bonnie Flickinger, Mayor Pro Tem
Jesse L. Molina, Council Member
Robin N. Hastings, Council Member
William H. Batey II, Council Member

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
May 26, 2009

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of Winners of the William H. Batey II Reading Contest
2. Recognition of Rancho Verde High School Track Team
3. 1st Quarter 2009 Employee of the Quarter Award - Vince Giron

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

REGULAR MEETING - 6:30 PM
MAY 26, 2009

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, 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 Mark Orellana, Victory Outreach Church

ROLL CALL

INTRODUCTIONS

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

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

JOINT CONSENT CALENDARS (SECTIONS A-D)

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

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

A CONSENT CALENDAR - CITY COUNCIL

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

A .2 NOTICE OF COMPLETION AND ACCEPTANCE OF HEACOCK STREET FROM GENTIAN AVENUE TO POPPYSTONE DRIVE AND FREDERICK STREET - PIGEON PASS ROAD FROM SUNNYMEAD BOULEVARD TO HEMLOCK AVENUE REHABILITATION PROJECT NO. 06-12567425 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for Heacock Street from Gentian Avenue to Poppystone Drive and Frederick Street – Pigeon Pass Road from Sunnymead Boulevard to Hemlock Avenue Rehabilitation, constructed by All American Asphalt, P.O. Box 2229, Corona, CA 92878;

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

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

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

A .3 APPROVE AMENDMENT TO DESIGN COOPERATIVE AGREEMENT WITH STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR STATE ROUTE 60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT - PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Approve Amendment No. 1 to Agreement No. 8-1163 with Caltrans for the design phase of the State Route 60/Nason Street Interchange Improvements Project;

2. Authorize the City Manager to execute Amendment No.1 to Agreement No. 8-1163; and

3. Authorize the City Manager to execute any subsequent amendments, if needed, subject to the approval of the City Attorney.

A .4 APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES AND ELECTRIC SERVICE RULES, FEES, AND CHARGES FOR MORENO VALLEY UTILITY (Report of: Public Works Department)

Recommendation:

Approve Resolution No. 2009-43 amending the Electric Rates and Electric Service Rules, Fees, and Charges for Moreno Valley Utility

Resolution No. 2009-43

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

A .5 PARCEL MAP 32326 - APPROVE THE SECOND AMENDED AND RESTATED COOPERATIVE AGREEMENT FOR SUNNYMEAD MASTER DRAINAGE PLAN CENTERPOINTE, BRODIAEA AVENUE STORM DRAIN AND GRAHAM STREET STORM DRAIN SYSTEM, BETWEEN RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, THE CITY OF MORENO VALLEY, RIDGE MORENO VALLEY, LLC AND RIDGE MORENO VALLEY II, LLC, NORTH OF CACTUS AVENUE; BETWEEN FREDERICK STREET AND HEACOCK STREET, SUBDIVIDER - RIDGE MORENO VALLEY, LLC AND RIDGE MORENO VALLEY II, LLC, LONG BEACH, CA (Report of: Public Works Department)

Recommendation:

1. Approve the Second Amended and Restated Cooperative Agreement between the Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, Ridge Moreno Valley, LLC and Ridge Moreno Valley II, LLC for Parcel Map 32326 Sunnymead Master Drainage Plan Centerpointe Brodiaea Avenue and Graham Street Storm Drain;

2. Authorize the Mayor to execute the Second Amended and

Restated Cooperative Agreement; and

3. Direct the City Clerk to forward the signed Second Amended and Restated Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

A .6 PA08-0135 - APPROVAL OF COOPERATIVE AGREEMENT FOR PERRIS VALLEY – GROVE VIEW ROAD, STAGE 2 STORM DRAIN, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND WASTE MANAGEMENT COLLECTION AND RECYCLING, INC., NORTH SIDE OF GROVE VIEW ROAD BETWEEN PERRIS BOULEVARD AND INDIAN STREET, DEVELOPER - WASTE MANAGEMENT COLLECTION AND RECYCLING, INC., MORENO VALLEY, CA. (Report of: Public Works Department)

Recommendation:

1. Approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and Waste Management Collection and Recycling, Inc., for the Perris Valley – Grove View Road, Stage 2 Storm Drain;

2. Authorize the Mayor to execute the Cooperative Agreement; and

3. Direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

A .7 ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE PROJECT NO. 11-41570125

Recommendation:

Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue, Project No. 11-41570125.

A .8 APPROVE THE CITY OF MORENO VALLEY'S FIVE-YEAR MEASURE "A" LOCAL STREETS AND ROADS CAPITAL IMPROVEMENT PLAN (CIP) FOR THE RIVERSIDE COUNTY

TRANSPORTATION COMMISSION (RCTC) MEASURE "A" LOCAL FUNDS PROGRAM, FISCAL YEAR (FY) 2010-2014 (Report of: Public Works Department)

Recommendation:

1. Approve the City of Moreno Valley's Five-Year Measure "A" Local Streets and Roads CIP for the RCTC Measure "A" Local Funds Program, FY 2010-2014;

2. Authorize submittal of the RCTC Measure "A" Local Funds Program, FY 2010-2014;

3. Authorize the City Manager to submit the MOE Certification after RCTC approves the 2009 Measure "A" base year amounts; and

4. Authorize staff to submit an amended five-year plan to RCTC if changes are made by City Council to the listed Measure "A" projects as part of the upcoming FY 2009-2010 budget approval process.

A .9 APPROVAL OF PARTICIPATION IN CALIFORNIA EMPLOYER'S RETIREE BENEFIT TRUST PROGRAM (Report of: Financial & Administrative Services Department)

Recommendation:

1. Take the following actions with respect to participation in the California Employer's Retiree Benefit Trust (CERBT) program:

   Adopt Resolution No. 2009-48, authorizing the Mayor to execute agreements with the California Public Employees' Retirement System to prefund Other Post Employment Benefits and to establish delegation of authority to request disbursements from the Other Post Employment Prefunding Plan; and

   Resolution No. 2009-48

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing Execution of the Agreement and Election with the California Public Employees' Retirement System to Prefund Other Post Employment Benefits and to Establish Delegation of Authority to Request Disbursements from the Other Post Employment Prefunding Plan

2. Authorize an appropriation of $1,580,000 from General Fund

designated reserves and current year expenditure accounts to allow the City to fully fund its initial CERBT contribution.

A .10 APPROVAL OF A RESOLUTION FINDING A SEVERE FISCAL HARDSHIP WILL EXIST IF ADDITIONAL CITY PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA (Report of: City Manager's Office)

Recommendation:

Adopt the Proposed Resolution Finding a Severe Fiscal Hardship will Exist if Additional City Property Tax Funds are Seized and Additional Unfunded Mandates are Adopted by the State of California.

Resolution No. 2009-47

A Resolution of the City Council of the City of Moreno Valley, California, Finding a Severe Fiscal Hardship Will Exist if Additional City Property Tax Funds are Seized and Additional Unfunded Mandates are Adopted by the State of California

A .11 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 May 6-19, 2009

A .12 MINUTES - REGULAR MEETING OF MAY 12, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

B CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

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

B .2 EXTENSION OF CONTRACT - PROJECT NO. E-3/08 - MAINTENANCE OF EXTENSIVE LANDSCAPING AND IRRIGATION - MORENO VALLEY RANCH-WEST (Report of: Public Works Department)

Recommendation:

1. Approve the Extension Agreement for MVCSD Project E-3/08 to extend the term of the contract for an additional one-year period;

2. Authorize the President of the MVCSD Board to execute said Amendment with Excel Landscape, Inc. of Corona, California; and

3. Authorize the Purchasing Manager, on July 1, 2009, to issue open purchase orders to Excel Landscape, Inc. in the amounts of:

   a.) THREE HUNDRED TWENTY THOUSAND NINE HUNDRED TWENTY-FIVE AND 48/100 DOLLARS ($320,925.48) for twelve months of base maintenance service, and;

   b.) SEVENTEEN THOUSAND SEVEN HUNDRED EIGHTY-FIVE AND 00/100 DOLLARS ($17,785.00) for anticipated Additional Work per Section 5. of the Extension Agreement.

B .3 MINUTES - REGULAR MEETING OF MAY 12, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

C CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

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

C .2 NEGOTIATION AGREEMENT BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND PALM DESERT DEVELOPMENT COMPANY FOR AN AFFORDABLE HOUSING DEVELOPMENT PROJECT AT THE NORTHEAST CORNER OF ALESSANDRO BOULEVARD AND DAY STREET (Report of: Economic Development Department)

Recommendation:

Approve the Negotiation Agreement between the Community Redevelopment Agency Board of the City of Moreno Valley (RDA) and Palm Desert Development Company (PDDC) for an affordable housing development project to be situated at the northeast corner of Alessandro Boulevard and Day Street.

C .3 MINUTES - REGULAR MEETING OF MAY 12, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

D CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

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

D .2 MINUTES - REGULAR MEETING OF MAY 12, 2009 (Report of: City Clerk's Department)

Recommendation:
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 A PUBLIC HEARING FOR AN INDUSTRIAL COMPLEX (PA07-0152, PA07-0153, PA07-0154, PA07-0155 AND PA07-0156) WITH FOUR BUILDINGS (1,484,407 TOTAL SQ FT) ON 66.9 NET ACRES. THE TENTATIVE PARCEL MAP 35879 (PA07-0151) WILL CREATE FOUR PARCELS. THE GENERAL PLAN (PA08-0057) AND SPECIFIC PLAN (P08-060) AMENDMENTS ARE REQUIRED FOR THE REALIGNMENT OF KRAMERIA STREET AND WILL AMEND THE CIRCULATION ELEMENT OF THE GENERAL PLAN AND IN THE MORENO VALLEY INDUSTRIAL SPECIFIC PLAN (SP 208) (Report of: Community Development Department)

Recommendation: That the City Council:

1. ADOPT a Mitigated Negative Declaration for PA07-0151(Tentative Parcel Map 35879), PA07-0152 (Master Plot Plan), PA07-0153 (Plot Plan), PA07-0154 (Plot Plan), PA07-0155 (Plot Plan), PA07-0156 (Plot Plan), PA08-0057 (General Plan Amendment) and P08-060 (Specific Plan Amendment). The projects, individually and cumulatively, will not result in a significant effect on the environment;

2. APPROVE Resolution No. 2009-44 approving PA08-0057, for the realignment of Krameria Street and amending the Circulation Element of the General Plan based on the findings in the Resolution and maps attached to the Resolution as Exhibits A, B, C, D and E;

Resolution No. 2009-44

A Resolution of the City Council of the City of Moreno Valley, California, Approving an Amendment to the General Plan Circulation Element (PA08-0057) to Realign Krameria Avenue Between Iris Avenue and Heacock Street and Downgrade Krameria Avenue from a Minor Arterial to a Industrial Collector, as Described in the Resolution, and the Revised General Plan Maps Attached to the Resolution as Exhibits A, B, C, D and E

3. INTRODUCE Ordinance No. 793 approving a Specific Plan Amendment (P08-060) for the realignment of Krameria Street and amending the Circulation Element in the Moreno Valley Industrial Specific Plan (SP 208) based on the findings in the Ordinance and maps attached to the Ordinance as Exhibits A, B, C and D;

Ordinance No. 793

An Ordinance of the City Council of the City of Moreno Valley, California, Approving P08-060 (Specific Plan Amendment) to Realign Krameria Avenue Between Iris Avenue and Heacock Street and Downgrade Krameria Avenue from a Minor Arterial to a Industrial Collector in the Moreno Valley Industrial Specific Plan (SP 208) as Described in the Resolution, and the Revised Specific Plan Maps Attached to the Resolution as Exhibits A, B, C and D

4. APPROVE Resolution No. 2009-45 approving PA07-0151 (Tentative Parcel Map 35879), PA07-0152 (Master Plot Plan), PA07-0153 (Plot Plan), PA07-0154 (Plot Plan), PA07-0155 (Plot Plan), and PA07-0156 (Plot Plan), based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

Resolution No. 2009-45

A Resolution of the City Council of the City of Moreno Valley, California, Approving Plot Plan Applications PA07-0152, PA07-0153, PA07-0154, PA07-0155 and PA07-0156 and Tentative Parcel Map 35879 (PA07-0151). The Project is Located at the

Southeast Corner of Iris Avenue and Heacock Street

E .2 PUBLIC HEARING TO CONSIDER FISCAL YEAR 2009-10 FEE SCHEDULE (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive public input on the proposed Fee Schedule for Fiscal Year (FY) 2009-10; and

2. Adopt Resolution No. 2009-46, approving the Fee Schedule for FY 2009-10.

Resolution No. 2009-46

A Resolution of the City Council of the City of Moreno Valley, California, Establishing a Fee Schedule of Various Services for Fiscal Year 2009-10 and Repealing Prior Resolutions that May be in Conflict

E .3 CONTINUATION OF THE PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR IDENTIFIED PROPERTIES WITHIN TPM 35629 - BALLOTING FOR NPDES AND CSD ZONE M (CONTINUED FROM MARCH 24, 2009) (Report of: Public Works Department)

Recommendation: That the City Council:

1. After conducting the public hearing and accepting public testimony:

   a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for identified properties within Tentative Parcel Map (TPM) 35629;

   b. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet and Assessor Parcel Number (APN) listing;

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

   d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to the identified properties within TPM 35629.

2. Acting in their capacities as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the public hearing and accepting public testimony:

a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballots for identified properties within TPM 35629;

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

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

d. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to the identified properties within TPM 35629.

E .4 PUBLIC HEARING TO ADOPT FY 2008-2009 ANNUAL ACTION PLAN, SUBSTANTIAL AMENDMENT #4, THE COMMUNITY DEVELOPMENT BLOCK GRANT - RECOVERY PROGRAM (Report of: Economic Development Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing to allow public comment on the proposed 2008-09 Annual Action Plan, Substantial Amendment #4, the Community Development Block Grant - Recovery Program (CDBG-R);

2. Review and adopt the proposed 2008-09 Annual Action Plan Substantial Amendment #4, the Community Development Block Grant - Recovery Program (CDBG-R);

3. Authorize the City Manager to execute any subsequent Agreements related to provision of services under Community Development Block Grant - Recovery Program (CDBG-R); and

4. Due to strict federal program deadlines, authorize City Manager to make 'non-substantial' plan adjustments, if necessary.

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)

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

G .2 REPORT TO CONSIDER PUBLIC COMMENTS REGARDING MORENO VALLEY COMMUNITY SERVICES DISTRICT PROPOSED FISCAL YEAR 2009/10 ANNUAL CHARGES (CONTINUED FROM MARCH 24, 2009) (Report of: Public Works Department)

Recommendation: That the City Council:
Acting in their capacities as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the proposed fiscal year (FY) 2009/10 annual CSD charges. The proposed charges shall provide for continued services to parks, recreation, residential street lighting, arterial street lighting, parkway landscaping, high-service-level parkway landscaping, internal parkway landscaping/walls, medians, and Sunnymead Boulevard improvements, as submitted in the Preliminary Annual Levy Report on file in the office of the City Clerk.

G .3 PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDING FOR A PROPOSED INCREASE IN THE CSD ZONE E (HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE FOR ZONE E-3 (MORENO VALLEY RANCH-WEST) (Report of: Public Works Department)

Recommendation: That the City Council:
Acting in their capacities as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail ballot proceeding for a proposed increase in the CSD Zone E (High-Service-Level Parkway Landscape Maintenance) annual charge for Zone E-3 (Moreno Valley Ranch-West).

G .4 PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY

LANDSCAPE MAINTENANCE) ANNUAL CHARGE FOR NINE TRACTS (Report of: Public Works Department)

Recommendation: That the City Council:
Acting in their capacities as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail ballot proceedings for a proposed increase in the CSD Zone D annual parcel charge for Tracts 17334, 18512/21322, 18784/20906, 18930, 19852, 20715, 21616, 22277, and 31284.

G .5 PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING A MAIL BALLOT PROCEEDING FOR A PROPOSED CHARGE INCREASE FOR THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) PROGRAM (Report of: Public Works Department)

Recommendation: That the City Council:
Acting in their capacities as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board"), conduct a Public Meeting and accept public comments concerning a mail ballot proceeding on a proposed increase in the annual charge for the CSD Zone B (Residential Street Lighting) program.

G .6 REPORT TO CONSIDER PUBLIC COMMENTS REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE FOR NEW RESIDENTIAL AND COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE DEVELOPMENT PROPOSED FISCAL YEAR 2009/2010 ANNUAL RATES (Report of: Public Works Department)

Recommendation: That the City Council:
Hold a public meeting to accept public comments regarding the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" proposed Fiscal Year 2009/2010 annual rates.

G .7 PALM DESERT DEVELOPMENT COMPANY'S MV RANCHO DORADO II LIMITED PARTNERSHIP (RANCHO DORADO APARTMENTS) AFFORDABLE HOUSING AGREEMENT (Report of: Economic Development Department)

Recommendation: That the City Council and RDA

1. Adopt Resolution No. 2009-49 and RDA No. 2009-05 approving the Affordable Housing Agreement (Agreement) between the Redevelopment Agency (RDA) and MV Rancho Dorado II Limited Partnership (LP), which will provide up to $4,750,000 in gap financing assistance using the RDA's affordable housing funds;

Resolution No. 2009-49

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and MV Rancho Dorado II Limited Partnership, a California Limited Partnership

Resolution No. RDA 2009-05

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

2. Adopt Resolution No. RDA 2009-06, which ratifies certain findings and determinations made under Resolutions 2008-11, regarding conditional financial assistance to the second phase of the Rancho Dorado Apartments known as Rancho Dorado South

Resolution No. RDA 2009-06

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Supporting the Rancho Dorado South Apartments Housing Development, Ratifying Certain Findings and Determinations Made Under Resolution No. 2008-11 and Affirming its Intention to Provide Assistance to MV Rancho Dorado Limited Partnership, A Subsidiary of Palm Desert Development Company, Inc.

3. Adopt Resolution No. RDA 2009-07, which ratifies certain findings and determination made under Resolution 2008-12, regarding conditional financial assistance to the first phase of Rancho Dorado Apartments known as Rancho Dorado North.

Resolution No. RDA 2009-07

A Resolution of the Community Redevelopment Agency of the

City of Moreno Valley Supporting the Rancho Dorado North Apartments Housing Development, Ratifying Certain Findings and Determinations Made Under Resolution No. 2008-12 and Affirming its Intention to and Affirming its Intention to Provide Assistance to MV Rancho Dorado II Limited Partnership, a Subsidiary of Palm Desert Development Company, Inc.

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

H LEGISLATIVE ACTIONS

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

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

H .3 ORDINANCES - URGENCY ORDINANCES - NONE

H .4 RESOLUTIONS - NONE

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

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

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

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

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

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

The Closed Session will be held pursuant to Government Code:

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

Number of Cases: 2

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

Number of Cases: 2

3 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Robert G. Gutierrez
Employee Organization: MVCEA

b) Agency Representative: Robert G. Gutierrez
Employee Organization: MVMA

c) Agency Representative: Robert G. Gutierrez
Employee Organization: Moreno Valley Confidential Management Employees

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

ADJOURNMENT

This page intentionally left blank.

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: May 26, 2009

TITLE: NOTICE OF COMPLETION AND ACCEPTANCE OF HEACOCK STREET FROM GENTIAN AVENUE TO POPPYSTONE DRIVE AND FREDERICK STREET – PIGEON PASS ROAD FROM SUNNYMEAD BOULEVARD TO HEMLOCK AVENUE REHABILITATION
PROJECT NO. 06-12567425

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the work as complete for Heacock Street from Gentian Avenue to Poppystone Drive and Frederick Street – Pigeon Pass Road from Sunnymead Boulevard to Hemlock Avenue Rehabilitation, constructed by All American Asphalt, P.O. Box 2229, Corona, CA 92878.

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

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

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

BACKGROUND

On March 25, 2008, the City Council awarded the construction contract and authorized the issuance of a Purchase Order in the amount of $1,546,750.00 (the bid amount plus 15% contingency) to All American Asphalt for the project.

DISCUSSION

All American Asphalt completed the pavement reconstruction on Heacock Street, from Gentian Avenue to Poppystone Drive, and on Frederick Street / Pigeon Pass Road, from Sunnymead Boulevard to Hemlock Avenue, on November 21, 2008. The Contractor completed the work in one hundred twelve (112) working days.

The original contract total was one million, three hundred forty-five thousand dollars ($1,345,000.00). Three contract change orders increased the contract amount by $110,603.72 (8.22%) and extended the contract period by twenty-two (22) working days. The final contract total cost was $1,455,603.72, which did not exceed the amount of the approved purchase order.

ALTERNATIVES

1. Accept the work as complete for Heacock Street from Gentian Avenue to Poppystone Drive and Frederick Street – Pigeon Pass Road from Sunnymead Boulevard to Hemlock Avenue Rehabilitation, constructed by All American Asphalt, P.O. Box 2229, Corona, CA 92878, direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to All American Asphalt thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project, and accept the improvements into the City's maintained road system. *This alternative will result in payment to the contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not accept the work as complete for Heacock Street from Gentian Avenue to Poppystone Drive and Frederick Street – Pigeon Pass Road from Sunnymead Boulevard to Hemlock Avenue Rehabilitation, constructed by All American Asphalt, P.O. Box 2229, Corona, CA 92878, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code, do not authorize the Financial and Administrative Services Director to release the retention to All American Asphalt thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project, and do not accept the improvements into the City's maintained road system. *This alternative will result in delaying payment to the contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra cost to the City.*

FISCAL IMPACT

This project is funded by Measure A (Fund 125) monies and is included in the 2008/2009 Capital Improvement budget. The project is eligible for Federal Aid reimbursement of $1,288,646 (88.53% of the contract cost).

AVAILABLE BUDGET:

Available Funding (Account No. 125.67425)	$1,842,771
Total Funding	$1,842,771

FINAL CONSTRUCTION RELATED COSTS:

Construction Contract	$1,455,604
Construction Geotechnical, Inspection and Survey Services	$ 125,000
Project Administration	$ 70,000
Total Construction Related Costs	$1,650,604

CITY COUNCIL GOALS

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

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

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

SUMMARY

All American Asphalt completed the construction of the Heacock Street from Gentian Avenue to Poppystone Drive and Frederick Street / Pigeon Pass Road from Sunnymead Boulevard to Hemlock Avenue Rehabilitation Project on November 21, 2008. The City Council is requested to accept the work as complete, direct the City Clerk to record the Notice of Completion, authorize the release of retention to All American Asphalt, and accept the improvements into the City's maintained road system.

ATTACHMENTS

Attachment "A" – Location Map

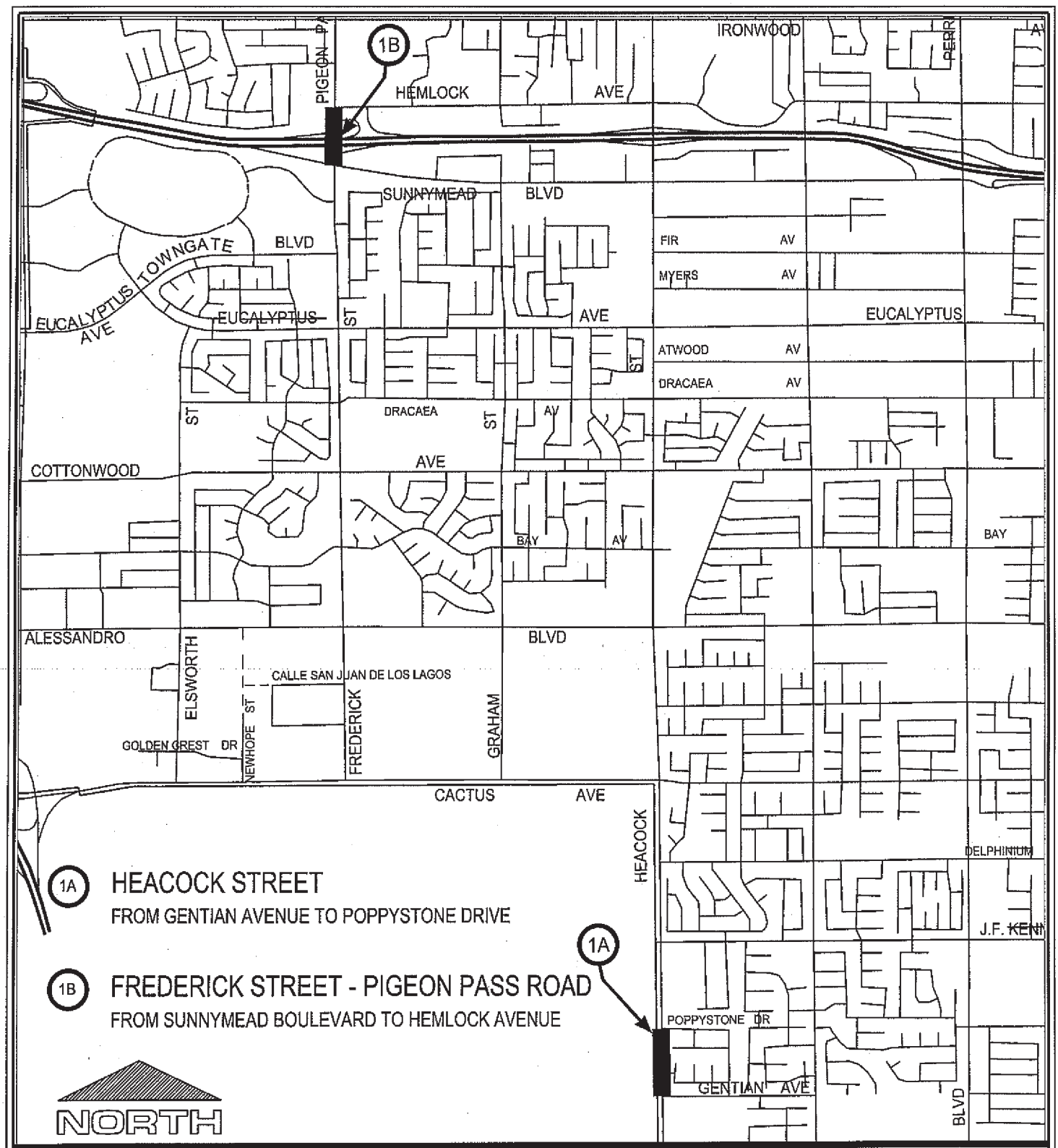
Prepared By:
Bruce E. Blank, P.E., L.S.
Consultant Project Manager

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

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

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

W:\CapProj\CapProj\PROJECTS\Bruce - 06-12567425 - Heacock-Gentian - Poppystone & Frederick\CC Reports\Staff Report - Notice of Completion (CC 05-26-09).doc



LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

Public Works Department
Capital Projects Division

Scale: Not to scale

Attachment "A"

Heacock Street & Frederick Street / Pigeon Pass Road Rehabilitation

Project No. 06-12567425

This page intentionally left blank.

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: May 26, 2009

TITLE: APPROVE AMENDMENT TO DESIGN COOPERATIVE AGREEMENT WITH STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR STATE ROUTE 60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT – PROJECT NO. 98-25897

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Amendment No. 1 to Agreement No. 8-1163 with Caltrans for the design phase of the State Route 60/Nason Street Interchange Improvements Project.

2. Authorize the City Manager to execute Amendment No.1 to Agreement No. 8-1163 in the form attached hereto.

3. Authorize the City Manager to execute any subsequent amendments, if needed, subject to the approval of the City Attorney.

BACKGROUND

The City Council approved the Design Cooperative Agreement (Agreement No. 8-1163) with Caltrans on August 24, 2004. The Agreement sets forth the details of the City's and Caltrans' responsibilities pertaining to the design and right-of-way activities for the proposed interchange improvements both in terms of scope and costs. These activities include design, right-of-way acquisition, utility agreements, and related design-phase activities.

On February 24, 2009, the City Council approved the Construction Cooperative Agreement with Caltrans (Agreement No. 8-1406) for the advertisement and construction phase.

DISCUSSION

The Design Cooperative Agreement with Caltrans expires on June 30, 2009. Because execution of the utility agreements with the various utility entities for the relocation of their facilities prior to commencement of the interchange improvements construction work may extend beyond this date, it is recommended the agreement with Caltrans be amended. The proposed Amendment No. 1 to Agreement No. 8-1163 extends the termination date to June 30, 2011. All other terms of the agreement remain the same.

Although the Construction Cooperative Agreement has been executed, it does not address the completion of right-of-way activities, which includes utility relocations. All right-of-way related activities are covered under the Design Cooperative Agreement. Therefore, Caltrans has requested amendment of the Design Cooperative Agreement, as it allows the City to complete the design and right-of-way phase of this project if these activities extend past June 30, 2009.

ALTERNATIVES

1. Approve Amendment No. 1 to Agreement No. 8-1163 with Caltrans for the design phase of the State Route 60/Nason Street Interchange Improvements Project; authorize the City Manager to execute Amendment No.1 to Agreement No. 8-1163 in the form attached hereto; and authorize the City Manager to execute any subsequent amendments, if needed, subject to the approval of the City Attorney. *This alternative will allow the project to proceed without interruption.*

2. Do not approve Amendment No. 1 to Agreement No. 8-1163 with Caltrans for the design phase of the State Route 60/Nason Street Interchange Improvements Project; do not authorize the City Manager to execute Amendment No.1 to Agreement No. 8-1163 in the form attached hereto; and do not authorize the City Manager to execute any subsequent amendments, if needed, subject to the approval of the City Attorney. *This alternative will result in the delay of needed improvements.*

FISCAL IMPACT

There is no fiscal impact related to this amendment of the Design Cooperative Agreement. The City is not required to pay for the State's participation under the terms of the Cooperative Agreement.

The project is funded using federal funds and matching Measure "A" funds (Account No. 125.89720). The City has successfully obtained approximately $7.4 million of federal funds, portions of which have been used for design and right-of-way. Remaining federal

funds for construction consist of Surface Transportation Program ($1.77 million) and Transportation Efficiency Act of the 21st Century ($4.5 million) demonstration funds.

ANTICIPATED PROJECT SCHEDULE:

Complete Right-of-Way Acquisition Phase	June 2009
Advance Utility Relocation Phase	May - December 2009
Completed Utility Agreements*	July 2009
Interchange Construction Start Date	February 2010
Interchange Construction End Date	February 2011

** for relocations during interchange construction*

CITY COUNCIL GOALS

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

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

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

SUMMARY

Amendment No. 1 to Agreement No. 8-1163 with Caltrans extends the termination date from June 30, 2009, to June 30, 2011. The Design Cooperative Agreement is required by Caltrans and sets forth the details of the City's and Caltrans' responsibilities pertaining to the design and right-of-way activities for the proposed SR-60/Nason Interchange Improvements Project.

ATTACHMENT

Attachment "A" – Amendment No. 1 to Agreement No. 8-1163

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

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

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

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

W:\CapProj\CapProj\PROJECTS\Marge - 98-25897 Route 60-Nason Interchange\CC Reports\Caltrans Co-op Agree Staff Reports\98-25897 Route 60-Nason Interchange Caltrans Co-op Amendment - Staff Rpt 0526909.doc

08-Riv-60-KP 29.1/30.2
Nason Street I/C Improvements
EA 323001
District Agreement No. 8-1163 A/1

AMENDMENT NO. 1 TO AGREEMENT NO. 8-1163 A/1

This AMENDMENT NO. 1 to AGREEMENT NO. 8-1163, entered into effective on _____, 2009, is between the STATE OF CALIFORNIA, acting by and through its Department of Transportation, referred to herein as "STATE," and the

CITY OF MORENO VALLEY, a body politic and a municipal corporation of the State of California, referred to herein as "CITY."

RECITALS

1. STATE and CITY, pursuant to Streets and Highways Code sections 114 and 130, are authorized to enter into a Cooperative Agreement for improvements to the State Highway System (SHS) within the City of Moreno Valley.

2. The parties hereto entered into Agreement No. 8-1163, on August 24, 2004, said Agreement defining the terms and conditions for improvements consisting of realigning the east and west bound ramps, with auxiliary lanes at the east bound entrance ramp and west bound exit ramp, with HOV preferential lanes on the entrance ramps, and reconstructing and signalizing the ramp intersections at Nason Street, referred to herein as "PROJECT."

3. It has been determined that PROJECT will not be completed prior to the termination date of said Agreement.

Attachment "A"

IT IS THEREFORE MUTUALLY AGREED:

1. The termination date specified in Article 18 of Section III of said Agreement shall now be June 30, 2011 instead of June 30, 2009.

2. All other terms and conditions of said Agreement No. 8-1163 shall remain in full force and effect.

3. This Amendment No. 1 to Agreement is hereby deemed to be a part of Agreement No. 8-1163.

SIGNATURES ON FOLLOWING PAGE:

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

WILL KEMPTON
Director

By: _____
RAYMOND W. WOLFE, PhD
District Director

CERTIFIED AS TO FUNDS:

By: _____
District Budget Manager

CITY OF MORENO VALLEY

By: _____
City Manager

APPROVED AS TO FORM AND
PROCEDURE:

By: _____
City Attorney

This page intentionally left blank.

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	RDH
CITY MANAGER	RM

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: May 26, 2009

TITLE: APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES AND ELECTRIC SERVICE RULES, FEES, AND CHARGES FOR MORENO VALLEY UTILITY

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Resolution No. 2009 - 43 amending the Electric Rates and Electric Service Rules, Fees, and Charges for Moreno Valley Utility

BACKGROUND

On July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges for the City of Moreno Valley's Electric Utility, or Moreno Valley Utility (MVU). Electric Rule 12 entitled "Rates and Optional Rates" of that document states that the rates to be charged by and paid to the City's utility for electric service will be the rates legally in effect and on file with the Electric Utility Division, Department of Public Works. At its meeting on December 9, 2003, the City Council approved Ordinances 650 and 651 providing for the establishment and adjustment of electric rates and rules by resolution.

DISCUSSION

Consistent with Ordinances 650 and 651, the resolution considered in this action amends the MVU's rates and rules (*Electric Rates* and *Electric Service Rules, Fees, and Charges*, respectively). A complete copy of both documents (the proposed *Electric Rates* as well as a complete copy of the proposed *Electric Services Rules, Fees, and Charges*) are available for review in the Public Works Department, Electric Utility Division office.

To ensure the City's rates are just and reasonable and to ensure that the City's rates are set at a level sufficient to cover the utility's costs, it will be necessary for the City to adjust rates from time to time. Due to the structure of MVU's rate for residential service (Schedule A), the customer's usage will determine the impact of the rate adjustment on their monthly billings. The proposed rate changes considered in the council action will result in an increase to a majority of MVU's rate schedules.

If the City Council approves the proposed rate adjustments, the average MVU residential customer taking service under Schedule A who uses 600 kWh per month will experience an increase in their bill of 0.1% in summer, and 4.6% in winter. This results in an increase of $0.10 for each summer bill and a $4.11 increase for the winter bill. Similarly, a MVU residential customer who uses 1,000 kWh per month will experience an increase of 7.3% in summer and 8.9% in winter. This results in a $12.04 and $16.68 increase of the customer's monthly bill for summer and winter season, respectively. Small commercial customers (Schedule B) will experience an increase of 3.4% for both summer and winter seasons. Large commercial customers (Schedule C) will experience an increase of 3.6% in summer and an increase of 5.2% in winter. Large, time-of-use customers (Schedule TOU-LGS) will experience an increase of 3.09% in summer and an increase of 3.52% in winter. Schedule TC-1, MVU's rates for traffic controllers, will increase by 5.71%. MVU's current street light rate schedule (Schedule SL) will increase 11%. If approved by the City Council, these changes will become effective at 12:00 a.m. on the first Sunday in June.

In addition to the proposed changes to the rates, there are also minor changes proposed for the Electric Rules, Fees and Charges.

Pursuant to Section 5 of the Professional Services Agreement by and between the City of Moreno Valley and ENCO Utility Services Moreno Valley, LLC, the City is obligated to adjust its rates from time to time so that the City's electric rates remain roughly equivalent to the otherwise applicable investor owned utility rate schedules. This council action will true up MVU's rates to comply with this obligation. If adopted, the net impact upon MVU customers will be an increase in rates.

ALTERNATIVES

1. Approve proposed resolution amending the Electric Rates and Electric Service Rules, Fees and Charges for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *The amendment of the Electric Rates, and Electric Rules, Fees, and Charges will allow the City's utility to recover its costs for service, and to offer competitive rates.*

2. Do not approve proposed resolution amending the Electric Rates and Electric Service Rules, Fees, and Charges for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *This would restrict the City's utility in its ability to recover utility costs, and also its ability to offer competitive rates.*

FISCAL IMPACT

As rates, charges and fees are adjusted, revenues will reflect the adjustments. Utility revenues will increase slightly if the proposed changes are adopted by City Council.

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:
The municipal electric utility will generate revenues to provide funding for City programs and services over time. These revenues will help achieve important financial goals of the City.

POSITIVE ENVIRONMENT:
The proposed rate adjustments ensures timely changes to the rates, fees and charges of the City's utility, and helps to create a positive environment for economic development within the community. The City of Moreno Valley will offer competitive rates and will help the City create new, well paying jobs.

NOTIFICATION

Posting of the Agenda.

Attachments

Attachment 1 – Proposed Resolution

Prepared By: George Hanson
Electric Utility Division Manager

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

Concurred By: Darcy Ramirez
Senior Financial Analyst

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

W:\Electric Utility\Administration - Finance\Staff Reports\2009 SR's\Drafts\SR - Rate and Rules Adjustments 26May2009-Final.doc

RESOLUTION NO. 2009-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES, AND ELECTRIC SERVICE RULES, FEES, AND CHARGES FOR MORENO VALLEY UTILITY

WHEREAS, the City of Moreno Valley (the "City"), a municipal corporation, is authorized pursuant to Article XI, Section 9(a) of the California Constitution to establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communication; and

WHEREAS, on June 26, 2001, the City Council of the City of Moreno Valley approved Resolution No. 2001-33 and, as amended by Resolution 2002-46, authorized the formation of a municipally owned utility for the purpose of providing electrical power, storm water, telephone telecommunications, cable TV, water, natural gas, and sanitary sewer; and

WHEREAS, on July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges document for Moreno Valley Utility which states, in part, that the rates to be charged by and paid to the City for electric service will be the rates legally in effect and on file with the City Council; and

WHEREAS, there are sections of the Electric Service Rules, Fees and Charges document that contain rules which define the terms and conditions under which electric service will be provided to the customer; and

WHEREAS, there are rules, fees, charges, and rates associated with providing the services identified in the document. These rules, fees, charges, and rates are deemed necessary and equitable for services rendered and are required to fund in whole or in part, all of the services required to facilitate the delivery of electric distribution pursuant to the rules; and

WHEREAS, Urgency Ordinance No. 651 was adopted by the City Council on December 9, 2003, allowing for the adoption of rates by resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council hereby adopts the amended Moreno Valley Utility Electric Rates and Electric Service Rules, Fees, and Charges as on file in the Public Works Department and City Clerk's Office.

APPROVED AND ADOPTED this 26th day of May 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

This page intentionally left blank.

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	RDH
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: May 26, 2009

TITLE: PARCEL MAP 32326 - APPROVE THE SECOND AMENDED AND RESTATED COOPERATIVE AGREEMENT FOR SUNNYMEAD MASTER DRAINAGE PLAN CENTERPOINTE, BRODIAEA AVENUE STORM DRAIN AND GRAHAM STREET STORM DRAIN SYSTEM, BETWEEN RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, THE CITY OF MORENO VALLEY, RIDGE MORENO VALLEY, LLC AND RIDGE MORENO VALLEY II, LLC

North of Cactus Avenue, between Frederick Street and Heacock Street

Subdivider – Ridge Moreno Valley, LLC and
Ridge Moreno Valley II, LLC
201 Covina Avenue
Long Beach, CA 90803

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Second Amended and Restated Cooperative Agreement between the Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, Ridge Moreno Valley, LLC and Ridge Moreno Valley II, LLC for Parcel Map 32326 Sunnymead Master Drainage Plan Centerpointe Brodiaea Avenue and Graham Street Storm Drain.

2. Authorize the Mayor to execute the Second Amended and Restated Cooperative Agreement.

3. Direct the City Clerk to forward the signed Second Amended and Restated Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On January 10, 2006 the City Council for the City of Moreno Valley approved the Cooperative Agreement between Riverside County Flood Control and Water Conservation District (the District), the City of Moreno Valley (City), and Ridge Moreno Valley, LLC (Developer) for the Sunnymead Master Drainage Plan Centerpointe and Brodiaea Avenue Storm Drain Systems.

On May 9, 2006 and July 11, 2006, the City Council for the City of Moreno Valley approved the agreement and bonds for Phase I and Phase II (respectively) for Parcel Map 32326, which included bonds for storm drains.

On January 22, 2008, the City Council for the City of Moreno Valley accepted the improvements for Phase I and accepted a portion of the improvements for Phase II. The phase II improvements still pending included traffic signal and street improvement related work, completion of the bike path, drainage related work, and landscaping.

On June 24, 2008 the City Council for the City of Moreno Valley approved the First Amended and Restated Cooperative Agreement for the above agreement between the same three parties.

DISCUSSION

As a condition of approval for Parcel Map 32326, the City requires the Developer to construct certain storm drain facilities in order to provide flood protection and drainage for the Developer's planned development. The Cooperative Agreement is the District's mechanism by which the District, the City, and the Developer coordinate the construction and maintenance of Master Storm Drain facilities.

The Developer had nearly completed the storm drain facilities when it encountered a conflicting sixteen inch (16") gas line on its property (not in the public right-of-way). This necessitated the Developer to redesign and submit modified plans to the District and the City for approval to delineate the bypass of the gas line at the southerly part of the Brodiaea Avenue Storm Drain Systems and relocate another portion along Graham Street.

The Developer maintains responsibility for the operation and maintenance for all of the storm drain facilities it has constructed until the District and the City accept their portions of the improvements. The District cannot accept only portions of a storm drain, therefore, the First Amended and Restated Cooperative Agreement revised the

Cooperative Agreement to only include the storm drain systems that have been completed and are not affected by the gas line detour, so that the District can accept the completed storm drain facilities for operation and maintenance.

The Second Amended and Restated Cooperative Agreement revised the Cooperative Agreement to include all of the First Amended and Restated Cooperative Agreement storm drain system and the additional southerly extension of the Brodiaea Avenue Storm Drain and addition realignment to the Graham Street Storm Drain System.

The completed facilities for this amended project include construction of approximately 3,300 linear feet of underground storm drain system (Centerpointe Storm Drain), approximately 4,300 linear feet of underground storm drain system (Brodiaea Avenue Storm Drain), approximately 600 linear feet of storm drain within the Graham Street right-of-way, approximately 210 linear feet of reinforced concrete box storm drains (Box Culverts), approximately 80 linear feet of storm drain within the Cactus Avenue right-of-way, and two detention basins.

The improvements were bonded by the Developer and submitted to City Council for approval as part of the Agreement for Public Improvements and bond packet for Parcel Map 32326 Phase II on July 11, 2006. The City will maintain the security for the incomplete portion of the storm drain facilities that need to cross the gas line and Graham Street Storm Drain System until the Developer completes that portion and City Council accepts the improvements.

ALTERNATIVES

1. Approve the Second Amended and Restated Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, Ridge Moreno Valley, LLC, and Ridge Moreno Valley II, LLC for Parcel Map 32326 Sunnymead Master Drainage Plan Centerpointe, Brodiaea Avenue Storm Drain and Graham Street Storm Drain Systems. Authorize the Mayor to execute the Second Amended and Restated Cooperative Agreement. Authorize the Mayor to execute the Second Amended and Restated Cooperative Agreement.

2. Do not approve the Second Amended and Restated Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, Ridge Moreno Valley, LLC, and Ridge Moreno Valley II, LLC for Parcel Map 32326 Sunnymead Master Drainage Plan Centerpointe, Brodiaea Avenue Storm Drain and Graham Street Storm Drain Systems. Do not authorize the Mayor to execute the Second Amended and Restated Cooperative Agreement. Do not authorize the Mayor to execute the Second Amended and Restated Cooperative Agreement. *If City Council does not accept staff's recommendation the developer will continue to be responsible for maintenance and ownership of the storm drain system it constructed.*

FISCAL IMPACT

There is no fiscal impact.

CITY COUNCIL GOALS

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

NOTIFICATION

Publication of agenda

ATTACHMENTS

Attachment 1 – Vicinity Map
Attachment 2 – Second Amended and Restated Cooperative Agreement for Sunnymead Master Drainage Plan Centerpointe, Brodiaea Avenue Storm Drain, and Graham Street Storm Drain Systems

Prepared By
Guy Pegan, P.E
Senior Engineer

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

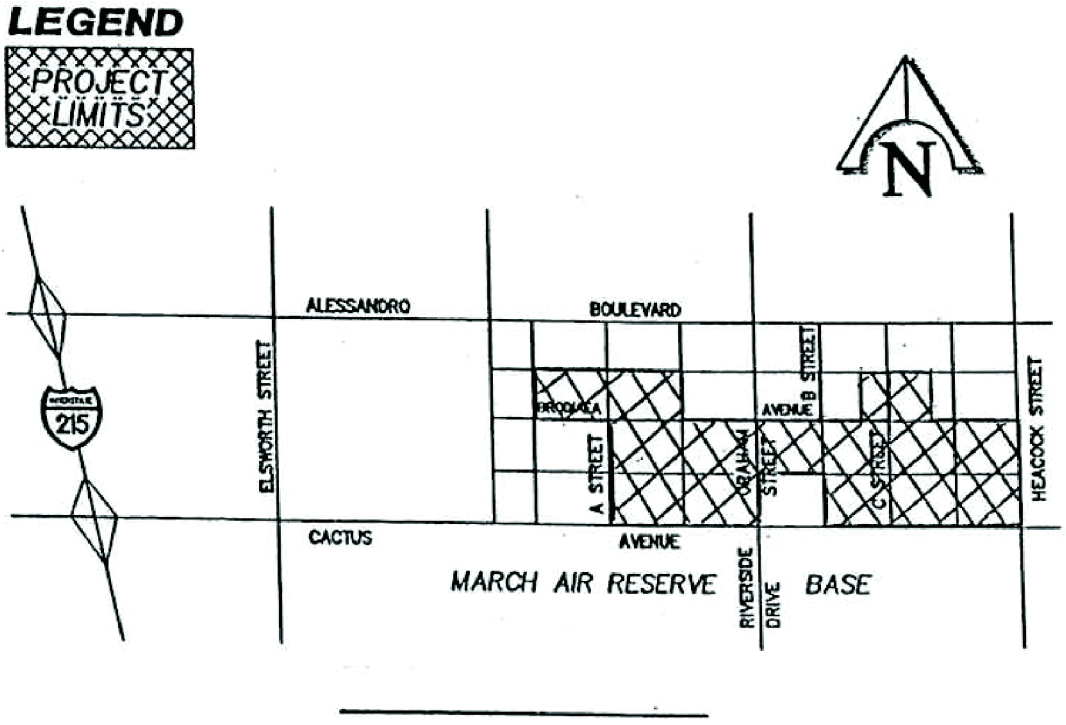
Concurred By
Clement Jimenez, P.E.
Senior Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

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

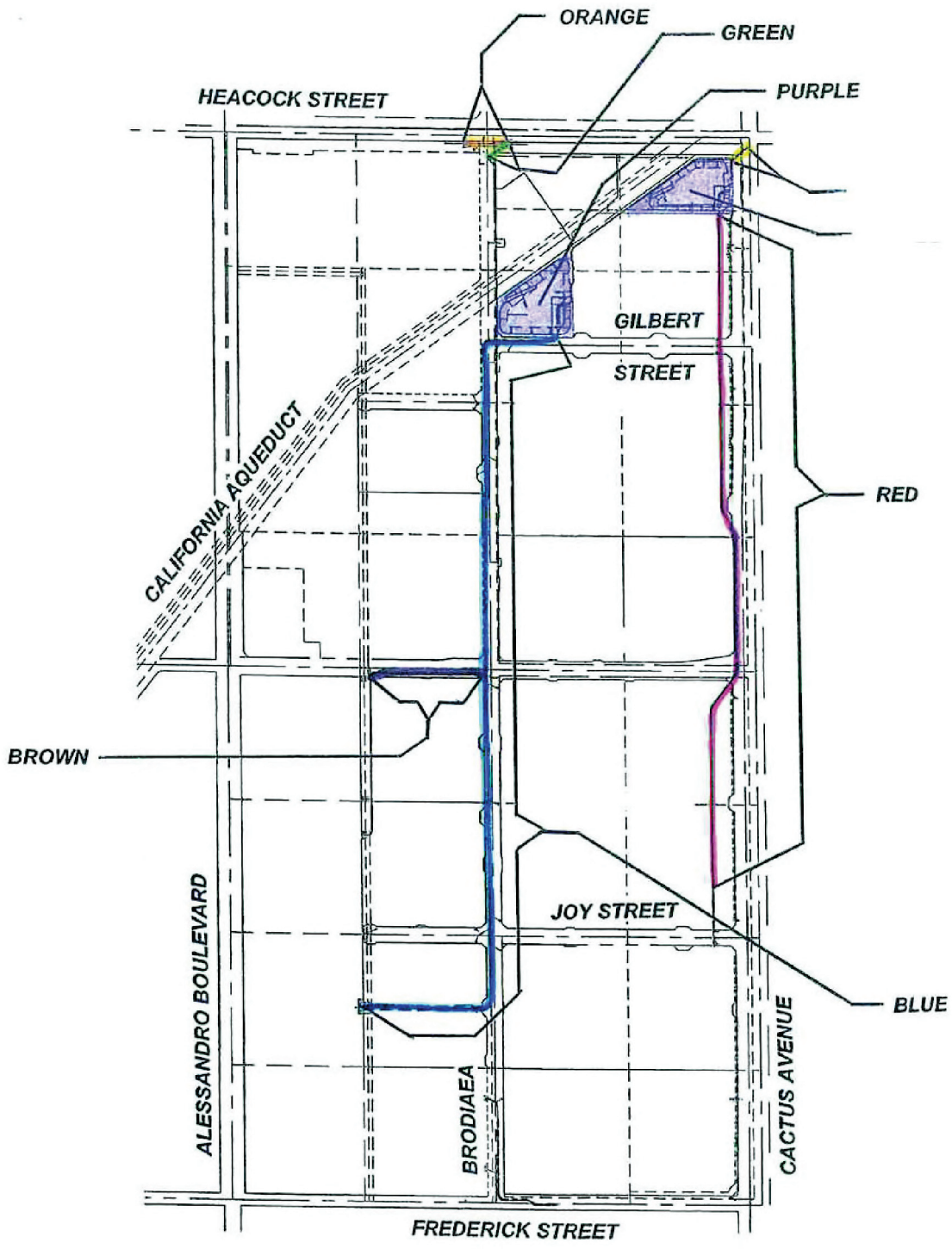
W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2009 StfRpts\5-12-09 PM 32326 - Cooperative Agreement-2Restated.doc

This page intentionally left blank.



CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Attachment 1	**PM 32326** **VICINITY MAP** **Page 1 of 2**

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2009 StfRpts\5-12-09 PM 32326 - Attachement 1.doc



CITY OF MORENO VALLEY
PUBLIC WORKS - LAND DEVELOPMENT

PM 32326
VICINITY MAP
Page 2 of 2

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2009 StfRpts\5-12-09 PM 32326 - Attachement 1.doc

SECOND AMENDED AND RESTATED
COOPERATIVE AGREEMENT
Sunnymead – Centerpointe Storm Drain
Sunnymead – Brodiaea Avenue Storm Drain
Sunnymead – Graham Street Storm Drain
(Project Nos. 4-0-00736, 4-0-00737 and 4-0-00633)
(Parcel Map No. 32326)

The RIVERSIDE COUNTY FLOOD CONTROL and WATER CONSERVATION DISTRICT, hereinafter called "DISTRICT", the CITY OF MORENO VALLEY, hereinafter called "CITY", and RIDGE MORENO VALLEY, LLC, a Delaware limited liability company doing business in California as Ridge Moreno Valley Property, LLC, hereinafter called "RIDGE", and RIDGE MORENO VALLEY II, LLC, a Delaware limited liability company hereinafter called "RIDGE II", hereby agree as follows:

RECITALS

A. RIDGE and RIDGE II are hereinafter together called "DEVELOPERS". DEVELOPERS have submitted for approval Parcel Map No. 32326 in the city of Moreno Valley and as a condition for approval DEVELOPERS must construct certain flood control and drainage facilities in order to provide flood protection and drainage for DEVELOPERS' planned development; and

B. The required facilities include construction of:

(i) approximately 3,300 lineal feet of underground storm drain system (from Sta. 13+20 to Sta. 46+28), hereinafter called "CENTERPOINTE STORM DRAIN", as shown in concept in red on Exhibit "A" attached hereto and made a part hereof;

(ii) approximately 4,300 lineal feet of underground storm drain system and inlet (from Sta. 43+66 to Sta. 86+64), hereinafter called

Attachment 2

"BRODIAEA AVENUE STORM DRAIN", as shown in concept in blue on Exhibit "A";

(iii) approximately 600 lineal feet of underground storm drain system (from Sta. 1+16 to Sta. 7+11), hereinafter called "GRAHAM STREET STORM DRAIN", as shown in concept in brown on Exhibit "A";

(iv) approximately 110 lineal feet of reinforced concrete box, hereinafter called "BOX CULVERT", located at the intersection of Brodiaea Avenue and DISTRICT'S Heacock Channel – Sunnymead Line B, Stage 2, as shown in concept in orange on Exhibit "A";

(v) approximately 100 lineal feet of reinforced concrete box storm drain, as shown in concept in green on Exhibit "A" and hereinafter called "LINE F", replacing a segment of DISTRICT'S existing Sunnymead MDP Line F, Stage 3;

(vi) two (2) detention basins, hereinafter called "BASIN A" and "BASIN B", respectively, and collectively called "BASINS" as shown in concept in purple on Exhibit "A"; and

(vii) approximately 80 lineal feet of underground storm drain located within the right of way of Cactus Avenue, hereinafter called "STORM DRAIN", as shown in concept in yellow on Exhibit "A".

GRAHAM STREET STORM DRAIN drains into BRODIAEA AVENUE STORM DRAIN; BRODIAEA AVENUE STORM DRAIN drains into BASIN A. CENTERPOINTE STORM DRAIN drains into BASIN B. STORM DRAIN receives flow from BASINS and discharges to DISTRICT'S existing Heacock Channel. CENTERPOINTE STORM DRAIN, BRODIAEA

AVENUE STORM DRAIN, GRAHAM STREET STORM DRAIN, STORM DRAIN and LINE F are hereinafter altogether called "DISTRICT DRAINAGE FACILITIES". All proposed DISTRICT DRAINAGE FACILITIES except GRAHAM STREET STORM DRAIN are shown on District Drawing No. 4-888. GRAHAM STREET STORM DRAIN is shown on District Drawing No. 4-992; and

C. Associated with the construction of DISTRICT DRAINAGE FACILITIES is the construction of the aforementioned BOX CULVERT along with various catch basins, storm drain inlets, laterals, connector pipes and "bleeder lines" which are hereinafter altogether called "APPURTENANCES". APPURTENANCES located within CITY held easements or rights of way are hereinafter called "CITY APPURTENANCES". APPURTENANCES located within DISTRICT'S existing Heacock Channel right of way are included among DISTRICT DRAINAGE FACILITIES. BOX CULVERT and CITY APPURTENANCES are hereinafter altogether called "CITY DRAINAGE FACILITIES"; and

D. The aforementioned BASINS along with (i) the associated segments of underground storm drains located on DEVELOPERS' property, and (ii) those various APPURTENANCES located on DEVELOPERS' property or within a DISTRICT storm drain easement are hereinafter altogether called "DEVELOPER DRAINAGE FACILITIES"; and

E. DISTRICT DRAINAGE FACILITIES, CITY DRAINAGE FACILITIES and DEVELOPER DRAINAGE FACILITIES are hereinafter called "PROJECT"; and

F. DEVELOPERS and CITY desire DISTRICT to accept ownership and responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES. Therefore, DISTRICT must review and approve DEVELOPERS' plans and specifications and subsequently inspect the construction of DISTRICT DRAINAGE FACILITIES; and

G. DEVELOPERS and DISTRICT desire CITY to accept ownership and responsibility for the operation and maintenance of CITY DRAINAGE FACILITIES. Therefore, CITY must review and approve DEVELOPERS' plans and specifications and subsequently inspect the construction of CITY DRAINAGE FACILITIES; and

H. Between themselves, DEVELOPERS and CITY have entered, or will enter, into a separate agreement setting forth their respective responsibilities with regard to the operation and maintenance of the DEVELOPER DRAINAGE FACILITIES; and

I. DISTRICT is willing to (i) review and approve DEVELOPERS' plans and specifications for PROJECT, (ii) inspect the construction of DISTRICT DRAINAGE FACILITIES, (iii) grant CITY the right to inspect, operate and maintain CITY DRAINAGE FACILITIES within DISTRICT'S existing Heacock Channel right of way, (iv) accept ownership and responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES, and (v) accept responsibility for keeping BOX CULVERT free and clear of sediment and debris, provided DEVELOPERS (i) comply with this Agreement, (ii) pay DISTRICT the amounts specified herein to cover DISTRICT'S plan review and construction inspection costs, (iii) construct PROJECT in accordance with plans and specifications approved by DISTRICT and CITY, (iv) obtain all necessary permits, regulatory permits, licenses and rights of entry as set forth herein, (v) accept ownership and sole responsibility for the operation and maintenance of PROJECT following completion of PROJECT construction until such time as DISTRICT accepts ownership and responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES and CITY accepts ownership and responsibility for the operation and maintenance of CITY DRAINAGE FACILITIES, and (vi) obtain and convey to DISTRICT the necessary rights of way for the inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES as set forth herein; and

J. CITY is willing to (i) review and approve plans and specifications prepared by DEVELOPERS for PROJECT, (ii) inspect the construction of CITY DRAINAGE FACILITIES and DEVELOPER DRAINAGE FACILITIES, (iii) accept and hold faithful performance and payment bonds submitted by DEVELOPERS for PROJECT, (iv) grant DISTRICT the right to inspect, operate and maintain DISTRICT DRAINAGE FACILITIES within CITY rights of way, (v) consent to the recordation and conveyance of Irrevocable Offer(s) of Dedication furnished by DEVELOPERS as provided herein, and (vi) accept ownership and responsibility for the operation and maintenance of CITY DRAINAGE FACILITIES, provided PROJECT is constructed in accordance with plans and specifications approved by DISTRICT and CITY; and

K. On May 2, 2006, DISTRICT, CITY and RIDGE, acting as the then sole owner of Parcel Map 32326, entered into a Cooperative Agreement which was recorded May 17, 2006 as Document No. 2006-0359398 in the Official Records of Riverside County, hereinafter called "PREVIOUS AGREEMENT", pertaining to Parcel Map 32326 and the construction, inspection and acceptance of DISTRICT DRAINAGE FACILITIES, CITY DRAINAGE FACILITIES and DEVELOPER DRAINAGE FACILITIES. RIDGE has subsequently conveyed a portion of Parcel Map 32326 to RIDGE II and together DEVELOPERS have commenced construction of PROJECT pursuant to the provisions of PREVIOUS AGREEMENT; however, DISTRICT has not accepted DISTRICT DRAINAGE FACILITIES for ownership, operation and maintenance, and CITY has not accepted CITY DRAINAGE FACILITIES for ownership, operation and maintenance as set forth therein; and

L. Pursuant to requirements set forth in PREVIOUS AGREEMENT, RIDGE has provided DISTRICT with an executed Irrevocable Offer of Dedication to the public for certain rights of way located within Parcel Map 32326. Said Irrevocable Offer of Dedication

was recorded June 16, 2006, as Document No. 2006-0437088 in the Official Records of Riverside County, but has not been accepted by CITY. DISTRICT is willing to request CITY to approve a resolution to quitclaim all public right, title and interest to said rights of way, as the number and location of DISTRICT FACILITIES has changed from that described and shown in PREVIOUS AGREEMENT and DEVELOPERS shall provide new Irrevocable Offer(s) of Dedication pursuant to the terms of this Agreement; and

M. On September 2, 2008, DISTRICT, CITY and RIDGE, acting as the then sole owner of Parcel Map 32326, entered into an Amended and Restated Cooperative Agreement which was recorded October 17, 2008, as Document No. 2008-0557898 in the Official Records of Riverside County, hereinafter called "PREVIOUS AMENDED AGREEMENT", pertaining to Parcel Map 32326 and the construction, inspection and acceptance of DISTRICT DRAINAGE FACILITIES, CITY DRAINAGE FACILITIES and DEVELOPER DRAINAGE FACILITIES. RIDGE has subsequently conveyed a portion of Parcel Map 32326 to RIDGE II and together, DEVELOPERS have commenced construction of PROJECT pursuant to the provisions of both PREVIOUS AGREEMENT and PREVIOUS AMENDED AGREEMENT; however, DISTRICT has not accepted DISTRICT DRAINAGE FACILITIES for ownership, operation and maintenance, and CITY has not accepted CITY DRAINAGE FACILITIES for ownership, operation and maintenance as set forth therein; and

N. DISTRICT, CITY and DEVELOPERS mutually desire and agree that the provisions of this Agreement shall supersede all provisions of PREVIOUS AGREEMENT and PREVIOUS AMENDED AGREEMENT.

NOW, THEREFORE, the parties hereto mutually agree as follows:

SECTION I

DEVELOPERS shall:

1. Prepare plans and specifications for PROJECT, hereinafter called "IMPROVEMENT PLANS", in accordance with DISTRICT and CITY standards, and submit to DISTRICT and CITY for their review and approval.

2. Continue to pay DISTRICT, within thirty (30) days after receipt of periodic billings from DISTRICT, any and all such amounts as are deemed reasonably necessary by DISTRICT to cover DISTRICT'S costs associated with the review of IMPROVEMENT PLANS, review and approval of right of way and conveyance documents, and with the processing and administration of this Agreement.

3. Deposit with DISTRICT (Attention: Business Office – Accounts Receivable), at the time of providing written notice to DISTRICT of the start of DISTRICT DRAINAGE FACILITIES construction as set forth in Section I.8. herein, the estimated cost of providing construction inspection for DISTRICT DRAINAGE FACILITIES, in an amount as determined and approved by DISTRICT in accordance with Ordinance Nos. 671 and 749 of the County of Riverside, including any amendments thereto, based upon the bonded value of PROJECT facilities to be inspected, operated and maintained by DISTRICT.

4. [This Section Intentionally Left Blank.]

5. Secure, at its sole cost and expense, all necessary licenses, agreements, permits and rights of entry as may be needed for the construction, inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES. DEVELOPERS shall furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with sufficient evidence of DEVELOPERS having secured such

necessary licenses, agreements, permits and rights of entry, as determined and approved by DISTRICT.

6. Furnish DISTRICT with copies of all permits, approvals or agreements required by any Federal or State resource and/or regulatory agency for the construction, operation and maintenance of DISTRICT DRAINAGE FACILITIES. Such documents include but are not limited to those issued by the U.S. Army Corps of Engineers, California Regional Water Quality Control Board, California State Department of Fish and Game, and State Water Resources Control Board.

7. Provide CITY, prior to providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with a faithful performance bond in the amount of one hundred percent (100%) of the estimated cost for construction of DISTRICT DRAINAGE FACILITIES as determined by DISTRICT and a material and labor bond in the amount of fifty (50%) of the estimated cost for construction of DISTRICT DRAINAGE FACILITIES as determined by DISTRICT. The surety, amount and form of the bonds shall be subject to the approval of DISTRICT and CITY. The bonds shall remain in full force and effect until DISTRICT DRAINAGE FACILITIES are accepted by DISTRICT as complete, at which time the faithful performance bond amount may be reduced to ten percent (10%) for a period of one year to guarantee against any defective work, labor or materials.

8. Notify DISTRICT in writing (Attention: Administrative Services Section) at least twenty (20) days prior to the start of construction of DISTRICT DRAINAGE FACILITIES. Construction shall not begin on any element of DISTRICT DRAINAGE FACILITIES, for any reason whatsoever, until DISTRICT has issued to DEVELOPERS a written Notice to Proceed authorizing DEVELOPERS to initiate DISTRICT DRAINAGE FACILITIES construction.

9. Grant DISTRICT, by execution of this Agreement, the right to enter upon DEVELOPERS' property where necessary and convenient for the purpose of gaining access to, and performing inspection service for, the construction of DISTRICT DRAINAGE FACILITIES as set forth herein.

10. Obtain and provide DISTRICT, at the time of providing written notice to DISTRICT of the start of construction of DISTRICT DRAINAGE FACILITIES as set forth in Section I.8., with duly executed Irrevocable Offer(s) of Dedication to the public for flood control and drainage purposes, including ingress and egress, for the rights of way deemed necessary by DISTRICT for the construction, inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES, as shown in concept cross-hatched in blue or in red on Exhibit "B" attached hereto and made a part hereof. The Irrevocable Offer(s) of Dedication shall be in a form approved by DISTRICT and shall be executed by all legal and equitable owners of the property described in the offer(s).

11. Furnish DISTRICT, when submitting the Irrevocable Offer(s) of Dedication as set forth in Section I.10. with Preliminary Reports on Title dated not more than thirty (30) days prior to date of submission of all the property described in the Irrevocable Offer(s) of Dedication.

12. Furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8. with a complete list of all contractors and subcontractors to be performing work on PROJECT, including the corresponding license number and license classification of each. At such time, DEVELOPERS shall further identify in writing their designated superintendent for PROJECT construction.

13. Furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8. a construction schedule which shall show the

order and dates in which DEVELOPERS or DEVELOPERS' contractor propose to carry on the various parts of work, including estimated start and completion dates. As construction of DISTRICT DRAINAGE FACILITIES progresses, DEVELOPERS shall update said construction schedule as requested by DISTRICT.

14. Furnish DISTRICT with final mylar IMPROVEMENT PLANS and assign their ownership to DISTRICT prior to the start of DISTRICT DRAINAGE FACILITIES construction.

15. Not permit any change to or modification of IMPROVEMENT PLANS without the prior written permission and consent of DISTRICT.

16. Comply with all Cal/OSHA safety regulations including regulations concerning confined space and maintain a safe working environment for DEVELOPERS and DISTRICT employees on the site.

17. Furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., a confined space procedure specific to DISTRICT DRAINAGE FACILITIES. The procedure shall comply with requirements contained in California Code of Regulations, Title 8 Section 5158, Other Confined Space Operations, Section 5157, Permit Required Confined Space and DISTRICT Confined Space Procedures, SOM-18. The procedure shall be reviewed and approved by DISTRICT prior to the issuance of a Notice to Proceed.

18. During the construction period of DISTRICT DRAINAGE FACILITIES, provide Workers' Compensation Insurance in an amount required by law. A certificate of said insurance policy shall be provided to DISTRICT, the County of Riverside and CITY at the time of providing written notice pursuant to Section I.8.

19. Commencing on the date notice is given pursuant to Section I.8. and continuing until DISTRICT accepts DISTRICT DRAINAGE FACILITIES for operation and maintenance:

(a) Provide and maintain or cause their contractor(s) to provide and maintain comprehensive liability insurance coverage which shall protect DEVELOPERS from claim from damages for personal injury, including accidental and wrongful death, as well as from claims for property damage which may arise from DEVELOPERS' construction of DISTRICT DRAINAGE FACILITIES or the performance of their obligations hereunder, whether such construction or performance be by DEVELOPERS, by any of their contractors, subcontractors, or by anyone employed directly or indirectly by any of them. Such insurance shall name DISTRICT, the County of Riverside and CITY as additional insureds with respect to this Agreement and the obligations of DEVELOPERS hereunder. Such insurance shall provide for limits of not less than two million dollars ($2,000,000) per occurrence.

(b) Cause their insurance carrier(s) or their contractor's insurance carrier(s), who shall be authorized by the California Department of Insurance to transact the business of insurance in the State of California, to furnish DISTRICT, the County of Riverside and CITY at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8. with certificate(s) of insurance and applicable policy endorsements showing that such insurance is in

full force and effect and that DISTRICT, the County of Riverside and CITY are named as additional insureds with respect to this Agreement and the obligations of DEVELOPERS hereunder. Further, said certificate(s) shall state that the issuing company shall give DISTRICT, the County of Riverside and CITY sixty (60) days written notice in the event of any cancellation, termination, non-renewal or reduction in coverage of the policies evidenced by the certificate(s). In the event of any such cancellation, termination, non-renewal or reduction in coverage, DEVELOPERS shall, forthwith, secure replacement insurance meeting the provisions of this paragraph.

Failure to maintain the insurance required by this paragraph shall be deemed a material breach of this Agreement and shall authorize and constitute authority for DISTRICT, at its sole discretion, to proceed to perform the remaining work pursuant to Section IV.3.

20. Construct, or cause to be constructed, PROJECT at DEVELOPERS' sole cost and expense in accordance with DISTRICT and CITY approved IMPROVEMENT PLANS.

21. Within two (2) weeks of completing PROJECT construction provide DISTRICT with written notice (Attention: Contract Administration Section) that PROJECT construction is substantially complete and requesting that DISTRICT conduct a final inspection of DISTRICT DRAINAGE FACILITIES.

22. Upon completion of PROJECT construction and upon acceptance by CITY of all street rights of way deemed necessary by DISTRICT and CITY for the operation and maintenance of DISTRICT DRAINAGE FACILITIES, but prior to DISTRICT acceptance of

DISTRICT DRAINAGE FACILITIES for ownership, operation and maintenance, convey, or cause to be conveyed to DISTRICT flood control easement(s), including ingress and egress, in a form approved by DISTRICT, for the rights of way as shown in concept cross-hatched in blue or in red on Exhibit "B".

23. At the time of recordation of the conveyance document(s) as set forth in Section I.22., furnish DISTRICT with policies of title insurance, each in the amount of not less than fifty percent (50%) of the estimated fee value, as determined by DISTRICT, for each easement parcel to be conveyed to DISTRICT, guaranteeing DISTRICT'S interest in said property as being free and clear of all liens, encumbrances, assessments, easements, taxes and leases (recorded or unrecorded), except those which, in the sole discretion of DISTRICT, are deemed acceptable.

24. [This Section Intentionally Left Blank.]

25. Accept ownership and sole responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES and CITY DRAINAGE FACILITIES until such time as DISTRICT accepts ownership and responsibility for operation and maintenance of DISTRICT DRAINAGE FACILITIES and CITY accepts ownership and responsibility for operation and maintenance of CITY DRAINAGE FACILITIES, respectively. Further, it is mutually understood by the parties hereto that prior to DISTRICT acceptance of ownership and responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES, PROJECT shall be in a satisfactorily maintained condition as solely determined by DISTRICT.

26. Pay, if suit is brought upon this Agreement or any bond guaranteeing the completion of PROJECT, all costs and reasonable expenses and fees, including reasonable attorneys' fees, and acknowledge that, upon entry of judgment, all such costs, expenses and fees shall be computed as costs and included in any judgment rendered.

27. Upon completion of construction of PROJECT but prior to DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES for ownership, operation and maintenance, DEVELOPERS' civil engineer of record or construction civil engineer of record, duly registered in the State of California, shall provide DISTRICT a redlined "as-built" copy of IMPROVEMENT PLANS. After DISTRICT approval of the redlined "as-built" drawings, DEVELOPERS' engineer shall schedule with DISTRICT a time to transfer the redlined changes onto DISTRICT'S original mylars at DISTRICT'S office, after which the engineer shall review, stamp and sign the IMPROVEMENT PLANS "AS-BUILT".

28. Ensure that all work performed pursuant to this Agreement by DEVELOPERS, their agents or contractors is done in accordance with all applicable laws and regulations, including but not limited to all applicable provisions of the Labor Code, Business and Professions Code, and Water Code. DEVELOPERS shall be solely responsible for all costs associated with compliance with applicable laws and regulations.

SECTION II

DISTRICT shall:

1. Review and approve IMPROVEMENT PLANS prepared by DEVELOPERS prior to the start of DISTRICT DRAINAGE FACILITIES construction.

2. Provide CITY an opportunity to review and approve IMPROVEMENT PLANS prior to DISTRICT'S final approval.

3. Upon execution of this Agreement, record or cause to be recorded, a copy of this Agreement in the Official Records of the Riverside County Recorder.

4. Record or cause to be recorded, the Irrevocable Offer(s) of Dedication provided by DEVELOPERS pursuant to Section I.10.

5. Upon recordation of the Irrevocable Offer(s) of Dedication referenced in Section II.4., request CITY to approve, in accordance with existing City policy and practice, a resolution to quitclaim all public right, title and interest to the rights of way described in the Irrevocable Offer of Dedication recorded June 16, 2006, as Document No. 2006-0437088 in the official Records of Riverside County.

6. Inspect DISTRICT DRAINAGE FACILITIES construction.

7. By execution of this Agreement, grant CITY the necessary rights to inspect, operate and maintain CITY DRAINAGE FACILITIES within DISTRICT'S existing Heacock Channel right of way.

8. Keep an accurate accounting of all DISTRICT costs associated with the review and approval of IMPROVEMENT PLANS, the review and approval of right of way and conveyance documents, and the processing and administration of this Agreement.

9. Keep an accurate accounting of all DISTRICT construction inspection costs, and within forty-five (45) days after DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete, submit a final cost statement to DEVELOPERS. If the deposit, as set forth in Section I.3. exceeds such costs, DISTRICT shall reimburse DEVELOPERS the excess amount within sixty (60) days after DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete. If at any time the costs exceed the deposit or are anticipated by DISTRICT to exceed the deposit, DEVELOPERS shall pay such additional amount(s), as deemed reasonably necessary by DISTRICT to complete inspection of DISTRICT DRAINAGE FACILITIES, within thirty (30) days after receipt of billing from DISTRICT.

10. Accept ownership and sole responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES upon (i) DISTRICT acceptance of PROJECT construction as being complete, (ii) recordation of all conveyance documents described in

Section I.22., and (iii) acceptance by CITY of all necessary street rights of way as deemed necessary by DISTRICT and CITY for the operation and maintenance of DISTRICT DRAINAGE FACILITIES and CITY DRAINAGE FACILITIES.

11. Upon CITY acceptance of BOX CULVERT for ownership, operation and maintenance, accept responsibility for keeping BOX CULVERT free and clear of sediment and debris.

12. Provide CITY with a reproducible duplicate copy of "as-built" IMPROVEMENT PLANS upon DISTRICT acceptance of PROJECT construction as being complete.

SECTION III

CITY shall:

1. Review and approve IMPROVEMENT PLANS prior to the start of PROJECT construction.

2. Accept CITY and DISTRICT approved faithful performance and payment bonds submitted by DEVELOPERS as set forth in Section I.7. and hold said bonds as provided herein.

3. Inspect construction of CITY DRAINAGE FACILITIES and DEVELOPER DRAINAGE FACILITIES.

4. Consent, by execution of this Agreement, to the recording of any Irrevocable Offer(s) of Dedication furnished by DEVELOPERS pursuant to this Agreement.

5. As requested by DISTRICT, accept the Irrevocable Offer(s) of Dedication as set forth herein, and any other outstanding offers of dedication necessary for the construction, inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES, and, convey

sufficient rights of way to DISTRICT to allow DISTRICT to construct, inspect, operate and maintain DISTRICT DRAINAGE FACILITIES.

6. Grant DISTRICT, by execution of this Agreement, the right to construct, inspect, operate and maintain DISTRICT DRAINAGE FACILITIES within CITY rights of way as set forth herein.

7. Accept ownership and sole responsibility for the operation and maintenance of CITY DRAINAGE FACILITIES upon DISTRICT acceptance of PROJECT as being complete.

SECTION IV

It is further mutually agreed:

1. All work involved with DISTRICT DRAINAGE FACILITIES shall be inspected by DISTRICT and shall not be deemed complete until approved and accepted in writing as complete by DISTRICT.

2. CITY and DEVELOPERS personnel may observe and inspect all work being done on DISTRICT DRAINAGE FACILITIES, but shall provide any comments to DISTRICT personnel who shall be solely responsible for all quality control communications with DEVELOPERS' contractor(s) during the construction of DISTRICT DRAINAGE FACILITIES.

3. DEVELOPERS shall complete construction of DISTRICT DRAINAGE FACILITIES within twelve (12) consecutive months after execution of this Agreement and within one hundred eighty (180) consecutive calendar days after commencing work on DISTRICT DRAINAGE FACILITIES. It is expressly understood that since time is of the essence in this Agreement, failure of DEVELOPERS to perform the work within the agreed upon time shall constitute authority for DISTRICT to perform the remaining work and require

DEVELOPERS' surety to pay to CITY the penal sum of any and all bonds. In which case, CITY shall subsequently reimburse DISTRICT for DISTRICT costs incurred.

4. [This Section Intentionally Left Blank.]

5. DISTRICT shall endeavor to issue DEVELOPERS a Notice to Proceed within twenty (20) days of receipt of DEVELOPERS' complete written notice as set forth in Section I.8.; however, DISTRICT'S construction inspection staff is limited and, therefore, the issuance of a Notice to Proceed is subject to staff availability.

In the event DEVELOPERS wish to expedite issuance of a Notice to Proceed, DEVELOPERS may elect to furnish an independent qualified construction inspector at DEVELOPERS' sole cost and expense. DEVELOPERS shall furnish appropriate documentation of the individual's credentials and experience to DISTRICT for review and, if appropriate, approval. DISTRICT shall review the individual's qualifications and experience and, upon approval thereof, said individual, hereinafter called "DEPUTY INSPECTOR", shall be authorized to act on DISTRICT'S behalf on all DISTRICT DRAINAGE FACILITIES construction and quality control matters. If DEVELOPERS' initial construction inspection deposit furnished pursuant to Section I.3. exceeds five thousand dollars ($5,000), DISTRICT shall refund to DEVELOPERS up to eighty percent (80%) of DEVELOPERS' initial inspection deposit within forty-five (45) days of DISTRICT'S approval of DEPUTY INSPECTOR; however, a minimum balance of five thousand dollars ($5,000) shall be retained on account.

6. Construction of DISTRICT DRAINAGE FACILITIES shall be on a five (5) day, forty (40) hour work week with no work on Saturdays, Sundays or DISTRICT designated legal holidays, unless otherwise approved in writing by DISTRICT. If DEVELOPERS feel it is necessary to work more than the normal forty (40) hour work week or on holidays, DEVELOPERS shall make a written request for permission from DISTRICT to

work the additional hours. The request shall be submitted to DISTRICT at least seventy-two (72) hours prior to the requested additional work hours and state the reasons for the overtime and the specific time frames required. The decision of granting permission for overtime work shall be made by DISTRICT at its sole discretion and shall be final. If permission is granted by DISTRICT, DEVELOPERS will be charged the cost incurred at the overtime rates for additional inspection time required in connection with the overtime work in accordance with Ordinance Nos. 671 and 749, including any amendments thereto, of the County of Riverside.

7. DEVELOPERS shall indemnify and hold harmless DISTRICT and CITY (including their agencies, districts, special districts and departments, their respective directors, officers, Board of Supervisors, elected and appointed officials, employees, agents and representatives) from any liability, claim, damage, proceeding or action, present or future, based upon, arising out of or in any way relating to DEVELOPERS' (including their officers, employees, subcontractors and agents) actual or alleged acts or omissions related to this Agreement, performance under this Agreement, or failure to comply with the requirements of this Agreement, including but not limited to: (a) property damage; (b) bodily injury or death; (c) liability or damage pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution or any other law, ordinance or regulation caused by the diversion of waters from the natural drainage patterns or the discharge of drainage within or from PROJECT; or (d) any other element of any kind or nature whatsoever.

DEVELOPERS shall defend, at their sole expense, including all costs and fees (including but not limited to attorney fees, cost of investigation, defense and settlements or awards), DISTRICT and CITY (including their agencies, districts, special districts and departments, their respective directors, officers, Board of Supervisors, elected and appointed

officials, employees, agents and representatives) in any claim, proceeding or action for which indemnification is required.

With respect to any of DEVELOPERS' indemnification requirements, DEVELOPER shall, at their sole cost, have the right to use counsel of their own choice and shall have the right to adjust, settle, or compromise any such claim, proceeding or action without the prior consent of DISTRICT and CITY; provided, however, that any such adjustment, settlement or compromise in no manner whatsoever limits or circumscribes DEVELOPERS' indemnification obligations to DISTRICT or CITY.

DEVELOPERS' indemnification obligations shall be satisfied when DEVELOPERS have provided to DISTRICT and CITY the appropriate form of dismissal (or similar document) relieving DISTRICT or CITY from any liability for the claim, proceeding or action involved.

The specified insurance limits required in this Agreement shall in no way limit or circumscribe DEVELOPERS' obligations to indemnify and hold harmless DISTRICT and CITY from third party claims.

In the event there is conflict between this section and California Civil Code Section 2782, this section shall be interpreted to comply with Civil Code 2782. Such interpretation shall not relieve the DEVELOPERS from indemnifying DISTRICT or CITY to the fullest extent allowed by law.

8. Any waiver by DISTRICT or by CITY of any breach of any one or more of the terms of this Agreement shall not be construed to be a waiver of any subsequent or other breach of the same or of any other term hereof. Failure on the part of DISTRICT or CITY to require exact, full and complete compliance with any terms of this Agreement shall not be

construed as in any manner changing the terms hereof, or estopping DISTRICT or CITY from enforcement hereof.

9. DEVELOPERS, DISTRICT and CITY each pledge to cooperate in regard to the operation and maintenance of their respective facilities as set forth herein and to discharge their respective maintenance responsibilities in an expeditious fashion so as to avoid the creation of any nuisance condition or undue maintenance impact upon the others' facilities.

10. This Agreement is to be construed in accordance with the laws of the State of California.

11. Any and all notices sent or required to be sent to the parties of this Agreement will be mailed by first class mail, postage prepaid, to the following addresses:

RIVERSIDE COUNTY FLOOD CONTROL
and WATER CONSERVATION DISTRICT
1995 Market Street
Riverside, CA 92501

CITY OF MORENO VALLEY
Post Office Box 88005
Moreno Valley, CA 92552-0805
Attn: Public Works Director

RIDGE MORENO VALLEY, LLC
201 Covina Avenue
Long Beach, CA 90803
Attn: Dennis Rice

RIDGE MORENO VALLEY II, LLC
201 Covina Avenue
Long Beach, CA 90803
Attn: Dennis Rice

12. Any action at law or in equity brought by any of the parties hereto for the purpose of enforcing a right or rights provided for by the Agreement, shall be tried in a court of competent jurisdiction in the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for a change of venue in such proceedings to any other county.

13. This Agreement is the result of negotiations between the parties hereto and the advice and assistance of their respective counsel. The fact that this Agreement was prepared as a matter of convenience by DISTRICT shall have no import or significance. Any uncertainty or ambiguity in this Agreement shall not be construed against DISTRICT because DISTRICT prepared this Agreement in its final form.

14. The rights and obligations of DEVELOPERS shall inure to and be binding upon all heirs, successors and assignees.

15. Other than the assignment of operation and maintenance responsibilities for DEVELOPER DRAINAGE FACILITIES between CITY and DEVELOPERS as noted above in Recital H., DEVELOPERS shall not assign or otherwise transfer any of its rights, duties or obligations hereunder to any person or entity without the written consent of the other parties hereto being first obtained. In the event of any such transfer or assignment, DEVELOPERS expressly understand and agree that they shall remain liable with respect to any and all of the obligations and duties contained in this Agreement.

16. The individual(s) executing this Agreement on behalf of DEVELOPERS hereby certify that they have the authority within their respective company(ies) to enter into and execute this Agreement, and have been authorized to do so by any and all boards of directors, legal counsel, and or any other board, committee or other entity within their respective company(ies) which have the authority to authorize or deny entering this Agreement.

17. This Agreement is intended by the parties hereto as a final expression of their understanding with respect to the subject matter hereof and as a complete and exclusive statement of the terms and conditions thereof and supersedes any and all prior and contemporaneous agreements and understandings, oral or written, in connection therewith. This Agreement may be changed or modified only upon the written consent of the parties hereto.

//

//

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on

_____.
(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

By _____
WARREN D. WILLIAMS
General Manager-Chief Engineer

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By _____
MARION ASHLEY, Chairman
Riverside County Flood Control and Water Conservation District Board of Supervisors

APPROVED AS TO FORM:

PAMELA J. WALLS
County Counsel

By _____
NEAL KIPNIS
Deputy County Counsel

ATTEST:

Clerk of the Board

By _____
Deputy

(SEAL)

Cooperative Agreement: PM 32326
JPS:blj
3/25/09

RECOMMENDED FOR APPROVAL:

By _____
CHRIS A. VOGT, P.E.
Public Works Director/City Engineer

CITY OF MORENO VALLEY

By _____
RICHARD A. STEWART
Mayor

APPROVED AS TO FORM:

By _____
ROBERT D. HERRICK
City Attorney

ATTEST:

JANE HALSTEAD
City Clerk

By _____

(SEAL)

Cooperative Agreement: PM 32326
JPS:blj
3/25/09

RIDGE MORENO VALLEY, LLC,
a Delaware limited liability company
doing business in California as
Ridge Moreno Valley Property, LLC

By: RIDGE 191, LLC,
a Delaware limited liability company,
Its Managing Member

By: RIDGE HMAN INVESTORS, LLC,
a Delaware limited liability company,
Its Managing Member

By: RIDGE PROPERTY TRUST,
a Maryland real estate investment trust,
Its Managing Member

By_____
DENNIS S. RICE
President

(ATTACH NOTARY WITH
CAPACITY STATEMENT)

RIDGE MORENO VALLEY II, LLC,
a Delaware limited liability company

By: RIDGE 191, LLC,
a Delaware limited liability company,
Its Managing Member

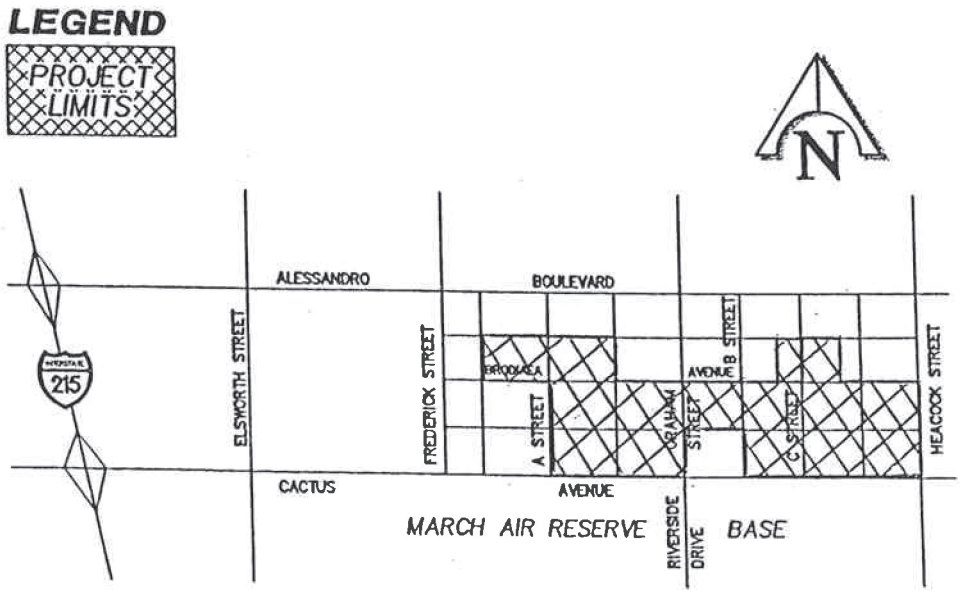
By: RIDGE HMAN INVESTORS, LLC,
a Delaware limited liability company,
Its Managing Member

By: RIDGE PROPERTY TRUST,
a Maryland real estate investment trust,
Its Managing Member

By_____
DENNIS S. RICE
President

(ATTACH NOTARY WITH
CAPACITY STATEMENT)

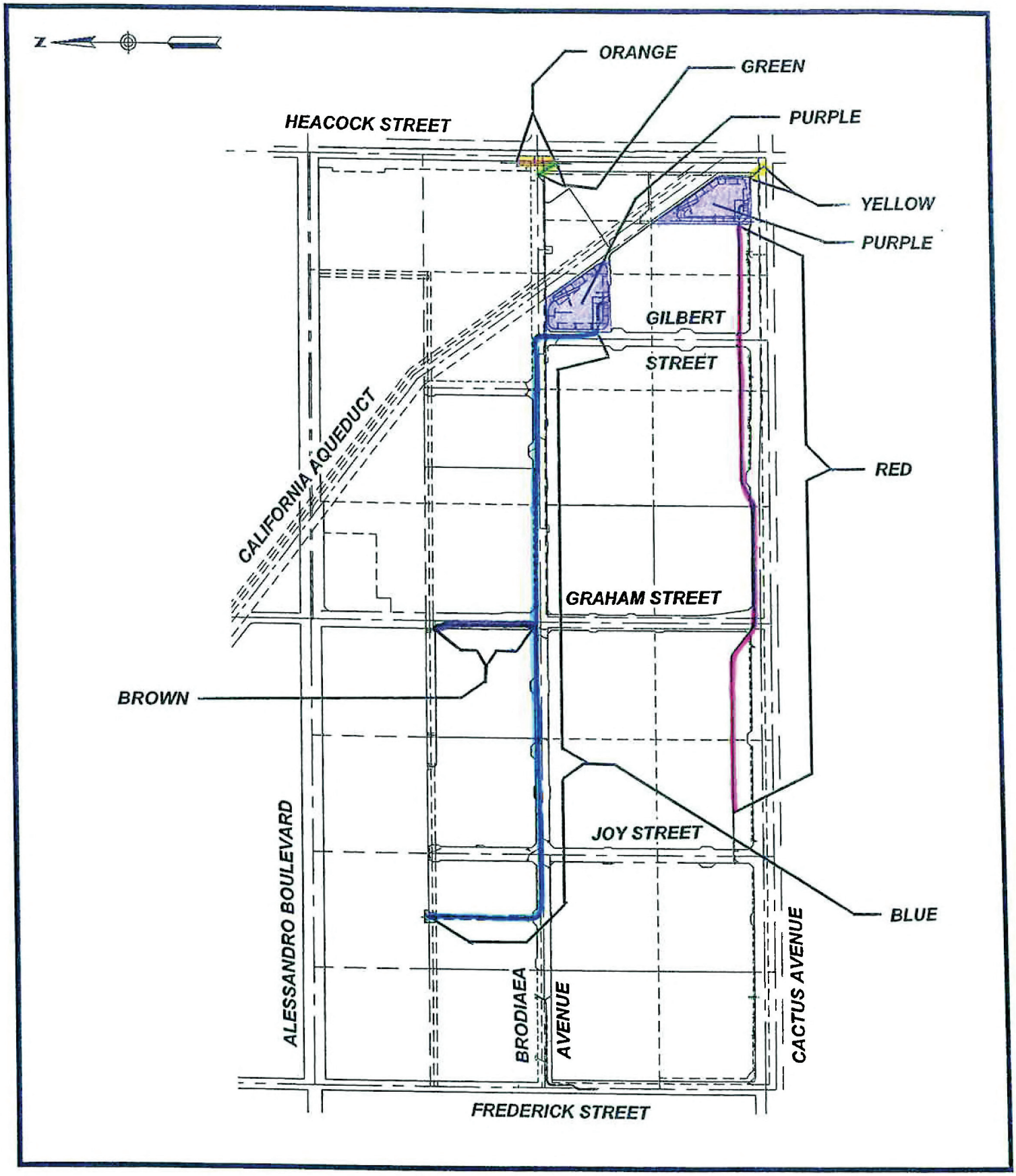
Exhibit A



VICINITY MAP

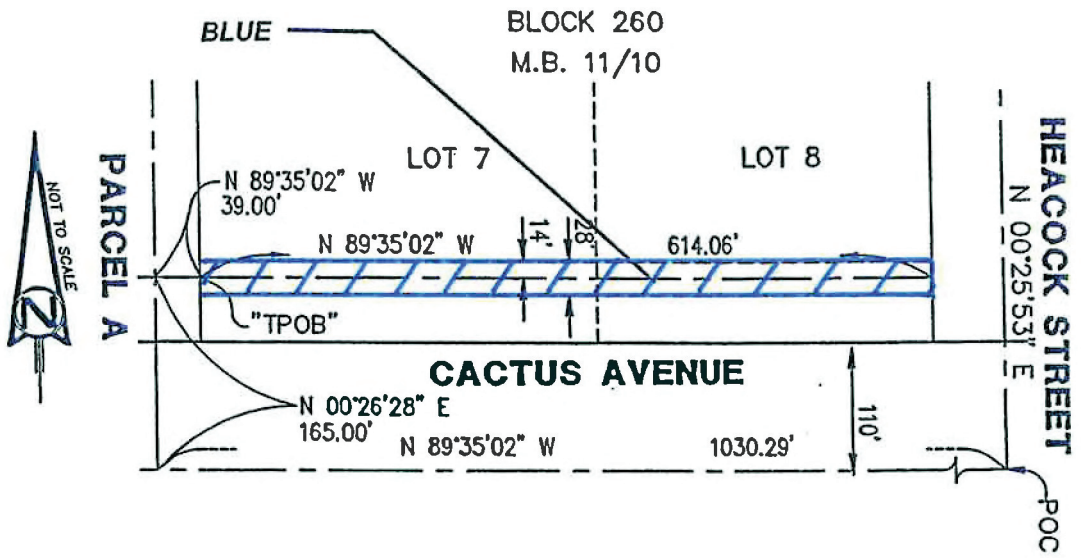
NOT TO SCALE

Exhibit A



Cooperative Agreement
Parcel Map 32326
2/2

Exhibit B



CENTERPOINTE STORM DRAIN

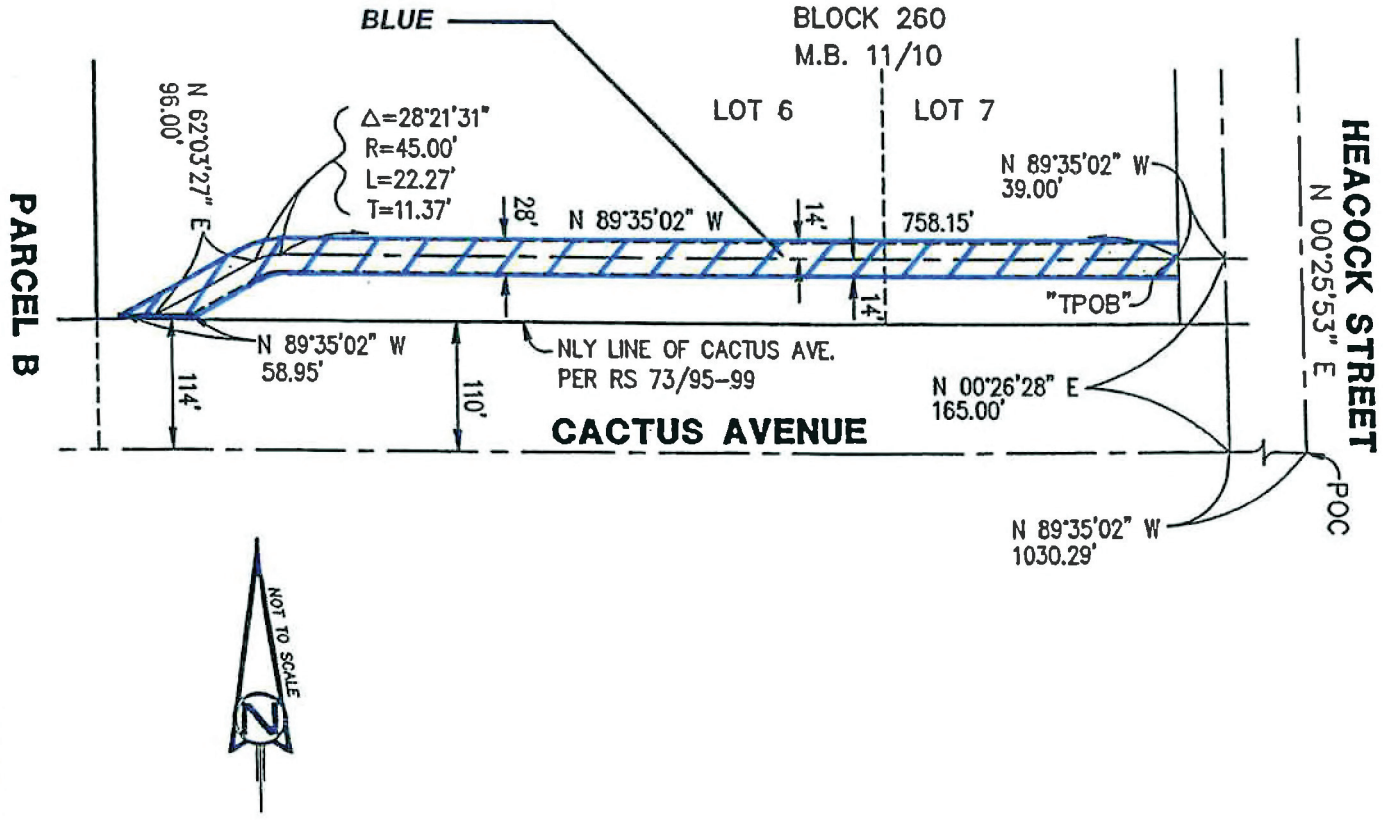
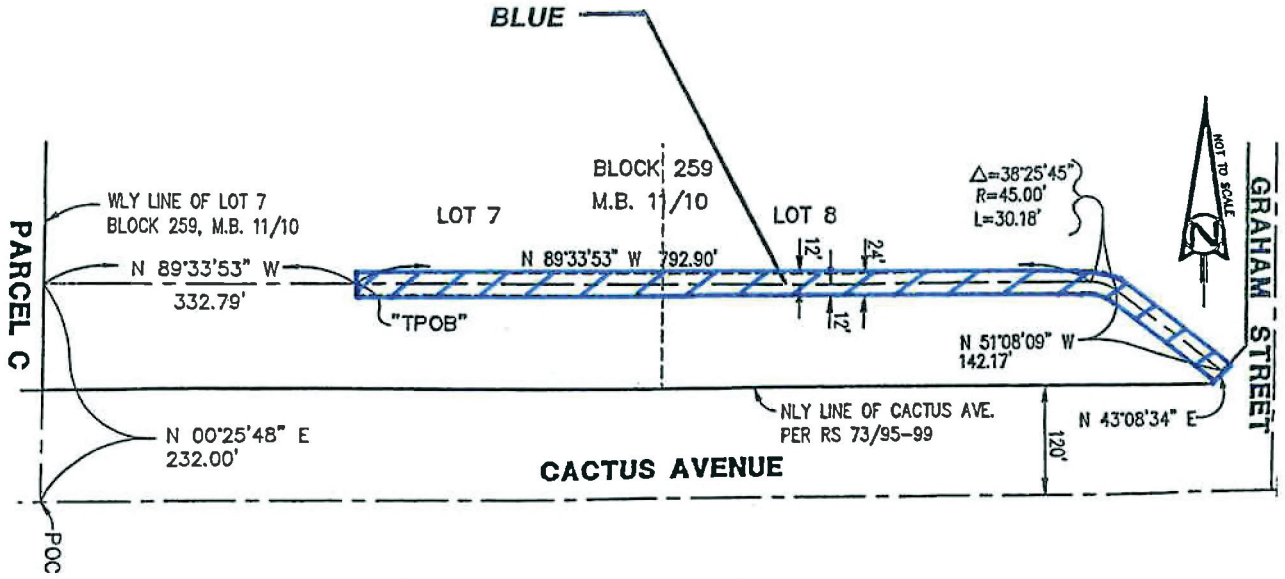


Exhibit B



CENTERPOINTE STORM DRAIN

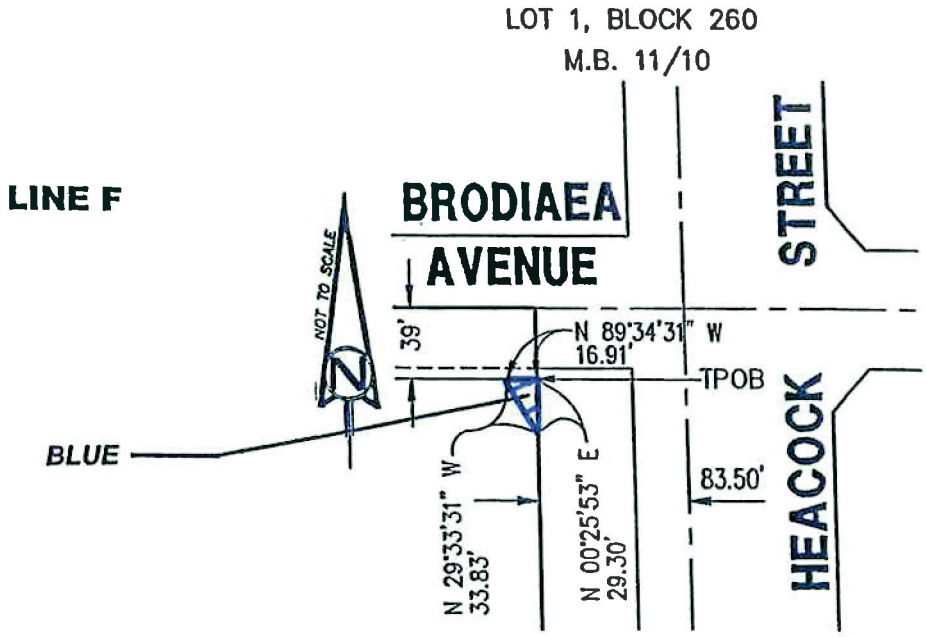


Exhibit B

GRAHAM STREET STORM DRAIN

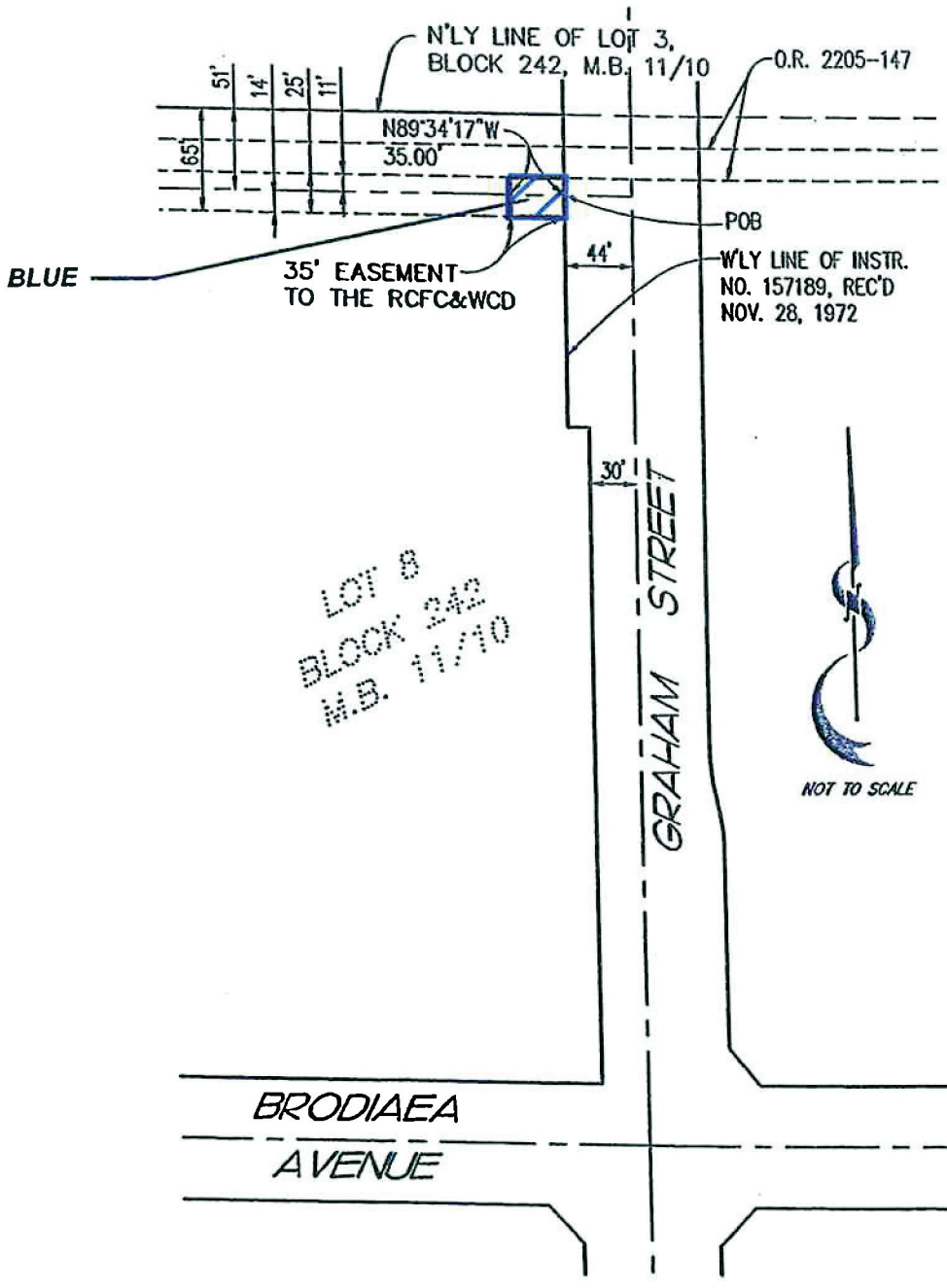
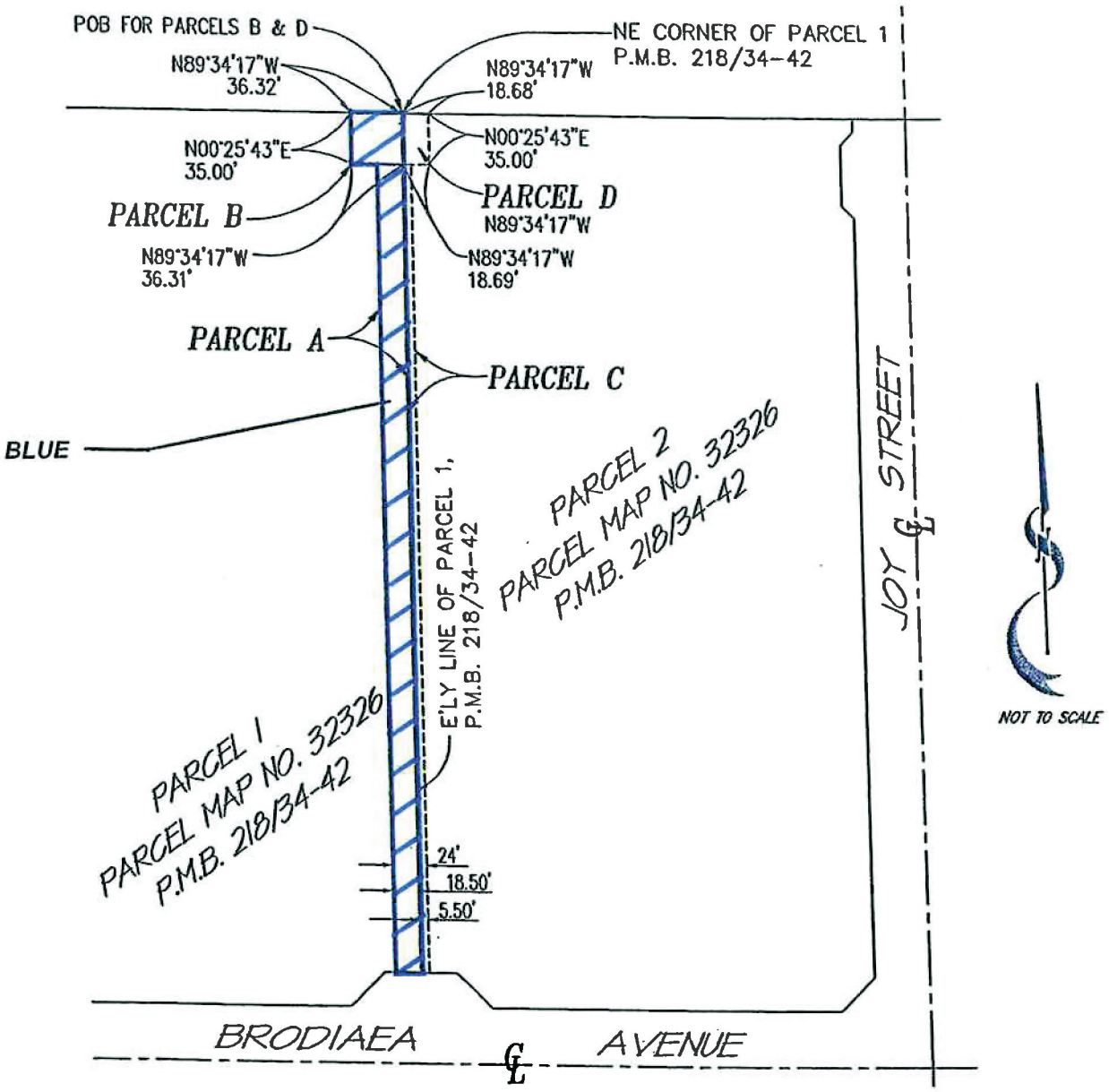
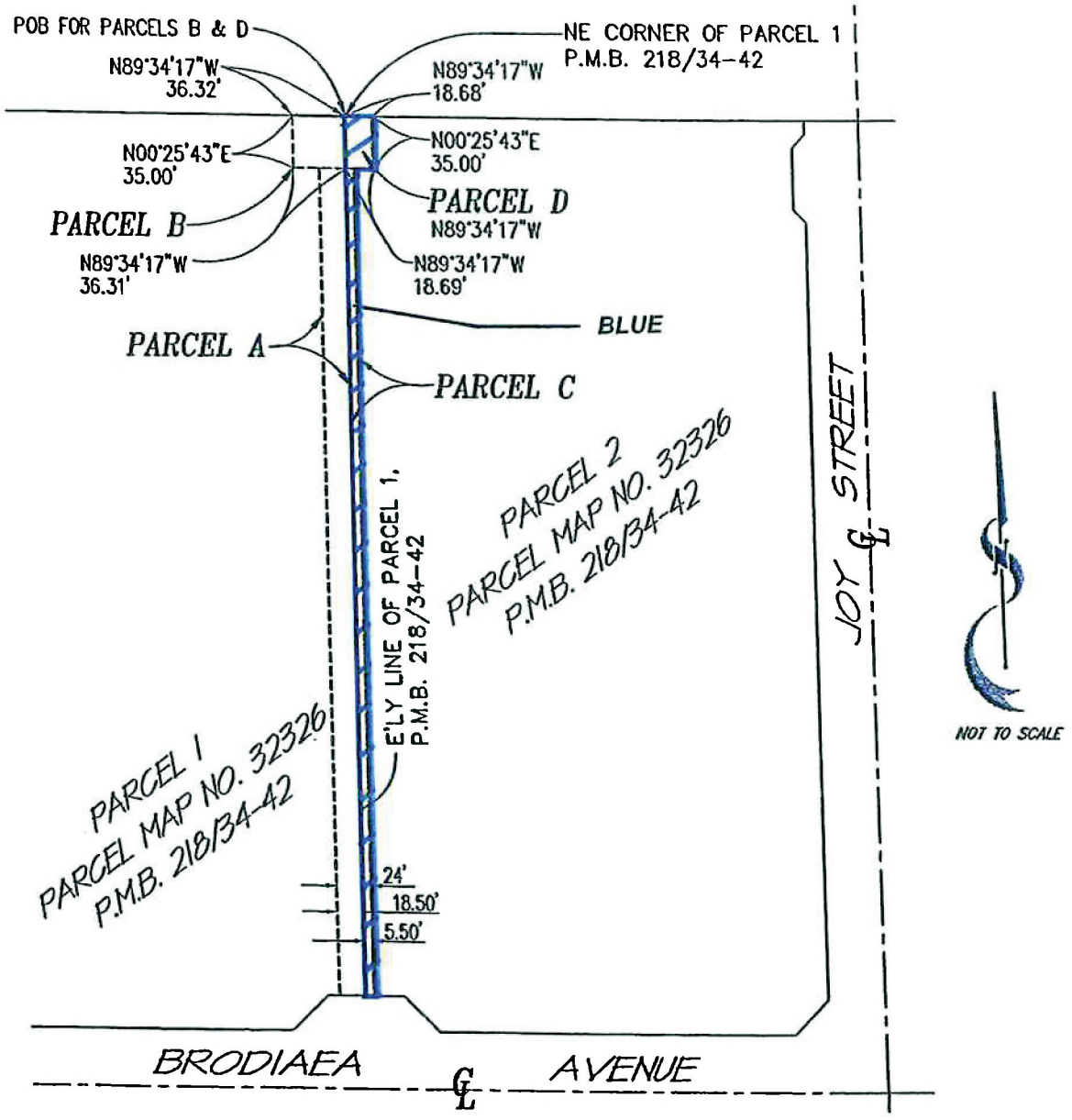


Exhibit B



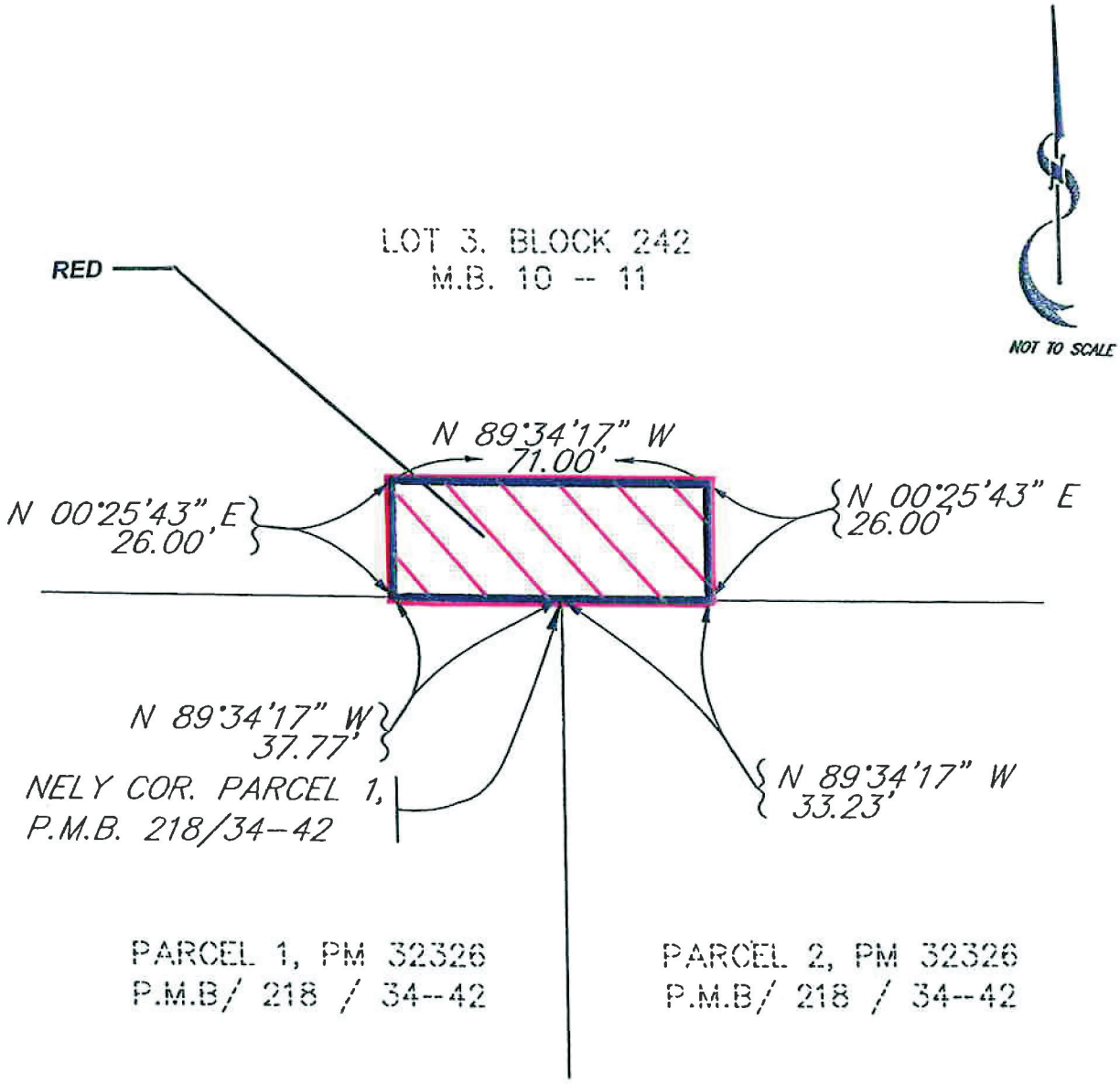
BRODIAEA AVENUE STORM DRAIN

Exhibit B



BRODIAEA AVENUE STORM DRAIN

Exhibit B



BRODIAEA AVENUE STORM DRAIN

This page intentionally left blank.

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: May 26, 2009

TITLE: PA08-0135 - APPROVAL OF COOPERATIVE AGREEMENT FOR PERRIS VALLEY – GROVE VIEW ROAD, STAGE 2 STORM DRAIN, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND WASTE MANAGEMENT COLLECTION AND RECYCLING, INC.

NORTH SIDE OF GROVE VIEW ROAD BETWEEN PERRIS BOULEVARD AND INDIAN STREET

DEVELOPER: WASTE MANAGEMENT COLLECTION AND RECYCLING, INC.
17700 INDIAN STREET
MORENO VALLEY, CA 92551

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and Waste Management Collection and Recycling, Inc., for the Perris Valley – Grove View Road, Stage 2 Storm Drain.

2. Authorize the Mayor to execute the Cooperative Agreement.

3. Direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not Applicable

BACKGROUND

On October 25, 1990, the Planning Commission of the City of Moreno Valley approved Conditional Use Permit 3060 and Plot Plan 1635 for the Waste Management Collection and Recycling, Inc. project. The Conditions of Approval required the developer to construct street improvements, curb, gutter, and sidewalks, along the property frontage, which would include the Perris Valley – Grove View Road, Stage 2 Storm Drain extension. The developer did not move forward with the construction of public improvements at that time.

Waste Management recently applied for a modification to the previously-approved Plot Plan. The proposed amendment (PA08-0135) is currently in the entitlement process for Condition of Approval requirements. The application (PA08-0135) is a proposal to construct certain facilities and parking areas. City staff is requiring Waste Management to complete the public improvements as indicated by the Conditions of Approval for CUP 3060.

On March 24, 2009, the City Council of the City of Moreno Valley approved the Agreement for Public Improvements and Bonds for CUP 3060, which included the storm drain work.

DISCUSSION

As a condition of Conditional Use Permit 3060 and Plot Plan 1635, the City requires the Developer to construct street improvements, including certain storm drain facilities in order to provide flood protection and drainage for the Developer's planned development. The Cooperative Agreement is the District's mechanism by which the District, the City, and the Developer coordinate the construction and maintenance of Master Storm Drain facilities.

The required facilities for this project include construction of approximately 180 linear feet of underground reinforced concrete pipe, which once accepted, will be the District's drainage facilities. This section of the Perris Valley – Grove View Road Stage 2 Storm Drain extension will terminate at the District's existing Perris Valley – Grove View Road Storm Drain. The City's drainage facilities would include certain catch basins, laterals, and connector pipes located within City-held easements or rights-of-way.

The Developer is responsible for the design and construction of the project. The plans and specifications have been approved in accordance with the District's and the City's standards.

The District is providing inspection for the construction under an existing Right of Entry and Inspection Agreement, and will accept ownership and responsibility for the maintenance of the District's drainage facilities, if the developer meets all requirements of the agreement.

The City has reviewed the plans and specifications, and will provide necessary inspection for storm drain construction, and accept ownership and responsibility for the operation and maintenance of the City's drainage facilities, if the developer meets all requirements of the agreement. The City is holding a Faithful Performance bond and Material and Labor bond for both the District's drainage facilities and the City's drainage facilities.

The Agreement for Public Improvements was bonded by the Developer and approved by City Council on March 24, 2009. The storm drain portion of the bonds will be held by the City until completion and acceptance of the storm drain improvements by the District and City Council.

ALTERNATIVES

1. Approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and Waste Management Collection and Recycling, Inc. for Perris Valley – Grove View Road, Stage 2 Storm Drain. Authorize the Mayor to execute the Cooperative Agreement. Direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

2. Do not approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and Waste Management Collection and Recycling, Inc. for Perris Valley – Grove View Road, Stage 2 Storm Drain. Do not authorize the Mayor to execute the Cooperative Agreement. Do not direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District. *Not approving staff's recommendation would result in the Developer constructing Perris Valley – Grove View Road, Stage 2 Storm Drain and the City maintaining the structure.*

FISCAL IMPACT

There is no fiscal impact associated with Alternative 1. Funding for design and construction of the Perris Valley – Grove View Road, Stage 2 Storm Drain comes from the Developer.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:

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

NOTIFICATION

Publication of agenda

ATTACHMENTS

Attachment 1 – Vicinity Map
Attachment 2 – Location Map
Attachment 3 – Cooperative Agreement Perris Valley – Grove View Road, Stage 2 Storm Drain, with Exhibits

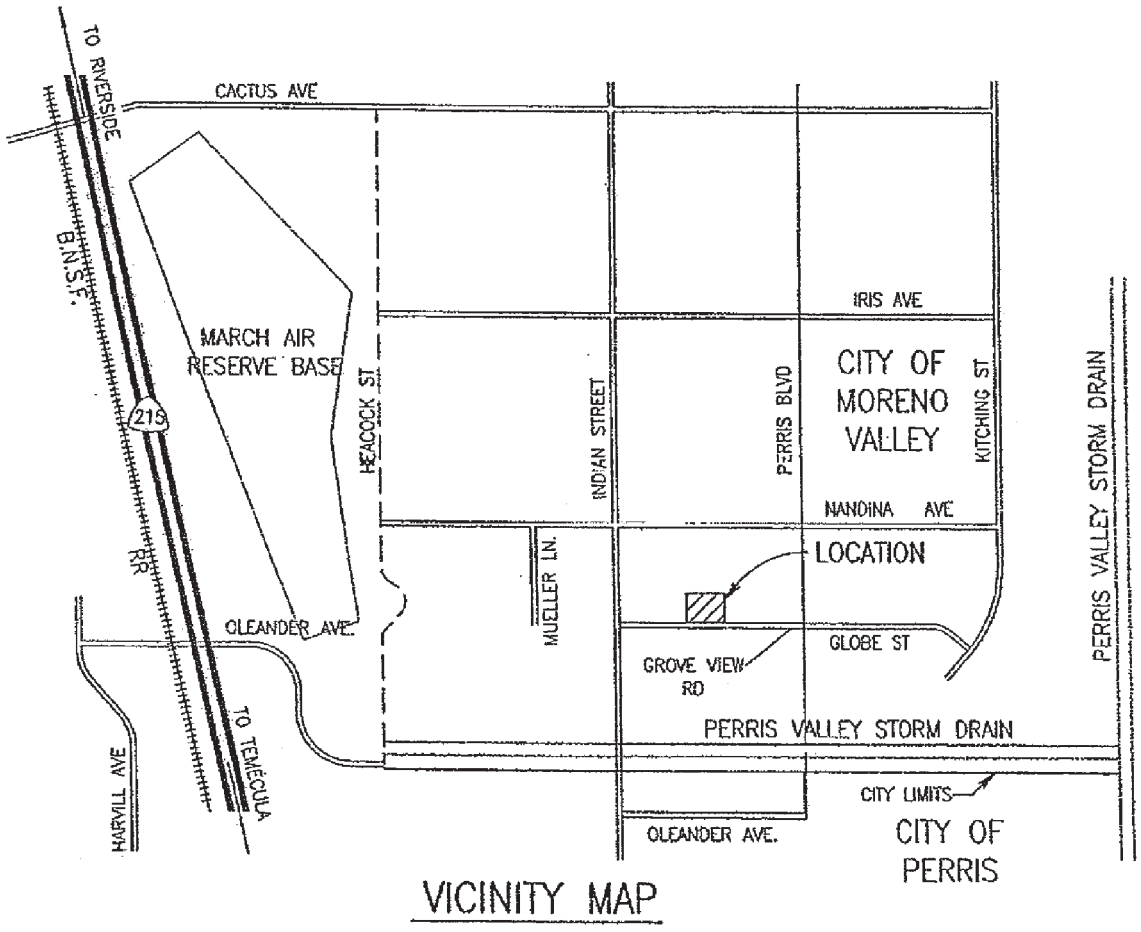
Prepared By
Guy Pegan, P.E
Senior Engineer

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

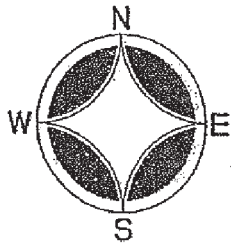
Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

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

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2009 StfRpts\5-26-09 PA08-0135 - Cooperative Agreement-Grove View Rd SD.doc



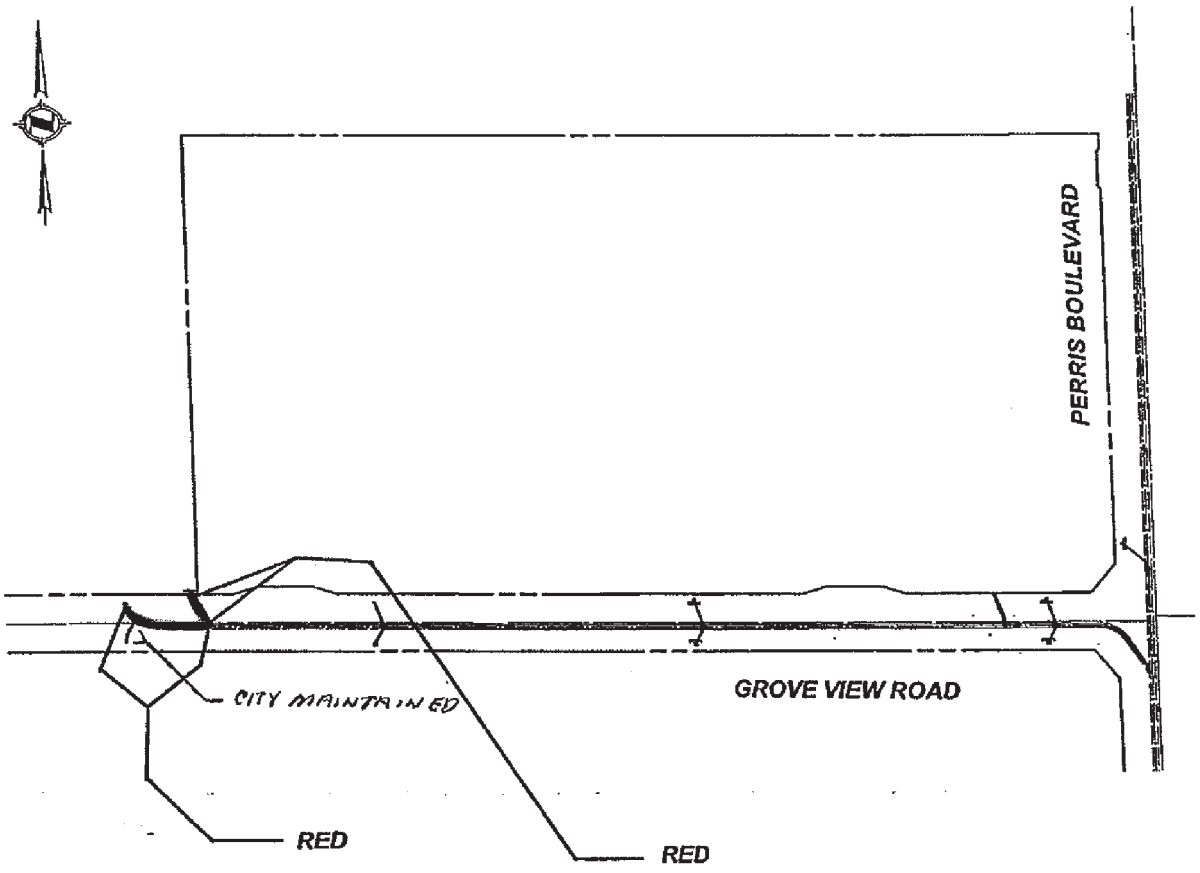
VICINITY MAP



CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Attachment 1	**PA08-0135** **VICINITY MAP**

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\Vicinity Map format surround - Portrait.doc (01/04)

This page intentionally left blank.



CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Attachment 2	**PA08-0135** **LOCATION MAP**

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\Vicinity Map format surround - Portrait.doc

This page intentionally left blank.

COOPERATIVE AGREEMENT
Perris Valley – Grove View Road Storm Drain, Stage 2
(Project No. 4-0-00527-02)
(PA 08-0135) (APN 316-210-056)

The RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, hereinafter called "DISTRICT", the CITY OF MORENO VALLEY, hereinafter called "CITY", and WASTE MANAGEMENT COLLECTION AND RECYCLING, INC., a California corporation, hereinafter called "DEVELOPER", hereby agree as follows:

RECITALS

A. DEVELOPER has submitted for approval CITY Case No. PA 08-0135 involving lands in the city of Moreno Valley having an APN of 316-210-056 and as a condition for approval DEVELOPER must construct certain flood control facilities in order to provide flood protection and drainage for DEVELOPER'S planned development; and

B. The required flood control facilities, as shown in DISTRICT Drawing No. 4-966, include construction of (i) approximately 180 lineal feet of underground storm drain system, hereinafter called "STAGE 2" or "DISTRICT DRAINAGE FACILITIES", as shown in concept in red on Exhibit "A" attached hereto and made a part hereof. At its downstream terminus, STAGE 2 connects to DISTRICT'S existing Perris Valley – Grove View Road Storm Drain, as shown on DISTRICT Drawing No. 4-910; and

C. Associated with the construction of DISTRICT DRAINAGE FACILITIES is the construction of certain catch basins, laterals and connector pipes located within CITY held easements or rights of way, hereinafter called "APPURTENANCES". Together, DISTRICT DRAINAGE FACILITIES and APPURTENANCES are hereinafter called "PROJECT"; and

Attachment 3

D. Construction of PROJECT has commenced prior to execution of this Agreement pursuant to the terms of a Right of Entry and Inspection Agreement, hereinafter called "INSPECTION AGREEMENT", executed December 17, 2008, between DISTRICT and DEVELOPER; and

E. DEVELOPER and CITY desire DISTRICT to accept ownership and responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES. Therefore, DISTRICT must review and approve DEVELOPER'S plans and specifications for PROJECT and subsequently inspect the construction of DISTRICT DRAINAGE FACILITIES; and

F. DEVELOPER and DISTRICT desire CITY to accept ownership and responsibility for the operation and maintenance of APPURTENANCES. Therefore, CITY must review and approve DEVELOPER'S plans and specifications for PROJECT and subsequently inspect the construction of APPURTENANCES; and

G. DISTRICT is willing to (i) review and approve DEVELOPER'S plans and specifications for PROJECT, (ii) inspect the construction of DISTRICT DRAINAGE FACILITIES, and (iii) accept ownership and responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES, provided DEVELOPER (i) complies with this Agreement, (ii) pays DISTRICT the amounts specified herein to cover DISTRICT'S plan review and construction inspection costs, (iii) constructs PROJECT in accordance with plans and specifications approved by DISTRICT and CITY, (iv) obtains all necessary permits, regulatory permits, licenses and rights of entry as set forth herein, (v) accepts ownership and responsibility for the operation and maintenance of PROJECT following completion of PROJECT construction until such time as DISTRICT accepts ownership and responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES and CITY accepts

ownership and responsibility for the operation and maintenance of APPURTENANCES, and (vi) obtains and conveys to DISTRICT the necessary rights of way for the inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES as set forth herein; and

H. CITY is willing to (i) review and approve plans and specifications prepared by DEVELOPER for PROJECT, (ii) inspect the construction of PROJECT, (iii) accept and hold faithful performance and payment bonds submitted by DEVELOPER for DISTRICT DRAINAGE FACILITIES, (iv) grant DISTRICT the right to inspect, operate and maintain DISTRICT DRAINAGE FACILITIES within CITY rights of way, (v) consent to the recordation and conveyance of Irrevocable Offer(s) of Dedication furnished by DEVELOPER as provided herein, and (vi) accept ownership and responsibility for the operation and maintenance of APPURTENANCES, provided PROJECT is constructed in accordance with plans and specifications approved by DISTRICT and CITY.

NOW, THEREFORE, the parties hereto mutually agree as follows:

SECTION I

DEVELOPER shall:

1. Prepare PROJECT plans and specifications, hereinafter called "IMPROVEMENT PLANS", in accordance with DISTRICT and CITY standards, and submit to DISTRICT and CITY for their review and approval.

2. Continue to pay DISTRICT, within thirty (30) days after receipt of periodic billings from DISTRICT, any and all such amounts as are deemed reasonably necessary by DISTRICT to cover DISTRICT'S costs associated with the review of IMPROVEMENT PLANS, review and approval of right of way and conveyance documents, and with the processing and administration of this Agreement. Additionally, deposit with CITY any and all such amounts as are deemed reasonably necessary by CITY to cover CITY'S costs associated

with the review of IMPROVEMENT PLANS, review and approval of right of way and conveyance documents, and with the processing and administration of this Agreement.

3. Deposit with DISTRICT (Attention: Business Office – Accounts Receivable), at the time of providing written notice to DISTRICT of the start of DISTRICT DRAINAGE FACILITIES construction as set forth in Section I.8. herein, the estimated cost of providing construction inspection for DISTRICT DRAINAGE FACILITIES, in an amount as determined and approved by DISTRICT in accordance with Ordinance Nos. 671 and 749 of the County of Riverside, including any amendments thereto, based upon the bonded value of DISTRICT DRAINAGE FACILITIES. Additionally, deposit with CITY (Attention: Public Works/Land Development), at the time of providing written notice to DISTRICT of the start of DISTRICT DRAINAGE FACILITIES construction as set forth in Section I.8., the estimated cost of providing construction inspection in an amount as determined and approved by CITY in accordance with the most recent City Code and Fee Resolution of CITY, including any amendments thereto.

4. [This Section Intentionally Left Blank.]

5. Secure, at its sole cost and expense, all necessary licenses, agreements, permits and rights of entry as may be needed for the construction, inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES. DEVELOPER shall furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with sufficient evidence of DEVELOPER having secured such necessary licenses, agreements, permits and rights of entry, as determined and approved by DISTRICT.

6. Furnish DISTRICT with copies of all permits, approvals or agreements required by any Federal or State resource and/or regulatory agency for the construction,

operation and maintenance of DISTRICT DRAINAGE FACILITIES. Such documents include but are not limited to those issued by the U.S. Army Corps of Engineers, California Regional Water Quality Control Board, California State Department of Fish and Game and State Water Resources Control Board.

7. Provide CITY, prior to providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with a faithful performance bond in the amount of 100% of the estimated cost for construction of DISTRICT DRAINAGE FACILITIES as determined by DISTRICT and a material and labor bond in the amount of 50% of the estimated cost for construction of DISTRICT DRAINAGE FACILITIES as determined by DISTRICT. The surety, amount and form of the bonds shall be subject to the approval of DISTRICT and CITY. The bonds shall remain in full force and effect until DISTRICT DRAINAGE FACILITIES are accepted by DISTRICT as complete; at which time the faithful performance bond amount may be reduced to 10% for a period of one year to guarantee against any defective work, labor or materials.

8. Notify DISTRICT in writing (Attention: Administrative Services Section), at least twenty (20) days prior to the start of construction of DISTRICT DRAINAGE FACILITIES. Construction shall not begin on any element of DISTRICT DRAINAGE FACILITIES, for any reason whatsoever, until DISTRICT has issued to DEVELOPER a written Notice to Proceed authorizing DEVELOPER to commence construction of DISTRICT DRAINAGE FACILITIES.

9. Grant DISTRICT, by execution of this Agreement, the right to enter upon DEVELOPER'S property where necessary and convenient for the purpose of gaining access to, and performing inspection service for, the construction of DISTRICT DRAINAGE FACILITIES as set forth herein.

10. Obtain and provide DISTRICT, at the time of providing written notice to DISTRICT of the start of construction of DISTRICT DRAINAGE FACILITIES as set forth in Section I.8., with duly executed Irrevocable Offers(s) of Dedication to the public for flood control and drainage purposes, including ingress and egress, for the rights of way deemed necessary by DISTRICT for the construction, inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES, as shown in concept cross-hatched in blue, red and green on Exhibit "B" attached hereto and made a part hereof. The Irrevocable Offer(s) of Dedication shall be in a form approved by DISTRICT and shall be executed by all legal and equitable owners of the property described in the offer(s).

11. Furnish DISTRICT, when submitting the Irrevocable Offer(s) of Dedication as set forth in Section I.10., with Preliminary Reports on Title dated not more than thirty (30) days prior to date of submission of all the property described in the Irrevocable Offer(s) of Dedication.

12. Furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with a complete list of all contractors and subcontractors to be performing work on DISTRICT DRAINAGE FACILITIES, including the corresponding license number and license classification of each. At such time, DEVELOPER shall further identify in writing its designated superintendent for DISTRICT DRAINAGE FACILITIES construction.

13. Furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., a construction schedule which shall show the order and dates in which DEVELOPER or DEVELOPER'S contractor proposes to carry on the various parts of work, including estimated start and completion dates. As construction of

DISTRICT DRAINAGE FACILITIES progresses, DEVELOPER shall update said construction schedule as requested by DISTRICT.

14. Furnish DISTRICT with final mylar IMPROVEMENT PLANS and assign their ownership to DISTRICT at the time DISTRICT approves and signs said final mylar IMPROVEMENT PLANS.

15. Not permit any change to or modification of IMPROVEMENT PLANS without the prior written permission and consent of DISTRICT.

16. Comply with all Cal/OSHA safety regulations including regulations concerning confined space and maintain a safe working environment for DEVELOPER and DISTRICT employees on the site.

17. Furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., a confined space entry procedure specific to DISTRICT DRAINAGE FACILITIES. The procedure shall comply with requirements contained in California Code of Regulations, Title 8 Section 5158, Other Confined Space Operations, Section 5157, Permit Required Confined Space and DISTRICT Confined Space Procedures, SOM-18. The procedure shall be reviewed and approved by DISTRICT prior to the issuance of a Notice to Proceed.

18. During the construction period of DISTRICT DRAINAGE FACILITIES, provide Workers' Compensation Insurance in an amount required by law. A certificate of said insurance policy shall be provided to DISTRICT, the County of Riverside and CITY at the time of providing written notice pursuant to Section I.8.

19. Commencing on the date notice is given pursuant to Section I.8. and continuing until DISTRICT accepts DISTRICT DRAINAGE FACILITIES for operation and maintenance:

(a) Provide and maintain or cause its contractor(s) to provide and maintain comprehensive liability insurance coverage which shall protect DEVELOPER from claim from damages for personal injury, including accidental and wrongful death, as well as from claims for property damage which may arise from DEVELOPER'S construction of PROJECT or the performance of its obligations hereunder, whether such construction or performance be by DEVELOPER, by any of its contractors, subcontractors, or by anyone employed directly or indirectly by any of them. Such insurance shall name DISTRICT, the County of Riverside and CITY as additional insureds with respect to this Agreement and the obligations of DEVELOPER hereunder. Such insurance shall provide for limits of not less than two million dollars ($2,000,000) per occurrence.

(b) Cause its insurance carrier(s) or its contractor's insurance carrier(s), who shall be authorized by the California Department of Insurance to transact the business of insurance in the State of California, to furnish DISTRICT, the County of Riverside and CITY at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with certificate(s) of insurance and applicable policy endorsements showing that such insurance is in full force and effect and that DISTRICT, the County of Riverside and CITY are named as additional insureds with respect to this Agreement and the obligations of DEVELOPER hereunder. Further, said certificate(s) shall state that the issuing company shall give

DISTRICT, the County of Riverside and CITY sixty (60) days written notice in the event of any cancellation, termination, non-renewal or reduction in coverage of the policies evidenced by the certificate(s). In the event of any such cancellation, termination, non-renewal or reduction in coverage, DEVELOPER shall, forthwith, secure replacement insurance meeting the provisions of this paragraph.

Failure to maintain the insurance required by this paragraph shall be deemed a material breach of this Agreement and shall authorize and constitute authority for DISTRICT, at its sole discretion, to proceed to perform the remaining work pursuant to Section IV.3.

20. Construct, or cause to be constructed, PROJECT at DEVELOPER'S sole cost and expense in accordance with DISTRICT and CITY approved IMPROVEMENT PLANS.

21. Within two (2) weeks of completing PROJECT construction, provide DISTRICT with written notice (Attention: Contract Administration Section) that PROJECT construction is substantially complete and requesting that DISTRICT conduct a final inspection of DISTRICT DRAINAGE FACILITIES.

22. Upon completion of PROJECT construction, and upon acceptance by CITY of all street rights of way deemed necessary by DISTRICT and CITY for the operation and maintenance of PROJECT, but prior to DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES for ownership, operation and maintenance, convey, or cause to be conveyed to DISTRICT flood control and inundation easement(s), including ingress and egress, in a form

approved by DISTRICT, for the rights of way as shown in concept cross-hatched in blue, in red and in green on Exhibit "B".

23. At the time of recordation of the conveyance document(s) as set forth in Section I.22., furnish DISTRICT with policies of title insurance, each in the amount of not less than fifty percent (50%) of the estimated fee value, as determined by DISTRICT, for each easement parcel to be conveyed to DISTRICT, guaranteeing DISTRICT'S interest in said property as being free and clear of all liens, encumbrances, assessments, easements, taxes and leases (recorded or unrecorded), except those which, in the sole discretion of DISTRICT, are deemed acceptable.

24. [This Section Intentionally Left Blank.]

25. Accept ownership and sole responsibility for the operation and maintenance of PROJECT until such time as DISTRICT accepts ownership and responsibility for operation and maintenance of DISTRICT DRAINAGE FACILITIES and CITY accepts ownership and responsibility for operation and maintenance of APPURTENANCES. Further, it is mutually understood by the parties hereto that prior to DISTRICT acceptance of ownership and responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES, PROJECT shall be in a satisfactorily maintained condition as solely determined by DISTRICT.

26. Pay, if suit is brought upon this Agreement or any bond guaranteeing the completion of DISTRICT DRAINAGE FACILITIES, all costs and reasonable expenses and fees, including reasonable attorneys' fees, and acknowledge that, upon entry of judgment, all such costs, expenses and fees shall be computed as costs and included in any judgment rendered.

27. Upon completion of construction of PROJECT, but prior to DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES for ownership, operation and maintenance,

DEVELOPER'S civil engineer of record or construction civil engineer of record, duly registered in the State of California, shall provide DISTRICT a redlined "as-built" copy of IMPROVEMENT PLANS. After DISTRICT approval of the redlined "as-built" drawings, DEVELOPER'S engineer shall schedule with DISTRICT a time to transfer the redlined changes onto DISTRICT'S original mylars at DISTRICT'S office, after which the engineer shall review, stamp and sign the original IMPROVEMENT PLANS "AS-BUILT".

28. Ensure that all work performed pursuant to this Agreement by DEVELOPER, its agents or contractors is done in accordance with all applicable laws and regulations, including but not limited to all applicable provisions of the Labor Code, Business and Professions Code, and Water Code. DEVELOPER shall be solely responsible for all costs associated with compliance with applicable laws and regulations.

SECTION II

DISTRICT shall:

1. Review and approve IMPROVEMENT PLANS prior to the start of DISTRICT DRAINAGE FACILITIES construction.

2. Provide CITY an opportunity to review and approve IMPROVEMENT PLANS prior to DISTRICT'S final approval.

3. Upon execution of this Agreement, record or cause to be recorded, a copy of this Agreement in the Official Records of the Riverside County Recorder.

4. Record or cause to be recorded, the Irrevocable Offer(s) of Dedication provided by DEVELOPER pursuant to Section I.10.

5. Inspect DISTRICT DRAINAGE FACILITIES construction.

6. Keep an accurate accounting of all DISTRICT costs associated with the review and approval of IMPROVEMENT PLANS, the review and approval of right of way and conveyance documents and the processing and administration of this Agreement.

7. Keep an accurate accounting of all DISTRICT construction inspection costs, and within forty-five (45) days after DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete, submit a final cost statement to DEVELOPER. If the deposit, as set forth in Section I.3. exceeds such costs, DISTRICT shall reimburse DEVELOPER the excess amount within sixty (60) days after DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete. If at any time the costs exceed the deposit or are anticipated by DISTRICT to exceed the deposit, DEVELOPER shall pay such additional amount(s), as deemed reasonably necessary by DISTRICT to complete inspection of DISTRICT DRAINAGE FACILITIES, within thirty (30) days after receipt of billing from DISTRICT.

8. Accept ownership and sole responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES upon (i) DISTRICT acceptance of PROJECT construction as being complete, (ii) recordation of all conveyance documents described in Section I.22., and (iii) acceptance by CITY of all necessary street rights of way as deemed necessary by DISTRICT and CITY for the operation and maintenance of PROJECT.

9. Provide CITY with a reproducible duplicate copy of "as-built" IMPROVEMENT PLANS upon DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete.

SECTION III

CITY shall:

1. Review and approve IMPROVEMENT PLANS prior to the start of PROJECT construction.

2. Accept CITY and DISTRICT approved faithful performance and payment bonds submitted by DEVELOPER as set forth in Section I.7., and hold said bonds as provided herein.

3. Inspect construction of APPURTENANCES.

4. Consent, by execution of this Agreement, to the recording of any Irrevocable Offer(s) of Dedication furnished by DEVELOPER pursuant to this Agreement.

5. As requested by DISTRICT, accept the Irrevocable Offer(s) of Dedication as set forth herein, and any other outstanding offers of dedication necessary for the construction, inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES, and, convey sufficient rights of way to DISTRICT to allow DISTRICT to construct, inspect, operate and maintain DISTRICT DRAINAGE FACILITIES.

6. Grant DISTRICT, by execution of this Agreement, the right to construct, inspect, operate and maintain DISTRICT DRAINAGE FACILITIES within CITY rights of way.

7. Accept ownership and sole responsibility for the operation and maintenance of APPURTENANCES upon DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete.

SECTION IV

It is further mutually agreed:

1. All work involved with DISTRICT DRAINAGE FACILITIES shall be inspected by DISTRICT and shall not be deemed complete until approved and accepted in writing as complete by DISTRICT.

2. CITY and DEVELOPER personnel may observe and inspect all work being done on DISTRICT DRAINAGE FACILITIES, but shall provide any comments to DISTRICT

personnel who shall be solely responsible for all quality control communications with the DEVELOPER'S contractor(s) during the construction of DISTRICT DRAINAGE FACILITIES.

3. DEVELOPER shall complete construction of DISTRICT DRAINAGE FACILITIES within twelve (12) consecutive months after execution of this Agreement and within ninety (90) consecutive calendar days after commencing work on DISTRICT DRAINAGE FACILITIES. It is expressly understood that since time is of the essence in this Agreement, failure of DEVELOPER to perform the work within the agreed upon time shall constitute authority for DISTRICT to perform the remaining work and require DEVELOPER'S surety to pay to CITY the penal sum of any and all bonds. In which case, CITY shall subsequently reimburse DISTRICT for DISTRICT costs incurred.

4. DEVELOPER shall not request DISTRICT to accept any portion or portions of DISTRICT DRAINAGE FACILITIES or CITY to accept any portion or portions of APPURTENANCES prior to the completion of PROJECT construction.

5. DISTRICT shall endeavor to issue DEVELOPER a Notice to Proceed within twenty (20) days of receipt of DEVELOPER'S complete written notice as set forth in Section I.8.; however, DISTRICT'S construction inspection staff is limited and, therefore, the issuance of a Notice to Proceed is subject to staff availability.

In the event DEVELOPER wishes to expedite issuance of a Notice to Proceed, DEVELOPER may elect to furnish an independent qualified construction inspector at DEVELOPER'S sole cost and expense. DEVELOPER shall furnish appropriate documentation of the individual's credentials and experience to DISTRICT for review and, if appropriate, approval. DISTRICT shall review the individual's qualifications and experience and, upon approval thereof, said individual, hereinafter called "DEPUTY INSPECTOR", shall be authorized to act on DISTRICT'S behalf on all DISTRICT DRAINAGE FACILITIES

construction and quality control matters. If DEVELOPER'S initial construction inspection deposit furnished pursuant to Section I.3. exceeds ten thousand dollars ($10,000.00), DISTRICT shall refund to DEVELOPER up to eighty percent (80%) of DEVELOPER'S initial inspection deposit within forty-five (45) days of DISTRICT'S approval of DEPUTY INSPECTOR; however, a minimum balance of ten thousand dollars ($10,000.00) shall be retained on account.

6. DISTRICT DRAINAGE FACILITIES construction work shall be on a five (5) day, forty (40) hour work week with no work on Saturdays, Sundays or DISTRICT designated legal holidays, unless otherwise approved in writing by DISTRICT. If DEVELOPER feels it is necessary to work more than the normal forty (40) hour work week or on holidays, DEVELOPER shall make a written request for permission from DISTRICT to work the additional hours. The request shall be submitted to DISTRICT at least seventy-two (72) hours prior to the requested additional work hours and state the reasons for the overtime and the specific time frames required. The decision of granting permission for overtime work shall be made by DISTRICT at its sole discretion and shall be final. If permission is granted by DISTRICT, DEVELOPER will be charged the cost incurred at the overtime rates for additional inspection time required in connection with the overtime work in accordance with Ordinance Nos. 671 and 749, including any amendments thereto, of the County of Riverside.

7. DEVELOPER shall indemnify and hold harmless DISTRICT and CITY (including their agencies, districts, special districts and departments, their respective directors, officers, Board of Supervisors, elected and appointed officials, employees, agents and representatives) from any liability, claim, damage, proceeding or action, present or future, based upon, arising out of or in any way relating to DEVELOPER'S (including its officers, employees, subcontractors and agents) actual or alleged acts or omissions related to this Agreement, performance under this Agreement, or failure to comply with the requirements of

this Agreement, including but not limited to: (a) property damage; (b) bodily injury or death; (c) liability or damage pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution or any other law, ordinance or regulation caused by the diversion of waters from the natural drainage patterns or the discharge of drainage within or from PROJECT; or (d) any other element of any kind or nature whatsoever.

DEVELOPER shall defend, at its sole expense, including all costs and fees (including but not limited to attorney fees, cost of investigation, defense and settlements or awards), DISTRICT and CITY (including their agencies, districts, special districts and departments, their respective directors, officers, Board of Supervisors, elected and appointed officials, employees, agents and representatives) in any claim, proceeding or action for which indemnification is required.

With respect to any of DEVELOPER'S indemnification requirements, DEVELOPER shall, at its sole cost, have the right to use counsel of their own choice and shall have the right to adjust, settle, or compromise any such claim, proceeding or action without the prior consent of DISTRICT and CITY; provided, however, that any such adjustment, settlement or compromise in no manner whatsoever limits or circumscribes DEVELOPER'S indemnification obligations to DISTRICT or CITY.

DEVELOPER'S indemnification obligations shall be satisfied when DEVELOPER has provided to DISTRICT and CITY the appropriate form of dismissal relieving DISTRICT or CITY from any liability for the claim, proceeding or action involved.

The specified insurance limits required in this Agreement shall in no way limit or circumscribe DEVELOPER'S obligations to indemnify and hold harmless DISTRICT and CITY from third party claims.

In the event there is conflict between this section and California Civil Code Section 2782, this section shall be interpreted to comply with Civil Code 2782. Such interpretation shall not relieve DEVELOPER from indemnifying DISTRICT or CITY to the fullest extent allowed by law.

8. Any waiver by DISTRICT or by CITY of any breach of any one or more of the terms of this Agreement shall not be construed to be a waiver of any subsequent or other breach of the same or of any other term hereof. Failure on the part of DISTRICT or CITY to require exact, full and complete compliance with any terms of this Agreement shall not be construed as in any manner changing the terms hereof, or estopping DISTRICT or CITY from enforcement hereof.

9. DISTRICT and CITY each pledge to cooperate in regard to the operation and maintenance of their respective facilities as set forth herein and to discharge their respective maintenance responsibilities in an expeditious fashion so as to avoid the creation of any nuisance condition or undue maintenance impact upon the others' facilities.

10. This Agreement is to be construed in accordance with the laws of the State of California.

11. Any and all notices sent or required to be sent to the parties of this Agreement will be mailed by first class mail, postage prepaid, to the following addresses:

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
1995 Market Street
Riverside, CA 92501

CITY OF MORENO VALLEY
Post Office Box 88005
Moreno Valley, CA 92552-0805
Attn: Chris A. Vogt

WASTE MANAGEMENT COLLECTION
AND RECYCLING, INC.
17700 Indian Street
Moreno Valley, CA 92551
Attn: Scott Jenkins

12. Any action at law or inequity brought by any of the parties hereto for the purpose of enforcing a right or rights provided for by the Agreement, shall be tried in a court of competent jurisdiction in the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for a change of venue in such proceedings to any other county.

13. This Agreement is the result of negotiations between the parties hereto, and the advice and assistance of their respective counsel. The fact that this Agreement was prepared as a matter of convenience by DISTRICT shall have no import or significance. Any uncertainty or ambiguity in this Agreement shall not be construed against DISTRICT because DISTRICT prepared this Agreement in its final form.

14. The rights and obligations of DEVELOPER shall inure to and be binding upon all heirs, successors and assignees.

15. DEVELOPER shall not assign or otherwise transfer any of its rights, duties or obligations hereunder to any person or entity without the written consent of the other parties hereto being first obtained. In the event of any such transfer or assignment, DEVELOPER expressly understands and agrees that it shall remain liable with respect to any and all of the obligations and duties contained in this Agreement.

16. The individual(s) executing this Agreement on behalf of DEVELOPER hereby certify that they have the authority within their respective company(ies) to enter into and execute this Agreement, and have been authorized to do so by any and all boards of directors, legal counsel, and or any other board, committee or other entity within their respective company(ies) which have the authority to authorize or deny entering this Agreement.

17. This Agreement is intended by the parties hereto as a final expression of their understanding with respect to the subject matter hereof and as a complete and exclusive

statement of the terms and conditions thereof and supersedes any and all prior and contemporaneous agreements and understandings, oral or written, in connection therewith. This Agreement may be changed or modified only upon the written consent of the parties hereto.

//

//

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on

_____.
(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

By _____
WARREN D. WILLIAMS
General Manager-Chief Engineer

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By _____
MARION ASHLEY, Chairman
Riverside County Flood Control and Water Conservation District Board of Supervisors

APPROVED AS TO FORM:

PAMELA J. WALLS
County Counsel

By _____
NEAL KIPNIS
Deputy County Counsel

ATTEST:

NANCY ROMERO
Clerk of the Board

By _____
Deputy

Cooperative Agreement: PA 08-0135
JPS:blj
3/12/09

RECOMMENDED FOR APPROVAL:

By _____
CHRIS A. VOGT, P.E.
Public Works Director/City Engineer

APPROVED AS TO FORM:

By _____
ROBERT D. HERRICK
City Attorney

CITY OF MORENO VALLEY

By _____
RICHARD A. STEWART
Mayor

ATTEST:

JANE HALSTEAD
City Clerk

By _____

(SEAL)

Cooperative Agreement: PA 08-0135
JPS:blj
3/12/09

WASTE MANAGEMENT COLLECTION AND RECYCLING, INC.,
a California corporation

By _____
SCOTT BRADLEY
Vice President

(ATTACH NOTARY WITH CAPACITY STATEMENT)

Cooperative Agreement: PA 08-0135
JPS:blj
3/12/09

STATE OF COLORADO }
} ss.
COUNTY OF Arapahoe }

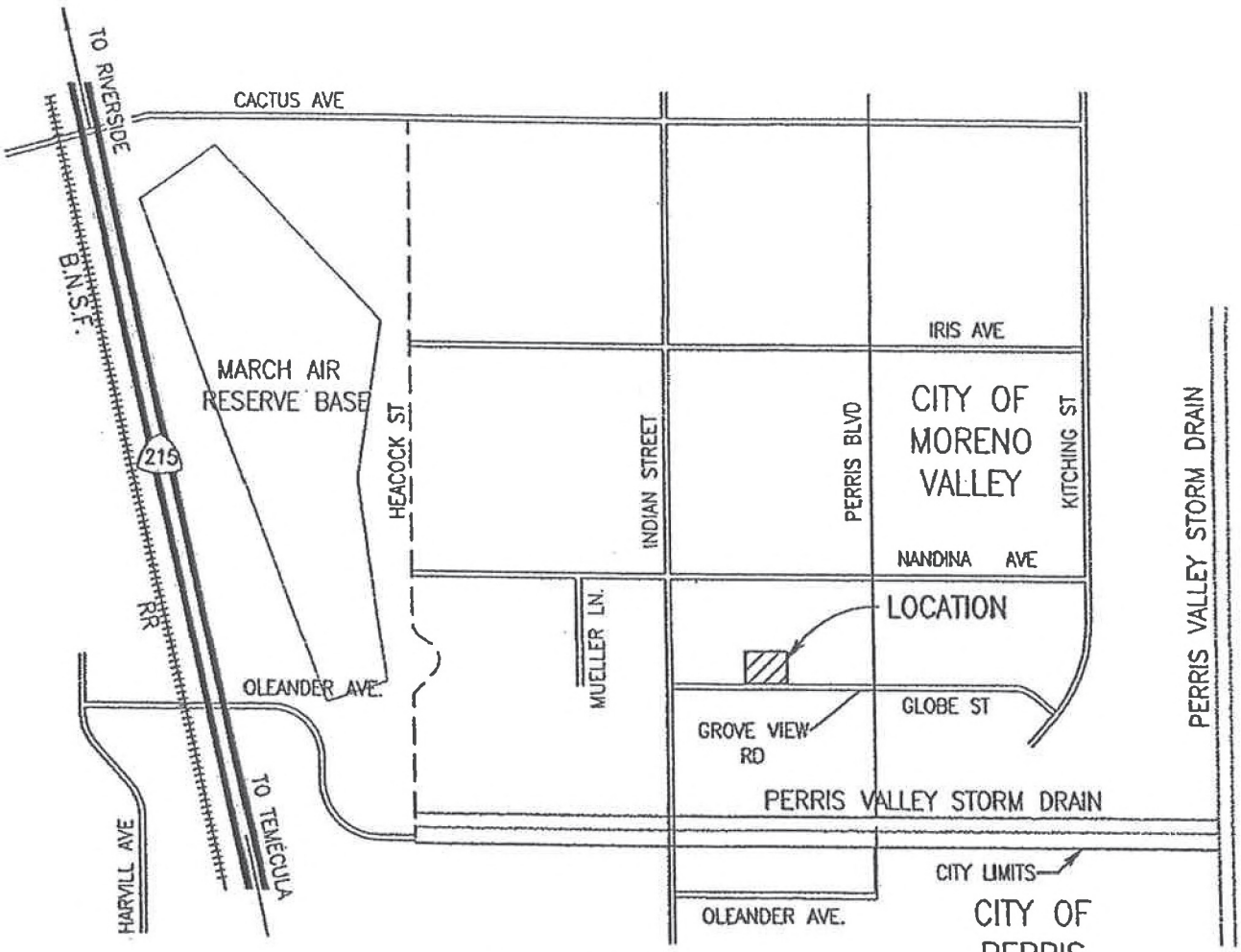
The foregoing instrument was acknowledged before me this 25th day of March, 2007, by Scott Bradley.

WITNESS my hand and official seal.

THERESA M. JOHNSON NOTARY PUBLIC STATE OF COLORADO My Commission Expires 3/31/2011

Notary Public
Address: 5500 S Quebec St Ste 250
Greenwood Village CO 80111

Exhibit A



VICINITY MAP

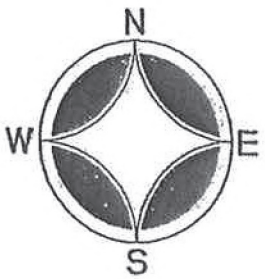


Exhibit A

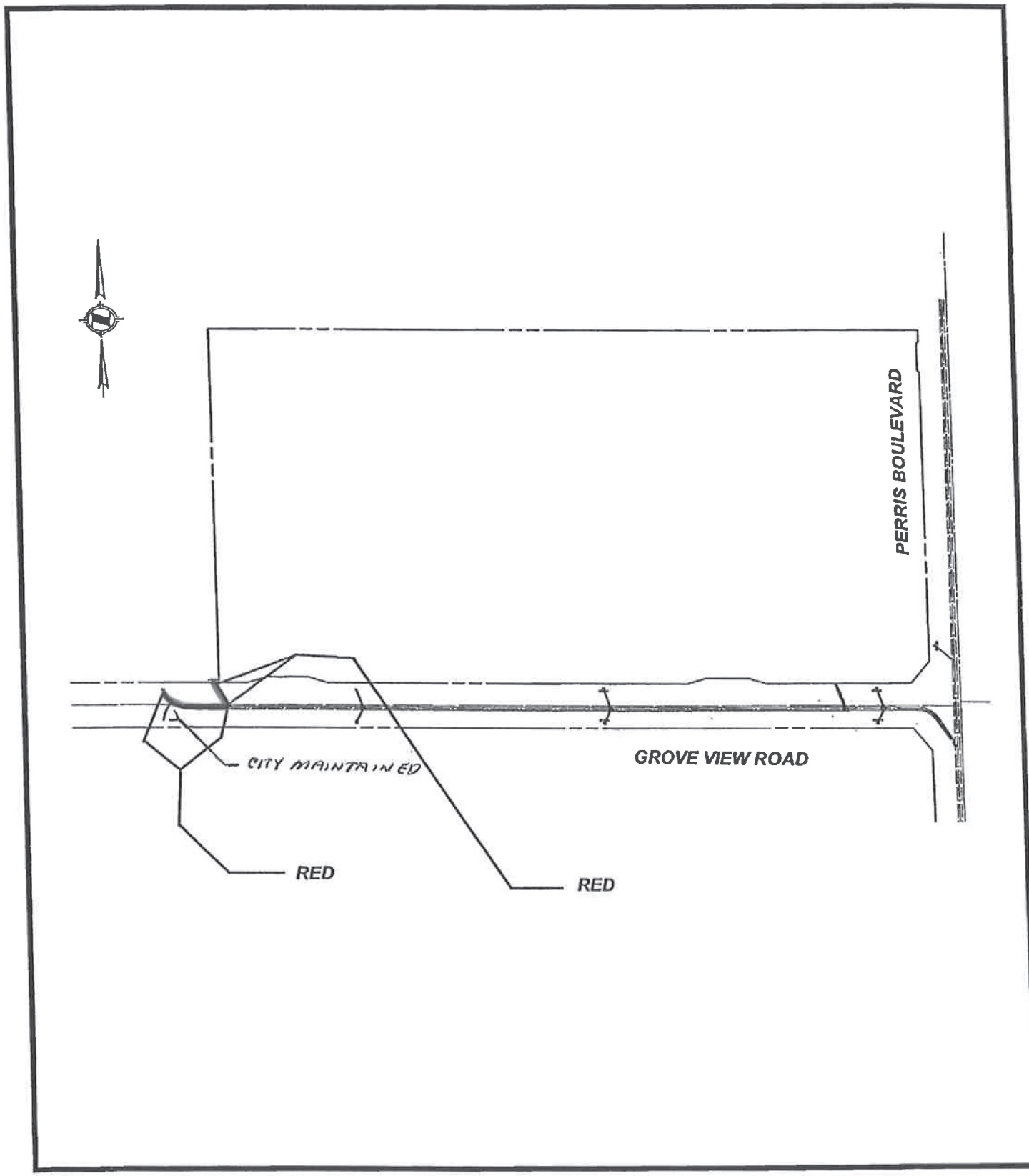


Exhibit B

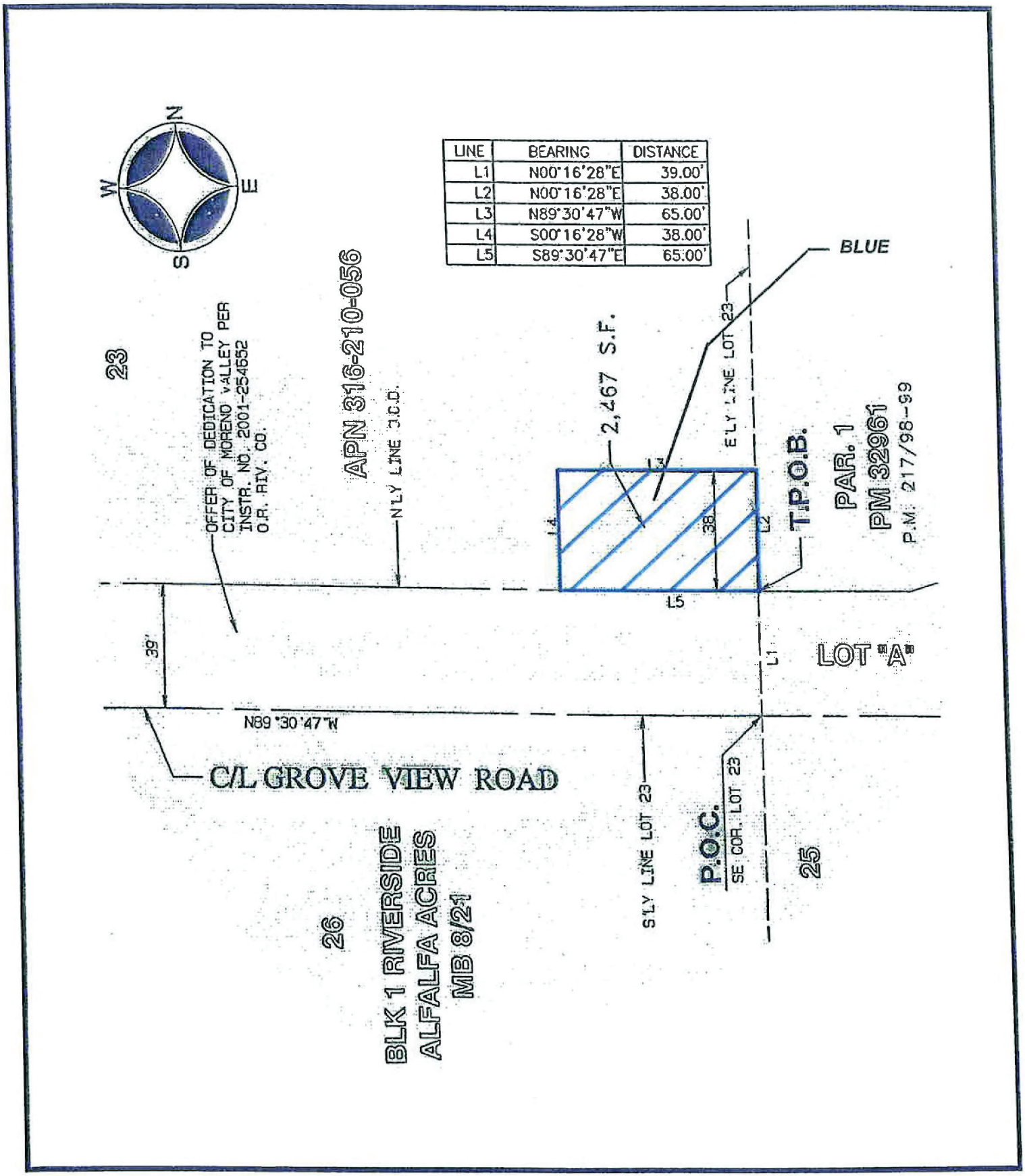

N
W
E
S
LINE | BEARING | DISTANCE
L1 | N00°16'28"E | 39.00'
L2 | N00°16'28"E | 38.00'
L3 | N89°30'47"W | 65.00'
L4 | S00°16'28"W | 38.00'
L5 | S89°30'47"E | 65.00'
BLUE
23
OFFER OF DEDICATION TO CITY OF MORENO VALLEY PER INSTR. NO. 2001-254652 O.R. RIV. CO.
APN 316-210-056
N'LY LINE T.I.C.D.
2,467 S.F.
E'LY LINE LOT 23
T.P.O.B.
PAR. 1
PM 32961
P.M. 217/98-99
L4
38'
L2
L5
L1
LOT "A"
39'
N89°30'47"W
C/L GROVE VIEW ROAD
S'LY LINE LOT 23
P.O.C.
SE COR. LOT 23
25
26
BLK 1 RIVERSIDE
ALFALFA ACRES
MB 8/21

Exhibit B

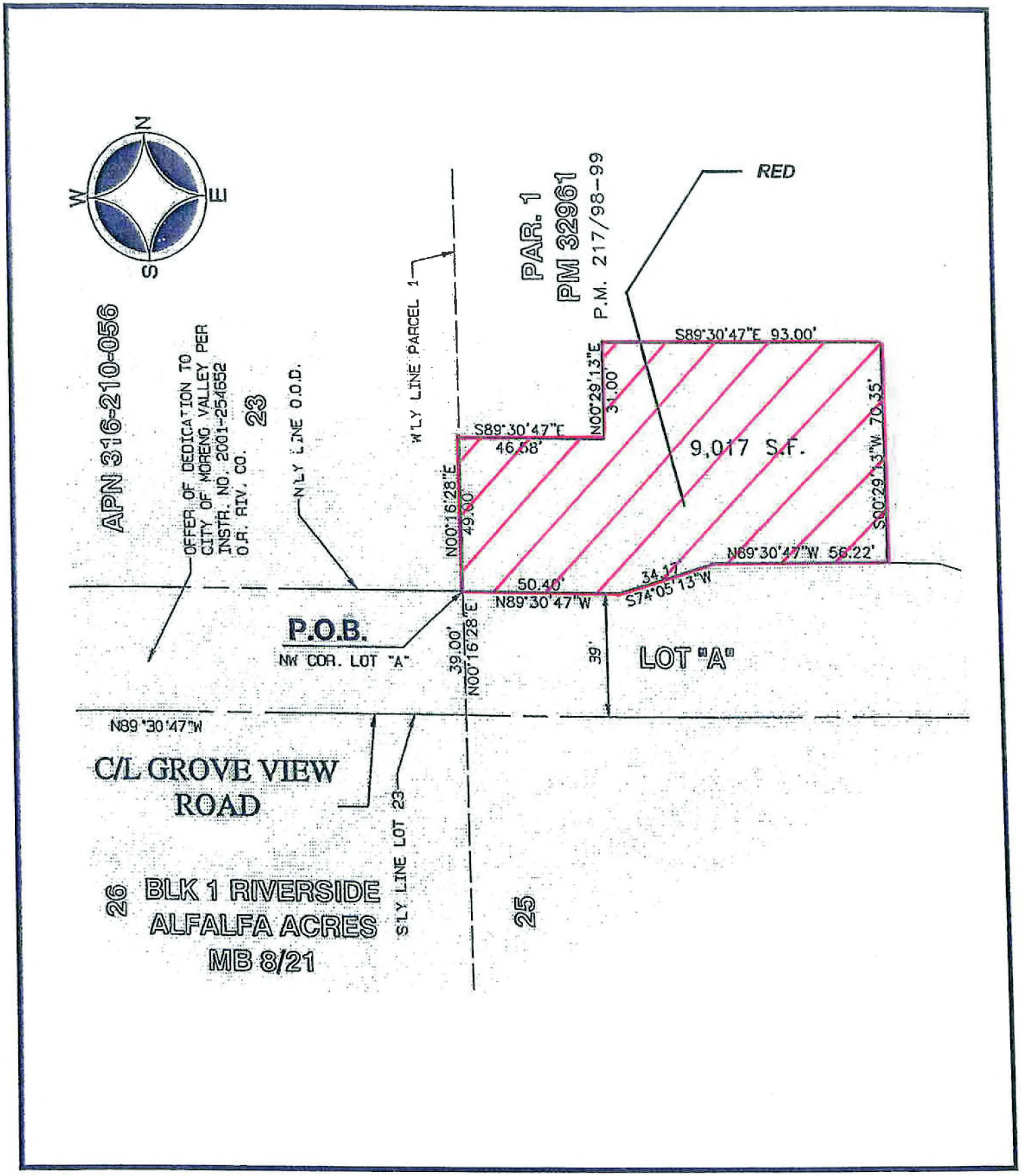
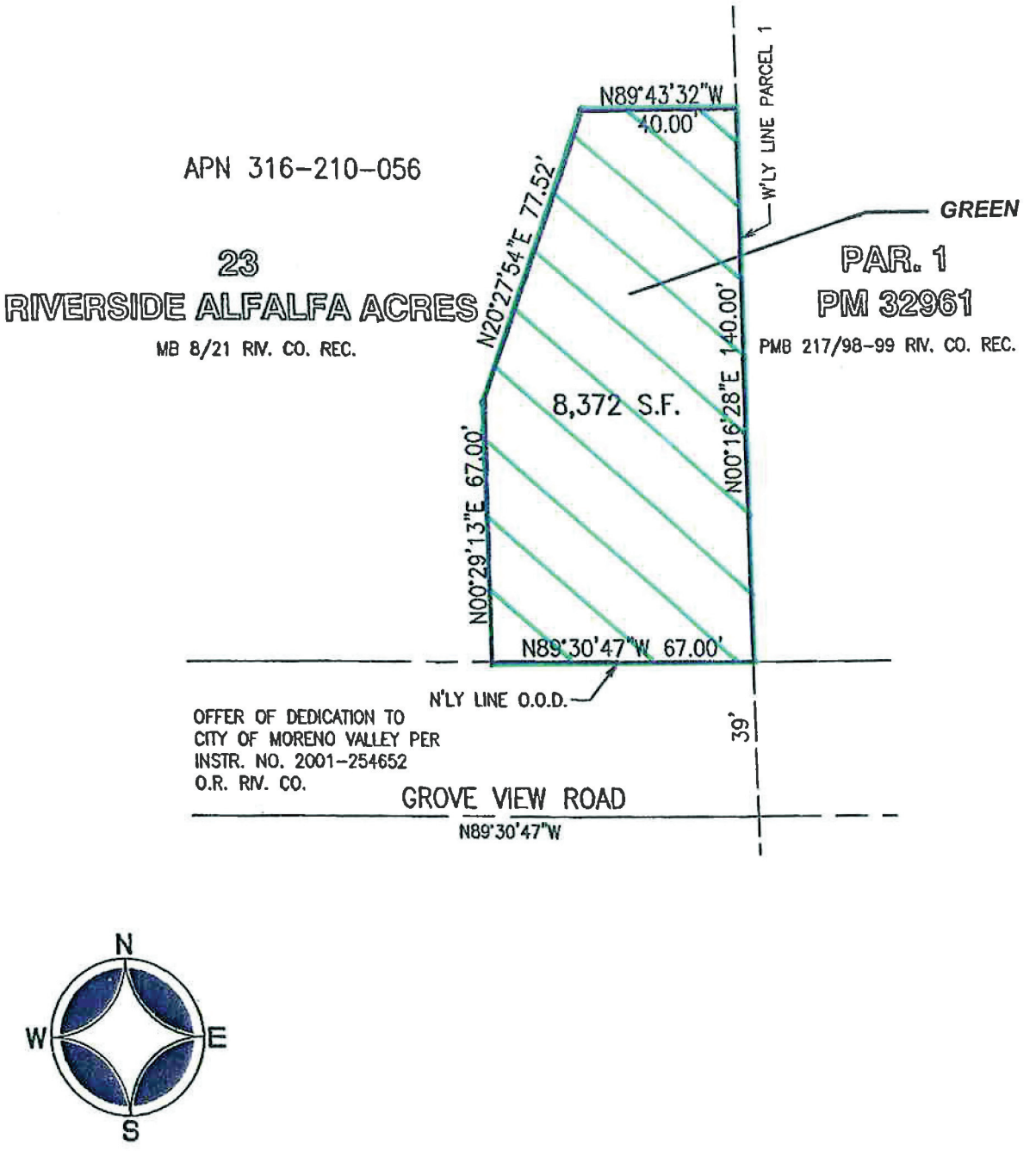

N
W
E
S
APN 316-210-056
OFFER OF DEDICATION TO CITY OF MORENO VALLEY PER INSTR. NO. 2001-254652 O.R. RIV. CO.
23
N'LY LINE O.O.D.
N'LY LINE PARCEL 1
PAR. 1
PM 32961
P.M. 217/98-99
RED
S89°30'47"E 93.00'
N00°29'13"E
31.00'
S89°30'47"E
46.58'
9,017 S.F.
N00°16'28"E
49.00'
S00°29'13"W 70.35'
N89°30'47"W 56.22'
34.17'
S74°05'13"W
50.40'
N89°30'47"W
P.O.B.
NW COR. LOT "A"
39.00'
N00°16'28"E
39'
LOT "A"
N89°30'47"W
C/L GROVE VIEW ROAD
S'LY LINE LOT 23
26
BLK 1 RIVERSIDE
ALFALFA ACRES
MB 8/21
25

Exhibit B


APN 316-210-056
23
RIVERSIDE ALFALFA ACRES
MB 8/21 RIV. CO. REC.
N89°43'32"W
40.00'
N20°27'54"E 77.52'
W'LY LINE PARCEL 1
GREEN
PAR. 1
PM 32961
PMB 217/98-99 RIV. CO. REC.
N00°16'28"E 140.00'
8,372 S.F.
N00°29'13"E 67.00'
N89°30'47"W 67.00'
N'LY LINE O.O.D.
OFFER OF DEDICATION TO
CITY OF MORENO VALLEY PER
INSTR. NO. 2001-254652
O.R. RIV. CO.
39'
GROVE VIEW ROAD
N89°30'47"W
N
W
E
S

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	RDH
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: May 26, 2009

TITLE: ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE PROJECT NO. 11-41570125

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue, Project No. 11-41570125.

BACKGROUND

The City currently has an Agreement for Professional Consultant Services with LAN Engineering Corporation to provide planning and engineering services, including an environmental assessment Initial Study/Environmental Checklist Form (Initial Study) in compliance with the California Environmental Quality Act (CEQA) and City requirements.

Perris Boulevard is an existing partially improved north and south arterial street from Perris Valley Storm Drain Lateral "B" to Cactus Avenue. The existing improvements vary in width consisting of a two-lane road with shoulders to areas that are fully built-out (a total of six (6) lanes).

DISCUSSION

This project is to widen and improve Perris Boulevard between Ramona Expressway and Cactus Avenue to an arterial street standard with a curb-to-curb width of 86 feet (86') within a 110-foot (110') right-of-way. The proposed Perris Boulevard

improvements will include curb and gutter, pavement, sidewalk, streetlights, traffic signal and traffic signal modifications, signing and striping, and related road improvements. Additionally, right-of way acquisition and relocation assistance may be required for areas where the ultimate street right-of-way has not been previously obtained.

CEQA Section 15070 (Title 14 – California Code of Regulations) states that a Negative Declaration (ND) or a Mitigated Negative Declaration (MND) shall be prepared for a project when the Initial Study indicates that no significant effect on the environment will result from project implementation or when mitigation measures as described in the Initial Study are incorporated in the project implementation. In adopting an MND, a Mitigation Monitoring and Reporting Program (MMRP), which is a summary of mitigation measures stated in the Initial Study, is also required to be adopted as provided in CEQA Guideline Section 15097.

Based on the findings of the Initial Study prepared for the project by the City's Consultant, the City Planning Staff has determined, in compliance with CEQA and the City's Rules to Implement CEQA, that preparation of an MND is recommended in that mitigation measures included in the Initial Study and Mitigation Monitoring and Reporting Program, and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level. The MND and Initial Study are attached.

A notice was published on April 24, 2009 in the Press Enterprise describing the Project and advising the public of the preparation of an MND; notice of time and place where the environmental documents could be inspected; and notice that the City Council would consider approval of an MND for the Project (or appropriate modification or alternatives to the Project) on the date of this meeting. As of the writing of this report, no comments have been received. The public has the opportunity to submit comments either prior to or at this evening's City Council meeting.

ALTERNATIVES

1. Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue, Project No. 11-41570125. *This alternative will allow design to proceed for the widening of this portion of Perris Boulevard.*

2. Do not adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue, Project No. 11-41570125. *This alternative will delay the completion of the widening of this portion of Perris Boulevard.*

FISCAL IMPACT

Acting on this matter in accordance with the staff recommendation has minimal fiscal impact to the City. If approved, the City will be required to file a Notice of Determination (NOD) with the County Recorder, which requires payment of a fee of approximately $2,057.00. This was anticipated and the amount has been included in the current Fiscal Year 2008/2009 (FY 08/09) Capital Improvement Budget to be paid from Account 415.70125.

BUDGETED FUNDS

TUMF (Account 415.70125)	$852,320
DIF Arterial Streets (Account 416.78526)	$985
DIF Traffic Signals (Account 417.79225)	$44,304
Total Budgeted Funds	$897,609

There is no impact to the General Fund.

ANTICIPATED SCHEDULE:

Complete PA&ED	May 2009
Complete PS&E	November 2009
Complete Right-of-Way Acquisition and Utility Coordination	April 2010
Start Construction	August 2010

CITY COUNCIL GOALS

Upon approval of the recommended action contained in this staff report the following City Council Goals would be furthered:

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

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

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

SUMMARY

The Initial Study for this project identifies mitigation measures to be incorporated into the project specifications. These mitigation measures will reduce all potential environmental impacts to an acceptable level in compliance with CEQA, thus permitting the City to adopt an MND and MMRP for the project.

ATTACHMENTS

Attachment "A" – Project Location Map
Attachment "B" – Mitigated Negative Declaration with Initial Study/Environmental Checklist Form

Prepared By:
Lorenz R. Gonzales
Senior Engineer, P.E.

Concurred By:
John Terell, AICP
Planning Division Manager/Planning Official

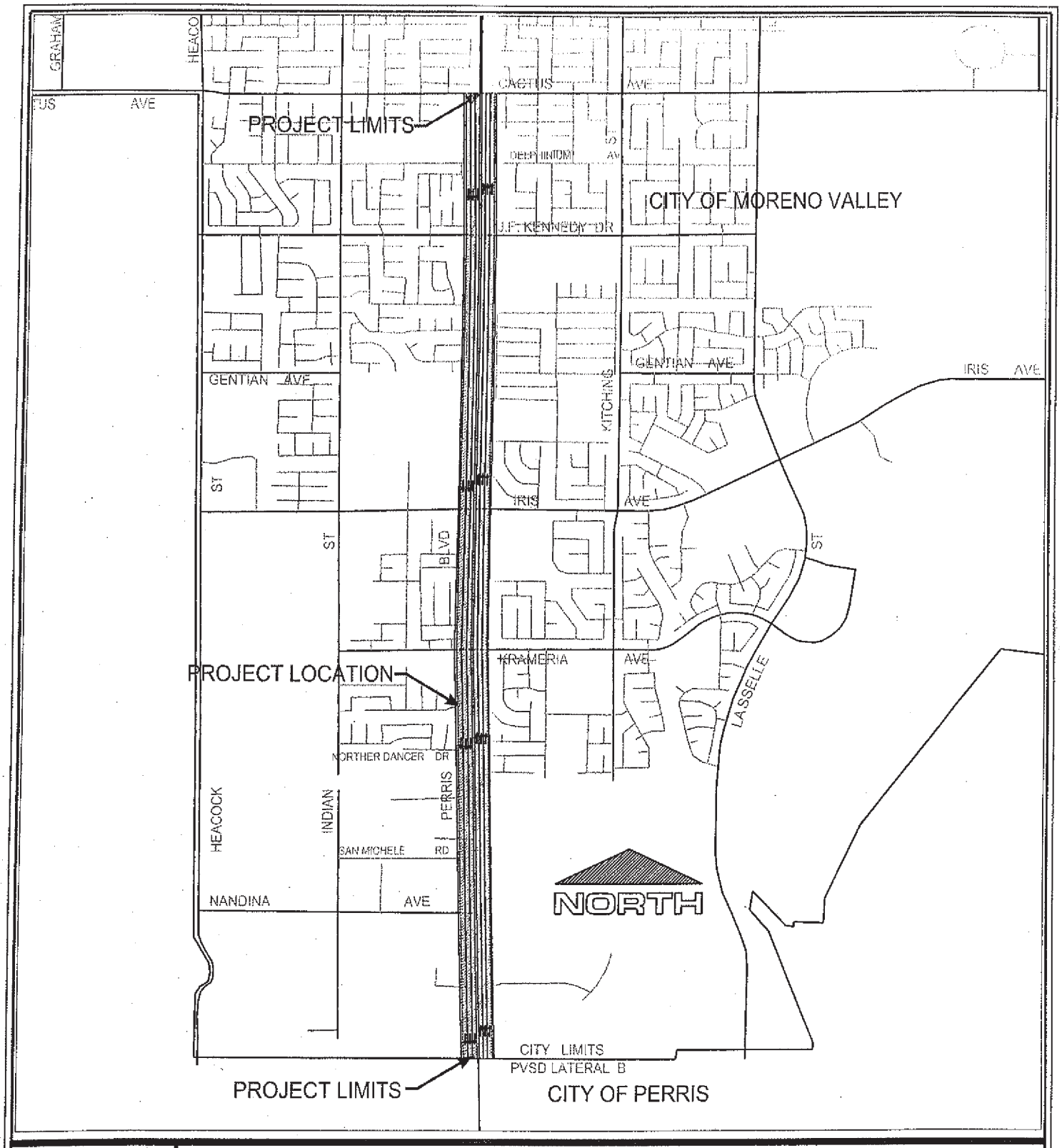
Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

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

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

W:\CapProj\CapProj\PROJECTS\Larry - 11-41570125 Perris Blvd. from PVSD Lateral B to Cactus Ave\CC Reports\08-41570125 Perris Blvd. from Ramona Expressway to Cactus Ave 052609 MND CC Rpt.doc

This page intentionally left blank.



LOCATION MAP

Public Works Department
Capital Projects Division

Scale: Not to scale

ATTACHMENT "A"

PERRIS BOULEVARD WIDENING
PVSD LATERAL "B" TO CACTUS AVE.

This page intentionally left blank.

NEGATIVE DECLARATION

PROJECT TITLE AND FILE NUMBER:
Perris Boulevard Street Improvement Project

PROJECT APPLICANT:
City of Moreno Valley
Project Engineer: Larry Gonzales, P.E.

TELEPHONE NUMBER:
(951) 413-3136

PROJECT LOCATION:
The project location is on Perris Boulevard extending from Perris Valley Storm Drain Lateral "B" (southerly City limits) to Cactus Avenue within the City Moreno Valley

PROJECT DESCRIPTION:
The project includes widening portions of Perris Boulevard from Perris Valley Storm Drain Lateral "B" to Cactus Avenue to a consistent six lane roadway with three northbound and three southbound lanes with sidewalk, curb, and gutter. The current configuration varies from three to six travel lanes. The total width of the roadway would be 86 feet curb to curb within a 110 foot right-of-way. The total length of the project is approximately 3.5 miles.

FINDING

The City of Moreno Valley has reviewed the above project in accordance with the City of Moreno Valley's Guidelines for the Implementation of the California Environmental Quality Act, and has determined that an Environmental Impact Report need not be prepared because:

[ ] The proposed project will not have a significant effect on the environment.

[X] Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures described in the attached Initial Study and hereby made a part of this Negative Declaration have been added to the project. The Mitigation Monitoring and Reporting Program contain the final form and content of all mitigation measures.

This determination is based upon an Initial Study. The project file, including the Initial Study and related documents is available for review during normal business hours (8:00 a.m. to 5:00 p.m. Monday through Friday) at the City of Moreno Valley, Community Development Department, Planning Division, 14177 Frederick Street, Moreno Valley, California 92553, Telephone (951) 413-3206.

PREPARED BY:
Chris Ormsby, AICP, Senior Planner

DATE:
April 20, 2009

NOTICE

The public is invited to comment on the Negative Declaration. The appropriateness and adoption of the Negative Declaration is considered at the time of project approval in light of comments received.

DATE ADOPTED: _____ BY: _____

Attachment "B"

INITIAL STUDY/
ENVIRONMENTAL CHECKLIST FORM
CITY OF MORENO VALLEY

1. Project Title: Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue

2. Lead Agency Name and Address: City of Moreno Valley
   14177 Frederick Street
   Moreno Valley, California 92552-0805

3. Contact Person and Phone Number: Larry Gonzales, P.E., (951) 413-3136

4. Project Location: The proposed project limits extend from Perris Valley Storm Drain Lateral "B" to Cactus Avenue along Perris Boulevard in the city of Moreno Valley.

5. Project Sponsor's Name and Address: City of Moreno Valley
   14177 Frederick Street
   Moreno Valley, California 92552-0805

6. General Plan Designation: Perris Boulevard is designated as Divided Arterial in the City's General Plan. The parcels along Perris Boulevard in the project area are designated residential, commercial, industrial, and office space in the City's General Plan Land Use Map.

7. Zoning: Parcels along Perris Boulevard within the project area are zoned residential, commercial, industrial, and office space.

8. Description of the Project: See following page.

9. Surrounding Land Uses and Setting: The properties along the roadway include residential, commercial, industrial, office space, and vacant land. The project setting is similar to that found on other arterial roadways within the City, including a mix of residential, commercial, industrial, office space, and vacant land. From Perris Valley Storm Drain Lateral "B" to Perris Valley Storm Drain Lateral "A," the land uses are predominantly industrial and commercial, with vacant parcels being primarily confined to the west side of Perris Boulevard. To the north of Perris Valley Storm Drain Lateral "A" up to Cactus Avenue, the land uses are dominated by single-family residential developments, with some multi-family residential areas and a few commercial and vacant lots also present.

10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement): A Determination of Biologically Equivalent or Superior Preservation (DBESP) will be submitted to United States Fish and Wildlife Service and California Department of Fish and Game for a 60-day review period and these agencies will provide comments as to the sufficiency of the DBESP.

Project Description

The City of Moreno Valley (City) proposes to widen portions of Perris Boulevard from Perris Valley Storm Drain (PVSD) Lateral "B" to Cactus Avenue to a consistent six lane roadway with three northbound and three southbound lanes with sidewalk, curb, and gutter (see Figures 1, 2, and 3). The current configuration of Perris Boulevard is discontiguous with a roadway cross-section varying from three to six travel lanes. The City's goal is to widen Perris Boulevard to an ultimate street width of eighty-six (86) feet curb to curb, within a one hundred and ten (110) foot right-of-way. The total length of the project is approximately 3.5 miles.

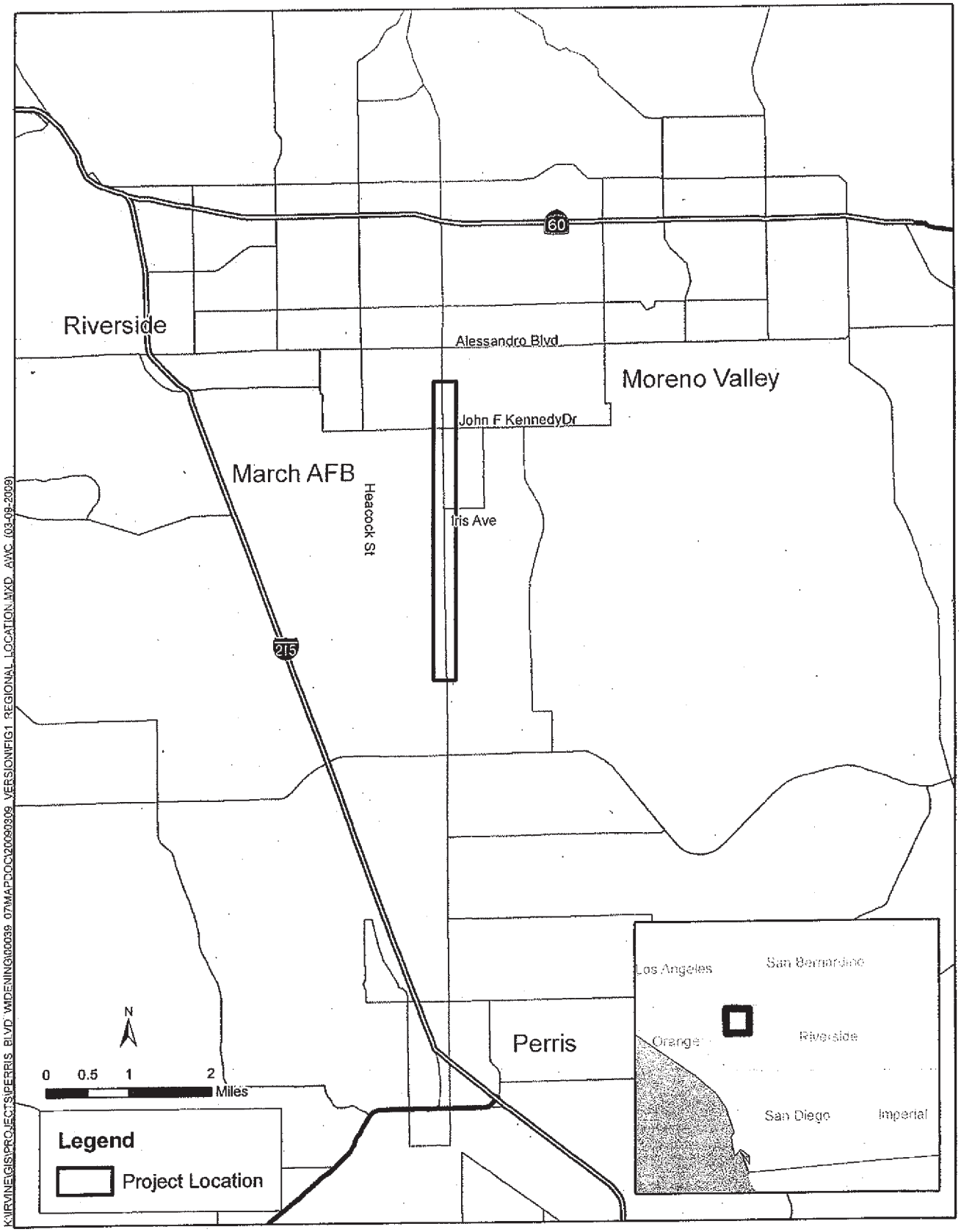
The project consists of four discrete areas as described below. Transition striping between the improvement areas and the existing facility would also be implemented. No work outside of the existing pavement would occur in these striping areas.

The first area of street widening is mostly along the west (southbound) side of Perris Boulevard from Perris Valley Storm Drain Lateral "B" to Perris Valley Storm Drain Lateral "A." The areas in the middle have been recently improved through a new development at Globe View Road and storm drain improvements from Lateral "B" to the north of Grove View Road. Relatively new pavement has been installed along most of the segment at a width that is close to the ultimate street pavement width. The minor widening within this area would be along the west (southbound) side of Perris Boulevard from Lateral "B" to south of Globe Street, from a block north of Globe Street to a block north of San Michele Road, and along both (northbound and southbound) sides of Perris Boulevard north to PVSD Lateral "A" bridge, to match the profiles which are generally well established by the existing improvements.

The second area is along the west (southbound) side of Perris Boulevard from Perris Valley Storm Drain Lateral "A" to Suburban Lane, and then from approximately 150 feet north of Northern Dancer Drive to Krameria Avenue. These two portions have an approximate length of 600 feet and 1000 feet respectively. Full improvements with asphalt concrete (AC) pavement widening, curb and gutter, and sidewalk are required for the west (southbound) side where there is only one existing southbound lane. The middle turn lane and the east (northbound) side of Perris Boulevard are fully improved in this segment.

The third area is along the west (southbound) side of Perris Boulevard from approximately 420 feet south of Santiago Drive to approximately 500 feet south of Filaree Avenue with an approximate length of 2300 feet. Full improvement widening is required for the west (southbound) side where only one southbound lane exists. The middle turn lane and east (northbound) side of Perris Boulevard are fully improved in this area.

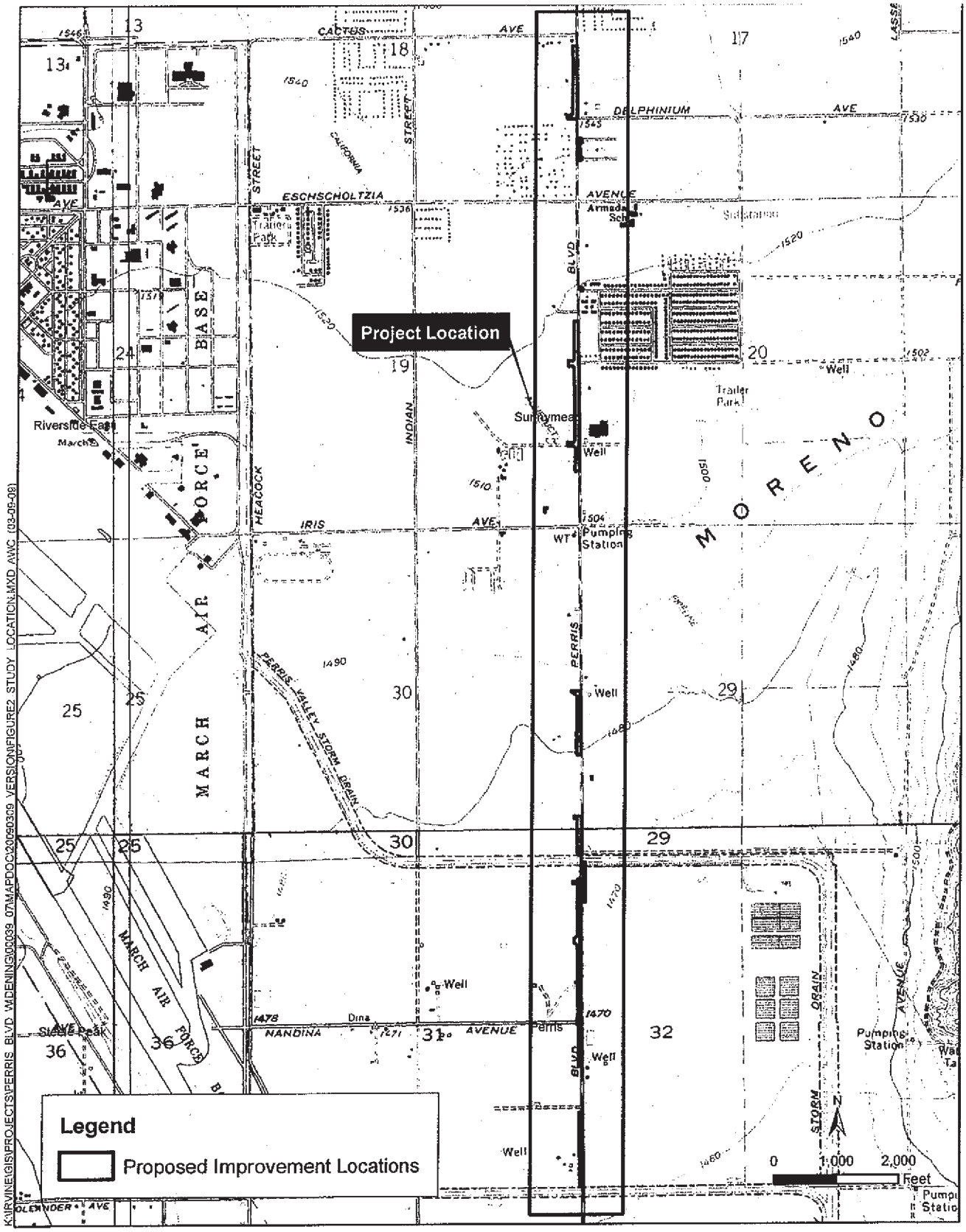
The fourth area is from Filaree Avenue to Cactus Avenue with an approximate length of 4000 feet. At the intersection of Perris Boulevard and Filaree Avenue improvements would be implemented at the northeast corner that would include sidewalk and curb improvements. Minor widening to full improvement is required through the portion from 700 feet south of Delphinium Avenue to Cactus Avenue. This area would require improvements along the west (southbound) side north of the Delphinium Avenue intersection to Cactus Avenue, and along the east (northbound) side south of the Delphinium Avenue intersection in front of an existing mobile home park. In this area it is anticipated that one mobile home in the Sky Trails Mobile Home Park would require relocation. In addition, the proposed project would remove nine parking spaces in the mobile home park. However, in the area where the single unit is impacted, the mobile home park would be reconfigured to incorporate nine parking spaces to replace those that are removed by the proposed project.



Source : ESRI StreetMap USA (2007)

ICF Jones & Stokes

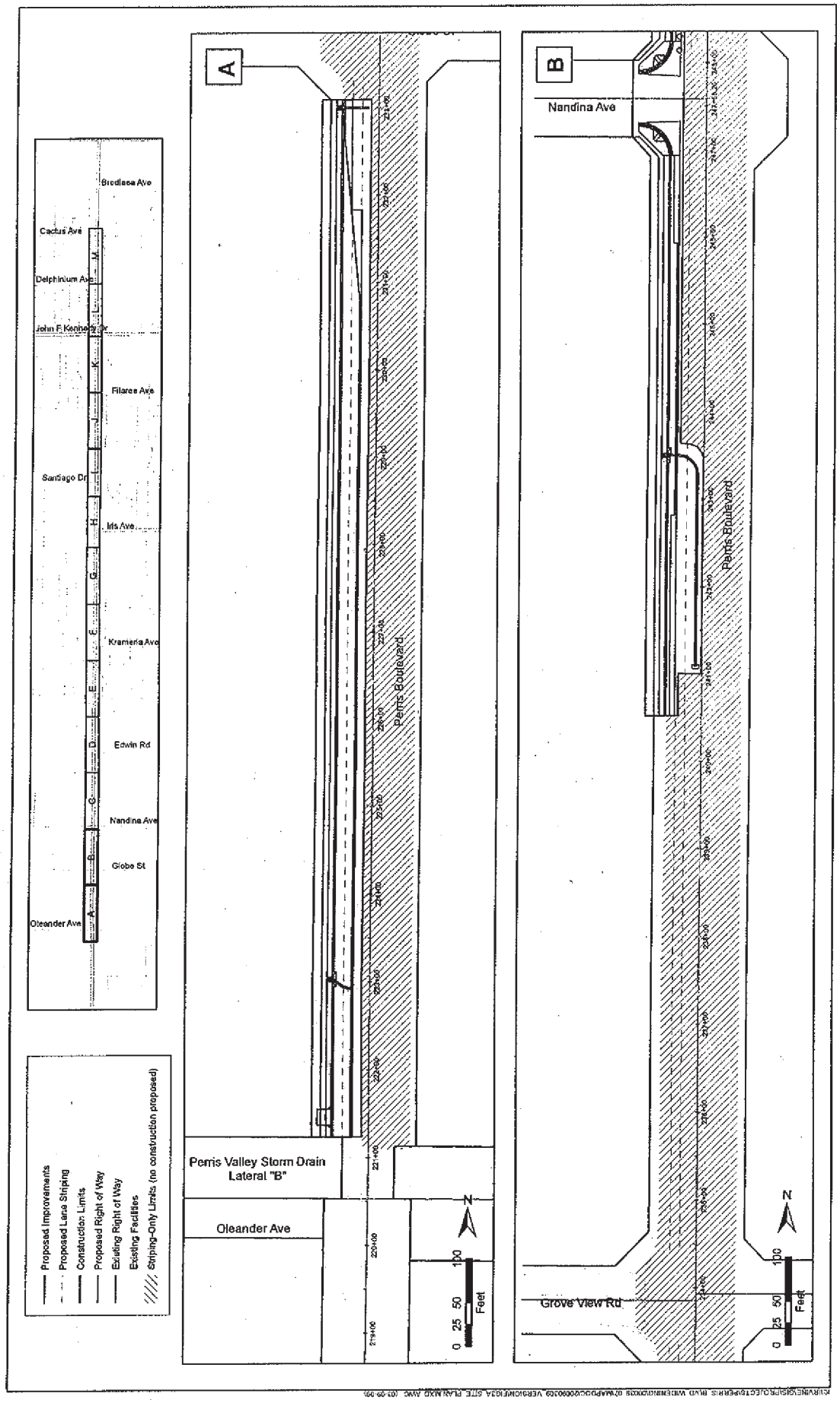
Figure 1
Regional Location
Perris Boulevard Widening



Source : USGS 7.5' Quad., California : Perris (1978), Sunnymead (1976)

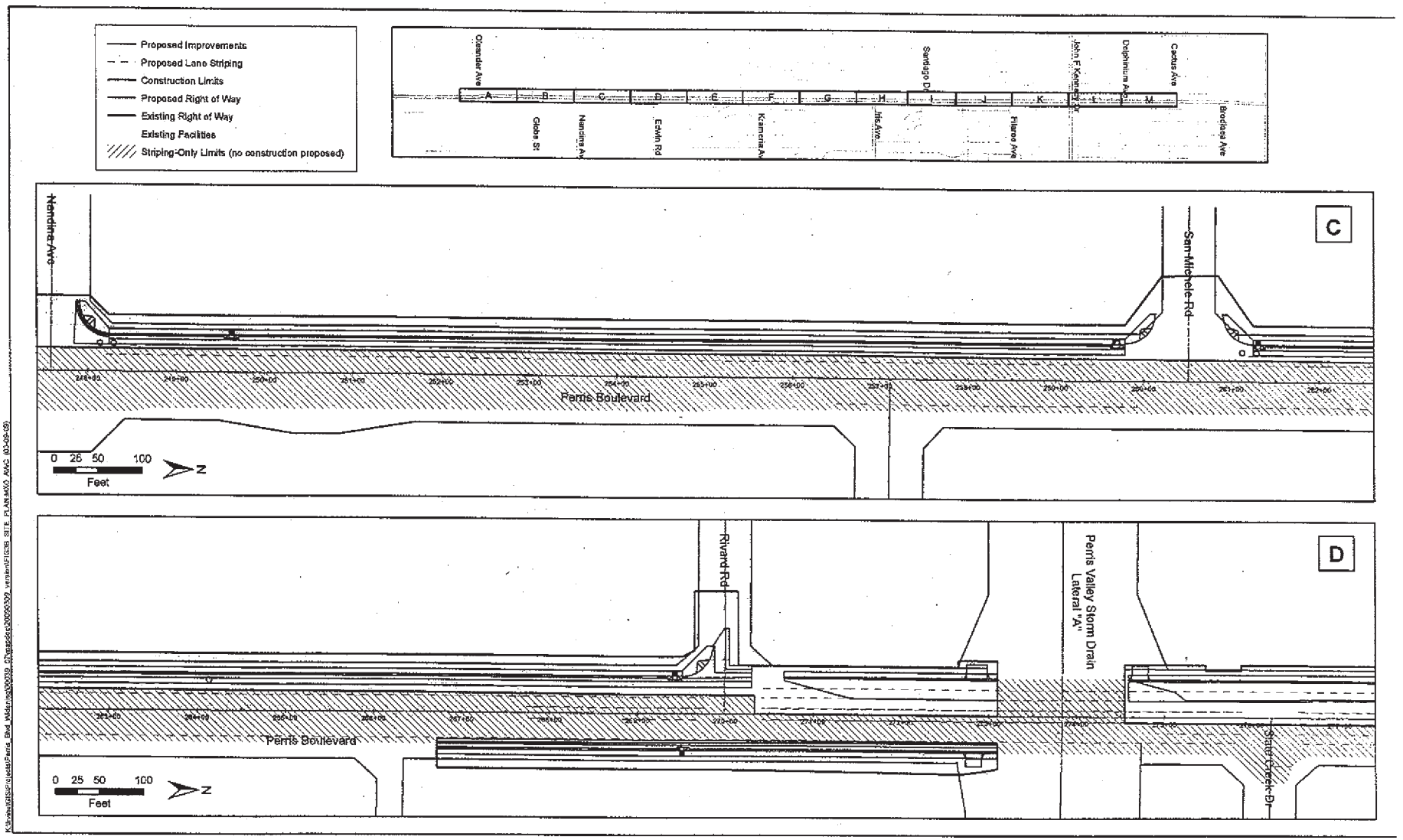
ICF Jones & Stokes

Figure 2
Study Location
Perris Boulevard Widening



SOURCE: Lim & Nasomento Engineering Corp. (2008)

Figure 3a
Proposed Project
Perris Boulevard Widening



SOURCE: Lim & Nascimento Engineering Corp. (2009)

Figure 3I
Proposed Projec
Perris Boulevard Widenin

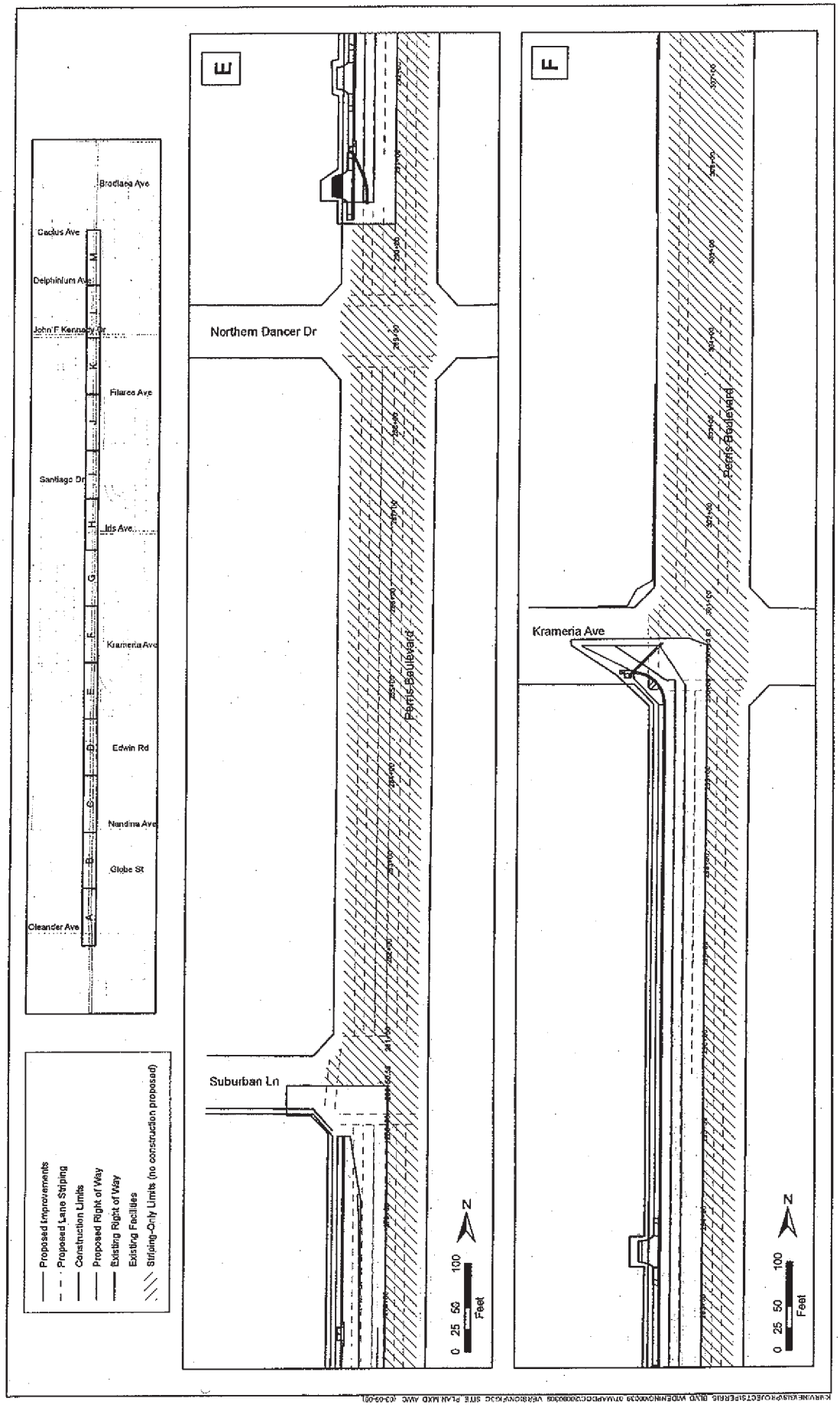
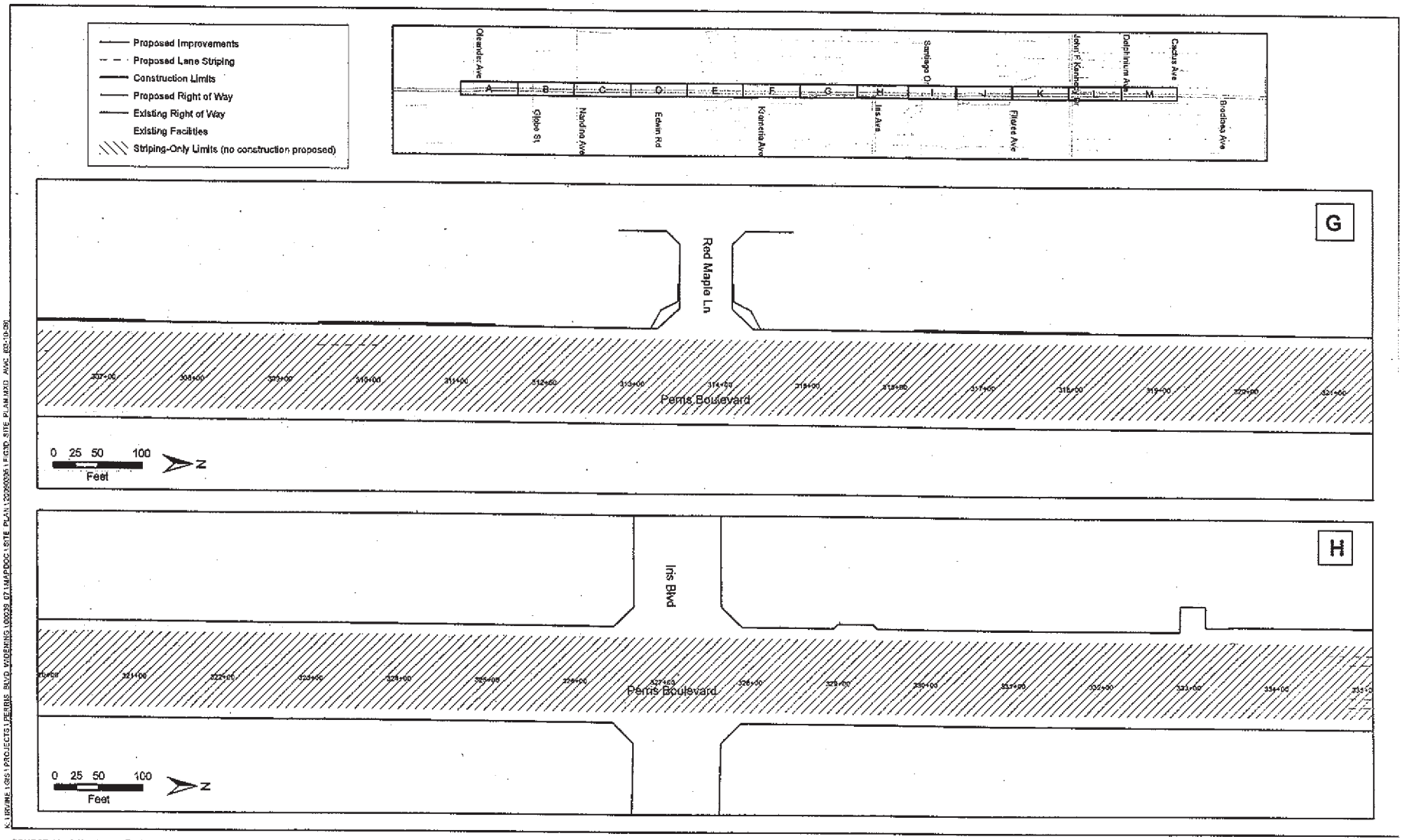


Figure 3c
Proposed Project
Perris Boulevard Widening



SOURCE: Lim & Nascimento Engineering Corp. (2008)

Figure 3d
Proposed Project
Perris Boulevard Widening

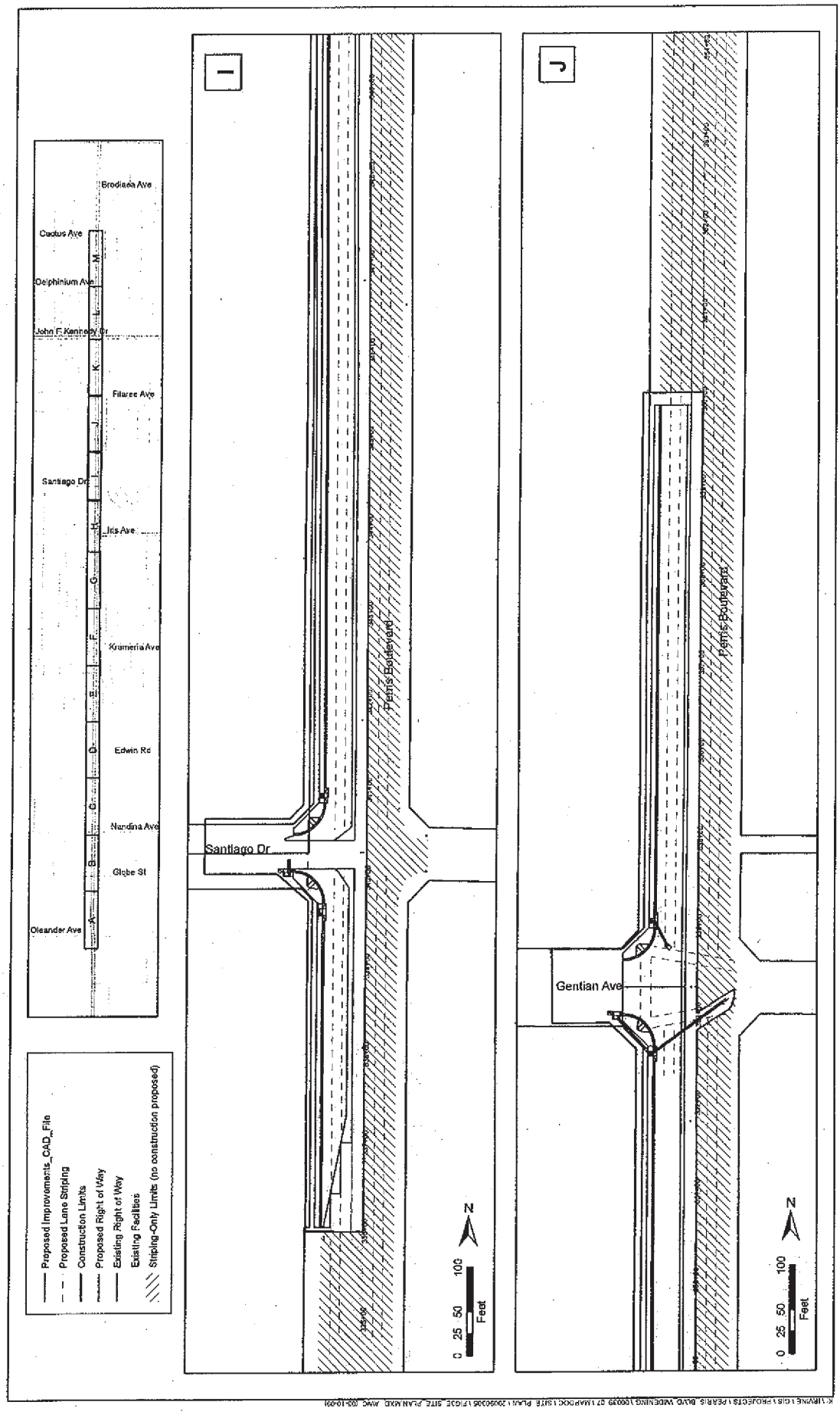
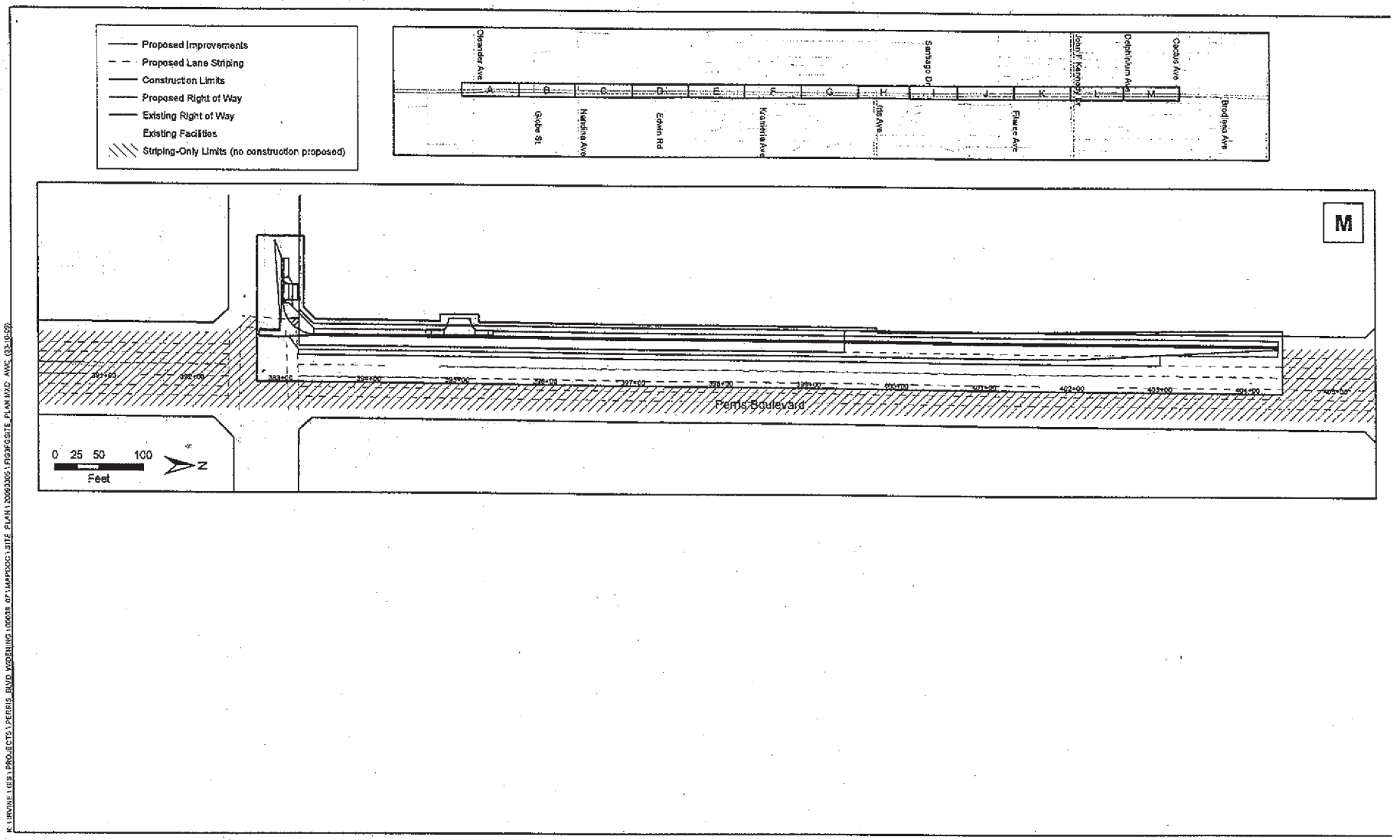


Figure 3e
Proposed Project
Perris Boulevard Widening

SOURCE: Lim & Nasimento Engineering Corp. (2008)

Figure 3f
Proposed Project
Perris Boulevard Widening



SOURCE: Lim & Nascimento Engineering Corp. (2008)

Figure 3
Proposed Proje
Perris Boulevard Widenir

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below(■) would potentially be 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		Hazards & Hazardous Materials		Public Services
	Agricultural Resources		Hydrology/Water Quality		Recreation
	Air Quality		Land Use/Planning		Transportation/Traffic
	Biological Resources		Mineral Resources		Utilities/Service Systems
	Cultural Resources		Noise		Mandatory Findings of Significance
	Geology/Soils		Population/Housing		

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	X
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 "potentially 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.	

Chris Ormsby — 4/20/09

Signature — Date

Chris Ormsby, AICP, Senior Planner

Printed Name — For

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. **AESTHETICS.** Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
2. **AGRICULTURE RESOURCES:** In determining whether impacts on 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
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
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
3. **AIR QUALITY:** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		X		
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	
4. **BIOLOGICAL RESOURCES.** 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		

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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		
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		
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
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
5. **CULTURAL RESOURCES.** 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 resource pursuant to Section 15064.5?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	
6. **GEOLOGY AND SOILS.** Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
(ii) Strong seismic ground shaking?			X	
(iii) Seismic-related ground failure, including liquefaction?				X
(iv) Landslides?				X
(b) Result in substantial soil erosion or the loss of topsoil?			X	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(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
(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
7. **HAZARDS AND HAZARDOUS MATERIALS.** Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or involve handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
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	
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	
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
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
8. **HYDROLOGY AND WATER QUALITY.** Would the project:				
a) Violate any water quality standards or waste discharge requirements?		X		
b) Substantially deplete groundwater supplies or interfere substantially with			X	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?		X		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site?			X	
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	
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
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	
j) Inundation by seiche, tsunami, or mudflow?				X
9. **LAND USE AND PLANNING.** Would the project:				
a) Physically divide an established community?				X
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
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
10. **MINERAL RESOURCES.** Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
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?				
11. **NOISE.** Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
12. **POPULATION AND HOUSING.** Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?			X	
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			X	
13. **PUBLIC SERVICES.** Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, or a 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	
b) Police protection?				X
c) Schools?			X	
d) Parks?			X	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Other public facilities?			X	
14. **RECREATION.**				
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
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
15. **TRANSPORTATION/TRAFFIC.** Would the project:				
a) Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level-of-service standard established by the county congestion management agency for designated roads or highways?			X	
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
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
e) Result in inadequate emergency access?			X	
f) Result in inadequate parking capacity?			X	
g) Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
16. **UTILITIES AND SERVICE SYSTEMS.** 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	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be 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
f)) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statues and regulations related to solid waste?				X
17. **MANDATORY FINDINGS OF SIGNIFICANCE.**				
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, substantially reduce the number or restrict the range of an endangered, rare or threatened plant or animal, or eliminate important examples of the major periods of California history or prehistory?		X		
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 the past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

1. Aesthetics

Setting

The proposed project would involve construction along Perris Boulevard from Perris Valley Storm Drain Lateral "B" to Cactus Avenue. Views from Perris Boulevard within the project limits include views of commercial and industrial centers, residential communities, and vacant parcels. Distant views are possible of the Box Springs Mountains to the north and the Russell Mountain area to the east. These views are available to pedestrians, motorists, business owners, and shoppers who travel this portion of Perris Boulevard. The views are not unique, and similar views are available from other areas and streets in the City. The project site is not considered an area of high natural beauty or unique aesthetic qualities. Perris Boulevard within the project limits has not been identified as a scenic roadway by the City or by the State of California. The City of Moreno Valley's General Plan[1] does not identify Perris Boulevard or the surrounding areas as important scenic resources. Land uses adjacent to Perris Boulevard are largely commercial and industrial between Perris Valley Storm Drain Laterals "A" and "B," with residential development and some scattered commercial development dominating to the north of Perris Valley Storm Drain Lateral "A." Various light sources in the project area include streetlights, store front lighting, illuminated street signs, and lights emanating from residential and commercial establishments. Vehicle traffic along the existing facility also contributes to light and glare throughout the proposed project area.

Discussion

a) Would the project have a substantial adverse effect on a scenic vista?

No Impact. The proposed project would not affect a scenic vista. The existing roadway is currently visible from adjacent uses. Views from the roadway include views of commercial buildings, residential neighborhoods, industrial uses, vacant lots, and retail centers. The proposed project would provide roadway improvements but would not introduce vertical elements that could obstruct existing views. The proposed improvements would not be substantially different from existing road conditions, nor would they create a substantial change in existing views from the project site or its surroundings. Therefore, no impact on scenic vistas would occur.

b) Would the project substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. Perris Boulevard within the project limits has not been identified as a scenic roadway by the City or by the State of California. The City of Moreno Valley's General Plan does not identify Perris Boulevard or the surrounding areas as important scenic resources. No trees or rock outcroppings of significant visual quality and no historic buildings are located adjacent to Perris Boulevard within the project limits; therefore, no impact will occur.

c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

Less-than-significant Impact. The Perris Boulevard project area is characterized by generally flat topography. Adjacent lands include residential, commercial, and industrial land uses, as well as vacant, undeveloped parcels. The proposed project involves improvements to an existing roadway along the same alignment. As such, the visual character of the project area would not change as a result of these at-grade improvements. The project would not constitute a significant degradation of the visual character or quality of the site or its surroundings. Therefore, impacts would be less than significant.

[1] City of Moreno Valley. 2006. City of Moreno Valley General Plan. Adopted July 11.

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less-than-significant Impact. The major sources of light and glare in the vicinity of the site are streetlights, store front lighting, illuminated street signs, and lights emanating from residential and commercial establishments, along with lights from vehicles using Perris Boulevard and the adjacent facilities. The proposed project would introduce a minimal number of new light sources, primarily additional street lighting, which would be designed to be consistent with existing lighting along the roadways in the vicinity of the project and consistent with the City's roadway lighting standards. The lighting standards would be in a downward direction and would not result in substantial spill-over impacts on nearby residences. Therefore, impacts would be considered less than significant.

2. Agricultural Resources

Setting

The California Department of Conservation's Farmland Mapping and Monitoring Program was used to determine whether any agricultural parcels adjacent to the proposed project have been documented as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance in the City of Moreno Valley. According to the latest data for Riverside County, there are approximately 1,639 acres of Prime Farmland in the greater Moreno Valley area. The majority of the Prime Farmland is located north and south of Highway 60, and in an area near the southern portion of the project area. The City's General Plan lists designated farmland along the alignment from Perris Valley Storm Drain Lateral "A" to south of Nandina Avenue. However, based on the City's General Plan, the majority of the designated Farmland has since been developed.[2] Although the City's General Plan identifies agricultural crops as an allowable use for its zoning categories, no parcels within the City have been designated for agricultural uses. The proposed project is not located within an agricultural preserve under protection of the Williamson Act, which applies to parcels consisting of at least 20 acres of Prime Farmland or at least 40 acres of farmland not designated as Prime Farmland.[3]

Discussion

a) Would the project 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 uses?

No Impact. Parcels adjacent to the proposed project are designated as Commercial, Business Park/Light Industrial, Industrial, Residential, and Office Space in the City's General Plan. According to the City's General Plan, the lands adjacent to the alignment from Perris Valley Storm Drain to south of Nandina Avenue were previously designated Prime, Unique, or of Statewide Importance. However, these lands have already been developed and converted to non-agricultural land uses. Therefore, the project would not result in changes to the City's land use designations or result in the changes of agricultural use to non-agricultural uses. Therefore, the project would result in no impact.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. Parcels along Perris Boulevard are zoned for Commercial, Business Park/Light Industrial, Residential, Industrial and Office Space uses. The proposed project would not conflict with the existing zoning. The City's General Plan currently states that no land within the City is currently under a Williamson Act contract and that no land is designated for agricultural preservation; therefore, there would be no impact.

c) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

No Impact. As discussed above, the parcels along Perris Boulevard are designated Commercial, Business Park/Light Industrial, Residential, Industrial, and Office Space in the City's General Plan. The portion of the proposed project that bisects previously designated farmland would not affect any land that is currently being used for agricultural purposes; therefore, no impact would occur.

---

[2] Ibid.

[3] California Department of Conservation 2004. *Riverside County Williamson ACT Lands 2004*[map]. Division of Land Resource Protection. Printed April 7. Sacramento, CA.

3. Air Quality

Setting

The proposed project site is located within the Riverside County portion of the South Coast Air Basin (Basin). This northern portion of the Basin falls under the jurisdiction of the South Coast Air Quality Management District (SCAQMD).

Regulatory Setting

The air quality management agencies of direct importance in the Riverside County portion of the Basin include the U.S. Environmental Protection Agency (EPA), California Air Resources Board (CARB), and the South Coast Air Quality Management District (SCAQMD). EPA has established federal ambient air quality standards for which CARB and SCAQMD have primary implementation responsibility. CARB and SCAQMD are also responsible for ensuring that state ambient air quality standards are met. SCAQMD is responsible for implementing strategies for air quality improvement and recommending mitigation measures for new growth and development.

Air quality is determined primarily by the size and topography of the basin, meteorological conditions, and the type and amount of contaminants emitted into the atmosphere. State and federal criteria pollutant emission standards have been established for six pollutants: carbon monoxide (CO), ozone (O_3), particulate matter 10 microns or less in diameter (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), and lead (Pb). Within the Basin, SCAQMD is responsible for ensuring that emission standards are not violated. SCAQMD develops and enforces air quality regulations for non-vehicular sources, issues permits, participates in air quality planning, and operates a regional air quality monitoring network.

Federal and State Ambient Air Quality Standards

Existing air quality conditions in the project area can be characterized in terms of the ambient air quality standards that EPA and CARB have established for several different pollutants. For some pollutants, separate standards have been set for different measurement periods. Most standards have been set to protect public health and welfare with an adequate margin of safety. For some pollutants, standards are based on other values (e.g., protection of crops and materials or avoidance of nuisance conditions).

National ambient air quality standards (NAAQS) were first authorized by the federal Clean Air Act of 1970. Air quality is considered in "attainment" if pollutant levels are below or equal to the NAAQS continuously or exceed them no more than once each year. California ambient air quality standards (CAAQS) were authorized by the state legislature in 1967. Pollution levels must be below the CAAQS before a basin can attain the state standard. California standards are generally more stringent than the national standards. The pollutants of greatest concern in the Basin are O_3 and PM_{10}. Federal and state ambient air quality standards are presented in Table 1.

Attainment Status

Areas are classified as either attainment or nonattainment areas with respect to state and federal ambient air quality standards. These classifications are determined by comparing the monitored air pollutant concentrations to the state and federal standards. If a pollutant concentration is lower than the state or federal standard, the area is classified as being in attainment of the standard for that pollutant. If a pollutant violates the standard, the area is considered a nonattainment area. If data are insufficient to determine whether a pollutant is violating the standard, the area is designated unclassified. This typically occurs in non-urbanized areas where levels of the pollutant are not a concern. Table 2 lists each criteria pollutant and its related attainment status for the Basin.

Table 1.
Federal and State Ambient Air Quality Standards

Pollutant	Averaging Time	CAAQS[a]	NAAQS[b]
Ozone (O_3)	1 hour	0.09 ppm[c]	—
	8 hour	0.070 ppm	0.075 ppm
Carbon Monoxide (CO)	1 hour	20 ppm	35 ppm
	8 hour	9.0 ppm	9 ppm
Nitrogen Dioxide (NO_2)	1 hour	0.18 ppm	NA
	Annual	0.030 ppm	0.053 ppm
Sulfur Dioxide (SO_2)	1 hour	0.25 ppm	—
	24 hour	0.04 ppm	0.14 ppm
	Annual	—	0.030 ppm
Inhalable Particulate Matter (PM_{10})	24 hour	50 $\mu g/m^3$[c]	150 $\mu g/m^3$
	Annual	20 $\mu g/m^3$	—
Fine Particulate Matter ($PM_{2.5}$)	24 hour	—	35 $\mu g/m^3$
	Annual	12 $\mu g/m^3$	15.0 $\mu g/m^3$
Sulfates	24 hour	25 $\mu g/m^3$	—
Lead (Pb)	30 day	1.5 $\mu g/m^3$	—
	Calendar quarter	—	1.5 $\mu g/m^3$
	Rolling 3-month average	0.15 $\mu g/m^3$	—
Hydrogen Sulfide	1 hour	0.03 ppm	—
Vinyl Chloride	24 hour	0.01 ppm	—

Notes:

[a] The California ambient air quality standards for O_3, CO, SO_2 (1-hour and 24-hour), NO_2, PM_{10}, and $PM_{2.5}$ are values not to be exceeded. All other California standards shown are values not to be equaled or exceeded.

[b] The national ambient air quality standards, other than O_3 and those based on annual averages, are not to be exceeded more than once a year. The O_3 standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above the standard is equal to or less than one.

[c] ppm = parts per million by volume; $\mu g/m^3$ = micrograms per cubic meter.

Source: California Air Resources Board, November 17, 2008.

Table 2.
Federal and State Attainment Status for the South Coast Air Basin

Pollutant	Federal	State
Ozone (O_3)		
1-Hour [a]	N/A	Nonattainment
8-Hour	Nonattainment	Nonattainment
Carbon Monoxide (CO)	Attainment/Maintenance	Attainment
Nitrogen Dioxide (NO_2)	Unclassified/Attainment	Attainment
Sulfur Dioxide (SO_2)	Unclassified/Attainment	Attainment
Lead (Pb)	Unclassified/Attainment	Attainment
Particulate Matter		
PM_{10}	Nonattainment	Nonattainment
$PM_{2.5}$	Nonattainment	Unclassified/Attainment

Notes:
[a] The U.S. EPA revoked the federal 1-hour standard on June 15, 2005.

Local Climate

Data from the Western Regional Climate Center's Perris climate monitoring station was used to characterize project vicinity climate conditions because it is nearest to the project site. The average project area summer (August) high and low temperatures are 96.9°F and 58.7°F, respectively, while the average winter (January) high and low temperatures are 65.3°F and 34.7°F, respectively. The average annual rainfall is 10.42 inches.[4]

The wind monitoring station located nearest to the project site is in Riverside; therefore, data from the Riverside wind monitoring station was used to characterize study area wind conditions. Wind patterns in the project vicinity display a nearly unidirectional flow, primarily from the west, at an average speed of 3.9 miles per hour. Calm wind conditions are present 12.1% of the time.[5]

Existing Pollutant Levels at Nearby Monitoring Station

The SCAQMD has divided the South Coast Air Basin into air monitoring areas and maintains a network of air quality monitoring stations located throughout the Basin. The project site is located in the Perris Valley Monitoring Area (i.e., Source Receptor Area [SRA] Number 24), which is served by the Perris Monitoring station. Criteria pollutants monitored at the Perris Station include O_3 and PM_{10}. For the remaining criteria pollutants, data from the next closest monitoring stations (Riverside-Magnolia station and Riverside-Rubidoux station) was compiled to characterize local air pollutant concentrations.

Monitoring data (Table 3) show the following pollutant trends: state 1-hour O_3 standards were exceeded an average of 51 times per year during the 3-year period. The national 8-hour O_3 standard was exceeded an average of 43 times per year during the 3-year reporting period. CO and NO_2 concentrations are low, and recorded no exceedances during the 3-year reporting period. Particulate (PM_{10} and $PM_{2.5}$) concentrations are largely affected by meteorology and show some variability during the 3-year reporting period. The state 24-hour PM_{10} standard was exceeded 18 times in 2005, 18 times

[4] Western Regional Climate Center. Los Angeles Area, California Climate Summaries. Perris, California (046816). Available: http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca6846. Accessed: October 3, 2007.
[5] SCAQMD, ftp://ftp.aqmd/pub/metdatariversd.exe. Accessed October 4, 2007.

in 2006, and 31 times in 2007, while the national standard exceeded twice in 2007 during the 3-year reporting period. The national $PM_{2.5}$ standard was exceeded once in 2005 and once again in 2007.

Table 3.

Air Quality Data from Perris Station (ARB 33149), Riverside-Magnolia Station (ARB 33146), and Riverside-Rubidoux Station (33144)

Pollutant Standards	2005	2006	2007
Ozone (O_3)			
State Standard (1-Hour Average = 0.09 ppm)			
National Standard (8-Hour Average = 0.08 ppm)			
Maximum Concentration 1-Hour Period (ppm)	0.126	0.169	0.138
Maximum Concentration 8-Hour Period (ppm)	0.103	0.122	0.117
Days State 1-Hour Standard Exceeded	11	77	66
Days National 8-Hour Standard Exceeded	3	53	73
Carbon Monoxide (CO)			
State Standard (8-Hour Average = 9 ppm)			
National Standard (8-Hour Average = 9 ppm)			
Maximum Concentration 8-Hour Period (ppm)	2.39	2.38	2.16
Days State/National 8-Hour Standard Exceeded	0	0	0
Nitrogen Dioxide (NO_2)			
State Standard (1-Hour Average = 0.18 ppm)			
Maximum 1-Hour Concentration	0.077	0.076	0.072
Days State Standard Exceeded	0	0	0
Suspended Particulates (PM_{10})			
State Standard (24-Hour Average = 50 µg/m³)			
National Standard (24-Hour Average = 150 µg/m³)			
Maximum State 24-Hour Concentration	75.0	119.0	1155.0
Maximum National 24-Hour Concentration	80.0	125.0	1212.0
Days Exceeding State Standard	18	18	31
Days Exceeding National Standard	0	0	2
Suspended Particulates ($Pm_{2.5}$)			
National Standard (24-Hour Average = 35 µg/m³)			
Maximum 24-Hour Concentration	94.9	55.3	68.5
Days Exceeding National Standard[a]	1	0	1

[a] Number of exceedances based on NAAQS applicable during period shown (65 µg/m³). Standard was changed to 35 µg/m³ in November 2006, to be applied to 2007.

Source: California Air Resources Board, compiled by ICF Jones & Stokes, July 2008.

Discussion

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

Less-than-significant Impact. A project is consistent with the Air Quality Management Plan (AQMP) if it is consistent with the population, housing, and employment assumptions that were used in the development of the AQMP. The proposed project would involve the construction of roadway improvements. The physical changes to the environment proposed by the project would involve minor site grading and paving; it would not result in an increase in population or the number of new permanent employees in the area. Because the proposed project would not exceed the population or employment growth values developed by the Southern California Association of Governments (SCAG), pursuant to SCAQMD guidelines, the proposed project is considered consistent with the region's AQMP. As such, proposed project-related emissions are accounted for in the AQMP, which was crafted to bring the Basin into attainment for all criteria pollutants. Accordingly, the proposed project would be consistent with the projections in the AQMP, thus resulting in an impact that is less than significant.

b) Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less-than-significant Impact. As discussed previously, the project site is located within the South Coast Air Basin. State and federal air quality standards are often exceeded in many parts of the Basin. The proposed project would contribute to regional air pollutant emissions during construction (short term) and project occupancy (long term). A discussion of the project's potential construction- and operations-period air quality impacts is provided below.

Construction-period Mass Emissions

Construction of the proposed project has the potential to result in air quality impacts through the use of heavy-duty construction equipment and the daily trips of construction workers traveling to and from the project site in their vehicles. Mobile-source emissions, primarily oxides of nitrogen (NO_X), would result from the use of construction equipment such as graders, scrapers, bulldozers, wheeled loaders, cranes, etc. Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and, for dust, the prevailing weather conditions. The assessment of construction air quality impacts considers each of these potential sources.

Two models were utilized in calculating construction-period emissions: Roadway Construction Emissions Model (version 5.1) and URBEMIS 2007 (version 9.2.4). The Roadway Construction Emissions Model was used to ascertain an estimate of construction equipment requirements and construction phase durations based on project specific details (i.e., length and width of roadway segment, cut/fill volume, soil type, duration of construction, etc.). Using the equipment mix and phase durations derived from the Roadway Construction Emissions Model, URBEMIS 2007 was used to quantify both regional and localized mass emissions related to construction. URBEMIS 2007 was used for this purpose since the most recent version Roadway Construction Emissions Model does not have the most recent EMFAC2007 emission factors. A copy of the both the Roadway Construction Emissions Model and URBEMIS 2007 model input and output sheets are provided in the Air Quality Appendix (Appendix A).

Construction of the proposed project would take approximately 12 months to complete. The total amount of construction, the duration of construction, and the intensity of construction activity could have a substantial effect upon the amount of construction emissions, their concentrations, and the resulting impacts occurring at any one time. As such, the emission forecasts provided herein reflect a specific set of conservative assumptions based on the expected construction scenario wherein a relatively large amount of construction is occurring in a relatively intensive manner. Because of this conservative assumption, actual emissions could be less than those forecasted. For example, if construction is delayed or occurs over a longer time period, emissions would be reduced because of: 1) use of a

more modern and cleaner-burning construction equipment fleet mix; and/or 2) a less intensive buildout schedule (i.e., fewer daily emissions occurring over a longer time interval).

The estimate of worst-case construction-period emissions is provided in Table 4 and Table 5. As shown therein, neither regional nor localized mass emissions would exceed SCAQMD significance thresholds. As such, proposed project emissions during construction would be less than significant.

Operations-period Mass Emissions

SCAQMD has also established significance thresholds to evaluate potential impacts associated with long-term project operations. Long-term air pollutant emissions come from mobile sources, stationary sources, and area sources. Mobile-source emissions are associated with vehicular travel and are a function of the number of vehicle miles traveled (VMT). There is a direct relationship between mobile-source emissions and VMT. As VMT increases or decreases, so do related air pollutant emissions.

At the localized level, project-related VMT would be higher than under the no-project condition because the additional capacity will increase local circulation efficiency, which will likely attract rerouted trips from elsewhere in the transportation network. This localized increase in VMT would lead to a marginal increase in localized air pollutant emissions under the with-project condition along the improved segment Perris Boulevard. However, a corresponding decrease in air pollutant emissions along parallel routes would likely occur as well. In addition, localized emissions increases would also be offset somewhat by lower emissions rates due to an increase in average travel speed. This is because according to CARB's EMFAC2007 emissions model, emissions of all criteria pollutants decrease as speed increase. Overall, any changes in project-related criteria pollutant emissions would be negligible. Potential impacts would be less than significant and no mitigation measures are necessary.

Table 4.

Estimate of Regional Construction Emissions (pounds per day)

	ROC	NOx	CO	SOx	PM_{10}	$PM_{2.5}$
Roadway Widening and Storm Drain Construction Mass Regional Emissions (December 2009 – November 2010)						
Mass Grading 1 (Grubbing/Land Clearing)[a]	5	35	25	0	6	2
Mass Grading 2 (Grading/Excavation)[b]	6	42	27	0	7	3
Trenching (Drainage/Utilities/Subgrade)[c]	5	39	26	0	2	2
Asphalt Paving [d]	4	25	20	0	2	1
Maximum Concurrent Project Emissions[e]	6	42	27	0	7	3
Regional Significance Threshold	75	100	550	150	150	55
Exceed Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Notes:

URBEMIS 2007 output sheets and emissions calculation worksheets are included in the Air Quality Appendix.

[a] The construction phase used 1 grader, 1 scrapper, 7 signal boards, 2 Tractors/ Loaders/ Backhoes, and 1 Water Truck.

[b] The construction phase used 1 grader, 1 rubber tired dozer, 7 signal boards, and 1 Water Truck.

[c] The construction phase used 1 grader, 1other equipment , 1 scrapper, 7 signal boards, and 1 Water Truck.

[d] The construction phase used 1 paver, 1 paving equipments, 7 signal boards, and 1 rollers.

[e] Maximum concurrent project emissions occur when the paving for road widening and storm drain construction overlaps with the grading/excavation.

ROC = reactive organic compounds; NOx = oxides of nitrogen; SOx = oxides of sulfur.

Source: ICF Jones & Stokes, August 2008.

Table 5.
Estimate of Localized Construction Emissions

	NOx	CO	PM_{10}	$PM_{2.5}$
Roadway Widening and Storm Drain Construction Mass Regional Emissions (December 2009 – November 2010)				
Mass Grading 1 (Grubbing/Land Clearing)	34	22	6	2
Mass Grading 2 (Grading/Excavation)	41	26	2	2
Trenching (Drainage/Utilities/Subgrade)	39	23	2	2
Asphalt Paving	25	18	1	1
Maximum Concurrent Project Emissions	41	26	6	2
Localized Significance Threshold[a]	213	883	7	4
Exceed Threshold?	**No**	**No**	**No**	**No**

Notes:

URBEMIS 2007 output sheets and emissions calculation worksheets are included in the Air Quality Appendix.

[a] These localized thresholds were taken from tables provided in the *SCAQMD Localized Significance Thresholds Methodology* guidance document and based on the following: 1) The project site is located in SCAQMD Source Receptor Area No. 24; 2) sensitive receptors are located within 25 meters of construction activity, and 3) the maximum site area disturbed is greater than 2 acres.

Source: ICF Jones & Stokes, August 2008.

c) ***Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including emissions which exceed quantitative thresholds for ozone precursors?***

Less-than-significant Impact with Mitigation Incorporated. As demonstrated below, cumulative impacts would be less than significant with respect to regional emissions, localized emissions, and greenhouse gas emissions.

Regional Emissions Analysis

SCAQMD's approach for assessing cumulative impacts is based on the AQMP forecasts of attainment of ambient air quality standards in accordance with the requirements of the federal and state Clean Air Acts. As discussed earlier in Response IIIa, the proposed project would be consistent with the AQMP, which is intended to bring the Basin into attainment for all criteria pollutants.[6]

Localized Emissions Analysis

With respect to localized increases in air pollutant emissions related to increases in intersection traffic volumes, the project was evaluated using the Caltrans' CO analysis protocol. The CO protocol includes two flowcharts that illustrate when a detailed CO analysis needs to be prepared. The referenced flowcharts are included in the Air Quality Appendix. The questions (shown in the first flowchart) relevant to the project and the answers to those questions are as follows. The answers presented for both flowcharts would be the same for either build alternatives.

[6] CEQA Guidelines Section 15064(h)(3) states "A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g., water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency."

3.1.1: Is the project exempt from all emissions analyses?

Response: No, the project does not qualify for an exemption. As shown in Table 1 of the CO protocol (provided in Air Quality Appendix), the proposed project does not fall into a project category that is exempt from all emissions analysis (proceed to 3.1.2).

3.1.2: Is the project exempt from regional emissions analyses?

Response: No, the project is not exempt from a regional emissions analysis. As shown in Table 2 of the CO protocol (provided in Air Quality Appendix), the proposed project does not meet the criteria of any of the project categories identified as exempt from regional emissions analysis (proceed to 3.1.3).

3.1.3: Is the project locally defined as regionally significant?

Response: Yes, SCAG defines the project as regionally significant. Any project that is not exempt from regional analysis per 40 CFR 93.126 is considered regionally significant (proceed to 3.1.4).

3.1.4: Is the project in a federal attainment area?

Response: Yes, the project alignment is located in the SCAB, which was designated a federal CO attainment/maintenance area on June 11, 2007 (proceed to 3.1.4a).

3.1.4a: Is project in a California attainment area?

Response: Yes, the project is in a California attainment area for CO (proceed to 3.1.9).

3.1.9: The conclusion from this series of questions and answers is that the project needs to be examined for its local air impacts (proceed to Section 4, Figure 3 of CO protocol.

Response: On the basis of the answers to the first flowchart, a second flowchart is used to determine the level of local CO impact analysis required for the project.
The questions applicable to the project in the second flowchart and the answers to those questions are as follows.

Level 1: Is the project in a CO nonattainment area?

Response: No, as shown previously in Table 2, the SCAB is classified as an attainment/maintenance area for the federal CO standards. A summary of the most recent 3 years of monitored CO data is presented in Table 3. Table 3 provides CO monitoring data collected at the Riverside-Magnolia monitoring station (ARB Station No. 33146).

Level 1: Was the area re-designated as "attainment" after the 1990 Clean Air Act?

Response: Yes, the SCAB was reclassified to attainment/maintenance from serious nonattainment, effective June 11, 2007.

Level 1: Has "continued attainment" been verified with the local Air District, if appropriate?

Response: No. The area was just redesignated on June 11, 2007, and as such, annual review of monitoring data has not yet occurred (proceed to Level 2)

Level 2: Is the project in an area with an approved CO attainment or maintenance plan?

Response: No. The SCAB does not have a federally approved CO attainment plan (proceed to Level 3).

Level 3: Is the project in an area with a submitted CO attainment or maintenance plan?

Response: Yes, the SCAQMD has prepared the 2007 Air Quality Management Plan (AQMP), which is consistent with the 2003 AQMP that replaced the 1997 attainment demonstration for the federal CO standard and provides a basis for a maintenance plan for CO for the future.

Level 3: Was the analysis in the attainment plan performed in sufficient detail to establish CO concentrations as a result of microscale modeling?

Response: Yes, a photochemical grid model was used to project regional future CO air quality. An additional "hot-spot" analysis was also conducted to assess impacts at selected intersections. Both analyses were performed in the 2003 AQMP to update the 1997 *Revision of the Carbon Monoxide Attainment Demonstration* (CO Plan).

Level 3: Were impacts acceptable?

Response: Yes, the results of the CO modeling included in the 2003 AQMP were deemed acceptable, which means that they demonstrate attainment of the California and federal CO ambient standards. The results of that CO modeling are shown in Table 6.

Table 6.
CO Modeling Results from the 2003 AQMP (ppm)

Intersection Location	Morning one-hour	Afternoon one-hour	Peak one-hour	eight-hour
Wilshire – Veteran	4.6	3.5	---	4.2
Sunset – Highland	4.0	4.5	---	3.9
La Cienega – Century	3.7	3.1	---	5.8
Long Beach – Imperial	3.0	3.1	1.2	9.3

Notes: ppm = parts per million. Federal one-hour standard is 35 ppm and the federal eight-hour standard is 9.0 ppm.

Level 3 - Can CO concentrations in the area affected by the project under review be expected to be lower than those locations specifically modeled in the attainment plan?

Response: Yes, CO concentrations are expected to be lower for the project. When qualitatively comparing the locations in the attainment plan to the proposed project, several factors can be used to demonstrate that the project site can be expected to have lower CO concentrations than in the attainment plan. The factors considered are traffic demand, emission variables, site variables, and meteorological variables. A comparison of the traffic volumes is included in Tables 7 and 8 below. Table 7 clearly shows that the proposed project's overall traffic volumes would be less than those included in the AQMP modeling analysis (Table 6). Based on these comparisons, the proposed project is expected to result in lower CO concentrations that the intersections modeled in the attainment plan.

Table 7.
Traffic Volumes Used in the 2003 AQMP

Location	Eastbound (AM/PM)	Westbound (AM/PM)	Southbound (AM/PM)	Northbound (AM/PM)
Wilshire – Veteran	4,951/2,069	1,830/3,317	721/1,400	560/933
Sunset – Highland	1,417/1,764	1,342/1,540	2,304/1,832	1,551/2,238
La Cienega – Century	2,540/2,243	1,890/2,728	1,384/2,029	821/1674
Long Beach – Imperial	1,217/2,020	1,760/1,400	479/944	756/1,150

Table 8.
Proposed Project Build-out Traffic Volume

Intersection	Eastbound (AM/PM)	Westbound (AM/PM)	Southbound (AM/PM)	Northbound (AM/PM)
Perris Bl. And Cactus Av.	713/1,394	1,331/1,030	912/1,348	906/1,403
Perris Bl. And John F. Kennedy Dr.	381/855	1,139/585	1,053/1,381	1,028/1,544
Perris Bl. And Gentian Av.	201/590	278/189	1,324/1,432	842/1,237
Perris Bl. And Iris Av.	440/853	885/772	1,368/1,376	1,079/1,616
Perris Bl. And Krameria Av.	374/638	807/471	1,750/1,538	1,219/2,032
Perris Bl. And San Michele Rd.	266/941	7/3	1,742/1,984	1,727/1,787
Perris Bl. And Nandina Av.	185/470	64/37	1,541/2,420	1,598/1,416

Source: Traffic Impact Report.

Because project implementation would not result in higher CO concentrations than those existing within the region at the time of attainment demonstration, on the basis of CO protocol analysis methodology, no further analysis is needed. As such, cumulative impacts would be less than significant.

Climate Change/Greenhouse Gas Emissions Analysis

Global climate change is a problem caused by combined worldwide greenhouse gas (GHG) emissions, and mitigating global climate change will require worldwide solutions. GHGs play a critical role in the Earth's radiation budget by trapping infrared radiation emitted from the Earth's surface, which could have otherwise escaped to space. Prominent GHGs contributing to this process include water vapor, carbon dioxide (CO_2), nitrous oxide (N_2O), methane (CH_4), ozone (O_3), and certain hydro- and fluorocarbons. This phenomenon, known as the "greenhouse effect" keeps the Earth's atmosphere near the surface warmer than it would be otherwise and allows for successful habitation by humans and other forms of life. Increases in these gases lead to more absorption of radiation and warm the lower atmosphere further, thereby increasing evaporation rates and temperatures near the surface. Emissions of GHGs in excess of natural ambient concentrations are thought to be responsible for the enhancement of the greenhouse effect and to contribute to what is termed "global warming", a trend of unnatural warming of the Earth's natural climate. Climate change is a global problem, and GHGs are global pollutants, unlike criteria air pollutants (such as ozone precursors) and toxic air contaminants (TACs), which are pollutants of regional and local concern.

The proposed project would result in a marginal increase in short-term GHG emissions during construction, and likely result in a net zero or marginal beneficial effect with respect to operations-period GHG emissions.

Construction-period Emissions

Existing California Air Resources Board (ARB) regulations (Title 13 of the California Code of Regulations, Sections 2480 and 2485), which limit idling of diesel-fueled commercial motor vehicles, would help to limit GHG emissions associated with project-related construction vehicles. In addition, ARB's proposed Early Action Measures (pursuant to the California Global Warming Solutions Act of 2006) include other emission reduction measures for diesel trucks and diesel off-road equipment. ARB will review and adopt Early Action Measures by January 1, 2010, and equipment used for construction of the project after 2010 could be subject to these requirements. Once such measures go into effect, construction contractors would be subject to these requirements. Nevertheless, project-specific measures to further reduce GHG emissions during construction are prescribed below in "Mitigation Measures."

Operations-period Emissions

One of the main strategies to reduce GHG emissions is to make the transportation system more efficient. The highest levels of carbon dioxide from mobile sources, such as automobiles, occur at stop-and-go speeds (0-25 miles per hour (mph) and speeds over 55 mph. Relieving congestion by enhancing operations and improving travel times in high congestion travel corridors will lead to an overall reduction in GHG emissions. The objective of the proposed project is to reduce congestion and improve operational efficiency along the project limits of Perris Boulevard. The project traffic report identified 7 intersections and 8 roadway segments likely to be substantially affected by the proposed project. Of these intersections and roadway segments, most would experience an improvement in LOS as a result of project development. As such, the proposed project would marginally improve operational efficiency of the transportation network in the immediate project vicinity.

Measures

AIR-1: Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials.

AIR-2: Minimize, reuse, and recycle construction-related waste.

AIR-3: Minimize grading, earth-moving, and other energy-intensive construction practices.

AIR-4: Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.

Significance after Mitigation

Given the relatively small amount of GHG emissions that would be emitted from this project during short-term construction, and implementation of prescribed mitigation measures, the proposed project would not conflict with the State's goals of reducing GHG emissions to 1990 levels by 2020 relative to construction emissions.

d) Would the project expose sensitive receptors to substantial pollutant concentrations?

Less-than-significant Impact. When quantifying mass emissions for localized analysis, only emissions that occur on-site are considered. Consistent with SCAQMD Localized Significance Threshold (LST) methodology guidelines, emissions related to off-site delivery/haul-truck activity and employee trips are not considered in the evaluation of localized impacts. As shown previously in Table 4 (Estimate of Localized Construction Emissions), localized

4. Biological Resources

Environmental Setting

The project site occurs on the Perris 7.5-minute quadrangle[7] and Sunnymead 7.5-minute quadrangle maps[8] and lies within the boundaries of the Western Riverside County Multiple Species Habitat Conservation Plan[9] (MSHCP; the Plan).

The relatively flat project site consists primarily of Perris Boulevard (a paved roadway) and adjacent residential, commercial, and industrial developments and ruderal fields that are heavily disturbed by human activities such as frequent discing for weed abatement. PVSD Lateral "A" and PVSD Lateral "B" traverse underneath Perris Boulevard. These storm channels have a dirt bottom and dirt banks with rip-rap on the slopes near the Perris Boulevard overcrossings.

A reconnaissance-level biological field survey was conducted by ICF Jones & Stokes biologists on May 23, 2007 between Cactus Avenue and PVSD Lateral "A." An additional field survey between PVSD Lateral "A" and PVSD Lateral "B" was performed on August 7, 2008. These surveys consisted of vegetation mapping; a habitat assessment for rare plants, burrowing owl (*Athene cunicularia*), and fairy shrimp; and an evaluation for the potential presence of jurisdictional waters and wetlands. In addition, focused surveys for burrowing owl and dry season fairy shrimp sampling was also conducted. The MSHCP Narrow Endemic Plant Species Survey Area, MSHCP Cells and Criteria Area Species Survey Area, and MSHCP Burrowing Owl Survey Area are shown in Figures 4, 5, and 6, respectively.

Prior to the fieldwork, a search of the California Natural Diversity Database[10] (CNDDB) and California Native Plant Society (CNPS) RareFind[11] was performed for the Sunnymead, California 7.5' USGS quadrangle map[12], the Perris, California 7.5' USGS quadrangle map[13], and the ten surrounding quadrangle maps, to provide an initial list of special-status wildlife and plant species that may occur within the region. Additional species were added to that list based on professional knowledge, experience with prior projects in the area, ICF Jones & Stokes internal data, and a variety of published and unpublished scientific literature.

The biological study area is defined as the limits of disturbance (e.g., the project footprint and any on or off-site staging/storage areas) and an appropriate buffer. For the reconnaissance surveys and burrowing owl surveys, the study area consisted of the limits of disturbance and a 500-foot buffer (where access was permitted). For the rare plants and fairy shrimp surveys, the study area consisted of the limits of disturbance and a 100-foot buffer (where access was permitted). For the evaluation of jurisdictional waters/wetlands, the study area consisted of the limits of disturbance and a 25-foot buffer (where access was permitted).

The biological study area supports existing developed areas, disturbed fields with ruderal vegetation, and seven seasonal ponds (Figure 7). The dominant plant species within the areas classified as ruderal are typical of disturbed areas and include prickly Russian thistle (*Salsola tragus*), lamb's quarters (*Chenopodium album*), shortpod mustard (*Hirschfeldia*

[7] Perris. 1978. *Perris, California [7.5-minute topographic map].* Reston, VA: U.S. Geological Survey. Color, revised 1979, scale 1:24,000.

[8] Sunnymead. 1978. *Sunnymead, California [7.5-minute topographic map].* Reston, VA: U.S. Geological Survey. Color, revised 1980, scale 1:24,000.

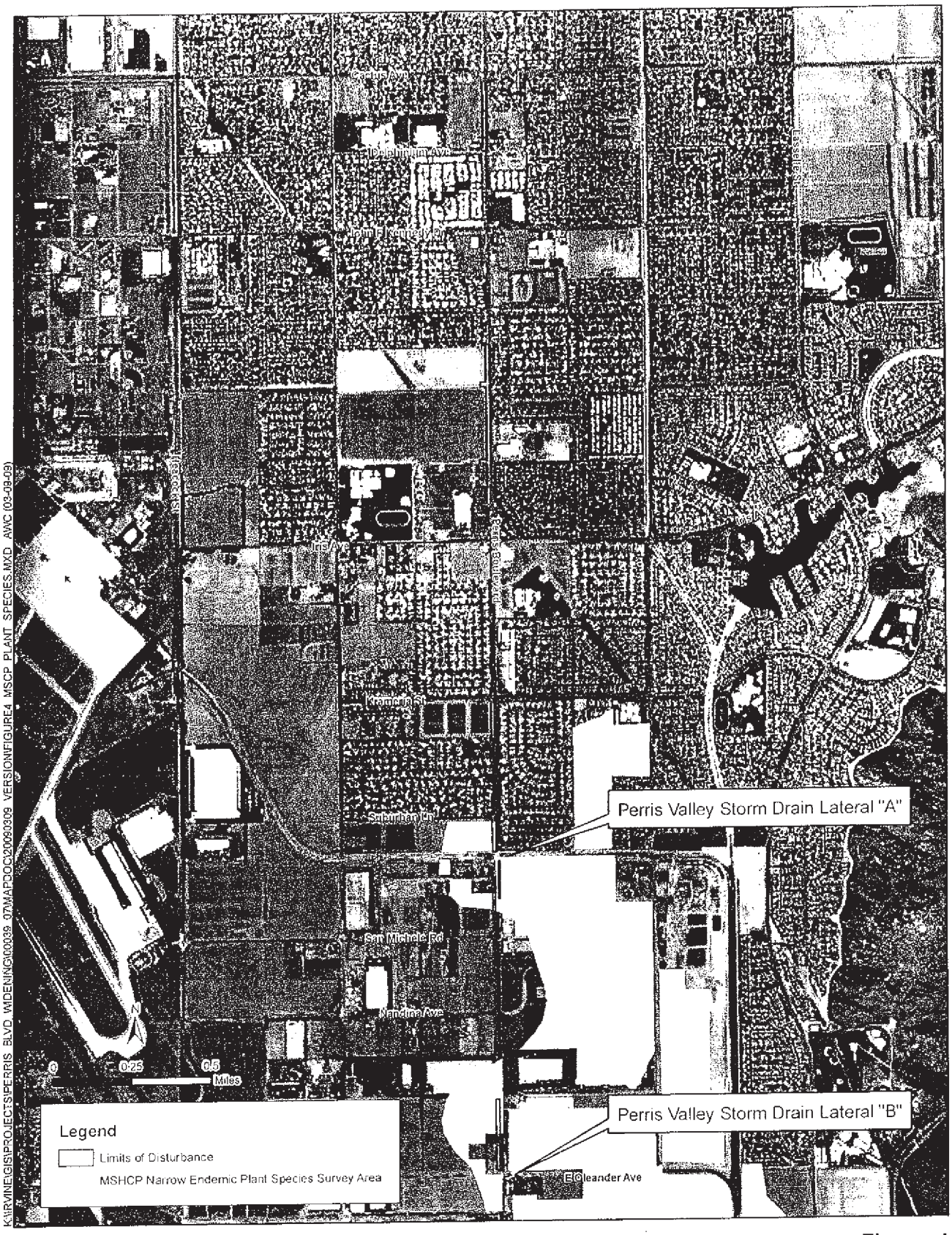
[9] County of Riverside. 2003. *Western Riverside Multiple Species Habitat Conservation Plan.* Riverside County, CA.

[10] California Department of Fish and Game (CDFG) 2008. California Natural Diversity Data Base (CNDDB). Sacramento, CA: Wildlife and Habitat Data Analysis Branch, California Dept. of Fish and Game. Element reports for the Perris, California and Sunnymead, California and immediately surrounding USGS 7.5-minute quadrangle maps. Data date: 10 July 2008.

[11] California Native Plant Society (CNPS). 2007. *Inventory of Rare and Endangered Plants (online edition, v7-08c).* Sacramento, CA: California Native Plant Society. Available: <http://www.cnps.org/inventory>. Accessed July 10, 2008.

[12] Ibid.

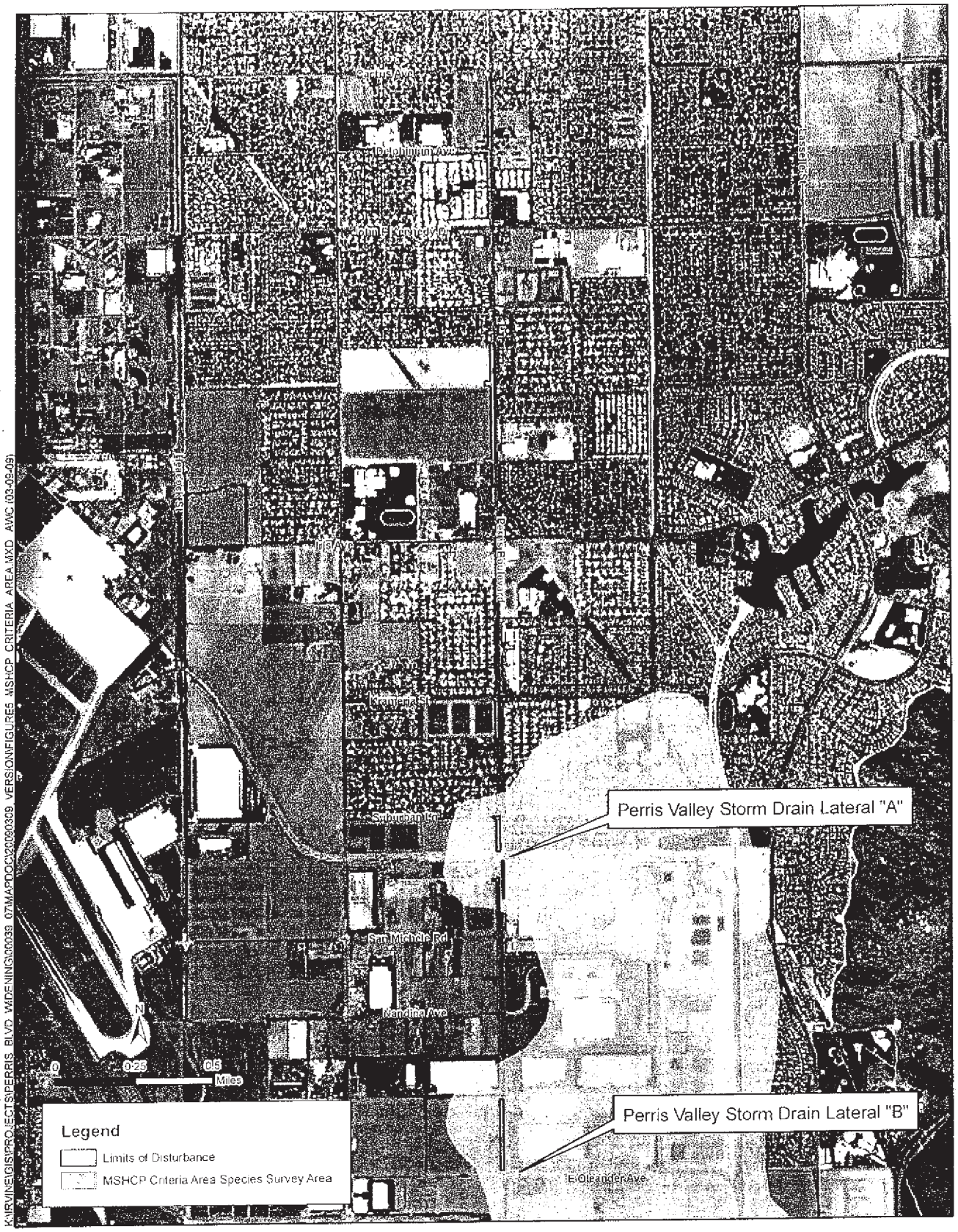
[13] Ibid.



Source: ESRI USA Imagery (2007, 0.3m)

ICF Jones & Stokes

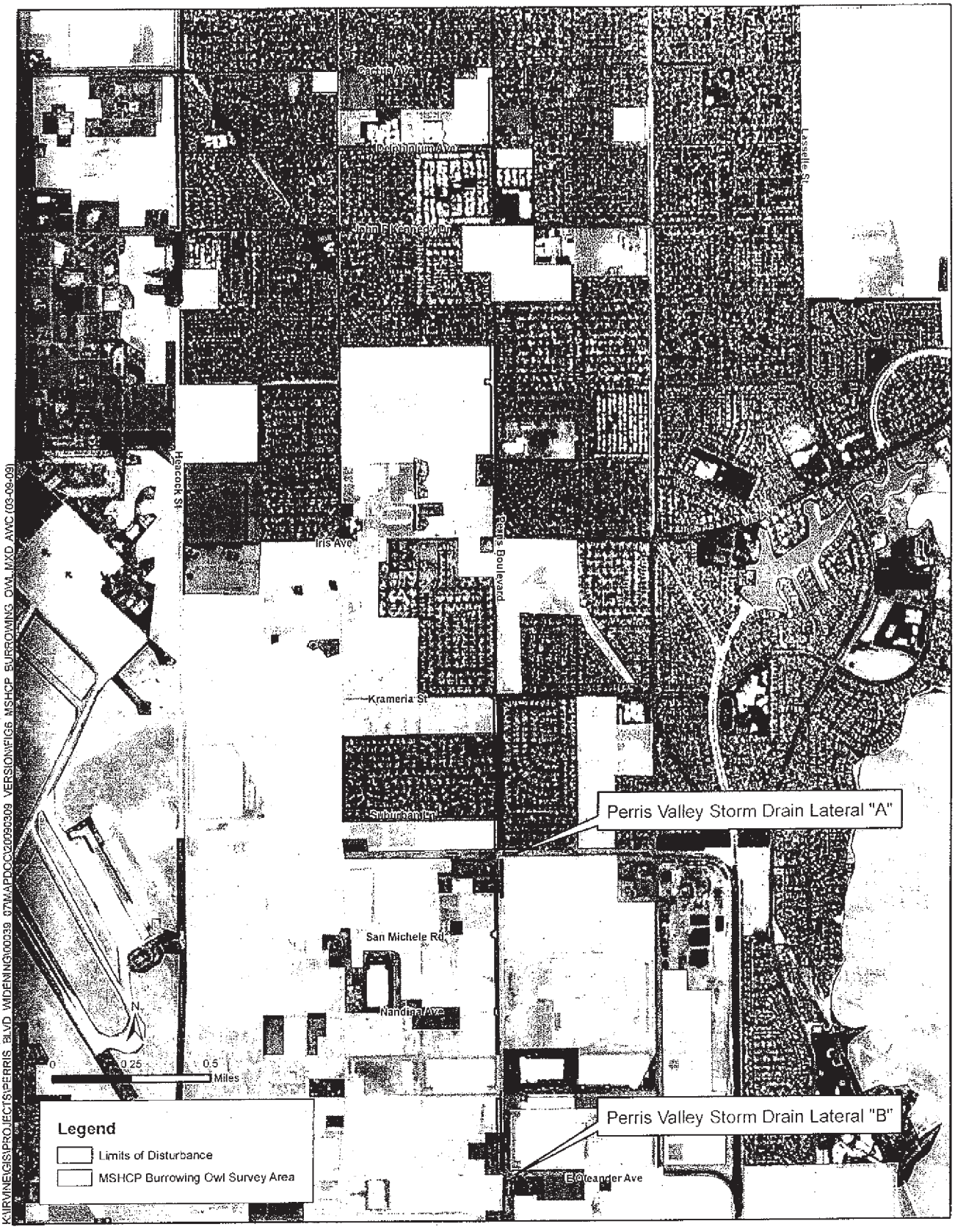
Figure 4
MSHCP Narrow Endemic Plant Species Survey Area
Perris Boulevard Widening



Source: ESRI USA Imagery (2007; 0.3m)

ICF Jones & Stokes

Figure 5
MSHCP Cells and Criteria Area Species Survey Area
Perris Boulevard Widening



Source: ESRI USA Imagery (2007; 0.3m)

ICF Jones & Stokes

Figure 6
MSHCP Burrowing Owl Survey Area
Perris Boulevard Widening

incana), and glaucous foxtail barley (*Hordeum murinum*). Trees within the study area are mostly small ornamental non-natives such as gum (*Eucalyptus* sp.) and pine trees (*Pinus* sp.).

Seven depressions that are seasonally inundated were documented within the study area; four occur entirely or partially within the project limits of disturbance (Figure 7). Depressions 1, 2 and 3 have vernal pool indicator species, such as purslane speedwell (*Veronica peregrina*), slender plantain (*Plantago elongata*), and Lemmon's canary grass (*Phalaris lemmonii*). These depressions have been identified as vernal pools based on hydrology and the presence of several vernal pool-associated plant species (e.g., Lemmon's canary grass, slender plantain, purslane speedwell). No other depressions were found to have vernal pool indicator plants or special-status plant species. However, the work thus far was performed in August, a time of year when full evaluation of resources is not feasible. The remaining four depressions have the potential to contain vernal pool indicator plants or special-status species associated with vernal pools.

Wildlife within the study area is typical of a developed area. The most common bird species were European starling (*Sturnus vulgaris*), lesser goldfinch (*Carduelis psaltria*), American crow (*Corvus branchyrhynchos*), house finch (*Carpodocus mexicanus*), and rock pigeon (*Columbia livia*). Common mammals included Botta's pocket gopher (*Thomomys bottae*), domestic dog (*Canis familiaris*), domestic cat (*Felis catus*), and California ground squirrel (*Spermophilus beecheyi*). No reptiles or amphibians were documented in the study area; however, common species such as side-blotched lizard (*Uta stansburiana*) are likely present.

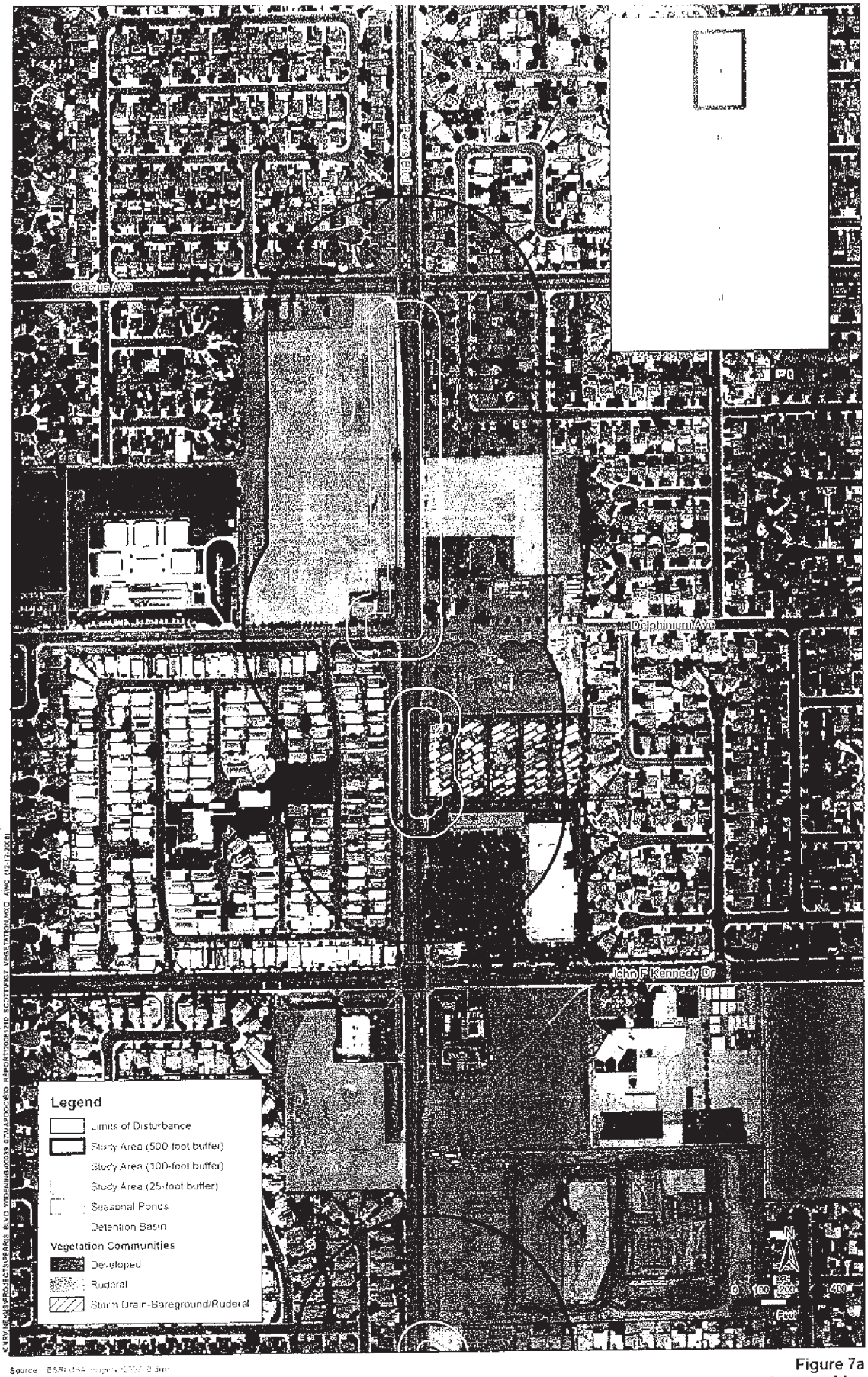
Special-Status Species

The MSHCP requires focused surveys for burrowing owl within MSHCP Burrowing Owl Survey Areas where suitable burrow habitat occurs. The focused survey for burrowing owl, a state Species of Special Concern, was performed in August 2007 by ICF Jones & Stokes biologists familiar with the species identification and survey requirements under the MSHCP. Burrow locations and the areas surveyed can be found in Figure 8. No burrowing owls or owl sign (scat, whitewash, tracks, etc.) were observed or detected within the study area. The project site can be considered to be unoccupied by burrowing owl at this time.

Dry season focused surveys for fairy shrimp were performed in August 2008 by a permitted biologist (Chuck Black, TE 835549-5). The target fairy shrimp species during the focused survey were vernal pool fairy shrimp (*Branchinecta lynchi*) (federally threatened) and Riverside fairy shrimp (*Streptocephalus woottoni*) (federally endangered). San Diego Fairy shrimp has not been documented in Riverside County[14], therefore, surveys conducted according to USFWS (U.S. Fish and Wildlife Service) protocol (i.e., one wet season and one dry season survey, two dry season surveys, or two wet season surveys) were not performed for this species and are not required. Vernal pool fairy shrimp and Riverside fairy shrimp are Covered Species under the MSHCP; however, the MSHCP requires focused surveys for fairy shrimp where potentially suitable habitat is present.

The cysts collected during the focused survey were hatched and all mature adults were identified as versatile fairy shrimp (*B. lindahli*). This species of fairy shrimp was detected within Depression 3 and Depression 7 (Figure 7); no other fairy shrimp species were observed during the focused survey. The versatile fairy shrimp is common within seasonal pools throughout California and can persist within highly disturbed ponds or road ruts. Surveys for San Diego fairy shrimp were not performed according to USFWS protocol because this species has a less than reasonable potential to occur in the vicinity of the proposed project, due to the species' distribution being limited to San Diego County and Orange County. Based on the results of the dry season fairy shrimp survey and the known distribution of the species, vernal pool fairy

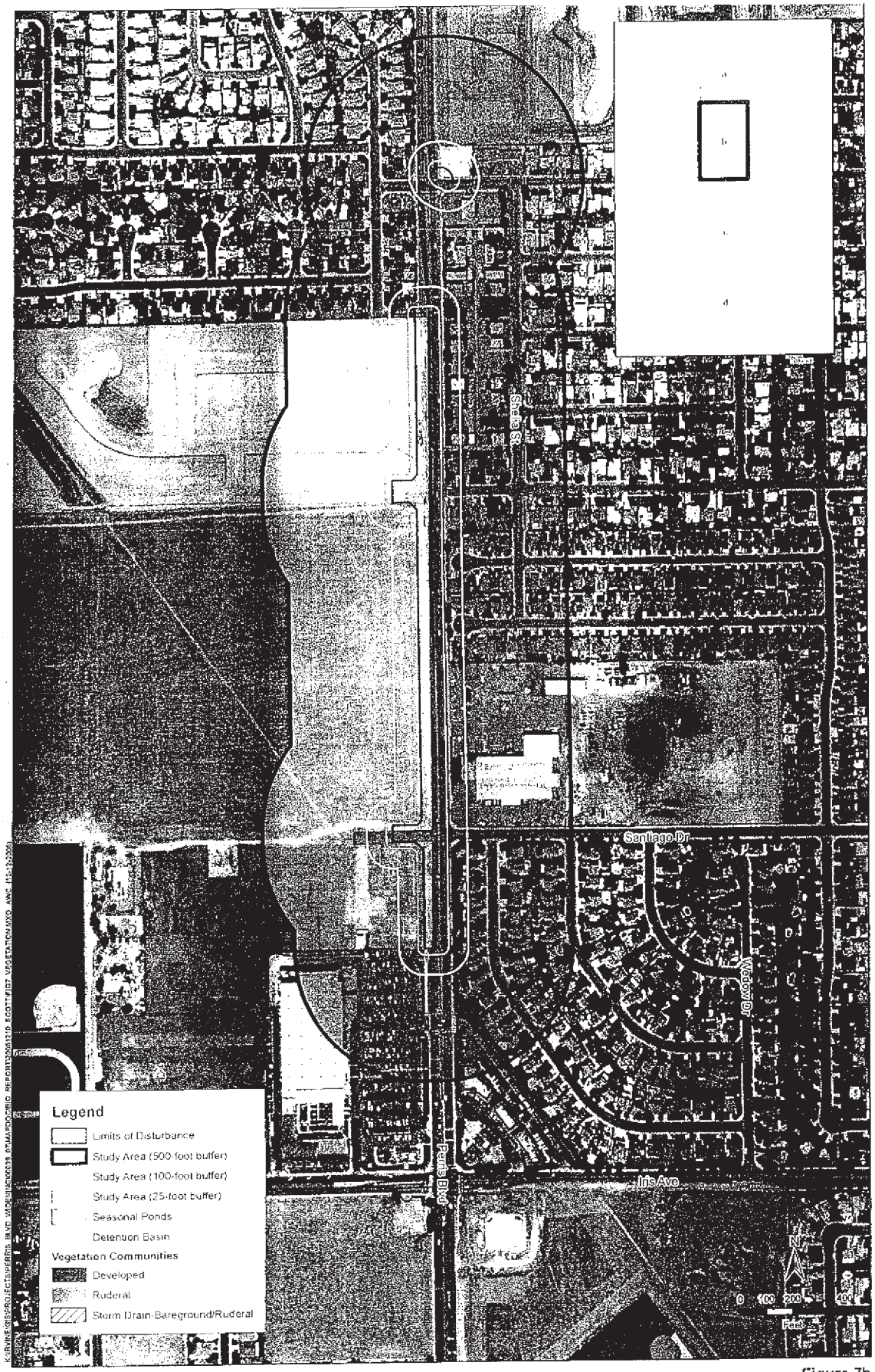
[14] Ibid.



Source:

ICF Jones & Stokes

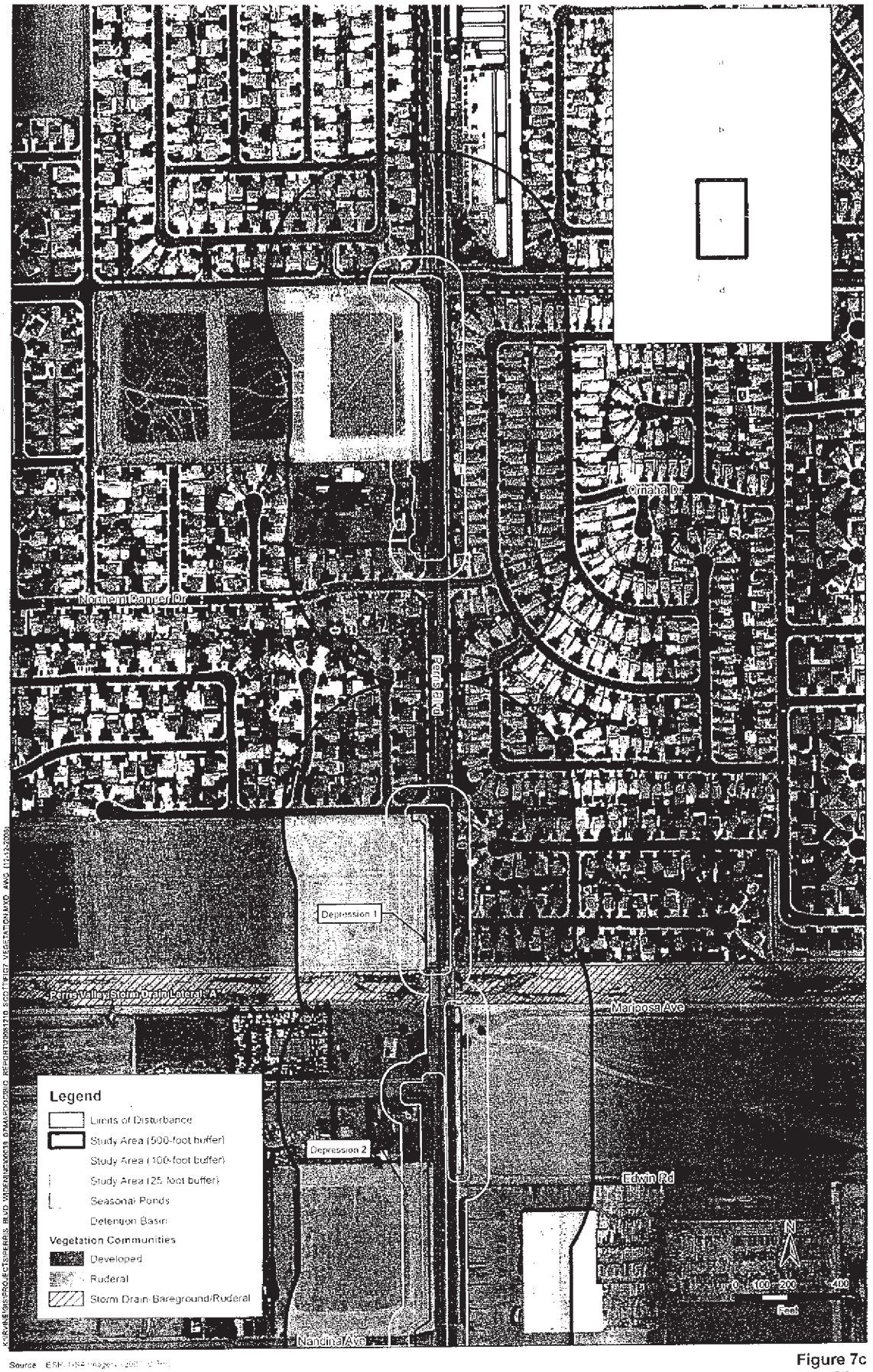
Figure 7a
Vegetation Communities
Perris Boulevard Widening



Source: ESRI

ICF Jones & Stokes

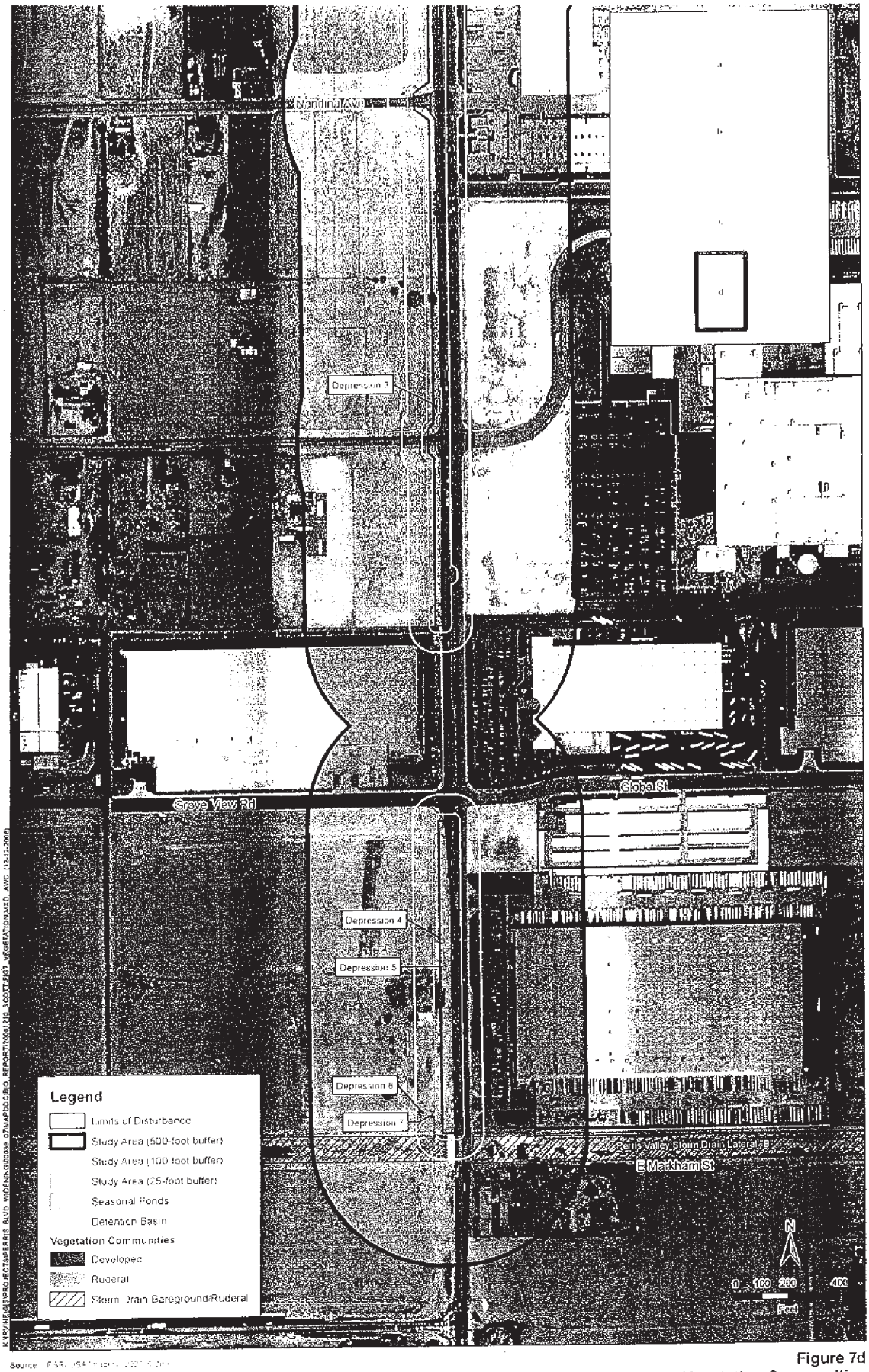
Figure 7b
Vegetation Communities
Perris Boulevard Widening



Source: ESRI USGS Imagery (2005)

ICF Jones & Stokes

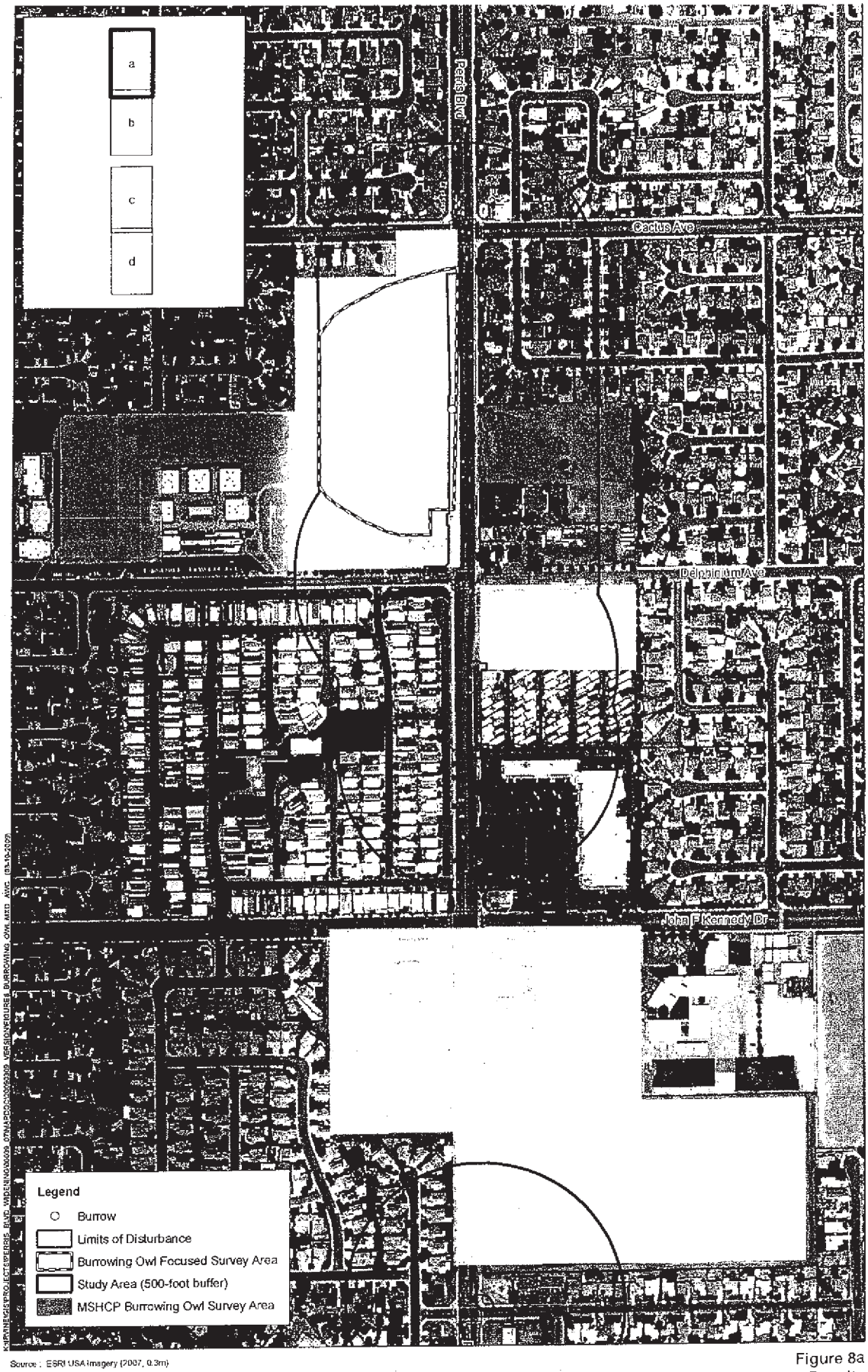
Figure 7c
Vegetation Communities
Perris Boulevard Widening



Source: ESRI, USA Imagery, 2007

ICF Jones & Stokes

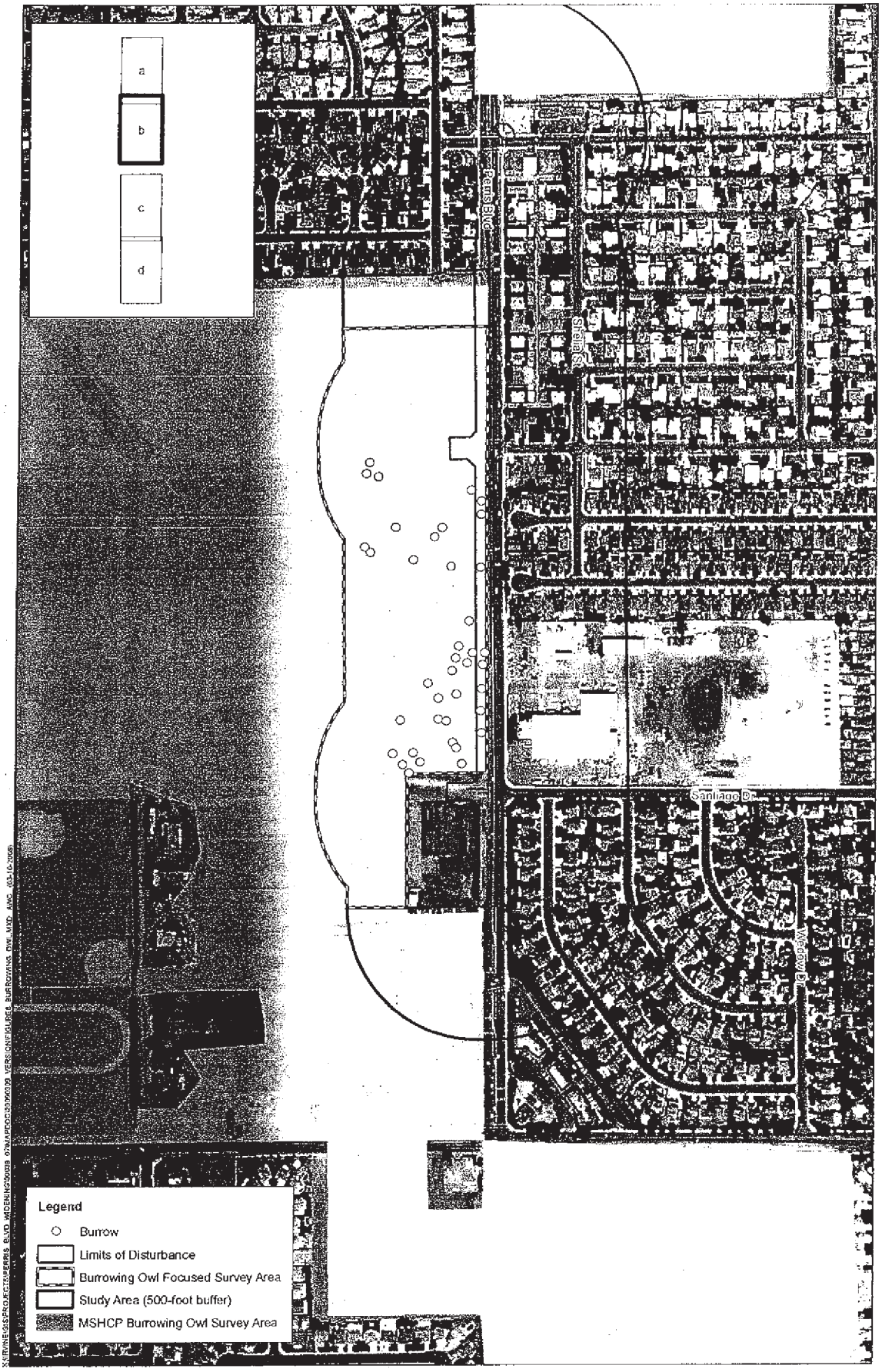
Figure 7d
Vegetation Communities
Perris Boulevard Widening



Source: ESRI USA Imagery (2007, 0.3m)

ICF Jones & Stokes

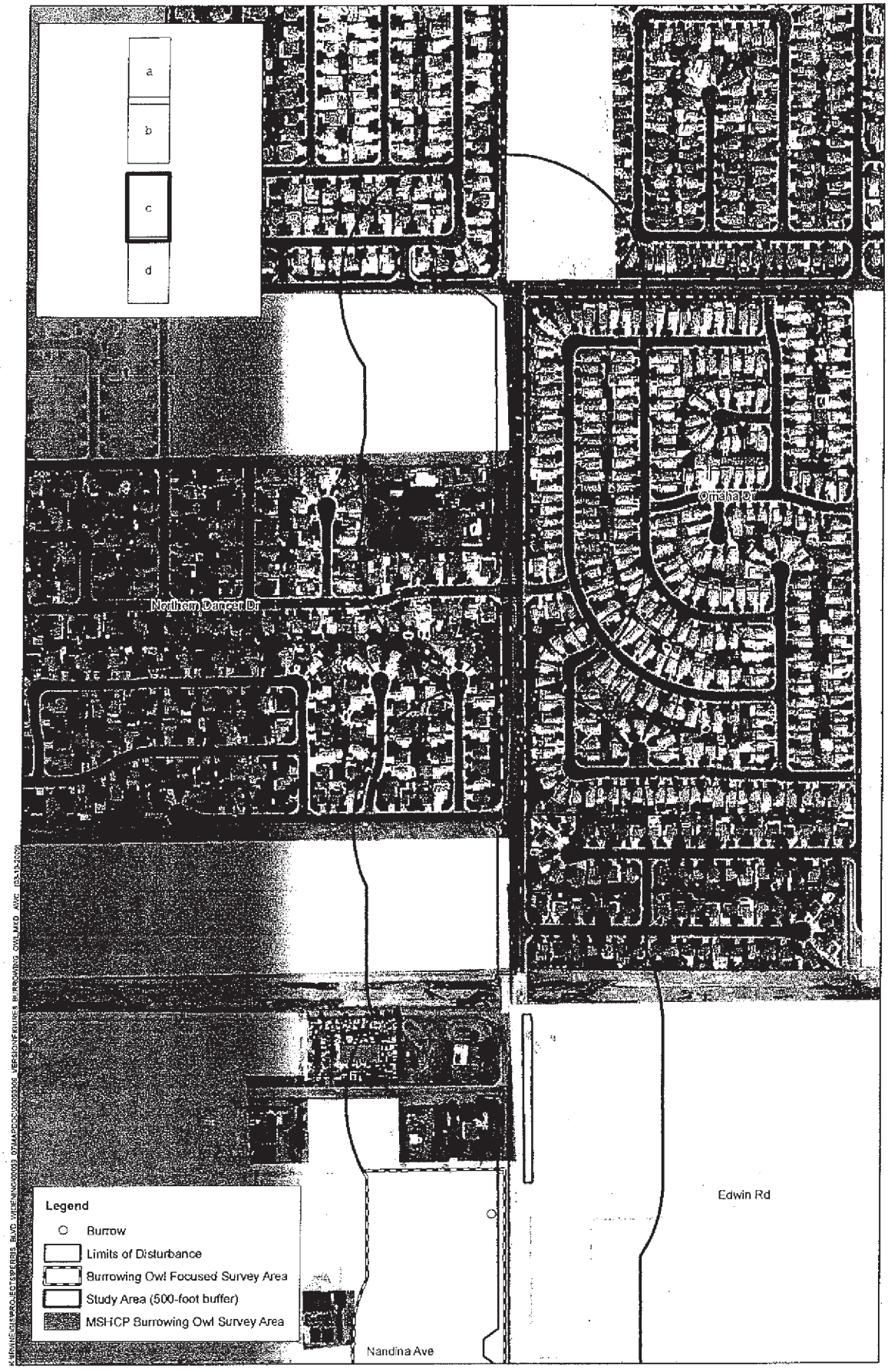
Figure 8a
Burrowing Owl Focused Survey Results
Perris Boulevard Widening



Source : ESRI USA Imagery (2007, 0.3m)

ICF Jones & Stokes

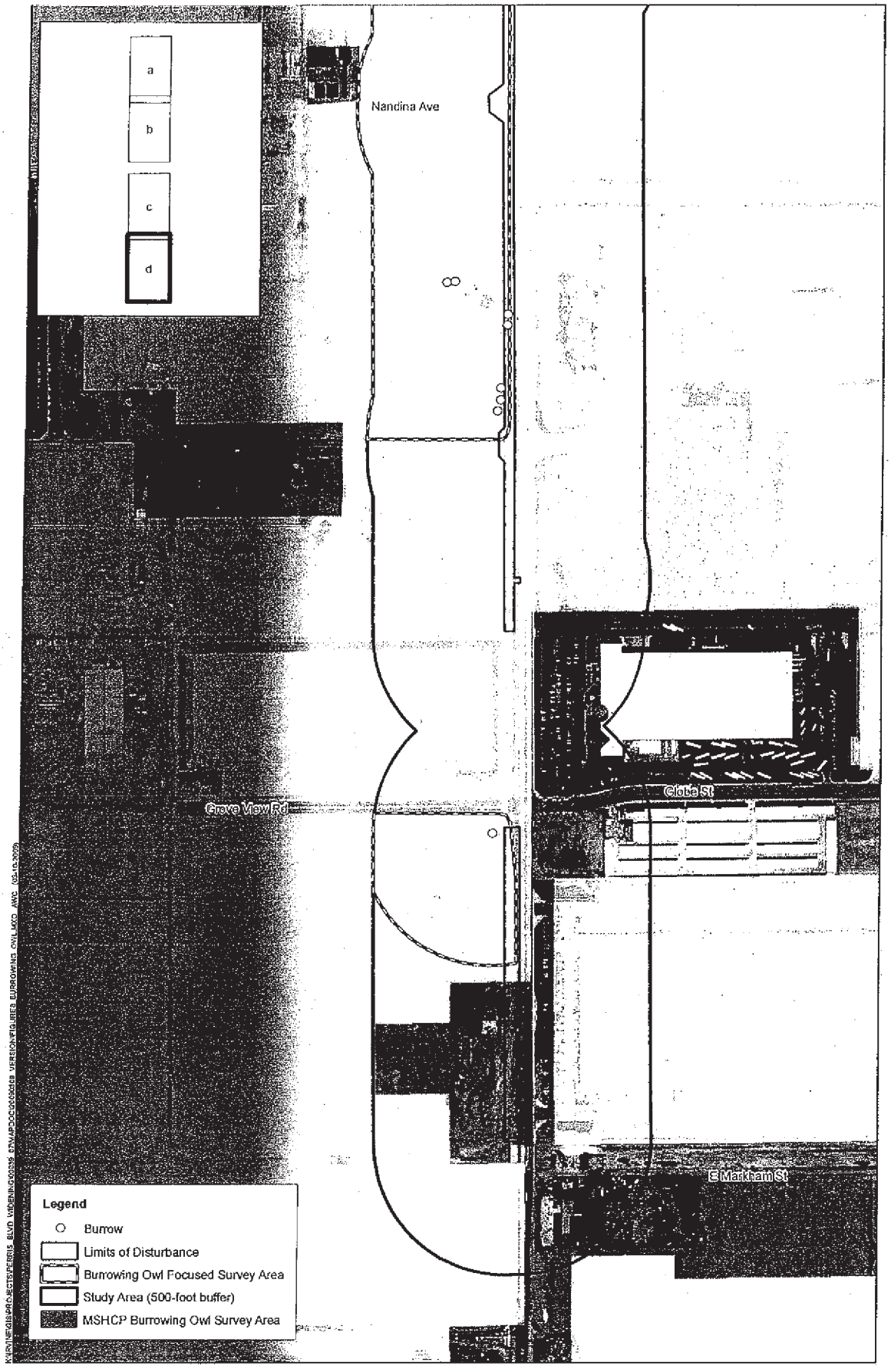
Figure 8b
Burrowing Owl Focused Survey Results
Perris Boulevard Widening



Source : ESRI USA Imagery (2007, 0.3m)

ICF Jones & Stokes

Figure 8c
Burrowing Owl Focused Survey Results
Perris Boulevard Widening



Source: ESRI USA Imagery (2007, 0.3m)

ICF Jones & Stokes

Figure 8d
Burrowing Owl Focused Survey Results
Perris Boulevard Widening

shrimp, San Diego fairy shrimp, and Riverside fairy shrimp are absent from the proposed project site. The initial potential for any one of the three listed fairy shrimp species was very low given the high levels of disturbance.

A northern harrier (*Circus cyaneus*), a state Species of Special Concern, was observed flying over the study area during field work in 2007. No other special-status wildlife species were observed or detected within the study area. However, loggerhead shrike (*Lanius ludovicianus*), western yellow warbler (*Drendroica petechia brewsteri*), and San Diego black-tailed jackrabbit (*Lepus californicus bennettii*) are special-status species that have the potential to occur on the proposed project site. These species are discussed later in this document.

Portions of the project site occur within MSHCP Narrow Endemic Plant Species and MSHCP Criteria Area Species Survey Areas (Figure 4 and Figure 5). The focused habitat evaluation for MSHCP rare plants that could potentially occur within the study area was performed in August 2008 by an ICF Jones & Stokes botanist who is familiar with the habitat requirements and identification of rare plants in the region. The MSHCP plant survey areas are illustrated on Figures 3 and 4. Some of the species would not have been in bloom or visibly present, therefore, individual attributes and habitat affinities were evaluated for each species to determine the potential to occur. No special-status plant species were observed within the study area at the time of the survey; however, common spikeweed (*Centromadia pungens pungens*) was found near the seasonally ponded depressions, and it is possible that, even though the special-status subspecies smooth tarplant (*C. pungens laevis*), was not observed on the project site, it may have been overlooked during the fieldwork. The common species and special-status subspecies look very similar and can co-occur. In addition, several other special-status plant species have potential to occur within the study area and are discussed below.

Discussion

a) ***Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?***

Less-than-significant with Mitigation Incorporated. Although burrowing owls do not currently occupy the study area, this species is known to be highly mobile and is known to occupy the region. Therefore, burrowing owl may occur within the study area at some point in the future. If present at the time of construction, there could be direct and/or indirect impacts on the species. Measure **BIO-1** is required for MSHCP compliance and would ensure that any impacts on this species would be less than significant.

Potential nesting habitat is present within the study area for a number of native bird species (e.g., horned lark). Although these species are relatively common to western Riverside County, if direct and/or indirect impacts on these species or their nests occur during construction, the proposed project would trigger the Migratory Bird Treaty Act (MBTA) and similar provisions under California Fish and Game Code. Measure **BIO-2** ensures impacts on individuals and their nests, or activities that could cause nest abandonment, would not occur and impacts would be less than significant.

Depressions 1, 2, 4, 5, 6, and 7 occur within the MSHCP rare plant survey areas and provide potential habitat for the following Narrow Endemic and Criteria Area species: California Orcutt grass, spreading navarretia, Wright's trichocoronis, thread-leaved brodiaea, little mousetail, Coulter's goldfields, mud nama, and smooth tarplant. Potential direct and/or indirect effects to any of these species, if present, would be a significant impact under CEQA. In addition, California Orcutt grass, spreading navarretia, and thread-leaved brodiaea are listed under FESA (Federal Endangered Species Act) and/or CESA (California Endangered Species Act) and subject to the specific protections of

those regulations. Measures **BIO-3** and **BIO-4** are required to ensure that these species, if present, are avoided and/or compensated for. Implementation of these measures would reduce impacts to a less-than-significant level.

The remaining species discussed below do not require mitigation because any potential impacts from the proposed project would be less than significant under CEQA.

The ruderal fields within the study area provide potential habitat for loggerhead shrike, western yellow warbler, and San Diego black-tailed jackrabbit. The proposed project has the potential to have direct and/or indirect effects to these species by removing habitat or reducing the quality of habitat adjacent to the proposed project. Western yellow warbler would only use the study area during migration and no nesting by this species would occur. All three species are Fully Covered Species under the MSHCP and thus full mitigation is provided under the Plan. Any impacts on these species would be less than significant.

The northern harrier observed in 2007 was migrating through the area and would only use the study area for foraging. This species breeds within open wetlands or wet, lightly grazed pastures, therefore, breeding habitat does not occur within the study area. A number of other listed and non-listed raptors protected by MBTA and provisions of the California Fish and Game Code have the potential to forage within and adjacent to the proposed project site. The study area provides more than 120 acres of suitable foraging habitat for a variety of raptor species and less than 15 acres of suitable foraging habitat are expected to be removed by the project. The loss of this amount of potential foraging habitat would not represent a biologically important change to raptors. In addition, the small ornamental trees within the study area do not provide suitable nesting habitat for raptors. Therefore, impacts on raptors would be less than significant.

The study area provides potential foraging habitat for pallid bat (*Antrozous pallidus*) and California western mastiff bat (*Eumops perotis californicus*), both state Species of Special Concern. No roosting habitat occurs within the study area for these species. If present within the study area, these species are not expected to occur in large enough numbers where impacts would be significant under CEQA. As above, the removal of foraging habitat would not represent a biologically important change from existing conditions. Therefore, impacts would be less than significant.

Depression 3 occurs outside of the rare plant MSHCP Survey Areas, therefore, if any of the eight rare plants mentioned above were present in Depression 3, potential impacts on these species would be covered and mitigated under the MSHCP.

The only other rare plants with potential to occur within the study area are vernal barley (*Hordeum intercedens*) and long-spined spineflower (*Chorizanthe polygonoides* var. *longispina*). These species are MSHCP fully Covered Species and as such any potential impacts (direct or indirect) would be fully mitigated by the MSHCP regardless if the species is present. Thus, any potential impacts on these species would be less than significant.

Measures

BIO-1: Per MSHCP requirements, a burrowing owl preconstruction survey must be performed by a qualified biologist prior to and within 30 days of ground disturbance and/or construction-related activities. The survey will cover the burrowing owl focused survey area illustrated in Figure 7. The survey will include the peak activity period for the species (1 hour before sunrise to 2 hours after, or 2 hours before sunset to 1 hour after). Burrowing owls will be sought visually and aurally, along with sign (i.e. pellets, tracks, feathers, and active burrows). If legal access is not provided within the entire burrowing owl survey area, then that portion not

accessible on foot will be surveyed through binoculars and/or a spotting scope. If no burrowing owls are found during the preconstruction survey, no further mitigation is needed.

If owls are found outside the project limits of disturbance and it is outside the species' nesting window of February 1 through August 31, no action is needed. If owls are present within the project limits of disturbance and thus direct removal of an occupied burrow would occur outside of February 1 through August 31, passive relocation by a qualified ornithologist will be conducted.

If an owl is found present between February 1 and August 31 and the occupied burrows are within 300 feet of project activities, a qualified ornithologist needs to assess whether the species is nesting or not. If the species is not nesting and the active burrows occur outside of the project limits of disturbance plus a 100-foot buffer, no further action is needed. If the owls are nesting, then either (1) construction disturbance cannot occur within 300 feet of the active burrow until it is confirmed by a qualified ornithologist that the pair is no longer nesting and young (if present) are independently foraging or (2) active relocation by a properly permitted biologist will be performed with concurrence from California Department of Fish and Game (CDFG) and USFWS.

The biologist retained to perform this mitigation measure can also perform BIO-2 below when the survey windows overlap.

BIO-2: If project-related site disturbance will occur during the core nesting period (March 1- September 15), a qualified biologist shall perform a preconstruction nesting bird survey. The survey will be completed within 7 days prior to the project-related disturbance. If native birds are nesting on or within 50 feet of the site, a 50-foot buffer should be flagged around the nest (as legally accessible) and no project activities should occur until the nest has been determined to no longer be active. This will provide adequate protection to native nesting bird species for this proposed project under MBTA and similar provisions of the California Fish and Game Code. If there is no nesting, no further action is necessary. If commencement of project-related ground disturbance occurs outside of the March 1 through September 15 period, no nesting bird survey is necessary.

BIO-3: A focused survey for California Orcutt grass, spreading navarretia, Wright's trichocoronis, thread-leaved brodiaea, smooth tarplant, Coulter's goldfields, little mousetail, and mud nama is recommended during the species' blooming period (spring through June). This focused survey can co-occur with the vernal pool assessment in **BIO-5**. It is important to note that the MSHCP does not require a special-status plant focused survey for Depression 3 as this depression occurs outside of both the MSHCP narrow endemic plant and criteria area plant survey areas. If (1) any of these species are present, (2) the project is proposing direct **and**/or indirect impacts on the species found, and (3) long-term conservation is present, the MSHCP requires either that a Determination of Biologically Equivalent or Superior Preservation (DBESP) be provided or that 90% avoidance be provided. As it is not possible to reduce the proposed project limits of disturbance and still widen the road, avoidance is not feasible. It is highly unlikely that any of the existing identified depressions with one or more of these special-status species could provide long-term conservation given their degraded condition and the developed and developing landscape in which they occur. However, until all information has been obtained through the focused survey work, long-term conservation value cannot be determined. Project construction will preclude work from within 200 feet of Depression 1 and southward to lateral line "B" until the results of the rare plant and fairy shrimp work has been completed and consistency with the MSHCP has been met.

BIO-4: Depending on the results of the focused survey, one or more of the following will be required:

- If any of the special-status plants listed above are found present and long-term conservation value is determined to be absent, no further action is needed. The MSHCP provides full compensation of impacts on these species if it is determined that long-term conservation value is not present. This determination would be reviewed by the City of Moreno Valley to ensure consistency with the MSHCP.
- If any of these special-status plants listed above are found present and long-term conservation value is also determined to be present, 90% avoidance will be provided or a DBESP will be made. Avoidance under the MSHCP includes avoidance of both direct and indirect impacts. If it is determined by a qualified biologist that the proposed project is able to provide 90% avoidance, a finding of equivalency shall be made to demonstrate that the 90% standard has been met.
- If it is determined that 90% avoidance cannot be provided, a DBESP will be provided whereby the level of mitigation will be related to the population size and species composition of the special-status plants found present. Potential habitat within the study area for the special-status plants above, with the exception of smooth tarplant, is limited to the seasonal depressions/vernal pools that have been identified (Figure 7). Because of this, if the species are found present, proposed compensation for impacts on special-status plants and vernal pools should be linked. In contrast, potential habitat for smooth tarplant is associated with the seasonal depressions/vernal pools, as well as adjacent areas, so it would not necessarily be the case that mitigation for impacts on smooth tarplant should be linked to vernal pool mitigation. This would need to be evaluated and determined by a qualified biologist.
- California Orcutt grass, spreading navarretia, Wright's trichocoronis, thread-leaved brodiaea, Coulter's goldfields, little mousetail, and mud nama are very rare species. Any impacts on these species would need to be replaced at a minimum 5:1 and as high as 10:1 depending on the population size and species composition. The mitigation ratio would be calculated by the areal extent of impact. On-site compensation is not feasible. On site compensation is not feasible, thus all compensation would need to occur off-site through mitigation banking at the needed compensation ratio. Contact information for the closest mitigation bank to the proposed project (Riverside County) is provided below. The credits purchased would need to equal the mitigation ratios presented above and would be calculated as stated in the above paragraph.

  Barry Jones (aka Skunk Hollow) Wetland Mitigation Bank
  Credit sales: Michael McCollum, McCollum Associates
  10196 Clover Ranch Drive, Sacramento, CA 95829
  (916) 688-2040

- Compensation for impacts on smooth tarplant would need to be included with the other special-status plants as discussed above, if the species was found to occur within the depressions/vernal pools. Alternatively, if smooth tarplant is found to occur outside of these depressions/vernal pools, mitigation for impacts on this species would need to be at a minimum of 2:1 in order to provide equivalent preservation. The mitigation can be off-site land acquisition and preservation and/or purchase of mitigation bank credits. The mitigation ratios for impacts on this species are lower because, although this species is a CNPS List 1B plant, it is more common to western Riverside County than the other seven special-status plants with potential to occur.

b) ***Would the project 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?***

Less-than-significant Impact with Mitigation Incorporated. Vernal pools are a natural community of concern that is tracked by the California Department of Fish and Game. Depressions 1, 2, and 3 have been confirmed as being vernal pools based on hydrology and the presence of several vernal pool-associated plant species the indicator plants present. In addition, as mentioned above, Depression 3 is inhabited by Versatile Fairy Shrimp. Depression 7 was not found to have vernal pool indicator plants but was occupied by Versatile Fairy Shrimp. Depressions 4, 5, 6, and 7 may provide habitat for vernal pool indicator plants. Further work is needed during late winter through spring to ascertain the extent of biological resources within the seven depressions. Most resources in association with vernal pools are identifiable during the time of year when water is present or shortly thereafter. Measure **BIO-5** would determine the number and extent of vernal pools present. Mitigation measure **BIO-6** would ensure adequate compensation for vernal pools that will be impacted.

Measures

BIO-5: All seven depressions need to be surveyed for vernal pool-associated plants in late winter-spring by a qualified biologist. This survey can co-occur with the special-status plant focused survey in measure BIO-3. It is important to note that the MSHCP does not require a special-status plant focused survey for Depression 3 as this depression occurs outside of both the MSHCP narrow endemic plant and criteria area plant survey areas, but this depression needs to be evaluated for vernal pool-associated plants. The suite of species that occupy each depression is an indication of whether the depression is a vernal pool and, if so, its habitat value/quality, and ultimately the level of mitigation necessary to provide equivalent or superior preservation as required by the MSHCP. Project construction will preclude work from within 200 feet of Depression 1 and southward to lateral line "B" until the results of the rare plant and fairy shrimp work has been completed and consistency with the MSHCP has been met.

BIO-6: Depending on the results of the focused survey, one or more of the following will be required:

- The MSHCP requires 100% avoidance of impacts on vernal pools unless not feasible. It would not be possible to widen Perris Boulevard without using the lands within the proposed limits of disturbance. The current limits of disturbance have already been reduced to the maximum extent possible. Unlike for special-status plants, a DBESP is triggered when impacts on vernal pools occur regardless of long-term conservation value. However, the value (and hence the mitigation ratio) of the vernal pool is tied to the range of habitats it provides to species associated with vernal pools and includes whether special-status plants and/or animals are present.
- As discussed under **BIO-4**, the vernal pool and special-status plant mitigation will be linked when both resources are present and the mitigation ratios will be the same (i.e., ranging from 5:1 to 10:1) with compensation to occur through the purchase of mitigation bank credits.
- For any depressions found to be a vernal pool but lacking special-status plants, the mitigation ratio would be no less than 3:1 and may be as high as 5:1 in order to compensate for the range of biological resource value present and proposed for impact. A vernal pool, regardless of whether it provides habitat for special-status plants, is a rare community in southern California and throughout the state. To date, three vernal pools have been identified within the proposed project area: Depressions 1, 2, and 3, with only Depressions 1 and 3 occurring within the proposed project limits of disturbance. Depression 7 has the

common Versatile Fairy Shrimp but thus far lacks vernal pool indicator plant species. Depressions 4, 5, and 6 to date have neither fairy shrimp nor vernal pool indicator plant species.

- A DBESP will be necessary once the vernal pool and special-status plant surveys are completed and the full details of the functions and values of the resources present within the depressions are known. This is necessary based on the presence of Depressions 1 and 3 within the proposed project limits of disturbance (thus impacted) and both found to be vernal pools.

c) ***Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?***

Less-than-significant Impact with Mitigation Incorporated. As stated in b) above, direct and/or indirect impacts on vernal pools are anticipated. Measures **BIO-5** and **BIO-6** above will reduce impacts on vernal pools to a less-than-significant level.

Other jurisdictional waters occurring within the study area are limited to PVSD Lateral "A" and PVSD Lateral "B," which would not be impacted by the proposed project.

d) ***Would the project 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?***

Less-than-significant Impact. The proposed project site lacks natural vegetation communities and is not connected to other natural vegetation communities. The PVSD Lateral "A" and PVSD Lateral "B" could potentially be used by wildlife as a corridor as the PVSD provides suitable topography for animal movement within the channel; however, the channel lacks vegetation for cover or foraging. In addition, the channel is bounded by a chain-link fence, restricting access for some species. The proposed project would not directly impact the PVSD and therefore the project would not directly interfere with wildlife movement through this area. Indirect impacts from night-lighting may affect potential wildlife movement through the area; however, impacts would be less than significant. Furthermore, no MSHCP Linkages or MSHCP Core Conservation Areas and no native wildlife nursery sites occur within the study area.

e) ***Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?***

No Impact. The proposed project occurs within the City. There are no tree preservation policies or ordinances in place within the City. No impacts would occur.

f) ***Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?***

No Impact. The proposed project would not conflict with the provisions of a Habitat Conservation Plan or Natural Community Conservation Plan. The proposed project lies within the MSHCP and within the long-term Stephens' Kangaroo Rat (SKR) HCP (Habitat Conservation Plan). The SKR HCP requires fee payment; however, as a public works project, the proposed project is exempt from fee payment into the SKR HCP.

Under the MSHCP, the proposed project occurs within the following survey areas:

- **Narrow Endemic Plant Species Area 3a:** San Diego ambrosia (*Ambrosia pumila*), many-stemmed dudleya (*Dudleya multicaulis*), spreading navarretia (*Navarretia fossalis*), California Orcutt grass (*Orcuttia californica*), and Wright's trichocoronis (*Trichocoronis wrightii* var. *wrightii*).
- **Criteria Area Species Survey Area 3a:** San Jacinto Valley crownscale (*Atriplex coronata* var. *notatior*), Parish's brittlescale (*Atriplex parishii*), Davidson's saltscale (*Atriplex serenana* var. *davidsonii*), thread-leaved broadiaea (*Brodiaea filifolia*), smooth tarplant (*Centromadia pungens* ssp. *laevis*), round-leaved filaree (*California macrophylla*), Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*), little mousetail (*Myosurus minimus* ssp. *apus*), and mud nama (*Nama stenocarpum*).
- **Burrowing Owl Survey Area:** burrowing owl
- **Vernal Pool Policy Area:** fairy shrimp and vernal pools

As required by the MSHCP, focused surveys and /or habitat assessments were conducted for the above species in areas of suitable habitat. Mitigation measures **BIO-1** through **BIO-6** above have been incorporated for these species. In addition, the project shall comply with MSHCP Vol. I, Section 6.1.2 and the Standard Best Management Practices in MSHCP Vol. I, Appendix C, as applicable.

5. Cultural Resources

Setting

A Historical Resources Survey Report and an Archeological Survey Report were prepared by for the proposed project in November 2008 to identify archaeological, paleontological, and historical resources. On the basis of those surveys, it was identified that significant cultural/historical resources have been identified in the City of Moreno Valley. Habitation by native peoples in the area dates back to at least 2,300 years or more and Euro-American settlement of the area began during the late nineteenth century. Proximity of the project area to Lake Perris prehistoric sites and the presence of historical archaeological resources reflecting the agricultural development of the Moreno Valley during the late nineteenth century indicate the potential for below-ground cultural resources to be present. By contrast, the built environment as it exists today dates overwhelmingly from the 1960s, 1970s, and 1980s when the area population ballooned. The City is characterized by commonplace suburban architecture and development patterns found throughout Southern California. Land use in and adjacent to the project area is dominated by single-family residential and community-oriented commercial development, interspersed with acreage associated with former agricultural lands.

Significant paleontological resources also are present in the City in its Mount Eden Formation and San Timoteo Formation sedimentary rock-units; however, due to the depth of alluvium soil that overlie those formations, they are well below ground in all but the eastern foothill portions of the city (i.e., east of Gilman Springs Road).

Discussion

a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

Less-than-significant Impact. Based upon the historical resources survey of the area conducted during the early 1980s and the Final Program EIR City of Moreno Valley General Plan[15] identified 14 properties deemed to be historically/architecturally significant resources for the purposes of CEQA. None of these 14 properties, however, occur in the project area or within a 0.5-mile radius. A reconnaissance-level architectural/historical resources survey of the project area was conducted on July 9, 2008 by a qualified architectural historian to identify additional potential resources that might not have been documented in the 1980s historical resources survey. Two properties that may have been associated with historic facets of the development of the Moreno Valley water system were identified during the windshield survey. These structures are located outside the project construction limits and would not be directly affected by the project. Furthermore, these properties are located in physical settings where substantial development changes have already occurred over time. Thus, if determined to be historically significant, given the compromised nature of the historic settings, these properties would not be expected to be potentially affected by the project on an indirect basis. Given the nature of the proposed project, it was concluded that no significant impact on historical/architectural resources is likely to occur. The project would not call for the demolition of existing buildings. Therefore, the impact of the project on architectural/historical resources would be less than significant.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less-than-significant Impact. A Phase I archaeological survey of the project area was conducted on July 31, 2008 by qualified archeologists, during which no surficial cultural resources were observed. The State Native American

[15] Ibid.

Heritage Commission search of the sacred lands file also failed to yield any traditional cultural properties in the project area; however, a records search conducted during July 2008 (updated in August 2008) at the Eastern Information Center, University of California Riverside, indicated that 26 cultural resource surveys have been undertaken within a 0.5-mile radius of the project area, and that four cultural studies have been conducted within the project area. Moderate potential exists in the project area for uncovering buried archaeological deposits during construction-related ground disturbing activities. The measure shown below is proposed to minimize potential impacts related to unanticipated discovery of archaeological resources.

In the event that prehistoric or historic cultural artifacts are encountered during construction, work shall stop within 50 feet of the find, and the area shall be avoided and protected until a qualified archaeologist is able to assess the material and recommend further action, if necessary, according to California Register of Historical Resources criteria. The find shall be treated as appropriate, which could include testing, evaluation, and possibly data recovery or other mitigation measures in accordance with standard archaeological procedures. In the event that significant, unanticipated prehistoric or historic cultural artifacts are uncovered during construction-related ground-disturbing activities, an archaeological treatment plan shall be prepared by a qualified archaeologist, in consultation with the State Office of Historic preservation as appropriate. Ground-disturbing activities in the vicinity of the find shall cease until the treatment plan has been developed. All subsequent project activities shall proceed in accordance with the treatment plan.

Measures

CR-1: Archaeological monitoring by a qualified archaeologist is recommended for all initial construction-related grading activities for the section of the project located from Perris Valley Storm Drain Lateral "B" to Grove View Road. If, during cultural resources monitoring, the archaeologist determines that the sediments being excavated have been previously disturbed or are unlikely to contain significant cultural materials, the archeologist shall instruct that monitoring be reduced or eliminated.

c) ***Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?***

Less-than-significant Impact. There is a low potential for the proposed project to result in a significant impact on paleontological resources because excavation depths for the project, anticipated to be five feet or less, would not penetrate alluvial sediments deeply enough to encounter potential underlying fossil-containing deposits. Therefore, the impact of the project would be less than significant for paleontological resources.

d) ***Would the project disturb any human remains, including those interred outside of formal cemeteries?***

Less-than-significant Impact. Earth-moving activities during the construction process have the potential to uncover buried archaeological deposits. In the event human remains are exposed during earth disturbing activities, per State Health and Safety Code Section 7050.5, no further disturbance shall occur until the county coroner has made the necessary finding as to origin and disposition pursuant to Public Resources Code 5097.98. The area in which the human remains were discovered shall be protected and secured until the prescribed treatment has been implemented. Construction activities in the area of the discovery shall cease until authorization for work to resume is granted by the qualified archaeologist.

6. Geology and Soils

Setting

The Project area is located in a seismically active area of southern California. The seismic setting of the project area is dominated by the relatively close proximity of the "active" San Jacinto fault, which runs along the City's eastern limits, approximately five miles from the project area. Other "active" faults in the region consist of the San Andreas Fault, approximately 15 miles northeast of the City of Moreno Valley while the Elsinore Fault is approximately 17 miles to the south. The State Geologists have mapped a "Special Studies Zone" along the San Jacinto Fault zone in accordance with the Alquist-Priolo Special Studies Act. This Act requires prior approval of structures for human occupancy. Other seismic hazards associated with earthquake activity include liquefaction, land settlement, landslides, and seiches. Due to the relatively low groundwater levels in the project area, liquefaction is not considered a realistic hazard for the project area. Seiching is water movement caused by the ground movement associated with earthquake activity[16].

The project area lies on part of the earth's crust known as the "Perris Block." The Perris Block has much of the southern California, has had history of significant vertical movements of several thousand feet. The Perris Rock is framed by the San Jacinto an Elsinore Faults and the Santa Ana River[17].

The earth and soil materials in the project area can be described as Pliocene-Pleistocene alluvium ranging from relatively thin (20 to 200 feet) to intermediate thickness (up to 2,000 feet), overlaying the primary granite bedrock. There are two general soil associations within the project area. Monserate-Arlington-Exeter is a well drained soil made up of predominately granite material. This soil has minimal erosion and expansion potential. Hanford-Tujunga-Greenfield is also found around the project area. This soil can be somewhat excessively drained soil in steeper sloped areas[18].

Discussion

a-i) ***Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving 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?***

Less-than-significant Impact. The San Jacinto fault, considered to be the most active in Southern California is located approximately 5.5 miles east/northeast of the project area. A fault trace called the Casa Loma fault which is associated with the San Jacinto fault is located approximately four miles east of the proposed project area. An Alquist-Priolo Special Fault Zone has been established for the San Jacinto fault. The project area is not located within the Alquist-Priolo Special Studies Zone, and does not involve the construction of habitable structures, therefore, the proposed project would result in a less-than-significant impact.

a-ii) ***Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving strong seismic ground shaking?***

Less-than-significant Impact. The project site is subject to severe seismic ground shaking due to proximity to several major fault zones, the San Andreas, the San Jacinto, and the Elsinore faults. The proposed project would

[16] P&D Consultants. 2006. Final Environmental Impact Report. City of Moreno Valley General Plan. Volume 1. Prepared for City of Moreno Valley. July.

[17] Ibid.

[18] Ibid.

not include the construction of structures that would expose people to strong seismic ground shaking. The proposed road improvements would incorporate appropriate design measures to minimize hazards as a result of seismic ground shaking. The City's General Plan requires all new developments to comply with the most recent Uniform Building Code seismic design standards, which would apply to the proposed project, as appropriate. Therefore, the proposed project would result in a less-than-significant impact.

a-iii) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction?

No Impact. Seismically related ground failure includes earthquake-induced settlement, liquefaction, slope instability, and lateral spreading. Settlement of loose to medium dense clean, dry sands can occur during seismic shaking. Given soil conditions at the project site, localized seismic compaction is possible. However, according to the geotechnical analysis that has been prepared for the proposed project, this is not a substantial hazard: it occurs in areas of loose soil and high groundwater, often around riverbeds and floodplains. The Riverside County General Plan identifies most of Moreno Valley as having very low likelihood of liquefaction susceptibility except for an area west of the project area near the March Air Reserve Base and an area southeast of the project site near Perris lake. The project area is not identified as an area that is susceptible to liquefaction.

a-iv) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving landslides?

No Impact. No substantial natural slopes are located in the vicinity of the project area. According to the City's General Plan, there is no potential for earthquake-induced landslide activity in the project area. As such, no impact would occur.

b) Would the project result in substantial soil erosion or the loss of topsoil?

Less-than-significant Impact. Relatively minor grading associated with roadway widening is proposed (cuts and fills generally less than a few feet deep), which could result in some minor soil erosion in the project area during the construction period. However, earthwork and grading would be performed in accordance with the City of Moreno Valley standard specifications, and no substantial embankments with fill material that would be susceptible to wind and water erosion would be created along the roadway. During operation, much of the site would be paved. No impacts related to slopes would occur in the project area, and potential for erosion from operation of the proposed project would be minimal. Measure HYD-1, listed in the Hydrology and Water Quality section of this report, would be incorporated to ensure that less-than-significant impacts would occur.

c) Would the project 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?

No Impact. The proposed project is not located in an area that is susceptible to settlement, liquefaction, slope instability, or lateral spreading. In addition, there are no geological formations, soil conditions, or human activities such as mining that would make the area susceptible to subsidence or collapse. As such, no impact would occur.

d) Would the project 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?

No Impact. Soil in the project area is granitic in nature. Domino, Exeter, Greenfield, Hanford, Ramona and Traver soil series are found within the project area. The Exeter, Traver and Hanford soil series are a well drained soil made

up of predominately granite material. These soils have minimal erosion and expansion potential. The Greenfield soil series is also found around the project area. This soil can be somewhat excessively drained soil in steeper sloped areas. Ramona soils are coarse-loamy in nature. None of the soils in the project area are considered expansive so no impact related to expansive soils is anticipated.

e) ***Would the project 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?***

No Impact. The proposed project involves road widening and improvements. It would not require the construction and use of septic tanks or alternative wastewater disposal systems. Therefore, no impact would result.

7. Hazards and Hazardous Materials

Setting

Diaz Yourman and Associates prepared a Phase I Environmental Site Assessment (ESA) for the project in August 2008. The Phase I assessment included regulatory agency database review (including the list pursuant to Government Code Section 65962.5), historical data review for evidence of soil and/or groundwater contamination resulting from current and/or former site activities, and site reconnaissance. Under Government Code Section 65962.5, the California Department of Toxic Substances Control (DTSC) maintains a list of hazardous substance sites. This list, referred to as the Cortese List, includes CAL-SITE hazardous materials sites, sites with leaking underground storage tanks, and landfills with evidence of groundwater contamination.

The project site and surrounding area were inspected to evaluate the potential for soil or groundwater contamination resulting from current and/or former site activities. The study included field reconnaissance of the project area; a "windshield" survey within the immediate vicinity of the project area to identify businesses that may use, produce, and/or bulk store hazardous materials or generate hazardous waste; in-person and telephone interviews with representatives of various regulatory agencies and person familiar with site history; and an evaluation of local and regional geological groundwater conditions, including historical depths and flow direction; and an evaluation of historical uses of the project area.

- A leaking underground storage tank (LUST) was identified at a Shell gas station located at the corner of Perris Boulevard and Iris Avenue. The spill has impacted soil on the station property and groundwater in the general area with petroleum hydrocarbons. Consultant reports available from the California Water Resources Control Board (WRCB) indicate that soils adjacent to the proposed project right-of way have not been impacted within 40 feet below ground surface but deeper soil and groundwater beneath the right-of-way adjacent to the site may have been impacted.
- Shallow soils adjacent to paved areas within the project area may contain aerially deposited lead (ADL) from vehicle exhaust. Areas within the proposed project corridor where soil may be disturbed during construction should be tested for ADL prior to construction.

Discussion

*a) **Would the project create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?***

Less-than-significant Impact. The proposed project would not include the routine transportation, use, or disposal of hazardous materials that could create a significant hazard for the public. Small amounts of hazardous materials would be used during construction activities (e.g., equipment maintenance, fuel, solvents, repaving, restriping); however, any transport or use of hazardous materials during construction would be in compliance with all applicable local, state, and federal standards associated with the handling of hazardous materials. Therefore, the impacts are considered less than significant.

*b) **Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?***

Less-than-significant Impact.

Potential Exposure to Hazardous Materials/Contamination

The Phase I ESA completed for the proposed project identified two recognizable environmental concerns (RECs). These include a leaking underground storage tank (LUST) at a Shell gas station located at the corner of Perris Boulevard and Iris Avenue and the potential for aerially deposited lead (ADL) to be located in soil adjacent to Perris Boulevard. A Phase II subsurface investigation at the Shell site is not considered necessary because deep soil excavation is not anticipated as part of the proposed project. The proposed project does not require any demolition of existing structures so no asbestos-contaminated material should be encountered. Although groundwater is deeper than anticipated excavation depths for the proposed project, groundwater could be encountered during operations. Site-specific groundwater contamination data would be required to determine the proper methods for managing and disposing of the groundwater during the construction, if present. If contaminated soil is encountered or suspected contamination is encountered during project construction, work shall be halted in the area, and the type and extent of the contamination shall be identified.

Although impacts related to hazardous materials are not anticipated, the following measure is proposed to minimize potential hazards from on-site contamination, if they are discovered.

Measures

HM-1 Soils adjacent to paved areas within the project area may contain aerially deposited lead (ADL) from vehicle exhaust. Areas within the proposed project corridor where soil may be disturbed during construction should be tested for ADL prior to construction.

Implementation of the above measure would ensure that potential impacts would be less than significant.

Hazardous Materials Release during Construction

Construction activities that could result in the release of hazardous materials include equipment and vehicle refueling and maintenance operations, which could lead to minor fuel and oil spills. The use and handling of hazardous materials during construction activities would occur in accordance with applicable federal, state, and local laws, including California Occupational Health and Safety Administration (Cal/OSHA) requirements. Prior to the start of construction, the construction contractor shall designate staging areas where fueling and oil-changing activities will take place. The staging areas shall be reviewed and approved by the City's Project Engineer prior to the start of construction. No fueling and oil-changing activities shall be permitted outside of the designated staging areas. The staging areas, as much as practicable, shall be located on level terrain and away from sensitive land uses such as residences, day care facilities, and schools. Staging areas shall not be located near any stream, channel, or wetlands. The proposed staging areas shall be identified in the project's Stormwater Pollution Prevention Plan (SWPPP).

c) ***Would the project emit hazardous emissions or involve handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?***

Less-than-significant Impact. Armada Elementary school is located on John F. Kennedy Drive approximately 0.15 mile east of Perris Boulevard. Badger Springs Elementary school is located on Delphinium Avenue approximately 0.25 mile west of Perris Boulevard. The Phase I ESA completed for the proposed project identified three RECs within the project area or in the vicinity. One REC is a Shell gas station located at the corner of Iris Avenue and Perris Boulevard where a Leaking Underground Storage Tank (LUST) has been discovered. Neither of the schools

0.25 mile west of Perris Boulevard. The Phase I ESA completed for the proposed project identified three RECs within the project area or in the vicinity. One REC is a Shell gas station located at the corner of Iris Avenue and Perris Boulevard where a Leaking Underground Storage Tank (LUST) has been discovered. Neither of the schools listed are within 0.50 miles of this specific site. The other two RECs are the potential for ADL present in soils located along the alignment and the potential for lead in traffic striping along Perris Boulevard. Although impacts are not anticipated, measures HM-2 and HM-3 are proposed to minimize potential hazards from on-site contamination, if they are discovered.

d) ***Would the project 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?***

Less-than-significant Impact. As part of the Phase I ESA, the project site and surrounding area were inspected to evaluate the potential for soil or groundwater contamination resulting from current and/or former site activities. The study included field reconnaissance of the project area; a "windshield" survey within the immediate vicinity of the project area to identify businesses that may use, produce, or bulk store hazardous materials or generate hazardous waste; in-person and telephone interviews with representatives of various regulatory agencies and person familiar with site history; an evaluation of local and regional geological groundwater conditions, including historical depths and flow direction; and an evaluation of historical uses of the project area.

The environmental database search performed for the project showed no recognizable environmental concerns (RECs) at the project site or in the immediately adjacent area except for a leaking underground storage tank (LUST) at a Shell gas station located at the corner of Perris Boulevard and Iris Avenue. The spill has impacted soil on the station property and groundwater in the general area with petroleum hydrocarbons. Consultant reports available from the California Water Resources Control Board (WRCB) indicate that soils adjacent to the proposed project right-of way have not been impacted within 40 feet below ground surface but deeper soil and groundwater beneath the right-of-way adjacent to the site may have been impacted. The ISA completed for the proposed project identified three RECs within the project area or in the vicinity. Therefore, site grading and construction activities within the project area could disturb contaminated soil, which could pose a threat to construction workers, the public, and the environment. Implementation of HM-1 would ensure that impacts would be minimized.

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?***

Less-than-significant Impact. A joint-use airport, operated by the March Air Reserve Base and March Inland Port Airport Authority is located approximately one mile west of the project area. To promote compatible and safe surrounding land use development the Air Force developed the Air Installation Compatible Use Zone (AICUZ) program. The program is intended to prevent incompatible development in the surrounding areas and provide information concerning aircraft accidental hazards to communities surrounding Air Force operations. The project area is not located in an area adjacent to the runway or an area deemed at potential risk in the AICUZ. Any impacts are considered less than significant.

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?***

No Impact. There are no private airstrips in the vicinity of the project area; therefore, no impact would occur.

g) ***Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?***

Less-than-significant Impact. On a short term basis, the proposed project may impede emergency access through the project area during construction. However, a Traffic Management Plan (TMP) detailed in measure TR-1, would be prepared for the construction period of the project by the City. This plan would be provided to emergency agencies (i.e., fire and police departments) prior to the start of construction. The widening of the existing roadway would not interfere with access to adjacent businesses. Therefore, the proposed project would have a less-than-significant impact on long term operational emergency access.

h) ***Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?***

No Impact. The project area is not within an area subject to wildland fire. Therefore, no impacts related to wildland fire are anticipated.

8. Hydrology and Water Quality

Setting

Surface Water

Drainage in the Perris Boulevard project area is primarily sheet flow to storm drains and catch basins, flowing generally to the southwest at a gradient of less than 1%. The San Jacinto River is the major drainage course for the project area. Drainages in the proposed project area are listed below.

- **San Jacinto River:** The San Jacinto River is the main drainage for the project area and drains approximately 540 square miles to the Railroad Canyon Reservoir (Canyon Lake) which discharges into Lake Elsinore, which discharges (very rarely) into a tributary of the Santa Ana River.
- **Kitching Channel:** The Kitching Channel is an open channel and is major north-south drainage system for the project area.
- **Perris Valley Stormdrain:** Perris Valley Storm Drain Laterals "A" and "B" run west to east between Krameria Avenue and Nandina Avenue. Eventually, the stormdrain empties into the San Jacinto River.

Water Quality

Water quality in the project area is regulated by the Regional Water Quality Control Board (RWQCB), Santa Ana Region (Region 8). The Santa Ana Regional Water Quality Control Board Basin Plan (Basin Plan) establishes water quality standards for all surface and groundwater throughout the region.

San Jacinto River Watershed: The San Jacinto River has not been identified as having serious water quality problems. The San Jacinto River does however discharge into both Railroad Canyon Lake (Canyon Lake) and Lake Elsinore, both of which have been determined to have rather substantial water quality problems.

Railroad Canyon Reservoir (Canyon Lake): Canyon Lake is known to have algae blooms caused by high nutrient loading. The RWQCB is assessing the Lake's Total Maximum Daily Loads (TMDL). The Lake has been placed on the 303(d) list of pollutant/stressors for pathogens and nutrients (City of Moreno Valley Program EIR, July 2006).

Lake Elsinore: Lake Elsinore also suffers from the same water quality problems as Canyon Lake. Lake Elsinore has been known to experience occasional fish kills due to low levels of dissolved oxygen from its periodic algae blooms. The RWQCB has placed the lake on the 303(d) list of pollutant/stressors for sedimentation/siltation, unknown toxicity, nutrients, organic enrichment, and low levels of dissolved oxygen (City of Moreno Valley Program EIR, July 2006)

Groundwater

The project area lies in the Perris North Groundwater Basin. Groundwater depth ranges from approximately 100 to 150 feet below the surface. The groundwater basins in the project area are estimated to have a capacity of approximately one million acre feet and an average storage of approximately 620,000 acre-feet (AF) of water. (City of Moreno Valley Program EIR, July 2006)

There are several known groundwater quality issues in the Perris North Groundwater Basin. The groundwater salinity problem is a result of human activity and naturally occurring elements. There is a high salt content with local

groundwater in the Basin which requires either blending with imported water or treatment before use. March Air Reserve Base has at times, contributed pollutants to the groundwater of the Perris North Subbasin. The base is a Superfund listed site due to the level of pollutants detected. The Air Force March Air Reserve Base has taken measures to clean the contaminated groundwater.

Discussion

a) Would the project violate any water quality standards or waste discharge requirements?

Less-than-significant Impact with Mitigation Incorporated. Construction activities often expose disturbed and loosened soils to erosion from rainfall, runoff, and wind. Excessive stream and channel erosion may occur if runoff volumes and rates increase as a result or construction activities. Pollutants of concern include toxic chemicals from heavy equipment or construction-related materials, such as gasoline, oils, grease, solvents, lubricants, or other petroleum products. Concrete, soap, trash, and sanitary wastes are other common sources of potentially harmful materials on construction sites. Compliance with Regional Water Quality Control Board Best Management Practices during construction would ensure that impacts are less than significant. Measure HYD-1 would reduce impacts to a level that would be considered less than significant.

Measure

HYD-1: The City shall apply to State Water Resources Control Board for coverage under the Construction General Permit (Order No. 99-08-DWQ) (CAS000002), which applies to all stormwater discharges from land where clearing, grading, and excavation result in soil disturbances of one acre or more. The Construction General Permit requires the City to prepare and implement the SWPPP. The SWPPP includes an overview of the best management practices (BMPs) that shall be implemented to prevent soil erosion and the discharge of construction-related pollutants that could contaminate nearby water resources. The SWPPP may include, but is not limited to, the following BMPs:

- Temporary Soil Stabilization: sandbag barriers, straw bale barriers, sediment traps, and fiber rolls;
- Temporary Sediment Control: portable water, straw mulch;
- Wind Erosion Control: portable water, straw mulch;
- Tracking Control: street sweeping;
- Non-stormwater management: clear water diversion and dewatering; and
- Waste Management and Materials Pollution Control: vehicle and equipment cleaning, concrete waste management, and contaminated soil management.

b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Less-than-significant Impact. The proposed project lies within the Perris North Groundwater Basin. Because there are numerous other locations in the local watersheds for groundwater recharge, the increase in impervious surface resulting from the proposed project would not cause considerable loss of groundwater recharge capacity and would not affect groundwater levels. Any reduction in groundwater recharge would be minimal and would be considered less than significant.

c) ***Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?***

Less-than-significant Impact with Mitigation Incorporated. Surface soil disturbance and grading during construction would increase the potential for erosion and sediment transport into local drainage systems. As described in mitigation measure HYD-1, the City would apply to the State Water Resources Control Board for coverage under the Construction General Permit (Order No. 99-08-DWQ) (CAS000002). The SWPPP would include BMPs that would be implemented to prevent soil erosion and discharge of construction-related pollutants that could contaminate nearby water resources. After construction, the potential for erosion would be low.

d) ***Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site?***

Less-than-significant Impact. The proposed project would not alter existing drainage patterns or result in substantial flooding. The amount of runoff would likely be minimally increased due to the slight reduction in percolation due to the increased paved area. The proposed project would be designed to accommodate surface flows within the existing drainage system, therefore, the anticipated minimal change in runoff would be less than significant.

e) ***Would the project create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?***

Less-than-significant Impact. The proposed Perris Boulevard Widening project would not create or contribute runoff water that would exceed the capacity of existing stormwater drainage systems. The proposed project would be designed to accommodate surface flows within its on-site drainage system. The impact would be less than significant.

f) ***Would the project otherwise substantially degrade water quality?***

Less-than-significant Impact. The proposed project would not substantially degrade water quality. All potential water quality effects would be addressed by the permit requirements described above.

g) ***Would the project 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?***

No Impact. The proposed project is not located within 100 year Federal Emergency Management Agency (FEMA) floodplain nor does it include construction of habitable structures. Therefore, the proposed project would not place housing within a 100 year flood hazard area. There would be no impact.

h) ***Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?***

No Impact. The proposed project is not located within 100- year Federal Emergency Management Agency (FEMA) floodplain nor does it include construction of habitable structures. Therefore, the proposed project would not place housing within a 100 year flood hazard area. There would be no impact.

i) ***Would the project 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?***

Less-than-significant Impact. The proposed project is not located within 100 year Federal Emergency Management Agency (FEMA) floodplain nor does it include construction of habitable structures. Therefore, the proposed project would not place housing within a 100 year flood hazard area. This impact would be less than significant.

j) Would the project have potential for inundation by seiche, tsunami, or mudflow?

No Impact. Due to its relatively flat topography and distance from the Pacific Ocean or other large water bodies, no risk of inundation by seiche, tsunami, or mudflow is assumed to be present. There would be no impact.

9. Land Use and Planning

Setting

Perris Boulevard is identified in the City's General Plan as a divided arterial roadway with a cross-section of six lanes. Most of the parcels along Perris Boulevard are designated commercial, industrial, office space, and both low to medium density residential. The section of Perris Boulevard proposed for widening has a variety of uses, including residential communities, commercial centers, and restaurants. The parcels are designated by the General Plan for High, Medium and Low Density Residential, Commercial, Office Space and Public Facilities.

Discussion

a) Would the project physically divide an established community?

No Impact. The proposed project would involve improvements to an existing roadway; it would not create any barriers to movement within an established community. In addition, the proposed project would accommodate pedestrian travel along the roadway as well as at major intersections. The proposed project would meet the Americans with Disabilities Act requirements.

b) Would the project 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?

No Impact. The Proposed project would comply with the City's General Plan policies as they relate to roadway improvement projects. The proposed project would be consistent with the zoning along the existing roadway.

c) Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. The City is located within an area covered by the Western Riverside County MSHCP. The project site is also subject to the Stephens' Kangaroo Rat Habitat Conservation Plan. Potential effects on covered species and habitats are discussed under Section 3, Biological Resources, of this Initial Study. As discussed in Section 3 the project would be entirely compatible with the MSHCP and Stephens' Kangaroo Rat Habitat Conservation Plan.

10. Mineral Resources

Setting

No regionally or statewide significant mineral resources are located within the project area. Common materials such as sand, gravel and rock are located with the project area. According to the County of Riverside, the project area is not designated or zoned for mineral resource extraction.

Discussion

a) ***Would the project 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?***

No Impact. There would be no loss in the availability of a known or valuable mineral resources as none are present within or adjacent to the area of direct impact associated with the proposed project. No impact is anticipated.

b) ***Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, specific plan or other land use plan?***

No Impact. The proposed project would not result in the loss of availability of a locally-important mineral resource recovery site as none are located within or adjacent to the area of direct impact associated with the proposed project. No impact is anticipated.

11. Noise

Setting

The City of Moreno Valley has established plans and policies designed to limit noise exposure at noise sensitive land uses. These plans and policies are contained in the City of Moreno Valley General Plan and the City of Moreno Valley Municipal Code.

City of Moreno Valley General Plan

The City of Moreno Valley General Plan includes goals and objectives (Chapter 9 – Goals and Objectives) to provide noise compatible land uses by establishing noise standards for design and siting purposes. Specifically, the following uses require mitigation to reduce noise exposure where current or future exterior noise levels exceed 20 dBA above the following interior noise levels.

a. Single and multiple family residential buildings shall achieve an interior noise level of 45 dBA CNEL or less;
b. New libraries, hospitals and extended medical care facilities, places of worship and office uses shall be insulated to achieve interior noise levels of 50 dBA CNEL or less;
c. New schools shall be insulated to achieve interior noise levels of 45 dBA CNEL or less.

The City also acknowledges the following relationships in helping to determine impacts from increased noise levels.

- Except in carefully controlled laboratory experiments, a change of 1 dBA cannot be perceived.
- Outside of the laboratory, a 3 dBA change is considered a just-perceivable difference.
- A change in level of at least 5 dBA is required before any noticeable change in community response would be expected.

City of Moreno Valley Municipal Code, Noise Control (Title 11 Peace, Morals and Safety)

Construction and Demolition

No person shall operate or cause the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between the hours of 8 p.m. and 7 a.m. the following day such that the sound there from creates a noise disturbance, except for emergency work by public service utilities or for other work approved by the city manager or designee. This section shall not apply to the use of power tools as provided in subsection (D)(9) of this section.

Existing Noise Environment

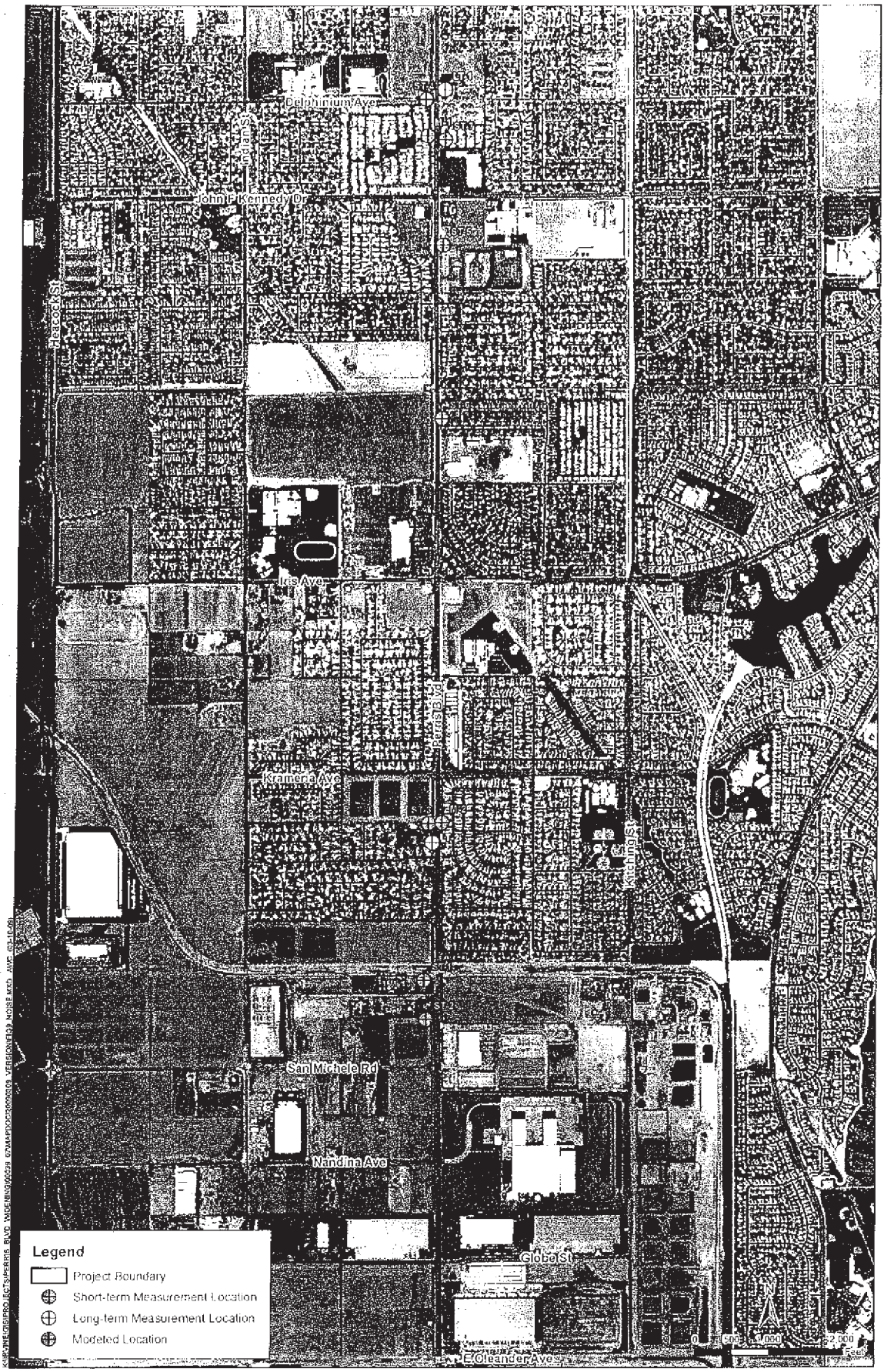
A site visit and noise monitoring survey was conducted on August 13 through 15, 2008 to establish baseline noise conditions and to identify noise sensitive receptors in the vicinity of the project site. Noise sensitive receptors and the noise measurement location are shown in Figure 9.

Land uses along the project alignment consist of commercial, industrial and residential land uses, with some undeveloped vacant parcels interspersed along the alignment. Noise sensitive land uses include single family residences and multifamily residences located throughout the length of the alignment. Most residential uses front directly onto the existing roadway, and some of these have five- to six-foot block walls which provide some noise shielding.

The noise monitoring survey included two long-term and seven short-term (15- minute) noise measurements, which were conducted concurrent with traffic volume counts and used to calibrate the traffic noise model.

- **Measurement Location ST-1** represents a single family residence located at 17041 Perris Boulevard. The residence showed signs of children's toys and other exterior uses. The measurement was conducted approximately 175 feet from the centerline of Perris Boulevard. The primary noise source at this location was vehicular traffic along Perris Boulevard. Meteorological conditions during the short-term measurement consisted of clear skies with a temperature of about 82° Fahrenheit (F), 31% humidity, and winds speeds from 0 to 3 mph.
- **Measurement Location ST-2** represents a single family residence south of site ST-1, along Perris Boulevard. The residence was not accessible due to a fence located along the property line; therefore the measurement was taken in an empty parcel of land to the south of the residence at a representative distance. The primary noise source at this location was vehicular traffic along Perris Boulevard. Meteorological conditions during the short-term measurement consisted of clear skies with a temperature of about 90°F, 29% humidity, and winds speeds from 0 to 3 mph.
- **Measurement Location ST-3** represents a single family residence at 16641 Perris Boulevard. The measurement was conducted approximately 125 feet from the centerline of Perris Boulevard. The primary noise source at this location was vehicular traffic along Perris Boulevard. Meteorological conditions during the short-term measurement consisted of clear skies with a temperature of about 92°F, 21% humidity, and winds speeds from 3 to 6 mph.
- **Measurement Location ST-4** represents a single family residence at 14739 Perris Boulevard. The measurement was conducted approximately 140 feet from the centerline of Perris Boulevard. The measurement location represents any sensitive outdoor land uses in the back yard of the residence. A seven (7) foot high wooden fence exists on the property. The primary noise source at this location was vehicular traffic along Perris Boulevard and vehicles on Delphinium Avenue. Meteorological conditions during the short-term measurement consisted of clear skies with a temperature of about 92°F, 21% humidity, and winds speeds from 3 to 6 mph.
- **Measurement Location ST-5** represents new multifamily residential apartments along Perris Boulevard south of John F Kennedy Drive. The measurement was conducted approximately 150 feet from the centerline of Perris Boulevard. The primary noise source at this location was vehicular traffic along Perris Boulevard and some nearby construction activity along Perris Boulevard. Meteorological conditions during the short-term measurement consisted of clear skies with a temperature of about 94°F, 22% humidity, and winds speeds from 3 to 6 mph.
- **Measurement Location ST-6** represents a single family residence at 25007 Wendy Way adjacent to Perris Boulevard. The measurement location had a six (6) foot block wall present; however the measurement location is slightly depressed from the roadway, so the block wall did not fully block line of sight. The measurement was conducted approximately 75 feet from the centerline of Perris Boulevard. The primary noise source at this location was vehicular traffic along Perris Boulevard and some construction activity along Perris Boulevard. Meteorological conditions during the short-term measurement consisted of clear skies with a temperature of about 95°F, 22% humidity, and winds speeds from 3 to 6 mph.
- **Measurement Location ST-7** represents the second row of mobile homes located along Perris Boulevard south of Delphinium Drive. The measurement was conducted approximately 150 feet from the centerline of Perris Boulevard. The primary noise source at this location was vehicular traffic along Perris Boulevard and some construction activity along Perris Boulevard. Meteorological conditions during the short-term measurement consisted of clear skies with a temperature of about 94°F, 22% humidity, and winds speeds from 3 to 6 mph.

The results of the sound level measurement are summarized in Table 9.



Source: ESRI USA Imagery, 02-15-07, 0.3m

ICF Jones & Stokes

Figure 9
Noise Measurement Location
Perris Blvd Road Widening

Table 9.
Baseline Noise Measurement

Site ID	Measurement Location (Date, Start Time)	Primary Noise Source	Measurement Results (dBA)					
			L_{eq}	L_{Max}	L_{Min}	L_{90}	L_{50}	L_{10}
ST-1	17041 Perris Boulevard 8/07/2008 9:45	Traffic on Perris Boulevard	56.3	66.7	39.3	44.9	54.3	60.0
ST-2	Residence on Perris Boulevard 8/07/2008 10:15	Traffic on Perris Boulevard	56.6	65.4	40.0	45.9	54.8	60.4
ST-3	16641 Perris Boulevard 8/07/2008 11:00	Traffic on Perris Boulevard, Distant Aircraft	59.0	71.4	37.7	46.0	56.4	62.4
ST-4	14739 Perris Boulevard 8/07/2008 13:00	Traffic on Perris Boulevard and Delphinium Avenue, Distant Kids playing	63.4	73.3	47.8	54.4	61.1	67.1
ST-5	New Apartments being constructed on Perris BLVD 8/07/2008 13:45	Traffic on Perris Boulevard	63.9	76.0	49.0	55.3	60.4	67.0
ST-6	25007 Wendy Way 8/07/2008 14:30	Traffic on Perris Boulevard	60.8	73.4	51.1	63.9	59.1	52.1
ST-7	Mobile Home Park south of Delphenium 2nd row 8/07/2008 15:15	Traffic on Perris Boulevard, and ambient including residents talking and wind chimes	51.8	67.1	40.6	44.6	50.1	54.8

Discussion

a) Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies?

Less-than-significant Impact. The proposed project alignment is located in an area of predominantly commercial and residential (single family and multifamily) land uses. Traffic noise modeling was performed using FHWA's Traffic Noise Model (TNM) Lookup Tables. This program is based on the algorithms designed for the FHWA's TNM program. The program takes into account the distance to receiver, Average Daily Traffic (ADT), any impeding factors (walls), and traffic speeds. Traffic volumes entered into the model were based on ADT supplied by Urban Crossroads. Table 10 summarizes the traffic noise modeling results expressed in terms of CNEL based on, with and without Project Existing (2008) ADTs and the Future Build-out (2030) ADTs. Long-term noise measurements were taken at representative locations along the proposed project alignment to quantify the existing CNEL. The two locations are shown in Figure 7. The measured CNEL levels were 63 dBA CNEL at measurement location LT-1 and 69 dBA at measurement location LT-2. These two measurements mimic the modeled CNEL values represented in Table 10.

Table 10.
Modeled Traffic Noise Levels at Noise Sensitive Receptors

	Modeled ADT CNEL dBA			
Location	**Existing No Project**	**Existing with Project**	**Future No Project**	**Future with Project**
Perris Boulevard – Sensitive receptor ST-1	65	65	68	67
Perris Boulevard – Sensitive receptor ST-2	66	66	69	69
Perris Boulevard – Sensitive receptor ST-3	67	67	70	70
Perris Boulevard – Sensitive receptor ST-4	66	67	69	69
Perris Boulevard – Sensitive receptor ST-5	68	68	71	71
Perris Boulevard – Sensitive receptor ST-6	70	69	73	72
Perris Boulevard – Sensitive receptor ST-7	66	67	69	69
Perris Boulevard – Sensitive receptor M-1	64	63	66	66
Perris Boulevard – Sensitive receptor M-2	71	70	74	73

As indicated in Table 10, existing exterior noise levels currently exceed or are slightly below the compatibility thresholds set up in the General Plan. The existing no project noise levels would range between 64 dBA CNEL (at ST--1) up to 71 dBA CNEL (at ST-2). Noise levels with the inclusion of the proposed project and existing ADTs would range between a -1 dBA and 1 dBA CNEL (when rounded to the nearest whole number).

Future modeled no project noise levels would range from 66 dBA CNEL at ST-1 up to 74 dBA CNEL at ST-2 along the proposed project alignment. Noise levels with the inclusion of the proposed project and Future ADTs would range between a -1 dBA CNEL to no change (when rounded to the whole number) when compared with the no project condition.

Noise levels for both the existing and future with project scenarios would not change the noise levels at sensitive receptors significantly (more than 3 dBA) from the no project scenarios. Implementation of the proposed project would also not cause noise levels to exceed any adopted standards. Therefore, impacts would be less than significant.

b) ***Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?***

Less-than-significant Impact. Project construction would include excavation, grading, site preparation, and paving, and may result in some minor amounts of ground-borne vibration. Vibration from construction activities would be short-term, intermittent, and localized, and would end when project construction is completed. Project operations, including the use of the facility by large trucks, are also anticipated to result in some ground-borne vibration and noise. Any increases in existing groundborne vibration in the project associated with traffic volumes changes would not be considered substantial. Therefore, the potential for impacts involving excessive ground-borne vibration would

be less than significant.

c) ***Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?***

Less-than-significant Impact. The widening of Perris Boulevard would move travel lanes closer to some noise sensitive uses in some areas and would increase the capacity of the roadway. Project generated noise increases are calculated by comparing project build traffic conditions to no build traffic conditions for both the existing and future scenarios, within the same time frame (i.e., 2008 build vs. 2008 no build, 2030 build vs. 2030 no build). As shown in Table 10, traffic noise levels are anticipated to be the same or one dBA less under the build condition when compared to the no project condition. Since the project would not result in noise increases of 3 dBA or greater at noise sensitive uses, a less-than-significant impact is anticipated.

d) ***Would the project result in a substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?***

Less-than-significant Impact with Mitigation Incorporated. Construction of the proposed project would require the use of heavy equipment that could generate high noise levels in the immediate project area. Examples of equipment used for roadway construction include concrete mixers, bulldozers, backhoes, and heavy trucks. Typical noise levels from this type of equipment are provided in Table 11.

Table 11.
Typical Construction Noise Levels

Equipment	Noise Levels at 50 feet
Front End Loader	85 dBA
Bulldozer	85 dBA
Backhoe	80 dBA
Water Truck (or other heavy truck)	88 dBA
Generator	81 dBA
Concrete Mixer	85 dBA
Tamper/Roller	75 dBA
Paver	87 dBA

Source: FTA, Transit Noise and Vibration Impact Assessment (1995) and EPA, Noise from Construction Equipment and Operations, Building Equipment and Home Appliances (1971).

Construction activity will result in a temporary increase in noise. Based on the types of construction activities and equipment required for the proposed project, maximum noise levels at 50 feet from the center of construction activities would typically range from 80 to 85 dBA. Noise produced by construction equipment would be reduced over distance at a rate of about 6 dB with each doubling of distance. Construction could be as close as 50 feet to sensitive receptors. Therefore, noise levels could be as loud as 80 to 85 dBA. Construction would be required to adhere to the Municipal Code and would be confined to the hours of 7:00 AM to 8:00 PM. However, even with

construction for the project occurring between 7:00 AM and 8:00 PM, measure N-1 would be required to reduce this impact to a less-than-significant level.

Measure

N-1: Employ Measures to Reduce Construction Noise to Comply with Applicable Construction Noise Standards. The following measures shall be incorporated into the project contract specifications to reduce construction noise impacts to be in compliance with applicable noise standards:

- Limit all construction activities, including loading and unloading of materials and on-site truck movements, to between the hours specified (7:00 AM to 8:00 PM) in the Moreno Valley Municipal Code.
- Locate construction staging areas, water tanks, and other support areas as far from residential areas and other sensitive receptors as possible, as specified in the Moreno Valley General Plan. Residential use areas shall be noted on a project plan submitted with the grading plan.
- Equip all internal combustion engine-driven equipment with mufflers, air-inlet silencers, and any other shrouds, shields, or other noise-reducing features that are in good operating condition and appropriate for the equipment.
- Utilize "quiet" models of air compressors and other stationary noise sources where such technology exists.
- Utilize electrically powered equipment instead of pneumatic or internal combustion powered equipment, where feasible.
- Use of noise-producing signals, including horns, whistles, alarms, and bells, for safety warning purposes only.
- Prohibit unnecessary idling of internal combustion engines (i.e., in excess of five minutes).
- Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

*e) **Would the project result in, 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?***

No Impact. The southern portion of the project site is located approximately one mile east of March Air Reserve Base. Based upon the Air Installation Compatible Use Zone Study noise contours map (Citizen's Brochure for the 452d Air Mobility Wing, Air Installation Compatible Use Zone Study, March Air Reserve Base, California, August 2005), the project alignment is located outside the 65 dBA CNEL and the 60 dBA CNEL noise contours. Construction workers and drivers of the improved roadway would not be exposed to excessive noise levels. Therefore, no impact would occur.

*f) **Would the project, 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?***

No Impact. The proposed project is not located within the vicinity of a private airstrip. No impacts would occur.

12. Population and Housing

Setting

According to the U.S. Census Bureau, the City's population was approximately 142,381 in 2000, an increase of approximately 16.7% from estimated population of 118,719 in 1990. The Department of Finance estimated the 2005 population at 165,328. The project site is located within a predominately commercial and urbanized area of the City. The project site includes commercial shopping centers, restaurants, residential communities and vacant, undeveloped parcels. (City of Moreno Valley General Plan Program EIR, 2006)

a) Would the project 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)?

Less-than-significant Impact. The proposed project would improve an existing transportation facility to accommodate existing and planned land uses in the area. The project would increase capacity to meet existing and projected demand and improve existing traffic conditions. The proposed project would not conflict with any General Plans or adopted policies. The project alignment is primarily built out with only scattered vacant parcels present, therefore, the project would not have the potential to induce substantial population growth in the area. As such, a less-than-significant impact is anticipated.

b) Would the project displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?

Less-than-significant Impact. The proposed project would acquire one mobile home unit in the Sky Trails Mobile Village. A search of similar surrounding communities shows that there is substantial comparable replacement housing available for relocation of the displaced unit. As such, a less-than-significant impact is anticipated.

c) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Less-than-significant Impact. As discussed above, the proposed project would displace one unit in the Sky Trails Mobile Village and would not result in the relocation of a substantial number of individuals. There is substantial comparable replacement housing available so the project would not necessitate the construction of replacement housing elsewhere; therefore, a less-than-significant impact is anticipated.

13. Public Services

Setting

The City of Moreno Valley contracts police services from the Riverside County Sheriff's Department. The City contracts with the Riverside County Fire Department to provide fire protection and emergency services. The Riverside County Fire Department is administered and operated by the California Department of Forestry and Fire Protection. There are six fire stations located throughout the city. Moreno Valley Unified School District and Val Verde Unified School District provide educational services.

Discussion

a) ***Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, or a 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 fire protection services?***

Less-than-significant Impact. The proposed project would include roadway widening and would not include a residential or commercial component that would increase population in the area. The proposed project would not increase demand for the fire or police services or negatively affect response times following construction. There could be temporary delays that could affect service during construction, however, construction activities would be coordinated with the Fire and Police Departments and emergency access would be provided at all times. In addition, the dates and times of construction would be provided to the City Fire and Police Departments to minimize impacts on emergency response times. Implementation of the measure TR-1 in Section 15 of this Initial Study would ensure that impacts on access to nearby land uses and emergency access are minimized. Following construction it is assumed that emergency response would be improved as traffic congestion would generally be reduced.

b) ***Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, or a 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 police protections services?***

No Impact. The proposed project would not include a residential or commercial component that would increase population in the area. Therefore, the project would have no impact on police services.

c) ***Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, or a 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 schools?***

Less-than-significant Impact. Both Moreno Valley Unified School District and Val Verde Unified School District service the city of Moreno Valley. There are 7 schools from both districts that are located within 1 mile of the project area. There are no schools located directly along the project area. The proposed project would not affect access to local schools or would it include residential or commercial components that would increase population in the area. Therefore, a less-than-significant impact would occur.

d) ***Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, or a 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 public parks?

Less-than-significant Impact. There are no public parks directly along the project alignment but there are four public parks that are located approximately .5 miles from the project location. Therefore, no demand for new parks would occur. Access to existing parks would not be affected. Therefore, a less-than-significant impact would occur.

e) ***Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, or a 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 other public facilities?***

Less-than-significant Impact. The proposed project would not require additional services, only maintenance services for the streets, intersections, and arterial improvements. The proposed improvements are not anticipated to require a substantial additional level of maintenance because the improvements would be to an existing roadway, therefore, the project would have less-than-significant impact.

14. Recreation

Setting

Public recreation facilities in Moreno Valley include state, county and city parks as well as public golf courses. There are also private recreation facilities which include privately owned golf courses, golf driving ranges and other outdoor recreation facilities.

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?

No Impact. The proposed project would not include housing or a commercial component that would increase population within the community; therefore, the proposed project would not increase the use of existing neighborhood or regional parks or other recreational facilities.

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?

No Impact. The proposed project would not affect existing recreational resources or create a need for new or expanded recreational facilities. Therefore, no impacts would occur.

15. Transportation/Traffic

Setting

Perris Boulevard is a major north/south arterial that traverses the City of Moreno Valley. Over the next 30 years, development in the City and surrounding communities is expected to increase the volume of traffic on Perris Boulevard. A traffic analysis was prepared for the proposed project to analyze traffic operations on Perris Boulevard at seven intersections and along eight roadway segments within the proposed project area and to evaluate the ability of the roadway to accommodate projected future traffic. Based on the traffic counts, existing levels of service were calculated at the seven intersections and eight roadway segments for both A.M. and P.M. peak hour conditions. (LAN Engineering, September 2008)

Existing Conditions

Existing traffic counts for Perris Boulevard were provided by Urban Crossroads. These counts included A.M. and P.M. peak hour counts that were taken in June and October, 2007, and in July 2008. Based on the traffic counts, existing level of service were calculated at each intersection for the peak hour conditions using the Highway Capacity Manual (HCM2000) methodology.

Year 2030 turning movements for Perris Boulevard intersections were developed through the use of the City of Moreno Valley Traffic Forecast Model. The model was reviewed by the Southern California Association of Governments (SCAG), Riverside County Transportation Commission (RCTC), and California Department of Transportation (Caltrans). SCAG and RCTV determined the model to be regionally consistent per State Congestion Management Program legislation.

The primary measures of effectiveness used in this study were level of service (LOS). For the purpose of the traffic analysis, the PM peak hour was designated the highway's most highly utilized period of the day and, as such, was used to assess intersection performance.

The operational analysis results are described in terms of LOS, ranging from A to F. The ability of a highway to accommodate traffic is typically measured in terms of level of service (LOS). Traffic flow is classified by LOS, ranging from LOS A (free-flow traffic with low volumes and high speeds) to LOS F (traffic volume exceeds design capacity, with forced-flow and substantial delays). For the proposed project LOS was calculated using 2000 Highway Capacity Manual methodology. For signalized intersections, LOS grading is based on an intersection's average delay per vehicle. Existing traffic volumes at each of the seven signalized intersections along Perris Boulevard are shown in Table 12.

As shown in Table 12, all study intersections are currently operating at LOS C or better. Overall intersection operation in both the A.M. and P.M. peak hour is within acceptable operational limits (i.e., within LOS A through D).

Year 2030 No-Build and with Project Conditions

Year 2030 LOSs at the intersections evaluated along the project alignment are shown in Table 13. As shown in Table 13, one intersection would operate at an unacceptable LOS with the proposed project during the PM peak hour, which is the Perris Boulevard/Cactus Avenue intersection. Under the No-Build condition five of the seven intersections would operate at an unacceptable LOS during at least one of the peak hours.

Table 12.
Existing Intersection Levels of Service (LOS)

Intersection	Level of Service	
	A.M. Peak hour	P.M. Peak hour
Perris Blvd/Cactus Ave	C	C
Perris Blvd/John F Kennedy Dr	C	C
Perris Blvd/Gentian Ave	B	B
Perris Blvd/Iris Ave	C	C
Perris Blvd/Krameria Ave	B	B
Perris Blvd/San Michele Rd	B	B
Perris Blvd/Nandina Ave	C	B

Source: LAN Engineering Project Report, September 2008

Table 13.
Year 2030 Intersection Levels of Service

Intersection	No Build		Build	
	AM Peak	PM Peak	AM Peak	PM Peak
Perris Blvd/Cactus Ave	D	E	D	E
Perris Blvd/John F Kennedy Dr	C	D	C	D
Perris Blvd/Gentian Ave	E	F	B	C
Perris Blvd/Iris Ave	D	D	D	D
Perris Blvd/Krameria Ave	F	F	D	D
Perris Blvd/San Michele Rd	F	F	C	C
Perris Blvd/Nandina Ave	D	F	B	D

Source: LAN Engineering Project Report, September 2008

Year 2030 without project, LOS for each of Perris Boulevard roadway segments evaluated are presented in Table 14. As shown in Table 14, under the No-Build scenario six roadway segments would operate at an unacceptable LOS during both the AM and PM peak hours in the southbound direction.

Year 2030 with project LOS for each of the Perris Boulevard roadway segments analyzed are presented in Table 15. As shown in Table 15, all roadway segments would operate the same LOS or at a better LOS when compared to the No-Build condition (Table 14).

Table 14.
Year 2030 No-Build Roadway Segments Level of Service (LOS)

Roadway Segment	Roadway Type	Volume	LOS
Perris Blvd n/o Cactus Ave	4 Undivided	32,085	F
Perris Blvd n/o J.F.K Dr	4 Undivided	37,034	F
Perris Blvd n/o Gentian Ave	3 Undivided	40,843	F
Perris Blvd n/o Iris Ave	6 Undivided	32,458	D
Perris Blvd n/o Krameria Ave	5 Divided	37,576	D
Perris Blvd s/o Krameria Ave	3 Undivided	39,279	F
Perris Blvd s/o San Michelle Rd	4 Divided	50,567	F
Perris Blvd s/o Nandina Ave	4 Divided	43,119	F

Source: LAN Engineering Project Report, 2009

Table 15.
Year 2030 Build Roadway Segments Level of Service (LOS)

Roadway Segment	Roadway Type	Volume	LOS
Perris Blvd n/o Cactus Ave	4 Undivided	32,085	F
Perris Blvd n/o J.F.K Dr	6 Undivided	37,034	E
Perris Blvd n/o Gentian Ave	6 Undivided	40,843	F
Perris Blvd n/o Iris Ave	6 Undivided	32,458	D
Perris Blvd n/o Krameria Ave	6 Divided	37,576	B
Perris Blvd s/o Krameria Ave	6 Undivided	39,279	F
Perris Blvd s/o San Michelle Rd	6 Divided	50,567	D
Perris Blvd s/o Nandina Ave	6 Divided	43,119	C

Source: LAN Engineering Project Report, 2009c

Discussion

a) ***Would the project cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?***

Less-than-significant Impact. The purpose of the proposed project is to improve Perris Boulevard to a consistent six lane roadway and to improve existing and future operations along Perris Boulevard. According to traffic analysis, the project would include components that would better accommodate existing and anticipated traffic volumes and improve LOS at the intersections. The project would not directly cause or result in a substantial increase in traffic on the roadway since no-trip generating land uses are associated with the project (i.e., residential developments, commercial centers, etc.). One intersection, Perris Boulevard with Cactus Avenue, would operate at an unacceptable LOS in the PM peak hour under the build condition (see Table 13), however, this is identical to the condition under the No-Build condition and thus would be considered a less-than-significant impact. At all intersection and roadway

segments evaluated, the proposed project would result in LOS that are equal to or better than those that are anticipated under the No-Build condition.

b) Would the project exceed, either individually or cumulatively, a level-of-service standard established by the county congestion management agency for designated roads or highways?

Less Than Significant. The proposed project was developed to address needed improvements identified in the City's General Plan and is consistent with the goals and objectives of that plan. Furthermore, the project would be consistent with design guidelines included in the General Plan. Although some evaluated segments would exceed an acceptable LOS (i.e., LOS A through D), all LOS identified would be equal to or better than the LOS that are predicted under the No-Build condition. The project would provide pedestrian access and bus turnouts and, therefore, would promote adopted policies supporting alternative methods of transportation. The impacts would be less than significant.

c) Would the project 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?

No Impact. The project would have no impact on air traffic patterns.

d) Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?

No Impact. The project would enhance the existing intersections and roadways and include design features that are anticipated to improve traffic safety. No dangerous design features, such as a dangerous intersection, turning radius, bank, sharp curve, or line of sight, would be present within the project area under the proposed project; therefore, no impact is anticipated.

e) Would the project result in inadequate emergency access?

Less-than-significant Impact with Mitigation Incorporated. The proposed project would make improvements along Perris Boulevard, including intersections, and therefore would likely improve access for emergency vehicles. Other access to adjacent properties would remain following completion of the project. At one residential property, access would be relocated from Perris Boulevard to a side street, however, this is not considered a significant impact as this residence would still have sufficient access following completion of the proposed project. Temporary delays due to construction may occur, which could impact emergency service vehicles; however, construction schedules would be coordinated with emergency services providers, and emergency access through the construction area would be provided at all times. In addition, the implementation of measure TR-1 would ensure that temporary traffic impacts in the project area are minimized, if they occur. The proposed project would have a less-than-significant impact on access to nearby land uses and emergency access.

Measure

TR- 1: The contractor shall be required to submit a Traffic Management Plan, including provision for emergency access to accommodate emergency traffic during the construction period. This plan shall be provided to emergency agencies (i.e., fire and police departments) prior to the start of construction.

f) Would the project result in inadequate parking capacity?

Less-than-significant Impact. No Land uses are proposed that would generate a demand for parking, and no net loss in parking would occur. The on street parking that currently exists along Perris Boulevard would remain following project construction. Nine parking spaces would be removed at the Sky Trails Mobile Village. However, this parking

is being reestablished in the mobile home park so no net loss of parking spaces would occur. This would result in a less-than-significant impact on parking capacity.

g) ***Would the project conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?***

No Impact. The project would have no impact on adopted policies or programs supporting alternative transportation.

16. Utilities and Service Systems

Setting

Water Supply

The Project area is served by the Eastern Municipal Water District (EMWD). The EMWD's water supply comes from local groundwater, recycled water and imported water from the Metropolitan Water District. The EMWD has a CML&C line that extends the entire project length along Perris Boulevard. The depth of water main is generally 4 feet or more below the existing street profile.

Waste Water

The EMWD serves most of the City of Moreno Valley. EMWD operates Regional Water Reclamation Facility and has the capacity to treat 16 million gallons of wastewater per day and a capacity to expand to 48 million gallons per day. The EMWD has several sewer lines ranging from 8 to 15 inch in diameter running along the project area.

Utilities

Southern California Edison's overhead lines and transmission lines are located along the west side of the project site. There are underground electric cables attached to existing traffic signals that connect to adjacent facilities and cross Perris Boulevard at various locations. Southern California Gas Company has a main gas line 4 to 6 inches in diameter along the length of Perris Boulevard in the project area. The gas lines are roughly 3 to 4 feet below the existing street profile.

Stormwater

The City of Moreno Valley's Sunnymead Area Drainage Plan Lines carry stormwater in the project area. The proposed widening associated with the project would require installing catch basins at various locations that would tie into the Area Drainage Plan main lines with laterals. The general drainage pattern for the project location shows the storm run-off along the project site generally flows to the south and runs along the west side of Perris Boulevard.

Solid Waste

Solid Waste Disposal services are provided by Waste Management of the Inland Empire. The majority of the solid waste generated within the proposed project area is deposited in the Riverside County Waste Management Department's (RCWMD) Badlands Landfill, located north of Highway 60 near Theodore Street and Ironwood Avenue intersection. Waste management can also deposit in other landfills in the area, such as El Sobrante landfill and Lamb Canyon Landfill. All Riverside County landfills are Class III disposal sites permitted to receive non-hazardous solid waste.

Discussion

a) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Less-than-significant Impact. The proposed project would not generate additional wastewater or require the installation of new sewer lines. Minimal amounts of wastewater would be generated by construction workers on the site during the construction period. Therefore, the project would have a less-than-significant impact on wastewater treatment requirements.

b) Would the project 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?

No Impact. See discussion "a" above. The proposed project would neither produce additional wastewater nor require the construction of new water or wastewater treatment facilities or expansion of existing facilities. Therefore, no impact is anticipated.

c) Would the project 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?

Less-than-significant Impact. The proposed project would not result in substantial amounts of runoff that would require construction of new, or expansion of existing, storm-water drainage facilities. The increase in impermeable surface due to widening of the highway would not be substantial and adequate capacity exists in the existing system, therefore impacts are assumed to be less than significant.

d) Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?

No Impact. The proposed project would not require new or expanded water entitlements. The minor amounts of water that would be required for construction and operation of the proposed project would be supplied by the City. Therefore, no impacts would occur.

e) Would the project 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?

No Impact. Construction and operation of the proposed project would not increase the demand for wastewater treatment facilities in the area. Therefore, no impact would occur.

f) Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Less-than-significant. Operation of the proposed project would not generate solid waste. Any waste generated during construction would be disposed of at permitted landfills in accordance with federal, state, and local regulations. The majority of the solid waste generated from the project is deposited in the Riverside County Waste Management Department's (RCWMD) Badlands Landfill, located north of Highway 60 near Theodore Street and Ironwood Avenue intersection. Waste Management can also deposit in other landfills in the area, such as El Sobrante landfill and Lamb Canyon Landfill.

The California Integrated Waste Management Act of 1989 (Assembly Bill 939) revised the focus of solid waste management from landfill to diversion strategies such as source reduction, recycling, and composting. The purpose of the diversion strategies is to reduce dependence on landfills for solid waste disposal. AB 939 included a number of components including those related to the Waste Management Board and Waste Management Plans; permitting and enforcement; financing and a requirement for reducing solid waste by 50% after the year 2000. (Moreno Valley General Plan Program EIR, 2006)

Implementation of the following measure, as required for all public projects, would ensure that impacts would be minimized. The California Integrated Waste Management Act, Assembly bill 939 (AB 939) requires contractors to prepare a Construction and Demolition Debris Plan that requires at least 50% diversion of construction waste. The plan shall also include measures for the safe disposal of construction and demolition waste, which is not recyclable.

g) ***Would the project comply with federal, state, and local statutes and regulations related to solid waste?***

No Impact. See discussion "f" above. The proposed project would not require additional disposal services, only maintenance of the associated project improvements. Maintenance of the proposed project would be the responsibility of the City Public Works Department. The proposed project would conform with all applicable federal, state, and local solid waste regulations, including the California Integrated Waste Management Act of 1989, therefore, there would be no impact.

17. Mandatory Findings of Significance

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, substantially reduce the number or restrict the range of an endangered, rare or threatened plant or animal, or eliminate important examples of the major periods of California history or prehistory?

Less-than-significant with Mitigation Incorporated. The proposed improvements along Perris Boulevard are located within a built environment which includes commercial and industrial centers, residential communities, and vacant parcels. As mentioned in the Biological Resources section, the proposed project has the potential to impact California Orcutt Grass, Spreading Navarretia, Wright's Trichocoronis, Thread-leaved Brodiaea, Little Mousetail, Coulter's Goldfields, Mud Nama, and Smooth Tarplant, if these species are present. If any of these species are present (determined by **BIO-3**), mitigation measure **BIO-4** would ensure full compliance with the MSHCP and impacts to these species would be less-than-significant.

At least three vernal pools have been confirmed as occurring within the study area, however, whether these vernal pools provide habitat for the rare plants listed above is currently unknown. The Biological Resources section also shows that it is unknown whether the four remaining depressions are vernal pools. The extent to which the proposed project would remove this rare natural community would be determined by measure **BIO-5**. Implementation of **BIO-6** would provide adequate compensation and full compliance with the MSHCP (i.e., a DBESP will be required).

The proposed project has the potential to substantially degrade the quality of the environment through substantial soil erosion due to grading and land clearing activities during construction. As a condition of the construction general permit, the preparation and implementation of a SWPPP is required. The SWPPP would identify BMP's to be implemented in order to reduce erosion and sedimentation (and to reduce potential for discharge of materials in stormwater).

The proposed project has the potential to significantly degrade the quality of the environment through violation of water quality standards or waste discharge requirements. Construction-related activities have the potential to affect water quality. Exposed soils associated with grading and excavating activities could increase the potential for erosion and increased sediment loads on downstream waterbodies. In addition, surface water runoff could also result in the discharge of construction related pollutants, such as petroleum, solvents, and cement, into local waters. Implementation of mitigation measures **HYD-1** would avoid the potential for impacts that would affect water quality standards.

The potential for finding subsurface prehistoric or historic resources during earthwork is low; however, if such resources are found, the project could have the potential to eliminate important examples of the major periods of California history or prehistory. Standard operating measures will be included to ensure that potential impacts to cultural and paleontological resources would be minimal. Implementation of mitigation measures **CR-1**, and would avoid the potential for impacts.

Global climate change is a problem caused by combined worldwide greenhouse gas (GHG) emissions, and mitigating global climate change will require worldwide solutions. GHGs play a critical role in the Earth's radiation budget by trapping infrared radiation emitted from the Earth's surface, which could have otherwise escaped to space. Prominent

GHGs contributing to this process include water vapor, carbon dioxide (CO_2), nitrous oxide (N_2O), methane (CH_4), ozone (O_3), and certain hydro- and fluorocarbons. This phenomenon, known as the "greenhouse effect" keeps the Earth's atmosphere near the surface warmer than it would be otherwise and allows for successful habitation by humans and other forms of life.

Given the relatively small amount of GHG emissions that would be emitted from this project during short-term construction, and implementation of prescribed mitigation measures, **AIR-1, AIR-2, AIR-3,** and **AIR-4,** the proposed project would not conflict with the State's goals of reducing GHG emissions to 1990 levels by 2020 relative to construction emissions.

The Phase I ESA completed for the proposed project identified two recognizable environmental concerns (RECs). These include a leaking underground storage tank (LUST) at a Shell gas station located at the corner of Perris Boulevard and Iris Avenue and the potential for aerially deposited lead (ADL) to be located in soil adjacent to Perris Boulevard. A Phase II subsurface investigation at the Shell site is not considered necessary because deep soil excavation is not anticipated as part of the proposed project. The proposed project does not require any demolition of existing structures so no asbestos-contaminated material should be encountered. Although groundwater is deeper than anticipated excavation depths for the proposed project, groundwater could be encountered during operations. Site-specific groundwater contamination data would be required to determine the proper methods for managing and disposing of the groundwater during the construction, if present. If contaminated soil is encountered or suspected contamination is encountered during project construction, work shall be halted in the area, and the type and extent of the contamination shall be identified. Implementation of mitigation measure **HM-1** would reduce the potential for impact.

Construction of the proposed project would require the use of heavy equipment that could generate high noise levels in the immediate project area. Construction activity will result in a temporary increase in noise. Based on the types of construction activities and equipment required for the proposed project, maximum noise levels at 50 feet from the center of construction activities would typically range from 80 to 85 dBA. Implementation of measure **N-1** would reduce noise levels to less-than-significant levels.

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 the past projects, the effects of other current projects, and the effects of probable future projects)?***

Less-than-significant Impact. The City of Moreno Valley General Plan accounts for the proposed improvements to Perris Boulevard, other roadway improvements, and future land uses near the project area. A rapid growth is expected to continue in this area, these improvements are needed to increase capacity and efficiency. Several private development and public capital improvement projects are proposed around Perris Boulevard.

The cumulative impact analyses included in this section is based on projects that are currently proposed, approved, or under construction within the City of Moreno Valley and the City of Perris as of October 2008. The projects considered in the analysis are presented in the Table 16.

Table 16.
Cumulative Projects

Project Name	Jurisdiction	Information	Status
PA04-0203 (Plot Plan) PA05-0142 (Tentative Condominium Map)	City of Moreno Valley	Plot Plan and Tentative Condominium Map being process concurrently. The proposed project is located on the west side of Perris Boulevard, south of Cactus Avenue and north of Delphinium Avenue (APN: 482-230-013	Negative Declaration adopted June 14, 2007.
PA06-0096 (Tentative Condominium Map) PA06-0097 (Plot Plan) PA06-0098 (Change of Zone)	City of Moreno Valley	Plot Plan, Tentative Condominium Map and Zone Change, being processed concurrently. The proposed project is located on the east side of Perris Boulevard, south of Cactus Avenue and north of Delphinium Avenue (APN's: 484-231-015, 484-231-016.	Negative Declaration adopted January 9, 2007 at City Council.
PA08-0013 (Plot Plan)	City of Moreno Valley	Plot Plan if for a 151 unit affordable multiple-family complex on 6.6 acres. Proposed project is located on the east side of Perris Boulevard, south side of John F Kennedy Drive. APN: 486-070-007.	Negative Declaration adopted July 10, 2008 at Planning Commission.
PA07-0079 and PA07-0093 (Plot Plans for Option 1-2 Buildings) PA07-0080 (Tentative Parcel Map 35672) PA08-0018 (Plot Plan for Option 2-1 Building) P07-121 (Specific Plan Amendment)	City of Moreno Valley	Specific Plan amendment, tentative parcel map and three plot plans for approx. 72.4 acres at SW corner of Irs Ave and Indian St (APN's: 316-020-002, 003, 004, 005, 012, 013, 014, 015, 016, 017, 018, and 019). Project proposes an industrial complex with two buildings (796,171 and 679,554 sq ft.)	Mitigated Negative Declaration adopted on July 8, 2008 at City Council.

Project Name	Jurisdiction	Information	Status
PA07-0151 (TPM 35879) PA07-0152 (Master Plot Plan) PA07-0153 (Plot Plan) PA07-0154 (Plot Plan) PA07-0155 (Plot Plan) PA07-0156 (Plot Plan) PA08-0057 (General Plan Amendment) PA08-060 (Specific Plan Amendment)	City of Moreno Valley	Not-Approved. 4 building industrial complex – 66.93 acres with a total of 1,572,405 sq ft. Zoned I within the Industrial Plan (SP 208). Located at 24015 Iris Avenue. SE corner of Iris Ave and Heacock St, includes parcel south of Krameria Ave at SE corner of Krameria Ave and Heacock St (APN's: 316-020-001, 007, 028, and 010.	Project will require a Mitigated Negative Declaration.
PA07-0069 PA07-0070 (Tract 35429)	City of Moreno Valley	Not approved – 54 condominium units on 4.93 net acre parcel. Project most likely will be withdrawn as school district as submitted a letter for site to possibly become a high school. The representative for the property will be submitting letter withdrawing project once escrow closes (APN's: 479-230-011, 479-230-012, and 479-230-027	N/A
PA07-0035 (Master Plot Plan)	City of Moreno Valley	Proposed plan is for six industrial buildings to constructed on six separate parcels in the Industrial Zone of the Industrial Area Specific Plan (SP 208). Buildings range in size from 23,700 sq ft to 49,601 sq ft. Approval of the project will require review under a separate application. There is existing tract of R% zoned homes to the east. March Air Reserve Base is located to west of the west side of Heacock St. (APN's: 485-230-001 to 010)	N/A

Project Name	Jurisdiction	Information	Status
PA07-0039 (Plot Plan)	City of Moreno Valley	Plan is for a warehouse distribution facility to be located on 19.27 acres in the Industrial Zone of the Industrial Area Specific Plan (SP 208). The proposed warehouse is comprised of 409,598 sq ft. The project site is currently comprised of 11 parcels. Approval of project will require review under a separate application to ensure that buildings are not placed over property lines. There is an existing tract of R5 zones homes immediately to the east and March Air Reserve Base is across the street to the west. (APN's 485-014 to 024).	N/A
PA07-0165 (Tentative Parcel Map 35859) PA07-0166 (Plot Plan for Industrial Warehouse Buildings) PA07-0167 (Plot Plan for Industrial Warehouse Buildings)	City of Moreno Valley	Plan is for two industrial warehouse buildings on approximately 40 acres. Project includes street improvements on Nandina Ave, Perris Blvd, and San Michele Road. Project also includes regional storm drain improvements in Nandina Ave from Knox St to Perris Blvd and In Perris Blvd from San Michele Road to approximately 700 feet south of Nandina Ave (APN's: 316-200-003, 316-200-009 to 014, 316-200-018, 316-200-028 and 316-200-029).	N/A
Case # 02-0098	City of Perris	Dividing 9.12 acre lot into 15 ½ acre industrial lots	Approved 5/10/05
Case #03-0388	City of Perris	5 industrial buildings on 34.22 acres	Approved 7/13/04
Case #05-0113	City of Perris	Four industrial buildings of a total of 1,747,901 sq ft on 89.72 acres	Approved 2/01/06
Case #05-0159	City of Perris	Subdivide 11.25 acre lot into 54, 6000 sq ft SFR lots.	Inactive 5/16/05
Case #05-0192	City of Perris	Build 697,578 sq ft tilt up building on 36.74 acres.	Approved 03/27/07
Case # 05-0243	City of Perris	Subdivide 9.12 acre parcel into 3 parcels	Reopened 10/20/08
Case #05-0477	City of Perris	Build 462,300 sq ft warehouse distribution building on 22.00 acres	Approved 06/20/07

Project Name	Jurisdiction	Information	Status
Case #05-0488	City of Perris	Build Mini storage facility with office and garage on 4.63 acres	Closed 01/24/06
Case #06-0059	City of Perris	Auto reclamation office, impound, parking on 9.09 acres	Approved 06/07/06
Case #07-07-0007	City of Perris	Build indoor basketball/volleyball courts for youth teams	Approved 10/19/07
Case#07-07-0029	City of Perris	Construction of 5 industrial buildings totaling 3,008,000 sq ft on 69.074 acres	In process
Case #07-09-0018	City of Perris	Construction of 173,000 sq ft concrete building on 9.17 acres	
Indian Street/Alessandro Blvd Sidewalk Improvements	City of Moreno Valley CIP	Eliminate gaps in existing sidewalk near the SW corner of Indian St and Alessandro Blvd. Addition of Approx 800 ft of sidewalk	Approximate Construction Dates: July 09-Oct 09.
Heacock Street Improvements	City of Moreno Valley CIP	Reconstruct failed pavement on Heacock St, from Gentian Ave to Poppystone Dr and on Frederick St/Pigeon pass Road, from Sunnymead Blvd to Hemlock Ave.	Approximate Construction Dates: May 08-Nov 08.
Indian St and Cactus Ave Intersection Improvements and Storm Drain Improvements on Indian St	City of Moreno Valley CIP	Construct a new storm drain system in Indian St from Delphinium Ave to Cactus Ave to allow for the elimination of the cross gutter across Cactus Ave on the east side of Indian St	Approximate Construction Dates: July 08-Oct 08
Lasselle St widening from JFK Drive to Alessandro Boulevard	City of Moreno Valley CIP	Roadway widening to provide four traffic lanes on Lasselle Street between Alessandro Blvd and JFK Dr. Project includes excavation, curb and gutter, payment, sidewalks, drainage improvements, street lights, and traffic signal modifications, sign and striping.	Approximate Construction Dates: Jan 09-Dec09
Annual Pavement Rehabilitation Program	City of Moreno Valley CIP	Street resurfacing at various locations throughout the city	Approximate Construction Dates: Feb 09-May 09

Project Name	Jurisdiction	Information	Status
Iris Ave Sidewalk improvements from Indian St to Perris Blvd	City of Moreno Valley CIP	Sidewalk Improvements on Iris Ave from Indian St to Perris Blvd. Project constructs sidewalk, curb and gutter from the sidewalk, and obtains any necessary R.O.W	Approximate Construction Dates: March 09-June 09
Heacock Street Improvements –from San Michele Rd to Cactus Ave	City of Moreno Valley CIP	Design and construction of Heacock St from San Michele Road to Cactus Ave. Widening if Heacock to four lanes, curb and gutter, sidewalks, right-of-way acquisition and utility relocation.	Approximate Construction Dates: July 09-July 10
Traffic Signal at Kitching Street and Cactus Ave	City of Moreno Valley CIP	Project signalizes the intersection at Kitching and Cactus Ave. Installation of a traffic signal removes the existing all-way stop	Approximate Construction Dates: Aug 09- Aug 10
Extension of Kitching Street from Gentian Ave to Alessandro Blvd	City of Moreno Valley CIP	A project report, Traffic Circulation/Corridor Study will be prepared for the construction of the ultimate Street, storm drain improvement and other ancillary improvements, along with utility relocation for Kitching Street and Gentian Ave to Alessandro Blvd.	Approximate Construction Dates: Aug 09-Aug 10
Heacock St Bridge over Perris Valley Storm Drain Lateral "A" between Cardinal Avenue and Iris Avenue	City of Moreno Valley CIP	Project designs and constructs a replacement bridge for Heacock St over PVSD Lateral "A". Existing bridge is functionally obsolete by constricting the channel and the future geometrics for Heacock St.	Approximate Construction Dates: Apr 10-Dec 10
Perris Blvd Widening from Perris Valley Storm Drain Lateral "B" to Cactus Ave	City of Moreno Valley CIP	Widen Perris Blvd from two lanes to four lanes. Project enhances safety by reducing the potential for head-on and rear-end collisions, as well as mitigating traffic congestion by reducing travel time and fuel congestion.	Approximate Construction Dates: Jan 10-Dec 10
Perris Blvd Widening from Perris Valley Storm Drain lateral "B" to Cactus Ave and Traffic Signal Modifications	City of Moreno Valley CIP	Improvements consist of the following; widening from four lanes to ultimate width, curb and gutter, sidewalks, storm drain, catch basins, traffic signal modification, right-of-way acquisition and utility relocation.	Approximate Construction Dates: Jan 10-Dec 10
Corporate Yard Facility	City of Moreno Valley CIP	A location has not yet been determined	Approximate Construction Dates: TBD

Project Name	Jurisdiction	Information	Status
Heacock Street and Cactus Ave Flood Control Channel Improvements	City of Moreno Valley CIP	Project constructs the ultimate improvements for both Heacock St and Cactus Ave channels.	Approximate Construction Dates: TBD
Kitching St at Bay Ave Traffic Signal	City of Moreno Valley CIP	Project will signalize an intersection on the City's priority list and remove the cross gutter across the west leg of the intersection.	Approximate Construction Dates: Oct 09-Mar 10
Krameria Ave/Vista Conejo/Calle Aurora Traffic Signal	City of Moreno Valley CIP	Project will signalize the intersection of Krameria Ave/Vista Conejo/Calle Aurora, currently an all-way stop-controlled intersection.	Approximate Construction Dates: Feb 09-May 09
Heacock St/Iris St Traffic Signal	City of Moreno Valley CIP	Project will signalize an intersection on the City's priority list	Approximate Construction Dates: TBD
Water Conservation and Demonstration Garden	City of Moreno Valley CIP	Design and construct a water conservation and demonstration garden within the aqueduct bike trail between Unity Court and Cactus Avenue. Project entails planting of native plant material that is drought tolerant, various mulch materials, water conserving irrigation system, solar lighting, educational kiosk to assist members of the public in designing their own landscape.	Approximate Construction Dates: June 10-Dec 10
Raised Median on Alessandro Blvd at Gaye St	City of Moreno Valley CIP	Improve safety by removing left-turn access at the intersection of Gaye St and Alessandro Blvd. Additional left turn lanes will be added to the eastbound and westbound approaches at the intersection and traffic signal will be modified	Approximate Construction Dates: Nov 09-May 10

Construction of these projects could overlap with construction of the proposed project. However these related projects will undergo environmental review and follow City guidelines for construction. It is expected that these projects will include mitigation measures to reduce the severity of impacts. The traffic analysis for the proposed project takes into account background traffic growth and proposed projects in the area. Therefore, the proposed project would not result in significant impacts, either individually or cumulatively

c) ***Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?***

Less-than-significant Impact. The proposed project would accommodate existing and future traffic on Perris Boulevard. During project construction, there would be increased noise levels, diminished access to businesses, and hazardous materials could be encountered. Implementation of proposed mitigation measures, discussed in the individual sections, would reduce the individual construction impacts of the project to a less-than-significant level. Operation of the proposed project's contribution to population growth would not be significant.

APPENDIX A
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Monitoring and Reporting Plan

No.	Task and Brief Description	Responsible Party	Timing / Phase	Action Taken to Comply with Task	Date
	AIR QUALITY				
AIR-1	Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials.	City (during final design) / Resident Engineer and Contractor (during construction)	Incorporate recommendations during final design and implement during construction		
AIR-2	Minimize, reuse, and recycle construction-related waste.	Resident Engineer and Contractor	During any grading and construction activities		
AIR-3	Minimize grading, earth-moving, and other energy-intensive construction practices	Resident Engineer and Contractor	During any grading and construction activities		
AIR-4	Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions	Resident Engineer and Contractor	During any grading and construction activities		
	BIOLOGICAL RESOURCES				
BIO-1	Per MSHCP requirements, a burrowing owl preconstruction survey must be performed by a qualified biologist prior to and within 30 days of ground disturbance and/or construction-related activities. The survey will cover the burrowing owl focused survey area illustrated in Figure 7. The survey will include the peak activity period for the species (1 hour before sunrise to 2 hours after, or 2 hours before sunset to 1 hour after). Burrowing owls will be sought visually and aurally, along with sign (i.e. pellets, tracks, feathers, and active burrows). If legal access is not provided within the entire burrowing owl survey area, then that portion not accessible on foot will be surveyed through binoculars and/or a spotting scope. If no burrowing owls are found during the preconstruction survey, no further mitigation is needed. If owls are found outside the project limits of disturbance and it is outside the species' nesting window of February 1 through August 31, no action is needed. If owls are present within the project limits of disturbance and thus direct removal of an occupied burrow would occur outside of February 1 through August 31, passive relocation by a qualified ornithologist will be conducted. If an owl is found present between February 1 and August 31 and the occupied burrows are within 300 feet of project activities, a qualified ornithologist needs to assess whether the species is nesting or not. If the species is not nesting and the active burrows occur outside of the project limits of disturbance plus a 100-foot buffer, no further action is needed. If the owls are nesting, then either (1) construction disturbance cannot occur within 300 feet of the active burrow until it is confirmed by a qualified ornithologist that the pair is no longer nesting and young (if present) are independently foraging or (2) active relocation by a properly permitted biologist will be performed with concurrence from California Department of Fish and Game (CDFG) and USFWS. The biologist retained to perform this mitigation measure can also perform BIO-2 below when the survey	City (during final design) / Resident Engineer and Contractor (during construction)	Incorporate recommendations during final design and implement during construction		

No.	Task and Brief Description	Responsible Party	Timing / Phase	Action Taken to Comply with Task	Date
BIO-2	If project-related site disturbance will occur during the core nesting period (March 1- September 15), a qualified biologist shall perform a preconstruction nesting bird survey. The survey will be completed within 7 days prior to the project-related disturbance. If native birds are nesting on or within 50 feet of the site, a 50-foot buffer should be flagged around the nest (as legally accessible) and no project activities should occur until the nest has been determined to no longer be active. This will provide adequate protection to native nesting bird species for this proposed project under MBTA and similar provisions of the California Fish and Game Code. If there is no nesting, no further action is necessary. If commencement of project-related ground disturbance occurs outside of the March 1 through September 15 period, no nesting bird survey is necessary.	City/Contractor	Within 30 days prior to the commencement of construction		
BIO-3	A focusedsurvey for California Orcutt grass, spreading navarretia, Wright's trichocoronis, thread-leaved brodiaea, smooth tarplant, Coulter's goldfields, little mousetail, and mud nama is recommended during the species' blooming period (spring through June). This focused survey can co-occur with the vernal pool assessment in **BIO-5**. It is important to note that the MSHCP does not require a special-status plant focused survey for Depression 3 as this depression occurs outside of both the MSHCP narrow endemic plant and criteria area plant survey areas. If (1) any of these species are present, (2) the project is proposing direct **and**/or indirect impacts on the species found, and (3) long-term conservation is present, the MSHCP requires either that a Determination of Biologically Equivalent or Superior Preservation (DBESP) be provided or that 90% avoidance be provided. As it is not possible to reduce the proposed project limits of disturbance and still widen the road, avoidance is not feasible. It is highly unlikely that any of the existing identified depressions with one or more of these special-status species could provide long-term conservation given their degraded condition and the developed and developing landscape in which they occur. However, until all information has been obtained through the focused survey work, long-term conservation value cannot be determined. Project construction will preclude work from within 200 feet of Depression 1 and southward to lateral line "B" until the results of the rare plant and fairy shrimp work has been completed and consistency with the MSHCP has been met.	City	Surveys need to occur during the species' blooming period (spring through June)/Compliance with MSHCP prior to construction in identified areas		
BIO-4	Depending on the results of the focused survey, one or more of the following will be required: If any of the special status plants listed above are found present and long-term conservation value is determined to be absent, no further action is needed. The MSHCP provides full compensation of impacts on these species if it is determined that long-term conservation value is not present.	City	Identify additional mitigation measures prior to construction within identified area (see BIO-3) and incorporate into final project design.		

No.	Task and Brief Description	Responsible Party	Timing / Phase	Action Taken to Comply with Task	Date
	This determination would be reviewed by the City of Moreno Valley to ensure consistency with the MSHCP. If any of these special status plants listed above are found present and long-term conservation value is also determined to be present, 90% avoidance will be provided or a DBESP will be made. Avoidance under the MSHCP includes avoidance of both direct and indirect impacts. If it is determined by a qualified biologist that the proposed project is able to provide 90% avoidance, a finding of equivalency shall be made to demonstrate that the 90% standard has been met. If it is determined that 90% avoidance cannot be provided, a DBESP will be provided whereby the level of mitigation will be related to the population size and species composition of the special status plants found present. Potential habitat within the study area for the special status plants above, with the exception of smooth tarplant, is limited to the seasonal depressions/vernal pools that have been identified (Figure 7). Because of this, if the species are found present, proposed compensation for impacts on special status plants and vernal pools should be linked. In contrast, potential habitat for smooth tarplant is associated with the seasonal depressions/vernal pools, as well as adjacent areas, so it would not necessarily be the case that mitigation for impacts on smooth tarplant should be linked to vernal pool mitigation. This would need to be evaluated and determined by a qualified biologist. California Orcutt grass, spreading navarretia, Wright's trichocoronis, thread-leaved brodiaea, Coulter's goldfields, little mousetail, and mud nama are very rare species. Any impacts on these species would need to be replaced at a minimum 5:1 and as high as 10:1 depending on the population size and species composition. The mitigation ratio would be calculated by the areal extent of impact. On-site compensation is not feasible. For this project, mitigation bank credits will be purchased, as the purchase of lands with vernal pools and any of these potentially present plants is not available (Wendy Worthy, Regional Conservation Authority, personal communication; Ken Graff, Riverside County, personal communication). Contact information for the closest mitigation bank to the proposed project (Riverside County) is provided below. The credits purchased would need to equal the mitigation ratios presented above and would be calculated as stated in the above paragraph. Barry Jones (aka Skunk Hollow) Wetland Mitigation Bank Credit sales: Michael McCollum, McCollum Associates 10196 Clover Ranch Drive, Sacramento, CA 95829 (916) 688-2040 Compensation for impacts on smooth tarplant would need to be included with the other special status plants as discussed above, if the species was				

No.	Task and Brief Description	Responsible Party	Timing / Phase	Action Taken to Comply with Task	Date
	found to occur within the depressions/vernal pools. Alternatively, if smooth tarplant is found to occur outside of these depressions/vernal pools, mitigation for impacts on this species would need to be at a minimum of 2:1 in order to provide equivalent preservation. The mitigation can be off-site land acquisition and preservation and/or purchase of mitigation bank credits. The mitigation ratios for impacts on this species are lower because, although this species is a CNPS List 1B plant, it is more common to western Riverside County than the other seven special status plants with potential to occur. Project construction will preclude work from within 200 feet of depression 1 and southward to lateral line "B" until the results of the rare plant and fairy shrimp work has been completed and consistency with the MSHCP has been met.				
BIO-5	All seven depressions need to be surveyed for vernal pool-associated plants in late winter-spring by a qualified biologist. This survey can co-occur with the special-status plant focused survey in measure BIO-3. It is important to note that the MSHCP does not require a special-status plant focused survey for Depression 3 as this depression occurs outside of both the MSHCP narrow endemic plant and criteria area plant survey areas, but this depression needs to be evaluated for vernal pool-associated plants. The suite of species that occupy each depression is an indication of whether the depression is a vernal pool and, if so, its habitat value/quality, and ultimately the level of mitigation necessary to provide equivalent or superior preservation as required by the MSHCP. Project construction will preclude work from within 200 feet of Depression 1 and southward to lateral line "B" until the results of the rare plant and fairy shrimp work has been completed and consistency with the MSHCP has been met.	City	Surveys need to occur during the species' blooming period (spring through June)/ Compliance with MSHCP prior to construction in identified areas		
BIO-6	Depending on the results of the focused survey, one or more of the following will be required: The MSHCP requires 100% avoidance of impacts on vernal pools unless not feasible. It would not be possible to widen Perris Boulevard without using the lands within the proposed limits of disturbance. The current limits of disturbance have already been reduced to the maximum extent possible. Unlike for special-status plants, a DBESP is triggered when impacts on vernal pools occur regardless of long-term conservation value. However, the value (and hence the mitigation ratio) of the vernal pool is tied to the range of habitats it provides to species associated with vernal pools and includes whether special-status plants and/or animals are present. As discussed under **BIO-4**, the vernal pool and special-status plant mitigation will be linked when both resources are present and the mitigation ratios will be the same (i.e., ranging from 5:1 to 10:1) with compensation to	City	Identify additional mitigation measures prior to construction and incorporate into final project design.		

No.	Task and Brief Description	Responsible Party	Timing / Phase	Action Taken to Comply with Task	Date
	occur through the purchase of mitigation bank credits. For any depressions found to be a vernal pool but lacking special-status plants, the mitigation ratio would be no less than 3:1 and may be as high as 5:1 in order to compensate for the range of biological resource value present and proposed for impact. A vernal pool, regardless of whether it provides habitat for special-status plants, is a rare community in southern California and throughout the state. To date, three vernal pools have been identified within the proposed project area: Depressions 1, 2, and 3, with only Depressions 1 and 3 occurring within the proposed project limits of disturbance. Depression 7 has the common Versatile Fairy Shrimp but thus far lacks vernal pool indicator plant species. Depressions 4, 5, and 6 to date have neither fairy shrimp nor vernal pool indicator plant species. A DBESP will be necessary once the vernal pool and special-status plant surveys are completed and the full details of the functions and values of the resources present within the depressions are known. This is necessary based on the presence of Depressions 1 and 3 within the proposed project limits of disturbance (thus impacted) and both found to be vernal pools.				
	CULTURAL RESOURCES				
CR-1	Archaeological monitoring by a qualified archaeologist is recommended for all initial construction-related grading activities for the section of the project located from Perris Valley Storm Drain Lateral "B" to Grove View Road. If, during cultural resources monitoring, the archaeologist determines that the sediments being excavated have been previously disturbed or are unlikely to contain significant cultural materials, the archeologist shall instruct that monitoring be reduced or eliminated.	City	During any grading and construction activities		
	HAZARDS AND HAZARDOUS MATERIALS				
HM-1	Soils adjacent to paved areas within the project area may contain aerially deposited lead (ADL) from vehicle exhaust. Areas within the proposed project corridor where soil may be disturbed during construction should be tested for ADL prior to construction.	City/Contractor	During any grading and construction activities		
	HYDROLOGY AND WATER QUALITY				
HYD-1	The City shall apply to State Water Resources Control Board for coverage under the Construction General Permit (Order No. 99-08-DWQ) (CAS000002), which applies to all stormwater discharges from land where clearing, grading, and excavation result in soil disturbances of one acre or more. The Construction General Permit requires the City to prepare and implement the SWPPP. The SWPPP includes an overview of the best management practices (BMPs) that shall be implemented to prevent soil erosion and the discharge of construction-related pollutants that could	City (during final design) / Resident Engineer and Contractor (during construction)	Obtain approvals during final design and implement BMPs prior to and during all grading and construction activities		

No.	Task and Brief Description	Responsible Party	Timing / Phase	Action Taken to Comply with Task	Date
	clearing, grading, and excavation result in soil disturbances of one acre or more. The Construction General Permit requires the City to prepare and implement the SWPPP. The SWPPP includes an overview of the best management practices (BMPs) that shall be implemented to prevent soil erosion and the discharge of construction-related pollutants that could contaminate nearby water resources. The SWPPP may include, but is not limited to, the following BMPs: • Temporary Soil Stabilization: sandbag barriers, straw bale barriers, sediment traps, and fiber rolls; • Temporary Sediment Control: portable water, straw mulch; • Wind Erosion Control: portable water, straw mulch; • Tracking Control: street sweeping; • Non-stormwater management: clear water diversion and dewatering; and • Waste Management and Materials Pollution Control: vehicle and equipment cleaning, concrete waste management, and contaminated soil management.	Contractor (during construction)	activities		
	NOISE				
N-1	Employ Measures to Reduce Construction Noise to Comply with Applicable Construction Noise Standards. The following measures shall be incorporated into the project contract specifications to reduce construction noise impacts to be in compliance with applicable noise standards: • Limit all construction activities, including loading and unloading of materials and on-site truck movements, to between the hours specified (7:00 AM to 8:00 PM) in the Moreno Valley Municipal Code. • Locate construction staging areas, water tanks, and other support areas as far from residential areas and other sensitive receptors as possible, as specified in the Moreno Valley General Plan. Residential use areas shall be noted on a project plan submitted with the grading plan. • Equip all internal combustion engine-driven equipment with mufflers, air-inlet silencers, and any other shrouds, shields, or other noise-reducing features that are in good operating condition and appropriate for the equipment. • Utilize "quiet" models of air compressors and other stationary noise sources where such technology exists. • Utilize electrically powered equipment instead of pneumatic or internal combustion powered equipment, where feasible. • Use of noise-producing signals, including horns, whistles, alarms, and bells, for safety warning purposes only. • Prohibit unnecessary idling of internal combustion engines (i.e., in	Resident Engineer and Contractor	During any grading and construction activities		

No.	Task and Brief Description	Responsible Party	Timing / Phase	Action Taken to Comply with Task	Date
	excess of five minutes). • Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.				
	TRANSPORTATION / TRAFFIC				
TR- 1	The contractor shall be required to submit a Traffic Management Plan, including provision for emergency access to accommodate emergency traffic during the construction period. This plan shall be provided to emergency agencies (i.e., fire and police departments) prior to the start of construction.	City, Resident Engineer, and Contractor	Prior to any grading or construction (prepare) / During any grading or construction (implement)		

This page intentionally left blank.

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: May 26, 2009

TITLE: Approve the City of Moreno Valley's Five-Year Measure "A" Local Streets and Roads Capital Improvement Plan (CIP) for the Riverside County Transportation Commission (RCTC) Measure "A" Local Funds Program, Fiscal Year (FY) 2010-2014.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the City of Moreno Valley's Five-Year Measure "A" Local Streets and Roads CIP for the RCTC Measure "A" Local Funds Program, FY 2010-2014.

2. Authorize submittal of the RCTC Measure "A" Local Funds Program, FY 2010-2014.

3. Authorize the City Manager to submit the MOE Certification after RCTC approves the 2009 Measure "A" base year amounts.

4. Authorize staff to submit an amended five-year plan to RCTC if changes are made by City Council to the listed Measure "A" projects as part of the upcoming FY 2009-2010 budget approval process.

BACKGROUND

The Riverside County Transportation Commission Ordinance No. 88-1, as enacted pursuant to the provisions of Division 25 of the Public Utilities Code, specifies that local cities and counties must submit an annual Five-Year CIP for Measure "A" funds. RCTC requires local agencies to submit their 2010-2014 Five-Year CIP for Measure "A" by May 29, 2009. The program is subject to amendment after review and approval by RCTC.

The City of Moreno Valley has received Measure "A" funds (local sales tax) for expenditures on local streets since November 1989.

DISCUSSION

The attachments include Measure "A" projects listed in the City's FY 2008-2009 budget, proposed FY 2009-2010 budget, and planned projects for Fiscal Years 2010-2011 through 2013-2014 that are eligible to receive Measure "A" funding consistent with the City's Capital Improvement Program. Projects identified in the tables approximate Measure "A" revenue estimates through FY 2013-2014, provided by RCTC in March 2009. The projects are included in the Measure "A" Five-Year CIP to satisfy RCTC Ordinance No. 88-1. Although RCTC requires this information by May 29, 2009, the City Council may make any changes to the list of projects as part of the City's annual budget approval process. City staff can forward the amended Measure "A" project list to RCTC once the City's budget is approved.

RCTC Ordinance No. 88-1 also requires the City to provide an executed MOE Certification Statement indicating that Measure "A" funds will not replace local discretionary funds used for the City's transportation issues, but will be in addition to the City's funds for transportation purposes. Since the 2009 Measure "A" base year amounts have not yet been approved by the Commission, the certification of MOE will be requested at a later date.

ALTERNATIVES

1. Approve the City of Moreno Valley's Five-Year Measure "A" Local Streets and Roads CIP for the RCTC Measure "A" Local Funds Program, FY 2010-2014, authorize submittal of the RCTC Measure "A" Local Funds Program, FY 2010-2014, authorize the City Manager to submit the MOE Certification after RCTC approves the 2009 Measure "A" base year amounts, and authorize staff to submit an amended five-year plan to RCTC if changes are made by City Council to the listed Measure "A" projects as part of the upcoming FY 2009-2010 budget approval process. *This alternative supports a major funding source for roadway and other infrastructure improvements.*

2. Do not approve the City of Moreno Valley's Five-Year Measure "A" Local Streets and Roads CIP for the RCTC Measure "A" Local Funds Program, FY 2010-2014, do not authorize submittal of the RCTC Measure "A" Local Funds Program, FY 2010-2014, do not authorize the City Manager to submit the MOE Certification after RCTC approves the 2009 Measure "A" base year amounts, and do not authorize staff to submit an amended five-year plan to RCTC if changes are made by City Council to the listed Measure "A" projects as part of the upcoming FY 2009-2010 budget approval process. *This alternative eliminates Measure "A" funding.*

FISCAL IMPACT

There is no immediate fiscal impact to the City by the proposed action. However, approval and submittal of the Five-Year CIP ensures continued receipt of Measure "A" funds for FY 2009-2010.

CITY COUNCIL GOALS

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

SUMMARY

The City of Moreno Valley is required to submit an annual Five-Year CIP for Measure "A" projects and a MOE certification for continued receipt of Measure "A" funds. Since the 2009 Measure "A" base year amounts have not yet been approved by the Commission, the certification of MOE will be requested at a later date.

ATTACHMENTS

ATTACHMENT "A" - Riverside County Transportation Commission, Measure "A" Local Fund Program, FY 2010-2014

Prepared By
Linda Wilson
Senior Management Analyst

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

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

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

W:\CapProj\CapProj\Measure "A"\5-Year CIP\2010-14\Staff Report.doc

RIVERSIDE COUNTY TRANSPORTATION COMMISSION
MEASURE A LOCAL FUNDS PROGRAM
FY 2010 - 2014

Agency: City of Moreno Valley
Page 1 of 12
Prepared by: Linda Wilson
Date: May 29, 2009

Item No.	Project Funding Year	Project Name/Limits	Project Type		Total Cost 1,000s	Measure A Funding 1,000s
1	2008/09	Measure A Program Budget 54150	Program Budget	Provide functions for transportation projects and services: annual update of 5-Year CIP, revisions to Standard Plans, annual update to DBE specifications, development of DBE AADPL, preparation of grant applications, quarterly utility coordination, MSHCP reporting, and project engineering and right of way services for unfunded new projects.	378	378
2	2008/09	Annual Pavement Rehabilitation 56330	Rehabilitation	On-going annual program.	7,119 [1]	1,380
3	2008/09	Bicycle Lane Account (BTA) 65320	Bicycle Lane	Local match funding for BTA grant awards to stripe Class II bike lanes to connect discontinuous segments of the Aqueduct Bike Trail.	155 [2]	20
4	2008/09	Route 60/Redlands East Bound Ramps and Traffic Signal 66625	Freeway Ramp & Traffic Signal	Construction of ramps and traffic signal.	1,351	1,351
5	2008/09	Graham St./Bay Ave. Traffic Signal 66626	Traffic Signal	Project completed.	372	372
6	2008/09	Perris Blvd. Southbound Lane into Route 60 Westbound On-Ramp 66627	Street Improvements	Traffic signal design.	167	167
7	2008/09	Cottonwood/Pattilynn School Crossing Traffic Signal 66628	Traffic Signal	Traffic signal design.	311	311
8	2008/09	Reche Vista Realignment - Perris Blvd/Heacock St. to North City Limits 66722	Street Improvements	Design	729 [3]	111

[1] Traffic Congestion Relief (Prop 42) - $3,136,687; Proposition 1B - $2,602,673
[2] FY 08/09 BTA Funding - $135,000
[3] DIF Arterial Streets - $618,149

Attachment "A"

RIVERSIDE COUNTY TRANSPORTATION COMMISSION
MEASURE A LOCAL FUNDS PROGRAM
FY 2010 - 2014

Agency: City of Moreno Valley
Page 2 of 12
Prepared by: Linda Wilson
Date: May 29, 2009

Item No.	Project Funding Year	Project Name/Limits	Project Type		Total Cost 1,000s	Measure A Funding 1,000s
9	2008/09	Raised Median on Alessandro Blvd. at Gaye St. 66727	Median	Installation, striping and signing.	160	160
10	2008/09	Cottonwood Ave. at Oliver St. Striping/Channelization/Roadside Safety 66728	Street Improvements	Signing and striping. Project completed.	25	25
11	2008/09	Heacock St. Bridge/PVSD Lateral A 66825	Bridge	Environmental study and design of bridge	576 [4]	248
12	2008/09	Moreno Beach Dr./Route 60 Right-Turn Lane Improvements 66827	Street Improvements	Project placed on hold. Carryover funds to complete design.	512	512
13	2008/09	Elder W/O Nason Roadside Safety Improvement 66828	Street Improvements	Update signing, striping and guardrail to current standards. Project completed.	54	54
14	2008/09	Redlands Blvd./Route 60 Westbound Ramp Traffic Signal 66927	Traffic Signal	Traffic signal design.	142	142
15	2008/09	Indian St./Dracaea Ave. Traffic Signal 66928	Traffic Signal	Traffic signal design. Project on hold. Funds returned to Fund Balance.	39	39
16	2008/09	Pilot Program for Traffic Signal System Upgrade 67025	Traffic Signal Upgrade	First step to an upgraded advanced traffic signal system that consists of advanced traffic signal controllers and operating software. Project placed on hold. Return $55,000 to Fund Balance.	70	70
17	2008/09	Kitching St./Bay Ave. Traffic Signal 67028	Traffic Signal	Design of traffic signal. Project on hold. Return funds to fund Balance.	80	80
18	2008/09	Indian St./Cactus Ave. Improvements 67123	Street & Storm Drain Imprv	Construction of street and storm drain improvements. Project completed. Carryover funds are for one year warranty period.	1,172 [5]	637

[4] HBRRP Funding - $360,000 for design (remaining balance - $327,969)
[5] STPL H Funding - $600,000 (remaining balance - $535,698)

RIVERSIDE COUNTY TRANSPORTATION COMMISSION
MEASURE A LOCAL FUNDS PROGRAM
FY 2010 - 2014

Agency: City of Moreno Valley
Page 3 of 12
Prepared by: Linda Wilson
Date: May 29, 2009

Item No.	Project Funding Year	Project Name/Limits	Project Type		Total Cost 1,000s	Measure A Funding 1,000s
19	2008/09	Sunnymead Blvd./Frederick St. - Perris Blvd. 67128	Street Improvements	Revitalization project: colored sidewalks and medians with landscaping. Construction scheduled for completion January 2010. TE grant award budget in Measure A. RDA funding will be used for local match	9,826 [6]	-
20	2008/09	Ironwood Ave./Pigeon Pass Lane to Graham St. 67423	Reconstruction	Design and construction of Street Improvementss. Project completed. Return $201,000 to Fund Balance.	221	221
21	2008/09	Heacock/Gentian -Poppystone & Frederick/Pigeon Pass/Sunnymead-Hemlock 67425	Reconstruction	Project completed. Return $64,000 to Fund Balance.	1,842 [7]	522
22	2008/09	Aqueduct Bikeway Improvement/Indian St.-Fay Ave. 67524	Bicycle Trail	Design, right of way acquisition and construction.	1,119	1,119
23	2008/09	Residential Traffic Management Program (Speed Hump Program) 82824	Speed Hump	On-going annual program for design and construction of speed humps.	232	232
24	2008/09	School Walkway Infill 82825	Sidewalk	On-going annual program for design and construction of sidewalks along school routes for improved pedestrian safety.	351 [8]	248
25	2008/09	Indian St./Alessandro Blvd. Sidewalk Improvements 82828	Sidewalk	Design and construction of sidewalk.	240 [9]	24
26	2008/09	Slurry Seal Program 84830	Resurface	On-going annual program.	2,234	2,234
27	2008/09	Surface Recycling 85020	Rehabilitation	On-going annual program.	120	120

[6] 2005 Lease Revenue Bonds - $7,146,392; RDA Funding - $1,263,584; TE Grant - $1,614,000. Grant budgeted in Measure A. RDA funds will be used as local match.
[7] TEA 21-STP - $1,375,174 (remaining balance - $1,320,790)
[8] General Fund - $77,527; SB 821 - $25,170
[9] SR2S Grant - $215,820

RIVERSIDE COUNTY TRANSPORTATION COMMISSION
MEASURE A LOCAL FUNDS PROGRAM
FY 2010 - 2014

Agency: City of Moreno Valley
Page 4 of 12
Prepared by: Linda Wilson
Date: May 29, 2009

Item No.	Project Funding Year	Project Name/Limits	Project Type		Total Cost 1,000s	Measure A Funding 1,000s
28	2008/09	Street Improvements Program (SIP) 85523	Street Improvements	On-going annual program.	861 [10]	198
29	2008/09	Route 60/Nason St. Interchange 89720	IC Imprv EB/WB Ramps	Design, utility relocation, and right of way. Estimated construction start date is February 2010..	5,207 [11]	3,861
	2008/09				**35,665** *	**14,836** *

*** Includes FY 07/08 carryover funds.**

[10] Traffic Congestion Relief (Prop 42) - $663,041
[11] STPL (Right-of-Way) - $1,350,082 - (remaining balance - $1,346,321)

RIVERSIDE COUNTY TRANSPORTATION COMMISSION
MEASURE A LOCAL FUNDS PROGRAM
FY 2010 - 2014

Agency: City of Moreno Valley
Page 5 of 12
Prepared by: Linda Wilson
Date: May 29, 2009

Item No.	Project Funding Year	Project Name/Limits	Project Type	Status	Total Cost 1,000s	Measure A Funding 1,000s
30	2009/10	Measure A Program Budget 54150	Program Budget	Provide functions for transportation projects and services: annual update of 5-Year CIP, revisions to Standard Plans, annual update to DBE specifications, development of DBE AADPL, preparation of grant applications, quarterly utility coordination, MSHCP reporting, and project engineering and right of way services for unfunded new projects.	387	387
31	2009/10	Indirect Costs	Overhead	Estimated amount of overhead costs to be distributed to Measure A projects based on projected revenue of $2,705,000.	216	216
32	2009/10	Annual Pavement Rehabilitation 56330	Rehabilitation	On-going annual program.	4,544 [12]	1,266
33	2009/10	Bicycle Lane Account (BTA) 65320	Bicycle Lane	10% local match funding for BTA grant awards to stripe Class II bike lanes to connect discontinuous segments of the Aqueduct Bike Trail.	122 [13]	13
34	2009/10	Route 60/Redlands East Bound Ramps and Traffic Signal 66625	Freeway Ramp & Traffic Signal	Construction	1,311	1,311
35	2009/10	Graham St./Bay Ave. Traffic Signal 66626	Traffic Signal	Projected completed November 2008. Carryover funds are for a one-year warranty period.	5	5
36	2009/10	Perris Blvd. Southbound Lane into Route 60 Westbound On-Ramp 66627	Street Improvements	Complete design.	32	32
37	2009/10	Cottonwood Ave./Pattilynn Dr. School Crossing traffic Signal 66628	Traffic Signal	Construction	238	238
38	2009/10	Reche Vista Realignment - Perris Blvd/Heacock St. to North City Limits 66722	Street Improvements	Complete design. Estimated construction start date is February 2010.	3,785 [14]	1,270

[12] Traffic Congestion Relief (Prop 42) - $1,432,271; Proposition 1B - $1,845,673

[13] FY 08/09 BTA Funding - $135,000

[14] STPL Funding - $1,967,000; DIF Arterial Streets - $548,149

RIVERSIDE COUNTY TRANSPORTATION COMMISSION
MEASURE A LOCAL FUNDS PROGRAM
FY 2010 - 2014

Agency: City of Moreno Valley
Page 6 of 12
Prepared by: Linda Wilson
Date: May 29, 2009

Item No.	Project Funding Year	Project Name/Limits	Project Type	Status	Total Cost 1,000s	Measure A Funding 1,000s
39	2009/10	Raised Median on Alessandro Blvd. at Gaye St. 66727	Median	Complete design. Estimated construction start date is August 2010.	103	103
40	2009/10	Heacock St. Bridge/PVSD Lateral A 66825	Bridge	Complete design. Estimated construction start date is April 2010.	271 [15]	163
41	2009/10	Moreno Beach Dr./Route 60 Right-Turn Lane Improvements 66827	Street Improvements	Complete design. Construction placed on hold.	66	66
42	2009/10	Redlands Blvd./Route 60 Westbound Ramp Traffic Signal 66927	Traffic Signal	Complete design. Construction placed on hold.	10	10
43	2009/10	Indian St./Cactus Ave. Improvements 67123	Street & Storm Drain Imprv	Projected completed January 2009. Carryover funds are for a one year warranty period.	10	10
44	2009/10	Sunnymead Blvd/Frederick St. - Perris Blvd. 67128	Street Improvements	Revitalization project: colored sidewalks and medians with landscaping. Construction scheduled for completion January 2010. TE grant award budget in Measure A. RDA funding will be used for local match	4,724 [16]	0
45	2009/10	Heacock/Gentian -Poppystone & Frederick/Pigeon Pass/Sunnymead-Hemlock 67425	Street Improvements	Project completed. Carryover funds are for a one year warranty period.	10	10
46	2009/10	Aqueduct Bikeway Improvement/Indian St.-Fay Ave. 67524	Bicycle Trail	Design, right of way acquisition and construction.	536	536
47	2009/10	Residential Traffic Management Program (Speed Hump Program) 82824	Speed Hump	On-going annual program for design and construction of speed humps.	111	111
48	2009/10	Indian St./Alessandro Blvd Sidewalk Improvements 82828	Sidewalk	Design and construction of sidewalk. 10% local match funding for SR2S grant.	208 [17]	20

[15] HBRRP Funding - $360,000 (remaining balance - $107,969)

[16] 2005 Lease Revenue Bonds - $2,196,392; RDA Funding - $1,263,584; TE Grant - $1,614,000 (remaining balance - $1,264,800) TE grant is budgeted in Measure A; RDA funds will be used as the local match. Federal-aid reimbursement will result in net zero ($0) expenditures in Measure A.

[17] SR2S Cycle 7 Grant Award - $215,820 (remaining balance - $207,605)

RIVERSIDE COUNTY TRANSPORTATION COMMISSION
MEASURE A LOCAL FUNDS PROGRAM
FY 2010 - 2014

Agency: City of Moreno Valley
Page 7 of 12
Prepared by: Linda Wilson
Date: May 29, 2009

Item No.	Project Funding Year	Project Name/Limits	Project Type	Status	Total Cost 1,000s	Measure A Funding 1,000s
49	2009/10	Slurry Seal Program 84830	Resurface	On-going annual program.	294	294
50	2009/10	Surface Recycling 85020	Rehabilitation	On-going annual program.	120	120
51	2009/10	Street Improvements Program (SIP) 85523	Street Improvements	On-going annual program.	250	250
52	2009/10	Route 60/Nason St. Interchange 89720	IC Imprv EB/WB Ramps	Design, utility relocation, right of way and construction. Estimated construction start date is February 2010.	4,744 [18]	3,744
53	2009/10	Annual ADA Compliant Curb Ramp Upgrades New A	Sidewalk Improvements	New program for design and construction of ADA compliant curb ramps.	200	200
54	2009/10	Heacock Street South Extension New B	Street Improvementss	Alignment and traffic study.	35	35
55	2009/10	Nason St./Riverside County Regional Medical Center Main Driveway Traffic Signal New C	Traffic Signal	Traffic signal design.	35	35
56	2009/10	Route 60/Nason St. Interchange - Federal Demo Funds New D	IC Imprv EB/WB Ramps	Construction - estimated start date is February 2010.	4,500 [19]	0
57	2009/10	Route 60/Nason St. Interchange - STPL Construction Funds New E	IC Imprv EB/WB Ramps		1,770 [20]	0
	2009/10				**28,637 ***	**10,445 ***

*** Includes FY 08/09 carryover funds.**

[18] TUMF Funding - $1,000,000

[19] Federal Demo Funds - $4,500,000. Federal-Aid reimbursement will result in net zero ($0) expenditures in Measure A.

[20] STPL Construction Funds - $1,770,219. Federal-Aid reimbursement will result in net zero ($0) expenditures in Measure A.

RIVERSIDE COUNTY TRANSPORTATION COMMISSION
MEASURE A LOCAL FUNDS PROGRAM
FY 2010 - 2014

Agency: City of Moreno Valley
Page 8 of 12
Prepared by: Linda Wilson
Date: May 29, 2009

Item No.	Project Funding Year	Project Name/Limits	Project Type	Status	Total Cost 1,000s	Measure A Funding 1,000s
58	2010/11	Measure A Program Budget 54150	Program Budget	On-going annual program.	397	397
59	2010/11	Indirect Costs	Overhead	Estimated amount of overhead costs to be distributed to Measure A projects based on projected revenue of $2,760,000.	221	221
60	2010/11	Annual Pavement Rehabilitation 56330	Rehabilitation	On-going annual program.	1,900 [21]	900
61	2010/11	Perris Blvd. Southbound Lane into Route 60 Westbound On-Ramp 66627	Street Improvements	Estimated construction start date is July 2010.	703	0
62	2010/11	Raised Median on Alessandro Blvd. at Gaye St. 66727	Median	Installation, striping and signing. Estimated construction start date August 2010.	371	0
63	2010/11	Heacock St. Bridge/PVSD Lateral A 66825	Bridge	Estimated construction start date is April 2010.	504	0
64	2010/11	Moreno Beach Dr./Route 60 Right-Turn Lane Improvements 66827	Street Improvements	Construct new right-turn lane on eastbound SR 60 off-ramp and modify traffic signal to provide eastbound right turn.	400	0
65	2010/11	Redlands Blvd./Route 60 Westbound Ramp Traffic Signal 66927	Traffic Signal	Estimated construction start date September 2010.	1,030	0
66	2010/11	Residential Traffic Management Program (Speed Hump Program) 82824	Speed Hump	On-going annual program for design and construction of speed humps.	30	30
67	2010/11	Slurry Seal Program 84830	Resurface	On-going annual program.	2,000	700

[21] Traffic Congestion Relief (Prop 42) - $1,000,000

RIVERSIDE COUNTY TRANSPORTATION COMMISSION
MEASURE A LOCAL FUNDS PROGRAM
FY 2010 - 2014

Agency: City of Moreno Valley
Page 9 of 12
Prepared by: Linda Wilson
Date: May 29, 2009

Item No.	Project Funding Year	Project Name/Limits	Project Type	Status	Total Cost 1,000s	Measure A Funding 1,000s
68	2010/11	Surface Recycling 85020	Rehabilitation	On-going annual program.	120	120
69	2010/11	Street Improvements Program (SIP) 85523	Street Improvements	On-going annual program.	250	250
70	2010/11	Annual ADA Compliant Curb Ramp Upgrades New A	Sidewalk Improvements	Annual on-going program for design and construction of ADA compliant curb ramps.	200	132
71	2010/11	Heacock Street South Extension New B	Street Improvements	Complete design.	400	0
72	2010/11	Nason St./Riverside County Regional Medical Center Main Driveway Traffic Signal	Traffic Signal	Estimated construction start date is July 2010.	237	0
	2010/11				**8,763 ***	**2,750 ***

*** The projects listed have a recommended appropriation matching the projected revenue forecast by RCTC, dated March 26, 2009. The projects will include carryover from previous years and will be prioritized during the appropriate fiscal year as part of the City budget process.**

RIVERSIDE COUNTY TRANSPORTATION COMMISSION
MEASURE A LOCAL FUNDS PROGRAM
FY 2010 - 2014

Agency: City of Moreno Valley
Page 10 of 12
Prepared by: Linda Wilson
Date: May 29, 2009

Item No.	Project Funding Year	Project Name/Limits	Project Type	Status	Total Cost 1,000s	Measure A Funding 1,000s
73	2011/12	Measure A Program Budget 54150	Program Budget	On-going annual program.	416	416
74	2011/12	Indirect Costs	Overhead	Estimated amount of overhead costs to be distributed to Measure A projects based on projected revenue of $2,870,000.	230	230
75	2011/12	Annual Pavement Rehabilitation 56330	Rehabilitation	On-going annual program.	$1,924 [22]	$924
76	2011/12	Residential Traffic Management Program (Speed Hump Program) 82824	Speed Hump	On-going annual program for design and construction of speed humps.	30	30
77	2011/12	Slurry Seal Program 84830	Freeway Ramp & Traffic Signal	On-going annual program.	$2,000	$700
78	2011/12	Surface Recycling 85020	Rehabilitation	On-going annual program.	$120	$120
79	2011/12	Street Improvement Program (SIP) 85523	Street Improvements	On-going annual program.	$250	$250
80	2011/12	Annual ADA Compliant Curb Ramp Upgrades New A	Sidewalk Improvements	On-going annual program for design and construction of ADA compliant curb ramps.	200	200
81	2011/12	Heacock Street South Extension New B	Street Improvements	Estimated date for completion of construction is May 2012.	2,500	0
	2011/12				**$7,670 ***	**$2,870 ***

[22] Traffic Congestion Relief (Prop 42) - $1,000,000

*** The projects listed have a recommended appropriation matching the projected revenue forecast by RCTC, dated March 26, 2009. The projects will include carryover from previous years and will be prioritized during the appropriate fiscal year as part of the City budget process.**

RIVERSIDE COUNTY TRANSPORTATION COMMISSION
MEASURE A LOCAL FUNDS PROGRAM
FY 2010 - 2014

Agency: City of Moreno Valley
Page 11 of 12
Prepared by: Linda Wilson
Date: May 29, 2009

Item No.	Project Funding Year	Project Name/Limits	Project Type	Status	Total Cost 1,000s	Measure A Funding 1,000s
82	2012/13	Measure A Program Budget 54150	Program Budget	On-going annual program.	437	437
83	2012/13	Indirect Costs	Overhead	Estimated amount of overhead costs to be distributed to Measure A projects based on projected revenue of $3,049,000.	244	244
84	2012/13	Annual Pavement Rehabilitation 56330	Rehabilitation	On-going annual program.	$1,900 [23]	$900
85	2012/13	Residential Traffic Management Program (Speed Hump Program) 82824	Speed Hump	On-going annual program for design and construction of speed humps.	$30	$30
86	2012/13	Slurry Seal Program 84830	Resurface	On-going annual program.	$2,000	$868
87	2012/13	Surface Recycling 85020	Rehabilitation	On-going annual program.	$120	$120
88	2012/13	Street Improvement Program (SIP) 85523	Street Improvements	On-going annual program.	$250	$250
89	2012/13	Annual ADA Compliant Curb Ramp Upgrades New A	Sidewalk Improvements	On-going annual program for design and construction of ADA compliant curb ramps.	$200	$200
	2012/13				**$5,181 ***	**$3,049 ***

[23] Traffic Congestion Relief (Prop 42) - $1,000,000

*** The projects listed have a recommended appropriation matching the projected revenue forecast by RCTC, dated March 26, 2009. The projects will include carryover from previous years and will be prioritized during the appropriate fiscal year as part of the City budget process.**

RIVERSIDE COUNTY TRANSPORTATION COMMISSION
MEASURE A LOCAL FUNDS PROGRAM
FY 2010 - 2014

Agency: City of Moreno Valley
Page 12 of 12
Prepared by: Linda Wilson
Date: May 29, 2009

Item No.	Project Funding Year	Project Name/Limits	Project Type	Status	Total Cost 1,000s	Measure A Funding 1,000s
91	2013/14	Measure A Program Budget 54150	Program Budget	On-going annual program.	459	459
92	2012/13	Indirect Costs	Overhead	Estimated amount of overhead costs to be distributed to Measure A projects based on projected revenue of $3,285,000.	263	263
92	2013/14	Annual Pavement Rehabilitation 56330	Rehabilitation	On-going annual program.	$2,063 [24]	$1,063
93	2013/14	Kitching St./Bay Ave. Traffic Signal 67028	Traffic Signal	Construction of traffic Signal	$380	$0
94	2013/14	Residential Traffic Management Program (Speed Hump Program) 82824	Speed Hump	On-going annual program for design and construction of speed humps.	$30	$30
95	2013/14	Slurry Seal Program 84830	Resurface	On-going annual program.	$2,000	$900
96	2013/14	Surface Recycling 85020	Rehabilitation	On-going annual program.	$120	$120
97	2013/14	Street Improvement Program (SIP) 85523	Street Improvements	On-going annual program.	$250	$250
98	2013/14	Annual ADA Compliant Curb Ramp Upgrades New A	Sidewalk Improvements	On-going annual program for design and construction of ADA compliant curb ramps.	$200	$200
	2013/14				**$5,765 ***	**$3,285 ***

[24] Traffic Congestion Relief (Prop 42) - $1,000,000

*** The projects listed have a recommended appropriation matching the projected revenue forecast by RCTC, dated March 26, 2009. The projects will include carryover from previous years and will be prioritized during the appropriate fiscal year as part of the City budget process.**

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	RDH
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Steve Elam, Financial & Administrative Services Director

AGENDA DATE: May 26, 2009

TITLE: PARTICIPATION IN CALIFORNIA EMPLOYER'S RETIREE BENEFIT TRUST (CERBT) PROGRAM

RECOMMENDED ACTION

Staff recommends that the City Council take the following actions with respect to participation in the California Employer's Retiree Benefit Trust (CERBT) program:

1. Adopt Resolution No. 2009-48, authorizing the Mayor to execute agreements with the California Public Employees' Retirement System to prefund Other Post Employment Benefits and to establish delegation of authority to request disbursements from the Other Post Employment Prefunding Plan; and

2. Authorize an appropriation of $1,580,000 from General Fund designated reserves and current year expenditure accounts to allow the City to fully fund its initial CERBT contribution.

ADVISORY BOARD/COMMISSION/COMMITTEE RECOMMENDATION

On January 26, 2009, staff presented a review of issues concerning Governmental Accounting Standards Board Statement No. 45 (GASB 45) to the Finance Sub-Committee (FSC) and recommended authorization to prefund the Other Post Employment Benefits (OPEB) obligation utilizing the California Employer's Retiree Benefit Trust (CERBT) program. The FSC supported staff's recommendations and directed staff to present the item to the City Council for action. The FSC direction was implemented on February 10, 2009, in Closed Session, due to implications for upcoming labor negotiations. At this meeting, the City Council authorized staff to prefund the OPEB obligation and utilize the CERBT for administration of the program. Other direction was also provided to staff regarding program funding assumptions.

BACKGROUND

In June 2004, the Governmental Accounting Standards Board (GASB) issued Statement No. 45, "Accounting and Financial Reporting by Employers for Post Employment Benefits Other Than Pensions". This statement establishes standards of accounting and financial reporting for Other Post Employment Benefits (OPEB) and requires that an actuarial valuation be performed at least biennially to determine the value of these liabilities. The City of Moreno Valley's retiree health benefits are considered to be an OPEB obligation. The City must implement GASB 45 as of June 30, 2009, to comply with GASB requirements. Accordingly, the actuarial firm Bartel Associates, LLC was engaged to complete an actuarial valuation for the City for fiscal year 2008-09, and has now completed its work.

Historically, the City has accounted for its retiree health benefits on a pay-as-you-go basis. Under GASB 45, the City is required to report the value of future benefits, as determined by actuarial valuation, as a liability. The City can establish a plan to meet these obligations by setting funds aside in an irrevocable trust.

The California Public Employees' Retirement System (CalPERS) offers a program called the California Employer's Retiree Benefit Trust (CERBT) to California government agencies. The program qualifies as an irrevocable trust, whereby the City can contribute funds toward its OPEB liability and report that it has met its annual funding obligation pursuant to GASB 45.

DISCUSSION

GASB 45 dictates the accounting treatment of OPEB but leaves several important decisions to individual jurisdictions. The pronouncement requires funds to be placed in an irrevocable trust fund with an outside administrator or an equivalent arrangement. The "equivalent arrangement" must meet the following three tests:

(1) Once an employer contribution has been made, it cannot be recovered by the employer;
(2) Resources can only be used to pay benefits;
(3) Resources are sheltered from the claims of creditors – those of the employer and the entity administering the arrangement.

Since the City utilizes CalPERS medical insurance, the trust arrangement can be established with CalPERS, although other options are also available. Staff previously recommended and received City Council's approval to utilize the CERBT for several reasons:

(1) The City can utilize the CalPERS investment expertise and leverage;
(2) Since CalPERS is a non-profit entity, its fees are less expensive than a commercial bank or financial institution;
(3) CalPERS established the CERBT in March of 2007 and is ready to accept contributions and provide investment and administrative services;
(4) Since the City already deals with CalPERS, the familiarity of the administration process is already known and is straightforward.

GASB 45 does not require an employer to prefund OPEB benefits. However, it does require the employer to calculate the actuarially-determined Annual Required Contribution (ARC) at least biennially. If the ARC is fully funded, there is no reported liability; if the ARC is not fully funded, the unfunded portion must be reported as a liability on the City's financial statements.

After receiving the City Council's direction on February 10, 2009 to proceed with the CERBT program, as well as other direction needed to finalize the actuarial valuation, staff provided this information to Bartel Associates, LLC (Bartel). Bartel then finalized the valuation and provided staff with the final results which indicate that the City's initial ARC is $1,580,000 (due by June 30, 2009); the ARC for next fiscal year is $1,631,000.

Over the past several years the City has designated funds to offset its OPEB liability in anticipation of implementing GASB 45. The City has $1.4 million of reserves designated for this purpose with another $300,000 budgeted in FY 2008-09. Therefore, the initial ARC of $1,580,000 is fully funded. The ARC for future fiscal years will be addressed through the annual budget process.

ALTERNATIVES

The following alternatives are available to the City Council with respect to participation in the CERBT program:

1. Adopt Resolution No. 2009-48, authorizing the Mayor to execute agreements with the California Public Employees' Retirement System to prefund Other Post Employment Benefits and to establish delegation of authority to request disbursements from the Other Post Employment Prefunding Plan.

2. Authorize an appropriation of $1,580,000 from the General Fund designated reserves and current year expenditure accounts to allow the City to fully fund its initial CERBT contribution.

3. Provide staff with further direction.

Staff recommends Alternative Nos. 1 and 2, which will implement the previous direction provided by the City Council.

FISCAL IMPACT

In order to fully meet the current fiscal year's retiree health contribution through the CERBT program, the City must provide initial funding of $1,580,000. Funding for next fiscal year will be $1,631,000, and is expected to remain at that level for the near future. Changes in benefit levels and inflation rates will impact longer-term annual contributions. The City has designated reserves of $1.4 million for GASB 45 implementation and has budgeted another $300,000 for this purpose in FY 2008-09.

Therefore, the initial payment of $1,580,000 is fully funded; the only City Council budgetary action that is needed is to authorize an appropriation of $1,580,000 from the designated fund balance and current year budget to provide the initial contribution. Funding for future years will be addressed through the annual budget process and will be provided by various City funds proportionate to their share of the City's payroll.

CITY COUNCIL GOALS

The recommended actions support the City Council policy of developing fiscal policies to support essential City services, regardless of economic climate.

SUMMARY

In June 2004, the Governmental Accounting Standards Board (GASB) issued Statement No. 45, "Accounting and Financial Reporting by Employers for Post Employment Benefits Other Than Pensions". The statement establishes standards of accounting and financial reporting for Other Post Employment Benefits (OPEB). The City of Moreno Valley must implement GASB 45 for its retiree health benefits by June 30, 2009 to comply with GASB requirements. The pronouncement requires funds to be placed in an irrevocable trust fund with an outside administrator or an equivalent arrangement.

The California Public Employees' Retirement System (CalPERS) offers a program to California government agencies called the California Employer's Retiree Benefit Trust (CERBT). The program qualifies as an irrevocable trust, whereby the City can contribute funds toward its OPEB liability and report that it has met its Annual Required Contribution (ARC) pursuant to GASB 45.

The City's initial OPEB funding obligation under the CERBT program is $1,580,000, which has been fully funded through a designation of reserves and current year budget. Funding for next fiscal year will be $1,631,000, and will be addressed in the FY 2009-10 budget process.

The City Council previously directed staff to proceed with a prefunding of the OPEB obligation and to utilize the CERBT program offered through CalPERS to administer the program. Adoption of the attached Resolution will implement Council's direction and enable the City to begin its participation in the CERBT program. Approval of the recommended $1,580,000 appropriation from designated reserves and current year budgets will allow the City to fully fund the FY 2008-09 ARC so that no liability will be reported on the City financial statements for this fiscal year.

NOTIFICATION

Publication of the City Council agenda

ATTACHMENTS/EXHIBITS

Resolution No. 2009-48
Exhibit "A" – CERBT Program Agreement and Election to Prefund Other Post Employment Benefits through CalPERS
Exhibit "B" – Delegation of Authority to Request Disbursements

Prepared By:
Edith E. Houser
Financial Operations Division Manager

Department Head Approval:
Steve Elam
Financial & Administrative Services Director

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

This page intentionally left blank.

RESOLUTION NO. 2009-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING EXECUTION OF THE AGREEMENT AND ELECTION WITH THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO PREFUND OTHER POST EMPLOYMENT BENEFITS AND TO ESTABLISH DELEGATION OF AUTHORITY TO REQUEST DISBURSEMENTS FROM THE OTHER POST EMPLOYMENT PREFUNDING PLAN

WHEREAS, the Governmental Accounting Standards Board (GASB) issued Statement No. 45 in June 2004; and

WHEREAS, this statement establishes uniform accounting and financial reporting requirements for state and local governments who provide Other Post Employment Benefits (OPEB); and

WHEREAS, the California Public Employees' Retirement System (CalPERS) offers a program called the California Employer's Retiree Benefit Trust (CERBT), which qualifies as an irrevocable trust whereby the City can contribute funds toward its OPEB liability and report that it has met its Annual Required Contribution (ARC) pursuant to GASB Statement No. 45; and

WHEREAS, the City of Moreno Valley must implement GASB 45 by June 30, 2009.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

The City Council hereby approves the Agreement and Election of the City of Moreno Valley to Prefund Other Post Employment Benefits (the "Agreement") through CalPERS in the form presented to the City.

The City Council hereby authorizes and directs the Mayor of the City of Moreno Valley to execute the above Agreement on behalf of the City.

The City Council hereby delegates to the incumbents in the position of Financial & Administrative Services Director, Financial Operations Division Manager, and Treasury Operations Division Manager authority to request, on behalf of the City, disbursements from the Other Post Employment Prefunding Plan established by CalPERS and to certify as to the purpose for which the disbursed funds will be used.

The City Council hereby authorizes and directs the Mayor of the City of Moreno Valley to execute the above Delegation of Authority Resolution on behalf of the City.

APPROVED AND ADOPTED this 26th day of May, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

This page intentionally left blank.

CALIFORNIA EMPLOYER'S RETIREE BENEFIT TRUST PROGRAM ("CERBT")

AGREEMENT AND ELECTION OF

City of Moreno Valley
(NAME OF EMPLOYER)

TO PREFUND OTHER POST EMPLOYMENT BENEFITS THROUGH CalPERS

WHEREAS (1) Government Code Section 22940 establishes in the State Treasury the Annuitants' Health Care Coverage Fund for the prefunding of health care coverage for annuitants (Prefunding Plan); and

WHEREAS (2) The California Public Employees' Retirement System (CalPERS) Board of Administration (Board) has sole and exclusive control and power over the administration and investment of the Prefunding Plan (sometimes also referred to as CERBT), the purposes of which include, but are not limited to (i) receiving contributions from participating employers and establishing separate Employer Prefunding Accounts in the Prefunding Plan for the performance of an essential governmental function (ii) investing contributed amounts and income thereon, if any, in order to receive yield on the funds and (iii) disbursing contributed amounts and income thereon, if any, to pay for costs of administration of the Prefunding Plan and to pay for health care costs or other post employment benefits in accordance with the terms of participating employers' plans; and

WHEREAS (3) City of Moreno Valley
(NAME OF EMPLOYER)

(Employer) desires to participate in the Prefunding Plan upon the terms and conditions set by the Board and as set forth herein; and

WHEREAS (4) Employer may participate in the Prefunding Plan upon (i) approval by the Board and (ii) filing a duly adopted and executed Agreement and Election to Prefund Other Post Employment Benefits (Agreement) as provided in the terms and conditions of the Agreement; and

WHEREAS (5) The Prefunding Plan is a trust fund that is intended to perform an essential governmental function within the meaning of Section 115 of the Internal Revenue Code as an agent multiple-employer plan as defined in Governmental Accounting Standards Board (GASB) Statement No. 43 consisting of an aggregation of single-employer plans, with pooled administrative and investment functions;

NOW, THEREFORE, BE IT RESOLVED THAT EMPLOYER HEREBY MAKES THE FOLLOWING REPRESENTATION AND WARRANTY AND THAT THE BOARD AND EMPLOYER AGREE TO THE FOLLOWING TERMS AND CONDITIONS:

A. Representation and Warranty

Employer represents and warrants that it is a political subdivision of the State of California or an entity whose income is excluded from gross income under Section 115 (1) of the Internal Revenue Code.

B. Adoption and Approval of the Agreement; Effective Date; Amendment

(1) Employer's governing body shall elect to participate in the Prefunding Plan by adopting this Agreement and filing with the CalPERS Board a true and correct original or certified copy of this Agreement as follows:

Filing by mail, send to:
CalPERS
Constituent Relations Office
CERBT (OPEB)
P.O. Box 942709
Sacramento, CA 94229-2709

Filing in person, deliver to:
CalPERS Mailroom
Attn: Employer Services Division
400 Q Street
Sacramento, CA 95814

(2) Upon receipt of the executed Agreement, and after approval by the Board, the Board shall fix an effective date and shall promptly notify Employer of the effective date of the Agreement.

(3) The terms of this Agreement may be amended only in writing upon the agreement of both CalPERS and Employer, except as otherwise provided herein. Any such amendment or modification to this Agreement shall be adopted and executed in the same manner as required for the Agreement. Upon receipt of the executed amendment or modification, the Board shall fix the effective date of the amendment or modification.

(4) The Board shall institute such procedures and processes as it deems necessary to administer the Prefunding Plan, to carry out the purposes of this Agreement, and to maintain the tax exempt status of the Prefunding Plan. Employer agrees to follow such procedures and processes.

C. Actuarial Valuation and Employer Contributions

(1) Employer shall provide to the Board an actuarial valuation report on the basis of the actuarial assumptions and methods prescribed by the Board. Such report shall be for the Board's use in financial reporting, shall be prepared at least as often as the minimum frequency required by GASB Statement No. 43, and shall be:

(a) prepared and signed by a Fellow or Associate of the Society of Actuaries who is also a Member of the American Academy of Actuaries or a person with equivalent qualifications acceptable to the Board;

(b) prepared in accordance with generally accepted actuarial practice and GASB Statement Nos. 43 and 45; and,

(c) provided to the Board prior to the Board's acceptance of contributions for the valuation period or as otherwise required by the Board.

(2) The Board may reject any actuarial valuation report submitted to it, but shall not unreasonably do so. In the event that the Board determines, in its sole discretion, that the actuarial valuation report is not suitable for use in the Board's financial statements or if Employer fails to provide a required actuarial valuation, the Board may obtain, at Employer's expense, an actuarial valuation that meets the Board's financial reporting needs. The Board may recover from Employer the cost of obtaining such actuarial valuation by billing and collecting from Employer or by deducting the amount from Employer's account in the Prefunding Plan.

(3) Employer shall notify the Board of the amount and time of contributions which contributions shall be made in the manner established by the Board.

(4) Employer contributions to the Prefunding Plan may be limited to the amount necessary to fully fund Employer's actuarial present value of total projected benefits, as supported by the actuarial valuation acceptable to the Board. As used throughout this document, the meaning of the term "actuarial present value of total projected benefits" is as defined in GASB Statement No. 45. If Employer's contribution causes its assets in the Prefunding Plan to exceed the amount required to fully fund the actuarial present value of total projected benefits, the Board may refuse to accept the contribution.

(5) The minimum Employer contribution will be at least $5000 or be equal to Employer's Annual Required Contribution, whichever is less, as that term is defined in GASB Statement No. 45. Contributions can be made at any time following the seventh day after the effective date of the Agreement provided that Employer has first complied with the requirements of Paragraph C.

D. Administration of Accounts, Investments, Allocation of Income

(1) The Board has established the Prefunding Plan as an agent plan consisting of an aggregation of single-employer plans, with pooled administrative and investment functions, under the terms of which separate accounts will be maintained for each employer so that Employer's assets will provide benefits only under employer's plan.

(2) All Employer contributions and assets attributable to Employer contributions shall be separately accounted for in the Prefunding Plan (Employer's Prefunding Account).

(3) Employer's Prefunding Account assets may be aggregated with prefunding account assets of other employers and may be co-invested by the Board in any asset classes appropriate for a Section 115 Trust.

(4) The Board may deduct the costs of administration of the Prefunding Plan from the investment income or Employer's Prefunding Account in a manner determined by the Board.

(5) Investment income shall be allocated among employers and posted to Employer's Prefunding Account as determined by the Board but no less frequently than annually.

(6) If Employer's assets in the Prefunding Plan exceed the amount required to fully fund the actuarial present value of total projected benefits, the Board, in compliance with applicable accounting and legal requirements, may return such excess to Employer.

E. Reports and Statements

(1) Employer shall submit with each contribution a contribution report in the form and containing the information prescribed by the Board.

(2) The Board shall prepare and provide a statement of Employer's Prefunding Account at least annually reflecting the balance in Employer's Prefunding Account, contributions made during the period and income allocated during the period, and such other information as the Board determines.

F. Disbursements

(1) Employer may receive disbursements not to exceed the annual premium and other costs of post employment healthcare benefits and other post employment benefits as defined in GASB 43.

(2) Employer shall notify CalPERS in writing in the manner specified by CalPERS of the persons authorized to request disbursements from the Prefunding Plan on behalf of Employer.

(3) Employer's request for disbursement shall be in writing signed by Employer's authorized representative, in accordance with procedures established by the Board. The Board may require that Employer certify or otherwise establish that the monies will be used for the purposes of the Prefunding Plan.

(4) Requests for disbursements that satisfy the requirements of paragraphs (2) and (3) that are received on or after the first of a month will be processed by the 15th of the following month. (For example, a disbursement request received on or between March 1st and March 31st will be processed by April 15th; and a disbursement request received on or between April 1st and April 30th will be processed by May 15th.)

(5) CalPERS shall not be liable for amounts disbursed in error if it has acted upon the written instruction of an individual authorized by Employer to request disbursements. In the event of any other erroneous disbursement, the extent of CalPERS' liability shall be the actual dollar amount of the disbursement, plus interest at the actual earnings rate but not less than zero.

(6) No disbursement shall be made from the Prefunding Plan which exceeds the balance in Employer's Prefunding Account.

G. Costs of Administration

Employer shall pay its share of the costs of administration of the Prefunding Plan, as determined by the Board.

H. Termination of Employer Participation in Prefunding Plan

(1) The Board may terminate Employer's participation in the Prefunding Plan if:

(a) Employer gives written notice to the Board of its election to terminate;

(b) The Board finds that Employer fails to satisfy the terms and conditions of this Agreement or of the Board's rules or regulations.

(2) If Employer's participation in the Prefunding Plan terminates for any of the foregoing reasons, all assets in Employer's Prefunding Account shall remain in the Prefunding Plan, except as otherwise provided below, and shall continue to be invested and accrue income as provided in Paragraph D.

(3) After Employer's participation in the Prefunding Plan terminates, Employer may not make contributions to the Prefunding Plan.

(4) After Employer's participation in the Prefunding Plan terminates, disbursements from Employer's Prefunding Account may continue upon Employer's instruction or otherwise in accordance with the terms of this Agreement.

(5) After thirty-six (36) months have elapsed from the effective date of this Agreement or at such earlier date as may be approved by the Board in its sole discretion:

(a) Employer may request a trustee to trustee transfer of the assets in Employer's Prefunding Account. Upon satisfactory showing to the Board that the transfer will satisfy applicable requirements of the Internal Revenue Code and the Board's fiduciary duties, then the Board shall effect the transfer within one hundred twenty (120) days. The amount to be transferred shall be the amount in the Employer's Prefunding Account as of the disbursement date and shall include investment earnings up to the investment earnings allocation date immediately preceding the disbursement date. In no event shall the investment earnings allocation date precede the transfer by more than 120 days.

(b) Employer may request a disbursement of the assets in Employer's Prefunding Account. Upon satisfactory showing to the Board that all of Employer's obligations for payment of post employment health care benefits and other post employment benefits and reasonable administrative costs of the Board have been satisfied, then the Board shall effect the disbursement within one hundred twenty (120) days. The amount to be disbursed shall be the amount in the Employer's Prefunding Account as of the disbursement date and shall include investment earnings up to the investment earnings allocation date immediately preceding the disbursement date. In no event shall the investment earnings allocation date precede the disbursement by more than 120 days.

(6) After Employer's participation in the Prefunding Plan terminates and at such time that no assets remain in Employer's Prefunding Account, this Agreement shall terminate.

(7) If, for any reason, the Board terminates the Prefunding Plan, the assets in Employer's Prefunding Account shall be paid to Employer after retention of (i) amounts sufficient to pay post employment health care benefits and other post employment benefits to annuitants for current and future annuitants described by the employer's current substantive plan (as defined in GASB 43), and (ii) amounts sufficient to pay reasonable administrative costs of the Board.

(8) If Employer ceases to exist but Employer's Prefunding Plan continues to exist and if no provision has been made by Employer for ongoing payments to pay post employment health care benefits and other post employment benefits to annuitants for current and future annuitants, the Board is authorized to and shall appoint a third party

administrator to carry out Employer's Prefunding Plan. Any and all costs associated with such appointment shall be paid from the assets attributable to contributions by Employer.

(9) If Employer should breach the representation and warranty set forth in Paragraph A., the Board shall take whatever action it deems necessary to preserve the tax-exempt status of the Prefunding Plan.

I. General Provisions

(1) Books and Records.

Employer shall keep accurate books and records connected with the performance of this Agreement. Employer shall ensure that books and records of subcontractors, suppliers, and other providers shall also be accurately maintained. Such books and records shall be kept in a secure location at the Employer's office(s) and shall be available for inspection and copying by CalPERS and its representatives.

(2) Audit.

(a) During and for three years after the term of this Agreement, Employer shall permit the Bureau of State Audits, CalPERS, and its authorized representatives, and such consultants and specialists as needed, at all reasonable times during normal business hours to inspect and copy, at the expense of CalPERS, books and records of Employer relating to its performance of this Agreement.

(b) Employer shall be subject to examination and audit by the Bureau of State Audits, CalPERS, and its authorized representatives, and such consultants and specialists as needed, during the term of this Agreement and for three years after final payment under this Agreement. Any examination or audit shall be confined to those matters connected with the performance of this Agreement, including, but not limited to, the costs of administering this Agreement. Employer shall cooperate fully with the Bureau of State Audits, CalPERS, and its authorized representatives, and such consultants and specialists as needed, in connection with any examination or audit. All adjustments, payments, and/or reimbursements determined to be necessary by any examination or audit shall be made promptly by the appropriate party.

(3) Notice.

(a) Any notice, approval, or other communication required or permitted under this Agreement will be given in the English language and will be deemed received as follows:

1. Personal delivery. When personally delivered to the recipient. Notice is effective on delivery.

2. First Class Mail. When mailed first class to the last address of the recipient known to the party giving notice. Notice is effective three delivery days after deposit in a United States Postal Service office or mailbox.

3. Certified mail. When mailed certified mail, return receipt requested. Notice is effective on receipt, if delivery is confirmed by a return receipt.

4. Overnight Delivery. When delivered by an overnight delivery service, charges prepaid or charged to the sender's account, Notice is effective on delivery, if delivery is confirmed by the delivery service.

5. Telex or Facsimile Transmission. When sent by telex or fax to the last telex or fax number of the recipient known to the party giving notice. Notice is effective on receipt, provided that (i) a duplicate copy of the notice is promptly given by first-class or certified mail or by overnight delivery, or (ii) the receiving party delivers a written confirmation of receipt. Any notice given by telex or fax shall be deemed received on the next business day if it is received after 5:00 p.m. (recipient's time) or on a nonbusiness day.

6. E-mail transmission. When sent by e-mail using software that provides unmodifiable proof (i) that the message was sent, (ii) that the message was delivered to the recipient's information processing system, and (iii) of the time and date the message was delivered to the recipient along with a verifiable electronic record of the exact content of the message sent.

Addresses for the purpose of giving notice are as shown in Paragraph B.(1) of this Agreement.

(b) Any correctly addressed notice that is refused, unclaimed, or undeliverable because of an act or omission of the party to be notified shall be deemed effective as of the first date that said notice was refused, unclaimed, or deemed undeliverable by the postal authorities, messenger or overnight delivery service.

(c) Any party may change its address, telex, fax number, or e-mail address by giving the other party notice of the change in any manner permitted by this Agreement.

(d) All notices, requests, demands, amendments, modifications or other communications under this Agreement shall be in writing. Notice shall be sufficient for all such purposes if personally delivered, sent by first class, registered or certified mail, return receipt requested, delivery by courier with receipt of delivery, facsimile transmission with written confirmation of receipt by recipient, or e-mail delivery with verifiable and unmodifiable proof of content and time and date of sending by sender and delivery to recipient. Notice is effective on confirmed receipt by recipient or 3 business days after sending, whichever is sooner.

(4) Modification

This Agreement may be supplemented, amended, or modified only by the mutual agreement of the parties. No supplement, amendment, or modification of this Agreement shall be binding unless it is in writing and signed by the party to be charged.

(5) Survival

All representations, warranties, and covenants contained in this Agreement, or in any instrument, certificate, exhibit, or other writing intended by the parties to be a part of their Agreement shall survive the termination of this Agreement until such time as all amounts in Employer's Prefunding Account have been disbursed.

(6) Waiver

No waiver of a breach, failure of any condition, or any right or remedy contained in or granted by the provisions of this Agreement shall be effective unless it is in writing and signed by the party waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy shall be deemed a waiver of any other breach, failure, right, or remedy, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies.

(7) Necessary Acts, Further Assurances

The parties shall at their own cost and expense execute and deliver such further documents and instruments and shall take such other actions as may be reasonably required or appropriate to evidence or carry out the intent and purposes of this Agreement.

A majority vote of Employer's Governing Body at a public meeting held on the 26th day of the month of May in the year 2009, authorized entering into this Agreement.

Signature of the Presiding Officer: _____

Printed Name of the Presiding Officer: Richard A. Stewart, Mayor

Name of Governing Body: City Council

Name of Employer: City of Moreno Valley

Date: _____

BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY_____
KENNETH W. MARZION
ACTUARIAL AND EMPLOYER SERVICES BRANCH
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

To be completed by CalPERS
The effective date of this Agreement is: _____

CalPERS

DELEGATION OF AUTHORITY TO REQUEST DISBURSEMENTS

RESOLUTION
OF THE

City Council
(GOVERNING BODY)

OF THE

City of Moreno Valley
(NAME OF EMPLOYER)

The City Council (GOVERNING BODY) delegates to the incumbents in the positions of See Below (TITLE) and

1) Financial & Administrative Services Director
2) Financial Operations Division Manager
3) Treasury Operations Division Manager (TITLE) authority to request on behalf of the Employer disbursements from the Other Post Employment Prefunding Plan and to certify as to the purpose for which the disbursed funds will be used.

By _____

Title Mayor

Witness _____

Date _____

This page intentionally left blank.

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Betsy M. Adams, Assistant City Manager

AGENDA DATE: May 26, 2009

TITLE: Approval of a Resolution Finding a Severe Fiscal Hardship Will Exist if Additional City Property Tax Funds are Seized and Additional Unfunded Mandates are Adopted by the State of California

RECOMMENDED ACTION

Staff recommends that the City Council adopt the proposed resolution finding a severe fiscal hardship will exist if additional City property tax funds are seized and additional unfunded mandates are adopted by the State of California.

BACKGROUND

Following years of the State taking local government funds in order to balance their own budgets, in 2004 cities and counties worked together to place a proposition on the statewide ballot to prevent further seizure of local funds. California voters approved Proposition 1A by an 84% margin, adopting constitutional protections of local property tax, sales tax, and vehicle license fee revenues. However, under specific conditions, the Legislature may suspend the property tax revenue protection provisions of Proposition 1A. The Legislature may "borrow" not more than 8% of total property tax revenues if:

- the Governor issues a proclamation of "severe fiscal hardship";
- the Legislature enacts an urgency statute suspending Proposition 1A property tax protection with a 2/3 vote of each house; and
- the Legislature enacts a law providing for full repayment of the borrowed funds plus interest within three years.

DISCUSSION

On May 5 the Department of Finance announced it had proposed to the Governor that the property tax protections created by Proposition 1A be suspended, which would allow the state to borrow over $2 billion from cities, counties, and special districts to help balance the state budget. In order to begin this process, Governor Schwarzenegger would have to issue a proclamation declaring the existence of a "severe fiscal hardship" and the Legislature would have to implement a borrowing program by passing urgency legislation identifying how such a loan would be repaid with interest. An urgency bill requires a 2/3 vote.

The League of California Cities has issued an "action alert" requesting all cities adopt the attached resolution. The resolution declares that the idea of the state taking property tax funds from already stressed city budgets is irresponsible. It further states that if the proposed state property tax raid is added to the pressures of the ongoing revenue losses due to the economic recession, the City will experience a severe fiscal hardship.

The City of Moreno Valley would lose $2.5 million due to the 8% property tax loss if the Department of Finance's proposal is implemented. If there were to be additional "borrowing" of Proposition 42 transportation funds, the City's loss would be another $1.7 million, for a total of $4.2 million. Given the City's recent and ongoing fiscal challenges, which include a FY 2007/08 General Fund shortfall of $8.4 million, a projected General Fund shortfall of more than $6 million for FY 2008/09, and further revenue decreases anticipated for next Fiscal Year, any taking of City funds by the state would in fact result in what could be called a "severe fiscal hardship" as stated in the proposed resolution.

FISCAL IMPACT

While the approval of the proposed resolution will have no direct fiscal impact on the City, the resolution opposes a measure forwarded to the Governor by the Department of Finance that would result in a loss of property tax revenues to the City of $8 million.

CITY COUNCIL GOALS

Advocacy. Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

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

ATTACHMENTS/EXHIBITS

Attachment: Proposed Resolution No. 2009-47

Prepared By: Michelle Dawson

Department Head Approval: Betsy M. Adams

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

This page intentionally left blank.

RESOLUTION NO. 2009-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FINDING A SEVERE FISCAL HARDSHIP WILL EXIST IF ADDITIONAL CITY PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA

WHEREAS, the current economic crisis has placed cities under incredible financial pressure and caused city officials to reopen already adopted budgets to make painful cuts, including layoffs and furloughs of city workers, decreasing maintenance and operations of public facilities, and reductions in direct services to keep spending in line with declining revenues; and

WHEREAS, since the early 1990s the state government of California has seized over $8.6 billion of city property tax revenues statewide to fund the state budget even after deducting public safety program payments to cities by the state; and

WHEREAS, in FY 2007-08 alone the state seized $895 million in city property taxes statewide to fund the state budget after deducting public safety program payments and an additional $350 million in local redevelopment funds were seized in FY 2008-09; and

WHEREAS, the most significant impact of taking local property taxes has been to threaten the quality of public safety services cities can provide since public safety comprises the largest part of any city's general fund budget; and

WHEREAS, in 2004 the voters by an 84% vote margin adopted substantial constitutional protections for local revenues, but the Legislature can still "borrow" local property taxes to fund the state budget; and

WHEREAS, on May 5 the Department of Finance announced it had proposed to the Governor that the state "borrow" over $2 billion in local property taxes from cities, counties and special districts to balance the state budget, causing deeper cuts in local public safety and other vital services; and

WHEREAS, in the past the Governor has called such "borrowing" proposals fiscally irresponsible because the state will find it virtually impossible to repay and it would only deepen the state's structural deficit, preventing the state from balancing its budget; and

WHEREAS, the Legislature is currently considering hundreds of bills, many of which would impose new costs on local governments that can neither be afforded nor sustained in this economic climate; and

WHEREAS, state agencies are imposing, or considering, many regulations imposing unfunded mandates on local governments without regard to how local agencies will be able to comply with these mandates while meeting

their other responsibilities; and

WHEREAS, the combined effects of the seizure of the City's property taxes, increasing unfunded state mandates, and the revenue losses due to the economic downturn have placed the City's budget under serious fiscal pressure; and

WHEREAS, our City simply cannot sustain the loss of any more property tax funds or to be saddled with any more state mandates as they will only deepen the financial challenge facing our City; and

WHEREAS, a number of the City's financial commitments arise from contracts, including long term capital leases and debt obligations which support securities in the public capital markets, that the City must honor in full unless modified by mutual agreement of the parties.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

It has been determined that the City will experience a severe fiscal hardship if the recommendation of the Department of Finance to "borrow" $2 billion of local property taxes is supported by the Governor and the Legislature; and

BE IT FURTHER RESOLVED that the City Council strongly and unconditionally opposes the May 5 proposal of the Department of Finance and any other state government proposals to borrow or seize any additional local funds, including the property tax, redevelopment tax increment, and the City's share of the Proposition 42 transportation sales tax; and

BE IT FURTHER RESOLVED that the City Council strongly urges the state Legislature and Governor to suspend the enactment of any new mandates on local governments until such time as the economy has recovered and urges the state to provide complete funding for all existing and any new mandates.

BE IT FURTHER RESOLVED that the City Clerk shall send copies of this resolution to the Governor, our State Senator, our State Assembly Members and the League of California Cities.

APPROVED AND ADOPTED this 26th day of May, 2009.

_____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: May 26, 2009

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of May 6-19, 2009.

Reports on Reimbursable Activities May 6-19, 2009		
Council Member	Date	Meeting
William H. Batey II	5/15/09	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley
Bonnie Flickinger		None
Robin N. Hastings		None
Jesse L. Molina		None
Richard A. Stewart	5/15/09	Parking Fee – Settlement Hearing
	5/15/09	Student of the Year Dinner

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

Department Head Approval:
Jane Halstead
City Clerk

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

\\zurich\shared\interdept\council-clerk\city clerk files\council office\ab 1234 reports\2009\052609.doc

This page intentionally left blank.

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MAY 12, 2009

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of Four Canyon Springs High School Wrestling Champions
2. Moreno Valley Rockets Track Team – Sub Bantam
3. Proclamation Recognizing Public Works Week

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

REGULAR MEETING – 6:30 PM
May 12, 2009

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:31 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Mayor Pro Tem Flickinger

INVOCATION - Pastor Charles Campbell, Koinonia Evangelistic Center

ROLL CALL

Council:

Richard A. Stewart	Mayor
Bonnie Flickinger	Mayor Pro Tem
William H. Batey II	Council Member
Robin N. Hastings	Council Member
Jesse L. Molina	Council Member

Absent: None

Staff:

Jane Halstead	City Clerk
Cindy Miller	Executive Assistant to the Mayor
Steve Elam	Financial & Administrative Services Director
Robert Herrick	City Attorney
Robert Gutierrez	City Manager
Betsy Adams	Assistant City Manager
Rick Hartmann	Deputy City Manager
John Anderson	Police Chief
Steve Curley	Battalion Chief
Chris Vogt	Public Works Director/City Engineer
Kyle Kollar	Community Development Director

Barry Foster	Economic Development Director
Chris Paxton	Human Resources Director
Paula Smus	Librarian
Mike McCarty	Parks & Community Services Director

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

Mayor Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Mike McDonagh (A6) and Pete Bleckert (A3).

A CONSENT CALENDAR - CITY COUNCIL

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

A .2 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 April 22 – May 5, 2009.

A .3 APPROVAL OF CHECK REGISTER FOR MARCH, 2009 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2009-41, approving the Check Register for the month of March, 2009 in the amount of $19,260,114.38.

A .4 NOTICE OF COMPLETION AND ACCEPTANCE OF THE TRAFFIC SIGNAL IMPROVEMENTS ON KRAMERIA AVENUE AT CALLE AURORA/VISTA CONEJO DRIVE PROJECT NO. 08-13768126 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Traffic Signal Improvements on Krameria Avenue at Calle Aurora/Vista Conejo Drive;

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

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

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

A .5 PA07-0139 – COMMERCIAL BUILDINGS - ACCEPT SUBSTITUTE AGREEMENT AND REDUCE CASH SECURITY FOR PUBLIC IMPROVEMENTS, EAST SIDE OF PERRIS BOULEVARD, SOUTH OF ALESSANDRO BOULEVARD, DEVELOPER - PERRIS ALESSANDRO LLC LOS ANGELES, CA 90025 (Report of: Public Works Department)

Recommendation:

1. Accept the Substitute Agreement for Public Improvements and Reduce Cash Security for PA07-0139;

2. Authorize the Mayor to execute the Substitute Agreement;

3. Direct the City Clerk to forward the signed Substitute Agreement to the County Recorder's office for recordation; and

4. Authorize the City Engineer to execute any amendments to the Substitute Agreement if the required public improvements are not completed within said timeframe.

A .6 PARCEL MAP 35386 – APPROVE FINAL MAP, OVERLOOK CIRCLE, EAST SIDE OF KITCHING STREET AND NORTH OF IRONWOOD AVENUE, DEVELOPER - STEVEN AND DEBRA COLEMAN, MORENO VALLEY, CA. 92557 (Report of: Public Works Department)

Recommendation:

1. Approve Parcel Map 35386; and

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

Item A6 was continued to a later date.

A .7 AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT FOR EMERGENCY OPERATIONS CENTER (EOC) PROJECT NO. 06-50182527 (Report of: Public Works Department)

Recommendation:

1. Waive minor irregularities for the lowest responsible Bidder's Proposal and award the construction contract for $3,200,000 to United Contractors Company, Inc., 2050 S. Santa Cruz Street #2300, Anaheim, CA 92805, the lowest responsible bidder, for construction of the EOC;

2. Authorize the City Manager to execute the Agreement with United Contractors Company, Inc.;

3. Authorize the issuance of two Purchase Orders to United Contractors Company, Inc. totaling $3,840,000 ($3,200,000 bid plus 20% contingency) for construction of the Emergency Operations Center in the amounts of $2,800,000 from Account No. 501.82527 and $1,040,000 from Account No. 412.78428; and

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with United Contractors Company, Inc. up to, but not exceeding, the contingency amount of $640,000, subject to the approval of the City Attorney.

A .8 RECEIPT OF QUARTERLY INVESTMENT REPORT - QUARTER ENDED MARCH 31, 2009 (Report of: Financial & Administrative Services)

Recommendation:

Receive and file the Quarterly Investment Report, in compliance with the City's Investment Policy.

A .9 LEGISLATIVE UPDATE (Report of: City Manager's Office)

Recommendation:

Staff recommends that the City Council receive and file the informational report.

A .10 MINUTES - REGULAR MEETING OF APRIL 28, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

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 APRIL 28, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

C CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

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

C .2 MINUTES - REGULAR MEETING OF APRIL 28, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

D CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

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

D .2 MINUTES - REGULAR MEETING OF APRIL 28, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

Motion to continue Item A.6 to a later date. m/Council Member William H. Batey II, s/Council Member Hastings
Approved by a vote of 5-0.

Motion to Approve Joint Consent Calendar Items except Items A6, A10, B2, C2 and D2, which were pulled for separate action. m/Mayor Pro Tem Bonnie Flickinger, s/Council Member William H. Batey II
Approved by a vote of 5-0.

Motion to Approve Joint Consent Calendar Items A10, B2, C2 and D2. m/Mayor Pro Tem Bonnie Flickinger, s/Council Member William H. Batey II
Approved by a vote of 4-0-1, Council Member Hastings Abstained.

E PUBLIC HEARINGS

AGENDA ORDER

E .2 PUBLIC HEARING TO ADOPT COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM ANNUAL ACTION PLAN FOR FISCAL YEAR 2009/10 (Report of: Economic Development Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program to provide the public with an opportunity to comment on the proposed 2009/10 Annual Action Plan; and

Mayor Stewart opened the public hearing. Public testimony was received from Jamil Dada and Pete Bleckert.

2. Approve the proposed 2009/10 Annual Action Plan.

Motion to Approve by m/Council Member Robin N. Hastings, s/Mayor Pro Tem Bonnie Flickinger
Approved by a vote of 5-0.

AGENDA ORDER

E .1 PUBLIC HEARING TO ADOPT FY 2008-2009 ANNUAL ACTION PLAN, SUBSTANTIAL AMENDMENT #3, THE HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM (Report of: Economic Development Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing to allow public comment on the proposed 2008-09 Annual Action Plan, Substantial Amendment #3, the Homelessness Prevention and Rapid Rehousing Program (HPRP);

Mayor Stewart opened the public hearing. Public testimony was received from Anthony Shields and Mike Rios.

2. Review and adopt the proposed 2008-09 Annual Action Plan Substantial Amendment #3, the Homelessness Prevention and Rapid Rehousing Program;

Motion to Approve by m/Bonnie Flickinger, s/William H. Batey II
Approved by a vote of 5-0.

3. Authorize the City Manager to execute any subsequent Subrecipient Agreements related to provision of services under the Homelessness Prevention and Rapid Rehousing Program (HPRP); and

Motion to Approve by m/Mayor Pro Tem Bonnie Flickinger, s/Council Member William H. Batey II
Approved by a vote of 5-0.

4. Due to strict federal program deadlines, authorize City Manager to make 'non-substantial' plan adjustments, if necessary.

Motion to Approve by m/Mayor Pro Tem Bonnie Flickinger, s/Council Member William H. Batey II
Approved by a vote of 5-0.

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

G REPORTS

G .1 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

The City Manager announced the following:

1) A neighborhood cleanup was held in District 4 on Saturday, April 18. Residents from 167 households were given the opportunity to dispose of trash, debris, discarded furniture and tree trimmings. Other departments that assisted with the clean-up included: Code Compliance, Parks, Public Works and Police Department.
2) The Parks and Facilities Maintenance completed two improvement projects at the CRC. Appreciated and thanked the residents' patience.
3) The Arts Commission will be holding its second annual Artober Fest on October 3 from 11:00 a.m. - 5:00 p.m.
4) The next household hazardous waste collection will be held June 5 and June 6 at the Corporate Yard at 9:00 a.m. and 2:00 p.m.

H LEGISLATIVE ACTIONS

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

H .2 ORDINANCES - 2ND READING AND ADOPTION

H .2 .1 ORDINANCE NO. 790 AMENDING TITLE 3 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 3.12, PURCHASING (RECEIVED FIRST READING AND INTRODUCTION APRIL 14, 2009 ON A 4-0-1 VOTE, BATEY ABSENT) (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

Adopt Ordinance No. 790, amending Title 3 of the City of Moreno Valley Municipal Code by repealing and reenacting Chapter 3.12, regarding purchasing regulations.

Ordinance No. 790

An Ordinance of the City Council of the City of Moreno Valley, California Amending Title 3 of the City of Moreno Valley Municipal Code by Repealing and Reenacting Chapter 3.12, Purchasing

Motion to Approve, by m/Mayor Pro Tem Bonnie Flickinger, s/Council Member William H. Batey II Approved by a vote of 5-0.

H .2 .2 ORDINANCE NO. 791 EXTENDING THE EXPIRATION DATE OF CERTAIN DISCRETIONARY PERMITS OR ENTITLEMENTS APPROVED BY THE CITY ON OR AFTER JANUARY 1, 2006 (RECEIVED FIRST READING AND INTRODUCTION ON APRIL 28, 2009 ON A 4-0-1 VOTE, HASTINGS ABSENT) (Report of: City Manager's Office)

Recommendation: That the City Council:

Adopt Ordinance No. 791, extending the expiration date of certain discretionary permits or entitlements approved by the City on or after January 1, 2006.

Ordinance No. 791

An Ordinance of the City Council of the City of Moreno Valley, California, Extending the Expiration Date of Certain Discretionary Permits or Entitlements Approved by the City on or after January 1, 2006

Motion to Approve by m/Mayor Pro Tem Bonnie Flickinger, s/Council Member William H. Batey II Approved by a vote of 5-0.

H .2 .3 ORDINANCE NO. 792 ESTABLISHING SOCIAL HOST ACCOUNTABILITY AND PROHIBITING UNRULY PARTIES WHERE UNDERAGE DRINKING OCCURS (RECEIVED FIRST READING AND INTRODUCTION APRIL 28, 2009 ON A 4-0-1 VOTE, HASTINGS ABSENT) (Report of: Police Department)

Recommendation: That the City Council:
Adopt Ordinance No. 792, "Social Host Accountability".

Ordinance 792

An Ordinance of the City Council of the City of Moreno Valley, California, Establishing Social Host Accountability and Prohibiting Unruly Parties Where Underage Drinking Occurs

Motion to Approve by m/Bonnie Flickinger, s/William H. Batey II
Approved by a vote of 5-0.

H .3 ORDINANCES - URGENCY ORDINANCES - NONE

H .4 RESOLUTIONS - NONE

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

Mike Rios
1) Opposes reduction of developer fees

Deanna Reader
1) Progress of recall

Michael Peters, President of Rancho Belago Ravens
1) Thanked the Council for lights for '09 season; Thanked Council, staff and the Police Department for the great work

Pete Bleckert
1) Ironwood/Perris project
2) Kalmia/Perris walk and don't walk signs
3) General Motors dealerships, Costco; Leahman Bros.
4) Requested to build a new Council Chamber

George Schoelles
1) Elks Lodge new building in Canyon Springs Plaza; invitations would be distributed to the Council and staff

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

Council Member William H. Batey II

1) Attended a WRCOG meeting; one of the issues discussed was funding of a full-time position to administer homeless programs
2) Received CD containing information regarding air, water and energy conservation; CD was shared with staff
3) Reading contest winners will be announced at the May 26 Council meeting. Mike McCarty, Parks and Community Services Director, stated that the contest was based on a point system for each report completed. The participation in the contest increased about five times compared to the last year's. Kids had done a

great job.

4) The Moreno Valley Idol audition was held – Mike McCarty reported that about 220 people participated; 15 finalists will compete at the 4th of July Funfest.

Mayor Pro Tem Bonnie Flickinger

1) Positive economic news regarding Moreno Valley - the new Elks Club's move into a new building; the success of Moreno Valley Wal-Mart on Moreno Beach Drive, which ranked 1st in sales for California and ranked in the top 5 for the entire western United States.
2) Riverside County Household Hazardous Waste Disposal will be held on June 5 and 6 at City Corporate Yard. Items to be disposed include hazardous substances and electronic waste.
3) The City Clerk's Office is accepting applications for various boards and commissions; the deadline for the Library Commission is May 15 and for the Arts Commission, Environmental & Historical Board, Parks and Recreation Commission, Recreational Trails Board, Senior Citizen's Board, and Traffic Safety Commission May 29.
4) National crime reports statistics for Moreno Valley indicate that the first quarter of 2009 is lower than the first quarter of 2008 and lower than the first quarter of 2007; crime rate is dropping; attributed it to the extreme success of the Burglary Suppression Team. Since the inception of the program on February 2007, there have been 585 arrests and $604,000 worth of property has been recovered. Congratulated the BST for the good job. Specific information on the neighborhoods can be obtained at www.crimereports.com
5) Attended a SCAG annual meeting and picked up the city's profile (demographic data) for the city of Moreno Valley; will present it to Mayor Stewart

Council Member Robin Hastings

1) WRCOG staff is preparing a report regarding the homeless issue; the agency will be approaching each city to share costs based on the number of homeless in each city; the agency is looking towards establishing joint centers, and each agency that currently has homeless shelters would be credited; Moreno Valley currently has three shelters; therefore, the city's participation would be minimal
2) Congratulated the Moreno Valley Police Department for an outstanding job; continues to hear compliments regarding the police department
3) Attended HOA meeting; problems with weed abatement were addressed; residents are extremely happy with the clean-up; commended Code Enforcement staff for their proactive response
4) Will be attending the Via De Lago "Meet and Greet" picnic; looking forward to the event; emphasized the importance of these types of events during current economic conditions
5) Looking for participants to host the recognition of National Nightout in their neighborhoods – contact person: Cindy Miller, 413-3008; hoping for a lot of participation

Council Member Jesse Molina

1) Shortage of manpower; pleased with Council Member Hastings' response from Code Enforcement
2) Inquired if the house on Ironwood and Indian is available for sale
3) Thanked Mr. Scholles for the invitation
4) Thanked Mr. Peters for his compliment to the Council
5) Thanked Police Chief Anderson for the low crime report, gave credit to the Chief and his team
6) Is glad that the homeless issue is being addressed
7) Concurred with Mayor Pro Tem Flickinger and is also looking forward to a better economy

Mayor Richard Stewart

1) While on vacation in Michigan, noticed that the community is also experiencing the same kind of challenges and budget cuts as the City of Moreno Valley; commended their community's arts program; brought back ideas to the City of Moreno Valley
2) Hidden Springs resident committee meeting will be held the following evening; two POP team members will attend the meeting at 7:00 p.m. at Hidden Springs Elementary
3) Thanked Executive Assistant to the Mayor, Cindy Miller for her assistance
4) Thanked Fire Department for fire prevention issues
4) Concerned about divisiveness that occurs in the community; several accomplishments supported by Council are now being attacked, Council works hard with all elements of the community; encouraged to work together towards a common goal
6) The State may try to take some of City's money
7) Kudos to the Police Department
8) Reductions in fees are being considered by the City
9) Responded to a speaker's comments - $97,000 was grant money for an after school program

CLOSED SESSION

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

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

a) Agency Representative: Robert G. Gutierrez
Employee Organization: MVCEA

b) Agency Representative: Robert G. Gutierrez
Employee Organization: MVMA

c) Agency Representative: Robert G. Gutierrez
Employee Organization: Moreno Valley Confidential Management Employees

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

None

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 8:39 p.m. by unanimous informal consent.

Submitted by:

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

Approved by:

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

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	RDH
CITY MANAGER	RM

Report to City Council

TO: Mayor and City Council, Acting in their Respective Capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District

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

AGENDA DATE: May 26, 2009

TITLE: EXTENSION OF CONTRACT - PROJECT NO. E-3/08 - MAINTENANCE OF EXTENSIVE LANDSCAPING AND IRRIGATION – MORENO VALLEY RANCH-WEST

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the Board of Directors of the Moreno Valley Community Services District (MVCSD):

1. Approve the attached Extension Agreement for MVCSD Project E-3/08 to extend the term of the contract for an additional one-year period, and;

2. Authorize the President of the MVCSD Board to execute said Amendment with Excel Landscape, Inc. of Corona, California, and;

3. Authorize the Purchasing Manager, on July 1, 2009, to issue open purchase orders to Excel Landscape, Inc. in the amounts of:

   a.) THREE HUNDRED TWENTY THOUSAND NINE HUNDRED TWENTY-FIVE AND 48/100 DOLLARS ($320,925.48) for twelve months of base maintenance service, and;

   b.) SEVENTEEN THOUSAND SEVEN HUNDRED EIGHTY-FIVE AND 00/100 DOLLARS ($17,785.00) for anticipated Additional Work per Section 5. of the Extension Agreement.

ADVISORY COMMITTEE RECOMMENDATION

Not Applicable

BACKGROUND

On January 16, 2008, the Special Districts Division of the Public Works Department received proposals submitted by four landscape contracting firms in response to its Request for Proposals for the subject project. On February 26, 2008, upon the recommendation of staff, the City Council, acting in their capacity as the Board of Directors of the MVCSD, voted to award the contract for landscape maintenance of Moreno Valley Ranch-West parkways and medians to Excel Landscape, Inc., Corona, California. The contract amount for the initial fifteen-month term was $421,368.68 ($397,185.68 for Base Service; $24,183.00 for estimated Additional Work).

DISCUSSION

The current contract with Excel Landscape expires on June 30, 2009. In January of this year Special Districts' staff met with Excel Landscape representatives and discussed extending the term of the vendor's contract for an additional twelve-month term, as allowed by Subsection 5.b. of the subject Agreement, as well as Subsection V.B.3. of City Fiscal Policy 3.18. Per Subsection 5.c. of the subject Agreement, staff determined that the vendor had provided a satisfactory level of service throughout the initial contract term, and proposed a one percent (1%) increase in Excel's annual compensation for providing basic services, an amount consistent with the regional Consumer Price Index for All Urban Consumers (CPI-U) in the Los Angeles-Riverside-Orange County metropolitan area for the year ending in November 2008. An Extension Agreement was duly drafted by staff and signed by Excel's President and Secretary/Treasurer on March 11, 2009 (see Attachment 2). Key provisions of the document are as follows:

1. Extension of the contract term to June 30, 2010.

2. Changes to certain contract elements in order to clarify the respective duties of the two parties relating to payment for additional work and any landscape areas that may be added to the Moreno Valley Ranch-West service area during the term of the Extension Agreement.

ALTERNATIVES

1. Approve the Extension Agreement for Project E-3/08 to extend the term of the contract for an additional one-year period; authorize the President of the MVCSD Board to execute said Amendment with Excel Landscape, Inc.; and authorize the Purchasing Manager to issue open purchase orders for Base Service and estimated Additional Work to Excel Landscape, Inc. at the start of Fiscal Year 2009/10. Extension of this contract will ensure uninterrupted landscape maintenance service is provided for the Moreno Valley Ranch-West parkways and medians. **Staff recommends this alternative.**

2. Do not approve the Extension Agreement for Project E-3/08 to extend the term of the contract for an additional one-year period. Choosing this alternative may disrupt the continuity of parkway and median landscape service for the western portion of the Moreno Valley Ranch Specific Plan. **Staff does not recommend this alternative.**

FISCAL IMPACT

The necessary annual purchase orders for the term of this contract are set forth below.

Purchase Order Type/Fund/Business Unit	2009/2010 Fiscal Year P.O. Amount
Base Contract	
00182.78240.6261	$301,669.95
00182.78283.6261	$ 19, 255.53
Additional Work	
00182.78240.6261	$ 14,190.00
00182.78283.6261	$ 3,000.00
00182.78240.6361.362	$ 200.00
00182.78283.6361.362	$ 195.00
00182.78240.6371	$ 200.00
Total P.O. Amounts	**$338,710.48**

The combined cost of Base Contract Services plus estimated Additional Work for the entire twelve-month term shall not exceed $338,710.48. This amount will be included in Fund 00182.78240 and Fund 00182.78283 budgets for Fiscal Year 2009/10. This action will not impact the City's General Fund.

CITY COUNCIL GOALS

By approving the Extension Agreement with Excel Landscape, Inc., the MVCSD Board will continue to promote community image, as well as neighborhood pride and cleanliness, while ensuring that these public facilities are properly cared for.

SUMMARY

The actions before the MVCSD Board are to approve the attached Extension Agreement for Project E-3/08, authorize the Board President to execute the Extension Agreement with Excel Landscape, Inc., and authorize the Purchasing Division Manager, at the start of Fiscal Year 2009/10, to issue purchase orders to Excel Landscape, Inc. for twelve months of base maintenance services and anticipated Additional Work.

NOTIFICATION

Not applicable.

ATTACHMENTS

1. Project E-3/08 Vicinity Maps
2. Copy of Extension Agreement

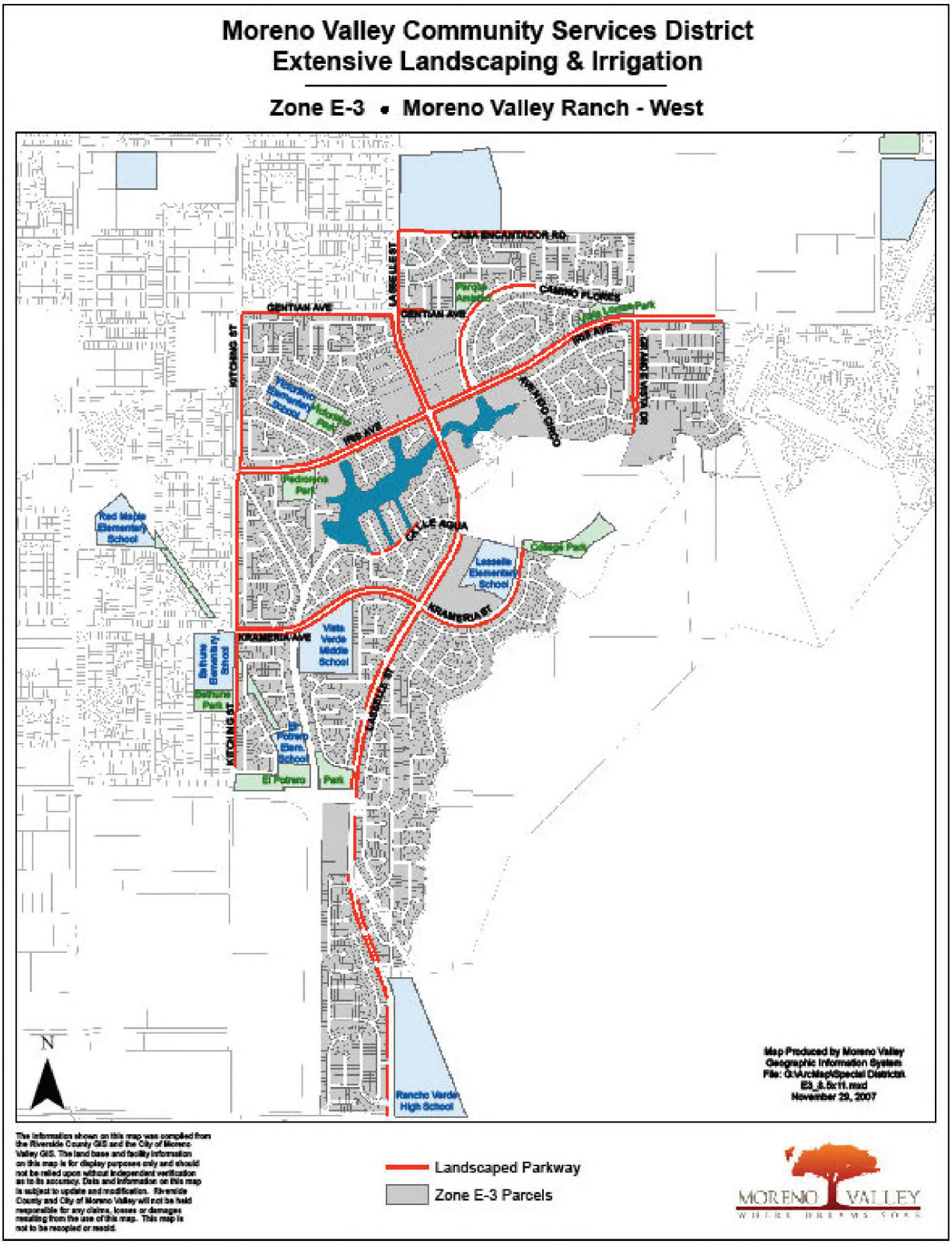
Prepared By
Stuart Sheldon
Landscape Districts Program Manager

Department Head Approval
Chris A. Vogt, P.E.,
Public Works Director

Concurred By
Sue Maxinoski
Special Districts Division Manager

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

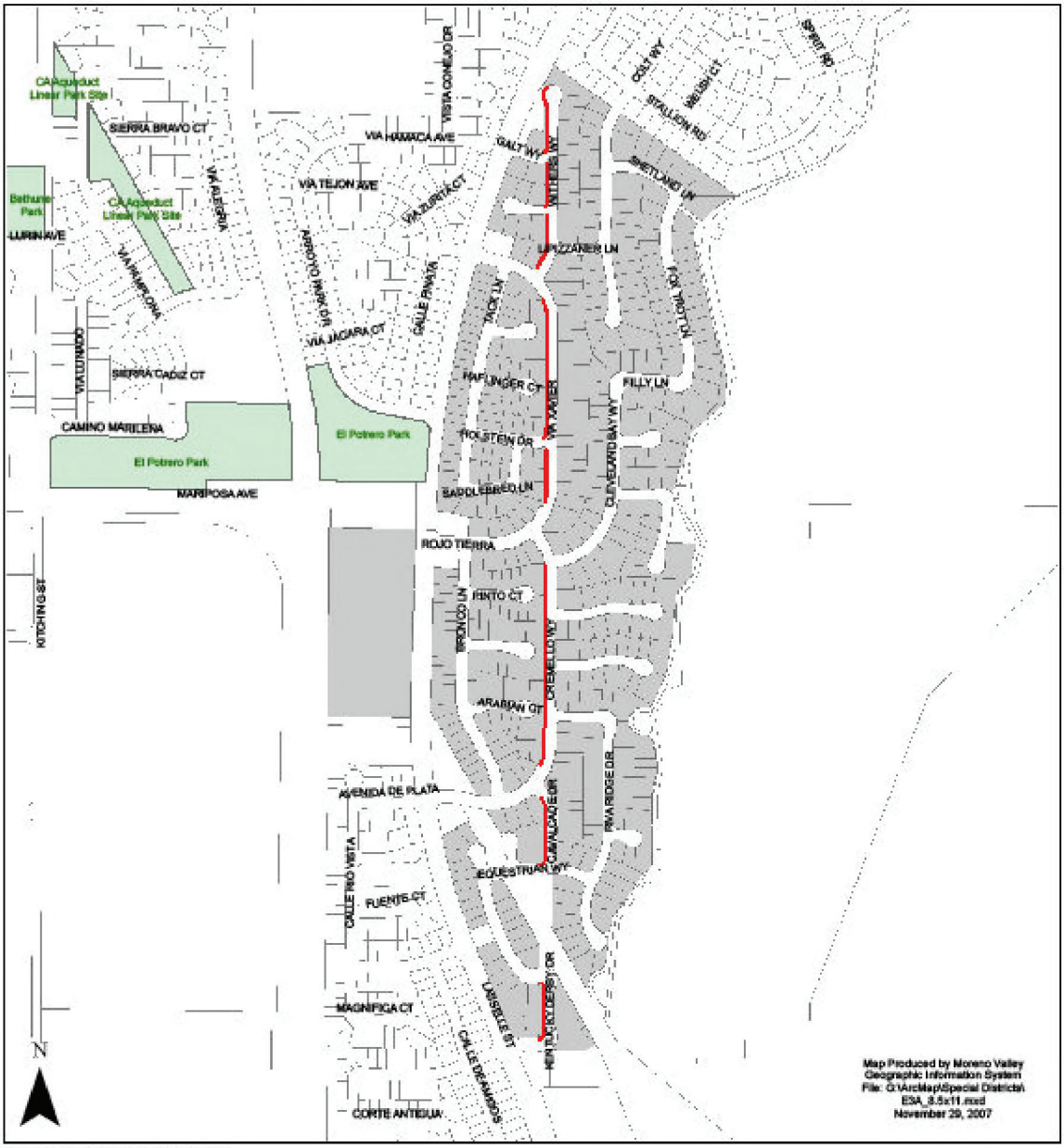
This page intentionally left blank.



Attachment 1

Moreno Valley Community Services District
Extensive Landscaping & Irrigation

Zone E-3A • Lasselle Powerline Parkway



EXTENSION AGREEMENT
PROJECT NO. E-3/08 MORENO VALLEY RANCH
MAINTENANCE OF LANDSCAPING AND IRRIGATION

THIS AGREEMENT is made and entered into by and between the Moreno Valley Community Services District (hereafter, "District") and **Excel Landscape, Inc.,** (hereafter, "Contractor").

WHEREAS, the District and Contractor entered into an agreement dated March 27, 2008, referencing Project No. E-3/08 - Moreno Valley Ranch regarding maintenance of District landscaping and irrigation systems (hereafter, "Agreement").

WHEREAS, pursuant to the terms of the Agreement, both parties wish to extend the Agreement by a period of twelve (12) months under the following additional terms:

1. The extension period shall commence on **July 1, 2009**, and shall terminate on **June 30, 2010.**

2. In accordance with paragraph 5(b) of the Agreement, this Extension shall be considered the first extension of the Agreement AND THE Agreement may be extended for up to two (2) additional twelve (12) month periods with the concurrence of both parties.

3. Notwithstanding paragraph 3(b) of the Agreement, for the period of this Extension and except where additional compensation is specifically provided for in the Agreement, the District will pay the Contractor for all work (labor, materials, supplies, equipment, etc.) performed under this Extension the total amount of **TWENTY-SIX THOUSAND SEVEN HUNDRED FORTY THREE AND 79/100 DOLLARS ($26,743.79)** per month, one month in arrears, on the last day of the month. The total contract amount for the twelve (12) month extension period shall not exceed **THREE HUNDRED TWENTY THOUSAND NINE HUNDRED TWENTY-FIVE AND 48/100 DOLLARS ($320,925.48).**

4. Notwithstanding paragraph 3(f) of the Agreement, the unit cost set forth in the Additional Work Price List, Section B. for any landscape areas added to the project during the period of this Extension shall be as follows:

    a. Additional parkway areas, turf (trees up to 18-feet height, as applicable). **$0.0222/ sq. ft. / mo**.

    b. Additional parkway areas, planters (trees up to 18-feet height, shrubs, ground cover included, as applicable). **$0.0222/ sq. ft. / mo**.

5. Notwithstanding paragraph 3(h) of the Agreement, for the period of this Extension and except as specifically approved by subsequent action of the District Board of Directors, the Director may not authorize additional work pursuant to this Extension or the original Agreement in excess of the cumulative total of **SEVENTEEN THOUSAND SEVEN HUNDRED EIGHTY-FIVE AND OO/100 DOLLARS ($17,785.00).**

6. Except as set forth above, all other terms and conditions of the Agreement shall remain in full force and effect.

Attachment 2

Dated:_____

MORENO VALLEY COMMUNITY SERVICES DISTRICT

By:_____
Mayor, acting in the capacity of President to the
Moreno Valley Community Services District

CONTRACTOR:

_____
Signature

_____
Printed Name

_____
Title

_____
Company Name

_____
Signature

_____
Printed Name

_____
Title

(Corporate Seal)

INTERNAL USE ONLY

ATTEST:

_____
City Clerk

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

MINUTES - REGULAR MEETING OF May 12, 2009
(Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.12

This page intentionally left blank.

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	RDH
CITY MANAGER	RM

Report to City Council

TO: Chairperson and Members of the Community Redevelopment Agency Board of the City of Moreno Valley

FROM: Barry Foster, Economic Development Director

AGENDA DATE: May 26, 2009

TITLE: NEGOTIATION AGREEMENT BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND PALM DESERT DEVELOPMENT COMPANY FOR AN AFFORDABLE HOUSING DEVELOPMENT PROJECT AT THE NORTHEAST CORNER OF ALESSANDRO BOULEVARD AND DAY STREET.

RECOMMENDED ACTION

Staff recommends that the Redevelopment Agency approve the Negotiation Agreement (attached hereto) between the Community Redevelopment Agency Board of the City of Moreno Valley (RDA) and Palm Desert Development Company (PDDC) for an affordable housing development project to be situated at the northeast corner of Alessandro Boulevard and Day Street.

BACKGROUND

The Redevelopment Agency (RDA) acquired approximately eight acres of property at the northeast corner of Alessandro Boulevard and Day Street for the purpose of developing an affordable housing project and childcare facility. The blighted property is situated at the gateway to the City and was considered suitable for redevelopment into a quality affordable housing project.

Consistent with the RDA/Developer partnership requirements for affordable housing projects, Staff, at the direction of the RDA Board began the developer-partner selection process. The process for selecting the most qualified affordable housing developer consisted of a three-step process:

- Request for Qualifications (RFQ) to affordable housing developers;
- Request for Proposals (RFP) from affordable housing developers identified as the most qualified based upon the developers' responses to the RFQ;
- Evaluation, by the RDA Board, of the top two developers' preliminary development proposals.

DISCUSSION

After a thorough selection process, PDDC was recommended by the RDA Board as the affordable housing developer to formulate the partnership. Now that the developer has been recommended, the Negotiation Agreement is the appropriate document to refine conceptual plans and to establish an exclusive period of time for PDDC and the RDA to finalize the major business points for the development of the affordable housing project. Additionally, the Negotiation Agreement is necessary to move forward to the next stage of the process, which is the drafting of the Disposition and Development Agreement (DDA).

ALTERNATIVES

1. Approve the Negotiation Agreement between the Community Redevelopment Agency of the City of Moreno Valley and Palm Desert Development Company.

   Staff recommends this alternative as it:

   a) allows for the establishment of an appropriate period of time for the Agency and Developer to finalize major business points of the affordable housing project;
   b) is a prerequisite to enable the drafting of the Development and Disposition Agreement (DDA).

2. Not Approve the Negotiation Agreement between the Community Redevelopment Agency of the City of Moreno Valley and Palm Desert Development Company.

   Staff does not recommend this alternative because it would delay the planning of the future affordable housing project.

FISCAL IMPACT

This action does not impose a fiscal impact to the City. The terms and financial considerations for the project would be part of the future Disposition and Development Agreement and subject to full and complete consideration of the RDA Board at a later time.

CITY COUNCIL GOALS

This action is consistent with the City Council's goal of creating a positive environment for the development of Moreno Valley's future.

SUMMARY

The Community Redevelopment Agency (RDA) has acquired approximately eight acres of property at the northeast corner of Alessandro Boulevard and Day Street for the purposes of developing an affordable housing project and childcare facility. Palm Desert Development Company (PDDC) has been recommended as the appropriate affordable housing developer to partner with the RDA for the development of the affordable housing project. The Negotiation Agreement is needed to establish a suitable period of time for both partners to further plans and parameters for the project. After the approval and execution of the Negotiation Agreement, staff can begin to draft a Development and Disposition Agreement (DDA) pertaining to the project.

NOTIFICATION

Publication of the RDA's agenda.

ATTACHMENTS/EXHIBITS

ATTACHMENT A: Draft Negotiation Agreement

Prepared By:
Shanikqua Freeman
Management Assistant

Department Head Approval:
Barry Foster
Economic Development Director

Concurred By:
Michele Patterson
Acting Redevelopment Manager

This page intentionally left blank.

NEGOTIATION AGREEMENT

THIS NEGOTIATION AGREEMENT (the "Agreement") is made and entered into as of ____ __, 2009 (the "Date of Agreement"), by and between the **COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY**, a public agency corporate and politic ("Agency") and **PALM DESERT DEVELOPMENT COMPANY**, a California corporation (the "Developer") (the Developer and the Agency are collectively referred to herein as the "Parties").

RECITALS

The following recitals are a substantive part of this Agreement.

A. The Developer has informed the Agency that the Developer is interested in developing a housing project, to include: approximately 200-225 rental dwelling units available at affordable rents, weighted to very low income households and without age restrictions (the "Basic Development Concept") on certain property (the "Property") as shown on the Map which is attached hereto as Exhibit "A" and incorporated herein.

B. As of the Date of Agreement, title to the Property is held by the Agency.

C. Based upon its review to date, and although design, price, rent and financial structure have not been determined, the Developer believes that development of the Basic Development Concept is probably feasible and that any financing proposed to be obtained by the Developer is obtainable. Accordingly, the Agency is entering into this Agreement and is thereby affording the Developer the valuable opportunity to negotiate for development of the Property for a limited period of time as set forth herein.

D. Based partly upon (i) the interest of the Developer, (ii) assurances by the Developer that the Developer and/or its joint venturers are experienced in the development and operation of high quality affordable residential projects, (iii) the desirability of accomplishing the development, if feasible, of affordable rental housing and other new facilities (together, the "Facilities"), and (iv) the contention of the Developer that the proposed development can be accomplished on a basis that provides a fair and reasonable return to both Parties, the Parties mutually desire to enter into discussions concerning possible development of the Property generally consistent with the Basic Development Concept.

E. The Parties intend that during and for the period of negotiations set forth herein (the "Negotiation Period") each will perform certain actions and responsibilities under this Agreement.

NOW, THEREFORE, the Parties mutually agree as follows:

1. Agreement to Negotiate.

(a) Required Actions.

(1) Within sixty (60) days from the Date of Agreement, Developer shall submit to the Agency a "Final Development Concept Package," consisting of the following:

(a) a well-articulated development proposal describing with specificity the Facilities, including all development activities proposed to be undertaken (the "Proposed Development");

(b) a statement of qualifications of the Developer and its joint venture partners (if not earlier submitted), including experience as developer and operator of affordable housing communities;

(c) a detailed enumeration of estimated development costs, including construction and non-construction costs. This shall include a detailed estimate of project income (using rents conforming to Health and Safety Code Sections 33334.2 and 50053) and a financial statement and pro forma statement of project return, including both construction and operating pro formas. A detailed estimate of development costs, including construction and non-construction costs, shall be included;

(d) a detailed description of the proposed method of construction and permanent financing and proposed credit enhancement, including a description of the terms and conditions of all such financing, and the identification of and terms of provision of any credit enhancement. It is contemplated that all there will be private financing of the facilities to be developed on the Property. If any economic participation toward the project is proposed to be borne by the Agency and/or the City of Moreno Valley (the "City"), this shall be clearly delineated in the proposal. Included in the submittal by the Developer shall be a copy of any materials proposed to be submitted to any agency involved in the allocation of tax credits and/or bonds;

(e) a list of financial references;

(f) final identification of the proposed operator and proposed architect;

(g) a proposed construction and operating pro forma which identifies all sources and uses of funds including without limitation design of the Facilities and supporting infrastructure and which uses rents conforming to Sections 33334.2 and 50053 of the California Health and Safety Code;

(h) a proposed timeline which includes the submittal for any required allocation for tax credits and/or bonds;

(i) a well-defined development proposal and site plan describing the Proposed Development using schematic drawings, and which depicts in detail the proposed design and configuration of the Facilities and which includes a description of how the Developer intends to coordinate operations, development and access with a child care facility anticipated to be developed by a third party on land adjacent to the Property; and

(j) a timeline which includes the submittal for any required allocation for tax credits and/or bonds and a proposed construction schedule of development.

(2) The Developer shall bear the cost for its performance under this Agreement.

(3) The Agency and the Developer will continue to negotiate toward the execution within such period of a DDA for the sale or lease of the Property and with respect to the development (the "Development") and use of the Property. If a DDA is signed, it shall supersede this Negotiation Agreement.

(b) Term. The term of the Negotiation Period shall be for one hundred twenty (120) days. As of the one hundred twentieth (120th) day after the Date of Agreement, this Agreement shall automatically terminate unless this Agreement has been mutually extended by the Agency and the Developer. The Executive Director is authorized to administratively extend the Negotiation Period once only for a period of his discretion not to exceed sixty (60) days; any such extension shall be made in writing prior to expiration of the Negotiation Period to be effective. If such an administrative is granted, then the Negotiation Period shall end and this agreement shall automatically terminate, unless extended by action by the Agency Board.

(c) Agreement to Negotiate. The Agency (by and through its staff and consultants) and Developer agree that for the term of the Negotiation Period (whether said period expires or is earlier terminated by the provisions herein) each party shall negotiate diligently and in good faith to carry out its obligations under this Agreement. The Developer acknowledges that the Agency holds title to the Property. The Developer expressly agrees and acknowledges that its rights pursuant to this Agreement are subject to and based upon compliance by the Developer with this Agreement (including without limitation the making of all submittals required pursuant to this Agreement, in short conformity with this Agreement).

(d) Supplemental Progress Reports. In addition to the information required in Section 1 above, for so long as this Agreement remains in effect Developer agrees to make weekly oral progress reports and monthly written reports to the Executive Director or his designated representative of the Agency advising the Agency on all matters and all studies being made.

2. No Predetermination of Agency or City Discretion. The Parties agree and acknowledge that nothing in this Agreement in any respect does or shall be construed to affect or prejudge the exercise of the Agency's or the City's discretion. The Developer acknowledges in this regard that the feasibility of the Developer's proposal has not been determined, and further that, at the discretion of the City's Planning Director, an environmental impact report will be prepared and circulated for comment by the City in connection with the consideration of the sale and development of the Property. Further, nothing in this Agreement in any respect does or shall be construed to affect or prejudge the Agency's or the City's discretion to consider, negotiate, or undertake the acquisition and/or development of any portion of the Property, or shall affect the Agency's or the City's compliance with the laws, rules, and regulations governing land uses, environmental review, or disposition of the Property.

3. Environmental and Other Requirements. Certain state and local environmental requirements (including, but without limitation, the California Environmental Quality Act of 1970, Public Resources Code Section 21000, *et seq.*) may be applicable to the Proposed Development. Pursuant to such requirements, certain environmental documents may be required to be prepared and certified for the Proposed Development. The Agency, by this Agreement, undertakes no obligation to pay any costs associated with such environmental documents and to supply data and information both to determine the impact of the development on the environment and to assist in the preparation of any necessary environmental documents.

4. Costs and Expenses. Except as otherwise provided in this Agreement, each party shall be responsible for its own costs and expenses in connection with any activities and negotiations undertaken in connection with the performance of its obligations under this Agreement.

5. No Change in Developer or its Constituent Members. The Developer shall within sixty (60) days of this Agreement make full disclosure to the Agency of all pertinent information concerning the Developer, including any joint venture partners. The qualifications of the Developer are of particular interest to the Agency. Consequently, no person or entity, whether a voluntary or involuntary successor of Developer, shall acquire any rights or powers under this Agreement nor shall the Developer assign all or any part of this Agreement without the prior written approval of the Agency, which approval the Agency may grant, withhold, condition, or deny at its sole and absolute discretion. Any other purported transfer, voluntarily or by operation of law, shall be absolutely null and void and shall confer no rights whatsoever upon any purported assignee or transferee.

6. Lead Negotiators. The Executive Director, or his designee, shall be the lead negotiator for the Agency with respect to the subject matter of this Agreement; provided, however, that the Agency, reserves its rights to consider and approve or disapprove the proposed DDA. Danavon L. Horn and James Jernigan shall be the lead negotiator(s) for the Developer with respect to the subject matter of this Agreement.

7. Non-Discrimination. Developer shall not discriminate against nor segregate, any person, or group of persons on account of sex, race, color, marital status, religion, creed, national origin or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the Property, nor shall the Developer establish or permit any such practice or practices of discrimination or segregation in the selection, location, number, use, or occupancy of tenants, lessees, subtenants, sublessees or vendees of the land.

8. Address for Notices. Any notices pursuant to this Agreement shall be in writing and sent (i) by Federal Express (or other established express delivery service which maintains delivery records), (ii) by hand delivery, or (iii) by certified or registered mail, postage prepaid, return receipt requested, to the following addresses:

To Agency: COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
14177 Frederick Street
Moreno Valley, California 92552-0805
Attention: Executive Director

To Developer: PALM DESERT DEVELOPMENT COMPANY
Attention: Danavon L. Horn, President
P.O. Box 3958
Palm Desert, California 92261

9. Default. Failure by either party to perform one or more of its duties as provided in this Agreement shall constitute an event of default under this Agreement. The non-defaulting party shall give written notice of a default to the defaulting party, specifying the nature of the default and the action required to cure the default.

10. Remedies for Breach of Agreement. In the event of an uncured default under this

Agreement, the sole remedy of the nondefaulting party shall be to terminate this Agreement. Following such termination, neither party shall have any further rights, remedies or obligations under this Agreement. Neither party shall have any liability to the other for monetary damages or specific performance for the breach of this Agreement, or failure to reach agreement on a DDA, and each party hereby waives and releases any such rights or claims it may otherwise have at law or at equity. Furthermore, the Developer knowingly agrees that it shall have no right to specific performance for conveyance of, nor to claim any right of title or interest in the Property or any portion thereof.

11. Termination. This Agreement shall: (i) automatically terminate at the time(s) set forth in Section 1(b) above, and (ii) terminate prior to the time(s) set forth in Section 1(b) above in the event the Developer shall fail to perform its obligations hereunder to the reasonable satisfaction of the Executive Director; provided that prior to termination under part (ii) of this paragraph d., the Agency shall provide the Developer with notice of the failures and 10 days in which to cure. In addition, the parties agree that if either party shall determine that it is infeasible to proceed with the Basic Development Concept or if the development of the Property, consistent with such Basic Development Concept, does not appear to either party to be economically sound and feasible, either party may, upon ten (10) days' written notice to the other party, terminate this Agreement. Upon termination of this Agreement, whether upon expiration of the Negotiation Period or otherwise, both Parties knowingly agree that neither Party shall have any further rights or remedies to the other and the Developer shall have no rights in respect to the Property.

12. Time of Essence. Time is of the essence of every portion of this Agreement in which time is a material part. During the Negotiation Period the time periods set forth in this Agreement for the performance obligations hereunder shall apply and commence upon a complete submittal of the applicable information or occurrence of an applicable event. In no event shall an incomplete submittal by the Developer trigger any of the Agency's obligations of review, approval and/or performance hereunder; provided, however that the Agency shall notify the Developer of an incomplete submittal as soon as is practicable and in no event later than the applicable time set forth for the Agency's action on the particular item in question. Further, the time periods set forth herein are outside dates of performance. In the event a party completes a performance item earlier that the time required hereunder, the time for the next performance obligation of a party shall commence. Thus, the parties agree that the requirements hereunder may occur and be completed in a shorter time frame than set forth herein.

13. Real Estate Commissions. The Agency shall not be liable for any real estate commission or brokerage fees which may arise with respect to this Agreement or the Property.

14. Developer Not an Agent. The Developer is not an agent of the Agency or the City.

15. Press Releases. The Developer agrees to discuss any press releases with the Executive Director prior to disclosure in order to assure accuracy and consistency of the information.

16. Entire Agreement. This Agreement constitutes the entire understanding and agreement of the parties, integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the parties or their predecessors in interest with respect to all or any part of the subject matter hereof.

17. Agreement Does Not Constitute Development Approval. The Agency reserves final discretion and approval as to any DDA and all proceedings and decisions in connection

therewith. This Agreement shall not be construed as a grant of development rights or land use entitlements to construct the Proposed Development or any other project. All design, architectural, and building plans for the Proposed Development shall be subject to the review and approval of the Agency and the City. By its execution of this Agreement, the Agency is not committing itself to or agreeing to undertake the disposition of the Property or other real property to the Developer, or any other acts or activities requiring the subsequent independent exercise of discretion by the Agency, the City, or any agency or department thereof.

18. Governing Law. This Agreement shall be construed in accordance with the laws of the State of California.

19. Implementation of Agreement. The Agency shall maintain authority to implement this Agreement through the Executive Director (or his or her duly authorized representative). The Executive Director shall have the authority to issue interpretations, waive provisions, and/or enter into certain amendments of this Agreement on behalf of the Agency so long as such actions do not materially or substantially change the uses or concept of the Proposed Development, or add to the costs or risks incurred or to be incurred by the Agency as specified herein, and such interpretations, waivers and/or amendments may include extensions of time to perform. All other materials and/or substantive interpretations, waivers, or amendments shall require the collective consideration, action and written consent of the governing board of the Agency.

NOW THEREFORE, the Parties have executed this Negotiation Agreement as of the date and year first set forth above.

AGENCY:

THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, a public body corporate and politic

By: _____
Robert L. Gutierrez
Its: Executive Director

ATTEST:

_____
Jane Halstead,
Agency Secretary

DEVELOPER:

PALM DESERT DEVELOPMENT COMPANY, a California corporation

By: _____
Danavon L. Horn
Its: President

EXHIBIT "A"

MAP

MINUTES - REGULAR MEETING OF May 12, 2009
(Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.12

This page intentionally left blank.

MINUTES - REGULAR MEETING OF May 12, 2009
(Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.12

This page intentionally left blank.

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	RDH
CITY MANAGER	RM

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Community Development Director

AGENDA DATE: May 26, 2009

TITLE: A PUBLIC HEARING FOR AN INDUSTRIAL COMPLEX (PA07-0152, PA07-0153, PA07-0154, PA07-0155 and PA07-0156) WITH FOUR BUILDINGS (1,484,407 TOTAL SQ FT) ON 66.9 NET ACRES. THE TENTATIVE PARCEL MAP 35879 (PA07-0151) WILL CREATE FOUR PARCELS. THE GENERAL PLAN (PA08-0057) AND SPECIFIC PLAN (P08-060) AMENDMENTS ARE REQUIRED FOR THE REALIGNMENT OF KRAMERIA STREET AND WILL AMEND THE CIRCULATION ELEMENT OF THE GENERAL PLAN AND IN THE MORENO VALLEY INDUSTRIAL SPECIFIC PLAN (SP 208).

RECOMMENDED ACTION

Staff recommends that the City Council:

1. **ADOPT** a Mitigated Negative Declaration for PA07-0151(Tentative Parcel Map 35879), PA07-0152 (Master Plot Plan), PA07-0153 (Plot Plan), PA07-0154 (Plot Plan), PA07-0155 (Plot Plan), PA07-0156 (Plot Plan), PA08-0057 (General Plan Amendment) and P08-060 (Specific Plan Amendment). The projects, individually and cumulatively, will not result in a significant effect on the environment;

2. **APPROVE** Resolution No. 2009-44 approving PA08-0057, for the realignment of Krameria Street and amending the Circulation Element of the General Plan based on the findings in the Resolution and maps attached to the Resolution as Exhibits A, B, C, D and E;

3. **INTRODUCE** Ordinance No. 793 approving a Specific Plan Amendment (P08-060) for the realignment of Krameria Street and amending the Circulation Element in the Moreno Valley Industrial Specific Plan (SP 208) based on the findings in the Ordinance;

4. **APPROVE** Resolution No. 2009-45 approving PA07-0151(Tentative Parcel Map 35879), PA07-0152 (Master Plot Plan), PA07-0153 (Plot Plan), PA07-0154 (Plot Plan), PA07-0155 (Plot Plan), and PA07-0156 (Plot Plan), based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

ADVISORY COMMITTEE ACTION

The Planning Commission, at its January 22, 2009 meeting approved Planning Commission Resolution No. 2008-50, recommending by a 6-0 vote that the City Council adopt a Mitigated Negative Declaration and approve PA07-0151(Tentative Parcel Map 35879), PA07-0152 (Master Plot Plan), PA07-0153 (Plot Plan), PA07-0154 (Plot Plan), PA07-0155 (Plot Plan), PA07-0156 (Plot Plan), PA08-0057 (General Plan Amendment) and P08-060 (Specific Plan Amendment).

BACKGROUND

This project includes eight applications — a general plan amendment, specific plan amendment, tentative parcel map, master plot plan and four plot plans — for approximately 66.9 acres at the southeast corner of Iris Avenue and Heacock Street (Assessor's Parcel Numbers 316-020-001,316-020- 006, 316-020-007, 316-020-028, and 316-020-010). The project proposes an industrial complex with four buildings (1,103,003 sq ft, 16,732 sq ft, 87,429 sq ft and 277,243 sq ft for a total of 1,484,407 sq ft). The proposed uses are consistent with the type and intensity of use envisioned under Moreno Valley Industrial Area Specific Plan (SP 208) and the Industrial land use district.

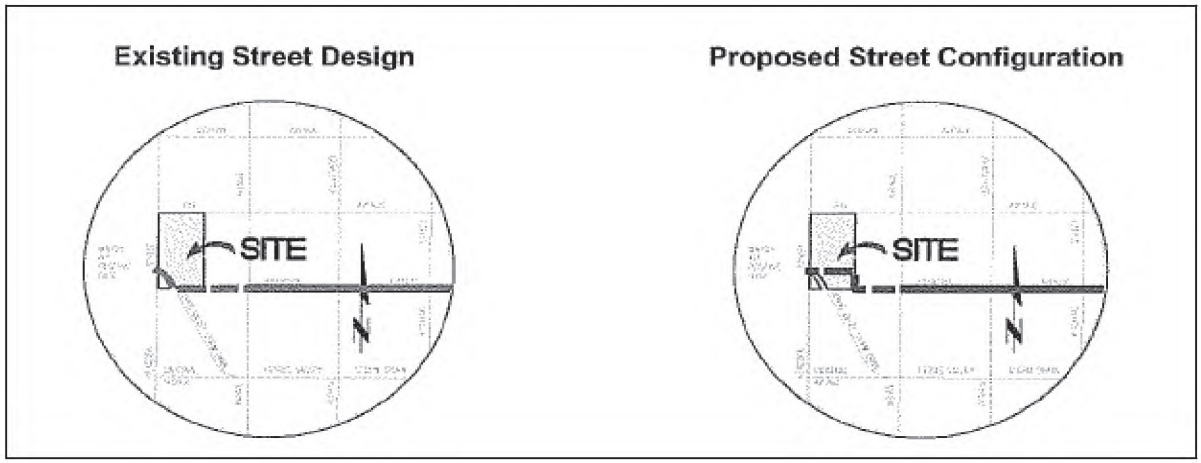
General Plan Amendment

The proposed General Plan Amendment will consist of amending the circulation element in regarding to Krameria Avenue. The proposed changes to Krameria Avenue's design include:

1. Change the proposed physical location of the west end of Krameria Avenue from the east property line of the project site (future "A" Street) to Heacock Street;

2. Change the designation of the above mentioned section of Krameria Avenue from Indian Avenue to Heacock Street from Minor Arterial to Industrial Collector.

Currently, Krameria Avenue is constructed on the east side of Indian Avenue. The City's General Plan Circulation Element shows Krameria Avenue as ultimately being constructed to Heacock Street. The proposed amendment to the circulation element would remove the existing curvilinear design from future "A" Street to Heacock Street and replace it with a straight design (see diagram below).



The proposed realigning of Krameria Avenue will enable project to develop the site more efficiently while creating a functional and safe circulation system. The existing design has the potential of promoting high vehicle speeds from Indian Avenue to Heacock Street. A vehicle driving down the proposed Krameria Street will be required to make a left turn onto future "A" Street, slowing down its speed, thus creating a safer environment. The redesign would also reduce the likelihood of mixing industrial truck traffic with residential commuter traffic.

Kunzman Associates prepared a traffic study (June 17, 2008) for the project. Analyses indicated that enough capacity would be provided with a two lane Industrial Collector between Heacock Street and Indian Street. The study found that with less intensive uses proposed by the project than were evaluated in the City's Traffic Model, as well as diverted trips avoiding the realigned Krameria Avenue, supports downsizing this section of Krameria Avenue from a Minor Arterial to an Industrial Collector.

Specific Plan Amendment

The Specific Plan Amendment also proposes changing the location of Krameria Avenue between Indian Street and Heacock Street as well as downgrading the designation from Minor Arterial to Industrial Collector. The Moreno Valley Industrial Specific Plan (SP 208) document will be revised to include these changes. Proposed deletions are shown as stricken text and additions are underlined.

Text Changes

On Page IV-7, Section d. (Minor Arterials), the Moreno Valley Industrial Specific Plan (SP 208) minor arterials will include the following:

- Nandina Avenue (between Indian Street to ~~Kitching Street~~ Perris Boulevard)
- Indian Street

On Page IV-8, Section e. (Collector Streets), the Moreno Valley Industrial Specific Plan (SP 208) minor arterials will include the following:

Collector streets planned for the construction and improvement within the Project site include:

- Krameria Avenue (between Indian Street to Heacock Street)

On Page V-14, under Minor Arterials (88' ROW):

- Nandina Avenue (between Indian Street to ~~Kitching Street~~ Perris Boulevard)
- Indian Street

On Page V-14, under Industrial Collector (78' ROW)

- Krameria Avenue (between Indian Street to Heacock Street)

Tentative Tract Map

Tentative Parcel Map 35879 will create four parcels from the existing five parcels.

Project Design

This project has been reviewed and the design of the proposed industrial project conforms to all development standards of the SP208I zone as required within the Moreno Valley Municipal Code.

All four buildings being proposed are concrete tilt-ups with the two largest being rectangular in shape. The smaller two buildings have an angled wall along their frontage with the existing Riverside County Flood Control Channel. All the buildings are approximately 36 feet in height and the more decorative architectural features of the building reaching heights between 38 and 45 feet. The buildings have the same architecture and are using neutral earth tone colors with a darker accent color (Burnt red) as the color scheme. The buildings are concrete tilt-ups rectangular in shape with flat roofs, and the proposed windows have a greenish reflective glazing finish. The more decorative architectural features of the building are located at entrances to the offices. The building wall heights vary to make the buildings less monotonous. The project is also providing concrete tilt-up walls along Heacock Street, Iris Avenue,

Krameria Avenue and Proposed "Street A", so that the loading docks are not visible from the public right of way. The proposed screen walls will be 14 feet in height to fully screen trucks and trailers, and will match the architecture of the buildings.

Environmental

An initial study was prepared to support the recommend environmental finding that a mitigated negative declaration is appropriate for this project. Issues of special discussion in the initial study are aesthetics, air quality, biological resources, paleontological resources, noise and traffic. All project impacts are less than significant when considering the project location, the nature of the proposed project, project design features, conditions of approval, and standard City requirements that are governed by established programs and procedures.

Discussion

Detailed analysis of the staff review and advisory body consideration of this request are provided above, and in the attached Planning Commission staff report and Planning Commission minutes.

Subject to approval of the Specific Plan Amendment, the project as designed and conditioned, complies with all applicable City policies and regulations and would be compatible with surrounding land uses.

ALTERNATIVES

1. The City Council could deny one the projects. If denial of a project is chosen, it is recommended that the item be continued in order to complete the necessary resolution and findings for a denial.

2. The City Council could approve the project.

3. The City Council could modify the project as presented.

4. The City Council could refer the project back to the Planning Commission with direction.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

Notice of the City Council public hearing of the public notice, appeared in the *Press Enterprise* newspaper on February 27, 2009, posted on the affected property, and mailed to all surrounding property owners of record within 300 feet of the affected property. As of the date of preparation for the City Council Staff Report, there was no additional public response to the noticing for the City Council public hearing this project.

STAFF RECOMMENDATION

Staff recommends that the City Council:

1. **ADOPT** a Mitigated Negative Declaration for PA07-0151(Tentative Parcel Map 35879), PA07-0152 (Master Plot Plan), PA07-0153 (Plot Plan), PA07-0154 (Plot Plan), PA07-0155 (Plot Plan), PA07-0156 (Plot Plan), PA08-0057 (General Plan Amendment) and P08-060 (Specific Plan Amendment). The projects, individually and cumulatively, will not result in a significant effect on the environment;

2. **APPROVE** Resolution No. 2009-44 approving PA08-0057, for the realignment of Krameria Street and amending the Circulation Element of the General Plan based on the findings in the Resolution and maps attached to the Resolution as Exhibits A, B, C, D and E ;

3. **INTRODUCE** Ordinance No. 793 approving a Specific Plan Amendment (P08-060) for the realignment of Krameria Street and amending the Circulation Element in the Moreno Valley Industrial Specific Plan (SP 208) based on the findings in the Ordinance and maps attached to the Ordinance as Exhibits A, B, C and D;

4. **APPROVE** Resolution No. 2009-45 approving PA07-0151(Tentative Parcel Map 35879), PA07-0152 (Master Plot Plan), PA07-0153 (Plot Plan), PA07-0154 (Plot Plan), PA07-0155 (Plot Plan), and PA07-0156 (Plot Plan), based on the findings in the Resolution, and the conditions of approval as attached to the Resolution as Exhibits A & B.

ATTACHMENTS

1. Public Hearing Notice
2. Proposed Resolution for General Plan Amendment (PA08-0057); including Exhibits A, B, C, D and E.
3. Proposed Ordinance for Specific Plan Amendment (P08-060); including Exhibits A, B, C and D.

4. Proposed Resolution for PA07-0151(Tentative Parcel Map 35879), PA07-0152 (Master Plot Plan), PA07-0153 (Plot Plan), PA07-0154 (Plot Plan), PA07-0155 (Plot Plan), PA07-0156 (Plot Plan); including Exhibit A and Exhibit B.
5. Planning Commission Staff Report dated December 4, 2008 (excluding exhibits)
6. Planning Commission Minutes for January 22, 2009
7. Negative Declaration/Initial Study
8. Reduced Site Plan
9. Reduced Copy of Tentative Tract Map 35879 (PA07-0151)
10. Reduced Elevations – Building 1 (Four Sheets)
11. Reduced Elevations – Building 2
12. Reduced Elevations – Building 3
13. Reduced Elevations – Building 4 (Two Sheets)
14. Aerial Photograph

Prepared By:
Claudia Manrique
Associate Planner

Department Head Approval:
Kyle Kollar
Community Development Director

Concurred By:
John C. Terell, AICP
Planning Official

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

This page intentionally left blank.

Notice of PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s):

CASE(S): PA07-0151(Tentative Parcel Map 35879), PA07-0152 (Master Plot Plan), PA07-0153, PA07-0154, PA07-0155 and PA07-0156 (Plot Plans), PA08-0057 (General Plan Amendment) and P08-060 (Specific Plan Amendment)

APPLICANT: Western RealCo

OWNER: Western RealCo

REPRESENTATIVE: Hogle-Ireland, Inc. (Mr. Chris Stamps)

LOCATION: Southeast corner of Iris Avenue and Heacock Street

PROPOSAL: The proposed project is for an industrial complex with four buildings (1,484,407 total sq ft) on 66.9 net acres. The Tentative Parcel Map 35879 will create four parcels. The General Plan and Specific Plan Amendments are required for the realignment of Krameria Street and will amend the Circulation Element of the General Plan and in the Moreno Valley Industrial Specific Plan (SP 208).

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

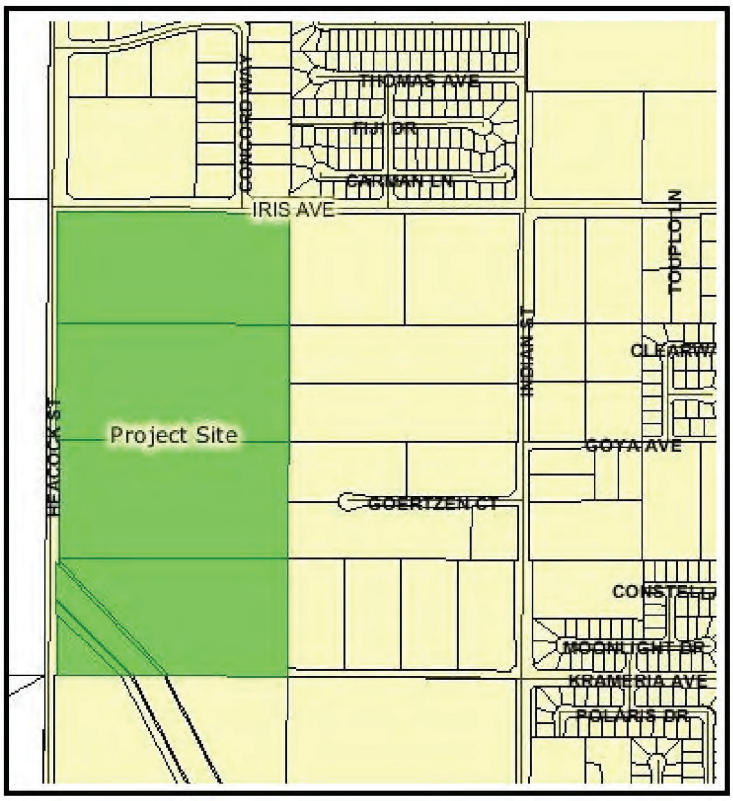
COUNCIL DISTRICT: 4

STAFF RECOMMENDATION: Approval

Any person interested in any listed proposal can contact the Community 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; 8 a.m. to 5 p.m. on Friday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal. If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.



LOCATION N ↑

CITY COUNCIL HEARING

City Council Chamber, City Hall
14177 Frederick Street
Moreno Valley, CA 92553

DATE AND TIME: May 26, 2009 at 6:30 PM

CONTACT PLANNER: Claudia Manrique

PHONE: 951.413.3225

ATTACHMENT 1

This page intentionally left blank.

RESOLUTION NO. 2009-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING AN AMENDMENT TO THE GENERAL PLAN CIRCULATION ELEMENT (PA08-0057) TO REALIGN KRAMERIA AVENUE BETWEEN IRIS AVENUE AND HEACOCK STREET AND DOWNGRADE KRAMERIA AVENUE FROM A MINOR ARTERIAL TO A INDUSTRIAL COLLECTOR, AS DESCRIBED IN THE RESOLUTION, AND THE REVISED GENERAL PLAN MAPS ATTACHED TO THE RESOLUTION AS EXHIBITS A, B, C, D AND E.

WHEREAS, the applicant, Western RealCo, has filed an application for approval of PA08-0057, requesting amendments to the General Plan Circulation Element. The requested amendment is for the realignment of Krameria Street between Iris Avenue and Heacock Street and downgrades Krameria from a Minor Arterial to an Industrial Collector. This General Plan Amendment is being processed concurrently with a Specific Plan Amendment (P08-060), Tentative Parcel Map 35879 (PA07-0151), Master Plot Plan (PA07-0152) and four plot plans (PA07-0153, 0154, 0155 and 0156) for the proposed development of a 66.9 acre industrial complex. The project site is located southeast of Iris Avenue and Heacock Street.

WHEREAS, there is hereby imposed on the associated development projects certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that the associated development projects are subject to certain fees, dedications, reservations and other exactions as provided herein;

WHEREAS, an environmental assessment, including an Environmental Initial Study, has been prepared to address the environmental impacts associated with application PA08-0057 as described above and a Mitigated Negative Declaration has been adopted pursuant to the California Environmental Quality Act (CEQA), as there is no evidence that the proposed General Plan Amendment, and related development applications, 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, on January 22, 2009, the Planning Commission of the City of Moreno Valley held a meeting to consider a General Plan Amendment (PA08-0057). At said meeting, the Planning Commission recommended approval of General Plan Amendment PA08-0057 to the City Council, and;

ATTACHMENT 2

WHEREAS, on May 26, 2009, the City Council of the City of Moreno Valley held a public hearing to consider the consider the subject General Plan Amendment;

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 FINDS AS FOLLOWS WITH RESPECT TO PA08-0057:

Based upon substantial evidence presented during the above-referenced public hearing, including written and oral staff reports, and the record from the public hearing, the City Council hereby finds that:

1. Conformance with General Plan Policies – The proposed general plan amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: This General Plan Amendment (GPA) would revise the designation and design of Krameria Avenue as follows:

   - The existing design of Krameria Avenue from future "A" Street to Heacock Street would be modified;
   - The segment of Krameria Avenue from Indian Avenue to Heacock Street would be changed from Minor Arterial to Industrial Collector designation.

   The City of Moreno Valley General Plan Circulation Element and Moreno Valley Industrial Area Specific Plan (Specific Plan 208) shows Krameria Avenue as ultimately being constructed to Heacock Street. The proposed GPA would remove the existing curvilinear design of the street which would extend along the Perris Valley Channel from future "A" Street to Heacock Street and replaces it with a left turn from future "A" Street.

   The proposed realigning of Krameria Avenue will enable project to develop the site more efficiently while creating a functional and safe circulation system. The existing design has the potential of promoting high vehicle speeds from Indian Avenue to Heacock Street. A vehicle driving down the proposed Krameria Street will be required to make a left turn onto future "A" Street, slowing down its speed, thus creating a safer environment. The redesign would also reduce the likelihood of mixing industrial truck traffic with residential commuter traffic.

Since the proposed General Plan Amendment meets the current General Plan's goals of a circulation system that fosters traffic safety and the efficient movement of vehicles, the project would not conflict with the goals, objectives, policies or programs of the General Plan.

2. Health, Safety and Welfare – The proposed general plan amendment will not be detrimental to the public health, safety or welfare.

   FACT: The proposed General Plan Amendment will not adversely affect the public health, safety or general welfare. An initial study of the potential environmental impacts of the amendment has been conducted in accordance with the provisions of the California Environmental Quality Act (CEQA). A Mitigated Negative Declaration has been considered and prepared, as there is no evidence that the proposed land use change will have a significant affect on public health or be materially injurious to surrounding properties or the environment as a whole.

3. Redevelopment Plan – The proposed general plan amendment conforms to applicable provisions of the City's redevelopment plan.

   FACT: This project is not located within the boundaries of the City of Moreno Valley Redevelopment Project Area, so conformance with applicable provisions of the redevelopment plan is not a requirement.

BE IT FURTHER RESOLVED that the City Council of the City of Moreno Valley HEREBY APPROVES Resolution No. 2009-_____ approving PA08-0057, thereby establishing General Plan Land Use and Circulation Element designations as described in the Resolution, and the revised General Plan maps attached to the Resolution as Exhibits A and B.

APPROVED AND ADOPTED this _____ day of _____ 2009.

_____
Mayor

Resolution No. 2009-44
Date Adopted:

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Resolution No. 2009-44
Date Adopted:

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

This page intentionally left blank.

ORDINANCE NO. 793

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING P08-060 (SPECIFIC PLAN AMENDMENT) TO REALIGN KRAMERIA AVENUE BETWEEN IRIS AVENUE AND HEACOCK STREET AND DOWNGRADE KRAMERIA AVENUE FROM A MINOR ARTERIAL TO A INDUSTRIAL COLLECTOR IN THE MORENO VALLEY INDUSTRIAL SPECIFIC PLAN (SP 208) AS DESCRIBED IN THE RESOLUTION, AND THE REVISED SPECIFIC PLAN MAPS ATTACHED TO THE RESOLUTION AS EXHIBITS A, B, C AND D.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1:

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3. An Initial Study has been completed for P08-060 (Specific Plan Amendment). Based upon the Initial Study, a determination has been made that this project will not result in the potential for significant impacts to the environment. Therefore, the adoption of a Mitigated Negative Declaration is appropriate.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to the City Council during the public hearing on May 26, 2009, including written and oral staff reports, and the record from the public hearing, the City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: This Specific Plan Amendment (SPA) would revise the designation and design of Krameria Avenue as follows:

   - The existing design of Krameria Avenue from future "A" Street to Heacock Street would be modified;

- The segment of Krameria Avenue from Indian Avenue to Heacock Street would be changed from Minor Arterial to Industrial Collector designation.

The City of Moreno Valley General Plan Circulation Element and Moreno Valley Industrial Area Specific Plan (Specific Plan 208) shows Krameria Avenue as ultimately being constructed to Heacock Street. The proposed GPA would remove the existing curvilinear design of the street which would extend along the Perris Valley Channel from future "A" Street to Heacock Street and replaces it with a left turn from future "A" Street.

The proposed realigning of Krameria Avenue will enable project to develop the site more efficiently while creating a functional and safe circulation system. The existing design has the potential of promoting high vehicle speeds from Indian Avenue to Heacock Street. A vehicle driving down the proposed Krameria Street will be required to make a left turn onto future "A" Street, slowing down its speed, thus creating a safer environment. The redesign would also reduce the likelihood of mixing industrial truck traffic with residential commuter traffic.

Since the proposed Specific Plan Amendment meets the current General Plan's goals of a circulation system that fosters traffic safety and the efficient movement of vehicles, the project would not conflict with the goals, objectives, policies or programs of the General Plan.

2. Conformance with Specific Plan Policies – The proposed use is consistent with any applicable Specific Plan.

FACT: This Specific Plan Amendment (SPA) would revise the designation and design of Krameria Avenue as follows:

- The existing design of Krameria Avenue from future "A" Street to Heacock Street would be modified;
- The segment of Krameria Avenue from Indian Avenue to Heacock Street would be changed from Minor Arterial to Industrial Collector designation.

The City of Moreno Valley General Plan Circulation Element and Moreno Valley Industrial Area Specific Plan (Specific Plan 208) shows Krameria Avenue as ultimately being constructed to Heacock Street. The proposed GPA would remove the existing curvilinear design of the street which would extend along the Perris Valley Channel from future "A" Street to Heacock Street and replaces it with a left turn from future "A" Street.

The proposed realigning of Krameria Avenue will enable project to develop the site more efficiently while creating a functional and safe circulation system. The existing design has the potential of promoting high vehicle speeds from Indian Avenue to Heacock Street. A vehicle driving down the proposed Krameria Street will be required to make a left turn onto future "A" Street, slowing down its speed, thus creating a safer environment. The redesign would also reduce the likelihood of mixing industrial truck traffic with residential commuter traffic.

Since the proposed Specific Plan Amendment meets the current General Plan's goals of a circulation system that fosters traffic safety and the efficient movement of vehicles, the project would not conflict with the goals, objectives, policies or programs of the General Plan.

3. Health, Safety and Welfare – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: The proposed Specific Plan Amendment will not adversely affect the public health, safety or general welfare. An initial study of the potential environmental impacts of the amendment has been conducted in accordance with the provisions of the California Environmental Quality Act (CEQA). A Mitigated Negative Declaration has been considered and prepared, and there is no evidence that the proposed Specific Plan Amendment will have a significant effect on public health or be materially injurious to surrounding properties or the environment as a whole.

4. Conformance with Title 9 – The proposed amendment to change the zoning atlas is consistent with the purposes and intent of Title 9.

FACT: The applicant has met requirements of the City's Municipal Code and other regulations applicable to a Specific Plan Amendment. With the proposed Specific Plan Amendment, the proposal is to would remove the existing curvilinear design of the street which would extend along the Perris Valley Channel from future "A" Street to Heacock Street and replaces it with a left turn from future "A" Street in the Moreno Valley Industrial Specific Plan (SP 208). As proposed, the Specific Plan Amendment is consistent with the purposes and intent of Title 9.

SECTION 3 : SPECIFIC PLAN AMENDED

3.1 On Page IV-7, Section d. (Minor Arterials), the Moreno Valley Industrial Specific Plan (SP 208) minor arterials will include the following:

- Nandina Avenue (between Indian Street to Perris Boulevard)

- Indian Street

3.2 On Page IV-8, Section e. (Collector Streets), the Moreno Valley Industrial Specific Plan (SP 208) minor arterials will include the following:

Collector streets planned for the construction and improvement within the Project site include:

- Krameria Avenue (between Indian Street to Heacock Street)

3.3 On Page V-14, under Minor Arterials (88' ROW):

- Nandina Avenue (between Indian Street to Kitching Street Perris Boulevard)
- Indian Street

3.4 On Page V-14, under Industrial Collector (78' ROW)

- Krameria Avenue (between Indian Street to Heacock Street)

SECTION 4: EFFECT OF ENACTMENT

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this ____ day of ____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]

RESOLUTION NO. 2009-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PLOT PLAN APPLICATIONS PA07-0152, PA07-0153, PA07-0154, PA07-0155 AND PA07-0156 AND TENTATIVE PARCEL MAP 35879 (PA07-0151). THE PROJECT IS LOCATED AT THE SOUTHEAST CORNER OF IRIS AVENUE AND HEACOCK STREET.

Section 1:

WHEREAS, the applicant, Western RealCo, has filed an application for approval of Master Plot Plan (PA07-0152) and four plot plans (PA07-0153, 0154, 0155 and 0156) for the proposed development of a 66.9 acre industrial complex. The project site is located southeast of Iris Avenue and Heacock Street. A General Plan Amendment (PA08-0057) is being processed concurrently along with a Specific Plan Amendment (P08-060) and Tentative Parcel Map 35879 (PA07-0151).

WHEREAS, there is hereby imposed on the associated development projects certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that the associated development projects are subject to certain fees, dedications, reservations and other exactions as provided herein;

WHEREAS, an environmental assessment, including an Environmental Initial Study, has been prepared to address the environmental impacts associated with application PA08-0057 as described above and a Mitigated Negative Declaration has been adopted pursuant to the California Environmental Quality Act (CEQA), as there is no evidence that the proposed General Plan Amendment, and related development applications, 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, on January 22, 2009, the Planning Commission of the City of Moreno Valley held a meeting to consider an industrial complex project including applications PA07-0151(Tentative Parcel Map 35879), PA07-0152 (Master Plot Plan), PA07-0153, PA07-0154, PA07-0155 and PA07-0156 (Plot Plans). At said meeting, the Planning Commission recommended approval of PA07-0151, PA07-0152, PA07-0153, PA07-0154, PA07-0155 and PA07-0156 to the City Council, and;

WHEREAS, on May 26, 2009, the City Council of the City of Moreno Valley held a public hearing to consider the consider the subject General Plan Amendment;

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 FINDS AS FOLLOWS WITH RESPECT TO PA07-0152, PA07-0153, PA07-0154, PA07-0155 and PA07-0156:

Based upon substantial evidence presented during the above-referenced public hearing, including written and oral staff reports, and the record from the public hearing, the City Council hereby finds that:

1. **Conformance with General Plan Policies** – The proposed general plan amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The Plot Plans would propose an industrial building complex on approximately 66.9 acres. PA07-0152, PA07-0153, PA07-0154, PA07-0155 and PA07-0156 proposes a four building (1,103,003 sq ft, 16,732 sq ft, 87,429 sq ft and 277,243 sq ft for a total of 1,484,407 sq ft) industrial complex. Both a General Plan and specific plan amendment application are being processed to be consistent with the proposed site plan (the realignment of Krameria Avenue between Heacock Street and Indian Street). If approved, the proposed use would be consistent with the goals, objectives, policies and programs of the General Plan.

2. **Conformance with the Zoning Regulations** – The proposed specific plan amendment is consistent with the purposes and intent of Title 9 of the City of Moreno Valley Municipal Code.

   FACT: The proposed project site is located in an "I" (Industrial) land use district within the Moreno Valley Industrial Plan (SP 208). The design of the proposed industrial building complex is in conformance with the "I" (Industrial) zone design standards of the City.

3. **Health, Safety and Welfare** – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: The proposed Plot Plan will not be detrimental to the public health, safety or welfare. Initial environmental study was conducted in accordance with the provisions of the California Environmental Quality Act (CEQA). There is no evidence that the proposed

changes will have a significant affect on public health, safety or the environment.

4. **Location, Design and Operation** – The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

   FACT: As designed and conditioned, the project will be constructed and operated to be compatible with surrounding uses.

   The proposed project is consistent with the purposes and intent of Title 9 of the Moreno Valley Municipal Code as well as the Moreno Valley Industrial Specific Plan (SP 208).

Section 2:

WHEREAS, the applicant, Western RealCo, has filed an application for approval of Tentative Parcel Map 35879 (PA07-0151). The project site is located southeast of Iris Avenue and Heacock Street. A General Plan Amendment (PA08-0057) is being processed concurrently along with a Specific Plan Amendment (P08-060) and Master Plot Plan (PA07-0152) and four plot plans (PA07-0153, 0154, 0155 and 0156).

WHEREAS, there is hereby imposed on the associated development projects certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that the associated development projects are subject to certain fees, dedications, reservations and other exactions as provided herein;

WHEREAS, an environmental assessment, including an Environmental Initial Study, has been prepared to address the environmental impacts associated with application PA08-0057 as described above and a Mitigated Negative Declaration has been adopted pursuant to the California Environmental Quality Act (CEQA), as there is no evidence that the proposed General Plan Amendment, and related development applications, 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, on January 22, 2009, the Planning Commission of the City of Moreno Valley held a meeting to consider an industrial complex project including applications PA07-0151(Tentative Parcel Map 35879), PA07-0152 (Master Plot Plan), PA07-0153, PA07-0154, PA07-0155 and PA07-0156 (Plot Plans). At said meeting, the Planning Commission recommended approval of PA07-0151, PA07-0152, PA07-0153, PA07-0154, PA07-0155 and PA07-0156 to the City Council, and;

WHEREAS, on May 26, 2009, the City Council of the City of Moreno Valley held a public hearing to consider the consider the subject General Plan Amendment;

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 FINDS AS FOLLOWS WITH RESPECT TO PA07-0151:

Based upon substantial evidence presented during the above-referenced public hearing, including written and oral staff reports, and the record from the public hearing, the City Council hereby finds that:

1. That the proposed land division is consistent with applicable general and specific plans;

   FACT: Tentative Parcel Map 35879 will create four parcels, one for each building from the existing five parcels (Assessor's Parcel Number(s) 316-020-001, 006, 007, 028, 010). The proposed project is consistent with the General Plan designation. The project is located within the Moreno Valley Industrial Specific Plan (SP 208) and is zoned Industrial (I). The project, as designed, is consistent with "I" zoning requirements.

2. That the site of the proposed land division is physically suitable for the type of development;

   FACT: Tentative Parcel Map 35879 will create four parcels, one for each building from the existing five parcels (Assessor's Parcel Number(s) 316-020-001, 006, 007, 028, 010). The proposed project is consistent with the General Plan designation. The project is located within the Moreno Valley Industrial Specific Plan (SP 208) and is zoned Industrial (I). The project, as designed, is consistent with "I" zoning requirements.

3. That the design of the proposed land division or the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat;

   FACT: Staff has evaluated the design and potential environmental impacts of the proposed project, and prepared an environmental initial study. As conditioned, mitigated and designed, the proposed tentative parcel map would not cause significant environmental impacts. The proposed tentative parcel map will not adversely

affect the public health, safety or general welfare. Therefore, a Mitigated Negative Declaration has been prepared for this project.

4. That the design of the proposed land division or the type of improvements are unlikely to cause serious public health problems;

   FACT: As conditioned, the proposed land division would not cause serious public health problems. There are no known hazardous conditions associated with the property, the design of the land division or the type of improvements.

5. That the design of the land division or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision;

   FACT: There are no conflicts with easements on the subject site. The City Engineer has appropriately placed conditions of approval for Tentative Parcel Map No. 35879 regarding various project improvements.

6. That the design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision; and

   FACT: The size, configuration and orientation of the parcels in this land division allow solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

7. That the effect of the proposed land division on the housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

   FACT: Subject to approval of a General Plan and Specific Plan Amendment, the project does not exceed the planned density, the associated public service demand, or the demand for environmental resources envisioned by the Moreno Valley General Plan. The project will supplement the City's fiscal resources by paying impact fees for public facilities. Additionally, future businesses will pay Community Services District fees, property tax, sales tax and other taxes and fees that will be used to provide landscape maintenance as well as police, fire and other public services.

BE IT FURTHER RESOLVED that the City Council of the City of Moreno Valley HEREBY APPROVES Resolution No. 2009-_____ approving PA07-0151, PA07-0152, PA07-0153, PA07-0154, PA07-0155 and PA07-0156; subject to the attached conditions of approval included as Exhibits A and B.

APPROVED AND ADOPTED this _____ day of _____ 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Resolution No. 2009-45
Date Adopted:

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE:** **Any attachments or exhibits to this resolution should follow this jurat.**]

This page intentionally left blank.

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
FOR
MASTER PLOT PLAN
Case No. PA07-0152
AND PLOT PLANS
Case No. (s) PA07-0153, PA07-0154, PA07-0155 and PA07-0156
A.P.N.(s): 316-020-001, 006, 007, 028, 010

Approval Date: **January 22, 2009**
Expiration Date: **January 22, 2012**

_X__ Planning (P), including School District (S), Post Office (PO), Building (B)
_X__ Fire Prevention Bureau (F)
_X__ Public Works, Land Development (LD)
_X__ Public Works, Moreno Valley Utilities (MVU)
_X__ Public Works, Special Districts (SD)
_X__ Public Works, Transportation (TE)
_X__ Police (PD)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

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)

EXHIBIT A

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	

P2. This project is located within the Moreno Valley Industrial Area Plan (Specific Plan 208). The provisions of the specific plan, the design manual, their subsequent amendments, and the Conditions of Approval shall prevail unless modified herein. (MC 9.13)

P3. The site shall be developed in accordance with the approved plans on file in the Community 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 City Planning Official. (MC 9.14.020)

P4. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)

P5. A drought tolerant, low water using landscape palette shall be utilized throughout the project to the extent feasible.

P6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)

P7. Any signs indicated on the submitted plans are not included with this approval. Any signs 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 Community Development Department - Planning Division. (MC 9.12.020)

P8. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

P9. The proposed industrial development will meet the required minimum parking standards for office, manufacturing, and warehouse and distribution uses. The parking standards are as follows: Office requires a minimum 1 parking space for 250 square feet of gross floor area, Manufacturing requires a minimum 1 parking space for 500 square feet of gross floor area, and Warehouse and Distribution requires a minimum 1 parking space for 1,000 square feet of gross floor area for the first 20,000 square feet: 1 parking space for 2,000 square feet of gross floor area for the second 20,000 square feet; 1 parking space for 4,000 square feet of gross floor area for areas in excess of the initial 40,000 square feet. Parking stalls for trailers shall be fifty feet (50') by fourteen feet (14'). Building 1 as proposed requires 10 parking spaces for office space and 390 for warehouse use for Building 1. Building 1 will provide

418 parking spaces and 166 truck bays. Building 2 as proposed requires 10 parking spaces for office space and 32 for warehouse use. Building 2 is providing 42 parking spaces and 2 truck bays. Building 3 as proposed requires 8 parking spaces for office space and 67 for warehouse use. Building 3 is providing 86 parking spaces and 21 truck bays. Building 4 as proposed requires 6 parking spaces for office space and 125 for warehouse use. Building 4 is providing 132 parking spaces and 39 truck bays.

P10. (GP) Prior to issuance of precise grading permits, the developer shall submit wall/fence/security gate system plans shall be submitted to the Community Development Department - Planning Division for review and approval.

P11. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed wall/fence/security gate system shall be constructed according to the approved plans on file in the Community Development Department – Planning Division.

P12. A focused Burrowing Owl preconstruction survey needs to be conducted within 30 days prior to the initiation of any ground disturbances. If a Burrowing Owl is found present on the project site, the protocol of the Multi Species Habitat Conservation Program shall be followed.

P13. The perimeter of the parking lot shall have a planter with a minimum width of five feet, interior dimension, exclusive of footings, curbs and step-outs.

Prior to Issuance of Grading Permits

P14. (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 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.

P15. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

P16. (GP) Prior to approval of any grading permits, plans for any security gate system shall be submitted to the Community Development Department - Planning Division for review and approval.

P17. (GP) Prior to the issuance of any grading permits and prior to any physical disturbance of any natural drainage course, for any area determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division. (CEQA, State and Federal codes)

P18. (GP) Prior to the issuance of building permits, the site plan shall show enhanced paving for all driveways for ingress/egress locations of the project.

P19. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:

A. Proposed screening walls for truck loading areas and required loading docks shall also include decorative walls with pilasters with a height up to fourteen (14) feet to fully screen trucks (industrial and some situations with commercial uses).

PRIOR TO BUILDING PERMITS

P20. (BP) Prior to issuance of building permits, the Community Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG)

P21. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community

Development Department - Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG)

P22. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, **shall be submitted to the Community Development Department - Planning Division for review and approval**. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)

P23. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

P24. (BP) Prior to issuance of building permits, final landscaping and irrigation plans shall be submitted to the Community Development Department - Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along public right-of-way.
B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)

C. All diamond planters shall be included at an interval of one per 3 parking stalls.
D. Drought tolerant landscape shall be provided. Sod shall be limited to

public gathering areas only and not be included along the perimeter of the project site.

E. Trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.

F. Enhanced landscaping shall be included at all driveway and corner locations (i.e. Iris Avenue and Heacock Street and Heacock Avenue and Krameria Street).

G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)

I. Landscaping on three sides of trash enclosure shall be provided.

P25. Prior to the issuance of building permits, landscape and irrigation plans for areas maintained by the Property's Association or other private entity shall be submitted to the Community Development Department – Planning Division. All landscape plans shall be approved prior to the release of any building permits for the site. The plans shall be prepared in accordance with the City's Landscape Development Guidelines. Landscaping is required for the sides and or slopes of all water quality basin and drainage areas, while a hydroseed mix w/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 or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins.

P26. (BP) Prior to the issuance of building permits, the master site plan shall include landscape for trash enclosures to include landscape on three sides, while elevation plans for trash enclosures shall be provided that include decorative enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of the proposed commercial buildings on the site, subject to the approval of the Community Development.

P27. (BP) Prior to the issuance of building permits, the elevation plans shall be revised to include more use of the accent color (color and materials board has listed as "Burnt Red") on all four buildings, especially focusing on elevations that have street frontage.

P28. (BP) Prior to the issuance of building permits, the plot plan shall include

decorative paving for all driveway ingress/egress locations for the project.

PRIOR TO CERTIFICATE OF OCCUPANCY

P29. (CO) Prior to issuance of Certificates of Occupancy or building final, the required landscaping and irrigation shall be installed. (DC 9.03.040)

P30. (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 Community Development Department – Planning Division. (MC 9.080.070).

P31. (BP/CO) Prior to issuance of Certificate of Occupancy or building final, installed landscaping and irrigation shall be reviewed by the Community Development Department - Planning Division. The landscaping shall be installed in accordance with the City's Landscape Standards and the approved landscape plans, and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along public right-of-way.
B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16' in diameter, and include additional 12" concrete step-outs and curbing.
C. All diamond planters shall be included at an interval of one per 3 parking stalls.
D. Drought tolerant landscape shall be provided. Limit the use of sod on the entire site.
E. Trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.
F. Enhanced landscaping shall be included at all driveway and corner locations.
G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan). (Ldscp)
H. Landscaping for detention basins maintained by Applicant.
I. Site clean-up shall be completed.

P32. (BP) Prior to the issuance of a building permit, show that all downspouts are

integrated into the architecture of the building or provide interior downspouts.

P33. Use low emission mobile construction equipment and utilize existing power sources whenever feasible.

P34. Maintain construction equipment engines by keeping them tuned.

P35. Use low sulfur fuel for stationary construction equipment (required by SCAQMD Rules 431.1 and 431.2).

P36. Configure construction parking to minimize traffic interference.

P37. The Traffic Control Plan required by Transportation Engineering shall include the following:

a. Develop a traffic plan to minimize traffic flow interference from construction activities and minimize obstruction of through traffic lanes to the extent feasible.

b. Schedule construction operations affecting traffic for off-peak hours.

P38. Improve thermal integrity of the buildings and reduce thermal load with the use ofautomated time clocks or occupant sensors.

P39. Install energy efficient street lighting subject to review and approval by City.

P40. If applicable, waste heat will be captured and reemployed in nonresidential buildings.

P41. Landscape shall include native drought resistant species to reduce water consumption and provide solar benefits.

P42. Provide lighter color roofing and road materials to deflect heat and if feasible, tree planting programs, to comply with AQMP Miscellaneous Sources MSC-01 measure.

P43. Construct and build with materials that do not require painting where feasible.

P44. Use pre-painted construction materials where possible.

P45. Based on the City's Grading Ordinance and requirements of SCAQMD, the following shall be administered by the Public Work's Department:

a. Water active construction sites a minimum of three times a day.
b. Pave or provide soil stabilizers according to manufactures' specifications for parking areas and construction roads.
c. Suspend all excavating and grading operations when wind speeds exceed instantaneous gusts exceeding 25 mph.
d. Replace ground cover in disturbed areas inactive for 15 days or more.
e. Trucks hauling dirt, sand, gravel or soil shall be covered or should maintain at least two feet of freeboard in accordance with Section 23114 of the California Vehicle Code, while truck drivers shall be informed of this requirement prior to entering the site.

P46. The applicant shall appoint a construction relation officer, or the contractor's project superintendent shall be available during regular working hours to address and resolve community issues concerning on-site construction activity related to PM 10 generation.

P47. Restrict idling emissions by using auxiliary power units/electrification and prohibit idling in excess of 5 minutes.

P48. Provide temporary traffic controls such as a flag person during all phases of construction as reasonably necessary to maintain traffic flow.

P49. Maintain equipment and vehicle engines in good condition and in proper tune as per manufacturers' specifications.

P50. Encourage the use of alternative clean fuel such as compressed natural gas-powered equipment with oxidation catalysis instead of diesel powered engines, or if diesel equipment has to be used, encourage use of particulate filters, oxidation catalysts and low sulfur diesel as defined in AQMD Rule 431.2, i.e., with less than 15 ppm sulfur content.

P51. Electrify auxiliary power units.

P52. Use low-sulfur diesel fuel with particulate traps whenever feasible.

P53. Use alternative-fueled yard tractors or other off-road equipment whenever feasible.

P54. Conduct air quality monitoring at sensitive receptors if required by SCAQMD.

P55. Redirect truck traffic to avoid residential areas or schools.

P56. Provide electrical sources for service equipment and docking of trucks.

P57. Install solar panels on building roof to supply electricity for office use.

P58. Use double paned windows to reduce thermal loss, and/or provide high performance glass and window coverings at office areas to reduce HVAC loads.

P59. Install central water heating systems and energy efficient appliances to reduce energy consumption.

P60. Flyers and pamphlets shall be provided to truck drivers stipulating the health effects of diesel particulate and importance of being a good neighbor.

P61. Establish overnight parking within the center where trucks associated with the project tenants can rest be parked overnight.

P62. All truck parking restrictions shall be enforced by the owner.

P63. Mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. The applicant shall submit the mitigation-monitoring fee, as provided by City Ordinance, to the Planning Division. No City permit or approval shall be issued until such fee is paid. (CEQA)

P64. The project site is located within Area II of the March ARB Influence Area. Uses involving the following characteristics shall be prohibited:

- **Lighting that would direct a steady light toward aircraft.**
- **Lighting that would direct flashing light of colors associated with airport operations (red, green, white, or amber) toward aircraft.**
- **Any use which would cause sunlight to be reflected toward aircraft.**
- **Generate smoke or water vapor, attract large concentrations of birds, or otherwise affect safe air navigation.**
- **Generate electrical interference that may be detrimental to operation of aircraft or aircraft instrumentation.**

P65. Project Applicant shall provide construction site electrical hook ups for electric hand tools such as saws, drills, and compressors, to eliminate the need for diesel powered electric generators or provide evidence that electrical hook ups at construction sites are not practical or prohibitively expensive.

P66. If construction is to commence during the raptor breeding season (January 15–July 30), a preconstruction survey for nesting raptors will be required three days prior to ground disturbance. No construction activities may occur within 500 feet of an active raptor nest unless the activity has been authorized by a qualified biologist as having no potential to interfere with nesting activity or until the biologist determines that the nest is no longer active.

P67. A pre-construction burrowing owl survey will be conducted within the development footprint and a 500-foot buffer within 30 days of grading or other significant site disturbance.

Building and Safety Division

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING.

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.

B3. All projects that will be serviced by a private sewage disposal system shall obtain approval from the Riverside County Environmental Health Department prior to submitting plans to the Building Department.

B4. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Case No: PA07-0152 (Master PP), PA07-0153 (PP for an industrial building), PA07-0154 (PP for an industrial building), PA07-0155 (PP for an industrial building), and PA07-0156 (PP for an industrial building)
APN: 316-020-001, -006, -007, -010, and -028

PUBLIC WORKS DEPARTMENT

Special Districts Division

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA07-0152 through PA07-0156**; these projects shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD-2 Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD-3 The developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD-4 Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Building Permit Issuance

SD-5 (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 70 days prior to their issuance. (California Government Code)

SD-6 (BP) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the **Iris Avenue and Heacock Street** median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District **Zone M** (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
b. Establish an endowment to cover the future maintenance costs of the landscaped area.

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.

SD-7 **Commercial** (BP) 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 monitoring of on site facilities and performing annual inspections of the affected areas to

ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts 70 days prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance. (California Government Code)

SD-8 (BP) Prior to release of building permit, the developer, or the developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

**For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

SD-9 (BP) Final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD-10 (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD-11 (CO) All parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of the Certificate of Occupancy/Building Final for the **1st building** for this project.

Moreno Valley Utilities

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project(s) PA07-0151 through PA07-0156; this project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3512. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions. Listed after each individual condition is a contact name of who can be reached for specific questions.

PRIOR TO RECORDATION OF FINAL MAP

MVU-1 (R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

PRIOR TO ISSUANCE OF BUILDING PERMIT

MVU-2 (BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts,

wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property. The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU-3 This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

CITY OF MORENO VALLEY

CONDITIONS OF APPROVAL

PA07-0151/0152/0153/0154/0155/0156

Proposal for four industrial buildings totaling approximately 1.5 million square feet located on the southeast corner of Heacock Street and Iris Avenue.

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

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. Conditions of approval may be modified if project is phased or altered from any approved plans.

TE2. Cul-de-sacs shall be designed and constructed per City Standard Plan No. 123 and/or 124.

TE3. During construction activity, developer is responsible for regularly scheduled street sweeping per approved street sweeping schedule. Failure to provide regularly scheduled street sweeping during construction activity at the approved times shall result in re-inspection fees (amounts to be determined by City Engineer) and/or project suspension until street sweeping is provided.

TE4. Iris Avenue is classified as an Arterial (100'RW/76'CC) per City Standard Plan No. 104A. Design/construction shall include the following:

- **A Class III Bikeway shall be provided along Iris Avenue.**
- **Traffic Signal Interconnect shall be installed along Iris Avenue per City Standard Plan No. 421.**
- **A raised median shall be constructed from Heacock Street to approximately 50 feet east of the westernmost driveway.**

TE5. Heacock Street is classified as an Arterial (100' RW/76' CC) per City Standard Plan No. 104A, modified as necessary due to MARB perimeter. Design/construction shall include the following:

- **A Class III Bikeway shall be provided along Heacock Street.**
- **Traffic Signal Interconnect shall be installed along Heacock Street per City Standard Plan No. 421.**
- **A raised landscape median shall be constructed on the south leg of the Heacock Street/Iris Avenue intersection (approximately 50 to 100 feet in length).**
- **A northbound right turn lane at the Heacock Street/Iris Avenue intersection.**
- **Metal Beam Guardrail shall be installed as required by the City Engineer.**

TE6. Krameria Avenue is reclassified as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. 106.

TE7. "A" Street is designated as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. 106.

PRIOR TO GRADING PERMIT

TE8. (GP) Prior to issuance of a grading permit, the project applicant shall submit an engineer's cost estimate for a raised landscape median along Iris Avenue (from 50' east of the westernmost driveway to the eastern property boundary) for the City Engineer's approval.

TE9. (GP) Prior to issuance of a grading permit, the project applicant shall submit conceptual striping plans for improvements identified in conditions TE15, TE16, and TE17 for the City Traffic Engineer's approval.

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

TE10. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards.

TE11. 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 for all streets with a cross section of 66'/44' and wider.

TE12. Prior to final approval of the street improvement plans, the developer shall submit to the City a contract between the developer and a street sweeping company for sweeping the streets during the warranty period, for the day shown on the posted street sweeping signage. The contract shall include a contact person and phone number for said contact person.

TE13. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer may be required.

TE14. Sight distance at driveways and on streets shall conform to City of Moreno Valley Standard No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements. The southernmost Heacock Street driveway requires a minimum sight distance of 580' per City Standard Plan No. 125. The existing bridge structure over the Perris Valley Storm Drain Channel may restrict sight distance and result in the need for temporary access restriction (until such time that the bridge is widened) or bridge modification.

TE15. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Heacock Street and Krameria Avenue to provide the following geometrics:

Northbound: One through lane, one shared through/right turn lane
Southbound: One left turn lane, two through lanes
Eastbound: NA
Westbound: One left turn lane, one right turn lane

NOTE: All curb return radii shall be 50 feet.

TE16. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Heacock Street and Iris Avenue to provide the following geometrics:

Northbound: Two through lanes, one right turn lane
Southbound: Two left turn lanes, two through lanes
Eastbound: NA
Westbound: Two left turn lanes, one right turn lane

NOTE: All curb return radii shall be 50 feet. Design shall include a raised landscape median on the south leg of the intersection. The median shall be approximately 50 to 100 feet in length. A raised landscape median shall also be required on the east leg of the intersection to a point approximately 50 feet east of the westernmost driveway.

TE17. Prior to final approval of the street improvement plans, the project applicant shall design a bus bay per City Standard Plan No. 121 for eastbound Iris Avenue, east of Heacock Street.

PRIOR TO BUILDING PERMIT

TE18. (BP) Prior to issuance of a building permit, the project applicant shall pay all applicable DIF and TUMF.

TE19. (BP) Prior to issuance of a building permit, traffic signal plans shall be prepared by a registered civil or electrical engineer and shall be submitted to the City Traffic Engineer for the following intersections:

- **Heacock Street at Iris Avenue.**
- **Heacock Street at Krameria Street.**

TE20. (BP) Prior to issuance of a building permit, the project applicant shall make a fair-share contribution in the amount of $42,805 to the City of Moreno Valley for the construction of a traffic signal at Perris Boulevard and Suburban Lane. As this traffic signal is not in any existing fee program, payment of DIF and/or TUMF are not considered satisfaction of this obligation.

TE21. (BP) Prior to issuance of a building permit, the project applicant shall pay to the City of Moreno Valley 50 percent of the estimated cost for a raised median along Iris Avenue (from 50' east of the westernmost driveway to the eastern property boundary) as established by condition TE8. As this raised median is not in any existing fee program, payment of DIF and/or TUMF are not considered satisfaction of this obligation. The raised median will be constructed at a future date when warranted.

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE22. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

TE23. (CO) The Heacock gated entrances shall be provided with the following, or as approved by the City Traffic Engineer:

a) A storage lane with a minimum of 75 feet queuing length for entering traffic.
b) Appropriate signing and striping.

All of these features must be kept in working order.

TE24. (CO) Prior to the issuance of a certificate of occupancy, the project applicant shall construct the traffic signals identified in TE20. Construction shall be completed per the approved plans and coordinated with the street improvements.

TE25. (CO) Prior to issuance of a certificate of occupancy, the project applicant shall construct the intersection/roadway improvements identified in TE15, TE16, TE17, and TE18 per the approved plans.

TE26. (CO) Prior to the issuance of a certificate of occupancy for the project, driveway access at the following locations will be installed as follows:

- **Westernmost Iris Avenue driveway: Right-in, right-out access restricted by means of a raised median.**
- **Center and Easternmost Iris Avenue driveways: Full access, restricted to right-in, right-out access in the future when a raised median is warranted.**
- **Heacock Street driveways: Full Access. See TE14 regarding the Southernmost driveway.**
- **Krameria Avenue Driveways: Full access.**
- **"A" Street Driveways: Full Access.**

NOTE: All truck driveways shall have curb return radii of 50 feet.

PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM

TE27. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans.

FIRE PREVENTION BUREAU

1. The following Standard Conditions shall apply.

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D) . **The 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow, hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C.**

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super fire hydrants (6" x 4" x 2 ½") and super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

F4. 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 503.1)

F5. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)

F6. 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. (MVMC 8.36.050 and CFC 501.3)

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 MVMC 8.36.050 Section A)

F8. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less the 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 503.2.1.1 and MVMC 8.36.050)

F9. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)

F10. 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 and MVMC 8.36.050 Section A)

F11. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)

F12. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)

F13. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F14. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;

b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

F15. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)

F16. 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)

F17. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070)

F18. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)

F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)

F20. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 2701.5)

F21. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F22. 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 503.2.7 and MVMC 8.36.050 Section I)

F23. 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 8.36.050)

F24. 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 8.36.050)

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. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100.

F27. 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 14)

F28. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

F29. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)

F30. 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 106)

F31. 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 106)

F32. 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 104)

F33. 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 102.7)

F34. 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 Appendix Chapter 1)

F35. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)

F36. 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.

F37. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
Four Building Industrial Park Complex
APNs 316-020-001, -006, -007, -028, -010
PA07-0151 Tentative Parcel Map 35879
PA07-0152 Master Plot Plan
PA07-0153 Plot Plan
PA07-0154 Plot Plan
PA07-0155 Plot Plan
PA07-0156 Plot Plan

Note: All Special Conditions are in **Bold** lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.

LD3. (G) It is understood that the tentative map correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

(a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

(b) Observance of working hours as stipulated on permits issued by the Public Works Department.

(c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

(d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition,

restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)

LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.

LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110)

LD10. (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)

LD11. (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.

LD12. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on

twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

LD13. (G) Upon approval of the tentative tract map or plot plan by the Planning Commission, the Developer shall submit the approved tentative tract map or plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Grading Plan Approval or Grading Permit

LD14. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD15. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. A grading permit shall be obtained from the Public Works Department – Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD16. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality

treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

LD17. (GPA) Prior to approval of the grading plans for project sites which are one acre or larger, the developer shall obtain the WQMP number from the City's Land Development Division, if a WQMP is required, and as a condition of the State Water Quality Control Board, a Notice of Intent (NOI) for an NPDES permit must be filed and a Waste Discharge Identification (W.D.I.D.) permit number obtained from the State Water Quality Control Board. (Clean Water Act)

LD18. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department – at 951.413.3110

LD19. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department - at 951.413.3110

LD20. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer.

LD21. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD22. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.

LD23. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fee.

LD24. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.

LD25. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD26. (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.

LD27. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Map Approval or Recordation

LD28. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.

LD29. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.

LD30. (MR) Prior to recordation of the map, if the developer chooses to construct the project in construction phases, a Construction Phasing Plan for the construction of on-site public and private improvements shall be reviewed and approved by the City Engineer.

LD31. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. 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 recordation. 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 operation and maintenance monitoring and system evaluations 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 record the final map 70 days prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

LD32. (MR) Prior to recordation of the Final Map, the Rough Grading Plan (s) and Landscape and Irrigation Plan (s) prepared for the "Water Quality Ponds/Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as required. The developer, or the developer's successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)

LD33. (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

LD34. (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.

LD35. (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)

LD36. (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.

LD37. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.

LD38. (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 208 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 or as approved by the City Engineer. (MC 9.14.020)

e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.

LD39. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and

profile information shall include the minimum 300 feet beyond the project boundaries.

LD40. (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.

LD41. (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)

LD42. (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)

LD43. (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, the developer shall provide adequate facilities as approved by the Public Works Department – Land Development Division. (MC 9.14.110)

LD44. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

LD45. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

LD46. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD47. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD48. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.

LD49. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

LD50. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:

a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling
c. The vendor(s) that the applicant proposes to use to haul the materials
d. Facility(s) the materials will be hauled to, and their expected diversion rates
e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

LD51. (BP) 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 building permits. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of building permit issuance.

LD52. (BP) 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 building permits. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of building permit issuance.

Prior to Certificate of Occupancy

LD53. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD54. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

LD55. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD56. (CO) Prior to issuance of a certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:

a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
b. Provide the City with an Engineer's Line and Grade Certification.
c. Perform and pass a flow test per City test procedures.

LD57. (CO) Prior to issuance of a certificate of occupancy or building final for the last 20% of the permitted structures or the last five (5) permitted units (whichever is greater) for any Phase of the development , the Developer shall:

a. Notify City Staff (Land Development Division) prior to construction and installation of all structural BMPs so that an inspection(s) can be performed.
b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
e. Clean and repair the water quality basin, including regrading to approved civil drawing if necessary.
f. Provide City with updated Engineer's Line and Grade Certification.
g. Obtain approval from City to install irrigation and landscaping.
h. Complete installation of irrigation and landscaping.

LD58. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

<u>Prior to Acceptance of Streets into the City Maintained Road System</u>

LD59. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of the entire tract street(s) into the City maintained road system 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

LD60. (GPA) Prior to rough grading plan approval, this project shall demonstrate, via a final drainage study, that either the downstream facilities are capable of handling this development's increased runoff or that the increased runoff resulting from the development of this site is mitigated. Unless the downstream facilities are adequate, during no storm event shall the flow leaving the site in the developed condition be larger than that of the pre-developed condition. The drainage study shall analyze the following events: 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures, beyond those shown on the tentative map and preliminary drainage study, may be required.

LD61. (GPA) Prior to precise grading plan approval, this project shall meet all FEMA (Federal Emergency Management Agency) and City requirements for building in a 100 year floodzone (Zone A and Zone AO). This project shall submit for review and approval to FEMA a CLOMR-F (conditional letter of map revision based on fill). All requirements, as set forth by FEMA shall be adhered to, particularly the completion and submittal of FEMA application form MT-1, as well as all City Ordinance 8.12.130 requirements. The CLOMR-F shall be approved by FEMA prior to precise grading plan. The LOMR-F shall be acquired by FEMA after construction. The developer shall contact FEMA for CLOMR-F / LOMR-F requirements. As an alternative to the submittal of a CLOMR-F / LOMR-F, the developer may opt to floodproof the building per all City department requirements and City Ordinance 8.12.170 and as approved by FEMA. See FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93. Website: http://www.fema.gov/ Ph: 1-877-336-2627

LD62. (GPA) Prior to precise grading plan approval, the developer shall submit for review and approval a final soils report including site grading

recommendations, especially pertaining to any import/fill relating to the CLOMR-F / LOMR-F requirement. See LD61.

LD63. (GPA) Prior to precise grading plan approval, the grading plans shall clearly demonstrate that drainage is properly collected and conveyed. The plans shall show all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements. The developer will be required to obtain the necessary permission for offsite construction including easements, including an encroachment permit for the connection(s) to the Riverside County Flood Control and Water Conservation District (RCFC&WCD) channel.

LD64. (GPA) Prior to precise 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 basins and an emergency overflow at any sump catch basin location. Alternatively, the engineer may submit for review and approval oversized catch basin inlets, or other acceptable design, as approved by the City Engineer.

LD65. (GPA) Prior to precise grading plan approval, the plans shall clearly demonstrate that all applicable recommendations from the geotechnical investigation prepared by NorCal Engineering on January 3, 2007 (NorCal Project Number 13461-06), and/or any subsequent report, have been adhered to including, but not limited to, grading operation procedures, structural section design, slab design, wall design, etc.

LD66. (GPA) Prior to precise grading plan approval, the grading plans shall show any proposed trash enclosure as dual bin trash enclosures, one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627, modified to include a fully covered, solid roof.

LD67. (GPA) Prior to precise grading plan approval, the grading plans shall clearly show that the parking lot conforms to City standards. The parking lot shall be 5% maximum, 1% minimum for AC pavement, 0.50% for PCC, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov).

LD68. (GPA) Prior to precise grading plan or improvement plan approval, as applicable, the plans shall show all driveway approaches where truck movements are anticipated to be constructed per City Standard Plan 118C, Option 2, modified. The driveways shall have a minimum radius of 50 feet and transition from an 8" curb height to a 0" curb height at the conventional right-of-way 12' behind the curb line, or as approved by the City Engineer. There shall be 4' wide pedestrian sidewalk area at 2% maximum behind the conventional right-of-way. A 4-foot pedestrian right-of-way dedication shall be made on the final parcel map PM 35879. See LD71h.

LD69. (IPA) Prior to improvement plan approval, this developer shall acquire the required clearances and permits from all applicable agencies, particularly RCFC&WCD.

LD70. (IPA) Prior to improvement plan approval, additional catch basins may be required by the City Engineer along project perimeter streets where street grades are less than 1%. Spacing, sizing and location shall be determined per the final drainage study as approved by the City Engineer.

LD71. (MA) Prior to parcel map approval, the map shall show the following:

a. A 78' street right-of-way dedication, 39' north and south of proposed future Krameria Avenue centerline between "A" Street and Heacock Street, south of Parcel 1, to ensure a right-of-way distance of 78' for an Industrial Collector Street, City Standard 106.

b. A 39' street right-of-way dedication and half-width cul-de-sac right-of-way on the west side of "A" Street along this project's east frontage to ensure a centerline to west right-of-way distance of 39' for an Industrial Collector Street, City Standard 106.

c. The appropriate street right-of-way dedication for a cul-de-sac at the northern terminus of "A" Street per City Standard 123.

d. A 20' street right-of-way dedication on the south side of Iris Avenue along this project's north frontage to ensure a centerline to south right-of-way distance of 50' for an Arterial, City Standard 104A.

e. The appropriate street right-of-way dedication (varies) on the east side of Heacock Street along this project's west frontage to ensure a centerline to east right-of-way distance of 50' for an Arterial, City Standard 104A modified. See LD79.

f. The appropriate additional right-of-way required for a dedicated north-bound right turn lane on Heacock Street, as conditioned by the City's Transportation Department.

g. The appropriate additional right-of-way on the south side of Iris Avenue necessary for the proposed bus turnout, as required by the City's Transportation Department, per City Standard 121.

h. A 4' pedestrian right-of-way dedication behind any driveway approach per City Standard 118C.

i. Corner cutbacks per City Standard 208.

j. A 2' sidewalk easement behind the right-of-way for all perimeter streets where the sidewalk is to be curb-separated: The east side of Heacock Street, the South side of Iris Avenue, and the north and south side of Proposed Krameria Avenue.

k. The vacation of existing Krameria Avenue 44' of right-of-way along the south property line of Parcels 2 and 4.

l. The vacation of an unnamed cul-de-sac traversing proposed Parcels 2 and 3 as shown on the tentative parcel map.

LD72. (MA) Prior to parcel map approval, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

a. **Heacock Street, Arterial, City Standard 104A modified (100' RW / 76' CC) shall be constructed to full-width along the entire project's west frontage. The appropriate right-of-way dedication on the east side of the street, along the project's west property line, shall be shown on the parcel map. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk (modified to be curb-separated with the back of walk 2' behind the traditional right-of-way) (east side only), raised median, a guardrail on the west side of Heacock Street as required by the City's Transportation Department, a dedicated northbound right turn lane, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, and dry and wet utilities. See LD79.**

b. **Iris Avenue, Arterial, City Standard 104A (100' RW / 76' CC) shall be constructed to half-width plus an additional 18' north of the construction/proposed centerline, along the entire project's north frontage. A 20' right-of-way dedication on the south side of the street, along the project's north property line, shall be shown on the parcel map. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk (modified to be curb-separated with the back of walk 2' behind the traditional right-of-way), bus turnout (City Standard 121) as conditioned by the City's Transportation Department, raised median, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, and dry and wet utilities.**

c. **"A" Street, Industrial Collector, City Standard 106 (78' RW / 56' CC) shall be constructed to half-width plus an additional 18' east of the centerline, along the entire project's east frontage. A 39' right-of-way dedication on the west side of the street, along the project's east property line, shall be shown on the parcel map. The 18' of right-of-way on the east side of the centerline shall be acquired if not already dedicated by the adjacent property. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, and dry and wet utilities.**

d. **Future Krameria Avenue, Industrial Collector, City Standard 106 (78' RW / 56' CC) shall be constructed to full-width, along the entire project's southerly property line of Parcel 1. A 78' right-of-way dedication shall be shown on the parcel map. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk (modified to be curb-separated with the back of walk 2' behind the traditional right-of-way) (both north and south sides), driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, and dry and wet utilities.**

e. **Driveway approaches shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way. See LD68.**

f. **Pavement core samples of existing pavement may be taken and findings submitted to the City for review and consideration of a lesser**

width of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement section is found to be adequate, then a lesser width than that specified above for street pavement improvements may be allowed, as approved by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall construct the streets to the limits as listed above.

g. The cul-de-sac at the north end of the "A" Street terminus shall be constructed per City Standard 123.

h. All curb returns and driveway aprons where truck movements are expected shall have a radius of 50' minimum. This shall include the curb return at the southeast corner of Heacock Street and Iris Avenue, both curb returns at the "T" intersection of Heacock Street and proposed Krameria Avenue and all driveways along Heacock Street, or as otherwise directed by the City's Transportation Department.

LD73. (IPA) The developer shall install redwood headers at any edge-of-pavement locations in the public right-of-way. This shall include, but not be limited to, the following locations:

e. Along the project frontage, west side of Heacock Street, west of the south bound travel lane, if necessary due to proposed pavement exceeding the westerly extents of the existing pavement.

f. Along the project frontage, east side of "A" Street, east of the north bound travel lane, if this project develops before TPM 35672.

g. As required by the City Public Works Inspector.

LD74. (MA) Prior to parcel map approval, a recorded copy of a reciprocal access agreement between Parcels two (2) and three (3) shall be submitted to the City for review.

LD75. (MA) Prior to parcel map approval, written permission must be obtained from off-site property owner(s) for all off-site grading and easements. All on-site and off-site easements shall be shown on the final map. This shall include, but not be limited to, the proposed driveway which straddles this project's southeast corner of APN 316-020-028 and the off-site property to the south, APN 316-100-036.

LD76. (MA) Prior to parcel map approval, this project shall submit for review a reciprocal access agreement between Parcel 2 and the off-site property south of Parcel 2, APN 316-100-036, if the intention is for reciprocal access amongst parcels, else this project shall submit for review and approval an access easement from off-site APN 316-100-036 in favor of this project's Parcel 2, via separate instrument.

LD77. (MA) Prior to parcel map approval, the map shall show all necessary proposed easements including, but not limited to, an easement for storm drain purposes shown as Proposed Easement Note "B" across Parcel 2 on the tentative map. All public storm drain easements shall be a minimum of 25' in width. See LD8.

LD78. (MA) Prior to parcel map approval, the plans shall clearly show the extents of all existing easements on the property. All building structures shall be constructed outside of existing easements. Any conflicting easements and/or utilities shall be relocated and/or quitclaimed, as appropriate, via the final map and/or separate instrument, as necessary.

LD79. This project shall coordinate closely with the City's current CIP (Capital Improvement Project) Heacock Street Improvement Project for the design and construction of Heacock Street. (951) 413-3130.

LD80. This project shall coordinate closely with the project to the east, TPM 35672, for the design and construction of "A" Street.

LD81. (OC) Prior to occupancy, sale, or lease, the parcel map shall record in accordance with the subdivision map act.

LD82. In accordance with the City of Moreno Valley standards, the Double Ring Infiltrometer field testing method shall be utilized to perform in-situ percolation testing in the location of proposed infiltration area treatment control Best Management Practice (BMP) and the results included in the Final WQMP.

LD83. The Preparer shall provide complete and documented calculations for the proposed treatment control BMPs.

LD84. **The Applicant shall prepare and submit for approval a Project Specific Final Water Quality Management Plan (F-WQMP) for PA07-0151 -March Business Center. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality**

Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to application for and issuance of grading or building permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs; Treatment Control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.

LD85. The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project pollutants of concern include: sediment/turbidity, nutrients, organic compounds, oxygen demanding substances, and pathogens (bacteria and viruses).

LD86. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs.

LD87. The Applicant has proposed to incorporate the use of catch basin 'filter inserts and infiltration basins with underdrain systems. Final design details of these filtration and infiltration systems must be provided in the first submittal of the F-WQMP. The size of the treatment control BMP is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. 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.

LD88. The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition A; therefore, the condition must be addressed in the F-WQMP.

LD89. The Applicant shall record with the County-Clerk Recorder a "Covenant and Agreement" that informs future property owners of the requirements to implement the approved F-WQMP and the associated Master F-WQMP. The "Covenant and Agreement" shall be in a form acceptable to the City of Moreno Valley. The Applicant may propose, subject to approval by the City of Moreno Valley, the recording of alternative documents to inform future owners of the requirements to implement the approved F-WQMP. Documents shall be approved by the City of Moreno Valley and recorded with the County-Clerk Recorder prior to issuance of building or grading permits.

LD90. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;

b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;

c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and

d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

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)

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)

This page intentionally left blank.

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
FOR
TENTATIVE PARCEL MAP 35879
Case No: PA07-0151
A.P.N.(s): 316-020-001, 006, 007, 028, 010

Approval Date: **January 22, 2009**
Expiration Date: **January 22, 2012**

_X__ Planning (P), including School District (S), Post Office (PO), Building (B)
_X__ Fire Prevention Bureau (F)
_X__ Public Works, Land Development (LD)
_X__ Public Works, Moreno Valley Utilities (MVU)
_X__ Public Works, Special Districts (SD)
_X__ Public Works, Transportation (TE)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects. (Include only those that apply)

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

P1. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.

P2. 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)

P3. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020)

EXHIBIT B

P4. A drought tolerant, low water using landscape palette shall be utilized throughout the tract to the extent feasible.

P5. 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)

P6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)

P7. All site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval.

P8. **If the proposed project requires blasting, it shall be used only as a last resort. In such cases, it shall be approved by the Fire Marshall, and the developer shall comply with the current City ordinance governing blasting. (Ord)**

PRIOR TO GRADING

P9. (GP) Prior to approval of any grading permit, the developer shall submit a tree plan to the Planning Division for review and approval. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director or designee. (GP Objective 4.4, 4.5, DG)

P10. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

P11. (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)

P12. (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 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).

P13. (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.

P14. **(GP) Prior to issuance of grading permits, plans for any security gate system shall be submitted to the Planning Division for review and approval.**

P15. **If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, a qualified archaeologist and or tribal monitors from any affected Native American Indian tribes shall be present during grading to evaluate and recommend appropriate actions for any archaeological deposits exposed by construction activity. The monitoring archaeologist shall be empowered to halt grading in the vicinity of an exposed archaeological deposit until that deposit can be fully evaluated. The consultant (i.e. archaeologist) shall consult with any and all affected Native American Indian tribes in the area on any Treatment Plan prepared for the project.**

P16. **GP) Prior to the issuance of any grading permits and prior to any physical disturbance of any natural drainage course, or any wetland determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to both the Planning Division and the Public Works Department - Land Development Division. (CEQA, State and Federal codes)**

P17. **(GP) Prior to the issuance of any grading permits, water well(s) on the site shall be closed or maintained in accordance with requirements of the Riverside County Health Department. (CEQA)**

P18. **(GP) Prior to the issuance of grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project or tentative map approval. No City permit or approval shall be issued until such fee is paid. (CEQA)**

P19. **(GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval for a fourteen (14) foot high solid decorative perimeter wall along the eastern and western boundaries. (MC 9.08.070*)***

P21. **(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 or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.**

PRIOR TO RECORDATION OF FINAL MAP

P22. (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)

P23. **(R) Prior to recordation of the final map, final median enhancement/landscape/irrigation plans shall be reviewed and approved by the Planning Division, and Public Works Department - Special Districts Administration for review and approval by each division. (GP - Circulation Master Plan)**

P24. **(R) Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:**

a. The document to convey title
b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, 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 property association shall promote the use of native plants and trees and drought tolerant species to the extent feasible.**

- **(R) All lots designated for open space and or detention basins, shall be included as an easement to, and maintained by a Property 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.**

PRIOR TO BUILDING PERMIT

P25. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

P26. (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.

P27. **(BP) Prior to issuance of building permits, landscape plans (trees, shrubs and groundcover) for basins maintained by a POA, 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 or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.**

PRIOR TO CERTIFICATE OF OCCUPANCY

P28. (CO) Prior to the issuance of Certificates of Occupancy or building final, slope landscape and irrigation shall be installed. Landscaping on lots not yet having dwelling units shall be maintained by the developer weed and disease free. (MC 9.03.040)

P29. **(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. (MC 9.080.070)**

P30. **(CO) For a basin maintained by a POA or other private entity, landscape (trees, shrubs and groundcover) and irrigation shall be installed, and maintained by the POA or other private entity.**

P31. Mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. The applicant shall submit the mitigation-monitoring fee, as provided by City Ordinance, to the Planning Division. No City permit or approval shall be issued until such fee is paid. (CEQA)

P32. The project site is located within Area II of the March ARB Influence Area. Uses involving the following characteristics shall be prohibited:

- **Lighting that would direct a steady light toward aircraft.**
- **Lighting that would direct flashing light of colors associated with airport operations (red, green, white, or amber) toward aircraft.**
- **Any use which would cause sunlight to be reflected toward aircraft.**
- **Generate smoke or water vapor, attract large concentrations of birds, or otherwise affect safe air navigation.**
- **Generate electrical interference that may be detrimental to operation of aircraft or aircraft instrumentation.**

Building and Safety Division

B-1 The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

B-2 Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time *(applies only to commercial, industrial, and multi-family projects).*

B-3 All projects that will be serviced by a private sewage disposal system shall obtain approval from the Riverside County Environmental Health Department prior to submitting plans to the Building Department.

B-4 (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

SCHOOL DISTRICT

S-1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

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

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)

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)

PUBLIC WORKS DEPARTMENT

Special Districts Division

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA07-0151**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD-2 Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD-3 The developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD-4 Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Recordation of Final Map

SD-5 (R) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to record the final map 70 days prior to recordation of final map. (California Government Code)

SD-6 (R) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the **Iris Avenue and Heacock Street** median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District **Zone M** (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The Developer must notify Special Districts of the intent to record the final map within 70 days prior to recordation and the financial option selected to fund the continued maintenance.

SD-7 *Commercial* (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 monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts of intent to record final map 70 days prior to City Council action authorizing recordation of the map and the financial option selected to fund the continued maintenance. (California Government Code)

SD-8 (R) Prior to recordation of the final map, the developer, or the developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

**For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

Prior to Building Permit Issuance

SD-9 (BP) Final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD-10 (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD-11 (CO) All parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of the Certificate of Occupancy/Building Final for the **1st building** for this project.

SD-12 (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit, in a form acceptable to Special Districts, the current list of all Assessor's Parcel Numbers assigned to the recorded map.

Please forward to:

City of Moreno Valley
Special Districts
14325 Frederick Street – Suite 9
P. O. Box 88005
Moreno Valley, CA 92552-0805

Moreno Valley Utilities

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are

in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project(s) PA07-0151 through PA07-0156; this project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3512. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions. Listed after each individual condition is a contact name of who can be reached for specific questions.

PRIOR TO RECORDATION OF FINAL MAP

MVU-1 (R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

PRIOR TO ISSUANCE OF BUILDING PERMIT

MVU-2 (BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley

Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property. The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU-3 This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

CITY OF MORENO VALLEY

CONDITIONS OF APPROVAL

PA07-0151/0152/0153/0154/0155/0156

Proposal for four industrial buildings totaling approximately 1.5 million square feet located on the southeast corner of Heacock Street and Iris Avenue.

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

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. Conditions of approval may be modified if project is phased or altered from any approved plans.

TE2. Cul-de-sacs shall be designed and constructed per City Standard Plan No. 123 and/or 124.

TE3. During construction activity, developer is responsible for regularly scheduled street sweeping per approved street sweeping schedule. Failure to provide regularly scheduled street sweeping during construction activity at the approved times shall result in re-inspection fees (amounts to be determined by City Engineer) and/or project suspension until street sweeping is provided.

TE4. Iris Avenue is classified as an Arterial (100'RW/76'CC) per City Standard Plan No. 104A. Design/construction shall include the following:

- **A Class III Bikeway shall be provided along Iris Avenue.**
- **Traffic Signal Interconnect shall be installed along Iris Avenue per City Standard Plan No. 421.**
- **A raised median shall be constructed from Heacock Street to approximately 50 feet east of the westernmost driveway.**

TE5. Heacock Street is classified as an Arterial (100' RW/76' CC) per City Standard Plan No. 104A, modified as necessary due to MARB perimeter. Design/construction shall include the following:

- **A Class III Bikeway shall be provided along Heacock Street.**
- **Traffic Signal Interconnect shall be installed along Heacock Street per City Standard Plan No. 421.**
- **A raised landscape median shall be constructed on the south leg of the Heacock Street/Iris Avenue intersection (approximately 50 to 100 feet in length).**
- **A northbound right turn lane at the Heacock Street/Iris Avenue intersection.**
- **Metal Beam Guardrail shall be installed as required by the City Engineer.**

TE6. Krameria Avenue is reclassified as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. 106.

TE7. "A" Street is designated as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. 106.

PRIOR TO GRADING PERMIT

TE8. (GP) Prior to issuance of a grading permit, the project applicant shall submit an engineer's cost estimate for a raised landscape median along Iris Avenue (from 50' east of the westernmost driveway to the eastern property boundary) for the City Engineer's approval.

TE9. (GP) Prior to issuance of a grading permit, the project applicant shall submit conceptual striping plans for improvements identified in conditions TE15, TE16, and TE17 for the City Traffic Engineer's approval.

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

TE10. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards.

TE11. 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 for all streets with a cross section of 66'/44' and wider.

TE12. Prior to final approval of the street improvement plans, the developer shall submit to the City a contract between the developer and a street sweeping company for sweeping the streets during the warranty period, for the day shown on the posted street sweeping signage. The contract shall include a contact person and phone number for said contact person.

TE13. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer may be required.

TE14. Sight distance at driveways and on streets shall conform to City of Moreno Valley Standard No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements. The southernmost Heacock Street driveway requires a minimum sight distance of 580' per City Standard Plan No. 125. The existing bridge structure over the Perris Valley Storm Drain Channel may restrict sight distance and result in the need for temporary access restriction (until such time that the bridge is widened) or bridge modification.

TE15. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Heacock Street and Krameria Avenue to provide the following geometrics:

Northbound: One through lane, one shared through/right turn lane
Southbound: One left turn lane, two through lanes
Eastbound: NA
Westbound: One left turn lane, one right turn lane

NOTE: All curb return radii shall be 50 feet.

TE16. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Heacock Street and Iris Avenue to provide the following geometrics:

Northbound: Two through lanes, one right turn lane
Southbound: Two left turn lanes, two through lanes
Eastbound: NA
Westbound: Two left turn lanes, one right turn lane

NOTE: All curb return radii shall be 50 feet. Design shall include a raised landscape median on the south leg of the intersection. The median shall be approximately 50 to 100 feet in length. A raised landscape median shall also be required on the east leg of the intersection to a point approximately 50 feet east of the westernmost driveway.

TE17. Prior to final approval of the street improvement plans, the project applicant shall design a bus bay per City Standard Plan No. 121 for eastbound Iris Avenue, east of Heacock Street.

PRIOR TO BUILDING PERMIT

TE18. (BP) Prior to issuance of a building permit, the project applicant shall pay all applicable DIF and TUMF.

TE19. (BP) Prior to issuance of a building permit, traffic signal plans shall be prepared by a registered civil or electrical engineer and shall be submitted to the City Traffic Engineer for the following intersections:

- **Heacock Street at Iris Avenue.**
- **Heacock Street at Krameria Street.**

TE20. (BP) Prior to issuance of a building permit, the project applicant shall make a fair-share contribution in the amount of $42,805 to the City of Moreno Valley for the construction of a traffic signal at Perris Boulevard and Suburban Lane. As this traffic signal is not in any existing fee program, payment of DIF and/or TUMF are not considered satisfaction of this obligation.

TE21. (BP) Prior to issuance of a building permit, the project applicant shall pay to the City of Moreno Valley 50 percent of the estimated cost for a raised median along Iris Avenue (from 50' east of the westernmost driveway to the eastern property boundary) as established by condition TE8. As this raised median is not in any existing fee program, payment of DIF and/or TUMF are not considered satisfaction of this obligation. The raised median will be constructed at a future date when warranted.

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE22. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

TE23. (CO) The Heacock gated entrances shall be provided with the following, or as approved by the City Traffic Engineer:

a) A storage lane with a minimum of 75 feet queuing length for entering traffic.
b) Appropriate signing and striping.

All of these features must be kept in working order.

TE24. (CO) Prior to the issuance of a certificate of occupancy, the project applicant shall construct the traffic signals identified in TE20. Construction shall be completed per the approved plans and coordinated with the street improvements.

TE25. (CO) Prior to issuance of a certificate of occupancy, the project applicant shall construct the intersection/roadway improvements identified in TE15, TE16, TE17, and TE18 per the approved plans.

TE26. (CO) Prior to the issuance of a certificate of occupancy for the project, driveway access at the following locations will be installed as follows:

- **Westernmost Iris Avenue driveway: Right-in, right-out access restricted by means of a raised median.**
- **Center and Easternmost Iris Avenue driveways: Full access, restricted to right-in, right-out access in the future when a raised median is warranted.**
- **Heacock Street driveways: Full Access. See TE14 regarding the Southernmost driveway.**
- **Krameria Avenue Driveways: Full access.**
- **"A" Street Driveways: Full Access.**

NOTE: All truck driveways shall have curb return radii of 50 feet.

PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM

TE27. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans.

FIRE PREVENTION BUREAU

1. **Please complete and return attached fire flow letter to the Fire Prevention Bureau.**
2. **The following Standard Conditions shall apply.**

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D) . **The 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow, hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C.**

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super fire hydrants (6" x 4" x 2 ½") and super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

F4. 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 503.1)

F5. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)

F6. 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. (MVMC 8.36.050 and CFC 501.3)

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 MVMC 8.36.050 Section A)

F8. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less the 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 503.2.1.1 and MVMC 8.36.050)

F9. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)

F10. 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 and MVMC 8.36.050 Section A)

F11. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)

F12. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)

F13. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F14. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;
b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

F15. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)

F16. 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)

F17. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070)

F18. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)

F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)

F20. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 2701.5)

F21. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F22. 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 503.2.7 and MVMC 8.36.050 Section I)

F23. 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 8.36.050)

F24. 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 8.36.050)

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. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100.

F27. 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 14)

F28. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

F29. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)

F30. 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 106)

F31. 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 106)

F32. 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 104)

F33. 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 102.7)

F34. 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 Appendix Chapter 1)

F35. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)

F36. 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.

F37. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

FIRE FLOW LETTER

Date:		**Address:**	
Case Number:	PA07-0151, 0152, 0153, 0154, 0155, 0156	**A.P.N.:**	316-020-001, 006, 007, 028, 010

This is certification the water system is capable of meeting the following required fire flows
as determined by the Uniform Fire Code Appendix III-A.

Based on the information provided on the above referenced case. The fire flow required for this project will be 4000 G.P.M. for duration of 4 -HOURS measured at 20-psi residual pressure.

The required fire flow may be adjusted during the approval process to reflect changes in design, construction type or automatic fire protection measures as approved by the Fire Prevention Bureau.

Applicant/ Developer: _____

By: _____ **Date:** _____

Title: _____

WATER AGENCY APPROVAL

Name of Agency: _____

Address: _____

Telephone: _____ **Date:** _____

By: _____ **Title:** _____

NOTE: THE COMPLETION AND SUBMITTAL OF THIS LETTER TO THE FIRE PREVENTION BUREAU SHALL NOT BE CONSTRUED AS APPROVAL FOR THE INSTALLATION OF THE REQUIRED FIRE HYDRANT (S) AND/OR WATER SYSTEM.

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
Four Building Industrial Park Complex
APNs 316-020-001, -006, -007, -028, -010
PA07-0151 Tentative Parcel Map 35879
PA07-0152 Master Plot Plan
PA07-0153 Plot Plan
PA07-0154 Plot Plan
PA07-0155 Plot Plan
PA07-0156 Plot Plan

Note: All Special Conditions are in **Bold** lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary

utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.

LD3. (G) It is understood that the tentative map correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

(a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

(b) Observance of working hours as stipulated on permits issued by the Public Works Department.

(c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

(d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)

LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer.

LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110)

LD10. (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)

LD11. (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.

LD12. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

LD13. (G) Upon approval of the tentative tract map or plot plan by the Planning Commission, the Developer shall submit the approved tentative tract map or plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Grading Plan Approval or Grading Permit

LD14. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD15. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. A grading permit shall be obtained from the Public Works Department – Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD16. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

LD17. (GPA) Prior to approval of the grading plans for project sites which are one acre or larger, the developer shall obtain the WQMP number from the City's Land Development Division, if a WQMP is required, and as a condition of the State Water Quality Control Board, a Notice of Intent (NOI) for an NPDES permit must be filed and a Waste Discharge Identification (W.D.I.D.) permit number obtained from the State Water Quality Control Board. (Clean Water Act)

LD18. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department – at 951.413.3110

LD19. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department - at 951.413.3110

LD20. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer.

LD21. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD22. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.

LD23. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fee.

LD24. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.

LD25. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD26. (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.

LD27. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Map Approval or Recordation

LD28. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.

LD29. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.

LD30. (MR) Prior to recordation of the map, if the developer chooses to construct the project in construction phases, a Construction Phasing Plan for the construction of on-site public and private improvements shall be reviewed and approved by the City Engineer.

LD31. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. 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 recordation. 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 operation and maintenance monitoring and system evaluations 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 record the final map 70 days prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

LD32. (MR) Prior to recordation of the Final Map, the Rough Grading Plan (s) and Landscape and Irrigation Plan (s) prepared for the "Water Quality Ponds/Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as

required. The developer, or the developer's successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)

LD33. (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

LD34. (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.

LD35. (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)

LD36. (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.

LD37. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.

LD38. (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 208 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 or as approved by the City Engineer. (MC 9.14.020)

e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.

LD39. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.

LD40. (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.

LD41. (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)

LD42. (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)

LD43. (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, the developer shall provide adequate facilities as approved by the Public Works Department – Land Development Division. (MC 9.14.110)

LD44. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved

means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

LD45. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

LD46. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD47. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD48. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.

LD49. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

LD50. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:

a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling
c. The vendor(s) that the applicant proposes to use to haul the materials
d. Facility(s) the materials will be hauled to, and their expected diversion rates
e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

LD51. (BP) 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 building permits. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of building permit issuance.

LD52. (BP) 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 building permits. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of building permit issuance.

Prior to Certificate of Occupancy

LD53. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD54. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

LD55. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD56. (CO) Prior to issuance of a certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:

a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
b. Provide the City with an Engineer's Line and Grade Certification.
c. Perform and pass a flow test per City test procedures.

LD57. (CO) Prior to issuance of a certificate of occupancy or building final for the last 20% of the permitted structures or the last five (5) permitted units (whichever is greater) for any Phase of the development , the Developer shall:

a. Notify City Staff (Land Development Division) prior to construction and installation of all structural BMPs so that an inspection(s) can be performed.
b. Demonstrate that all structural BMPs described in the approved final project-specific WQMP have been constructed and installed in conformance with the approved plans and specifications;
c. Demonstrate that Developer is prepared to implement all non-structural BMPs described in the approved final project-specific WQMP; and
d. Demonstrate that an adequate number of copies of the approved final project-specific WQMP are available for future owners/occupants.
e. Clean and repair the water quality basin, including regrading to approved civil drawing if necessary.
f. Provide City with updated Engineer's Line and Grade Certification.
g. Obtain approval from City to install irrigation and landscaping.
h. Complete installation of irrigation and landscaping.

LD58. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

Prior to Acceptance of Streets into the City Maintained Road System

LD59. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of the entire tract street(s) into the City maintained road system 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

LD60. (GPA) Prior to rough grading plan approval, this project shall demonstrate, via a final drainage study, that either the downstream facilities are capable of handling this development's increased runoff or that the increased runoff resulting from the development of this site is mitigated. Unless the downstream facilities are adequate, during no storm event shall the flow leaving the site in the developed condition be larger than that of the pre-developed condition. The drainage study shall analyze the following events: 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures, beyond those shown on the tentative map and preliminary drainage study, may be required.

LD61. (GPA) Prior to precise grading plan approval, this project shall meet all FEMA (Federal Emergency Management Agency) and City requirements for building in a 100 year floodzone (Zone A and Zone AO). This project shall submit for review and approval to FEMA a CLOMR-F (conditional letter of map revision based on fill). All requirements, as set forth by FEMA shall be adhered to, particularly the completion and submittal of FEMA application form MT-1, as well as all City Ordinance 8.12.130 requirements. The CLOMR-F shall be approved by FEMA prior to precise grading plan. The LOMR-F shall be acquired by FEMA after construction. The developer shall contact FEMA for

CLOMR-F / LOMR-F requirements. As an alternative to the submittal of a CLOMR-F / LOMR-F, the developer may opt to floodproof the building per all City department requirements and City Ordinance 8.12.170 and as approved by FEMA. See FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93. Website: http://www.fema.gov/ Ph: 1-877-336-2627

LD62. (GPA) Prior to precise grading plan approval, the developer shall submit for review and approval a final soils report including site grading recommendations, especially pertaining to any import/fill relating to the CLOMR-F / LOMR-F requirement. See LD61.

LD63. (GPA) Prior to precise grading plan approval, the grading plans shall clearly demonstrate that drainage is properly collected and conveyed. The plans shall show all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements. The developer will be required to obtain the necessary permission for offsite construction including easements, including an encroachment permit for the connection(s) to the Riverside County Flood Control and Water Conservation District (RCFC&WCD) channel.

LD64. (GPA) Prior to precise 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 basins and an emergency overflow at any sump catch basin location. Alternatively, the engineer may submit for review and approval oversized catch basin inlets, or other acceptable design, as approved by the City Engineer.

LD65. (GPA) Prior to precise grading plan approval, the plans shall clearly demonstrate that all applicable recommendations from the geotechnical investigation prepared by NorCal Engineering on January 3, 2007 (NorCal Project Number 13461-06), and/or any subsequent report, have been adhered to including, but not limited to, grading operation procedures, structural section design, slab design, wall design, etc.

LD66. (GPA) Prior to precise grading plan approval, the grading plans shall show any proposed trash enclosure as dual bin trash enclosures, one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627, modified to include a fully covered, solid roof.

LD67. (GPA) Prior to precise grading plan approval, the grading plans shall clearly show that the parking lot conforms to City standards. The parking lot shall be 5% maximum, 1% minimum for AC pavement, 0.50% for PCC, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov).

LD68. (GPA) Prior to precise grading plan or improvement plan approval, as applicable, the plans shall show all driveway approaches where truck movements are anticipated to be constructed per City Standard Plan 118C, Option 2, modified. The driveways shall have a minimum radius of 50 feet and transition from an 8" curb height to a 0" curb height at the conventional right-of-way 12' behind the curb line, or as approved by the City Engineer. There shall be 4' wide pedestrian sidewalk area at 2% maximum behind the conventional right-of-way. A 4-foot pedestrian right-of-way dedication shall be made on the final parcel map PM 35879. See LD71h.

LD69. (IPA) Prior to improvement plan approval, this developer shall acquire the required clearances and permits from all applicable agencies, particularly RCFC&WCD.

LD70. (IPA) Prior to improvement plan approval, additional catch basins may be required by the City Engineer along project perimeter streets where street grades are less than 1%. Spacing, sizing and location shall be determined per the final drainage study as approved by the City Engineer.

LD71. (MA) Prior to parcel map approval, the map shall show the following:

a. A 78' street right-of-way dedication, 39' north and south of proposed future Krameria Avenue centerline between "A" Street and Heacock Street, south of Parcel 1, to ensure a right-of-way distance of 78' for an Industrial Collector Street, City Standard 106.

b. A 39' street right-of-way dedication and half-width cul-de-sac right-of-way on the west side of "A" Street along this project's east frontage to ensure a centerline to west right-of-way distance of 39' for an Industrial Collector Street, City Standard 106.

c. The appropriate street right-of-way dedication for a cul-de-sac at the northern terminus of "A" Street per City Standard 123.

d. **A 20' street right-of-way dedication on the south side of Iris Avenue along this project's north frontage to ensure a centerline to south right-of-way distance of 50' for an Arterial, City Standard 104A.**

e. **The appropriate street right-of-way dedication (varies) on the east side of Heacock Street along this project's west frontage to ensure a centerline to east right-of-way distance of 50' for an Arterial, City Standard 104A modified. See LD79.**

f. **The appropriate additional right-of-way required for a dedicated north-bound right turn lane on Heacock Street, as conditioned by the City's Transportation Department.**

g. **The appropriate additional right-of-way on the south side of Iris Avenue necessary for the proposed bus turnout, as required by the City's Transportation Department, per City Standard 121.**

h. **A 4' pedestrian right-of-way dedication behind any driveway approach per City Standard 118C.**

i. **Corner cutbacks per City Standard 208.**

j. **A 2' sidewalk easement behind the right-of-way for all perimeter streets where the sidewalk is to be curb-separated: The east side of Heacock Street, the South side of Iris Avenue, and the north and south side of Proposed Krameria Avenue.**

k. **The vacation of existing Krameria Avenue 44' of right-of-way along the south property line of Parcels 2 and 4.**

l. **The vacation of an unnamed cul-de-sac traversing proposed Parcels 2 and 3 as shown on the tentative parcel map.**

LD72. (MA) Prior to parcel map approval, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

a. **Heacock Street, Arterial, City Standard 104A modified (100' RW / 76' CC) shall be constructed to full-width along the entire project's west frontage. The appropriate right-of-way dedication on the east side of the street, along the project's west property line, shall be shown on the**

parcel map. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk (modified to be curb-separated with the back of walk 2' behind the traditional right-of-way) (east side only), raised median, a guardrail on the west side of Heacock Street as required by the City's Transportation Department, a dedicated northbound right turn lane, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, and dry and wet utilities. See LD79.

b. Iris Avenue, Arterial, City Standard 104A (100' RW / 76' CC) shall be constructed to half-width plus an additional 18' north of the construction/proposed centerline, along the entire project's north frontage. A 20' right-of-way dedication on the south side of the street, along the project's north property line, shall be shown on the parcel map. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk (modified to be curb-separated with the back of walk 2' behind the traditional right-of-way), bus turnout (City Standard 121) as conditioned by the City's Transportation Department, raised median, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, and dry and wet utilities.

c. "A" Street, Industrial Collector, City Standard 106 (78' RW / 56' CC) shall be constructed to half-width plus an additional 18' east of the centerline, along the entire project's east frontage. A 39' right-of-way dedication on the west side of the street, along the project's east property line, shall be shown on the parcel map. The 18' of right-of-way on the east side of the centerline shall be acquired if not already dedicated by the adjacent property. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, and dry and wet utilities.

d. Future Krameria Avenue, Industrial Collector, City Standard 106 (78' RW / 56' CC) shall be constructed to full-width, along the entire project's southerly property line of Parcel 1. A 78' right-of-way dedication shall be shown on the parcel map. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk (modified to be curb-separated with the back of walk 2' behind the traditional right-of-way) (both north and south sides), driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, and dry and wet utilities.

e. Driveway approaches shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way. See LD68.

f. Pavement core samples of existing pavement may be taken and findings submitted to the City for review and consideration of a lesser width of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement section is found to be adequate, then a lesser width than that specified above for street pavement improvements may be allowed, as approved by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall construct the streets to the limits as listed above.

g. The cul-de-sac at the north end of the "A" Street terminus shall be constructed per City Standard 123.

h. All curb returns and driveway aprons where truck movements are expected shall have a radius of 50' minimum. This shall include the curb return at the southeast corner of Heacock Street and Iris Avenue, both curb returns at the "T" intersection of Heacock Street and proposed Krameria Avenue and all driveways along Heacock Street, or as otherwise directed by the City's Transportation Department.

LD73. (IPA) The developer shall install redwood headers at any edge-of-pavement locations in the public right-of-way. This shall include, but not be limited to, the following locations:

e. Along the project frontage, west side of Heacock Street, west of the south bound travel lane, if necessary due to proposed pavement exceeding the westerly extents of the existing pavement.

f. Along the project frontage, east side of "A" Street, east of the north bound travel lane, if this project develops before TPM 35672.

g. As required by the City Public Works Inspector.

LD74. (MA) Prior to parcel map approval, a recorded copy of a reciprocal access agreement between Parcels two (2) and three (3) shall be submitted to the City for review.

LD75. (MA) Prior to parcel map approval, written permission must be obtained from off-site property owner(s) for all off-site grading and easements. All on-site and off-site easements shall be shown on the final map. This shall include, but not be limited to, the proposed driveway which straddles this project's southeast corner of APN 316-020-028 and the off-site property to the south, APN 316-100-036.

LD76. (MA) Prior to parcel map approval, this project shall submit for review a reciprocal access agreement between Parcel 2 and the off-site property south of Parcel 2, APN 316-100-036, if the intention is for reciprocal access amongst parcels, else this project shall submit for review and approval an access easement from off-site APN 316-100-036 in favor of this project's Parcel 2, via separate instrument.

LD77. (MA) Prior to parcel map approval, the map shall show all necessary proposed easements including, but not limited to, an easement for storm drain purposes shown as Proposed Easement Note "B" across Parcel 2 on the tentative map. All public storm drain easements shall be a minimum of 25' in width. See LD8.

LD78. (MA) Prior to parcel map approval, the plans shall clearly show the extents of all existing easements on the property. All building structures shall be constructed outside of existing easements. Any conflicting easements and/or utilities shall be relocated and/or quitclaimed, as appropriate, via the final map and/or separate instrument, as necessary.

LD79. This project shall coordinate closely with the City's current CIP (Capital Improvement Project) Heacock Street Improvement Project for the design and construction of Heacock Street. (951) 413-3130.

LD80. This project shall coordinate closely with the project to the east, TPM 35672, for the design and construction of "A" Street.

LD81. (OC) Prior to occupancy, sale, or lease, the parcel map shall record in accordance with the subdivision map act.

LD82. In accordance with the City of Moreno Valley standards, the Double Ring Infiltrometer field testing method shall be utilized to perform in-situ percolation testing in the location of proposed infiltration area treatment control Best Management Practice (BMP) and the results included in the Final WQMP.

LD83. The Preparer shall provide complete and documented calculations for the proposed treatment control BMPs.

LD84. **The Applicant shall prepare and submit for approval a Project Specific Final Water Quality Management Plan (F-WQMP) for PA07-0151 -March Business Center. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to application for and issuance of grading or building permits. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs; Treatment Control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.**

LD85. The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project pollutants of concern include: sediment/turbidity, nutrients, organic compounds, oxygen demanding substances, and pathogens (bacteria and viruses).

LD86. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs.

LD87. The Applicant has proposed to incorporate the use of catch basin 'filter inserts and infiltration basins with underdrain systems. Final design details of these filtration and infiltration systems must be provided in the first submittal of the F-WQMP. The size of the treatment control BMP is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. 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.

LD88. The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition A; therefore, the condition must be addressed in the F-WQMP.

LD89. The Applicant shall record with the County-Clerk Recorder a "Covenant and Agreement" that informs future property owners of the requirements to implement the approved F-WQMP and the associated Master F-WQMP. The "Covenant and Agreement" shall be in a form acceptable to the City of Moreno

Valley. The Applicant may propose, subject to approval by the City of Moreno Valley, the recording of alternative documents to inform future owners of the requirements to implement the approved F-WQMP. Documents shall be approved by the City of Moreno Valley and recorded with the County-Clerk Recorder prior to issuance of building or grading permits.

LD90. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;

b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;

c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and

d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

This page intentionally left blank.

PLANNING COMMISSION STAFF REPORT

Cases:	PA07-0151(Tentative Parcel Map 35879), PA07-0152 (Master Plot Plan), PA07-0153, PA07-0154, PA07-0155 and PA07-0156 (Plot Plans) PA08-0057 (General Plan Amendment) P08-060 (Specific Plan Amendment)
Date:	December 4, 2008
Applicant:	Western RealCo
Representative:	Hogle-Ireland, Inc. (Chris Stamps)
Location:	Southeast corner of Iris Avenue and Heacock Street
Proposal:	The proposed project is for an industrial complex with four buildings (1,484,407 total sq ft) on 66.9 net acres. The Tentative Parcel Map 35879 will create four parcels. The General Plan and Specific Plan Amendments are required for the realignment of Krameria Street and will amend the Circulation Element of the General Plan and in the Moreno Valley Industrial Specific Plan (SP 208).
Redevelopment Area:	No
Recommendation:	Approval

SUMMARY

The applicant, Western RealCo, is requesting the approval of a tentative parcel map, master plot plan and four plot plans. Both a General Plan and Specific Plan Amendment are required for the realignment of Krameria Street and will amend the Circulation Element of the General Plan and in the Moreno Valley Industrial Specific Plan (SP 208).

ATTACHMENT 5

PROJECT DESCRIPTION

This proposed project includes eight applications — a General Plan amendment, Specific Plan amendment, tentative parcel map, master plot plan and four plot plans — for approximately 66.9 acres at the southeast corner of Iris Avenue and Heacock Street (Assessor's Parcel Number(s) 316-020-001, 006, 007, 028, 010). The project proposes an industrial complex with four buildings (1,103,003 sq ft, 16,732 sq ft, 87,429 sq ft and 277,243 sq ft for a total of 1,484,407 sq ft). The proposed uses are consistent with the type and intensity of use envisioned under Moreno Valley Industrial Area Specific Plan (SP 208) and the Industrial land use district.

The project is directly west of another industrial complex (Iris Avenue/Indian Street project - PA07-0079, PA07-0080, P07-121, PA07-0093 and PA08-0018) that was approved by the City Council on July 8, 2008. The Iris Avenue/Indian Street project approval included future "A" Street, which will run along the eastern property boundary of this proposed project.

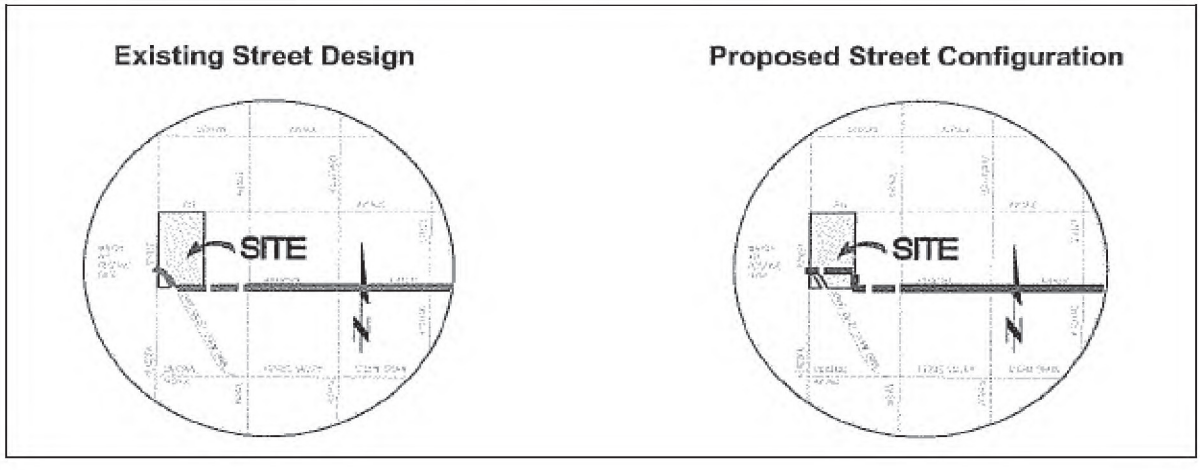
General Plan Amendment

The proposed General Plan Amendment will consist of amending the circulation element in regarding to Krameria Avenue. The proposed changes to Krameria Avenue's design include:

1. Change the proposed physical location of the west end of Krameria Avenue from the east property line of the project site (future "A" Street) to Heacock Street;

2. Change the designation of the above mentioned section of Krameria Avenue from Indian Avenue to Heacock Street from Minor Arterial to Industrial Collector.

Currently, Krameria Avenue is constructed on the east side of Indian Avenue. The City's General Plan Circulation Element shows Krameria Avenue as ultimately being constructed to Heacock Street. The proposed amendment to the circulation element would remove the existing curvilinear design from future "A" Street to Heacock Street and replace it with a straight design (see diagram below).



The proposed realigning of Krameria Avenue will enable project to develop the site more efficiently while creating a functional and safe circulation system. The existing design has the potential of promoting high vehicle speeds from Indian Avenue to Heacock Street. A vehicle driving down the proposed Krameria Street will be required to make a left turn onto future "A" Street, slowing down its speed, thus creating a safer environment. The redesign would also reduce the likelihood of mixing industrial truck traffic with residential commuter traffic.

Kunzman Associates prepared a traffic study (June 17, 2008) for the project. Analyses indicated that enough capacity would be provided with a two lane Industrial Collector between Heacock Street and Indian Street. The study found that with less intensive uses proposed by the project than were evaluated in the City's Traffic Model, as well as diverted trips avoiding the realigned Krameria Avenue, supports downsizing this section of Krameria Avenue from a Minor Arterial to an Industrial Collector.

Specific Plan Amendment

The Specific Plan Amendment also proposes changing the location of Krameria Avenue between Indian Street and Heacock Street as well as downgrading the designation from Minor Arterial to Industrial Collector. The Moreno Valley Industrial Specific Plan (SP 208) document will be revised to include these changes. Proposed deletions are shown as stricken text and additions are underlined.

Text Changes

On Page IV-7, Section d. (Minor Arterials), the Moreno Valley Industrial Specific Plan (SP 208) minor arterials will include the following:

- Nandina Avenue (between Indian Street to ~~Kitching Street~~ Perris Boulevard)
- Indian Street

On Page IV-8, Section e. (Collector Streets), the Moreno Valley Industrial Specific Plan (SP 208) minor arterials will include the following:

Collector streets planned for the construction and improvement within the Project site include:

- Krameria Avenue (between Indian Street to Heacock Street)

On Page V-14, under Minor Arterials (88' ROW):

- Nandina Avenue (between Indian Street to ~~Kitching Street~~ Perris Boulevard)
- Indian Street

On Page V-14, under Industrial Collector (78' ROW)

- Krameria Avenue (between Indian Street to Heacock Street)

Tentative Parcel Map

Tentative Parcel Map 35879 will create four parcels from the existing five parcels.

Master Plot Plan & Plot Plans

PA07-0152 (Master Plot Plan) proposes a four building (1,103,003 sq ft, 16,732 sq ft, 87,429 sq ft and 277,243 sq ft for a total of 1,484,407 sq ft) industrial complex. PA07-0153 (Building 1), PA07-0154 (Building 2), PA07-0155 (Building 3) and PA07-0156 (Building 4) are the individual plot plan reviews of each building within the master plot plan.

Site and Surrounding Area

The site is currently zoned Specific Plan 208 Moreno Valley Industrial Area Plan (SP208I). The project site is currently vacant and relatively flat. The project is located at the southeast corner of Iris Avenue and Heacock Street.

The area within immediate proximity to the subject site is zoned predominately for industrial development. The zoning surrounding the proposed project site is Specific Plan 208 Moreno Valley Industrial Area Plan (SP208I) zone to the south, east, and north. Northeast of the site is zoned Residential Single-Family 10 (RS 10) and developed with a tract of small lot single-family homes that are approximately 20 years old. The nearest proposed truck bay, from the northeast corner of Parcel 1/Building 1, to the single-family homes is approximately 500 feet.

The project is directly west of another industrial complex (Iris Avenue/Indian Street project - PA07-0079, PA07-0080, P07-121, PA07-0093 and PA08-0018) that was approved by the City Council on July 8, 2008. The Iris Avenue/Indian Street project approval included future "A" Street, which will run along the eastern property boundary of this proposed project. Directly north of the proposed project is an industrial complex (PA07-0035 and 0039), which is currently under review by Planning.

Overall, the proposed industrial warehouse development is compatible with the current zone and the City's General Plan.

Access/Parking

The project has been designed to separate truck and employee traffic and to keep truck traffic off of Iris Avenue. Truck access from the site to freeway (Interstate 215) will be from Heacock Street north to Cactus Avenue or via Nandina Avenue to Indian Street from the south. In the future, additional access to the freeway will be available via Krameria Avenue to Indian Street.

Future employees (in Building 1) will be able to get to the project from an automobile only access off of Iris Avenue as well as the end of the cul-de sac of future "A" Street. Other employee only access points include one on the southwest side of Krameria Avenue into Building 3 and top driveway along Building 4's future "A" Street boundary. Trucks will have access to the site from three driveways along Heacock St (two for Building 1 and one for Building 2). Access to Building 3 will be from one driveway off Krameria Avenue, in the southeast corner of the Parcel 3. Building 4 will have access points from Krameria (one driveway) and future "A" Street (one driveway in the southeast corner of Parcel 4). Building 1 will also has access from Krameria Avenue (two driveways) and future "A" Street (two driveways).

The proposed industrial development will meet the required minimum parking standards for office, warehouse and distribution uses. The parking standards are as follows: Office requires a minimum 1 parking space for 250 square feet of gross floor area, and Warehouse and Distribution requires a minimum 1 parking space for 1,000 square feet of gross floor area for the first 20,000 square feet: 1 parking space for 2,000 square feet of gross floor area for the second 20,000 square feet; 1 parking space for 4,000 square feet of gross floor area for areas in excess of the initial 40,000 square feet.

The project as proposed requires 10 parking spaces for office space and 390 for warehouse use for Building 1. Building 1 will provide 418 parking spaces and 166 truck bays. Building 2 as proposed requires 10 parking spaces for office space and 32 for warehouse use. Building 2 is providing 42 parking spaces and 2 truck bays. Building 3 as proposed requires 8 parking spaces for office space and 67 for warehouse use. Building 3 is providing 86 parking spaces and 21 truck bays. Building 4 as proposed requires 6 parking spaces for office space and 125 for warehouse use. Building 4 is providing 132 parking spaces and 39 truck bays. Together all the buildings exceed the minimum parking requirements for a warehouse/office use.

All trailer parking spaces are screened from view of the public right of way by a 14 feet high decorative screen wall. The standard parking spaces are not enclosed by a screen wall.

Design/Landscaping

This project has been reviewed and the design of the proposed industrial project conforms to all development standards of the SP208I zone as required within the Moreno Valley Municipal Code.

All four buildings being proposed are concrete tilt-ups with the two largest being rectangular in shape. The smaller two buildings have an angled wall along their frontage with the existing Riverside County Flood Control Channel. All the buildings are approximately 36 feet in height and the more decorative architectural features of the building reaching heights between 38 and 45 feet. The buildings have the same architecture and are using neutral earth tone colors with a darker accent color (Burnt red) as the color scheme. Planning has conditioned the project to use more of the accent color on all four buildings, especially focusing on elevations that have street frontage. The buildings are concrete tilt-ups rectangular in shape with flat roofs, and

the proposed windows have a greenish reflective glazing finish. The more decorative architectural features of the building are located at entrances to the offices. The building wall heights vary to make the buildings less monotonous. The project is also providing concrete tilt-up walls along Heacock Street, Iris Avenue, Krameria Avenue and Proposed "Street A", so that the loading docks are not visible from the public right of way. The proposed screen walls will be 14 feet in height to fully screen trucks and trailers, and will match the architecture of the buildings.

The proposed project also conforms to the requirements of the City's Design Guidelines. The project is conditioned, so that landscape plans be prepared in accordance with the City's Landscape Development Guidelines and Specifications which includes street trees and enhanced landscaping at street corners and entries in the project.

REVIEW PROCESS

The first staff review of this project took place at the Pre-PRSC meeting on January 8, 2008, and staff met with the applicants at the January 23, 2008 PRSC meeting. Revisions were later submitted in May and June 2008. The project was scheduled for Planning Commission after identified issues had been addressed.

ENVIRONMENTAL

An initial study was prepared to support the recommend environmental finding that a mitigated negative declaration is appropriate for this project. In reviewing the environmental aspects of the proposed Industrial warehouse complex, it was determined that the following studies were required: A General Habitat Assessment with a focus on Burrowing Owls, Acoustical Impact Analysis, Air Quality Impact Analysis, Health Risk Assessment, and a Traffic Impact Analysis.

General Habitat Assessment

According to the General Habitat Assessment performed on the project site by URS Corporation, the report stated that "No direct observations or burrowing owl signs (feathers, pellets, fecal material, prey remains, etc.) were recorded during the general biological assessment conducted in July 2007. No potentially suitable burrows were recorded on site due to extensive site disturbance associated with recent disking activities, which can have substantial negative impacts on potential habitat.

Given the potential suitability of the property to be used by Burrowing Owls, the MSHCP requires that a pre-construction survey be conducted within 30 days prior to ground disturbances to avoid direct take of Burrowing Owls. With compliance with the preconstruction survey, impacts to Burrowing Owls will be less than significant.

Noise Impact Analysis

According to the Noise Analysis Report done for the project site by Jones and Stokes in June 2008, temporary noise impacts from project construction are considered to be less than significant by compliance with City regulations, which restrict the hours of construction.

The on-site generated by truck turning movements will not adversely affect any sensitive receptor and are considered less than significant. The project's employees will not be exposed to excessive noise levels. The project will result in area-wide noise level increase of less than 5 dB along all road segments in the project vicinity. Therefore, the project's area-wide noise impacts are considered less than significant.

Air Quality Impact Analysis

According to the Air Quality Impact Analysis dated May 20, 2008 done for the project site by Jones and Stokes, emissions of all criteria air pollutants from both project construction (short-term) and project operation (long-term) will not exceed the SCAQMD established regional thresholds of significance.

Estimate of Operational Emissions for Project Build-out phase (pounds per day)

	ROC (lbs/day)	**NO_x** (lbs/day)	**CO** (lbs/day)	**SO_x** (lbs/day)	**PM_{10}** (lbs/day)	**$PM_{2.5}$** (lbs/day)
Mobile Source	16	45	108	<1	23	5
Area Source	10	10	10	<1	<1	<1
Total Project	26	55	118	<1	23	5
SCAQMD Daily Significance Threshold	55	55	550	150	150	55
Exceeds Significance Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

URBEMIS 2007 output sheets are provided in the air quality appendix.
Source: ICF Jones & Stokes, July 2008.

Health Risk Assessment

According to the Health Risk Assessment done for the project site by Jones and Stokes from October 2008, the cancer risks to sensitive receptors within the project vicinity will be less than 3 in 1 million due to diesel particulate matter (DPM) emissions from project-generated truck traffic, which is less than the established threshold of significance. Non-cancer risks are also less than the SCAQMD recommended threshold.

The initial study has been made available for a 30-day public review period ending on December 1st, including State Clearinghouse submittal and direct mailing to potentially affected servicing agencies, responsible agencies, and trustee agencies. No comments were received as of the date of publication of this report. Any comments received by close of the review period will be addressed at the Planning Commission hearing.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

APPROVE Resolution No. 2008-50 and thereby:

1. **RECOMMEND** that the City Council adopt a Mitigated Negative Declaration for PA07-0151(Tentative Parcel Map 35879), PA07-0152 (Master Plot Plan), PA07-0153, PA07-0154, PA07-0155 and PA07-0156 (Plot Plans), PA08-0057 (General Plan Amendment) and P08-060 (Specific Plan Amendment) pursuant to the California Environmental Quality Act (CEQA) Guidelines; and

2. **RECOMMEND** that the City Council approve PA07-0151(Tentative Parcel Map 35879), PA07-0152 (Master Plot Plan), PA07-0153, PA07-0154, PA07-0155 and PA07-0156 (Plot Plans), PA08-0057 (General Plan Amendment) and P08-060 (Specific Plan Amendment); subject to the attached conditions of approval included as Exhibits A and B.

Prepared by:

Claudia Manrique
Associate Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2008-50 with Conditions of Approval (Exhibit A and B)
3. Negative Declaration
4. Initial Study
5. Land Use
6. Aerial Photo
7. General Plan and Specific Plan Amendment - Krameria Avenue Realignment
8. Site Plan
9. Elevations – Building 1
10. Elevations – Building 2
11. Elevations – Building 3
12. Elevations – Building 4
13. Tentative Parcel Map 35879

This page intentionally left blank.

710

PA07-0151	**Tentative Parcel Map No. 35879**
PA07-0152	**Master Plot Plan**
PA07-0153	**Plot Plan**
PA07-0154	**Plot Plan**
PA07-0155	**Plot Plan**
PA07-0156	**Plot Plan**
PA08-0057	**General Plan Amendment**
P08-060	**Specific Plan Amendment**

(Item continued from Planning Commission Hearing of December 4th, 2008)

CHAIR DE JONG – Staff Report please

ASSOCIATE PLANNER MANRIQUE – Good evening. I'm Claudia Manrique, the Project Planner. This proposed project includes eight applications; a General Plan Amendment, Specific Plan Amendment, Tentative Parcel Map, Master Plot Plan and four Plot Plans. The project is on the southeast corner of Iris Avenue and Heacock Street on approximately 66.9 acres. The project proposes an Industrial Complex with four buildings totaling 1,484,407 square feet. The proposed uses are consistent with the type and intensity of use envisioned under the Moreno Valley Industrial Area Specific Plan.

The proposed General Plan Amendment will consist of amending the Circulation Element in regards to Krameria Avenue. The proposed changes to Krameria include change of the proposed physical location of the west end of Krameria Avenue from the east property line of the project, which is future "A" Street to Heacock Street and second change the designation of the above mentioned section of Krameria Avenue from Indian Avenue to Heacock Street from a minor arterial to an industrial collector.

The Specific Plan Amendment also proposes changing the location of Krameria Avenue and downgrading the designation of minor arterial to industrial collector.

The project has been designed to separate truck and employee traffic and to keep truck traffic off of Iris Avenue. Truck access to the site and from the site to the freeway Interstate 215 will be from Heacock Street, north to Cactus Avenue or via Nandina Avenue to Indian Avenue from the south. In the future, additional access to the freeway will be available via Krameria Avenue to Indian Street.

All four buildings being proposed are concrete tilt-ups, with the two largest being rectangular in shape. The two smaller buildings have angular walls along their frontage with the existing Riverside County flight control channel.

ATTACHMENT 6

An Initial Study was prepared to support the project. Various studies were also completed and include a General Habitat Assessment, Burrowing Owl Survey, Acoustic Impact Analysis, Air Quality Impact Analysis, Health Risk Assessment and Traffic Impact. The Initial Study was made available for a 30 day Public Hearing which ended in December of 2008. As of today, I didn't receive any comments from any of the State Agencies.

And Staff recommends that the Planning Commission Approve Resolution No. 2008-50 recommending that the City Council adopt a Negative Mitigated Declaration for the project and recommend approval.

There are a few changes to the Conditions of Approval. The blue sheet has two changes to Transportation Conditions. The coral sheet was a couple of changes to Planning and that's it. Thank you.

CHAIR DE JONG – Thank you… Commissioner questions of Staff?

COMMISSIONER RIECHERS – Yes it wasn't immediately clear to me what the implications of the Traffic changes on the blue sheet were and if you could summarize those for me.

SENIOR TRANSPORTATION ENGINEER LLOYD – The changes were at the request of the Applicant and Transportation Engineering agreed with their request. The first was the deletion of TE17 which had included geometric improvements primarily turning lanes along Indian Street at Krameria. This was deleted because the project does not front the roadway. Just as an aside, with the project that you've already approved; the first industrial site immediately adjacent to it were at one time running concurrently, so we we're looking at the projects, even though they're two separate projects, we were looking at them as a whole to ensure that Krameria could be downsized and this was an artifact; it was a mistake on our part and it was called to our attention by the Applicant, so that's we agreed to delete it. The second change TE24 was a change in wording from each gated entrance to the Heacock Street gated entrances and that was done again at the request of the Applicant and we felt that it was appropriate that we needed to only ensure the 75 feet of cueing length at the gates along Heacock Street since it's an arterial. We felt that the other gated locations which I believe are along Street "A" which is an industrial collector, there was enough stacking space provided on the Site Plan and didn't feel it was necessary to condition it.

COMMISSIONER RIECHERS – So what is the status of the other project which we thought was going to be concurrent?

SENIOR TRANSPORTATION ENGINEER LLOYD – As I mentioned it was approved at some point last year and I don't recall at what point but it's an approved project at this point and I believe they are in plan check as of now.
COMMISSIONER RIECHERS – So it is moving forward?

SENIOR TRANSPORTATION ENGINEER LLOYD – Yes it is moving forward

COMMISSIONER RIECHERS – Okay so it's roughly a year or a little more ahead of this project?

SENIOR TRANSPORTATION ENGINEER LLOYD – The Applicant could probably give you a better indication, but I would say at least six months, possibly nine.
COMMISSIONER RIECHERS – Okay, thank you…

CHAIR DE JONG – You're welcome. Any other Commissioner questions of Staff? I have a question regarding P19… P19 calls out for decorative block up on the exterior wall. How does the City define decorative block? Is it a split face or is it smooth or is there…

PLANNING OFFICIAL TERELL – Is there a fixed definition no… it's not precision, but …

CHAIR DE JONG – It's not precision?

PLANNING OFFICIAL TERELL – It's not precision but what some people… it's been done in different ways and usually its split face, sometimes it's slump stone, sometimes it is precision with bands of different types of block which can be very attractive, but the one thing it definitely is not is just straight precision block.

CHAIR DE JONG – Good, that's what I was getting at… Would the City entertain panelized or otherwise decorated tilt-up?

PLANNING OFFICIAL TERELL – Yes, yes because we would look at the architecture of the building and see if we can fit in with the architecture of the building.

CHAIR DE JONG – Do the Conditions of Approval need to be changed for that or is that just a given?

PLANNING OFFICIAL TERELL – I think it's subject to planning… my review, but I believe that it gives enough leeway.

CHAIR DE JONG – Okay good, thank you. I see no more questions so at this point I'll open Public Testimony and call the Applicant forward.

PLANNING OFFICIAL TERELL – I'm sorry, before we do that Land Development had one change that they wanted to read into the record.

CHAIR DE JONG – Let me close Public Testimony

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – Good evening Chair and Planning Commissioners. Land Development does have one request to change LD72 (d) in reference to Krameria Avenue improvements. We had written the requirement for curb separated sidewalks. Krameria Avenue is being requested to be reclassified as a industrial collector and the sidewalk is typically adjacent to the curb, so we propose to strike the following from LD72 (d) right after the word sidewalk we would strike modified to be curb separated with the back walk two feet behind the traditional right-of-way both north and south sides. Thank you.

CHAIR DE JONG – Thank you… Any other additions? Okay, at this time I will open Public Testimony and call the Applicant forward. Please state your name and address for the record.

APPLICANT STEELE – Good evening Chairman and Commissioners. My name is Pam Steele with Hogle-Ireland here representing the developer Western RealCo and we have a brief PowerPoint presentation just to walk through some of the elements of the project. As I said, we will be brief. Well while we are waiting for that to warm up I would just like to say that we do appreciate your Staff working with us and mainly clarifying the Conditions that we had questions about and then revising those that they have already addressed with you to help us understand and to develop a better project. The March Business Center is proposed by Western RealCo and just to give you a sense of who Western RealCo is… Western RealCo has been in business for over 37 years and has successfully developed over 100 buildings in excess… not in excess of almost 15 million square feet throughout Southern California and Gary Edwards is on this project for Western RealCo. He's been with Western RealCo for 20 years now and is himself responsible for over 7 million square feet of development with Western RealCo. Prior to that, he was with Cushman Wakefield and active in NAOP. He is also a graduate of Stanford University and is available here this evening if you have questions; specific questions you'd like to ask of the developer.

In reviewing the Site Plan as Claudia mentioned, the project proposes four buildings and as you can see the sizes of the buildings vary significantly from the largest building of 1.1 million square feet to the smallest of 16,732. The four buildings we'd just like to briefly go over the architecture; from the view; from Iris Street. I'm sorry; it's slower than we thought it would be. As you can see, the buildings are in rich browns; kind of earth tones with rust red accent and then green glazing in the windows. The next elevation is on Heacock and that's the long side of the building, so as you can see the elevations are varied and with a

lot of articulation both vertical and horizontal on the building frontages. Okay the elevations that you see on the top are long along Heacock and the architect has taken great pains to make sure there is a lot of articulation along the building frontage and then the screen wall that you see at the bottom also has the same coloring; the same accents and those rust red vertical accents are also repeated in the screen wall in the front of where they will be on the building to add a cohesive look and that's what you'll see closest to the street is that screen wall.

The screen wall will only be eight feet in height because of the berm that you'll see; the visible eight feet in height because of the landscape berm that will cover the rest of it. The smallest building then just to show you a cohesive architecture throughout the site also carries forth the same architectural style and the same coloring to keep it a consistent look throughout the entire project. Street improvements required for the site go all the way from Heacock, Iris Avenue, Krameria and then the "A" Street which is the cul-de-sac between our project and the project to the east as was mentioned.

Just briefly, the economic benefits to the community consist of the impact fees. We recognize that that's not what the Planning Commission makes their determination on is the economic benefits, but these are mitigation measures, therefore they help mitigate potential impacts from everything from transportation to the environmental; certainly school fees and other City programs such Fire, Police and the City corporate yard. The project will also provide the beneficial construction of those streets and sidewalks and traffic signals and then of course increase property tax to help pay for City services that are beyond the project as well. Just in summarizing the project the varying size buildings allow for a wide variety of possible uses in the project. The California friendly drought tolerant landscaping and the project is designed to meet LEAD standards.

We don't have which standard we are going to meet yet; right now we are still working with that, but that's being designed into the plans for the construction. And as Claudia mentioned the General Plan Amendment and the Specific Plan amendment is simply to amend the circulation for that one portion of Krameria. Our project team; we have our Architect, our Project Architect is here as well, Mike McAndrew with Bastion Associates. If you have questions that you have of the Architect and certainly Gary Edwards is here; the developer in case you have specific questions you'd like to ask him, and with that we have as I mentioned worked through the Conditions with your Staff; we appreciate that. We understand them and agree to those and would like to ask for your approval of the project.

CHAIR DE JONG – Thank you… Commissioner questions of the Applicant?

VICE CHAIR MERKT – Just out of curiosity more than anything else, are you intending to build these buildings immediately or are you going to wait until you have potential tenants for it?

APPLICANT STEELE – Gary do you want to answer that or shall I just answer for you? Why don't you come ahead…Gary Edwards with Western RealCo?
SPEAKER EDWARDS – Good evening Commissioners. To answer the question, it will be a speculative project. The timing of that is a function of the economy we're in. We are optimistic we will be moving ahead sooner rather than later, but it is something we will be looking at. We will not wait for a specific tenant. Should we get one in the process as we move through with the building permit process, it would be exciting and we definitely want to move forward with that, but absent that if we anticipate that it will be a speculative development.

VICE CHAIR MERKT – Thank you

CHAIR DE JONG – And you mentioned that the eight foot tall wall; the screen wall is going to sitting on top of a berm. How tall is the berm going to be?

APPLICANT STEELE – The site actually dips down into the… from the street, so it's a little bit lower, so the berm will be anywhere from 6 feet at the highest to less than that because to support the wall in order to screen the trucks, needs to be 14 feet on the inside.

CHAIR DE JONG – On the inside… so from the sidewalk; from the street side are we looking at 14 feet or less that that?

APPLICANT STEELE – No that's a good point. You will see eight feet of screen wall with the berm going up to cover whatever it is that is from the street and I don't know the exact… it varies a little bit on the dimension on how low the site goes into from Heacock.

PLANNING OFFICIAL TERELL – Yes as I understood it, in order to balance the site there is this dirt already there. You're not importing dirt to do this are you?

APPLICANT STEELE – No

CHAIR DE JONG – Okay, so the top of the screen wall; that's what I'm trying to get at. The top of the screen wall from the street or from the sidewalk view is eight feet above?

PLANNING OFFICIAL TERELL – Well it's 14 feet tall, but you'll only see 8 feet of it, so it will be roughly 14 feet; approximately 14 feet above street level, but you'll only see 8 feet because there is a landscape berm that backs up it, so it will be softened by the berm and the landscaping so it doesn't look so massive. Is that fair?

APPLICANT STEELE – Yes… so you'll six feet of landscape

CHAIR DE JONG – Perfect

COMMISSIONER MARZOEKI – You talked about this project being LEAD certified. What elements are you looking to include?

APPLICANT STEELE – Well the ones that we're already looking at the drought tolerant landscaping and the use of materials that will… the interior lighting and natural lighting and I don't have a comprehensive list. We're still really looking into those, but we have identified several that we're certain we're going to use and then others that we're looking at the possibility of using.

COMMISSIONER MARZOEKI – Okay, thank you

CHAIR DE JONG – Okay, are there any other Commissioner questions of the Applicant? I see none and I have no Speaker Slips. Thank you.

APPLICANT STEELE – Thank you

CHAIR DE JONG – I'm going to close Public Testimony and open Commissioner Debate. Who would like to go first?

COMMISSIONER RIECHERS – Well as I see it, this is a good project in the right location. I would be tickled pink if they had a tenant lined up, but in the absence of that it is quite understandable in this market. I'm happy that they are willing to go forward with their proposal in anticipation of the change in the market to be ready with their approval when the market does change. I see no reason to not give them their approvals at this time, so that when the market does change, they are ready to move forward post haste. That said I will be ready to support the project when a motion is made.

CHAIR DE JONG – Thank you George

VICE CHAIR MERKT – I like the architecture on the project. I think it's absolutely located in the correct location. If we approve this, it will give prospective tenants a veritable smorgasbord of size of buildings available for their use ranging from small to medium size to actually very large; the biggest building 1 million square feet plus. To compare that, Fresh N Easy is around 800,000 square feet in meridian, so that's a good size building and has the potential to draw a good size company here with substantial needs. The fact that it's not being built immediately is not really a concern because I recognize the economy isn't that great to begin with right now, but having it ready give us a step up on the competition when the economy changes as it will inevitably do, so I will be in support of this project.

CHAIR DE JONG – Thank you. Are there any other Commissioner Comments?

COMMISSIONER GELLER – I have to tell you I'm sitting here listening and I'm amazed. I don't where the AQMD is today. I don't where the Lung Association is. I don't see letters from them. I haven't heard and seen the people from Mira Loma complaining about air quality. The Sierra Club is conspicuously absent. It's absolutely amazing to me that last week one of our Commissioners was grilling the Applicant on financial statements and here we know it's not going to be built and nobody cares. We didn't ask for a list of all the completed projects. We didn't ask anything about how many jobs are going to be created; no one cares. There is no third degree to this developer. As a matter of fact there wasn't one opponent; talk about nimbyism, and to the Applicant I apologize; some of this is for the benefit of City Council.

I'm in support of the project. I'm making a point. Unbelievable… the belching fumes; the same fumes that these Commissioners were complaining about and all the smog and all the diesel particulate matter; not one statement was made today. This is a lot closer to a lot more houses than anything that Highland Fairview ever proposed. It's fine. It's what it is. Yes this is the industrial area but these people that live right adjacent on Iris, there is a lot of houses there; far closer than were ever proposed in the Highland Fairview, yet these same Commissioners went on and on about all the diesel particulate matter and how bad the air was going to be. It's like the air just sits over the warehouse district and doesn't move around. It's a clear case of nimbyism to the ultimate degree and it disgusts me quite frankly.

That being said, I'm not going to take out my issues on this developer. Well I mean there is still General Plan Amendments; it's really exactly the same issues that we had m9last week and all of a sudden it's a whole different world and whatever the reason is; whatever the reason is. The Commissioners are entitled to vote the way they want. I just want to point the hypocrisy of all the people or many of the anti-speakers from two weeks ago and last week, how it's just absolutely incredible to me how much hypocrisy there is among the so called environmentalists and all the other people that whine about these projects. Not one person came to speak against this project. So that being said, I'm in support of it and I'll support the motion when it's made.

COMMISSIONER DOZIER – I don't know where to start. I'm for this project. I'll let you know that up front. It's where we approved it really in the beginning and zoned properly to be there. I live not too far from where this is going to be and I understand the AQMD. I understand the kind of truck traffic it's going to generate. I understand the traffic it's going to create and I'm for it because there are a lot of economic development reasons why it would be healthy for our City to have it to try to attract tenants to create jobs in the community. The thing that bothers me is if we considered putting this in another part of the City, even with a tenant, the outcry that you saw from a week ago was just tremendous. Well what about us down where we are. I live probably less than a quarter of a mile from where this is all going to be developed. You are not concerned about my kids or

my grand kids or me. I don't see the Sierra Club. I don't see the people that were really against these projects because they thought they were going to pollute the air, strangle our traffic and it bothers me.

I really was disappointed last week at some of the positions that we took as a Planning Commission and I want to go on record to say that. I think that you know kill our kids down at this end of town because it's in the General Plan; because we decided to pollute the air at this end of town and don't be upset that we are putting it at this end of town and the kids are going to have asthma problems or the particulate is going to be high and to the Sierra Club, I say you are conspicuously absent today. You either are for clean air or you're not. You can't pick where you want to have your clean air. Either you are an environmentalist who wants to protect the environment or you're not, so having said that, I think I'm not going to go any further because I'm just very, very disappointed in the direction that we took.

We should never be asking a developer or the tenant. We've never done it in the past, but we did a week ago. We didn't ask one question today and I'm happy about that, but it speaks to the inconsistency; not one question about pollution; not one question about the traffic; not one question about whether you can pay for this project or how financially stable are you; not one. I'm not going to say anymore, but I am for this project because we did approve it in the right place at the right location and one other thing I did forget. Someone said this General Plan is like our constitution and it is the constitution of the City. How many times have we amended the constitution of the United States? It is a living, breathing document and I stand by that. We do not have to be bound by decisions that were made about that plan just because we sat down and decided yesterday this is what we thought we wanted to do and this is the kind of City we wanted to plan out. It's not that simple.

The constitution had we not amended it, there were bad things that we did in our own American constitution that we corrected as we grew as a nation and as a people. Cities are no different. We grow and we change. We just voted down the largest single development project in Southern California as a Planning Commission a week ago. It was the largest potential single development project in Southern California and we don't where it's going to go. We don't know which way the City Council will go but it could leave us and we had an opportunity and what it meant was taking a relatively small portion of all the land that's left on the east end of town and creating the jobs; creating the economic development synergy; there were a lot of things that we would lose and we could very well lose them depending on which way the Council will go. That saddens me at a time where we're talking about in economic depression that we've not seen in the history of the United States probably since the 20's to turn someone who already had a tenant; already had a tenant... They were going to pay something like 788,000 dollars a month in rent for 12 years. Gimme a break... What are we doing? What are we thinking?

People need jobs today, not tomorrow and all we had to do was on a certain part of town make a decision to change our minds about what's really good for us today and we didn't have to give up everything. We weren't asking everybody to give up a complete lifestyle on that end of town. We used the term nimbyism; Yes it was partly that and then we threw in a little bit of social cat calling and we threw in a lot of things. We threw in have and have nots. We threw in a lot of stuff into that argument, but really what it boils down to is that end of town, you don't want to give up anything to create the jobs for the rest of the community. You saw them line up here one after the other… help us; employ us; give us an opportunity; give us a job and this was an opportunity to do so and all you had to do was give up a little strip of your land along the 60 Freeway in that end of town and make a General Plan Amendment to make it happen. Now the same issue.

We've got a warehouse but it's going down to the south end of town. You don't care about the kids down there. You don't care about the air pollution down there. I don't see you today, so don't tell me that you care. Don't tell me that you're doing this because you want to protect the kids because you think it's not going to create any traffic. Don't tell me that. I'm not buying that because you're not here today and I wanted to ask the Applicant…. You know I don't know how many truck trips because you don't have a tenant so you don't really know, but I know how many bays there are potentially and I know that that building is one point whatever it is million. It is only 600,000 square feet less than the building we were talking about the other week, but I hear nothing; hear nothing; absolutely nothing. Now I got my frustration out. Thank you for the time but I wanted to make those points. God Bless you on your project.

CHAIR DE JONG – Thank you

COMMISSIONER MARZOEKI – I have to follow that. I'm always concerned about the air quality; our children; the traffic. I know any project like this we're going to have the increased traffic and air quality issues and I also spoke about visual impacts last time too. It is part of the project. It is what it is, but you know it's hard to mitigate some of that stuff and I understand that. It is very difficult to mitigate that stuff, but this project is an area of the City that it does make sense whether I like it or not, it's zoned for it. The project is a good project and so I am in favor of the project.

CHAIR DE JONG – Thank you. As we have said many times on this Commission if something is zoned correctly, we really don't have a whole lot of discussion about it in terms of whether it can go there or not and this is one of those particular projects. I do happen to be for it. I think this is a project as we have certainly alluded to; this is where I think it belongs. I like the architecture. I like the colors of it. I like the way the façade is articulated; it pops in and out. That being said, I like that portion of the project. We had mentioned that we had not really discussed jobs and of course we can' really when it's a speculative

building. We understand that. We don't know who the tenant is going to be and the same thing with truck traffic and trips and that type of pollution although being in the industrial area that's where it has to be and that being said we have set aside a portion of our City for that, so that's where it's going to be. I will support the project. Are we ready for a motion?

COMMISSIONER RIECHERS – I just very briefly want to take a few moments to rebut some of the comments which have been made by some of my fellow Commissioners. I want to say that I'm offended by some of those comments. I don't feel that this is… Well I guess what I want to say is that I am offended by their assumptions on my motives for my votes last week and this week. I don't feel that they have the right to presume that they understand why I voted the way I did last week and the way I'm voting last week. I don't believe they were listening very carefully to what I said about why I voted the way I did last week and the way I'm voting this week. I can perhaps explain a little better why I'm voting the way I am this week. This industrial area where we are putting this project this week has been zoned Industrial for 15 years or 18 years…

PLANNING OFFICIAL TERELL – Twenty

COMMISSIONER RIECHERS – Twenty years. We have been working for most if not all of those 20 years to ensure that the proper infrastructure to support that industrial area has been developed along with the industrial area. That includes proper access to the industrial area to keep the trucks flowing freely into the industrial area; keep them out of residential areas. Freeway 215 is much better equipped to handle the truck traffic than is the east end of Freeway 60. The overpasses are equipped to handle truck traffic. The exchanges out there on the east end of 60 are not at all equipped to handle truck traffic. There are a plethora of reasons why this is a much better reason for large industrial complex than what was proposed last week. I could go on and on and on but I won't. I don't believe it's necessary for me to go into all of my reasons for objecting to the plan last week and supporting the plan this week, but I will reiterate that I find it offensive that some of my fellow Commissioners presume to understand all of my reasons for voting against the project and frankly insult me by calling me a nimby for supporting one project and denying another and I hope that in the future they will refrain from doing so and with that I am ready to make a motion.

CHAIR DE JONG – Are there any other comments? Please continue…

COMMISSIONER RIECHERS – I would move that the Planning Commission **APPROVE** Resolution No. 2008-50 and thereby:

1. **RECOMMEND** that the City Council adopt a Mitigated Negative Declaration for PA07-0151 Tentative Parcel Map No. 35879, PA07-0152 Master Plot Plan, PA07-0153, PA07-0154, PA07-0155 and PA07-0156 Plot Plans, PA08-0057 General Plan Amendment and P08-060 Specific Plan Amendment, pursuant to the California Environmental Quality Act (CEQA)

Guidelines; and,

2. **RECOMMEND** that the City council approve PA07-0151 Tentative Parcel Map NO. 35879, PA0-0152 Master Plot Plan, PA07-0153, PA07-0154, PA07-0155 and PA07-0156 Plot Plans, PA08-0057 General Plan Amendment and P08-060 Specific Plan Amendment, subject to the Attached Conditions of Approval as amended, included as Exhibits A and B.

COMMISSIONER MARZOEKI – I'll second

CHAIR DE JONG – Thank you… is there any discussion? All those in favor?

Opposed – 0

Motion carries 6 – 0

CHAIR DE JONG – Staff wrap up please

PLANNING OFFICIAL TERELL – Yes this item shall be forwarded to the City Council for final review and action.

CHAIR DE JONG – Thank you. Good luck. Okay, moving on to Item 720

NEGATIVE DECLARATION

PROJECT TITLE AND FILE NUMBERS: PA07-0151(Tentative Parcel Map 35879), PA07-0152 (Master Plot Plan), PA07-0153, PA07-0154, PA07-0155 and PA07-0156 (Plot Plans) PA08-0057 (General Plan Amendment) and P08-060 (Specific Plan Amendment)
PROJECT APPLICANT: Western RealCo **TELEPHONE NUMBER:** (949) 720-3787
PROJECT LOCATION: Southeast corner of Iris Avenue and Heacock Street (APN(s): 316-020-001, 006, 007, 028, 010)
PROJECT DESCRIPTION: This proposed project includes eight applications — a General Plan amendment, Specific Plan amendment, tentative parcel map, master plot plan and four plot plans — for approximately 66.9 acres at the southeast corner of Iris Avenue and Heacock Street (Assessor's Parcel Number(s) 316-020-001, 006, 007, 028, 010). The project proposes an industrial complex with four buildings (1,103,003 sq ft, 16,732 sq ft, 87,429 sq ft and 277,243 sq ft for a total of 1,484,407 sq ft). The proposed uses are consistent with the type and intensity of use envisioned under Moreno Valley Industrial Area Specific Plan (SP 208) and the Industrial land use district.

FINDING

The City of Moreno Valley has reviewed the above project in accordance with the City of Moreno Valley's Guidelines for the Implementation of the California Environmental Quality Act, and has determined that an Environmental Impact Report need not be prepared because:

[ ] The proposed project will not have a significant effect on the environment.

[X] Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures described in the attached Initial Study and hereby made a part of this Negative Declaration have been added to the project. The Final Conditions of Approval contain the final form and content of all mitigation measures.

This determination is based upon an Initial Study. The project file, including the Initial Study and related documents is available for review during normal business hours (8:00 a.m. to 5:00 p.m. Monday through Friday) at the City of Moreno Valley, Community Development Department, Planning Division, 14177 Frederick Street, Moreno Valley, California 92553, Telephone (951) 413-3206.

PREPARED BY: Claudia Manrique, Associate Planner DATE:

NOTICE

The public is invited to comment on the Negative Declaration. The appropriateness and adoption of the Negative Declaration is considered at the time of project approval in light of comments received.

DATE ADOPTED: BY: City Council

Chapter 3
Environmental Checklist and Analysis

INITIAL STUDY/
ENVIRONMENTAL CHECKLIST FORM
CITY OF MORENO VALLEY

1. Project Title: March Business Center Project

2. Lead Agency Name and Address: City of Moreno Valley
   14177 Frederick Street
   P.O. Box 88005
   Moreno Valley, CA 92552-0805

3. Contact Person and Phone Number: City of Moreno Valley
   Claudia Manrique, Project Planner
   (951) 413-3206

4. Project Location: The proposed project is located south of Iris Avenue and east of Hancock Street, within the City of Moreno Valley. The site includes the following Assessor Parcel Numbers: 316-020-001, -006, -007, -010, -028, and –030.

5. Project Sponsor's Name and Address: Western Realco
   500 Newport Center Drive, Suite 630
   Newport Beach, CA 92625
   Contact: Gary Edwards

6. General Plan Designation: BP (Business Park/Light Industrial).

7. Zoning: I (Industrial)

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 involves the grading, construction, and operation of a 66.92-acre business park for light industrial and warehouse distribution uses. The business park would consist of four buildings totaling approximately 1,484,407 square feet, and ranging in size from 16,732 square feet (Parcel 2) to approximately 1,103,003 square feet (Parcel 1). The remaining two buildings are proposed to be 87,429 square feet (Parcel 3) and 277,243 square feet (Parcel 4) in size for a total site coverage of 50.92%.

The proposed project includes construction of the east-west extension of Krameria Street, which would bisect the business park. Additionally, the project proposes construction of "A" Street, which would extend along the eastern boundary of the business park from Krameria Street and terminate in a cul-de-sac at the northeast corner of the site. Access to the business park would be provided via driveways on Heacock Street, Iris Street, Krameria Street, and "A" Street. Stormwater would be directed into one of four water detention basins constructed to treat onsite runoff and contain flood flows, prior to discharging to the Perris Valley Stormdrain.

9. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings)

The project site is surrounded by Heacock Street and March Air Reserve Base to the west, and vacant lots and business park/industrial buildings associated with the Moreno Valley Industrial Area Specific Plan are located to the north, south, and east. Existing residential development occurs within the area, north of Iris Avenue and east of Indian Street. In addition, one single-family residence (vacant) is located west of Indian Street at Goertzen Court within an adjacent parcel planned for industrial development. Two commercial centers including retail stores, restaurants, and a gas station are located on Perris Boulevard, east of the project site.

10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement).

- Section 404 Authorization from the United States Army Corps of Engineers.
- Water Quality Certification from the Santa Ana Regional Water Quality Control Board.
- Streambed Alteration Agreement from the California Department of Fish and Game.

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		Hazards & Hazardous Materials		Public Services
	Agricultural Resources		Hydrology/Water Quality		Recreation
	Air Quality		Land Use/Planning		Transportation/Traffic
	Biological Resources		Mineral Resources		Utilities/Service Systems
	Cultural Resources		Noise		Mandatory Findings of Significance
	Geology/Soils		Population/Housing		

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	■
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Signature Date

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 Section 17, "Earlier Analysis," 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
1. **AESTHETICS.** Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X

1a. Response: *(Sources: City of Moreno Valley General Plan, Figure 7.2 – Major Scenic Resources, City of Moreno Valley General Plan FEIR)*

Less-Than-Significant Impact. The proposed project site is located within the City of Moreno Valley, which lies within a relatively flat valley floor surrounded by rugged hills and mountains. Scenic vistas within the city include views of and from Mount Russell, the Badlands, the Foothills, and the Box Springs Mountains. According to Figure 7-2 of the City of Moreno Valley General Plan, the proposed project is not located within close proximity to these features, nor is it located within an identified view corridor. Therefore, the proposed project would not have an adverse effect on a scenic vista.

b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				X

1b. Response: *(Sources: City of Moreno Valley General Plan, Figure 7.2 – Major Scenic Resources, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan)*

No Impact. According to Figure 7-2 of the City of Moreno Valley General Plan, the nearest scenic highway to the site is State Route (SR) 60, which is located approximately 3.65 miles to the north (City of Moreno Valley 2006b). The proposed project site is not visible from SR 60. Therefore, no impacts to scenic resources within a state scenic highway would occur.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	

1c. Response: *(Sources: City of Moreno Valley General Plan, Chapter 7 Conservation, Section 7.7 Scenic Resources, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan)*

Less-Than-Significant Impact. The proposed project site is a flat, vacant lot located adjacent to the east boundary of MARB. The proposed project would result in a change of the existing visual character from a vacant lot to a developed site. However, existing conditions on the site have little visual value due to ongoing site disturbance. In addition to MARB, surrounding land uses include existing industrial/business park uses and residential developments. The proposed development represents an extension of existing and planned development in the area.

Additionally, Objective 2.10 of the Moreno Valley General Plan and the associated policies ensure that new developments, including new buildings, walls and landscaping, are visually attractive. The site would be landscaped in accordance with the City's standards in areas zoned for industrial/business park uses. Therefore, impacts to the visual character or quality of the site would be less than significant.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

1d. Response: *(Sources: City of Moreno Valley General Plan, Chapter 7 Conservation, Section 7.7 Scenic Resources, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan)*

Less-Than-Significant Impact. The two major causes of light pollution are glare and spill light. Glare occurs when one sees a bright object against a darker background, such as when a person experiences oncoming headlights while driving at night. Spill light is caused by misdirected light that illuminates areas outside the area intended.

Introduction of the proposed project in the area would create new lighting sources associated with the addition of the four buildings and access, loading, and parking lot lighting. In accordance with Policy 2.10.7 of the Moreno Valley General Plan, which discourages lighting that causes excessive light and glare on adjacent properties, as well as with the Moreno Valley Municipal Zoning Code, all lighting fixtures within the proposed project would be fully shielded cut-off fixtures to avoid emitting glare onto adjacent properties or above the lowest part of the fixture (City of Moreno Valley 2005a). In parking areas, the lighting would be designed in accordance with the City's zoning code and Specific Plan lighting requirements to minimize spillover and

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

glare effects on adjacent properties, including the MARB. Impacts associated with the creation of light or glare would be less than significant.

2. **AGRICULTURE RESOURCES**: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California 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	

2a. Response: *(Sources: City of Moreno Valley General Plan, Chapter 7 Conservation, Section 7.1 Agricultural Resources, City of Moreno Valley General Plan FEIR, Figure 5.8-1- Important Farmlands, Moreno Valley Industrial Area Specific Plan)*

Less-Than-Significant Impact. The California Department of Conservation's Farmland Mapping and Monitoring Program identifies categories of agricultural resources that are significant and therefore require special consideration. According to Exhibit 5.8-1 of the City of Moreno Valley General Plan FEIR, which is based on information from the California Department of Conservation, approximately 22 acres of the project site are designated as Farmland of Local Importance. Farmland of Local Importance is generally used in dryland farming or is under agricultural zoning or contract. The subject property is not currently under active farming use and the existing land designation and zoning of the property is for industrial use, which does not allow agricultural use. Existing uses adjacent to the project site include the MARB and properties planned for industrial development under the Moreno Valley Industrial Area Specific Plan. Therefore, implementation of the proposed project would not result in a conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X

2b. Response: *(Sources: City of Moreno Valley General Plan, Chapter 7 Conservation, Section 7.1 Agricultural Resources, Figure 2-2 Land Use, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan)*

No Impact. The proposed project site is zoned I (Industrial) and is surrounded by land zoned for industrial, residential, and commercial use (City of Moreno Valley 2007). The nearest land under an active Williamson Act contract is located approximately 7 miles east of the project site on the south side of Gilman Springs Road, east of Jack Rabbit Trail, which is outside of the City limits and its sphere of influence (City of Moreno Valley 2005b). Based upon the existing zoning designations and distance from the nearest land parcel under active Williamson Act contract, implementation of the project would not result in conflicts with existing agricultural zoning or a Williamson Act contract.

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?			X	

2c. Response: *(Sources: City of Moreno Valley General Plan, Chapter 7 Conservation, Section 7.1 Agricultural Resources, Figure 2-2 Land Use, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan)*

Less-Than-Significant Impact. The proposed project does not include other changes to the existing environment that could result in conversion of farmland to nonagricultural use. Development of land is considered more significant when the zone of influence[1] surrounding the property contains a higher percentage of land in agricultural production. When surrounding lands are already built up, development of the property would be more consistent with growth patterns and would have fewer impacts on surrounding properties. Although approximately 22 acres of the project site are designated as locally important farmland, the proposed project would not be located on or adjacent to land that is currently under agricultural production. Additionally, the project site is located in a developing area adjacent to MARB, within an approved Specific Plan that designates the site and surrounding properties for industrial/business park uses (City of Moreno Valley 2006a, 2007). Therefore, impacts to farmland would be considered less than significant.

[1] zone of influence is land adjoining and within 0.25 mile of the subject project site that is likely to influence and be influenced by the agricultural land use (California Department of Conservation 1997.)

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3. **AIR QUALITY/CLIMATE CHANGE:** 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	

3a. Response: *(Sources: City of Moreno Valley General Plan, City of Moreno Valley General Plan FEIR,Chapter5.3: Air, Moreno Valley Industrial Area Specific Plan, Jones & Stokes 2008d)*

Less Than Significant Impact. The Southern California Associated of Governments (SCAG) is the regional planning agency for Los Angeles, Orange, Ventura, Riverside, San Bernardino, and Imperial Counties, and addresses regional issues relating to transportation, economy, community development, and environment. With regard to air quality planning, SCAG has prepared the Regional Comprehensive Plan and Guide (RCPG), which includes Growth Management and Regional Mobility chapters that form the basis for the land use and transportation control portions of the Air Quality Management Plan (AQMP). These documents are utilized in the preparation of the air quality forecasts and consistency analysis included in the AQMP. Both the RCPG and AQMP are based, in part, on projections originating with County and City General Plans.

The proposed project is located within the adopted Moreno Valley Industrial Area Specific Plan, which acts as a community plan of the City of Moreno Valley General Plan. The zoning established for the site by the Specific Plan designates the property as Industrial (I). The project site is classified as Business Park/Light Industrial in the Land Use Element of the General Plan. The proposed project is consistent with these classifications, as the whole of the project would consist of distribution warehousing and manufacturing land uses. A Specific Plan Amendment and General Plan Amendment is proposed to change the designation of the onsite extension of Krameria Street from minor arterial to industrial collector and to remove the curvilinear design of Krameria Street from the proposed "A" Street to Heacock Street to better accommodate traffic flow within the business park. These amendments do not represent changes in land use intensity or transportation that would conflict with the region's AQMP.

Because the project is consistent with the land use designations of local general plan and specific plan, pursuant to SCAQMD guidelines, the proposed project is considered consistent with the region's AQMP. As such, proposed project-related emissions are accounted for in the AQMP, which is crafted to bring the Basin into attainment for all criteria pollutants. Accordingly, the proposed project would be consistent with the projections in the AQMP, thus resulting in a less than significant impact.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation.		X		

3b. Response: *(Sources: City of Moreno Valley General Plan, City of Moreno Valley General Plan FEIR,Chapter5.3: Air, Moreno Valley Industrial Area Specific Plan, Jones & Stokes 2008d)*

Less Than Significant Impact. The proposed project would involve the construction and operation of a business park for light industrial and warehouse/distribution uses. Air pollutant emissions associated with the project could occur over the short-term during site preparation and construction activities. In addition, emissions could result from the long-term operation of the completed project. Therefore, the proposed project has the potential to contribute to the possible violation of an existing air quality standard or an existing or projected air quality violation. The findings of an air quality analysis conducted by Jones & Stokes in 2008 (refer to Appendix A) indicate that the proposed project's criteria pollutant emissions would fall below all respective SCAQMD significance thresholds. As such the proposed project would result in a less than significant impact, as discussed below.

Construction Emissions

Major sources of emissions during construction include exhaust generated from the use of heavy equipment and on-road vehicles, and fugitive dust generated as a result of soil disturbance during excavation and grading activities. Construction of the proposed project is expected to be carried out in two phases. Phase 1 would comprise constructing the 1,187,585 square foot warehouse on parcel 1, as well as the site work and underground utility installations required for parcels 2, 3 and 4. Phase 1 construction is anticipated to commence in July 2009 and require approximately 10 months to complete. As indicated in Table 3-1, below, daily emissions of all criteria pollutants for projected Phase I short-term construction emissions (12-months) are below SCAQMD-suggested thresholds.

Table 3-1. Phase I Construction Emissions

	ROC	NOx	CO	SOx	PM10	PM2.5
Maximum Daily Emissions (lbs/day)	67	63	119	<1	109	24
Localized Significance Threshold	------	601	4,801	-----	216	-----
Exceeds Threshold?	No	No	No	No	No	No
Regional Significance Threshold	75	100	550	150	150	55
Exceeds Threshold?	No	No	No	No	No	No

Source: Jones & Stokes 2008d

Phase 2 would include construction the remaining three buildings (381,404 square feet) of the proposed project on Parcels 2, 3 and 4. Phase 2 construction would commence approximately 12 to 18 months after completion of Phase 1construction, and would require approximately 5 months for completion. Because Phase 1 is expected to be operational during Phase 2 construction, the projected Phase 1 operations-period emissions have been added to Phase 2 construction emissions. As indicated in Table 3-2, below, daily emissions of all criteria pollutants for projected Phase 2 short-term construction emissions (5-months) are below SCAQMD-suggested thresholds.

Table 3-2. Phase 2 Construction Emissions

	ROC	NOx	CO	SOx	PM10	PM2.5
Maximum Daily Emissions (lbs/day)	28	98	145	2	21	7
Localized Significance Threshold	------	601	4,801	-----	216	-----
Exceeds Threshold?	No	No	No	No	No	No
Regional Significance Threshold	75	100	550	150	150	55
Exceeds Threshold?	No	No	No	No	No	No

Source: Jones & Stokes 2008d

Operational Emissions

Long-term air quality impacts are those associated with the emissions produced from mobile source emissions, such as project-generated truck and other vehicle trips; stationary source emissions from the use of electricity and natural gas; and area sources, such as landscape equipment emissions. Projected operations emissions are included in Table 3-3, below. As shown in Table 3, the project's net regional emissions would not exceed regional SCAQMD thresholds for any criteria pollutant. Therefore, regional operations emissions would result in a less than significant long-term regional air quality impact.

Table 3-3. Operational Emissions

	ROC	NOx	CO	SOx	PM10	PM2.5
Mobile Sources	16	45	108	<1	23	5
Area Sources	10	10	10	<1	<1	<1
Total	26	55	118	<1	23	5
SCAQMD Daily Threshold	55	55	550	150	150	55
Exceeds Threshold?	No	No	No	No	No	No

Source: Jones & Stokes 2008d

Greenhouse Gas Emissions

Table 3-4 presents an estimate of project-related GHG emissions of CO_2, CH_4, and N_2O in the form of CO_2e (carbon dioxide equivalent). Because quantitative GHG guidelines, including thresholds, have not been developed by the SCAQMD, these emissions are provided for information purposes only. According to a recent white paper by the Association of Environmental Professionals, "an individual project does not generate enough GHG emissions to significantly influence global climate change. Global climate change is a cumulative impact; a project participates in this potential impact through its incremental contribution combined with the cumulative increase of all other sources of GHG emissions." Project-related impacts are expected to be less than significant because climate change would not occur directly from project emissions. Nevertheless, mitigation measures to reduce project-related GHG emissions by the greatest extent feasible are prescribed below.

Table 3-4. Estimate of Project-Related Greenhouse Gas Emissions (pounds per day)[a]

	CO_2e
California Statewide Average Daily Emissions (year 2004)	2,972,314,499
Project Emissions	
Maximum Phase I Construction-Period Emissions	15,820.80
Maximum Concurrent Phase I Operations-Period and Phase II Construction-Period Emissions	42,086.84
Project Build-out Operations-Period Emissions	
Mobile Source	962,061
Stationary Source	12,555
Area Source	15,455
Total Operations-Period Emissions	990,071
SCAQMD Daily Significance Threshold	NA
Exceed Significance Threshold?	NA

[a] URBEMIS 2007 output and energy emissions calculation worksheets are provided in the air quality appendix.

Construction-Period Emissions

The proposed project's worst case GHG emissions during Phase 1 construction would be approximately 15,821 CO_2e pounds per day. This amount represents approximately 0.0005% of the statewide total daily GHG emissions. The proposed project's concurrent Phase 1 operations-period and Phase 2 construction-period worst-case GHG emissions would be approximately 42,087 CO_2e pounds per day, which represents approximately 0.0014% of the statewide total daily GHG emissions. Existing ARB regulations (Title 13 of the California Code of Regulations, Sections 2480 and 2485), which limit idling of diesel-fueled commercial motor vehicles, would help to limit GHG emissions associated with project-related construction vehicles. In addition, ARB's proposed Early Action Measures (pursuant to the California Global Warming Solutions Act of 2006) include other emission reduction measures for diesel trucks and diesel off-road equipment. ARB will review and adopt Early Action Measures by January 1, 2010, and equipment used for construction of the project after 2010 could be subject to these requirements. Once such measures go into effect, construction contractors would be subject to these requirements. Nevertheless, project-specific measures to further reduce GHG emissions during construction are prescribed below.

Operations-Period Emissions

Vehicular trip generation and energy demands related to the proposed new development would result in direct and indirect emissions of GHG emissions. As shown in Table 3-4, GHG emissions that would occur during project build-out long-term operations would be approximately 990,071 CO_2e pounds per day. This amount represents approximately 0.033% of the statewide total daily GHG emissions.

No federal, state, or regional air quality agency has adopted a methodology or quantitative threshold that can be applied to evaluate the significance of an individual project's contribution to GHG emissions, such as the ones that exist for criteria pollutants. Nevertheless, project-specific measures to reduce GHG emissions during long-term project operations are prescribed below.

Mitigation Measures

The following mitigation measures are recommended to reduce project-related GHG emissions.

Construction-period Measures

AQ-1: Project Applicant shall provide construction site electrical hook ups for electric hand tools such as saws, drills, and compressors, to eliminate the need for diesel powered electric generators or provide evidence that electrical hook ups at construction sites are not practical or prohibitively expensive.

AQ-2: Project Applicant shall ensure that construction equipment is properly maintained, including proper tuning and timing of the engines.

AQ-3: Idling of construction equipment on site shall be limited to no more than ten minutes.

AQ-4: Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions or provide evidence that it is prohibitively expensive.

Operations-period Measures

AQ-5: Use high efficient windows in office areas.

AQ-6: Use high-efficient parking lot lights.

AQ-7: Use lighting controls and energy-efficient lighting.

AQ-8: Use light-colored roof materials to reflect heat.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

AQ-9: Use alternative fuels and measures to maximize fleet efficiency for vehicles that will serve the proposed project on a frequent basis (e.g., forklifts, switcher tractors/hostelling units) or provide evidence that it is prohibitively expensive.

AQ-10: Use native and/or drought-resistant planting and efficient irrigation systems.

AQ-11: Use permeable paving materials to reduce water runoff and promote natural filtering of precipitation and irrigation waters.

AQ-12: Install recycling bins and provide space for storage and collection of recyclables within development site.

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	

3c. Response: *(Sources: City of Moreno Valley General Plan, City of Moreno Valley General Plan FEIR,Chapter5.3: Air, Moreno Valley Industrial Area Specific Plan, Jones & Stokes 2007, Jones & Stokes 2008d)*

Less Than Significant Impact. The SCAQMD's approach for assessing cumulative impacts is based on the AQMP forecasts of attainment of ambient air quality standards in accordance with the requirements of the Federal and State Clean Air Acts. As previously discussed (Response 3a.), the proposed project would be consistent with the AQMP, which is intended to bring the Basin into attainment for all criteria pollutants.

In addition, the mass regional emissions calculated for the proposed project and presented earlier in Response 3b., are less than the applicable SCAQMD daily significance thresholds, which are designed to assist the region in attaining the applicable state and national ambient air quality standards. As such, cumulative impacts would be less than significant.

d) Expose sensitive receptors to substantial pollutant concentrations?			X	

3d. Response: *(Sources: City of Moreno Valley General Plan, City of Moreno Valley General Plan FEIR,Chapter5.3: Air, Moreno Valley Industrial Area Specific Plan, Jones & Stokes 2007, Jones & Stokes 2008d)*

Less than Significant Impact. The results of the air quality analysis, conducted by Jones & Stokes in 2008, are summarized below.

Construction Emissions

The results of the dispersion modeling conducted by ICF Jones and Stokes are presented in Table 3-5. As shown therein, CO, NO_X, PM_{10}, and $PM_{2.5}$ concentrations would not exceed SCAQMD localized significance criteria. As such, localized impacts during project construction will be less than significant.

Table 3-5. Estimate of Phase I and Phase II Localized Construction Emissions (pounds per day)

	Estimated Emissions and Concentrations			
Phase (Duration)	**CO**	**NO_x**	**PM_{10}**	**$PM_{2.5}$**
Phase 1 Grading (2 months)	16	30	79	18
Phase 1 Building Construction (8 months)	20	30	2	2
Phase 1 Concurrent Building Construction, Asphalt Paving and Architectural Coatings Application (2 months)	30	48	4	4
Phase 2 Building Construction (5 weeks)	11	17	1	1
Phase 2 Concurrent Building Construction , Architectural Coatings Application and Paving (1 month)	11	23	1	1
Maximum Emissions (pounds/day)	30	48	79	18
Maximum Pollutant Concentration [a]	3.65 ppm (1-hour) 2.17 ppm (8-hour)	0.12 ppm (1-hour)	9.01 $\mu g/m^3$ (24-hour)	2.06 $\mu g/m^3$ (24-hour)
SCAQMD Significance Criteria	20 ppm (1-hour) 9.0 ppm (8-hour)	0.18 ppm (1-hour)	10.4 $\mu g/m^3$ (24-hour)	10.4 $\mu g/m^3$ (24-hour)
Exceed Significance Criteria?	No	No	No	No

Notes:

URBEMIS 2007 and ISCST3 output data sheets are provided in Appendix A to this AQIA report.

[a] Consistent with SCAQMD prescribed methodology, CO and NO_X concentrations include ambient background concentrations. PM_{10} and $PM_{2.5}$ concentrations do not.

Source: ICF Jones & Stokes, July 2008.

Operational Emissions

The project was evaluated using the Caltrans CO analysis protocol, as described in the ICF Jones and Stokes report. The CO protocol includes two flowcharts that illustrate when a detailed CO analysis needs to be prepared. The first flowchart is used to ascertain the CO modeling requirements for new projects. On the basis of the answers to the first flowchart, the second flowchart is used to determine the level of local CO impact analysis required for the project.

Because project implementation would not result in higher CO concentrations than those existing within the region at the time of attainment demonstration, on the basis of protocol analysis methodology, no further analysis is needed.

Because significant impacts would not occur at the intersections with the highest traffic volumes located adjacent to sensitive receptors, no significant impacts are anticipated to occur at any other locations in the study area because the conditions yielding CO hotspots would not be worse than those occurring at the analyzed intersections. Consequently, the sensitive receptors in the project area would not be significantly affected by CO emissions generated by the net increase in traffic that would occur under the project. Because the project does not cause an exceedance or exacerbate an existing exceedance of an AAQS, the project's localized operational air quality impacts would therefore be less than significant. No mitigation measures are necessary.

With respect to project build out phase's onsite mass emissions, Table 3-6 shows that onsite operations-period emissions would be below SCAQMD's localized significance thresholds. Impacts would be less than significant and no mitigation measures are necessary.

Table 3-6. Estimate of Operation-Period Localized (Onsite) Emissions

	NO_X	CO	PM_{10}	$PM_{2.5}$
Onsite Area Source Emissions [a]	11	10	<1	<1
SCAQMD Daily Significance Threshold (lbs/day)[b]	**378**	**2,178**	**10**	**3**
Exceed Significance Threshold?	**No**	**No**	**No**	**No**

Notes:

[a]Onsite emissions calculated using the URBEMIS 2007 emissions model (area-source emissions). Model output sheets are provided in the air quality appendix.

[b]The project site is located in SCAQMD SRA No. 24. These LSTs are based on the site location SRA and a distance to the nearest sensitive-receptor location of 50 meters.

Source: ICF Jones & Stokes, April 2008.

Toxic Air Contaminants

The SCAQMD recommends that health risk assessments be conducted for substantial sources of diesel particulate emissions (e.g., truck stops and warehouse distribution facilities) and has provided guidance for analyzing mobile source diesel emissions (South Coast Air Quality Management District 2002). Since the proposed 1,484,407-square foot warehouse facility is expected to generate a relatively large number of daily truck trips, a human health risk assessment (HRA) that evaluates the potential cancer risks to nearby sensitive receptor locations that may result from the onsite diesel particulate matter emissions associated with long-term facility operations was prepared for the project.

The annual diesel particulate matter (DPM) concentration and carcinogenic risk values for both the residential and nonresidential (i.e., Rainbow Ridge Elementary School) maximally exposed individual (MEI) receptor locations are shown below in Table 3-7[2]. The cancer risks estimated are based on residential exposure, which assumes that receptors are continuously exposed to the DPM concentrations for 70 years. As shown therein, the carcinogenic exposure risk at both MEI receptor locations would be less than the SCAQMD significance threshold of 1 in one million (1.0×10^{-5}). It should be noted that according to the SCAQMD's MATES III study, the background cancer risk in the project vicinity is approximately 406 in 1,000,000. Approximately 83.6% of such cancer risk is related to DPM emissions sources. Therefore, the health effects from local air quality on sensitive receptor locations present within the general project vicinity would not be substantially different as a result of the proposed project and DPM emissions from project-generated diesel truck traffic will not result in significant cancer risks to residents in the project vicinity (Jones & Stokes 2008d).

[2] Maximally Exposed Individual (MEI): A hypothetical individual who, because of proximity, activities, or living habits, could potentially receive the maximum possible dose of radiation or of a hazardous chemical from a given event or process.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Table 3-7. Annual DPM Concentration and Cancer Risk Values

	Residence Maximum Exposure	School Maximum Exposure
Estimation of Cancer Risks		
Annual DPM concentration at MEI ($\mu g/m^3$)	0.00922	0.00223
Lifetime Exposure Adjustment	1.0	1.0
Cancer Risk from DPM at MEI	2.9 in 1 million	0.7 in 1 million
Exceed 10 in 1 Million Threshold?	No	No
Estimation of Noncancer Risks		
Hazard Index	0.002	0.0004
Exceed Hazard Index Threshold (i.e., value greater than 1.0)?	No	No
Source: ICF Jones & Stokes, July 2008; Complete Air Toxics Health Risk Assessment provided in Appendix B.		

e) Create objectionable odors affecting a substantial number of people?				

3e. Response: *(Sources: City of Moreno Valley General Plan, City of Moreno Valley General Plan FEIR,Chapter5.3: Air, Moreno Valley Industrial Area Specific Plan, Jones & Stokes 2007, Jones & Stokes 2008d)*

Less Than Significant Impact. Although offensive odors seldom cause physical harm, they can cause agitation and concern to the general public. Most people determine an odor to be offensive (objectionable) if it is sensed longer than a human breath; typically 2 to 5 seconds. Potential odors associated with the project would include equipment exhaust and application of asphalt during the temporary construction period. During the operations phase of the project, diesel truck exhaust associated with onsite warehouse distribution facilities could produce odors. These emissions would rapidly dissipate and be diluted by the atmosphere downwind of the emission sources. Recognizing the dispersion of the pollutants and distance from the project site to the nearest residence (approximately 1,500 feet), implementation of the project would not subject a substantial number of people to objectionable odors. Impacts would be less than significant.

4. **BIOLOGICAL RESOURCES**. 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		

4a. Response: *(Sources: City of Moreno Valley General Plan, Chapter 7 Conservation, Section 7.1 Biological Resources, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Jones & Stokes 2007, Jones & Stokes 2008a)*

Less-Than-Significant Impact with Mitigation. Jones & Stokes conducted a biological resources survey within the project site that included a burrowing owl habitat assessment, vegetation mapping, and an assessment of riverine/riparian species covered under the MSHCP (refer to Appendix B). The topography of the study area is generally flat. Elevation at the site is approximately between 1,483 and 1,506 feet above mean sea level. The project site is a vacant field vegetated by exotic or ruderal (weedy) plant species including newly germinating common mallow (*Malva neglecta*), Menzie's fiddleneck (*Amsinckia menziesii*), and filaree (*Erodium cicutarium* and *E. botrys*). During Jones & Stokes' habitat assessment and subsequent focused survey for burrowing owl (*Athena cunicularia*) (Jones & Stokes 2007a), 32 wildlife species were detected—two reptiles, 25 bird

species, and five mammals. Special-status species observed on the project site include loggerhead shrike (*Lanius ludovicianus*) and black-tailed jackrabbit (*Lepus californicus*). Both the loggerhead shrike and black-tailed jackrabbit are DFG species of special concern. There is no potential for listed riparian birds, fairy shrimp, or riparian-riverine/vernal pool resources on the project site.

The report concluded that suitable habitat for burrowing owl (BUOW) exists within the property. Focused surveys for BUOW were conducted within the property by Jones & Stokes during the Spring 2007 nesting season with negative results. Although no burrowing owls were detected, the study area consists of mostly flat open fields with bare ground and low-growing, emerging nonnative grasses. Furthermore, California ground squirrel burrows are present throughout the study area. The combination of these factors indicates that potential habitat for burrowing owl is present. In addition, three actively nesting raptors were observed within the study area. Nesting birds, including raptors, are protected under the California State Fish and Game Code and Federal Migratory Bird Treaty Act.

The only water feature identified on the project site is an unvegetated segment of the Perris Valley Storm Drain, which bisects the southwestern corner of the site. The bed and banks of the channel are concrete-lined from Heacock Street, 160 feet to the southeast. A 12-linear-foot segment of ungrouted rip-rap transitions the concrete lined channel to the earthen channel. Because this segment of the channel does not support riparian vegetation, nor does it provide habitat for species associated with riverine-riparian resources, preparation of a Determination of Biologically Equivalent or Superior Preservation (DBESP) would not be required.

The City is a participant in and permittee under the Riverside County Habitat Conservation Agency Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan (HCP) and the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP). All special-status species potentially affected by the project are covered by these plans, and implementation of the applicable provisions of those plans would reduce any potentially significant impacts to less than significant. In addition to the payment of fees prior to issuance of a grading permit under these plans, the MSHCP requires pre-construction surveys for burrowing owl conducted within 30 days prior to ground disturbance to avoid direct take of burrowing owls on all project sites containing burrows or suitable habitat whether owls were found or not.

Implementation of the following mitigation measures would reduce the potential for significant impacts to special status species and their habitats to less than significant. Additionally, with implementation and payment of MSHCP mitigation fees, the project would be consistent with and complying with all policies of the MSHCP.

Mitigation Measures

BIO -1: A pre-construction burrowing owl survey will be conducted within the development footprint and a 500-foot buffer within 30 days of grading or other significant site disturbance.

BIO -2: If construction is to commence during the raptor breeding season (January 15–July 30), a preconstruction survey for nesting raptors will be required three days prior to ground disturbance. No construction activities may occur within 500 feet of an active raptor nest unless the activity has been authorized by a qualified biologist as having no potential to interfere with nesting activity or until the biologist determines that the nest is no longer active.

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

4b. Response: *(Sources: City of Moreno Valley General Plan, Chapter 7 Conservation, Section 7.1 Biological Resources, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Jones & Stokes 2007, Jones & Stokes 2008a)*

No Impact. The biological resources survey conducted by Jones & Stokes in 2007 indicates that vegetation on the project site is dominated by nonnative species such as short-pod mustard and Russian thistle. Other frequently encountered plant species include barley, oat, and common horseweed. The only trees occurring on the project site are located along the northern border and in the southwest corner of the project site and included nonnative eucalyptus, Peruvian peppertree, and an unidentified ornamental tree. No riparian habitat or other sensitive natural community occurs onsite (Jones & Stokes 2007). Therefore, the proposed project

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
would not have a substantial adverse effect on any sensitive natural community.				
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		

4c. Response: *(Sources: City of Moreno Valley General Plan, Chapter 7 Conservation, Section 7.1 Biological Resources, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Jones & Stokes 2008a)*

Less than Significant Impact with Mitigation. A wetland delineation was conducted within the development footprint by Jones & Stokes on February 5, 2008 (refer to Appendix C). According to the jurisdictional delineation report, implementation of the proposed project would result in permanent impacts to 0.05 acre (90 linear feet) of nonwetland Waters of the United States and Waters of the State associated with construction of a stormdrain outlet from the proposed project to the Perris Valley Storm Channel. Additionally, temporary impacts to 0.04 acres of Waters of the State would occur during construction within the channel.

Project review and issuance of permits for temporary and permanent impacts to state and federal waters would be required from the California Department of Fish and Game, State Water Quality Control Board, and U.S. Army Corps of Engineers. Mitigation for impacts to these waters would include on- or offsite restoration, enhancement, or creation of state and federal jurisdictional waters at a 1:1 ratio. The following mitigation measures are incorporated to reduce this impact to a less-than-significant level.

Mitigation Measures

BIO-3: Prior to grading within the limits of jurisdictional waters, the applicant shall obtain regulatory permits under Section 1602 of the Fish and Game Code and Section 401 and 404 of the Clean Water Act.

BIO-4: Prior to grading within the limits of jurisdictional waters, temporary and permanent impacts to state and federally jurisdictional waters will be mitigated at a ratio of 1:1 through offsite restoration, enhancement, or creation of state and federal jurisdictional waters or the purchase of mitigation credits from a resource agency approved mitigation bank.

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	

4d. Response: *(Sources: City of Moreno Valley General Plan, Chapter 7 Conservation, Section 7.1 Biological Resources, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Jones & Stokes 2007)*

The proposed project would not interfere with the movement of any fish or wildlife, wildlife corridors, or nursery sites. The proposed project site provides for limited wildlife movement on a local scale because it is currently undeveloped. However, the proposed project site does not connect large areas of open space and is surrounded by existing development. Therefore, the proposed project site does not function as a regional wildlife corridor. In addition, the MSHCP does not identify the site as being located within a core or special linkage area. Impacts to wildlife movement as a result of the proposed project are considered less than significant.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X

4e. Response: *(Sources: City of Moreno Valley General Plan, Chapter 7 Conservation, Section 7.1 Biological Resources, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Jones & Stokes 2007)*

The project site consists of flat, disced land dominated by nonnative grasses and other ruderal vegetation. There are no native trees or other resources within the site that would be protected under local biological ordinances. Therefore, implementation of the proposed project would not conflict with local policies or ordinances protecting biological resources.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?		X		

4f. Response: *(Sources: City of Moreno Valley General Plan, Chapter 7 Conservation, Section 7.1 Biological Resources, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Jones & Stokes 2007)*

Less-Than-Significant Impact with Mitigation. The proposed project site is within the plan areas for the SKR HCP and the Western Riverside MSHCP. The City is a participant in and permittee under both plans. The project site is located within the fee area of the SKR HCP; therefore, compliance with the plan is achieved through fee payment. As identified in the Specific Plan for the project area, any development within the Specific Plan Area is required to pay a fee of $500 per acre for the SKR HCP. With payment of the fees as required by City Ordinance, the proposed project would be in compliance with the SKR HCP. In accordance with the requirements of the MSCHP for the subject property (APNs 316-020-001, -006, -007, -010, -028, and -030), a habitat assessment for burrowing owl is required on the proposed project site. The proposed project site is not located within survey areas for amphibian species, mammalian species, criteria area species, or narrow endemic plant species, and is not located in a special linkage area. As stated above in Response 4a, Jones & Stokes conducted focused surveys for burrowing owl during the Spring 2007 nesting season. Survey results were negative for the presence of burrowing owl; however, suitable habitat is present on site (Jones & Stokes 2007). With implementation of Mitigation Measure BIO-1, listed above, and payment of the fees as required by City Ordinance, the proposed project would comply with the MSHCP. There are no other other applicable local, regional, and state habitat conservation plans.

Mitigation Measures

Refer to Mitigation Measure, BIO -1, above.

5. **CULTURAL RESOURCES**. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X

5a. Response: *(Sources: City of Moreno Valley General Plan, Chapter 7 Conservation, Section 7.2 Cultural Resources, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Jones & Stokes 2008b)*

No Impact. Jones & Stokes conducted a Phase I cultural resources inventory of the proposed project site in 2008 (refer to Appendix D). The inventory identified no previously identified historical resources nor were any recorded during the pedestrian survey. According to the City of Moreno Valley General Plan, there are no sites within the city that are listed as a state landmark or included on the National Register of Historic Places.

Historic period maps depict two structures on the project parcel by 1942, and ten structures, a running track for horses, and the Perris Valley Storm Drain by 1980. The ten structures and the running track were subsequently demolished and removed, and the area plowed for agricultural use. Evidence of the structures once present on the property is limited to a utility pole, small chunks of wood, and one modern porcelain toilet scattered on the ground surface in the northeastern corner of the property. The Perris Valley Storm Drain remains in place. The Perris Valley Storm Drain, built between 1945 and 1967—likely in the 1950s when this type of reclamation work was common—is a typical earth and concrete lined drainage channel. It possesses no distinctive features and is recommended as not eligible for the California Register of Historic Resources.. Therefore, implementation of the proposed project would not result in a substantial adverse change to historic resources.

b) Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5?			X	

5b. Response: *(Sources: City of Moreno Valley General Plan, Chapter 7 Conservation, Section 7.2 Cultural Resources, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Jones & Stokes 2008b)*

Less-Than-Significant Impact. Jones & Stokes conducted a Phase I cultural resources inventory of the proposed project site in 2008 that included a records search at the Eastern Information Center, University of California at Riverside, and a pedestrian survey of the site. According to the archival research, no previously identified archeological resources were recorded within the

project area, and no new resources were identified during the field survey. Therefore, there is a low likelihood of encountering archeological resources during grading and construction of the proposed project. However, buried resources may exist within the project areas that do not possess surface indicators. It is possible, although unlikely, that resources could be unearthed during project excavation activities. If cultural materials (e.g., bone, chipped stone, ground stone, shell, glass, ceramics, metal) are located below surface during the construction of the project, work should be halted in that area so that a qualified archaeologist can determine the significance of the find. The City's Planning Conditions of Approval require that "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 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)." Compliance with this condition of approval will reduce the potential for impacts to archeological resources to a less-than-significant level.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

5c. Response: *(Sources: City of Moreno Valley General Plan, Chapter 7 Conservation, Section 7.2 Cultural Resources, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Jones & Stokes 2008b)*

Less-Than-Significant Impact. According to the City of Moreno Valley General Plan, one area within the city, known as the Badlands, is considered a place of paleontological importance. The proposed project site is not located within or adjacent to this sensitive area. However, construction activities could result in the uncovering and disturbance of previously unidentified subsurface paleontological resources. As described in Response 5b compliance with the City's Planning Conditions of Approval will reduce this impact to a less-than-significant level.

d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

5d. Response: *(Sources: City of Moreno Valley General Plan, Chapter 7 Conservation, Section 7.2 Cultural Resources, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Jones & Stokes 2008b)*

Less-Than-Significant Impact. The Phase I cultural resources inventory conducted by Jones & Stokes concluded that the potential for archeological resources is considered low. No evidence of use by aboriginal or historic peoples or indication of formal or informal burial grounds was observed. Additionally, contact with the Native American Heritage Commission initiated during the cultural resources records search and review of the sacred lands file indicates that the project site does not include sacred lands or traditional cultural properties. As described in Response 5b compliance with the City's Planning Conditions of Approval will reduce impacts to less than significant.

6. **GEOLOGY AND SOILS**. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X

6a(i). Response: *(Sources: City of Moreno Valley General Plan, Chapter 6 Safety, Section 6.5 Geologic Hazards, Figure 5.6-2: Seismic Hazards, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan)*

No Impact. The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to

structures for human occupancy. The primary purpose of the Alquist-Priolo Earthquake Fault Zoning Act is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. Unlike damage from ground shaking, which can occur at great distances from the fault, impacts from fault rupture are limited to the immediate area of the fault zone where the fault breaks along the surface.

According to Figure 5.6-2 of the Moreno Valley FEIR, the nearest mapped fault is the San Jacinto fault, which is located approximately 7.1 miles east of the project site. (City of Moreno Valley 2006c). Given the distance of the San Jacinto fault from the proposed project site, implementation of the proposed project would not result substantial adverse effects associated with rupture of a known earthquake fault.

(ii) Strong seismic ground shaking?			X	

6a(ii). Response: *(Sources: City of Moreno Valley General Plan, Chapter 6 Safety, Section 6.5 Geologic Hazards, Figure 5.6-2: Seismic Hazards, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan)*

Less Than Significant Impact. The project site is located within the seismically active region of southern California, and may be subject to ground-shaking events. The potential severity of ground shaking depends on many factors, including the distance from the originating fault, the earthquake magnitude, and the nature of the earth materials beneath the site. The closest known active regional faults to the project site are the San Jacinto Fault to the east, the Elsinore Fault to the southwest, and the San Andreas Fault to the northeast. Seismic shaking of the site can be expected during the lifetime of the proposed development; however, the seismic hazards within the project area are not significantly different from most regions within the southern California area.

Compliance with the 1997 Uniform Building Code, including incorporation of seismic safety features, would minimize the potential for significant impacts. Compliance with the Uniform Building Code is required for development of all structures in the city. Project plans would be reviewed during the plan check process, which would ensure that these seismic safety measures are incorporated. As a result, potential impacts associated with seismic ground shaking would be less than significant.

(iii) Seismic-related ground failure, including liquefaction?			X	

6a(iii). Response: *(Sources: City of Moreno Valley General Plan, Chapter 6 Safety, Section 6.5 Geologic Hazards, Figure 5.6-2: Seismic Hazards, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Norcal Engineering 2007)*

Less Than Significant Impact. Liquefaction is the temporary transformation of a soil or sediment to a fluid mass and is initiated by ground shaking, such as from earthquakes. Soils and sediment most susceptible to liquefaction are low cohesion silty or sandy materials that are saturated by groundwater within 50 feet of the surface. However, other sediments, such as some gravelly and some cohesive materials, may also be subject to liquefaction. Additionally, ground shaking of sufficient magnitude must be present for liquefaction to occur. Soil and sediment that are liquefied result in a loss of support for structures, utilities, and paving.

The site is expected to experience ground shaking and earthquake activity that is typical of the southern California area. However, according to Figure 5.6-2 of the Moreno Valley FEIR, the project site is not located inside of a boundary of potential liquefaction. Additionally, the project geotechnical report states that the potential for liquefaction is considered low due to the depth of groundwater in the area, which exceeds 50 feet (Norcal Engineering 2007). The project would be in conformance with the latest Uniform Building Code provisions for earthquake design, which is expected to provide mitigation of ground shaking hazards that are typical to southern California. Therefore, potential impacts associated with seismic ground failure, including liquefaction, would be less than significant.

(iv) Landslides?				X

6a(iv). Response: *(Sources: City of Moreno Valley General Plan, Chapter 6 Safety, Section 6.5 Geologic Hazards, Figure 5.6-2: Seismic Hazards, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan)*

Less Than Significant Impact. The City of Moreno Valley FEIR identifies the steep porous soils in the Badlands-San Timoteo

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

and San Emigdio-Grangeville-Metz soil series as potentially unstable and subject to slide or mudflow. These soil series are found near the foothills and mountains at the northern and southern margins of the city. The proposed project site is located within a relatively flat and developed area within the southeastern area of the city that is not adjacent to hillsides, slopes, or other areas of potential landslide. Therefore, no impacts would occur.

(b) Result in substantial soil erosion or the loss of topsoil?		X		

6b. Response: *(Source: SWRCB 2004)*

Construction of the proposed project would result in the temporary exposure of ground surfaces, which could increase the potential for erosion during grading, excavation, and hauling materials on and off the site. Because the project involves more than one acre of soil disturbance, the contractor will be required to submit a Notice of Intent to the State Water Resources Control Board for coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (99-08-DWQ). As part of the requirements associated with the permit, a Stormwater Pollution Prevention Plan (SWPPP) will be prepared that sets forth the type and location of standard best management practices (BMPs) that will be used to reduce potential impacts to water quality during construction. BMPs typically include temporary catchment basins, silt fencing and/or installation of sandbags to control runoff and contain sediment transport in the project site. Following construction, ground surfaces will be stabilized with buildings, paving, and landscaping. With incorporation of mitigation measure GEO-1, below, impacts would be less than significant.

Mitigation Measure

GEO-1. The following measures shall be included on the project plans and specifications, and shall be required as conditions of approval for implementation by the contractor: Prior to issuance of any grading permits, the applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and provide proof to the City Community Development Department that a Notice of Intent (NOI) was filed with the State Water Resources Control Board (SWRCB) for coverage under the state National Pollution Discharge Elimination System Permit (NPDES) for construction related discharges. This evidence shall consist of the Waste Discharge Identification Number (WDID) issued by the SWRCB.

(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	

6c. Response: *(Sources: City of Moreno Valley General Plan, Chapter 6 Safety, Section 6.5 Geologic Hazards, Figure 5.6-2: Seismic Hazards, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Norcal Engineering 2007)*

Based upon review of the City of Moreno Valley General Plan, Geology and Soils Section and Figure 5.6-2: Seismic Hazards, the project site is not located within an area of the City where the potential for landslide, subsidence, liquefaction, or collapse has been identified. Additionally, the project geotechnical report states that soils and geotechnical conditions within the site exhibit a low potential for slope instability, liquefaction, expansive soils (Norcal Engineering 2007). Therefore, the potential for impacts associated with geologic or soil instability as a result of the project would be less than significant.

(d) Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X

6d. Response: *(Sources: City of Moreno Valley General Plan, Chapter 6 Safety, Section 6.5 Geologic Hazards, Figure 5.6-2: Seismic Hazards, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Norcal Engineering 2007)*

Expansiveness is the potential of the soil to swell and shrink with repeated cycles of wetting and drying. Expansive soils are not suitable for building foundations as they tend to be compressible and do not provide adequate support. The City General Plan, Geology and Soils section identifies soils within the project area as Hanford-Tujunga-Greenfield soils in the City's General Plan. This association of soils consists of well drained to somewhat excessively drained soils, developed in granitic alluvium, which are not generally associated with expansive soils. Additionally, the project geotechnical report states that upper soils on the site are

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

considered very low in expansion potential (Norcal Engineering 2007). Therefore, implementation of the proposed project would not result in substantial risks to life or property as a result of expansive soil hazards.

(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

6e. Response: *(Source: Project Plans)*

Less Than Significant Impact. Domestic wastewater disposal service will be provided by Eastern Municipal Water District. The installation of septic tanks or other alternative wastewater disposal systems will not be required. Therefore, implementation of the proposed project will not result in impacts related to inadequate soils.

7. **HAZARDS AND HAZARDOUS MATERIALS.** Would the project?

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?			X	

7a. Response: *(Sources: City of Moreno Valley General Plan, Chapter 6 Safety, Section 6.9 Hazardous Materials, City of Moreno Valley General Plan FEIR, Chapter 5.5 Hazards Moreno Valley Industrial Area Specific Plan)*

The Moreno Valley Industrial Area Specific Plan permits light manufacturing and warehouse distribution uses within areas of the specific plan designated as (I) Industrial, which includes the proposed project. Light manufacturing or warehouse distribution tenants could use and/or store hazardous materials, such as oil, pesticides, and other materials. Any business that handles or generates hazardous waste over a certain threshold within the city are monitored by the U.S. Environmental Protection Agency (EPA).

Locally, the City falls within the jurisdiction of the County of Riverside, Health Services Agency, Department of Environmental Health, Hazardous Materials Division (DEH). DEH has established the Riverside County Area Plan for emergency response to a release or threatened release of hazardous materials within the County. The Hazardous Materials Program and Response Plan within the Area Plan serves the majority of the cities in Riverside County, including Moreno Valley. The Area Plan incorporates the State of California Accidental Release Prevention Program (CalARP) to identify and manage hazards. The goal of the CalARP is to make all facilities that handle regulated substances free of catastrophic incidents. Any business within the city that handles hazardous materials exceeding designated threshold quantities must prepare and submit a Business Emergency Plan (BEP) to the County of Riverside Health Department, Environmental Health Division, which is the City's designated Certified Unified Program Agency (CUPA). A BEP contains information that may be utilized to minimize the effects and extent of a threatened release of hazardous materials. The information is also used by emergency response personnel to determine potential risks and hazards while developing a strategy for handling an emergency involving hazardous materials. (City of Moreno Valley. 2005c.) Any use, disposal, transport and/or storage of hazardous materials that may occur as a result of the proposed project would be conducted in accordance with the existing regulatory framework described above and would not result in a significant hazard to the public. Impacts would be less than significant.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?		X		

7b. Response: *(Sources: City of Moreno Valley General Plan, Chapter 6 Safety, Section 6.9 Hazardous Materials, City of Moreno Valley General Plan FEIR, Chapter 5.5 Hazards Moreno Valley Industrial Area Specific Plan)*

Implementation of the proposed project could result in accidental release of petroleum products or other construction materials in sufficient quantities to pose a significant hazard to people and the environment. The potential for this impact is restricted to the construction period when construction vehicles, paints, solvents and other construction materials would be present onsite. Mitigation Measure GEO-1, above, requires preparation of a Storm Water Pollution Prevention Plan which would include measures to ensure that good housekeeping measures and safe storage of construction materials is implemented and remediation of petroleum product leaks or spills takes place, if required, in accordance with applicable state and local regulations.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Use, transport, and disposal of hazardous materials during the operations phase of the project would be subject to the regulatory requirements described in Response 7a, above, which require governmental oversight of facilities that use hazardous materials and sets forth a strategy for handling any potential emergencies. Therefore, with implementation of Mitigation Measure GEO-1, the potential impact of accidental release of hazardous substances is less than significant.

Mitigation Measure

Implement Mitigation Measure GEO-1, described above.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an exiting or proposed school?			X	

7c. Response: *(Sources: City of Moreno Valley General Plan, Chapter 2: Community Development, City of Moreno Valley General Plan FEIR, Chapter 5.13 Public Services and Utilities, Moreno Valley Industrial Area Specific Plan)*

The proposed project may be occupied by light manufacturing or warehouse distribution tenants that could use and/or store hazardous materials. However, the nearest school to the proposed project site is Rainbow Ridge Elementary School, which is located at 15950 Indian Avenue, approximately 0.35 miles from the site. Based upon the distance of the school from the project site and the regulatory oversight that is provided to businesses using or storing hazardous materials by the City of Moreno Valley, County of Riverside Health Department and EPA, the potential for impacts associated with the emission or handling of hazardous materials one-quarter mile of an existing or proposed school would be less than significant.

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	

7d. Response: *(Sources: City of Moreno Valley General Plan, Chapter 6: Safety, City of Moreno Valley General Plan FEIR, Chapter 5.5 Hazards, Figure 5.5-1 Hazardous Materials Sites, Moreno Valley Industrial Area Specific Plan, SCS Engineers 2006)*

According to Figure 5.5-1 of the City of Moreno Valley General Plan FEIR, the site is not located on a known hazardous material site (City of Moreno Valley 2005c). A Phase I Environmental Site Assessment was conducted within the project site by SCS Engineers in 2006. The assessment included a public records search, site inspection, and historic land use evaluation. No evidence of past or current use, storage, or disposal of hazardous materials was observed on the property.

The search of regulatory databases indicates that the project site is not identified as a known or suspected hazardous materials contamination site. The only site of potential concern within one mile of the project site is the March ARB, which includes identified areas of groundwater contamination. A contaminated groundwater interception and treatment system is in operation to remove volatile organic compounds (VOCs) such as TCE and PCE from the groundwater and prevent their further migration off base. It is possible that vapors from the VOC impacted groundwater could migrate into nearby buildings under certain circumstances and may create a health risk to building occupants if exposure occurs over an extended period of time. However, given the reported groundwater depth of the area, soil type and SCS Engineers experience with similar sites, the report concluded that there is no significant potential for vapor intrusion into current or future buildings on the project site from the March ARB plume (SCS Engineers 2006). Therefore, potential impacts associated with construction of the project on a hazardous materials site is considered less than significant.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	

7e. Response: *(Sources: City of Moreno Valley General Plan, Chapter 6: Safety, Figure 6-5: Air Crash Hazards, City of Moreno Valley General Plan FEIR, Chapter 5.5 Hazards, Moreno Valley Industrial Area Specific Plan, USAF 2005)*

The March Air Reserve Base is located west of Heacock Street, immediately adjacent to the project site. The potential for safety hazards was addressed in the Air Installation Compatibility Use Zone report (AICUZ) prepared by the Air Force in 2005. This study identifies areas subject to aircraft safety concerns and identifies appropriate land uses for those areas subject to these concerns. The MARB accident potential zones include APZ 1, APZ II, and the Clear Zone, which are established based upon statistical analysis of past aircraft accidents. The AICUZ sets forth restrictions on the development type, height, and lot coverage for each APZ.

According to Figure 6-5 of the City of Moreno Valley General Plan and Map 3-1 of the Moreno Valley Industrial Area Specific Plan, the project site is not located within aircraft hazard zones APZ I, APZ II, or the Clear Zone (City of Moreno Valley 2007f). Due to the proximity of the project site to the March Air Reserve Base, and in accordance with the development guidelines of the Specific Plan, building heights within the project site would be restricted to 150 feet or less to avoid interference with March Air Reserve Base operations. Therefore, the potential for impacts associated with airport safety hazards is considered less than significant.

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

7f. Response: *(Sources: City of Moreno Valley General Plan, Chapter 6: Safety, Figure 6-5: Air Crash Hazards, City of Moreno Valley General Plan FEIR, Chapter 5.5 Hazards, Moreno Valley Industrial Area Specific Plan)*

The proposed project is not located within the vicinity of a private airstrip. Therefore, no impacts would occur.

g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	

7g. Response: *(Source: Project Plan)*

The proposed project involves construction of a business park on a vacant parcel. All offsite improvements to existing roadways would be constructed in a manner that allows continued traffic movement. The proposed project also would not require the closure of streets or affect potential emergency response routes. Following construction, emergency access to the site and the surrounding area would be improved through the construction and extension of roadways intended to serve the project, such as Krameria Avenue and "A" Street. Therefore, the potential for impacts associated with interference with an adopted emergency response or evacuation plan is considered less than significant.

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

7h. Response: *(Sources: City of Moreno Valley General Plan, Chapter 6: Safety, City of Moreno Valley General Plan FEIR, Chapter 5.5 Hazards, Figure 5.5-2: Floodplains and High Fire Hazard Areas, Moreno Valley Industrial Area Specific Plan)*

According to City of Moreno Valley General Plan FEIR, Figure 5.5-2: Floodplains and High Fire Hazard Areas, areas of substantial and very high fire risk are limited to the mountains and foothills within the southern, eastern, and northern area of the City. The proposed project site is located within an urbanizing area of the City that is not characterized by large areas of dense natural vegetation susceptible to wildfires. Therefore, the potential for exposure of people or structures to a loss or injury involving wildfires is considered less than significant.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
8. **HYDROLOGY AND WATER QUALITY**. Would the project:				
a) Violate any water quality standards or waste discharge requirements?		X		

8a. Response: *(Source: SWRCB 2004)*

As discussed above under Section 6: Geology and Soils, grading and construction activities have the potential to expose soil within the project footprint that could increase the potential for erosion and sedimentation. Potential impacts related to erosion or discharge of sediment during construction will be minimized through preparation of a stormwater pollution prevention plan (SWPPP) and use of standard best management practices, such as silt fencing, gravel bags, and temporary seeding on slopes. Implementation of Mitigation Measure GEO-1 will reduce potential impacts related to construction period discharges to a level of less than significant.

The long-term operation of the proposed project is expected to increase the potential for runoff to come into contact with oil, grease, pesticides, fertilizers, litter, and sediment from operation of trucks and other vehicles, landscaping, and general use of the business park facilities. Stormwater generated within the project site will be directed into the stormdrain system and the proposed detention basins. In accordance the Riverside County Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) permit, the basins would be sized to retain and treat the first 0.75-inches of runoff associated with each storm, also referred to as the "first flush" prior to discharge to Perris Valley Channel Lateral A. Therefore, the potential for the project to violate any water quality standards or waste discharge requirements during operation would be considered less than significant.

Mitigation Measure

Implement Mitigation Measure GEO-1, described above.

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	

8b. Response: *(Source: City of Moreno Valley General Plan, City of Moreno Valley General Plan FEIR, Figure 5.7-2: Groundwater Basins, Moreno Valley Industrial Area Specific Plan)*

The proposed project does not involve the use of groundwater resources or geotechnical work (i.e., tunneling) that could result in significant dewatering or groundwater consumption that would reduce the amount of local groundwater. According to City of Moreno Valley General Plan FEIR Figure 5.7-2: Groundwater Basins, the project site is located within the Perris North Groundwater Basin. There are currently few domestic uses for groundwater in the watershed since the City primarily relies on imported water from the Eastern Municipal Water District. Additionally, there is a documented issue with groundwater quality in the Perris North Groundwater Basin associated with high salinity. Implementation of the proposed project would result in an increase in the amount of impermeable surface within the project site, which could result in an incremental reduction in localized groundwater recharge rates. However, the amount of impervious area (approximately 34.3 acres) associated with paved areas and buildings within the proposed business center is not considered significant, nor would the reduction result in a significant impact to domestic water supplies which are provided by EMWD. Therefore, the potential for project impacts associated with the depletion or interference with groundwater recharge would be considered less than significant.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?		X		

8c. Response: *(Source: City of Moreno Valley General Plan, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Thienes Engineering n.d., Jones & Stokes 2008a)*

The project would result in minor changes in the drainage pattern of the site through grading and construction of impervious surfaces. According to the jurisdictional delineation conducted by Jones & Stokes in 2008, the Perris Valley Storm Channel is the only water feature within the project site. There are no natural streams or rivers that would be altered through grading or

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

changes in drainage patterns.

In the finished condition, ground surfaces within the project site will be stabilized with landscaping and paving. The project includes construction of underground stormdrain facilities and four onsite detention basins to convey, retain, and treat stormwater runoff generated within the site, prior to releasing it to the Perris Valley Storm Channel. Therefore, implementation of the proposed project does not represent a significant change to the existing drainage pattern that could result in significant erosion or siltation.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate of surface runoff in a manner which would result in flooding on- or off site?			X	

8d. Response: *(Source: City of Moreno Valley General Plan, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Thienes Engineering n.d., Jones & Stokes 2008a)*

The project would increase the impermeable area of the site and result in a change in the absorption surface runoff rates. As described above under the response to 8c, the proposed project includes construction of underground stormdrain facilities and four onsite detention basins to convey stormwater runoff generated within the site to the Perris Valley Storm Channel. The basins will be sized to discharge stormwater into Perris Channel at a rate that does not exceed pre-construction conditions. Implementation of the proposed project will not result in a substantial change to existing drainage patterns that could result in flooding on- or offsite.

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		

8e. Response: *(Source: Thienes Engineering n.d.)*

During post-construction operation of the project, stormwater runoff will be directed to one of four onsite basins through catch basins located throughout the development, and discharge to the Perris Valley Stormdrain. The Hydrology Calculations prepared by Thienes Engineering indicate that stormwater runoff generated by the project would increase by a maximum of 6.86 acre-feet, north of the Perris Valley Channel, and 0.17 acre-feet south of the Perris Valley Channel, due to the change from existing to built conditions; this condition would occur during the 10-year, 24-hour storm event. All other storm events would result in a smaller increase in discharge volumes (Thienes Engineering n.d.). Therefore, 6.68 acre-feet of storage in the three detention basins north of the Perris Valley Channel is required to detain this increase in stormwater runoff and 0.17 acre-feet of storage is required in the one detention basin located south of the Perris Valley Channel. The conceptual grading plan for the basins provides a total of 6.79 acre-feet of storage in the northern three basins and 0.20 acre-feet of storage in the southern basin. The water quality basins would be used to detain stormwater runoff such that the runoff generated in the built condition would not exceed existing conditions. The ultimate design of the stormdrain system and basins would be completed prior to final project design review, and would be subject to the review and approval of the City of Moreno Valley and the Riverside County Flood Control Department (RCFCWCD).

Consistent with RCFCWCD requirements, metered release of stormwater discharges from the developed project site will not exceed predevelopment, 100-year peak flows from the subject property. Therefore, potential impacts associated with creation or contribution of runoff that would exceed the capacity of existing or planned stormwater management systems is considered less than significant.

f) Otherwise substantially degrade water quality?				X

8f. Response: *(Source:)*

The proposed project does not include any components that could otherwise substantially degrade water quality. No impacts would occur.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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

8g. Response: *(Sources: Site Plan)*

No Impact. The proposed project does not include construction of housing. No impacts would occur.

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	

8h. Response: *(Source: City of Moreno Valley General Plan, Chapter 5.5 Hazards, Figure 5.5-2: Floodplains and High Fire Hazard Areas, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Thienes Engineering n.d.)*

According to City of Moreno Valley General Plan FEIR Figure 5.5-2: Floodplains and High Fire Hazard Areas and the Federal Emergency Management Agency, the western portion of the project site is located within the 100-year floodplain. Additionally, the Federal Emergency Management Agency (FEMA) Flood Rate Insurance Map (FIRM) (Community-Panel No. 0650740025B, dated May 17, 1993) indicates that the western portion of the project site is located within Zone AH. In 1996, a Letter of Map Revision for a channel modification project was applied to the FIRM, which changed a portion of the area designated as Zone AH to Zone AO (Thienes Engineering n.d.). However, both of these zones represent areas inundated by the base flood with flood depths of 1 to 3 feet. Therefore, these areas are susceptible to flooding during a 100-year storm event (FEMA 2004).

Areas within the site mapped as occurring within Zone AH and AO are limited to the western portion the property. This portion of the site within the floodplain will be elevated a minimum of 1 foot above calculated water surface elevation during grading. The raised elevation of the site will effectively remove the building pads within these areas from the 100-year floodplain. Flood flows within the project site currently drain to the Perris Valley Storm Drain Channel. The project stormdrain system will be designed to capture flows following construction of the project and convey them to the Perris Valley Storm Drain Channel. Prior to issuance of a grading permit, City review and approval of the project hydrology report and grading plan will be required. Therefore, significant impacts associated with impediment or redirection of flood flows would be less than significant.

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

8i. Response: *(Sources: City of Moreno Valley General Plan, Chapter 6 Safety, Section 6.5 Geologic Hazards, Figure 6-4: Flood Hazards, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan)*

The nearest dam is located at Lake Perris, which is located approximately 2.75 miles southeast of the project site. According to Figure 6-4 of the Moreno Valley FEIR, the project site is not identified within the Lake's mapped inundation area (City of Moreno Valley 2006a). Therefore, implementation of the proposed project would not result in significant risk associated with the failure of a levee or dam.

j) Inundation by seiche, tsunami, or mudflow?				X

8j. Response: *(Sources: City of Moreno Valley General Plan, Chapter 6 Safety, Section 6.5 Geologic Hazards, Figure 6-4: Flood Hazards, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan)*

Less Than Significant Impact. A *seiche* is the oscillation of the surface of a landlocked body of water, such as a lake or reservoir. This can occur as a result of ground shaking from an earthquake and requires a large amount of water to be a significant hazard. Seiches impact dams, docks, waterfront property, and downstream facilities. The nearest large body of water is Lake Perris, which is located approximately 2.75 miles southeast of the project site. As discussed in Section 8i, above, the project site is not identified within the Lake's mapped inundation area (City of Moreno Valley 2006a). Given the distance of the site from the ocean and the flat topography of the project area, no impacts are expected from tsunami or mudflow. Therefore, implementation of the proposed project would not result in significant impacts associated with inundation by seiche, tsunami, or mudflow.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
9. **LAND USE AND PLANNING.** Would the project:				
a) Physically divide an established community?				X

9a. Response: *(Source: Project Plan, Moreno Valley Industrial Area Specific Plan)*

The proposed project would be constructed on a 66.92-acre vacant parcel located adjacent to the March Air Reserve Base and existing and planned industrial development associated with the Moreno Valley Industrial Area. The project site is designated by the Moreno Valley Industrial Area Specific Plan for industrial use and represents a planned extension of the existing specific plan development. Therefore, the project would not physically divide an established community.

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	

9b. Response: *(Source: City of Moreno Valley General Plan, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Kunzman 2008)*

The project area is designated Business Park/Light Industrial (BP) as defined in the City General Plan. The BP designation is intended to allow for light industrial uses that can meet high performance standards (City of Moreno Valley Municipal Code). Uses typical to a BP designation generally include but are not limited to research and development, light manufacturing, warehousing and distribution, and multitenant industrial uses. The proposed project is consistent with the existing General Plan land use designation.

Zoning is generally considered the primary tool for implementing the general plan by focusing on the immediate uses of land. The zoning of property is intended to control the location, density, and intensity of various land uses and to result in compatible land use relationships. The proposed project is located within the Moreno Valley Industrial Area Specific Plan, which includes specific zoning designations and standards for development in the Specific Plan area. The zoning established for the site by the Specific Plan designates the property as Industrial (I). The I zone permits a wide range of industrial and industrial/business related support uses, including light manufacturing and storage and distribution facilities. The proposed project is consistent with the existing zoning designation.

The applicant is requesting a General Plan Amendment and Specific Plan Amendment to revise the designation and design of Krameria Avenue as follows:

- The existing design of Krameria Avenue from future "A" Street to Heacock Street would be modified;
- The segment of Krameria Avenue from Indian Avenue to Heacock Street would be changed from Minor Arterial to Industrial Collector designation.

The existing design of Krameria Street has the potential to promote higher vehicle speeds from Indian Street to Heacock Street. The proposed redesign would require that vehicles driving on the extension of Krameria Street make a left turn onto proposed "A" Street, which will slow speeds (See Figure 2-6). Furthermore, it reduces the likelihood of mixing industrial truck traffic with residential commuter traffic since the redesigned extension of Krameria Street bisects the proposed business park development. The project specific traffic study indicates that the proposed extension of Krameria Street will operate within capacity at Level of Service B, which is considered acceptable by the City of Moreno Valley General Plan Circulation Element. Because the proposed change in land use would not significantly worsen environmental impacts, or result in impacts that would otherwise be avoided or mitigated by the current General Plan and Specific Plan, impacts are considered less than significant. Approval of the proposed GPA and SPA would remove any inconsistency with the General Plan Circulation Element and Specific Plan.

As discussed in Response 4f, above, the project is located within the SKR HCP and Western Riverside MSHCP plan boundaries and would be consistent with both plans with implementation of Mitigation fees and BIO-1. The subject property is not subject to other land use plans, policies, or programs adopted for the purpose of avoiding or mitigating an environmental effect.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?		X		

9c. Response: *(Sources: City of Moreno Valley General Plan, Chapter 7 Conservation, Section 7.1 Biological Resources, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Jones & Stokes 2007)*

As discussed above, in the response to item 4f, the proposed project site is within the plan areas for the SKR HCP and the Western Riverside MSHCP and the City of Moreno Valley is a participant in and permittee under both plans. The project site is located within the fee area of the SKR HCP; therefore, compliance with the plan is achieved through a mitigation fee payment. As identified in the Specific Plan for the project area, any development within the Specific Plan Area that requires the grading is required to pay a fee of $500 per acre for the SKR HCP. With implementation of the MSHCP mitigation fee and mitigation measure BIO-1, listed above, the proposed project would be in compliance with the SKR HCP. This impact is less than significant with mitigation.

In accordance with the requirements of the MSCHP for the subject property, a habitat assessment and focused surveys for burrowing owl were conducted by Jones & Stokes in 2007. Survey results were negative for the presence of burrowing owl; however, suitable habitat is present on site (Jones & Stokes 2007). With implementation of the MSHCP mitigation fee and mitigation measure BIO-1, listed above, the proposed project would be in compliance with the MSHCP. There are no other applicable local, regional, and state habitat conservation plans.

Mitigation Measures

Implement Mitigation Measure, BIO -1, above.

10. **MINERAL RESOURCES.** Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X

10a. Response: *(Sources: City of Moreno Valley General Plan, Chapter 7 Conservation, Section 7.8 Mineral Resources, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan)*

No Impact. According to the City of Moreno General Plan FEIR, the California Department of Conservation, Division of Mines and Geology has not identified significant mineral resources within the City Planning Area (City of Moreno Valley 2005e). Therefore, implementation of the proposed project would not result in the loss of regionally or statewide significant mineral resources.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

10b. Response: *(Sources: City of Moreno Valley General Plan, Chapter 7 Conservation, Section 7.8 Mineral Resources, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan)*

No Impact. According to the City of Moreno Valley General Plan, mineral resources known to be located within the city include sand, gravel, and rock. Sand and gravel resources have been identified along Gilman Springs Road within the City of Moreno Valley sphere of influence, and a rock products resource is located within the central area of the city, north of Highway 60. Additionally, a nonoperational sand and gravel quarry is located at the corner of Gilman Springs Road and Jack Rabbit Trail. However, the proposed project is not located on or within the vicinity of these resource areas; therefore, implementation of the proposed project would not result in loss of a locally important mineral resource.

11. **NOISE.** Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		

11a. Response: *(Source: City of Moreno Valley General Plan, Chapter 9: Safety, City of Moreno Valley General Plan FEIR,*

Moreno Valley Industrial Area Specific Plan, Jones & Stokes 2008c)

Less Than Significant with Mitigation. The City of Moreno Valley General Plan and City of Moreno Valley Municipal Codes regulate land uses and noise creating activities within the proposed project area. Noise standards are addressed in Section 6.4 of the Safety Element of the City's General Plan. Chapter 9 (Goals and Objectives) sets forth goals and policies to ensure land use compatibility with respect to noise. Among these is the goal that excessive noise levels do not significantly affect citizens and other noise-sensitive land uses within the city. Noise levels at residential land uses are considered to be acceptable where exterior noise levels are 65 dBA CNEL or lower in order to ensure that interior levels in habitable living areas do not exceed 45 dBA CNEL. Policy 6.5.1 states that "new commercial and industrial activities (including the placement of mechanical equipment) shall be evaluated and designed to mitigate noise impacts on adjacent uses." Additionally, Policy 6.5.2 states, "Construction activities shall be operated in a manner that limits noise impacts on surrounding uses."

The City's Municipal Code (Title 11.80, Noise Regulation) also contains noise standards that are used to limit noises from sources within its control (traffic noise, for example, is regulated by federal and state law and is thus preempted from regulation by local noise ordinance). Residential land uses are limited to an exterior noise level not exceeding 60 dBA during daytime hours or 55 dBA during nighttime hours. Commercial land uses are limited to an exterior noise level not exceeding 65 dBA during daytime hours or 60 dBA during nighttime hours, when measured at a distance of 200 feet or more from the property line (Section 11.80.03(C). Noise from construction activities is also regulated by the City's Municipal Code. Section 11.80.030(D)(7) restricts construction noise by placing limits on the hours of construction operations. Noise-generating construction activities are not permitted between the hours of 8:00 p.m. and 7:00 a.m.

Jones & Stokes conducted a noise analysis in 2008 which included construction and operations period modeling and traffic noise modeling (Jones & Stokes 2008) (refer to Appendix E). Sensitive receptors identified by the study included single family homes and Rainbow Ridge Elementary School to the northeast of the project site across Iris Avenue, residential uses east of Indian Street, and residences located to the south along San Miguel Road and to the north east of Heacock Avenue.

Construction Noise

Project construction is anticipated to increase noise levels temporarily at noise-sensitive locations near the project site. The magnitude of the increases would depend on the type of construction activity, the noise level generated by various pieces of construction equipment, site geometry (i.e., shielding from intervening terrain or other structures), and the distance between the noise source and receiver. Noise levels associated with various construction phases where all pertinent equipment is present and operating, at a reference distance of 50 feet, are shown in Table 3-8. This information indicates that the overall average noise level generated on a construction site could be 89 dBA at a distance of 50 feet during excavation and finishing phases. The noise levels presented are value ranges; the magnitude of construction noise emission typically varies over time because construction activity is intermittent and the power demands on construction equipment (and the resulting noise output) are cyclical.

Table 3-8. Typical Noise Levels from Construction Activities for Large Commercial Projects

Construction Activity	Average Sound Level at 50 feet (dBA L_{eq})[a]	Standard Deviation (dB)
Ground Clearing	84	7
Excavation	89	6
Foundations	78	3
Erection	87	6
Finishing	89	7

[a] Sound level with all pertinent equipment operating.

Source: U.S. Environmental Protection Agency 1971.

Noise levels generated by construction equipment (or by any point source) decrease at a rate of approximately 6 dBA per doubling of distance from the source (Harris 1979). Therefore, if a particular construction activity generated average noise levels of 89 dBA at 50 feet, the Leq would be 83 dBA at 100 feet, 77 dBA at 200 feet, 71 dBA at 400 feet, and so on.

The closest noise-sensitive receptors to the project are existing residential land uses to the northeast across Iris Avenue. The closest point of construction activities to the nearest residence would be approximately 150 feet and the furthest would be approximately 3,000 feet. The nearest residence is located approximately 650 feet away from the acoustic center of construction activity. A construction noise level of 89 dBA Leq at 50 feet would attenuate to approximately 67 dBA Leq 650 feet from the source. This noise level is substantially higher than the typical ambient daytime noise levels measured in the area (ST-3). Noise levels of this magnitude would be readily audible and would dominate the noise environment in the area during construction operations. During short periods of time, construction activities would take place within approximately 150 feet of the nearest residential properties; during these periods, noise levels could be as high as 79 dBA Leq.

The City's noise ordinance exempts construction activities from the noise standard (providing that such activities take place between the hours of 7:00 a.m. to 8:00 p.m.). The construction hours would not exceed the City's permitted hours of operation, and therefore construction noise would be a less-than-significant impact. However, noise from construction would be loud at times at nearby noise-sensitive land uses, and, although temporary, could be disruptive. Mitigation Measure Noise-1 is provided below to reduce noise levels to the extent practicable.

Offsite Traffic Noise

Traffic noise modeling was performed using the Federal Highway Administration's (FHWA's) Traffic Noise Model (TNM®). Table 3-9 summarizes the traffic noise modeling results expressed in terms of PM Peak Hour for existing conditions and 2009/2035 design-year conditions with and without the project at noise sensitive uses.

Table 3-9. Modeled Traffic Noise Levels at Noise Sensitive Receptors

Receptor #	Receptor Location	Modeled1 Existing Noise Level (dBA CNEL)	Modeled1 Opening Year (2012) without Project Noise Level (dBA CNEL)	Modeled1 Opening Year (2012) with Project Noise Level (dBA CNEL)	Estimated Increase: Modeled Opening Year with Project – Modeled Opening Year without Project (dBA)	Criterion Noise Level (dBA CNEL)	Existing Traffic Noise Level Exceeds City of Moreno Valley General Plan Guidelines?	Future Traffic Noise Level Exceeds City of Moreno Valley General Plan Guidelines?
ST-1	North side of San Michele Rd, 26480 San Michele	58	64	65	1	65	No	No
ST-2	Northwest portion of the project site	64	65	66	1	NA	No	No
ST-3	Rainbow Ridge Elementary School, 15950 Indian Street	66	67	67	0	65	Yes	Yes
ST-4	16180 Indian Street, South of intersection of Indian and Iris	53	54	54	0	65	No	No

ST-5	15429 Fugate. North of project site immediately off of Heacock	67	69	69	0	65	Yes	Yes
MR-1	Residences on the north side of Iris Street to the west of the project site.	58	59	59	0	65	No	No
MR-2	Residences along Indian Street to the southeast of the project site	56	56	56	0	65	No	No
MR-3	Residence to the northeast of the project site between Indian and Heacock Streets	41	43	43	0	65	No	No

As indicated in Table 3-9, existing modeled traffic noise levels at noise-sensitive land uses were found to range from approximately 41 dBA CNEL at MR-3 (residences northeast of the project site between Indian and Heacock Streets) to approximately 67 dBA CNEL at ST-5 (a residence on the east side of Heacock north of the project site).

Opening Year With-Project predicted noise levels would range from approximately 43 dBA CNEL at MR-3 to 69 dBA CNEL at ST-5. According to the noise modeling results, several of the receptors (ST-2, ST-3, and ST-5) would exceed the City's General Plan noise standards in the future without the project. ST-3 and ST-5 currently exceed the City's General Plan noise standards at 66 and 77 dBA CNEL, respectively. Implementation of the proposed project would result in an incremental increase in noise levels of less than 1 dBA or less. This increase in traffic noise would not cause a significant impact.

Receptor ST-2 (representative of the project site) would experience increased noise levels associated with increases in traffic volumes. This increase would be approximately 1 dBA CNEL, from 65 CNEL to 66 CNEL (when rounded to the nearest whole number). This increase would not represent a significant impact because ST-2 is located within the project site, which does not represent a sensitive land use. Therefore, impacts associated with traffic noise would be less than significant.

Onsite Operations Noise

Trucks, passenger vehicles, and ancillary equipment such as forklifts and HVAC machinery would create noise during onsite operations that is typical of warehouse use. Based on information from the project applicant, operations on site could take place 24 hours per day. The nearest residential property line is located approximately 155 feet northeast of the proposed project site and 400 feet northeast of the main building. The closest sensitive receptor is separated from the street and project site by a solid 6-foot-high residential wall.

In order to ensure that noise from onsite operations meets noise standards contained in the City of Moreno Valley Municipal Code, modeling was conducted to determine the level of noise from activities such as trucks maneuvering in and out of loading docks, trucks driving by, trash compactors, and HVAC noise at each of the three nearest noise-sensitive receptor locations. The study concluded that noise levels from project activities would not exceed City of Moreno Valley noise standards at sensitive receptors, either for daytime or nighttime operations (Jones & Stokes 2008). Therefore, the potential for onsite operations noise is considered less than significant.

Mitigation Measures

NOISE-1 Construction Noise Control Measures

- All noise-producing construction equipment and vehicles using internal combustion engines will be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed

"package" equipment (e.g., arc-welders, air compressors) will be equipped with shrouds and noise control features that are readily available for that type of equipment.

- Material stockpiles and mobile equipment staging, parking, and maintenance areas will be located as far as practicable from adjacent residential development.
- Construction site and access road speed limits will be established and enforced during the construction period.
- 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.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	

11b. Response: *(Source: City of Moreno Valley General Plan, Chapter 9: Safety, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Jones & Stokes 2008c)*

Less-Than-Significant Impact. Construction activities may result in minor ground vibration. Vibration from construction activity is typically below the threshold of perception when the activity is more than approximately 50 feet from receiver, and it is below the level where damage to structures may occur within a considerably shorter distance. The closest sensitive receptor is approximately 150 feet from the proposed project site, therefore, vibration levels would be virtually undetectable. Additionally, vibration from these activities would be short-term and would end when construction is completed. There are no high impact activities such as pile driving or blasting proposed. Therefore, the potential for exposure of persons to or generation of excessive groundborne vibration or noise levels is considered less than significant.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	

11c. Response: *(Source: City of Moreno Valley General Plan, Chapter 9: Safety, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Jones & Stokes 2008c)*

As indicated in Table 3-9 above, the existing modeled traffic noise levels at noise-sensitive land uses were found to range from approximately 41 dBA CNEL at MR-3 (residences northeast of the project site between Indian and Heacock Streets) to approximately 67 dBA CNEL at ST-5 (a residence on the east side of Heacock north of the project site).

Opening Year With-Project predicted noise levels would range from approximately 43 dBA CNEL at MR-3 to 69 dBA CNEL at ST-5. According to the noise modeling results, several of the receptors (ST-2, ST-3, and ST-5) would exceed the City's General Plan noise standards in the future without the project. ST-3 and ST-5 currently exceed the City's General Plan noise standards at 66 and 77 dBA CNEL, respectively. Implementation of the proposed project would result in an incremental increase in noise levels of less than 1 dBA or less at each of these receptor locations. Therefore, implementation of the proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

d) A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		

11d. Response: *(Source: City of Moreno Valley General Plan, Chapter 9: Safety, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Jones & Stokes 2008c)*

Less Than Significant with Mitigation. As indicated above in response 11a, project construction is anticipated to increase noise levels temporarily at noise-sensitive locations near the project site. The closet sensitive receptor (ST-3) is located approximately 650 feet away from the acoustic center of construction activity (the idealized point from which the energy sum of all construction activity noise near and far would be centered). A construction noise level of 89 dBA Leq at 50 feet would attenuate to

approximately 67 dBA Leq 650 feet from the source.

This noise level is substantially higher than the typical ambient daytime noise levels measured in the area. Noise levels of this magnitude would be readily audible and would dominate the noise environment in the area during construction operations. During short periods of time, construction activities would take place within approximately 150 feet of the nearest residential properties; during these periods, noise levels could be as high as 79 dBA Leq.

The City's noise ordinance exempts construction activities from the noise standard (providing that such activities take place between the hours of 7:00 a.m. to 8:00 p.m.). The construction hours would not exceed the City's permitted hours of operation, and therefore construction noise would be a less-than-significant impact. However, noise from construction would be loud at times at nearby noise-sensitive land uses, and, although temporary, could be disruptive. Mitigation Measure NOISE-1 would be implemented to reduce the noise levels to the extent practicable.

Mitigation Measures

Implement Mitigation Measure NOISE-1 above.

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	

11e. Response: *(Source: City of Moreno Valley General Plan, Chapter 9: Safety, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan)*

Less-Than-Significant Impact. The March Air Reserve Base is located west of Heacock Street, immediately adjacent to the project site. According to Figure 6-5 of the City of Moreno Valley General Plan and Map 2-1 of the Moreno Valley Industrial Area Specific Plan, the project site is located outside the 60 dBA CNEL noise contour for the March Air Reserve Base.

The project is in compliance with the Moreno Valley Industrial Area Specific Plan, which acknowledges that industrial, manufacturing, and business related support services are compatible to 70 dBA CNEL, but incompatible at noise levels above 80 dBA CNEL. The Specific Plan identifies Compatible Use Districts (CUDs) established by March Air Reserve where noise levels are at or above 70 dBA CNEL and the recommended uses for these properties. The proposed project is not located within a CUD, nor are any potential aircraft noise issues identified by the Specific Plan for the project site. Therefore, the potential for impacts associated with excessive airport noise levels are less than significant.

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

11f. Response: *(Sources: City of Moreno Valley General Plan, Chapter 6: Safety, City of Moreno Valley General Plan FEIR, Chapter 5.5 Hazards, Moreno Valley Industrial Area Specific Plan)*

No Impact. The proposed project is not located within the vicinity of a private airstrip. Therefore, no impacts would occur.

12. **POPULATION AND HOUSING.** Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	

12a. Response: *(Source: City of Moreno Valley General Plan, City of Moreno Valley General Plan FEIR, Section 5.12: Population and Housing, Moreno Valley Industrial Area Specific Plan)*

Substantial population growth occurs directly when new homes are constructed, resulting in additional persons moving to the area, or indirectly when new businesses are constructed in areas that lack an existing workforce to fill the jobs created by the new businesses. The proposed project does not include construction of any new homes and, therefore, will not result in direct

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

population growth. However, the project would include construction of a business center that would generate employment opportunities that could result in local population growth. Based upon Southern California Association of Government (SCAG) employment projections[3], the proposed project is expected to create 2,485 jobs[4]. The Specific Plan has been included in the City General Plan in lieu of a community plan for this area of Moreno Valley and the proposed project is consistent with existing Specific Plan land use designations. The General Plan land use designations are used in City General Plan population projections. Therefore, the proposed project would be consistent with the City of Moreno Valley General Plan and the growth projections contained therein.

Indirect population growth can also occur when infrastructure is expanded, resulting in a capacity for the area to serve a larger population. The proposed project would utilize existing roadways and associated infrastructure. All roadway improvements and extensions would be constructed to serve the project's needs only and do not provide new access to previously inaccessible areas. Impacts would be less than significant.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X

12b. Response: *(Sources: Site Visit)*

No Impact. The project site is currently vacant; therefore, the project would not displace any housing or people. No construction of replacement housing would be necessary. No impacts would occur.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

12c. Response: *(Sources: Site Visit)*

No Impact. See response to 12b above.

13. **PUBLIC SERVICES**. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?			X	

13a. Response: *(Source: City of Moreno Valley General Plan, Chapter 6 Safety Element, Section 6.2 Fire and Emergency Services, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan)*

Less Than Significant. The City of Moreno Valley Fire Service contracts with the Riverside County Fire Department for services. The Riverside County Fire Department provides the city's fire protection, fire prevention, and emergency medical services through a cooperative contractual agreement. (City of Moreno Valley 2006c.) The city is protected by six fire stations. The project site would be served by Station No. 65, which is located approximately 1.40 miles northeast of the property at 15111 Indian Avenue. If necessary, emergencies at the project site may also receive service from Stations No. 91 and 6, which are located 2.92 miles east and 4.53 miles southeast of the project site, respectively (Riverside County Fire Department 2008).

The proposed project is included within the approved Moreno Valley Industrial Area Plan (SP 208), which is included in the City General Plan in lieu of a community plan and has been addressed in city service planning efforts. The project is consistent with existing land use designations, therefore, additional fire staffing or equipment for different or more dense land uses beyond those already projected by the City would not be required. Prior to final site approval, the applicant would submit design plans to the City for review of compliance with applicable safety regulations. Potential impacts associated with fire protection would be less

[3] SCAG 2001. Employee Density Study Summary Report, Table II-B. Prepared by The Natelson Company, Yorba Linda, CA. October 31.

[4] Calculation: 51,590.7 square feet of low-rise office space/ 1 employee per 481 square feet; 1 employee per 12,549 square feet of light manufacturing space/ 1 employees per 1548 square feet; and 1,420,267.3 square foot of warehouse space/ 1 employeeper 581square feet.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
than significant.				
b) Police protection?			X	

13b. Response: *(Source: City of Moreno Valley General Plan, Chapter 6 Safety Element, Section 6.1 Police Protection and Crime Prevention, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan)*

The proposed project will be served by the City of Moreno Valley Police Department (MVPD), which is a contracted unit of the Los Angeles Sheriff's Department. MVPD operates out of the Public Safety Building located at 22850 Calle San Juan de Los Lagos and maintains satellite offices at businesses around the city. As of July 2006, the MVPD employed 162 sworn officers and 16 volunteer reserve officers. As of December 31, 2004, the officer to population ratio was 0.9 to 1000. Life-threatening Priority One calls are assigned the most urgency, and police officers respond to calls of this nature in an average of seven minutes.

MVPD staffing is based upon city growth projections. The City of Moreno Valley General Plan Safety Element, Objective 6.8 is to strive for police staffing of at least 1 officer per 1,000 residents, as feasible given budget restraints. (City of Moreno Valley. 2006c.) As discussed above in Section 13a, the Moreno Valley Industrial Area Park is an approved specific plan that is included in the City General Plan in lieu of a community plan and is used in addressing city service planning efforts, including police staffing. The project is consistent with existing land use designations, therefore, additional police staffing for different or more dense land uses beyond those already projected by the City would not be required. Prior to final site approval, the applicant will submit design plans to the City for review of compliance with applicable safety regulations. Potential impacts associated with police protection would be less than significant.

c) Schools?			X	

13c. Response: *(Source: City of Moreno Valley General Plan, Chapter 2 Community Development, Figure 2-3 School District Boundaries, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan)*

According to Figure 2-3: School District Boundaries, the proposed project is located within the boundaries of the Val Verde School District. However, because the proposed project involves the construction of a business park, its location would not dictate which schools could be impacted since future employees are expected to live within commuting distance of the site which could incorporate several western Riverside County school districts. The City General Plan acknowledges that enrollment at Val Verde schools within the City currently exceed capacity.

As discussed in Sections 13a and 13b, above, the Moreno Valley Industrial Area Specific Plan is an approved plan that is addressed in the City General Plan, city service planning efforts and population projections. Prior to issuance of a permit of occupancy, the applicant will be required to pay SB 50 school impact fees, which are used to fund the construction of new schools and school equipment. Impacts would be less than significant.

d) Parks?			X	

13d. Response: *(Source: City of Moreno Valley General Plan, Chapter 2 Community Development, Figure 2-3 School District Boundaries, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan)*

The nearest parks to the project site are March Field Park and Valley Skate Park located approximately 0.5 mile north of the site at the intersection of W Street and 6th Street. Increase in demand for neighborhood or regional parks or other recreational facilities generally occurs due to population increase. Because the proposed project is expected to draw on employees currently living in the City and the surrounding Western Riverside areas (see explanation in Section 12, Population and Housing) and using existing recreational facilities, a significant increase in park use is not expected as a result of the proposed project. Impacts would be less than significant.

e) Other public facilities?			X	

13e. Response: *(Source: City of Moreno Valley General Plan, Chapter 2 Community Development, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan)*

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Other public facilities that could be impacted by new development include libraries. Similar to parks and recreational facilities, increase in demand for libraries generally occurs due to population increase. As discussed in Section 12, Population and Housing, the proposed project is not expected to result in a significant population increase that would require the construction of new libraries. The proposed project is not expected to result in impacts to any other public facilities. Impacts would be less than significant.

14. **RECREATION.**

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	

14a. Response: *(Source: City of Moreno Valley General Plan, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan)*

Increase in demand for neighborhood or regional parks or other recreational facilities generally occurs due to population increase. The proposed project is expected to draw on employees currently living in the City of Moreno Valley and surrounding Western Riverside areas (see explanation in Section 12, Population and Housing) and using existing recreational facilities. Additionally, the project site is located within the approved Moreno Valley Industrial Park Specific Plan, which is included in the City General Plan in lieu of a community plan, and is consistent with the land use designations and policies of the Specific Plan. These land use designations are used in City General Plan population projections and in planning for public services and amenities, including parks and recreational facilities. Therefore, a significant increase in the use of parks and other recreational facilities is not expected.

b) Des 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	

14b. Response: *(Source: City of Moreno Valley General Plan, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan)*

The proposed project involves the construction of an industrial business park and does not include recreational facilities. Additionally, as stated above in section 13d, the proposed project would not result in significant population increase in the area and would, therefore, not require construction or expansion of recreational facilities. Although impacts are expected to be less than significant, the project is subject to the Quimby Act (California Government Code Section 66477), which requires payment of in-lieu fees to support acquisition and construction of parks and recreational facilities. Impacts would be less than significant.

15. **TRANSPORTATION/TRAFFIC.** Would the project:

a) Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?		X		

15a. Response: *(Source: Kunzman Associates 2008a, 2008b, 2008c, Moreno Valley Industrial Area Specific Plan)*

The project would result in additional traffic on the local roadway network in the vicinity of the project site. The traffic study addresses existing conditions, future baseline conditions without the project (which include proposed future developments and a 2 percent, area-wide, annual growth rate), and future conditions with the project. The average daily traffic (ADT) characteristics were used to evaluate the potential traffic-related impacts associated with anticipated area growth and project development. The proposed project would generate a total of 3,479 daily vehicle trips in passenger car equivalents, 246 passenger car equivalents of which will occur during the morning peak hour and 283 passenger car equivalents of which will occur during the evening peak hour. Existing and Project generated traffic is illustrated in Table 3-10, below.

Table 3-10. Existing and Project Traffic

Roadway	Segment	Existing+Ambient Growth+Cumul. Proj.+Proj. Daily Traffic (ADT;V/C)	Project Daily Traffic (ADT;V/C)	Change due to Proposed Project	Volume Exceed Capacity?	Significant?
Heacock Street	North of Cactus	21,200; 0.57	300; 0.008	1.4%	No	No
	Cactus to JFK	36,500; 0.97	400; 0.011	1.1%	No	No
	JFK to Gentian	26,100; 1.19	500; 0.023	1.9%	Yes	
	Gentian to Iris	23,900; 1.09	500; 0.023	2.1%	Yes	
	Iris to Krameria	13,600; 1.09	1,400; 0.11	9.3%	Yes	
	Krameria to San Michele	17,000; 1.36	2,100; 0.168	11%	Yes	
Indian Street	North of JFK	7,700; 0.21	-	None	No	No
	JFK to Gentian	8,500; 0.34	-	None	No	No
	Gentian to Iris	9,200; 0.74	-	None	No	No
	Iris to Krameria	7,600; 0.61	-	None	No	No
	Krameria to San Michele	6,000; 0.48	-	None	No	No
Cactus Avenue	West of Heacock	45,000; 1.20	100; 0.0027	0.22%	Yes	
	East of Heacock	11,800; 0.67	100; 0.0027	0.84%	No	No
Meyer Drive/JFK Drive	West of Heacock	7,200; 0.19	-	None	No	No
	Heacock to Indian	11,500; 0.31	100; 0.0027	0.86%	No	No
	East of Indian	11,800; 0.47	100; 0.004	0.84%	No	No
Gentian Avenue	Heacock to Indian	2,700; 0.11	-	None	No	No
Iris Avenue	Heacock to Indian	14,600; 0.78	900; 0.048	5.8%	No	
	Indian to Perris	21,875; 0.90	900; 0.041	4.0%	No	
Krameria Avenue	Indian to Perris	3,600; 0.29	-	None	No	No
San Michele Road	Heacock to Indian	13,700; 0.73	2,100; 0.112	13%	No	
Source: Kunzman Associates 2008a, 2008b, 2008c						

The traffic study completed for the proposed project indicates that level of service at 14 intersections would have unacceptable ratings with the proposed project. However, these ratings would be improved to acceptable ratings with incorporation of the recommendations in the traffic report. (Kunzman Associates 2008a, 2008b, 2008c). Therefore, potential impacts associated with existing traffic load and capacity would be considered less than significant with the implementation of Mitigation Measures TRANS-1 through TRANS-9, below.

Mitigation Measures

TRANS-1: Heacock Street from Iris Avenue to the south project boundary will be constructed to its ultimate half-section width as an Arterial (100 foot right-of-way) in conjunction with development, including landscaping and parkway improvements as necessary.

TRANS -2: Iris Avenue from Heacock Street to Street "A" will be constructed at its ultimate half-section width as an Arterial (100 foot right-of-way) in conjunction with development, including landscaping and parkway improvements as necessary.

TRANS -3: Street "A" from Iris Avenue to the south project boundary will be constructed at its ultimate cross-section width in conjunction with development, including landscaping and parkway improvements as necessary.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

TRANS -4: Traffic signal mitigation fees will be paid for the phased construction of off-site traffic signals. The traffic signals within the study area at buildout will specifically include an interconnect of the traffic signals to function in a coordinated system.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?		X		

15b. Response: *(Source: Kunzman Associates 2008a, 2008b, 2008c, Moreno Valley Industrial Area Specific Plan)*

As stated in response 15a, above, the proposed project would generate a total of 3,479 daily vehicle trips in passenger car equivalents, 246 passenger car equivalents of which will occur during the morning peak hour and 283 passenger car equivalents of which will occur during the evening peak hour. Level of service (LOS) investigations for the AM and PM peak hour at key intersections were completed to determine the project's impact on LOS. The traffic study completed for the proposed project indicates that level of service at 14 intersections would have unacceptable ratings with the proposed project. (Kunzman Associates. 2008a and 2008b.) Additionally, these levels of service would be improved to acceptable ratings with incorporation of the recommendations in the traffic report. With incorporation of Mitigation Measures TRANS-1 through TRANS-9, impacts to LOS from the proposed project would be less than significant.

Mitigation Measures

Implement Mitigation Measures TRANS -1 through TRANS-9, described above.

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	

15c. Response: *(Sources: City of Moreno Valley General Plan, Chapter 6: Safety, City of Moreno Valley General Plan FEIR, Chapter 5.5 Hazards, Moreno Valley Industrial Area Specific Plan, USAF 2005)*

The March Air Reserve Base is located west of Heacock Street, immediately adjacent to the project site. Due to the proximity of the project site to the March Air Reserve Base, and in accordance with the development guidelines of the Specific Plan, building heights within the project site would be restricted to 150 feet or less to avoid interference with March Air Reserve Base operations. However, there are no components of the project that would affect air traffic patterns, levels or locations. Therefore, the potential for impacts associated with a change in air traffic patterns is considered less than significant.

d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?			X	

15d. Response: *(Source: Kunzman Associates 2008a, 2008b, 2008c, Moreno Valley Industrial Area Specific Plan, Project Plan)*

The proposed project involves the planned construction of a business center within the existing Moreno Valley Industrial Plan Area. Access to the site would be provided via Heacock Street, Iris Avenue, Krameria Street, and Street "A". The project involves the construction of a new public street (Street "A") to the south of the project site; however, the street is designed to serve the proposed development and does not have any design features, such as sharp turns or dangerous intersections that could result in a hazard. All traffic recommendations made by the traffic engineer, Kunzman Associates, have been incorporated as Mitigation Measures TRANS-1 through TRANS-9. The proposed project is consistent with the planned industrial development within the Specific Plan area and will not result in incompatible uses. Impacts would be less than significant.

e) Result in inadequate emergency access?			X	

15e. Response: *(Source: City of Moreno Valley General Plan, Chapter 6: Safety, City of Moreno Valley General Plan FEIR, Project Plan, Moreno Valley Industrial Area Specific Plan)*

The proposed project would not affect emergency access routes. No streets would be closed for construction, and internal project circulation would incorporate City of Moreno Valley Fire Department design standards to allow access to the proposed buildings. 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
f) Result in inadequate parking capacity?				X

15f. Response: *(Source: Project Plans, City of Moreno Valley Municipal Code Section 9.11.040, Moreno Valley Industrial Area Specific Plan)*

The project will include onsite parking to accommodate employees, delivery or warehouse trucks, and other business park users. The proposed project is subject to the parking requirements set forth in Section 9.11.040 of the City of Moreno Valley Municipal Code, which include the following:

- Manufacturing Uses - one space per 250 square feet of floor area
- Business and Professional Office Uses - one space per 1000 square feet of floor area
- Warehouse Uses – one parking space per 1,000 square feet of floor area for the first 20,000 square feet; one parking space per 2,000 square feet of floor area for the second 20,000 square feet; and one parking space per 4,000 square feet of floor area for areas in excess of the initial 40,000 square feet.

The project plans include 12,549 square feet of manufacturing uses, 51,590 square feet of office uses, and 1,420,267 square feet of warehouse uses. Based upon the City parking requirements described above, the project will require 587 parking spaces. Project plans indicate that the project will include 699 off-street parking spaces, which includes 112 additional parking spaces than required under the City Municipal Code. Therefore, implementation of the proposed project will not result in inadequate parking supply.

g) Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

15g. Response: *(Source: City of Moreno Valley General Plan, Chapter 5: Circulation, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Project Plans, Kunzman Associates 2008)*

The project would not conflict with adopted policies, plans, or programs supporting alternative transportation. The project site is served by the Riverside Transit Agency Routes 18, 18a, and 19 (Kunzman Associates 2008). Project plans include a bus stop on Iris Avenue and sidewalks and landscaping in accordance with the policies set forth in the Moreno Valley Industrial Area Plan. There are no existing bus turnouts, bicycle lanes or other forms of alternative transportation that would be closed or removed as part of the project. Therefore, implementation of the proposed project will not conflict with adopted policies or programs supporting alternative transportation.

16. **UTILITIES AND SERVICE SYSTEMS.** Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	

16a. Response: *(Source: City of Moreno Valley General Plan, Chapter 2 Community Development, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan)*

The project site is located within the boundary of the California Regional Water Quality Control Board, Santa Ana (Region 8). Wastewater collection and treatment services would be provided by Eastern Municipal Water District (EMWD). Wastewater generated by the project would be conveyed to the Moreno Valley Regional Water Reclamation Facility (MVRWRF) for treatment, which is operated by EMWD in compliance with the waste discharge requirements set forth by the RWQCB for that treatment facility (City of Moreno Valley 2005g). Therefore, implementation of the proposed project would not exceed wastewater treatment requirements of the RWQCB.

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	

16b. Response: *(Source: City of Moreno Valley General Plan, Chapter 2 Community Development, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Thienes Engineering n.d, Thienes Engineering 2008, EMWD*

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

2008, Lee 2008)

The proposed project is located within the service area for the Eastern Municipal Water District (EMWD). EMWD would provide both domestic water service and wastewater collection and treatment for the proposed business park project.

EMWD prepared a Water Supply Assessment for the proposed project in 2008, which determined that the projected water demand for the proposed business park would be 52.5-acre-feet per year (EMWD 2008). The results of the WSA indicate that EMWD will be able to provide adequate water supply and delivery to meet the potable water demand for the project.

Based upon the Conceptual Utility and Stormdrain Plan prepared by Thienes Engineering for the proposed project, existing domestic waterlines in Iris Avenue and Heacock Street will be extended onsite to serve the project's domestic water needs (Thienes Engineering 2008). The project engineer has confirmed that existing 18" and 20" waterlines are sized sufficiently to serve the project (Lee 2008). As required by EMWD, the project applicant would be required to pay the appropriate water connection fee to EMWD. The water connection fees will be used by EMWD to cover expenses, in part, for connecting potable water required for the proposed project

Based on EMWD wastewater generation rates (industrial at 500 gallons per day [gpd]/1000 gross square feet), it is estimated that the proposed project would generate an average of approximately 742,203 gpd of wastewater. All wastewater within the City of Moreno Valley is collected and conveyed to the Moreno Valley Regional Water Reclamation Facility (MVRWRF) located within the southwestern area of the City. In regards to wastewater treatment, implementation of the proposed project would not significantly increase the service demands on the Moreno Valley Regional Water Reclamation Facility (MVRWRF). The current capacity of this plant is 16 mgd with ultimate planned expansion to 41 mgd. The current average flow is 11.5 mgd. With an estimated flow of 742,203 gpd (0.74 mgd) from the proposed project, the percent increase of the average flow at the plant would be approximately 4.6%. Therefore, the treatment plant is considered to have sufficient capacity to accommodate wastewater from the proposed project, and no significant impacts would occur.

Based upon the Conceptual Utility and Stormdrain Plan prepared by Thienes Engineering for the proposed project, wastewater service for Parcels 1, 3, and 4 will be provided through connection to an existing 30" sewer main, located north of the Perris Valley Storm Drain Channel. Wastewater service for Parcel 2 will be provided through connection to existing 8" wastewater lines in Heacock Street. The 8" wastewater lines in Heacock Street will be extended approximately 1,400 linear feet from the southern boundary of the site to connect to existing waste waterlines in Cardinal Street (Thienes Engineering 2008). The project engineer has confirmed that existing sewer mains are sized sufficiently to serve the project (Lee 2008). Before the project could be connected to the trunk sewer line, EMWD would require payment of a connection fee. This connection fee is required to construct an incremental expansion of the sewage system to accommodate the proposed project and is required before EMWD would be able to issue a permit to connect to the trunk line.

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		

16c. Response: *(Source: City of Moreno Valley General Plan, Chapter 7 Conservation, Section 7.1 Biological Resources, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Jones & Stokes 2008a)*

The proposed project includes construction of underground stormdrain facilities and four onsite detention basins to convey, retain, and treat stormwater runoff generated within the site, prior to releasing it to the Perris Valley Storm Channel via two stabilized outlets. The two outlets would require installation of a headwall and a stabilized rip-rap pad to prevent erosion. As discussed in response 4c, above, the wetland delineation conducted by Jones & Stokes on February 5, 2008, indicates that construction of the stormdrain outlets would result in permanent impacts to 0.05 acre (90 linear feet) of nonwetland Waters of the United States and Waters of the State and, temporary impacts to 0.04 acres of Waters of the State. With implementation of Mitigation Measures BIO-5 and BIO-6, impacts associated with the construction of new storm water drainage facilities would be less than significant.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Mitigation Measures

Implement Mitigation Measures BIO-5 and BIO-6, described above.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	

16d. Response: *(Source: EMWD 2008)*

In accordance with the requirements of California Senate Bill 610, a water supply assessment (WSA) was prepared by EMWD for the proposed project in 2008 to determine whether the projected water demand of the project could be met in addition to EMWD's existing and projected water demand. Projected water demand for the proposed business park is 52.5-acre-feet per year (EMWD 2008). The results of the WSA indicate that EMWD will be able to provide adequate water supply to meet the potable water demand for the project, in addition to existing and future users. As required by EMWD, the project applicant would be required to pay the appropriate water connection fee to EMWD. The water connection fees will be used by EMWD to cover expenses for connecting and storing potable water required for the proposed project. Therefore, potential project impacts to local or regional water supplies will be less than significant.

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	

16e. Response: *(Source: EMWD 2008)*

As discussed above in response 16b, the existing wastewater lines and sewer mains within the vicinity of the project site are sufficiently sized to convey wastewater generated within the project site (Lee 2008). Additionally, the Moreno Valley Regional Water Reclamation Facility (MVRWRF) is expected to have sufficient capacity to serve the wastewater treatment needs of the project. On [will serve letter forthcoming from Hogle-Ireland, to be completed], EMWD issued a project specific will serve letter to provide sewer service for the proposed project indicating that the wastewater treatment services will be provided to the project. Service is contingent upon plan check by EMWD, facility construction, inspection, and payment of financial participation charges (EMWD 2008).

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	

16f. Response: *(Source: City of Moreno Valley General Plan, City of Moreno Valley General Plan FEIR, Moreno Valley Industrial Area Specific Plan, Section 5.13: Public Services and Utilities, California Integrated Waste Management Board 2008)*

Implementation of the proposed project would result in an increase in nonhazardous municipal solid waste. Solid waste generated within the Moreno Valley planning area is primarily deposited in the Riverside County Waste Management Department's (RCWMD) Badlands Landfill, located approximately 1.5 miles north of SR-60 near Ironwood Avenue and Theodore Street. The City's contracted waste hauler may also use other County landfills in the area such as the Lamb Canyon Landfill and El Sobrante Landfill (City of Moreno Valley 2005g). The Badlands Landfill currently has the capacity to receive up to 4,000 tons of waste per day, with a remaining disposal capacity of approximately 21,866,092 cubic yards as of May 2005 (CIWMB 2008a). In 2007, the landfill received approximately 1703.92 tons of waste per day (CIWMB 2008b), resulting in a remaining capacity of 2296.08 tons per day. Based upon California Integrated Waste Management Board 2004 generation rates of 12.2 lbs per employee per day, the proposed project is expected to generate approximately 30,317 pounds (approximately 15.16 tons) of solid waste per day[5], which represents approximately 0.66% of the remaining daily capacity for the Badlands Landfill (CIWMB 2008c). Given the remaining capacity of the landfill and the estimated solid waste generation of the project, implementation of the proposed project is not expected to exceed the permitted capacities of the landfills that serve the project area. Impacts would be less than significant.

[5] Based on calculation 2485 employees x 12.2 lbs/employee/day.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Comply with federal, state, and local statues and regulations related to solid waste?			X	

16g. Response: *(Source: City of Moreno Valley General Plan, Chapter 2 Community Development, City of Moreno Valley General Plan FEIR, Section 5.13: Public Services and Utilities, Moreno Valley Industrial Area Specific Plan)*

The City of Moreno Valley currently implements a state-mandated solid waste reduction program to ensure that impacts on landfills are reduced. Current regulations require Cities to divert 50% of the waste stream through recycling programs. The City of Moreno Valley currently exceeds this requirement through the enactment of its recycling and other waste diversion programs. The proposed project and future tenants of the business park would be required to comply with the City's programs for waste diversion and recycling. Impacts would be less than significant.

17. **MANDATORY FINDINGS OF SIGNIFICANCE.**				
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, substantially reduce the number or restrict the range of an endangered, rare or threatened plant or animal, or eliminate important examples of the major periods of California history or prehistory?			X	

17a. Response: *(Source: Above Checklist)*

The preceding analysis supports a conclusion that the proposed project would not result in any significant impacts in these respects. Project-specific surveys within the property documented the absence of rare, threatened, or endangered species within the project impact areas. The proposed project will comply with MSHCP terms and conditions, and no further mitigation is required.

The project area has been assessed and tested for the presence of historic and prehistoric resources, and the resulting data recorded. The potential for project-related impacts to such resources is considered less than significant with the mitigation incorporated. Therefore, the proposed project does not have 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 an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history or prehistory.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)?			X	

17b. Response: *(Source: Above Checklist)*

The proposed project consists of a planned development within the approved Moreno Valley Industrial Area Specific Plan. The project is consistent with the land use designations, policies, and design guidelines set forth by the Specific Plan, as well as the provisions of the Stephan's Kangaroo Rat HCP and the Western Riverside MSHCP. The analysis for air quality, noise, and transportation/traffic included impacts associated with the project and projected growth. Potential impacts associated with air quality, biological resources, noise, and transportation/traffic would be mitigated to a level of less than significant with mitigation incorporated.

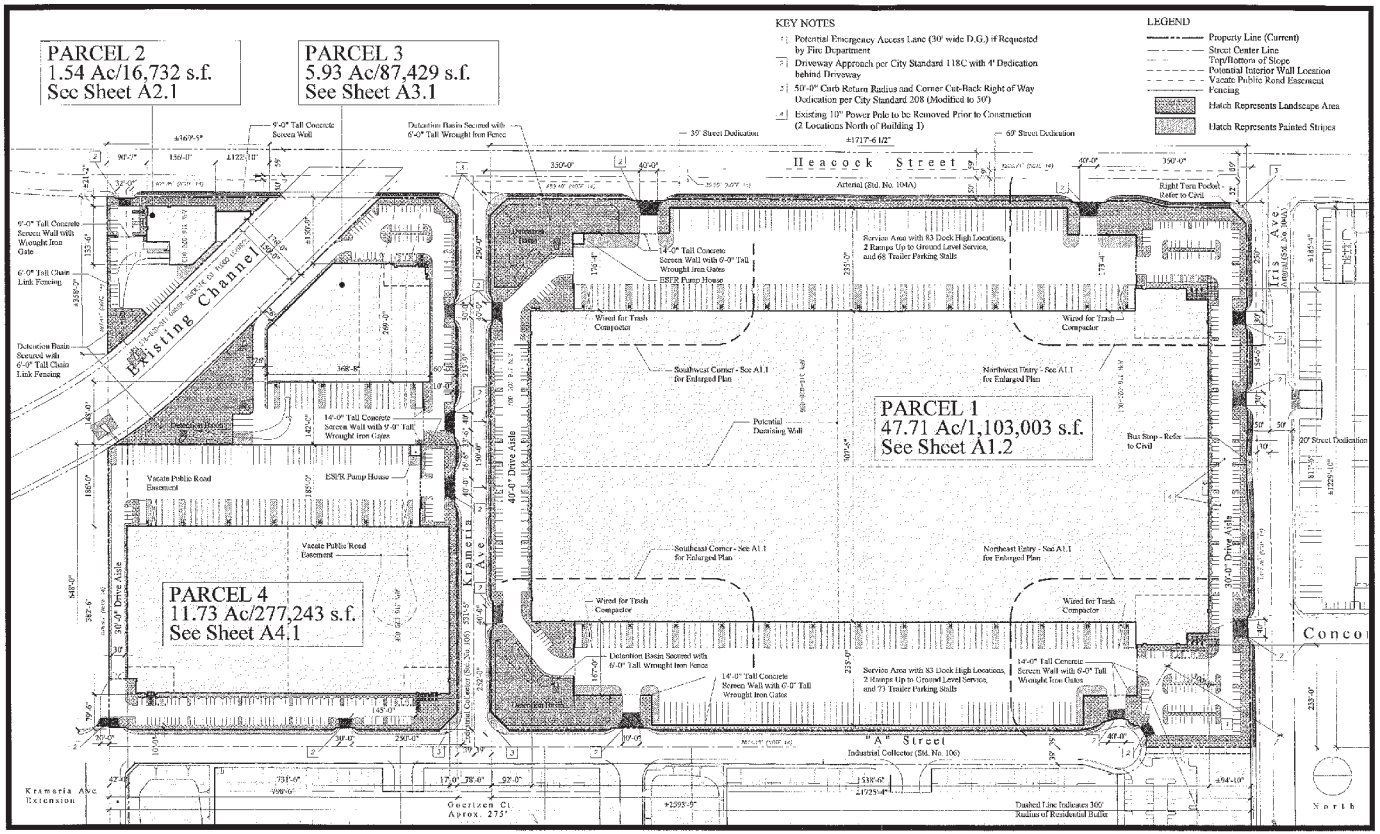
With regard to climate change and GHG emissions, the amounts of construction- and operations-period GHG emissions that would result from development of the proposed project are negligible. The proposed project's amount of emissions, without considering other cumulative global emissions, would be insufficient to cause climate change. Nevertheless, the project would be required to implement project-specific GHG-reducing mitigation measures. With implementation of prescribed mitigation measures, the proposed project would be consistent with the state's goals of reducing GHG emissions to 1990 levels by 2020. As such, the proposed project's contribution to climate change/worldwide GHG emissions would be less than significant.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Implementation of the proposed project would not result in cumulatively considerable impacts.				
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

17c. Response: *(Source: Above Checklist)*

The proposed project involves the development of a business park that would provide employment opportunity for the local area. As noted in the preceding checklist, potential impacts related to air quality, hazards and hazardous materials, geology and soils, noise, and transportation/traffic associated with the proposed project would be mitigated to a level of less than significant. Therefore, the proposed project is not expected to result in substantial adverse effects on human beings.

This page intentionally left blank.



Sheet List

A0.1 - Conceptual Masterplan
A0.2 - Site Plan Photos / Street Sections

A1.1 - Building 1 Enlarged Site Plans
A1.2 - Building 1 Floor Plan
A1.3 - Building 1 Roof Plan
A1.41-1.44 - Building 1 Elevations

A2.1 - Building 2 Site, Floor, Roof Plans
A2.2 - Building 2 Elevations

A3.1 - Building 3 Enlarged Site Plan
A3.2 - Building 3 Floor and Roof Plans
A3.3 - Building 3 Elevations

A4.1 - Building 4 Enlarged Site Plan
A4.2 - Building 4 Floor Plan
A4.3 - Building 4 Roof Plan
A4.41-1.42 - Building 4 Elevations

Civil 1 of 3 - Conceptual Grading Plan
Civil 2 of 3 - Conceptual Grading Plan
Civil 3 of 3 - Conceptual Utility Plan

LS 1 of 7 - Landscape Plan - Bldg 2
LS 2 of 7 - Landscape Plan - Bldg 3
LS 3 of 7 - Landscape Plan - Bldg 4
LS 4 of 7 - Landscape Plan - Bldg 1, Quad 1
LS 5 of 7 - Landscape Plan - Bldg 1, Quad 2
LS 6 of 7 - Landscape Plan - Bldg 1, Quad 3
LS 7 of 7 - Landscape Plan - Bldg 1, Quad 4

A.P.N.

316-020-001
316-020-006
316-020-007
316-020-010
316-020-028

Project Directory

OWNER/DEVELOPER:
WESTERN REALCO, LLC
500 Newport Center Drive, Suite 630
Newport Beach, California 92660
Telephone: 949 720 3787
Contact: Gary Edwards, Vance Mapo

ARCHITECT:
BASTIEN AND ASSOCIATES, INC.
2961 Edinger Avenue
Tustin, California 92780
Telephone: 949 857 0001
Contact: Mike McAndrew

ENTITLEMENT COORDINATOR:
HOGLE-IRELAND
1500 Iowa Avenue, Suite 110
Riverside, CA 92507
Telephone: 951 787 9222
Contact: Pam Steele, Chris Stamps

CIVIL:
THIENES ENGINEERING
14349 Firestone Blvd.
La Mirada, CA 90638
Telephone: 714 521 4811
Contact: Brian Thienes

LANDSCAPE:
EMERALD DESIGN
305 N. Harbor Blvd., Suite 218
Fullerton, CA 92832
Telephone: 714 680 0417
Contact: Charles Lamb

CONCEPTUAL MASTERPLAN

0 100 200 300 400
Scale: 1"=100'-0"

Legal Description

The land referred to hereon is situated in the State of California, County of Riverside, City of Moreno Valley, described as follows:

Lot(s) 12 and 13 in block 2 of Riverside Alfalfa Acres, in the City of Moreno Valley, in the County of Riverside, State of California, as shown by map on file in book 8 page(s) 21, of maps, records of Riverside County, California;

Excepting therefrom that portion conveyed to the Riverside County Flood Control and Water Conservation District, by deed recorded may 8, 1953 in book 1470 page 215 and re-recorded may 13, 1955 in book 1737 page 140, both of official records of Riverside County, California;

Also excepting therefrom the westerly 30 feet as conveyed to the County of Riverside, by deed recorded July 8, 1974 as instrument no. 84961 of official records of Riverside County, California;

Also excepting therefrom that portion conveyed to the Riverside County Flood Control and Water Conservation District, by deed recorded march 13, 1995 as instrument no. 79418 and re-recorded April 4, 1995 as instrument no. 102439 of official records of Riverside County, California.

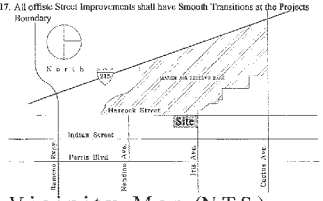
Lot(s) 4 and 5 in block 2 of Riverside Alfalfa Acres, in the City of Moreno Valley, in the County of Riverside, State of California, as shown by map on file in book 8 page(s) 21, of maps, records of Riverside County, California.

MASTERPLAN SUMMARY

PARCEL 1		
Site Area	47.71 Acres	2,078,286 s.f.
Building Area		1,103,003 s.f.
Site Coverage		53.07%
Parking Required (2.5% Office/97.5% Warehouse)		400 Spaces
Parking Provided		418 Spaces
Parking Ratio		.38/1,000
Landscape Area	9.59%	199,214 s.f.
PARCEL 2		
Site Area	1.54 Acres	67,135 s.f.
Building Area		16,732 s.f.
Site Coverage		24.92%
Parking Required (25% Office/75% Manufacturing)		42 Spaces
Parking Provided		42 Spaces
Parking Ratio		2.51/1,000
Landscape Area	22.17%	14,887 s.f.
PARCEL 3		
Site Area	5.93 Acres	258,420 s.f.
Building Area		87,429 s.f.
Site Coverage		33.83%
Parking Required (10% Office/90% Warehouse)		75 Spaces
Parking Provided		86 Spaces
Parking Ratio		.98/1,000
Landscape Area	23.27%	60,143 s.f.
PARCEL 4		
Site Area	11.73 Acres	511,130 s.f.
Building Area		277,243 s.f.
Site Coverage		54.24%
Parking Required (4% Office/96% Warehouse)		131 Spaces
Parking Provided		132 Spaces
Parking Ratio		.48/1,000
Landscape Area	7.14%	36,475 s.f.
MASTERPLAN TOTALS		
Site Area	66.92 Acres	2,914,971 s.f.
Building Area		1,484,407 s.f.
Site Coverage		50.93%
Landscape Area	10.66%	310,719 s.f.

General Notes

1. For Property Line Information, Refer to Conceptual Grading Plan.
2. For Grade Elev's and Contour Lines, Refer to Conceptual Grading Plan.
3. All Lighting to Conform with Municipal Standards.
4. All Signage and Graphics to Conform with Municipal Standards.
5. All Parking Stalls shall be 9' x 18' and Double Striped.
6. All Landscape Fingers shall have Minimum Interior Dim of 5' wide by 16' long, Exclusive of Curbs, Step Outs and Other Hard Surfaces.
7. For all Landscape Fingers and End Planters adjacent to a Park. Stall, a 12" Conc Stepout, in addition to the required Curbs, Shall be Provided.
8. Each Gated Entrance shall be Provided with Presence Loop Detectors (or other device) within 1 or 2 feet of the Gate.
9. Trash enclosures shall be designed per modified City standards to include a fully covered roof over the enclosure and accommodate two trash bins, one for trash and the other for recyclables.
10. All Roofs to be Class-A
11. Series 1200 Knox Boxes to be Installed at all Gate Locations and Entry Doors
12. Utility Purveyors:
    Water: Eastern Municipal Water District, 909-928-6111
    Sewer: Eastern Municipal Water District, 909-928-6111
    Gas: Southern California Gas Company-Redlands, 562-699-7411
    Electrical: SCE-Santa Ana
    Telephone: Verizon-Hemet, 951-929-9412
    Cable: Time Warner Comm.-Ontario, 909/951-929-9412
13. Subject Site is Zoned "I" (Industrial)
    Specific Plan "SP-208" (Oleander Specific Plan)
14. PL Distances provided for Reference Only - Refer to Civil Drawings for Property Line Bearings and Distances and for Horizontal Control
15. FEMA Flood Zone Designations are X-Unshaded, X-Shaded, AO, and AH - Refer to Tentative Parcel Map for Additional Information
16. See Sheet A0.2 for Typical Street Sections
17. All offsite Street Improvements shall have Smooth Transitions at the Projects Boundary



Vicinity Map (N.T.S.)

WESTERN REALCO

Drawings, specifications and other documents, including those in other media thereof, prepared by the Architect and the Architect's consultants are instruments of Service for use solely with respect to this Project. The Architect and the Architect's consultants shall be deemed the authors and owners of their respective instruments of Service and shall retain all common law, statutory and other reserved rights, including copyrights.

MARCH BUSINESS CENTER

Moreno Valley, California

A0.1

ATTACHMENT 8

March Business Center
A0.1 - Conceptual Masterplan
December 04, 2008

BASTIEN AND ASSOCIATES, INC.
ARCHITECTURE AND PLANNING
2961 EDINGER AVENUE
TUSTIN, CALIFORNIA 92780-7268
Phone:(949) 857-0001 FAX:(949) 857-0110
Web Address:www.BastienArchitects.com

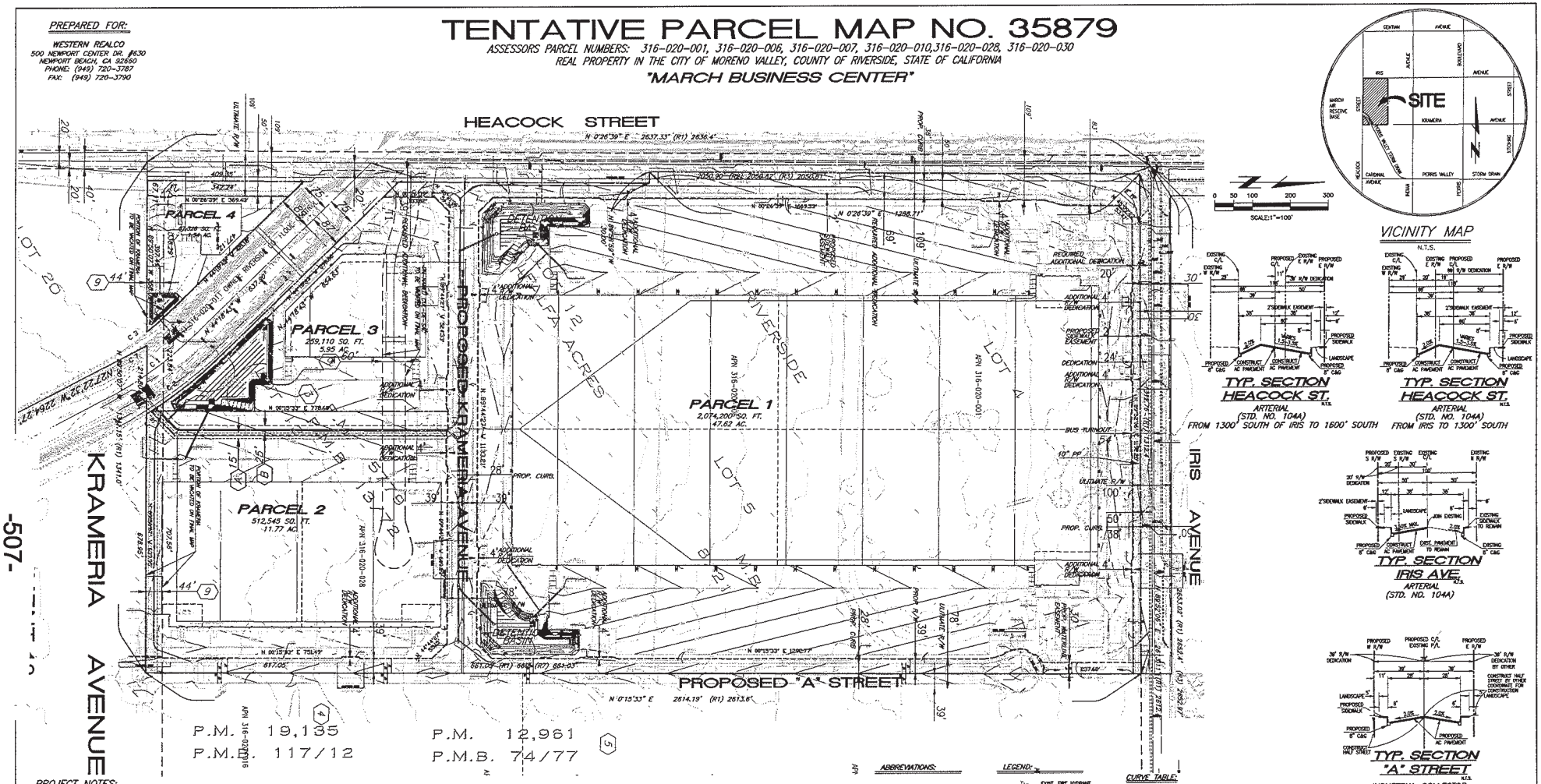
This page intentionally left blank.

TENTATIVE PARCEL MAP NO. 35879

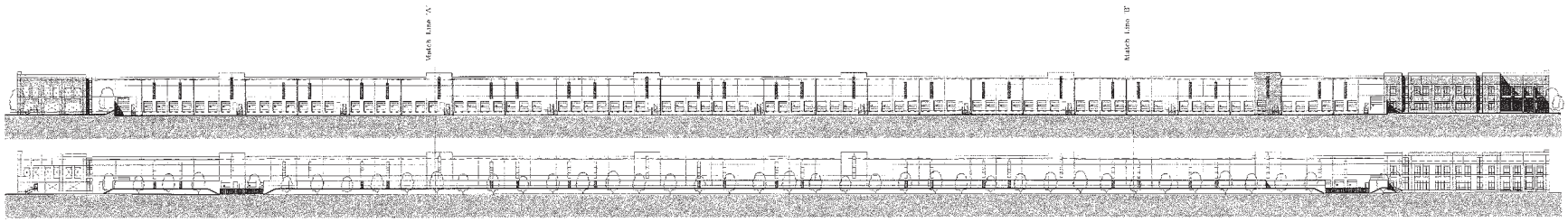
ASSESSORS PARCEL NUMBERS: 316-020-001, 316-020-006, 316-020-007, 316-020-010,316-020-028, 316-020-030
REAL PROPERTY IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

"MARCH BUSINESS CENTER"

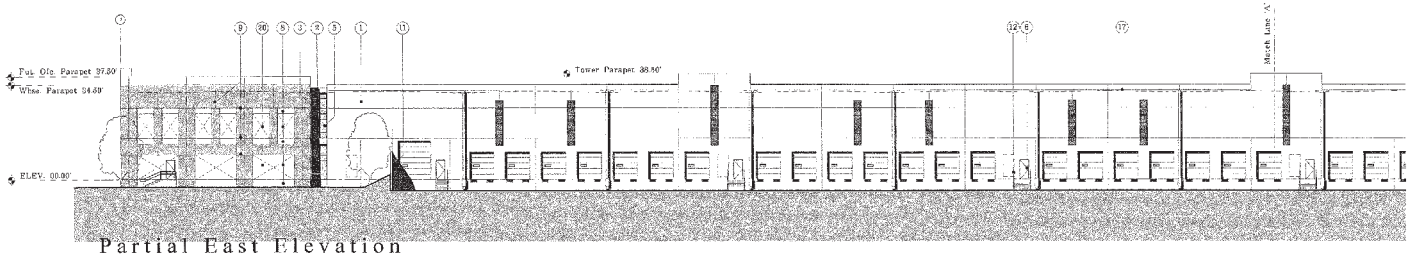
PREPARED FOR:
WESTERN REALCO
500 NEWPORT CENTER DR. #630
NEWPORT BEACH, CA 92660
PHONE: (949) 720-1787
FAX: (949) 720-3790


HEACOCK STREET
PARCEL 1
2,074,200 SQ. FT.
47.62 AC.
PARCEL 2
512,545 SQ. FT.
11.77 AC.
PARCEL 3
259,110 SQ. FT.
5.95 AC.
PARCEL 4
RETENTION BASIN
RETENTION BASIN
PROPOSED KRAMERIA AVENUE
KRAMERIA AVENUE
IRIS AVENUE
PROPOSED "A" STREET
LOT 12 OF RIVERSIDE ALFALFA ACRES
LOT 5 BLOCK 2 M.B. 7/27
LOT A
RIVERSIDE
APN 316-020-001
APN 316-020-028
APN 316-020-016
P.M. 19,135
P.M.B. 117/12
P.M. 12,961
P.M.B. 74/77
PROP. CURB
ULTIMATE R/W
ADDITIONAL DEDICATION
BUS TURNOUT
PROP. CURB
PROPOSED EASEMENT
N 0°26'39" E 3637.33' (R1) 3636.4'
N 0°15'33" E 2614.19' (R1) 2613.6'
N 0°15'33" E 1284.77'
N 0°26'39" E 1369.33'
N 0°15'33" E 1284.77'
N 0°15'33" E 1284.77'
N 0°15'33" E 1284.77

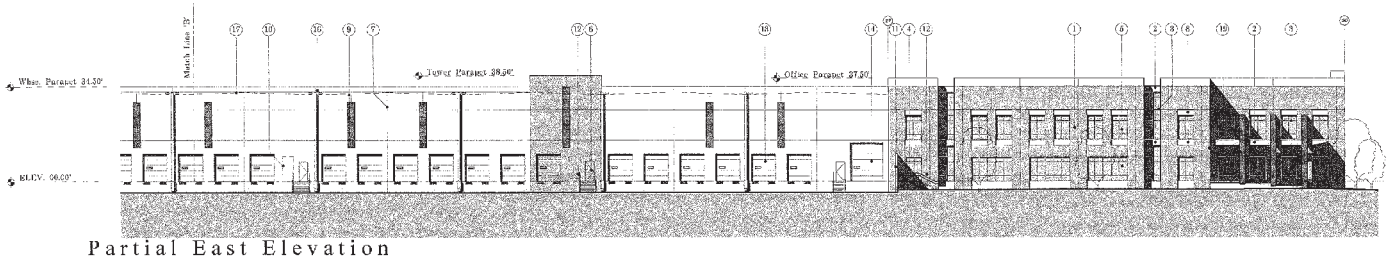
This page intentionally left blank.



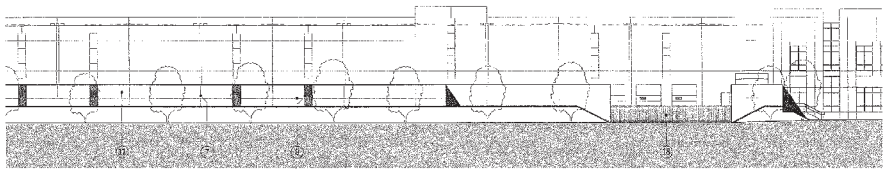
Overall East Elevation (Scale: 1"=40'-0")



Partial East Elevation



Partial East Elevation



Typical Screen Wall Elevation

Elevation Notes

1. Concrete Tilt-up panels with joints and reveals as indicated. Painted. Typical
2. Canopy: Bent .090" Thick Aluminum Panel w/ Kawneer 'Silver' Finish over Steel Frame - Typ
3. Clear Anodized, Center Glazed, Aluminum Mullion System (6" System at 2-Story Glazing, 4" System at Punched Openings)
4. 7'-0" High Medium Stile Entry Doors - Typ.
5. Medium performance Reflective Green Glass - Typ.
6. 3'x7' Galvanized Steel Man Door and Frame Painted to Match Adjacent Wall Surface
7. Panel Joint - Typ.
8. 3/4" Recess - Typ.
9. 3/4" Reveal - Typ.
10. Potential Louvered Air Intake Vent - Painted to Match Adjacent Wall Surface - Exact Location T.B.D.
11. 14'-0" High Concrete Screen Wall - Painted (Street Side of Wall will Incorporate Landscape Berm to Reduce Visual Wall Height to 8'-0")
12. Metal Hand and Guardrails Painted to Match Adjacent Wall Surface - Typ.
13. 9'x10' Steel Panel Sectional Door and Frame Painted to Match Adjacent Wall Surface
14. 12'x14' Steel Panel Sectional Door and Frame Painted to Match Adjacent Wall Surface
15. 3" Recess in Thickened Panel. Bent .090 Thick Alum. forms set into Recess.
16. External Down Spout and Overflow Scupper Painted to Match Adjacent Wall within Dock Area (All Other Locations to be Internally Routed)
17. Dashed Line Represents Roof Line Beyond
18. 6'-0" High, Rolling Wrought Iron Gate
19. Decorative Light Fixture to be Incorporated at Entry
20. Crossed Dashed Lines Represents Future Knock-Out Panels

Paint Legend

Paint 1 - Beige (Dunn Edwards, or Equal - DE6199, Finest Silk, LRV 74)

Paint 2 - Light Brown (Dunn Edwards, or Equal - DEC747, Sahara, LRV 32)

Paint 3 - Medium Brown (Dunn Edwards, or Equal - DE6096, Homestead, LRV 26)

Paint 4 - Burnt Red (Dunn Edwards, or Equal - DE5153, Iron Ore, LRV 16)

0 16 32 48 64

Graphic Scale

Scale: 1/16" = 1'-0"

CONCEPTUAL ELEVATIONS - BUILDING 1

WESTERN REALCO

Drawings, specifications and other documents, including those on electronic form, prepared by the Architect and the Architect's consultants are Instruments of Service for use solely with respect to this Project. The Architect and the Architect's consultants shall be deemed the authors and owners of their respective Instruments of Service and shall retain all common law, statutory and other reserved rights, including copyright.

MARCH BUSINESS CENTER

Moreno Valley, California

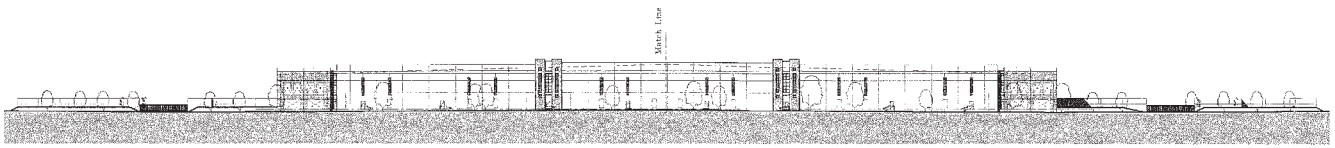
A 1.41

04 December 2008

ATTACHMENT 10

March Business Center
A1.41 - Conceptual Elevations - Building 1
December 04, 2008

BASTIEN AND ASSOCIATES, INC.
ARCHITECTURE AND PLANNING
2961 EDinger AVENUE
TUSTIN, CALIFORNIA 92780-7256
Phone:(949) 757-9001 FAX:(949) 757-9119
Web: www.BastienArchitects.com



Overall South Elevation

(Scale: 1" = 40'-0")

Paint Legend

Paint 1 - Beige (Dunn Edwards, or Equal - DE5127, Finest Silk, LRV 74)

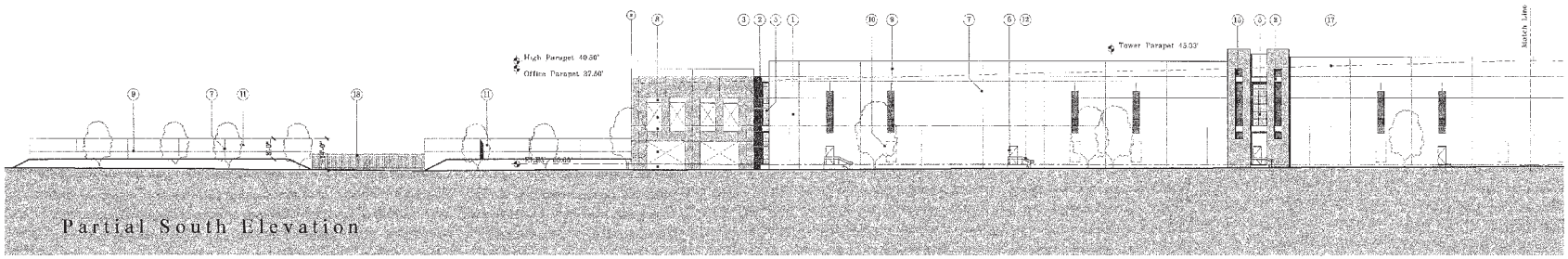
Paint 2 - Light Brown (Dunn Edwards, or Equal - DEC747, Sahara, LRV 42)

Paint 3 - Medium Brown (Dunn Edwards, or Equal - DE6096, Homestead, LRV 26)

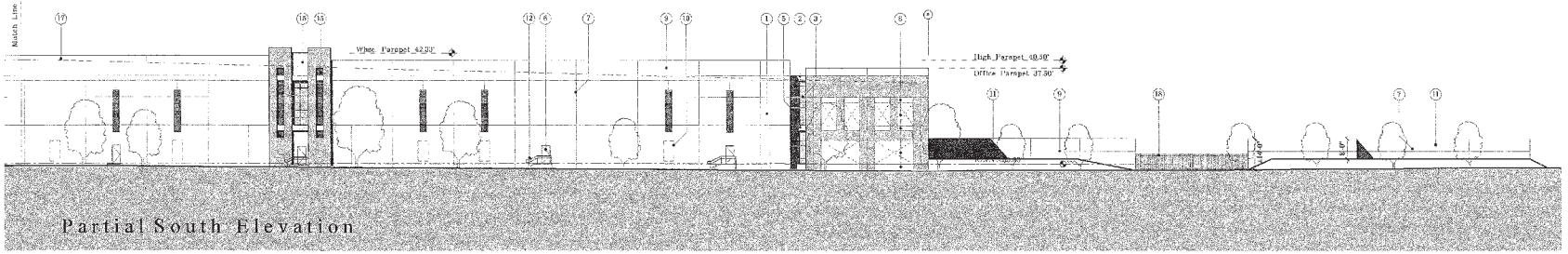
Paint 4 - Burnt Red (Dunn Edwards, or Equal - DE5153, Iron Ore, LRV 16)

Elevation Notes

1. Concrete Tilt-up panels with joints and reveals as indicated. Painted. Typical
2. Canopy: Bent .096" Thick Aluminum Panel w/ Kawneer "Silver" Finish over Steel Frame - Typ.
3. Clear Anodized, Center Glazed, Aluminum Mullion System (6" System at 2-Story Glazing, 4" System at Punched Openings)
4. 7'-0" High Medium Stile Entry Doors - Typ.
5. Medium performance Reflective Green Glass - Typ.
6. 3'x7' Galvanized Steel Man Door and Frame Painted to Match Adjacent Wall Surface
7. Panel Joint - Typ.
8. 3/4" Recess - Typ.
9. 3/4" Reveal - Typ.
10. Potential Louvered Air Intake Vent - Painted to Match Adjacent Wall Surface - Exact Location T.B.D.
11. 14'-0" High Concrete Screen Wall - Painted (Street Side of Wall will Incorporate Landscape Berm to Reduce Visual Wall Height to 8'-0")
12. Metal Hand and Guardrails Painted to Match Adjacent Wall Surface - Typ.
13. 9'x10' Steel Panel Sectional Door and Frame Painted to Match Adjacent Wall Surface
14. 12'x14' Steel Panel Sectional Door and Frame Painted to Match Adjacent Wall Surface
15. 3" Recess in Fractured Panel. Bent .090 Thick Alum. frame set into Recess.
16. External Drain Spout and Overflow Scupper Painted to Match Adjacent Wall within Deck Area (All Other Locations to be Internally Drained)
17. Dashed Line Represents Roof Line Beyond
18. 8'-0" High, Rolling Wrought Iron Gate
19. Decorative Light Fixture to be Incorporated at Entry
20. Crossed Dashed Lines Represents Future Knock-Out Panels



Partial South Elevation



Partial South Elevation

CONCEPTUAL ELEVATIONS - BUILDING 1

0 16 32 48 64

Graphic Scale

Scale: 1/16" = 1'-0"

WESTERN REALCO

Drawings, specifications and other documents, including those in electronic form, prepared by the Architect and the Architect's consultants are instruments of service for use solely with respect to this Project. The Architect and the Architect's consultants shall be deemed the authors and owners of their respective documents and shall retain all common law, statutory and other reserved rights, including copyrights.

MARCH BUSINESS CENTER

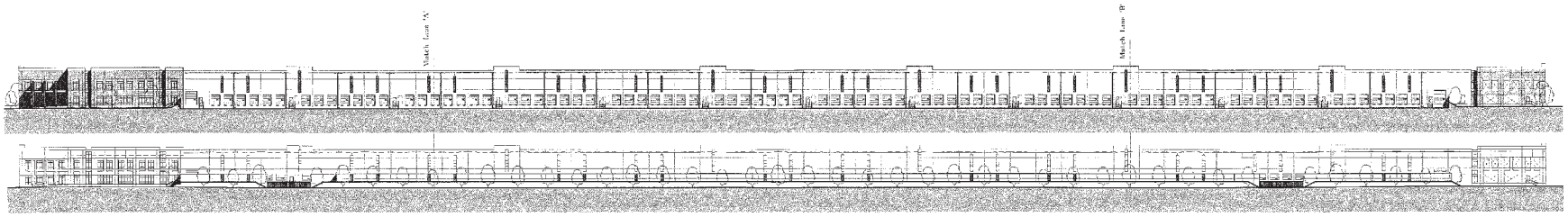
Moreno Valley, California

A 1.42

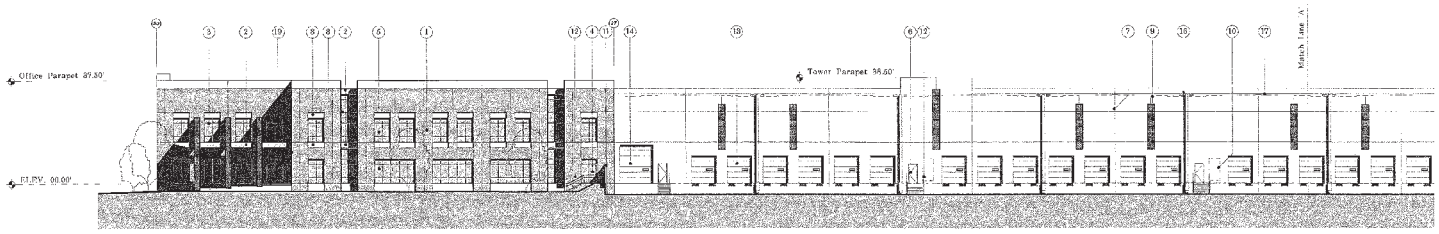
04 December 2008

March Business Center
A1.42 - Conceptual Elevations - Building 1
December 04, 2008

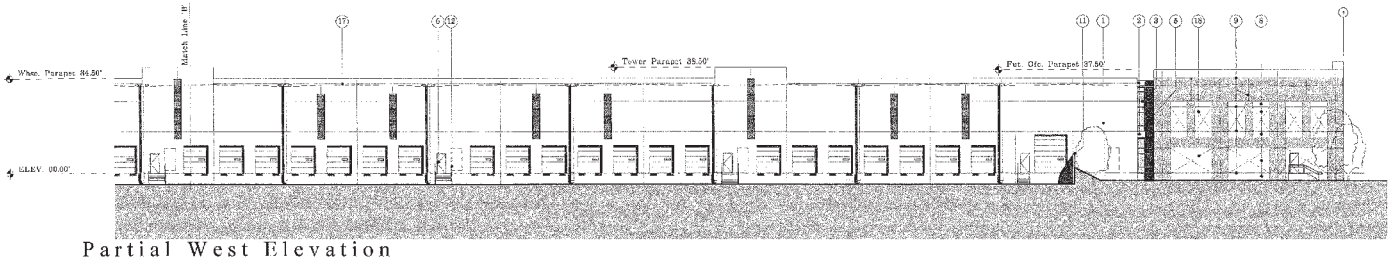
BASTIEN AND ASSOCIATES, INC.
ARCHITECTURE AND PLANNING
2161 EDINGER AVENUE
TUSTIN, CALIFORNIA 92780-7258
Phone (949) 957-9001 FAX (949) 957-0118
Web Address: www.BastienArchitects.com



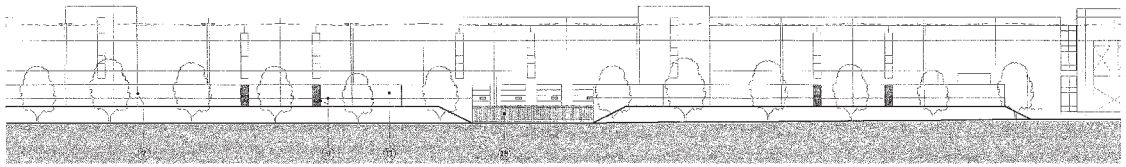
Overall West Elevation (Scale: 1" = 40'-0")



Partial West Elevation



Partial West Elevation



Typical Screen Wall Elevation

Elevation Notes

1. Concrete Tilt-up panels with joints and reveals as indicated. Painted. Typical
2. Canopy: Bent .090" Thick Aluminum Panel w/ Kawneer "Silver" Finish over Steel Frame - Typ
3. Clear Anodized, Center Glazed, Aluminum Mullion System
   10" System at 2-Story Glazing, 4" System at Punched Openings
4. 7'-0" High Medium Stile Entry Doors - Typ.
5. Medium performance Reflective Green Glass - Typ.
6. 8'x7' Galvanized Steel Man Door and Frame Painted to Match Adjacent Wall Surface
7. Panel Joint - Typ.
8. 3/4" Recess - Typ.
9. 3/4" Reveal - Typ.
10. Potential Louvered Air Intake Vent - Painted to Match Adjacent Wall Surface - Exact Location T.B.D.
11. 14'-0" High Concrete Screen Wall - Painted (Street Side of Wall will Incorporate Landscape Berm to Reduce Visual Wall Height to 8'-0")
12. Metal Hand and Guardrails Painted to Match Adjacent Wall Surface - Typ.
13. 9'x10' Steel Panel Sectional Door and Frame Painted to Match Adjacent Wall Surface
14. 12'x14' Steel Panel Sectional Door and Frame Painted to Match Adjacent Wall Surface
15. 8" Recess in Thickened Panel. Bent .090 Thick Alum. forms set into Recess.
16. External Down Spout and Overflow Scupper Painted to Match Adjacent Wall within Dock Area (All Other Locations to be Internally Drained)
17. Dashed Line Represents Roof Line Beyond
18. 6'-0" High, Rolling Wrought Iron Gate
19. Decorative Light Fixture to be Incorporated at Entry
20. Crossed Dashed Lines Represents Future Knock-Out Panels

Paint Legend

Paint 1 - Beige (Dunn Edwards, or Equal - DEC127, Finest Silk, LRV 74)

Paint 2 - Light Brown (Dunn Edwards, or Equal - DEC747, Sahara, LRV 52)

Paint 3 - Medium Brown (Dunn Edwards, or Equal - DE6086, Homestead, LRV 26)

Paint 4 - Barrel Red (Dunn Edwards, or Equal - DE2453, Iron Ore, LRV 16)

0 16 32 48 64
Graphic Scale
Scale: 1/16" = 1'-0"

CONCEPTUAL ELEVATIONS - BUILDING 1

WESTERN REALCO

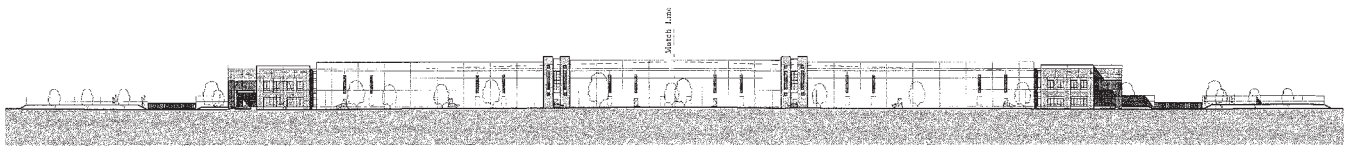
Drawings, specifications or other documents, including those in electronic form, prepared by the Architect and the Architect's consultants are "instruments of service for use solely with respect to this Project. The Architect and the Architect's consultants shall be deemed the authors and owners of their respective instruments of Service and shall retain all common law, statutory and other reserved rights, including copyrights.

MARCH BUSINESS CENTER
Moreno Valley, California

A 1.43
04 December 2008

March Business Center
A1.43 - Conceptual Elevations - Building 1
December 04, 2008

BASTIEN AND ASSOCIATES, INC.
ARCHITECTURE AND PLANNING
2061 CONCER AVENUE
YUSTIN, CALIFORNIA 92780-7256
Phone:(949) 757-1001 FAX:(949) 757-8139
Web Address:www.bastienarchitect.com



Overall North Elevation
(Scale: 1"=40'-0")

Paint Legend

Paint 1 - Beige (Dunn Edwards, or Equal - DE6127, Finest Silk, LRV 74)

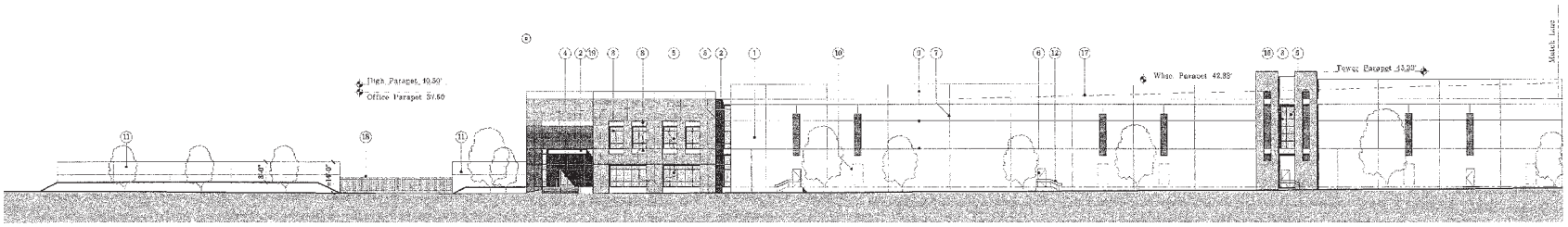
Paint 2 - Light Brown (Dunn Edwards, or Equal - DEC749, Sahara, LRV 32)

Paint 3 - Medium Brown (Dunn Edwards or Equal - DE6006, Homestead, LRV 26)

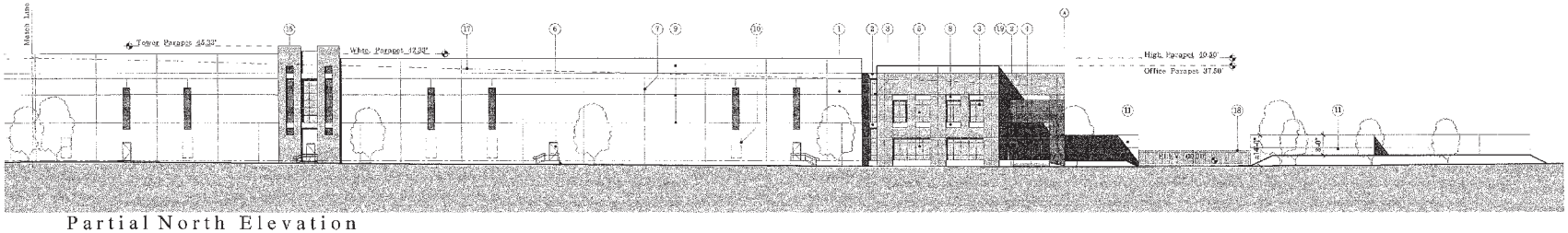
Paint 4 - Burnt Red (Dunn Edwards, or Equal - DE5368, Iron Ore, LRV 16)

Elevation Notes

1. Concrete Tilt-up panels with joints and reveals as indicated. Painted. Typical
2. Canopy: Brst .090" Thick Aluminum Panel w/ Kawneer 'Silver' Brush over Steel Frame - Typ.
3. Clear Anodized, Center Glazed, Aluminum Mullion System (6" System at 2-Story Glazing, 4" System at Punched Openings)
4. 7'-0" High Medium Stile Entry Doors - Typ.
5. Medium performance Reflective Green Glass - Typ.
6. 3'x7' Galvanized Steel Man Door and Frame Painted to Match Adjacent Wall Surface
7. Panel Joint - Typ.
8. 3/4" Recess - Typ.
9. 3/4" Reveal - Typ.
10. Potential Louvered Air Intake Vent - Painted to Match Adjacent Wall Surface - Exact Location T.B.D.
11. 14'-0" High Concrete Screen Wall - Painted (Street Side of Wall will Incorporate Landscape Berm to Reduce Visual Wall Height to 8'-0")
12. Metal Hand and Guardrails Painted to Match Adjacent Wall Surface - Typ.
13. 9'x10' Steel Panel Sectional Door and Frame Painted to Match Adjacent Wall Surface
14. 12'x14' Steel Panel Sectional Door and Frame Painted to Match Adjacent Wall Surface
15. 8" Recess in Thickened Panel. Rent .050 Thick Alum forms set into Recess.
16. External Down Spout and Overflow Scupper Painted to Match Adjacent Wall within Dock Area (All Other Locations to be Internally Drained)
17. Dashed Line Represents Roof Line Beyond
18. 6'-0" High Rolling Wrought Iron Gate
19. Decorative Light Fixture to be Incorporated at Entry
20. Crossed Dashed Lines Represents Future Knock-Out Panels



Partial North Elevation



Partial North Elevation

CONCEPTUAL ELEVATIONS - BUILDING 1

0 16 32 48 64
Graphic Scale
Scale: 1/16" = 1'-0"

WESTERN REALCO

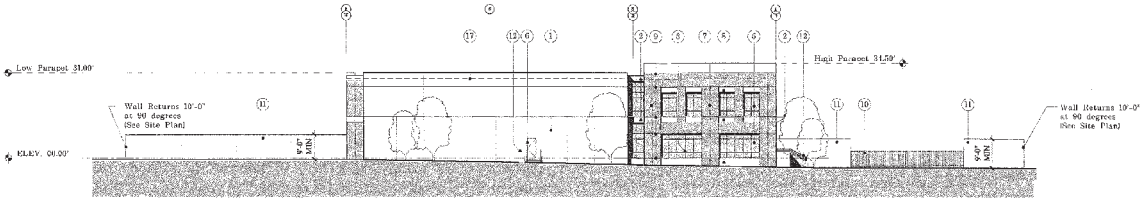
Drawings, specifications and other documents, including those in electronic form, prepared by the Architect and the Architect's consultants are Instruments of Service for use solely with respect to this Project. The Architect and the Architect's consultants shall be deemed the authors and owners of their respective Instruments of Service and shall retain all common law, statutory and other reserved rights, including copyright.

MARCH BUSINESS CENTER
Moreno Valley, California

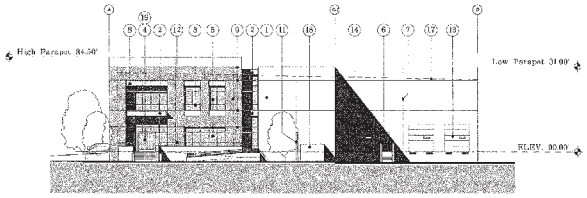
A 1.44
04 December 2008

March Business Center
A1.44 - Conceptual Elevations - Building 1
December 04, 2008

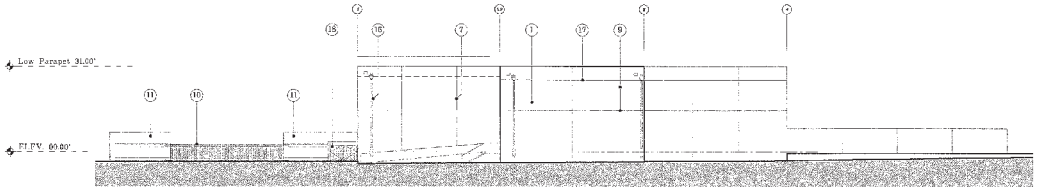
BASTIEN AND ASSOCIATES, INC.
ARCHITECTURE AND PLANNING
2601 EDWARDS AVENUE
IRVINE, CALIFORNIA 92614-7250
Phone:(949) 567-8600 FAX:(949) 567-8616
Web Address:www.BastienArchitects.com



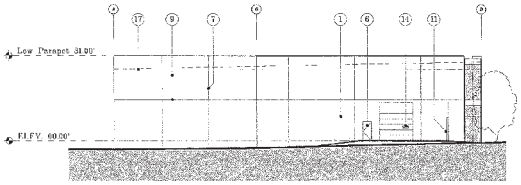
West Elevation



South Elevation



East Elevation



North Elevation

Elevation Notes

1. Concrete Tilt-up panels with joints and reveals as indicated. Painted. Typical
2. Canopy. Gage .080" Thick Aluminum Panel w/ Kawneer "Silver" Finish over Steel Frame - Typ.
3. Clear Anodized, Center Glazed, Aluminum Mullion System. (6" System at 2-Story Glazing, 4" System at Punched Openings)
4. 7'-0" High Medium Stile Entry Doors - Typ.
5. Medium performance Reflective Green Glass - Typ.
6. 3'x7' Galvanized Steel Man Door and Frame Painted to Match Adjacent Wall Surface
7. Panel Joint - Typ.
8. 3/4" Recess - Typ.
9. 3/4" Reveal - Typ.
10. 6'-0" High, Rolling Wrought Iron Gate
11. 9' High (Min) Concrete Screen Wall - Painted
12. Metal Hand and Guardrails Painted to Match Adjacent Wall Surface - Typ.
13. 9'x10' Steel Panel Sectional Door and Frame Painted to Match Adjacent Wall Surface
14. 12'x14' Steel Panel Sectional Door and Frame Painted to Match Adjacent Wall Surface
15. Not Used
16. External Down Spout and Overflow Scupper Painted to Match Adjacent Wall at East Side (All Other Locations to be Internally Drained)
17. Dashed Line Represents Roof Line Beyond
18. 2-Bin, Concrete Trash Enclosure w/ Roof and 6' High Walls Painted to Match Adjacent Wall Surface - Typ. Refer to Site Plan for Location
19. Decorative Light Fixtures to be Incorporated at Entry

Paint Legend

Paint 1 - Beige (Dunn Edwards, or Equal - DE5127, Finest Silk, LRV 74)

Paint 2 - Light Brown (Dunn Edwards, or Equal - DEC747, Sahara, LRV 62)

Paint 3 - Medium Brown (Dunn Edwards, or Equal - DE6096, Homestead, LRV 26)

CONCEPTUAL ELEVATIONS - BUILDING 2

0 16 32 48 64
Graphic Scale
Scale: 1/16" = 1'-0"

WESTERN REALCO

Drawings, specifications and other documents, and the ideas, designs or arrangements of Service for use solely with respect to this Project. The Architect and the Architect's consultants shall be deemed the authors and owners of their respective instruments of Service and shall retain all common law, statutory and other reserved rights, including copyright.

MARCH BUSINESS CENTER
Moreno Valley, California

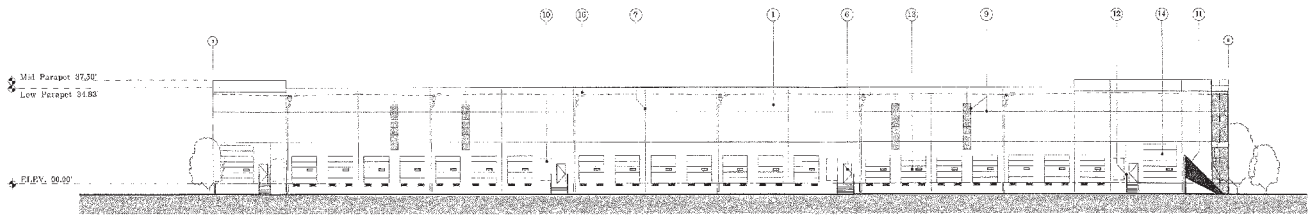
A2.2

ATTACHMENT 11

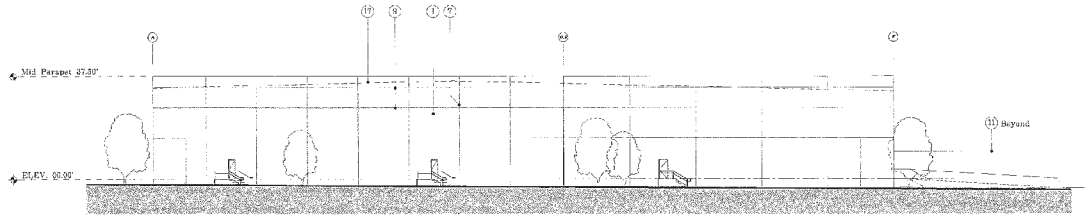
March Business Center
A2.2 - Conceptual Elevations - Building 2
December 04, 2008

BASTIEN AND ASSOCIATES, INC.
ARCHITECTURE AND PLANNING
2161 EDINGER AVENUE
TUSTIN, CALIFORNIA 92780-7259
Phone:(949) 757-0067 FAX:(949) 757-0110
Web Address:www.BastienArchitects.com

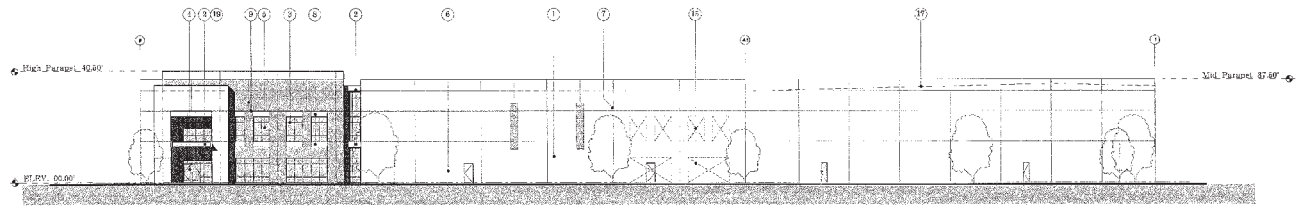
This page intentionally left blank.



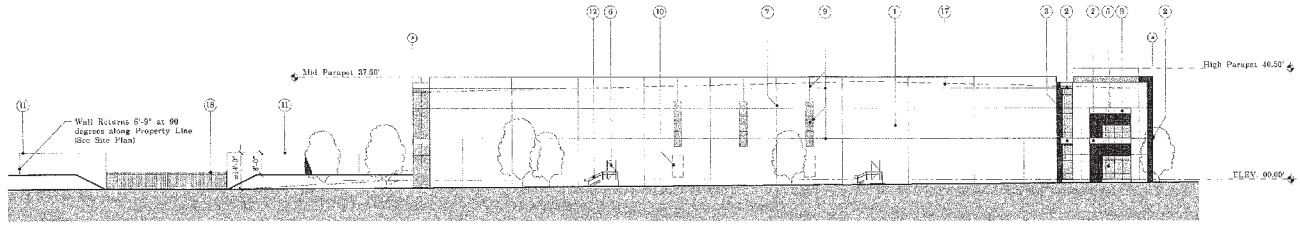
East Elcvation



South Elevation



West Elevation



North Elevation

Elevation Notes

1. Concrete Tilt-up panels with joints and reveals as indicated. Painted. Typical
2. Canopy: Base .090" Thick Aluminum Panel w/ Kawneer "Silver" Finish over Steel Frame - Typ.
3. Clear Anodized, Center Glazed, Aluminum Mullion System (6" System at 2-Story Glazing, 4" System at Punched Openings)
4. 7'-0" High Medium Stile Entry Doors - Typ.
5. Medium performance Reflective Green Glass - Typ.
6. 3'x7' Galvanized Steel Man Door and Frame Painted to Match Adjacent Wall Surface
7. Panel Joint - Typ.
8. 3/4" Recess - Typ.
9. 3/4" Reveal - Typ.
10. Potential Louvered Air Intake Vent - Painted to Match Adjacent Wall Surface - Exact Location T.B.D.
11. 14'-0" High Concrete Screen Wall - Painted (Street Side of Wall will Incorporate Landscape Berm to Reduce Visual Wall Height to 8'-0")
12. Metal Hand and Guardrails Painted to Match Adjacent Wall Surface. - Typ.
13. 9'x10' Steel Panel Sectional Door and Frame Painted to Match Adjacent Wall Surface
14. 12'x14' Steel Panel Sectional Door and Frame Painted to Match Adjacent Wall Surface
15. Knockout Panel for Potential Future Office Use
16. External Down Spout and Overflow Scupper Painted to Match Adjacent Wall within Each Area (All Other Locations to be Internally Drained)
17. Dashed Line Represents Roof Line Beyond
18. 6'-0" High, Rolling Wrought Iron Gate
19. Decorative Light Fixture to be Incorporated as Entry

Paint Legend

Paint 1 - Beige (Dunn Edwards, or Equal - DE6192, Finest Silk, LRV 74)

Paint 2 - Light Brown (Dunn Edwards, or Equal - DEC747, Sahara, LRV 52)

Paint 3 - Medium Brown (Dunn Edwards, or Equal - DE6096, Homestead, LRV 26)

0 16 32 48 64

Graphic Scale

Scale: 1/16" = 1'-0"

CONCEPTUAL ELEVATIONS - BUILDING 3

WESTERN REALCO

Drawings, specifications, and other documents, including those in electronic form, prepared by the Architect and the Architect's consultants are Instruments of Service for use solely with respect to this Project. The Architect and the Architect's consultants shall be deemed the authors and owners of their respective Instruments of Service and shall retain all common law, statutory and other reserved rights, including copyrights.

MARCH BUSINESS CENTER

Moreno Valley, California

A3.3

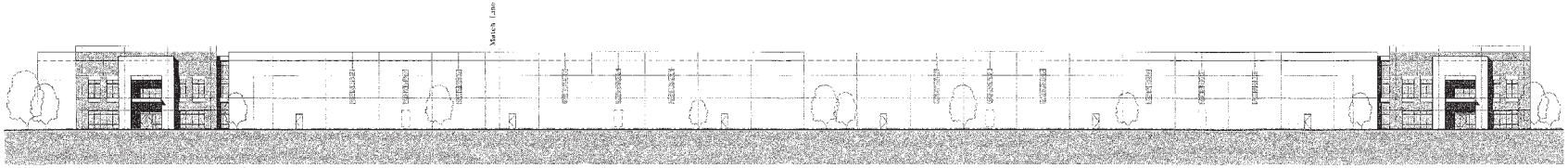
ATTACHMENT 12

04 December 2008

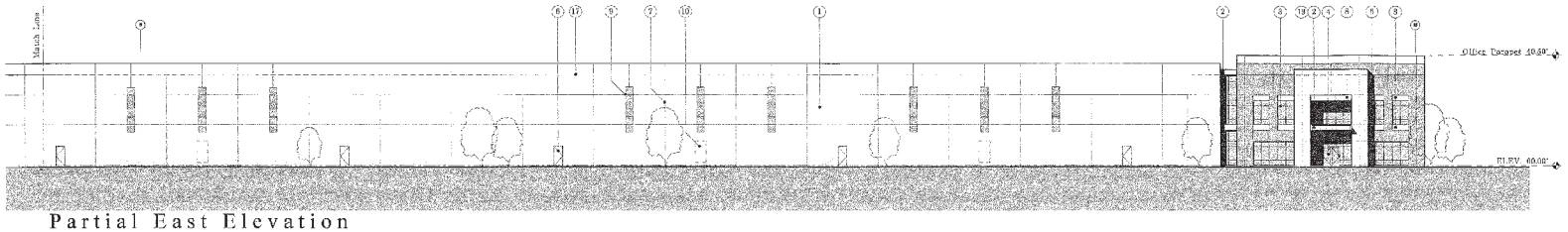
March Business Center
A3.3 - Conceptual Elevations - Building 3
December 04, 2008

BASTIEN AND ASSOCIATES, INC.
ARCHITECTURE AND PLANNING
2081 GOMPERS AVENUE
TUSTIN, CALIFORNIA 92705-7554
Phone:(949) 857-0091 FAX:(949) 857-0310
Net Address:www.BastienArchitects.com

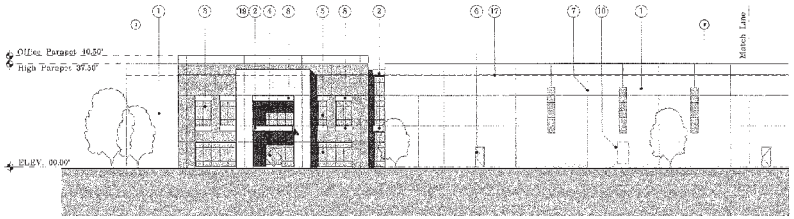
This page intentionally left blank.



Overall East Elevation (Scale: 1"=20'-0")



Partial East Elevation



Partial East Elevation

Paint Legend

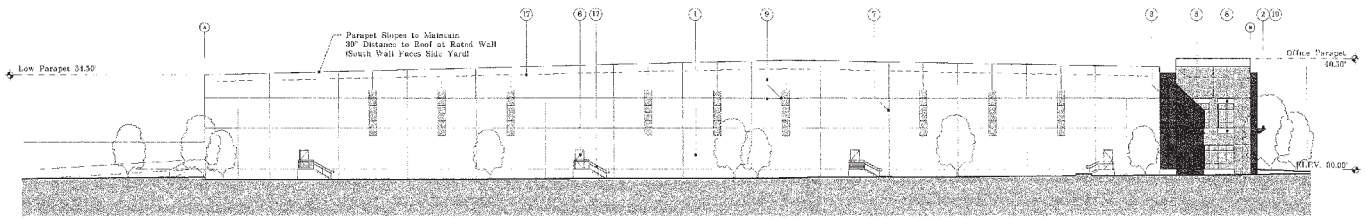
Paint 1 - Beige (Dunn Edwards, or Equal - DE5127, Finest Silk, LRV 74)

Paint 2 - Light Brown (Dunn Edwards, or Equal - DEC747, Sahara, LRV 32)

Paint 3 - Medium Brown (Dunn Edwards or Equal - DE6088, Homestead, LRV 26)

Elevation Notes

1. Concrete Tilt-up panels with joints and reveals as indicated. Painted. Typical
2. Canopy: Dept .090" Thick Aluminum Panel w/ 'Silver' Kawneer Finish over Steel Frame - Typ.
3. Clear Anodized, Center Glazed, Aluminum Mullion System (6" System at 2-Story Glazing, 4" System at Punched Openings)
4. 7'-0" High Medium Stile Entry Doors - Typ.
5. Medium performance Reflective Green Glass - Typ.
6. 3'x7' Galvanized Steel Man Door and Frame Painted to Match Adjacent Wall Surface
7. Panel Joint - Typ.
8. 3/4" Recess - Typ.
9. 3/4" Reveal - Typ.
10. Potential Louvered Air Intake Vent - Painted to Match Adjacent Wall Surface - Exact Location T.B.D.
11. 14'-0" High Concrete Screen Wall - Painted (Street Side of Wall will Incorporate Landscape Berm to Reduce Visual Wall Height to 8'-0")
12. Metal Hand and Guardrails Painted to Match Adjacent Wall Surface - Typ.
13. 9'x10' Steel Panel Sectional Door and Frame Painted to Match Adjacent Wall Surface
14. 12'x14' Steel Panel Sectional Door and Frame Painted to Match Adjacent Wall Surface
15. Not Used
16. External Down Spout and Overflow Scupper Painted to Match Adjacent Wall within Back Area (All Other Locations to be Internally Drained)
17. Dashed Line Represents Roof Line Beyond
18. 8'-0" High, Rolling Wrought Iron Gate
19. Decorative Light Fixture to be Incorporated at Entry



South Elevation

CONCEPTUAL ELEVATIONS - BUILDING 4

Graphic Scale 0 16 32 48 64

Scale: 1/16" = 1'-0"

WESTERN REALCO

Drawings, specifications and other documents, including those in electronic form, prepared by the Architect and the Architect's consultants are Instruments of Service for use solely with respect to this Project. The Architect and the Architect's consultants shall be deemed the authors and owners of their respective Instruments of Service and shall retain all common law, statutory and other reserved rights, including copyrights.

MARCH BUSINESS CENTER

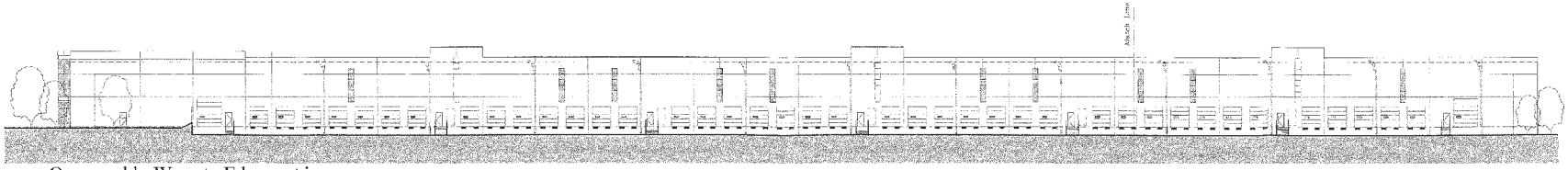
Moreno Valley, California

A 4.41

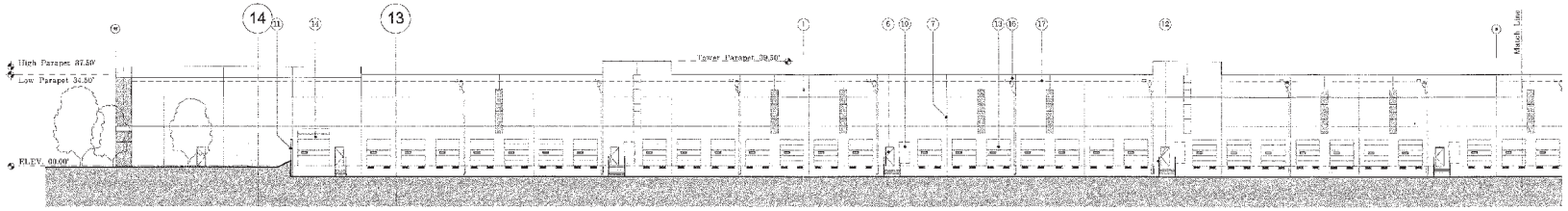
ATTACHMENT 13

March Business Center
A4.41 - Conceptual Elevations - Building 4
December 04, 2008

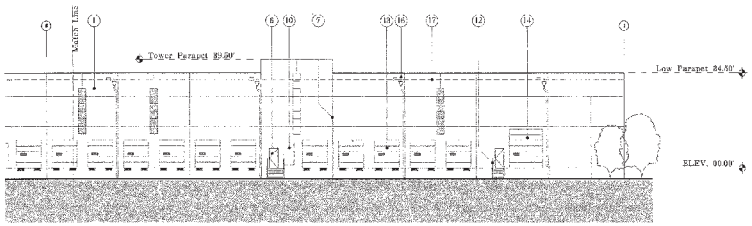
BASTIEN AND ASSOCIATES, INC.
ARCHITECTURE AND PLANNING
2561 EDINGER AVENUE
TUSTIN, CALIFORNIA 92780-7258
Phone (949) 851-1601 FAX (949) 851-0158
Web Address: www.BastienArchitects.com



Overall West Elevation (Scale: 1"=20'-0")



Partial West Elevation



Partial West Elevation

Paint Legend

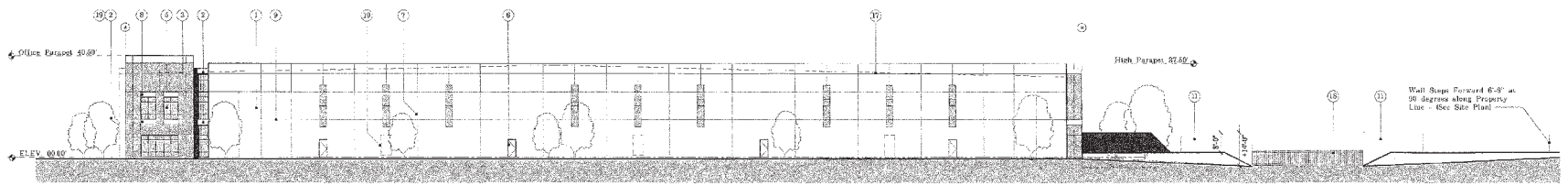
Paint 1 - Beige (Dunn Edwards, or Equal - DE6127, Finest Silk, LRV 74)

Paint 2 - Light Brown (Dunn Edwards, or Equal - DEC747, Sahara, LRV 52)

Paint 3 - Medium Brown (Dunn Edwards, or Equal - DE6206, Homestead, LRV 26)

Elevation Notes

1. Concrete Tilt-up panels with joints and reveals as indicated. Painted - Typical
2. Canopy, Beat .090" Thick Aluminum Panel w/ "Silver" Kawneer Finish over Steel Frame - Typ.
3. Clear Anodized, Center Glazed, Aluminum Mullion System (5" System at 2-Story Glazing, 4" System at Punched Openings)
4. 7'-0" High Medium Stile Entry Doors - Typ.
5. Medium performance Reflective Green Glass - Typ.
6. 3'x7' Galvanized Steel Man Door and Frame Painted to Match Adjacent Wall Surface
7. Panel Joint - Typ.
8. 3/4" Reveal - Typ.
9. 3/4" Reveal - Typ.
10. Potential Louvered Air Intake Vent - Painted to Match Adjacent Wall Surface - Exact Location TBD
11. 34'-0" High Concrete Screen Wall - Painted (Street Side of Wall will Incorporate Landscape Berm to Reduce Visual Wall Height to 8'-0")
12. Metal Hand and Guardrails Painted to Match Adjacent Wall Surface - Typ.
13. 9'X10' Steel Panel Sectional Door and Frame Painted to Match Adjacent Wall Surface
14. 12'x14' Steel Panel Sectional Door and Frame Painted to Match Adjacent Wall Surface
15. Not Used
16. External Down Spout and Overflow Scupper Painted to Match Adjacent Wall within Dock Area (All Other Locations to be Internally Drained)
17. Dashed Line Represents Roof Line Beyond
18. 6'-0" High, Rolling Wrought Iron Gate
19. Decorative Light Fixture to be Incorporated at Entry



North Elevation

CONCEPTUAL ELEVATIONS - BUILDING 4

Graphic Scale
0 16 32 48 64
Scale: 1/16" = 1'-0"

WESTERN REALCO

Drawings, specifications and other documents, including those in electronic form, prepared by the Architect and the Architect's consultants are instruments of service for use solely with respect to this Project. The Architect and the Architect's consultants shall be deemed the authors and owners of their respective instruments of Service and shall retain all common law, statutory and other reserved rights, including copyrights.

MARCH BUSINESS CENTER
Moreno Valley, California

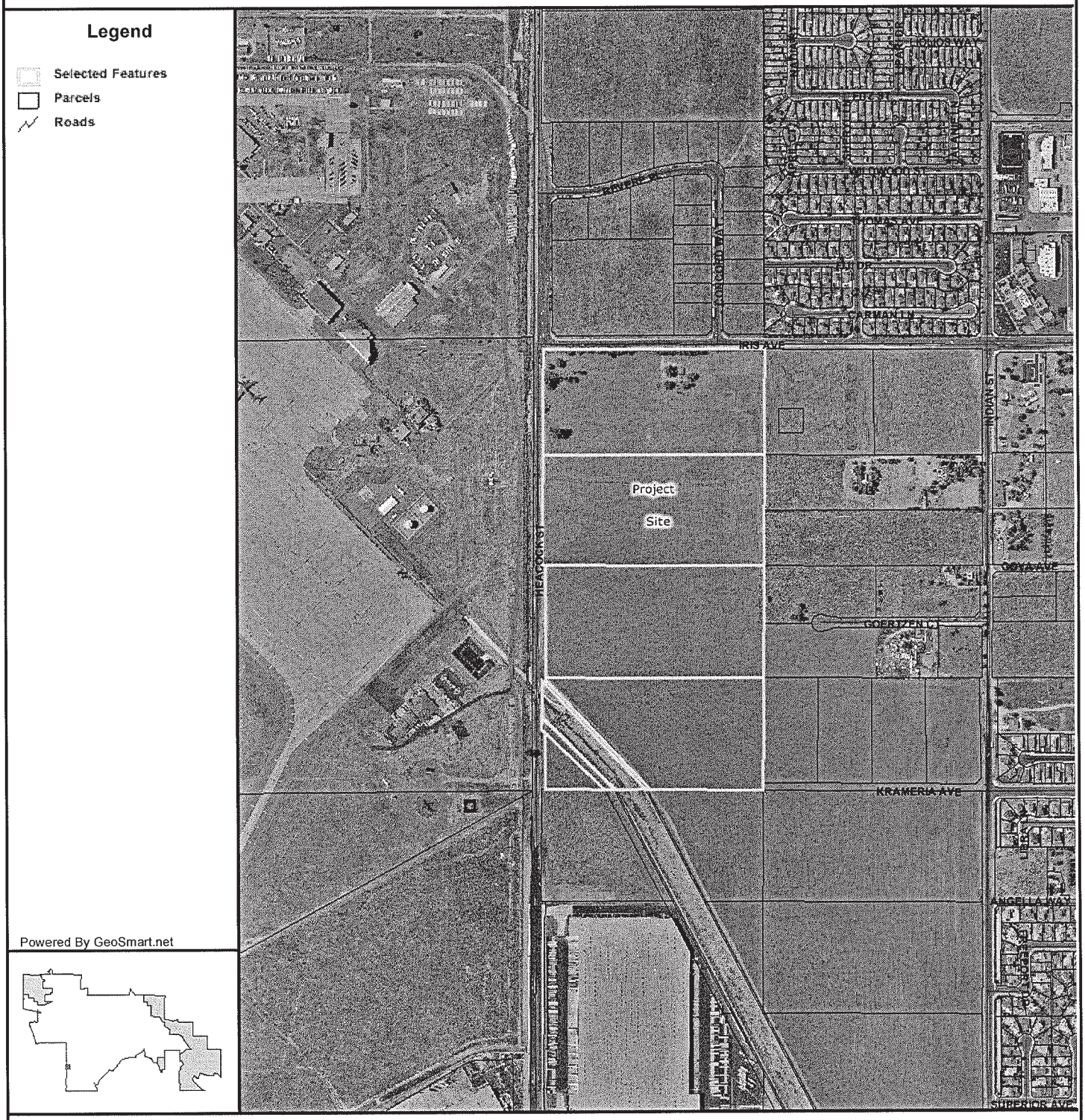
A 4.42
04 December 2008

March Business Center
A4.42 - Conceptual Elevations - Building 4
December 04, 2008

BASTIEN AND ASSOCIATES, INC.
ARCHITECTURE AND PLANNING
2301 DOLINGER AVENUE
TUSTIN, CALIFORNIA 92782-7325
Phone:(949) 551-1601 FAX:(949) 867-8119
Web Address:www.BastienArchitects.com

Aerial Photograph

PA07-0151, 0152, 0153, 0154, 0155, 0156



City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: 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.

N

0 350 700 1400ft

Printed: 11/14/2008 11:50:09 AM

MORENO VALLEY
WHERE DREAMS SOAR

This page intentionally left blank.

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Steve Elam, Financial & Administrative Services Director

AGENDA DATE: May 26, 2009

TITLE: PUBLIC HEARING TO CONSIDER FEE SCHEDULE FOR FISCAL YEAR 2009-10

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a Public Hearing to receive public input on the proposed Fee Schedule for Fiscal Year (FY) 2009-10;

2. Adopt Resolution No. 2009-46, approving the Fee Schedule for FY 2009-10.

BACKGROUND

The guiding principle behind user fee cost recovery, as established in the California Government Code, is that a jurisdiction is entitled to recover the estimated reasonable cost of providing a service for which a fee is charged, but not to recover more than its estimated reasonable cost. The City's Fee Schedule is based upon this principle.

In 2005, a comprehensive review of the City's user fee structure and cost recovery policies was conducted with the assistance of the consulting firm DMG-Maximus. Building & Safety fees were excluded from this review and are based on an earlier study conducted by DMG-Maximus in 1999. One of the major policy decisions approved by the City Council in 1999, and which has continued to the present, is to adjust user fees each year based on the year-over-year change in February Consumer Price Index (CPI), All Items, for Los Angeles-Riverside-Orange County. This policy of adjusting fees based on the annual change in CPI provides a mechanism for user fees to be adjusted annually to keep pace with inflationary cost increases incurred by the City without the need for a comprehensive review of fees each year.

DISCUSSION

Although the City's user fees, in general, are adjusted based on the annual change in CPI, the annual process for establishing the recommended Fee Schedule provides City departments the opportunity to recommend other actions, as appropriate, with respect to their fees. Department fee recommendations can include a number of different actions including the following:

1. Adding new fees as recommended;
2. Deleting certain fees that are no longer applicable;
3. Moving a certain fee from one department/program to another to reflect changes in program oversight;
4. Revising a fee description to more accurately reflect the nature of the service provided;
5. Recommending a fee adjustment different than CPI if the cost of providing the service has materially changed in the past year; and
6. Recommending a different methodology for charging a given fee to achieve more equitable cost recovery.

In an effort to support the local economy during the current economic recession, staff had planned to recommend that the City Council consider maintaining user fees at their current level, even if the CPI supported an increase in fees. However, when the data was received from the Bureau of Labor Statistics, it reflected no increase in the CPI from February 2008 (221.4) to February 2009 (221.4). Therefore, based on the established City Council policy, user fees for FY 2009-10 should remain unchanged from their current level. Exceptions to this policy are addressed below.

Fire Prevention

Responsibility for the Weed Abatement program has been transferred from the Community Development Department, Code and Neighborhood Services Division, to Fire Prevention. As such, the fees related to the enforcement of this program have been added to the Fire Department's section of the fee schedule. The proposed fees will be charged based on the time and materials necessary to achieve compliance.

The hourly rates for the Fire Marshall, Deputy Fire Marshal, Fire Safety Specialist, and Fire Safety Inspector are recommended to be changed from their current fee and be charged at the fully-burdened wage rate.

Parking Enforcement

SB-1407, which became effective January 1, 2009, increases the portion of parking citations related to State funding for repairs, renovations and replacement of court facilities, by $3.00 per citation. The current court facilities fee is $1.50; therefore, under the new legislation, $4.50 will be remitted to the State for every parking citation.

Police Department

The City contracts for Police services from the County of Riverside Sheriff's Department. When staff from the Police Department is required at public events, the fee that is charged is based on the fully-burdened rates provided in the Sheriff's contract with the City. The change in hourly contract rates for FY 2009-10 compared to FY 2008-09 are shown below:

Position	FY 08-09 Rate	FY 09-10 Rate	Change
Police Sergeant	$85.29	$84.29	-$1.00
Police Officer	$64.97	$66.19	$1.22
Community Services Officer	$44.74	$46.20	$1.46

Parks & Community Services

The Parks & Community Services Department is recommending the following changes to their fees:

- An increase to the fee related to the lighting of ball fields to more accurately reflect the actual cost of providing this service.

Family Discount: For families that have siblings participating in the same program, a discount policy is proposed. This discount policy would only apply to classes or programs operated by City staff and would not apply to programs operated on a contract basis. The discount policy is recommended as follows:

1st child:	Full rate
2nd child:	15% discount
3rd child or more:	10% discount

- Standardization of Non-Resident fees at 25% over Resident fees: The level by which Non-Residents pay more than Residents has been inconsistent in that some fees are 20% higher while others are over 100% higher. Also, during the past year, participation from Non-Residents in various programs has shown a significant decline. In staff's discussions with some of these past participants, comments were made that the fee was too high and so they either declined to participate or went to other places where a similar program was available.

- Decrease in the Skate Park fees to $1.00 for members and $3.00 for non-members: Last year, the Skate Park fee was increased to $2.00 for members and $4.00 for non-members. During this period, attendance at the Skate Park showed significant decline, which would appear to be attributable to the fee increase.

- Addition of Athletic Field Security fee: This fee would allow staff to pass the cost of providing contracted security service on to the renting entity. The fee would

only be utilized when security services are requested by the renting entity and would be charged based on the actual cost to the City to provide the security coverage.

Planning

The Community Development Department is recommending that the fee for Property Posting be increased from $94.00 to $105.00 in order to reflect the actual cost of performing this service.

Plan Check & Inspection

At the City Council meeting of April 28, 2009, the concept of utilizing a "Time and Materials" method of cost recovery was presented. This method utilizes a deposit-based process whereby fees are deducted from the deposit account based on the actual costs related to the time and materials spent on a process. If the deposit account reaches a pre-established threshold, the developer is required to replenish the account. An accounting of funds drawn from the account is provided to the developer as support for the charges. The City Council provided direction during this meeting for staff to develop a pilot program whereby projects with a value of $50 million or greater in total project value would be assessed fees for Plan Check based on this methodology rather than on a fixed-fee basis. While Plan Check fees were specifically identified, staff recommends that, for consistency, Inspection fees be included as well in this pilot program. A note has been included in both the Land Development and Building & Safety sections of the proposed Fee Schedule to identify this pilot program.

Other Proposed Changes

Two new fees have been developed and included in the Public Works, Land Development section, also based on the "Time and Materials" methodology: a fee for Multi-Agency Improvement Plan Check and another for Multi-Agency Improvement Plan Inspection.

In addition, based on comments received from customers, the descriptions of certain Land Development fees were revised in an effort to make them more easily understood.

The Street Closure fee that is included in the Public Works, Transportation Engineering section has been recommended for deletion in the interest of supporting local development.

Under Financial & Administrative Services, Financial Operations Division, the proposed fees for the Annual City Budget and Comprehensive Annual Financial Report (CAFR) have been changed from "City Cost" to a flat fee of $10.00 each. This amount does not recoup the City's cost of producing these documents, but is recommended as a nominal change in the interest of public disclosure of the City's finances. It should be noted that budgetary information (Citizens Guide to the Adopted Budget) and CAFRs are available on the City web site so that interested parties may review this information at no charge.

All additions, deletions or other changes have been identified in the proposed Fee Schedule in red text to make them more easily identifiable.

Implementation

The updated user fees are scheduled to become effective July 1, 2009, except for development-related fees. Due to the 60-day waiting period required for increases to development-related fees, per Government Code Section 66016-17, development-related fees will become effective July 26, 2009.

Other Fees Included as Reference Only

Development Impact Fees and Conduit Financing Fees are included in the proposed Fee Schedule as a convenient reference, even though they are not adjusted through the annual user fee adoption process.

ALTERNATIVES

The following alternatives are available to the City Council:

1. Following the public hearing, adopt Resolution No. 2009-46, approving the proposed Fee Schedule for FY 2009-10.

2. Following the public hearing, modify the proposed Fee Schedule prior to adopting Resolution No. 2009-46.

3. Provide staff with further direction.

Staff recommends Alternative No. 1.

FISCAL IMPACT

User fees included in the City's Fee Schedule generate revenues that enable the City to provide a wide variety of services requested by our constituents. For FY 2009-10, these revenues are projected to be approximately $14 million, which includes the General Fund and various zones in the Community Services District (CSD).

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.

SUMMARY

Fees included in the City Fee Schedule are typically adjusted on an annual basis to reflect changes in the Consumer Price Index (CPI) that impact our local region. The applicable CPI has not changed in the past year; therefore, per City Council policy, it is appropriate to maintain fees at their current level throughout FY 2009-10. Other fee adjustments are recommended, where appropriate, to better reflect the City's actual cost of providing the applicable service and to achieve more equitable cost recovery. It is recommended that, following the Public Hearing, the City Council adopt Resolution No. 2009-46 approving the Fee Schedule for FY 2009-10.

NOTIFICATION

The City Council meeting of May 26, 2009, has been properly noticed as a Public Hearing to consider the proposed FY 2009-10 Fee Schedule.

ATTACHMENTS/EXHIBITS

Resolution No. 2009-46
Exhibit "A" - Schedule of City Fees, Charges and Rates, Fiscal Year 2009-10

Prepared By:
Brooke N. McKinney
Treasury Operations Division Manager

Department Head Approval:
Steve Elam
Financial & Administrative Services Director

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

RESOLUTION NO. 2009-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ESTABLISHING A FEE SCHEDULE OF VARIOUS SERVICES FOR FISCAL YEAR 2009-10 AND REPEALING PRIOR RESOLUTIONS THAT MAY BE IN CONFLICT

WHEREAS, the City Council has in the past approved and adopted fee schedules for various services provided by the City for the benefit of a limited number of persons; and

WHEREAS, the cost of rendering such services should be borne by the beneficiaries of such services; and

WHEREAS, data supporting the estimated cost of providing said services is available for public review; and

WHEREAS, the City Council has duly considered at a duly noticed public hearing the question of whether or not to modify existing fees and establish new fees for such services, to provide more equitable cost recovery for such services; and

WHEREAS, at said hearing, the City Council duly considered all public comments which were made with respect to said question;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The fee schedule for Fiscal Year 2009-10 attached as Exhibit "A" hereto is hereby approved and adopted.

2. Where services are performed for the City by another governmental agency, the fees charged by the City shall be adjusted upward or downward to reflect fluctuations, if any, in the price which the City pays to the other government agency for such services. Such adjustments shall be made as the fluctuations occur if imposed upon the City without recourse.

3. All prior enactments of the City Council establishing fees for services, materials, impact and mitigation are hereby repealed to the extent that such enactments establish fees for services, materials and mitigation which are different than the fees established therefore by this Resolution, but shall otherwise remain in full force and effect.

4. All fees established by this Resolution shall, when collected, be paid to the City Treasurer for deposit into the General Fund of the City or into such special funds as may be otherwise required by law.

5. If any provision, clause, sentence or paragraph of this Resolution or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect any other provision or application of the provisions of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are hereby declared to be severable.

6. Each fee or charge set by this Resolution is for the specific process or service to which the fee or charge is related. When a process or service in addition thereto is requested or required, the appropriate additional fee or charge shall be imposed and collected only upon approval of the City Council.

7. When a fee or charge is indicated on a unit basis, a fee or charge for each such unit or portion of a unit associated with the requested or required process or service shall be imposed and collected.

8. If a deposit has been made on account of a fee or charge, and where the deposit is insufficient to pay the later-determined actual fee or charge, the balance due shall be paid to the City before any associated entitlement or permit is issued to the applicant. If the amount of the deposit exceeds the later-determined actual fee or charge, the overage shall be refunded to the applicant, except that an overage of one dollar or less shall not be refunded but shall be transferred to the General Fund of the City.

9. The fees approved, increased and established herein shall become effective July 1, 2009, with the exception of any new fees, or changes to fees, related to development services which shall become effective July, 26, 2009.

APPROVED AND ADOPTED this 26th day of May, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

City of Moreno Valley

Schedule of City Fees, Charges and Rates

Fiscal Year 2009-10

Exhibit "A"
Resolution No. 2009-___

City of Moreno Valley

Schedule of City Fees, Charges and Rates

Fiscal Year 2009-10

	Department / Division	Page No.
Section 1 -	**City Clerk**	1
Section 2 -	**City Manager**	
	Cable TV Administration and Programming	2
Section 3 -	**Community Development**	
	Building and Safety	3
	Code and Neighborhood Services	9
	Planning	10
Section 4 -	**Financial & Administrative Services**	
	Animal Services	15
	Financial Operations	19
	Treasury Operations	19
Section 5 -	**Fire**	20
Section 6 -	**Human Resources**	
	Emergency Operations and Volunteer Services	28
Section 6 -	**Library Services**	29
Section 7 -	**Parks and Community Services**	
	Parks	31
	Recreation Programs	32
	Facility Rental	41
Section 8 -	**Police**	47
Section 9 -	**Public Works**	
	Administration	50
	Land Development	51
	Maintenance and Operations	60
	Special Districts	61
	Transportation Engineering	63
Section 10 -	**Miscellaneous Fees and Charges**	65
Section 11 -	**Penalties and Delinquent Fee Schedule for Parking Violations**	66
Section 12 -	**Development Impact Fees**	69
Section 13 -	**Conduit Financing Fees**	71

Section 1 - City Clerk

	Unit	Current Fee		Proposed Fee	Comments on Proposed Changes to Fees
Agenda Subscription	per Year	$ 102.00		$ 102.00	
Certification of Public Records	Each	$ 6.00		$ 6.00	
Minutes Subscription	per Year	$ 102.00		$ 102.00	
Municipal Code and Code Supplements	per Page	$ 0.20	+mailing costs	$ 0.20	
Nomination Papers Filing Fee	Each	$ 25.00	Pursuant to §10228 of the CA Elections Code	$ 25.00	
Notice of Intent Filing Fee	Each	$ 200.00	Pursuant to § 9202 of the CA Elections Code	$ 200.00	
Audio Tape Recordings of Council Meetings	per Tape	$ 2.00		$ 2.00	
Fair Political Practices Commission (FPPC)	per Page	$ 0.10		$ 0.10	

Section 2 - City Manager

able TV Administration and Production

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Video Recordings of Council Meetings	per Tape	$ 1.00	$ 1.00	
Recordings of Council Meetings on DVD	per DVD	$ 2.00	$ 2.00	
Recording of Council Meetings on CD (Audio only MP3 file)	per CD	$ 1.00	$ 1.00	

Section 3 - Community Development

Building and Safety

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Note: Projects equal to or in excess of $50,000,000 in total value will qualify to be considered for inclusion in the City's pilot program utilizing Time-and-Material charging/billing methodology for plan checks and inspections. For more information on this pilot program please contact the City Manager's Office.				
Water Heater Permit	Each	$ 60.00	$ 60.00	
Water Heater Permit Re-inspection	Each	$ 60.00	$ 60.00	
Residential Tract Unit				
Note: Residential tract plan check fees and residential tract housing inspection fees are based on the following tables:				
1 Story Permit				
<= 1,400 sq ft		$ 454.00	$ 454.00	
> 1,400 sq ft	per 50 sq ft	$ 7.10	$ 7.10	
1 Story Plan Check				
<= 1,400 sq ft		$ 641.00	$ 641.00	
> 1,400 sq ft	per 50 sq ft	$ 6.52	$ 6.52	
1.5 Story Permit				
<= 1,400 sq ft		$ 525.00	$ 525.00	
> 1,400 sq ft	per 50 sq ft	$ 8.00	$ 8.00	
1.5 Story Plan Check				
<= 1,400 sq ft		$ 792.00	$ 792.00	
> 1,400 sq ft	per 50 sq ft	$ 8.60	$ 8.60	

Section 3 - Community Development

Building and Safety

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
2 Story Permit				
<= 1,400 sq ft		$ 637.00	$ 637.00	
> 1,400 sq ft	per 50 sq ft	$ 8.89	$ 8.89	
2 Story Plan Check				
<= 1,400 sq ft		$ 792.00	$ 792.00	
> 1,400 sq ft	per 50 sq ft	$ 8.60	$ 8.60	
Identical Unit Plan Check	per Unit	$ 88.00	$ 88.00	
Structural Alterations				
1 Story				
<= 1,400 sq ft		$ 372.00	$ 372.00	
> 1,400 sq ft	per 50 sq ft	$ 2.98	$ 2.98	
1.5 Story				
<= 1,400 sq ft		$ 391.00	$ 391.00	
> 1,400 sq ft	per 50 sq ft	$ 4.45	$ 4.45	
2 Story				
<= 1,400 sq ft		$ 391.00	$ 391.00	
> 1,400 sq ft	per 50 sq ft	$ 4.45	$ 4.45	

Building and Safety

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Non-Structural Alterations				
1 Story				
<= 1,400 sq ft		$ 156.00	$ 156.00	
> 1,400 sq ft	per 50 sq ft	$ 1.48	$ 1.48	
1.5 Story				
<= 1,400 sq ft		$ 194.00	$ 194.00	
> 1,400 sq ft	per 50 sq ft	$ 2.07	$ 2.07	
2 Story				
<= 1,400 sq ft		$ 194.00	$ 194.00	
> 1,400 sq ft	per 50 sq ft	$ 2.07	$ 2.07	

Building Permit Fees

1997 Uniform Administrative Code fees

Building Plan Check Fees

When building plans are required by the Building Official, plan check fees shall be equal to the building permit fee (100%) and shall be paid at the time of submitting plans, excluding the permit issuance fee.

Section 3 - Community Development

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees

Building and Safety

Electrical Permit Fees

1997 Uniform Administrative Code fees

Note: An Electrical Permit Fee is separate from, and in addition to, the fee for any other permit which may be required by other code provisions.

Electrical Plan Check Fees

Whenever electrical plans are required by the Building Official, plan check fees shall be equal to the electrical permit (100%) and shall be paid at the time of submitting plans, excluding the permit fee.

Mechanical Permit Fees

1997 Uniform Administrative Code fees

Note: A mechanical permit fee is separate from, and in addition to, the fee for any other permit, which may be required by other code provisions.

Mechanical Plan Check Fees

Whenever mechanical plans are required by the Building Official, plan check fees shall be equal to the electrical permit (100%) and shall be paid at the time of submitting plans, excluding the permit fee.

Plumbing Permit Fees

1997 Uniform Administrative Code fees

Note: A plumbing permit fee is separate from, and in addition to, the fee for any other permit, which may be required by other code provisions.

Building and Safety

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Plumbing Plan Check Fees				
Whenever plumbing plans are required by the Building Official, plan check fees shall be (100%) and shall be paid at the time of submitting plans, excluding the permit fee.				
Pool and Spa Permit Fees				
1997 Uniform Administrative Code				
Pool and Spa Plan Check Fees				
Whenever specific plans are required by the Building Official, plan check fees shall be equal to the electrical permit (100%) and shall be paid at the time of submitting plans, excluding the permit fee.				
Note: These fees do not include the permit fees for any parts of the pool and spa system which are subject to the requirements of other applicable codes.				
Miscellaneous Fees				
Minimum Permit Fee	Each	$ 122.00	$ 122.00	
Permit Issuance	Fee	$ 32.00	$ 32.00	

Section 3 - Community Development

Building and Safety

Investigation Fees

For work that is under construction for which no permit has been obtained, the investigation fee shall be equal to the value set forth in this Resolution for permit fees (building, electrical, mechanical, plumbing, etc). Plan check fees may be assessed as directed by the Building Official

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Research/Administration Fee				
First 15 minutes		No charge		
Each additional 30 minutes or fraction thereof		$ 32.00	$ 32.00	
Re-inspection fees approved by the Building Official	per Hour	$ 122.00	$ 122.00	
Inspections for which no fee is specifically identified	per Hour	$ 122.00	$ 122.00	
Additional plan review required by changes, additions or revisions to approved plans or incomplete plan check re-submittal after 3 reviews	per Hour	$ 122.00	$ 122.00	
Inspection outside of normal business hours (2 hr min)	per Hour	$ 122.00 *	$ 122.00 *	
Premium Inspection - During business hours (Inspection provided within 2 hours after payment)		$ 122.00	$ 122.00	
Certificate of Occupancy Inspection	Each	$ 178.00	$ 178.00	

* Or the fully burdened hourly rate cost to the City, whichever is greater

Section 3 - Community Development

Code and Neighborhood Services

	Unit	Current Fee		Proposed Fee		Comments on Proposed Changes to Fees
Re-inspection Fee for Failed Compliance	Each	$ 181.00		$ 181.00		
Nuisance Abatement Administrative Fee						
Level 1 (4 hrs or less)	Each	$ 240.00		$ 240.00		
Level 2 (more than 4 hrs)	Hourly	$ 89.00		$ 89.00		
Removal of Signs in Right-of-Way						
Sign Removal	Each	$ 25.00		$ 25.00		
equipment or additional labor to remove	Each	$ 53.00	or actual cost of removal whichever is greater	$ 53.00	or actual cost of removal whichever is greater	
Lost or Stolen Parking Ticket Recovery	Each	$ 11.00		$ 11.00		
Drive-off Parking Violation	Each	$ 18.00		$ 18.00		
Department of Motor Vehicle (DMV) Hold	Each	$ 10.00	or current DMV rate	$ 10.00	No Change	
Certificate of Correction		$ 141.00		$ 141.00		

Section 3 - Community Development

Planning

	Unit	Current Fee		Proposed Fee		Comments on Proposed Changes to Fees
Agenda Subscription	Annual	$ 100.00		$ 100.00		
Annexation Process and Environmental Review	Deposit	$ 5,000.00	Actual charge is "fully burdened" rate charge	$ 5,000.00	Actual charge is "fully burdened" rate charge	
Appeal		$ 750.00		$ 750.00		
Change of Zone	Deposit	$ 2,700.00	Actual charge is "fully burdened" rate charge	$ 2,700.00	Actual charge is "fully burdened" rate charge	
Conditional Use Permit		$ 7,864.00	Plus applicable environmental review, notice, posting and acreage/per unit fees	$ 7,864.00	Plus applicable environmental review, notice, posting and acreage/per unit fees	
Conditional Use Permit: Admin & Existing Structure		$ 4,616.00	Plus applicable notice and posting fees	$ 4,616.00	Plus applicable notice and posting fees	
Conditional Use Permit (Com/Ind)	per Acre	$ 65.00		$ 65.00		
Conditional Use Permit: Amended CUP/Substantial Conformance		$ 4,168.00	Plus applicable notice and posting fees	$ 4,168.00	Plus applicable notice and posting fees	
Custom Home Review		$ 860.00		$ 860.00		
Development Agreement	Deposit	$ 7,400.00	Actual charge is "fully burdened" rate charge	$ 7,400.00	Actual charge is "fully burdened" rate charge	

Section 3 - Community Development

Planning

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Development Agreement Amendment	Deposit	$ 3,225.00 Actual charge is "fully burdened" rate charge	$ 3,225.00 Actual charge is "fully burdened" rate charge	
Development Agreement Annual Review	Deposit	$ 1,000.00 Actual charge is "fully burdened" rate charge	$ 1,000.00 Actual charge is "fully burdened" rate charge	
Development Code Amendment	Deposit	$ 5,000.00 Actual charge is "fully burdened" rate charge	$ 5,000.00 Actual charge is "fully burdened" rate charge	
Environmental Review				
EIR Report Preparation	Deposit	$ 7,000.00 Actual charge is "fully burdened" rate charge	$ 7,000.00 Actual charge is "fully burdened" rate charge	
Expanded Initial Study	Deposit	$ 500.00 Actual charge is "fully burdened" rate charge	$ 500.00 Actual charge is "fully burdened" rate charge	
Environmental Assessment		$ 753.00	$ 753.00	
Environmental Mitigation Monitoring	Deposit	$ 3,500.00 Actual charge is "fully burdened" rate charge	$ 3,500.00 Actual charge is "fully burdened" rate charge	
Extension of Time		$ 2,609.00	$ 2,609.00	
General Plan Amendment	Deposit	$ 2,500.00 Actual charge is "fully burdened" rate charge	$ 2,500.00 Actual charge is "fully burdened" rate charge	
Home Occupation Permit		$ 68.00	$ 68.00	

Section 3 - Community Development

	Unit	Current Fee		Proposed Fee		Comments on Proposed Changes to Fees
anning						
Plan Check and Inspection						
Residential		$ 486.00		$ 486.00		
Non-Residential		$ 727.00		$ 727.00		
Re-inspection		$ 142.00		$ 142.00		
4th and subsequent		100% of original fee		100% of original fee		
Newspaper Notice		$ 285.00		$ 285.00		
Phasing Map		$ 1,955.00		$ 1,955.00		
Planning Letter						
Basic		$ 84.00		$ 84.00		
Interpretation and Research Required	Deposit	$ 203.00	Actual charge is "fully burdened" rate charge	$ 203.00	Actual charge is "fully burdened" rate charge	
Planning Review of Building Permits (Land Development approval)		$ 178.00 +5% of plan check fee		$ 178.00 +5% of plan check fee		
Plot Plan						
With hearing		$ 8,274.00	Plus applicable environmental review, notice, posting and acreage/per unit fees	$ 8,274.00	Plus applicable environmental review, notice, posting and acreage/per unit fees	
(Note: More than one may be charged for projects with multiple buildings or parcels)						
Without hearing (notice)		$ 5,652.00	Plus applicable environmental review, notice, posting and acreage/per unit fees	$ 5,652.00	Plus applicable environmental review, notice, posting and acreage/per unit fees	
Without hearing (no notice)		$ 2,702.00		$ 2,702.00		
Amended plot plan/substantial conformance		$ 2,940.00		$ 2,940.00		
Multi-Family	per Unit	$ 30.00		$ 30.00		
Plot Plan Conditional Use Permit (Com/Ind)	per Acre	$ 65.00		$ 65.00		
Administrative (Includes second units and granny flats)		$ 607.00		$ 607.00		

Section 3 - Community Development

Planning

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Property Posting		$ 94.00	$ 105.00	Increased to cover actual cost of posting.
Pre-application Review		$ 561.00	$ 561.00	
Renewal Fee		50% of original fee	50% of original fee	
Reversion to Acreage	Deposit	$ 1,500.00 Actual charge is "fully burdened" rate charge	$ 1,500.00 Actual charge is "fully burdened" rate charge	
Signs				
Banner		$ 31.00	$ 31.00	
Permit: Wall		$ 87.00	$ 87.00	
Permit: Monument		$ 346.00	$ 346.00	
Permit: Pole and Freeway		$ 578.00	$ 578.00	
Review Program	Deposit	$ 500.00 Actual charge is "fully burdened" rate charge	$ 500.00 Actual charge is "fully burdened" rate charge	
Program Amendment Review	Deposit	$ 250.00 Actual charge is "fully burdened" rate charge	$ 250.00 Actual charge is "fully burdened" rate charge	
Special Event Permit		$ 34.00	$ 34.00	
Specific Plan	Deposit	$ 17,000.00 Actual charge is "fully burdened" rate charge	$ 17,000.00 Actual charge is "fully burdened" rate charge	
Specific Plan Amendment	Deposit	$ 8,000.00 Actual charge is "fully burdened" rate charge	$ 8,000.00 Actual charge is "fully burdened" rate charge	
Subdivision Sales Office (Trailer) and Model Home Complexes-Temporary		$ 862.00	$ 862.00	
Temporary Use Permits		$ 241.00	$ 241.00	

Section 3 - Community Development

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
anning				
Tentative Parcel Map				
Residential		$ 6,709.00 +	$ 6,709.00	
additional lot	per Lot	$ 87.00	$ 87.00	
		+ applicable environmental review and applicable notice and posting fees.	+ applicable environmental review and applicable notice and posting fees.	
Commercial		$ 7,422.00 +	$ 7,422.00	
additional lot	per Lot	$ 87.00	$ 87.00	
		+ applicable environmental review and applicable notice and posting fees.	+ applicable environmental review and applicable notice and posting fees.	
Waiver	Deposit	$ 1,000.00 Actual charge is "fully burdened" rate charge plus applicable notice and posting fees.	$ 1,000.00	Actual charge is "fully burdened" rate charge plus applicable notice and posting fees.
Tentative Tract or Condo Map		$ 8,497.00 +	$ 8,497.00	
additional lot	per Lot	$ 72.00	$ 72.00	
		+ applicable environmental review and applicable notice and posting fees.	+ applicable environmental review and applicable notice and posting fees.	
Tentative Tract or Parcel Map Revised		$ 4,229.00 Plus applicable notice and posting fees	$ 4,229.00	Plus applicable notice and posting fees
Variance from Standards				
Public Hearing Variance		$ 2,618.00 Plus applicable notice and posting fees	$ 2,618.00	Plus applicable notice and posting fees
Administrative Variance		$ 474.00	$ 474.00	

Notes:

The environmental review fee shall be charged only one time for concurrently filed major developmental review applications. For example, the fee for a concurrently filed Parcel Map and Plot Plan will be the sum of the respective fees minus one environmental review fee.

Fees for quasi-public uses shall be reduced by 25%.

Section 4 - Financial & Administrative Services

Animal Services

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Adoption Fee (Does not include the cost for spay/neuter)				
Dogs	Each	$ 30.00	$ 30.00	
Cats	Each	$ 19.00	$ 19.00	
Rabbit, Hamsters and Guinea Pigs	Each	$ 10.00	$ 10.00	
Other Animals *	Each	$ 10.00	$ 10.00	
* Fee for "Other Animals" not to exceed the fair market price				
Deposits (Refundable)				
Rabies Vaccination		$ 20.00	$ 20.00	
Neuter		$ 75.00	$ 75.00	
Owner Relinquishment				
Dog/Cat*		$ 22.00	$ 22.00	
Dog/Cat-Litter*		$ 22.00	$ 22.00	
Other Domestic*		$ 10.00	$ 10.00	
*Owner may be asked to pay for the cost of spay/neuter and/or vaccines				
** Out of area animals are accepted at the discretion of shelter staff based on adoptability and shelter population				
Owner Requested Euthanasia				
Small/Medium (0-50 lbs)		$ 22.00	$ 22.00	
Medium/Large (> 50 lbs)		$ 26.00	$ 26.00	
Litter (up to 8)		$ 22.00	$ 22.00	
Litter (each add'l >8)	Each	$ 2.00	$ 2.00	
Deceased Animal Disposal				
Small/Medium (0-50 lbs)		$ 18.00	$ 18.00	
Medium/Large (51+ lbs)		$ 22.00	$ 22.00	
Cremation of Deceased Pets				
Base Fee (Includes container)		$ 90.00	$ 90.00	
Additional pounds > 60lbs	per Pound	$ 1.00	$ 1.00	

Section 4 - Financial & Administrative Services

nimal Services

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Animal Redemption				
1st Impound		$ 20.00	$ 20.00	
2nd Impound		$ 40.00	$ 40.00	
3rd Impound		$ 56.00	$ 56.00	
More than 3 (each occurrence)*		See Note *		
Small Livestock **		$ 29.00	$ 29.00	
Large Livestock **		$ 58.00	$ 58.00	
Other (birds, reptiles, etc)		$ 19.00	$ 19.00	
* Impound fee will increase by $50 for each additional occurrence. For example the 4th occurrence would be $106, the 5th occurrence would be $156 etc.				
** Trailering Fee		$ 57.00 + actual cost for ACO	$ 57.00 + actual cost for ACO	
Boarding				
Dogs, Cats & Other		$ 6.00	$ 6.00	
Small Livestock		$ 8.00	$ 8.00	
Large Livestock		$ 11.00	$ 11.00	
Other Small Animals		$ 5.00	$ 5.00	
Special handling fee		$ 20.00	$ 20.00	
(Special handling relates to call that require additional Animal Control Officers or extraordinary circumstances such as badly decomposed, owned, deceased animals or transportation to a Veterinarian for sick/injured animals.)				
Re-inspection Fee (Failed compliance on confinement/property inspections)		$ 18.00	$ 18.00	
Licensing				
Dog (altered)				
	1 year	$ 10.00	$ 10.00	
	2 year	$ 19.00	$ 19.00	
	3 year	$ 26.00	$ 26.00	
Dog (unaltered)				
	1 year	$ 41.00	$ 41.00	
	2 year	$ 60.00	$ 60.00	
	3 year	$ 78.00	$ 78.00	
Potentially Dangerous/Vicious		$ 77.00	$ 77.00	
Economic Hardship* (altered only)		$ 6.00	$ 6.00	

*Residents must provide proof that they earn 65% of the median income as set by HUD for the County of Riverside.

Section 4 - Financial & Administrative Services

Animal Services

		Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Licensing (Cont.)					
Late Fee			$ 19.00	$ 19.00	
Transfer Fee			$ 6.00	$ 6.00	
Lost Tag Replacement			$ 6.00	$ 6.00	
Kennel					
Class I Dog					
	1 year		$ 128.00	$ 128.00	
	2 year		$ 189.00	$ 189.00	
Class II Dog					
	1 year		$ 194.00	$ 194.00	
	2 year		$ 251.00	$ 251.00	
Cattery					
	1 year		$ 128.00	$ 128.00	
	2 year		$ 189.00	$ 189.00	
Late Fee			$ 61.00	$ 61.00	
Other Services					
Dog DA2PP Vaccination *		Each	$ 10.00	$ 10.00	
Cat FVRCP Vaccination **		Each	$ 10.00	$ 10.00	
Microchip (Owner to pay AKC registration fee)		Each	$ 16.00	$ 16.00	

* DA2PP Vaccination- Distemper, Adeno-2, Parvo and Oanfluenza (commonly known as a 5 in 1)
** FVRCP Vaccination - Feline Viral Rhinotracheitus (FHV-1), Calicivirus and Panleukopenia (commonly known as a 4 in 1)

Trap Rental					
Cat					
	Trap Rental	per Week	$ 12.00	$ 12.00	
	Refundable Deposit		$ 50.00	$ 50.00	
Dog					
	Trap Rental	per Week	$ 20.00	$ 20.00	
	Refundable Deposit		$ 150.00	$ 150.00	
Requests for Information		per Page	$ 0.20	$ 0.20	
Pet Identification Tags		Each	$5.50 - $7.50	$5.50 - $7.50	

Section 4 - Financial & Administrative Services

nimal Services

Surcharges

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Unlicensed Animal		$ 15.00	$ 15.00	
Un-altered Animal		$ 15.00	$ 15.00	
Out-of-area Service Request		$ 25.00	$ 25.00	
Un-altered Kennel/Cattery		$ 50.00	$ 50.00	
Owner Field Service Request		$ 15.00	$ 15.00	
After Hours Emergency Field Response		$ 20.00	$ 20.00	

Municipal Code Reference	Violation	Offenses within a 36 month period		
		1st	2nd	3rd
10.02.020 A	Failure to License Dog/Wear License Tag	$50.00	$100.00	$200.00
10.02.020 B	Failure to Vaccinate for Rabies	$50.00	$100.00	$200.00
10.02.040	Failure to License Kennel/Cattery	$100.00	$200.00	$500.00
10.02.130 A-G	Animal Cruelty-Minor Offense	$100.00	$200.00	$500.00
10.02.130 A-G	Animal Cruelty-Major Offense	$200.00	$500.00	
10.02.090 N	Animal Abandonment	$100.00	$200.00	$500.00
10.02.080 A,B	Animal at Large-Altered	$50.00	$100.00	$200.00
10.02.080 A,B	Animal at Large-Unaltered	$100.00	$200.00	$500.00
10.02.080 E	Animal at Large-Threat to Public Safety	$200.00	$500.00	$500.00 (plus removal from City*)
10.02.100	Failure to Provide Proof of Spay/Neuter (spay/neuter deposit forfeited)	$150.00		
10.02.160	Failure to Comply with Public Nuisance Remedial Requirements	$100.00	$200.00	$500.00
10.02.240-270	Failure to Comply with Requirements for Potentially Dangerous or Vicious Animals	$500.00	$500.00	(plus removal from City*)
10.02.120	Failure to Quarantine/Produce the Animal/Concealing Information	$100.00	$200.00	$500.00
10.02.110	Barking Dog	$100.00	$200.00	$500.00
10.02.140 C,D	Interference with ACE or Tampering with Animal/Equipment	$100.00	$200.00	$500.00
10.02.010	Failure to Pay for Services Rendered or Outstanding Fees	$50.00	(plus outstanding balance)	
H&S 122335	Dog Tethering Violation	$50.00	$100.00	$200.00
H&S 122125- 122220	Violation of Pet Protection Act (Businesses/Commercial Breeding)	$50.00	$200.00	$500.00

* 10.20.160 B.8 Public Nuisance-Prohibit or regulate the acquiring and keeping within the city specified animals for a period of up to five years.

Section 4 - Financial & Administrative Services

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Financial Operations				
Annual City Budget	Each	City Cost	$10.00	Also available on City website
Comprehensive Annual Financial Report (CAFR)	Each	City Cost	$10.00	Also available on City website
Treasury Operations				
Collection of Returned Check	Each	$31.00	$31.00	
Business License				
Application	per License	$57.00	$57.00	
Vehicle Tag	per Tag	$6.00	$6.00	
License for Farmers Market at Towngate Mall	Per Vendor Per Day	$5.00	$5.00	
License for single day events	Per Vendor Per Day	$5.00	$5.00	
(Note: Licenses for single day events must be reviewed and approved by the Financial & Administrative Services Director)				
Reprint of License	Each	$5.00	$5.00	
Business Listing	Each	$20.00	$20.00	
Photo Identification Card	Each	$5.00	$5.00	

Section 5 - Fire

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
e-Development				
Annexation Agreement	Deposit	$ 94.00	$ 94.00	
Community Care Facility (Pre-inspection)				
25 or less		$ 50.00	$ 50.00	State Mandated
26 or more		$ 100.00	$ 100.00	State Mandated
Revised Tentative Parcel Map		$ 425.00	$ 425.00	
Fuel Modification Plan		$ 100.00	$ 100.00	
Fire Protection Plan		$ 326.00	$ 326.00	
Alternate methods and materials		$ 100.00	$ 100.00	
3rd review and subsequent submittals		$ 100.00	$ 100.00	
OTC/Misc Plan Review		$ 100.00	$ 100.00	

Architectural / Development

Plan Check and Inspections

	Unit	Plan Check Current Fee	Plan Check Proposed Fee	Inspection Current Fee	Inspection Proposed Fee
A-1 <=10,000 SF		$ 623.00	$ 623.00	$ 599.00	$ 599.00
A-1 > 10,000 SF		$ 773.00	$ 773.00	$ 798.00	$ 798.00
A-2, 2.1 <= 10,000 SF		$ 524.00	$ 524.00	$ 499.00	$ 499.00
A-2, 2.1 > 10,000 SF		$ 674.00	$ 674.00	$ 699.00	$ 699.00
A-3 <= 10,000 SF		$ 524.00	$ 524.00	$ 550.00	$ 550.00
A-3 >10,000 SF		$ 623.00	$ 623.00	$ 599.00	$ 599.00
A-4 <= 5000 SF		$ 424.00	$ 424.00	$ 499.00	$ 499.00
A-4 > 5000 SF		$ 475.00	$ 475.00	$ 550.00	$ 550.00
A-5<=5000 SF		$ 424.00	$ 424.00	$ 499.00	$ 499.00
A-5>5000 SF		$ 475.00	$ 475.00	$ 550.00	$ 550.00
A TI 0-5000 SF		$ 325.00	$ 325.00	$ 399.00	$ 399.00
A TI 5001 - 25,000 SF		$ 424.00	$ 424.00	$ 499.00	$ 499.00
A TI > 25,001 SF		$ 524.00	$ 524.00	$ 550.00	$ 550.00

Section 5 - Fire

Plan Check and Inspections (Cont)

	Unit	Plan Check		Inspection	
		Current Fee	Proposed Fee	Current Fee	Proposed Fee
B 0-5000 SF		$ 175.00	$ 175.00	$ 233.00	$ 233.00
B 5001 - 50,000 SF		$ 274.00	$ 274.00	$ 399.00	$ 399.00
B >50,000 SF		$ 374.00	$ 374.00	$ 550.00	$ 550.00
B TI 0-5000 SF		$ 151.00	$ 151.00	$ 207.00	$ 207.00
B TI 5001 - 50,000 SF		$ 200.00	$ 200.00	$ 300.00	$ 300.00
B TI >50,000 SF		$ 274.00	$ 274.00	$ 374.00	$ 374.00
E-1,2 0-2000 SF (private schools only)		$ 224.00	$ 224.00	$ 350.00	$ 350.00
E-1,2 2001 - 20,000 SF (private schools only)		$ 274.00	$ 274.00	$ 399.00	$ 399.00
E-1,2 > 20,000 SF (private schools only)		$ 424.00	$ 424.00	$ 475.00	$ 475.00
E-1,2 TI 0-2000 SF (private schools only)		$ 100.00	$ 100.00	$ 207.00	$ 207.00
E-1,2 TI 2001 - 20,000 SF (private schools only)		$ 151.00	$ 151.00	$ 233.00	$ 233.00
E-1,2 TI > 20,000 SF (private schools only)		$ 200.00	$ 200.00	$ 258.00	$ 258.00
E-3 0-1000 SF (private schools only)		$ 125.00	$ 125.00	$ 207.00	$ 207.00
E-3 1001 - 20,000 SF (private schools only)		$ 224.00	$ 224.00	$ 424.00	$ 424.00
E-3 > 20,000 SF (private schools only)		$ 274.00	$ 274.00	$ 475.00	$ 475.00
E-3 TI 0-1000 SF (private schools only)		$ 100.00	$ 100.00	$ 182.00	$ 182.00
E-3 TI 1001 - 20,000 SF (private schools only)		$ 125.00	$ 125.00	$ 207.00	$ 207.00
E-3 TI > 20,000 SF (private schools only)		$ 151.00	$ 151.00	$ 233.00	$ 233.00
F,M,S 0-5000 SF		$ 224.00	$ 224.00	$ 350.00	$ 350.00
F,M,S 5001 - 12,500 SF		$ 325.00	$ 325.00	$ 399.00	$ 399.00
F,M,S 12,501 - 100,000 SF		$ 374.00	$ 374.00	$ 499.00	$ 499.00
F,M,S > 100,000 SF		$ 424.00	$ 424.00	$ 599.00	$ 599.00
F,M,S TI 0-5000 SF		$ 151.00	$ 151.00	$ 233.00	$ 233.00
F,M,S TI 5001 - 12,500 SF		$ 175.00	$ 175.00	$ 300.00	$ 300.00
F,M,S TI 12,501 - 100,000 SF		$ 224.00	$ 224.00	$ 325.00	$ 325.00
F,M,S TI > 100,000 SF		$ 274.00	$ 274.00	$ 350.00	$ 350.00
H-1,2,3, 7 0-1000 SF		$ 325.00	$ 325.00	$ 374.00	$ 374.00
H-1,2,3, 7 1001- 2,500 SF		$ 374.00	$ 374.00	$ 399.00	$ 399.00
H-1,2,3, 7 2,501 - 10,000 SF		$ 475.00	$ 475.00	$ 499.00	$ 499.00
H-1,2,3, 7 > 10,000 SF		$ 599.00	$ 599.00	$ 599.00	$ 599.00
H-1,2,3, 7 TI 0-1000 SF		$ 224.00	$ 224.00	$ 325.00	$ 325.00
H-1,2,3, 7 TI 1001- 2,500 SF		$ 274.00	$ 274.00	$ 350.00	$ 350.00
H-1,2,3, 7 TI 2,501 - 10,000 SF		$ 325.00	$ 325.00	$ 374.00	$ 374.00

Section 5 - Fire

Plan Check and Inspections (Cont)

	Unit	Plan Check Current Fee	Plan Check Proposed Fee	Inspection Current Fee	Inspection Proposed Fee
H-1,2,3, 7 TI > 10,000 SF		$ 374.00	$ 374.00	$ 399.00	$ 399.00
H-4,5,6 0-1000 SF		$ 250.00	$ 250.00	$ 374.00	$ 374.00
H-4,5,6 1001- 2,500 SF		$ 350.00	$ 350.00	$ 399.00	$ 399.00
H-4,5,6 2,501 - 10,000 SF		$ 450.00	$ 450.00	$ 450.00	$ 450.00
H-4,5,6 > 10,000 SF		$ 574.00	$ 574.00	$ 499.00	$ 499.00
H-4,5,6 TI 0-1000 SF		$ 200.00	$ 200.00	$ 325.00	$ 325.00
H-4,5,6 TI 1001- 2,500 SF		$ 250.00	$ 250.00	$ 350.00	$ 350.00
H-4,5,6 TI 2,501 - 10,000 SF		$ 300.00	$ 300.00	$ 374.00	$ 374.00
H-4,5,6 TI > 10,000 SF		$ 350.00	$ 350.00	$ 399.00	$ 399.00
I Occupancies	Deposit	$ 350.00	$ 350.00	N $ 393.00	$ 393.00
R-1, 2 0-5000 SF		$ 224.00	$ 224.00	$ 325.00	$ 325.00
R-1, 2 5001 - 25,000 SF		$ 274.00	$ 274.00	$ 350.00	$ 350.00
R-1, 2 >25,001 SF		$ 325.00	$ 325.00	$ 399.00	$ 399.00
R-3 Model 1-5 homes		$ 175.00	$ 175.00	$ 233.00	$ 233.00
R-3 Model > 6 homes		$ 224.00	$ 224.00	$ 282.00	$ 282.00
R-3 Custom (1-2 units)		$ 151.00	$ 151.00	$ 225.00	$ 225.00
U - Occupancy		$ 151.00	$ 151.00	$ 200.00	$ 200.00
Shell 0-50,000 SF		$ 998.00	$ 998.00	$ 874.00	$ 874.00
Shell > 50,000 SF	Deposit	$ 350.00	$ 350.00	N $ 350.00	$ 350.00
High-rise (4 floors or greater)	Deposit	$ 350.00	$ 350.00	N $ 362.00	$ 362.00

	Occupancy Classifications
A	Facilities for Assemblies
B	Professional or Service Facilities
E	Educational Facilities
F	Factory and Industrial (non H)
H	Factory and Industrial (high fire, explosion or health hazard)
I	Hospitals, Nursing Homes
M	Sale of Merchandise
R	Hotels, Apartments and Congregate Residences
S	Storage (non hazardous)
U	Garages, Carports, Sheds and Agricultural Buildings

Section 5 - Fire

Fire Development

Development Plan Check and Inspection

	Unit	Plan Check		Inspection	
		Current Fee	Proposed Fee	Current Fee	Proposed Fee
Sprinkler System New 1-100 heads		$ 225.00	$ 225.00	$ 526.00	$ 526.00
Sprinkler System New > 100 heads		$ 352.00	$ 352.00	NA	NA
Sprinkler System New 101-300 heads		NA	NA	$ 575.00	$ 575.00
Sprinkler System New 301-700 heads		NA	NA	$ 626.00	$ 626.00
Sprinkler System New > 700 heads		NA	NA	$ 676.00	$ 676.00
Sprinkler TI 1-10 heads		$ 151.00	$ 151.00	$ 225.00	$ 225.00
Sprinkler TI 11-25 heads		$ 175.00	$ 175.00	$ 425.00	$ 425.00
Sprinkler TI 51-100 heads		$ 225.00	$ 225.00	$ 476.00	$ 476.00
Sprinkler TI > 100 heads		$ 250.00	$ 250.00	$ 526.00	$ 526.00
Alarm New 1-10 Initiating Devises with notification		$ 151.00	$ 151.00	$ 326.00	$ 326.00
Alarm New 11-50 Initiating Devises with notification		$ 225.00	$ 225.00	$ 352.00	$ 352.00
Alarm New 51-100 Initiating Devises with notification		$ 276.00	$ 276.00	$ 400.00	$ 400.00
Alarm New > 100 Initiating Devises with notification		$ 326.00	$ 326.00	$ 476.00	$ 476.00
Alarm TI 1-10 Initiating Devices with notification		$ 126.00	$ 126.00	$ 276.00	$ 276.00
Alarm TI 11-50 Initiating Devices with notification		$ 151.00	$ 151.00	$ 301.00	$ 301.00
Alarm TI 51-100 Initiating Devices with notification		$ 201.00	$ 201.00	$ 352.00	$ 352.00
Alarm TI > 100 Initiating Devices with notification		$ 276.00	$ 276.00	$ 400.00	$ 400.00
ESFR	per Riser	$ 151.00	$ 151.00	NA	NA
Underground Sprinkler	per Riser	$ 225.00	$ 225.00	$ 609.00	$ 609.00
Underground Hydrant		$ 175.00	$ 175.00	$ 609.00	$ 609.00
Underground Combo Up to 4 Connections		$ 326.00	$ 326.00	$ 684.00	$ 684.00
Aboveground Hydrant		$ 250.00	$ 250.00	$ 500.00	$ 500.00
Residential Sprinkler 13R Family 1-2 units		$ 225.00	$ 225.00	$ 500.00	$ 500.00
Residential Sprinkler 13D Single Family 1-2 units		$ 175.00	$ 175.00	$ 500.00	$ 500.00
Residential Sprinkler 13R Multi Family up to 4 stories	per System	$ 301.00	$ 301.00	$ 626.00	$ 626.00
Hood and Duct	per System	$ 151.00	$ 151.00	$ 208.00	$ 208.00
Fire Pump	per Pump	$ 276.00	$ 276.00	$ 276.00	$ 276.00
Standpipes		$ 375.00	$ 375.00	$ 284.00	$ 284.00
Special Extinguishing Systems		$ 175.00	$ 175.00	NA	NA
Vapor Recovery Special Equipment		$ 151.00	$ 151.00	NA	NA

Section 5 - Fire

Development Plan Check and Inspection (Cont)

	Unit	Plan Check		Inspection	
		Current Fee	Proposed Fee	Current Fee	Proposed Fee
Medical Gases Special System		$ 175.00	$ 175.00	$ 182.00	$ 182.00
Industrial Gases Special System		$ 225.00	$ 225.00	$ 284.00	$ 284.00
Liquefied Petroleum Gases Special System > 500 gal		$ 225.00	$ 225.00	$ 333.00	$ 333.00
Tank/Piping Installation	per Tank	$ 234.00	$ 234.00	$ 234.00	$ 234.00
Tank/Piping Removal	per Tank	$ 158.00	$ 158.00	$ 276.00	$ 276.00
Ovens, industrial baking or drying per oven, furnace or kiln Special Equip. (New Construction)		$ 126.00	$ 126.00	$ 182.00	$ 182.00
Smoke Control		$ 225.00	$ 225.00	$ 333.00	$ 333.00
Dust Collection Special Equipment		$ 151.00	$ 151.00	$ 182.00	$ 182.00
Hazmat Storage		$ 276.00	$ 276.00	$ 284.00	$ 284.00
High Piled/Solid Piled Storage Class III, IV, High Hazard		$ 326.00	$ 326.00	$ 434.00	$ 434.00
Racking System		$ 375.00	$ 375.00	$ 434.00	$ 434.00
Regulated Refrigeration per system		$ 151.00	$ 151.00	$ 284.00	$ 284.00
Miscellaneous Industrial Equipment Install		$ 151.00	$ 151.00	$ 182.00	$ 182.00
FPE Technical Report Major Review		$ 425.00	$ 425.00	NA	NA
FPE Technical Report Minor Review		$ 225.00	$ 225.00	NA	NA
Spray Booth Inspection		NA	NA	$ 284.00	$ 284.00
Foam/Liquid System Inspection		NA	NA	$ 333.00	$ 333.00
ESFR Inspection		NA	NA	$ 74.00	$ 74.00
Dry Chemical System Inspection		NA	NA	$ 234.00	$ 234.00
CO2 System Inspection		NA	NA	$ 234.00	$ 234.00
Inert Gas System Inspection		NA	NA	$ 234.00	$ 234.00
FM200 Clean Agent System		NA	NA	$ 234.00	$ 234.00
Adult Care Facility Inspection		NA	NA	$ 375.00	$ 375.00
Child Care Facility Inspection		NA	NA	$ 375.00	$ 375.00
Residential Care Facilities 1 - 6		NA	NA	$ 352.00	$ 352.00
Residential Care Facilities >6	per Story	NA	NA	$ 143.00	$ 143.00
K-12 Public School Inspection		NA	NA	$ 190.00	$ 190.00
K-12 Private School Inspection		NA	NA	$ 425.00	$ 425.00
High-rise Inspection	per Hour	NA	NA	$ 100.00	$ 100.00
Asbestos removal		NA	NA	$ 234.00	$ 234.00
Work without Approval or Permit		NA	NA	$ 201.00	$ 201.00
Inspection following Failure to Maintain Fire Protection Systems		NA	NA	$ 201.00	$ 201.00
Fire Prevention Inspection/Re-inspection/Phasing		NA	NA	$ 142.00	$ 142.00

Section 5 - Fire

Renewable Permit Fees

	Unit	Initial Plan Check		Annual Inspection	
		Current Fee	Proposed Fee	Current Fee	Proposed Fee
Aerosol Products		$ 224.00	$ 224.00	$ 63.00	$ 63.00
Aircraft Refueling Vehicles		$ 175.00	$ 175.00	$ 88.00	$ 88.00
Automobile Wrecking Yard		$ 175.00	$ 175.00	$ 188.00	$ 188.00
Battery System		$ 224.00	$ 224.00	$ 63.00	$ 63.00
Candles and Open Flame in Assembly Occupancy Areas		$ 125.00	$ 125.00	$ 63.00	$ 63.00
Cellulose Nitrate Film		$ 125.00	$ 125.00	$ 63.00	$ 63.00
Cellulose Nitrate Storage		$ 175.00	$ 175.00	$ 188.00	$ 188.00
Combustible fiber Storage		$ 175.00	$ 175.00	$ 188.00	$ 188.00
Combustible materials Storage		$ 175.00	$ 175.00	$ 188.00	$ 188.00
Commercial Rubbish Handling Operation		$ 175.00	$ 175.00	$ 188.00	$ 188.00
Compressed Gases		$ 200.00	$ 200.00	$ 188.00	$ 188.00
Cryogens		$ 200.00	$ 200.00	$ 188.00	$ 188.00
Dry Cleaning Plant		$ 224.00	$ 224.00	$ 288.00	$ 288.00
Dust-Producing Operations		$ 125.00	$ 125.00	$ 88.00	$ 88.00
Explosives or Blasting agents, Use or Transportation		$ 274.00	$ 274.00	$ 312.00	$ 312.00
Flammable or Combustible Liquids pipelines, store, handle, use		$ 274.00	$ 274.00	$ 288.00	$ 288.00
High Piled/Solid Piled Combustible Storage Class I, II		$ 74.00	$ 74.00	$ 138.00	$ 138.00
Hot Works Operations		$ 125.00	$ 125.00	$ 63.00	$ 63.00
Liquefied Petroleum Gases store, use, handle, dispense-Plan Check 125-500 gals		$ 74.00	$ 74.00	$ 138.00	$ 138.00
Ovens - Industrial Baking or drying		$ 74.00	$ 74.00	$ 88.00	$ 88.00
Places of Assembly		$ 175.00	$ 175.00	$ 63.00	$ 63.00
Refrigeration Equipment		$ 74.00	$ 74.00	$ 88.00	$ 88.00
Repair Garages		$ 151.00	$ 151.00	$ 88.00	$ 88.00
Spraying or Dipping		$ 74.00	$ 74.00	$ 63.00	$ 63.00
Wood Products		$ 74.00	$ 74.00	$ 88.00	$ 88.00
Motor Vehicle fuel dispensing		$ 74.00	$ 74.00	$ 88.00	$ 88.00
Tire Storage		$ 175.00	$ 175.00	$ 88.00	$ 88.00
Lumber Yard		$ 175.00	$ 175.00	$ 188.00	$ 188.00
Fireworks, manufacture, compound, store		$ 325.00	$ 325.00	$ 288.00	$ 288.00
Fruit ripening		$ 175.00	$ 175.00	$ 88.00	$ 88.00
Magnesium Working		$ 175.00	$ 175.00	$ 88.00	$ 88.00
Radioactive materials		$ 325.00	$ 325.00	$ 188.00	$ 188.00

Section 5 - Fire

tivity Permits	Unit	Current Fee	Proposed Fee	
Bowling pin or alley refinishing		$ 158.00	$ 158.00	
Candles and open flames in assembly areas		$ 158.00	$ 158.00	
Carnivals and fairs		$ 234.00	$ 234.00	
Explosives or blasting agents, use, dispose		$ 333.00	$ 333.00	
Fireworks, displays		$ 308.00	$ 308.00	
Hot works operations		$ 158.00	$ 158.00	
Liquefied petroleum gases, install containers		$ 234.00	$ 234.00	
Liquid or gas fueled vehicles or equipment in assembly areas		$ 208.00	$ 208.00	
Mall, covered		$ 208.00	$ 208.00	
Open Burning		$ 158.00	$ 158.00	
Parade floats (per event)		$ 234.00	$ 234.00	
Pyrotechnical special effects material / model rockets		$ 333.00	$ 333.00	
Temporary membrane structures, tents and canopies		$ 284.00	$ 284.00	
Christmas Tree sales		$ 158.00	$ 158.00	
Pumpkin Patch		$ 158.00	$ 158.00	
Haunted Houses		$ 158.00	$ 158.00	
Hazardous Area Fire Permit		$ 308.00	$ 308.00	
Post Development				
Fire and Life Safety Inspection				
Annual inspection (includes one re-inspection)		$ 151.00	$ 151.00	
2nd re-inspection		$ 301.00	$ 301.00	
3rd and subsequent re-inspections		$ 452.00	$ 452.00	
Fire Watch Inspection	per Hour	$ 100.00	$ 100.00	
Fire Hydrant Inspection		$ 100.00	$ 100.00	
Fire Inspection				
State Mandated		$ 89.00	$ 89.00	
Community Care Facility				
25 or less (not including elderly 1-6)		$ 89.00	$ 89.00	State Mandated
26 or more		$ 134.00	$ 134.00	State Mandated
Special Event		$ 89.00	$ 89.00	

Section 5 - Fire

	Unit	Current Fee	Proposed Fee	
Records Request				
Photographs, color print (4"x6")		$ 5.00	$ 5.00	
Fire Incident Reports (paid to County of Riverside)		$ 19.00	$ 19.00	
Fire Inspection Reports (up to 8 1/2"x14")				
First 10 pages	per Report	$ 6.00	$ 6.00	
Additional pages	per Page	$ 1.00	$ 1.00	
Hourly Rates				
Fire Marshal		$ 140.00	The fully-burdened wage rate including overhead; not to exceed actual City costs.	
Deputy Fire Marshal		$ 105.00		
Fire Safety Specialists		$ 106.00		
Fire Safety Inspector		$ 106.00		
Overtime		Position time + 50%	Position time + 50%	
Consultant Fire Plan Review		Actual Consultant Cost + 20% Admin Fee	Actual Consultant Cost + 20% Admin Fee	
Other Fees				
False Alarm				
Residential		$ 100.00	$ 100.00	
Commercial		$ 200.00	$ 200.00	
Fire Permit Issuance Fee		$ 21.00	$ 21.00	
Weed Abatement			Actual time and materials at fully-burdened wage rate including overhead; not to exceed actual City costs.	Previously performed by Code and Neighborhood Services
Abatement of Non-Compliance Order			$100 plus actual time and materials at fully-burdened wage rate including overhead plus the cost of any contract work; not to exceed actual City	Previously performed by Code and Neighborhood Services

Section 6 - Human Resources

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Emergency Operations and Volunteer Services				
CPR Training	per Class	$ 30.00	$ 30.00	
Community Emergency Response (CERT)	per Class	$ 15.00	$ 15.00	

Section 6 - Library Services

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Replacement Library Card	Each	$ 2.00	$ 2.00	
Inter-Library Loan Overdue	per Day	$ 2.00	$ 2.00	
Reserve Materials Overdue	per Day	$ 2.00	$ 2.00	
Floppy Disks (blank)	Each	$ 1.00	$ 1.00	
Replacement Bar Code	Each	$ 1.00	$ 1.00	
Account Printout	per Page	$ 0.20	$ 0.20	
Printing/Photocopying (black & white)	per Page	$ 0.20	$ 0.20	
Copies				
Black & White	per Page	$ 0.20	$ 0.20	
Color	per Page	$ 0.75	$ 0.75	
Faxes				
Send/Receive Public Faxes - Local	per Page	$ 1.00	$ 1.00	
Domestic Long Distance Faxes	per Page	$ 2.00	$ 2.00	
International Long Distance Faxes	per Page	$ 3.00	$ 3.00	
Exam Proctoring	per Exam	$ 15.00	$ 15.00	
Lost Material Processing	per Item*	$ 10.00	$ 10.00	

* Except for uncataloged paperbacks, no processing fee

Section 6 - Library Services

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Fines				
Overdue Books				
Adult	per Item per Day	$ 0.25	$ 0.25	
Children	per Item per Day	$ 0.10	$ 0.10	
Overdue Videos	per Item per Day	$ 1.00	$ 1.00	
Overdue CDs	per Item per Day	$ 0.25	$ 0.25	
Overdue Audiocassettes	per Item per Day	$ 0.25	$ 0.25	
Lost Materials	per Item	Actual Cost	Actual Cost	

Section 7 - Parks and Community Services

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Parks				
Plan Check Fees (1 - 3 submittals)				
Project Cost:				
$0-$20,000		3.50%	3.50%	
$20,001-$100,000		3.25%	3.25%	
> $100,000		3.00%	3.00%	
4th and subsequent submittals		$ 140.00	$ 140.00	
Revisions				
Minor (detail changes only)		$ 256.00	$ 256.00	
Major		Same as initial submittal		
Inspection and Testing				
Project Cost:				
$0-$20,000		7.00%	7.00%	
$20,001-$100,000		6.00%	6.00%	
> $100,000		5.00%	5.00%	
Research of Records, Files, etc		Actual City Cost	Actual City Cost	
Penalty Fees				
Inspection and Testing Work in the right-of-way or park without encroachment permit or written agreement with Parks and Community Services	per Offense	$ 561.00 plus actual damages	$ 561.00 plus actual damages	
Applicant's failure to schedule inspection prior to performing work	per Offense	$ 112.00	$ 112.00	
Applicant's failure to attend or be prepared for a scheduled inspection	per Offense	$ 112.00	$ 112.00	

Section 7 - Parks and Community Services

ecreation Programs

Non-Resident Fees: Fees for Non-Residents to participate in Recreation Programs will be charged at the Resident Fee plus 25%.

Adult Sports (18 Years or Older)

Category 4 includes Adult Sports Programs provided by the City which are Council approved fees to cover the direct program cost plus 20% for administrative and overhead related costs.

FEE DESCRIPTION	POLICY CATEGORY	UNIT	RESIDENT FEE Current Fee	RESIDENT FEE Proposed Fee	NON-RESIDENT FEE Current Fee	NON-RESIDENT FEE Proposed Fee	Comments on Proposed Changes to Fees
Program Registration Fee		Per Program	$ 2.00	$ 2.00	$	~~4.00~~	
Basketball League *	Category 4	Per Team	$ 300.00	$ 300.00	$	~~406.00~~	
Basketball Open Play	Category 4	Per Person	$ 3.00	$ 3.00	$	~~6.00~~	
Bowling Class and League	Category 4	Per Person	$ 78.00 - 85.00	$ 78.00 - 85.00	$	~~104.00 - 113.00~~	
Father's Day Over-The-Line Softball Tournament *	Category 4	Per Team	$ 65.00 - 100.00	$ 65.00 - 100.00	$	~~113.00 - 15600~~	
Flag Football League *	Category 4	Per Team	$ 300.00	$ 300.00	$	~~406.00~~	
Flag Football Tournament *	Category 4	Per Team	$ 150.00 - 200.00	$ 150.00 - 200.00	$	~~219.00 - 281.00~~	
Official's Clinic	Category 4	Per Person	$ 15.00	$ 15.00	$	~~25.00~~	
Protest Fee	Category 4	Per Team	$ 25.00	$ 25.00	$	~~N/A~~	
Softball League - Competitive *	Category 4	Per Team	$ 345.00	$ 345.00	$	~~463.00~~	
Softball League - Non-Competitive *	Category 4	Per Team	$ 260.00	$ 260.00	$	~~356.00~~	
Softball Tournament *	Category 4	Per Team	$ 185.00 - 310.00	$ 185.00 - 310.00	$	~~263.00 - 419.00~~	
Tennis Tournament *	Category 4	Per Person	$ 20.00 - 50.00	$ 20.00 - 50.00	$	~~31.00 - 69.00~~	
Volleyball League *	Category 4	Per Team	$ 260.00	$ 260.00	$	~~356.00~~	
Volleyball Tournament *	Category 4	Per Team	$ 175.00 - 225.00	$ 175.00 - 225.00	$	~~219.00 - 225.00~~	
Volleyball Open Play	Category 4	Per Person	$ 3.00	$ 3.00	$	~~6.00~~	
New Program	Category 4	Per Person	$ Cost Recovery	$ Cost Recovery	$	~~Cost Recovery~~	
Cancellation /Transfer Fee	Category 4	Per Person	20%	20%		~~20%~~	
* Denotes Fee for Late Registration	Category 4	Per Team	$ 18.00	$ 18.00	$	~~23.00~~	

** Excludes Program Registration Fee

Section 7 - Parks and Community Services

FEE DESCRIPTION	POLICY CATEGORY	UNIT	RESIDENT FEE Current Fee	RESIDENT FEE Proposed Fee	NON-RESIDENT FEE Current Fee	NON-RESIDENT FEE Proposed Fee	Comments on Proposed Changes to Fees
Adult Contract Classes (18 Years or Older)							
Category 5 includes Adult Contract Programs provided by the City which are Council approved fees to cover the direct program cost plus 15% for administrative and overhead related costs.							
Program Registration Fee		Per Program	$ 2.00	$ 2.00	$ ~~4.00~~		
Belly Dancing For Fun and Fitness	Category 5	Per Person	$ 32.00 - 45.00	$ 32.00 - 45.00	$ ~~46.00 - 63.00~~		
Boxing	Category 5	Per Person	$ 60.00 - 80.00	$ 60.00 - 80.00	$ ~~75.00 - 106.00~~		
Bryan's Dog Training	Category 5	Per Person	$ 65.00 - 75.00	$ 65.00 - 75.00	$ ~~88.00 - 100.00~~		
Golf Lessons	Category 5	Per Person	$ 92.00 - 105.00	$ 92.00 - 105.00	$ ~~121.00 - 138.00~~		
Hip Hop / Funky Jazz	Category 5	Per Person	$ 35.00 - 45.00	$ 35.00 - 45.00	$ ~~50.00 - 63.00~~		
Instant Piano For Extremely Busy People	Category 5	Per Person	$ 25.00 - 35.00	$ 25.00 - 35.00	$ ~~38.00 - 50.00~~		
Kickboxing Aerobics	Category 5	Per Person	$ 42.00 - 70.00	$ 42.00 - 70.00	$ ~~59.00 - 94.00~~		
Kung Fu Art of Self-Defense	Category 5	Per Person	$ 65.00 - 85.00	$ 65.00 - 85.00	$ ~~63.00 - 69.00~~		
Swing Dance	Category 5	Per Person	$ 55.00 - 65.00	$ 55.00 - 65.00	$ ~~75.00 - 89.00~~		
Yoga - 1 Day	Category 5	Per Person	$ 36.00 - 50.00	$ 36.00 - 50.00	$ ~~51.00 - 69.00~~		
Cancellation /Transfer Fee **	Category 5	Per Person	20%	20%	~~20%~~		
New Adult Contract Classes	Category 5	Per Person	Full Cost Recovery	Full Cost Recovery	Full Cost Recovery		
** Excludes Program Registration Fee							
Youth Sports							
Category 6 includes Youth Sports Programs provided by the City which are Council approved fees to cover the direct program cost plus 20% for administrative and overhead related costs.							
Program Registration Fee #		Per Program	$ 2.00	$ 2.00	$ ~~4.00~~		
Basketball League * #	Category 6	Per Person	$ 65.00 - 86.00	$ 65.00 - 86.00	$ ~~88.00 - 114.00~~		
Basketball Pee Wee * #	Category 6	Per Person	$ 50.00	$ 50.00	$ ~~69.00~~		
Sports Camp #	Category 6	Per Person	$ 60.00-110.00	$ 60.00-110.00	$ ~~88.00 - 150.00~~		
Flag Football League * #	Category 6	Per Person	$ 59.00	$ 59.00	$ ~~80.00~~		
Middle School Sports Program #	Category 6	Per Person	$ 25.00	$ 25.00	$ ~~N/A~~		
Spudball * #	Category 6	Per Person	$ 50.00	$ 50.00	$ ~~69.00~~		
Tennis Lessons #	Category 6	Per Person	$ 37.00-65.00	$ 37.00-65.00	$ ~~53.00 - 88.00~~		
Pee Wee Flag Football #	Category 6	Per Person	$ 50.00	$ 50.00	$ ~~69.00~~		
General Sports Skills Contests #	Category 6	Per Person	Cost Recovery	Cost Recovery	Cost Recovery		
Open Play Basketball / Volleyball #	Category 6	Per Person	$ 1.00	$ 1.00	$ ~~4.00~~		
Jr. Basketball #	Category 6	Per Person	$ 60.00	$ 60.00	$ ~~81.00~~		
New Youth Sports Programs #	Category 6	Per Person	Cost Recovery	Cost Recovery	Cost Recovery		
Cancellation /Transfer Fee	Category 6	Per Person	20%	20%	~~20%~~		
* Denotes Fee for Late Registration	Category 6	Per Person	$ 5.00-10.00	$ 5.00-10.00	$ ~~6.00 - 13.00~~		
** Excludes Program Registration Fee							
# Denotes Family Discount available. See note below.							

Section 7 - Parks and Community Services

FEE DESCRIPTION	POLICY CATEGORY	UNIT	RESIDENT FEE Current Fee	RESIDENT FEE Proposed Fee	NON-RESIDENT FEE Current Fee	NON-RESIDENT FEE Proposed Fee	Comments on Proposed Changes to Fees
uth/Teen Activities and Programs							
Category 7 includes Youth Contract Classes and Youth Programs provided by the City which are Council approved fees to cover the direct program cost plus 15% for administrative and overhead related costs.							
Program Registration Fee #		Per Program	$ 2.00	$ 2.00	$ ~~4.00~~		
Breakfast with Santa #	Category 7	Per Person	$ 6.00 - 10.00	$ 6.00 - 10.00	$ ~~14.00 - 16.00~~		
Bunny Brunch #	Category 7	Per Person	$ 6.00 - 10.00	$ 6.00 - 10.00	$ ~~14.00 - 16.00~~		
Holiday Chef #	Category 7	Per Person	$ 8.00 - 10.00	$ 8.00 - 10.00	$ ~~14.00 - 16.00~~		
Holiday Craft #	Category 7	Per Person	$ 8.00 - 10.00	$ 8.00 - 10.00	$ ~~14.00 - 16.00~~		
Camp * (Weekly) #	Category 7	Per Person	$ 85.00	$ 85.00	$ ~~119.00~~		
Spring Chef Workshop #	Category 7	Per Person	$ 8.00 - 10.00	$ 8.00 - 10.00	$ ~~16.00 - 19.00~~		
Spring Craft #	Category 7	Per Person	$ 8.00 - 10.00	$ 8.00 - 10.00	$ ~~16.00 - 19.00~~		
Time for Tots - 2 Days (2 Weeks) #	Category 7	Per Person	$ 40.00	$ 40.00	$ ~~56.00~~		
Time for Tots - 3 Days (2 Weeks) #	Category 7	Per Person	$ 45.00	$ 45.00	$ ~~63.00~~		
Time for Tots - 5 Days (2 Weeks) #	Category 7	Per Person	$ 65.00	$ 65.00	$ ~~88.00~~		
Babysitting (hourly)	Category 7	Per Person	$ 3.00	$ 3.00	$ ~~6.00~~		
T-Shirts	Category 7	Per Shirt	$ 10.00	$ 10.00	$ ~~13.00~~		
Sunshine Social #	Category 7	Per Person	$ 20.00	$ 20.00	$ ~~31.00~~		
Bowling Class/League #	Category 7	Per Person	$ 50.00 - 65.00	$ 50.00 - 65.00	$ ~~69.00 - 88.00~~		
New Youth/Teen Activities and Programs	Category 7	Per Person	$ Cost Recovery	$ Cost Recovery	$ ~~Cost Recovery~~		
Cancellation /Transfer Fee	Category 7	Per Person	20%	20%	~~20%~~		
* Denotes Fee for Late Registration	Category 7	Per Person	$ 5.00	$ 5.00	$ ~~5.00~~		

** Excludes Program Registration Fee

# Denotes Family Discount available. See note below.

 # -FAMILY DISCOUNT

A family discount applies when siblings are registered in the same program. The family discount only applies to non-contract programs as identified with an #. The following family discount rates apply:

1st child = Full rate
2nd Child = Receives a 15% discount
3rd Child += Receives a 10% discount

Section 7 - Parks and Community Services

FEE DESCRIPTION	POLICY CATEGORY	UNIT	RESIDENT FEE Current Fee	RESIDENT FEE Proposed Fee	NON-RESIDENT FEE Current Fee	NON-RESIDENT FEE Proposed Fee	Comments on Proposed Changes to Fees
Youth/Teen Classes							
Category 7 includes Youth Contract Classes and Youth Programs provided by the City which are Council approved fees to cover the direct program cost plus 15% for administrative and overhead related costs.							
Program Registration Fee		Per Program	$ 2.00	$ 2.00		~~$ 4.00~~	
Ballet Folklorico - Youth	Category 7	Per Person	$ 22.00 - 35.00	$ 22.00 - 35.00		~~$ 34.00 - 50.00~~	
Boxing - Youth	Category 7	Per Person	$ 60.00 - 70.00	$ 60.00 - 70.00		~~$ 75.00 - 100.00~~	
Drawing for Kids - Youth	Category 7	Per Person	$ 30.00 - 40.00	$ 30.00 - 40.00		~~$ 44.00 - 56.00~~	
Hip Hop Jazz	Category 7	Per Person	$ 32.00 - 45.00	$ 32.00 - 45.00		~~$ 46.00 - 63.00~~	
Instant Piano	Category 7	Per Person	$ 25.00 - 35.00	$ 25.00 - 35.00		~~$ 38.00 - 50.00~~	
Golf Clinic - Youth	Category 7	Per Person	$ 42.00 - 55.00	$ 42.00 - 55.00		~~$ 59.00 - 75.00~~	
Kickboxing - Teen	Category 7	Per Person	$ 70.00	$ 70.00		~~$ 94.00~~	
Kung Fu Art of Self Defense - Youth	Category 7	Per Person	$ 42.00 - 55.00	$ 42.00 - 55.00		~~$ 59.00 - 75.00~~	
Parent And Me Gymnastics - Youth	Category 7	Per Person	$ 40.00 - 50.00	$ 40.00 - 50.00		~~$ 56.00 - 69.00~~	
Salsa/Latin Dance - Teen	Category 7	Per Person	$ 55.00 - 85.00	$ 55.00 - 85.00		~~$ 75.00 - 113.00~~	
Tumbling Toddlers - Youth	Category 7	Per Person	$ 40.00 - 50.00	$ 40.00 - 50.00		~~$ 56.00 - 69.00~~	
Cancellation /Transfer Fee	Category 7	Per Person	20%	20%		~~20%~~	
New Youth/Teen Contract Classes	Category 7	Per Person	Cost Recovery	Cost Recovery		Cost Recovery	
* Denotes Fee for Late Registration	Category 7	Per Person	$ 5.00	$ 5.00		~~$ 5.00~~	
** Excludes Program Registration Fee							
Senior Programs							
Category 1 includes Senior Programs provided by outside agencies at no charge to the participant, and there is no direct cost to the City. All indirect costs will be subsidized by the City.							
Bingo	Category 3	Per Person	$ 1.00 = 2 Cards add Cards = $.50 ea	$ 1.00 = 2 Cards add Cards = $.50 ea		~~$2.00 = 2 Cards~~ add Cards = $1.00 ea	
Breakfast, Lunch, Pizza, Picnic	Category 3	Per Person	Cost Recovery	Cost Recovery		Cost Recovery	
Bunco	Category 3	Per Person	$ 2.00	$ 2.00		~~$ 6.00~~	
Dances	Category 3	Per Person	$ 8.00	$ 8.00		~~$ 14.00~~	
Line Dancing	Category 11	Per Person	Contracted	Contracted		~~Contracted~~	
Swap Meet	Category 3	Per Table	$ 5.00	$ 5.00		~~$ 10.00~~	
New Senior Contract Program - Administered by Contract	Category 11	Per Person	Contracted	Contracted		Contracted	
New Senior Program Provided by Outside Agencies	Category 1	Per Person	$ 0	$ 0		~~$ 0~~	
New Senior Program Assisted by City Staff	Category 3	Per Person	Cost Recovery	Cost Recovery		Cost Recovery	
New Senior Programs Assisted By Volunteers	Category 2	Per Person	$ 0	$ 0		~~$ 0~~	
Trips / Tours - Administered by Contract	Category 11	Per Person	Contracted	Contracted		Contracted	

Section 7 - Parks and Community Services

FEE DESCRIPTION	POLICY CATEGORY	UNIT	RESIDENT FEE Current Fee	RESIDENT FEE Proposed Fee	NON-RESIDENT FEE Current Fee	NON-RESIDENT FEE Proposed Fee	Comments on Proposed Changes to Fees
ecial Events							
Category 8 includes Family and Community Seasonal Non-Fee Programs approved and directed by City Council to seek potential private sector sponsorship for programs in this category to cover direct program cost where possible. This may include charging a fee							
Program Registration Fee		Per Program	$ 2.00	$ 2.00	$ ~~4.00~~		
Easter Egg Hunt*	Category 8	Per Person	FREE	FREE	~~FREE~~		
Fourth of July Parade Entry	Category 8	Per Entry	$ 30.00	$ 30.00	$ ~~44.00~~		
Fourth of July Parade Vendor	Category 8	Per Booth	$ 50.00	$ 50.00	$ ~~94.00~~		
Fourth of July Festival Arts & Crafts Booth	Category 8	Per Booth	$ 75.00	$ 75.00	$ ~~106.00~~		
Fourth of July Festival Food Booth (Commercial)	Category 8	Per Booth	$ 250.00	$ 250.00	$ ~~375.00~~		
Fourth of July Festival Food Booth (Non-Profit)	Category 8	Per Booth	$ 150.00	$ 150.00	$ ~~219.00~~		
Fourth of July Festival Service Info Booth (Non-Profit)	Category 8	Per Booth	$ 25.00	$ 25.00	$ ~~63.00~~		
Fourth of July Food Booth Deposit	Category 8	Per Booth	$ 50.00	$ 50.00	$ ~~94.00~~		
Youth Fest*	Category 8	Per Booth	FREE	FREE	~~FREE~~		
* Excludes Program Registration Fee							
n-Line Registration Processing Fee (This fee is charged by the on-line provider)							
On-Line Registration has no applicable category association.							
Transactions < $150							
Percentage of Transaction cost			6.50% *	6.50%	~~6.50%~~		
Fixed Fee per Transaction			$ 0.50 *	$ 0.50	$ ~~0.50~~		
Transactions from $150 to $500							
Percentage of Transaction cost			3.50%	3.50%	~~3.50%~~		
Fixed Fee per Transaction			$ 5.00	$ 5.00	$ ~~5.00~~		
Transactions over $500							
Percentage of Transaction cost			2.50%	2.50%	~~2.50%~~		
Fixed Fee per Transaction			$ 10.00	$ 10.00	$ ~~10.00~~		
* $2.00 minimum							

Section 7 - Parks and Community Services

FEE DESCRIPTION	POLICY CATEGORY	UNIT	RESIDENT FEE Current Fee	RESIDENT FEE Proposed Fee	NON-RESIDENT FEE Current Fee	NON-RESIDENT FEE Proposed Fee	Comments on Proposed Changes to Fees
Athletic Field Reservation							
Facilities have no applicable category association.							
Approved Moreno Valley Non-Profit Youth Groups and Unorganized Resident Group Play per field	N/A	2 Hour min.	$ 2.00	$ 2.00	~~$ N/A~~		
Approved Moreno Valley Adult Non-Profit Groups (per field)	N/A	Per Hour	$ 5.00	$ 5.00	~~$ N/A~~		
Unorganized Sports play by Private Groups and/or Non Residents per field	N/A	Per Hour	$ 10.00	$ 10.00	~~$ 19.00~~		
Organized Commercial (For Profit) Groups (per field)	N/A	Per Hour	$ 50.00	$ 50.00	~~$ 69.00~~		
Field Preparation - not included - cost recovery of staff overtime	N/A	Per Hour	$ 50.00	$ 50.00	~~$ 69.00~~		
Long Term Use - Contract Changes	N/A	Per Visit	$ 25.00	$ 25.00	~~$ 38.00~~		
Community Park Damage Deposit	N/A	N/A	$ 750.00	$ 750.00	~~$ 1,250.00~~		
Long Term Use - Annual Maintenance Fee	N/A	N/A	$ 750.00	$ 750.00	~~$ 1,250.00~~		
Cancellation /Transfer Fee	N/A	N/A	20%	20%	~~20%~~		
Athletic Field Security				Actual City Cost			New
Athletic Field Lighting							
Facilities have no applicable category association.							
Adult Groups/City Facility	N/A	Per Hour	$ 11.00	$ 15.00	~~$ 18.00~~		
Youth Groups/City Facility	N/A	Per Hour	$ 11.00	$ 15.00	~~$ 18.00~~		Athletic Field Lighting costs were increased to account for increased utility costs.
Adult Groups/Joint Use Facility	N/A	Per Hour	$ 11.00	$ 15.00	~~$ 18.00~~		
Youth Groups/Joint Use Facility	N/A	Per Hour	$ 11.00	$ 15.00	~~$ 18.00~~		
Cancellation /Transfer Fee	N/A	N/A	20%	20%	~~20%~~		
Snack Bar							
Facilities have no applicable category association.							
Moreno Valley Youth and Non-Profit Grou	N/A	Per Day	$ 20.00	$ 20.00	~~$ 31.00~~		
Moreno Valley Youth and Non-Profit Grou	N/A	Per Evening *	$ 10.00	$ 10.00	~~$ 19.00~~		
Private Groups and/or Non Residents	N/A	Per Hour	$ 30.00	$ 30.00	~~$ 50.00~~		
Commercial Groups	N/A	Per Hour	$ 50.00	$ 50.00	~~$ 94.00~~		
Cleaning Deposit Fee (required for all groups)	N/A	Per Rental	$ 125.00	$ 125.00	~~$ 156.00~~		
Key Deposit (required for all groups)	N/A	Per Group	$ 25.00	$ 25.00	~~$ 31.00~~		
** Evening hours 4:00 p.m. to 10:00 p.m.*							

Section 7 - Parks and Community Services

FEE DESCRIPTION	POLICY CATEGORY	UNIT	RESIDENT FEE Current Fee	RESIDENT FEE Proposed Fee	NON-RESIDENT FEE Current	NON-RESIDENT FEE Fee	NON-RESIDENT FEE Proposed Fee	Comments on Proposed Changes to Fees
ɪrage Unit Rental								
Facilities have no applicable category association.								
Storage Units	N/A	Per Month	$ 35.00	$ 35.00				
Over 4 hour Play								
Facilities have no applicable category association.								
Field Reservation/Non-Lighted Fields	N/A	Per Field	$ 75.00	$ 75.00	$	~~125.00~~		
Field Reservation/Non-Lighted Fields for approved non-profit youth organizations	N/A	Per Field	$ 40.00	$ 40.00	$	~~81.00~~		
Field Reservation/Lighted Fields	N/A	Per Field	$ 150.00	$ 150.00	$	~~219.00~~		
Field Reservation/Lighted Fields for approved non-profit youth organizations	N/A	Per Field	$ 75.00	$ 75.00	$	~~125.00~~		
Staff on Standby (minimum 2 hours)	N/A	Per Hour	$ 35.00	$ 35.00	$	~~56.00~~		
Booking Fee Non-Lighted Fields	N/A	Per Event	$ 75.00	$ 75.00	$	~~94.00~~		
Booking Fee Lighted Fields	N/A	Per Event	$ 150.00	$ 150.00	$	~~188.00~~		
Field Preparation-Cost Recovery	N/A	Per Field	$ 50.00	$ 50.00	$	~~78.00~~		
Mound Drop and Removal	N/A	Per Event	$ 175.00- 300.00	$ 175.00- 300.00	$	~~231.00 - 388.00~~		
Admission Gate (Pre-Approved by Director)	N/A	Per Event	25% of gate revenue	25% of gate revenue	25% of gate revenue			
Snackbar Cleaning Deposit Fee	N/A	Per Event	$ 200.00	$ 200.00	$	~~313.00~~		
Snackbar	N/A	Per Day	$ 35.00	$ 35.00	$	~~63.00~~		
Vendor Fee	N/A	Per Event	$ 100.00	$ 100.00	$	~~188.00~~		
Facility Deposit	N/A	N/A	$ 100.00	$ 100.00	$	~~188.00~~		
Cancellation/Transfer Fee	N/A	N/A	20%	20%		~~20%~~		

Section 7 - Parks and Community Services

FEE DESCRIPTION	POLICY CATEGORY	UNIT	RESIDENT FEE Current Fee	RESIDENT FEE Proposed Fee	NON-RESIDENT FEE Current Fee	NON-RESIDENT FEE Proposed Fee	Comments on Proposed Changes to Fees
Park Fees							
Facilities have no applicable category association.							
Park Reservation for Special Events	N/A	Per Day	$ 50.00	$ 50.00	~~$ 125.00~~		
Picnic Shelter Small (1-2 Tables)	N/A	Per Day	$ 37.00	$ 37.00	~~$ 78.00~~		
Picnic Shelter Medium (3-6 Tables)	N/A	Per Day	$ 80.00	$ 80.00	~~$ 163.00~~		
Picnic Shelter Large (Over 6 Tables)	N/A	Per Day	$ 156.00	$ 156.00	~~$ 390.00~~		
Cleaning/Security Deposit	N/A	Per Day	$ 75.00	$ 75.00	~~$ 125.00~~		
Special Event Permit	N/A	Per Day	$ 205.00	$ 205.00	~~$ 438.00~~		
Cancellation/Transfer Fee	N/A	N/A	20%	20%	~~20%~~		
Valley Skate Park							
This program has no applicable category association.							
Skate Park Membership fee per year	N/A	Per Person	$ 20.00	$ 20.00	~~$ 38.00~~		
Skate Park Member Session entry fee	N/A	Youth	$ 2.00	$ 1.00	~~$ 4.00~~		Skate Park session fees reduced due to decline in participation resulting from prior year fee increase.
		Adult	$ 4.00	$ 3.00	~~$ 6.00~~		
Non-member Session entry fee	N/A	Per Person	$ 4.00-5.00	$ 2.00-4.00	~~$ 6.00 - 8.00~~		
Package Protective Gear Rental	N/A	Per Person	$ 5.00	$ 5.00	~~$ 8.00~~		
Helmet Rental	N/A	Per Person	$ 3.00	$ 3.00	~~$ 5.00~~		
Helmet Deposit (ID Required or $20 Deposit)	N/A	Per Person	$ 20.00	$ 20.00	~~$ 25.00~~		
Knee Pad Rental	N/A	Per Person	$ 2.00	$ 2.00	~~$ 4.00~~		
Elbow Pad Rental	N/A	Per Person	$ 2.00	$ 2.00	~~$ 4.00~~		
Instructional Clinics/Lessons Per Session	N/A	Per Person	$ 5.00-20.00	$ 5.00-20.00	~~$ 13.00 - 31.00~~		
Hockey Rink Rental	N/A	Per Hour	$ 75.00	$ 75.00	~~$ 106.00~~		
Open Skate & Puck and Stick Session (Roller Hockey Rink)	N/A	Per Person	$ 2.00-4.00	$ 2.00-4.00	~~$ 4.00 - 6.00~~		
Roller Hockey Youth League	N/A	Per Person	$ 89.00	$ 89.00	~~$ 118.00~~		
Roller Hockey Adult League	N/A	Per Team	$ 1,000.00	$ 1,000.00	~~$ 1,281.00~~		
School District Rink Rental	N/A	Per Team	Cost Recovery for Staff	Cost Recovery for Staff	~~N/A~~		

Section 7 - Parks and Community Services

FEE DESCRIPTION	POLICY CATEGORY	UNIT	RESIDENT FEE Current Fee	RESIDENT FEE Proposed Fee	NON-RESIDENT FEE Current	NON-RESIDENT FEE Fee	NON-RESIDENT FEE Proposed Fee	Comments on Proposed Changes to Fees
Golf Course								
This program has no applicable category association.								
Adult - 18 Holes (Mon. - Fri.)	N/A	Per Person	$ 11.00	$ 11.00	$		~~15.00~~	
Adult - 9 Holes (Mon. - Fri.)	N/A	Per Person	$ 8.00	$ 8.00	$		~~11.00~~	
Seniors 55 & Over - 18 Holes (Mon. - Fri.)	N/A	Per Person	$ 9.00	$ 9.00	$		~~13.00~~	
Seniors 55 & Over - 9 Holes (Mon. - Fri.)	N/A	Per Person	$ 6.50	$ 6.50	$		~~9.00~~	
Students Under 18 - 18 Holes (Mon. - Fri.)	N/A	Per Person	$ 9.00	$ 9.00	$		~~13.00~~	
Students Under 18 - 9 Holes (Mon. - Fri.)	N/A	Per Person	$ 6.50	$ 6.50	$		~~9.00~~	
18 Holes - Weekends, Holidays, Tournament Play	N/A	Per Person	$ 14.00	$ 14.00	$		~~19.00~~	
9 Holes - Weekends, Holidays, Tournament Play	N/A	Per Person	$ 9.50	$ 9.50	$		~~13.00~~	
Monthly Cards: Seniors (Mon.-Fri.) Unlimited Play	N/A	Per Person	$ 65.00	$ 65.00	$		~~100.00~~	
Monthly Cards: Juniors (Mon.-Fri.) Unlimited Play	N/A	Per Person	$ 65.00	$ 65.00	$		~~100.00~~	
Monthly Cards: Adults (Mon.-Fri.) Unlimited Play	N/A	Per Person	$ 90.00	$ 90.00	$		~~131.00~~	
Monthly Cards: Family of 4 (Mon.-Fri.) Unlimited Play	N/A	Per Group	$ 170.00	$ 170.00	$		~~225.00~~	
Punch Cards: Seniors = Ten 9-Hole Rounds	N/A	Per Card	$ 50.00	$ 50.00	$		~~75.00~~	
Punch Cards: Adults = Ten 9-Hole	N/A	Per Card	$ 75.00	$ 75.00	$		~~106.00~~	
Punch Cards: Juniors = Ten 9-Hole Rounds	N/A	Per Card	$ 50.00	$ 50.00	$		~~75.00~~	
Youth After School Cards = 3 months (Local schools + up to 17 yrs old) M - F = 3 pm until dusk	N/A	Per Person	$ 90.00	$ 90.00	$		~~N/A~~	
Cart Rental	N/A	Per Cart	$ 2.50	$ 2.50	$		~~3.00~~	
Club Rental	N/A	Per Set	$ 5.00	$ 5.00	$		~~6.00~~	
Locker Rentals = with Monthly Card	N/A	Per Person	$ 5.00	$ 5.00	$		~~N/A~~	
Locker Rentals = without Monthly Card	N/A	Per Person	$ 10.00	$ 10.00	$		~~N/A~~	

Section 7 - Parks and Community Services

Facility Rental

Senior Center

User Group	Classification	Room	Minimum Time	Comments	Unit	Current Fee	Proposed Fee
Group 1	City sponsored/conducted events, governmental agencies (Federal, State, County) and educational institutions with reciprocal arrangements (defined below)	Banquet Room	4 hours	Monday through Thursday (with Kitchen	Per Hour	$ 10.00	$ 10.00
		Banquet Room	2 hours	Friday through Sunday (with Kitchen)	Per Hour	$ 20.00	$ 20.00
		Classroom I and II	2 hours	Monday through Thursday	Per Hour	$ -	$ -
		Classroom I or II	2 hours	Monday through Thursday	Per Hour	$ -	$ -
		Arts & Crafts I and II	2 hours	Monday through Thursday	Per Hour	$ -	$ -
		Arts & Crafts I or II	2 hours	Monday through Thursday	Per Hour	$ -	$ -
					Service/Facility fees may apply		Service/Facility fees may apply
Group 2	City of Moreno Valley resident, non-profit resident organization, Moreno Valley commercial groups for social activities, government agencies (Federal, State, County) and educational institutions. Proof of residency may be required.	Banquet Room	4 hours	Monday through Thursday	Per Hour	$ 45.00	$ 45.00
		Banquet Room	2 hours	Friday through Sunday	Per Hour	$ 100.00	$ 100.00
		Classroom I and II	2 hours	Monday through Thursday	Per Hour	$ 55.00	$ 55.00
		Classroom I or II	2 hours	Monday through Thursday	Per Hour	$ 40.00	$ 40.00
		Arts & Crafts I and II	2 hours	Monday through Thursday	Per Hour	$ 45.00	$ 45.00
		Arts & Crafts I or II	2 hours	Monday through Thursday	Per Hour	$ 30.00	$ 30.00
					Service/Facility fees may apply		Service/Facility fees may apply
Group 3	Non-Resident and non-resident non-profit agencies. Proof of non-profit status may be required. Commercial use.	Banquet Room	4 hours	Monday through Thursday	Per Hour	$ 100.00	$ 100.00
		Banquet Room	2 hours	Friday through Sunday	Per Hour	$ 175.00	$ 175.00
		Classroom I and II	2 hours	Monday through Thursday	Per Hour	$ 125.00	$ 125.00
		Classroom I or II	2 hours	Monday through Thursday	Per Hour	$ 68.00	$ 68.00
		Arts & Crafts I and II	2 hours	Monday through Thursday	Per Hour	$ 100.00	$ 100.00
		Arts & Crafts I or II	2 hours	Monday through Thursday	Per Hour	$ 58.00	$ 58.00
					Service/Facility fees may apply		Service/Facility fees may apply

Service/Facility		Current Fee	Proposed Fee
Refundable Cleaning / Security Deposit		$ 300.00	$ 300.00
Setup / Reset Charge (if applicable)		$ 75.00	$ 75.00
Main Kitchen (Only)		$ 100.00	$ 100.00
Cleaning		$130.00 - $150.00	$130.00 - $150.00
Decorating	Per Hour	$ 25.00	$ 25.00
Overtime Staff Charge	Per Hour	Cost Recovery	Cost Recovery
Staff Time	Per Hour	$20.00 - $30.00	$20.00 - $30.00
Security Services	Per Hour	$20.00 - $25.00	$20.00 - $25.00
False Fire / Police Alarm penalty (per each false alarm)	Per False Alarm	$ 200.00	$ 200.00
False Alarm - Fire penalty	Per False Alarm	$ 28.00	$ 28.00
False Alarm - Police penalty	Per Hour	$ 150.00	$ 150.00
Insurance		Cost Recovery	Cost Recovery
Cancellation Fee		$ 300.00	$ 300.00

RECIPROCAL ARRANGEMENTS

Reciprocal arrangements are defined as a relationship of mutual facility use between the City of Moreno Valley and/or Moreno Valley Community Services District and governmental, educational agencies or resident non-profit organizations. Where reciprocal arrangements exist, no rental fee will be charged. However, cost recovery for staff and/or extraordinary expenses will be passed on to the user.

Section 7 - Parks and Community Services

Towngate Community Center

User Group	Classification	Room	Minimum Time	Comments	Unit	Current Fee	Proposed Fee
Group 1	City sponsored/conducted events, governmental agencies (Federal, State, County) and educational institutions with reciprocal arrangements (defined below)	Multipurpose Room (with Kitchen)	2 Hours	Monday through Thursday	Per Hour	$ 15.00	$ 15.00
			4 hours	Friday through Sunday	Per Hour	$ 15.00	$ 15.00
						Service/Facility fees may apply	Service/Facility fees may apply
Group 2	City of Moreno Valley resident, non-profit resident organization, Moreno Valley commercial groups for social activities, government agencies (Federal, State, County) and educational institutions. Proof of residency may be required.	Multipurpose Room (with Kitchen)	2 Hours	Monday through Thursday	Per Hour	$ 60.00	$ 60.00
			4 Hours	Friday through Sunday	Per Hour	$ 70.00	$ 70.00
						Service/Facility fees may apply	Service/Facility fees may apply
Group 3	Non-Resident and non-resident non-profit agencies. Proof of non-profit status may be required. Commercial use.	Multipurpose Room (with Kitchen)	2 Hours	Monday through Thursday	Per Hour	$ 80.00	$ 80.00
			4 Hours	Friday through Sunday	Per Hour	$ 90.00	$ 90.00
						Service/Facility fees may apply	Service/Facility fees may apply
Group 4	Resident of Renaissance Park Housing Development	Multipurpose Room (with Kitchen)	2 Hours	Monday through Thursday			
				First two hours	Per Hour	$ 25.00	$ 25.00
				Thereafter	Per Hour	$ 60.00	$ 60.00
			4 Hours	Friday through Sunday			
				First two hours	Per Hour	$ 18.00	$ 18.00
				Thereafter	Per Hour	$ 70.00	$ 70.00
						Service/Facility fees may apply	Service/Facility fees may apply

Service/Facility	Unit	Current Fee	Proposed Fee
Refundable Security Deposit	Per Hour	$ 200.00	$ 200.00
Setup/Reset Charge (if applicable)		$ 25.00	$ 25.00
Cleaning Fee		$130.00 - $150.00	$130.00 - $150.00
Cancellation Fee		$ 200.00	$ 200.00
Staff Regular Time	Per Hour	$20.00 - $30.00	$20.00 - $30.00
Staff Overtime		Cost Recovery	Cost Recovery
Decorating	Per Hour	$ 25.00	$ 25.00
Set-up Time and Tear Down of Event	Per Hour	$ 25.00	$ 25.00
False Alarm - Fire	Per Alarm	$ 200.00	$ 200.00
False Alarm - Police	Per Alarm	$ 28.00	$ 28.00
Unscheduled Program Use	Per Hour	$ 100.00	$ 100.00
Security Services	Per Hour	$20.00 - $25.00	$20.00 - $25.00

RECIPROCAL ARRANGEMENTS

Reciprocal arrangements are defined as a relationship of mutual facility use between the City of Moreno Valley and/or Moreno Valley Community Services District and governmental, educational agencies or resident non-profit organizations. Where reciprocal arrangements exist, no rental fee will be charged. However, cost recovery for staff and/or extraordinary expenses will be passed on to the user.

Section 7 - Parks and Community Services

Conference and Recreation Center

User Group	Classification	Room	Minimum Time	Comments	Unit	Current Fee	Proposed Fee
Group 1	City sponsored/conducted events	Grand Valley Ballroom with small patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 25.00	$ 25.00
		Grand Valley Ballroom with large patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 25.00	$ 25.00
		Grand Valley Ballroom with small patio	3 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 25.00	$ 25.00
		Grand Valley Ballroom with large patio	3 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 25.00	$ 25.00
		Alessandro Room	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 12.00	$ 12.00
		Alessandro Room	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 12.00	$ 12.00
		Dance Studio	2 Hours	Monday through Sunday	Per Hour	$ 12.00	$ 12.00
		Gymnasium	2 Hours	Monday through Sunday	Per Hour	$ 12.00	$ 12.00
		Little Rascals Room	2 Hours	Monday through Sunday	Per Hour	$ 25.00	$ 25.00
		Frank E. Brown Room	2 Hours	Monday through Sunday	Per Hour	$ 25.00	$ 25.00
						Service/Facility fees may apply	Service/Facility fees may apply
Group 2	City of Moreno Valley resident, non-profit resident organization, Moreno Valley commercial groups for social activities, government agencies (Federal, State, County) and educational institutions. Proof of residency may be required.	Grand Valley Ballroom with small patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 160.00	$ 160.00
		Grand Valley Ballroom with large patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 210.00	$ 210.00
		Grand Valley Ballroom with small patio	3 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 250.00	$ 250.00
		Grand Valley Ballroom with small patio	3 Hours	Saturday	Per Hour	$ 300.00	$ 300.00
		Grand Valley Ballroom with large patio	2 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 300.00	$ 300.00
		Grand Valley Ballroom with large patio	3 Hours	Saturday	Per Hour	$ 350.00	$ 350.00
		Alessandro Room (Full)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 50.00	$ 50.00
		Alessandro Room (Half)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 25.00	$ 25.00
		Alessandro Room (Half)	2 Hours	Long Term Rental 2-12 months	Per Hour	$ 20.00	$ 20.00
		Alessandro Room (Full)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 50.00	$ 50.00
		Alessandro Room (Half)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 25.00	$ 25.00
		Frank E. Brown Room	2 Hours	Monday through Sunday	Per Hour	$ 25.00	$ 25.00
		Dance Studio	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 30.00	$ 30.00
		Dance Studio	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 45.00	$ 45.00
		Entire Gymnasium	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 50.00	$ 50.00
		Half Gymnasium	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 25.00	$ 25.00
		Little Rascals Room	2 Hours	Monday through Sunday	Per Hour	$ 40.00	$ 40.00
						Service/Facility fees may apply	Service/Facility fees may apply
Group 3	Non-Resident and non-resident non-profit agencies. Proof of non-profit status may be required. Commercial use.	Grand Valley Ballroom with small patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 200.00	$ 200.00
		Grand Valley Ballroom with large patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 250.00	$ 250.00
		Grand Valley Ballroom with small patio	2 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 300.00	$ 300.00
		Grand Valley Ballroom with small patio	3 Hours	Saturday	Per Hour	$ 400.00	$ 400.00
		Grand Valley Ballroom with large patio	3 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 350.00	$ 350.00
		Grand Valley Ballroom with large patio	3 Hours	Saturday	Per Hour	$ 400.00	$ 400.00
		Alessandro Room (Full)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 75.00	$ 75.00
		Alessandro Room (Half)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 40.00	$ 40.00
		Alessandro Room (Half)	2 Hours	Long Term Rental 2-12 months	Per Hour	$ 20.00	$ 20.00
		Alessandro Room (Full)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 75.00	$ 75.00
		Alessandro Room (Half)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 40.00	$ 40.00
		Frank E. Brown Room	2 Hours	Monday through Sunday	Per Hour	$ 40.00	$ 40.00
		Dance Studio	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 75.00	$ 75.00
		Dance Studio	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 110.00	$ 110.00
		Entire Gymnasium	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 100.00	$ 100.00
		Half Gymnasium	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 50.00	$ 50.00
		Little Rascals Room	2 Hours	Monday through Sunday	Per Hour	$ 40.00	$ 40.00
						Service/Facility fees may apply	Service/Facility fees may apply

Section 7 - Parks and Community Services

Conference and Recreation Center (Cont.)

Service/Facility		Unit	Current Fee	Proposed Fee
Grand Valley Ballroom Refundable Security Deposit			$750.00 - $1,500.00	$750.00 - $1,500.00
Alessandro Room Refundable Security Deposit			$ 100.00	$ 100.00
Frank E. Brown Room Refundable Security Deposit			$ 100.00	$ 100.00
Dance Studio Refundable Security Deposit			$250.00 - $500.00	$250.00 - $500.00
Gymnasium Refundable Security Deposit			$250.00 - $500.00	$250.00 - $500.00
Grand Valley Ballroom Set-up Time and Tear Down of Event Minimum of one hour prior and one hour following event. Maximum of two hours.		Per Hour	$ 31.00	$ 31.00
Alessandro Room Set-up Time and Tear Down of Event Minimum of one hour prior and one hour following event. Maximum of two hours.		Per Hour	$ 25.00	$ 25.00
Scoreboard and Controller		Per Day	$ 20.00	$ 20.00
Extended Facility Use	Entire Gymnasium	Per Hour	$ 100.00	$ 100.00
	Half Gymnasium	Per Hour	$ 50.00	$ 50.00
	Grand Valley Ballroom	Per Hour	$ 450.00	$ 450.00
False Alarm - Fire		Per Alarm	$ 200.00	$ 200.00
False Alarm - Police		Per Alarm	$ 28.00	$ 28.00
Cleaning Fee			$200.00 - $230.00	$200.00 - $230.00
Unscheduled Program Use		Per Hour	$ 100.00	$ 100.00
Insurance			Cost Recovery	Cost Recovery
Decorating		Per Hour	$ 31.00	$ 31.00
Audio Visual Technician		Per Hour	$35.00 - $45.00	$35.00 - $45.00
Staff Time		Per Hour	$20.00 - $30.00	$20.00 - $30.00
Staff Overtime (per hour)			Cost Recovery	Cost Recovery
Security Services		Per Hour/Per Guard	$20.00 - $25.00	$20.00 - $25.00

Equipment Rental	Current Fee	Proposed Fee
TV/VCR/DVD	$25	$25
Coffee Pot (12 cup)	$6	$6
Coffee Pot (55 cup)	$20	$20
Coffee Pot (100 cup)	$40	$40
Linen Rental	$5	$5
AV Projector	$25	$25
Overhead Projector	$20	$20
Microphone (cordless)	$25	$25
Deluxe Sound System (small system available at no charge)	$100	$100
Dance Floor - 500 sq.ft. thru 1000 sq. ft. (includes set-up)	$200	$200
Easel	$10	$10
Portable Bar	$50	$50
Projection Screen	No charge	No charge
Flags	No charge	No charge
Podium with microphone	No charge	No charge

* Tables and chairs are included in the room rental fee.
* Linens, cutlery, decorations, and patio furniture are not included with the room rental fee.
* Replacement fee will be assessed if equipment is damaged or destroyed.
* Rental equipment fees are subject to change without notice.
* Fees are subject to cost recovery charges.

RECIPROCAL ARRANGEMENTS

Reciprocal arrangements are defined as a relationship of mutual facility use between the City of Moreno Valley and/or Moreno Valley Community Services District and governmental, educational agencies or resident non-profit organizations. Where reciprocal arrangements exist, no rental fee will be charged. However, cost recovery for staff and/or extraordinary expenses will be passed on to the user.

Section 7 - Parks and Community Services

Mobile Stage Unit

Categories	Mandatory Staff Fee		Refundable Cleaning Deposit	Unit	Current Fee	Proposed Fee
	Stage Unit with Platforms (3 staff)	(2 staff)				
Category I	Cost Recovery	Cost Recovery				
			No Charge		No Charge	No Charge
Category II						
Within Moreno Valley City Boundaries	Cost Recovery	Cost Recovery	$ 100.00	Per Day	$ 135.00	$ 135.00
Boundaries Outside of Moreno Valley	Cost Recovery	Cost Recovery	$ 100.00	Per Day	$ 575.00	$ 575.00
Category III						
	Cost Recovery	Cost Recovery	$ 100.00	Per Day	$ 125.00	$ 125.00
Category IV						
	Cost Recovery	Cost Recovery	$ 100.00	Per Day	$ 335.00	$ 335.00
Category V						
	Cost Recovery	Cost Recovery	$ 100.00	Per Day	$ 560.00	$ 560.00

CATEGORY DEFINITIONS	
Category I:	Parks and Community Services Department, City sponsored and/or city co-sponsored events.
Category II:	Other governmental agencies (city, county, federal or state) and educational institutions (school districts).
Category III:	A Moreno Valley based non-profit service organization that holds monthly meetings within the City of Moreno Valley's city boundaries. Organization must have a City of Moreno Valley mailing address. Organization's primary purpose must be charity, youth development, cultural enrichment, or civic improvement; and must show proof of non-profit status (Section 501(c)(3) and 501(c)(4) of Internal Revenue Code). Organization must show a viable organizational structure including with the application a listing of board officers' names, addresses and telephone numbers.
Category IV:	Moreno Valley businesses located within the City of Moreno Valley's city boundaries.
Category V:	Non-Moreno Valley based businesses and non-profit organizations for use only within the City of Moreno Valley's city boundaries.

MOBILE STAGE UNIT MISCELLANEOUS INFORMATION

DIMENSIONS Stage When Extended	
Interior Length	36'
Interior Depth	13', 6"
Body of Mobile Stage Unit	
Width	8 feet
Length	40', 45' hitch
Height of Back Wall	92" or 7'-8'
Platforms	
Extra Stage - Total of 9 Each	4' X 8'

AMENITIES INCLUDED IN MOBILE STAGE UNIT COST

Skirting around mobile stage unit

Generator

OPTIONAL AMENITIES

Sound System available at an additional cost of $50.00 per day plus $100.00 refundable security / deposit.

Sound System include: Amplifier - Includes 8 Channels

Two (2) Large speakers with stands

Two (2) microphones with stands

Tape deck

Section 7 - Parks and Community Services

Equestrian Center

User Group	Classification		Current Fee		Proposed Fee
Group 1	City sponsored/conducted events, non-profit organizations, governmental agencies (Federal, State, County) and Educational Institutions with reciprocal arrangements (defined below).		$ 0	*	$ 0
Group 2	City of Moreno Valley resident (proof of residency may be required), resident non-profit organization (proof of residency may be required), governmental agencies (Federal, State, County) and Education Institutions.		$ 100.00	*	$ 100.00
Group 3	Moreno Valley commercial groups - social activities.	Per Day	$ 125.00	*	$ 125.00
Group 4	Non-Resident, non-profit, (proof of non-profit status may be required).	Per Day	$ 125.00	*	$ 125.00
Group 5	Resident, commercial use for profit.	Per Day	$ 125.00	*	$ 125.00
Group 6	Non-Resident, commercial use for profit.	Per Day	$ 125.00	*	$ 125.00

* Service/Facility Use Fees may apply

SERVICE / FACILITY USE FEES

Service / Facility	Current Fee	Proposed Fee
Refundable Security Deposit	$ 300.00	$ 300.00
Tractoring Fee (if applicable), each	$ 100.00	$ 100.00
Standby Tractoring Fee	$ 50.00	$ 50.00
Water Key Deposit	$ 25.00	$ 25.00
Cancellation	$ 25.00	$ 25.00
Staff Overtime (per hour)	Cost Recovery	Cost Recovery

RECIPROCAL ARRANGEMENTS

Reciprocal arrangements are defined as a relationship of mutual facility use between the City of Moreno Valley and/or Moreno Valley Community Services District and governmental, educational agencies or resident non-profit organizations. Where reciprocal arrangements exist, no rental fee will be charged. However, cost recovery for staff and/or extraordinary expenses will be passed on to the user.

Section 8 - Police

	Unit	Current Fee		Proposed Fee	Comments on Proposed Changes to Fees
ABC Letter (Alcohol Beverage Control Letter)	Each	$ 19.00		$ 19.00	
Administrative Citations					
1st Offense		$ 100.00	MC 1.01.230	$ 100.00	
2nd Offense		$ 200.00	MC 1.01.230	$ 200.00	
3rd Offense		$ 500.00	MC 1.01.230	$ 500.00	
Bingo Permit	Annual	$ 50.00	Fee set by PC 326.5/Ord 611 11.50.050	$ 50.00	
Certification of Police Records	Each	$ 5.00		$ 5.00	
Clearance Letter	Each	$ 10.00	GC6253(b)	$ 10.00	
Citation Sign-off for Non-Resident	Each	$ 15.00	GC26746.1	$ 15.00	
Concealed Weapons Permit	Processed by the Riverside County Sheriff's Department				
Explosive Permit (fingerprinting)	See Fingerprinting: Live Scan				
False Alarm Response					
Burglary	per Occurrence	$ 30.00		$ 30.00	
Robbery	per Occurrence	$ 120.00		$ 120.00	
Fingerprinting (Live Scan)					
Processing through DOJ and FBI	per Set	$ 51.00	Fee set by DOJ and FBI	$ 51.00	
Processing through DOJ	per Set	$ 32.00	Fee set by DOJ	$ 32.00	
Processing fee	per Set	$ 10.00	PC 13300(e)	$ 10.00	
Juvenile Daytime Curfew Ordinance Police Service Fee (plus fine amount)		$ 30.00	MC 11.05.080	$ 30.00	

Section 8 - Police

	Unit	Current Fee		Proposed Fee	Comments on Proposed Changes to Fees
Photographs					
Photographs: Traffic Collisions (3"x5" or 8"x10")*	Each	$ 21.00		$ 21.00	
Taking of Polaroid photograph and providing photo/slide and negative (3"x5" or 8"x10")	Each	$ 21.00		$ 21.00	
Taking of Polaroid photograph or reprint	Each	$ 12.00		$ 12.00	
Color Copy of Digital Photo	Each	$ 5.00		$ 5.00	
Mug Shot/Booking Photo	Each	$ 5.00		$ 5.00	
Police Services at Public Event					
Police Sergeant	per Hour	~~$ 85.29~~	Fully burdened City cost per contract	$ 84.29	Changed based on contract rate
Police Officer	per Hour	~~$ 64.97~~	Fully burdened City cost per contract	$ 66.19	Changed based on contract rate
Community Services Officer	per Hour	~~$ 44.74~~	Fully burdened City cost per contract	$ 46.20	Changed based on contract rate
Reports					
Collision and Crime	up to 10 pages	$ 5.00		$ 5.00	
	each additional page	$ 0.20		$ 0.20	
Repossession Fee		$ 15.00	Fee set by GC26751 & GC41612	$ 15.00	
Second Hand Dealers License					
State Initial License		$ 195.00	Bus & Prof Code 21641	$ 195.00	
Renewal		$ 12.00	Bus & Prof Code 21642	$ 12.00	
Fingerprinting (Live Scan)		$ 32.00	Fee set by DOJ	$ 32.00	
Live Scan processing fee		$ 10.00	PC 13300(e)	$ 10.00	
Security Clearance Information Act (SCIA) - Local Records Check		$ 5.00	Federal Statute Title 5 Chapter 91 Section 9101	$ 5.00	
Taxicab					
Application Processing	Annual	$ 152.00		$ 152.00	
Taxicab Driver Permit	Annual / per Driver	$ 11.00		$ 11.00	
Taxicab Permit	Annual / per Taxicab	$ 11.00		$ 11.00	
Fingerprinting/Background Check		See Fingerprinting: Live Scan			
Tow Truck					
Driver Fee	Annual	$ 24.00		$ 24.00	
Fingerprinting/Background Check		See Fingerprinting: Live Scan			

Section 8 - Police

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Vehicle Release		$ 120.00	$ 120.00	
Massage				
Appeal Fee (Operator and technician)		$ 139.00	$ 139.00	
Application Fee and Renewal		$ 13.00	$ 13.00	
Inspection Fee		$ 135.00	$ 135.00	
Background Check, Fingerprinting and photo				
Initial		$ 167.00	$ 167.00	
Renewal		$ 67.00	$ 67.00	
Testing Fee (Operator and technician)		$ 93.00	$ 93.00	

Section 9 - Public Works

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Administration				
Plans and Specification Fee (non-refundable)		Actual cost ($10 min)	Actual cost ($10 min)	
Copy of Capital Improvement Plan	Each	Actual City Cost	Actual City Cost	
Self Haul Permit (Solid Waste)	Each	$ 41.00	$ 41.00	

Land Development

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Note: Projects equal to or in excess of $50,000,000 in total value will qualify to be considered for inclusion in the City's pilot program utilizing Time-and-Material charging/billing methodology for plan checks and inspections. For more information on this pilot program please contact the City Manager's Office.				
LEGAL AND OTHER DOCUMENTS				
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted				
Lot Line Adjustment	Each	$ 936.00	$ 936.00	
Certificate of Parcel Merger	Each	$ 936.00	$ 936.00	
Certificate of Correction	Each	$ 469.00	$ 469.00	
Certificate of Compliance	Each	$ 758.00	$ 758.00	
Conditional Certificate of Compliance	Each	$ 1,178.00	$ 1,178.00	
Street Vacation				
Summary	Each	$ 1,139.00	$ 1,139.00	
Full	Each	$ 3,782.00	$ 3,782.00	
Condemnation				
Initial Processing Deposit	Deposit	$ 5,000.00 +	$ 5,000.00 +	
Right of Way Acquisition and Processing (minimum)	Deposit (per lot)	$ 5,000.00 Amount determined by City Engineer. Not to exceed total City cost.	$ 5,000.00 Amount determined by City Engineer. Not to exceed total City cost.	
Document Review and Processing				
Minor Documents (Staff Reports, Offers of Dedication, Easement Deeds, Grant Deeds, Centerline Tie Sheets, Public Improvement Agreements, etc) (For 2 Reviews)	Each	$ 752.00	$ 752.00	
Major Documents (Where Minor Document review fees are indeterminate)	Each	Amount determined by City Engineer. Not to exceed total City cost.	Amount determined by City Engineer. Not to exceed total City cost.	
Public Improvement Agreement (Extension)	Each	$ 879.00	$ 879.00	
Partial Bond Release	Each	$ 1,694.00	$ 1,694.00	
Assurance of Construction (Grading, Damage and Minor Construction Securities)	Deposit	Security amount determined by City Engineer	Security amount determined by City Engineer	

Section 9 - Public Works

and Development

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
MAP CHECKING				
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted				
Parcel Map and Tract Map	Each	$ 3,860.00 +	$ 3,860.00 +	
	per Lot	$ 41.00	$ 41.00	
4th and Subsequent ~~Submittals~~ Reviews (Parcel and Tract)	per Sheet, per Review	$ 190.00	$ 190.00	
Amended Map (Parcel and Tract)	Each	$ 2,156.00	$ 2,156.00	
4th and Subsequent ~~Submittals~~ Reviews (Parcel and Tract)	per Sheet, per Review	$ 190.00	$ 190.00	
Reversion to Acreage	Each	$ 1,634.00	$ 1,634.00	
Monument Review Field		5% of Bond or $415 min	5% of Bond or $415 min	
Survey Monument Restoration (Two Reviews, Per Set)	Each	$ 257.00	$ 257.00	
IMPROVEMENT PLAN CHECK (Includes but is not limited to Street Improvements, Storm Drain, Water, Sewer, etc Plans)				
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted				
~~Off-site 1-3 submittals~~				
<= $100,000 of Engineer's estimate		4.00% +	4.00% +	
$100,001-$250,000 of Engineer's estimate		3.00% +	3.00% +	
> $250,000 of Engineer's estimate		2.50%	2.50%	
On-site Improvements (For non-single family residential, based on Engineer's estimate)		1.00%	1.00%	
4th and Subsequent ~~Submittals~~ Reviews (Improvement Plans)	per Sheet, per Review	$ 248.00 Or as directed by the City Engineer. Not to exceed total City cost.	$ 248.00 Or as directed by the City Engineer. Not to exceed total City cost.	
For Multi-Agency Improvement Plans for facilities to be maintained by agencies other than the City of Moreno Valley	Deposit, which will be valued at one-half of the fee that would typically be charged for plan check services.		Actual time and materials at fully-burdened wage rate including overhead; not to exceed actual City costs.	NEW, based on direction from 4/28/09 Council Meeting
Revisions (Improvement Plans)				
Minor (Including As-builts, minimum fee*)	per Sheet, per Review	$ 261.00	$ 261.00	
Major (minimum fee)	per Sheet, per Review	$ 269.00 Amount determined by the City Engineer. Fee not to exceed total City cost.	$ 269.00 Amount determined by the City Engineer. Fee not to exceed total City cost.	

* For As-Builts with no changes, a one sheet fee is required.

Land Development

	Unit	Current Fee		Proposed Fee		Comments on Proposed Changes to Fees
MASS/ROUGH GRADING PLAN CHECK						
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted						
Subdivisions and Custom Homes						
0-5,000 CY		$ 1,928.00		$ 1,928.00		
5,001-100,000 CY ~~(plus)~~		$ 1,928.00	+	$ 1,928.00	+	
Each Additional 5,000 CY		$ 318.00		$ 318.00		
> 100,000 CY ~~(plus)~~		$ 7,970.00	+	$ 7,970.00	+	
Each Additional 10,000 CY		$ 107.00		$ 107.00		
Non Subdivisions						
0-5,000CY		$ 1,928.00		$ 1,928.00		
5,001-100,000 CY ~~(plus)~~		$ 1,928.00	+	$ 1,928.00	+	
Each Additional 5,000 CY		$ 284.00		$ 284.00		
> 100,000 CY ~~(plus)~~		$ 7,315.00	+	$ 7,315.00	+	
Each Additional 10,000 CY		$ 70.00		$ 70.00		
4th and Subsequent ~~Submittals~~ Reviews (Mass/Rough Grading Plans)	per Sheet, per Review	$ 207.00		$ 207.00		
Revisions (Mass/Rough Grading Plans)						
Minor (Including As-Builts, minimum fee*)	per Sheet, per Review	$ 247.00		$ 247.00		
Major (minimum fee)	per Sheet, per Review	$ 294.00		$ 294.00		
* For As-Builts with no changes, a one sheet fee is required.						
STOCKPILE/BORROW SITE PLAN				Actual amount determined by the City Engineer. Fee not to exceed total City cost.		
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted						
0-5,000CY +		$ 584.00	+	$ 584.00	+	
5,001-100,000 CY +		$ 1,009.00	+	$ 1,009.00	+	
> 100,000 CY		$ 1,401.00		$ 1,401.00		
4th and Subsequent ~~Submittals~~ Reviews (Stockpile/Borrow Plans)	per Sheet, per Review	$ 207.00		$ 207.00		
Revisions (Stockpile/Borrow Plans)						
Minor	per Sheet, per Review	$ 247.00		$ 247.00		
Major (minimum fee)	per Sheet, per Review	$ 294.00		$ 294.00		
		Actual amount determined by the City Engineer. Fee not to exceed total City cost.		Actual amount determined by the City Engineer. Fee not to exceed total City cost.		
PRECISE GRADING PLAN CHECK						
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted						
Subdivisions and Custom Homes	Each	$ 1,837.00	+	$ 1,837.00	+	
	per Lot	$ 70.00		$ 70.00		

Section 9 - Public Works

and Development

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Non subdivisions				
0-5,000CY		$ 1,838.00	$ 1,838.00	
5,001-100,000 CY ~~(plus)~~		$ 1,838.00 +	$ 1,838.00 +	
Each Additional 5,000 CY		$ 284.00	$ 284.00	
> 100,000 CY ~~(plus)~~		$ 7,234.00 +	$ 7,234.00 +	
Each Additional 10,000 CY		$ 70.00	$ 70.00	
4th and Subsequent ~~Submittals~~ Reviews (Precise Grading Plans)	per Sheet, per Review	$ 218.00	$ 218.00	
Revisions (Precise Grading Plans)				
Minor (Including As-Builts, minimum fee*)	per Sheet, per Review	$ 247.00	$ 247.00	
Major (minimum fee)	per Sheet, per Review	$ 294.00	$ 294.00	
* For As-Builts with no changes, a one sheet fee is required.		Actual amount determined by the City Engineer. Fee not to exceed total City cost.	Actual amount determined by the City Engineer. Fee not to exceed total City cost.	
STORM WATER MANAGEMENT PLAN CHECK				
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted				
Water Quality Basins (SFR Projects) (Civil Drawings ~~Maximum 3 Submittals~~)	Per Sheet	$ 1,443.00	$ 1,443.00	
Water Quality Treatment (Non SFR Projects) (Civil Drawings ~~Maximum 3 Submittals~~)	Per Sheet	$ 1,443.00	$ 1,443.00	
4th and Subsequent ~~Submittal~~ Reviews (Civil Drawings)	per Sheet, per Review	$ 247.00	$ 247.00	
Water Quality Basin Landscaping (Landscape Drawings ~~Maximum 3 Submittals~~)				
Base Fee (7 sheets ~~&~~ Maximum ~~3 Submittals~~)		$ 5,925.00	$ 5,925.00	
Each Additional Sheet ~~& Maximum 3 Submittals~~		$ 830.00	$ 830.00	
4th and Subsequent ~~Submittals~~ Reviews (Landscape Drawings)	per Sheet, per Review	$ 178.00	$ 178.00	
Hydrology & Hydraulic Calculations for Treatment Control Devices	Each	$ 464.00	$ 464.00	
Storm Water Pollution Prevention Plan (SWPPP) Document Review	Each	$ 655.00	$ 655.00	

Section 9 - Public Works

Land Development

	Unit	Current Fee		Proposed Fee		Comments on Proposed Changes to Fees
STUDIES						
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted						
Flood Plain (CLOMR/LOMR)						
1-10 Acres (Tributary)	Each	$ 3,385.00		$ 3,385.00		
Over 10 Acres ~~(plus)~~	Each	$ 3,385.00	+	$ 3,385.00	+	
Each Acre over 10 Acres	per Acre	$ 20.00		$ 20.00		
Drainage (Hydrology/Hydraulics)						
0-50 Acres (Tributary)	per Acre	$ 48.00	$450 minimum	$ 48.00	$450 minimum	
51-100 Acres	Each	$ 2,423.00	+	$ 2,423.00	+	
Each Additional Acre over 50	per Acre	$ 6.00		$ 6.00		
101-1,000 Acres	Each	$ 2,723.00	+	$ 2,723.00	+	
Each Additional Acre over 100	per Acre	$ 4.00		$ 4.00		
Over 1,000 Acres	Each	$ 6,323.00	+	$ 6,323.00	+	
Each Additional Acre over 1,000	per Acre	$ 1.00		$ 1.00		
4th and Subsequent ~~Submittals~~ Review	Each Review	Total City Cost		Total City Cost		
Preliminary Drainage Study (Entitlement Stage) ~~(Maximum 3 Submittals)~~	Each	$ 464.00		$ 464.00		
Preliminary Water Quality Management Plan (P-WQMP)						
WQMP Preliminary Document Review						
First Two Reviews Only (Consultant and Admin)		$ 934.00		$ 934.00		
Third and Subsequent Reviews (Fee for Consultant Only)	Each Review	$ 321.00		$ 321.00		
Meeting and Teleconferences	per Hour	$ 206.00		$ 206.00		
Final Water Quality Management Plan (F-WQMP)						
WQMP Final Document Review						
(Initial fee includes Document Review, Teleconferences and Meetings)						
Basic Review (Maximum 2 Reviews and 2 Meetings)		$ 1,098.00		$ 1,098.00		
(Applies to Hillside Residential ≤ 9 Units)						
Subsequent Reviews	Each Review	$ 750.00		$ 750.00		
Subsequent Meetings	~~Each~~ per Hour	$ 250.00		$ 250.00		
Subsequent Teleconferences	~~Each~~ per Hour	$ 150.00		$ 150.00		
Standard Review (Maximum 2 Reviews and 2 Meetings)		$ 4,290.00		$ 4,290.00		
(Applies to Residential ≤ 50 Units; Commercial ≤ 2 Acres; Industrial ≤ 1 Acre; Automotive ≤1 Acre; Restaurants ≤ 1 Acre; Hillside Development ≤ 1 Acre (Except Hillside Residential ≤ 9 Units); and Parking Lots ≤ 2 Acres)						
Subsequent Reviews	Each Review	1440		$ 1,440.00		
Subsequent Meetings	~~Each~~ per Hour	250		$ 250.00		
Subsequent Teleconferences	~~Each~~ per Hour	150		$ 150.00		

Section 9 - Public Works

and Development

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Complex Review (Maximum 3 Reviews and 3 Meetings) (Applies to MFR or SFR > 50 Units; Commercial > 2 Acres; Industrial > 1 Acre; Automotive > 1 Acre; Restaurants > 1 Acre; Hillside Development > 1 Acre (Except Hillside Residential ≤ 9 Units); and Parking Lots > 2 Acres)		$ 6,179.00	$ 6,179.00	
Subsequent Reviews	Each Review	1824	$ 1,824.00	
Subsequent Meetings	~~Each~~ per Hour	250	$ 250.00	
Subsequent Teleconferences	~~Each~~ per Hour	150	$ 150.00	
OTHER PLAN CHECK FEES				
Developer Requested Expedition of Plan, Map and Document Review		Regular plan, map and document review fee + 25%	Regular plan, map and document review fee + 25%	
Underground Overhead Utilities				
Underground of Utilities Administration Fee		$ 70.00 +	$ 70.00 +	
Underground of Utilities In-Lieu Fee (In accordance with Development Code 9.14.130)	per Linear Foot	$ 196.00	$ 196.00	
IMPROVEMENT PLAN INSPECTION				
Grading				
Mass, Rough ~~or~~ Precise, Stockpile or Borrow Grading Inspection (All projects)				
0-100 CY		$ 637.00	$ 637.00	
101-1,000 CY ~~(plus)~~		$ 637.00 +	$ 637.00 +	
Each Additional 100 CY		$ 120.00	$ 120.00	
1,001-10,000 CY ~~(plus)~~		$ 1,714.00 +	$ 1,714.00 +	
Each Additional 1,000 CY		$ 390.00	$ 390.00	
10,001-100,000 CY ~~(plus)~~		$ 5,221.00 +	$ 5,221.00 +	
Each Additional 10,000 CY		$ 355.00	$ 355.00	
> 100,000 CY		$ 8,413.00	$ 8,413.00	
Each Additional 10,000 CY		$ 318.00	$ 318.00	
Offsite (Public Right-of-Way)				
Improvement Plan (Offsite Public Improvements, Per Project)				
> $100,000 of Engineers estimate +		4.00% +	4.00% +	
$100,000-$250,000 of Engineers estimate +		3.00% +	3.00% +	
> $250,000 of Engineers estimate		2.50%	2.50%	
Onsite Improvements (Based on Engineer's estimate)		1.00%	1.00%	
For Multi-Agency Improvement Plans for facilities to be maintained by agencies other than the City of Moreno Valley	Deposit, which will be valued at one-half of the fee that would typically be charged for inspection services.		Actual time and materials at fully-burdened wage rate including overhead; not to exceed actual City costs.	NEW, based on direction from 4/28/09 Council Meeting
Re-inspection	Each	$ 432.00	$ 432.00	
Holidays, Weekends and Night Inspections	per Hour	$ 193.00	$ 193.00	

Section 9 - Public Works

Land Development

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
STORM WATER MANAGEMENT INSPECTION				
Storm Water Pollution Abatement Program				
Projects Under Construction				
Construction Site Inspection		$ 402.00	$ 402.00	
Existing Businesses				
NPDES Industrial Site Initial Inspection	Each	$ 451.00	$ 451.00	
Follow-up Compliance Inspection	Each	$ 211.00	$ 211.00	
NPDES Commercial Site Initial Inspection	Each	$ 331.00	$ 331.00	
Follow-up Compliance Inspection	Each	$ 211.00	$ 211.00	
NPDES Restaurant Initial Inspection (CAP)	Each	$ 271.00	$ 271.00	
Follow-up Compliance Inspection	Each	$ 211.00	$ 211.00	
Water Quality Basin Landscape Inspection				
0-1 Acre		$11,853.00	$ 11,853.00	
1-1.5 Acres		$13,631.00	$ 13,631.00	
1.5-2 Acres		$15,408.00	$ 15,408.00	
2-2.5 Acres		$17,187.00	$ 17,187.00	
Each additional 1/2 Acre > 2.5 Acres	per 1/2 Acre	$1,777.00	$ 1,777.00	
PENALTY FEES				
Inspection and Testing work in Right-of Way without Encroachment Permit		$ 603.00	$ 603.00	
Failure to Schedule Inspection Prior to Performing Work *		$ 122.00	$ 122.00	
* Penalty Fee to be determined by the City Engineer. Listed amount for the first offense and not to exceed $500 for each subsequent offense.				
PERMITS - ADMINISTRATION FEES				
Grading or ~~Permit &~~ Inspection: Permit Issuance ~~Fee~~	Each	$ 82.00	$ 82.00	
Construction Permit Issuance	Each	$ 82.00	$ 82.00	
Newspaper Rack Annual Permit Issuance	Each	$ 82.00	$ 82.00	
Annual Utility Blanket Permit Administration	Each	$ 82.00	$ 82.00	
Second Driveway Approach Application	Each	$ 82.00	$ 82.00	

Section 9 - Public Works

and Development

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
PERMITS - INSPECTION FEES				
Concrete Sidewalk				
0-100 Linear Feet	Each	$ 66.00 +	$ 66.00 +	
> 100 Linear Feet	per Linear Foot	$ 1.00	$ 1.00	
Parkway Drains	Each	$ 144.00	$ 144.00	
Residential Curb Core (2 maximum per lot)	per Lot	$ 78.00	$ 78.00	
Driveways				
Commercial	Each	$ 144.00	$ 144.00	
Residential	Each	$ 203.00	$ 203.00	
Excavation-Street Crossing	per Linear Foot	$ 2.00 $232 min	$ 2.00 $232 min	
Excavation Parallel Trench	per Linear Foot	$ 0.50 $232 min	$ 0.50 $232 min	
Small Bore Potholes (12" Diameter Maximum)	Each	$ 26.00	$ 26.00	
All Other Potholes	Each	$ 77.00	$ 77.00	
Bores/Splice Pits	Each	$ 52.00	$ 52.00	
Non-Retaining Wall	Each	$ 144.00	$ 144.00	
Fence	Each	$ 144.00	$ 144.00	
Newspaper Rack Installation	Each	$ 52.00	$ 52.00	
Utility Blanket Permit Individual Location Inspection	Each	$ 15.00	$ 15.00	
Miscellaneous Inspections	per Hour	Amount determined by the City Engineer. Fee not to exceed total City cost.	Amount determined by the City Engineer. Fee not to exceed total City cost.	
OTHER PERMITS				
Application Fee for Special Events, (Including Permit to Conduct a Parade or other event within Public Property or Street Right-of-Way.) ~~Non-Refundable~~	Each	$ 205.00	$ 205.00	
Block Party Permit Processing	Each	$ 82.00	$ 82.00	
Flood Plain Determination (Community Rating System)	per Lot	$ 20.00	$ 20.00	
Elevation Certification (Mobile Home Park)	Each	$ 155.00	$ 155.00	

Section 9 - Public Works

Land Development

	Unit	Current Fee		Proposed Fee		Comments on Proposed Changes to Fees
OTHER FEES						
Advanced Energy Fees						
Administration Fee		$ 404.00		$ 404.00		
Zone B (9,500 Lumens)	Each	$ 261.00		$ 261.00		
Zone C (22,000 Lumens)	Each	$ 347.00		$ 347.00		
Single Family Residence Review	per Project	$ 390.00		$ 390.00		
Area Drainage Plan Fee	Established by and payable to the County of Riverside Flood Control District					
MISCELLANEOUS LAND DEVELOPMENT FEES						
City of Moreno Valley Book of Standard Drawings	Each	$ 45.00		$ 45.00		
Research of Records, Files, etc.						
Technical	per Hour *	$ 84.00	+reproduction costs	$ 84.00	+reproduction costs	
Professional	per Hour *	$ 136.00	+reproduction costs	$ 136.00	+reproduction costs	
	* minimum of 1/2 hour					
In-house Reproduction costs of Engineered Plan Sheets (Large Format)	per Sq Ft	$ 1.00		$ 1.00		

Section 9 - Public Works

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Maintenance and Operations				
Tree Planting				
15 Gallon	Each	$ 190.00	$ 190.00	
24" Box	Each	$ 270.00	$ 270.00	
Tree Removal	Each	$ 270.00	$ 270.00	

Section 9 - Public Works

Special Districts

	Unit	Current Fee		Proposed Fee		Comments on Proposed Changes to Fees
Land and Assessment Division Applications						
with amended assessment diagram		$ 900.00	+	$ 900.00	+	
	per Parcel	$ 25.00		$ 25.00		
without amended assessment diagram		$ 1,500.00	+	$ 1,500.00	+	
	per Parcel	$ 35.00		$ 35.00		
Special District Formation Application	Each	$ 2,469.00	+ 1% of bond issue	$ 2,469.00	+ 1% of bond issue	
Special Tax Report	Each	City Cost	$10 min	City Cost		
Annual Levy Report	Each	City Cost	$10 min	City Cost		
Note: Bond payoff/amortization schedule information is given to property owners free of charge. Others requesting information will be charged per parcel.						
Per Parcel Fee		$ 46.00		$ 46.00		
Fixed Charge Tax Bill Revisions	per Parcel	$ 47.00	county fee	$ 47.00		
(In addition to this fee the County Tax Collector's Office will charge $6.98 per parcel for any changes that result in a new billing being produced)						
Plans and Specifications (Non-refundable) (Landscape and Street Light documents)		City Cost	$10 min	City Cost		
Mail Ballot Processing						
Administrative Fee	per Proceeding	$ 1,574.00		$ 1,574.00		
Ballot Fee	per Ballot	$ 3.00		$ 3.00		

Section 9 - Public Works

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Landscape Inspection				
Parkway Landscape Plan Check				
Base Fee (7 sheets & 3 total submittals)		$ 5,925.00	$ 5,925.00	
Each Additional Sheet & 3 submittals		$ 830.00	$ 830.00	
Each Additional submittal	per Sheet	$ 178.00	$ 178.00	
Landscape Inspection				
0-1 Acre		$11,853.00	$ 11,853.00	
1-1.5 Acres		$13,631.00	$ 13,631.00	
1.5-2 Acres		$15,408.00	$ 15,408.00	
2-2.5 Acres		$17,187.00	$ 17,187.00	
Each additional 1/2 acre > 2.5	per 1/2 acre	$1,777.00	$ 1,777.00	
Public Works Landscape Design Guidelines	Each	$ 15.00	$ 15.00	

Section 9 - Public Works

Transportation Engineering

	Unit	Current Fee		Proposed Fee		Comments on Proposed Changes to Fees
Permit Parking Program						
Application Fee	Each	$ 90.00		$ 90.00		
Initial Permit Fee	per household or business	$ 57.00		$ 57.00		
Annual Renewal Fee	per household or business	$ 19.00		$ 19.00		
Special Traffic Count						
Daily Directional	per Count	$ 135.00		$ 135.00		
Daily Non-Directional	per Count	$ 67.00		$ 67.00		
Peak Hour Intersectional	per Count	$ 47.00		$ 47.00		
Speed Study						
Radar		$ 51.00		$ 51.00		
Speed Profile (2 tubes, 1 machine)		$ 190.00		$ 190.00		
Special Traffic Curb Painting	Deposit	$ 178.00	Actual charge is "fully burdened" rate charge	$ 178.00	Actual charge is "fully burdened" rate charge	
Signs						
Miscellaneous Traffic Control Signs (Stop, Yield, Bus Stop, etc)	Each	$ 270.00		$ 270.00		
Neighborhood Watch Signs (Installed)	Each	$ 13.00		$ 13.00		
Street Name Sign	Each	$ 405.00		$ 405.00		
Signal Construction Inspection and Turn-on						
<= $100,000 of Engineer's estimate		4.00%		4.00%		
$100,001-$250,000 of Engineer's estimate		3.00%		3.00%		
> $250,000 of Engineer's estimate		2.50%		2.50%		
Controller Testing		$ 1,929.00		$ 1,929.00		
Signing and Striping Plan Review (1-3 submittals)	Per Sheet	$ 350.00		$ 350.00		
4th and subsequent submittals	Per Sheet			$ 195.00		
~~Street Closures~~	~~per Calendar Day~~	~~$ 100.00~~				Deleted
Temporary Parking Permit						

Section 9 - Public Works

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Transportation Engineering				
Type I		$ 135.00	$ 135.00	
(Allow temporary parking on a restricted street section with curb lane width of less than 18 ft)				
Type II		$ 67.00	$ 67.00	
(Allow temporary parking on a restricted street section with curb lane width of 18 ft or more)				
Traffic Impact Analysis				
Minor	Each	$ 1,132.00	$ 1,132.00	
Major	Each	$ 3,000.00	$ 3,000.00	
Traffic Control Plan Review (1-3 submittals)	per Sheet	$ 350.00	$ 350.00	
4th and subsequent submittals	Per Sheet		$ 195.00	

Section 10 - Miscellaneous Fees and Charges

	Unit	Current Fee	Proposed Fee	Comments on Proposed Changes to Fees
Council Chamber Room Rental	per Day	$ 132.00	$ 132.00	
Neighborhood Preservation Revitalization Program Housing Inspection Minimum Permit Fees (all types of permits)	Each	$ 122.00	$ 122.00	
Housing Assistance Financial Analysis Charge		City Cost	City Cost	
Mileage for City employee appearances	per Mile	IRS allowable rate	IRS allowable rate	
Motion Picture Permit	Each	$ 393.00	$ 393.00	
Copies *				
Black & White	per Page	$ 0.20	$ 0.20	
Color	per Page	$ 0.75	$ 0.75	

* All government agencies and their official representatives shall be exempt from paying these charges for single copies for official use.

Copies and Research in response to subpoena	per Occurrence	City cost as provided for in California Evidence Code Section 1563	

Copies of maps, documents, graphs or special work may be furnished upon the payment of the cost of printing and preparation. For such items for which a regular established price is unavailable, the Department Head, in collaboration with the Financial & Administrative Services Director, may establish a price consistent with the cost of printing and preparation thereof. The Financial & Administrative Services Director shall report such exceptions to the City Manager. It shall be the responsibility of the City Manager to review such costs annually and make such recommendations to the City Council as required to keep charges consistent with actual costs.

The City Council may waive processing or appeal fees for any private or public agency on a case-by-case basis. In the case of an appeal by a public agency or school district, no fee shall be charged until the City Council considers the appeal matter itself and renders a decision on the waiver of the fee after the entire appeal matter has been heard.

Section 11 - Penalties and Delinquent Fee Schedule for Parking Violations

		Current Fees		Proposed Fees	
M.V.M.C.	Description	Bail	Bail with Penalty (Delinquent)	Bail	Bail with Penalty (Delinquent)
12.12.130	Parked in violation of designated curb color	~~$ 33.50~~	~~$ 67.00~~	$ 36.50	$ 73.00
12.12.130	No standing/stopping/parking anytime (posted)	~~$ 33.50~~	~~$ 67.00~~	$ 36.50	$ 73.00
12.12.130	Posted time 6 p.m. to 6 a.m. (commercial vehicle)	~~$ 33.50~~	~~$ 67.00~~	$ 36.50	$ 73.00
12.38.040	Vehicle parked on street in excess of 72 hours	~~$ 33.50~~	~~$ 67.00~~	$ 36.50	$ 73.00
12.42	No parking (street sweeping)	~~$ 50.00~~	~~$ 100.00~~	$ 53.00	$ 106.00
6.04.030p5c	Parking on unimproved surface	~~$ 25.00~~	~~$ 50.00~~	$ 28.00	$ 56.00
11.24.200	Inoperative vehicle in view in excess of 72 hours	~~$ 25.00~~	~~$ 50.00~~	$ 28.00	$ 56.00

M.V.M.C.	Description	Bail	Bail with Penalty (Delinquent)	Bail	Bail with Penalty (Delinquent)
12.38.020A	It is unlawful to park or leave standing any of the following:				
12.383020A1	Any vehicle or trailer which is used to transport animals or which harbors vermin or pestilence or which emits noxious or nuisance odors on any highway, street, road alley or on any public or private property within the city.	~~$ 78.50~~	~~$ 157.00~~	$ 81.50	$ 163.00
12.38.020A2	Any vehicle or trailer which contains any hazardous substances as defined in section 2452 of the California Vehicle Code on any highway, street, road, alley or on any public or private property within the city.	~~$ 78.50~~	~~$ 157.00~~	$ 81.50	$ 163.00
12.38.020A3	Any trailer, utility trailer, boat trailer, boat, camper, camper shell, camp trailer, trailer coach or semi-trailer that is non-self propelled, non-motorized or not capable of movement under it's own power and which is unattached to a vehicle on any highway, street, road or alley within the city	~~$ 78.50~~	~~$ 157.00~~	$ 81.50	$ 163.00
12.38.020A4	Any vehicle on any highway, street, road or alley within the city for the purpose of servicing or repairing such vehicle except when necessitated by an emergency.	~~$ 78.50~~	~~$ 157.00~~	$ 81.50	$ 163.00

Section 11 - Penalties and Delinquent Fee Schedule for Parking Violations

M.V.M.C.	Description	Bail	Bail with Penalty (Delinquent)	Bail	Bail with Penalty (Delinquent)
12.38.020B	It is unlawful to park or leave standing any commercial vehicle, truck, trailer or semi-trailer having a manufacturer's gross vehicle weight rating (Vehicle Code Section 390) of ten thousand (10,000) pounds or more as described in the following:				
12.38.020B1	On any highway, street, road, alley or private property within the residential district within the city.	~~$ 78.50~~	~~$ 157.00~~	$ 81.50	$ 163.00
12.38.020B2	On any vacant or unimproved non-residential property in the city.	~~$ 78.50~~	~~$ 157.00~~	$ 81.50	$ 163.00
12.38.020B3	On any residential property so that any part of such vehicle is within one hundred (100) feet of any human dwelling.	~~$ 78.50~~	~~$ 157.00~~	$ 81.50	$ 163.00
12.38.020B4	Within one hundred fifty (150) feet of any driveway opening.	~~$ 78.50~~	~~$ 157.00~~	$ 81.50	$ 163.00
12.38.020B5	Within any commercially zoned property for the purpose other than doing business at the site, or for the purpose not related to such business operation, or remaining parked or standing for longer than reasonably appropriate to do such business or acts related to such business operations.	~~$ 78.50~~	~~$ 157.00~~	$ 81.50	$ 163.00
12.38.020B6	On any residential property so that any part of such vehicle is within fifteen (15) feet of the property line, a public sidewalk or a public or private roadway edge.	~~$ 78.50~~	~~$ 157.00~~	$ 81.50	$ 163.00
12.38.020B7	On any alley within the city	~~$ 78.50~~	~~$ 157.00~~	$ 81.50	$ 163.00
12.38.020B7	On any highway, street or road which is adjacent to a parcel upon which there exists a public facility. Within the meaning of this subsection, "public facility" includes, but is not limited to, parks, schools and civic buildings.	~~$ 78.50~~	~~$ 157.00~~	$ 81.50	$ 163.00
12.38.020B9	Any unattached semi-trailer on a public highway, street, road or alley within the city.	~~$ 78.50~~	~~$ 157.00~~	$ 81.50	$ 163.00
12.38.020C	While adjacent to a developed residential area within the city, the operator shall not idle the vehicle's engine for longer than fifteen (15) minutes.	~~$ 78.50~~	~~$ 157.00~~	$ 81.50	$ 163.00

Section 11 - Penalties and Delinquent Fee Schedule for Parking Violations

C.V.C	Description	Bail	Bail with Penalty (Delinquent)	Bail	Bail with Penalty (Delinquent)
5204	Improper display of tabs	~~$ 50.00~~	~~NA~~	$ 53.00	NA
	Improper display of tabs with correction	~~$ 10.00~~	~~NA~~	$ 13.00	NA
21113(a)	Unauthorized parking upon public grounds	~~$ 25.00~~	~~$ 50.00~~	$ 28.00	$ 56.00
21211(a)	Stopping in bicycle lane	~~$ 25.00~~	~~$ 50.00~~	$ 28.00	$ 56.00
22500(a)	Parking unlawfully, within intersection	~~$ 25.00~~	~~$ 50.00~~	$ 28.00	$ 56.00
22500(b)	Parking unlawfully, on crosswalk	~~$ 25.00~~	~~$ 50.00~~	$ 28.00	$ 56.00
22500(c)	Parking unlawfully, adjacent to safety zone	~~$ 25.00~~	~~$ 50.00~~	$ 28.00	$ 56.00
22500(d)	Parking unlawfully, within 15 feet of fire station driveway	~~$ 25.00~~	~~$ 50.00~~	$ 28.00	$ 56.00
22500(e)	Parking unlawfully, blocking any driveway	~~$ 25.00~~	~~$ 50.00~~	$ 28.00	$ 56.00
22500(f)	Parking unlawfully, on a sidewalk	~~$ 25.00~~	~~$ 50.00~~	$ 28.00	$ 56.00
22500(g)	Parking unlawfully, blocking excavation	~~$ 25.00~~	~~$ 50.00~~	$ 28.00	$ 56.00
22500(h)	Parking unlawfully, double parking	~~$ 25.00~~	~~$ 50.00~~	$ 28.00	$ 56.00
22500(i)	Parking unlawfully, in posted bus loading zone	~~$ 25.00~~	~~$ 50.00~~	$ 28.00	$ 56.00
22500(k)	Parking on a bridge, unless otherwise permitted or authorized	~~$ 25.00~~	~~$ 50.00~~	$ 28.00	$ 56.00
22500(l)	Parking unlawfully, blocking sidewalk wheelchair access	~~$ 425.00~~	~~$ 425.00~~	$ 428.00	NA
22500.1	Parking unlawfully, in posted fire area	~~$ 55.00~~	~~$ 110.00~~	$ 58.00	$ 116.00
22502(a)	Vehicle parked with right wheels in excess of 18" from right hand curb (exception: Motorcycles shall be parked with at least one wheel touching the right hand curb).	~~$ 25.00~~	~~$ 50.00~~	$ 28.00	$ 56.00
22507.8(a)	Parking in space designated for disabled	~~$ 425.00~~	~~NA~~	$ 428.00	NA
22507.8(b)	Obstruct or block disabled parking space	~~$ 425.00~~	~~NA~~	$ 428.00	NA
22507.8(c)	Parking in cross-hatch area designated for disabled	~~$ 425.00~~	~~NA~~	$ 428.00	NA
22514	Parking within 15 feet of fire hydrant	~~$ 55.00~~	~~$ 110.00~~	$ 58.00	$ 116.00
22515(b)	Unattended vehicle wheels not blocked, and/or parking brake not set	~~$ 25.00~~	~~$ 25.00~~	$ 28.00	$ 56.00
22522	Parking within 3 feet of a sidewalk access ramp	~~$ 425.00~~	~~NA~~	$ 428.00	NA
22658	Unauthorized parking	~~$ 25.00~~	~~$ 50.00~~	$ 28.00	$ 56.00
40226	Failure to display handicapped placard	~~$ 25.00~~	~~$ 50.00~~	$ 28.00	$ 56.00
	Other	~~$ 25.00~~	~~$ 50.00~~	$ 28.00	$ 56.00

Section 12 - Development Impact Fees

	Residential				Commercial		Industrial	Office	
	Single Family	Affordable-Single Family	Multi Family	Affordable Multi Family	General	Regional	General	Class A	Non-Class A
	Current	Current	Current	Current	Current	Current	Current	Current	Current
Unit	DU	DU	DU	DU	KSF	KSF	KSF	KSF	KSF
Transportation Uniform Mitigation Fees (TUMF)	$ 10,046	$ -	$ 7,054	$ -	$ 9,990	$ 9,990	$ 1,840	$ 2,190	$ 5,710
Arterial Streets	$ 4,531	$ 1,275	$ 3,171	$ 892	$ 4,482	$ 2,231	$ 1,281	$ 1,275	$ 1,921
Traffic Signals	$ 567	$ 421	$ 397	$ 294	$ 678	$ 443	$ 194	$ 253	$ 290
Interchange Improvements	$ 524	$ -	$ 367	$ -	$ 684	$ -	$ 195	$ -	$ 293
Fire Facilities	$ 650	$ 252	$ 261	$ 101	$ 80	$ 36	$ 58	$ 38	$ 67
Police Facilities	$ 464	$ 126	$ 368	$ 101	$ 232	$ 64	$ 42	$ 51	$ 114
Park Improvements	$ 3,109	$ 1,598	$ 2,723	$ 1,193	$ -	$ -	$ -	$ -	$ -
Recreation Centers	$ 193	$ 1,198	$ 169	$ 1,049	$ -	$ -	$ -	$ -	$ -
Libraries and Materials	$ 813	$ 668	$ 712	$ 499	$ -	$ -	$ -	$ -	$ -
Park Land (Quimby In-Lieu Fees)	$ 1,865	$ 573	$ 1,634	$ 428	$ -	$ -	$ -	$ -	$ -
Animal Shelter	$ 152	$ -	$ 133	$ -	$ -	$ -	$ -	$ -	$ -
Maintenance Equipment	$ 50	$ -	$ 20	$ -	$ 4	$ -	$ 3	$ -	$ 4
City Hall	$ 529	$ 292	$ 212	$ 118	$ 74	$ 42	$ 52	$ 45	$ 62
Corporate Yard	$ 298	$ 283	$ 119	$ 113	$ 53	$ 41	$ 37	$ 43	$ 43
Total	$ 23,790	$ 6,686	$ 17,340	$ 4,788	$ 16,277	$ 12,847	$ 3,702	$ 3,895	$ 8,504

NOTES:

1. The general policy is that all impact fees will be adjusted annually. However, in FY 2008 the City Council froze impact fees at their current level due to the slowdown in development activity.

2. The fees will be adjusted to reflect the annual increase using the Council approved 20-City Average Building Cost Index of the Engineering News Record.

TUMF fees are set by the Western Riverside County Organization of Governments (WRCOG).

UNITS LEGEND
DU = Dwelling Unit for residential development types
KSF = 1,000 gross square feet of building area for commercial, industrial and office development types

PLEMENTATION NOTES:

th respect to each second dwelling unit on a single family residential lot qualifying as a "granny flat" housing unit, the fees shall equal one-half of the fees applicable to each multi-family dwelling unit.

th respect to commercial and industrial and non-class A office development impact fees, there will be a continuation of existing fees with the intent of charging one-half of the fees as calculated in the velopment Impact Fee Update Study Report (nexus study) as approved by City Council on October 11, 2005, through a two-year phase-in beginning on January 16, 2007.

th respect to Class A office development impact fees, these shall be frozen at the pre-January 12, 2006 fees, or $1,705 per 1,000 square feet.

With respect to Residential Single Family and Residential Multi-Family development impact fees, the fees shall be charged at 100% of the fees as calculated in the Development Impact Fee Update Study Report (nexus study) as approved by City Council on October 11, 2005, and shall take effect on January 12, 2006.

With respect to Residential Affordable Single-Family and Residential Affordable Multi-Family, these fees shall be frozen at the pre-January 12, 2006 fees until such time that the City Council deems it appropriate to amend the Impact Fee Resolution.

Hence:

	---------- Residential ----------				---- Commercial -----			------ Office ------	
Impact Fee Type	Single Family	Affordable-Single Family	Multi Family	Affordable Multi Family	General	Regional	Industrial General	Class A	Non-Class A
Fee Basis	Dwelling Unit	Dwelling Unit	Dwelling Unit	Dwelling Unit	1,000 sq ft	1,000 sq ft	1,000 sq ft	1,000 sq ft	1,000 sq ft
Current Fee (2)	$6,686.00	$6,686.00	$4,788.00	$4,788.00	$3,823.00	$2,857.00	$1,148.00	$1,705.00	$1,705.00
Calculated Fee per Nexus Study (2	$13,241.00	$13,625.00	$9,909.00	$10,178.00	$17,503.00	$13,174.00	$5,156.00	$7,762.00	$7,762.00
ecommended Fee	100% of Nexus Fee	Freeze @ 100% of Pre 1/12/06 Fee	100% of Nexus Fee	Freeze @ 100% of Pre 1/12/06 Fee	50% of Nexus Fee	50% of Nexus Fee	50% of Nexus Fee	Freeze @ 100% of Pre 1/12/06 Fee	50% of Nexus Fee
Fees at 1/12/06 (2)	$13,241.00	$6,686.00	$9,909.00	$4,788.00	$3,823.00	$2,857.00	$1,148.00	$1,705.00	$1,705.00
Fees at 1/16/07 (2)	$13,241+ 1 yr. CPI	$6,686.00	$9,909 + 1 yr CPI	$4,788.00	$6,287.00	$2,857.00	$1,863.00	$1,705.00	$2,793.00
Fees at 1/16/08 (2)	$13,241 + 2 yr. CPI	$6,686.00	$9,909+ 2 yr CPI	$4,788.00	$8,752.00	$2,857.00	$2,578.00	$1,705.00	$3,881.00
Fees at 1/16/09 (2)	$13,241 + 3 yr. CPI	$6,686.00	$9,909+ 3 yr CPI	$4,788.00	$8752+1 yr. CPI	$6,587.00	$2578+ 1 yr. CPI	$1,705.00	$3881+ 1 yr. CPI

Note: 1) Fees are rounded to the nearest whole dollar. Fees will vary from what is shown for 1/16/07 and 1/16/08 based on annual July 1st adjustments for inflation, which are not included in the above examples.

2) Fees shown in example do not include TUMF

Section 13 - Conduit Financing Fees

Type of Financing	Issue Size			Initial Application Fee	Required Deposit	Annual Fee
	< $5.0 million	$5.0 to $10.0 million	> $10.0 million			
Non-Profit Less than "A" rated	$ 5,000	$5,000 plus 0.25% in excess of $5.0 million	$17,500+0.2% in excess of $5.0 million	$ 4,000	$20,000+1/2 of issue fee	0.125% of initial par value
Multi-family housing credit enhance	$ 5,000	$5,000+0.15% in excess of $5.0 million	$12,500+0.15% in excess of $5.0 million	$ 2,000	$20,000+1/3 of issue fee	0.125% of initial par value
Non-Profit "A" rated or better	$ 5,000	$5,000+0.10% in excess of $5.0 million	$10,000+0.10% in excess of $5.0 million	$ 2,000	$20,000+1/4 of issue fee	0.125% of initial par value

This page intentionally left blank.

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	RDH
CITY MANAGER	RM

Report to City Council

TO: Mayor and City Council and the City Council Acting in their Capacity as the President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

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

AGENDA DATE: May 26, 2009

TITLE: CONTINUATION OF THE PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR IDENTIFIED PROPERTIES WITHIN TPM 35629 - BALLOTING FOR NPDES AND CSD ZONE M

RECOMMENDED ACTION

1. Staff recommends that the Mayor and City Council, after conducting the public hearing and accepting public testimony:

   a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for identified properties within Tentative Parcel Map (TPM) 35629;
   b. Verify and accept the results of the mail ballot proceeding as identified on the Official Tally Sheet and attached Assessor Parcel Number (APN) listing;
   c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
   d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to the identified properties within TPM 35629.

2. Staff recommends that the Mayor and City Council, acting in their capacities as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the public hearing and accepting public testimony:

   a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballots for identified properties within TPM 35629;
   b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and attached APN listing;
   c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to the identified properties within TPM 35629.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

To comply with the 1972 Federal Clean Water Act, Land Development, a division of the Public Works Department, requires that new development projects participate in the appropriate NPDES regulatory rate to fund federally mandated programs. The City Council adopted the residential regulatory rate on June 10, 2003 and the commercial/industrial regulatory rate on January 10, 2006.

The Moreno Valley CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the cost of special services to those parcels receiving the benefit. Each zone provides specific services to designated areas. Along with other zone services, the CSD provides street lighting maintenance to existing neighborhoods, landscape maintenance to various tracts within the City, and improved median landscape maintenance.

DISCUSSION

Four separate owners are listed on parcels that shall be reconfigured for identified properties within TPM 35629: Westcoast Prop Partners, Sinclair Prop Partners, Sand Prop Partners, and HF Educational Partners. In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, Special Districts (SD), a division of the Public Works Department, is conducting a mail ballot proceeding to allow the property owners the decision to approve or oppose the NPDES maximum commercial/industrial regulatory rate and the annual CSD Zone M charge. SD mailed ballot materials to each owner for this mail ballot proceeding.

The Public Meeting for this mail ballot proceeding was held on March 10, 2009, as scheduled. The Public Hearing was scheduled for March 24, 2009; however, the property owner requested a 60-day continuation of the Public Hearing. A copy of the letter is included as Attachment 4. The request for continuation was granted during the City Council meeting and the Public Hearing was rescheduled for May 26, 2009.

New development projects are subject to the current NPDES Permit requirements for stormwater management as mandated by the Federal Clean Water Act. Public agencies obtain Permits to discharge urban stormwater runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels. If approved by the identified property owners of TPM 35629, the City will annually inspect site design, source and treatment control Best Management Practices, monitor maintenance records for

those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State. The City will also be authorized to levy the maximum annual regulatory rate of $205 for fiscal year (FY) 2008/09 to each associated APN (and any division thereof) on the Riverside County property tax bill or as a monthly charge on a utility bill.

SD conditions commercial, industrial, and multifamily developments along designated arterial streets to participate in the median maintenance program in compliance with the citywide Arterial Median Maintenance Policy, approved by the CSD Board in February 2003 and modified January 2006. Staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. Landscape maintenance includes, but is not limited to, mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, repairing decorative hardscape, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians. The annual CSD Zone M charge is levied on the Riverside County property tax bill.

ALTERNATIVES

1. **Conduct the Public Hearing,** tabulate the ballots, verify, and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet and attached APN listing, receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing, and if approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate and the annual CSD Zone M charge to the identified properties within TPM 35629. *This alternative will fulfill the 45-day noticing period and Public Hearing requirements as mandated by Proposition 218.*

2. **Do not conduct the Public Hearing,** tabulate the ballots, verify, or accept the results for the identified properties within TPM 35629. *This alternative would be contrary to Proposition 218 mandates.*

FISCAL IMPACT

For FY 2008/09, the NPDES annual regulatory rate and CSD Zone M charge for each parcel is listed below. Prior to development of APN 488-350-001, which is also part of TPM 35629, SD shall ballot the property owner for NPDES and Zone M.

Assessor Parcel Number	NPDES Maximum Commercial/Industrial Rate*	CSD Zone M Annual Charge*
488-350-002 (and any division thereof)	$205	$17,285.40
488-360-001 (and any division thereof)	$205	$0.00
488-360-002 (and any division thereof)	$205	$0.00
488-360-003 (and any division thereof)	$205	$0.00
488-360-004 (and any division thereof)	$205	$0.00
488-360-005 (and any division thereof)	$205	$0.00
488-360-006 (and any division thereof)	$205	$0.00
488-360-007 (and any division thereof)	$205	$0.00
488-360-008 (and any division thereof)	$205	$4,077.60
488-360-009 (and any division thereof)	$205	$3,405.60
488-360-010 (and any division thereof)	$205	$3,405.60
488-360-011 (and any division thereof)	$205	$6,811.20
488-360-012 (and any division thereof)	$205	$6,501.60

*The NPDES maximum regulatory rate and the annual CSD Zone M charge may be subject to an annual inflation adjustment in subsequent years based on the annual percentage change calculated for the previous calendar 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 NPDES rates collected from property owners support the current Permit programs, which reduces the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. The annual CSD Zone M charge paid by the adjacent property owners provides the necessary funding for the maintenance of newly constructed medians within the CSD. There is no impact on the General Fund for newly constructed medians.

CITY COUNCIL GOALS

Advocacy
Management of the stormwater will ensure that water pollutants are discharged in compliance with federal mandates and City policies.

Community Image, Neighborhood Pride, and Cleanliness
The Zone M program allows the CSD an opportunity to enhance the appearance of newly developed areas within the City.

Revenue Diversification and Preservation
The annual CSD Zone M charge and the NPDES maximum commercial/industrial regulatory rate provide funding for program costs, which include maintenance and administration.

SUMMARY

The action before the City Council/CSD Board is to accept public testimony, tabulate the ballots, verify, and accept the results of the mail ballot proceeding for identified properties within TPM 35629.

NOTIFICATION

On December 22, 2008, SD mailed a ballot packet to Westcoast Prop Partners, Sinclair Prop Partners, Sand Prop Partners, and HF Educational Partners, the property owners of the identified properties within TPM 35629. The packet included a cover letter, map of the project area, the NPDES commercial/industrial rate schedule, notice to the property owner, instructions, ballots, and postage-paid envelopes for returning the ballots to the City Clerk. (See Attachment 1)

Ballot documents were originally mailed to the property owners with a February 10, 2009 Public Meeting date and a February 24, 2009 Public Hearing date. A revised notice was mailed to each property owner on January 23, 2009, which reflected the new dates of the Public Meeting on March 10, 2009 and the Public Hearing on March 24, 2009. (See Attachment 2)

Newspaper advertising for the March 10, 2009, Public Meeting and March 24, 2009, Public Hearing was published in The Press-Enterprise on February 20, 2009. Additionally, the Public Hearing notification was published on March 6 and again on March 13, 2009.

ATTACHMENTS

Attachment 1:	Ballot materials mailed to Westcoast Prop Partners, Sinclair Prop Partners, Sand Prop Partners, and HF Educational Partners packet
Attachment 2:	Revised notice to the property owners
Attachment 3:	TPM 35629
Attachment 4:	Letter requesting continuation of the public hearing

Prepared by:
Jennifer A. Terry,
Management Analyst

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

Concurred by:
Sue Anne Maxinoski,
Special Districts Division Manager

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

W:\SpecialDist\jennifert\Ballots for FY 08.09\M NPDES\TPM 35629 Skechers - PA07-0090\Stfrpt 05.26.09 PH Continuation.doc

This page intentionally left blank.

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

December 22, 2008

Highland Fairview
14225 Corporate Way
Moreno Valley, CA 92553

Attention: Danette Fenstermacher, Chief Operating Officer & Executive Vice President

Subject: Mail Ballot Proceeding for parcels owned by Westcoast Prop Partners, HF Educational Partners, Sand Prop Partners, and Sinclair Prop Partners within Tentative Parcel Map (TPM) 35629, located on the north side of Eucalyptus Ave. between Redlands Blvd. and Theodore St., for approval of the National Pollutant Discharge Elimination System (NPDES) Maximum Commercial/Industrial Regulatory Rate and inclusion into and approval of the annual charge for the Community Services District (CSD) Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) program

Dear Ms. Fenstermacher,

Conditions of Approval for TPM 35629 require that this development provide a funding source to help support the NPDES program and provide funding for the annual maintenance for the medians adjacent to your project. Approving the NPDES maximum commercial/industrial regulatory rate and the annual CSD Zone M charge through a mail ballot proceeding shall fulfill these requirements.

Please have the appropriate property owner sign and return their corresponding ballots in the enclosed postage-paid envelopes. The City Clerk's office must receive the ballots prior to the close of the Public Hearing on February 10, 2009.

NPDES Maximum Commercial/Industrial Regulatory Rate
Newly developed and/or modified properties within the City of Moreno Valley are subject to the current NPDES Permit requirements for stormwater management as mandated by the Federal Clean Water Act. The City will annually inspect site design, source control and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

For fiscal year (FY) 2008/09, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. (Please refer to the enclosed rate schedule.) Beginning in FY 2009/10, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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. Upon approval of the maximum regulatory rate, the annual levy amount will be assessed to parcels associated with TPM 35629 (and any division thereof) and will be placed on the 2009/10 Riverside County property tax bill or as a monthly charge on a utility bill.

CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance)
In compliance with the Citywide Arterial Median Maintenance Policy, approved by the CSD Board in March 2003 and revised January 2006, commercial, industrial, and multifamily developments along designated arterial streets are to participate in the median maintenance program. Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The annual CSD Zone M charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

For FY 2008/09 the annual CSD Zone M charge is $17,285.40 for APN 488-350-002, $4,077.60 for APN 488-360-008, $3,405.60 for APN 488-360-009, $3,405.60 for APN 488-360-010, $6,811.20 for APN 488-360-011, and $6,501.60 for APN 488-360-012. The CSD Zone M charge shall be proportionally adjusted if an APN is subdivided or if development occurs adjacent to the proposed medians. Beginning in FY 2009/10, the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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 annual CSD Zone M charge shall be placed on the Riverside County property tax bill beginning in fiscal year 2009/10.

Ballot Process
In accordance with the legislative requirements of Proposition 218, Special Districts is submitting the enclosed Notice to Property Owner – Mail Ballot Proceeding for each property owner. The formal notices provide Public Meeting and Public Hearing dates, times and location, instructions for marking the enclosed ballots, and information on the services and charges.

If you have any questions about the proposed programs, charges, or this process, please contact Jennifer Terry, Management Analyst, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 8:00 a.m. to 5:00 p.m. at 951.413.3505.

Sincerely,

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

for Jennifer Terry
Management Analyst

Enclosures

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\M NPDES\TPM 35629 Sketchers - PA07-0090\CVRLTR.doc

COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE
Adopted by the City Council on January 10, 2006

LEVEL 1			LEVEL II		
NPDES Administration			**Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance**		
(Not covered by CSA 152) Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various stormwater reports and data collection and management. Level I is levied on all parcels conditioned for the NPDES Rate Schedule.			Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.		
Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on 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					
	Per Month	**Per Year**		**Per Month**	**Per Year**
PROPOSED PARCEL RATE	**$2.67**	**$32.00**	**PROPOSED PARCEL RATE**	**$12.58**	**$151.00**

Inflation Factor Adjustments

FY 2006/2007 - 4.5% = ($33.00 & $158.00)
FY 2007/2008 - 3.1% = ($34.00 & $163.00)
FY 2008/2009 - 4.2% = ($35.00 & $170.00)

NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING
National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate
Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)
Parcels owned by Westcoast Prop Partners within Tentative Parcel Map (TPM) 35629

I. BACKGROUND

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from residential/commercial developments.

NPDES Maximum Commercial/Industrial Maximum Regulatory Rate provides financial support for inspecting site design and source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City.

In November of 1996, California voters passed the Right to Vote on Taxes Act ("Proposition 218"). 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, Special Districts is conducting a mail ballot proceeding to provide the owner of Assessor Parcel Numbers (APNs) 488-350-002, 488-360-003, and 488-360-004 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charge for the CSD Zone M program.

II. NOTICE - PUBLIC MEETING AND PUBLIC HEARING

To provide for public comments on this mail ballot proceeding, the City Council has scheduled one (1) Public Meeting and one (1) Public Hearing at their regular meetings, which will be held at the Moreno Valley City Hall Council Chamber as follows:

PUBLIC MEETING	***TUESDAY, January 27, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, February 10, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL** **COUNCIL CHAMBER** **14177 FREDERICK STREET** **MORENO VALLEY, CA 92553**

III. CHARGE INFORMATION

1. **Name of the Charges for APNs 488-350-002, 488-360-003, and 488-360-004 (and any division thereof):**

   NPDES Maximum Commercial/Industrial Regulatory Rate
   CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance)

2. **Maximum Annual Levy Amounts for APNs 488-350-002, 488-360-003, and 488-360-004 (and any division thereof):**

   For fiscal year (FY) 2008/09, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total parcel charges levied for NPDES for FY 2008/09 was $389,445.

   For FY 2008/09 the annual CSD Zone M charge is $17,285.40 for APN 488-350-002. The total CSD Zone M charges levied for FY 2008/09 was $88,908.

   Beginning in FY 2009/10, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charges**:

   Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APNs 488-350-002, 488-360-003, and 488-360-004 (and any division thereof) and shall be placed on the 2009/10 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M annual levy amount shall be assessed to APN 488-350-002 (and any division thereof) on the Riverside County property tax bill beginning in FY 2009/10. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charges:**

   NPDES Maximum Commercial/Industrial Regulatory Rate
   In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source control and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

   CSD Zone M Charge
   Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006. Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The annual CSD Zone M charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

5. **Calculation of the Charges:**

Each fiscal year, 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 annual CSD Zone M charge includes maintenance and administration costs and may be subject to an annual adjustment. The CSD Zone M charge shall be proportionally adjusted if the APN is subdivided or if development occurs adjacent to the proposed medians.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have questions about the proposed programs, charges, or this process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at (951) 413-3505.

V. SUMMARY OF BALLOT PROCEEDINGS

Please follow the instructions listed below and on the following page to complete and return your ballots. Procedures for the completion, return, and tabulation of the ballots are on file in the City Clerk's office of the City of Moreno Valley.

1. Mark the enclosed ballots in support or opposition to the proposed programs and annual charges **by placing an appropriate valid mark in the corresponding box. A list containing appropriate valid markings is attached for reference.**

2. **Sign your name** on the ballots. *Ballots received without a signature will be considered invalid and will not be counted.*

3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.

4. Ballots must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, February 10, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 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.

5. **Upon the close of the Public Hearing:**
Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate will be confirmed if a majority of the APNs are marked in favor of the rate. The inclusion into the CSD Zone M program and the annual charge will be confirmed if the ballot is marked in favor of the charge.

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the Conditions of Approval.

If the ballot is not marked in favor of the CSD Zone M annual charge, then the charge will not be levied on the property tax bill, the City will not maintain the landscaping, and noncompliance of the Conditions of Approval shall result.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

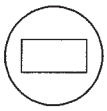
A check mark substantially inside a box;

An X mark substantially inside a box;

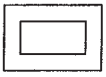
A dot or oval mark substantially inside a box;

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 **<u>and/or</u>** associated clause; or



A square or rectangle around the box **<u>and/or</u>** associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>**.

OFFICIAL MAIL BALLOT

National Pollutant Discharge Elimination System (NPDES) Maximum Commercial/Industrial Regulatory Rate for Parcels owned by Westcoast Prop Partners within Tentative Parcel Map (TPM) 35629

YES* – as the property owner of the parcels listed below within TPM 35629, **I approve** the NPDES maximum commercial/industrial regulatory rate and services. The City will annually inspect site design, source control and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State. For fiscal year (FY) 2008/09, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. Beginning in FY 2009/10, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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. Upon approval of the maximum regulatory rate, the annual levy amount will be assessed to each parcel listed below (and any division thereof) and shall be placed on the 2009/10 Riverside County property tax bill or as a monthly charge on a utility bill.

NO** – as the property owner of the parcels listed below within TPM 35629, **I do not approve** the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the project's Conditions of Approval.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
488-350-002 (and any division thereof)	☐	☐	$205
488-360-003 (and any division thereof)	☐	☐	$205
488-360-004 (and any division thereof)	☐	☐	$205

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 10, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 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

Llame al (951) 413-3480 para obtener información verbal en Español.

OFFICIAL MAIL BALLOT

Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)
Parcel owned by Westcoast Prop Partners
within Tentative Parcel Map (TPM) 35629

* **Yes**, as the property owner of the parcel listed below within TPM 35629, **I approve** the annual CSD Zone M charge for said parcel for fiscal year (FY) 2008/09. The CSD Zone M charge shall be proportionally adjusted if the APN is subdivided or if development occurs adjacent to the proposed median. Beginning in FY 2009/10, the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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 annual CSD Zone M charge shall be placed on the Riverside County property tax bill beginning in fiscal year 2009/10.

** **No**, as the property owner of the parcel listed below within TPM 35629, **I do not approve** the annual CSD Zone M charge. I understand that not incorporating said APN into the CSD Zone M program is a violation of the Conditions of Approval. The CSD Zone M charge shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge
488-350-002 (and any division thereof)	☐	☐	$17,285.40

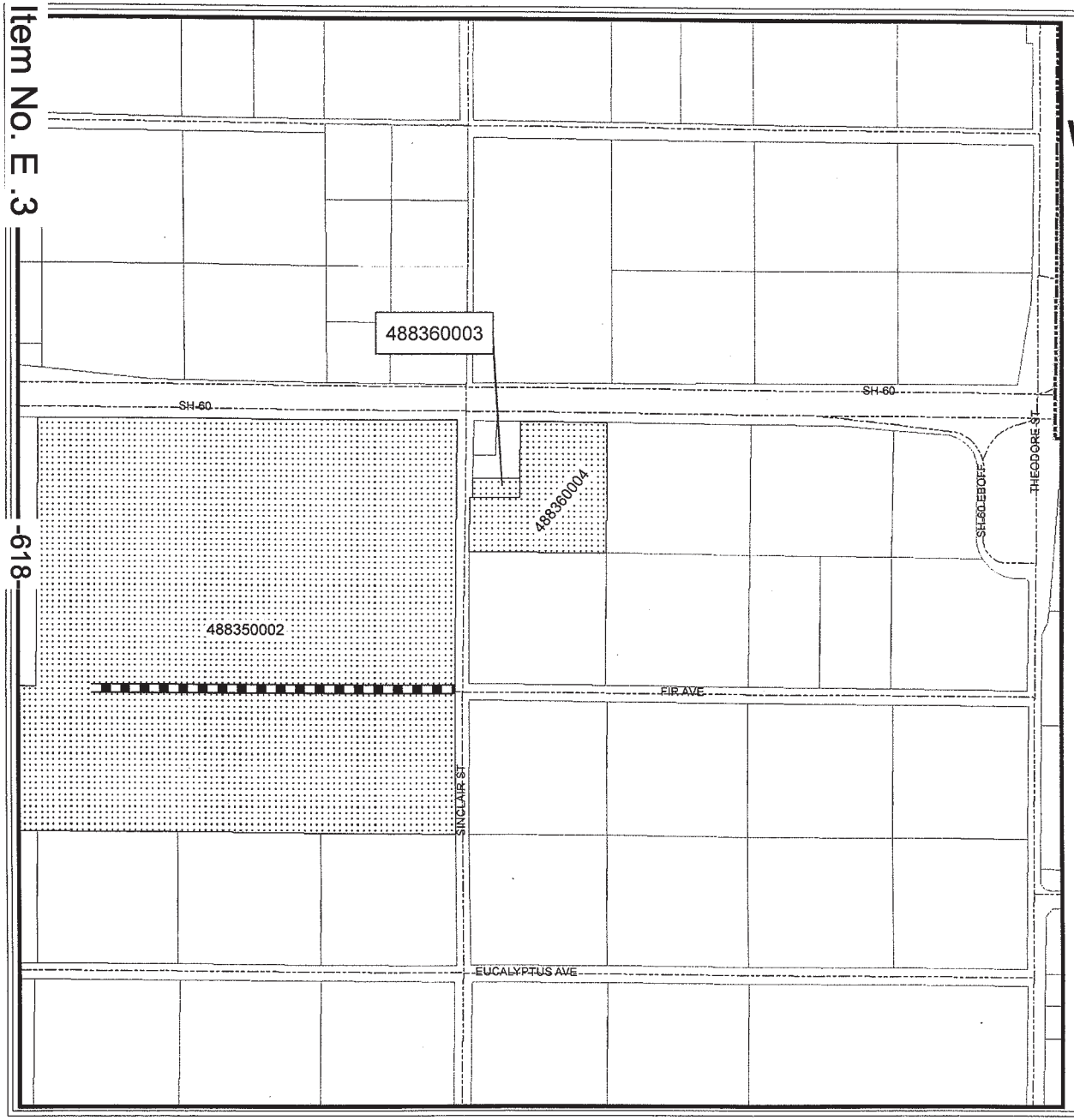
This ballot must be received by the Secretary of the Board (City Clerk) of the Moreno Valley Community Services District prior to the close of the Public Hearing on February 10, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 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

Llame al (951) 413-3480 para obtener información verbal en Español.



TPM 35629
for parcels owned by
Westcoast Prop Partners

Median
Landscaped Areas
Roads
Parcels
City Boundary

APN

488350002
488360003
488360004

Map reflects all changes indicated on Riverside County Assessor Maps as of December 17, 2008.

N

0 350 700 1,050 1,400 Feet

G:\AVP\SDA\TPM 35629 PA07-0090.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.

MORENO VALLEY
WHERE DREAMS SOAR

NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING
National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate
Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)
Parcels owned by HF Educational Partners within Tentative Parcel Map (TPM) 35629

I. BACKGROUND

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from residential/commercial developments.

NPDES Maximum Commercial/Industrial Maximum Regulatory Rate provides financial support for inspecting site design and source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City.

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, Special Districts is conducting a mail ballot proceeding to provide the owner of Assessor Parcel Numbers (APNs) 488-360-006, 488-360-007, 488-360-008, 488-360-009, and 488-360-010 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charge for the CSD Zone M program.

II. NOTICE - PUBLIC MEETING AND PUBLIC HEARING

To provide for public comments on this mail ballot proceeding, the City Council has scheduled one (1) Public Meeting and one (1) Public Hearing at their regular meetings, which will be held at the Moreno Valley City Hall Council Chamber as follows:

PUBLIC MEETING	***TUESDAY, January 27, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, February 10, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL** **COUNCIL CHAMBER** **14177 FREDERICK STREET** **MORENO VALLEY, CA 92553**

III. CHARGE INFORMATION

1. **Name of the Charges for APNs 488-360-006, 488-360-007, 488-360-008, 488-360-009, and 488-360-010 (and any division thereof):**

   NPDES Maximum Commercial/Industrial Regulatory Rate
   CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance)

2. **Maximum Annual Levy Amounts for APNs 488-360-006, 488-360-007, 488-360-008, 488-360-009, and 488-360-010 (and any division thereof):**

   For fiscal year (FY) 2008/09, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total parcel charges levied for NPDES for FY 2008/09 was $389,445.

   For FY 2008/09 the annual CSD Zone M charge is $4,077.60 for APN 488-360-008, $3,405.60 for 488-360-009, and $3,405.60 for APN 488-360-010. The total CSD Zone M charges levied for FY 2008/09 was $88,908.

   Beginning in FY 2009/10, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charges**:

   Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to each associated APN (and any division thereof) and shall be placed on the 2009/10 Riverside County property tax bill or as a monthly charge on a utility bill. The annual CSD Zone M levy amount shall be assessed to each associated APN (and any division thereof) on the Riverside County property tax bill beginning in FY 2009/10. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charges:**

   NPDES Maximum Commercial/Industrial Regulatory Rate
   In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source control and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

   CSD Zone M Charge
   Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006. Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The annual CSD Zone M charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

5. **Calculation of the Charges:**

Each fiscal year, 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 annual CSD Zone M charge includes maintenance and administration costs and may be subject to an annual adjustment. The CSD Zone M charge shall be proportionally adjusted if an APN is subdivided or if development occurs adjacent to the proposed median.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have questions about the proposed programs, charges, or this process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at (951) 413-3505.

V. SUMMARY OF BALLOT PROCEEDINGS

Please follow the instructions listed below and on the following page to complete and return your ballots. Procedures for the completion, return, and tabulation of the ballots are on file in the City Clerk's office of the City of Moreno Valley.

1. Mark the enclosed ballots in support or opposition to the proposed programs and annual charges **by placing an appropriate valid mark in the corresponding box. A list containing appropriate valid markings is attached for reference.**

2. **Sign your name** on the ballots. *Ballots received without a signature will be considered invalid and will not be counted.*

3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.

4. Ballots must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, February 10, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 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.

5. **Upon the close of the Public Hearing:**
Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate and inclusion into the CSD Zone M program and the maximum annual levy amounts will be confirmed if a majority of the APNs are marked in favor of the charge.

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the Conditions of Approval.

If the ballot is not marked in favor of the CSD Zone M annual charge, then the charge will not be levied on the property tax bill, the City will not maintain the landscaping, and noncompliance of the Conditions of Approval shall result.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

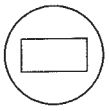
A check mark substantially inside a box;

An X mark substantially inside a box;

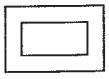
A dot or oval mark substantially inside a box;

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 **<u>and/or</u>** associated clause; or



A square or rectangle around the box **<u>and/or</u>** associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>**.

OFFICIAL MAIL BALLOT

National Pollutant Discharge Elimination System (NPDES) Maximum Commercial/Industrial Regulatory Rate for Parcels owned by HF Educational Partners within Tentative Parcel Map (TPM) 35629

YES* – as the property owner of the parcels listed below within TPM 35629, **I approve** the NPDES maximum commercial/industrial regulatory rate and services. The City will annually inspect site design, source control and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State. For fiscal year (FY) 2008/09, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. Beginning in FY 2009/10, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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. Upon approval of the maximum regulatory rate, the annual levy amount will be assessed to each parcel listed below (and any division thereof) and shall be placed on the 2009/10 Riverside County property tax bill or as a monthly charge on a utility bill.

NO** – as the property owner of the parcels listed below within TPM 35629, **I do not approve** the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the project's Conditions of Approval.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
488-360-006 (and any division thereof)	☐	☐	$205
488-360-007 (and any division thereof)	☐	☐	$205
488-360-008 (and any division thereof)	☐	☐	$205
488-360-009 (and any division thereof)	☐	☐	$205
488-360-010 (and any division thereof)	☐	☐	$205

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 10, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 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

Llame al (951) 413-3480 para obtener información verbal en Español.

OFFICIAL MAIL BALLOT

Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)
Parcel owned by HF Educational Partners
within Tentative Parcel Map (TPM) 35629

* **Yes**, as the property owner of the parcels listed below within TPM 35629, **I approve** the annual CSD Zone M charge for said parcels for fiscal year (FY) 2008/09. The CSD Zone M charge shall be proportionally adjusted if the APNs subdivide or if development occurs adjacent to the proposed median. Beginning in FY 2009/10, the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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 annual CSD Zone M charge shall be placed on the Riverside County property tax bill beginning in fiscal year 2009/10.

** **No**, as the property owner of the parcels listed below within TPM 35629, **I do not approve** the annual CSD Zone M charge. I understand that not incorporating said APNs into the CSD Zone M program is a violation of the Conditions of Approval. The CSD Zone M charge shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge
488-360-008 (and any division thereof)	☐	☐	$4,077.60
488-360-009 (and any division thereof)	☐	☐	$3,405.60
488-360-010 (and any division thereof)	☐	☐	$3,405.60

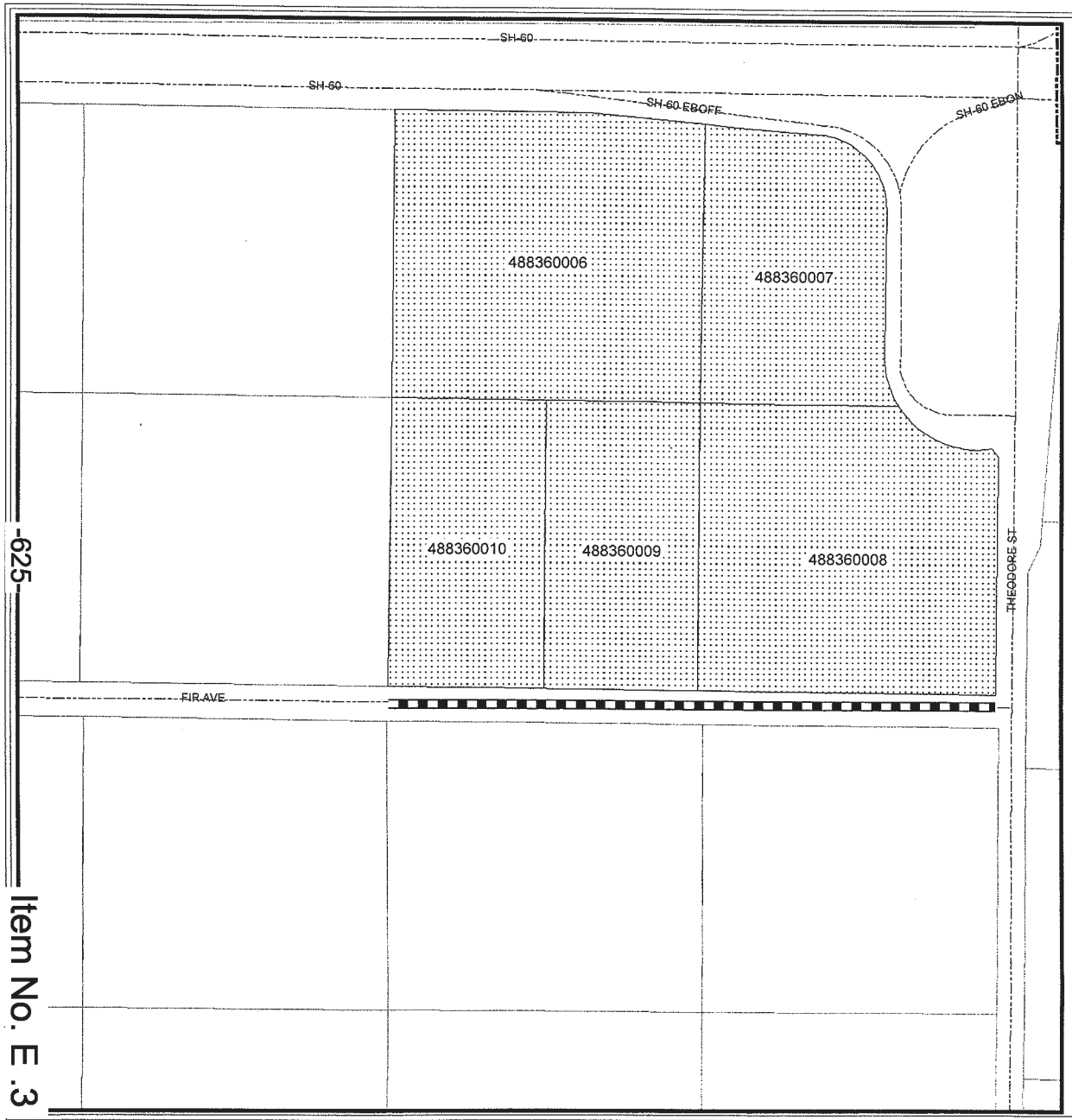
This ballot must be received by the Secretary of the Board (City Clerk) of the Moreno Valley Community Services District prior to the close of the Public Hearing on February 10, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 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

Llame al (951) 413-3480 para obtener información verbal en Español.



TPM 35629
for parcels owned by
HF Educational Partners

Median
Landscaped Areas
Roads
Parcels
City Boundary

APN

488360006
488360007
488360008
488360009
488360010

N

Map reflects all changes indicated on Riverside County Assessor Maps as of December 17, 2008.

0 150 300 450 600
Feet

G:\AVP\SDA\TPM 35629 HFEP.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.

MORENO VALLEY
WHERE DREAMS SOAR

NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING
National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate
Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)
Parcels owned by Sand Prop Partners within Tentative Parcel Map (TPM) 35629

I. BACKGROUND

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from residential/commercial developments.

NPDES Maximum Commercial/Industrial Maximum Regulatory Rate provides financial support for inspecting site design and source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City.

In November of 1996, California voters passed the Right to Vote on Taxes Act ("Proposition 218"). 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, Special Districts is conducting a mail ballot proceeding to provide the owner of Assessor Parcel Numbers (APNs) 488-360-005 and 488-360-011 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charge for the CSD Zone M program.

II. NOTICE - PUBLIC MEETING AND PUBLIC HEARING

To provide for public comments on this mail ballot proceeding, the City Council has scheduled one (1) Public Meeting and one (1) Public Hearing at their regular meetings, which will be held at the Moreno Valley City Hall Council Chamber as follows:

PUBLIC MEETING	***TUESDAY, January 27, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, February 10, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL** **COUNCIL CHAMBER** **14177 FREDERICK STREET** **MORENO VALLEY, CA 92553**

III. CHARGE INFORMATION

1. **Name of the Charges for APNs 488-360-005 and 488-360-011 (and any division thereof):**

   NPDES Maximum Commercial/Industrial Regulatory Rate
   CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance)

2. **Maximum Annual Levy Amounts for APNs 488-360-005 and 488-360-011 (and any division thereof):**

   For fiscal year (FY) 2008/09, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total parcel charges levied for NPDES for FY 2008/09 was $389,445.

   For FY 2008/09 the annual CSD Zone M charge is $6,811.20 for APN 488-360-011. The total CSD Zone M charges levied for FY 2008/09 was $88,908.

   Beginning in FY 2009/10, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charges**:

   Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APNs 488-360-005 and 488-360-011 (and any division thereof) and shall be placed on the 2009/10 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M annual levy amount shall be assessed to APN 488-360-011 (and any division thereof) on the Riverside County property tax bill beginning in FY 2009/10. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charges:**

   NPDES Maximum Commercial/Industrial Regulatory Rate
   In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source control and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

   CSD Zone M Charge
   Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006. Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The annual CSD Zone M charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

5. **Calculation of the Charges:**

Each fiscal year, 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 annual CSD Zone M charge includes maintenance and administration costs and may be subject to an annual adjustment. The CSD Zone M charge shall be proportionally adjusted if the APN is subdivided or if development occurs adjacent to the proposed medians.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have questions about the proposed programs, charges, or this process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at (951) 413-3505.

V. SUMMARY OF BALLOT PROCEEDINGS

Please follow the instructions listed below and on the following page to complete and return your ballots. Procedures for the completion, return, and tabulation of the ballots are on file in the City Clerk's office of the City of Moreno Valley.

1. Mark the enclosed ballots in support or opposition to the proposed programs and annual charges **by placing an appropriate valid mark in the corresponding box. A list containing appropriate valid markings is attached for reference.**

2. **Sign your name** on the ballots. *Ballots received without a signature will be considered invalid and will not be counted.*

3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.

4. Ballots must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, February 10, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 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.

5. **Upon the close of the Public Hearing:**
Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate will be confirmed if a majority of the APNs are marked in favor of the rate. The inclusion into the CSD Zone M program and the annual charge will be confirmed if the ballot is marked in favor of the charge.

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the Conditions of Approval.

If the ballot is not marked in favor of the CSD Zone M annual charge, then the charge will not be levied on the property tax bill, the City will not maintain the landscaping, and noncompliance of the Conditions of Approval shall result.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

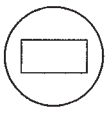
A check mark substantially inside a box;

An X mark substantially inside a box;

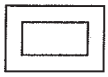
A dot or oval mark substantially inside a box;

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 **<u>and/or</u>** associated clause; or



A square or rectangle around the box **<u>and/or</u>** associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>**.

OFFICIAL MAIL BALLOT

National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate
Parcels owned by Sand Prop Partners within Tentative Parcel Map (TPM) 35629

YES* – as the property owner of the parcels listed below within TPM 35629, **I approve** the NPDES maximum commercial/industrial regulatory rate and services. The City will annually inspect site design, source control and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State. For fiscal year (FY) 2008/09, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. Beginning in FY 2009/10, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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. Upon approval of the maximum regulatory rate, the annual levy amount will be assessed to each parcel listed below (and any division thereof) and shall be placed on the 2009/10 Riverside County property tax bill or as a monthly charge on a utility bill.

NO** – as the property owner of the parcels listed below within TPM 35629, **I do not approve** the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the project's Conditions of Approval.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
488-360-005 (and any division thereof)	☐	☐	$205
488-360-011 (and any division thereof)	☐	☐	$205

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 10, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 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

Llame al (951) 413-3480 para obtener información verbal en Español.

OFFICIAL MAIL BALLOT

Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)
Parcel owned by Sand Prop Partners within Tentative Parcel Map (TPM) 35629

* **Yes**, as the property owner of the parcel listed below within TPM 35629, **I approve** the annual CSD Zone M charge for said parcel for fiscal year (FY) 2008/09. The CSD Zone M charge shall be proportionally adjusted if the APN is subdivided or if development occurs adjacent to the proposed median. Beginning in FY 2009/10, the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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 annual CSD Zone M charge shall be placed on the Riverside County property tax bill beginning in fiscal year 2009/10.

** **No**, as the property owner of the parcel listed below within TPM 35629, **I do not approve** the annual CSD Zone M charge. I understand that not incorporating said APN into the CSD Zone M program is a violation of the Conditions of Approval. The CSD Zone M charge shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge
488-360-011 (and any division thereof)	☐	☐	$6,811.20

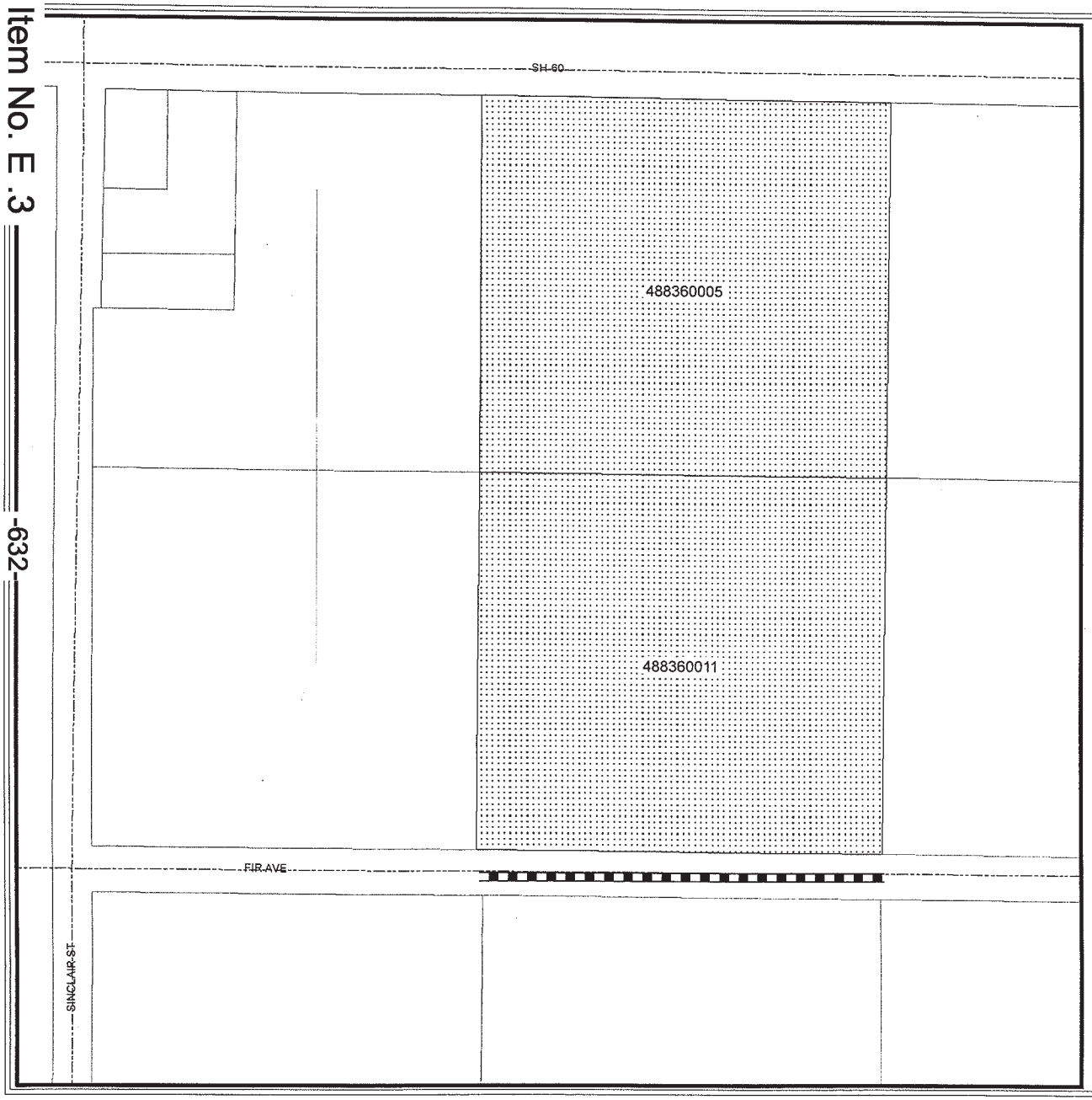
This ballot must be received by the Secretary of the Board (City Clerk) of the Moreno Valley Community Services District prior to the close of the Public Hearing on February 10, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 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

Llame al (951) 413-3480 para obtener información verbal en Español.



TPM 35629 for parcels owned by Sand Prop Partners

Median
Landscaped Areas
Roads
Parcels
City Boundary

APN

488360005
488360011

Map reflects all changes indicated on Riverside County Assessor Maps as of December 17, 2008.

N

0 120 240 360 480 Feet

G:\AVP\SDA\TPM 35629 SPP.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.

MORENO VALLEY
WHERE DREAMS SOAR

NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING
National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate
Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)
Parcels owned by Sinclair Prop Partners within Tentative Parcel Map (TPM) 35629

I. BACKGROUND

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from residential/commercial developments.

NPDES Maximum Commercial/Industrial Maximum Regulatory Rate provides financial support for inspecting site design and source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City.

In November of 1996, California voters passed the Right to Vote on Taxes Act ("Proposition 218"). 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, Special Districts is conducting a mail ballot proceeding to provide the owner of Assessor Parcel Numbers (APNs) 488-360-001, 488-360-002, and 488-360-012 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charge for the CSD Zone M program.

II. NOTICE - PUBLIC MEETING AND PUBLIC HEARING

To provide for public comments on this mail ballot proceeding, the City Council has scheduled one (1) Public Meeting and one (1) Public Hearing at their regular meetings, which will be held at the Moreno Valley City Hall Council Chamber as follows:

PUBLIC MEETING	***TUESDAY, January 27, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, February 10, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL** **COUNCIL CHAMBER** **14177 FREDERICK STREET** **MORENO VALLEY, CA 92553**

III. CHARGE INFORMATION

1. **Name of the Charges for APNs 488-360-001, 488-360-002, and 488-360-012 (and any division thereof):**

   NPDES Maximum Commercial/Industrial Regulatory Rate
   CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance)

2. **Maximum Annual Levy Amounts for APNs 488-360-001, 488-360-002, and 488-360-012 (and any division thereof):**

   For fiscal year (FY) 2008/09, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total parcel charges levied for NPDES for FY 2008/09 was $389,445.

   For FY 2008/09 the annual CSD Zone M charge is $6,501.60 for APN 488-360-012. The total CSD Zone M charges levied for FY 2008/09 was $88,908.

   Beginning in FY 2009/10, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charges**:

   Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APNs 488-360-001, 488-360-002, and 488-360-012 (and any division thereof) and shall be placed on the 2009/10 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M annual levy amount shall be assessed to APN 488-360-012 (and any division thereof) on the Riverside County property tax bill beginning in FY 2009/10. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charges:**

   NPDES Maximum Commercial/Industrial Regulatory Rate
   In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source control and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

   CSD Zone M Charge
   Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006. Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The annual CSD Zone M charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

5. **Calculation of the Charges:**

Each fiscal year, 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 annual CSD Zone M charge includes maintenance and administration costs and may be subject to an annual adjustment. The CSD Zone M charge shall be proportionally adjusted if the APN is subdivided or if development occurs adjacent to the proposed medians.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have questions about the proposed programs, charges, or this process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at (951) 413-3505.

V. SUMMARY OF BALLOT PROCEEDINGS

Please follow the instructions listed below and on the following page to complete and return your ballots. Procedures for the completion, return, and tabulation of the ballots are on file in the City Clerk's office of the City of Moreno Valley.

1. Mark the enclosed ballots in support or opposition to the proposed programs and annual charges **by placing an appropriate valid mark in the corresponding box. A list containing appropriate valid markings is attached for reference.**

2. **Sign your name** on the ballots. *Ballots received without a signature will be considered invalid and will not be counted.*

3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.

4. Ballots must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, February 10, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 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.

5. **Upon the close of the Public Hearing:**
Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate will be confirmed if a majority of the APNs are marked in favor of the rate. The inclusion into the CSD Zone M program and the annual charge will be confirmed if the ballot is marked in favor of the charge.

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the Conditions of Approval.

If the ballot is not marked in favor of the CSD Zone M annual charge, then the charge will not be levied on the property tax bill, the City will not maintain the landscaping, and noncompliance of the Conditions of Approval shall result.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

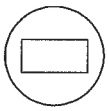
A check mark substantially inside a box;

An X mark substantially inside a box;

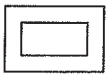
A dot or oval mark substantially inside a box;

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 **<u>and/or</u>** associated clause; or



A square or rectangle around the box **<u>and/or</u>** associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>**.

OFFICIAL MAIL BALLOT

National Pollutant Discharge Elimination System (NPDES) Maximum Commercial/Industrial Regulatory Rate for Parcels owned by Sinclair Prop Partners within Tentative Parcel Map (TPM) 35629

YES* – as the property owner of the parcels listed below within TPM 35629, **I approve** the NPDES maximum commercial/industrial regulatory rate and services. The City will annually inspect site design, source control and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State. For fiscal year (FY) 2008/09, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. Beginning in FY 2009/10, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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. Upon approval of the maximum regulatory rate, the annual levy amount will be assessed to each parcel listed below (and any division thereof) and shall be placed on the 2009/10 Riverside County property tax bill or as a monthly charge on a utility bill.

NO** – as the property owner of the parcels listed below within TPM 35629, **I do not approve** the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the project's Conditions of Approval.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
488-360-001 (and any division thereof)	☐	☐	$205
488-360-002 (and any division thereof)	☐	☐	$205
488-360-012 (and any division thereof)	☐	☐	$205

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 10, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 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

Llame al (951) 413-3480 para obtener información verbal en Español.

OFFICIAL MAIL BALLOT

Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)
Parcel owned by Sinclair Prop Partners within Tentative Parcel Map (TPM) 35629

* **Yes**, as the property owner of the parcel listed below within TPM 35629, **I approve** the annual CSD Zone M charge for said parcel for fiscal year (FY) 2008/09. The CSD Zone M charge shall be proportionally adjusted if the APN is subdivided or if development occurs adjacent to the proposed median. Beginning in FY 2009/10, the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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 annual CSD Zone M charge shall be placed on the Riverside County property tax bill beginning in fiscal year 2009/10.

** **No**, as the property owner of the parcel listed below within TPM 35629, **I do not approve** the annual CSD Zone M charge. I understand that not incorporating said APN into the CSD Zone M program is a violation of the Conditions of Approval. The CSD Zone M charge shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge
488-360-012 (and any division thereof)	☐	☐	$6,501.60

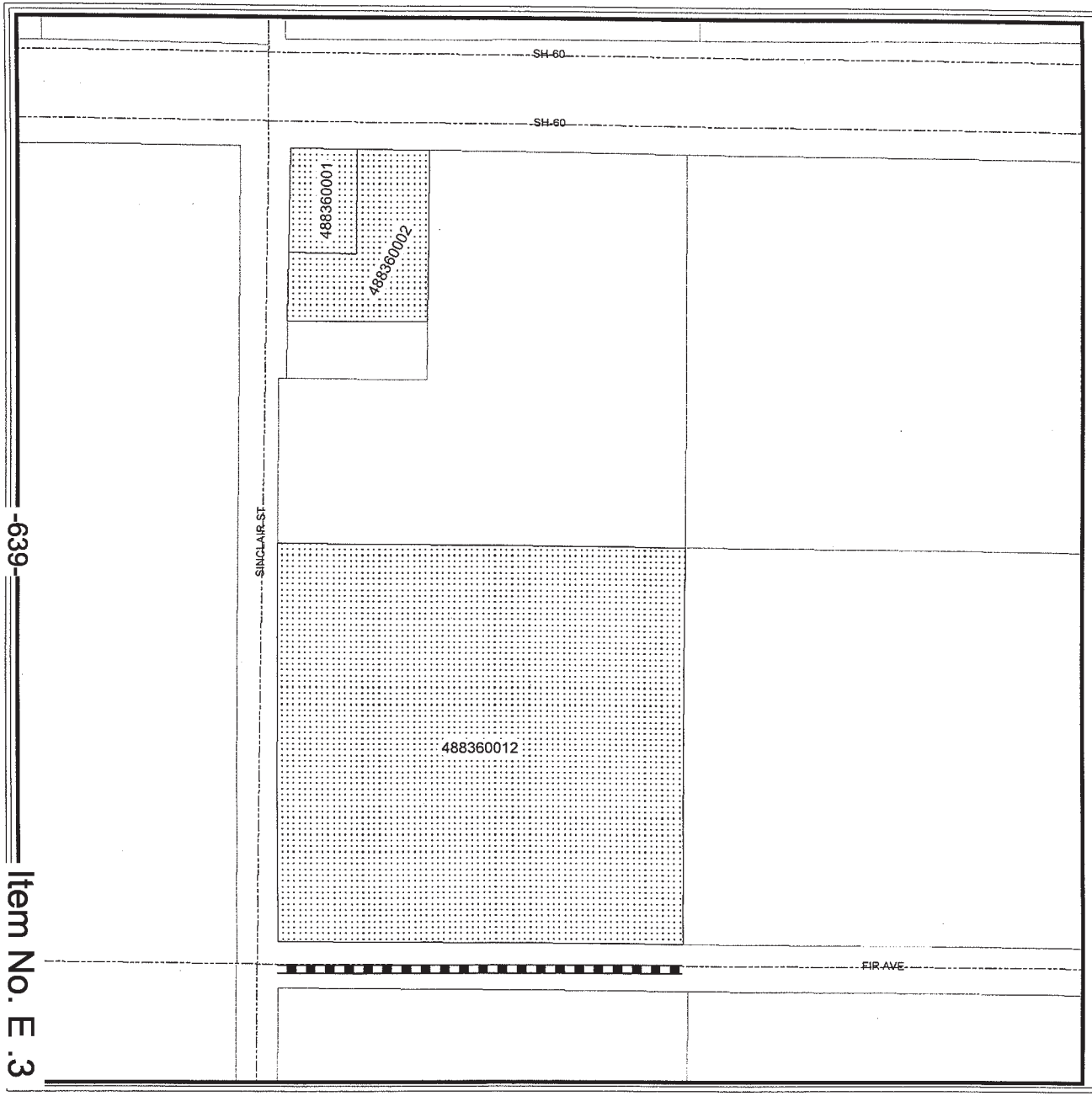
This ballot must be received by the Secretary of the Board (City Clerk) of the Moreno Valley Community Services District prior to the close of the Public Hearing on February 10, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 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

Llame al (951) 413-3480 para obtener información verbal en Español.



TPM 35629
for parcels owned by Sinclair Prop Partners

- Median
- Landscaped Areas
- Roads
- Parcels
- City Boundary

APN

- 488360001
- 488360002
- 488360012

Map reflects all changes indicated on Riverside County Assessor Maps as of December 17, 2008.

N

0 125 250 375 500 Feet

G:\AVP\SDA\TPM 35629 Sinclair PP.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.

MORENO VALLEY
WHERE DREAMS SOAR

This page intentionally left blank.

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

January 23, 2009

Highland Fairview
14225 Corporate Way
Moreno Valley, CA 92553

Attention: Danette Fenstermacher, Chief Operating Officer & Executive Vice President

Subject: Rescheduling of the Public Meeting and Public Hearing for the Mail Ballot Proceeding for parcels owned by Westcoast Prop Partners, HF Educational Partners, Sand Prop Partners, and Sinclair Prop Partners within Tentative Parcel Map (TPM) 35629

Dear Ms. Fenstermacher,

The Special Districts Division originally scheduled the Public Meeting on January 27 and the Public Hearing on February 10, 2009 for the National Pollutant Discharge Elimination System (NPDES) Rate and for inclusion into Community Services District (CSD) Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance). Due to circumstances outside of the Special Districts Division's control, the Public Meeting has been rescheduled for March 10, 2009 and the Public Hearing has been rescheduled for March 24, 2009. Attached is a revised Notice to Property Owner for each property owner listing the new dates of the Public Meeting and Public Hearing, all other mail ballot documents remain unchanged. Ballots that have already been returned will remain in the custody of the City Clerk until the March 24, 2009 Public Hearing.

If you have any questions regarding the rescheduling of the Public Meeting and Public Hearing, please contact Jennifer Terry, Management Analyst, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 8:00 a.m. to 5:00 p.m. at 951.413.3505.

Sincerely,

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

Jennifer Terry
Management Analyst

Enclosures

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\M NPDES\TPM 35629 Skechers - PA07-0090\date change of Public Hearing.doc

NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING
National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate
Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)
Parcels owned by HF Educational Partners within Tentative Parcel Map (TPM) 35629

I. BACKGROUND

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from residential/commercial developments.

NPDES Maximum Commercial/Industrial Maximum Regulatory Rate provides financial support for inspecting site design and source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City.

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, Special Districts is conducting a mail ballot proceeding to provide the owner of Assessor Parcel Numbers (APNs) 488-360-006, 488-360-007, 488-360-008, 488-360-009, and 488-360-010 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charge for the CSD Zone M program.

II. NOTICE - PUBLIC MEETING AND PUBLIC HEARING

To provide for public comments on this mail ballot proceeding, the City Council has scheduled one (1) Public Meeting and one (1) Public Hearing at their regular meetings, which will be held at the Moreno Valley City Hall Council Chamber as follows:

PUBLIC MEETING	***TUESDAY, March 10, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, March 24, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL** **COUNCIL CHAMBER** **14177 FREDERICK STREET** **MORENO VALLEY, CA 92553**

III. CHARGE INFORMATION

1. **Name of the Charges for APNs 488-360-006, 488-360-007, 488-360-008, 488-360-009, and 488-360-010 (and any division thereof):**

   NPDES Maximum Commercial/Industrial Regulatory Rate
   CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance)

2. **Maximum Annual Levy Amounts for APNs 488-360-006, 488-360-007, 488-360-008, 488-360-009, and 488-360-010 (and any division thereof):**

   For fiscal year (FY) 2008/09, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total parcel charges levied for NPDES for FY 2008/09 was $389,445.

   For FY 2008/09 the annual CSD Zone M charge is $4,077.60 for APN 488-360-008, $3,405.60 for 488-360-009, and $3,405.60 for APN 488-360-010. The total CSD Zone M charges levied for FY 2008/09 was $88,908.

   Beginning in FY 2009/10, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charges**:

   Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to each associated APN (and any division thereof) and shall be placed on the 2009/10 Riverside County property tax bill or as a monthly charge on a utility bill. The annual CSD Zone M levy amount shall be assessed to each associated APN (and any division thereof) on the Riverside County property tax bill beginning in FY 2009/10. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charges:**

   NPDES Maximum Commercial/Industrial Regulatory Rate
   In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source control and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

   CSD Zone M Charge
   Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006. Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The annual CSD Zone M charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

5. **Calculation of the Charges:**

Each fiscal year, 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 annual CSD Zone M charge includes maintenance and administration costs and may be subject to an annual adjustment. The CSD Zone M charge shall be proportionally adjusted if an APN is subdivided or if development occurs adjacent to the proposed median.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have questions about the proposed programs, charges, or this process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at (951) 413-3505.

V. SUMMARY OF BALLOT PROCEEDINGS

Please follow the instructions listed below and on the following page to complete and return your ballots. Procedures for the completion, return, and tabulation of the ballots are on file in the City Clerk's office of the City of Moreno Valley.

1. Mark the enclosed ballots in support or opposition to the proposed programs and annual charges **by placing an appropriate valid mark in the corresponding box. A list containing appropriate valid markings is attached for reference.**

2. **Sign your name** on the ballots. *Ballots received without a signature will be considered invalid and will not be counted.*

3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.

4. Ballots must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, March 24, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 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.

5. **Upon the close of the Public Hearing:**
Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate and inclusion into the CSD Zone M program and the maximum annual levy amounts will be confirmed if a majority of the APNs are marked in favor of the charge.

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the Conditions of Approval.

If the ballot is not marked in favor of the CSD Zone M annual charge, then the charge will not be levied on the property tax bill, the City will not maintain the landscaping, and noncompliance of the Conditions of Approval shall result.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

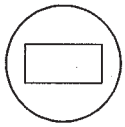
A check mark substantially inside a box;

An X mark substantially inside a box;

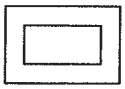
A dot or oval mark substantially inside a box;

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 **<u>and/or</u>** associated clause; or



A square or rectangle around the box **<u>and/or</u>** associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property**. **<u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>**.

NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING
National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate
Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)
Parcels owned by Westcoast Prop Partners within Tentative Parcel Map (TPM) 35629

I. BACKGROUND

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from residential/commercial developments.

NPDES Maximum Commercial/Industrial Maximum Regulatory Rate provides financial support for inspecting site design and source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City.

In November of 1996, California voters passed the Right to Vote on Taxes Act ("Proposition 218"). 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, Special Districts is conducting a mail ballot proceeding to provide the owner of Assessor Parcel Numbers (APNs) 488-350-002, 488-360-003, and 488-360-004 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charge for the CSD Zone M program.

II. NOTICE - PUBLIC MEETING AND PUBLIC HEARING

To provide for public comments on this mail ballot proceeding, the City Council has scheduled one (1) Public Meeting and one (1) Public Hearing at their regular meetings, which will be held at the Moreno Valley City Hall Council Chamber as follows:

PUBLIC MEETING	***TUESDAY, March 10, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, March 24, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL** **COUNCIL CHAMBER** **14177 FREDERICK STREET** **MORENO VALLEY, CA 92553**

III. CHARGE INFORMATION

1. **Name of the Charges for APNs 488-350-002, 488-360-003, and 488-360-004 (and any division thereof):**

   NPDES Maximum Commercial/Industrial Regulatory Rate
   CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance)

2. **Maximum Annual Levy Amounts for APNs 488-350-002, 488-360-003, and 488-360-004 (and any division thereof):**

   For fiscal year (FY) 2008/09, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total parcel charges levied for NPDES for FY 2008/09 was $389,445.

   For FY 2008/09 the annual CSD Zone M charge is $17,285.40 for APN 488-350-002. The total CSD Zone M charges levied for FY 2008/09 was $88,908.

   Beginning in FY 2009/10, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charges**:

   Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APNs 488-350-002, 488-360-003, and 488-360-004 (and any division thereof) and shall be placed on the 2009/10 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M annual levy amount shall be assessed to APN 488-350-002 (and any division thereof) on the Riverside County property tax bill beginning in FY 2009/10. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charges:**

   NPDES Maximum Commercial/Industrial Regulatory Rate
   In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source control and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

   CSD Zone M Charge
   Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006. Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The annual CSD Zone M charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

5. **Calculation of the Charges:**

Each fiscal year, 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 annual CSD Zone M charge includes maintenance and administration costs and may be subject to an annual adjustment. The CSD Zone M charge shall be proportionally adjusted if the APN is subdivided or if development occurs adjacent to the proposed medians.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have questions about the proposed programs, charges, or this process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at (951) 413-3505.

V. SUMMARY OF BALLOT PROCEEDINGS

Please follow the instructions listed below and on the following page to complete and return your ballots. Procedures for the completion, return, and tabulation of the ballots are on file in the City Clerk's office of the City of Moreno Valley.

1. Mark the enclosed ballots in support or opposition to the proposed programs and annual charges **by placing an appropriate valid mark in the corresponding box. A list containing appropriate valid markings is attached for reference.**

2. **Sign your name** on the ballots. *Ballots received without a signature will be considered invalid and will not be counted.*

3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.

4. Ballots must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, March 24, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 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.

5. **Upon the close of the Public Hearing:**
Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate will be confirmed if a majority of the APNs are marked in favor of the rate. The inclusion into the CSD Zone M program and the annual charge will be confirmed if the ballot is marked in favor of the charge.

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the Conditions of Approval.

If the ballot is not marked in favor of the CSD Zone M annual charge, then the charge will not be levied on the property tax bill, the City will not maintain the landscaping, and noncompliance of the Conditions of Approval shall result.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

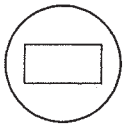
A check mark substantially inside a box;

An X mark substantially inside a box;

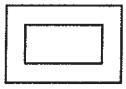
A dot or oval mark substantially inside a box;

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 **<u>and/or</u>** associated clause; or



A square or rectangle around the box **<u>and/or</u>** associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>**.

NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING
National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate
Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)
Parcels owned by Sand Prop Partners within Tentative Parcel Map (TPM) 35629

I. BACKGROUND

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from residential/commercial developments.

NPDES Maximum Commercial/Industrial Maximum Regulatory Rate provides financial support for inspecting site design and source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City.

In November of 1996, California voters passed the Right to Vote on Taxes Act ("Proposition 218"). 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, Special Districts is conducting a mail ballot proceeding to provide the owner of Assessor Parcel Numbers (APNs) 488-360-005 and 488-360-011 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charge for the CSD Zone M program.

II. NOTICE - PUBLIC MEETING AND PUBLIC HEARING

To provide for public comments on this mail ballot proceeding, the City Council has scheduled one (1) Public Meeting and one (1) Public Hearing at their regular meetings, which will be held at the Moreno Valley City Hall Council Chamber as follows:

PUBLIC MEETING	***TUESDAY, March 10, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, March 24, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL** **COUNCIL CHAMBER** **14177 FREDERICK STREET** **MORENO VALLEY, CA 92553**

III. CHARGE INFORMATION

1. **Name of the Charges for APNs 488-360-005 and 488-360-011 (and any division thereof):**

   NPDES Maximum Commercial/Industrial Regulatory Rate
   CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance)

2. **Maximum Annual Levy Amounts for APNs 488-360-005 and 488-360-011 (and any division thereof):**

   For fiscal year (FY) 2008/09, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total parcel charges levied for NPDES for FY 2008/09 was $389,445.

   For FY 2008/09 the annual CSD Zone M charge is $6,811.20 for APN 488-360-011. The total CSD Zone M charges levied for FY 2008/09 was $88,908.

   Beginning in FY 2009/10, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charges**:

   Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APNs 488-360-005 and 488-360-011 (and any division thereof) and shall be placed on the 2009/10 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M annual levy amount shall be assessed to APN 488-360-011 (and any division thereof) on the Riverside County property tax bill beginning in FY 2009/10. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charges:**

   NPDES Maximum Commercial/Industrial Regulatory Rate
   In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source control and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

   CSD Zone M Charge
   Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006. Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The annual CSD Zone M charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

5. **Calculation of the Charges:**

Each fiscal year, 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 annual CSD Zone M charge includes maintenance and administration costs and may be subject to an annual adjustment. The CSD Zone M charge shall be proportionally adjusted if the APN is subdivided or if development occurs adjacent to the proposed medians.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have questions about the proposed programs, charges, or this process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at (951) 413-3505.

V. SUMMARY OF BALLOT PROCEEDINGS

Please follow the instructions listed below and on the following page to complete and return your ballots. Procedures for the completion, return, and tabulation of the ballots are on file in the City Clerk's office of the City of Moreno Valley.

1. Mark the enclosed ballots in support or opposition to the proposed programs and annual charges **by placing an appropriate valid mark in the corresponding box. A list containing appropriate valid markings is attached for reference.**

2. **Sign your name** on the ballots. *Ballots received without a signature will be considered invalid and will not be counted.*

3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.

4. Ballots must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, March 24, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 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.

5. **Upon the close of the Public Hearing:**
Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate will be confirmed if a majority of the APNs are marked in favor of the rate. The inclusion into the CSD Zone M program and the annual charge will be confirmed if the ballot is marked in favor of the charge.

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the Conditions of Approval.

If the ballot is not marked in favor of the CSD Zone M annual charge, then the charge will not be levied on the property tax bill, the City will not maintain the landscaping, and noncompliance of the Conditions of Approval shall result.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

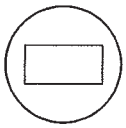
A check mark substantially inside a box;

An X mark substantially inside a box;

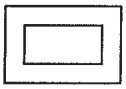
A dot or oval mark substantially inside a box;

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 **<u>and/or</u>** associated clause; or



A square or rectangle around the box **<u>and/or</u>** associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>**.

NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING
National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate
Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)
Parcels owned by Sinclair Prop Partners within Tentative Parcel Map (TPM) 35629

I. BACKGROUND

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from residential/commercial developments.

NPDES Maximum Commercial/Industrial Maximum Regulatory Rate provides financial support for inspecting site design and source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City.

In November of 1996, California voters passed the Right to Vote on Taxes Act ("Proposition 218"). 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, Special Districts is conducting a mail ballot proceeding to provide the owner of Assessor Parcel Numbers (APNs) 488-360-001, 488-360-002, and 488-360-012 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charge for the CSD Zone M program.

II. NOTICE - PUBLIC MEETING AND PUBLIC HEARING

To provide for public comments on this mail ballot proceeding, the City Council has scheduled one (1) Public Meeting and one (1) Public Hearing at their regular meetings, which will be held at the Moreno Valley City Hall Council Chamber as follows:

PUBLIC MEETING	***TUESDAY, March 10, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, March 24, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL** **COUNCIL CHAMBER** **14177 FREDERICK STREET** **MORENO VALLEY, CA 92553**

III. CHARGE INFORMATION

1. **Name of the Charges for APNs 488-360-001, 488-360-002, and 488-360-012 (and any division thereof):**

   NPDES Maximum Commercial/Industrial Regulatory Rate
   CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance)

2. **Maximum Annual Levy Amounts for APNs 488-360-001, 488-360-002, and 488-360-012 (and any division thereof):**

   For fiscal year (FY) 2008/09, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total parcel charges levied for NPDES for FY 2008/09 was $389,445.

   For FY 2008/09 the annual CSD Zone M charge is $6,501.60 for APN 488-360-012. The total CSD Zone M charges levied for FY 2008/09 was $88,908.

   Beginning in FY 2009/10, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charges**:

   Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APNs 488-360-001, 488-360-002, and 488-360-012 (and any division thereof) and shall be placed on the 2009/10 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M annual levy amount shall be assessed to APN 488-360-012 (and any division thereof) on the Riverside County property tax bill beginning in FY 2009/10. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charges:**

   NPDES Maximum Commercial/Industrial Regulatory Rate
   In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source control and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

   CSD Zone M Charge
   Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006. Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The annual CSD Zone M charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

5. **Calculation of the Charges:**

Each fiscal year, 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 annual CSD Zone M charge includes maintenance and administration costs and may be subject to an annual adjustment. The CSD Zone M charge shall be proportionally adjusted if the APN is subdivided or if development occurs adjacent to the proposed medians.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have questions about the proposed programs, charges, or this process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at (951) 413-3505.

V. SUMMARY OF BALLOT PROCEEDINGS

Please follow the instructions listed below and on the following page to complete and return your ballots. Procedures for the completion, return, and tabulation of the ballots are on file in the City Clerk's office of the City of Moreno Valley.

1. Mark the enclosed ballots in support or opposition to the proposed programs and annual charges **by placing an appropriate valid mark in the corresponding box. A list containing appropriate valid markings is attached for reference.**

2. **Sign your name** on the ballots. *Ballots received without a signature will be considered invalid and will not be counted.*

3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.

4. Ballots must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, March 24, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 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.

5. **Upon the close of the Public Hearing:**
Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate will be confirmed if a majority of the APNs are marked in favor of the rate. The inclusion into the CSD Zone M program and the annual charge will be confirmed if the ballot is marked in favor of the charge.

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the Conditions of Approval.

If the ballot is not marked in favor of the CSD Zone M annual charge, then the charge will not be levied on the property tax bill, the City will not maintain the landscaping, and noncompliance of the Conditions of Approval shall result.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

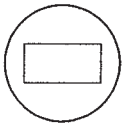
A check mark substantially inside a box;

An X mark substantially inside a box;

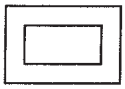
A dot or oval mark substantially inside a box;

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 **<u>and/or</u>** associated clause; or



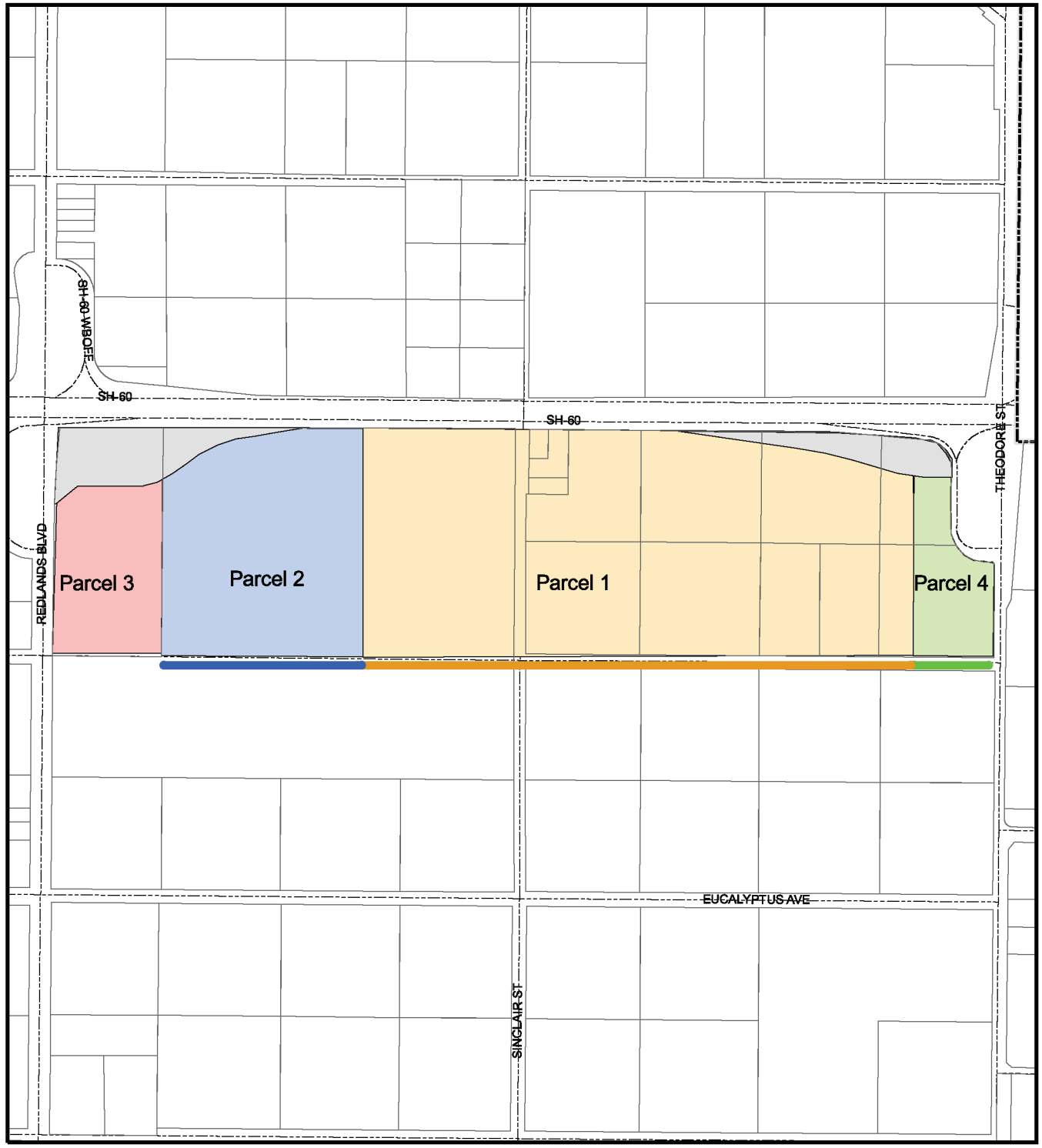
A square or rectangle around the box **<u>and/or</u>** associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property**. **<u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>**.

This page intentionally left blank.



Tentative Parcel Map 35629

Median
Landscaped Areas
Roads

Tent_PM35629
Label

Parcel 1
Parcel 2
Parcel 3
Parcel 4
Parcel 5
Parcel 6
Parcels
City Boundary

Map reflects all changes indicated on Riverside County Assessor Maps as of December 29, 2008.

N

0 350 700 1,050 1,400
Feet

G:\AVP\SDA\12.29.08.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.

MORENO VALLEY
WHERE DREAMS SOAR

ATTACHMENT 3

This page intentionally left blank.

HIGHLAND FAIRVIEW PROPERTIES

14225 Corporate Way
Moreno Valley, CA 92553

Tel: (714) 824-8001 Fax: (714) 824-8002

March 24, 2009

Mr. Rick C. Hartmann
Deputy City Manager
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552-0805

Re: Continuance Request for CSD Zone M Voting

Dear Rick,

Highland Fairview is requesting a 60 day continuance for the voting of the ballot proceeding for identified properties within Tentative Parcel Map (TPM) 35629 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory maintenance rate and CSD Zone Z incorporation of the median maintenance.

Thank you for your attention to this matter.

Sincerely,

Danette Fenstermacher
Executive Vice President & Chief Operating Officer

ATTACHMENT 4

This page intentionally left blank.

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	RDH
CITY MANAGER	for

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Economic Development Department Director

AGENDA DATE: May 26, 2009

TITLE: PUBLIC HEARING TO ADOPT FY 2008-2009 ANNUAL ACTION PLAN, SUBSTANTIAL AMENDMENT #4, THE COMMUNITY DEVELOPMENT BLOCK GRANT - RECOVERY PROGRAM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a Public Hearing to allow public comment on the proposed 2008-09 Annual Action Plan Substantial Amendment #4, the Community Development Block Grant - Recovery Program (CDBG-R).
2. Review and adopt the proposed 2008-09 Annual Action Plan Substantial Amendment #4, the Community Development Block Grant - Recovery Program.
3. Authorize the City Manager to execute any subsequent agreements related to provision of services under Community Development Block Grant - Recovery Program.
4. Due to strict federal program deadlines, authorize the City Manager to make 'non-substantial' plan adjustments, if necessary.

BACKGROUND

On February 17, 2009, President Obama signed the American Recovery and Reinvestment Act of 2009 (ARRA), which includes $1 billion for supplemental Community Development Block Grant - Recovery (CDBG-R) funding to help stimulate the economy through projects that create employment opportunities, modernize infrastructure, promote energy efficiency, expand educational programs, or improve access to health care.

The Department of Housing and Urban Development (HUD) is responsible for administering the CDBG-R program. HUD has allocated $479,292 to the City of Moreno Valley for CDBG-R in establishing a program that addresses the following overall goals:

- Preserves or creates jobs and promotes economic recovery,
- Assists those most impacted by the recession,
- Provides investment to increase economic efficiency,
- Invests in transportation, environmental protection / independence, or other infrastructure needs that will provide long term benefits,

To officially secure the CDBG-R allocation, the City must:

- Adopt a Substantial Amendment to the 2008-09 Annual Action Plan,
- Conduct a Public Hearing to review the Substantial Amendment, and
- Submit the Substantial Amendment and signed CDBG-R certifications to HUD no later than June 5, 2009.

DISCUSSION

The federal government's new Community Development Block Grant - Recovery (CDBG-R) Program contained in the American Reinvestment and Recovery Act requires eligible cities to formulate a proactive plan that addresses community needs and meets the criteria spelled out in HUD's program requirements.

HUD's CDBG-R CRITERIA, ELIGIBLE / INELIGIBLE ACTIVITIES

HUD requires the City's CDBG-R meet the following criteria:

- Designate 50% of the funds ($239,646) toward activities that can be initiated no later than 120 days after the Recovery Act dollars are made available (estimated for August 2009). One hundred percent must be spent by September 30, 2012 (or be at risk of recapture by HUD).
- Utilize 70% of funds ($335,504) toward activities that benefit low-and moderate-income persons.
- CDBG-R planning and administrative expenses by the City are limited to 10% of the allocation ($47,929) and public services to 15% of the allocation ($71,893).
- Utilize HUD's Integrated Disbursement and Information System to separate CDBG-R from regular CDBG funds to track program participants' progress and draw grant funds.

CDBG-R -eligible activities are outlined in the table below:

CDBG–R Summary	
Eligible Uses / Activities	▪ Administration ▪ Public Services ▪ Housing ▪ Economic Development ▪ Infrastructure ▪ Public Facilities
HUD "strongly encourages:"	▪ Priority be given to activities that can award contracts within 120 days from the date funds are made available. ▪ Activities that quickly spur economic investment. ▪ Activities that create and or retain jobs. ▪ Activities that increase energy efficiency. ▪ 'Stand alone projects' that will not require amending a contract or a commitment from future years CDBG allocations.
Examples of eligible projects	▪ Construction contract for sewer or utility project that may have been scaled back due to funding constraints ▪ Physical improvements to a water treatment plant that would reduce energy costs or conserve water resources. ▪ Restore previously downsized activity to full funding levels. ▪ Provide infrastructure development or improvements to assist in business development to create or retain jobs.

Some specific activities are identified as not providing sufficient public benefit and are deemed ineligible. The following are not CDBG-R eligible activities:

- No general promotion of city activities or the community as a whole,
- No acquisition of land for which the specific proposed use has not yet been identified,
- No casinos, gambling establishments, aquariums, zoos, golf courses, or swimming pools,
- No assistance to professional sport teams,
- No assistance to privately owned recreational facilities that serve higher income clientele where the recreational benefit to higher income users clearly outweighs employment benefits to the low and moderate income persons,
- No assistance to 'for-profit' business owned by persons or entities that are subject to unresolved findings of noncompliance under previous CDBG assistance,
- No construction of building for the general conduct of government,
- No political activities, purchase of equipment, and operating expenses.

PROPOSED PROGRAM OVERVIEW

The CDBG-R Notice was issued on May 6, 2009. Within the notice, the federal government declared that "current economic conditions are of recent origin and pose a serious and immediate threat to the economic welfare of communities" and reacted to the current conditions by allocating stimulus dollars to communities across the country. Along with its normal annual state and federally-mandated programs like Redevelopment, HOME, and CDBG, Moreno Valley has received a variety of stimulus grant allocations, including the $11.4 million Neighborhood Stabilization Program (NSP) and the recently-approved $732,000 Homeless Prevention Recovery Program (HPRP). These programs will use a variety of governmental and nonprofit organizations to address very specific community needs, such as rehabilitation and resale of foreclosed properties and assistance to displaced families and those at risk of homelessness.

The CDBG-R program is designed to stimulate the economy through job creation, infrastructure projects, energy efficiency projects, expanding educational opportunities, and improving access to health care. With Moreno Valley's CDBG-R allocation, staff proposes to establish four activities that benefit the low and moderate-income population and meet the Recovery Act objectives while providing for responsible spending.

Administration
Consistent with CDBG-R guidelines, a maximum of ten percent of the grant ($47,929) will be reserved for grant planning and management. Staff proposes to implement the CDBG-R grant through use of current staff.

Utility - Infrastructure Improvement Project
The proposed Utility – Infrastructure Improvement Project will fund the replacement of outdated utilities or the installation of new, environmentally conscious / energy effective utilities in a CDBG Target Area.

Economic Incentive for 'Green' and 'Technology' Businesses
The goal of the program would be to incentivize an environmentally conscious business to either locate to Moreno Valley or expand an existing facility in exchange for creation or retention of employment of low-to-moderate income persons.

Employment Creation for Distribution and Manufacturing Businesses
This program will focus on creating or retaining employment opportunities in the City's CDBG Target Area by assisting in producing new jobs for distribution and manufacturing uses.

Employment Creation for Vacant Restaurant Reuse
The proposed program will incentivize job creation for low-to-moderate income persons at vacant restaurants located in both the Redevelopment (RDA) Project Area and the CDBG Target Area by providing funds for new restaurateurs in exchange for creation of employment opportunities.

ALTERNATIVES

1. **Alternative 1**. Conduct a Public Hearing, adopt Substantial Amendment #4 to the 08/09 Annual Action Plan, and to authorize the City Manager to make 'non-substantial' plan adjustments if necessary within the 3 years of the CDBG-R. ***Staff recommends this alternative because it complies with the requirements of American Recovery and Reinvestment Act of 2009, along with meeting the federal public hearing requirements imposed for CDBG, as adjusted by the American Recovery and Reinvestment Act of 2009 along with, and adheres to the guidelines provided in the HUD notice (Docket No. FR-5309-N-01). This alternative will allow the City to more expediently address any needed plan adjustments via City Manager, in order to meet the extremely challenging CDBG-R timelines, along with avoiding potential recapture of grant funds.***

2. **Alternative 2.** Decline to adopt Substantial Amendment #4 to the 08/09 Annual Action Plan. ***Staff does not recommend this alternative because it would result in a failure to complete American Recovery and Reinvestment Act of 2009 timing requirements for the CDBG-R program and jeopardize securing this new funding allocation.***

FISCAL IMPACT

The CDBG-R funds are a HUD grant and do not require matching funds. Therefore, Annual Action Plan Amendment #4 will not require other City funding.

Fund	Business Unit No/Name	Estimated Amount
00199	19910 / CDBG Recovery Act of 2009	$479,292

Please note, there is no impact to the City's General Fund.

The $479,292 grant will be made available to Moreno Valley as a line of credit through HUD's Integrated Disbursement and Information System reporting system. Once Annual Action Plan Amendment #4 is HUD approved, the City can submit quarterly reports summarizing obligations, expenditures, drawdowns, and accomplishments for all activities through the Integrated Disbursement and Information System system.

The CDBG-R funds must be used for a specific set of activities with certain percentages dedicated to administration (maximum 10% of grant). A summary of the CDBG-R budget is provided on the following page:

TOTAL CDBG-R GRANT:	$ 479,292	Total Funding / Activity (includes estimated program admin costs)
City Administration (10%)	Funds City administration of CDBG-R.	$47,929
Utility - Infrastructure Improvement Project	Program to fund hard costs associated with installation of energy efficient utilities.	$107,841
Economic Incentive for 'Green' Businesses	Economic incentive available to companies that operate an environmentally responsible facility and/or offer a "green" product.	$107,841
Employment Creation for Distribution and Manufacturing Businesses	Program intended to provide employment opportunities for moderate income workers in the distribution and manufacturing industry.	$107,841
Employment Creation for Vacant Restaurant Reuse	Program incentivizes job creation at vacant restaurants in the RDA Project Area and CDBG Target Area.	$107,840
TOTAL:		$ 479,292

Below is the projected Implementation Timeline:

PRELIMINARY CDBG-R PROGRAM SCHEDULE

Deadline to submit Substantial Action Plan Amendment for the CDBG-R	June 5, 2009
HUD to review all submissions and provide comment	July 20, 2009
HUD execute all agreements	August 2009
City expends 100% of funds	September 30, 2012

CITY COUNCIL GOALS

1. **REVENUE DIVERSIFICATION & PRESERVATION**
   CDBG-R funds will directly or indirectly enhance the City's ability to stabilize residents' housing and preserve City neighborhoods.

2. **PUBLIC SAFETY**
   CDBG-R activity will directly or indirectly help to provide a secure environment for individuals in the community.

3. **COMMUNITY IMAGE, NEIGHBORHOOD PRIDE & CLEANLINESS**
   The CDBG-R will help to preserve and enhance the City's existing neighborhoods.

SUMMARY

In February 2009, President Obama signed the American Recovery and Reinvestment Act of 2009, which includes funding for the Community Development Block Grant - Recovery program (CDBG-R). The CDBG-R program allocates $479,292 to the City of Moreno Valley to establish activities that will stimulate the economy by creating and retaining jobs, modernizing infrastructure, improving energy efficiency, expanding educational opportunities, and improving access to health care. To implement the CDBG-R, Economic Development staff proposes to allocate funds to four separate stand-alone activities that can be quickly implemented within the required 120 day timeframe required under the Recovery Act. Staff proposes the following CDBG-R programs:

- Overall Program Administration
- Economic Incentive for 'Green' and 'Technology' Businesses
- Utility-Infrastructure Improvement
- Job Creation for Distribution and Manufacturing Businesses

The CDBG-R legislation requires the City to conduct a Public Hearing to allow public comment and adopt a substantial amendment to the 2008-09 CDBG Annual Action Plan. HUD anticipates execution of all CDBG-R agreements by August 2009 and the City will be required to have funds 100% expended by September 30, 2012.

NOTIFICATION

Notice of this meeting was published in the Press-Enterprise newspaper on May 18, 2009, initiating the 7-day Public Review period. The Notice of Public Hearing was also uploaded to the City's website on the same day for public review and comment. An option to e-mail comments to the City was provided on the web page. No public comments were received.

ATTACHMENTS/EXHIBITS

None

Prepared By: Isa Rojas,
Management Analyst

Concurred By: Michele Patterson,
Acting Redevelopment Manager

Department Head Approval: Barry Foster,
Economic Development Director

This page intentionally left blank.

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES
May 26, 2009

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

\\zurich\shared\interdept\council-clerk\city clerk files\council office\regional activity reports\2009\052609.doc

This page intentionally left blank.

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council Acting in their Capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

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

AGENDA DATE: May 26, 2009

TITLE: REPORT TO CONSIDER PUBLIC COMMENTS REGARDING MORENO VALLEY COMMUNITY SERVICES DISTRICT PROPOSED FISCAL YEAR 2009/10 ANNUAL CHARGES

RECOMMENDED ACTION

Staff recommends that the Mayor and the City Council, acting in their capacities as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the proposed fiscal year (FY) 2009/10 annual CSD charges. The proposed charges shall provide for continued services to parks, recreation, residential street lighting, arterial street lighting, parkway landscaping, high-service-level parkway landscaping, internal parkway landscaping/walls, medians, and Sunnymead Boulevard improvements, as submitted in the Preliminary Annual Levy Report on file in the office of the City Clerk.

ADVISORY COMMITTEE RECOMMENDATION

The Parks and Recreation Advisory Committee (PRAC) does not complete a detailed review of the budget for Zone A (Parks and Recreation) before the CSD Board's approval. They make recommendations directly to the CSD Board on major budget issues. There are no formal committee meetings on landscaping and street lighting issues; however, the Hidden Springs Residents' Committee reviews the landscaping charges applicable to their area.

BACKGROUND

The CSD was formed simultaneously with City incorporation to provide benefit services. Zones within the CSD were established to allocate the costs to those parcels receiving proportional benefit from the services provided. Each of the zones represents either a different service or degree of service to particular properties within each zone.

DISCUSSION

Proposed Charges

The following section outlines the services provided by each zone, the proposed annual charge and the current year charge. No charge increases for the following zones are proposed for FY 2009/10, unless adjusted through the process of a mail ballot proceeding or as implemented through previously authorized inflation adjustments. For FY 2009/10 the inflation adjustment is 0.1% based on the percentage change for the prior calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index (CPI), as published by the Department of Labor's Bureau of Labor Statistics.

Zone A is authorized to provide parks and recreation services citywide. All properties within the City boundaries are levied this charge to aid with current programs. The proposed FY 2009/10 charge is $87.50 per dwelling unit, per each nonresidential parcel, or per each vacant parcel. (Current FY 2008/09 charge is $87.50.)

Zone B is authorized to provide residential street lighting services to specific residential subdivisions within the zone. The funds collected pay for the monthly energy and maintenance charges. The charge is $23 per parcel per year with exception to those properties (7,318 parcels), which balloted after 1999 and approved an annual inflation adjustment via mail ballot proceedings, which are currently charged $24 per parcel per year. There are also 65 parcels located south of Ironwood, just east of Nason with reduced streetlight services paying $6.00 per parcel. The increase was necessary to provide full-cost recovery, and was the first Zone B adjustment since 1996.

At the present time, the CSD is conducting a ballot proceeding for parcels within Zone B, proposing a charge increase from $23.00 and $24.00 to $39.00 to pay the annual costs to provide residential street lighting service. (Current FY 2008/09 charges are $23 and $24.)

Zone C is authorized to provide arterial street lighting and intersection lighting on major roadways throughout the City. For FY 2009/10, the proposed charge for each parcel in the CSD is $9. (Current FY 2008/09 charge is $9.)

Zone D is authorized to provide parkway landscape maintenance services to the perimeters and/or entry statements of designated residential tract developments. *Attachment 1*, included with this staff report, provides a listing of the current FY 2008/09 charges per parcel for each tract and the proposed charges for FY 2009/10. A majority of affected property owners, of certain tracts previously approved an inflation adjustment as part of Proposition 218 mail ballot proceedings. An increase shall only be implemented to provide for full-cost recovery. For FY 2009/10, the CPI adjustment shall be applied to 26 tracts.

At the present time, the CSD is conducting a mail ballot proceeding for an increase to the current charges to recover costs for the following tracts: 17334, 18512/21322, 18784/20906, 18930, 19852, 20715, 21616, 22277 and 31284. Tracts not approving the proposed increase shall receive a reduced service level of landscape maintenance following the Zone D Policy guidelines.

Zone E is authorized to provide high-service-level parkway landscape maintenance for extensive parkway landscaping installed adjacent to ten (10) specific major residential/commercial developments. For FY 2009/10, the CPI charge adjustment shall be applied to Zones E-1, E-2, E-3 and E-7. At the present time, the CSD is conducting a mail ballot proceeding in Zone E-3 to recover costs and is proposing a higher charge to the current parcels, acreage charges and to the five (5) condominium charges. The proposed annual charges for the subzones of Zone E are shown on *Attachment 2* included with this staff report.

Zone E-1A is authorized to provide internal parkway landscape/wall maintenance to the Renaissance Park development. The proposed Zone E-1A charge for FY 2009/10 is $76 per parcel. (Current FY 2008/09 charge is $76.)

Zone E-3A is authorized to provide internal parkway landscape/wall maintenance to those tracts associated with the Lasselle Powerline Parkway area. The proposed Zone E-3A charge for FY 2009/10 is $66 per parcel. (Current FY 2008/09 charge is $66.)

Zone E-4A is authorized to provide internal parkway landscape maintenance to the Daybreak development. The proposed Zone E-4A charge for FY 2009/10 is $109. (Current FY 2008/09 charge is $109.)

Zone M is authorized to provide maintenance for improved medians constructed as a condition of approval for commercial/industrial/multifamily developments. Charges for this zone are calculated by determining the proportional obligation for the total median maintenance and administrative costs attributable to the improved median area associated with the affected commercial/industrial/multifamily properties. The FY 2009/10 charge is based on median square footage at an estimated cost of no more than 9.5 cents per square foot per year, which may include an inflation factor. The current year charges and proposed annual charges for Zone M are shown on *Attachment 3* included with this staff report.

Zone S is authorized to provide maintenance services to the improvements along Sunnymead Boulevard between Frederick Street and Perris Boulevard. Charges for this zone are calculated by determining the proportional financial obligation, based on front linear footage, of the properties adjacent to the total area receiving the improvements. Landscape maintenance of the improvements commenced in the third quarter of FY 2008/2009 and additional maintenance shall occur during FY 2009/10. Because the CSD started maintenance in the second half of FY 2008/09, current FY Zone S charges were levied at 50% of the balloted amount. In FY 2009/10, the Zone S charges shall be levied at 100% of the balloted amount calculated at $2.75 per front linear footage.

Proposition 218

Proposition 218, approved in the November 1996 election as a constitutional amendment, specifically addresses the ability of public agencies to collect taxes, fees, charges, and/or assessments as an incidence of property ownership. The City of Moreno Valley has reviewed Proposition 218 with respect to the CSD charge collection process. Based upon this review, it has been determined that the CSD charges as currently collected are in compliance with Proposition 218, provided no charge increases are proposed or instituted without property owners approval. Any future charge increases will require a ballot, which will be conducted as

outlined in Proposition 218 and in compliance with the Policy for Conducting Mail Ballot Proceedings, as adopted by the City Council on January 9, 2001, and amended on January 22, 2002, January 24, 2006 and March 24, 2009.

ALTERNATIVES

1. **Accept public comment** regarding the proposed FY 2009/10 CSD charges. *Although not required under Proposition 218, a Public Meeting allows property owners an opportunity to address the CSD Board regarding the continuation of the CSD annual charges.*

2. **Do not accept public comment** regarding the proposed FY 2009/10 CSD charges. *Even though a Public Meeting is not required under Proposition 218 for the continuation of the CSD annual charges, City policy has been to continue holding a Public Meeting to allow the property owners an opportunity to address the CSD Board regarding the service received, the current annual CSD charges, and the proposed charges for FY 2009/10.*

FISCAL IMPACT

Property owners pay the CSD annual charges as a part of their property tax bill. The charges have been approved by the affected property owners through prior proceedings or are part of a current mail ballot proceeding, which may include an annual inflation factor based on the percentage change in the CPI for the prior calendar year. For FY 2009/10, the CPI adjustment is 0.1%. There is no impact on the General Fund for the CSD programs.

Approving charges less than that proposed by staff may require a decrease in both the level and quality of service from that provided during FY 2008/09. The service level provided shall be adjusted according to the approved funding level.

CITY COUNCIL GOALS

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE, AND CLEANLINESS

CSD landscape maintenance services help enhance community image, neighborhood pride, and cleanliness. Residential properties, which have perimeter landscapes maintained by the CSD, extend a pleasant environment and neighborhood atmosphere. Proper placement of plant material also serves in the prevention of graffiti.

PUBLIC FACILITIES

Providing services for parks, streetlights, landscaping, and medians allows for construction and maintenance of public facilities. The CSD maintenance of these important public facilities ensures proper development and preservation of capital resources.

SUMMARY

The action before the CSD Board is to accept public comment regarding the proposed CSD charges for FY 2009/10. Since the adoption of Proposition 218, state law does not mandate public hearings to consider charges already in place. City policy has been to continue the past practice as a courtesy to the public. Therefore, the May 26, 2009 City Council meeting is designated as a Public Meeting for taking comments on the charges. A Public Hearing is scheduled for June 9, 2009 to consider the continuation of the existing levy of annual parcel charges on certain properties within each of the existing zones as submitted in the Annual Levy Report, unless an inflation adjustment was previously approved by a majority of affected property owners through the Proposition 218 mail ballot proceeding process. All specific actions to adopt the Resolutions for both the continuation of the existing charges and the increased charges will take place at the June 9, 2009 Public Hearing.

NOTIFICATION

On April 20, 2009, the CSD mailed individual notices to property owners of 47,942 parcels.

Newspaper advertising was published on May 8, 2009, with information about the May 26, 2009 Public Meeting and the June 10, 2009 Public Hearing. Additionally, the June 9, 2009 Public Hearing notification was scheduled to be published on May 18, 2009 and is scheduled to be published on May 26, 2009.

ATTACHMENTS

Attachment 1: Zone D FY 2009/10 Proposed Charges
Attachment 2: Zone E FY 200/9/10 Proposed Charges
Attachment 3: Zone M FY 2009/10 Proposed Charges

Prepared by:
Ana Cannon
Senior Financial Analyst

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

Concurred by:
Sue Anne Maxinoski
Special Districts Division Manager

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

N:\SpecialDist\anac\Fixed Charges\Annual Levy Reports\05-26-09_PMStfrpt.doc

This page intentionally left blank.

ZONE D (Parkway Landscape Maintenance)
FY 2009/10 Proposed Charges

Tract Number	FY 2008/09 Parcel Charge	FY 2009/10 0.1% CPI Adjustment	FY 2009/10 Proposed Parcel Charges Prior to Results of Mail Ballot Proceedings	Ballot Proceeding Public Hearing June 9, 2009
10191/18468 [3]	$69.00		$69.00	
11848 [1]	$84.00		$84.00	
12305	$57.00		$57.00	
12608 [4]	$98.00		N/A	
12773	$80.00		$80.00	
12902	$72.00		$72.00	
13576/19080/19081 [3]	$32.00		$32.00	
13585 [1]	$57.00		$57.00	
14387/12268	$57.00		$57.00	
15387 [1]	$57.00		$57.00	
15433 [1]	$90.00		$90.00	
16768 [1]	$64.00		$64.00	
16769	$61.00		$61.00	
16770 [1]	$57.00		$57.00	
17033 [1]	$173.00	$0.10	$173.10	
17176 [1]	$57.00		$57.00	
17334	$345.00	$0.30	$345.30	$622.80
17387 [1]	$57.00		$57.00	
17457 [1]	$79.00		$79.00	
17867 [1]	$57.00		$57.00	
18283	$57.00		$57.00	
18512/21322	$82.00		$82.00	$112.00
18784/20906	$177.00	$0.10	$177.10	$258.30
18930	$77.00		$77.00	$104.00
19032 [2]	$130.00		$130.00	
19080/19081 [3]	$32.00		$32.00	
19141	$75.00		$75.00	

Attachment 1

ZONE D (Parkway Landscape Maintenance)
FY 2009/10 Proposed Charges

Tract Number	FY 2008/09 Parcel Charge	FY 2009/10 0.1% CPI Adjustment	FY 2009/10 Proposed Parcel Charges Prior to Results of Mail Ballot Proceedings	Ballot Proceeding Public Hearing June 9, 2009
19142	$57.00		$57.00	
19143 (1)	$57.00		$57.00	
19208 (1)	$74.00		$74.00	
19210	$68.00		$68.00	
19233	$57.00		$57.00	
19363 (1)	$57.00		$57.00	
19434 (1)	$57.00		$57.00	
19474	$57.00		$57.00	
19496	$64.00		$64.00	
19500 (1)	$73.00		$73.00	
19509 (1)	$57.00		$57.00	
19518/18372 (1)	$57.00		$57.00	
19529	$70.00		$70.00	
19533	$57.00		$57.00	
19541	$93.00		$93.00	
19551 (1)	$96.00		$96.00	
19675	$80.00		$80.00	
19685 (1)	$70.00		$70.00	
19799 (2)	$272.00	$0.20	$272.20	
19852	$69.00		$69.00	$109.20
19862	$148.00	$0.10	$148.10	
19912	$83.00		$83.00	
19937	$107.00	$0.10	$107.10	
19957 (2)	$69.00		$69.00	
20030 (1)	$100.00	$0.10	$100.10	
20032 (1)	$57.00		$57.00	
20072 (1)	$89.00		$89.00	

Attachment 1

ZONE D (Parkway Landscape Maintenance)
FY 2009/10 Proposed Charges

Tract Number	FY 2008/09 Parcel Charge	FY 2009/10 0.1% CPI Adjustment	FY 2009/10 Proposed Parcel Charges Prior to Results of Mail Ballot Proceedings	Ballot Proceeding Public Hearing June 9, 2009
20120	$94.00		$94.00	
20197	$57.00		$57.00	
20272 [1]	$120.00	$0.10	$120.10	
20301 [1]	$57.00		$57.00	
20404	$97.00		$97.00	
20525 [1]	$57.00		$57.00	
20552 [1]	$57.00		$57.00	
20579	$57.00/$101.00/$158.00	0.10 (except $57 charge)	$57.00/$101.10/$158.10	
20660 [1]	$105.00		$105.00	
20715	$94.00		$94.00	$126.30
20718	$139.00	$0.10	$139.10	
20859 [1]	$66.00		$66.00	
20869 [1]	$57.00		$57.00	
20941	$103.00	$0.10	$103.10	
21113	$57.00		$57.00	
21332 [1]	$96.00		$96.00	
21333	$208.00	$0.20	$208.20	
21345	$114.00	$0.10	$114.10	
21597	$295.00	$0.20	$295.20	
21616	$371.00	$0.30	$371.30	$708.70
21737	$210.00	$0.20	$210.20	
21806	$69.00		$69.00	
22093 [1]	$138.00		$138.00	
22180 [4]	$123.00		N/A	
22276 [1]	$193.10	$0.10	$193.10	
22277	$264.00	$0.20	$264.20	$574.10

Attachment 1

ZONE D (Parkway Landscape Maintenance)
FY 2009/10 Proposed Charges

Tract Number	FY 2008/09 Parcel Charge	FY 2009/10 0.1% CPI Adjustment	FY 2009/10 Proposed Parcel Charges Prior to Results of Mail Ballot Proceedings	Ballot Proceeding Public Hearing June 9, 2009
22371	$286.00	$0.20	$286.20	
22889	$186.00		$186.00	
22999	$67.00		$67.00	
23046 (1)	$183.00		$183.00	
24721 (1)	$57.00		$57.00	
27251 (4)	N/A		$465.00	
27526 (1)	$160.00	$0.10	$160.10	
28882	$103.00	$0.10	$103.10	
29038 (1)	$60.00		$60.00	
30027 (1)	$201.00		$201.00	
30967	$459.00		$459.00	
31129	$81.00		$81.00	
31257	$1,050.00		$1,050.00	
31268	$181.00	$0.10	$181.10	
31269	$215.00		$215.00	
31269-1	$295.00	$0.20	$295.20	
31284	$127.00	$0.10	$127.10	$186.50
31305	$248.00		$248.00	
31424	$215.00		$215.00	
31591	$454.00	$0.40	$454.40	
31618	$182.00		$364.00	
32005 (4)	N/A		N/A	
32018	$68.00		$68.00	
32625	$1,000.00		$1,000.00	
32715	$913.00		$913.00	
33436 (4)	N/A		N/A	
33637 (4)	N/A		N/A	

Attachment 1

ZONE D (Parkway Landscape Maintenance)
FY 2009/10 Proposed Charges

Tract Number	FY 2008/09 Parcel Charge	FY 2009/10 0.1% CPI Adjustment	FY 2009/10 Proposed Parcel Charges Prior to Results of Mail Ballot Proceedings	Ballot Proceeding Public Hearing June 9, 2009
33962 [4]	N/A		N/A	
4-Custom Home [4]	N/A		N/A	

Total No. of Tracts = 117

[1] Tracts receiving Reduced service as provided for in the Zone D (Parkway Landscape Maintenance) Service Plan Policy (the "Policy") adopted on January 9, 2001 and amended January 22, 2002, and January 24, 2006.

[2] Tracts receiving Street Tree maintenance only as provided for in the Zone D Policy.

[3] Tracts receiving the Street Tree Program.

[4] CSD landscape maintenance on hold for fiscal year.

Attachment 1

This page intentionally left blank.

Zone E (High-service-level landscape maintenance)
Proposed Charges for FY 2009/10

Zone E	Specific Plan or Major Development	Charge Category	FY 2008/09 Current Charge	FY 2009/10 0.1% CPI Adjustment	FY 2009/10 Proposed Charges Prior to Results of Mail Ballot Proceedings	Ballot Proceeding Public Hearing June 9, 2009
E-1	TownGate	Per parcel	$124.00	$0.10	$124.10	
		Per acre for non residential/undeveloped parcels	$496.00	$0.40	$496.40	
		Per condo unit Tract 34299	$56.00		$56.00	
E-2	Hidden Springs	Per parcel or equivalent dwelling unit	$391.00	$0.30	$391.30	
E-3	Moreno Valley Ranch - West	Per parcel	$124.00	$0.10	$124.10	$155.00
		Per acre for non residential/undeveloped parcels	$496.00	$0.40	$496.40	$620.00
		Per condo unit				
		Tract 32142	$55.00		$55.00	$68.70
		Tract 32143	$53.00		$53.00	$66.20
		Tract 32144	$53.00		$53.00	$66.20
		Tract 32145	$31.00		$31.00	$38.70
		Tract 32146	$30.00		$30.00	$37.50
E-4	Moreno Valley Ranch - East	Per parcel	$110.00		$110.00	
		Per acre for non residential/undeveloped parcels	$440.00		$440.00	
E-7	Centerpointe	Per acre	$667.00	$0.60	$667.60	
E-8	Promontory Park	Per condo unit	$188.00		$188.00	
		Per parcel	$531.00		$531.00	
E-12	Stoneridge Ranch	Per parcel	$397.00		$397.00	
E-14	Mahogany Fields	Per parcel	$273.00		$273.00	
E-15	Celebration	Per parcel	$333.00		$333.00	
E-16	Shadow Mountain	Per parcel	$288.00		$288.00	

Attachment 2

This page intentionally left blank.

ZONE M
(Commercial/Industrial/Multifamily Median Maintenance)
FY 2009/10 Proposed Charges

Commercial, Industrial, and Multifamily Development	Parcel Map/ Project No.	Assessor Parcel Number (APN)	FY 2008/09 Current Charge	FY 2009/10 Proposed Charge
March Commerce Center [5]	27732	297-130-046	$2,009.00	$2,011.00
Cactus Commerce Center [5]	24364	297-130-039	$798.00	$798.00
		297-130-041	$1,957.00	$1,957.00
		297-130-042	$1,610.00	$1,610.00
Home Depot	21504	485-220-030	$1,980.00	$1,981.98
Havadjia Holdings Inc. [1] -Farmer's Boy	21504	485-220-031	$297.00	$297.28
Perris Blvd. Storage	PA02-0117	312-020-017	$1,270.00	$1,563.56
		312-020-018	$1,240.00	$1,490.48
		312-020-020	$478.00	$581.58
Ross Distribution Center/Industrial Develop. Int'l. [1]	24128	312-250-046	$3,620.00	$3,623.62
Mira Mesa Shopping Center	31034	312-270-036	$1,848.00 [4]	$2,594.58
CVS Pharmacy	25995-1	485-081-035	$310.00	$310.30
Alessandro/Kitching Apts.	PA03-0020	484-020-023	$5,846.00	$5,851.84
		484-020-024	$7,145.00	$7,152.14
Moreno Valley Health, LLC	33930	297-140-049	$1,130.00	$1,131.12
		297-140-050	$1,162.00	$1,163.16
		297-140-051	$1,293.00	$1,294.28
		297-140-052	$1,022.00	$1,023.02
OPT Moreno Valley, LLC	27008	482-700-001	$381.00	$381.38
		482-700-005	$381.00	$381.38
CCI Sunnymead MV	P04-168	482-540-030	$396.00	$396.38
Auto Detail Shop		291-191-024	$336.00	$336.32
Ridge Property Trust	PA04-0065	297-170-067	$12,299.76	$14,366.34
		297-170-069	$6,149.88	$10,657.64
		297-170-071 [3]	$4,819.00	$4,823.80
Panorama Development	PA05-0085	312-360-001	$1,151.16 [4]	$1,394.44
		312-360-002	$278.38 [4]	$656.26
		312-360-003	$190.59 [4]	$449.30
		312-360-004	$668.01 [4]	$1,574.84
		312-360-005	$518.73 [4]	$1,222.90
		312-360-006	$839.83 [4]	$1,979.88
		312-360-007	$328.14 [4]	$773.58
		312-360-008	$309.36 [4]	$729.30
		312-360-009	$343.63 [4]	$810.10
		312-360-010	$347.39 [4]	$818.94
		312-360-011	$278.85 [4]	$657.38
Commercial Project	TPM 32961	316-210-074	$1,849.00	$1,850.84
Bravo Burgers [2]	PA05-0027	263-111-039	No charge in 2008/09	No charge in 2009/10
		263-111-040		
Oakwood Apts	PA04-0010	486-070-004	$1,425.00 [4]	$2,927.92
		486-070-011	$1,425.00 [4]	$2,927.92

Attachment 3

ZONE M
(Commercial/Industrial/Multifamily Median Maintenance)
FY 2009/10 Proposed Charges

Commercial, Industrial, and Multifamily Development	Parcel Map/ Project No.	Assessor Parcel Number (APN)	FY 2008/09 Current Charge	FY 2009/10 Proposed Charge
Moreno Beach Market Place	PA05-0169	486-250-021 486-250-023	$7,995.00 $7,995.00	$8,002.98 $8,002.98
Stoneridge Commercial Centre [2]	TPM 34411	488-090-031 to -033 488-090-037 to -040 488-090-043 488-090-047 to -057 488-090-064 488-090-071 488-090-073 to -074 488-090-076 488-090-082 to -085	No charge in 2008/09	No charge in 2009/10
Condominium Complex	TR 32756	484-030-020 484-030-022	$304.00 [4] $304.00 [4]	$304.30 [4] $304.30 [4]
OMP Development		297-150-055	$2,947.50 [4]	$2,950.44 [4]
Perris Senior Apartments	P07-001	479-070-049	$1,584.00	$1,585.58
Retail Center Self-Serve Carwash	PA05-0163	297-130-064	$828.00	$828.82
March Graham Partners	TR 34044	297-170-004	$1,785.00 [4]	$3,573.56
Palm Desert Dev. Apts	PA08-0013	486-070-007	$254.00 [4]	$508.50
Shepard of the Valley Church [2]	PA08-030	474-120-037	No charge in 2008/09	No charge in 2009/10
MV Properties	TR 33152	297-120-002 297-120-003 297-120-016	No charge in 2008/09	$963.96 $697.68 $5,102.08
D. Ashton Guinn	Tract 33152	297-100-007 297-120-011 297-120-012	No charge in 2008/09	$1,129.12 $1,455.44 $1,455.44
Rite Aid Pharmacy	PA06-0162	478-070-025	No charge in 2008/09	$3,709.20 [4]
Two-Bldg Commercial Center	PA07-0139	484-020-007	No charge in 2008/09	$2,763.76
RainCross Industrial	PA04-0084	297-130-061	No charge in 2008/09	No charge in 2009/10
Delphinium Apartments	PA04-0028	484-242-016	No charge in 2008/09	No charge in 2009/10

[1] Expenses recalculated based on adjacent parcels approving the Zone M charge in FY 2008/09.
[2] Median maintenance on hold. Charge will be reviewed in June 2010.
[3] Hand billed (US Post Office).
[4] Annual charge applied at a temporarily reduced amount pending final acceptance of the median maintenance.
[5] Cactus Commerce Center and March Commerce Center (formerly Zone E-5) were assimilated into Zone M (no change in charge amounts).

Attachment 3

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	RDH
CITY MANAGER	RM

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

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

AGENDA DATE: May 26, 2009

TITLE: PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDING FOR A PROPOSED INCREASE IN THE CSD ZONE E (HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE FOR ZONE E-3 (MORENO VALLEY RANCH–WEST)

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council, acting in their capacities as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail ballot proceeding for a proposed increase in the CSD Zone E (High-Service-Level Parkway Landscape Maintenance) annual charge for Zone E-3 (Moreno Valley Ranch-West).

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The Moreno Valley CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the cost of special services to those parcels receiving the benefit. Since 1988, the CSD has provided Zone E services to sub-zone areas throughout the City. Zone E-3 (Moreno Valley Ranch–West) is a sub-zone of CSD Zone E and defines the location of the service area.

The annual Zone E-3 charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant

material(s) as necessary, removing litter, maintaining the irrigation systems and existing arterial wall façade and monument structures, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped areas. Special Districts' staff manages private landscape maintenance firms to ensure parkway landscape preservation activities are completed on a regular schedule.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted Zone E-3 overall program costs.

DISCUSSION

Each year, annual revenues are compared to current annual costs in each service area. In an effort to more effectively manage the increase in expenditures in past years, the CSD utilized the available fund balance for Zone E-3 to offset the higher costs and thereby postponed increases in the annual charge. The Zone E-3 fund balance has been depleted thereby warranting the proposed increase in the annual charge to continue maintenance services at the same level.

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, a mail ballot proceeding is being conducted to allow property owners within Zone E-3 the opportunity to approve or oppose the proposed increase in the CSD Zone E annual charge. The proposed charges are listed below.

	CSD Zone E-3 Current Annual Charge*	CSD Zone E-3 Proposed Annual Charge*
Single Family Residential Parcel	$ 124.00	$ 155.00
Nonresidential/Undeveloped Parcel Per Acre	$ 496.00	$ 620.00
Condo Unit		
Tract 32142	$ 55.00	$ 68.70
Tract 32143 and 32144	$ 53.00	$ 66.20
Tract 32145	$ 31.00	$ 38.70
Tract 32146	$ 30.00	$ 37.50

Annual charge is calculated based on an equivalent benefit unit (EBU).
Residential parcels = 1EBU
Undeveloped/nonresidential parcels = 4EBU per acre
Condo unit = 4EBU per acre/No. of units in complex

*The annual CSD Zone E charge may be subject to an annual inflation adjustment in subsequent years based on the annual percentage change calculated for the previous calendar 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.

Property owners are given two opportunities to address the legislative body. These two opportunities are the Public Meeting on May 26, 2009 and the Public Hearing on June 9, 2009.

If the property owners approve the proposed increase by a simple majority (50%+1) of the returned valid ballots, the proposed Zone E-3 charge will be annually levied on the Riverside County property tax bill. If the property owners oppose the proposed increase by a simple majority of the returned valid ballots, the existing Zone E-3 charge shall continue to be levied on the property tax bill, which may include an annual inflation adjustment. The CSD will evaluate the level of landscape service to be provided based on the City Council/CSD Board approved CSD Zone E Policy (High-Service-Level Parkway Landscape Maintenance Service Plan), General Management Policy #2.41.

ALTERNATIVES

1. **Accept public comments** regarding the ballot for the proposed increase in the annual parcel charge for CSD Zone E-3 (Moreno Valley Ranch–West). *By accepting public comment, the City complies with Proposition 218 state statutes for providing public comment.*

2. **Do not accept public comments** regarding the ballot for the proposed increase in the annual parcel charge for Zone E-3 (Moreno Valley Ranch–West). *This alternative would be contrary to state statutes.*

FISCAL IMPACT

The CSD provides services through various zones, such as Zone E, which are full-cost recovery programs. There is no impact on the General Fund for the operation of the CSD Zone E program.

CITY COUNCIL GOALS

Community Image, Neighborhood Pride, and Cleanliness
Continuation of the Zone E services in the landscaped parkways and medians within Moreno Valley Ranch-West shall allow the CSD to maintain the current appearance of the area.

Revenue Diversification and Preservation
The proposed CSD Zone E parcel charge increase for Zone E-3 is based upon actual costs, which include maintenance and administration.

SUMMARY

The action before the CSD Board is to accept public comments regarding the mail ballot proceedings for proposed increase in the Zone E-3 annual parcel charge.

NOTIFICATION

On April 17, 2009, a ballot packet was mailed to each property owner within Zone E-3 (Moreno Valley Ranch–West). The package included a cover letter, notice to property owner, 2009/10 budget, history of charges, map, CSD Zone E service levels, official mail ballot, and a postage-paid envelope for returning the ballot. A sample mail ballot packet for each charge type is included as Attachments 1 through 6.

Newspaper advertising for the May 26, 2009, Public Meeting and June 9, 2009, Public Hearing was published in The Press-Enterprise on May 8, 2009. Additionally, the Public Hearing notification was published on May 22 and will be published again on May 29, 2009.

ATTACHMENTS

Attachment 1: Sample mail ballot packet for single family residential parcels
Attachment 2: Sample mail ballot packet for nonresidential/undeveloped parcels
Attachment 3: Sample mail ballot packet for Tract 32142 (condo complex)
Attachment 4: Sample mail ballot packet for Tract 32143/32144 (condo complex)
Attachment 5: Sample mail ballot packet for Tract 32145 (condo complex)
Attachment 6: Sample mail ballot packet for Tract 32146 (condo complex)

Prepared by:
Jennifer A. Terry,
Management Analyst

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

Concurred by:
Sue Anne Maxinoski,
Special Districts Division Manager

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

W:\SpecialDist\jennifert\Ballots for FY 08.09\E\Zone E-3\Stfrpt Zone E3 PM 05.26.09.doc

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 308251001
Kelley Phan Lindberg
16202 Limerick St
Riverside, CA 92503

Subject: Mail Ballot Proceeding for Zone E-3 (Moreno Valley Ranch-West) Regarding a Proposed Increase in the Moreno Valley Community Services District High-Service-Level Parkway Landscape Maintenance Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Zone E-3 (Moreno Valley Ranch-West). The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to a proposed increase in the annual charge for high-service-level landscape maintenance.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted overall program costs for Zone E-3 landscape maintenance services.

It is necessary to increase the Zone E-3 annual charge in order to maintain landscape maintenance services at the current level. The CSD is proposing a $31.00 increase in the annual charge for Zone E-3, which shall adjust the charge from $124.00 to $155.00 per parcel, subject to an annual inflation adjustment. The increase is the equivalent of $2.58 per month. Inflation adjustments will be based on the percentage change calculated for the previous calendar 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.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for Tuesday, June 9, 2009.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the landscaped parkways and medians within Moreno Valley Ranch-West at the current level of service. The total approved charge of $155.00 per parcel shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of $124.00 per parcel shall be increased by the annual inflation rate to $124.10 and shall

be levied on the 2009-10 Riverside County property tax bill. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

Background Information
Since 1988, the CSD has provided continuous Zone E (high-service-level parkway landscape maintenance) services to the landscaped parkways and medians throughout Moreno Valley Ranch-West. In addition to the landscaped parkways and medians, the CSD also maintains the existing stucco arterial wall façade and monument structures within Moreno Valley Ranch-West.

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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

Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\E\Zone E-3\SFD documents\Zone E-3 Letter to SFD Property Owner.doc

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING MORENO VALLEY COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3 (MORENO VALLEY RANCH-WEST) FOR HIGH-SERVICE-LEVEL LANDSCAPE MAINTENANCE

I. NOTICE

This notice informs you, as a record owner of property within the boundary of Moreno Valley Ranch-West, of a proposed increase in the Zone E-3 annual charge for high-service-level parkway landscape maintenance services. In compliance with Proposition 218, the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone E-3 annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING	***TUESDAY, May 26, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, June 9, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL COUNCIL CHAMBER 14177 FREDERICK STREET MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone E-3 was designated as a benefit zone that receives a specific service: high-service-level parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. **Name of the Charge for Moreno Valley Ranch-West:**

   CSD Zone E-3 (Moreno Valley Ranch-West) Annual Charge

2. **CSD Zone E-3 Annual Charge per parcel is $155.00.** The total parcel charges levied for the CSD Zone E-3 program for FY 2008/09 is $541,243.36.

   The charge may be subject to an annual adjustment, based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charge:**

The adjusted Zone E-3 charge shall be levied annually on the Riverside County property tax bill beginning 2009/10 and shall be levied each following year at the proposed rate, which includes an annual inflation adjustment.

4. **Reason for the Charge Increase for Zone E-3 (Moreno Valley Ranch-West):**

Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the annual charge to the property owners in order to continue maintenance at the current level of service.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted overall program costs for Zone E-3 landscape maintenance services.

5. **Calculation of the Charge:**

The CSD provides services through full cost recovery programs. The annual Zone E-3 charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems and existing arterial wall façade and monument structures, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the Zone E-3 annual charge or about this process, please contact the Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone E-3 annual charge. Please follow the instructions on the following pages to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone E-3 annual charge **by placing a mark in the corresponding box.**

2. **Sign your name** on the ballot. *Ballots received without a signature will be considered invalid and will not be counted.*

3. Mail or personally deliver your 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. Ballots must be received by the City Clerk prior to the close of the Public Hearing for Zone E-3 on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Any ballots received after the close of the Public Hearing cannot be legally counted.

5. **Upon the close of the Public Hearing:**

   Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

   The proposed increase in the Zone E-3 annual charge shall be confirmed if a simple majority (50%+1) of the returned valid ballots indicate support of the increase. The approved charge shall be reflected on the 2009/10 Riverside County property tax bill.

   If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of $124.00 per parcel shall be increased by the annual inflation rate to $124.10 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued.

   In the event discontinuation of services is necessary, the CSD may terminate landscape easements and/or quit claim lettered lot property and convey all rights, title, interest, and responsibility for perpetual parkway, open space, wall façade, and/or slope maintenance to underlying property owners and/or to an active, empowered, dues-paying homeowners association.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

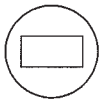
A check mark substantially inside a box;

An X mark substantially inside a box;

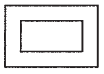
A dot or oval mark substantially inside a box;

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 <u>and/or</u> associated clause; or



A square or rectangle around the box <u>and/or</u> associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>.**

HISTORY OF CHARGES FOR
MORENO VALLEY COMMUNITY SERVICES DISTRICT
ZONE E-3 (MORENO VALLEY RANCH-WEST)
FOR HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE MAINTENANCE

	1988/89 through 1991/92	1992/93 through 1993/94	1994/95*	1995/96*	1996/97 through 2005/06*	2006/07	2007/08	2008/09	Proposed 2009/10
Single Family Residential Parcel	$ 78.00	$ 80.00	$ 70.00	$ 55.00	$ 35.00	$ 115.00	$ 119.00	$ 124.00	$ 155.00
Nonresidential/Undeveloped Parcel Per Acre	$ 312.00	$ 315.00	$ 280.00	$ 220.00	$ 140.00	$ 460.00	$ 476.00	$ 496.00	$ 620.00
Condo Unit									
Tract 32142	N/A	N/A	N/A	N/A	N/A	N/A	$ 53.00	$ 55.00	$ 68.70
Tract 32143 and 32144	N/A	N/A	N/A	N/A	N/A	N/A	$ 51.00	$ 53.00	$ 66.20
Tract 32145	N/A	N/A	N/A	N/A	N/A	$ 9.00	$ 30.00	$ 31.00	$ 38.70
Tract 32146	N/A	N/A	N/A	N/A	N/A	$ 9.00	$ 29.00	$ 30.00	$ 37.50

* nual charge is calculated based on an equivalent benefit unit (EBU).
Residential parcels = 1EBU
Undeveloped/nonresidential parcels = 4EBU per acre
Condo unit = 4EBU per acre/No. of units in complex

* Since fiscal year 1994/95, the Zone E-3 fund balance has been used to pay for costs not recovered through the annual charges.

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3
Fiscal Year 2009/10 Budget

Budgeted Revenues:		
Single Family Parcels ($124.10*4,044)	$ 501,860.40	
Nonresidential/undeveloped parcels ($496.40*64.04)	$ 31,788.30	
Condo Units		
Tract 32142 ($55*50)	$ 2,750.00	
Tract 32143 and 32144 ($53*103)	$ 5,459.00	
Tract 32145 ($31*165)	$ 5,115.00	
Tract 32146 ($30*126)	$ 3,780.00	
Total Revenue Generated Annually		**$ 550,752.70**
Budgeted Expenditures:		
Direct Costs:		
Base Maintenance Contract	$ 302,855.00	
Vandalism	$ 2,495.00	
Electricity	$ 16,685.00	
Water	$ 54,140.00	
Other (mulching, plant material replacement, etc.)	$ 77,735.00	
Miscellaneous Direct Expenses	$ 27,858.00	
Landscaping Personnel	$ 142,049.00	
Total Direct Costs	**$ 623,817.00**	
Indirect Costs:		
Miscellaneous Indirect Expenses	$ 8,676.00	
Special Districts	$ 15,136.00	
City Administration	$ 36,232.00	
Total Indirect Costs	**$ 60,044.00**	
Total Budgeted Expenditures		**$ (683,861.00)**
Operating Budget Shortfall (Total Revenue less Total Budgeted Expenditures)		**$ (133,108.30)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

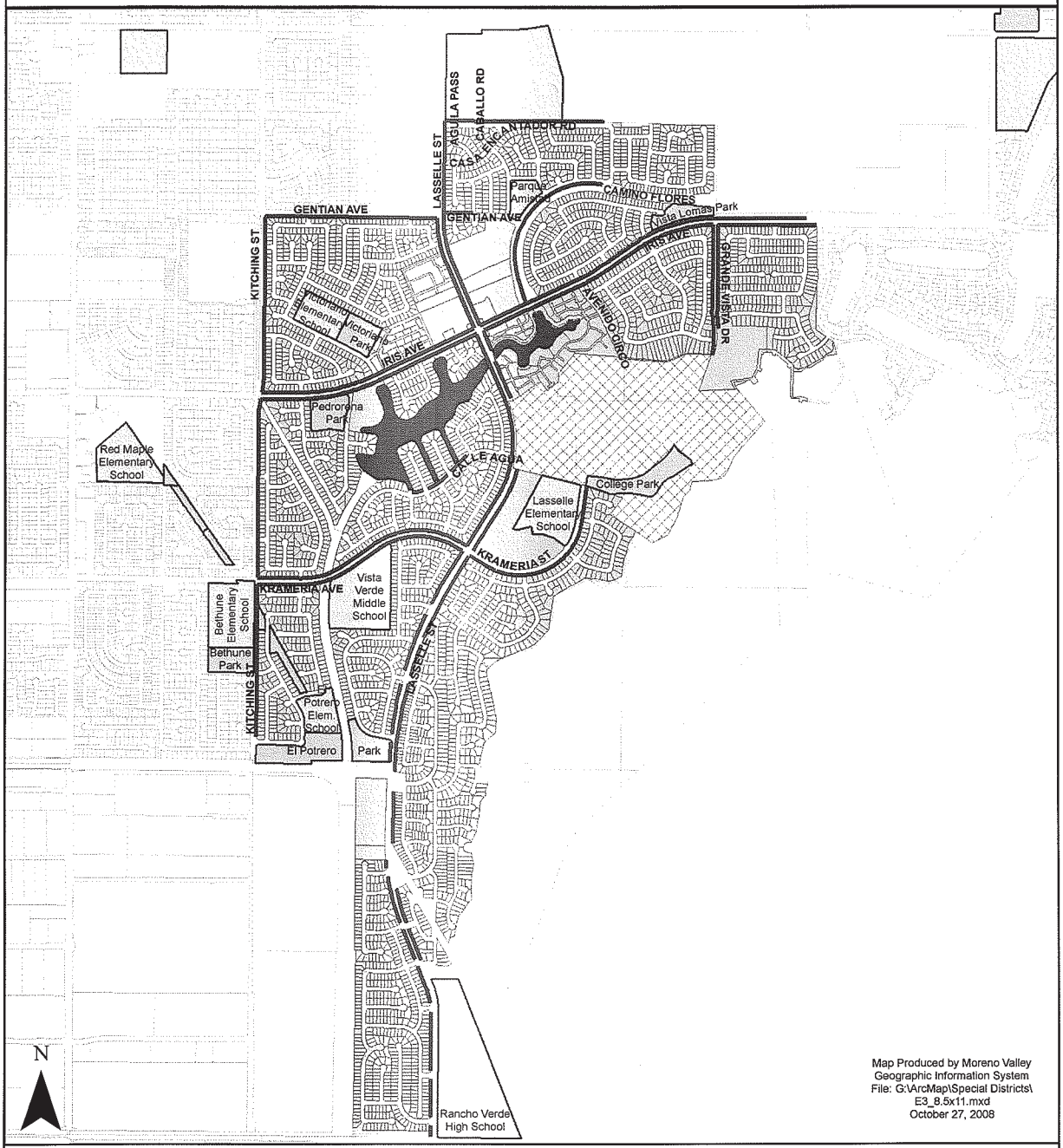
Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Misc Direct/Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.

Moreno Valley Community Services District
Extensive Landscaping & Irrigation

Zone E-3 • Moreno Valley Ranch - West



Map Produced by Moreno Valley
Geographic Information System
File: G:\ArcMap\Special Districts\
E3_8.5x11.mxd
October 27, 2008

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.

Landscaped Parkway
Zone E-3 Parcels
Zone E-3

Item No. G .3

COMMUNITY SERVICES DISTRICTS (CSD) ZONE E (High-Service-Level Parkway Landscape Maintenance) SERVICE LEVELS			
DESCRIPTION OF SERVICE LEVELS	**CSD Zone E (High-Service-Level Parkway Landscape Maintenance) Service**	**CSD Zone E Reduced (High-Service-Level Parkway Landscape Maintenance) Service**	**CSD Zone E Street Tree Service – in the Right-of-way area only**
Mowing, edging & trimming (of turf areas only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground cover trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub fertilizer	2 applications per year	1 application per year	N/A
Tree fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pre-emergent for Shrubs/Ground covers	2 times per year	As needed (budget permitting)	N/A
Insect/disease control for Shrubs/Ground covers	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Shrubs/Ground covers	Monthly (minimum)	As needed (budget permitting)	N/A
Weed control, insect, and disease control for Turf	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Turf	Monthly (minimum)	As needed (budget permitting)	N/A

Weighted Ballot Count = 1 **OFFICIAL BALLOT for Assessor Parcel No. 308251001**

ZONE E-3 (High-Service-Level Parkway Landscape Maintenance)

If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone E-3 annual charge, the CSD shall levy $155.00 per parcel. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar 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. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

❑ **Yes, *I approve*** the increase in the annual charge for Zone E services of $31.00 per parcel, which is the equivalent of a $2.58 increase per month. The increase will adjust the annual charge from $124.00 to $155.00 per parcel for fiscal year 2009/10. The charge is subject to an annual inflation adjustment.

❑ **No, *I do not approve*** the increase in the annual charge for Zone E services of $31.00 per parcel. I understand the current annual charge of $124.00 per parcel shall be increased by the annual inflation rate to $124.10 per parcel and shall be levied on the 2009/10 Riverside County property tax bill. Landscape maintenance services shall be reduced to a level consistent with available funding.

PROPERTY OWNER SIGNATURE DATE

Llame al 951.413.3480 para obtener información verbal en Español.

This page intentionally left blank.

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 308040050
Empire Land Llc
C/O Chief Legal Officer
3536 Concours St Ste 300
Ontario, CA 91764

Subject: Mail Ballot Proceeding for Zone E-3 (Moreno Valley Ranch-West) Regarding a Proposed Increase in the Moreno Valley Community Services District High-Service-Level Parkway Landscape Maintenance Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Zone E-3 (Moreno Valley Ranch-West). The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to a proposed increase in the annual charge for high-service-level landscape maintenance.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted overall program costs for Zone E-3 landscape maintenance services.

In order to maintain services at the current level it is necessary to increase the Zone E-3 annual charge. The CSD is proposing a $124.00 increase per acre in the annual charge for Zone E-3, which shall adjust the charge from $496.00 to $620.00 per acre, subject to an annual inflation adjustment. Inflation adjustments will be based on the percentage change calculated for the previous calendar 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.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for Tuesday, June 9, 2009.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the landscaped parkways and medians within Moreno Valley Ranch-West at the current level of service. The total approved charge of $620.00 per acre shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of $496.00 per acre shall be increased by the annual inflation rate to $496.40 and

shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

Background Information
Since 1988, the CSD has provided continuous Zone E (high-service-level parkway landscape maintenance) services to the landscaped parkways and medians throughout Moreno Valley Ranch-West. In addition to the landscaped parkways and medians, the CSD also maintains the existing stucco arterial wall façade and monument structures within Moreno Valley Ranch-West.

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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

Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\E\Zone E-3\Acreage documents\Zone E-3 Letter to Acreage Property Owner.doc

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING MORENO VALLEY COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3 (MORENO VALLEY RANCH-WEST) FOR HIGH-SERVICE-LEVEL LANDSCAPE MAINTENANCE

I. NOTICE

This notice informs you, as a record owner of property within the boundary of Moreno Valley Ranch-West, of a proposed increase in the Zone E-3 annual charge for high-service-level parkway landscape maintenance services. In compliance with Proposition 218, the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone E-3 annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING	***TUESDAY, May 26, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, June 9, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL** **COUNCIL CHAMBER** **14177 FREDERICK STREET** **MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone E-3 was designated as a benefit zone that receives a specific service: high-service-level parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. **Name of the Charge for Moreno Valley Ranch-West:**

   CSD Zone E-3 (Moreno Valley Ranch-West) Annual Charge

2. **CSD Zone E-3 Annual Charge per acre is $620.00**. The total parcel charges levied for the CSD Zone E-3 program for FY 2008/09 is $541,243.36.

   The charge may be subject to an annual adjustment, based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charge:**

The adjusted Zone E-3 charge shall be levied annually on the Riverside County property tax bill beginning 2009/10 and shall be levied each following year at the proposed rate, which includes an annual inflation adjustment.

4. **Reason for the Charge Increase for Zone E-3 (Moreno Valley Ranch-West):**

Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the annual charge to the property owners in order to continue maintenance at the current level of service.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted overall program costs for Zone E-3 landscape maintenance services.

5. **Calculation of the Charge:**

The CSD provides services through full cost recovery programs. The annual Zone E-3 charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems and existing arterial wall façade and monument structures, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the Zone E-3 annual charge or about this process, please contact the Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone E-3 annual charge. Please follow the instructions on the following pages to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone E-3 annual charge **by placing a mark in the corresponding box.**

2. **Sign your name** on the ballot. *Ballots received without a signature will be considered invalid and will not be counted.*

3. Mail or personally deliver your 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. Ballots must be received by the City Clerk prior to the close of the Public Hearing for Zone E-3 on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Any ballots received after the close of the Public Hearing cannot be legally counted.

5. **Upon the close of the Public Hearing:**

   Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

   The proposed increase in the Zone E-3 annual charge shall be confirmed if a simple majority (50%+1) of the returned valid ballots indicate support of the increase. The approved charge shall be reflected on the 2009/10 Riverside County property tax bill.

   If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of $496.00 per acre shall be increased by the annual inflation rate to $496.40 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued.

   In the event discontinuation of services is necessary, the CSD may terminate landscape easements and/or quit claim lettered lot property and convey all rights, title, interest, and responsibility for perpetual parkway, open space, wall façade, and/or slope maintenance to underlying property owners and/or to an active, empowered, dues-paying homeowners association.

Llame al 951.413.3480 para obtener información verbal en Español.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

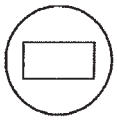
A check mark substantially inside a box;

An X mark substantially inside a box;

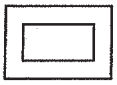
A dot or oval mark substantially inside a box;

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 <u>and/or</u> associated clause; or



A square or rectangle around the box <u>and/or</u> associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>.**

Llame al 951.413.3480 para obtener información verbal en Español.

HISTORY OF CHARGES FOR MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE E-3 (MORENO VALLEY RANCH-WEST) FOR HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE MAINTENANCE

	1988/89 through 1991/92	1992/93 through 1993/94	1994/95*	1995/96*	1996/97 through 2005/06*	2006/07	2007/08	2008/09	Proposed 2009/10
Single Family Residential Parcel	$ 78.00	$ 80.00	$ 70.00	$ 55.00	$ 35.00	$ 115.00	$ 119.00	$ 124.00	$ 155.00
Nonresidential/Undeveloped Parcel Per Acre	$ 312.00	$ 315.00	$ 280.00	$ 220.00	$ 140.00	$ 460.00	$ 476.00	$ 496.00	$ 620.00
Condo Unit									
Tract 32142	N/A	N/A	N/A	N/A	N/A	N/A	$ 53.00	$ 55.00	$ 68.70
Tract 32143 and 32144	N/A	N/A	N/A	N/A	N/A	N/A	$ 51.00	$ 53.00	$ 66.20
Tract 32145	N/A	N/A	N/A	N/A	N/A	$ 9.00	$ 30.00	$ 31.00	$ 38.70
Tract 32146	N/A	N/A	N/A	N/A	N/A	$ 9.00	$ 29.00	$ 30.00	$ 37.50

Annual charge is calculated based on an equivalent benefit unit (EBU).
Residential parcels = 1EBU
Undeveloped/nonresidential parcels = 4EBU per acre
Condo unit = 4EBU per acre/No. of units in complex

* Since fiscal year 1994/95, the Zone E-3 fund balance has been used to pay for costs not recovered through the annual charges.

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3
Fiscal Year 2009/10 Budget

Budgeted Revenues:			
Single Family Parcels ($124.10*4,044)	$ 501,860.40		
Nonresidential/undeveloped parcels ($496.40*64.04)	$ 31,788.30		
Condo Units			
Tract 32142 ($55*50)	$ 2,750.00		
Tract 32143 and 32144 ($53*103)	$ 5,459.00		
Tract 32145 ($31*165)	$ 5,115.00		
Tract 32146 ($30*126)	$ 3,780.00		
Total Revenue Generated Annually		$	**550,752.70**
Budgeted Expenditures:			
Direct Costs:			
Base Maintenance Contract	$ 302,855.00		
Vandalism	$ 2,495.00		
Electricity	$ 16,685.00		
Water	$ 54,140.00		
Other (mulching, plant material replacement, etc.)	$ 77,735.00		
Miscellaneous Direct Expenses	$ 27,858.00		
Landscaping Personnel	$ 142,049.00		
Total Direct Costs	**$ 623,817.00**		
Indirect Costs:			
Miscellaneous Indirect Expenses	$ 8,676.00		
Special Districts	$ 15,136.00		
City Administration	$ 36,232.00		
Total Indirect Costs	**$ 60,044.00**		
Total Budgeted Expenditures		$	**(683,861.00)**
Operating Budget Shortfall			
(Total Revenue less Total Budgeted Expenditures)			**$ (133,108.30)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

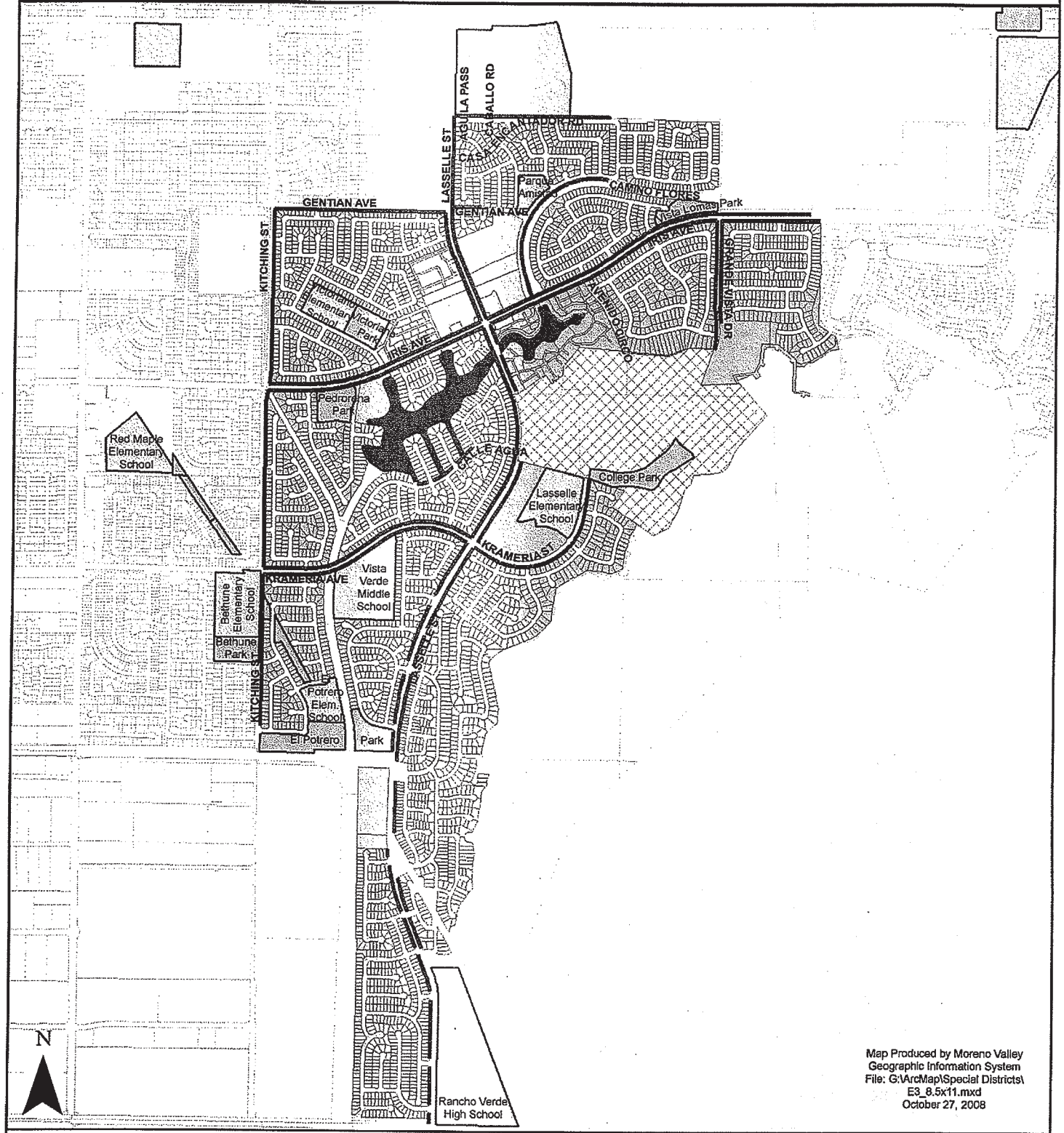
Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Misc Direct/Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.

Moreno Valley Community Services District
Extensive Landscaping & Irrigation

Zone E-3 • Moreno Valley Ranch - West



Map Produced by Moreno Valley
Geographic Information System
File: G:\ArcMap\Special Districts\
E3_8.5x11.mxd
October 27, 2008

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.

Landscaped Parkway
Zone E-3 Parcels
Not Part of Zone E-3

MORENO VALLEY
WHERE DREAMS SOAR

COMMUNITY SERVICES DISTRICTS (CSD) ZONE E (High-Service-Level Parkway Landscape Maintenance) SERVICE LEVELS			
DESCRIPTION OF SERVICE LEVELS	**CSD Zone E (High-Service-Level Parkway Landscape Maintenance) Service**	**CSD Zone E Reduced (High-Service-Level Parkway Landscape Maintenance) Service**	**CSD Zone E Street Tree Service – in the Right-of-way area only**
Mowing, edging & trimming (of turf areas only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground cover trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub fertilizer	2 applications per year	1 application per year	N/A
Tree fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pre-emergent for Shrubs/Ground covers	2 times per year	As needed (budget permitting)	N/A
Insect/disease control for Shrubs/Ground covers	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Shrubs/Ground covers	Monthly (minimum)	As needed (budget permitting)	N/A
Weed control, insect, and disease control for Turf	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Turf	Monthly (minimum)	As needed (budget permitting)	N/A

Weighted Ballot Count = 6.40 **OFFICIAL BALLOT for Assessor Parcel No. 486340040**

ZONE E-3 (High-Service-Level Parkway Landscape Maintenance)

If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone E-3 annual charge, the CSD shall levy $620.00 per acre. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar 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. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

☐ **Yes, *I approve*** the increase in the annual charge for Zone E services of $124.00 per acre. The increase will adjust the annual charge from $496.00 to $620.00 per acre for fiscal year 2009/10. The charge is subject to an annual inflation adjustment.

☐ **No, *I do not approve*** the increase in the annual charge for Zone E services of $124.00 per acre. I understand the current annual charge of $496.00 per acre shall be increased by the annual inflation rate to $496.40 per acre and shall be levied on the 2009/10 Riverside County property tax bill. Landscape maintenance services shall be reduced to a level consistent with available funding.

PROPERTY OWNER SIGNATURE **DATE**

Llame al 951.413.3480 para obtener información verbal en Español.

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 308613001
Valeree Adames
15856 Lasselle St No D
Moreno Valley, CA 92551

Subject: Mail Ballot Proceeding for Zone E-3 (Moreno Valley Ranch-West) Regarding a Proposed Increase in the Moreno Valley Community Services District High-Service-Level Parkway Landscape Maintenance Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Zone E-3 (Moreno Valley Ranch-West). The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to a proposed increase in the annual charge for high-service-level landscape maintenance.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted overall program costs for Zone E-3 landscape maintenance services.

It is necessary to increase the Zone E-3 annual charge in order to maintain landscape maintenance services at the current level. The CSD is proposing a $13.70 increase in the annual charge for Zone E-3, which shall adjust the charge from $55.00 to $68.70 per condo unit, subject to an annual inflation adjustment. The increase is the equivalent of $1.14 per month. Inflation adjustments will be based on the percentage change calculated for the previous calendar 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.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for Tuesday, June 9, 2009.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the landscaped parkways and medians within Moreno Valley Ranch-West at the current level of service. The total approved charge of $68.70 per condo unit shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of $55.00 per condo unit shall continue to be levied on the property tax bill, which may

include future annual inflation adjustments. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

Background Information
Since 1988, the CSD has provided continuous Zone E (high-service-level parkway landscape maintenance) services to the landscaped parkways and medians throughout Moreno Valley Ranch-West. In addition to the landscaped parkways and medians, the CSD also maintains the existing stucco arterial wall façade and monument structures within Moreno Valley Ranch-West.

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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

Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\E\Zone E-3\Tract 32142 documents\Zone E-3 Letter to Condo Owner Tract 32142.doc

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING MORENO VALLEY COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3 (MORENO VALLEY RANCH-WEST) FOR HIGH-SERVICE-LEVEL LANDSCAPE MAINTENANCE

I. NOTICE

This notice informs you, as a record owner of property within the boundary of Moreno Valley Ranch-West, of a proposed increase in the Zone E-3 annual charge for high-service-level parkway landscape maintenance services. In compliance with Proposition 218, the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone E-3 annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING	***TUESDAY, May 26, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, June 9, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL** **COUNCIL CHAMBER** **14177 FREDERICK STREET** **MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone E-3 was designated as a benefit zone that receives a specific service: high-service-level parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. **Name of the Charge for Moreno Valley Ranch-West:**

   CSD Zone E-3 (Moreno Valley Ranch-West) Annual Charge

2. **CSD Zone E-3 Annual Charge per condo unit is $68.70.** The total parcel charges levied for the CSD Zone E-3 program for FY 2008/09 is $541,243.36.

   The charge may be subject to an annual adjustment, based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charge:**

The adjusted Zone E-3 charge shall be levied annually on the Riverside County property tax bill beginning 2009/10 and shall be levied each following year at the proposed rate, which includes an annual inflation adjustment.

4. **Reason for the Charge Increase for Zone E-3 (Moreno Valley Ranch-West):**

Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the annual charge to the property owners in order to continue maintenance at the current level of service.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted overall program costs for Zone E-3 landscape maintenance services.

5. **Calculation of the Charge:**

The CSD provides services through full cost recovery programs. The annual Zone E-3 charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems and existing arterial wall façade and monument structures, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the Zone E-3 annual charge or about this process, please contact the Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone E-3 annual charge. Please follow the instructions on the following pages to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone E-3 annual charge **by placing a mark in the corresponding box.**

2. **Sign your name** on the ballot. *Ballots received without a signature will be considered invalid and will not be counted.*

3. Mail or personally deliver your 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. Ballots must be received by the City Clerk prior to the close of the Public Hearing for Zone E-3 on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Any ballots received after the close of the Public Hearing cannot be legally counted.

5. **Upon the close of the Public Hearing:**

   Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

   The proposed increase in the Zone E-3 annual charge shall be confirmed if a simple majority (50%+1) of the returned valid ballots indicate support of the increase. The approved charge shall be reflected on the 2009/10 Riverside County property tax bill.

   If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of $55.00 per condo unit shall be levied on the 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued.

   In the event discontinuation of services is necessary, the CSD may terminate landscape easements and/or quit claim lettered lot property and convey all rights, title, interest, and responsibility for perpetual parkway, open space, wall façade, and/or slope maintenance to underlying property owners and/or to an active, empowered, dues-paying homeowners association.

Llame al 951.413.3480 para obtener información verbal en Español. 3 of 4

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

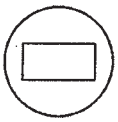
A check mark substantially inside a box;

An X mark substantially inside a box;

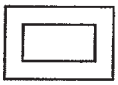
A dot or oval mark substantially inside a box;

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 <u>and/or</u> associated clause; or



A square or rectangle around the box <u>and/or</u> associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>.**

Llame al 951.413.3480 para obtener información verbal en Español.

HISTORY OF CHARGES FOR MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE E-3 (MORENO VALLEY RANCH-WEST) FOR HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE MAINTENANCE

	1988/89 through 1991/92	1992/93 through 1993/94	1994/95*	1995/96*	1996/97 through 2005/06*	2006/07	2007/08	2008/09	Proposed 2009/10
Single Family Residential Parcel	$ 78.00	$ 80.00	$ 70.00	$ 55.00	$ 35.00	$ 115.00	$ 119.00	$ 124.00	$ 155.00
Nonresidential/Undeveloped Parcel Per Acre	$ 312.00	$ 315.00	$ 280.00	$ 220.00	$ 140.00	$ 460.00	$ 476.00	$ 496.00	$ 620.00
Condo Unit									
Tract 32142	N/A	N/A	N/A	N/A	N/A	N/A	$ 53.00	$ 55.00	$ 68.70
Tract 32143 and 32144	N/A	N/A	N/A	N/A	N/A	N/A	$ 51.00	$ 53.00	$ 66.20
Tract 32145	N/A	N/A	N/A	N/A	N/A	$ 9.00	$ 30.00	$ 31.00	$ 38.70
Tract 32146	N/A	N/A	N/A	N/A	N/A	$ 9.00	$ 29.00	$ 30.00	$ 37.50

Annual charge is calculated based on an equivalent benefit unit (EBU).
Residential parcels = 1EBU
Undeveloped/nonresidential parcels = 4EBU per acre
Condo unit = 4EBU per acre/No. of units in complex

* Since fiscal year 1994/95, the Zone E-3 fund balance has been used to pay for costs not recovered through the annual charges.

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3
Fiscal Year 2009/10 Budget

Budgeted Revenues:			
Single Family Parcels ($124.10*4,044)	$ 501,860.40		
Nonresidential/undeveloped parcels ($496.40*64.04)	$ 31,788.30		
Condo Units			
Tract 32142 ($55*50)	$ 2,750.00		
Tract 32143 and 32144 ($53*103)	$ 5,459.00		
Tract 32145 ($31*165)	$ 5,115.00		
Tract 32146 ($30*126)	$ 3,780.00		
Total Revenue Generated Annually		$	**550,752.70**
Budgeted Expenditures:			
Direct Costs:			
Base Maintenance Contract	$ 302,855.00		
Vandalism	$ 2,495.00		
Electricity	$ 16,685.00		
Water	$ 54,140.00		
Other (mulching, plant material replacement, etc.)	$ 77,735.00		
Miscellaneous Direct Expenses	$ 27,858.00		
Landscaping Personnel	$ 142,049.00		
Total Direct Costs	**$ 623,817.00**		
Indirect Costs:			
Miscellaneous Indirect Expenses	$ 8,676.00		
Special Districts	$ 15,136.00		
City Administration	$ 36,232.00		
Total Indirect Costs	**$ 60,044.00**		
Total Budgeted Expenditures		$	**(683,861.00)**
Operating Budget Shortfall (Total Revenue less Total Budgeted Expenditures)			**$ (133,108.30)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

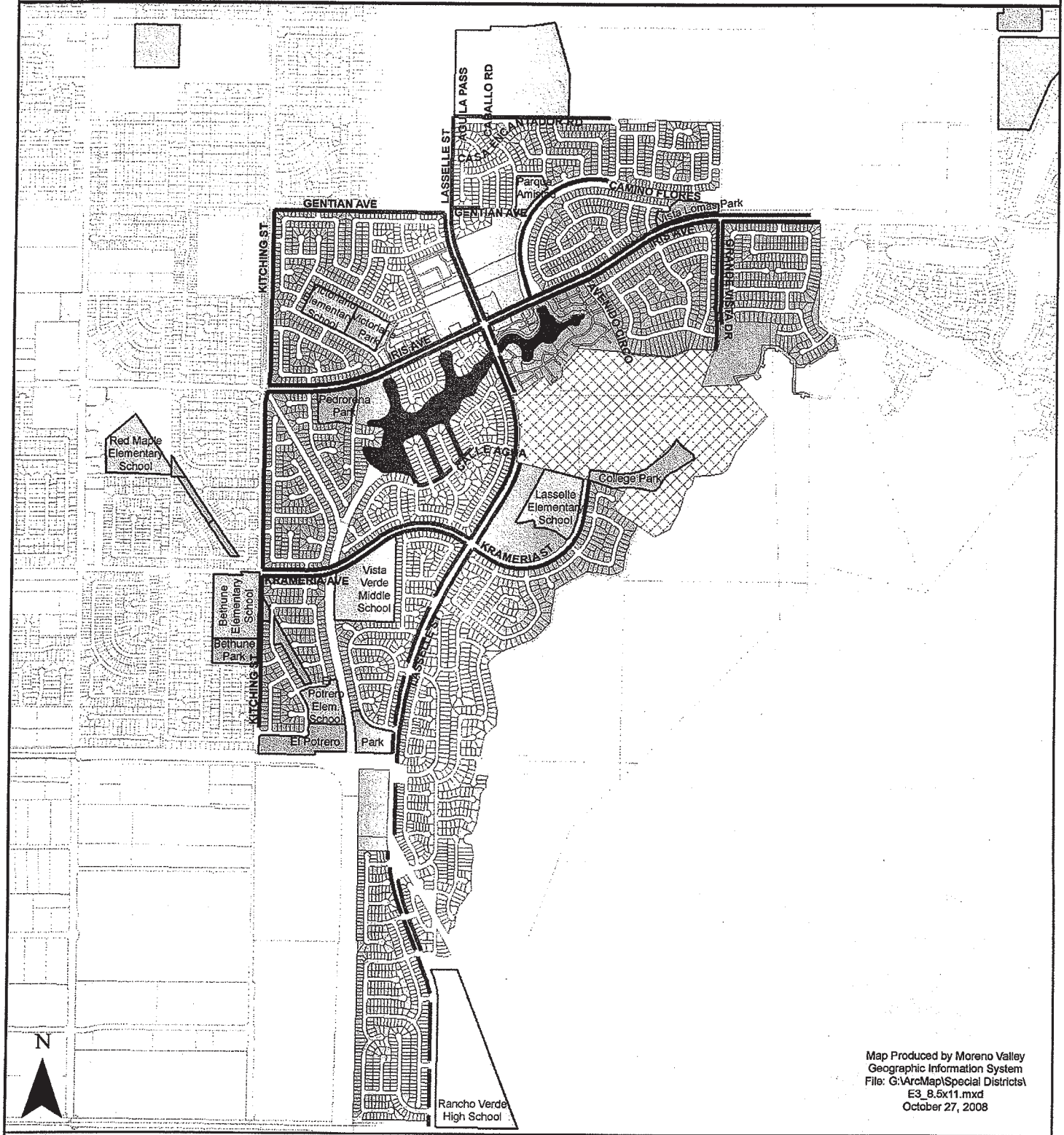
Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Misc Direct/Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.

Moreno Valley Community Services District
Extensive Landscaping & Irrigation

Zone E-3 • Moreno Valley Ranch - West



Map Produced by Moreno Valley
Geographic Information System
File: G:\ArcMap\Special Districts\
E3_8.5x11.mxd
October 27, 2008

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.

Landscaped Parkway
Zone E-3 Parcels
Not Part of Zone E-3

MORENO VALLEY
WHERE DREAMS SOAR

COMMUNITY SERVICES DISTRICTS (CSD) ZONE E (High-Service-Level Parkway Landscape Maintenance) SERVICE LEVELS			
DESCRIPTION OF SERVICE LEVELS	**CSD Zone E (High-Service-Level Parkway Landscape Maintenance) Service**	**CSD Zone E Reduced (High-Service-Level Parkway Landscape Maintenance) Service**	**CSD Zone E Street Tree Service – in the Right-of-way area only**
Mowing, edging & trimming (of turf areas only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground cover trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub fertilizer	2 applications per year	1 application per year	N/A
Tree fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pre-emergent for Shrubs/Ground covers	2 times per year	As needed (budget permitting)	N/A
Insect/disease control for Shrubs/Ground covers	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Shrubs/Ground covers	Monthly (minimum)	As needed (budget permitting)	N/A
Weed control, insect, and disease control for Turf	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Turf	Monthly (minimum)	As needed (budget permitting)	N/A

Weighted Ballot Count = 0.44 **OFFICIAL BALLOT for Assessor Parcel No. 308613001**

ZONE E-3 (High-Service-Level Parkway Landscape Maintenance)

If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone E-3 annual charge, the CSD shall levy $68.70 per condo unit. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar 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. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

☐ **Yes, *I approve*** the increase in the annual charge for Zone E services of $13.70 per condo unit, which is the equivalent of a $1.14 increase per month. The increase will adjust the annual charge from $55.00 to $68.70 per condo unit for fiscal year 2009/10. The charge is subject to an annual inflation adjustment.

☐ **No, *I do not approve*** the increase in the annual charge for Zone E services of $13.70 per condo unit. I understand the current annual charge of $55.00 per condo unit shall be levied on my 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. Landscape maintenance services shall be reduced to a level consistent with available funding.

PROPERTY OWNER SIGNATURE **DATE**

Llame al 951.413.3480 para obtener información verbal en Español.

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 308611001
Brian M Jones
26041 Iris Ave No A
Moreno Valley, CA 92555

Subject: Mail Ballot Proceeding for Zone E-3 (Moreno Valley Ranch-West) Regarding a Proposed Increase in the Moreno Valley Community Services District High-Service-Level Parkway Landscape Maintenance Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Zone E-3 (Moreno Valley Ranch-West). The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to a proposed increase in the annual charge for high-service-level landscape maintenance.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted overall program costs for Zone E-3 landscape maintenance services.

It is necessary to increase the Zone E-3 annual charge in order to maintain landscape maintenance services at the current level. The CSD is proposing a $13.20 increase in the annual charge for Zone E-3, which shall adjust the charge from $53.00 to $66.20 per condo unit, subject to an annual inflation adjustment. The increase is the equivalent of $1.10 per month. Inflation adjustments will be based on the percentage change calculated for the previous calendar 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.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for Tuesday, June 9, 2009.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the landscaped parkways and medians within Moreno Valley Ranch-West at the current level of service. The total approved charge of $66.20 per condo unit shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of $53.00 per condo unit shall continue to be levied on the property tax bill, which may

include future annual inflation adjustments. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

Background Information
Since 1988, the CSD has provided continuous Zone E (high-service-level parkway landscape maintenance) services to the landscaped parkways and medians throughout Moreno Valley Ranch-West. In addition to the landscaped parkways and medians, the CSD also maintains the existing stucco arterial wall façade and monument structures within Moreno Valley Ranch-West.

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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

Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\E\Zone E-3\Tract 32143_32144 documents\Zone E-3 Letter to Condo Owner Tract 32143_32144.doc

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING MORENO VALLEY COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3 (MORENO VALLEY RANCH-WEST) FOR HIGH-SERVICE-LEVEL LANDSCAPE MAINTENANCE

I. NOTICE

This notice informs you, as a record owner of property within the boundary of Moreno Valley Ranch-West, of a proposed increase in the Zone E-3 annual charge for high-service-level parkway landscape maintenance services. In compliance with Proposition 218, the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone E-3 annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING	***TUESDAY, May 26, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, June 9, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL** **COUNCIL CHAMBER** **14177 FREDERICK STREET** **MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone E-3 was designated as a benefit zone that receives a specific service: high-service-level parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. **Name of the Charge for Moreno Valley Ranch-West:**

   CSD Zone E-3 (Moreno Valley Ranch-West) Annual Charge

2. **CSD Zone E-3 Annual Charge per condo unit is $66.20.** The total parcel charges levied for the CSD Zone E-3 program for FY 2008/09 is $541,243.36.

   The charge may be subject to an annual adjustment, based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charge:**

The adjusted Zone E-3 charge shall be levied annually on the Riverside County property tax bill beginning 2009/10 and shall be levied each following year at the proposed rate, which includes an annual inflation adjustment.

4. **Reason for the Charge Increase for Zone E-3 (Moreno Valley Ranch-West):**

Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the annual charge to the property owners in order to continue maintenance at the current level of service.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted overall program costs for Zone E-3 landscape maintenance services.

5. **Calculation of the Charge:**

The CSD provides services through full cost recovery programs. The annual Zone E-3 charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems and existing arterial wall façade and monument structures, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the Zone E-3 annual charge or about this process, please contact the Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone E-3 annual charge. Please follow the instructions on the following pages to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone E-3 annual charge **by placing a mark in the corresponding box.**

2. **Sign your name** on the ballot. *Ballots received without a signature will be considered invalid and will not be counted.*

3. Mail or personally deliver your 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. Ballots must be received by the City Clerk prior to the close of the Public Hearing for Zone E-3 on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Any ballots received after the close of the Public Hearing cannot be legally counted.

5. **Upon the close of the Public Hearing:**

   Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

   The proposed increase in the Zone E-3 annual charge shall be confirmed if a simple majority (50%+1) of the returned valid ballots indicate support of the increase. The approved charge shall be reflected on the 2009/10 Riverside County property tax bill.

   If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of $53.00 per condo unit shall be levied on the 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued.

   In the event discontinuation of services is necessary, the CSD may terminate landscape easements and/or quit claim lettered lot property and convey all rights, title, interest, and responsibility for perpetual parkway, open space, wall façade, and/or slope maintenance to underlying property owners and/or to an active, empowered, dues-paying homeowners association.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

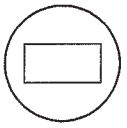
A check mark substantially inside a box;

An X mark substantially inside a box;

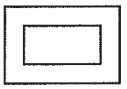
A dot or oval mark substantially inside a box;

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 <u>and/or</u> associated clause; or



A square or rectangle around the box <u>and/or</u> associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>.**

HISTORY OF CHARGES FOR
MORENO VALLEY COMMUNITY SERVICES DISTRICT
ZONE E-3 (MORENO VALLEY RANCH-WEST)
FOR HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE MAINTENANCE

	1988/89 through 1991/92	1992/93 through 1993/94	1994/95*	1995/96*	1996/97 through 2005/06*	2006/07	2007/08	2008/09	Proposed 2009/10
Single Family Residential Parcel	$ 78.00	$ 80.00	$ 70.00	$ 55.00	$ 35.00	$ 115.00	$ 119.00	$ 124.00	$ 155.00
Nonresidential/Undeveloped Parcel Per Acre	$ 312.00	$ 315.00	$ 280.00	$ 220.00	$ 140.00	$ 460.00	$ 476.00	$ 496.00	$ 620.00
Condo Unit									
Tract 32142	N/A	N/A	N/A	N/A	N/A	N/A	$ 53.00	$ 55.00	$ 68.70
Tract 32143 and 32144	N/A	N/A	N/A	N/A	N/A	N/A	$ 51.00	$ 53.00	$ 66.20
Tract 32145	N/A	N/A	N/A	N/A	N/A	$ 9.00	$ 30.00	$ 31.00	$ 38.70
Tract 32146	N/A	N/A	N/A	N/A	N/A	$ 9.00	$ 29.00	$ 30.00	$ 37.50

Annual charge is calculated based on an equivalent benefit unit (EBU).
Residential parcels = 1EBU
Undeveloped/nonresidential parcels = 4EBU per acre
Condo unit = 4EBU per acre/No. of units in complex

* Since fiscal year 1994/95, the Zone E-3 fund balance has been used to pay for costs not recovered through the annual charges.

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3
Fiscal Year 2009/10 Budget

Budgeted Revenues:			
Single Family Parcels ($124.10*4,044)	$ 501,860.40		
Nonresidential/undeveloped parcels ($496.40*64.04)	$ 31,788.30		
Condo Units			
Tract 32142 ($55*50)	$ 2,750.00		
Tract 32143 and 32144 ($53*103)	$ 5,459.00		
Tract 32145 ($31*165)	$ 5,115.00		
Tract 32146 ($30*126)	$ 3,780.00		
Total Revenue Generated Annually		**$ 550,752.70**	
Budgeted Expenditures:			
Direct Costs:			
Base Maintenance Contract	$ 302,855.00		
Vandalism	$ 2,495.00		
Electricity	$ 16,685.00		
Water	$ 54,140.00		
Other (mulching, plant material replacement, etc.)	$ 77,735.00		
Miscellaneous Direct Expenses	$ 27,858.00		
Landscaping Personnel	$ 142,049.00		
Total Direct Costs	**$ 623,817.00**		
Indirect Costs:			
Miscellaneous Indirect Expenses	$ 8,676.00		
Special Districts	$ 15,136.00		
City Administration	$ 36,232.00		
Total Indirect Costs	**$ 60,044.00**		
Total Budgeted Expenditures		**$ (683,861.00)**	
Operating Budget Shortfall (Total Revenue less Total Budgeted Expenditures)			**$ (133,108.30)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

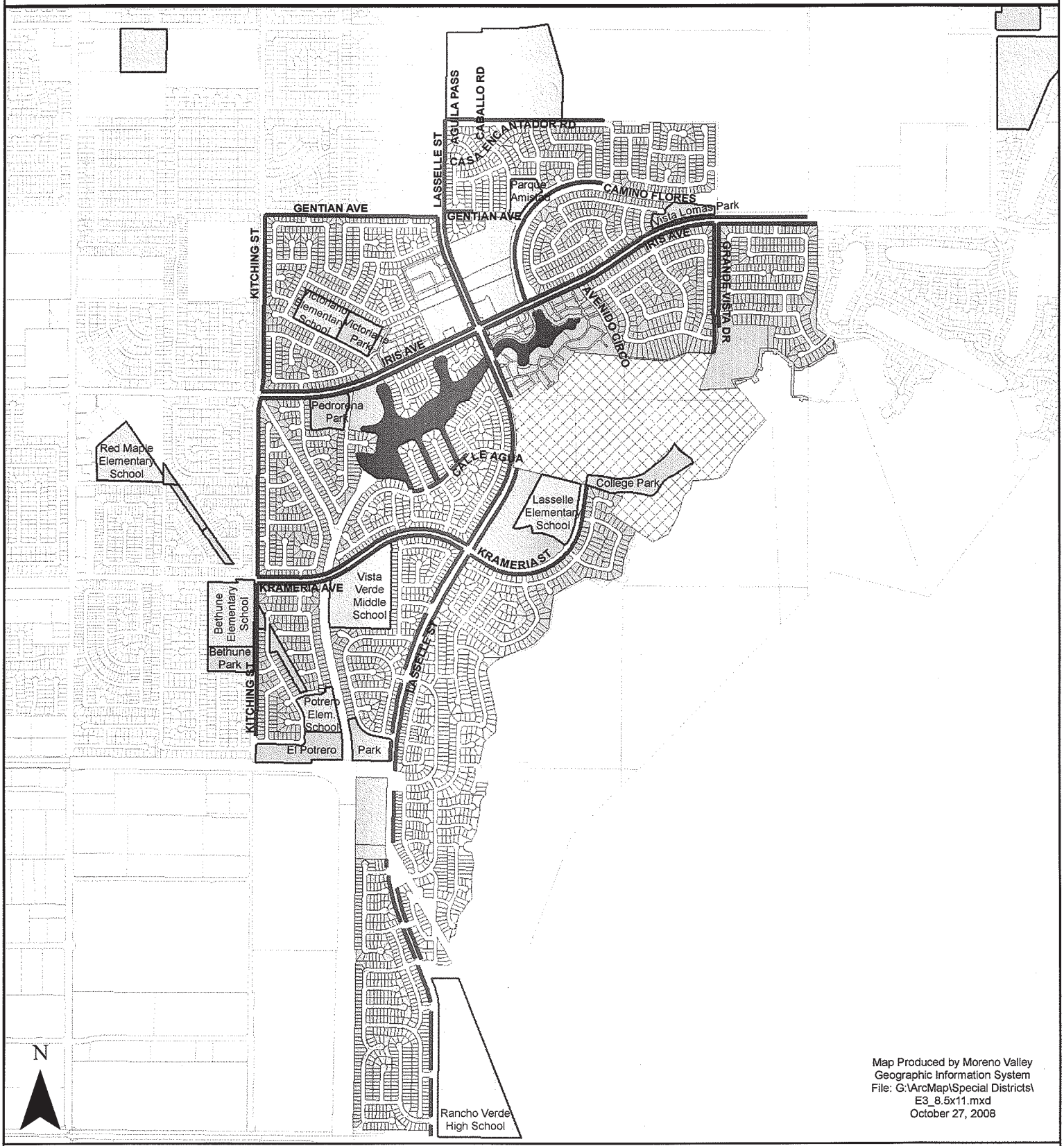
Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Misc Direct/Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.

Moreno Valley Community Services District
Extensive Landscaping & Irrigation

Zone E-3 • Moreno Valley Ranch - West



Map Produced by Moreno Valley
Geographic Information System
File: G:\ArcMap\Special Districts\
E3_8.5x11.mxd
October 27, 2008

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.

Landscaped Parkway

Zone E-3 Parcels

Not Part of Zone E-3

MORENO VALLEY

Item No. G .3

COMMUNITY SERVICES DISTRICTS (CSD) ZONE E (High-Service-Level Parkway Landscape Maintenance) SERVICE LEVELS			
DESCRIPTION OF SERVICE LEVELS	**CSD Zone E (High-Service-Level Parkway Landscape Maintenance) Service**	**CSD Zone E Reduced (High-Service-Level Parkway Landscape Maintenance) Service**	**CSD Zone E Street Tree Service – in the Right-of-way area only**
Mowing, edging & trimming (of turf areas only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground cover trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub fertilizer	2 applications per year	1 application per year	N/A
Tree fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pre-emergent for Shrubs/Ground covers	2 times per year	As needed (budget permitting)	N/A
Insect/disease control for Shrubs/Ground covers	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Shrubs/Ground covers	Monthly (minimum)	As needed (budget permitting)	N/A
Weed control, insect, and disease control for Turf	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Turf	Monthly (minimum)	As needed (budget permitting)	N/A

Weighted Ballot Count = 0.427 **OFFICIAL BALLOT for Assessor Parcel No. 308611001**

ZONE E-3 (High-Service-Level Parkway Landscape Maintenance)

If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone E-3 annual charge, the CSD shall levy $66.20 per condo unit. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar 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. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

☐ **Yes, *I approve*** the increase in the annual charge for Zone E services of $13.20 per condo unit, which is the equivalent of a $1.10 increase per month. The increase will adjust the annual charge from $53.00 to $66.20 per condo unit for fiscal year 2009/10. The charge is subject to an annual inflation adjustment.

☐ **No**, ***I do not approve*** the increase in the annual charge for Zone E services of $13.20 per condo unit. I understand the current annual charge of $53.00 per condo unit shall be levied on my 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. Landscape maintenance services shall be reduced to a level consistent with available funding.

PROPERTY OWNER SIGNATURE **DATE**

Llame al 951.413.3480 para obtener información verbal en Español.

This page intentionally left blank.

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 486531001
Estrelita L Baxa
25796 Iris Ave No A
Moreno Valley, CA 92551

Subject: Mail Ballot Proceeding for Zone E-3 (Moreno Valley Ranch-West) Regarding a Proposed Increase in the Moreno Valley Community Services District High-Service-Level Parkway Landscape Maintenance Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Zone E-3 (Moreno Valley Ranch-West). The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to a proposed increase in the annual charge for high-service-level landscape maintenance.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted overall program costs for Zone E-3 landscape maintenance services.

In order to maintain services at the current level it is necessary to increase the Zone E-3 annual charge. The CSD is proposing a $7.70 increase in the annual charge for Zone E-3, which shall adjust the charge from $31.00 to $38.70 per condo unit, subject to an annual inflation adjustment. The increase is the equivalent of $0.64 per month. Inflation adjustments will be based on the percentage change calculated for the previous calendar 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.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for Tuesday, June 9, 2009.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the landscaped parkways and medians within Moreno Valley Ranch-West at the current level of service. The total approved charge of $38.70 per condo unit shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of $31.00 per condo unit shall continue to be levied on the property tax bill, which may

include future annual inflation adjustments. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

Background Information
Since 1988, the CSD has provided continuous Zone E (high-service-level parkway landscape maintenance) services to the landscaped parkways and medians throughout Moreno Valley Ranch-West. In addition to the landscaped parkways and medians, the CSD also maintains the existing stucco arterial wall façade and monument structures within Moreno Valley Ranch-West.

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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

Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\E\Zone E-3\Tract 32145 documents\Zone E-3 Letter to Condo Owner Tract 32145.doc

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING MORENO VALLEY COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3 (MORENO VALLEY RANCH-WEST) FOR HIGH-SERVICE-LEVEL LANDSCAPE MAINTENANCE

I. NOTICE

This notice informs you, as a record owner of property within the boundary of Moreno Valley Ranch-West, of a proposed increase in the Zone E-3 annual charge for high-service-level parkway landscape maintenance services. In compliance with Proposition 218, the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone E-3 annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING	***TUESDAY, May 26, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, June 9, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL COUNCIL CHAMBER 14177 FREDERICK STREET MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone E-3 was designated as a benefit zone that receives a specific service: high-service-level parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. **Name of the Charge for Moreno Valley Ranch-West:**

   CSD Zone E-3 (Moreno Valley Ranch-West) Annual Charge

2. **CSD Zone E-3 Annual Charge per condo unit is $38.70.** The total parcel charges levied for the CSD Zone E-3 program for FY 2008/09 is $541,243.36.

   The charge may be subject to an annual adjustment, based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charge:**

The adjusted Zone E-3 charge shall be levied annually on the Riverside County property tax bill beginning 2009/10 and shall be levied each following year at the proposed rate, which includes an annual inflation adjustment.

4. **Reason for the Charge Increase for Zone E-3 (Moreno Valley Ranch-West):**

Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the annual charge to the property owners in order to continue maintenance at the current level of service.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted overall program costs for Zone E-3 landscape maintenance services.

5. **Calculation of the Charge:**

The CSD provides services through full cost recovery programs. The annual Zone E-3 charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems and existing arterial wall façade and monument structures, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the Zone E-3 annual charge or about this process, please contact the Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone E-3 annual charge. Please follow the instructions on the following pages to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone E-3 annual charge **by placing a mark in the corresponding box.**

2. **Sign your name** on the ballot. *Ballots received without a signature will be considered invalid and will not be counted.*

3. Mail or personally deliver your 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. Ballots must be received by the City Clerk prior to the close of the Public Hearing for Zone E-3 on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Any ballots received after the close of the Public Hearing cannot be legally counted.

5. **Upon the close of the Public Hearing:**

   Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

   The proposed increase in the Zone E-3 annual charge shall be confirmed if a simple majority (50%+1) of the returned valid ballots indicate support of the increase. The approved charge shall be reflected on the 2009/10 Riverside County property tax bill.

   If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of $31.00 per condo unit shall be levied on the 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued.

   In the event discontinuation of services is necessary, the CSD may terminate landscape easements and/or quit claim lettered lot property and convey all rights, title, interest, and responsibility for perpetual parkway, open space, wall façade, and/or slope maintenance to underlying property owners and/or to an active, empowered, dues-paying homeowners association.

Llame al 951.413.3480 para obtener información verbal en Español.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

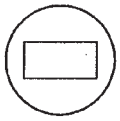
A check mark substantially inside a box;

An X mark substantially inside a box;

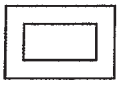
A dot or oval mark substantially inside a box;

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 <u>and/or</u> associated clause; or



A square or rectangle around the box <u>and/or</u> associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>.**

Llame al 951.413.3480 para obtener información verbal en Español.

HISTORY OF CHARGES FOR
MORENO VALLEY COMMUNITY SERVICES DISTRICT
ZONE E-3 (MORENO VALLEY RANCH-WEST)
FOR HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE MAINTENANCE

	1988/89 through 1991/92	1992/93 through 1993/94	1994/95*	1995/96*	1996/97 through 2005/06*	2006/07	2007/08	2008/09	Proposed 2009/10
Single Family Residential Parcel	$ 78.00	$ 80.00	$ 70.00	$ 55.00	$ 35.00	$ 115.00	$ 119.00	$ 124.00	$ 155.00
Nonresidential/Undeveloped Parcel Per Acre	$ 312.00	$ 315.00	$ 280.00	$ 220.00	$ 140.00	$ 460.00	$ 476.00	$ 496.00	$ 620.00
Condo Unit									
Tract 32142	N/A	N/A	N/A	N/A	N/A	N/A	$ 53.00	$ 55.00	$ 68.70
Tract 32143 and 32144	N/A	N/A	N/A	N/A	N/A	N/A	$ 51.00	$ 53.00	$ 66.20
Tract 32145	N/A	N/A	N/A	N/A	N/A	$ 9.00	$ 30.00	$ 31.00	$ 38.70
Tract 32146	N/A	N/A	N/A	N/A	N/A	$ 9.00	$ 29.00	$ 30.00	$ 37.50

Annual charge is calculated based on an equivalent benefit unit (EBU).
- Residential parcels = 1EBU
- Undeveloped/nonresidential parcels = 4EBU per acre
- Condo unit = 4EBU per acre/No. of units in complex

* Since fiscal year 1994/95, the Zone E-3 fund balance has been used to pay for costs not recovered through the annual charges.

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3
Fiscal Year 2009/10 Budget

Budgeted Revenues:			
Single Family Parcels ($124.10*4,044)	$ 501,860.40		
Nonresidential/undeveloped parcels ($496.40*64.04)	$ 31,788.30		
Condo Units			
Tract 32142 ($55*50)	$ 2,750.00		
Tract 32143 and 32144 ($53*103)	$ 5,459.00		
Tract 32145 ($31*165)	$ 5,115.00		
Tract 32146 ($30*126)	$ 3,780.00		
Total Revenue Generated Annually		$	**550,752.70**
Budgeted Expenditures:			
Direct Costs:			
Base Maintenance Contract	$ 302,855.00		
Vandalism	$ 2,495.00		
Electricity	$ 16,685.00		
Water	$ 54,140.00		
Other (mulching, plant material replacement, etc.)	$ 77,735.00		
Miscellaneous Direct Expenses	$ 27,858.00		
Landscaping Personnel	$ 142,049.00		
Total Direct Costs	**$ 623,817.00**		
Indirect Costs:			
Miscellaneous Indirect Expenses	$ 8,676.00		
Special Districts	$ 15,136.00		
City Administration	$ 36,232.00		
Total Indirect Costs	**$ 60,044.00**		
Total Budgeted Expenditures		$	**(683,861.00)**
Operating Budget Shortfall (Total Revenue less Total Budgeted Expenditures)			**$ (133,108.30)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

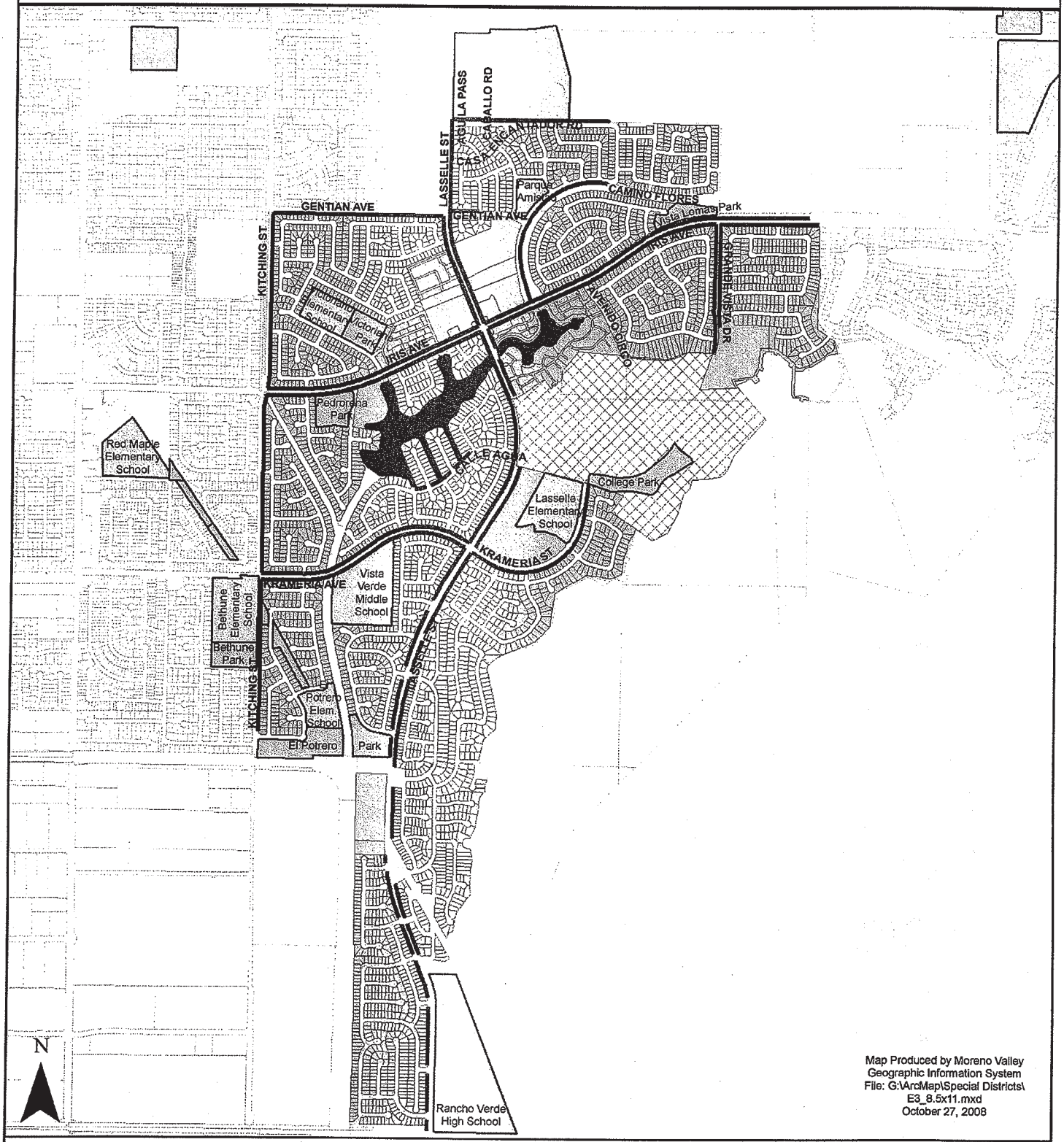
Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Misc Direct/Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.

Moreno Valley Community Services District
Extensive Landscaping & Irrigation

Zone E-3 • Moreno Valley Ranch - West



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.

Landscaped Parkway

Zone E-3 Parcels

Not Part of Zone E-3

MORENO VALLEY
WHERE DREAMS SOAR

COMMUNITY SERVICES DISTRICTS (CSD) ZONE E (High-Service-Level Parkway Landscape Maintenance) SERVICE LEVELS			
DESCRIPTION OF SERVICE LEVELS	**CSD Zone E (High-Service-Level Parkway Landscape Maintenance) Service**	**CSD Zone E Reduced (High-Service-Level Parkway Landscape Maintenance) Service**	**CSD Zone E Street Tree Service – in the Right-of-way area only**
Mowing, edging & trimming (of turf areas only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground cover trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub fertilizer	2 applications per year	1 application per year	N/A
Tree fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pre-emergent for Shrubs/Ground covers	2 times per year	As needed (budget permitting)	N/A
Insect/disease control for Shrubs/Ground covers	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Shrubs/Ground covers	Monthly (minimum)	As needed (budget permitting)	N/A
Weed control, insect, and disease control for Turf	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Turf	Monthly (minimum)	As needed (budget permitting)	N/A

Weighted Ballot Count = 0.25 **OFFICIAL BALLOT for Assessor Parcel No. 486531001**

ZONE E-3 (High-Service-Level Parkway Landscape Maintenance)

If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone E-3 annual charge, the CSD shall levy $38.70 per condo unit. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar 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. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

☐ **Yes, *I approve*** the increase in the annual charge for Zone E services of $7.70 per condo unit, which is the equivalent of a $0.64 increase per month. The increase will adjust the annual charge from $31.00 to $38.70 per condo unit for fiscal year 2009/10. The charge is subject to an annual inflation adjustment.

☐ **No, *I do not approve*** the increase in the annual charge for Zone E services of $7.70 per condo unit. I understand the current annual charge of $31.00 per condo unit shall be levied on my 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. Landscape maintenance services shall be reduced to a level consistent with available funding.

PROPERTY OWNER SIGNATURE **DATE**

Llame al 951.413.3480 para obtener información verbal en Español.

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 486561001
Victor Ocasio
15633 Lasselle St No 1
Moreno Valley, CA 92551

Subject: Mail Ballot Proceeding for Zone E-3 (Moreno Valley Ranch-West) Regarding a Proposed Increase in the Moreno Valley Community Services District High-Service-Level Parkway Landscape Maintenance Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Zone E-3 (Moreno Valley Ranch-West). The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to a proposed increase in the annual charge for high-service-level landscape maintenance.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted overall program costs for Zone E-3 landscape maintenance services.

In order to maintain services at the current level it is necessary to increase the Zone E-3 annual charge. The CSD is proposing a $7.50 increase in the annual charge for Zone E-3, which shall adjust the charge from $30.00 to $37.50 per condo unit, subject to an annual inflation adjustment. The increase is the equivalent of $0.63 per month. Inflation adjustments will be based on the percentage change calculated for the previous calendar 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.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for Tuesday, June 9, 2009.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the landscaped parkways and medians within Moreno Valley Ranch-West at the current level of service. The total approved charge of $37.50 per condo unit shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of $30.00 per condo unit shall continue to be levied on the property tax bill, which may

include future annual inflation adjustments. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

Background Information
Since 1988, the CSD has provided continuous Zone E (high-service-level parkway landscape maintenance) services to the landscaped parkways and medians throughout Moreno Valley Ranch-West. In addition to the landscaped parkways and medians, the CSD also maintains the existing stucco arterial wall façade and monument structures within Moreno Valley Ranch-West.

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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

Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\E\Zone E-3\Tract 32146 documents\Zone E-3 Letter to Condo Owner Tract 32146.doc

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING MORENO VALLEY COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3 (MORENO VALLEY RANCH-WEST) FOR HIGH-SERVICE-LEVEL LANDSCAPE MAINTENANCE

I. NOTICE

This notice informs you, as a record owner of property within the boundary of Moreno Valley Ranch-West, of a proposed increase in the Zone E-3 annual charge for high-service-level parkway landscape maintenance services. In compliance with Proposition 218, the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone E-3 annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING	***TUESDAY, May 26, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, June 9, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL** **COUNCIL CHAMBER** **14177 FREDERICK STREET** **MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone E-3 was designated as a benefit zone that receives a specific service: high-service-level parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. **Name of the Charge for Moreno Valley Ranch-West:**

   CSD Zone E-3 (Moreno Valley Ranch-West) Annual Charge

2. **CSD Zone E-3 Annual Charge per condo unit is $37.50.** The total parcel charges levied for the CSD Zone E-3 program for FY 2008/09 is $541,243.36.

   The charge may be subject to an annual adjustment, based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charge:**

The adjusted Zone E-3 charge shall be levied annually on the Riverside County property tax bill beginning 2009/10 and shall be levied each following year at the proposed rate, which includes an annual inflation adjustment.

4. **Reason for the Charge Increase for Zone E-3 (Moreno Valley Ranch-West):**

Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the annual charge to the property owners in order to continue maintenance at the current level of service.

The growth in commercial and residential developments throughout Moreno Valley Ranch-West has expanded the amount of Zone E-3 maintained landscape to 28 acres; this equates to an 86% increase over a five-year period. The expansion of maintained landscape is directly related to increases in maintenance contracts and operation costs. In addition, higher market costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have further impacted overall program costs for Zone E-3 landscape maintenance services.

5. **Calculation of the Charge:**

The CSD provides services through full cost recovery programs. The annual Zone E-3 charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems and existing arterial wall façade and monument structures, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the Zone E-3 annual charge or about this process, please contact the Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone E-3 annual charge. Please follow the instructions on the following pages to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone E-3 annual charge **by placing a mark in the corresponding box.**

2. **Sign your name** on the ballot. *Ballots received without a signature will be considered invalid and will not be counted.*

3. Mail or personally deliver your 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. Ballots must be received by the City Clerk prior to the close of the Public Hearing for Zone E-3 on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Any ballots received after the close of the Public Hearing cannot be legally counted.

5. **Upon the close of the Public Hearing:**

   Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

   The proposed increase in the Zone E-3 annual charge shall be confirmed if a simple majority (50%+1) of the returned valid ballots indicate support of the increase. The approved charge shall be reflected on the 2009/10 Riverside County property tax bill.

   If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone E-3 charge of $30.00 per condo unit shall be levied on the 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. The CSD shall reduce services for Moreno Valley Ranch-West to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone E Policy #2.41, maintenance services may be discontinued.

   In the event discontinuation of services is necessary, the CSD may terminate landscape easements and/or quit claim lettered lot property and convey all rights, title, interest, and responsibility for perpetual parkway, open space, wall façade, and/or slope maintenance to underlying property owners and/or to an active, empowered, dues-paying homeowners association.

Llame al 951.413.3480 para obtener información verbal en Español.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

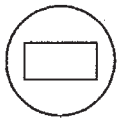
A check mark substantially inside a box;

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 <u>and/or</u> associated clause; or

A square or rectangle around the box <u>and/or</u> associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>.**

HISTORY OF CHARGES FOR
MORENO VALLEY COMMUNITY SERVICES DISTRICT
ZONE E-3 (MORENO VALLEY RANCH-WEST)
FOR HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE MAINTENANCE

	1988/89 through 1991/92	1992/93 through 1993/94	1994/95*	1995/96*	1996/97 through 2005/06*	2006/07	2007/08	2008/09	Proposed 2009/10
Single Family Residential Parcel	$ 78.00	$ 80.00	$ 70.00	$ 55.00	$ 35.00	$ 115.00	$ 119.00	$ 124.00	$ 155.00
Nonresidential/Undeveloped Parcel Per Acre	$ 312.00	$ 315.00	$ 280.00	$ 220.00	$ 140.00	$ 460.00	$ 476.00	$ 496.00	$ 620.00
Condo Unit									
Tract 32142	N/A	N/A	N/A	N/A	N/A	N/A	$ 53.00	$ 55.00	$ 68.70
Tract 32143 and 32144	N/A	N/A	N/A	N/A	N/A	N/A	$ 51.00	$ 53.00	$ 66.20
Tract 32145	N/A	N/A	N/A	N/A	N/A	$ 9.00	$ 30.00	$ 31.00	$ 38.70
Tract 32146	N/A	N/A	N/A	N/A	N/A	$ 9.00	$ 29.00	$ 30.00	$ 37.50

Annual charge is calculated based on an equivalent benefit unit (EBU).
Residential parcels = 1EBU
Undeveloped/nonresidential parcels = 4EBU per acre
Condo unit = 4EBU per acre/No. of units in complex

* Since fiscal year 1994/95, the Zone E-3 fund balance has been used to pay for costs not recovered through the annual charges.

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE E-3
Fiscal Year 2009/10 Budget

Budgeted Revenues:			
Single Family Parcels ($124.10*4,044)	$ 501,860.40		
Nonresidential/undeveloped parcels ($496.40*64.04)	$ 31,788.30		
Condo Units			
Tract 32142 ($55*50)	$ 2,750.00		
Tract 32143 and 32144 ($53*103)	$ 5,459.00		
Tract 32145 ($31*165)	$ 5,115.00		
Tract 32146 ($30*126)	$ 3,780.00		
Total Revenue Generated Annually		$	**550,752.70**
Budgeted Expenditures:			
Direct Costs:			
Base Maintenance Contract	$ 302,855.00		
Vandalism	$ 2,495.00		
Electricity	$ 16,685.00		
Water	$ 54,140.00		
Other (mulching, plant material replacement, etc.)	$ 77,735.00		
Miscellaneous Direct Expenses	$ 27,858.00		
Landscaping Personnel	$ 142,049.00		
Total Direct Costs	**$ 623,817.00**		
Indirect Costs:			
Miscellaneous Indirect Expenses	$ 8,676.00		
Special Districts	$ 15,136.00		
City Administration	$ 36,232.00		
Total Indirect Costs	**$ 60,044.00**		
Total Budgeted Expenditures		$	**(683,861.00)**
Operating Budget Shortfall (Total Revenue less Total Budgeted Expenditures)			**$ (133,108.30)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

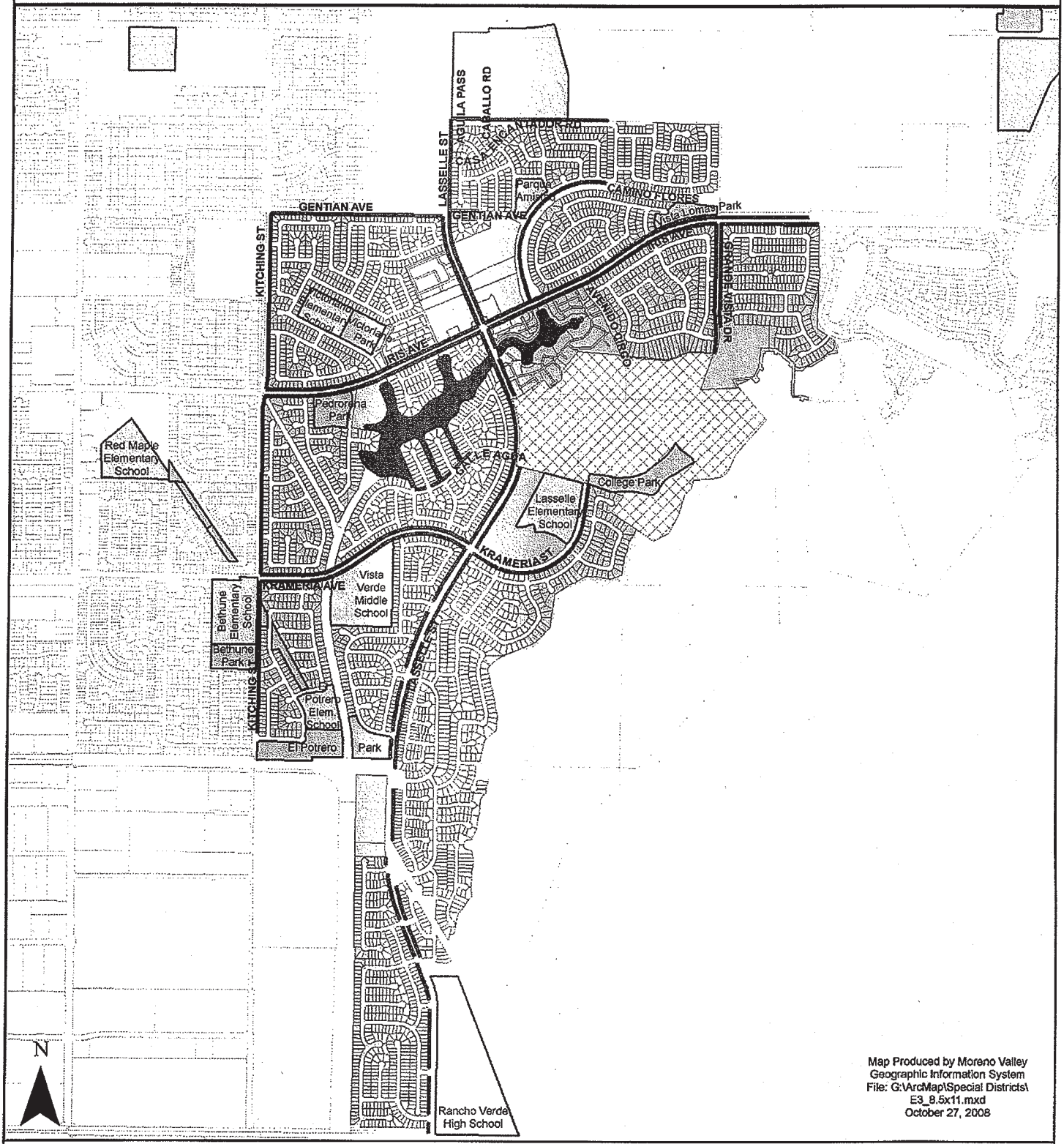
Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Misc Direct/Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.

Moreno Valley Community Services District
Extensive Landscaping & Irrigation

Zone E-3 • Moreno Valley Ranch - West



Map Produced by Moreno Valley
Geographic Information System
File: G:\ArcMap\Special Districts\
E3_8.5x11.mxd
October 27, 2008

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.

Landscaped Parkway
Zone E-3 Parcels
Not Part of Zone E-3

MORENO VALLEY
WHERE DREAMS SOAR

COMMUNITY SERVICES DISTRICTS (CSD) ZONE E (High-Service-Level Parkway Landscape Maintenance) SERVICE LEVELS			
DESCRIPTION OF SERVICE LEVELS	**CSD Zone E (High-Service-Level Parkway Landscape Maintenance) Service**	**CSD Zone E Reduced (High-Service-Level Parkway Landscape Maintenance) Service**	**CSD Zone E Street Tree Service – in the Right-of-way area only**
Mowing, edging & trimming (of turf areas only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground cover trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub fertilizer	2 applications per year	1 application per year	N/A
Tree fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pre-emergent for Shrubs/Ground covers	2 times per year	As needed (budget permitting)	N/A
Insect/disease control for Shrubs/Ground covers	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Shrubs/Ground covers	Monthly (minimum)	As needed (budget permitting)	N/A
Weed control, insect, and disease control for Turf	As needed	As needed (budget permitting)	N/A
Vertebrate pest control for Turf	Monthly (minimum)	As needed (budget permitting)	N/A

Weighted Ballot Count = 0.24 **OFFICIAL BALLOT for Assessor Parcel No. 486561001**

ZONE E-3 (High-Service-Level Parkway Landscape Maintenance)

If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone E-3 annual charge, the CSD shall levy $37.50 per condo unit. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar 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. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

☐ **Yes, *I approve*** the increase in the annual charge for Zone E services of $7.50 per condo unit, which is the equivalent of a $0.63 increase per month. The increase will adjust the annual charge from $30.00 to $37.50 per condo unit for fiscal year 2009/10. The charge is subject to an annual inflation adjustment.

☐ **No, *I do not approve*** the increase in the annual charge for Zone E services of $7.50 per condo unit. I understand the current annual charge of $30.00 per condo unit shall be levied on my 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. Landscape maintenance services shall be reduced to a level consistent with available funding.

PROPERTY OWNER SIGNATURE **DATE**

Llame al 951.413.3480 para obtener información verbal en Español.

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	RDH
CITY MANAGER	RM

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

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

AGENDA DATE: May 26, 2009

TITLE: PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE FOR NINE TRACTS

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council, acting in their capacities as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail ballot proceedings for a proposed increase in the CSD Zone D annual parcel charge for Tracts 17334, 18512/21322, 18784/20906, 18930, 19852, 20715, 21616, 22277, and 31284.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The Moreno Valley CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the cost of special services to those parcels receiving the service. Each zone provides specific services to designated areas. The Zone D program provides parkway landscape maintenance at the entry of a tract, around its perimeter, or in the median adjacent to the tract.

The Moreno Valley CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility

charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

DISCUSSION

Every year, the CSD compares the cost to provide the service to the revenue received from each tract. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs. The CSD has determined that the annual expenditures for Tracts 17334, 18512/21322, 18784/20906, 18930, 19852, 20715, 21616, 22277, and 31284 exceed the annual parcel charge paid by the property owners. In order to maintain services at the current standard service level it is necessary to increase the Zone D annual charge.

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, mail ballot proceedings are being conducted to allow property owners within Tracts 17334, 18512/21322, 18784/20906, 18930, 19852, 20715, 21616, 22277, and 31284 the opportunity to approve or oppose the proposed increase in the CSD Zone D annual parcel charge. The proposed CSD Zone D parcel charge for each tract is listed below.

Tract	Current CSD Zone D Annual Parcel Charge*	Proposed CSD Zone D Annual Parcel Charge*
17334	$345.00	$622.80
18512/21322	$82.00	$112.00
18784/20906	$177.00	$258.30
18930	$77.00	$104.00
19852	$69.00	$109.20
20715	$94.00	$126.30
21616	$371.00	$708.70
22277	$264.00	$574.10
31284	$127.00	$186.50

*The CSD Zone D annual charge may be subject to an annual inflation adjustment in subsequent years based on the annual percentage change calculated for the previous calendar 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.

Property owners are given two opportunities to address the legislative body. These two opportunities are the Public Meeting on May 26, 2009 and the Public Hearing on June 9, 2009.

If a tract approves the proposed increase by a simple majority (50%+1) of the returned valid ballots, the proposed CSD Zone D parcel charge will be annually levied on the Riverside County property tax bill. If a tract opposes the proposed increase by a simple majority of the returned valid ballots, the existing CSD Zone D parcel charge shall continue to be levied on the property tax bill, which may include an annual inflation adjustment. The CSD will evaluate

the level of landscape service to be provided based on the City Council/CSD Board approved Zone D (Parkway Landscape Maintenance) Service Plan, General Management Policy #2.30.

If revenues from a tract do not support the lowest level of reduced landscape maintenance service, the property owners will be notified that the CSD is unable to provide the landscape maintenance service. Property owners may consider the option of forming a homeowners association, or other method, to continue the landscape maintenance.

ALTERNATIVES

1. **Accept public comments** regarding the mail ballot proceedings for the nine tracts for the proposed increase in the CSD Zone D annual parcel charge. *By accepting public comment, the City complies with Proposition 218 state statutes for providing public comment.*

2. **Do not accept public comments** regarding the mail ballot proceedings for the nine tracts for the proposed increase in the CSD Zone D annual parcel charge. *This alternative would be contrary to state statutes.*

FISCAL IMPACT

The CSD provides services through various zones, such as Zone D (Parkway Landscape Maintenance), which are full-cost recovery programs. There is no impact on the General Fund for the operation of the CSD Zone D program.

CITY COUNCIL GOALS

Community Image, Neighborhood Pride, and Cleanliness
Continuation of the Zone D services in the landscaped areas of the nine tracts shall allow the CSD to maintain the current appearance of the area.

Revenue Diversification and Preservation
The proposed CSD Zone D parcel charge for the nine tracts is based upon actual costs, which include maintenance and administration.

SUMMARY

The action before the CSD Board is to accept public comments regarding the mail ballot proceedings for the nine Zone D tracts.

NOTIFICATION

On April 17, 2009, a ballot packet was mailed to each property owner within the affected tracts. The packet included a cover letter, notice to property owner, 2009/10 budget, history of charges, map, CSD Zone D service levels, official mail ballot, and a postage-paid envelope for returning the ballot. A sample mail ballot packet for each tract is included as Attachments 1 through 9.

Newspaper advertising for the May 26, 2009, Public Meeting and June 9, 2009, Public Hearing was published in The Press-Enterprise on May 8, 2009. Additionally, the Public Hearing notification was published on May 22 and will be published again on May 29, 2009.

ATTACHMENTS

Attachment 1: Sample mail ballot packet for Tract 17334
Attachment 2: Sample mail ballot packet for Tract 18512/21322
Attachment 3: Sample mail ballot packet for Tract 18784/20906
Attachment 4: Sample mail ballot packet for Tract 18930
Attachment 5: Sample mail ballot packet for Tract 19852
Attachment 6: Sample mail ballot packet for Tract 20715
Attachment 7: Sample mail ballot packet for Tract 21616
Attachment 8: Sample mail ballot packet for Tract 22277
Attachment 9: Sample mail ballot packet for Tract 31284

Prepared by:
Jennifer A. Terry,
Management Analyst

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

Concurred by:
Sue Anne Maxinoski,
Special Districts Division Manager

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

W:\SpecialDist\jennifert\Ballots for FY 08.09\D\Stfrpt Zone D PM 05.26.09.doc

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 473351001
David Telles
11109 Twilight Way
Moreno Valley, CA 92555

Subject: Mail Ballot Proceeding for Tract 17334 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 17334 for Zone D parkway landscape maintenance services. Every year, the CSD compares the cost to provide the service to the revenue received for each tract. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs. The CSD has determined that the annual expenses for Tract 17334 exceed the annual parcel charge paid by the property owners. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

In order to maintain services at the current standard service level it is necessary to increase the Zone D annual charge. The CSD is proposing a $277.80 increase per parcel, which is the equivalent of a $23.15 increase per month. The increase will adjust the annual charge from $345.00 to $622.80 for fiscal year 2009/10. Future inflation adjustments will be based on the percentage change calculated for the previous calendar 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.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for June 9, 2009 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 17334 at the current standard service level. The total approved charge of $622.80 per parcel shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone D charge of $345.00 per parcel shall be increased by the annual inflation rate to $345.30 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Tract 17334 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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

Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\D\Tract 17334\letter to property owner Tract 17334.doc

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE FOR TRACT 17334

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 17334, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING	***TUESDAY, May 26, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, June 9, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL** **COUNCIL CHAMBER** **14177 FREDERICK STREET** **MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. **Name of the Charge for Tract 17334:**

   CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. **CSD Zone D Annual Parcel Charge for Tract 17334 is $622.80 per parcel**. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2008/09 is $1,148,098.00.

The annual parcel charge may be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2009/10 Riverside County property tax bill and shall be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **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 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, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 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.

5. **Upon the close of the Public Hearing:**

   Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

   If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from $345.00 to $622.80 for FY 2009/10. The parcel charge is subject to an annual inflation adjustment.

   If there is a tie or if a majority of the ballots returned oppose the increase in the annual charge, the current parcel charge of $345.00 shall be increased by the annual inflation rate to $345.30 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Tract 17334 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

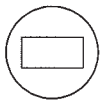
A check mark substantially inside a box;

An X mark substantially inside a box;

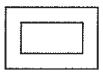
A dot or oval mark substantially inside a box;

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 **<u>and/or</u>** associated clause; or



A square or rectangle around the box **<u>and/or</u>** associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>**.

HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT
ZONE D (PARKWAY LANDSCAPE MAINTENANCE)
TRACT 17334

FROM 1989 TO 2009

TAX YEAR	ANNUAL PARCEL CHARGE
1989-1990	$50.00
1990-1991	$55.00
1991-1992	$56.00
1992-1993	$56.00
1993-1994	$57.00
1994-1995	$57.00
1995-1996	$57.00
1996-1997	$57.00
1997-1998	$57.00
1998-1999	$57.00
1999-2000	$57.00
2000-2001	$57.00
2001-2002	$252.00
2002-2003	$257.00
2003-2004	$267.00
2004-2005	$272.00
2005-2006	$284.00
2006-2007	$284.00
2007-2008	$331.00
2008-2009	$345.00

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 2009/10 BUDGET FOR TRACT 17334

Budgeted Revenues*:			
Single Family Parcels ($345.30*57)	$ 19,682.10		
Total Revenue Generated Annually		$	**19,682.10**
Budgeted Expenditures:			
Direct Costs:			
Base Maintenance Contract	$ 11,205.67		
Vandalism	$ -		
Electricity	$ 304.06		
Water	$ 3,016.11		
Other Maintenance/Miscellaneous Direct Expenses	$ 2,146.40		
Landscaping Personnel	$ 13,929.67		
Total Direct Costs	**$ 30,601.91**		
Indirect Costs:			
Miscellaneous Indirect Expenses	$ 195.66		
Special Districts	$ 1,936.09		
City Administration	$ 2,766.07		
Total Indirect Costs	**$ 4,897.82**		
Total Budgeted Expenditures		$	**(35,499.73)**
Operating Budget Shortfall			
(Total Revenue less Total Budgeted Expenditures)			**$ (15,817.63)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

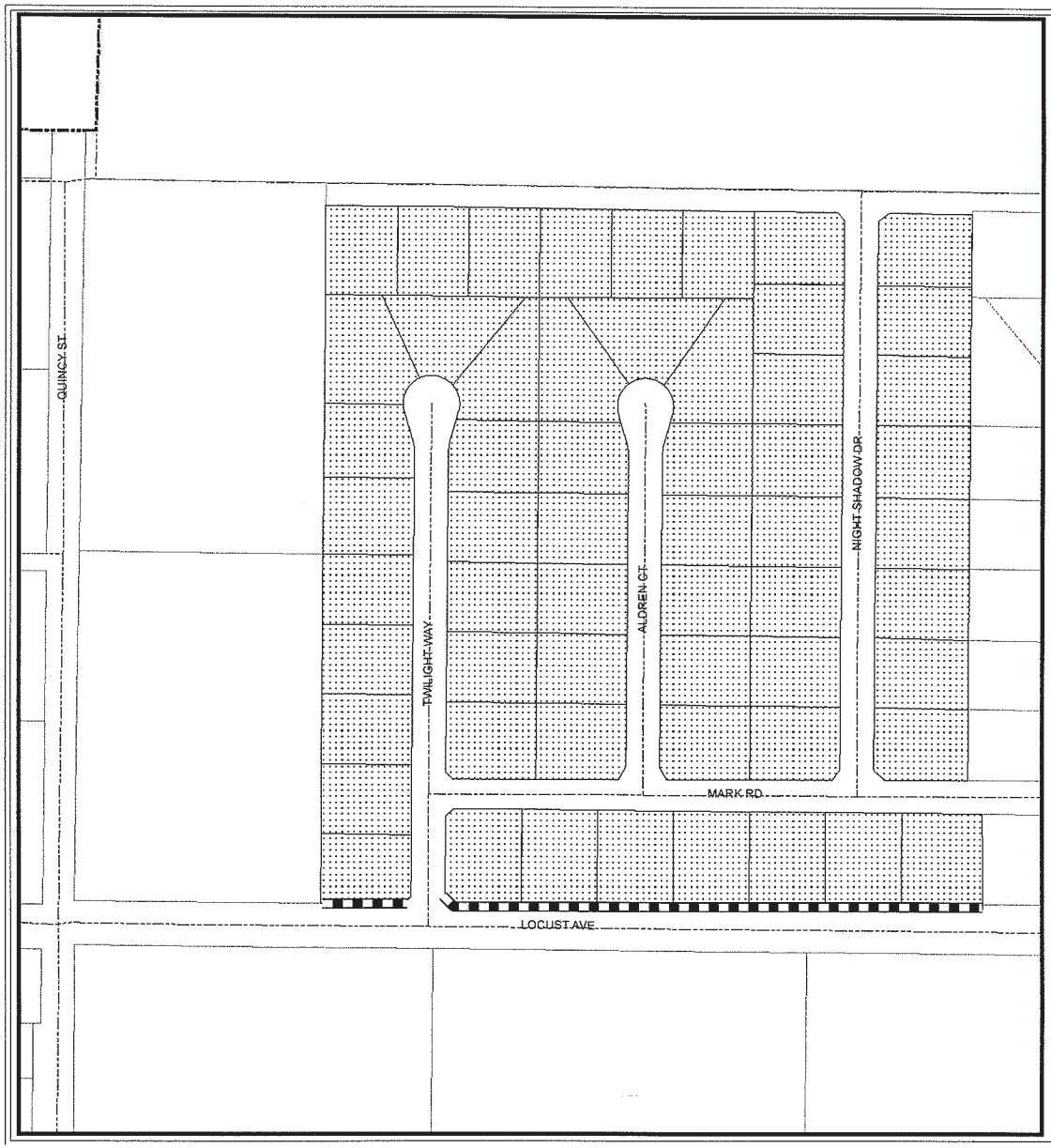
Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other Maintenance/Miscellaneous Direct Expenses : may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.



Tract 17334

- Median
- Landscaped Areas
- Roads
- Parcels
- City Boundary
- TR17334

Map reflects all changes indicated on Riverside County Assessor Maps as of March 16, 2009.

N

0 125 250 375 500 Feet

G:\AVP\SDA\Tr17334.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.

MORENO VALLEY
WHERE DREAMS SOAR

COMMUNITY SERVICES DISTRICTS ZONE D (Parkway Landscape Maintenance) SERVICE LEVELS			
DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

OFFICIAL BALLOT for Assessor Parcel No. 473351001
ZONE D (PARKWAY LANDSCAPE MAINTENANCE)-TRACT NO. 17334

If a simple majority (50%+1) of returned valid ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone D annual charge, the CSD shall levy $622.80 per parcel. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar 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. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

☐ **Yes**, ***I approve*** the increase in the annual charge for Zone D services of $277.80 per parcel, which is the equivalent of a $23.15 increase per month. The increase will adjust the annual charge from $345.00 to $622.80 for fiscal year 2009/10. The parcel charge is subject to an annual inflation adjustment.

☐ **No**, ***I do not approve*** the increase in the annual charge for Zone D services of $277.80 per parcel. I understand the current Zone D charge of $345.00 per parcel shall be increased by the annual inflation rate to $345.30 and shall be levied on the 2009/10 Riverside County property tax bill. Landscaping services for Tract 17334 shall be reduced to a level consistent with available funding.

PROPERTY OWNER SIGNATURE **DATE**

Llame al 951.413.3480 para obtener información verbal en Español.

This page intentionally left blank.

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 264071001
Marcelyn Kera Brooks
23630 Parkland Ave
Moreno Valley, CA 92557

Subject: Mail Ballot Proceeding for Tracts 18512 and 21322 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tracts 18512 and 21322 for Zone D parkway landscape maintenance services. Every year, the CSD compares the cost to provide the service to the revenue received for each tract. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs. The CSD has determined that the annual expenses for Tracts 18512 and 21322 exceed the annual parcel charge paid by the property owners. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

In order to maintain services at the current standard service level it is necessary to increase the Zone D annual charge. The CSD is proposing a $30.00 increase per parcel, which is the equivalent of a $2.50 increase per month. The increase will adjust the annual charge from $82.00 to $112.00 for fiscal year 2009/10. Future inflation adjustments will be based on the percentage change calculated for the previous calendar 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.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for June 9, 2009 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tracts 18512 and 21322 at the current standard service level. The total approved charge of $112.00 per parcel shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone D charge of $82.00 per parcel shall continue to be levied on the property tax bill, which may include future annual inflation adjustments. The CSD shall reduce services for Tracts 18512 and 21322 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

ATTACHMENT 2

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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

Jennifer Terry
Management Analyst

Attachments

c: ~~Sue Maxinoski, Special Districts Division Manager~~
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\D\Tract 18512_21322\letter to property owner Tract 18512_21322.doc

NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING REGARDING A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE FOR TRACTS 18512 AND 21322

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tracts 18512 and 21322, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING	***TUESDAY, May 26, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, June 9, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL** **COUNCIL CHAMBER** **14177 FREDERICK STREET** **MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. **Name of the Charge for Tracts 18512 and 21322:**

   CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. **CSD Zone D Annual Parcel Charge for Tracts 18512 and 21322 is $112.00 per parcel.** The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2008/09 is $1,148,098.00.

Llame al 951.413.3480 para obtener información verbal en Español

The annual parcel charge may be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2009/10 Riverside County property tax bill and shall be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **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 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, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 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.

5. **Upon the close of the Public Hearing:**

   Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

   If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from $82.00 to $112.00 for FY 2009/10. The parcel charge is subject to an annual inflation adjustment.

   If there is a tie or if a majority of the ballots returned oppose the increase in the annual parcel charge, the current parcel charge of $82.00 shall be levied on my 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. The CSD shall reduce services for Tracts 18512 and 21322 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

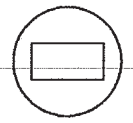
A check mark substantially inside a box;

An X mark substantially inside a box;

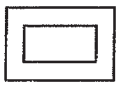
A dot or oval mark substantially inside a box;

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 **<u>and/or</u>** associated clause; or



A square or rectangle around the box **<u>and/or</u>** associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>**.

Llame al 951.413.3480 para obtener información verbal en Español

HISTORY OF CHARGES FOR COMMUNITY SERVICES DISTRICT ZONE D (Parkway Landscape Maintenance) TRACTS 18512 and 21322

FROM 1988 TO 2009

TAX YEAR	ANNUAL PARCEL CHARGE
1988-1989	$50.00
1989-1990	$55.00
1990-1991	$55.00
1991-1992	$56.00
1992-1993	$56.00
1993-1994	$57.00
1994-1995	$57.00
1995-1996	$57.00
1996-1997	$57.00
1997-1998	$57.00
1998-1999	$57.00
1999-2000	$57.00
2000-2001	$57.00
2001-2002	$70.00
2002-2003	$70.00
2003-2004	$70.00
2004-2005	$70.00
2005-2006	$73.00
2006-2007	$76.00
2007-2008	$79.00
2008-2009	$82.00

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 2009/10 BUDGET FOR TRACTS 18512 and 21322

Budgeted Revenues*:			
Single Family Parcels (519*$82)	$ 42,558.00		
Total Revenue Generated Annually		$	**42,558.00**
Budgeted Expenditures:			
Direct Costs:			
Base Maintenance Contract	$ 12,328.44		
Vandalism	$ 38.41		
Electricity	$ 603.86		
Water	$ 9,034.69		
Other Maintenance/Miscellaneous Direct Expenses	$ 5,323.66		
Landscaping Personnel	$ 22,833.46		
Total Direct Costs	**$ 50,162.52**		
Indirect Costs:			
Miscellaneous Indirect Expenses	$ 256.34		
Special Districts	$ 3,173.64		
City Administration	$ 4,534.13		
Total Indirect Costs	**$ 7,964.11**		
Total Budgeted Expenditures		$	**(58,126.63)**
Operating Budget Shortfall (Total Revenue less Total Budgeted Expenditures)			**$ (15,568.63)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

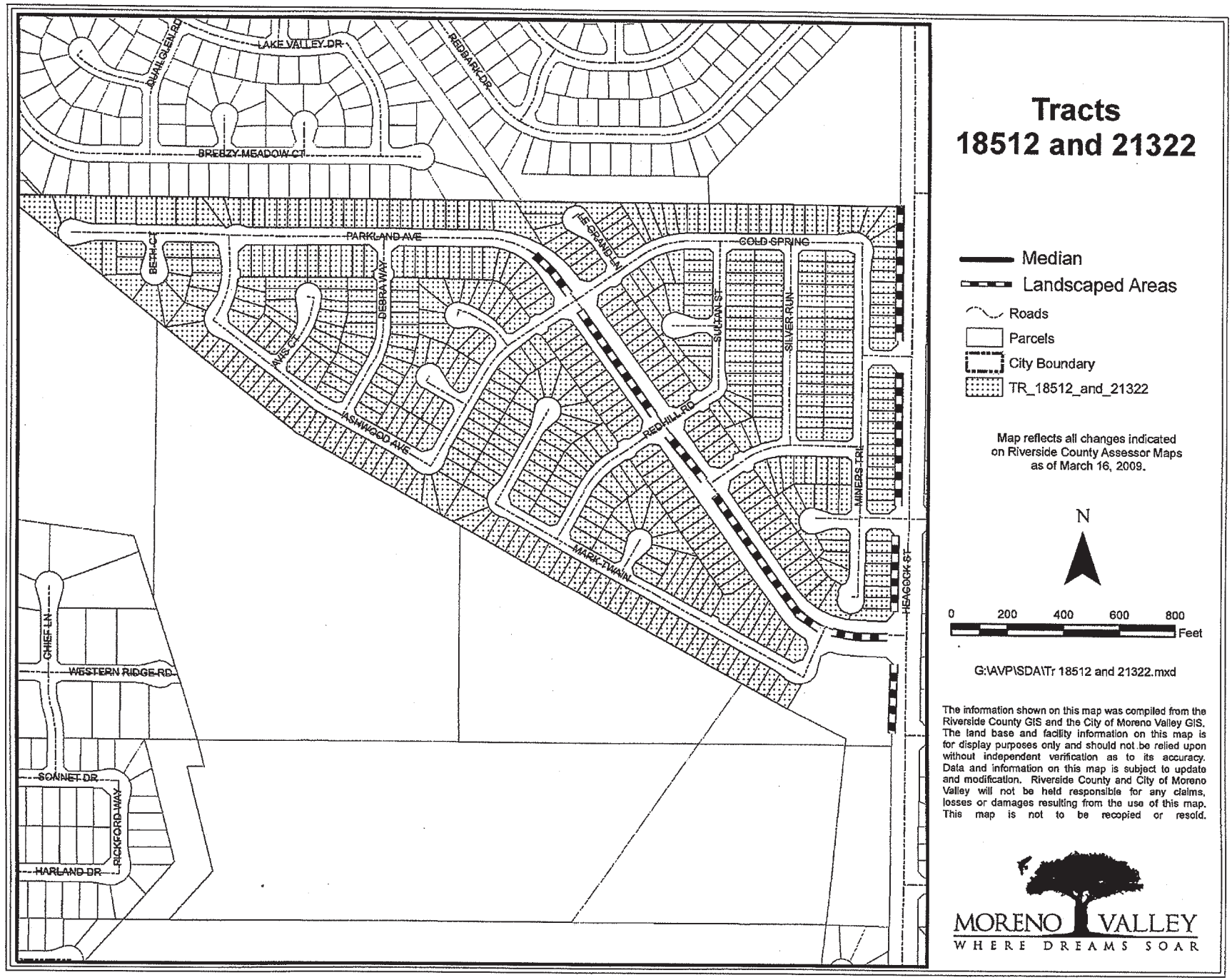
Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other Maintenance/Miscellaneous Direct Expenses : may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.


LAKE VALLEY DR
JUAN DE GLEN RD
REDBARK DR
BREEZY MEADOW CT
PARKLAND AVE
BETH CT
DEBRA WAY
AVIS CT
ASHWOOD AVE
LEE GRAND LN
COLD SPRING
SUTTON ST
SILVER RUN
REDHILL RD
MINERS TRL
MARK TWAIN
HSAGOOK ST
CHIEF LN
WESTERN RIDGE RD
SONNET DR
RICKFORD WAY
HARLAND DR
Tracts
18512 and 21322
Median
Landscaped Areas
Roads
Parcels
City Boundary
TR_18512_and_21322
Map reflects all changes indicated on Riverside County Assessor Maps as of March 16, 2009.
N
0
200
400
600
800
Feet
G:\AVP\SDA\Tr 18512 and 21322.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.
MORENO VALLEY
WHERE DREAMS SOAR

COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

OFFICIAL BALLOT for Assessor Parcel No. 264071001
ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT NO. 18512/21322

If a simple majority (50%+1) of returned valid ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone D annual charge, the CSD shall levy $112.00 per parcel. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar 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. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

☐ **Yes**, ***I approve*** the increase in the annual charge for Zone D services of $30.00 per parcel, which is the equivalent of a $2.50 increase per month. The increase will adjust the annual charge from $82.00 to $112.00 for fiscal year 2009/10. The parcel charge is subject to an annual inflation adjustment.

☐ **No**, ***I do not approve*** the increase in the annual charge for Zone D services of $30.00 per parcel. I understand the current Zone D charge of $82.00 per parcel shall continue to be levied on the property tax bill, which may include future annual inflation adjustments. Landscaping services for Tracts 18512/21322 shall be reduced to a level consistent with available funding.

PROPERTY OWNER SIGNATURE **DATE**

Llame al 951.413.3480 para obtener información verbal en Español.

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 479501013
Roderick A Shelby
25370 Hawkwood Tr
Moreno Valley, CA 92557

Subject: Mail Ballot Proceeding for Tracts 18784 and 20906 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tracts 18784 and 20906 for Zone D parkway landscape maintenance services. Every year, the CSD compares the cost to provide the service to the revenue received for each tract. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs. The CSD has determined that the annual expenses for Tracts 18784 and 20906 exceed the annual parcel charge paid by the property owners. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

In order to maintain services at the current standard service level it is necessary to increase the Zone D annual charge. The CSD is proposing an $81.30 increase per parcel, which is the equivalent of a $6.78 increase per month. The increase will adjust the annual charge from $177.00 to $258.30 for fiscal year 2009/10. Future inflation adjustments will be based on the percentage change calculated for the previous calendar 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.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for June 9, 2009 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tracts 18784 and 20906 at the current standard service level. The total approved charge of $258.30 per parcel shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone D charge of $177.00 per parcel shall be increased by the annual inflation rate to $177.10 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Tracts 18784 and 20906 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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

Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\D\Tract 18784_20906\letter to property owner Tract 18784_20906.doc

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE FOR TRACTS 18784 AND 20906

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tracts 18784 and 20906, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING	***TUESDAY, May 26, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, June 9, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL COUNCIL CHAMBER 14177 FREDERICK STREET MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. **Name of the Charge for Tracts 18784 and 20906:**

   CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. **CSD Zone D Annual Parcel Charge for Tracts 18784 and 20906 is $258.30 per parcel.** The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2008/09 is $1,148,098.00.

The annual parcel charge may be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2009/10 Riverside County property tax bill and shall be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **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 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, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 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.

5. **Upon the close of the Public Hearing:**

   Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

   If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from $177.00 to $258.30 for FY 2009/10. The parcel charge is subject to an annual inflation adjustment.

   If there is a tie or if a majority of the ballots returned oppose the increase in the annual charge, the current parcel charge of $177.00 shall be increased by the annual inflation rate to $177.10 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Tracts 18784 and 20906 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

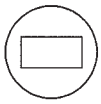
A check mark substantially inside a box;

An X mark substantially inside a box;

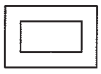
A dot or oval mark substantially inside a box;

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 **<u>and/or</u>** associated clause; or



A square or rectangle around the box **<u>and/or</u>** associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property**. **<u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>**.

HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACTS 18784 and 20906

FROM 1988 TO 2009

TAX YEAR	ANNUAL PARCEL CHARGE
1988-1989	$50.00
1989-1990	$55.00
1990-1991	$55.00
1991-1992	$56.00
1992-1993	$56.00
1993-1994	$57.00
1994-1995	$57.00
1995-1996	$57.00
1996-1997	$57.00
1997-1998	$57.00
1998-1999	$57.00
1999-2000	$57.00
2000-2001	$57.00
2001-2002	$121.00
2002-2003	$124.00
2003-2004	$129.00
2004-2005	$131.00
2005-2006	$137.00
2006-2007	$165.00
2007-2008	$170.00
2008-2009	$177.00

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 2009/10 BUDGET FOR TRACTS 18784 and 20906

Budgeted Revenues*:			
Single Family Parcels ($177.10*137)	$ 24,262.70		
Total Revenue Generated Annually		**$**	**24,262.70**
Budgeted Expenditures:			
Direct Costs:			
Base Maintenance Contract	$ 9,050.25		
Vandalism	$ 26.49		
Electricity	$ 602.44		
Water	$ 4,212.39		
Other Maintenance/Miscellaneous Direct Expenses	$ 2,719.92		
Landscaping Personnel	$ 13,878.92		
Total Direct Costs	**$ 30,490.41**		
Indirect Costs:			
Miscellaneous Indirect Expenses	$ 210.41		
Special Districts	$ 1,929.04		
City Administration	$ 2,755.99		
Total Indirect Costs	**$ 4,895.44**		
Total Budgeted Expenditures		**$**	**(35,385.85)**
Operating Budget Shortfall			
(Total Revenue less Total Budgeted Expenditures)			**$ (11,123.15)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

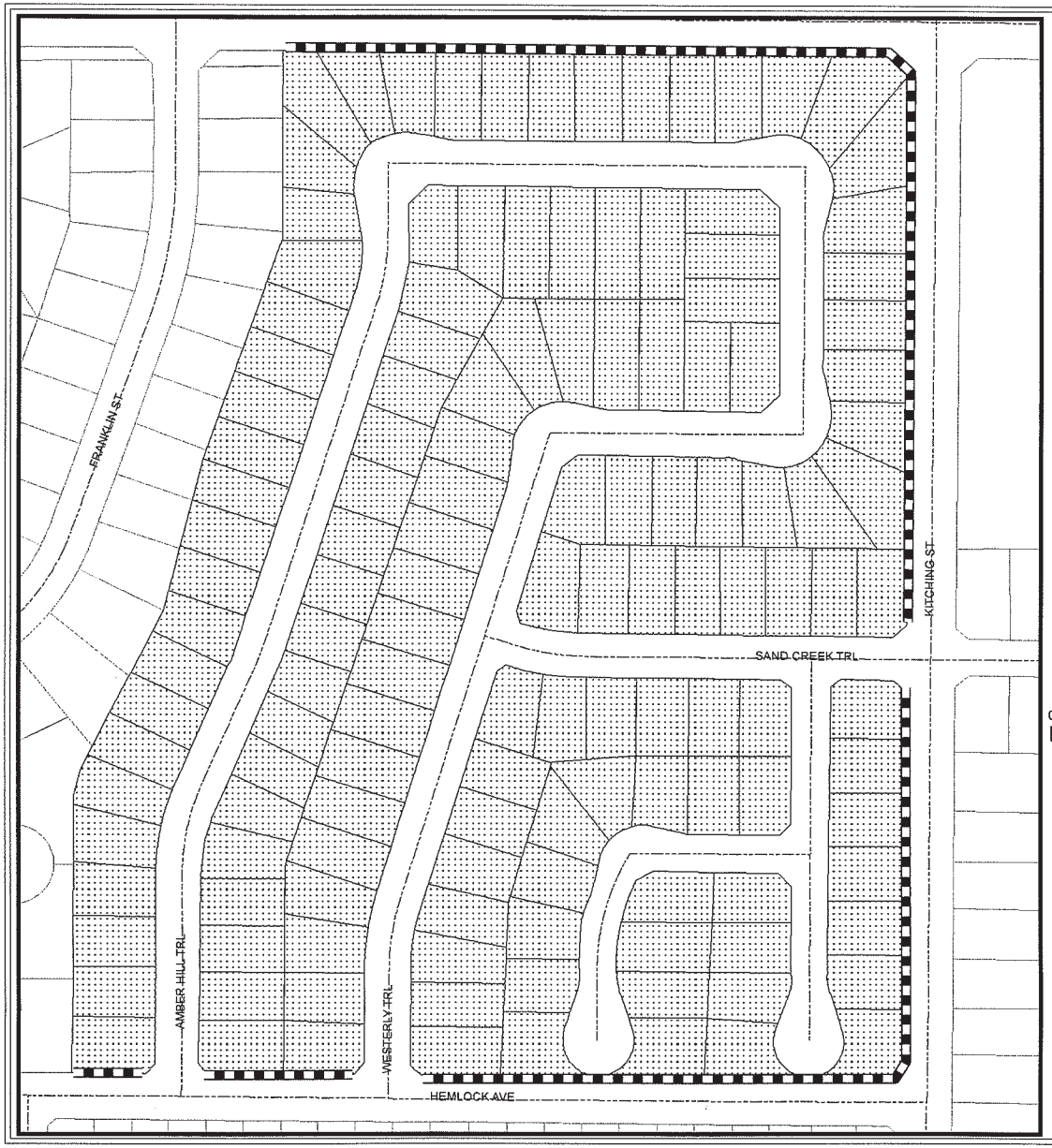
Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other Maintenance/Miscellaneous Direct Expenses : may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.



Tract 18784 and 20906

Median
Landscaped Areas
Roads
Parcels
City Boundary
TR18784_and_20906

Map reflects all changes indicated on Riverside County Assessor Maps as of March 16, 2009.

N

0 115 230 345 460 Feet

G:\AVP\SDA\TR18784 and 20906.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.

MORENO VALLEY
WHERE DREAMS SOAR

COMMUNITY SERVICES DISTRICTS ZONE D (Parkway Landscape Maintenance) SERVICE LEVELS			
DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

OFFICIAL BALLOT for Assessor Parcel No. 479501013
ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT NO. 18784/20906

If a simple majority (50%+1) of returned valid ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone D annual charge, the CSD shall levy $258.30 per parcel. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar 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. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

☐ **Yes**, ***I approve*** the increase in the annual charge for Zone D services of $81.30 per parcel, which is the equivalent of a $6.78 increase per month. The increase will adjust the annual charge from $177.00 to $258.30 for fiscal year 2009/10. The parcel charge is subject to an annual inflation adjustment.

☐ **No**, ***I do not approve*** the increase in the annual charge for Zone D services of $81.30 per parcel. I understand the current Zone D charge of $177.00 per parcel shall be increased by the annual inflation rate to $177.10 and shall be levied on the 2009/10 Riverside County property tax bill. Landscaping services for Tracts 18784/20906 shall be reduced to a level consistent with available funding.

PROPERTY OWNER SIGNATURE **DATE**

Llame al 951.413.3480 para obtener información verbal en Español.

This page intentionally left blank.

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 291371001
Thomas L Olson
13240 Oak Dell St
Moreno Valley, CA 92553

Subject: Mail Ballot Proceeding for Tract 18930 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 18930 for Zone D parkway landscape maintenance services. Every year, the CSD compares the cost to provide the service to the revenue received for each tract. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs. The CSD has determined that the annual expenses for Tract 18930 exceed the annual parcel charge paid by the property owners. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

In order to maintain services at the current standard service level it is necessary to increase the Zone D annual charge. The CSD is proposing a $27.00 increase per parcel, which is the equivalent of a $2.25 increase per month. The increase will adjust the annual charge from $77.00 to $104.00 for fiscal year 2009/10. Future inflation adjustments will be based on the percentage change calculated for the previous calendar 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.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for June 9, 2009 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 18930 at the current standard service level. The total approved charge of $104.00 per parcel shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone D charge of $77.00 per parcel shall continue to be levied on the property tax bill, which may include future annual inflation adjustments. The CSD shall reduce services for Tract 18930 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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

Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\D\Tract 18930\letter to property owner Tract 18930.doc

NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING REGARDING A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE FOR TRACT 18930

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 18930, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING	***TUESDAY, May 26, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, June 9, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL COUNCIL CHAMBER 14177 FREDERICK STREET MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. **Name of the Charge for Tract 18930:**

   CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. **CSD Zone D Annual Parcel Charge for Tract 18930 is $104.00 per parcel.** The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2008/09 is $1,148,098.00.

The annual parcel charge may be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2009/10 Riverside County property tax bill and shall be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **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 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, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 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.

5. **Upon the close of the Public Hearing:**

   Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

   If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from $77.00 to $104.00 for FY 2009/10. The parcel charge is subject to an annual inflation adjustment.

   If there is a tie or if a majority of the ballots returned oppose the increase in the annual parcel charge, the current parcel charge of $77.00 shall be levied on my 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. The CSD shall reduce services for Tract 18930 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

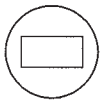
A check mark substantially inside a box;

An X mark substantially inside a box;

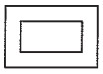
A dot or oval mark substantially inside a box;

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 **<u>and/or</u>** associated clause; or



A square or rectangle around the box **<u>and/or</u>** associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property**. **<u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>**.

HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 18930

FROM 1988 TO 2009

TAX YEAR	ANNUAL PARCEL CHARGE
1988-1989	$50.00
1989-1990	$55.00
1990-1991	$55.00
1991-1992	$56.00
1992-1993	$56.00
1993-1994	$57.00
1994-1995	$57.00
1995-1996	$57.00
1996-1997	$57.00
1997-1998	$57.00
1998-1999	$57.00
1999-2000	$57.00
2000-2001	$57.00
2001-2002	$57.00
2002-2003	$65.00
2003-2004	$65.00
2004-2005	$66.00
2005-2006	$69.00
2006-2007	$72.00
2007-2008	$74.00
2008-2009	$77.00

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 2009/10 BUDGET FOR TRACT 18930

Budgeted Revenues*:			
Single Family Parcels ($77*295)	$ 22,715.00		
Total Revenue Generated Annually		$	**22,715.00**
Budgeted Expenditures:			
Direct Costs:			
Base Maintenance Contract	$ 7,253.56		
Vandalism	$ 30.23		
Electricity	$ 608.02		
Water	$ 4,397.52		
Other Maintenance/Miscellaneous Direct Expenses	$ 2,127.24		
Landscaping Personnel	$ 12,045.06		
Total Direct Costs	**$ 26,461.63**		
Indirect Costs:			
Miscellaneous Indirect Expenses	$ 152.59		
Special Districts	$ 1,674.15		
City Administration	$ 2,391.83		
Total Indirect Costs	**$ 4,218.57**		
Total Budgeted Expenditures		$	**(30,680.20)**
Operating Budget Shortfall			
(Total Revenue less Total Budgeted Expenditures)			**$ (7,965.20)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

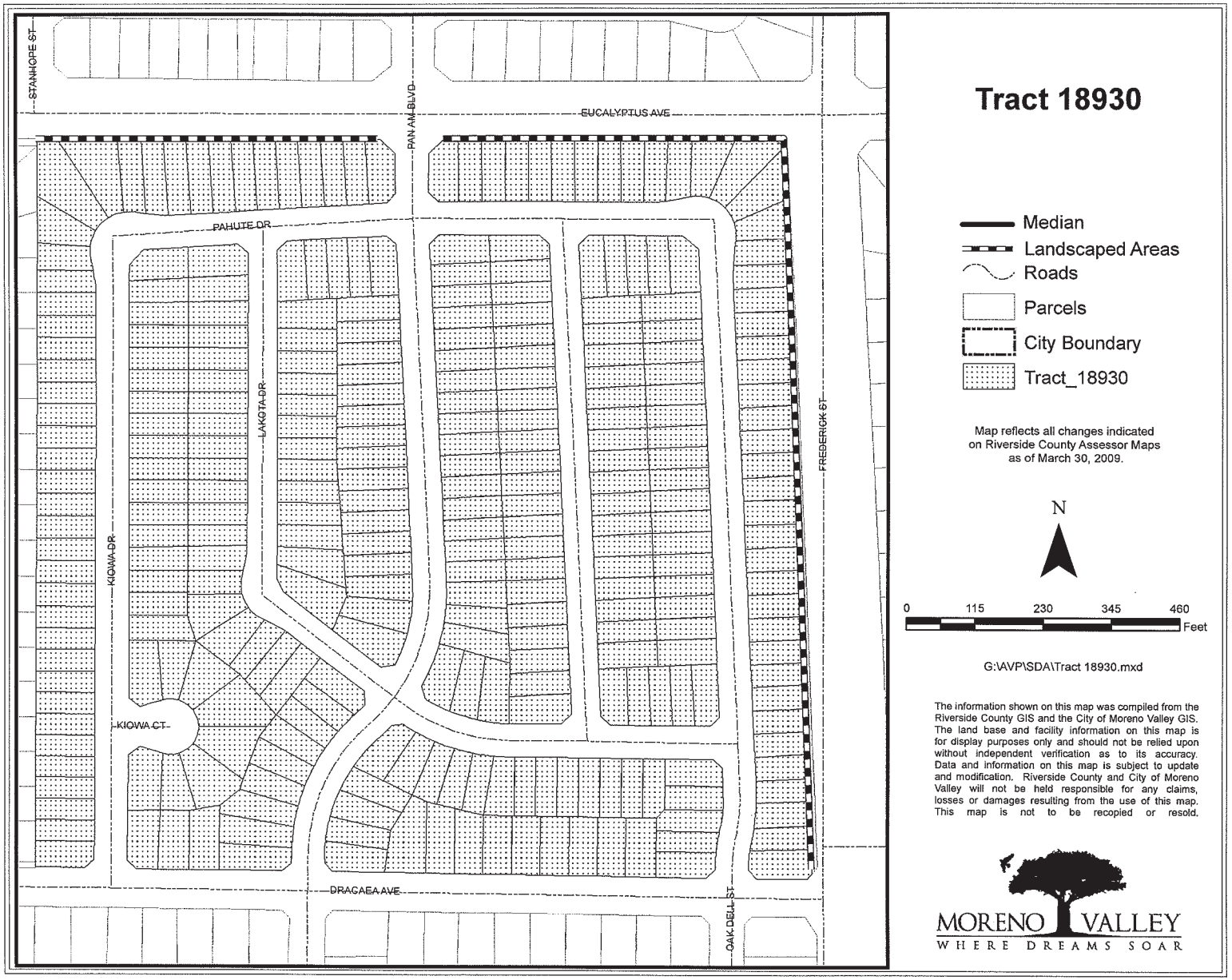
Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other Maintenance/Miscellaneous Direct Expenses : may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.


STANHOPE ST
PAN AM BLVD
EUCALYPTUS AVE
PAHUTE DR
LAKOTA DR
KIOWA DR
KIOWA CT
FREDERICK ST
DRACAEA AVE
OAK DELL ST
Tract 18930
Median
Landscaped Areas
Roads
Parcels
City Boundary
Tract_18930
Map reflects all changes indicated on Riverside County Assessor Maps as of March 30, 2009.
N
0
115
230
345
460
Feet
G:\AVP\SDA\Tract 18930.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.
MORENO VALLEY
WHERE DREAMS SOAR

COMMUNITY SERVICES DISTRICTS ZONE D (Parkway Landscape Maintenance) SERVICE LEVELS			
DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

OFFICIAL BALLOT for Assessor Parcel No. 291371001
ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT NO. 18930

If a simple majority (50%+1) of returned valid ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone D annual charge, the CSD shall levy $104.00 per parcel. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar 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. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

☐ **Yes**, ***I approve*** the increase in the annual charge for Zone D services of $27.00 per parcel, which is the equivalent of a $2.25 increase per month. The increase will adjust the annual charge from $77.00 to $104.00 for fiscal year 2009/10. The parcel charge is subject to an annual inflation adjustment.

☐ **No**, ***I do not approve*** the increase in the annual charge for Zone D services of $27.00 per parcel. I understand the current Zone D charge of $77.00 per parcel shall continue to be levied on the property tax bill, which may include future annual inflation adjustments. Landscaping services for Tract 18930 shall be reduced to a level consistent with available funding.

PROPERTY OWNER SIGNATURE **DATE**

Llame al 951.413.3480 para obtener información verbal en Español.

This page intentionally left blank.

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 487380001
Winston S Warnsby
26478 Dracaea Ave
Moreno Valley, CA 92555

Subject: Mail Ballot Proceeding for Tract 19852 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 19852 for Zone D parkway landscape maintenance services. Every year, the CSD compares the cost to provide the service to the revenue received for each tract. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs. The CSD has determined that the annual expenses for Tract 19852 exceed the annual parcel charge paid by the property owners. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

In order to maintain services at the current standard service level it is necessary to increase the Zone D annual charge. The CSD is proposing a $40.20 increase per parcel, which is the equivalent of a $3.35 increase per month. The increase will adjust the annual charge from $69.00 to $109.20 for fiscal year 2009/10. Future inflation adjustments will be based on the percentage change calculated for the previous calendar 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.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for June 9, 2009 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 19852 at the current standard service level. The total approved charge of $109.20 per parcel shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone D charge of $69.00 per parcel shall continue to be levied on the property tax bill, which may include future annual inflation adjustments. The CSD shall reduce services for Tract 19852 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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

Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\D\Tract 19852\letter to property owner Tract 19852.doc

NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING REGARDING A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE FOR TRACT 19852

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 19852, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING	***TUESDAY, May 26, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, June 9, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL** **COUNCIL CHAMBER** **14177 FREDERICK STREET** **MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. **Name of the Charge for Tract 19852:**

   CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. **CSD Zone D Annual Parcel Charge for Tract 19852 is $109.20 per parcel.** The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2008/09 is $1,148,098.00.

Llame al 951.413.3480 para obtener información verbal en Español

The annual parcel charge may be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2009/10 Riverside County property tax bill and shall be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **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 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, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 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.

5. **Upon the close of the Public Hearing:**

   Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

   If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from $69.00 to $109.20 for FY 2009/10. The parcel charge is subject to an annual inflation adjustment.

   If there is a tie or if a majority of the ballots returned oppose the increase in the annual parcel charge, the current parcel charge of $69.00 shall be levied on my 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. The CSD shall reduce services for Tract 19852 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

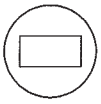
A check mark substantially inside a box;

An X mark substantially inside a box;

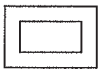
A dot or oval mark substantially inside a box;

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 **<u>and/or</u>** associated clause; or



A square or rectangle around the box **<u>and/or</u>** associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>**.

HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 19852

FROM 1988 TO 2009

TAX YEAR	ANNUAL PARCEL CHARGE
1988-1989	$50.00
1989-1990	$55.00
1990-1991	$55.00
1991-1992	$56.00
1992-1993	$56.00
1993-1994	$57.00
1994-1995	$57.00
1995-1996	$57.00
1996-1997	$57.00
1997-1998	$57.00
1998-1999	$57.00
1999-2000	$57.00
2000-2001	$57.00
2001-2002	$57.00
2002-2003	$57.00
2003-2004	$57.00
2004-2005	$57.00
2005-2006	$57.00
2006-2007	$63.00
2007-2008	$66.00
2008-2009	$69.00

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 2009/10 BUDGET FOR TRACT 19852

Budgeted Revenues*:			
Single Family Parcels ($69*292)	$ 20,148.00		
Total Revenue Generated Annually		$	**20,148.00**
Budgeted Expenditures:			
Direct Costs:			
Base Maintenance Contract	$ 8,571.26		
Vandalism	$ -		
Electricity	$ 295.59		
Water	$ 3,066.56		
Other Maintenance/Miscellaneous Direct Expenses	$ 3,058.30		
Landscaping Personnel	$ 12,525.59		
Total Direct Costs	**$ 27,517.30**		
Indirect Costs:			
Miscellaneous Indirect Expenses	$ 153.51		
Special Districts	$ 1,740.94		
City Administration	$ 2,487.26		
Total Indirect Costs	**$ 4,381.71**		
Total Budgeted Expenditures		$	**(31,899.01)**
Operating Budget Shortfall			
(Total Revenue less Total Budgeted Expenditures)			**$ (11,751.01)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

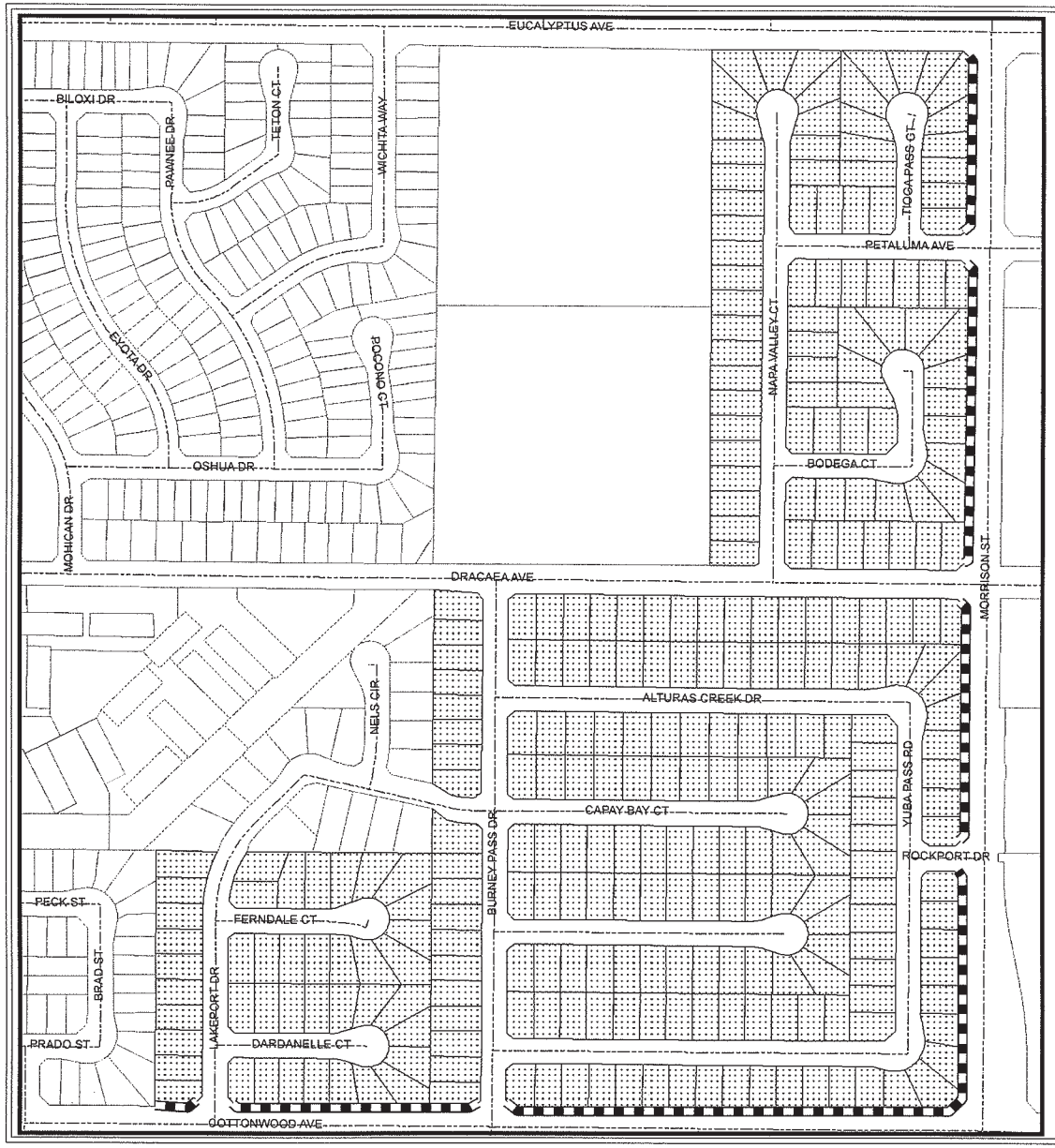
Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other Maintenance/Miscellaneous Direct Expenses : may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.



Tract 19852

Median
Landscaped Areas
Roads
Parcels
City Boundary
TR_19852

Map reflects all changes indicated on Riverside County Assessor Maps as of March 16, 2009.

N

0 175 350 525 700 Feet

G:\AVP\SDA\TR 19852.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.

MORENO VALLEY
WHERE DREAMS SOAR

COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

OFFICIAL BALLOT for Assessor Parcel No. 487380001
ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT NO. 19852

If a simple majority (50%+1) of returned valid ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone D annual charge, the CSD shall levy $109.20 per parcel. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar 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. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

☐ **Yes**, ***I approve*** the increase in the annual charge for Zone D services of $40.20 per parcel, which is the equivalent of a $3.35 increase per month. The increase will adjust the annual charge from $69.00 to $109.20 for fiscal year 2009/10. The parcel charge is subject to an annual inflation adjustment.

☐ **No**, ***I do not approve*** the increase in the annual charge for Zone D services of $40.20 per parcel. I understand the current Zone D charge of $69.00 per parcel shall continue to be levied on the property tax bill, which may include future annual inflation adjustments. Landscaping services for Tract 19852 shall be reduced to a level consistent with available funding.

PROPERTY OWNER SIGNATURE **DATE**

Llame al 951.413.3480 para obtener información verbal en Español.

This page intentionally left blank.

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 312081001
Leonardo Bautista
25055 Red Maple Ln
Moreno Valley, CA 92551

Subject: Mail Ballot Proceeding for Tract 20715 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 20715 for Zone D parkway landscape maintenance services. Every year, the CSD compares the cost to provide the service to the revenue received for each tract. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs. The CSD has determined that the annual expenses for Tract 20715 exceed the annual parcel charge paid by the property owners. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

In order to maintain services at the current standard service level it is necessary to increase the Zone D annual charge. The CSD is proposing a $32.30 increase per parcel, which is the equivalent of a $2.69 increase per month. The increase will adjust the annual charge from $94.00 to $126.30 for fiscal year 2009/10. Future inflation adjustments will be based on the percentage change calculated for the previous calendar 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.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for June 9, 2009 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 20715 at the current standard service level. The total approved charge of $126.30 per parcel shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone D charge of $94.00 per parcel shall continue to be levied on the property tax bill, which may include future annual inflation adjustments. The CSD shall reduce services for Tract 20715 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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

Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\D\Tract 20715\letter to property owner tr 20715.doc

NOTICE TO PROPERTY OWNER - MAIL BALLOT PROCEEDING REGARDING A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE FOR TRACT 20715

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 20715, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING	***TUESDAY, May 26, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, June 9, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL** **COUNCIL CHAMBER** **14177 FREDERICK STREET** **MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. **Name of the Charge for Tract 20715:**

   CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. **CSD Zone D Annual Parcel Charge for Tract 20715 is $126.30 per parcel.** The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2008/09 is $1,148,098.00.

The annual parcel charge may be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2009/10 Riverside County property tax bill and shall be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **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 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, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 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.

5. **Upon the close of the Public Hearing:**

   Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

   If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from $94.00 to $126.30 for FY 2009/10. The parcel charge is subject to an annual inflation adjustment.

   If there is a tie or if a majority of the ballots returned oppose the increase in the annual parcel charge, the current parcel charge of $94.00 shall be levied on my 2009/10 Riverside County property tax bill and is subject to future annual inflation adjustments. The CSD shall reduce services for Tract 20715 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

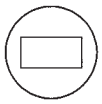
A check mark substantially inside a box;

An X mark substantially inside a box;

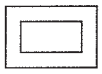
A dot or oval mark substantially inside a box;

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 **<u>and/or</u>** associated clause; or



A square or rectangle around the box **<u>and/or</u>** associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>**.

HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 20715

FROM 1988 TO 2009

TAX YEAR	ANNUAL PARCEL CHARGE
1988-1989	$50.00
1989-1990	$55.00
1990-1991	$55.00
1991-1992	$56.00
1992-1993	$56.00
1993-1994	$57.00
1994-1995	$57.00
1995-1996	$57.00
1996-1997	$57.00
1997-1998	$57.00
1998-1999	$57.00
1999-2000	$57.00
2000-2001	$57.00
2001-2002	$57.00
2002-2003	$73.00
2003-2004	$73.00
2004-2005	$74.00
2005-2006	$77.00
2006-2007	$87.00
2007-2008	$90.00
2008-2009	$94.00

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 2009/10 BUDGET FOR TRACT 20715

Budgeted Revenues*:			
Single Family Parcels ($94*342)	$ 32,148.00		
Total Revenue Generated Annually		**$ 32,148.00**	
Budgeted Expenditures:			
Direct Costs:			
Base Maintenance Contract	$ 9,823.61		
Vandalism	$ 21.29		
Electricity	$ 611.51		
Water	$ 7,400.75		
Other Maintenance/Miscellaneous Direct Expenses	$ 2,451.03		
Landscaping Personnel	$ 16,967.51		
Total Direct Costs	**$ 37,275.70**		
Indirect Costs:			
Miscellaneous Indirect Expenses	$ 204.19		
Special Districts	$ 2,358.33		
City Administration	$ 3,369.31		
Total Indirect Costs	**$ 5,931.83**		
Total Budgeted Expenditures		**$ (43,207.53)**	
Operating Budget Shortfall (Total Revenue less Total Budgeted Expenditures)			**$ (11,059.53)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

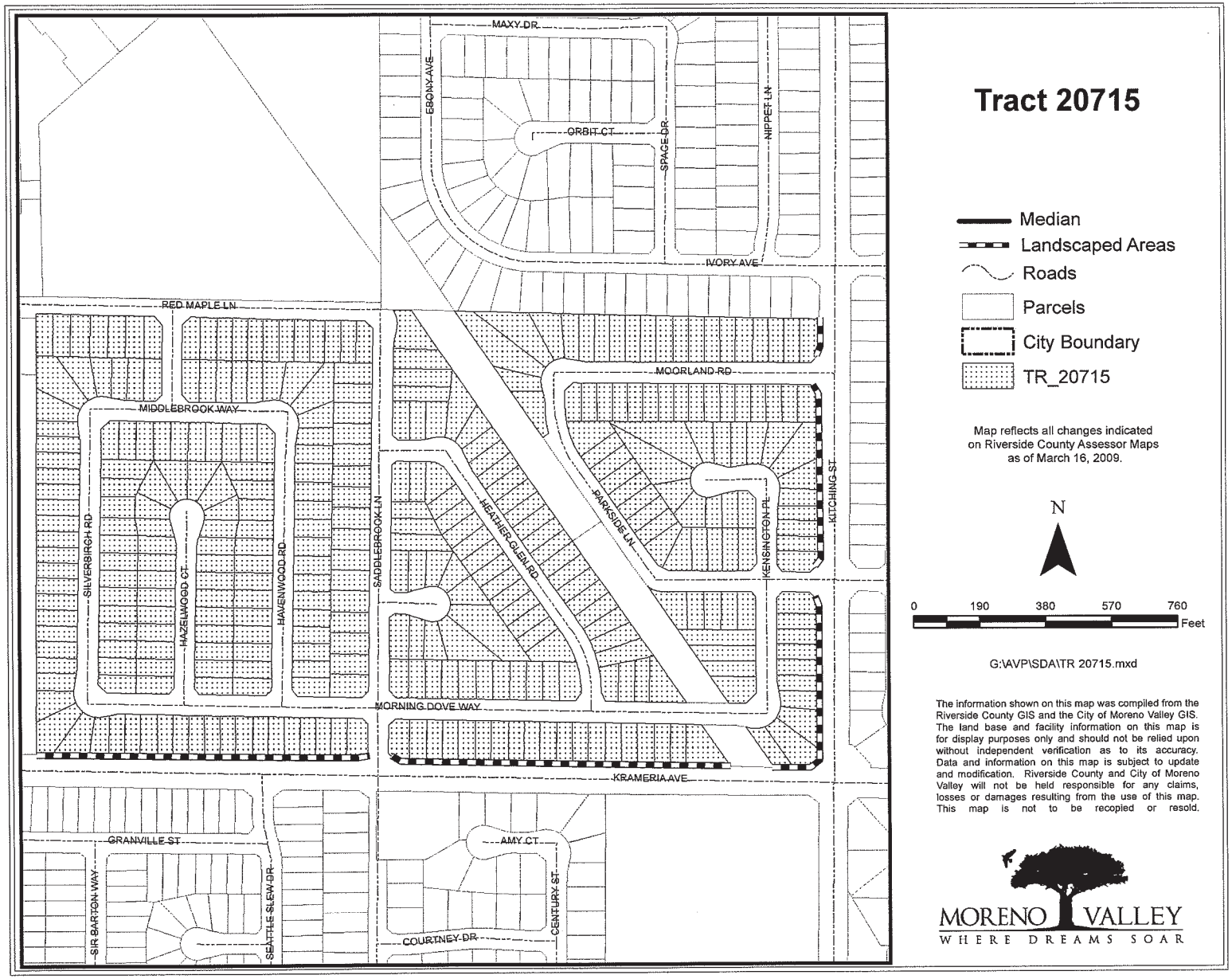
Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other Maintenance/Miscellaneous Direct Expenses : may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.



Tract 20715

- Median
- Landscaped Areas
- Roads
- Parcels
- City Boundary
- TR_20715

Map reflects all changes indicated on Riverside County Assessor Maps as of March 16, 2009.

N

0 190 380 570 760 Feet

G:\AVP\SDA\TR 20715.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.

MORENO VALLEY
WHERE DREAMS SOAR

COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

OFFICIAL BALLOT for Assessor Parcel No. 312081001
ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT NO. 20715

If a simple majority (50%+1) of returned valid ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone D annual charge, the CSD shall levy $126.30 per parcel. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar 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. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

☐ **Yes**, ***I approve*** the increase in the annual charge for Zone D services of $32.30 per parcel, which is the equivalent of a $2.69 increase per month. The increase will adjust the annual charge from $94.00 to $126.30 for fiscal year 2009/10. The parcel charge is subject to an annual inflation adjustment.

☐ **No**, ***I do not approve*** the increase in the annual charge for Zone D services of $32.30 per parcel. I understand the current Zone D charge of $94.00 per parcel shall continue to be levied on the property tax bill, which may include future annual inflation adjustments. Landscaping services for Tract 20715 shall be reduced to a level consistent with available funding.

PROPERTY OWNER SIGNATURE **DATE**

Llame al 951.413.3480 para obtener información verbal en Español.

This page intentionally left blank.

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 484151014
Rick S Gill
14455 Janie Ct
Moreno Valley, CA 92553

Subject: Mail Ballot Proceeding for Tract 21616 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 21616 for Zone D parkway landscape maintenance services. Every year, the CSD compares the cost to provide the service to the revenue received for each tract. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs. The CSD has determined that the annual expenses for Tract 21616 exceed the annual parcel charge paid by the property owners. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

In order to maintain services at the current standard service level it is necessary to increase the Zone D annual charge. The CSD is proposing a $337.70 increase per parcel, which is the equivalent of a $28.14 increase per month. The increase will adjust the annual charge from $371.00 to $708.70 for fiscal year 2009/10. Future inflation adjustments will be based on the percentage change calculated for the previous calendar 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.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for June 9, 2009 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 21616 at the current standard service level. The total approved charge of $708.70 per parcel shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone D charge of $371.00 per parcel shall be increased by the annual inflation rate to $371.30 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Tract 21616 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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

Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\D\Tract 21616\letter to property owner Tract 21616.doc

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE FOR TRACT 21616

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 21616, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING	***TUESDAY, May 26, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, June 9, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL** **COUNCIL CHAMBER** **14177 FREDERICK STREET** **MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. **Name of the Charge for Tract 21616:**

   CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. **CSD Zone D Annual Parcel Charge for Tract 21616 is $708.70 per parcel**. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2008/09 is $1,148,098.00.

The annual parcel charge may be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2009/10 Riverside County property tax bill and shall be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **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 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, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 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.

5. **Upon the close of the Public Hearing:**

   Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

   If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from $371.00 to $708.70 for FY 2009/10. The parcel charge is subject to an annual inflation adjustment.

   If there is a tie or if a majority of the ballots returned oppose the increase in the annual charge, the current parcel charge of $371.00 shall be increased by the annual inflation rate to $371.30 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Tract 21616 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

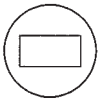
A check mark substantially inside a box;

An X mark substantially inside a box;

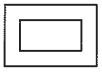
A dot or oval mark substantially inside a box;

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 **<u>and/or</u>** associated clause; or



A square or rectangle around the box **<u>and/or</u>** associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>**.

HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 21616

FROM 1988 TO 2009

TAX YEAR	ANNUAL PARCEL CHARGE
1988-1989	$50.00
1989-1990	$55.00
1990-1991	$55.00
1991-1992	$56.00
1992-1993	$56.00
1993-1994	$57.00
1994-1995	$57.00
1995-1996	$57.00
1996-1997	$57.00
1997-1998	$57.00
1998-1999	$57.00
1999-2000	$57.00
2000-2001	$57.00
2001-2002	$275.00
2002-2003	$280.00
2003-2004	$290.00
2004-2005	$295.00
2005-2006	$308.00
2006-2007	$345.00
2007-2008	$356.00
2008-2009	$371.00

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 2009/10 BUDGET FOR TRACT 21616

Budgeted Revenues*:			
Single Family Parcels ($371.30*37)	$ 13,738.10		
Total Revenue Generated Annually		**$ 13,738.10**	
Budgeted Expenditures:			
Direct Costs:			
Base Maintenance Contract	$ 6,995.66		
Vandalism	$ -		
Electricity	$ 305.45		
Water	$ 2,311.46		
Other Maintenance/Miscellaneous Direct Expenses	$ 2,706.75		
Landscaping Personnel	$ 10,292.81		
Total Direct Costs	**$ 22,612.13**		
Indirect Costs:			
Miscellaneous Indirect Expenses	$ 136.02		
Special Districts	$ 1,430.60		
City Administration	$ 2,043.88		
Total Indirect Costs	**$ 3,610.50**		
Total Budgeted Expenditures		**$ (26,222.63)**	
Operating Budget Shortfall (Total Revenue less Total Budgeted Expenditures)			**$ (12,484.53)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

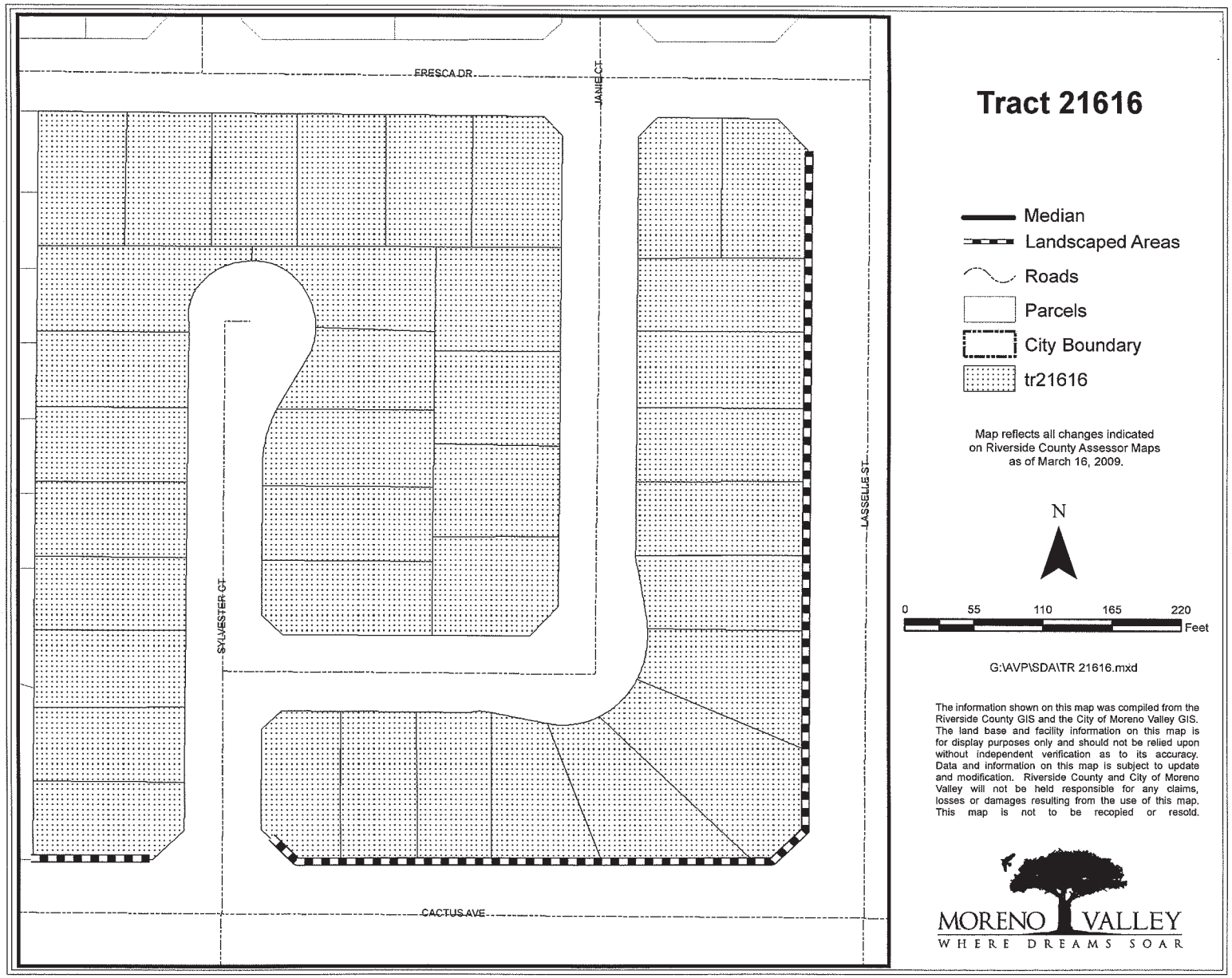
Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other Maintenance/Miscellaneous Direct Expenses : may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.


FRESCA DR
JANIE CT
LASSELLE ST
SYLVESTER CT
CACTUS AVE
Tract 21616
Median
Landscaped Areas
Roads
Parcels
City Boundary
tr21616
Map reflects all changes indicated on Riverside County Assessor Maps as of March 16, 2009.
N
0
55
110
165
220
Feet
G:\AVP\SDA\TR 21616.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.
MORENO VALLEY
WHERE DREAMS SOAR

COMMUNITY SERVICES DISTRICTS ZONE D (Parkway Landscape Maintenance) SERVICE LEVELS			
DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

OFFICIAL BALLOT for Assessor Parcel No. 484151014
ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT NO. 21616

If a simple majority (50%+1) of returned valid ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone D annual charge, the CSD shall levy $708.70 per parcel. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar 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. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

❑ **Yes**, ***I approve*** the increase in the annual charge for Zone D services of $337.70 per parcel, which is the equivalent of a $28.14 increase per month. The increase will adjust the annual charge from $371.00 to $708.70 for fiscal year 2009/10. The parcel charge is subject to an annual inflation adjustment.

❑ **No**, ***I do not approve*** the increase in the annual charge for Zone D services of $337.70 per parcel. I understand the current Zone D charge of $371.00 per parcel shall be increased by the annual inflation rate to $371.30 and shall be levied on the 2009/10 Riverside County property tax bill. Landscaping services for Tract 21616 shall be reduced to a level consistent with available funding.

PROPERTY OWNER SIGNATURE **DATE**

Llame al 951.413.3480 para obtener información verbal en Español.

This page intentionally left blank.

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 487300001
Leo M Rodriguez
26440 Mapleridge Way
Moreno Valley, CA 92555

Subject: Mail Ballot Proceeding for Tract 22277 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 22277 for Zone D parkway landscape maintenance services. Every year, the CSD compares the cost to provide the service to the revenue received for each tract. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs. The CSD has determined that the annual expenses for Tract 22277 exceed the annual parcel charge paid by the property owners. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

In order to maintain services at the current standard service level it is necessary to increase the Zone D annual charge. The CSD is proposing a $310.10 increase per parcel, which is the equivalent of a $25.84 increase per month. The increase will adjust the annual charge from $264.00 to $574.10 for fiscal year 2009/10. Future inflation adjustments will be based on the percentage change calculated for the previous calendar 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.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for June 9, 2009 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 22277 at the current standard service level. The total approved charge of $574.10 per parcel shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone D charge of $264.00 per parcel shall be increased by the annual inflation rate to $264.20 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Tract 22277 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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

Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\D\Tract 22277\letter to property owner Tract 22277.doc

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE FOR TRACT 22277

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 22277, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING	***TUESDAY, May 26, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, June 9, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL COUNCIL CHAMBER 14177 FREDERICK STREET MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. **Name of the Charge for Tract 22277:**

   CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. **CSD Zone D Annual Parcel Charge for Tract 22277 is $574.10 per parcel**. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2008/09 is $1,148,098.00.

The annual parcel charge may be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2009/10 Riverside County property tax bill and shall be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **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 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, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 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.

5. **Upon the close of the Public Hearing:**

   Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

   If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from $264.00 to $574.10 for FY 2009/10. The parcel charge is subject to an annual inflation adjustment.

   If there is a tie or if a majority of the ballots returned oppose the increase in the annual charge, the current parcel charge of $264.00 shall be increased by the annual inflation rate to $264.20 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Tract 22277 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

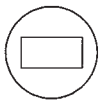
A check mark substantially inside a box;

An X mark substantially inside a box;

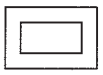
A dot or oval mark substantially inside a box;

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 **<u>and/or</u>** associated clause; or



A square or rectangle around the box **<u>and/or</u>** associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>**.

HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 22277

FROM 1988 TO 2009

TAX YEAR	ANNUAL PARCEL CHARGE
1988-1989	$50.00
1989-1990	$55.00
1990-1991	$55.00
1991-1992	$56.00
1992-1993	$56.00
1993-1994	$57.00
1994-1995	$57.00
1995-1996	$57.00
1996-1997	$57.00
1997-1998	$57.00
1998-1999	$57.00
1999-2000	$57.00
2000-2001	$57.00
2001-2002	$185.00
2002-2003	$189.00
2003-2004	$196.00
2004-2005	$200.00
2005-2006	$209.00
2006-2007	$245.00
2007-2008	$253.00
2008-2009	$264.00

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 2009/10 BUDGET FOR TRACT 22277

Budgeted Revenues*:			
Single Family Parcels ($264.20*38)	$ 10,039.60		
Total Revenue Generated Annually		**$ 10,039.60**	
Budgeted Expenditures:			
Direct Costs:			
Base Maintenance Contract	$ 6,088.12		
Vandalism	$ -		
Electricity	$ 302.64		
Water	$ 2,370.05		
Other Maintenance/Miscellaneous Direct Expenses	$ 1,488.54		
Landscaping Personnel	$ 8,563.34		
Total Direct Costs	**$ 18,812.69**		
Indirect Costs:			
Miscellaneous Indirect Expenses	$ 111.29		
Special Districts	$ 1,190.23		
City Administration	$ 1,700.46		
Total Indirect Costs	**$ 3,001.98**		
Total Budgeted Expenditures		**$ (21,814.67)**	
Operating Budget Shortfall (Total Revenue less Total Budgeted Expenditures)			**$ (11,775.07)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

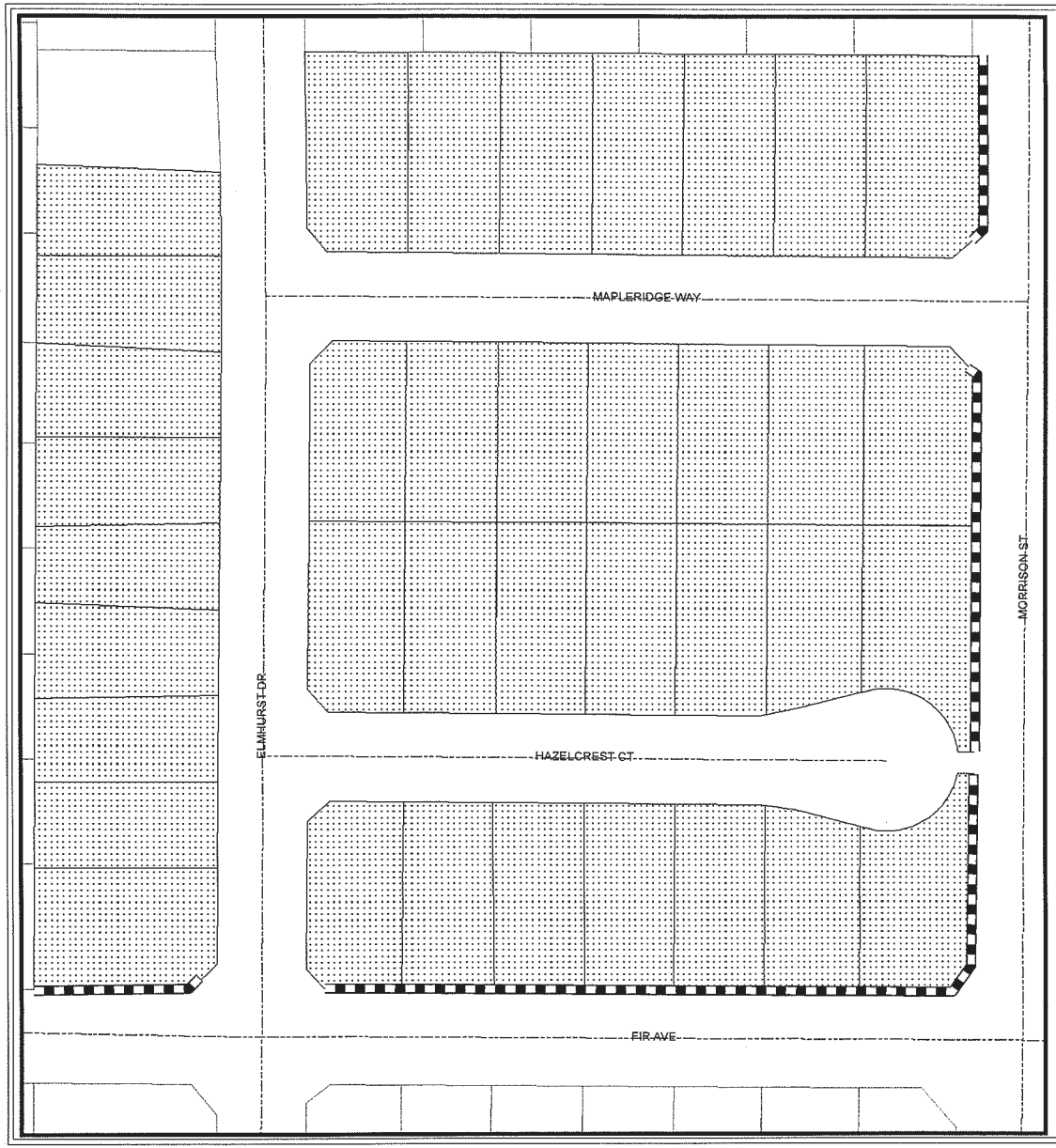
Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other Maintenance/Miscellaneous Direct Expenses : may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.



Tract 22277

- Median
- Landscaped Areas
- Roads
- Parcels
- City Boundary
- TR_22277

Map reflects all changes indicated on Riverside County Assessor Maps as of March 16, 2009.

N

0 55 110 165 220 Feet

G:\AVP\SDA\TR 22277.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.

MORENO VALLEY
WHERE DREAMS SOAR

COMMUNITY SERVICES DISTRICTS ZONE D (Parkway Landscape Maintenance) SERVICE LEVELS			
DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

OFFICIAL BALLOT for Assessor Parcel No. 487300001
ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT NO. 22277

If a simple majority (50%+1) of returned valid ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone D annual charge, the CSD shall levy $574.10 per parcel. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar 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. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

☐ **Yes**, ***I approve*** the increase in the annual charge for Zone D services of $310.10 per parcel, which is the equivalent of a $25.84 increase per month. The increase will adjust the annual charge from $264.00 to $574.10 for fiscal year 2009/10. The parcel charge is subject to an annual inflation adjustment.

☐ **No**, ***I do not approve*** the increase in the annual charge for Zone D services of $310.10 per parcel. I understand the current Zone D charge of $264.00 per parcel shall be increased by the annual inflation rate to $264.20 and shall be levied on the 2009/10 Riverside County property tax bill. Landscaping services for Tract 22277 shall be reduced to a level consistent with available funding.

PROPERTY OWNER SIGNATURE **DATE**

Llame al 951.413.3480 para obtener información verbal en Español.

This page intentionally left blank.

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 17, 2009

APN 478340001
Ramiro R Vasquez
13760 Roderick Dr
Moreno Valley, CA 92555

Subject: Mail Ballot Proceeding for Tract 31284 Regarding a Proposed Increase in the Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Annual Charge

Dear Property Owner:

The Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding for Tract 31284 for Zone D parkway landscape maintenance services. Every year, the CSD compares the cost to provide the service to the revenue received for each tract. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs. The CSD has determined that the annual expenses for Tract 31284 exceed the annual parcel charge paid by the property owners. The mail ballot proceeding provides property owners the opportunity to submit a ballot in support or opposition to the proposed increase in the annual charge for parkway landscape maintenance.

In order to maintain services at the current standard service level it is necessary to increase the Zone D annual charge. The CSD is proposing a $59.50 increase per parcel, which is the equivalent of a $4.96 increase per month. The increase will adjust the annual charge from $127.00 to $186.50 for fiscal year 2009/10. Future inflation adjustments will be based on the percentage change calculated for the previous calendar 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.

Participation in this mail ballot proceeding requires that your completed ballot be returned prior to the close of the public hearing scheduled for June 9, 2009 at 6:30 p.m.

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge, the CSD shall continue to maintain the parkway landscape within Tract 31284 at the current standard service level. The total approved charge of $186.50 per parcel shall be placed on the 2009/10 Riverside County property tax bill.

If a majority of the returned valid ballots oppose the increase in the annual charge, the current Zone D charge of $127.00 per parcel shall be increased by the annual inflation rate to $127.10 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Tract 31284 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued. A comparison of the three approved service levels is included with this letter.

The CSD submits for your review the enclosed Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), map of the affected landscaped area, history of charges, description of estimated annual costs, official mail ballot, and a postage paid envelope for returning your ballot. The Notice provides Public Meeting and Public Hearing dates, times and location, instructions for marking your ballot, and information on the services and the annual charge. If you have any questions regarding the proposed increase, please contact the Special Districts Division at 951.413.3480.

Sincerely,

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

Jennifer Terry
Management Analyst

Attachments

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
Stuart Sheldon, Landscape Districts Program Manager

W:\SpecialDist\jennifert\Ballots for FY 08.09\D\Tract 31284\letter to property owner Tract 31284.doc

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE FOR TRACT 31284

I. NOTICE

This notice informs you, as the record owner(s) of property within the boundary of Tract 31284, of the proposed increase in the annual parcel charge for Zone D standard service level parkway landscape maintenance. In compliance with Proposition 218, the Moreno Valley Community Services District (CSD) is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase. The City Council, acting in their capacity as President and Members of the Board of Directors of the CSD, has scheduled one (1) Public Meeting and one (1) Public Hearing to accept public testimony regarding the proposed increase in the Zone D annual charge. The meetings will be incorporated into the regular meetings of the CSD Board of Directors at the time and place listed below:

PUBLIC MEETING	***TUESDAY, May 26, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
PUBLIC HEARING	***TUESDAY, June 9, 2009*** **6:30 P.M. (or as soon thereafter as the matter may be called)**
LOCATION **(FOR BOTH THE PUBLIC MEETING & PUBLIC HEARING)**	**MORENO VALLEY CITY HALL** **COUNCIL CHAMBER** **14177 FREDERICK STREET** **MORENO VALLEY, CA 92553**

II. BACKGROUND

The CSD was formed simultaneously with City incorporation. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from the program. Zone D was designated as a benefit zone that receives a specific service: parkway landscape maintenance. The CSD zones are structured to be full cost recovery programs, which include maintenance and administration costs.

III. CHARGE INFORMATION

1. **Name of the Charge for Tract 31284:**

   CSD Zone D (Parkway Landscape Maintenance) at Standard Service Level

2. **CSD Zone D Annual Parcel Charge for Tract 31284 is $186.50 per parcel**. The total parcel charges levied for the CSD Zone D program for fiscal year (FY) 2008/09 is $1,148,098.00.

The annual parcel charge may be subject to an annual adjustment based on the percentage change calculated for the previous calendar 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.

3. **Duration of the Proposed Charges:**

The CSD Zone D parcel charge shall be annually levied beginning with the 2009/10 Riverside County property tax bill and shall be levied each following year at the proposed rate, which may include an annual inflation adjustment.

4. **Reason for the Charge Increase:**

Proposition 218 ("The Right to Vote on Taxes Act") requires that any new or increase in a property-related charge be approved by a simple majority of affected property owners. Every effort is made to implement cost-saving measures before any increase is considered; however, when the cost exceeds the revenue, the CSD proposes an increase in the Zone D parcel charge in order to continue maintenance at the current level of service. Higher costs for electricity, water, petroleum-based products (gasoline, pesticides, fertilizers, and irrigation piping), and labor rates have impacted the overall program costs.

5. **Calculation of the Charge:**

The CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the proposed increase in the annual Zone D (Parkway Landscape Maintenance) parcel charge, or about the mail ballot proceeding process, please contact Special Districts, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone D annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the Office of the Secretary of the Board of the CSD (City Clerk).

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone D annual charge **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 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, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 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.

5. **Upon the close of the Public Hearing:**

   Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

   If a simple majority (50%+1) of returned ballots is marked as approved, the proposed annual Zone D parcel charge will adjust from $127.00 to $186.50 for FY 2009/10. The parcel charge is subject to an annual inflation adjustment.

   If there is a tie or if a majority of the ballots returned oppose the increase in the annual charge, the current parcel charge of $127.00 shall be increased by the annual inflation rate to $127.10 and shall be levied on the 2009/10 Riverside County property tax bill. The CSD shall reduce services for Tract 31284 to a level supported by available funding. If available funding cannot support the lowest level of service, according to the CSD Zone D Policy #2.30, maintenance services may be discontinued.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

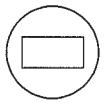
A check mark substantially inside a box;

An X mark substantially inside a box;

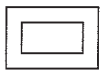
A dot or oval mark substantially inside a box;

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 **<u>and/or</u>** associated clause; or



A square or rectangle around the box **<u>and/or</u>** associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property**. **<u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>**.

HISTORY OF CHARGES FOR
COMMUNITY SERVICES DISTRICT ZONE D
(Parkway Landscape Maintenance)
TRACT 31284

FROM 2005 TO 2009

TAX YEAR	ANNUAL PARCEL CHARGE
2005-2006	$127.00
2006-2007	$32.00
2007-2008	$127.00
2008-2009	$127.00

CITY OF MORENO VALLEY
COMMUNITY SERVICES DISTRICT (CSD) ZONE D
FISCAL YEAR 2009/10 BUDGET FOR TRACT 31284

Budgeted Revenues*:			
Single Family Parcels ($127.10*144)	$ 18,302.40		
Total Revenue Generated Annually		$	**18,302.40**
Budgeted Expenditures:			
Direct Costs:			
Base Maintenance Contract	$ 8,420.01		
Vandalism	$ -		
Electricity	$ 856.88		
Water	$ 3,124.81		
Other Maintenance/Miscellaneous Direct Expenses	$ 228.44		
Landscaping Personnel	$ 10,552.49		
Total Direct Costs	**$ 23,182.63**		
Indirect Costs:			
Miscellaneous Indirect Expenses	$ 112.76		
Special Districts	$ 1,466.70		
City Administration	$ 2,095.45		
Total Indirect Costs	**$ 3,674.91**		
Total Budgeted Expenditures		$	**(26,857.54)**
Operating Budget Shortfall			
(Total Revenue less Total Budgeted Expenditures)			**$ (8,555.14)**

*Budgeted revenues based on FY 08/09 levy plus any applicable annual inflation adjustment.

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. (Actual costs for fiscal year 2009/10.)

Vandalism: includes abatement of nuisance (i.e. rubbish removal) and necessary repairs.

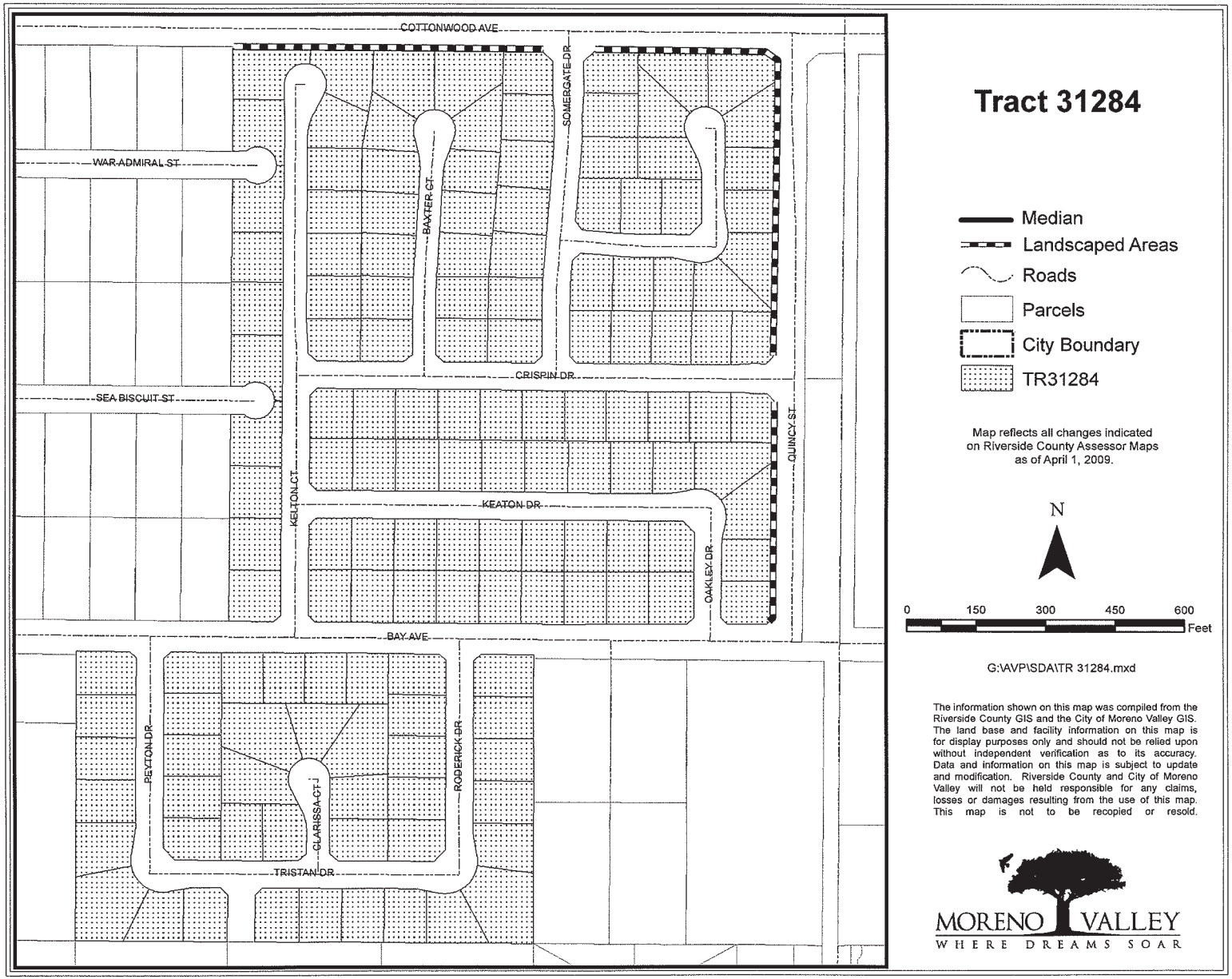
Landscape Personnel: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Landscape irrigation parts (for minor and/or emergency repairs), tools, and equipment (used by personnel). Service vehicle fuel and telecommunications equipment.

Other Maintenance/Miscellaneous Direct Expenses : may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Special Districts: includes professional services and other municipal agency services.

City Administration: administrative services and liability insurance.

Miscellaneous Indirect Expenses: copying, mailing, postage, tools, uniforms, training, etc.


COTTONWOOD AVE
WAR ADMIRAL ST
SEA BISCUIT ST
BAXTER CT
SOMERGATE DR
CRISPIN DR
QUINCY ST
KELTON CT
KEATON DR
OAKLEY DR
BAY AVE
PEYTON DR
CLARISSA CT
RODERICK DR
TRISTAN DR
Tract 31284
Median
Landscaped Areas
Roads
Parcels
City Boundary
TR31284
Map reflects all changes indicated on Riverside County Assessor Maps as of April 1, 2009.
N
0
150
300
450
600
Feet
G:\AVP\SDA\TR 31284.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.
MORENO VALLEY
WHERE DREAMS SOAR

COMMUNITY SERVICES DISTRICTS
ZONE D (Parkway Landscape Maintenance)
SERVICE LEVELS

DESCRIPTION OF SERVICE LEVELS	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) STANDARD SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED SERVICE	ZONE D (PARKWAY LANDSCAPE MAINTENANCE) REDUCED STREET TREE SERVICE / RIGHT-OF-WAY AREA
MOWING, EDGING & TRIMMING (OF TURF AREAS ONLY)	Weekly	Monthly (or Bi-monthly as needed)	N/A
AERATION	3 times per year	As needed (budget permitting)	N/A
TREE TRIMMING	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
SHRUB TRIMMING	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
GROUND COVER TRIMMING	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
WEED CONTROL	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
IRRIGATION	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
LITTER REMOVAL	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
TURF FERTILIZER	7 applications per year	3 applications per year	N/A
SHRUB FERTILIZER	2 applications per year	1 application per year	N/A
TREE FERTILIZER	As needed	As needed (budget permitting)	As needed (budget permitting)
SHRUBS/GROUND COVERS	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Snail control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Insect/disease control (as needed)	As needed (budget permitting)	N/A
SHRUBS/GROUND COVERS	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A
TURF	Weed control (as needed)	As needed (budget permitting)	N/A
TURF	Vertebrate pest control (as needed)	As needed (budget permitting)	N/A

OFFICIAL BALLOT for Assessor Parcel No. 478340001
ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT NO. 31284

If a simple majority (50%+1) of returned valid ballots are marked as approving an increase in the Moreno Valley Community Services District (CSD) Zone D annual charge, the CSD shall levy $186.50 per parcel. The approved charge will be placed on your Riverside County property tax bill beginning fiscal year 2009/10 and is subject to an annual adjustment based on the percentage change calculated for the previous calendar 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. **This ballot must be received by the Secretary of the Board of the Moreno Valley CSD (City Clerk) prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

☐ **Yes**, ***I approve*** the increase in the annual charge for Zone D services of $59.50 per parcel, which is the equivalent of a $4.96 increase per month. The increase will adjust the annual charge from $127.00 to $186.50 for fiscal year 2009/10. The parcel charge is subject to an annual inflation adjustment.

☐ **No**, ***I do not approve*** the increase in the annual charge for Zone D services of $59.50 per parcel. I understand the current Zone D charge of $127.00 per parcel shall be increased by the annual inflation rate to $127.10 and shall be levied on the 2009/10 Riverside County property tax bill. Landscaping services for Tract 31284 shall be reduced to a level consistent with available funding.

PROPERTY OWNER SIGNATURE **DATE**

Llame al 951.413.3480 para obtener información verbal en Español.

This page intentionally left blank.

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, Acting in their capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

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

AGENDA DATE: May 26, 2009

TITLE: PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING A MAIL BALLOT PROCEEDING FOR A PROPOSED CHARGE INCREASE FOR THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) PROGRAM

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council, acting in their capacities as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board"), conduct a Public Meeting and accept public comments concerning a mail ballot proceeding on a proposed increase in the annual charge for the CSD Zone B (Residential Street Lighting) program.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The City of Moreno Valley formed the Moreno Valley CSD to provide benefit service programs, which include landscaping and street lighting services to properties within the boundaries of the CSD. Among the programs administrated through the CSD is the Zone B (Residential Street Lighting) program. Streetlights along publicly maintained residential roadways throughout the boundaries of the CSD are funded through an annual charge collected on the Riverside County property tax bills from properties that receive residential street lighting services. The annual charge collected for CSD Zone B is used to pay for street lighting services; however, the electrical cost for streetlights has

increased and the annual charge is insufficient to continue funding the increased electrical cost. To continue providing uninterrupted residential street lighting serves, the CSD is in the process of conducting a mail ballot proceeding to allow property owners an opportunity to ballot on a proposed increase to their CSD Zone B charge.

In 1996, California voters passed Proposition 218, the "Right to Vote on Taxes Act", which created state-mandated legislation requiring local government to provide record owners of property sufficient notice and an opportunity to approve or oppose any new, extended or increased tax, assessment, fee or charge. In accordance with Proposition 218, record owners of properties subject to new, extended or increased property charges, such as those associated with CSD programs, are provided an opportunity to submit a ballot on the proposed service and charge in a mail ballot proceeding.

DISCUSSION

There are more than 8,500 streetlights throughout residential areas of the City, which cost on average $101,369 per month to operate. The CSD Zone B (Residential Street Lighting) program funds the cost of residential street lighting services through an annual levy of charges collected on the Riverside County property tax bills on those properties that receive residential street lighting services. Since fiscal year (FY) 1996/97 the annual CSD Zone B charge has remained consistent at $23 per parcel per year with exception to those properties which, beginning in 1999, balloted and approved an annual inflation adjustment, which adjusted the 2008/09 charge to $24 per parcel per year. The CSD Zone B fund balance has been used to offset prior year increases in electrical costs; however, this fund balance is now depleted and can no longer offset the significantly higher electrical costs.

Between January 1, 2006 and December 31, 2008, the California Public Utilities Commission (CPUC) approved multiple rate increases that utility providers may charge for the electrical utility costs for street lighting services. These prior year rate increases have increased the cost of street lighting by more than 31%. For 2009, SCE received approval from the CPUC for a 7% increase, which took effect on April 4, 2009. SCE was also granted the ability to authorize up to an additional 5% increase per year for facility related costs. These current rate increases, along with estimated quarterly adjustments for kilowatt hours (kWh) based on historical data, result in a cumulative increase of 14% in residential street lighting costs for FY 2009/10.

To address the increases in electrical utility costs for residential streetlights and in compliance with Proposition 218, a mail ballot proceeding is being conducted for a proposed increase in the CSD Zone B charge. Ballot materials were mailed on April 17, 2009, to property owners within the boundaries of the CSD Zone B to provide an opportunity to approve or oppose the proposed increase. If approved by a simple majority (50%+1) of the returned valid ballots, properties currently charged $23 per parcel and $24 per parcel would be increased to $39 per parcel (equivalent to a $16 or $15 increase) for 2009/10 and shall be subject to an annual inflation adjustment, based on the greater of the percentage change calculated for the previous calendar year in the

Los Angeles-Riverside-Orange County Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistics, or 5 percent. If property owners oppose the proposed increase by a simple majority of the returned valid ballots or there is a tie in the results, the existing CSD Zone B charge, which may include an annual inflation adjustment, shall continue to be levied on the property tax bills. Street lighting services may be reduced to a level consistent with available funding in accordance with CSD Board approved general management policy #2.34, Community Services District Zone B (Residential Street Lighting) Policy and Zone C (Arterial Street Lighting) Policy.

The property owners subject to CSD Zone B are given two opportunities to address the CSD Board. These two opportunities are the May 26, 2009 Public Meeting and the June 9, 2009 Public Hearing. Following the close of the Public Hearing, ballots will be tallied and verified, and results will be announced by the City Clerk (Secretary to the CSD Board).

ALTERNATIVES

1. Accept public comments regarding the mail ballot proceeding for the proposed increase in the CSD Zone B (Residential Street Lighting) charge. By accepting public comment, the CSD Board complies with Proposition 218, state legislation, which mandates property owners to have an opportunity to make public comment.

2. Do not accept public comments regarding the mail ballot proceeding for the proposed increase in the CSD Zone B charge. This alternative is contrary to state mandated legislation.

FISCAL IMPACT

Between 2006 and 2008, electrical utility costs to operate streetlights increased by more than 31 percent and are anticipated to incur an additional 14% increase in 2009. The 8,500 streetlights throughout residential areas of the City have cost on average $101,369 per month to operate. The electrical utility costs for FY 2009/10 represent 86% of the total operating budget for residential streetlights, with the remaining 14% for administration and maintenance coordination. These costs are paid through the CSD Zone B program, which is funded through an annual charge, levied and collected on the Riverside County property tax bills. The cost to fund streetlight operations exceeds the amount received for the CSD Zone B charge. Properties subject to CSD Zone B are being balloted for an increase from $23 or $24 per parcel, to $39 per parcel (equivalent to a $16 or $15 per parcel increase) for 2009/10 and, if approved, would allow for future annual inflation adjustments, based on the greater of the percentage change calculated for the previous calendar year, in the Los Angeles-Riverside-Orange County Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistic, or 5 percent. There is no fiscal impact on the General Fund for the operation of the CSD Zone B program.

CITY COUNCIL GOALS

Revenue Diversification and Preservation
The CSD Zone B charge funds program costs for residential streetlight services. Streetlights aid in the illumination of roadway and streetlight areas.

SUMMARY

The action before the CSD Board is to accept public comments tabulate the ballots, verify and accept the results of the mail ballot proceeding for the proposed increase in the CSD Zone B charge, which may be subject to an annual inflation adjustment.

NOTIFICATION

Mail ballot packets were mailed on April 17, 2009 to the property owners of properties subject to the CSD Zone B charge. The mail ballot packet (Attachments 1 and 2) included a cover letter, notice to the property owner, historical operating data, and ballot with instructions for marking the ballot, and a Business Reply postage-paid return envelope for returning the ballot to the Secretary to the CSD Board.

Legal notification was published for the May 26, 2009, Public Meeting and June 9, 2009, Public Hearing in The Press-Enterprise on May 8, 2009. Additionally, the Public Hearing notification was published on May 22, 2009 and again on May 29, 2009.

ATTACHMENTS/EXHIBITS

Attachment 1 – CSD Zone B sample mail ballot packet for properties currently paying $23 per parcel per year.

Attachment 2 - CSD Zone B sample mail ballot packet for properties currently paying $24 per parcel per year.

Attachment 3 - CSD Zone B boundary map

Prepared By
Sharon Sharp
Senior Management Analyst

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

Concurred By
Sue Anne Maxinoski
Special Districts Division Manager

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

This page intentionally left blank.

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 16, 2009

Name
C/O
Address
City, State Zip Barcode APN

Subject: Community Services District Zone B (Residential Street Lighting) Ballot

Dear Property Owner:

The Moreno Valley Community Services District (CSD) Zone B (Residential Street Lighting) program funds electrical energy, maintenance, and administrative costs to provide residential street lighting to aid in the illumination of roadway and sidewalk areas. To fund the residential streetlights, the CSD Zone B program currently receives an annual charge collected on the County of Riverside property tax bills, from residential properties that have streetlights along their roadways and are subject to an annual parcel charge. In recent years, the California Public Utilities Commission has approved significant increases in the cost of electrical energy to be collected by the City's utility providers, Southern California Edison and Moreno Valley Utility. As a result of these increases, the CSD is conducting a mail ballot proceeding to increase the current charge to offset the increased costs to operate the streetlights.

Over the past thirteen years, the CSD Zone B charge has remained consistent at $23 per parcel per year with exception to those properties, which balloted after 1999 and approved an annual inflation adjustment, that are currently charged $24 per parcel per year. Since January 1, 2006, the electrical utility rates for street lighting services have increased approximately 31 percent through 2008, with an additional increase of 14 percent proposed for 2009. For FY 2009/10 the electrical utility costs represent 86% of the total CSD Zone B budget. The current CSD Zone B charge will not support the proposed electric utility costs to provide street lighting services and the current CSD Zone B fund balance, which has been used to offset prior year increases in electrical costs, is depleted and can no longer subsidize the electrical costs.

In order to continue providing uninterrupted residential street lighting service without the necessity of reducing or eliminating current street lighting service levels, the CSD submits to you the enclosed ballot and notification documents. The ballot shall provide property owners an opportunity to approve or oppose the proposed increase in the CSD Zone B charge for fiscal year (FY) 2009/10 of $16 per parcel per year (equivalent to $1.33 per month). The proposed increase will adjust the current parcel charge of $23 to $39 per parcel for 2009/10. The CSD Zone B charge will be subject to an annual inflation adjustment, based on the greater of the percentage change calculated for the previous calendar year, in the Los Angeles-Riverside-Orange County

Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistics or 5 percent.

Ballot Process

In accordance with the legislative requirements of Proposition 218, "The Right to Vote on Taxes Act," the Special Districts Division of the Public Works Department has enclosed the Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), historical operating data, and ballot for your review. The formal Notice provides Informational Meetings, Public Meeting and Public Hearing dates, times and location, instructions for marking the enclosed ballot, and information on the CSD Zone B program and the proposed increase in the charge.

Please complete and return the ballot in the enclosed postage-paid (Business Reply Mail) envelope. The City Clerk's office must receive your ballot prior to the close of the Public Hearing scheduled for Tuesday, June 9, 2009.

Ballot Process

If you have any questions about the CSD Zone B program, proposed increase in the charge, or this process, please contact the Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 8:00 a.m. to 5:00 p.m. at (951) 413-3480.

Sincerely,

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

Sharon Sharp
Senior Management Analyst

Enclosures

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager

NOTICE TO PROPERTY OWNER
REGARDING MAIL BALLOT PROCEEDING FOR
Community Services District (CSD) Zone B (Residential Street Lighting)

I. BACKGROUND

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 charge requires approval of the charge by the affected property owners of record. In compliance with Proposition 218 legislation, the Special Districts Division is conducting a mail ballot proceeding to provide the property owners currently receiving the CSD Zone B (Residential Street Lighting) program service the opportunity to ballot in support or opposition to a proposed increase in the CSD Zone B annual parcel charge. The CSD Zone B program provides residential street lighting services to designated parcels or tracts that have street lighting along residential roadways and are subject to an annual parcel charge.

The CSD was formed simultaneously with City incorporation and established Zones, such as CSD Zone B, to allocate the cost of program services to those parcels and developments which receive special benefit from the program.

II. NOTICE – INFORMATIONAL MEETINGS, PUBLIC MEETING AND PUBLIC HEARING

To provide information concerning the CSD Zone B program and to provide for public comments on the current mail ballot proceeding for the proposed increase in the annual parcel charge for CSD Zone B, the City Council/CSD Board of Directors has scheduled three (3) Informational Meetings as listed in the table below, along with one (1) Public Meeting and one (1) Public Hearing, at their regular meetings, which will be held at the Moreno Valley City Hall Council Chamber as follows:

INFORMATIONAL MEETINGS	***PUBLIC MEETING***	***PUBLIC HEARING***
Wednesday, April 29, 2009, 9:00 A.M.	***Tuesday, May 26, 2009***	***Tuesday, June 9, 2009***
Thursday, April 30, 2009, 7:00 P.M.	**6:30 P.M.** (Or As Soon Thereafter	**6:30 P.M.** (Or As Soon Thereafter
Tuesday , May 5, 2009, 3:30 P.M.	As The Matter May Be Called)	As The Matter May Be Called)

LOCATION for ALL MEETINGS and the PUBLIC HEARING
Moreno Valley City Hall
Council Chamber
14177 Frederick Street
Moreno Valley, CA 92553

III. CHARGE INFORMATION

1. **Name of the Annual Charge:** CSD Zone B (Residential Street Lighting)

2. **Annual Parcel Charge:** For FY 2009/10 the proposed increase in the CSD Zone B charge is **$16, which will adjust the charge to $39**. The total amount of charges levied for CSD Zone B in FY 2008/09 was $929,756.

   The CSD Zone B charge is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics, or 5%.

3. **Duration of the Proposed Charge:** The increased CSD Zone B parcel charge shall be annually levied on the Riverside County property tax bill beginning in FY 2009/10. Beginning in FY 2010/11 the charge is subject to an annual inflation adjustment.

4. **Reason for the Charge:** The CSD Zone B program provides ongoing residential street lighting services to designated parcels or tracts that have streetlights installed and are included in the CSD. The CSD Zone B annual service charge funds electrical energy, maintenance, and administration costs to provide residential street lighting services.

5. **Calculation of the Charge:** The CSD provides services through various programs. The program charges are weighted according to the proportional financial obligation of the properties receiving the service.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the CSD Zone B program, the proposed increase in the annual CSD Zone B parcel charge, or about the mail ballot process, please contact the Special Districts Division, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Please follow the instructions listed below and on the following page to complete and return your ballot. Procedures for completion, return, and tabulation of the ballots are on file in the City Clerk's office of the City of Moreno Valley.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the annual parcel charge **by placing an appropriate valid mark in the corresponding box. A list of valid ballot markings is attached for reference.**

2. **Sign your name** on the ballot. *Ballots received without a signature will be considered invalid and will not be counted.*

3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid Business Reply envelope has been included for returning the ballot.

4. Ballots must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 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.

5. **Upon the close of the Public Hearing:**

   Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

   If a simple majority (50%+1) of returned ballots are marked as approved, the annual CSD Zone B parcel charge will adjust from $23 to $39 for FY 2009/10. The parcel charge shall be subject to an annual inflation adjustment.

   If a majority of the returned ballots oppose the increase in the annual parcel charge, or if the number of ballots returned that approve the proposed increase equal the number of ballots returned that oppose the proposed increase in the annual parcel charge, a parcel charge of $23 shall be levied on the 2009/10 Riverside County property tax bill. This amount may include a previously approved annual inflation adjustment. Zone B residential street lighting services shall be reduced to a level consistent with available funding.

Llame al 951.413.3480 para obtener información verbal en Español

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

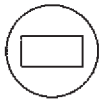
A check mark substantially inside a box;

An X mark substantially inside a box;

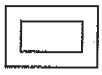
A dot or oval mark substantially inside a box;

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 **<u>and/or</u>** associated clause; or



A square or rectangle around the box **<u>and/or</u>** associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>.**

Llame al 951.413.3480 para obtener información verbal en Español

OFFICIAL BALLOT for Assessor Parcel No. «APN» - Zone B (Residential Street Lighting)

If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Community Services District (CSD) Zone B program charge, the CSD shall levy a charge of $39 per parcel per year. The charge will be placed on your Riverside County property tax bill beginning fiscal year (FY) 2009/10 and is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics, or 5%. **This ballot must be received by the Secretary of the Board (City Clerk) of the Moreno Valley CSD prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

☐ Yes, I approve the $16 increase (equivalent to $1.33 per month) in the annual parcel charge for CSD Zone B services, which will adjust the parcel charge from $23 to $39 for FY 2009/10. The parcel charge is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index or 5%.

☐ No, I do not approve the $16 increase in the annual parcel charge for CSD Zone B services. I understand the current parcel charge of $23 shall be increased by the inflation rate, if previously approved, and shall be levied on the 2009/10 Riverside County property tax bill. Residential street lighting services shall be reduced to a level consistent with available funding.

Llame al 951.413.3480 para obtener información verbal en Español

PROPERTY OWNER SIGNATURE **DATE**

MORENO VALLEY COMMUNITY SERVICES DISTRICT (CSD)
ZONE B (RESIDENTIAL STREET LIGHTING)
HISTORICAL OPERATING DATA

The CSD was formed simultaneously with City incorporation in 1984. Upon the formation of the CSD, the streetlight services which were previously handled by the County of Riverside were transferred to the CSD. Zone B was designated within the CSD to allocate the cost of residential street lighting services to those designated parcels or tracts that have street lighting along residential roadways and are subject to an annual parcel charge.

The following table sets forth the history of the annual CSD Zone B charge.

Table 1: Per Parcel Charge History

Fiscal Year (FY)	Annual Per Parcel Charge
1985-86	$22.00
1986-87	$18.00
1987-88	$21.00
1988-89	$21.00
1990-91	$20.00
1991-92	$20.00
1992-93	$21.50
1993-94	$23.00
1994-95	$24.00
1995-96	$24.00
1996-97	$23.00
1997-98	$23.00
1998-99	$23.00
1999-00	$23.00
2000-01	$23.00
2001-02	$23.00
2002-03	$23.00
2003-04	$23.00
2004-05	$23.00
2005-06	$23.00
2006-07	$23.00
2007-08	$23.00
2008-09*	$23.00 / $24.00

* Beginning in FY 2008/09 the parcel charge for tracts that had previously approved an annual CPI adjustment for CSD Zone B services, was increased to $24 per parcel, per year. All other tracts pay $23 per parcel, per year.

MORENO VALLEY COMMUNITY SERVICES DISTRICT (CSD)
ZONE B (RESIDENTIAL STREET LIGHTING)
HISTORICAL OPERATING DATA

Chart 1, as shown below, provides the total percentage increase in the electric utility costs and the revenues for CSD Zone B since fiscal year 2002/03.

Chart 1: Cumulative Percent Change

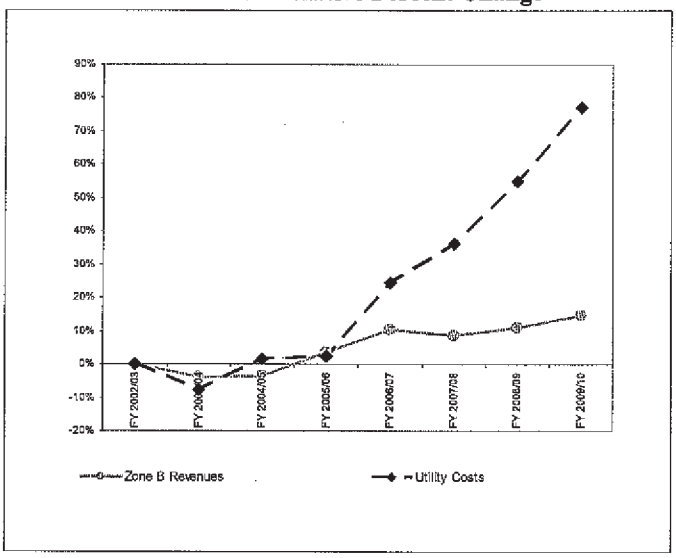
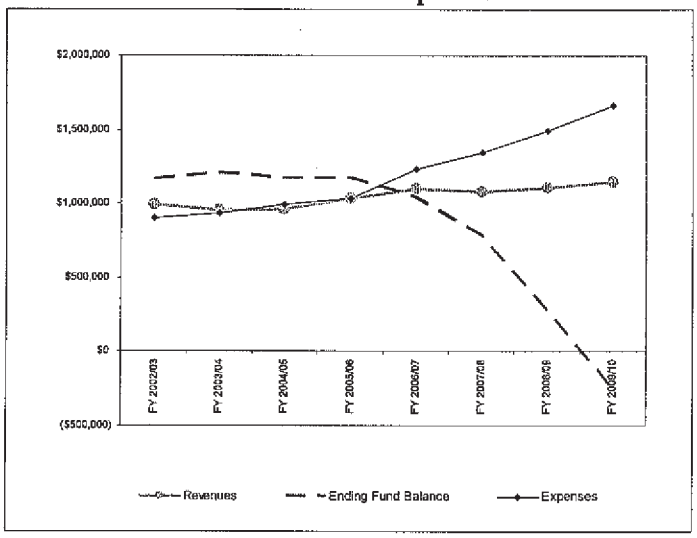


Chart 2, as shown below, provides a comparison between the annual CSD Zone B revenues collected and the expenses paid. The decrease in the ending fund balance is a result of paying CSD Zone B expenses that are in excess of the revenues collected.

Chart 2: Historical Operations



TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

April 16, 2009

Name
C/O
Address
City, State Zip Barcode APN

Subject: Community Services District Zone B (Residential Street Lighting) Ballot

Dear Property Owner:

The Moreno Valley Community Services District (CSD) Zone B (Residential Street Lighting) program funds electrical energy, maintenance, and administrative costs to provide residential street lighting to aid in the illumination of roadway and sidewalk areas. To fund the residential streetlights, the CSD Zone B program currently receives an annual charge collected on the County of Riverside property tax bills, from residential properties that have streetlights along their roadways and are subject to an annual parcel charge. In recent years, the California Public Utilities Commission has approved significant increases in the cost of electrical energy to be collected by the City's utility providers, Southern California Edison and Moreno Valley Utility. As a result of these increases, the CSD is conducting a mail ballot proceeding to increase the current charge to offset the increased costs to operate the streetlights.

Over the past thirteen years, the CSD Zone B charge has remained consistent at $23 per parcel per year with exception to those properties, which balloted after 1999 and approved an annual inflation adjustment, that are currently charged $24 per parcel per year. Since January 1, 2006, the electrical utility rates for street lighting services have increased approximately 31 percent through 2008, with an additional increase of 14 percent proposed for 2009. For FY 2009/10 the electrical utility costs represent 86% of the total CSD Zone B budget. The current CSD Zone B charge will not support the proposed electric utility costs to provide street lighting services and the current CSD Zone B fund balance, which has been used to offset prior year increases in electrical costs, is depleted and can no longer subsidize the electrical costs.

In order to continue providing uninterrupted residential street lighting service without the necessity of reducing or eliminating current street lighting service levels, the CSD submits to you the enclosed ballot and notification documents. The ballot shall provide property owners an opportunity to approve or oppose the proposed increase in the CSD Zone B charge for fiscal year (FY) 2009/10 of $15 per parcel per year (equivalent to $1.25 per month). The proposed increase will adjust the current parcel charge of $24 to $39 per parcel for 2009/10. The CSD Zone B charge will be subject to an annual inflation adjustment, based on the greater of the percentage change calculated for the previous calendar year, in the Los Angeles-Riverside-Orange County

Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistics or 5 percent.

Ballot Process

In accordance with the legislative requirements of Proposition 218, "The Right to Vote on Taxes Act," the Special Districts Division of the Public Works Department has enclosed the Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), historical operating data, and ballot for your review. The formal Notice provides Informational Meetings, Public Meeting and Public Hearing dates, times and location, instructions for marking the enclosed ballot, and information on the CSD Zone B program and the proposed increase in the charge.

Please complete and return the ballot in the enclosed postage-paid (Business Reply Mail) envelope. The City Clerk's office must receive your ballot prior to the close of the Public Hearing scheduled for Tuesday, June 9, 2009.

Ballot Process

If you have any questions about the CSD Zone B program, proposed increase in the charge, or this process, please contact the Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 8:00 a.m. to 5:00 p.m. at (951) 413-3480.

Sincerely,

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

Sharon Sharp
Senior Management Analyst

Enclosures

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager

Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistics or 5 percent.

Ballot Process

In accordance with the legislative requirements of Proposition 218, "The Right to Vote on Taxes Act," the Special Districts Division of the Public Works Department has enclosed the Notice to the Property Owner of the Mail Ballot Proceeding (collectively with this letter, "Notice"), historical operating data, and ballot for your review. The formal Notice provides Informational Meetings, Public Meeting and Public Hearing dates, times and location, instructions for marking the enclosed ballot, and information on the CSD Zone B program and the proposed increase in the charge.

Please complete and return the ballot in the enclosed postage-paid (Business Reply Mail) envelope. The City Clerk's office must receive your ballot prior to the close of the Public Hearing scheduled for Tuesday, June 9, 2009.

Ballot Process

If you have any questions about the CSD Zone B program, proposed increase in the charge, or this process, please contact the Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday from 8:00 a.m. to 5:00 p.m. at (951) 413-3480.

Sincerely,

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

Sharon Sharp
Senior Management Analyst

Enclosures

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager

NOTICE TO PROPERTY OWNER
REGARDING MAIL BALLOT PROCEEDING FOR
Community Services District (CSD) Zone B (Residential Street Lighting)

I. BACKGROUND

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 charge requires approval of the charge by the affected property owners of record. In compliance with Proposition 218 legislation, the Special Districts Division is conducting a mail ballot proceeding to provide the property owners currently receiving the CSD Zone B (Residential Street Lighting) program service the opportunity to ballot in support or opposition to a proposed increase in the CSD Zone B annual parcel charge. The CSD Zone B program provides residential street lighting services to designated parcels or tracts that have street lighting along residential roadways and are subject to an annual parcel charge.

The CSD was formed simultaneously with City incorporation and established Zones, such as CSD Zone B, to allocate the cost of program services to those parcels and developments which receive special benefit from the program.

II. NOTICE – INFORMATIONAL MEETINGS, PUBLIC MEETING AND PUBLIC HEARING

To provide information concerning the CSD Zone B program and to provide for public comments on the current mail ballot proceeding for the proposed increase in the annual parcel charge for CSD Zone B, the City Council/CSD Board of Directors has scheduled three (3) Informational Meetings as listed in the table below, along with one (1) Public Meeting and one (1) Public Hearing, at their regular meetings, which will be held at the Moreno Valley City Hall Council Chamber as follows:

INFORMATIONAL MEETINGS	*PUBLIC MEETING*	*PUBLIC HEARING*
Wednesday, April 29, 2009, 9:00 A.M.	***Tuesday, May 26, 2009***	***Tuesday, June 9, 2009***
Thursday, April 30, 2009, 7:00 P.M.	**6:30 P.M.** (Or As Soon Thereafter	**6:30 P.M.** (Or As Soon Thereafter
Tuesday , May 5, 2009, 3:30 P.M.	As The Matter May Be Called)	As The Matter May Be Called)

LOCATION for ALL MEETINGS and the PUBLIC HEARING
Moreno Valley City Hall
Council Chamber
14177 Frederick Street
Moreno Valley, CA 92553

III. CHARGE INFORMATION

1. **Name of the Annual Charge:** CSD Zone B (Residential Street Lighting)

2. **Annual Parcel Charge:** For FY 2009/10 the proposed increase in the CSD Zone B charge is **$15, which will adjust the charge to $39**. The total amount of charges levied for CSD Zone B in FY 2008/09 was $929,756.

   The CSD Zone B charge is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics, or 5%.

3. **Duration of the Proposed Charge**: The increased CSD Zone B parcel charge shall be annually levied on the Riverside County property tax bill beginning in FY 2009/10. Beginning in FY 2010/11 the charge is subject to an annual inflation adjustment.

Llame al 951.413.3480 para obtener información verbal en Español

4. **Reason for the Charge:** The CSD Zone B program provides ongoing residential street lighting services to designated parcels or tracts that have streetlights installed and are included in the CSD. The CSD Zone B annual service charge funds electrical energy, maintenance, and administration costs to provide residential street lighting services.

5. **Calculation of the Charge:** The CSD provides services through various programs. The program charges are weighted according to the proportional financial obligation of the properties receiving the service.

IV. QUESTIONS REGARDING THESE PROCEEDINGS

If you have any questions about the CSD Zone B program, the proposed increase in the annual CSD Zone B parcel charge, or about the mail ballot process, please contact the Special Districts Division, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. and Friday 8:00 a.m. to 5:00 p.m. at 951.413.3480.

V. SUMMARY OF BALLOT PROCEEDINGS

Please follow the instructions listed below and on the following page to complete and return your ballot. Procedures for completion, return, and tabulation of the ballots are on file in the City Clerk's office of the City of Moreno Valley.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the annual parcel charge **by placing an appropriate valid mark in the corresponding box. A list of valid ballot markings is attached for reference.**

2. **Sign your name** on the ballot. *Ballots received without a signature will be considered invalid and will not be counted.*

3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid Business Reply envelope has been included for returning the ballot.

4. Ballots must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, June 9, 2009**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 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.

5. **Upon the close of the Public Hearing:**

   Tabulation of all returned ballots will commence once the Public Hearing is closed. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk's) office in compliance with the Policy for Conducting Mail Ballot Proceeding adopted March 24, 2009. Depending on time constrains, the official ballot results may be announced at the next regularly scheduled City Council meeting. The Secretary to the CSD Board shall inform the City Council/CSD Board of such postponement at the close of the Public Hearing.

   If a simple majority (50%+1) of returned ballots are marked as approved, the annual CSD Zone B parcel charge will adjust from $24 to $39 for tax year 2009/10. The parcel charge shall be subject to an annual inflation adjustment.

   If a majority of the returned ballots oppose the increase in the annual parcel charge, or if the number of ballots returned that approve the proposed increase equal the number of ballots returned that oppose the proposed increase in the annual parcel charge, a parcel charge of $24 shall be levied on the 2009/10 Riverside County property tax bill. This amount may include a previously approved annual inflation adjustment. Zone B residential street lighting services shall be reduced to a level consistent with available funding.

BALLOT MARKS

Appropriate ballot markings include any <u>one</u> of the following for either the YES/Approved or NO/Not Approved blank box:

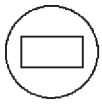
A check mark substantially inside a box;

An X mark substantially inside a box;

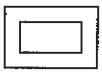
A dot or oval mark substantially inside a box;

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 **<u>and/or</u>** associated clause; or



A square or rectangle around the box **<u>and/or</u>** associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes)

An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **<u>prior</u>** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. <u>Initials must be clearly printed and placed at the right top corner of the revised selection</u>**.

Llame al 951.413.3480 para obtener información verbal en Español

OFFICIAL BALLOT for Assessor Parcel No. «APN» - Zone B (Residential Street Lighting)

If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Community Services District (CSD) Zone B program charge, the CSD shall levy a charge of $39 per parcel per year. The charge will be placed on your Riverside County property tax bill beginning fiscal year (FY) 2009/10 and is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics, or 5%. **This ballot must be received by the Secretary of the Board (City Clerk) of the Moreno Valley CSD prior to the close of the Public Hearing on June 9, 2009, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.**

☐ Yes, I approve the $15 increase (equivalent to $1.25 per month) in the annual parcel charge for CSD Zone B services, which will adjust the parcel charge from $24 to $39 for FY 2009/10. The parcel charge is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index or 5%.

☐ No, I do not approve the $15 increase in the annual parcel charge for CSD Zone B services. I understand the current parcel charge of $24 shall be increased by the inflation rate, if previously approved, and shall be levied on the 2009/10 Riverside County property tax bill. Residential street lighting services shall be reduced to a level consistent with available funding.

Llame al 951.413.3480 para obtener información verbal en Español

PROPERTY OWNER SIGNATURE DATE

MORENO VALLEY COMMUNITY SERVICES DISTRICT (CSD)
ZONE B (RESIDENTIAL STREET LIGHTING)
HISTORICAL OPERATING DATA

The CSD was formed simultaneously with City incorporation in 1984. Upon the formation of the CSD, the streetlight services which were previously handled by the County of Riverside were transferred to the CSD. Zone B was designated within the CSD to allocate the cost of residential street lighting services to those designated parcels or tracts that have street lighting along residential roadways and are subject to an annual parcel charge.

The following table sets forth the history of the annual CSD Zone B charge.

Table 1: Per Parcel Charge History

Fiscal Year (FY)	Annual Per Parcel Charge
1985-86	$22.00
1986-87	$18.00
1987-88	$21.00
1988-89	$21.00
1990-91	$20.00
1991-92	$20.00
1992-93	$21.50
1993-94	$23.00
1994-95	$24.00
1995-96	$24.00
1996-97	$23.00
1997-98	$23.00
1998-99	$23.00
1999-00	$23.00
2000-01	$23.00
2001-02	$23.00
2002-03	$23.00
2003-04	$23.00
2004-05	$23.00
2005-06	$23.00
2006-07	$23.00
2007-08	$23.00
2008-09*	$23.00 / $24.00

* Beginning in FY 2008/09 the parcel charge for tracts that had previously approved an annual CPI adjustment for CSD Zone B services, was increased to $24 per parcel, per year. All other tracts pay $23 per parcel, per year.

MORENO VALLEY COMMUNITY SERVICES DISTRICT (CSD)
ZONE B (RESIDENTIAL STREET LIGHTING)
HISTORICAL OPERATING DATA

Chart 1, as shown below, provides the total percentage increase in the electric utility costs and the revenues for CSD Zone B since fiscal year 2002/03.

Chart 1: Cumulative Percent Change

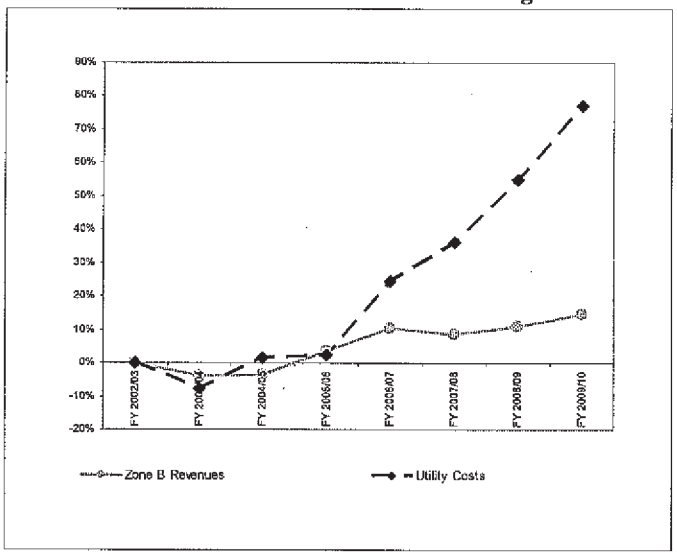
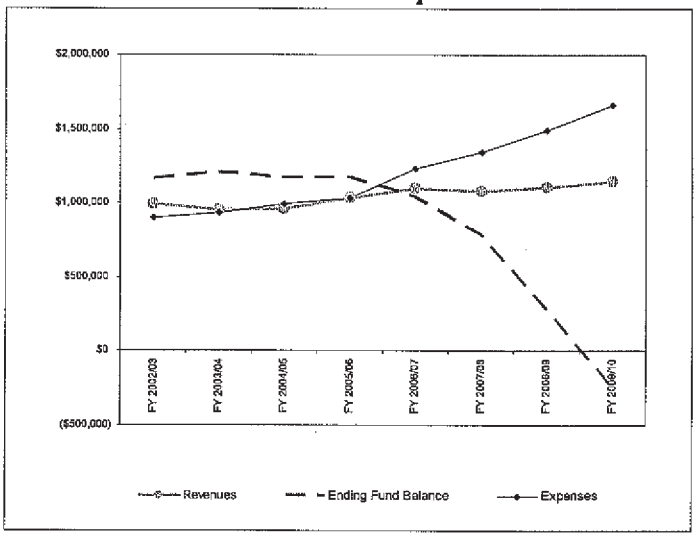
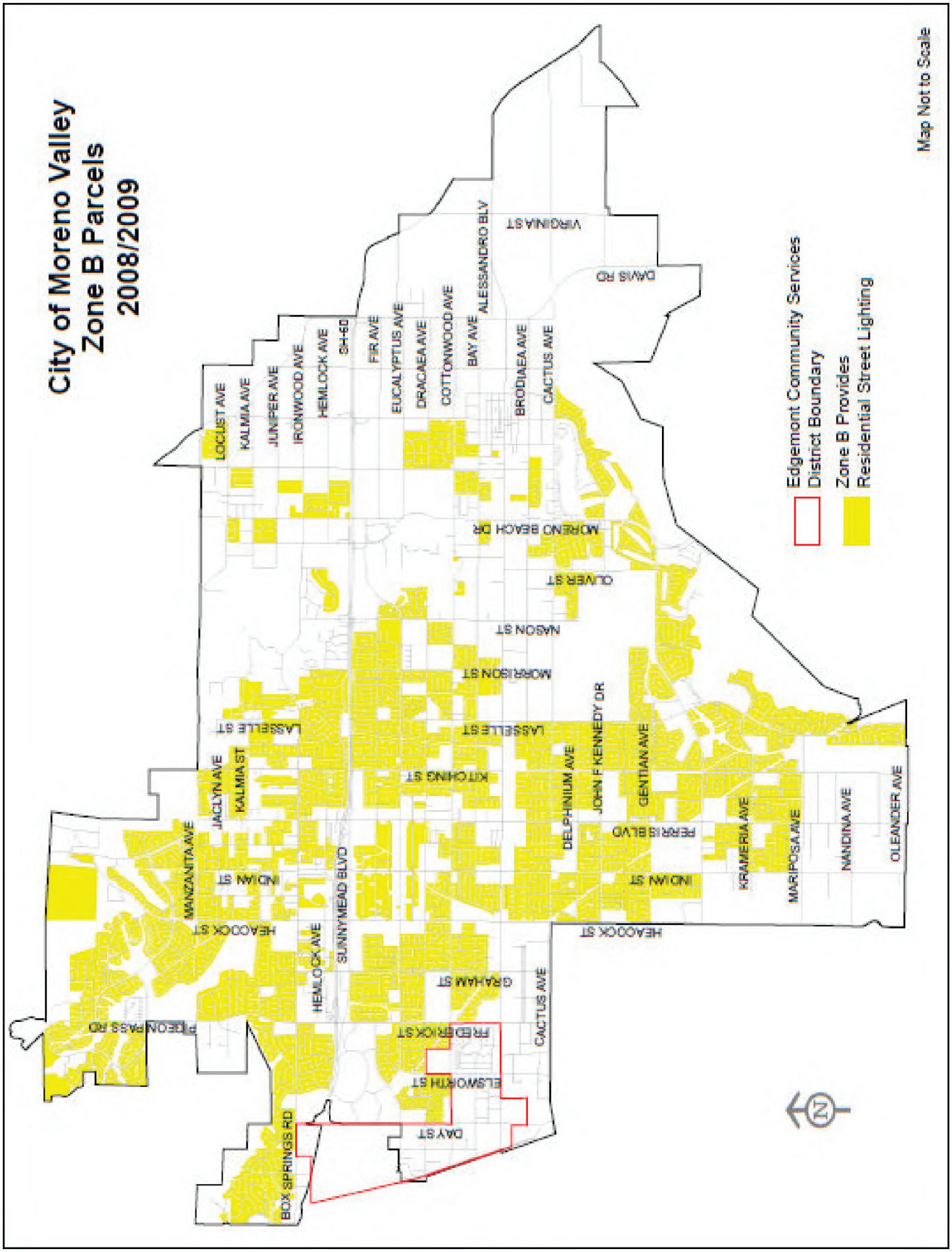


Chart 2, as shown below, provides a comparison between the annual CSD Zone B revenues collected and the expenses paid. The decrease in the ending fund balance is a result of paying CSD Zone B expenses that are in excess of the revenues collected.

Chart 2: Historical Operations



This page intentionally left blank.



ATTACHMENT 3

This page intentionally left blank.

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	RDH
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

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

AGENDA DATE: May 26, 2009

TITLE: REPORT TO CONSIDER PUBLIC COMMENTS REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE FOR NEW RESIDENTIAL AND COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE DEVELOPMENT PROPOSED FISCAL YEAR 2009/2010 ANNUAL RATES

RECOMMENDED ACTION

Staff recommends that the City Council hold a public meeting to accept public comments regarding the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" proposed Fiscal Year 2009/2010 annual rates.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not Applicable

BACKGROUND

The 1972 Federal Clean Water Act requires public agencies to obtain permits to discharge urban storm water runoff from municipally owned drainage facilities, including streets, highways, storm drains and flood control channels. This Act also requires local agencies to clean urban runoff to the maximum extent practicable (MEP), which has not been defined by the federal or state government.

On October 25, 2002, the Santa Ana Regional Water Quality Control Board adopted new requirements the City must implement to remain in compliance with its NPDES

Permit. The requirements include a higher-level effort to divert pollutants from entering the drainage system. The service levels require site inspection, discharge monitoring, remedial cleanup efforts, and a higher level of maintenance of the streets and storm drain system before discharging water into the larger storm water collection system.

On June 10, 2003, the City Council approved the "NPDES Regulatory Rate Schedule for New Residential Development." The "NPDES Regulatory Rate Schedule for New Residential Development" was designed to fund NPDES administration and maintenance of water quality ponds and bioswales associated with new single-family residential subdivisions. On January 27, 2004, the City Council authorized the collection of the NPDES regulatory rates for new residential development consisting of single-family dwellings.

On January 10, 2006, the City Council approved the "NPDES Regulatory Rate Schedule for New Common Interest, Commercial, Industrial and Quasi-Public Use Development." The "NPDES Regulatory Rate Schedule for New Common Interest, Commercial, Industrial and Quasi-Public Use Development" was designed to fund NPDES public education, administration and monitoring of site design, source control and treatment control best management practices (BMPs) associated with new common interest, commercial, industrial and quasi-public use development.

Proposition 218

Proposition 218, approved in the November 1996 election as a constitutional amendment, specifically addresses the ability of public agencies to collect taxes, fees, charges, and/or assessments as an incidence of property ownership. The City of Moreno Valley has reviewed Proposition 218 with respect to the NPDES regulatory rate collection process. Based upon this review, it has been determined that the NPDES regulatory rate as currently collected, is in compliance with Proposition 218. City policy has been to hold a Public Meeting to allow the public opportunity to address City Council, though not required under Proposition 218.

DISCUSSION

The NPDES regulatory rates are necessary to fund the costs of the storm water management services for the discharge of storm water runoff into municipally owned drainage facilities for pollution control from benefiting parcels.

Proposed Regulatory Rates

The proposed rates shall be levied against each assessable benefiting parcel of real property that is required to comply with the City's NPDES Storm Water Management Program.

The following tables outline the services provided by each level of service, the current annual rates and the proposed annual rates. The current annual rates and the proposed annual rates remain the same due to virtually no increase in the 2008 Los Angeles-Riverside-Orange County Regional Consumer Price Index (CPI).

Table 1 reflects the annual rates for New Residential Development.

TABLE 1

NPDES Regulatory Rate for New Residential Development			
Service Level		**Current Maximum Annual Rate FY 2008/2009**	**Proposed Maximum Annual Rate FY 2009/2010**
LEVEL I	NPDES Administration and overhead.	$35.00/Parcel	$35.00/Parcel
LEVEL II	Water Quality Pond/Basin Maintenance.	$69.00/Parcel	$69.00/Parcel
LEVEL II-A	Sand Filter Maintenance.	$31.00/Parcel	$31.00/Parcel
LEVEL III	Water Quality Pond/Basin Remediation/Reconstruction.	$60.00/Parcel	$60.00/Parcel
LEVEL IV	Water Quality System Retrofit.	$138.00/Parcel	$138.00/Parcel

Table 2 reflects the annual rates for New Common Interest, Commercial, Industrial and Quasi-Public Use Development.

TABLE 2

NPDES Regulatory Rate for New Common Interest, Commercial, Industrial and Quasi-Public Use Development			
Service Level		**Current Maximum Annual Rate FY 2008/2009**	**Proposed Maximum Annual Rate FY 2009/2010**
LEVEL I	NPDES Administration and overhead.	$35.00/Parcel	$35.00/Parcel
LEVEL II	Storm water and non-storm water runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site storm water compliance site activities; review site-specific technical reports and treatment control BMP maintenance records.	$170.00/Parcel	$170.00/Parcel

ALTERNATIVES

1. Approve that the City Council hold a public meeting to accept public comments regarding the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" proposed Fiscal Year 2009/2010 annual rates.

2. Do not approve that the City Council hold a public meeting to accept public comments regarding the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" proposed Fiscal Year 2009/2010 annual rates.

FISCAL IMPACT

Regulatory rate increases (including increases due to inflation) have been approved by the benefiting property owners through the mail ballot proceeding. The inflation factor is based on the percentage change in the Los Angeles-Riverside-Orange County CPI for the prior calendar year. For Fiscal Year 2009/2010, the percentage change calculated in the area CPI is effectively 0.0%.

For Fiscal Year 2009/2010 the maximum annual regulatory rate per parcel for single-family residential development is $273 (includes Levels I, II, II-A and IV combined from Table 1). The Level III rate is levied when a water quality pond/basin is taken out of service for remediation/reconstruction thus replaces the Level II rate. Since the Level III rate is lower than the Level II rate the maximum rate for residential development cannot be greater than the summation of Levels I, II, II-A and IV. The maximum annual regulatory rate for new common interest, commercial, industrial and quasi-public use development is $205 (includes Levels I and II combined from Table 2).

Approving annual rates less than that proposed by staff may require a decrease in both the level and quality of service from that provided and approved by benefiting property owners in the previous year. The service level provided would be adjusted according to the approved funding level.

CITY COUNCIL GOALS

The recommended action furthers City Council goals by:

- **Revenue Diversification and Preservation -** The proposed "NPDES Regulatory Rate for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" provides a revenue source to fund the federally mandated requirements of the NPDES Storm Water Management Program for these types of development.

- **Public Facilities and Capital Projects -** The revenue collected from the proposed "NPDES Regulatory Rate for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" will ensure that all site designs, source controls and treatment controls are properly implemented and maintained.

SUMMARY

The action before City Council is to accept public comments regarding the proposed NPDES regulatory rate schedule annual rates for Fiscal Year 2009/2010. Although state law, since the adoption of Proposition 218, does not mandate public hearings to consider charges, rates or fees already in place, such meetings were required under state statutes before the adoption of Proposition 218. City policy has been to continue the past practice as a courtesy to the public. Therefore, the May 26, 2009 City Council meeting is designated as a Public Meeting for taking comments on the rates. A Public Hearing is scheduled for June 9, 2009, to consider the continuation of the existing levy of annual rates, including an adjustment for inflation on certain benefiting properties within the City as submitted in the NPDES Special Levy Report, unless previously approved by a majority of benefiting property owners through the Proposition 218 mail ballot proceeding process. Other than accepting public comments, no specific action is required of the City Council at the May 26, 2009, Public Meeting. *All specific actions to adopt the Resolution for continuation of the existing rate will take place at the June 9, 2009, Public Hearing.*

NOTIFICATION

- Publication of Agenda

- Newspaper advertising was published on May 8, 2009, with information about the May 26, 2009, Public Meeting and the June 9, 2009, Public Hearing. Additionally, the June 9, 2009, Public Hearing notification is scheduled to be published on May 19, 2009, and again on May 26, 2009.

ATTACHMENTS/EXHIBITS

Not applicable.

Prepared By
Phuong Hunter
Associate Environmental Engineer

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

Concurred By
Kent Wegelin
Storm Water Program Manager

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

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

W:\SpecialDist\phuongh\Staff Reports\2009\2009-2010 Regulatory Rate Schedule\09-10 Reg. Rate Pub. Meeting StfRpt..doc

This page intentionally left blank.

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

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

FROM: Barry Foster, Economic Development Director

AGENDA DATE: May 26, 2009

TITLE: PALM DESERT DEVELOPMENT COMPANY'S MV RANCHO DORADO II LIMITED PARTNERSHIP (RANCHO DORADO APARTMENTS) AFFORDABLE HOUSING AGREEMENT.

RECOMMENDED ACTION

Staff recommends that the City Council and the Board of Directors of the Community Redevelopment Agency:

1. Adopt Resolution 2009-49 and RDA Resolution 2009-05 (Attachments A and B) approving the Affordable Housing Agreement ("Agreement," Attachment C) between the Redevelopment Agency (RDA) and MV Rancho Dorado II Limited Partnership (LP), which will provide up to $4,750,000 in gap financing assistance using the RDA's affordable housing funds and
2. Adopt RDA Resolution 2009-06 (Attachment D), which ratifies certain findings and determinations made under Resolutions 2008-11, regarding conditional financial assistance to the second phase of the Rancho Dorado Apartments known as Rancho Dorado South.
3. Adopt RDA Resolution 2009-07 (Attachment E), which ratifies certain findings and determination made under Resolution 2008-12, regarding conditional financial assistance to the first phase of Rancho Dorado Apartments known as Rancho Dorado North.

BACKGROUND

Last year, the Redevelopment Agency (RDA) adopted RDA Resolutions 2008–06 and 07 that offered conditional financial assistance to Palm Desert Development Company (PDDC) and declared the RDA's intention to issue tax-exempt bonds for the construction of the Rancho Dorado Apartments. Additionally, the RDA adopted Resolutions 2008-11 and 12 affirming its intention to provide assistance for the project. PDDC was also the developer of the Cottonwood Place Apartments at the southeast

corner of Heacock Street and Cottonwood Avenue. Cottonwood Place is a very successful affordable housing project that continues to set the standard for affordable housing projects in Moreno Valley. It is a typical practice for a developer to use a limited partnership (LP) or a limited liability company (LLC) for a development project. For this project, PDDC has formed a limited partnership – MV Rancho Dorado II LP.

DISCUSSION

The Rancho Dorado Apartments were originally proposed as a 150-unit single-phase affordable apartment complex that will be situated near the southeast corner of Perris Boulevard and John F. Kennedy Drive (see map, Attachment E). However, changes in the financial markets made it necessary to divide the project into two phases, allowing each phase of the project to better compete for 9% tax credit equity financing. Because of this change, tax-exempt bonds will no longer be used and the RDA's financial assistance will be in the form of a loan from the RDA Housing Set-aside Funds. This funding source is mandated for all redevelopment agencies and comes from 20% of the total tax increment revenue that the RDA receives on parcels within the RDA Project Area. Under State law, these funds are dedicated for use in the creation of affordable housing opportunities spelled out in redevelopment law found in the California Health and Safety Code.

The Rancho Dorado Project will include a first phase with 70 units (plus one unit for the project manager) and a later second phase with 79 units. The first phase of this project contains 70 units restricted for low and very low income residents and one manager's unit. This phase also contains a community center, manager's office, computer room, laundry facilities, tot lot, pool and splash park, barbeque and other recreational areas. All major amenities, roads and landscaping for the entire project will be developed with the first phase. A unique component of the project that will come in the first phase is that 15 units are proposed as Permanent Supportive Housing. These units would be reserved for formerly homeless individuals that have mental disabilities, but have demonstrated the ability to live independently.

No. of Units	Number of Bedrooms	Family Size	Maximum Income	% of Area Median Income
14	1	One or Two People	$16,000	30.00%
1	2	Three People	$18,000	30.00%
3	2	Four People	$20,000	30.00%
13	2	Three People	$29,950	50.00%
9	2	Four People	$39,960	60.00%
3	3	Five People	$21,600	30.00%
15	3	Five People	$35,950	50.00%
12	3	Five People	$43,150	60.00%

Funding for the second phase of this project is not in place at this time. An application for funding for the second phase of the project will be submitted to the California Tax Credit Allocation Committee for approval later this year. A Resolution outlining the RDA's conditional support for submission with the tax credit application for Phase II is shown as Attachment D.

Affordable Housing Agreement

PDDC is using several types of financing to offset the Phase I project costs including a Mental Heath Services Act (MHSA) loan, HOME funds loan from the County of Riverside, Low- and Moderate- Income Housing Set-aside funds loan from the Moreno Valley Community Redevelopment Agency, Low-income Housing Tax Credit Equity, general partner equity, together with a conventional loan. PDDC has received financial commitments from all of the prospective lenders and they are ready to proceed with the Phase I development of the project. The type and amount of the financing attributed to the first phase of the project is shown below.

Project Financing		
Conventional Financing	**$ 2,145,723**	**10%**
9% Tax Credit Equity	**$10,776,232**	**50%**
MHSA Funds	**$ 1,500,000**	**7%**
County HOME Funds	**$ 650,000**	**3%**
RDA Funds	**$ 4,750,000**	**22%**
Affordable Housing Fee Reductions	**$ 1,022,400**	**5%**
General Partner Equity	**$ 878,129**	**4%**
Total	**$21,722,484**	**100%**

The Affordable Housing Agreement (Agreement, Attachment C) establishes and defines the responsibilities of all parties including the loan terms, occupancy requirements, allowable rents, and future maintenance and management requirements. The drafted Agreement is consistent with past documents used for other similar affordable housing projects in Moreno Valley.

The RDA's financial assistance will include a Promissory Note secured by a deed of trust recorded against the project. The terms of the note include an interest rate of one percent per annum with a 54 year amortization. The loan structure allows for the deferral of payments under certain conditions. The annual payments are due and payable on July 1st of each calendar year, commencing July 1, 2010. In the event the net cash flow is insufficient to cover the payment, the shortfall amount will be deferred. When the annual cash flow increases to an amount above the required payment, the loan will be re-amortized to include the previously deferred amount. This loan structure is quite common with affordable housing projects utilizing this type of financing and has been used in Moreno Valley on a number of other RDA assisted projects including the

Cottonwood Place Apartments (PDDC), Bay Family Apartments (Global Premier Development) and the Oakwood Apartments (Macfarlane Costa Housing Partners).

The RDA's financial advisor, Seifel and Associates, reviewed PDDC's request and performed a financial pro forma analysis. The consultant's report indicates that the requested gap financing of $4.75 million is appropriate and would be supported, based upon the additional financing provided through the other sources shown in the above table. PDDC has secured all of the necessary financing commitments for the first phase of the Rancho Dorado Project and is ready to enter into the Affordable Housing Agreement with the RDA.

Affordable Housing Goals

State Redevelopment Law (Health and Safety Code Section 33413) requires that the RDA ensure that a portion of the housing developed and rehabilitated in the Redevelopment Project Area is available to households with incomes in the low and moderate income categories. Upon completion of this phase of the Rancho Dorado Apartments, the project would provide 71 units of affordable housing with recorded covenants maintaining rent affordability for 55 years. Because the project is situated within the Redevelopment Project Area, the RDA would get full credit for the affordable housing units created. Thus, 71 units would be credited toward the RDA's State-mandated affordable housing requirements. These requirements are outlined in the code section cited above which require the RDA to assist affordable housing projects within the Redevelopment Project Area. The project and its apartment units would also be applied toward the RDA's goal to assist in the development of 274 affordable housing units identified in the adopted Implementation Plan for the period of July 1, 2005 through June 30, 2010.

ALTERNATIVES

1. Adopt City Council Resolution 2009-49 and RDA Resolution 2009-05 approving the Affordable Housing Agreement between the Redevelopment Agency (RDA) and MV Rancho Dorado II Limited Partnership which will provide up to $4,750,000 in gap financing assistance using the RDA's affordable housing funds, adopt RDA Resolution 2009-06, which ratifies certain findings and determinations made under Resolutions 2008-12, as it pertains to the RDA's intention to provide assistance and PDDC's ability to receive tax credit equity financing, and adopt RDA Resolution 2009-07, which ratifies certain findings and determinations made under Resolutions 2008-11, regarding conditional financial assistance to a second phase of the Rancho Dorado Apartments known as Rancho Dorado South. *Staff recommends this alternative because it will assist in the development of the project and the creation of additional affordable housing opportunities.*

2. Decline to adopt City Council Resolution 2009-49 and RDA Resolutions 2009-05, 2009-06 and 2009-07. *Staff does not recommend this alternative because*

declining to adopt the resolution will prevent this affordable project from being developed.

FISCAL IMPACT

PDDC has requested RDA assistance in the amount of $4,750,000. Seifel and Associates, the RDA's financial advisor, has completed a pro forma analysis for the Rancho Dorado project and determined that the developer's request for financial assistance can be supported. Staff proposes adoption of resolutions that commit the RDA to providing assistance from the RDA's 20% Housing Set Aside funds. If approved, the funds will be appropriated in the budget for FY 2009/10. Please note, there will be no assistance from the City's General Fund.

Fund	Business Unit	Amount
894	RDA Affordable Housing Fund	$4,750,000

CITY COUNCIL GOALS

Community Image, Neighborhood Pride, and Cleanliness
The Rancho Dorado Apartments will promote community pride and foster an excellent image for Moreno Valley through the investment of $21.7 million into the neighborhood and the creation of 71 affordable housing units.

SUMMARY

Last year, the Redevelopment Agency adopted RDA Resolutions 2008–06 and 07 that offered conditional financial assistance and declared the RDA's intention to issue tax-exempt bonds for the development of the Rancho Dorado Apartments developed by Palm Desert Development Company. The proposed project is located near the southeast corner of John F. Kennedy Drive and Perris Boulevard, as shown on Attachment A. Rancho Dorado was originally proposed as a 150-unit single phase project, but changes in the financial markets made it necessary to divide the project into two phases. Phasing construction allows the each phase of the project to better compete for 9% tax credit equity financing. Staff requests that the City Council and the Board of Directors of the Community Redevelopment Agency adopt the attached resolutions approving the Affordable Housing Agreement between the RDA and MV Rancho Dorado II LP which will provide up to $4,750,000 in gap financing assistance for the first phase of Rancho Dorado, using the RDA's 20% affordable housing set-aside funds.

NOTIFICATION

The public has been notified through the publication of the agenda.

ATTACHMENTS/EXHIBITS

Attachment A	Affordable Housing Agreement Resolution No. 2009-49
Attachment B	Affordable Housing Agreement Resolution No. RDA 2009-05
Attachment C	Affordable Housing Agreement

Attachment D	Phase II Funding Resolution No. RDA 2009-06
Attachment E	Phase I Funding Resolution No. RDA 2009-07
Attachment F	Rancho Dorado Site Map

Prepared By
Shanikqua Freeman
Management Assistant

Department Head Approval
Barry Foster
Economic Development Director

Concurred By
Michele Patterson
Acting Redevelopment Manager

W:\NeighborPres\Housing\Rancho Dorado\Staff Report\Affordable Housing Agreement Staff Report 3-10-09.doc

RESOLUTION NO. 2009-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY CONSENTING TO THE APPROVAL BY THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING AN AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE AGENCY AND MV RANCHO DORADO II LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP

WHEREAS, California Health and Safety Code Sections 33334.2 and 33334.6 authorize and direct the Community Redevelopment Agency of the City of Moreno Valley (the "Agency") to expend a certain percentage of all taxes which are allocated to the Agency pursuant to Section 33670 for the purposes of increasing, improving and preserving the community's supply of low and moderate income housing available at affordable housing cost to persons and families of low- and moderate-income, lower income, and very low income; and

WHEREAS, pursuant to applicable law the Agency has established a Low and Moderate Income Housing Fund (the "Housing Fund"); and

WHEREAS, pursuant to Health and Safety Code Section 33334.2(e), in carrying out its affordable housing activities, the Agency is authorized to provide subsidies to or for the benefit of very low income and lower income households, or persons and families of low or moderate income, to the extent those households cannot obtain housing at affordable costs on the open market, and to provide financial assistance for the construction and rehabilitation of housing which will be made available at an affordable housing cost to such persons; and

WHEREAS, pursuant to Sections 33334.2 and 33413(b) of the Health and Safety Code, the Agency is to encourage the provision of dwelling units to be available at affordable housing cost to persons and families of low or moderate income for substantial periods of time; and

WHEREAS, MV Rancho Dorado II Limited Partnership, a California Limited Partnership (the "Participant") has acquired fee title to certain real property located at the southeast corner of Perris Boulevard and John F. Kennedy Boulevard (the "Site") and proposes to construct seventy-one (71) apartment units at the Site, fifteen (15) of which units shall be specially adapted as special needs housing to conform with requirements of the Mental Health Services Act and requirements thereof as administered by the California Housing Finance Agency (the "MHSA Requirements") which project is referred to herein as the "Project; and

WHEREAS, the Participant is experienced in the development and operation of affordable multi-family housing, including in Riverside County and represents that it owns the Site; and

WHEREAS, following receipt of a request therefore by the Participant, and upon review of Participant's request for the provision of financial assistance by the Agency in the amount of $4,750,000 (exclusive of City fee waivers as to City fees in the amount of $1,022,400), the Agency made certain determinations as to the Project, subject to Participant completing the development of seventy-one (71) dwelling units and related improvements on the Site, and that the Participant shall, upon completion of such units, rent (i) fifteen (15) one-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than thirty percent (30%) of Median Income; (ii) three (3) three-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than fifty percent (50%) of Median Income; (iii) three (3) two-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than fifty percent (50%) of Median Income; (iv) twelve (12) three-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than sixty percent (60%) of Median Income; (v) one (1) two-bedroom Unit, which shall be available at Affordable Rent to households earning not greater than sixty percent (60%) of Median Income; and (vi) thirty-seven (37) additional Units which shall be available at Affordable Rent to households earning not greater than one hundred twenty percent (120%) of Median Income at the "Prescribed Rent Levels" throughout the "Required Covenant Period" as those terms are defined within the draft Affordable Housing Agreement by and between the Participant and the Agency in the form submitted herewith (the "Agreement") and in conformity with such additional and greater requirements as may be imposed in connection with the provision of funding for the Project. Such development was intended to implement the Agency's goals and objectives under the Redevelopment Law to provide decent, safe and sanitary housing for persons of very low income, low income and moderate income and to increase, improve and preserve housing available at affordable rent to persons of very low income, low income and moderate income pursuant to the Redevelopment Plan and Health and Safety Code Sections 33334.2, et seq., and 33413; and

WHEREAS, Participant has obtained a preliminary reservation for 9% Low Income Tax Credits as generally provided for under Section 42 of the Internal Revenue Code and/or California Revenue and Taxation Code Sections 17057.5, 17058, 23610.4 and 23610.5 and California Health and Safety Code Section 50199, et seq. ("9% Tax Credits") and has requested that the Agency would loan certain funds to assist in the development of the Site to be repaid from "Residual Receipts" under the "Agency Note" as defined the Agreement; and

WHEREAS, the Participant represents that it has entered into or shall enter an agreement with the California Housing Finance Agency ("CalHFA") under the Mental Health Services Act (the "MHS Act"), which agreement (the "MHSA Agreement") provides for CalHFA to remit payment to Participant for the Project in an amount of not less than One Million Five Hundred Thousand Dollars ($1,500,000) (the "MHSA Amount"); and

WHEREAS, the Legislature has declared in Health and Safety Code Section 37000, et seq., that new forms of cooperation with the private sector, such as leased housing, disposition of real property acquired through redevelopment, development approvals, and other forms of housing assistance may involve close participation with the private sector in meeting housing needs, without amounting to development, construction or acquisition of low rent housing projects as contemplated under Article XXXIV of the State Constitution; and

WHEREAS, at a duly-noticed public meeting, the Agency and the City Council of the City have found and determined that: (i) the Project is not a "low rent housing project" within the meaning of Article XXXIV of the State Constitution; (ii) the improvements to the Site are substantially complete; and (iii) the assistance to be provided with respect to the Project did not constitute development, construction or acquisition of a low-rent housing project within the meaning of Article XXXIV of the State Constitution; such determinations and approval of a proposal which may result in housing assistance benefiting persons of low income within the meaning of Health and Safety Code Section 36005 (which findings and determinations are referred to collectively herein as the "Prior Determinations") constituted final approval; and

WHEREAS, the Participant has agreed to construct seventy-one (71) dwelling units on the Site; and

WHEREAS, under the Agreement the Agency would disburse certain moneys defined in the Agreement as the "Agency Disbursement Amount" as a loan to the Participant to be paid from "Residual Receipts" as more fully provided in the Agreement, and the Participant would agree to construct the Project in accordance with the requirements of the Agreement, restrict occupancy of certain of the apartment units in the Project to very low and lower income households, and rent those units at an affordable rent, all as more particularly set forth in the Agreement; and

WHEREAS, the Agreement will leverage the investment of the Agency with an equity contribution by a limited partner investor of the Participant in consideration for 9% Tax Credits to be generated with respect to the Project and other funding to be obtained by the Participant from sources other than the Agency or the City of Moreno Valley (the "City"); and

WHEREAS, the Project is located within the project area of the Moreno Valley Redevelopment Project (the "Project Area" and the "Redevelopment Project", respectively) and within the corporate limits of the City of Moreno Valley (the "City"). The acquisition, construction and operation of the Project pursuant to the Agreement would benefit the Project Area by providing affordable housing; and

WHEREAS, the Agency has adopted an Implementation Plan pursuant to Health and Safety Code Section 33490, which sets forth the objective of providing housing to satisfy the needs and desires of various constituent elements of the community; and

WHEREAS, the Agreement furthers the goals of the Agency set forth in the Implementation Plan as it will facilitate the creation of affordable housing which will serve the residents of the neighborhood and the City; and

WHEREAS, the Legislature declares in Health and Safety Code Section 37000, et seq., that new forms of cooperation with the private sector, such as leased housing, disposition of real property acquired through redevelopment, development approvals, and other forms of housing assistance may involve close participation with the private sector in meeting housing needs, without amounting to development, construction or acquisition of low rent housing projects as contemplated under Article XXXIV of the State Constitution; and

WHEREAS, the City Council has duly considered all terms and conditions of the proposed Agreement and believes that the Agreement is in the best interests of the Agency and the City and the health, safety, and welfare of its residents, and in accord with the public purposes and provisions of applicable State and local law requirements; and

WHEREAS, the financial participation by the Agency under the Agreement is in consideration of the particular uses required by the Agreement to be conducted by Participant on the Site as well as the Participant's undertakings concerning the development and operation of improvements for affordable rental housing; and

WHEREAS, the Participant has submitted to the Agency and the City Council of the City (the "City Council") copies of the Agreement substantially in the form submitted herewith; and

WHEREAS, the Agency will expend up to Four Million Seven Hundred Fifty Thousand Dollars ($4,750,000) under the Agreement (which amount is exclusive of City fee waivers); and

WHEREAS, the Participant indicates that it has diligently attempted to obtain commitments for construction and permanent financing which would not require a substantial additional investment of public funds (over and above that provided in the Agreement) and which do not require subordination of affordability requirements, as described above, but has been unable to do so and has determined that no such commitments are available without such subordination. Accordingly, subject to the terms and conditions set forth in the Agreement, in the event foreclosure (or assignment in lieu of foreclosure) is completed pursuant to deeds of trust securing construction and permanent financing (as provided in the Agreement), the subsequent purchaser and all successors (but excepting from the effect of such exclusion the Participant, the principals of the Participant or any person having any financial interest in the Participant or its principals) will accede to the rights of the Participant under the Agreement with the exception that the requirements for affordability and limiting incomes of occupants under the "Agency Participant CC&Rs" (as defined in the Agreement) would no longer be applicable; and

WHEREAS, a joint public meeting of the Agency and City Council on the proposed Agreement was duly noticed in; and

WHEREAS, the proposed Agreement, and a staff report have been available for public inspection prior to the joint public meeting; and

WHEREAS, all actions required by all applicable law with respect to the proposed Agreement have been taken in an appropriate and timely manner; and

WHEREAS, the Agreement would further the goals of the Implementation Plan by providing for the provision of improvements and the provision of new affordable housing as provided in the Agreement; and

WHEREAS, the Agency and the City Council have duly considered all of the terms and conditions of the proposed Agreement and believes that the redevelopment of the Site pursuant to the Agreement is in the best interests of the City of Moreno Valley and the health, safety, and welfare of its residents, 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 DOES RESOLVE AS FOLLOWS:

Section 1. The City Council hereby finds that the use of funds from the Agency's Low and Moderate Income Housing Fund pursuant to the Agreement will be of benefit to the Project Area for the reasons set forth above.

Section 2. The City Council reconfirms and ratifies the Prior Determinations and finds and determines that the Prior Determinations constitute valid, binding and final determinations. The City Council further finds and determines that the Project (as described in the Agreement) is not a "low rent housing project" within the meaning of Article XXXIV of the State Constitution, and that the assistance to be provided pursuant to the Agreement does not constitute development, construction or acquisition of a low-rent housing project within the meaning of Article XXXIV of the State Constitution. The City Council further determines that this resolution shall constitute a final approval of a proposal which may result in housing assistance benefiting persons of low income, within the meaning of Health and Safety Code Section 36005 and that, for the purposes of such enactment, the construction of improvements is sufficiently complete that improvements thereon constitute existing units.

Section 3. The City Council finds and determines that, based upon substantial evidence provided in the record before it, the level of support provided by the Agency under the Agreement is reasonable and necessary.

Section 4. The City Council finds and determines that, based upon substantial evidence provided in the record before it, that an economically feasible alternative method of financing or assisting the Development on substantially comparable terms and conditions, but without subordination (to the extent provided in the Agreement), is

not available, and the Agreement provides for written commitments reasonably designed to protect the Agency's investment in the event of default, such as: (i) the right of the Agency to cure the default; and (ii) a right of the Agency to purchase the Site at any time after a default on the corresponding loan.

Section 5. The City Council hereby finds and determines that the Agreement will further the implementation of the Redevelopment Plan and the Implementation Plan by providing for the construction of new, affordable housing subject to long-term covenants.

Section 6. The City Council hereby consents to the approval by the Agency of the Agreement in substantially the form presented to the Agency, subject to such revisions as may be made by the Executive Director of the Agency or his designee. A copy of the Agreement when executed by the Agency shall be placed on file in the office of the Secretary of the Agency.

Section 7. The City Council agrees and acknowledges that, subject to approval thereof by the Agency, the Executive Director of the Agency (or his designee) is hereby authorized, on behalf of the Agency, to make revisions to the Agreement which do not materially or substantially increase the Agency's obligations thereunder or materially or substantially change the uses or development permitted on the Site, to sign all documents, to make all approvals and take all actions necessary or appropriate to carry out and implement the Agreement and to administer the Agency's obligations, responsibilities and duties to be performed under the Agreement and related documents.

PASSED and **ADOPTED** this 26th day of May, 2009.

By: _____
Richard A. Stewart, Mayor

ATTEST:

_____
Jane Halstead, City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF MORENO VALLEY)

I, Jane Halstead, City Clerk of the City of Moreno Valley, do hereby certify that the foregoing Resolution No. 2009-49 was duly and regularly adopted by vote of the City Council of the City of Moreno Valley at its regular meeting held on the 26th day of May, 2009, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

By: _____
Jane Halstead, City Clerk

This page intentionally left blank.

RESOLUTION NO. RDA 2009-05

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING AN AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE AGENCY AND MV RANCHO DORADO II LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP

WHEREAS, California Health and Safety Code Sections 33334.2 and 33334.6 authorize and direct the Community Redevelopment Agency of the City of Moreno Valley (the "Agency") to expend a certain percentage of all taxes which are allocated to the Agency pursuant to Section 33670 for the purposes of increasing, improving and preserving the community's supply of low and moderate income housing available at affordable housing cost to persons and families of low- and moderate-income, lower income, and very low income; and

WHEREAS, pursuant to applicable law the Agency has established a Low and Moderate Income Housing Fund (the "Housing Fund"); and

WHEREAS, pursuant to Health and Safety Code Section 33334.2(e), in carrying out its affordable housing activities, the Agency is authorized to provide subsidies to or for the benefit of very low income and lower income households, or persons and families of low or moderate income, to the extent those households cannot obtain housing at affordable costs on the open market, and to provide financial assistance for the construction and rehabilitation of housing which will be made available at an affordable housing cost to such persons; and

WHEREAS, pursuant to Sections 33334.2 and 33413(b) of the Health and Safety Code, the Agency is to encourage the provision of dwelling units to be available at affordable housing cost to persons and families of low or moderate income for substantial periods of time; and

WHEREAS, MV Rancho Dorado II Limited Partnership, a California Limited Partnership (the "Participant") has acquired fee title to certain real property located at the southeast corner of Perris Boulevard and John F. Kennedy Boulevard (the "Site") and proposes to construct seventy-one (71) apartment units at the Site, fifteen (15) of which units shall be specially adapted as special needs housing to conform with requirements of the Mental Health Services Act and requirements thereof as administered by the California Housing Finance Agency (the "MHSA Requirements") which project is referred to herein as the "Project; and

WHEREAS, the Participant is experienced in the development and operation of affordable multi-family housing, including in Riverside County and represents that it owns the Site; and

WHEREAS, following receipt of a request therefore by the Participant, and upon review of Participant's request for the provision of financial assistance by the Agency in the amount of $4,750,000 (exclusive of City fee waivers as to City fees in the amount of $1,022,400), the Agency made certain determinations as to the Project, subject to Participant completing the development of seventy-one (71) dwelling units and related improvements on the Site, and that the Participant shall, upon completion of such units, rent (i) fifteen (15) one-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than thirty percent (30%) of Median Income; (ii) three (3) three-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than fifty percent (50%) of Median Income; (iii) three (3) two-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than fifty percent (50%) of Median Income; (iv) twelve (12) three-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than sixty percent (60%) of Median Income; (v) one (1) two-bedroom Unit, which shall be available at Affordable Rent to households earning not greater than sixty percent (60%) of Median Income; and (vi) thirty-seven (37) additional Units which shall be available at Affordable Rent to households earning not greater than one hundred twenty percent (120%) of Median Income at the "Prescribed Rent Levels" throughout the "Required Covenant Period" as those terms are defined within the draft Affordable Housing Agreement by and between the Participant and the Agency in the form submitted herewith (the "Agreement") and in conformity with such additional and greater requirements as may be imposed in connection with the provision of funding for the Project. Such development was intended to implement the Agency's goals and objectives under the Redevelopment Law to provide decent, safe and sanitary housing for persons of very low income, low income and moderate income and to increase, improve and preserve housing available at affordable rent to persons of very low income, low income and moderate income pursuant to the Redevelopment Plan and Health and Safety Code Sections 33334.2, et seq., and 33413; and

WHEREAS, Participant has obtained a preliminary reservation for 9% Low Income Tax Credits as generally provided for under Section 42 of the Internal Revenue Code and/or California Revenue and Taxation Code Sections 17057.5, 17058, 23610.4 and 23610.5 and California Health and Safety Code Section 50199, et seq. ("9% Tax Credits") and has requested that the Agency would loan certain funds to assist in the development of the Site to be repaid from "Residual Receipts" under the "Agency Note" as defined the Agreement; and

WHEREAS, the Participant represents that it has entered into or shall enter an agreement with the California Housing Finance Agency ("CalHFA") under the Mental Health Services Act (the "MHS Act"), which agreement (the "MHSA Agreement") provides for CalHFA to remit payment to Participant for the Project in an amount of not less than One Million Five Hundred Thousand Dollars ($1,500,000) (the "MHSA Amount"); and

WHEREAS, the Legislature has declared in Health and Safety Code Section 36000, et seq., that new forms of cooperation with the private sector, such as leased housing, disposition of real property acquired through redevelopment,

development approvals, and other forms of housing assistance may involve close participation with the private sector in meeting housing needs, without amounting to development, construction or acquisition of low rent housing projects as contemplated under Article XXXIV of the State Constitution; and

WHEREAS, at a duly-noticed public meeting, the Agency and the City Council of the City have found and determined that: (i) the Project is not a "low rent housing project" within the meaning of Article XXXIV of the State Constitution; (ii) the improvements to the Site are substantially complete; and (iii) the assistance to be provided with respect to the Project did not constitute development, construction or acquisition of a low-rent housing project within the meaning of Article XXXIV of the State Constitution; such determinations and approval of a proposal which may result in housing assistance benefiting persons of low income within the meaning of Health and Safety Code Section 36005 (which findings and determinations are referred to collectively herein as the "Prior Determinations") constituted final approval; and

WHEREAS, the Participant has agreed to construct seventy-one (71) dwelling units on the Site; and

WHEREAS, under the Agreement the Agency would disburse certain moneys defined in the Agreement as the "Agency Disbursement Amount" as a loan to the Participant to be paid from "Residual Receipts" as more fully provided in the Agreement, and the Participant would agree to construct the Project in accordance with the requirements of the Agreement, restrict occupancy of certain of the apartment units in the Project to very low and lower income households, and rent those units at an affordable rent, all as more particularly set forth in the Agreement; and

WHEREAS, the Agreement will leverage the investment of the Agency with an equity contribution by a limited partner investor of the Participant in consideration for 9% Tax Credits to be generated with respect to the Project and other funding to be obtained by the Participant from sources other than the Agency or the City of Moreno Valley (the "City"); and

WHEREAS, the Project is located within the project area of the Moreno Valley Redevelopment Project (the "Project Area" and the "Redevelopment Project", respectively) and within the corporate limits of the City of Moreno Valley (the "City"). The acquisition, construction and operation of the Project pursuant to the Agreement would benefit the Project Area by providing affordable housing; and

WHEREAS, the Agency has adopted an Implementation Plan pursuant to Health and Safety Code Section 33490, which sets forth the objective of providing housing to satisfy the needs and desires of various constituent elements of the community; and

WHEREAS, the Agreement furthers the goals of the Agency set forth in the Implementation Plan as it will facilitate the creation of affordable housing which will serve the residents of the neighborhood and the City; and

WHEREAS, the Legislature declares in Health and Safety Code Section 37000, et seq., that new forms of cooperation with the private sector, such as leased housing, disposition of real property acquired through redevelopment, development approvals, and other forms of housing assistance may involve close participation with the private sector in meeting housing needs, without amounting to development, construction or acquisition of low rent housing projects as contemplated under Article XXXIV of the State Constitution; and

WHEREAS, the Agency has duly considered all terms and conditions of the proposed Agreement and believes that the Agreement is in the best interests of the Agency and the City and the health, safety, and welfare of its residents, and in accord with the public purposes and provisions of applicable State and local law requirements; and

WHEREAS, the financial participation by the Agency under the Agreement is in consideration of the particular uses required by the Agreement to be conducted by Participant on the Site as well as the Participant's undertakings concerning the development and operation of improvements for affordable rental housing; and

WHEREAS, the Participant has submitted to the Agency and the City Council of the City (the "City Council") copies of the Agreement substantially in the form submitted herewith; and

WHEREAS, the Agency will expend up to Four Million Seven Hundred Fifty Thousand Dollars ($4,750,000) under the Agreement (which amount is exclusive of City fee waivers); and

WHEREAS, the Participant indicates that it has diligently attempted to obtain commitments for construction and permanent financing which would not require a substantial additional investment of public funds (over and above that provided in the Agreement) and which do not require subordination of affordability requirements, as described above, but has been unable to do so and has determined that no such commitments are available without such subordination. Accordingly, subject to the terms and conditions set forth in the Agreement, in the event foreclosure (or assignment in lieu of foreclosure) is completed pursuant to deeds of trust securing construction and permanent financing (as provided in the Agreement), the subsequent purchaser and all successors (but excepting from the effect of such exclusion the Participant, the principals of the Participant or any person having any financial interest in the Participant or its principals) will accede to the rights of the Participant under the Agreement with the exception that the requirements for affordability and limiting incomes of occupants under the "Agency Participant CC&Rs" (as defined in the Agreement) would no longer be applicable; and

WHEREAS, a joint public meeting of the Agency and City Council on the proposed Agreement was duly noticed in; and

WHEREAS, the proposed Agreement, and a staff report have been available for public inspection prior to the joint public meeting; and

WHEREAS, all actions required by all applicable law with respect to the proposed Agreement have been taken in an appropriate and timely manner; and

WHEREAS, the Agreement would further the goals of the Implementation Plan by providing for the provision of improvements and the provision of new affordable housing as provided in the Agreement; and

WHEREAS, the Agency and the City Council have duly considered all of the terms and conditions of the proposed Agreement and believes that the redevelopment of the Site pursuant to the Agreement is in the best interests of the City of Moreno Valley and the health, safety, and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local laws and requirements.

NOW, THEREFORE, THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. The Agency hereby finds that the use of funds from the Agency's Low and Moderate Income Housing Fund pursuant to the Agreement will be of benefit to the Project Area for the reasons set forth above.

Section 2. The Agency reconfirms and ratifies the Prior Determinations and finds and determines that the Prior Determinations constitute valid, binding and final determinations. The Agency further finds and determines that the Project (as described in the Agreement) is not a "low rent housing project" within the meaning of Article XXXIV of the State Constitution, and that the assistance to be provided pursuant to the Agreement does not constitute development, construction or acquisition of a low-rent housing project within the meaning of Article XXXIV of the State Constitution. The Agency further determines that this resolution shall constitute a final approval of a proposal which may result in housing assistance benefiting persons of low income, within the meaning of Health and Safety Code Section 36005 and that, for the purposes of such enactment, the construction of improvements is sufficiently complete that improvements thereon constitute existing units.

Section 3. The Agency finds and determines that, based upon substantial evidence provided in the record before it, the level of support provided under the Agreement is reasonable and necessary.

Section 4. The Agency finds and determines that, based upon substantial evidence provided in the record before it, that an economically feasible alternative method of financing or assisting the Development on substantially comparable terms and conditions, but without subordination (to the extent provided in the Agreement), is not available, and the Agreement provides for written commitments reasonably designed to protect the Agency's investment in the event of default, such as: (i) the right

of the Agency to cure the default; and (ii) a right of the Agency to purchase the Site at any time after a default on the corresponding loan.

Section 5. The Agency hereby finds and determines that the Agreement will further the implementation of the Redevelopment Plan and the Implementation Plan by providing for the construction of new, affordable housing subject to long-term covenants.

Section 6. The Agency hereby approves the Agreement in substantially the form presented to the Agency, subject to such revisions as may be made by the Executive Director of the Agency or his designee. The Executive Director of the Agency is hereby authorized to execute the Agreement (including without limitation all attachments thereto) on behalf of the Agency. A copy of the Agreement when executed by the Agency shall be placed on file in the office of the Secretary of the Agency.

Section 7. The Executive Director of the Agency (or his designee) is hereby authorized, on behalf of the Agency, to make revisions to the Agreement which do not materially or substantially increase the Agency's obligations thereunder or materially or substantially change the uses or development permitted on the Site, to sign all documents, to make all approvals and take all actions necessary or appropriate to carry out and implement the Agreement and to administer the Agency's obligations, responsibilities and duties to be performed under the Agreement and related documents.

PASSED and **ADOPTED** this 26th day of May, 2009.

By: _____
Richard A. Stewart, Chairperson

ATTEST:

_____
Jane Halstead, Secretary

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF MORENO VALLEY)

I, Jane Halstead, Secretary of the Redevelopment Agency of the City of Moreno Valley, do hereby certify that the foregoing Resolution No. RDA 2009-05 was duly and regularly adopted by vote of the Redevelopment Agency of the City of Moreno Valley at its regular meeting held on the 26th day of May, 2009, by the following vote:

AYES:	AGENCY MEMBERS:
NOES:	AGENCY MEMBERS:
ABSENT:	AGENCY MEMBERS:
ABSTAIN:	AGENCY MEMBERS:

By: _____
Jane Halstead, Agency Secretary

This page intentionally left blank.

AFFORDABLE HOUSING AGREEMENT

by and between the

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

and

MV RANCHO DORADO II LIMITED PARTNERSHIP, a California Limited Partnership

Table of Contents

Page

1. DEFINITIONS AND INTERPRETATION 2

1.1 Defined Terms 2
1.2 Singular and Plural Terms 11
1.3 References and Other Terms 11
1.4 Exhibits Incorporated 11
1.5 The Redevelopment Plan 11
1.6 Representations and Warranties. 11

2. SITE CONTROL; PARTICIPANT PAYMENTS 13

2.1 Ownership of the Site; Obligation to Develop and Operate. 13
2.2 Participant Payments 14

3. THE AGENCY DISBURSEMENT AMOUNT; PAYMENTS UNDER THE AGENCY NOTE 14

3.1 Agency's Conditions to Disbursement of the Agency Disbursement Amount 14
3.2 Agency Disbursement Amount 16
3.3 Agency Note; Submittal of Audited Financial Statements 16

4. SCOPE OF DEVELOPMENT; INSURANCE AND INDEMNITY, FINANCING 16

4.1 Scope of Development 16
4.2 Design Review. 17
4.3 Time of Performance; Progress Reports 17
4.4 Cost of Construction 18
4.5 Insurance Requirements 18
4.6 Obligation to Repair and Restore Damage Due to Casualty 19
4.7 Indemnity 19
4.8 Rights of Access 21
4.9 Compliance With Laws 21
4.10 Nondiscrimination in Employment 22
4.11 Taxes and Assessments 22
4.12 Liens and Stop Notices 22
4.13 Certificate of Completion 23
4.14 Further Assurances 23
4.15 Financing of the Improvements. 23
4.16 Mechanics of Disbursement of Agency Disbursement Amount 27
4.17 Establishment and Maintenance of Accounts 28

5. COVENANTS AND RESTRICTIONS. 28

5.1 Use Covenants 28
5.2 Affordable Housing Requirements. 29
5.3 Verifications 30
5.4 Maintenance of Site 31
5.5 Nondiscrimination Covenants 31

Table of Contents
(continued)

Page

5.6 Effect of Violation of the Terms and Provisions of this Agreement After Completion of Construction 32

6. PARTICIPANT'S GENERAL REPRESENTATIONS AND WARRANTIES. 32

6.1 Formation, Qualification and Compliance 32
6.2 Execution and Performance of Project Documents and the County HOME Loan Agreement 33
6.3 Covenant Not to Transfer Except in Conformity 33

7. DEFAULTS, REMEDIES, AND TERMINATION. 34

7.1 Default Remedies 34
7.2 Institution of Legal Actions 34
7.3 Termination by the Participant 34
7.4 Termination by Agency 34
7.5 Acceptance of Service of Process 35
7.6 Rights and Remedies Are Cumulative 35
7.7 Inaction Not a Waiver of Default 35
7.8 Applicable Law 35
7.9 Modification of Agency Participant CC&Rs 35
7.10 Enforced Delay; Extension of Times of Performance 35
7.11 Limitation Upon Transfer 36
7.12 Non-Liability of Officials and Employees of Agency 37
7.13 Relationship Between Agency and Participant 37
7.14 Agency and City Approvals and Actions 37
7.15 Real Estate Brokers 38
7.16 Attorneys' Fees 38

8. MISCELLANEOUS 38

8.1 Obligations Unconditional and Independent 38
8.2 Notices 38
8.3 Survival of Representations and Warranties 39
8.4 No Third Parties Benefited Except for City 39
8.5 Binding Effect; Assignment of Obligations 39
8.6 Counterparts 39
8.7 Prior Agreements; Amendments; Consents 39
8.8 Governing Law 40
8.9 Severability of Provisions 40
8.10 Headings 40
8.11 Conflicts 40
8.12 Time of the Essence 40
8.13 Conflict of Interest 40
8.14 Warranty Against Payment of Consideration 40
8.15 Nonliability of Agency Officials and Employees 40

ATTACHMENTS

ATTACHMENT NO. 1	SITE MAP
ATTACHMENT NO. 2	LEGAL DESCRIPTION OF THE SITE
ATTACHMENT NO. 3	SCHEDULE OF PERFORMANCE
ATTACHMENT NO. 4	CERTIFICATE OF CONTINUING PROGRAM COMPLIANCE
ATTACHMENT NO. 5	CALCULATION OF AFFORDABLE RENTS
ATTACHMENT NO. 6	REQUEST FOR NOTICE OF DEFAULT
ATTACHMENT NO. 7	SCOPE OF DEVELOPMENT
ATTACHMENT NO. 8	CERTIFICATE OF COMPLETION
ATTACHMENT NO. 9	AGENCY PARTICIPANT CC&RS
ATTACHMENT NO. 10	INCOME VERIFICATION
ATTACHMENT NO. 11	AGENCY NOTE
ATTACHMENT NO. 12	AGENCY DEED OF TRUST
ATTACHMENT NO. 13	MEMORANDUM OF AGREEMENT
ATTACHMENT NO. 14	FIRST INTER-CREDITOR AND SUBORDINATION AGREEMENT
ATTACHMENT NO. 15	DESCRIPTION OF THE MHSA PROGRAM
ATTACHMENT NO. 16	SECOND INTER-CREDITOR AND SUBORDINATION AGREEMENT
ATTACHMENT NO. 17	PARTICIPANT CERTIFICATE
ATTACHMENT NO. 18	AFFORDABILITY RESTRICTION NOTICE
ATTACHMENT NO. 19	FINANCING ASSUMPTIONS

AFFORDABLE HOUSING AGREEMENT

THIS AFFORDABLE HOUSING AGREEMENT (the "Agreement"), dated, for identification purposes only, as of May 26, 2009, is entered into by and between the **COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY,** a public body, corporate and politic ("Agency"), and **MV RANCHO DORADO II LIMITED PARTNERSHIP,** a California Limited Partnership (the "Participant").

RECITALS

A. Agency is a California redevelopment agency acting under the California Community Redevelopment Law, Part 1 of Division 24 of the Health and Safety Code (the "Redevelopment Law").

B. The Redevelopment Plan for the Moreno Valley Redevelopment Project, sometimes referred to as the Project (herein, the "Project") was adopted by Ordinance No. 154 by the City Council of the City of Moreno Valley (the "Redevelopment Plan"). The redevelopment project area for the Redevelopment Plan as so amended constitutes the "Project Area."

C. The Agency is authorized and empowered under the Community Redevelopment Law, California Health and Safety Code Sections 33000, *et seq.* (the "Community Redevelopment Law"), to enter into agreements for the production, improvement, or preservation of affordable housing to households of limited income, with such housing to be available at Affordable Rent.

D. The Participant is experienced in the development and operation of affordable multi-family housing in California.

E. Participant has acquired or has obtained a binding, enforceable option to acquire certain real property as depicted on the Site Map attached hereto (the "Site") located in the City of Moreno Valley and within the Project Area of the Agency's Moreno Valley Redevelopment Project. The Participant shall develop on the Site seventy-one (71) dwelling units and related improvements for occupancy of a specified number of dwelling units to "Extremely Low Income Households," "Very Low Income Households," "Lower Income Households" and "Moderate Income Households," respectively, all at "Affordable Rent" and at the "Prescribed Rent Levels," as those terms are defined below. Such development is intended to implement the Agency's goals and objectives under the Redevelopment Law to provide decent, safe and sanitary housing for persons of very low income, and to increase, improve and preserve housing available at affordable housing cost to persons of very low income, pursuant to the Redevelopment Plan and Health and Safety Code Sections 33334.2, *et seq.*, and 33413.

F. Participant has applied for and obtained an allocation for 9% Low Income Tax Credits as generally provided for under Section 42 of the Internal Revenue Code and/or California Revenue and Taxation Code Sections 17057.5, 17058, 23610.4 and 23610.5 and California Health and Safety Code Section 50199, *et seq.* ("9% Tax Credits").

G. The Participant has proposed to enter into this Agreement with the Agency under which the Participant shall develop seventy-one (71) dwelling units and a designated number of those dwelling units to be rented at "Affordable Rent" and at the "Prescribed Rent Levels" throughout the

"Required Covenant Period" (as defined below). Those undertakings of the Participant are material to this Agreement and but for those undertakings by the Participant, the Agency would not have entered into this Agreement.

H. Under this Agreement, the Agency will loan certain funds to assist in the development of the Site to be repaid from "Residual Receipts" under the "Agency Note" as defined hereunder. Payment is further evidenced as the obligation to pay "Residual Receipts Note Payments" under the "Agency Deed of Trust" as defined below. The Participant will further provide to the Agency the "Agency Deed of Trust," to be recorded against the Site to secure payments under the Agency Note.

I. This Agreement is in the vital and best interest of the City of Moreno Valley, California, and the health, safety and welfare of its residents.

NOW, THEREFORE, for and in consideration of the mutual promises, covenants, and conditions herein contained, the parties hereto agree as follows:

1. DEFINITIONS AND INTERPRETATION

1.1 Defined Terms. As used in this Agreement (and in all other Project Documents, unless otherwise defined), the following capitalized terms shall have the following meanings:

"**Affiliated Person**" means an entity formed for the purpose of constructing, owning, and operating the Development, which includes (i) Palm Desert Development Company, a California corporation, or (ii) Housing Corporation of America, a California corporation.

"**Affordability Period**" means a period equal to the greater of: (i) fifty-six (56) years commencing with the recordation of the Agency Participant CC&Rs or (ii) coterminous with the term of the Tax Credit Regulatory Agreement.

"**Affordability Restriction Notice**" means Attachment No. 18 to this Agreement.

"**Affordable Rent**" means a cost not in excess of that which may be charged the applicable Eligible Person or Family pursuant to (i) Section 50053 of the California Health and Safety Code or (ii) those limitations established by TCAC, or (iii) those limitations established under the MHSA Agreement and/or the MHSA Program, whichever is more restrictive in each case.

"**Agency**" means the Community Redevelopment Agency of the City of Moreno Valley, a public body, corporate and politic, exercising governmental functions and powers and organized under the Redevelopment law, and any assignee of or successor to its rights, powers and responsibilities.

"**Agency Deed of Trust**" means Attachment No. 12 to this Agreement.

"**Agency Disbursement Amount**" means an amount equal to the sum of (a) the City Fee Amount and (b) the lesser of (i) the sum of Sixty-Seven Thousand Eight Hundred Fifty-Seven Dollars ($67,857) for each of the Required Affordable Units developed on the Site; or (ii) the sum of Four Million Seven Hundred Fifty Thousand Dollars ($4,750,000) apart from the City Fee Amount.

"**Agency Note**" means Attachment No. 11 to this Agreement.

"**Agency Participant CC&Rs**" or "**Regulatory Agreement**" means Attachment No. 9 to this Agreement.

"**Agreement**" is defined in the first paragraph hereof.

"**Applicable Interest Rate (Section 4.7)**" means the rate of ten percent (10%) simple per annum.

"**Application for Disbursement**" is defined in Section 4.16 hereof.

"**Approved Construction and/or Permanent Lender**" means one or more of: Farmers and Merchants Bank; California Community Reinvestment Corporation; Bank of America; Wells Fargo Bank; or another mutually acceptable institutional lender.

"**Area**" means the San Bernardino-Riverside County Statistical Area, as periodically defined by HUD.

"**Audited Financial Statement**" means an audited financial statement addressed to Agency, including without limitation a profit and loss statement, generated by the Reznick Group or another third party certified public accountant acceptable to the Agency in its reasonable discretion, showing, for the previous Operating Year, on an annual basis and in an easily readable format, Gross Revenues, Operating Expenses, Debt Service, Operating Reserve, Capital Replacement Reserve and Residual Receipts. Depreciation and other non-cash items shall not be included.

"**Basic Concept Drawings**" is defined in Section 4.2.1 hereof.

"**Building Permit**" means the building permit(s) issued by the City and required for the Improvements.

"**Calculation of Affordable Rents**" means Attachment No. 5 to this Agreement.

"**Capital Replacement Reserve**" means a reserve fund to be established by the Participant in such amount as required under the Tax Credit Rules or by one or more lenders.

"**Certificate of Completion**" means Attachment No. 8 to this Agreement.

"**Certificate of Continuing Program Compliance**" means the Certificate to be filed by the Participant or its property manager on behalf of the Participant with the Agency, which Certificate shall be substantially in the form attached hereto as Attachment No. 4.

"**Chargeable Fees and Reserves**" means each of the following, within the respective parameters therefor set forth in this Agreement: (i) Capital Replacement Reserve; and (ii) Operating Reserve.

"**City**" means the City of Moreno Valley, California, a municipal corporation.

"City Fee Amount" means fees in the amount of $1,022,400 in connection with the development of the Improvements, and does not include amounts collected by the City on behalf of other entities, such as school fees.

"**Closing**" means the recording of each of the Primary Construction Loan and the Agency Participant CC&Rs.

"**Closing Deadline**" means September 30, 2009 or such later date as may be mutually agreed in writing by the Agency and the Participant.

"**Conditions Precedent to Disbursement of Agency Disbursement Amount**" are set forth in Section 3.1.

"**County**" means the County of Riverside, California.

"**County HOME Agreement**" means an agreement between the Participant and the County dated as of March 17, 2009; a copy of the County HOME Agreement is on file with the Agency as a public record.

"**County HOME Deed of Trust**" means that deed of trust which secures repayment of the County HOME Loan.

"**County HOME Loan**" means a loan of $650,000 made by the County under the County HOME Agreement.

"**County HOME Promissory Note**" means a promissory note evidencing the County HOME Loan to be executed and delivered to the County by the Participant.

"**Date of Agreement**" means May 26, 2009.

"**Debt Service**" means required Debt Service payments for the Primary Construction Loan and/or the Primary Permanent Loan.

"**Default**" is defined in Section 7.1 hereof.

"**Deferred Participant Fee Portion**" means that portion of the Participant's Fee approved by TCAC which the Participant is to collect from Residual Receipts.

"**Description of the MHSA Program**" means Attachment No. 15 hereto.

"**Development**" means the new apartment complex and associated improvements as required by this Agreement to be: (i) constructed by the Participant upon the Site, with related offsite improvements, as more particularly described in the Scope of Development, and (ii) operated in conformity with each of the Agency Participant CC&Rs, the MHSA Agreement and the Tax Credit Regulatory Agreement.

"**Escrow Holder**" means the holder of the Escrow for the recordation of the Agency Participant CC&Rs, which shall be First American Title or another escrow holder mutually acceptable to the Agency and the Participant.

"**Event of Default**" has the meaning set forth in Section 7.1.

"**Executive Director**" means the Executive Director of the Agency or his designee or delegate.

"**Extremely Low Income Households**" means households earning not greater than thirty percent (30%) of the Median Income for the Area pursuant to Health and Safety Code Section 50106.

"**Financing Assumptions**" means Attachment No. 19 hereto. The Financing Assumptions are utilized solely for the purposes of certain parameters under this Agreement and do not otherwise constitute a part of this Agreement. The failure of any financing assumptions shall not excuse performance by the Participant under this Agreement.

"**First Inter-Creditor and Subordination Agreement**" means an agreement substantially in the form of Attachment No. 14 to this Agreement with such modifications, if any, as may be approved by the Executive Director.

"**Gross Revenues**" means the total rental income and all other revenues or income received by the Participant or its successors or assigns in connection with the Project, including without limitation Housing Rent, laundry charges, payments in connection with Section 8 certificates (including payments under such certificates that are in excess of the restricted rents defined herein), cable income, interest earnings, and insurance proceeds but, except for any interest earned thereon, does not include (i) the proceeds of the sale of Tax Credits to finance the Development or (ii) refinancing proceeds (provided the refinancing is permitted by and is accomplished in accordance with this Agreement), (iii) those insurance proceeds which are directly applied to repair or reconstruct the Improvements, or (iv) loans or capital contributions made by the Participant or partners of the Participant which have first been approved in writing by the Executive Director or by the holder of the Primary Permanent Loan.

"**Hazardous Materials**" means any substance, material, or waste which is or becomes regulated by any local governmental authority, the County, the State of California, regional governmental authority, or the United States Government, including, but not limited to, any material or substance which is (i) defined as a "hazardous waste," "extremely hazardous waste," or "restricted hazardous waste" under Sections 25115, 25117 or 25122.7, or listed pursuant to Section 25140 of the California Health and Safety Code, Division 20, Chapter 6.5 (Hazardous Waste Control Law), (ii) defined as a "hazardous substance" under Section 25316 of the California Health and Safety Code, Division 20, Chapter 6.8 (Carpenter-Presley-Tanner Hazardous Substance Account Act), (iii) defined as a "hazardous material," "hazardous substance," or "hazardous waste" under Section 25501 of the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Materials Release Response Plans and Inventory), (iv) defined as a "hazardous substance" under Section 25281 of the California Health and Safety Code, Division 20, Chapter 6.7 (Underground Storage of Hazardous Substances), (v) petroleum, (vi) friable asbestos, (vii) polychlorinated biphenyls, (viii) listed under Article 9 or defined as "hazardous" or "extremely hazardous" pursuant to Article 11 of Title 22 of the California Administrative Code, Division 4, Chapter 20, (ix) designated as "hazardous substances" pursuant to Section 311 of the Clean Water Act (33 U.S.C. §1317), (x) defined as a "hazardous waste" pursuant to Section 1004 of the Resource Conservation and Recovery Act, 42 U.S.C. §6901 *et seq.* (42 U.S.C. §6903) or (xi) defined as "hazardous substances" pursuant to Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §6901 *et seq.*

"**HOME Regulations**" means those regulations set forth at 24 CFR, Part 92, as such regulations may be revised from time to time.

"**HOME Requirements**" limitations on household income and/or household size as established by the HOME Regulations.

"**Housing Rent**" means the total of monthly payments by the tenants of a Unit for (a) use and occupancy for the Unit and facilities associated therewith, (b) any separately charged fees or service charges assessed by the Participant which are required of all tenants of the Units, other than security deposits, (c) a reasonable allowance for utilities not included in (a) or (b) above, including garbage collection, sewer, water, electricity and gas, as determined by regulation of Housing Authority of the County of Riverside pursuant to 24 C.F.R. Section 5.600 *et seq.* and (d) possessory interest, taxes or other fees or charges assessed for the use of the Units and facilities associated therewith by a public or private entity other than the Participant.

"**Improvements**" means all of the improvements described in the Scope of Development.

"**Income Verification**" means Attachment No. 10 to this Agreement.

"**Legal Description of the Site**" means Attachment No. 2 to this Agreement.

"**Low Income Households" or "Lower Income Households**" means households earning not greater than sixty percent (60%) of Median Income.

"**Low Income Unit**" or "**Lower Income Unit**" means a Unit occupied at Affordable Rent by a Low Income (or Lower Income) Household.

"**Maturity Date**" means the fifty-fifth (55th) anniversary of the Date of Agreement (namely, May 26, 2064).

"**Median Income**" means Median Income for the Area (namely, Riverside County), as set forth by regulation of the California Department of Housing and Community Development pursuant to Health and Safety Code Sections 50079.5 and 50105.

"**MHSA Agreement**" means an agreement by and between the Participant and CalHFA providing for performance by the Participant in connection with the disbursement of the MHSA Amount by CalHFA.

"**MHSA Amount**" means the sum of One Million Five Hundred Thousand Dollars ($1,500,000).

"**MHSA Program**" means the Mental Health Services Act Housing Program as operated by CalHFA and generally described in the Description of the MHSA Program.

"**Memorandum of Agreement**" means a memorandum of agreement in the form of Attachment No. 13 to this Agreement.

"**Moderate Income Households**" means households earning not greater than one hundred twenty percent (120%) of Median Income pursuant to Health and Safety Code Section 50093.

"**Moderate Income Unit**" means a Unit occupied at Affordable Rent by a Moderate Income Household.

"**Net Collections**" means Net Operating Income less Debt Service.

"**Net Operating Income**" means Gross Revenues, less Operating Expenses.

"**Nonprofit Services Fee**" means a fee paid by Participant to a nonprofit corporation for services in connection with operating the Development; the Nonprofit Services Fee shall in no event exceed the amount(s) established therefor in the Financing Assumptions.

"**Notice**" means a notice in the form prescribed by Section 8.2 hereof.

"**Operating Expenses**" means actual, reasonable and customary costs, fees and expenses directly incurred and for which payment has been made and which are attributable to the operation, maintenance, and management of the Development, excluding the Capital Replacement Reserve and consisting of only the following (and such additional items, if any, as to which the prior written approval of the Executive Director is first obtained. Such approval shall be granted, granted subject to conditions, or refused at the sole and absolute discretion of the Executive Director): painting, cleaning, repairs and alterations; landscaping; utilities; rubbish removal; sewer charges; costs incurred to third parties in connection with generating laundry charges (but in no event to exceed the laundry charges); real and personal property taxes and assessments; insurance premiums; security; advertising, promotion and publicity; office, janitorial, cleaning and building supplies; actual and customary salary payable to an on-site manager which directly and exclusively benefits residents of the Development; the actual and customary salary paid for the Development's site management staff; a management fee ("Management Fee") (excluding any on-site management personnel) of not to exceed five percent (5%) of Gross Revenues; payments on any deferred portion of the Participant's Fee; an asset management fee of not to exceed the amount provided in the Participant's partnership agreement in effect on the date of commencement of construction of the Development ("Partnership Agreement"); partnership management fees for the administrative general partner and the managing general partner in such amounts as may be provided in the Partnership Agreement; an asset management fee and/or a management fee of not to exceed the amount established therefor under the Financing Assumptions; reasonable and customary fees and expenses of accountants, attorneys, consultants and other professionals as incurred commencing after the completion of the Improvements (as evidenced by the issuance by City of a certificate of occupancy for the corresponding building developed as part of the Improvements) in connection with the operation of the Project; tenant improvements that are not included in the costs of the Improvements, and payments made by the Participant to satisfy indemnity obligations and other payments by the Participant pursuant to this Agreement other than to the Participant, partners or other Related Entities; provided, however, that payments to parties related to Participant for Operating Expenses must not exceed market rates. The Operating Expenses shall not include non-cash expenses, including without limitation, depreciation. The Operating Expenses shall be reported in the Audited Financial Statement and shall be broken out in line item detail.

"**Operating Reserve**" means a reserve fund to be established by the Participant as a reserve for operating expenses in such amounts as Development lenders or TCAC may require. Any disbursements from the Operating Reserve shall be repaid by Participant from available cash flow senior to payments to the Agency under the Agency Note. Interest earned on moneys held in the Operating Reserve shall be retained in the Operating Reserve. The Operating Reserve shall be maintained throughout the Required Covenant Period.

"**Operating Year**" means the period commencing as of the Date of Agreement and ending as of December 31 of that calendar year, then each succeeding calendar year thereafter during the Required Covenant Period.

"**Owner**" means Palm Desert Development Company, a California corporation, the fee owner of the Site as of the Date of Agreement.

"**Participant**" means MV Rancho Dorado II Limited Partnership, a California Limited Partnership.

"**Participant Certificate**" means a certificate in the form of Attachment No. 17 hereto.

"**Participant's Fee**" means, for purposes of this Agreement, that amount determined in good faith by the Executive Director to constitute the fee due D.L. Horn and Associates, LLC, or its successors or assigns (from private investors or cash flow of Participant and without liability as to the Agency) upon the Executive Director's review of those materials provided under Section 3.3 of this Agreement. The Participant's Fee shall be that amount provided for under the Tax Credit Rules except that, with respect to calculations of payments provided for under the Agency Note, the Participant's Fee shall be limited to Two Million Dollars ($2,000,000).

"**Permitted Senior Lien**" means a loan or loans in favor of an institutional lender or lenders approved by the Agency, in the amount of not to exceed the estimated cost of the Improvements not funded by the Agency Disbursement Amount or available Tax Credit proceeds, as more particularly described in the Financing Assumptions subject to further confirmation and approval by the Executive Director), which secures repayment of a construction loan or permanent loan made at prevailing market rates.

"**Prescribed Rent Levels and Tenant Mix**" means the following: (i) fourteen (14) one-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than thirty percent (30%) of Median Income; (ii) one (1) two-bedroom Unit, which shall be available at Affordable Rent to households earning not greater than thirty percent (30%) of Median Income; (iii) three (3) three-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than fifty percent (50%) of Median Income; (iv) three (3) two-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than fifty percent (50%) of Median Income; (v) twelve (12) three-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than sixty percent (60%) of Median Income; (vi) one (1) two-bedroom Unit, which shall be available at Affordable Rent to households earning not greater than sixty percent (60%) of Median Income; and (vii) thirty-six (36) additional Units which shall be available at Affordable Rent to households earning not greater than one hundred twenty percent (120%) of Median Income.

Wherever reference is made in this Agreement (including without limitation the Attachments hereto) to numbers of Units and affordability levels, the corresponding provisions shall be deemed subject to and shall be adjusted to reflect such modifications to rent levels and tenant mix as are set forth in the preceding portion of this definition.

"**Primary Construction Loan**" means the first trust deed loan obtained by the Participant from a state agency or instrumentality or a reputable and established bank, savings and loan association, or other similar financial institution for financing the development (but not the operation) of the Project pursuant to this Agreement.

"**Primary Permanent Loan**" means the first trust deed loan obtained by the Participant from a state agency or instrumentality or a reputable and established bank, savings and loan association, or

other similar financial institution in an amount up to the amount required to satisfy the outstanding balance of the Primary Construction Loan or in an amount in excess of such outstanding balance so long as such excess proceeds are used to pay (or prepay) Residual Receipts Note Payments under the Agency Note and outstanding development costs.

"**Principals**" means, for purposes of this Agreement, each of: Palm Desert Development Company, MV Rancho Dorado II Limited Partnership, Housing Corporation of America, Ron Olson, D.L. Horn and Associates, LLC, and Danavon Horn.

"**Project Documents**" means, collectively, this Agreement, the Agency Participant CC&Rs, the MHSA Agreement, the Tax Credit Regulatory Agreement, the County HOME Agreement, the Memorandum of Agreement, the First Inter-Creditor and Subordination Agreement, the Second Inter-Creditor and Subordination Agreement, all other Attachments to this Agreement, and any other agreement, document, or instrument that Agency requires in connection with the execution of this Agreement or from time to time to effectuate the purposes of this Agreement.

"**Redevelopment Plan**" is defined in Section 1.5 hereof.

"**Related Entity**" means a Principal or an entity in which any interest is held by the Participant or one or more of the Principals.

"**Request for Notice of Default**" means Attachment No. 6.

"**Required Affordable Units**" means not fewer than seventy (70) of the seventy-one (71) of the dwelling units required to be developed on the Site under this Agreement.

"**Required Covenant Period**" means a period of fifty-six (56) years from the date the Agency Participant CC&Rs are recorded, as more particularly set forth in the Agency Participant CC&Rs.

"**Residual Receipts**" for a particular Operating Year means Gross Revenues for the corresponding Operating Year less (i) Debt Service payments made during such Operating Year on the Primary Construction Loan or the Primary Permanent Loan in amounts not in excess of the amounts due and payable during such Operating Year (and not including prepayments), and (ii) the sum of Operating Expenses and, to the extent funded, the Nonprofit Services Fee and Chargeable Fees and Reserves as required by this Agreement and made during the corresponding Operating Year. All calculations of Residual Receipts shall be made annually, on or before June 15 for the preceding Operating Year, on a cash (and not accrual) basis and the components thereof shall be subject to verification and approval, on an annual basis, based upon conformity with the terms of this Agreement, by the Agency. Provided that the written approval of the Executive Director is first obtained (which may be given or withheld at the Executive Director's discretion), the method of accounting, time for submittal of calculations and Operating Year may be modified from time to time.

"**Residual Receipts Note Payments**" or "**Note Payments**" means all payments required to be made pursuant to the Agency Note.

"**Schedule of Performance**" means Attachment No. 3 to this Agreement. The Schedule of Performance sets forth the dates by which Participant is to perform certain obligations under this Agreement.

"**Scope of Development**" means Attachment No. 7 to this Agreement.

"**Second Inter-Creditor and Subordination Agreement**" means an agreement substantially in the form of Attachment No. 16 to this Agreement with such modifications, if any, as may be approved by the Executive Director.

"**Site**" means that real property depicted on the Site Map and described with greater particularity by the Legal Description of the Site.

"**Site Map**" means Attachment No. 1 to this Agreement.

"**Stabilized Occupancy**" means occupancy of 90% (or more) of the Units for three (3) consecutive months.

"TCAC" means the Tax Credit Allocation Committee of the State of California.

"**Tax Credit Regulatory Agreement**" means the regulatory agreement which it is contemplated may be required to be recorded against the Site with respect to the issuance of tax credits in the event a preliminary reservation is obtained from TCAC, as set forth in Section 5.2.6 hereof.

"**Tax Credit Rules**" means Section 42 of the Internal Revenue Code and/or California Revenue and Taxation Code Sections 17057.5, 17058, 23610.4 and 23610.5 and California Health and Safety Code Section 50199, *et seq.*, and the rules and regulations implementing the foregoing, including without limitation program regulations promulgated by TCAC.

"**Tax Credits**" or **"9% Tax Credits"** means 9% Low Income Tax Credits granted pursuant to Section 42 of the Internal Revenue Code and/or California Revenue and Taxation Code Sections 17057.5, 17058, 23610.4 and 23610.5 and California Health and Safety Code Section 50199, *et seq.*

"**Title Company**" shall be First American Title or another title insurer mutually acceptable to the Agency and the Participant.

"**Unit**" means each of the seventy-one (71) dwelling units required to be developed by the Participant under this Agreement.

"**Very Low Income Households**" means households earning not greater than fifty percent (50%) of Median Income for the Area pursuant to Health and Safety Code Section 50105.

"**Very Low Income Unit**" means a Unit occupied at Affordable Rent by a Very Low Income Household.

"**Year**" means a calendar year.

1.2 Singular and Plural Terms. Any defined term used in the plural in this Agreement or any Project Document shall refer to all members of the relevant class and any defined term used in the singular shall refer to any number of the members of the relevant class.

1.3 References and Other Terms. Any reference to this Agreement or any Project Document shall include such document both as originally executed and as it may from time to time be modified. References herein to Articles, Sections and Exhibits shall be construed as references to this Agreement unless a different document is named. References to subparagraphs shall be construed as references to the same Section in which the reference appears. The term "document" is used in its broadest sense and encompasses agreements, certificates, opinions, consents, instruments and other written material of every kind. The terms "including" and "include" mean "including (include) without limitation."

1.4 Exhibits Incorporated. All attachments and exhibits to this Agreement, as now existing and as the same may from time to time be modified, are incorporated herein by this reference.

1.5 The Redevelopment Plan. The Redevelopment Plan for the Moreno Valley Redevelopment Project (the "Redevelopment Project") was approved by Ordinance No. 154. The project area of the Redevelopment Project is referred to herein as the "Project Area." The use of the Site for affordable housing purposes under this Agreement is of benefit to the Project Area. This Agreement is made pursuant to the Redevelopment Plan. The Participant has reviewed the Redevelopment Plan and agrees to perform under this Agreement in conformity with the Redevelopment Plan and this Agreement.

1.6 Representations and Warranties.

1.6.1 Agency Representations. Agency represents and warrants to Participant as follows:

(a) **Authority.** Agency is a public body, corporate and politic, existing pursuant to the California Community Redevelopment Law (California Health and Safety Code Section 33000), which has been authorized to transact business pursuant to action of the City. Agency has full right, power and lawful authority to lease the Site as provided herein and the execution, performance, and delivery of this Agreement by Agency has been fully authorized by all requisite actions on the part of Agency. The parties who have executed this Agreement on behalf of Agency are authorized to bind Agency by their signatures hereto.

(b) **Litigation.** To the best of Agency's knowledge, there are no material actions, suits, claims, legal proceedings, or any other proceedings affecting the Site or any portion thereof, at law or in equity before any court or governmental agency, domestic or foreign;

(c) **No Conflict.** To the best of Agency's knowledge, Agency's execution, delivery, and performance of its obligations under this Agreement will not constitute a default or a breach under any contract, agreement or order to which Agency is a party or by which it is bound.

(d) **No Agency Bankruptcy.** Agency is not the subject of a bankruptcy proceeding.

(e) **No Federal Funds.** The Agency is funding the Agency Disbursement Amount from funds that are not federal funds.

Until the recordation of the Agency Participant CC&Rs, Agency shall, upon learning of any fact or condition which would cause any of the warranties and representations in this Section 1.6.1 not to be true as of the Closing, immediately give written notice of such fact or condition to Participant. Such exception(s) to a representation shall not be deemed a breach by Agency hereunder, but shall constitute an exception which Participant shall have a right to approve or disapprove if such exception would have an effect on the value and/or operation of the Site. If Participant elects to proceed with the recordation of the Agency Participant CC&Rs following disclosure of such information, Agency's representations and warranties contained herein shall be deemed to have been made as of the date of such recordation, subject to such exception(s).

1.6.2 Participant Representations. Participant represents and warrants to Agency as follows:

(a) **Authority.** Participant is a duly organized limited partnership organized within and in good standing under the laws of the State of California. Participant has full right, power and lawful authority to lease and accept title to and possession of the Site and undertake all obligations as provided herein and the execution, performance and delivery of this Agreement by Participant has been fully authorized by all requisite actions on the part of the Participant. The parties who have executed this Agreement on behalf of Participant are authorized to bind Participant by their signatures hereto.

(b) **Litigation.** To the best of Participant's knowledge, there are no material actions, suits, claims, legal proceedings, or any other proceedings affecting the Participant, at law or in equity before any court or governmental agency, domestic or foreign.

(c) **No Conflict.** To the best of Participant's knowledge, Participant's execution, delivery, and performance of its obligations under this Agreement will not constitute a default or a breach under any contract, agreement or order to which Participant is a party or by which it is bound.

(d) **No Participant Bankruptcy.** Participant is not the subject of a bankruptcy proceeding.

(e) **Participant Experience; Sophisticated Party.** The Principals of Participant are sophisticated parties, with substantial experience in the acquisition, rehabilitation, development, financing, obtaining financing for, marketing, and operation of affordable housing projects and with the negotiation, review, and preparation of agreements and other documents in connection with such activities. The Participant is familiar with and has reviewed all laws and regulations pertaining to the development and operation of the Development, including without limitation the Tax Credit Rules, the County HOME Agreement, the MHSA Program and the MHSA Agreement, and has obtained advice from any advisers of its own choosing in connection with this Agreement.

(f) **Ownership of the Site.** Participant holds fee title to the Site.

(g) **Tax Credits**. Participant has obtained a preliminary reservation of Tax Credits for the Development.

(h) **Due Authorization and Execution; Studies Completed.** Participant has duly authorized the execution of this Agreement, the Agency Participant CC&Rs, the Agency Note and the Agency Deed of Trust. Participant is ready, willing and able to execute the Agency Participant CC&Rs, the Agency Note, the Agency Deed of Trust, and has conducted all studies necessary to proceed with the Development. Concurrently with the execution of this Agreement by Agency or within three (3) calendar days thereafter, Participant shall execute and deposit with the Agency (to be held pending satisfaction of the Conditions Precedent to Closing as set forth in Section 3.1 hereunder) the Agency Participant CC&Rs, the Agency Note, the Agency Deed of Trust, and all documents necessary to effectuate the development and operation of improvements as required under this Agreement.

Until the recording of the Agency Participant CC&Rs, Participant shall, upon learning of any fact or condition which would cause any of the warranties and representations in this Section 1.6.2 not to be true as of the Closing, immediately give written notice of such fact or condition to Agency. Such exception(s) to a representation shall not be deemed a breach by Participant hereunder, but shall constitute an exception which Agency shall have a right to approve or disapprove if such exception would have an effect on the development and/or operation of the Site. If Agency elects to proceed with the recording of the Agency Participant CC&Rs following disclosure of such information, Participant's representations and warranties contained herein shall be deemed to have been made as of the recording of the Agency Participant CC&Rs, subject to such exception(s).

2. SITE CONTROL; PARTICIPANT PAYMENTS

2.1 Ownership of the Site; Obligation to Develop and Operate.

The Participant warrants and represents that it holds fee title to the Site and that the Participant has undertaken and completed at its expense an investigation of the Site, including without limitation condition of title, the presence of any hazardous materials and other surface and subsurface conditions, and the suitability of the Site for the Improvements required pursuant to this Agreement. The Participant has selected the Site and has determined that it is suitable for all development and uses as provided for pursuant to this Agreement. Prior to the Date of Agreement, the Participant has obtained a preliminary title report by the Title Company. Participant has reviewed the condition of title to the Site and the condition of the Site, and all such matters are satisfactory to the Participant.

The Participant hereby waives, releases and discharges forever, and indemnifies the Agency and the City, and their employees, officers, agents and representatives, from all present and future claims, demands, suits, legal and administrative proceedings and from all liability for damages, losses, costs, liabilities, fees and expenses, present and future, arising out of or in any way connected with the condition of the Site, any Hazardous Materials on the Site, or the existence of Hazardous Materials Contamination due to the generation of Hazardous Materials from the Site, however they came to be placed there.

The Participant acknowledges that it is aware of and familiar with the provisions of Section 1542 of the California Civil Code which provides as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

The Participant waives and relinquishes all rights and benefits which it may have under Section 1542 of the California Civil Code.

In consideration of the provision of the Agency Disbursement Amount, the Participant shall develop the Site and operate the Improvements as an affordable housing project in strict conformity with this Agreement and shall make all Residual Receipts Note Payments, and shall comply with and cause the use of the Site in conformance with the Agency Participant CC&Rs throughout the Required Covenant Period.

2.2 Participant Payments. The Agency Note provides for the Participant to make payments to the Agency, which obligation is further evidenced by the Agency Note. Excepting for amounts payable to the Agency pursuant to Section 4.7 of this Agreement (which amounts shall be payable as therein provided), amounts payable to the Agency shall be paid in accordance with the terms of the Agency Note.

3. THE AGENCY DISBURSEMENT AMOUNT; PAYMENTS UNDER THE AGENCY NOTE

3.1 Agency's Conditions to Disbursement of the Agency Disbursement Amount. The Agency shall not disburse any portion of the Agency Disbursement Amount to the Participant, as provided pursuant to this Agreement, unless and until each and every one of the following conditions precedent (the "Conditions Precedent to Disbursement") has been fully satisfied, as determined in good faith by the Executive Director (each of which condition[s], if it requires action by Participant, shall also be a covenant of Participant):

(a) **Recording of Certain Documents.** The Agency Participant CC&Rs, the Memorandum of Agreement, the First Inter-Creditor Agreement, the Second Inter-Creditor Agreement, the Agency Deed of Trust and the Affordability Restriction Notice have been recorded.

(b) **Evidence of Financing.** Participant shall have provided written proof acceptable to Agency that the Participant has sufficient internal funds and/or has obtained a loan or financing, including all sources of financing as described and in the amounts set forth therefor in the Financing Assumptions, subject to customary conditions, for construction of the Development, and Agency has approved such evidence of financing, in accordance with Sections 4.15 and 4.15.1.1 hereof and specifically including a commitment for the MHSA Amount and a commitment by the County of $650,000 under the County HOME Agreement. In the event Participant obtains a loan or financing for the construction of the Development, such construction loan or financing for the Development shall be ready to close, and shall close, and a portion of proceeds from the sale of Tax Credits, as described in Section 4.15.1.1, shall be immediately available for use in constructing the Improvements.

(c) **Allocation of 9% Tax Credits**. TCAC shall have issued a reservation of 9% Tax Credits and the Participant shall have satisfied all conditions precedent to such reservation.

(d) **Title Insurance**. Participant shall have obtained at its expense and caused to be delivered to Agency a lender's ALTA policy of insurance for the Agency Deed of Trust (for the amount of the Agency Disbursement Amount) showing a lien position conforming to this Agreement.

(e) **Construction Contract.** Agency hereby approves Multi-Family Builders, Inc. as the Participant's general contractor. Upon award of the construction contract, Participant shall provide to the Agency a signed copy of a fixed-price contract or a not-to-exceed contract between the Participant and the general contractor for the construction of the Development, certified by the Participant to be a true and correct copy thereof, and Executive Director shall have approved such contractor, and the construction contract. The parties acknowledge that the principals of the contractor are or may be Related Parties to the Participant. However, nothing contained in this subsection (e) shall be deemed to create any responsibility or liability on the part of Agency for selection of the contractor(s) of for construction of the Improvements, the Participant being solely responsible for such activities.

(f) **Payment, Performance and Completion Bonds.** Participant shall have obtained payment bonds and performance and completion bonds for off-site improvements as may be required by City in connection with the development of the Site, in an amount and from a surety company reasonably acceptable to the Executive Director. All bonds shall be issued by good and solvent sureties qualified to do business in California and shall have a rating of A or better in the most recent edition of Best's Key Rating Guide.

(g) **Confirmation by Lender Concerning Disbursements.** The Agency shall have received written confirmation from a reasonably acceptable construction lender that such lender agrees to cause the disbursement of funds consistent with Section 4.16 of this Agreement or that such construction lender acknowledges that the disbursement of the Agency Disbursement Amount will be accomplished by Agency in the manner described in Section 4.16 of this Agreement.

(h) **Participant Certification.** Agency shall have received satisfactory evidence that the financing assumptions for the Improvements as set forth in the Financing Assumptions have not changed, including Participant's written certification (in the form of the Participant Certificate signed by an officer of Participant) to such effect.

(i) **Insurance.** Agency shall have received evidence, satisfactory to Executive Director, that all of the insurance policies required by Section 4.5, below, are in full force and effect.

(j) **Occupancy of Required Affordable Units**. The Required Affordable Units shall be occupied in accordance with this Agreement.

(k) **Representations and Warranties.** The representations and warranties of Participant contained in this Agreement shall be correct as of the request for disbursement of the Agency Disbursement Amount as though made on and as of that date, and Executive Director shall have received a certificate to that effect in the form of the Participant Certificate signed by an officer of Participant.

(l) **No Default.** No Event of Default by Participant shall have occurred under this Agreement, no event shall have occurred which, with the giving of notice or the passage of time or both, would constitute an Event of Default by Participant under this Agreement, and Executive Director shall have received a certificate to that effect signed by an officer of Participant.

All conditions set forth in Section 3.1, or to Agency's obligations hereunder, are for Agency's benefit only and Executive Director may waive all or any part of such rights by written notice to Participant. If Executive Director shall, within the applicable periods set forth herein, disapprove of any of the items which are subject to Agency's approval, or if any of the conditions set forth in this Agreement are not met within the times called for, Agency may, upon ten (10) days' written notification, terminate this Agreement if one or more of such defaults or failures is not cured within such ten (10) day period; such termination shall be without any further liability on the part of Agency and is to be memorialized by written notice to the Participant stating that this Agreement has been terminated. Escrow Holder shall thereupon, without the necessity of further consent from Participant, return to each party the documents and funds deposited by them.

3.2 Agency Disbursement Amount. Subject to the prior satisfaction of the Conditions Precedent to Disbursement, the Agency agrees to disburse to the Agency Disbursement Amount. Disbursement of the Agency Disbursement Amount shall be accomplished at the time(s) and in the manner prescribed by Section 4.16 of this Agreement. The Agency Disbursement Amount is being disbursed as a loan, and shall be repaid from Residual Receipts as set forth in the Agency Note. The Agency Note shall be secured by the Agency Deed of Trust. The Agency Deed of Trust is to be recorded against the Site (which deed of trust shall be subordinate to liens securing repayment of the Primary Construction Loan and the Primary Permanent Loan).

The City has waived the City Fee Amount effective upon the City's issuance of the Development's building permit in consideration of the Participant's development and operation of affordable housing units in conformity with this Agreement.

3.3 Agency Note; Submittal of Audited Financial Statements. The Participant shall, prior to disbursement of any of the Agency Disbursement Amount by Agency, execute and deliver to Agency the Agency Note, and shall additionally execute and cause to be recorded as to the Site the Agency Deed of Trust and the Memorandum of Agreement. The Participant shall make all payments as provided under the Agency Note.

The Participant shall annually, at the time the Participant makes its Audited Financial Statement to tax credit investors or its lenders, but not later than June 15 as to the preceding calendar year, submit its Audited Financial Statement to the Agency. Such submittals shall continue until the Agency Note has been satisfied and the Agency Deed of Trust reconveyed.

4. SCOPE OF DEVELOPMENT; INSURANCE AND INDEMNITY, FINANCING

4.1 Scope of Development. The Participant shall develop the Improvements in accordance with the Scope of Development, and the approved plans, drawings and documents for the Improvements. In the event of any inconsistency between the Scope of Development and the plans for the Improvements which have been approved by the Agency and/or City, the approved Development plans shall control.

4.2 Design Review.

4.2.1 Participant Submissions. Prior to the Date of Agreement, in connection with its application for land use approvals by the City, the Participant submitted "Basic Concept Drawings" for the Improvements. Before commencement of construction of the Improvements or other works of improvement upon the Site, the Participant shall submit to the City any plans and drawings (collectively, the "Design Development Drawings") which may be required by the City with respect to any permits which are required to be obtained to develop the Improvements, which the City shall comment on and return to the Participant within fifteen (15) days from the date of receipt thereof. Participant, on or prior to the date set forth in the Schedule of Performance, shall submit to the City such plans for the Improvements as required by the City in order for Participant to obtain building permits for the Improvements. Within thirty (30) days after the City's disapproval or conditional approval of such plans, Participant shall revise the portions of such plans identified by the City as requiring revisions and resubmit the revised plans to the City.

4.2.2 City Review and Approval. The City shall have all rights to review and approve or disapprove all Design Development Drawings modified or first submitted after the Date of Agreement and other required submittals in accordance with the City Municipal Code, and nothing set forth in this Agreement shall be construed to constitute the City's approval of any or all of the Design Development Drawings or to limit or affect the City's review and right to approve, approve subject to conditions, or disapprove Design Development Drawings, plans, drawings, applications, or submittals.

4.2.3 Revisions. Any and all change orders or revisions required by the City and its inspectors which are required under the Municipal Code and all other applicable Uniform Codes (e.g. Building, Plumbing, Fire, Electrical, etc.) and under other applicable laws and regulations shall be included by the Participant in its Design Development Drawings and other required submittals and shall be completed during the construction of the Improvements.

4.2.4 Defects in Plans. The Agency and the City shall not be responsible either to the Participant or to third parties in any way for any defects in the Design Development Drawings, nor for any structural or other defects in any work done according to the approved Design Development Drawings, nor for any delays reasonably caused by the review and approval processes established by this Section 4.2.4.

4.2.5 Land Use Approvals. Before commencement of construction of the Improvements or other works of improvement upon the Site, the Participant shall, at its own expense, secure or cause to be secured any and all land use and other entitlements, permits, and approvals which may be required for the Improvements by the City or any other governmental agency affected by or having jurisdiction over such construction or work, except for those which are the responsibility of Agency as set forth herein. The Participant shall, without limitation, apply for and secure, and pay all costs, charges and fees associated therewith, all permits and fees required by the City, County of Riverside, and other governmental agencies with jurisdiction over the Improvements.

4.3 Time of Performance; Progress Reports. The Participant shall submit all Design Development Drawings, commence and complete all construction of the Improvements, and satisfy all other obligations and conditions of this Agreement within the times established therefor in this Agreement. Construction of the Improvements shall be commenced on or before the time established therefor in the Schedule of Performance. Once construction is commenced, it shall continuously and

diligently be pursued to completion and shall not be abandoned for more than fifteen (15) days except when due to causes beyond the control and without the fault of Participant as set forth in Section 7.10. During the course of construction and prior to issuance of the Certificate of Completion, Participant shall provide timely reports of the progress of construction when requested by the Executive Director. Participant shall complete construction of all of the Improvements by the time established therefor in the Schedule of Performance.

4.4 Cost of Construction. The cost of planning, designing, developing, and constructing the Improvements shall be borne solely by the Participant; excepting for the disbursement by Agency of the Agency Disbursement Amount by the Agency as provided herein. All fees imposed by any governmental entity in connection with the acquisition of the Site or the development of the Improvements shall be borne by Participant and shall be paid when due by Participant.

4.5 Insurance Requirements. Commencing as of Closing and continuing throughout the Required Covenant Period, Participant shall maintain at Participant's sole expense, with insurers reasonably approved by Agency, the following policies of insurance in form and substance reasonably satisfactory to Agency:

(a) workers' compensation insurance and (in addition to such insurance as is described in subsections (b), (c), (d) and (e) of this Section 4.5) additional other insurance to the extent and with limits as required by law in connection with the Improvements or other work performed on the Site (to be in effect only while work is being performed on the Site);

(b) prior to commencement of framing of the Improvements and at all times prior to completion of the Improvements, builder's risk-all risk insurance covering 100% of the replacement cost of all Improvements (including offsite and the materials) during the course of construction in the event of fire, lightning, windstorm, vandalism, earthquake (if required by third party lenders or tax credit investors), malicious mischief and all other risks normally covered by "all risk" coverage policies in the area where the Site is located (including loss by flood if the Site is in an area designated as subject to the danger of flood);

(c) following completion of the Improvements, fire and hazard "all risk" insurance covering 100% of the replacement cost of the Improvements in the event of fire, lightning, windstorm, vandalism, earthquake, malicious mischief and all other risks normally covered by "all risk" coverage policies in the area where the Site is located (including loss by flood if the Site is in an area designated as subject to the danger of flood);

(d) public liability insurance in amounts reasonably required by the Executive Director from time to time, and in no event less than $2,000,000 for "single occurrence;" and

(e) property damage insurance in amounts reasonably required by the Executive Director from time to time, and in no event less than $2,000,000.

All such insurance shall provide that it may not be canceled or materially modified without 30 days prior written notice to Agency. The policies required under subparagraphs (b) and (c) shall include a "lender's loss payable endorsement" (Form 438BFU) in form and substance satisfactory to Agency, showing Agency as an additional insured and loss payee. Agency shall be an additional insured in the policies required under subparagraphs (d) and (e). No such insurance shall include deductible amounts to which Agency has not previously consented in writing. Certificates of

insurance for the above policies (and/or original policies, if required by Agency) shall be delivered to Agency from time to time within 10 days after demand therefor. All policies insuring against damage to the Improvements shall contain an agreed value clause sufficient to eliminate any risk of co-insurance. No less than thirty (30) days prior to the expiration of each policy, Participant shall deliver to Agency evidence of renewal or replacement of such policy reasonably satisfactory to the Executive Director.

Coverage provided hereunder by Participant shall be primary insurance and not be contributing with any insurance maintained by Agency or City, and the policy shall contain such an endorsement. The insurance policy or the endorsement shall contain a waiver of subrogation for the benefit of the City and Agency. None of the above-described policies shall require Participant to meet a deductible or self-insured retention amount of more than Five Thousand Dollars ($5,000.00) unless approved in writing by the Executive Director. All policies shall be written by good and solvent insurers qualified to do business in California and shall have a policyholder's rating of A or better in the most recent edition of "Best's Key Rating Guide -- Property and Casualty." The required certificate shall be furnished by Participant at the time set forth herein.

4.5.2 Waiver of Subrogation. Participant hereby waives all rights to recover against Agency (or any officer, employee, agent or representative of Agency) for any loss incurred by Participant from any cause insured against or required by any Project Document to be insured against; provided, however, that this waiver of subrogation shall not be effective with respect to any insurance policy if the coverage thereunder would be materially reduced or impaired as a result. Participant shall use its best efforts to obtain only policies which permit the foregoing waiver of subrogation.

4.6 Obligation to Repair and Restore Damage Due to Casualty. If during the period of construction the Improvements shall be totally or partially destroyed or rendered wholly or partly uninhabitable by fire or other casualty required to be insured against by Participant, Participant shall promptly proceed to obtain insurance proceeds and take all steps necessary to begin reconstruction and, immediately upon receipt of insurance proceeds, to promptly and diligently commence the repair or replacement of the Improvements to substantially the same condition as the Improvements are required to be constructed pursuant to this Agreement, and Participant shall complete the same as soon as possible thereafter so that the Improvements can be occupied as an affordable housing project in accordance with this Agreement. In no event shall the repair, replacement, or restoration period exceed fourteen (14) months from the date Participant obtains insurance proceeds unless the Executive Director, in his or her sole and absolute discretion, approves a longer period of time. Agency shall cooperate with Participant, at no expense to Agency, in obtaining any governmental permits required for the repair, replacement, or restoration. If, however, the then-existing laws of any other governmental agencies with jurisdiction over the Site do not permit the repair, replacement, or restoration, Participant may elect not to repair, replace, or restore the Improvements by giving notice to Agency (in which event Participant will be entitled to all insurance proceeds after paying to Agency from such proceeds an amount equal to any assistance expended by Agency but Participant shall be required to remove all debris from the Site) or Participant may reconstruct such other improvements on the Site as are consistent with applicable land use regulations and approved by the City, Agency, and the other governmental agency or agencies with jurisdiction, and the Agency may pursue remedies of its choosing under this Agreement, including without limitation termination.

4.7 Indemnity. Participant shall defend (by counsel satisfactory to Agency), indemnify and save and hold harmless Agency and City and their officers, contractors, agents and employees

(collectively, the "Indemnitees") from and against all claims, damages, demands, actions, losses, liabilities, costs and expenses (including, without limitation, attorneys' fees and court costs) arising from or relating to: (i) this Agreement (including without limitation Section 4.9 hereof); (ii) the disbursement of the Agency Disbursement Amount; (iii) a claim, demand or cause of action that any person has or asserts against Participant; (iv) any act or omission of Participant, any contractor, subcontractor or material supplier, engineer, architect or other person with respect to the Site; or (v) the ownership, occupancy or use of the Site. Notwithstanding the foregoing, Participant shall not be obligated to indemnify the Agency with respect to the consequences of any act of gross negligence or willful misconduct of the Agency. Participant's obligations under this Section 4.7 shall survive the issuance of the Certificate of Completion and termination of this Agreement; the requirements under this Section 4.7 are in addition to and do not limit the obligations of the Participant under the Agency Participant CC&Rs.

The Participant shall reimburse the Agency immediately upon written demand for all costs reasonably incurred by the Agency (including the reasonable fees and expenses of attorneys, accountants, appraisers and other consultants, whether the same are independent contractors or employees of Agency) in connection with the enforcement of the Project Documents and the County HOME Loan Agreement and all related matters including the following: (a) the Agency's commencement of, appearance in, or defense of any action or proceeding purporting to affect the rights or obligations of the parties to any Project Document, and (b) all claims, demands, causes of action, liabilities, losses, commissions and other costs against which the Agency is indemnified under the Project Documents and/or the County HOME Loan Agreement. Such reimbursement obligations shall bear interest based upon the amounts and times of disbursement by the Agency, provided that Agency gives written demand to the Participant at the Applicable Interest Rate. Such reimbursement obligations shall survive the issuance of the Certificate of Completion and termination of this Agreement and are in addition to and do not limit the obligations of the Participant under the Agency Participant CC&Rs.

The Participant shall indemnify the Agency from any real estate commissions or brokerage fees which may arise from this Agreement or the Site, including without limitation the acquisition of the Site by the Participant, or the leasing of dwelling units on the Site. The Participant represents that it has engaged no broker, agent, or finder in connection with this transaction, and the Participant agrees to hold the Agency harmless from any claim by any broker, agent or finder in connection with this Agreement, the activities by the Participant, or the Site.

In addition, and without limitation to the foregoing, Participant agrees to indemnify, defend and hold Agency harmless from and against any claim, action, suit, proceeding, loss, cost, damage, liability, deficiency, fine, penalty, punitive damage, or expense (including, without limitation, reasonable attorneys' fees), resulting from, arising out of, or based upon (i) the presence, release, use, generation, discharge, storage or disposal of any Hazardous Materials on, under, in or about, or the transportation of any such Hazardous Materials to or from, the Site which occurs after the first to occur of (i) the acquisition of the Site by Agency (or Participant) or (ii) the Closing, or (ii) the violation, or alleged violation, of any statute, ordinance, order, rule, regulation, permit, judgment or license relating to the use, generation, release, discharge, storage, disposal or transportation of Hazardous Materials on, under, in or about, to or from, the Site which occurs after the first to occur of (i) the acquisition of the Site by Agency (or Participant) or (ii) the Closing. This indemnity shall include, without limitation, any damage, liability, fine, penalty, parallel indemnity after closing cost or expense arising from or out of any claim, action, suit or proceeding for personal injury (including sickness, disease or death), tangible or intangible property damage, compensation

for lost wages, business income, profits or other economic loss, damage to the natural resource or the environment, nuisance, contamination, leak, spill, release or other adverse effect on the environment. At the request of the Participant, the Agency shall cooperate with and assist the Participant in its defense of any such claim, action, suit, proceeding, loss, cost, damage, liability, deficiency, fine, penalty, punitive damage, or expense; provided that the Agency shall not be obligated to incur any expense in connection with such cooperation or assistance. Upon the Closing, the Participant shall take all necessary precautions to prevent the release into the environment of any Hazardous Materials which are located in, on or under the Site. Such precautions shall include compliance with all Governmental Requirements with respect to Hazardous Materials. In addition, the Participant shall install and utilize such equipment and implement and adhere to such procedures as are consistent with commercially reasonable standards as respects the disclosure, storage, use, removal and disposal of Hazardous Materials.

4.8 Rights of Access. Prior to the issuance of the Certificate of Completion, for purposes of assuring compliance with this Agreement, representatives of Agency shall have the right of access to the Site, without charges or fees, at normal construction hours during the period of construction for the purposes of this Agreement, including but not limited to, the inspection of the work being performed in constructing the Improvements so long as Agency representatives comply with all safety rules. Agency representatives shall, except in emergency situations, notify the Participant prior to exercising its rights pursuant to this Section 4.8.

4.9 Compliance With Laws. Participant shall carry out the design, construction and operation of the Improvements in conformity with all applicable laws, including all applicable state labor standards (including without limitation provisions for payment of prevailing wages in connection with all construction of the Improvements to the extent applicable), the City zoning and development standards, building, plumbing, mechanical and electrical codes, and all other provisions of the City Municipal Code, and the Fair Housing Act, 42 U.S.C. Section 3601 *et seq.* (and 24 C.F.R. Part 100), the Americans With Disabilities Act, 42 U.S.C. Section 12101, *et seq.*, Government Code Section 4450, *et seq.*, Government Code Section 11135, *et seq.*, the Unruh Civil Rights Act, Civil Code Section 51, *et seq.*, and the California Building Standards Code, Health and Safety Code Section 18900, *et seq.* Participant, including but not limited to its contractors and subcontractors, shall comply with Labor Code Section 1720, et seq., and its implementing regulations, regarding the payment of prevailing wages (the "Prevailing Wage Law") with regard to the construction of the Improvements, to the extent such sections are applicable to the development of the Improvements. Although the Participant has informed the Agency and the parties believe that the Prevailing Wage Law is not applicable herein the only funds being provided by the Agency hereunder are from the Agency's Low and Moderate Income Housing Fund and thus under the exceptions set forth in Labor Code Section 1720(c)(4), Participant shall be solely responsible for determining and effectuating compliance with the Prevailing Wage Law, and the Agency or City make no final representation as to the applicability or non-applicability of the Prevailing Wage Law to the Improvements, or any part thereof. Participant hereby releases from liability, and agrees to indemnify, defend, assume all responsibility for and hold the Agency and the City, its officers, employees, agents and representatives, harmless from any and all claims, demands, actions, suits, proceedings, fines, penalties, damages, expenses resulting from, arising out of, or based upon Participant's acts or omissions pertaining to the compliance with the Prevailing Wage Law for the Improvements.

The Participant shall comply with the MHSA Agreement, the County HOME Loan Agreement and the Tax Credit Regulatory Agreement.

Without limitation as to Section 4.7 of this Agreement, Participant shall indemnify, protect, defend and hold harmless the Agency and its officers, employees, contractors and agents, with counsel reasonably acceptable to Agency, from and against any and all loss, liability, damage, claim, cost, expense and/or "increased costs" (including reasonable attorneys fees, court and litigation costs, and fees of expert witnesses) which, in connection with the development, construction, and/or operation of the Improvements, including, without limitation, any and all public works (as defined by applicable law), results or arises in any way from any of the following: (1) the noncompliance by Participant of any applicable local, state and/or federal law, including, without limitation, any applicable federal and/or state labor laws (including, without limitation, if applicable, the requirement to pay state prevailing wages); (2) the implementation of Section 1781 of the Labor Code, as the same may be amended from time to time, or any other similar law; and/or (3) failure by Participant to provide any required disclosure or identification as required by Labor Code Section 1781, as the same may be amended from time to time, or any other similar law. It is agreed by the parties that, in connection with the development of the Improvements, including, without limitation, any and all public works (as defined by applicable law), Participant shall bear all risks of payment or non-payment of prevailing wages under California law and/or the implementation of Labor Code Section 1781, as the same may be amended from time to time, and/or any other similar law. "Increased costs," as used in this Section 4.9, shall have the meaning ascribed to it in Labor Code Section 1781, as the same may be amended from time to time. The foregoing indemnity shall survive termination of this Agreement and shall continue after completion of the construction and development of the Improvements by the Participant.

4.10 Nondiscrimination in Employment. Participant certifies and agrees that all persons employed or applying for employment by it, its affiliates, subsidiaries, or holding companies are and will be treated equally by it without regard to, or because of race, color, religion, ancestry, national origin, sex, sexual orientation, age, pregnancy, childbirth or related medical condition, medical condition (cancer related) or physical or mental disability.

4.11 Taxes and Assessments. Participant shall pay prior to delinquency all ad valorem real estate taxes and assessments on the Site. Participant shall remove or have removed any levy or attachment made on any of the Site or any part thereof which is owned or leased by Participant, or assure the satisfaction thereof within a reasonable time, but in no event to exceed sixty (60) days. The Participant shall additionally defend, indemnify, and hold harmless the Agency and the City from and against any taxes, assessments, mechanic's liens, claims of materialmen and suppliers, or other claims by private parties in connection with (a) activities undertaken by the Participant or (b) the Site.

4.12 Liens and Stop Notices. Participant shall not allow to be placed on the Site or any part thereof any mechanic's or materialmen's lien or stop notice. If a claim of a lien or stop notice is given or recorded affecting the Improvements the Participant shall within thirty (30) days of such recording or service or within five (5) days of Agency's demand whichever last occurs:

(a) pay and discharge the same; or

(b) affect the release thereof by recording and delivering to Agency a surety bond in sufficient form and amount, or otherwise; or

(c) provide Agency with indemnification from the Title Company against such lien or other assurance which Agency deems, in its sole discretion, to be satisfactory for the payment

of such lien or bonded stop notice and for the full and continuous protection of Agency from the effect of such lien or bonded stop notice.

4.13 Certificate of Completion. Promptly after completion of the Improvements in conformity with this Agreement, Agency shall furnish the Participant with a Certificate of Completion substantially in the form of Attachment No. 8. Agency shall not unreasonably withhold such Certificate of Completion. The Certificate of Completion shall be a conclusive determination of satisfactory completion of the Improvements and the Certificate of Completion shall so state. Any party then owning or thereafter purchasing, leasing or otherwise acquiring any interest in the Site or such applicable portion shall not (because of such ownership, purchase, lease or acquisition) incur any obligation or liability under this Agreement except for those continuing covenants as set forth in documents recorded against the Site prior to the recordation of the Certificate of Completion. If Agency refuses or fails to furnish a Certificate of Completion after written request from Participant, Agency shall, within fifteen (15) days of receipt of written request therefor, provide Participant with a written statement of the reasons Agency refused or failed to furnish the Certificate of Completion. The statement shall also contain Agency's opinion of the actions Participant must take to obtain the Certificate of Completion. The Certificate of Completion is not a notice of completion as referred to in Section 3093 of the California Civil Code.

4.14 Further Assurances. Participant shall execute and acknowledge (or cause to be executed and acknowledged) and deliver to Agency all documents, and take all actions, reasonably required by Agency from time to time to confirm the rights created or now or hereafter intended to be created under the Project Documents and the County HOME Loan Agreement or otherwise to carry out the purposes of the Project Documents and the County HOME Loan Agreement.

4.15 Financing of the Improvements.

4.15.1 Approval of Financing. As required herein and as an Agency Condition Precedent to the disbursement of the Agency Disbursement Amount, Participant shall submit to Agency evidence that Participant has obtained sufficient equity capital or has arranged for and obtained a binding commitment for construction financing necessary to undertake the development of the Site and the construction of the Improvements in accordance with this Agreement ("Proof of Financing Commitments").

The Agency shall reasonably approve or disapprove such evidence of financing within twenty (20) days of receipt of each of the respective submittals, provided that such submittal is complete. Approval shall not be unreasonably withheld so long as the terms and conditions of the financing are consistent with this Agreement, including without limitation acknowledgment and consent by such lender to the Agency Participant CC&Rs, and are otherwise reasonable and customary. Such consent may be included in an "Inter-Creditor Agreement" in connection with which the Agency will agree to subordinate, for the benefit of such lender, the obligation to pay Residual Receipts Note Payments in the event such lender should acquire the Participant's interest in the Site upon foreclosure by such lender. The failure or refusal by the Agency to approve financing that does not satisfy the foregoing criteria shall conclusively be deemed to be reasonable. If Agency shall disapprove any such evidence of financing, Agency shall do so by Notice to Participant stating the reasons for such disapproval and Participant shall endeavor to promptly obtain and submit to Agency new evidence of financing. Agency shall approve or disapprove such new evidence of financing in the same manner and within the same times established in this Section 4.15.1 for the

approval or disapproval of the evidence of financing as initially submitted to Agency. Participant shall close the approved financing prior to or concurrently with the Closing.

The Proof of Financing Commitment shall include a copy of a legally binding, firm and enforceable loan commitment(s) obtained by Participant from one or more financial institutions for the mortgage loan or loans for financing to fund the construction and completion of the Improvements.

The parties intend that the Participant is to obtain equity financing for the construction and operation of the Development including the use of Tax Credits and obtaining capital contributions from limited partners in the Development in consideration primarily for the receipt of the Tax Credits received by the Participant with respect to the Development. In addition, Participant shall enter into an MHSA Agreement and shall obtain funding under the MHSA Program in an amount of not less than the MHSA Amount.

The Participant understands and agrees that Participant and/or one or more of the Principals of Participant may be required to provide an operating deficit guaranty, tax credit recapture guaranty, and/or other guaranties which may be required with respect to the limited partners' investment in the Development. If required for such financing, the execution of such guaranties shall be an additional Condition Precedent for the purposes of Section 3.1.

Participant shall submit the following documents as evidence of financing: (a) a copy of a legally binding, firm and enforceable loan commitment(s) or approval(s) obtained by the Participant from unrelated financial institutions for the mortgage loan or loans for financing to fund the construction of the Development, subject to such lenders' reasonable, customary and normal conditions and terms, (b) a limited partnership agreement or funding agreement from the equity investors in the Development which demonstrates that Participant has sufficient funds for such construction, and that such funds have been committed to such construction, and a current financial statement of Participant and Participant's other sources of equity capital, (c) a copy of a Preliminary Reservation of Tax Credits (and when available, the Final Reservation of Tax Credits) from the California Tax Credit Allocation Committee for Tax Credits for the construction of the Development (or other evidence satisfactory to the Executive Director that Tax Credits will be available), (d) a binding agreement for the purchase of the Tax Credits, (e) the MHSA Agreement, (f) the County HOME Loan Agreement (and instruments referenced therein), and (g) such other documentation as may be reasonably necessary to satisfy the Agency as to the availability, commitment and adequacy of other sources of capital, all of which together are sufficient to demonstrate that the Participant has adequate funds committed for the construction and completion of the Development.

4.15.2 No Encumbrances Except Mortgages, Deeds of Trust, or Sale and Lease-Back for Development. Mortgages and deeds of trust shall be permitted before the completion of the Improvements only with the Agency's prior written approval, which shall not be unreasonably withheld but only for the purpose of securing loans of funds to be used for financing the construction of the Improvements (including architecture, engineering, legal, construction period carrying costs such as property taxes, insurance and interest, acquisition and land costs and related direct costs as well as indirect costs) on or in connection with the Site, and the obtaining of a permanent loan in the amount of the outstanding balance of the construction loan or such greater amount as may be expressly permitted by this Agreement as a Primary Permanent Loan. In no event, however, shall the amount or amounts of indebtedness secured by mortgages or deeds of trust on the Participant's interest as to the Site exceed the projected Participant's cost, as evidenced by a pro

forma and a construction contract which have been delivered to the Executive Director prior to the Date of this Agreement and which set forth such costs, unless the written approval of the Executive Director is first obtained. The Participant shall notify the Agency in advance of any mortgage, deed of trust or sublease and sublease-back financing, if the Participant proposes to enter into the same before completion of the construction of the Improvements. No liens shall be permitted on the Site, excepting only as to Participant's interest in the Site. Upon receipt of Participant's request therefor, Agency agrees to subordinate the Agency Deed of Trust, and to the extent provided in Section 4.15.7, the Agency CC&Rs and its rights to receive Residual Receipts (under the Agency Note) to Permitted Senior Liens, so long as such lender(s) agree to provide reasonable notice and the right but not the obligation for the Agency to cure. The Agency authorizes the Executive Director to execute such instruments on behalf of the Agency without necessity of further action by the governing board of the Agency.

4.15.3 Holder Not Obligated to Construct Improvements. The holder of any mortgage or deed of trust on the Participant's interest in the Site authorized by this Agreement shall not be obligated by the provisions of this Agreement to construct, complete, or operate the Improvements or any portion thereof, or to guarantee such construction, completion or operation; nor shall any covenant or any other provision in this Agreement be construed so to obligate such holder. Nothing in this Agreement shall be deemed to permit or authorize any such holder to devote the Site to any uses or to construct any improvements thereon, other than those uses or improvements provided for or authorized by this Agreement.

4.15.4 Notice of Default to Mortgagee or Deed of Trust Holders; Right to Cure. With respect to any mortgage or deed of trust granted by Participant as to the Site as provided herein, whenever the Agency may deliver any notice or demand to Participant with respect to any breach or default by the Participant under this Agreement, the Agency shall at the same time deliver to each holder of record of any mortgage or deed of trust authorized by this Agreement a copy of such notice or demand; provided that the failure to notify any holder of record shall not vitiate or affect the effectiveness of notice to the Participant. Each such holder shall (insofar as the rights granted by the Agency are concerned) have the right, at its option, within sixty (60) days after the receipt of the notice, to cure or remedy or commence to cure or remedy and thereafter to pursue with due diligence the cure or remedy of any such default and to add the cost thereof to the mortgage debt and the lien of its mortgage or deed of trust. Nothing contained in this Agreement shall be deemed to permit or authorize such holder to undertake or continue the construction or completion of the Improvements, or any portion thereof (beyond the extent necessary to conserve or protect the improvements or construction already made) without first having expressly assumed the Participant's obligations to the Agency by written agreement reasonably satisfactory to the Agency. The holder, in that event, must agree to complete, in the manner provided in this Agreement, the improvements to which the lien or title of such holder relates, but on a schedule which takes into account the time reasonably required for the holder to obtain title to and possession of the Participant's interest in the Site, analyze and negotiate amendments to plans, specifications, construction contracts and operating contracts or to negotiate new construction contracts and operating contracts. Any such holder properly completing such improvement shall be entitled, upon compliance with the requirements of Section 4.13 of this Agreement, to a Certificate of Completion. It is understood that a holder shall be deemed to have satisfied the sixty (60) day time limit set forth above for commencing to cure or remedy a Participant default which requires title and/or possession of the Participant's interest in the Site (or portion thereof) if and to the extent any such holder has within such sixty (60) day period commenced proceedings to obtain title and/or possession and thereafter the holder diligently pursues such proceedings to completion and cures or remedies the default.

4.15.5 Failure of Holder to Complete Improvements. In any case where, sixty (60) days after the holder of any mortgage or deed of trust creating a lien or encumbrance upon the Site (or interest therein) or any part thereof receives a notice from Agency of a default by the Participant in completion of construction of any of the Improvements under this Agreement, and such holder is not vested with ownership of the Participant's interest in Site and has not exercised the option to construct as set forth in Section 4.15, or if it has exercised the option but has defaulted hereunder and failed to timely cure such default, the Agency may purchase the mortgage or deed of trust by payment to the holder of the amount of the unpaid mortgage or deed of trust debt, including principal and interest and all other sums secured by the mortgage or deed of trust. If the ownership of the Site (or the Participant's interest therein) or any part thereof has vested in the holder, the Agency, if it so desires, shall be entitled to a conveyance from the holder to the Agency upon payment to the holder of an amount equal to the sum of the following:

(a) The unpaid mortgage or deed of trust debt at the time title became vested in the holder (less all appropriate credits, including those resulting from collection and application of rentals and other income received during foreclosure proceedings);

(b) All expenses with respect to foreclosure including reasonable attorneys' fees;

(c) The net expense, if any, incurred by the holder as a direct result of the subsequent management of the Site or part thereof;

(d) The costs of any improvements made by such holder;

(e) An amount equivalent to the interest that would have accrued at the rate(s) specified in the holder's loan documents on the aggregate of such amounts had all such amounts become part of the mortgage or deed of trust debt and such debt had continued in existence to the date of payment by the Agency; and

(f) Any customary prepayment charges imposed by the lender pursuant to its loan documents and agreed to by the Participant.

The foregoing rights shall be in addition to those measures set forth in an Inter-Creditor Agreement, and in addition shall supplement and not limit the Agency's rights under the Agency Participant CC&Rs or by operation of law.

4.15.6 Right of the Agency to Cure Mortgage or Deed of Trust Default. In the event of a mortgage or deed of trust default or breach by the Participant whether prior to or after the completion of the construction of any of the Improvements or any part thereof (continuing until the end of the Required Covenant Period), Participant shall immediately deliver to Agency a copy of any mortgage holder's notice of default. If the holder of any mortgage or deed of trust has not exercised its option to construct, the Agency shall have the right but no obligation to cure the default. In such event, the Agency shall be entitled to reimbursement from the Participant of all proper costs and expenses incurred by the Agency in curing such default.

In addition, the Participant, the Primary Construction Lender and the Primary Permanent Lender shall agree that in the event either such lender acquires the Development, including without limitation upon exercise of foreclosure or assignment in lieu of foreclosure, such lender(s) shall so

notify the Agency and the Agency shall have not less than sixty (60) days following receipt by Agency of such notice (given in the manner described in Section 8.2 hereof) to purchase the interests of such lender in the Development (including the corresponding loan) for an amount equal to the outstanding balance of the corresponding loan. The Participant agrees to provide documentation evidencing the relinquishment of any and all rights to the Development in such event; provided that the failure to provide such documentation shall not be construed to mean that the Participant retains any rights under the Agreement.

4.15.7 Limited Subordination of Covenants. It is contemplated that financing for the Development will be provided from funds of the Participant, the Agency Disbursement Amount, proceeds of a conventional construction loan, proceeds of the County HOME Loan, proceeds obtained in connection with the marketing by the Participant of Tax Credits and the MHSA Amount under the MHSA Agreement. In connection with the provision of the Primary Construction Loan and the Primary Permanent Loan, Wells Fargo Bank, Farmers and Merchants and/or California Community Reinvestment Corporation have informed the Participant that they will provide construction and permanent financing, respectively, only in the event the Agency agrees to the subordination of the Agency Deed of Trust and those provisions of the Agency Participant CC&Rs that limit rents to affordable rents and limit occupants to households of specified incomes on the basis set forth in this Section 4.15.7. Participant represents that it has diligently attempted to obtain commitments for construction and permanent financing which would not require a substantial additional investment of public funds and which do not require subordination of affordability requirements, as described above, but has been unable to do so and has determined that no such commitments are available on substantially comparable terms and conditions without such subordination. Accordingly, subject to the terms and conditions set forth in the Inter-Creditor and Subordination Agreement (and specifically the rights of the Agency to notice and an opportunity to cure and to purchase the corresponding loan), in the event foreclosure (or assignment in lieu of foreclosure) is completed pursuant to deeds of trust securing the Primary Construction Loan or the Primary Permanent Loan, the subsequent purchaser and all successors (but excepting from the effect of such exclusion the Participant, the Principals or any person having any financial interest in the Participant or the Principals) will accede to the rights of the Participant under the Agency Participant CC&Rs with the exception that the requirements for affordability and limiting incomes of occupants under the Agency Participant CC&Rs will no longer be applicable.

4.16 Mechanics of Disbursement of Agency Disbursement Amount.

4.16.1 Provided that the Conditions Precedent to Disbursement have first been satisfied, the Agency shall make available to the Participant the Agency Disbursement Amount at Stabilized Occupancy.

4.16.2 The Agency shall have no obligation to disburse any portion of the Agency Disbursement Amount unless and until all of the Conditions Precedent to Disbursement are first satisfied and the Closing has taken place.

4.16.3 Neither the Agency nor the City shall provide any assistance pursuant to this Agreement other than the disbursement by Agency of the Agency Disbursement Amount on the terms and conditions set forth in this Agreement. Excepting only for the Agency Disbursement Amount, the Participant assumes all responsibility for any and all costs to develop the Development. All amounts disbursed by the Agency to or for the benefit of the Participant pursuant to this Agreement shall be applied to defray the cost of the Development.

4.16.4 The Participant has obtained advice from advisers of its choosing regarding this Agreement and all matters which may pertain thereto, including without limitation any consequences as to income tax or property tax, and neither the City nor the Agency has made any representations or provided any advice in connection therewith.

4.17 Establishment and Maintenance of Accounts. Prior to disbursement of the Agency Disbursement Amount, Participant shall establish and maintain (or shall cause the Approved Construction and/or Permanent Lender to establish and maintain) all accounts and funds referenced in this Agreement, including without limitation the Capital Replacement Reserve and the Operating Reserve.

The Participant shall provide to Agency, without charge, reports on the balances in such accounts when such reports are made available to the limited partner and the Approved Construction and/or Permanent Lender but not less often than semi-annually. In addition, the Participant shall deliver to Agency a comprehensive report which details Gross Revenues, Operating Expenses, the Capital Replacement Reserve, the Operating Reserve, occupancy levels, and compliance with the affordable housing requirements of this Agreement and which shall include an Audited Financial Statement. The report shall be delivered by Participant to Agency on or before that June 15 first following the last day of the Year for which a report is being made. In addition, the Participant shall make payments to the agency of "Reporting Amounts" (as provided in the Agency Participant CC&Rs) to the extent provided therein.

The Participant agrees that: (i) the Participant shall cooperate fully with the Agency and its designees in providing information necessary or convenient, in the reasonable judgment of the Agency, to the computation and verification of the all payments due by Participant under this Agreement (including without limitation under the Agency Note and the Agency CC&Rs), including without limitation a certified financial audit for the Participant each Year until the Agency Note has been fully satisfied; if the Agency has reasonable cause to believe there has been an under-reporting, or otherwise at the Agency's discretion, the Agency may conduct an audit. The firm of Keyser Marston Associates, Inc., or another firm or economist mutually acceptable to the Agency and the Participant, will be employed to determine the payments due, and the costs of employing such firm shall be borne by the Agency. If the audit reveals under-reporting of three percent (3%) or more of the amount payable to Agency for the corresponding year, the Participant shall reimburse the Agency for the cost of the audit).

5. COVENANTS AND RESTRICTIONS.

5.1 Use Covenants. Participant covenants and agrees for itself, its successors, assigns, and every successor in interest to the Site or any part thereof, that the Participant shall devote the Site to the uses specified in and shall operate in conformity with this Agreement, the Agency Participant CC&Rs, the County HOME Agreement, the MHSA Agreement and the Tax Credit Regulatory Agreement, whichever is the most restrictive in each case unless expressly provided to contrary effect herein. All uses conducted on the Site, including, without limitation, all activities undertaken by the Participant pursuant to this Agreement, shall conform to the Redevelopment Plan and all applicable provisions of the City Municipal Code. The Agency Participant CC&Rs shall, to the greatest feasible extent, be interpreted in a manner consistent with the Tax Credit Regulatory Agreement and the MHSA Agreement; provided that in the event of express conflict which is required under federal law incident to the issuance of filed tax credits, the Tax Credit Regulatory Agreement shall control.

5.2 Affordable Housing Requirements.

5.2.1 Number of Affordable Units. Participant agrees to make available, restrict occupancy to, and rent all of the Required Affordable Units at Affordable Rent in conformity with the Prescribed Rent Levels and Tenant Mix. An example of the calculation of Affordable Rent for the Housing Units is attached hereto as Attachment No. 5 and incorporated herein. In the event the Tax Credit Regulatory Agreement imposes stricter rent requirements, it shall control for so long as it remains in effect.

5.2.2 Duration of Affordability Requirements. The Required Affordable Units shall be maintained as rental units available at and rented to Extremely Low Income Households, Very Low Income Households, Lower Income Households and Moderate Income Households throughout the Required Covenant Period, as more particularly set forth in the Agency Participant CC&Rs.

5.2.3 Selection of Tenants. Participant shall be responsible for the selection of tenants for the Required Affordable Units in compliance with the criteria set forth in Section 5.3 of this Agreement and consistent with the Prescribed Rent levels and Tenant Mix. To the greatest extent legally allowable, preference will be afforded residents of the City and their relatives. No Units shall be restricted on the basis of age.

5.2.4 Income of Tenants. Each tenant shall be a Extremely Low Income Household, Very Low Income Household, Lower Income Household or Moderate Income Household (as prescribed in accordance with the Prescribed Rent Levels and Tenant Mix) which meets the eligibility requirements established for the corresponding Required Affordable Unit, and Participant shall obtain a certification from each tenant renting or leasing each housing unit which substantiates such fact. Participant shall verify the income certification of each tenant as set forth in Section 5.3 hereof. Prior to the first rental of a Unit, and in addition upon request therefor by Agency, the Participant shall submit to Agency or its designee, at Participant's expense, a completed income computation and certification form, in a form to be provided by Agency.

5.2.5 Determination of Affordable Rent for the Housing Units. Each Required Affordable Unit shall be rented at an "Affordable Rent" to be established as provided herein: the maximum monthly rental amount for the Required Affordable Units to be rented to:

(a) Extremely Low Income Households shall be established at one-twelfth (1/12) of thirty percent (30%) of thirty percent (30%) of Median Income for the Area for a household of a size appropriate to the housing unit, or, if lower, the maximum rent for such unit as determined under the Regulatory Agreement;

(b) Very Low Income Households shall be established at one-twelfth (1/12) of thirty percent (30%) of fifty percent (50%) of Median Income for the Area for a household of a size appropriate to the housing unit, or, if lower, the maximum rent for such unit as determined under the Regulatory Agreement.

(c) Lower Income Households shall be established at one-twelfth (1/12) of thirty percent (30%) of fifty percent (60%) of Median Income for the Area for a household of a size appropriate to the housing unit, or, if lower, the maximum rent for such unit as determined under the Regulatory Agreement; and

(d) Moderate Income Households shall be established at one-twelfth (1/12) of thirty percent (30%) of one hundred ten percent (110%) of Median Income for the Area for a household of a size appropriate to the housing unit, or, if lower, the maximum rent for such unit as determined under the Regulatory Agreement.

"Household size appropriate to the unit," for the purpose of the calculation of rent herein (and without regard to actual occupancy), shall mean: (i) for so long as federal statutes so providing are applicable, two persons for each one bedroom unit and three persons for each two bedroom unit; provided that the maximum monthly rental amount of the Required Affordable Units shall be adjusted annually by the formula set forth above upon the promulgation of revised figures concerning Median Income for the Area by regulation of the California Department of Housing and Community Development ("HCD"); and (ii) during any such periods as federal statutes described in item (i), above are not applicable, the sum of (a) one person plus (b) one person per bedroom, as provided in Health & Safety Code Section 50052.5(h). Actual rent charged may be less than such maximum rent.

Notwithstanding the foregoing portion of this Section 5.2.5, the Participant agrees that rents shall not exceed the Prescribed Rent Levels. Participant acknowledges that such Prescribed Rent Levels will further diminish rents from the Development.

5.2.6 Relationship to Tax Credit Requirements, Requirements Under the County HOME Agreement and Requirements Under the MHSA Agreement. Notwithstanding any other provisions of this Agreement, to the extent that the regulatory agreement executed by the Participant as a requirement of the allocation of tax credits (the "Tax Credit Regulatory Agreement"), the County HOME Agreement or the MHSA Agreement is more restrictive with respect to the requirements applicable to tenant selection, tenant income levels and unit rent levels than as provided in this Agreement and the Agency Participant CC&Rs, then the Tax Credit Regulatory Agreement, the County HOME Agreement and, as applicable, the MHSA Agreement, shall control and the Participant's compliance with the more restrictive requirements thereof shall not be a default hereunder.

5.3 Verifications.

5.3.1 Income Verification. Participant shall verify the income of each proposed and existing tenant of the each and every Unit in the Development, and not merely Required Affordable Units.

5.3.2 Annual Reports. Following the issuance of the Certificate of Completion, and on or before June 15 of each Operating Year, Participant, at its expense, shall submit to Agency or its designee the reports required pursuant to Health and Safety Code Section 33418, as the same may be amended from time to time, with each such report to be in the form prescribed by Agency. Each annual report shall cover the immediately preceding fiscal year.

The Participant shall maintain on file each tenant's executed lease and Income Verification and rental records for all Units and not merely the Required Affordable Units. The Participant shall maintain complete and accurate records for all Units and will permit any duly authorized representative of the Agency to inspect the books and records of the Participant pertaining to this Agreement and the Units. The Participant shall prepare and submit to the Agency (or its designee) annually commencing June 15, 2011 and continuing throughout the Required Covenant

Period, a Certificate of Continuing Program Compliance. Such documentation shall state for each Unit the unit size, the rental amount, the number of occupants, and the income of the occupants and any other information which may be used to determine compliance with the terms of this Agreement.

As part of its annual report, the Participant shall include a statement of amounts payable by Participant under this Agreement supported by an Audited Financial Statement (prepared by an independent accounting firm reasonably acceptable to the Agency) which sets forth information in detail sufficient for adequate review by the Agency for the purposes of confirming those amounts payable by the Participant to the Agency as well as showing the general financial performance of the Affordable Housing Project ("Annual Financial Report"). Each Annual Financial Report shall include a profit and loss statement showing Gross Revenues, Operating Expenses, Debt Service, Operating Reserve, Capital Replacement Reserve and Rental Receipts, all certified by the Audited Financial Statement. In the event the amounts reported or paid deviate by three percent (3%) or more from that amount determined to be owing upon review of the Participant's submittal, Participant shall reimburse Agency for its cost to review (which may require engagement of auditors and attorneys) and collect the amounts owing (including attorney fees); such amounts shall, until paid, be added to the amount payable under the Agency Note.

5.4 Maintenance of Site. Participant agrees for itself and its successors in interest to the Site, to maintain the improvements on the Site in conformity with the City Municipal Code and the conditions set forth in the Agency Participant CC&Rs, and shall keep the Site free from any accumulation of debris or waste materials. During such period, the Participant shall also maintain the landscaping planted on the Site in a healthy condition.

5.5 Nondiscrimination Covenants. Participant covenants by and for itself and any successors in interest that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the Site, nor shall the Participant itself or any person claiming under or through it establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees of the Site or any portion thereof. The foregoing covenants shall run with the land.

Participant shall refrain from restricting the rental, sale or lease of the Site on the basis of race, color, religion, sex, marital status, ancestry or national origin of any person. All such deeds, leases or contracts shall contain or be subject to substantially the following nondiscrimination or nonsegregation clauses:

In deeds: "The grantee herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises herein conveyed, nor shall the grantee or any person claiming under or through him or her, establish or permit any practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the premises herein conveyed. The foregoing covenants shall run with the land."

In leases: "The lessee herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through him or her, and this lease is made and accepted upon and subject to the following conditions:

"That there shall be no discrimination against or segregation of any person or group of persons, on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the leasing, subleasing, transferring, use, occupancy, tenure, or enjoyment of the premises herein leased nor shall the lessee himself or herself, or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy, of tenants, lessees, sublessees, subtenants, or vendees in the premises herein leased."

In contracts: "There shall be no discrimination against or segregation of, any person or group of persons on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises which are the subject of this Agreement, nor shall the grantee or any person claiming under or through him or her, establish or permit any practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the premises herein conveyed. The foregoing covenants shall run with the land."

5.6 Effect of Violation of the Terms and Provisions of this Agreement After Completion of Construction. Agency is deemed the beneficiary of the terms and provisions of this Agreement and of the covenants running with the land, for and in its own right and for the purposes of protecting the interests of the community and other parties, public or private, in whose favor and for whose benefit this Agreement and the covenants running with the land have been provided, without regard to whether Agency has been, remains or is an owner of any land or interest therein in the Site or in the Project Area of the Redevelopment Plan. Agency shall have the right, if the Agreement or any covenants in any agreement pursuant to this Agreement, including without limitation the Agency Participant CC&Rs, are breached, to exercise all rights and remedies, and to maintain any actions or suits at law or in equity or other proper proceedings to enforce the curing of such breaches to which it or any other beneficiaries of this Agreement and such covenants may be entitled.

6. PARTICIPANT'S GENERAL REPRESENTATIONS AND WARRANTIES.

As a material inducement to Agency to enter into this Agreement, Participant represents and warrants to Agency that:

6.1 Formation, Qualification and Compliance. Participant (a) is a California Limited Partnership validly existing and in good standing under the laws of the State of California; (b) has all requisite authority to conduct its business and own, purchase, improve and sell its properties. Participant is in compliance in all material respects with all laws applicable to its business and has obtained all approvals, licenses, exemptions and other authorizations from, and has accomplished all filings, registrations and qualifications with any governmental agency that are necessary for the transaction of its business; (c) Participant has and will in the future duly authorize, execute and

deliver this Agreement and any and all other agreements and documents required to be executed and delivered by the Participant in order to carry out, give effect to, and consummate the transactions contemplated by this Agreement; (d) Participant does not have any material contingent obligations or any material contractual agreements which could materially adversely affect the ability of the Participant to carry out its obligations hereunder; (e) There are no material pending or, so far as is known to the Participant, threatened, legal proceedings to which the Participant is or may be made a party or to which any of its property is or may become subject, which have not been fully disclosed by the Participant to the Agency in this Agreement which could materially adversely affect the ability of the Participant to carry out its obligations hereunder; and (f) There is no action or proceeding pending or, to the Participant's best knowledge, threatened, looking toward the dissolution or liquidation of the Participant and there is no action or proceeding pending or, to the Participant's best knowledge, threatened by or against the Participant which could affect the validity and enforceability of the terms of this Agreement, or materially and adversely affect the ability of the Participant to carry out its obligations hereunder.

Each of the foregoing items (a) to (f), inclusive, shall be deemed to be an ongoing representation and warranty. The Participant shall advise the Agency in writing if there is any change pertaining to any matters set forth or referenced in the foregoing items (a) to (f), inclusive.

6.2 Execution and Performance of Project Documents and the County HOME Loan Agreement. Participant has all requisite authority to execute and perform its obligations under the Project Documents and the County HOME Loan Agreement. The execution and delivery by Participant of, and the performance by Participant of its obligations under, each Project Document and the County HOME Loan Agreement has been authorized by all necessary action and do not and will not violate any provision of, or require any consent or approval not heretofore obtained under, any articles of incorporation, by-laws or other governing document applicable to Participant.

6.3 Covenant Not to Transfer Except in Conformity. Excepting for the rental of individual dwelling units to occupants in the regular course of business (which rental activity shall not be limited by this Section 6.3), or the sale of a partnership interest to generate proceeds in consideration of the Tax Credits, the Participant shall not sell, lease, or otherwise transfer or convey all or any part of the Site, or any interest therein, unless the Participant has first obtained the prior written consent of the Executive Director, which consent may be granted or refused in the Executive Director's sole and absolute discretion; except Agency shall upon receipt of written request therefor consent to a sale by Participant of its interest in the Development to General Partner of the Participant, after the expiration of the tax credit period. Any sale, lease, transfer or conveyance without such consent shall, at Agency's option, be void. A change in ownership of the Participant resulting in the entities executing this Agreement on behalf of Participant retaining less than fifty-one percent (51%) ownership of Participant shall be deemed to violate this Section 6.3. In connection with the foregoing consent requirement, Participant acknowledges that Agency relied upon Participant's particular expertise in entering into this Agreement and continues to rely on such expertise to ensure the satisfactory completion of all of the Improvements, and the marketing and rental of the Required Affordable Units to Extremely Low Income Households, Very Low Income Households, Lower Income Households and Moderate Income Households to afford the community a long-term, quality affordable housing resource.

7. DEFAULTS, REMEDIES, AND TERMINATION.

7.1 Default Remedies. Subject to the extensions of time set forth in Section 7.10 of this Agreement, failure by either party to perform any action or covenant required by this Agreement within the time periods provided herein following notice and failure to cure as described hereafter, constitutes a "Default" under this Agreement. A party claiming a Default shall give written notice of Default to the other party specifying the Default. Except as otherwise expressly provided in this Agreement, and without limiting or affecting rights of parties hereto to terminate this Agreement, the claimant shall not institute any proceedings against any other party, and the other party shall not be in Default if such party within thirty (30) days from receipt of such notice immediately, with due diligence, commences to cure, correct or remedy the specified Default and shall complete such cure, correction or remedy with diligence.

7.2 Institution of Legal Actions. In addition to any other rights or remedies and subject to the restrictions otherwise set forth in this Agreement, any party may institute an action at law or equity to seek specific performance of the terms of this Agreement, or to cure, correct or remedy any Default, to recover damages for any Default, or to obtain any other remedy consistent with the purpose of this Agreement. Such legal actions must be instituted in the Superior Court of the County of Riverside, State of California.

7.3 Termination by the Participant. The Participant shall have no right to terminate this Agreement.

7.4 Termination by Agency. In the event that by the respective time(s) set forth for performance of the corresponding item (and if no time is specified, then September 30, 2009):

7.4.1 Participant (or any successor in interest) assigns this Agreement or any rights therein or in the Site in violation of this Agreement;

7.4.2 Any Condition Precedent to Disbursement has not been fulfilled;

7.4.3 Participant fails to execute the Agency Participant CC&Rs or the Memorandum of Agreement;

7.4.4 The Participant fails to obtain commitments for financing sufficient to commence and complete construction of the Improvements;

7.4.5 The Participant fails to deliver to the Executive Director a fully executed MHSA Agreement and a fully executed County HOME Agreement in form reasonably acceptable to the Executive Director; or

7.4.6 Participant is otherwise in default of this Agreement and fails to cure such default within the time set forth in Section 7.1 hereof;

then this Agreement and any rights of the Participant or any assignee or transferee with respect to or arising out of the Agreement or the Site, shall, at the option of Agency, be terminated by Agency by Notice thereof to the Participant. From the date of the Notice of termination of this Agreement by Agency to the Participant and thereafter this Agreement shall be deemed terminated and there shall be no further rights or obligations among the parties, except that Agency may pursue any remedies it has hereunder.

7.5 Acceptance of Service of Process. In the event that any legal action is commenced against the Agency, service of process on the Agency shall be made by personal service upon the Executive Director or in such other manner as may be provided by law. In the event that any legal action is commenced against the Participant, service of process on the Participant shall be made in such manner as may be provided by law and shall be effective whether served inside or outside of California.

7.6 Rights and Remedies Are Cumulative. Except as otherwise expressly stated in this Agreement, the rights and remedies of the parties are cumulative, and the exercise by a party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by another party.

7.7 Inaction Not a Waiver of Default. Any failures or delays by either party in asserting any of its rights and remedies as to any Default shall not operate as a waiver of any Default or of any such rights or remedies, or deprive either such party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies.

7.8 Applicable Law. The laws of the State of California shall govern the interpretation and enforcement of this Agreement.

7.9 Modification of Agency Participant CC&Rs. In the event the Participant is required under the Tax Credit Regulatory Agreement, the County HOME Agreement or the MHSA Agreement to restrict the affordability of units in a manner more restrictive than as set forth under the form of Agency Participant CC&Rs set forth as Attachment No. 9 hereto, then, from time to time upon receipt of request therefor from the Executive Director, the Participant agrees to consent to modifications to incorporate such greater restrictions into the Agency Participant CC&Rs; such request(s) by the Executive Director can be made at any time(s) during the Required Covenant Period without regard to whether the Agency Participant CC&Rs have been recorded.

7.10 Enforced Delay; Extension of Times of Performance. In addition to specific provisions of this Agreement, performance by any party hereunder shall not be deemed to be in Default, and all performance and other dates specified in this Agreement shall be extended, where delays or Defaults are due to: war; insurrection; riots; floods; earthquakes; fires; casualties; acts of God; acts of the public enemy; acts or omissions of another party, or acts or failures to act of the City or any other public or governmental agency or entity (excepting that acts or failures to act of Agency or City shall not excuse performance by Agency or City). Notwithstanding anything to the contrary in this Agreement, an extension of time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if notice by the party claiming such extension is sent to the other party within thirty (30) days of the commencement of the cause. Times of performance under this Agreement may also be extended in writing by the mutual agreement of Agency and Participant. The Agency Executive Director shall have the authority to approve extensions on behalf of Agency to approve extensions of time not to exceed a cumulative total of one hundred eighty (180) days. Notwithstanding any provision of this Agreement to the contrary, the inability to obtain a preliminary reservation by TCAC, the failure to enter into the MHSA Agreement or to secure receipt of the MHSA Amount, the failure to enter into the County HOME Agreement, or the failure to conclude the marketing of tax credits, for any reason, or the lack of funding to complete the Development or failure or refusal by the Owner to provide the

Owner/Agency Indemnity or the failure of Participant to obtain fee title to the Site shall not constitute grounds of enforced delay pursuant to this Section 7.10.

7.11 Limitation Upon Transfer. The qualifications and identity of the Participant are of particular concern to Agency. It is because of those qualifications and identity that Agency has entered into this Agreement with the Participant. For the period commencing upon the date of this Agreement and until the end of the Required Covenant Period, no voluntary or involuntary successor in interest of the Participant shall acquire any rights or powers under this Agreement, nor shall the Participant make any total or partial sale, transfer, conveyance, assignment, subdivision, refinancing or lease of the whole or any part of the Site or the Development thereon (excepting the rental of Units to Occupants and further excepting the conveyance or dedication of any portion of the Site to the City or other appropriate governmental agency, or the granting of easements or permits to facilitate construction of the Development) without prior written approval of Agency, except as expressly set forth herein.

Notwithstanding the foregoing, and once the Project has achieved stabilized occupancy (as determined by the Executive Director), the Participant may sell or re-finance its interests provided it (i) notifies Agency of its intentions, (ii) identifies the party or parties that it intends to sell the Project to or re-finance its interests with, and (iii) describes in sufficient detail the major business points of the intended transaction, and (iv) the transferee agrees, in writing acceptable to the Agency, to be bound by and comply with each of the Tax Credit Regulatory Agreement and the Agency Participant CC&Rs.

7.11.1 Permitted Transfers. Notwithstanding any other provision of this Agreement to the contrary, the Agency shall not unreasonably withhold its approval of an assignment of this Agreement or conveyance of the interest in Site, or any part thereof, in connection with any of the following: (a) any transfers to an entity or entities in which the Participant or one of its partners as of the Date of the Agreement retains a minimum of fifty-one percent (51%) of the ownership or beneficial interest and retains management and control of the transferee entity or entities; (b) any substitution of a general partner of the Participant with an entity controlled by that general partner; and (c) any transfer of a limited partner's interest in the Participant to a tax credit investor or its affiliate.

In the event of a proposed assignment by Participant under subparagraphs 7.11.1 above, Participant agrees that at least thirty (30) days prior to such assignment it shall give written notice to Agency including a request for approval of such assignment and satisfactory evidence that the assignee has assumed jointly with Participant the Obligations of this Agreement.

7.11.2 Agency Consideration of Requested Transfer. Agency agrees that it will consider in good faith a request made pursuant to this Section 7.11 after the achievement of occupancy of ninety percent (90%) or more of the Housing Units in conformity with this Agreement following the issuance by Agency of a Certificate of Completion for the last building to be constructed as part of the Improvements, provided the Participant delivers written notice to Agency requesting such approval and provided further that the Tax Credit Regulatory Agreement, the County HOME Agreement, the MHSA Agreement and the Agency Participant CC&Rs remain in full force and effect. Such notice shall be accompanied by sufficient evidence regarding the proposed assignee's or purchaser's development and/or operational qualifications and experience, its financial commitments and resources, and the financial terms of such assignment (including the consideration proposed to flow to the Participant or Related Entity and/or any of the Principals) in sufficient detail

to enable Agency to evaluate the proposed assignee or purchaser pursuant to the criteria set forth in this Section 7.11, and as reasonably determined by Agency. Notwithstanding the foregoing, the transfer of limited partnership interests to tax credit investors shall not entitle the Agency to receive compensation (in connection with such transfer to tax credit investors). Agency shall evaluate each proposed transferee or assignee on the basis of its development and/or qualifications and experience in the operation of facilities similar to the Development, and its financial commitments and resources, and may reasonably disapprove any proposed transferee or assignee, during the period for which this Section 7.11 applies, which Agency reasonably determines does not possess sufficient qualifications. An assignment and assumption agreement in form satisfactory to Agency's legal counsel shall also be required for all proposed assignments. The Participant agrees and acknowledges that in connection with any such assignment approved by the Agency pursuant to this Agreement, the Participant shall remain liable for performance pursuant to this Agreement for a period of five (5) years following such assignment; provided that the five-year limitation shall not apply (and the ongoing liability of Participant shall not be thereby limited) in connection with the transfer of limited partnership interests to tax credit investors. Within thirty (30) days after the receipt of the Participant's written notice requesting approval of an assignment or transfer pursuant to this Section 7.11, including assignments that do not require Agency/Executive Director approval, Agency shall either approve or disapprove such proposed assignment or shall respond in writing by stating what further information, if any, Agency reasonably requires in order to determine the request complete and determine whether or not to grant the requested approval. Upon receipt of such a response, the Participant shall promptly furnish to Agency such further information as may be reasonably requested.

7.11.3 Successors and Assigns. All of the terms, covenants and conditions of this Agreement shall be binding upon the Participant and its permitted successors arid assigns. Whenever the term "Participant" is used in this Agreement, such term shall include any other permitted successors and assigns as herein provided.

7.11.4 Assignment by Agency. Agency may assign or transfer any of its rights or obligations under this Agreement with the approval of the Participant, which approval shall not be unreasonably withheld; provided, however, that Agency may assign or transfer any of its interests hereunder to the City at any time without the consent of the Participant.

7.12 Non-Liability of Officials and Employees of Agency. No member, official, officer or employee of Agency or the City shall be personally liable to the Participant, or any successor in interest, in the event of any Default or breach by Agency (or the City) or for any amount which may become due to the Participant or its successors, or on any obligations under the terms of this Agreement.

7.13 Relationship Between Agency and Participant. It is hereby acknowledged that the relationship among the Agency and Participant is not that of a partnership or joint venture and that Agency and Participant shall not be deemed or construed for any purpose to be the agent of the other. Accordingly, except as expressly provided in this Agreement, including the Attachments hereto, neither the Agency nor the City shall have no rights, powers, duties or obligations with respect to the development, operation, maintenance or management of the Development.

7.14 Agency and City Approvals and Actions. Whenever a reference is made herein to an action or approval to be undertaken by the Agency, the Executive Director is authorized to act on behalf of the Agency unless specifically provided otherwise or the law otherwise requires. When a

reference is made herein to an action or approval to be undertaken by the City the City Manager is authorized to act on behalf of the City unless specifically provided otherwise or the law otherwise requires.

7.15 Real Estate Brokers. Agency and Participant each represent and warrant to each other that no broker or finder is entitled to any commission or finder's fee in connection with this transaction and each agrees to defend and hold harmless the other from any claim to any such commission or fee resulting from any action on its part.

7.16 Attorneys' Fees. In any action among the parties to interpret, enforce, reform, modify, rescind, or otherwise in connection with any of the terms or provisions of this Agreement, the prevailing party in the action shall be entitled, in addition to any other relief to which it might be entitled, reasonable costs and expenses including, without limitation, litigation costs and reasonable attorneys' fees.

8. MISCELLANEOUS

8.1 Obligations Unconditional and Independent. Notwithstanding the existence at any time of any obligation or liability of Agency to Participant, or any other claim by Participant against Agency, in connection with the Site or otherwise, Participant hereby waives any right it might otherwise have (a) to offset any such obligation, liability or claim against Participant's obligations under this Agreement (including without limitation the attachments hereto), or (b) to claim that the existence of any such outstanding obligation, liability or claim excuses the nonperformance by Participant of any of its obligations under the Project Documents and/or the County HOME Loan Agreement.

8.2 Notices. All notices, demands, approvals and other communications provided for in the Project Documents shall be in writing and be delivered to the appropriate party at its address as follows:

If to Participant:
MV Rancho Dorado II Limited Partnership
P.O. Box 3958
Palm Desert, California 92261
Telephone: (760) 568-1048
Fax: (760) 832-2932

with copy (the mailing of which shall not constitute notice to Participant) to:
Goldfarb & Lipman
Attention: Robert C. Mills
1300 Clay Street, 9th Floor
Oakland, CA 94612
Telephone: (510) 836-6336
Fax: (510) 836-1035

If to Agency:
Community Redevelopment Agency of the
City of Moreno Valley
14177 Frederick Street

P.O. Box 88005
Moreno Valley, CA 92552-0805
Attn: Executive Director

with copy (the mailing of which shall not constitute notice to Agency) to:

Stradling Yocca Carlson & Rauth
Attention: Mark J. Huebsch
660 Newport Center Drive, Suite 1600
Newport Beach, CA 92660
Telephone: (949) 725-4167
Telecopier: (949) 823-5167

Addresses for notice may be changed from time to time by written notice to all other parties. All communications shall be effective when actually received; provided, however, that nonreceipt of any communication as the result of a change of address of which the sending party was not notified or as the result of a refusal to accept delivery shall be deemed receipt of such communication.

8.3 Survival of Representations and Warranties. All representations and warranties in the Project Documents shall survive the Closing and the rental of the Required Affordable Units and have been or will be relied on by Agency notwithstanding any investigation made by Agency.

8.4 No Third Parties Benefited Except for City. This Agreement is made for the purpose of setting forth rights and obligations of Participant and Agency, and no other person (except for the City) shall have any rights hereunder or by reason hereof. Except for the City, which shall be deemed to be a third party beneficiary of this Agreement (including without limitation the Attachments hereto), there shall be no third party beneficiaries of this Agreement.

8.5 Binding Effect; Assignment of Obligations. This Agreement shall bind, and shall inure to the benefit of, Participant and Agency and their respective successors and assigns. Participant shall not assign any of its rights or obligations under any Project Document without the prior written consent of the Executive Director, which consent may be withheld in the Executive Director's sole and absolute discretion. Any such assignment without such consent shall, at Agency's option, be void. In connection with the foregoing consent requirement, Participant acknowledges that Agency relied upon Participant's particular expertise in entering this Agreement and continues to rely on such expertise to ensure the satisfactory completion of the Improvements and the use of the Required Affordable Units in conformity with this Agreement.

8.6 Counterparts. Provided that the written approval of the Executive Director is first obtained, any Project Document may be executed in counterparts, all of which, taken together, shall be deemed to be one and the same document.

8.7 Prior Agreements; Amendments; Consents. This Agreement (together with the other Project Documents) contains the entire agreement between Agency and Participant with respect to the Site, and all prior negotiations, understandings and agreements with respect to such matters, including without limitation the Prior Agreements, are superseded by this Agreement and such other Project Documents. No modification of any Project Document (including waivers of rights and

conditions) shall be effective unless in writing and signed by the party against whom enforcement of such modification is sought, and then only in the specific instance and for the specific purpose given. This Agreement is executed in three (3) duplicate originals, each of which is deemed to be an original. This Agreement includes pages 1 through 41 and Attachments 1 through 19, which constitutes the entire understanding and agreement of the parties.

This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the parties or their predecessors in interest with respect to all or any part of the subject matter hereof.

All waivers of the provisions of this Agreement must be in writing by the appropriate authorities of the Agency and the Participant, and all amendments hereto must be in writing by the appropriate authorities of the Agency and the Participant.

8.8 Governing Law. All of the Project Documents shall be governed by, and construed and enforced in accordance with, the laws of the State of California. Participant irrevocably and unconditionally submits to the jurisdiction of the Superior Court of the State of California for the County of Riverside or the United States District Court of the Central District of California, as Agency may deem appropriate, in connection with any legal action or proceeding arising out of or relating to this Agreement or the other Project Documents. Assuming proper service of process, Participant also waives any objection regarding personal or in rem jurisdiction or venue.

8.9 Severability of Provisions. No provision of any Project Document that is held to be unenforceable or invalid shall affect the remaining provisions, and to this end all pro-visions of the Project Documents are hereby declared to be severable.

8.10 Headings. Article and Section headings are included in the Project Documents for convenience of reference only and shall not be used in construing the Project Documents.

8.11 Conflicts. In the event of any conflict between the provisions of this Agreement and those of any other Project Document, this Agreement shall prevail; provided however that, with respect to any matter addressed in both such documents, the fact that one document provides for greater, lesser or different rights or obligations than the other shall not be deemed a conflict unless the applicable provisions are inconsistent and could not be simultaneously enforced or performed.

8.12 Time of the Essence. Time is of the essence of all of the Project Documents.

8.13 Conflict of Interest. No member, official or employee of Agency shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law.

8.14 Warranty Against Payment of Consideration. Participant warrants that it has not paid or given, and will not pay or give, any third person any money or other consideration for obtaining this Agreement.

8.15 Nonliability of Agency Officials and Employees. No member, official or employee of Agency shall be personally liable to Participant, or any successor in interest, in the event of any default or breach by Agency or for any amount which may become due to Participant or successor, or on any obligation under the terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the dates hereinafter respectively set forth.

PARTICIPANT:

MV RANCHO DORADO II LIMITED PARTNERSHIP,
a California Limited Partnership

By: HOUSING CORPORATION OF AMERICA,
a Utah nonprofit corporation
(Its: Managing General Partner)

By: _____
Ron Olson
Its: President

By: PALM DESERT DEVELOPMENT COMPANY,
a California corporation
(Its: Administrative General Partner)

By: _____
James M. Jernigan
Its: CFO/Secretary

AGENCY:

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, a public body, corporate and politic

By:_____
Executive Director

ATTEST:

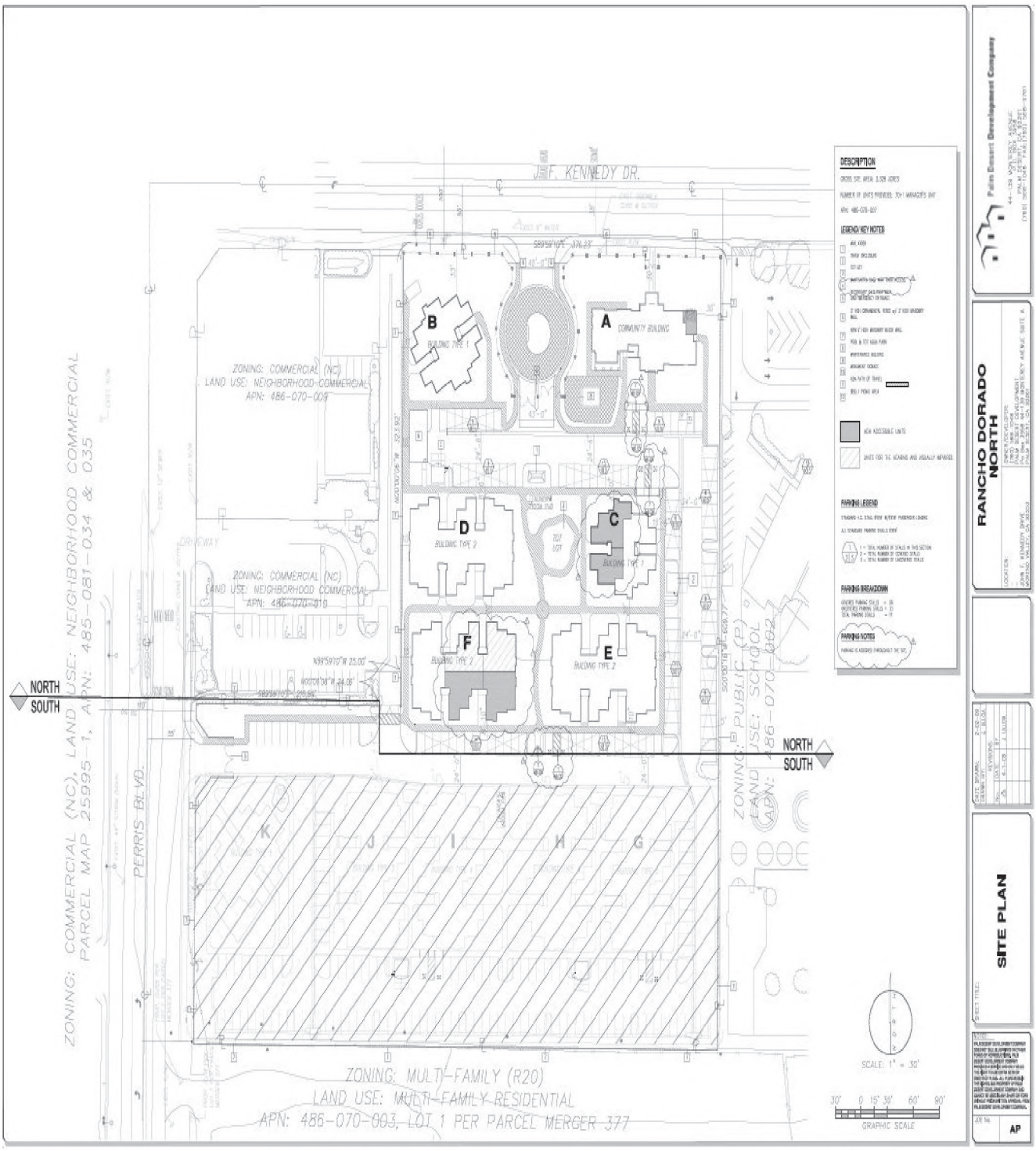
_____
Agency Secretary

Approved as to form:

_____
STRADLING YOCCA CARLSON & RAUTH,
a Professional Corporation
By: Mark J. Huebsch

ATTACHMENT NO. 1

SITE MAP


J.F. KENNEDY DR.
ZONING: COMMERCIAL (NC)
LAND USE: NEIGHBORHOOD COMMERCIAL
APN: 486-070-009
ZONING: COMMERCIAL (NC)
LAND USE: NEIGHBORHOOD COMMERCIAL
APN: 486-070-010
ZONING: COMMERCIAL (NC), LAND USE: NEIGHBORHOOD COMMERCIAL
PARCEL MAP 25995-1, APN: 485-081-034 & 035
PERRIS BLVD.
ZONING: PUBLIC (P)
LAND USE: SCHOOL
APN: 486-070-002
ZONING: MULTI-FAMILY (R20)
LAND USE: MULTI-FAMILY RESIDENTIAL
APN: 486-070-003, LOT 1 PER PARCEL MERGER 377
NORTH
SOUTH
NORTH
SOUTH
A
COMMUNITY BUILDING
B
BUILDING TYPE 1
C
BUILDING TYPE 1
D
BUILDING TYPE 2
E
BUILDING TYPE 2
F
BUILDING TYPE 2
K J I H G
DESCRIPTION
LEGEND/ KEY NOTES
PARKING LEGEND
PARKING BREAKDOWN
PARKING NOTES
SCALE: 1" = 30'
30' 0 15' 30' 60' 90'
GRAPHIC SCALE
Palm Desert Development Company
RANCHO DORADO NORTH
SITE PLAN
AP

ATTACHMENT NO. 2

LEGAL DESCRIPTION OF THE SITE

Real property in the City of Moreno Valley, County of Riverside, State of California, being Parcel 1 as shown by Parcel Map No. 36075, on file in Book _____, pages _____ through _____ of Parcel Maps, in the Office of the County Recorder of said County of Riverside, located in a portion of the northwest quarter of Section 20, of Township 3 South, Range 3 West, San Bernardino Meridian, more particularly described as follows:

BEGINNING at the northeast corner of said Parcel Map No. 36075;

thence along the easterly line of said Parcel Map No. 36075, South 00°25'24" West 387.43 feet, to a point hereinafter referred to as POINT "A";

thence leaving said easterly line North 89°33'25" West 393.41 feet;

thence North 00°26'35" East 39.43 feet;

thence North 89°33'25" West 1.89 feet to the most southerly corner of Parcel 2 of said Parcel Map No. 36075;

thence along the easterly line of said Parcel 2 through the following 3 courses;

North 00°25'46" East 24.08 feet;

thence South 89°33'25" East 25.00 feet;

thence North 00°25'46" East 323.92 feet to the northerly line of said Parcel Map No. 36075;

thence along said northerly line South 89°33'25" East 370.24 feet to the **POINT OF BEGINNING**.

CONTAINING: 3.328 acres, more or less.

APN:**TBD**

ATTACHMENT NO. 3

SCHEDULE OF PERFORMANCE

For the purposes of this Schedule of Performance, the "Date of Agreement" is May 26, 2009. The Executive Director may extend by not more than ninety (90) days the time under this Schedule of Performance by which any obligation of Participant shall be performed.

1. Satisfaction of Conditions Precedent to Disbursement of Agency Disbursement Amount. Participant shall satisfy the Conditions Precedent to Disbursement of Agency Disbursement Amount.	Not later than the Closing Deadline.
2. Recording. The Agency CC&Rs, the MHSA Agreement, the First Inter-Creditor and Subordination Agreement, the Second Inter-Creditor and Subordination Agreement and Memorandum of Agreement are recorded.	On or before the Closing Deadline.
3. TCAC Approval. The Participant shall have obtained a preliminary reservation of tax credits by TCAC.	On or before October 8, 2008.
4. Commencement of Construction. The Participant shall have commenced construction of the Improvements.	On or before September 30, 2009.
5. Completion of Construction. Participant shall complete construction of the Improvements.	Within fourteen (14) months after the earlier of (i) the commencement of construction or (ii) the time established in this Schedule of Performance for the commencement of construction.
6. Rental Units Occupied. Participant causes the Required Affordable Units to be occupied using the Prescribed Rent Levels in conformity with the Agreement.	Within one hundred (100) days after the earlier of (i) completion of construction or (ii) the time established for completion of construction in this Schedule of Performance.

ATTACHMENT NO. 4

CERTIFICATE OF CONTINUING PROGRAM COMPLIANCE

TO: Community Redevelopment Agency of the City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, California 92552-0805
Attention: Executive Director

The undersigned,_____, being duly authorized to execute this Certificate of Continuing Program Compliance (this "Certificate") on behalf of MV Rancho Dorado II Limited Partnership, a California Limited Partnership (the "Participant"), hereby represents and warrants that:

1. He has read and is thoroughly familiar with the provisions of the Affordable Housing Agreement (the "AHA") by and between the Agency and the Participant dated as of May 26, 2009, including without limitation the Agency Participant CC&Rs and other attachments thereto. Capitalized terms used herein shall have the same meaning as that set forth in the AHA; and

2. As of the date of this Certificate, the following number of completed residential units at the Site: (i) are currently occupied by Very Low Income Households at Affordable Rent; (ii) are currently occupied by Lower Income Households at Affordable Rent; (iii) are currently occupied by Moderate Income Households at Affordable Rent, or (iv) are currently vacant and being held available for occupancy by a Very Low Income Household, a Lower Income Household, or a Moderate Income Household and have been so held continuously since the date a Very Low Income Household, a Lower Income Household or Moderate Income Household vacated such unit:

Occupied at an Affordable Rent by:

Extremely Low Income Households (30%)	_____ # of Units, Nos.:
Very Low Income Households (50%)	_____ # of Units, Nos.:
Lower Income Households (60%)	_____ # of Units, Nos.:
Moderate Income Households (120%)	_____ # of Units, Nos.:

Vacant:

a. Held for occupancy by:

i.	Extremely Low Income Households (30%)	_____ # of Units, Nos.:
ii.	Very Low Income Households (50%)	_____ # of Units, Nos.:
iii.	Lower Income Households (60%)	_____ # of Units, Nos.:
iv.	Moderate Income Households (120%)	_____ # of Units, Nos.:

b. Last occupied by:

i.	Extremely Low Income Households (30%)	_____ # of Units, Nos.:
ii.	Very Low Income Households (50%)	_____ # of Units, Nos.:
iii.	Lower Income Households (60%)	_____ # of Units, Nos.:
iv.	Moderate Income Households (120%)	_____ # of Units, Nos.:

3. At no time since the date of filing of the last Certification of Continuing Program Compliance have less than one hundred percent (100%) of the Required Affordable Units as completed units in the Project been occupied by, or been last occupied, or have been available for occupancy by Extremely Low Income Households (30%), Very Low Income Households (50%), Lower Income Households (60%) or Moderate Income Households (120%) at an Affordable Rent.

4. The Participant is not in default under the terms of the Agreement, including without limitation the attachments thereto (such as the Agency Participant CC&Rs).

MV RANCHO DORADO II LIMITED PARTNERSHIP,
a California Limited Partnership

By: HOUSING CORPORATION OF AMERICA,
a Utah nonprofit corporation
(Its: Managing General Partner)

By: _____
Ron Olson
Its: President

By: PALM DESERT DEVELOPMENT COMPANY,
a California corporation
(Its: Administrative General Partner)

By: _____
James M. Jernigan
Its: CFO/Secretary

(PARTICIPANT)

ATTACHMENT NO. 5

CALCULATION OF AFFORDABLE RENTS

Riverside County
Affordable Rent Worksheet

(2009 Income Figures)

1. Income Eligibility[1]

The first step in determining eligibility for an affordable housing program is determining whether the family which will be purchasing or renting the housing unit meets the following income standards applicable to **Riverside** County, based upon the size of the family:

Income Level	*1 person household*	*2 person household*	*3 person household*	*4 person household*	*5 person household*	*6 person household*	*7 person household*	*8 person household*
Extremely Low	$14,000	$16,000	$18,000	$20,000	$21,600	$23,200	$24,800	$26,400
Very Low	$23,300	$26,650	$29,950	$33,300	$35,950	$38,650	$41,300	$43,950
Lower	$37,300	$42,650	$47,950	$53,300	$57,550	$61,850	$66,100	$70,350
Median	$45,150	$51,600	$58,050	$64,500	$69,650	$74,800	$80,000	$85,150
Moderate	$54,200	$61,900	$69,650	$77,400	$83,600	$89,800	$96,000	$102,150

2. Determining Affordable Rent

For **rental housing**, the second step in determining compliance with affordable housing requirements is determining whether the total rent costs payable by the tenant are within allowable amounts.

For **Extremely Low Income** Households:[2]

- renting a 0 bedroom unit, monthly rent may not exceed $**338.63**
- renting a **1 bedroom** unit, monthly rent may not exceed **$387.00**

---

[1] Based on currently effective median income of San Bernardino-Riverside County, as released by the Department of Housing and Community Development ("HCD") by memorandum dated April 2, 2009 and which memorandum was posted to the HCD website. These median income numbers are revised annually.

[2] Affordable Rent for Extremely Low Income Households is the product of 30 percent times 30 percent of the area median income adjusted for family size appropriate to the unit. Health and Safety Code Section 50053 (b)(1).

- renting a **2 bedroom** unit, monthly rent may not exceed **$435.38**
- renting a **3 bedroom** unit, monthly rent may not exceed **$483.75**
- renting a **4 bedroom** unit, monthly rent may not exceed **$522.38**
- renting a **5 bedroom** unit, monthly rent may not exceed **$561.00**

For **Very Low Income** Households:[3]

- renting a **0 bedroom** unit, monthly rent may not exceed **$564.38**
- renting a **1 bedroom** unit, monthly rent may not exceed **$645.00**
- renting a **2 bedroom** unit, monthly rent may not exceed **$725.63**
- renting a **3 bedroom** unit, monthly rent may not exceed **$806.25**
- renting a **4 bedroom** unit, monthly rent may not exceed **$870.63**
- renting a **5 bedroom** unit, monthly rent may not exceed **$935.00**

[3] Affordable Rent for Very Low Income Households is the product of 30 percent times 50 percent of the area median income adjusted for family size appropriate to the unit. Health and Safety Code Section 50053 (b)(2).

For **Lower Income** Households:[4]

- renting a **0 bedroom** unit, monthly rent may not exceed **$677.25**
- renting a **1 bedroom** unit, monthly rent may not exceed **$774.00**
- renting a **2 bedroom** unit, monthly rent may not exceed **$870.75**
- renting a **3 bedroom** unit, monthly rent may not exceed **$967.50**
- renting a **4 bedroom** unit, monthly rent may not exceed **$1,044.75**
- renting a **5 bedroom** unit, monthly rent may not exceed **$1,122.00**

In addition, for any Lower Income Household whose income falls within the following guidelines, it is **optional** for the agency to require that **affordable rent not exceed 30 percent of the gross income of the household**:[5]

- **1 person households** whose income is between **$27,090 and $37,300**
- **2 person households** whose income is between **$30,960 and $42,650**
- **3 person households** whose income is between **$34,830 and $47,950**
- **4 person households** whose income is between **$38,700 and $53,300**
- **5 person households** whose income is between **$41,790 and $57,550**
- **6 person households** whose income is between **$44,880 and $61,850**
- **7 person households** whose income is between **$48,000 and $66,100**
- **8 person households** whose income is between **$51,090 and $70,350**

---

[4] Affordable Rent for Lower Income Households is the product of 30 percent times 60 percent of the area median income adjusted for family size appropriate to the unit. Health and Safety Code Section 50053 (b)(3).

[5] Health and Safety Code Section 50053 (b)(3).

For **Moderate Income** Households:[6]

- renting a **0 bedroom** unit, monthly rent may not exceed **$1,241.63**
- renting a **1 bedroom** unit, monthly rent may not exceed **$1,419.00**
- renting a **2 bedroom** unit, monthly rent may not exceed **$1,596.38**
- renting a **3 bedroom** unit, monthly rent may not exceed **$1,773.75**
- renting a **4 bedroom** unit, monthly rent may not exceed **$1,915.38**
- renting a **5 bedroom** unit, monthly rent may not exceed **$2,057.00**

In addition, for any Moderate Income Household whose income falls within the following guidelines, it is **optional** for the agency to require that **affordable rent not exceed 30 percent of the gross income of the household:**[7]

- **1 person households** whose income is between **$49,665 and $54,200**
- **2 person households** whose income is between **$56,760 and $61,900**
- **3 person households** whose income is between **$63,855 and $69,650**
- **4 person households** whose income is between **$70,950 and $77,400**
- **5 person households** whose income is between **$76,615 and $83,600**
- **6 person households** whose income is between **$82,280 and $89,800**
- **7 person households** whose income is between **$88,000 and $96,000**
- **8 person households** whose income is between **$93,665 and $102,150**

---

[6] Affordable Rent for Moderate Income Households is the product of 30 percent times 110 percent of area median income adjusted for family size appropriate to the unit. Health and Safety Code Section 50053 (b)(4).

[7] Health and Safety Code Section 50053 (b) (4).

For purposes of determining Affordable Rent, ***"Rent"*** is an average of estimated housing costs for the next twelve months. ***"Rent"*** includes the total of monthly payments for all of the following:[8]

- Use and occupancy of a housing unit and land and facilities associated therewith.
- Any separately charged fees or service charges assessed by the lessor which are required of all tenants, other than security deposits.
- A reasonable allowance for utilities not included in the above costs, including garbage collection, sewer, water, electricity, gas, and other heating, cooking, and refrigeration fuels. Utilities does not include telephone service. Such an allowance shall take into consideration the cost of an adequate level of service.
- Possessory interest taxes or other fees or charges assessed for use of the land and facilities associated therewith by a public or private entity other than the lessor.

[8] 25 California Code of Regulations Section 6918.

ATTACHMENT NO. 6

REQUEST FOR NOTICE OF DEFAULT

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Community Redevelopment Agency of the City
of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, California 92552-0805
Attention: Executive Director

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

Exempt from recording fees pursuant to Government Code § 6103.

Request for Notice Under Section 2924b Civil Code

In accordance with Section 2924b, Civil Code, request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale under the Deed of Trust recorded as Instrument No. _____ on _____, 200___, in Book _____, Page _____, Official Records of Riverside County, California, and describing land therein as

See Exhibit A attached hereto

executed by _____, as Trustor, in which _____ is named as Beneficiary, and _____ as Trustee, be mailed to COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, at 14177 Frederick Street, Moreno Valley, California 92552-0805, Attention: Executive Director.

NOTICE: A COPY OF ANY NOTICE OF DEFAULT AND OF ANY NOTICE OF SALE WILL BE SENT ONLY TO THE ADDRESS CONTAINED THIS RECORDED REQUEST. IF YOUR ADDRESS CHANGES, A REQUEST MUST BE RECORDED.

_____
Executive Director

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and 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 Seal)
Signature of Notary Public

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED

_____
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages ___ Document Date_____

_____
(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer
  _____
  (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e, certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

ATTACHMENT NO. 7

SCOPE OF DEVELOPMENT

I. GENERAL DESCRIPTION

The Site is specifically delineated on the Site Map and the Legal Description of the Site.

II. DEVELOPMENT

The Participant shall construct seventy-one (71) housing units on the Site, together with all on-site and off-site features described in this Scope of Development (as presented to the City Council of the City on the Date of Agreement), including without limitation landscaping and all off-sites and improvements required under the City approvals for the Development, including zoning, general plan, environmental clearance and all conditions of approval thereunder. All such improvements collectively constitute the "Improvements."

The quality of construction shall be of a high level. The Improvements shall conform to the approved plans on file with the Agency as of the Date of the Agreement as supplemented by the Design Development Drawings (the "Approved Plans"), including all conditions and mitigation measures under those land use approvals obtained by the Participant prior to the Date of Agreement.

The Participant shall commence and complete the Improvements by the respective times established therefor in the Schedule of Performance.

III. DEVELOPMENT STANDARDS

The Improvements shall conform to all applicable state laws and regulations and to local zoning, applicable provisions of the Municipal Code of the City of Moreno Valley (the "Municipal Code") and the following development standards:

A. General Requirements:

1. Vehicular Access. The placement of vehicular driveways shall be coordinated with the needs of proper street traffic flow as approved by the City. In the interest of minimizing traffic congestion, the City will control the number and location of curb breaks for access to the Site for off-street parking and truck loading. All access driveways shall require written approval of the City staff.

2. Building Signs. Signs shall be limited in size, subdued and otherwise designed to contribute positively to the environment. Signs identifying the building use will be permitted, but their height, size, location, color, lighting and design will be subject to City staff approval, and signs must conform to the Municipal Code.

3. Screening. All outdoor storage of materials or equipment shall be enclosed or screened to the extent and in the manner required by the City staff.

4. Landscaping. The Participant shall provide and maintain landscaping within the public rights-of-way and within setback area along all street frontages and conforming with the plans as hereafter approved by the City.

Landscaping shall consist of trees, shrubs and installation of an automatic irrigation system adequate to maintain such plant material. The type and size of trees to be planted, together with a landscaping plan, shall be subject to the City staff approval prior to planting.

5. Utilities. All utilities on the Site provided to service the units rehabilitated or reconstructed by the Participant shall be underground at Participant's expense.

6. Building Design. Buildings shall be constructed such that the Improvements shall be of high architectural quality, and shall be effectively and aesthetically designed and in conformance with City approvals.

IV. DEMOLITION AND SOILS

The Participant assumes all responsibility for surface and subsurface conditions at the Site, and the suitability of the Site for the Improvements. The Participant has undertaken all investigation of the Site as it shall deem necessary and has not received or relied upon any representations of the Agency, the City, or their respective officers, agents and employees.

V. SPECIAL AMENITIES

The Participant shall undertake all improvements required by the City as a condition of development of the Site, as more particularly provided in the City approvals given for the Site.

ATTACHMENT NO. 8

CERTIFICATE OF COMPLETION

RECORDING REQUESTED BY)
AND WHEN RECORDED MAIL TO:)
)
)
)
)
)
)
)

(Space Above for Recorder's Use Only)

This document is exempt from the payment of a recording fee pursuant to Government Code Section 27383.

CERTIFICATE OF COMPLETION

THIS CERTIFICATE OF COMPLETION (the "Certificate") is made by the **COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY,** a public body, corporate and politic (the "Agency"), in favor of **MV RANCHO DORADO II LIMITED PARTNERSHIP,** a California Limited Partnership (the "Participant"), as of the date set forth below.

RECITALS

A. Agency and the Participant have entered into that certain Affordable Housing Agreement (the "AHA") dated as of May 26, 2009 concerning the redevelopment of certain real property situated in the City of Moreno Valley, California, as more fully described in Exhibit "A" attached hereto and made a part hereof (the "Site").

B. As referenced in Section 4.13 of the AHA, Agency is required to furnish the Participant or its successors with a Certificate of Completion upon completion of construction of the "Improvements" (as defined in Section 1.1 of the AHA), which Certificate is required to be in such form as to permit it to be recorded in the Recorder's Office of Riverside County. This Certificate is conclusive determination of satisfactory completion of the construction and development required by the AHA.

C. Agency has conclusively determined that the construction and development of the Development has been satisfactorily completed.

NOW, THEREFORE, Agency hereby certifies as follows:

1. Agency does hereby certify that the Improvements to be constructed by the Participant has been fully and satisfactorily completed in full conformance with the AHA.

2. This Certificate shall not constitute evidence of compliance with or satisfaction of any obligation of Participant to any holder of a mortgage, or any insurer of a mortgage, securing money loaned to finance construction work on the Site, or any part thereof.

3. This Certificate shall not constitute evidence of Participant's compliance with those covenants in the AHA that survive the issuance of this Certificate.

4. This Certificate is not a Notice of Completion as referred to in California Civil Code Section 3093.

5. Nothing contained in this instrument shall modify in any other way any other provisions of the AHA (including without limitation the attachments thereto).

IN WITNESS WHEREOF, Agency has executed this Certificate of Completion this ___ day of _____, 200__.

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, a public body, corporate and politic

By:_____
Executive Director

ATTEST:

_____
Agency Secretary

EXHIBIT "A" TO ATTACHMENT NO. 8

LEGAL DESCRIPTION

[to come]

ATTACHMENT NO. 9

AGENCY PARTICIPANT CC&RS

Recording Requested by:)
)
When Recorded Return to and)
Mail Tax Statements to:)
)
City of Moreno Valley)
Redevelopment Agency)
14177 Frederick Street)
P.O. Box 88005)
Moreno Valley, California 92552-0805)
Attn: Executive Director)

(Space above for Recorder's Use.)

This document is exempt from the payment of a recording fee pursuant to Government Code Section 6103.

REGULATORY AGREEMENT

These Covenants, Conditions and Restrictions, herein sometimes referred to as these "CC&Rs" or "Declaration" or "Regulatory Agreement" are made by the signatories hereto.

R E C I T A L S

WHEREAS, each of the **Community Redevelopment Agency of the City of Moreno Valley**, a public body, corporate and politic ("Agency"), the **City of Moreno Valley**, a municipal corporation ("City"), and **MV Rancho Dorado II Limited Partnership,** a California Limited Partnership ("Participant") is a party to this Declaration. The Agency, the City and the Participant are sometimes collectively referred to herein as the "Declarants."

WHEREAS, the Agency and the Participant have entered into that certain Affordable Housing Agreement dated as of May 26, 2009 (the "AHA") for the improvement and development of certain real property described in Exhibit "A" (to which these CC&Rs are attached) as the "Site," which AHA provides for the recordation of this Regulatory Agreement. The AHA is incorporated herein by this reference and any capitalized term not defined herein shall have the meaning established therefor in the AHA. The City is a third party beneficiary of the AHA.

WHEREAS, this Regulatory Agreement establishes a plan for the improvement, development and maintenance of the Site, for the benefit of the Project Area, as well as the rest of the City.

WHEREAS, it is contemplated under the AHA that, as of the recordation of this Regulatory Agreement, the Participant holds title to the "Site" as described in the legal description attached hereto as Exhibit "A" and incorporated herein by this reference.

WHEREAS, the AHA sets forth certain restrictive covenants applicable to the Site, particularly the use of the Site for the provision of rental housing units available to Very Low Income Households and Lower Income Households at Affordable Rents as those terms are defined therein.

WHEREAS, Agency, City, and Participant wish to adopt this Regulatory Agreement to further govern the use of the Site in conjunction and along with the AHA and to ensure that the Agency achieves credit for production of affordable housing units pursuant to Section 33413 of the California Health and Safety Code.

NOW, THEREFORE, the Agency and the City each of the Participant (as owner of real property interests described hereinabove), in the City, declares that the Site shall be held, transferred, encumbered, used, sold, conveyed, leased and occupied subject to the Covenants, Conditions and Restrictions hereinafter set forth expressly and exclusively for the use and benefit of said property, and the Agency and the City. Each and all of the restrictions, limitations, conditions, covenants, liens, reservations and charges herein contained shall run with the land and be recorded on the Site title and shall be binding on Declarants, their grantees, successors, heirs, executors, administrators, devisees or assigns, and all subsequent owner of all or any part of the Site.

ARTICLE I
DEFINITIONS

The definitions provided herein shall be applicable to this Declaration and also to any amendment or supplemental Declaration (unless the context implicitly or explicitly shall prohibit), recorded against the Site pursuant to the provision of this Declaration.

Section 1. "Affordable Housing Project" means an affordable housing project operated in conformity with this Regulatory Agreement throughout the Required Covenant Period.

Section 2. "Affordable Rent" has the meaning set forth in Health and Safety Code Section 50053. For an Extremely Low Income Household, Affordable Rent means a monthly rent which does not exceed one-twelfth (1/12th) of thirty percent (30%) of thirty percent (30%) of the Median Income for the Area for a household size appropriate to the unit. For a Very Low Income Household, Affordable Rent means a monthly rent which does not exceed one twelfth (1/12th) of thirty percent (30%) of fifty percent (50%) of the Median Income for the Area for a household size appropriate to the unit. For a Lower Income Household, Affordable Rent means a monthly rent which does not exceed one-twelfth (1/12th) of thirty percent (30%) of sixty percent (60%) of the Median Income for the Area. For a Moderate Income Household, Affordable Rent means a monthly rent which does not exceed one-twelfth (1/12th) of thirty percent (30%) of one hundred ten percent (110%) of the Median Income for the Area. "Household size appropriate to the unit," for the purpose of the calculation of rent herein (and without regard to actual occupancy), shall mean: (i) for so long as federal statutes are applicable, such household size as shall be provided by said statutes; provided that the maximum monthly rental amount of the Required Affordable Units shall be adjusted annually by the formula set forth above upon the promulgation of revised figures concerning Median Income for the Area by regulation of the California Department of Housing and Community Development ("HCD"); and (ii) during any such periods as federal statutes described in item (i),

above are not applicable, the sum of (a) one person plus (b) one person per bedroom, as provided in Health and Safety Code sections 50052.5 and 50053. The maximum monthly rental amount of the units shall be adjusted annually by the formula set forth above upon the promulgation of revised median income figures for Riverside County by regulation of the California Department of Housing and Community Development. Actual rent charged may be less than such maximum rent.

Section 3. "Agency" means the Community Redevelopment Agency of the City of Moreno Valley and its successors in interest.

Section 4 "Approved Housing Project" means all improvements as provided to be developed by Participant under the AHA. The Approved Housing Project must be completed in strict conformity with all specifications contained in or referred to in the AHA.

Section 5. "Area" means the area defined by HUD which includes and consists primarily of Riverside County.

Section 6. "Calculation of Affordable Rents" means the worksheet substantially in the form of Attachment No. 5 to the AHA.

Section 7. "Certificate" or "Certification" is defined in Section 3(a).

Section 8. "City" means and refers to the City of Moreno Valley, a municipal corporation.

Section 9. "City Code" means and refers to the City of Moreno Valley Municipal Code as revised from time to time.

Section 10. "Common Areas" means all areas on the Site that are open or accessible to all tenants of the Site (such as grounds, but excluding buildings).

Section 11. "County" means the County of Riverside.

Section 12. "County HOME Agreement" means an agreement between the Participant and the Agency dated as of March 17, 2009, a copy of which is on file with the Agency as a public record.

Section 13. "Extremely Low Income Household" means a household earning not greater than thirty percent (30%) of the Median Income for the Area pursuant to Health and Safety Code Section 50106.

Section 14. "Extremely Low Income Unit" means a Unit occupied at Affordable Rent by an Extremely Low Income Household.

Section 15. "Gross Income" means all payments from all sources received by a person (together with the gross income of all persons of the age of 18 years or older who intend to reside with such person in one residential unit) whether in cash or in kind as calculated pursuant to the Department of Housing and Urban Development ("HUD") Regulations (24 C.F.R. § 5.609) in effect as of the Date of Agreement.

Section 16. "HOME Regulations" means those regulations set forth at 24 CFR, Part 92, as such regulations may be revised from time to time.

Section 17. "HOME Requirements" means limitations on household income and/or household size as established by the HOME Regulations. The HOME Requirements are further elaborated upon in the County HOME Agreement.

Section 18. "Lower Income Household" means a household earning not greater than sixty percent (60%) of median income for the Area.

Section 19. "Low Income Unit" or "Lower Income Unit" means a Unit occupied at Affordable Rent by a Low Income (or Lower Income) Household.

Section 20. "Median Income for the Area" means the median income for the Area as most recently determined by the Secretary of Housing and Urban Development under Section 8 of the United States Housing Act of 1937, as amended, or, if programs under Section 8 are terminated, Median Income for the Area determined under the method used by the Secretary prior to such termination.

Section 21. "MHSA Agreement" means an agreement by and between the Participant and CALHFA providing for performance by the Participant in connection with the disbursement of the MHSA Amount by CalHFA.

Section 22. "MHSA Amount" means the sum of One Million Five Hundred Thousand Dollars ($1,500,000).

Section 23. "MHSA Program" means the Mental Health Services Act Housing Program as operated by CALHFA and generally described in the Description of the MHSA Program.

Section 24. "Moderate Income Household" means a household earning not greater than one hundred twenty percent (120%) of the Median Income for the Area.

Section 25. "Moderate Income Unit" means a Unit occupied at Affordable Rent by a Moderate Income Household.

Section 26. "Prescribed Rent Levels" means the following: (i) fourteen (14) one-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than thirty percent (30%) of Median Income; (ii) one (1) two-bedroom Unit, which shall be available at Affordable Rent to households earning not greater than thirty percent (30%) of Median Income; (iii) three (3) three-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than fifty percent (50%) of Median Income; (iv) three (3) two-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than fifty percent (50%) of Median Income; (v) twelve (12) three-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than sixty percent (60%) of Median Income; (vi) one (1) two-bedroom Unit, which shall be available at Affordable Rent to households earning not greater than sixty percent (60%) of Median Income; and (vii) thirty-six (36) additional Units which shall be available at Affordable Rent to households earning not greater than one hundred twenty percent (120%) of Median Income.

Section 27. "Regulatory Agreement" means this Regulatory Agreement and any amendments, modifications or supplements which may also be referred to herein as these "CC&Rs" or this "Declaration."

Section 28. "Rental Project" means the seventy-one (71) unit residential rental development on the Site.

Section 29. "Required Affordable Unit" means each of seventy (70) of the seventy-one (71) dwelling units in the Rental Project, as rehabilitated or reconstructed under the AHA, and available to, occupied by, or held vacant for occupancy only by tenants qualifying as Extremely Low Income Households, Very Low Income Households, Lower Income Households and Moderate Income Households and rented at Affordable Rent conforming to the Prescribed Rent Levels, all as prescribed herein.

Section 30. "Required Covenant Period" means the period commencing on the date this Regulatory Agreement is recorded and ending fifty-six (56) years thereafter.

Section 31. "Site" means all of the real property and appurtenances as described above, including all structures and other improvements thereon, and those hereafter constructed.

Section 32. "Tax Credit Regulatory Agreement" means the regulatory agreement required to be recorded against the Site in connection with the issuance of Tax Credits.

Section 33. "Tax Credits" means 9% Low Income Tax Credits granted pursuant to Section 42 of the Internal Revenue Code and/or California Revenue and Taxation Code Sections 17057.5, 17058, 23610.4 and 23610.5 and California Health and Safety Code Section 50199, *et seq*.

Section 34. "Unit" means a dwelling unit on the Rental Project.

Section 35. "Very Low Income Households" means Very Low Income Households whose Adjusted Income does not exceed fifty percent (50%) of Median Income for the Area as determined by the United States Department of Housing and Urban Development from time to time and as set forth in Health and Safety Code Section 50105.

Section 36. "Very Low Income Unit" means a Unit occupied at Affordable Rent by a Very Low Income Household.

ARTICLE II
LAND USE RESTRICTIONS; IMPROVEMENTS

Section 1. Uses. The Participant shall develop the Approved Housing Project on the Site in conformity with the AHA. Thereafter, the Site shall be operated as an Affordable Housing Project and devoted only to the uses specified in the AHA for the periods of time specified herein. All uses conducted on the Site, including, without limitation, all activities undertaken by the Participant pursuant to the AHA, shall conform to all applicable provisions of the Moreno Valley Municipal Code and the City Approvals.

The Site shall be used, maintained and operated in accordance with the AHA and this Regulatory Agreement for the Required Covenant Period. None of the units in the Rental Project

shall at any time be utilized on a transient basis nor shall the Rental Project or any portion thereof ever be used as a hotel, motel, dormitory, fraternity or sorority house, rooming house, hospital, nursing home, sanitarium, rest home or trailer court or park. No part of the Site, from the date the Participant acquired its interest in the Site, has been or will at any time be owned or used as a cooperative housing corporation or a stock cooperative.

Section 2. Affordable Housing.

Number of Units. Throughout the Required Covenant Period, not less than seventy (70) of the Units shall be rented at "Prescribed Rent Levels." "Prescribed Rent Levels" means the following: (i) fourteen (14) one-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than thirty percent (30%) of Median Income; (ii) one (1) two-bedroom Unit, which shall be available at Affordable Rent to households earning not greater than thirty percent (30%) of Median Income; (iii) three (3) three-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than fifty percent (50%) of Median Income; (iv) three (3) two-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than fifty percent (50%) of Median Income; (v) twelve (12) three-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than sixty percent (60%) of Median Income; (vi) one (1) two-bedroom Unit, which shall be available at Affordable Rent to households earning not greater than sixty percent (60%) of Median Income; and (vii) thirty-six (36) additional Units which shall be available at Affordable Rent to households earning not greater than one hundred twenty percent (120%) of Median Income. Required Affordable Units shall be continuously occupied by or held available for occupancy by Extremely Low Income Households, Very Low Income Households, Lower Income Households and Moderate Income Households, respectively, at an Affordable Rent. All Affordable Units shall be rented at Affordable Rent. For this purpose, a tenant who qualifies as an Extremely Low Income Household at the time he or she first occupies an Affordable Unit shall be deemed to continue to be so qualified until such time as a recertification of such individual's or family's income in accordance with Section 3 below demonstrates that such individual or family no longer qualifies as an Extremely Low Income Household. Moreover, a unit previously occupied by an Extremely Low Income Household, and then vacated shall be considered occupied by such Extremely Low Income Household until reoccupied, other than for a temporary period, at which time the character of the unit shall be redetermined. In no event shall such temporary period exceed thirty-one (31) days. A similar protocol shall apply to Very Low Income Households, Lower Income Households and Moderate Income Households, respectively.

In the event recertification of an Extremely Low Income Household's annual income establishes that household's income to be higher than the Extremely Low Income limit, the Participant shall designate the next available unit and any necessary units thereafter as an Extremely Low Income Unit. For purposes of this Agreement, such designated unit will be considered an Extremely Low Income Unit if it is held vacant and available for occupancy by an Extremely Low Income Household, and, upon occupancy, the income eligibility of the tenant as an Extremely Low Income Household is verified and the unit is rented at Affordable Rent. A similar protocol shall apply to Very Low Income Households, Lower Income Households and Moderate Income Households, respectively.

In the event a household's income initially complies with the corresponding income restriction but the income of such household increases, such increase shall not be deemed to result in a violation of the restrictions of this Regulatory Agreement concerning limitations upon income of

occupants.. The Participant shall include in its rental agreements provisions which implement this requirement and limitation, and the Participant shall expressly inform prospective renters as to this limitation prior to the commencement of a tenancy.

Duration of Affordability Requirements. The Required Affordable Units shall be available to and occupied by Extremely Low Income Households, Very Low Income Households, Lower Income Households and Moderate Income Households, respectively, at Affordable Rent throughout the Required Covenant Period. All tenants residing in any Unit for which rents are limited by virtue of this Regulatory Agreement or pursuant to other regulation during the last two (2) years of the Required Covenant Period shall be given notice by the Participant at least once every six (6) months prior to the expiration date of this requirement, that the rent payable on such Unit may be raised to a market rate rent at the end of the Required Covenant Period.

Selection of Tenants. As specified hereinbelow, Participant shall demonstrate to the Agency that the proposed tenants of each of the Required Affordable Units constitutes an Extremely Low Income Household, a Very Low Income Household, a Lower Income Households or a Moderate Income Household as more particularly provided herein. No Units shall be restricted on the basis of age.

Prior to the rental or lease of an Required Affordable Unit to a tenant, and as set forth in this Section 2 of Article II of this Declaration, the Participant shall require the tenant to execute a written lease and to complete an Income Verification certifying that the tenant(s) occupying the Required Affordable Unit is/are an Extremely Low Income Household, a Very Low Income Household, a Lower Income Household or a Moderate Income Household and meet(s) the eligibility requirements established for the Required Affordable Unit. The Participant shall verify the income of the tenant(s).

The Participant shall accept as tenants on the same basis as all other prospective tenants, persons who are recipients of federal certificates for rent subsidies pursuant to the existing program under Section 8 of the United States Housing Act of 1937, or its successor. The Participant shall not apply selection criteria to Section 8 certificate holders which are more burdensome than criteria applied to any other prospective tenants.

Determination of Affordable Rent for the Affordable Units. The Affordable Units shall be rented or leased at Affordable Rent. As of the approval of the AHA, Affordable Rent is calculated in accordance with the Affordable Rent Worksheet. The maximum monthly rental for the Affordable Unit shall be adjusted annually as permitted by Section 50053 of the California Health and Safety Code based on the annual adjustment to the Median Income for the Area established pursuant to Section 50093 of the California Health and Safety Code, as more particularly set forth in the Affordable Rent Worksheet.

Relationship to Tax Credit Requirements, HOME Requirements and MHSA Requirements. Notwithstanding any other provision of this Regulatory Agreement, to the extent that the Tax Credit Regulatory Agreement, the HOME Requirements and/or the MHSA Agreement executed by the Participant is more restrictive with respect to the requirements applicable to tenant selection, tenant income levels and unit rent levels than as provided in this Regulatory Agreement, the Tax Credit Regulatory Agreement, the HOME Requirements or the MHSA Agreement (whichever is more restrictive) shall control and the Participant's compliance therewith shall not be a default hereunder. As among this Regulatory Agreement, the HOME Requirements, the MHSA

Agreement and the Tax Credit Regulatory Agreement, the more restrictive shall apply in each case. If, following completion of construction of the Improvements, the Participant restricts a greater number of Units as affordable units than is required under this Regulatory Agreement as of the date it is first executed, the Participant agrees, upon request therefor by the Agency, to execute and record such addendum or supplement to this Regulatory Agreement as would restrict such additional units to be affordable on a similar basis to that set forth herein.

THE PARTICIPANT UNDERSTANDS AND KNOWINGLY AGREES THAT THE MAXIMUM RENTAL FOR THE AFFORDABLE UNITS ESTABLISHED BY THE AHA AND THIS REGULATORY AGREEMENT IS SUBSTANTIALLY BELOW THE FAIR MARKET RENT FOR THE AFFORDABLE UNITS.

Section 3. Participant Verification and Program Compliance.

Income Verification and Certification. The Participant will obtain and maintain on file an Income Verification from each tenant (for each Unit and not merely from the Required Units), dated immediately prior to the initial occupancy of such tenant in the Rental Project.

On June 15, 2011 and annually thereafter, the Participant shall file with the Agency or its designee a Certificate, containing all information required pursuant to Health and Safety Code Section 33418 and containing such information as the Agency additionally requires, in a form prescribed by the Agency. Each Certificate shall cover the immediately preceding fiscal year.

Reporting Amounts. Agency is required by Section 33418 of the California Health and Safety Code to require Participant to monitor affordability of dwelling units. In connection therewith, Participant shall monitor and report on each Unit, and not merely the Affordable Units, and submit the annual reports required by Section 3 of Article II of this Declaration. The Agency relies upon the information contained in such reports to satisfy its own reporting requirements pursuant to Sections 33080 and 33080.1 of the California Health and Safety Code. In the event the Participant fails to submit to the Agency or its designee the Certification as required by Section 3(a), the Participant shall be in noncompliance with this Regulatory Agreement. In the event the Participant remains in noncompliance for thirty (30) days following receipt of written notice from the Agency of such noncompliance under Sections 3(a) and 3(b) of Article II hereinabove, then the Participant shall, without further notice or opportunity to cure, pay to the Agency Two Hundred Fifty Dollars ($250.00) per Required Affordable Unit for each year Participant fails to submit a Certificate covering each and every housing unit on the Site.

Section 4. Nondiscrimination. The Participant shall refrain from restricting the rental, sale or lease of the Site, or any portion thereof, on the basis of race, color, creed, religion, sex, marital status, national origin or ancestry of any person. All such deeds, leases or contracts shall contain or be subject to substantially the following nondiscrimination or nonsegregation clauses:

(1) In deeds: "The grantee herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises herein conveyed, nor shall the grantee or any

person claiming under or through him or her, establish or permit any practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the premises herein conveyed. The foregoing covenants shall run with the land."

(2) In leases: "The lessee herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through him or her, and this lease is made and accepted upon and subject to the following conditions:

"That there shall be no discrimination against or segregation of any person or group of persons, on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the leasing, subleasing, transferring, use, occupancy, tenure, or enjoyment of the premises herein leased nor shall the lessee himself or herself, or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy, of tenants, lessees, sublessees, subtenants, or vendees in the premises herein leased."

(3) In contracts: "There shall be no discrimination against or segregation of, any person or group of persons on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises which are the subject of this Agreement, nor shall the grantee or any person claiming under or through him or her, establish or permit any practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the premises herein conveyed. The foregoing covenants shall run with the land."

The covenants established in this Declaration shall, without regard to technical classification and designation, be binding for the benefit and in favor of the Agency, its successors and assigns, the City and any successor in interest to the Site, together with any property acquired by the Participant pursuant to this Agreement, or any part thereof. The covenants against discrimination as set forth in this Section 1 of Article II shall remain in effect in perpetuity.

Section 5. Keeping of Animals. No animals of any kind shall be raised, bred or kept on the Site, except that domesticated dogs, cats or other household pets may be kept by the tenants in the Rental Project at the discretion of Participant and subject to compliance with all laws. However, no animal shall be kept, bred or maintained for any commercial purpose or for fighting purposes. Nothing permitted herein shall derogate in any way the right of the Participant to further restrict keeping of pets.

Section 6. Parking of Vehicles. The Participant shall not permit the parking, storing or keeping of any vehicle except wholly within the parking areas designated for the Required Affordable Units. The Participant shall not permit the parking, storing or keeping of any large commercial type vehicle (dump truck, cement mixer truck, oil or gas truck, etc.), or any recreational vehicle over twenty (20) feet in length (camper unit, motor home, trailer, mobile home or other similar vehicle), boats over twenty (20) feet in length, or any vehicle other than a private passenger vehicle, upon any portion of the Common Areas, including parking spaces. For purposes of this

Section, a pickup truck with a pickup bed mounted camper shall be considered a private passenger vehicle; provided however, that no such vehicle shall be used for residential purposes while parked on the premises.

The Participant shall not permit major repairs or major restorations of any motor vehicle, boat, trailer, aircraft or other vehicle to be conducted upon any portion of the Common Area, including the parking areas, except for emergency repairs thereto and then only to the extent necessary to enable movement of the vehicle to a proper repair facility. No inoperable vehicle shall be stored or kept in the Common Area. The Participant shall give the vehicle owner not less than four (4) days, nor more than seven (7) days notice and an opportunity to remove any vehicle parked, stored or kept in violation of the provisions of this Declaration. Notice shall consist minimally of a reasonably diligent attempt to personally notify the vehicle owner or alternatively leaving written notice on the subject vehicle. After due notice and opportunity have been given to the vehicle owner, the Participant shall have the right to remove, at the vehicle owner's expense, any vehicle parked, stored or kept in violation of the provisions of this Declaration.

Section 7. Maximum Occupancies. No persons shall be permitted to occupy any Apartment within the Rental Project in excess of applicable limit of maximum occupancy set by the Moreno Valley Municipal Code and the laws of the State of California.

Section 8. Signs Required. "No loitering" signs will be posted at each building and enforced by the owner(s). "Illegally parked vehicles will be towed" signs in compliance with California Vehicle Code requirements will be posted and enforced by the Participant.

Section 9. Fences and Electronic Installations. The Participant shall not install or knowingly permit to be installed on the exterior of any improvement or building on any fences or any antenna or other television or radio receiving device, excepting satellite dishes having a diameter of eighteen inches (18") or less, without prior written consent of City. This prohibition shall not prohibit the installation of cable television or subscription wires or receiving devices.

Section 10. Structural Change. Nothing shall be done on the Site in, on or to any building which would materially structurally change the exterior or the interior bearing walls of any such building or structure, except as otherwise provided herein. Nothing herein shall affect the rights of the Participant to repair, alter or construct improvements on the buildings on the Site unless such repair, alteration or improvement would impair the structural integrity and/or exterior appearance of said buildings. Nothing herein shall be deemed to prohibit work ordered to be performed by the City building official.

Section 11. Compliance with Laws. The Participant shall comply with all applicable laws in connection with the development and use of the Site, including without limitation the California Community Redevelopment Law (Health and Safety Code Section 33000, *et seq.*) and Fair Housing Act (42 U.S.C. § 3601, *et seq.,* and 24 C.F.R. § 100.300, *et seq.).* The Participant shall also comply with the Tax Credit Regulatory Agreement and the MHSA Agreement. The Participant is a sophisticated party, with substantial experience in the acquisition, development, financing, obtaining financing for, marketing, and operation of affordable housing projects, and with the negotiation, review, and preparation of agreements and other documents in connection with such activities. The Participant is familiar with and has reviewed all laws and regulations pertaining to the acquisition, development and operation of the Rental Project and has obtained advice from any advisers of its own choosing in connection with this Agreement.

ARTICLE III
DUTIES OF PARTICIPANT: SPECIFIC MAINTENANCE RESPONSIBILITIES

Section 1. Exterior Building Maintenance. All exterior, painted surfaces shall be maintained at all times in a clean and presentable manner, free from chipping, cracking and defacing marks. Any such defacing marks shall be cleaned or removed within a reasonable period of time as set forth herein.

Section 2. Front and Side Exteriors. The Participant shall at all times maintain the front exterior and yard in a clean, safe and presentable manner, free from defacing marks or any disrepair and any visible side exteriors. The Participant shall hire maintenance personnel to maintain and/or repair any front exterior or yard or visible side yard and exterior of any lot or building.

Section 3. Graffiti Removal. All graffiti, and defacement of any type, including marks, words and pictures must be removed and any necessary painting or repair completed by the later to occur of (i) seventy-two (72) hours of their creation or (ii) seventy-two (72) hours after notice to Participant.

Section 4. Driveways. All driveways must be paved and maintained with impervious material in accordance with the Moreno Valley Municipal Code. In addition, all water must be made to drain freely to the public part of the waterway without any pooling.

Section 5. Exterior Illumination. The Participant shall at all times maintain adequate lighting in all entrance ways, garages and parking areas. Adequate lighting shall mean outdoor, night lighting designed and installed, which provides no less than one (1.0) foot candles in the parking areas and no less than one and one-half (1-1/2) foot candles in the walking areas or common areas and no less than 0.2 foot candles at the point of least illumination.

Section 6. Front Setbacks. All front setback areas that are not buildings, driveways or walkways shall be adequately and appropriately landscaped in accordance with minimum standards established by the City and shall be maintained by the Participant. The landscaping shall meet minimum standards set from time to time by the City.

Section 7. Trash Bins. All trash shall be collected and placed at all times in an enclosable bin to be placed in a designated refuse/trash bin area. The designated area shall be located so that the bin will, to the extent possible, be readily accessible from the street.

Section 8. Prohibited Signs. No exterior sign of any kind shall be displayed to the public view on or from any portion of the Site without the approval of the City and appropriate City departments if any as required by the City Code.

ARTICLE IV
OBLIGATION TO MAINTAIN, REPAIR AND REBUILD

Section 1. Maintenance by Participant. The Participant shall, at its sole cost and expense, maintain and repair the Site and the improvements thereon keeping the same in a decent, safe and sanitary manner, in accordance with the United States Department of Housing and Urban Development ("HUD") Housing Quality Standards ("HQS"), and in good condition and making all repairs as they may be required by these CC&Rs and by all applicable Municipal Code and Uniform

Code provisions. The Participant shall also maintain the landscaping required to be planted in a healthy condition. If, at any time, Participant fails to maintain the Rental Project or any portion thereof, and said condition is not corrected after the expiration of forty-five (45) days from the date of written notice from the Agency, either the Agency or the City may perform the necessary maintenance and Participant shall pay such costs as are reasonably incurred for such maintenance. Payment shall be due within fifteen (15) days of receipt of an invoice from the Agency or the City. The Participant shall also be responsible to cause maintenance of the Site and improvements thereon to conform to the MHSA Agreement.

Section 2. Damage and Destruction Affecting Project - Participant's Duty to Rebuild. If all or any portion of the Site and the improvements thereon is damaged or destroyed by fire or other casualty, it shall be the duty of the Participant to rebuild, repair or reconstruct said portion of the Site and/or the improvements in a timely manner which will restore it to Code compliance condition.

In furtherance of the requirements of this Section 2, Participant shall keep the construction on the Site insured by carriers at all times satisfactory to Agency against loss by fire and such other hazards, casualties, liabilities and contingencies as included within an all risk extended coverage hazard insurance policy, in an amount of the full replacement cost of the constructions. In the event of loss, Participant shall give prompt notice to the insurance carrier and to the Agency.

If the Site is abandoned by the Participant, or if Participant fails to respond to Agency within thirty (30) days from the date notice is mailed by Agency to Participant that the insurance carrier offers to settle a claim for insurance benefits, Agency is authorized to collect and apply the insurance proceeds at Agency's option either to restoration or repair of the Site.

Section 3. Variance in Exterior Appearance and Design. In the event the Rental Project sustains substantial physical damage due to a casualty event, the Participant may apply to the City of Moreno Valley for approval to reconstruct, rebuild or repair in a manner which will provide different exterior appearance and lot design from that which existed prior to the date of the casualty.

Section 4. Time Limitation. Upon damage to the Site or the Rental Project or other improvements, the Participant shall be obligated to proceed with all due diligence hereunder and commence efforts to begin reconstruction within two (2) months after the damage occurs and complete reconstruction within six (6) months after commencement of construction or demolition and vacate within two (2) months, unless prevented by causes beyond their reasonable control, in which event reconstruction shall be commenced at the earliest feasible time.

ARTICLE V
ENFORCEMENT

Section 1. Remedies. Breach of the covenants contained in the Declaration may be enjoined, abated or remedied by appropriate legal proceeding by the Agency or City.

This Declaration does not in any way infringe on the right or duties of the City of Moreno Valley to enforce any of the provisions of the Moreno Valley Municipal Code including, but not limited to, the abatement of dangerous buildings.

Section 2. Nuisance. The result of every act or omission whereby any of the covenants contained in this Declaration are violated in whole or in part is hereby declared to be and constitutes

a nuisance, and every remedy allowable at law or equity, against a nuisance, either public or private, shall be applicable against every such result and may be exercised by any owner or its successors in interest, without derogation of the City's rights under law.

Section 3. Right of Entry. In addition to the above general rights of enforcement, the City shall have the right through its agents and employees, to enter upon any part of the project area for the purpose of enforcing the California Vehicle Code, and the ordinances and other regulations of the City, and for maintenance and/or repair of any or all publicly owned utilities. In addition, the City has the right of entry at reasonable hours and upon and after reasonable attempts to contact Participant, on any lot to effect emergency repairs or maintenance which the Participant has failed to perform. Subsequent to sixty (60) days written notice to the Participant specifically outlining the Participant's noncompliance, the City shall have the right of entry on the Site at reasonable hours to enforce compliance with this Declaration which the Participant has failed to perform.

Section 4. Costs of Repair. The costs borne by the City or Agency of any such repairs or maintenance emergency and/or non-emergency, shall become a charge for which Participant shall be responsible.

Section 5. Cumulative Remedies. The remedies herein provided for breach of the covenants contained in this Declaration shall be deemed cumulative, and none of such remedies shall be deemed exclusive.

Section 6. Failure to Enforce. The failure to enforce any of the covenants contained in this Declaration shall not constitute a waiver of the right to enforce the same thereafter.

Section 7. Enforcement and Nonliability. The City or Agency may from time to time make such efforts, if any, as it shall deem appropriate enforce and/or assist in enforcing this Declaration. However, neither the Agency nor the City will be subject to any liability for failure to affirmatively enforce any provision of this Declaration.

ARTICLE VI
GENERAL PROVISIONS

Section 1. Covenant Against Partition. By acceptance of its interest in the Site, the Participant shall be deemed to covenant for itself and for its heirs, representatives, successors and assigns, that it will not institute legal proceedings or otherwise seek to effect partition of its right and interest in the interest being conveyed to the Participant, or the burdens running with the land as a result of this Regulatory Agreement.

Section 2. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in all force and effect.

Section 3. Term. This Declaration shall run with and bind the interest of the Participant in the Site, and shall inure to the owner(s) of any property subject to this Declaration, his legal representatives, heirs, successors and assigns, and as provided in Article VI, Sections 2 and 3, be enforceable by the City, for a term equal to the Required Covenant Period as defined in the AHA, provided; however, that the covenants regarding nondiscrimination set forth in Section 4 of Article II of this Declaration shall remain in effect for perpetuity.

Section 4. Construction. The provisions of this Declaration shall be liberally construed to effectuate its purpose of creating a uniform plan for the development and operation of rental housing available at Affordable Rent for Extremely Low Income Households, Very Low Income Households, Lower Income Households and Moderate Income Households as more particularly set forth herein. The article and Section headings have been inserted for convenience only, and shall not be considered or referred to in resolving questions of interpretation or construction.

The Participant shall be obligated by this Declaration to comply with the provisions hereof.

Section 5. Amendments. This Declaration may be amended only by the written agreement of the Participant, the Agency and the City.

Section 6. Encroachments. None of the rights and obligations of the Participant created herein shall be altered in any way by encroachments due to settlement or shifting of structures or any other cause. There shall be valid easements for the maintenance of said encroachments so long as they shall exist; provided, however, that in no event shall a valid easement for encroachment be created in favor of Participant if said encroachment occurs due to the willful conduct of said Participant.

Section 7. Notices. Any notice permitted or required to be delivered as provided herein to Participant shall be in writing and may be delivered either personally or by certified mail. Notice to the Agency shall be made by certified mail to the Executive Director or his designee at 14177 Frederick Street, P.O. Box 88005, Moreno Valley, California 92552-0805 (with a copy to Stradling Yocca Carlson & Rauth, Attention: Mark J. Huebsch, 660 Newport Center Drive, Suite 1600, Newport Beach, California 92660), and shall be effective upon receipt. Notice to Participant shall be made by certified mail to MV Rancho Dorado II Limited Partnership, a California Limited Partnership, P.O. Box 3958, Palm Desert, California 92261 (with a copy to Goldfarb & Lipman LLP, Attention: Robert C. Mills, 1300 Clay Street, 9th Floor, Oakland, California 94612), and shall be effective upon receipt. Such address may be changed from time to time by notice in writing.

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY,
a public body, corporate and politic

By: _____
Executive Director

Dated: _____

ATTEST:

By: _____
Agency Secretary

CITY OF MORENO VALLEY,
a municipal corporation

Dated: _____

By: _____

City Manager

ATTEST:

By: _____
City Clerk

MV RANCHO DORADO II LIMITED PARTNERSHIP,
a California Limited Partnership

By: HOUSING CORPORATION OF AMERICA,
a Utah nonprofit corporation
(Its: Managing General Partner)

By: _____
Ron Olson
Its: President

By: PALM DESERT DEVELOPMENT COMPANY,
a California corporation
(Its: Administrative General Partner)

By: _____
James M. Jernigan
Its: CFO/Secretary

EXHIBIT A

LEGAL DESCRIPTION

[to come]

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and 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 Seal)
Signature of Notary Public

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED

_____
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages ___ Document Date_____

_____
(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer
  _____
  (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e, certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and 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 Seal)
Signature of Notary Public

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED

_____
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages ___ Document Date_____

_____
(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer
  _____
  (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e, certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and 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 Seal)
Signature of Notary Public

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED

_____
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages ___ Document Date_____

_____
(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer
  _____
  (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e, certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

ATTACHMENT NO. 10

INCOME VERIFICATION

Part I -- General Information

1. Project Location: _____

2. Landlord's Name: _____

Part II -- Unit Information

3. Unit Number	4. Number of Bedrooms	5. Monthly Rent	6. Number of Occupants

Part III -- Affidavit of Tenant

I, _____, and I, _____, as applicants for rental of an Apartment Unit at the above-described location, do hereby represent and warrant as follows:

A. (My/Our) gross income (anticipated total annual income) **does not exceed thirty percent (30%)** of the median income for the area defined by HUD which includes and consists primarily of Riverside County as such income levels are established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937 and published by the State Department of Housing and Community Development in the California Code of Regulations. (I/We) understand that the applicable median income is $____. The following computation includes all income (I/we) anticipate receiving for the 12-month period beginning on the date (I/we) execute a rental agreement for an Affordable Unit or the date on which (I/we) will initially occupy such unit, whichever is earlier.

_____
Tenant(s)' Initials

B. (My/Our) gross income (anticipated total annual income) **does not exceed fifty percent (50%)** of the median income for the area defined by HUD which includes and consists primarily of Riverside County as such income levels are established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937 and published by the State Department of Housing and Community Development in the California Code of Regulations. (I/We) understand that the applicable median income is $____. The following computation includes all income (I/we) anticipate receiving for the 12-month period beginning on the date (I/we) execute a rental agreement for an Affordable Unit or the date on which (I/we) will initially occupy such unit, whichever is earlier.

_____
Tenant(s)' Initials

C. (My/Our) gross income (anticipated total annual income) exceeds fifty percent (50%) but **does not exceed sixty percent (60%)** of the median income for the area defined by HUD which includes and consists primarily of Riverside County as such income levels are

established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937 and published by the State Department of Housing and Community Development in the California Code of Regulations. (I/We) understand that the applicable median income is $_____. The following computation includes all income (I/we) anticipate receiving for the 12-month period beginning on the date (I/we) execute a rental agreement for an Affordable Unit or the date on which (I/we) will initially occupy such unit, whichever is earlier.

_____
Tenant(s)' Initials

D. (My/Our) gross income (anticipated total annual income) exceeds eighty percent (80%) but **does not exceed one hundred twenty percent (120%)** of the median income for the area defined by HUD which includes and consists primarily of Riverside County as such income levels are established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937 and published by the State Department of Housing and Community Development in the California Code of Regulations. (I/We) understand that the applicable median income is $_____. The following computation includes all income (I/we) anticipate receiving for the 12-month period beginning on the date (I/we) execute a rental agreement for an Affordable Unit or the date on which (I/we) will initially occupy such unit, whichever is earlier.

_____
Tenant(s)' Initials

E. (My/Our) gross income (anticipated total annual income) **exceeds one hundred twenty (120%)** of the median income for the area defined by HUD which includes and consists primarily of Riverside County as such income levels are established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937 and published by the State Department of Housing and Community Development in the California Code of Regulations. (I/We) understand that the applicable median income is $_____. The following computation includes all income (I/we) anticipate receiving for the 12-month period beginning on the date (I/we) execute a rental agreement for an Affordable Unit or the date on which (I/we) will initially occupy such unit, whichever is earlier.

_____
Tenant(s)' Initials

1. Tenants qualifying as A and B, above, must complete the following:

Monthly Gross Income **(All Sources of Income of All Adult Household Members Must be Listed)**

Source	Head of Household	Co-Tenants	Total
Gross amount, before payroll deductions of wages, salaries, overtime pay, commissions, fees, tips and bonuses			
Interest and/or dividends			
Net income from business or from rental property			
Social security, annuities, insurance policies, pension/retirement funds, disability or death benefits received periodically			
Payment in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay			
Alimony, child support, other periodic allowances			
Public assistance, welfare payments			
Regular pay, special pay and allowances of members of Armed Forces			
Other			

Total: _____

Total x 12 _____ = Gross Annual Household Income

Note: The following items are **not** considered income: casual or sporadic gifts; amounts specifically for or in reimbursement of medical expenses; lump sum payments such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation),

capital gains and settlement for personal or property losses; educational scholarships paid directly to the student or educational institution; government benefits to a veteran for education; special pay to a serviceman head of family away from home and under hostile fire; foster child care payments; value of coupon allotments for purpose of food under Food Stamp Act of 1964 which is in excess of amount actually charged the eligible household; relocation payments under Title II of Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; payments received pursuant to participation in the following programs: VISTA, Service Learning Programs, and Special Volunteer Programs, SCORE, ACE, Retired Senior Volunteer Program, Foster Grandparent Program, Older American Community Services Program, and National Volunteer Program to Assist Small Business Experience.

2. This affidavit is made with the knowledge that it will be relied upon by the Landlord to determine maximum income for eligibility and (I/we) warrant that all information set forth in this document is true, correct and complete and based upon information (I/we) deem reliable and that the estimate contained in paragraph 1 of this Part III is reasonable and based upon such investigation as the undersigned deemed necessary.

3. (I/We) will assist the Landlord in obtaining any information or documents required to verify the statements made in this Part III and have attached hereto copies of federal income tax return for most recent tax year in which a return was filed (past two years federal income tax returns for self-employed persons).

4. (I/We) acknowledge that (I/we) have been advised that the making of any misrepresentation or misstatement in this affidavit will constitute a material breach of (my/our) agreement with the Landlord to rent the unit and will additionally enable the Landlord and/or the Community Redevelopment Agency of the City of Moreno Valley to initiate and pursue all applicable legal and equitable remedies with respect to the unit and to me/us.

(I/We) do hereby swear under penalty of perjury that the foregoing statements are true and correct.

_____	_____
Date	Tenant
_____	_____
Date	Tenant

INCOME VERIFICATION
(for employed persons)

The undersigned employee has applied for a rental unit located in a project financed under a multifamily housing program of the City of Moreno Valley and the Community Redevelopment Agency of the City of Moreno Valley for persons of very low or low income. Every income statement of a prospective tenant must be stringently verified. Please indicate below the employee's current annual income from wages, overtime, bonuses, commissions or any other form of compensation received on a regular basis.

Annual wages _____

Overtime _____

Bonuses _____

Commissions _____

Total current income _____

I hereby certify that the statements above are true and complete to the best of my knowledge.

_____ _____ _____
Signature Date Title

I hereby grant you permission to disclose my income to _____ in order that they may determine my income eligibility for rental of an apartment located in their project which has been financed under a multifamily housing program of the City of Moreno Valley and the Community Redevelopment Agency of the City of Moreno Valley.

_____ _____
Signature Date

Please send to:

_____
_____
_____

INCOME VERIFICATION
(for self-employed persons)

I hereby attach copies of my individual federal and state income tax returns for the immediately preceding calendar year and certify that the information shown in such income tax returns is true and complete to the best of my knowledge.

_____ _____

Signature Date

ATTACHMENT NO. 11

AGENCY NOTE

PROMISSORY NOTE

$4,750,000 _____, 2009
Moreno Valley, California

FOR VALUE RECEIVED, the undersigned **MV RANCHO DORADO II LIMITED PARTNERSHIP,** a California Limited Partnership ("Maker" or "Participant"), having its principal place of business at c/o Palm Desert Development Company, P.O. Box 3958, Palm Desert, California 92261, promises to pay to the order of **COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY**, a public body, corporate and politic ("Payee" or "Agency"), at 14177 Frederick Street, Moreno Valley, California 92552-0805, or at such other place as the holder of this Note from time to time may designate in writing, the principal sum of Four Million Seven Hundred Fifty Thousand Dollars ($4,750,000), together with interest on the unpaid principal amount of this Promissory Note ("Note") from time to time outstanding at a rate equal to the greater of (i) one percent (1%) simple per annum or (ii) the interest rate charged by CalHFA with respect to the MHSA Amount (the greater of which is referred to herein as the "Interest Rate") in lawful money of the United States of America. Interest shall accrue based upon the time(s) and amount(s) of disbursements by the Agency. This Note is being delivered pursuant to the Affordable Housing Agreement dated as of May 26, 2009, between Maker and Payee (the "AHA"). The loan evidenced by this Note shall be governed by such provisions of the AHA (including without limitation the attachments thereto) as shall be applicable. All capitalized terms used herein shall have the meanings set forth therefor in the AHA.

1. Payments of Principal and Interest. Payments hereunder shall be due on the first day of July commencing as of July 1, 2011 and continuing until the fifty-fifth (55th) anniversary of the Date of Agreement (the "Maturity Date") unless sooner satisfied.

Excepting for (i) defaults, (ii) events resulting in acceleration under this Agency Note or (iii) the occurrence of the Maturity Date, in which events the entire amount of this Agency Note shall become immediately due and payable and shall be payable from any revenues of the Maker without limitation, payments under this Agency Note shall, at the option of the Maker, be limited to Residual Receipts as provided below.

First, Residual Receipts shall be made available to pay accrued interest on the Participant's Fee (as defined in the AHA) at the rate of the Applicable Federal Rate ("AFR"), as of the date of this Agency Note, with such interest commencing to accrue upon the earlier of (i) the completion of the Improvements (in accordance with the AHA), or (ii) the time established in the Agreement for the completion of the Improvements.

Second, all Residual Receipts shall be available to pay the remaining principal of the Participant's Fee (as defined in the AHA), for purposes of this Agency Note.

Third, after the Participant's Fee and accrued interest thereon, (which shall be deemed to accrue at the AFR) have been paid in full, seventy-five percent (75%) of the Residual Receipts shall be applied pari passu as among the California Housing Finance Agency ("CalHFA"), the County of Riverside ("County") and the Agency, and the remaining twenty-five percent (25%) shall be retained

by the Participant. For this purpose, the allocation of Residual Receipts shall be fifty-one and sixty-three one-hundredths percent (51.63%) to the Agency (based upon its financial commitment of $4,750,000), sixteen and three-tenths percent (16.3%) to CalHFA (based upon its financial commitment of MHSA funds of $1,500,000), and seven and seven one-hundredths percent (7.07%) to the County (based upon its financial commitment of $650,000). Amounts disbursed to the Agency shall be treated as payments under this Agency Note. The Agency Disbursement Amount shall be deemed to bear interest at the rate of the greater of (i) one percent (1%) simple per annum or (ii) the interest rate charged by CalHFA under the MHSA Agreement, with respect to the MHSA Amount, interest shall accrue from the Date of Agreement.

Notwithstanding any provision of this Agency Note to contrary effect, the Maker shall make payment in full to the Agency of the outstanding balance under this Agency Note on the Maturity Date.

2. Payments shall be accelerated and shall be due and payable hereunder in the event of the occurrence of any default and the expiration without cure of any applicable cure period under the AHA, the Agency Deed of Trust, the MHSA Agreement, the Tax Credit Regulatory Agreement, the Agency Participant CC&Rs, the County HOME Agreement, or any debt that is senior to this Note.

3. Other Loan Documents. Repayment of this Note is secured by a deed of trust (the "Deed of Trust") of this date executed by Maker for the benefit of Payee encumbering the Site described in the Deed of Trust (the "Property").

4. Prepayment. Maker shall have the right to prepay amounts owing under this Note at any time.

5. Due on Sale or Encumbrance. In the event of any Transfer (as defined below) of the Site, or any portion thereof or interest therein, Payee shall have the absolute right at its option, without prior demand or notice, to declare all sums secured hereby immediately due and payable. As used herein, the term "Transfer" means and includes the direct or indirect sale, transfer, conveyance, mortgage for an amount greater than the outstanding balance of a loan existing as of the time such refinancing is commenced, further encumbrance, assignment, or other alienation of the Site, or any portion thereof or interest therein, whether voluntary, involuntary, by operation of law or otherwise, the execution of any installment land sale contract, sales agreement or similar instrument affecting all or a portion of the Site, granting of an option to purchase any portion of or interest in the Site or any interest therein, or the lease of all or substantially all of the Site or of all or substantially all of the improvements located thereon, without the prior written approval of the Agency. "Transfer" shall not include (i) the leasing of individual dwelling units on the Site so long as Maker complies with the provisions of the Agency Participant CC&Rs and the AHA relating to such leasing activity, (ii) conveyance of easements in the Site for utility purposes, and (iii) granting of an option for purchase of the Project to a general partner of the Participant. Failure of Beneficiary to exercise the option to declare all sums secured hereby immediately due and payable upon a Transfer will not constitute waiver of the right to exercise this option in the event of any subsequent Transfer. Payments under this Section 5 shall be subject and subordinate to payments to the recovery by Participant of the Participant's Fee (and interest thereon as prescribed above).

6. Miscellaneous.

(a) Governing Law. All questions with respect to the construction of this Note and the rights and liabilities of the parties to this Note shall be governed by the laws of the State of California.

(b) Binding on Successors. This Note shall inure to the benefit of, and shall be binding upon, the successors and assigns of each of the parties to this Note.

(c) Attorneys' Fees.

(i) Maker shall reimburse Payee for all reasonable attorneys' fees, costs and expenses, incurred by Payee in connection with the enforcement of Payee's rights under this Note, including, without limitation, reasonable attorneys' fees, costs and expenses for trial, appellate proceedings, out-of-court negotiations, workouts and settlements or for enforcement of rights under any state or federal statute, including, without limitation, reasonable attorneys' fees, costs and expenses incurred to protect Payee's security and attorneys' fees, costs and expenses incurred in bankruptcy and insolvency proceedings such as (but not limited to) seeking relief from stay in a bankruptcy proceeding. The term "expenses" means any expenses incurred by Payee in connection with any of the out-of-court, or state, federal or bankruptcy proceedings referred to above, including, without limitation, the fees and expenses of any appraisers, consultants and expert witnesses retained or consulted by Payee in connection with any such proceeding.

(ii) Payee shall also be entitled to its attorneys' fees, costs and expenses incurred in any post-judgment proceedings to collect and enforce the judgment. This provision is separate and several and shall survive the merger of this Note into any judgment on this Note.

(d) Entire Agreement. This Note and the relevant provisions of the AHA constitute the entire agreement and understanding between and among the parties in respect of the subject matter of such agreements and supercede all prior agreements and understandings with respect to such subject matter, whether oral or written.

(e) Time of the Essence. Time if of the essence with respect to every provision hereof.

(f) Waivers by Maker. Except as otherwise provided in any agreement executed in connection with this Note, Maker waives: presentment; demand; notice of dishonor; notice of default or delinquency; notice of acceleration; notice of protest and nonpayment; notice of costs, expenses or losses and interest thereon; and diligence in taking any action to collect any sums arising under this Note or in any proceeding against any of the rights or interests in or to properties securing payment of this Note.

(g) Non-waivers. No previous waiver and no failure or delay by Maker in acting with respect to the terms of this Note or the Deed of Trust shall constitute a waiver of any breach, default, or failure of condition under this Note, the Deed of Trust or the obligations secured thereby. A waiver of any term of this Note, the Deed of Trust or of any of the obligations secured thereby must be made in writing and shall be limited to the express written terms of such waiver. In the event of any inconsistencies between the terms of this Note and the terms of any other document related to the loan evidenced by this Note, the terms of this Note shall prevail.

7. Non-recourse. This Note shall be a nonrecourse obligation of the Participant. Maker's sole recourse in the event of a default by the Participant shall be to the Development.

MV RANCHO DORADO II LIMITED PARTNERSHIP,
a California Limited Partnership

By: HOUSING CORPORATION OF AMERICA,
a Utah nonprofit corporation
(Its: Managing General Partner)

By: _____
Ron Olson
Its: President

By: PALM DESERT DEVELOPMENT COMPANY,
a California corporation
(Its: Administrative General Partner)

By: _____
James M. Jernigan
Its: CFO/Secretary

ATTACHMENT NO. 12

AGENCY DEED OF TRUST

Order No.
Escrow No.
Loan No.

WHEN RECORDED MAIL TO:

Community Redevelopment Agency of the City
of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, California 92552-0805
Attention: Executive Director

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DEED OF TRUST WITH ASSIGNMENT OF RENTS
(SHORT FORM)

This DEED OF TRUST, made as of _____, 2009, between MV RANCHO DORADO II LIMITED PARTNERSHIP, a California Limited Partnership herein called TRUSTOR, whose address is:

c/o Palm Desert Development Company, P.O. Box 3958, Palm Desert, California 92261, FIRST AMERICAN TITLE, a California corporation, herein called TRUSTEE, and

the COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, a public body corporate and politic, herein called BENEFICIARY,

WITNESSETH: That Trustor grants to Trustee in trust, with power of sale, that property(the "Property") in the City of Moreno Valley, County of Riverside, State of California, described as:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

together with the rents, issues and profits thereof, subject, however, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits for the purpose of securing (1) payment of the sum of $4,750,000 with interest thereon according to the terms of a promissory note or notes of even date herewith made by Trustor, payable to order of Beneficiary, and extensions or renewals thereof, (2) the performance of each agreement of Trustor incorporated by reference or contained herein (including without limitation Exhibit B hereto) and (3) payment of additional sums and interest thereon which may hereafter be loaned to Trustor, or his successors or assigns, when evidenced by a promissory note or notes reciting that they are secured by this Deed of Trust. A breach or default under the promissory note or a breach or default under the "Agreement" or any instrument referenced in Exhibit B hereto, or under any obligation to which this deed of trust is subordinated, shall be deemed to constitute a default hereunder.

To protect the security of this Deed of Trust, and with respect to the property above described, Trustor expressly makes each and all of the agreements, and adopts and agrees to perform and be bound by each and all of the terms and provisions set forth in subdivision A, and it is mutually agreed that each and all of the terms and provisions set forth in subdivision B of the fictitious deed of trust recorded in Orange County August 17, 1964, and in all other counties August 18, 1964, in the book and at the page of Official Records in the office of the county recorder of the county where said property is located, noted below opposite the name of such county, namely:

COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE
Alameda	1288	556	Kings	858	713	Placer	1028	379	Sierra	38	187
Alpine	3	130-31	Lake	437	110	Plumas	166	1307	Siskiyou	506	762
Amador	133	438	Lassen	192	367	Riverside	3778	347	Solano	1287	621
Butte	1330	513	Los Angeles	T3878	874	Sacramento	5039	124	Sonoma	2067	427
Calaveras	185	338	Madera	911	136	San Benito	300	405	Stanislaus	1970	56
Colusa	323	391	Marin	1849	122	S. Bernardino	6213	768	Sutter	655	585
Contra Costa	4684	1	Mariposa	90	453	S. Francisco	A-804	596	Tehama	457	183
Del Norte	101	549	Mendocino	667	99	S. Joaquin	2855	283	Trinity	108	595
El Dorado	704	635	Merced	1660	753	S. Luis Obispo	1311	137	Tulare	2530	108
Fresno	5052	623	Modoc	191	93	San Mateo	4778	175	Tuolumne	177	160
Glenn	469	76	Mono	69	302	Santa Barbara	2065	881	Ventura	2607	237
Humboldt	801	83	Monterey	357	239	Santa Clara	6626	664	Yolo	769	16
Imperial	1189	701	Napa	704	742	Santa Cruz	1638	607	Yuba	398	693
Inyo	165	672	Nevada	363	94	Shasta	800	633			
Kern	3756	690	Orange	7182	18	San Diego Series 5	1964	149774			

shall inure to and bind the parties hereto, with respect to the property above described. Said agreements, terms and provisions contained in said subdivisions A and B, (identical in all counties, and printed on pages 3 and 4 hereof) are by the within reference thereto, incorporated herein and made a part of this Deed of Trust for all purposes as fully as set forth at length herein, and Beneficiary may charge for a statement regarding the obligation secured hereby, provided the charge therefor does not exceed the maximum allowed by law.

The undersigned Trustor, requests that a copy of any notice of default and any notice of sale hereunder be mailed to him at his address hereinbefore set forth.

Notwithstanding anything to the contrary in such fictitious deed of trust, Beneficiary shall provide to trustor all casualty insurance proceeds to enable Trustor to repair or rebuild the improvements located on the property subject hereto in accordance with Section 4.6 of the Affordable Housing Agreement dated as of May 26, 2009 between Trustor and Beneficiary (the "AHA").

MV RANCHO DORADO II LIMITED PARTNERSHIP,
a California Limited Partnership

By: HOUSING CORPORATION OF AMERICA,
a Utah nonprofit corporation
(Its: Managing General Partner)

By: _____
Ron Olson
Its: President

By: PALM DESERT DEVELOPMENT COMPANY,
a California corporation
(Its: Administrative General Partner)

By: _____
James M. Jernigan
Its: CFO/Secretary

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and 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 Seal)
Signature of Notary Public

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED

_____
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages ___ Document Date_____

_____
(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer

  _____
  (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e, certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

EXHIBIT "A"

LEGAL DESCRIPTION

[to come]

EXHIBIT "B"

RIDER TO DEED OF TRUST

Exhibit B to Deed of Trust with Assignment of Rents dated as of _____, 200_, executed by MV Rancho Dorado II Limited Partnership, a California Limited Partnership, as "Trustor," to First American Title, a California corporation, as Trustee, for the benefit of the Community Redevelopment Agency of the City of Moreno Valley, a public body, corporate and politic, as "Beneficiary" ("Deed of Trust").

1. **DEFAULT - OTHER DEEDS OF TRUST, DEED, COVENANTS CONDITIONS AND RESTRICTIONS (CC&Rs) AND AGREEMENT**. A default under any of the following shall, at Beneficiary's option, constitute a default under this Deed of Trust:

   (a) A default under that certain Affordable Housing Agreement ("Agreement" or the "AHA") dated as of May 26, 2009, between Trustor and Beneficiary or any default under any Agency Note or Agency Deed of Trust delivered under the Agreement, whether senior or junior to this Deed of Trust (all capitalized terms not defined herein shall have the meanings established therefor under the Agreement); or

   (b) A default under the "Agency Participant CC&Rs" (as executed and recorded pursuant to the Agreement).

2. **DEFAULT - DEED OF TRUST**. A default under this Deed of Trust shall, at Beneficiary's option, as appropriate, constitute a default under the deeds of trust or other instruments referenced in Paragraph 1(a) through (b), inclusive (collectively the "Other Deeds of Trust"), of this Rider.

3. **NON-IMPAIRMENT**. Except as supplemented and/or modified by this Deed of Trust, all of the terms, covenants and conditions of the Other Deeds of Trust and the other loan documents executed in connection therewith shall remain in full force and effect.

4. **DUE ON SALE OR ENCUMBRANCE**. In the event of any Transfer (as defined below) of the Property, or any portion thereof or interest therein, Beneficiary shall have the absolute right at its option, without prior demand or notice, to declare all sums secured hereby immediately due and payable. As used herein, the term "Transfer" means and includes the direct or indirect sale, transfer, conveyance, mortgage for an amount greater than the outstanding balance of a loan existing as of the time such refinancing is commenced, further encumbrance, assignment, or other alienation of the Property, or any portion thereof or interest therein, whether voluntary, involuntary, by operation of law or otherwise, the execution of any installment land sale contract, sales agreement or similar instrument affecting all or a portion of the Property, granting of an option to purchase any portion of or interest in the Property or any interest therein, or the lease of all or substantially all of the Property or of all or substantially all of the improvements located thereon, without the prior written approval of the Agency. "Transfer" shall not include (i) the leasing of individual dwelling units on the Site so long as Maker complies with the provisions of the Agency Participant CC&Rs and the AHA relating to such leasing activity, (ii) conveyance of easements in the Site for utility purposes, and (iii) granting of an option for purchase of the

Project to a general partner of the Participant. Failure of Beneficiary to exercise the option to declare all sums secured hereby immediately due and payable upon a Transfer will not constitute waiver of the right to exercise this option in the event of any subsequent Transfer.

5. **PRIORITY OF DEED OF TRUST**. This Deed of Trust is subject and subordinate to the following deeds of trust: the deed of trust in favor of the Primary Construction Lender and/or the Primary Permanent Lender, and the MHSA Agreement.

6. **PROHIBITION AGAINST TENANCY UNDER FORECLOSURE**. Notwithstanding anything to the contrary set forth in this Deed of Trust or in any documents secured by this Deed of Trust or contained in any subordination agreement, the Beneficiary acknowledges and agrees that, in no event will any action be taken which violates Section 42(h)(6)(E)(ii) of the U.S. Internal Revenue Code of 1986, as amended, regarding prohibitions against evicting, terminating any tenancy or increasing rent of tenants for a period of three (3) years after acquisition of a building by foreclosure or deed-in-lieu of foreclosure.

DO NOT RECORD

The following is a copy of Subdivisions A and B of the fictitious Deed of Trust recorded in each county in California as stated in the foregoing Deed of Trust and incorporated by reference in said Deed of Trust as being a part thereof as if set forth at length therein.

G. To protect the security of this Deed of Trust, Trustor agrees:

(1) To keep said property in good condition and repair; not to remove or demolish any building thereon; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished therefor; to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon; not to commit or permit waste thereof; not to commit, suffer or permit any act upon said property in violation of law; to cultivate irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.

(2) To provide, maintain and deliver to Beneficiary fire insurance satisfactory to and with loss payable to Beneficiary. The amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may be released to Trustor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

(3) To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear, and in any suit brought by Beneficiary to foreclose this Deed.

(4) to pay: at least ten days before delinquency all taxes and assessments affecting said property, including assessments on appurtenant water stock; when due, all encumbrances, charges and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees and expenses of this trust.

Should Trustor fail to make any payment or to do any act as herein provided, then Beneficiary or Trustee, but without obligation so to do and without notice to or demand upon Trustor and without releasing Trustor from any obligation thereof, may: make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto; and, in exercising any such powers, pay necessary expenses, employ counsel and pay his reasonable fees.

(5) To Pay immediately and without demand all sums so expended by Beneficiary or Trustee, with interest from date of expenditure at the amount allowed by law in effect at the date hereof, and to pay for any statement provided for by law in effect at the date hereof regarding the obligation secured hereby any amount demanded by the Beneficiary not to exceed the maximum allowed by law at the time when said statement is demanded.

H. It is mutually agreed:

(1) That any award of damages in connection with any condemnation for public use of or injury to said property or any part thereof is hereby assigned and shall be paid to Beneficiary who may apply or release such monies received by him in the same manner and with the same effect as above provided for disposition of proceeds of fire or other insurance.

(2) That by accepting payment of any sum secured hereby after its due date, Beneficiary does not waive his right either to require prompt payment when due of all other sums so secured or to declare default for failure so to pay.

(3) That at any time or from time to time, without liability therefor and without notice, upon written request of Beneficiary and presentation of this Deed and said note for endorsement, and without affecting the personal liability of any person for payment of the indebtedness secured hereby, Trustee may: reconvey any part of said property; consent to the making of any map or plat thereof; join in granting any easement thereon; or join in any extension agreement or any agreement subordinating the lien or charge hereof.

(4) That upon written request of Beneficiary stating that all sums secured hereby have been paid, and upon surrender of this Deed and said note to Trustee for cancellation and retention or other disposition as Trustee in its sole discretion may choose and upon payment of its fees, Trustee shall reconvey, without warranty, the Site then held hereunder. The recitals in such reconveyance or any matters or facts shall be conclusive proof of the truthfulness thereof. The Grantee in such reconveyance may be described as "the person or persons legally entitled thereto."

(5) That as additional security, Trustor hereby gives to and confers upon Beneficiary the right, power and authority, during the continuance of these Trusts, to collect the rents, issues and profits of said property, reserving unto Trustor the right, prior to any default by Trustor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, to collect and retain such rents, issues and profits as they become due and payable. Upon any such default, Beneficiary may at any time without notice, either in person, by agent, or by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of said property or any part thereof, in his own name sue for or otherwise collect such rents, issues, and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as Beneficiary may determine. The entering upon and taking possession of said property, the collection of such rents, issues and profits and the application thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

(6) That upon default Trustor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, Beneficiary may declare all sums secured hereby immediately due and payable by delivery to Trustee of written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property, which notice Trustee shall cause to be filed for record. Beneficiary also shall deposit with Trustee this Deed, said note and all documents evidencing expenditures secured hereby.

After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of sale having been given as then required by law, Trustee, without demand on Trustor, shall sell said property at the time and place fixed by it in said notice of sale, either as a whole or in separate parcels, and in such order as it may determine, at public auction to the highest bidder for cash in lawful money of the United States, payable at time of sale. Trustee may postpone sale of all or any portion of said property by public announcement at such time and place of sale, and from time to time thereafter may postpone such sale by public announcement at the time fixed by the preceding postponement. Trustee shall deliver to such purchaser its deed conveying the Site so sold, but without any covenant or warranty, express or implied. The recitals in such deed of any matters or facts shall be conclusive proof of the truthfulness thereof. Any person, including Trustor, Trustee, or Beneficiary as hereinafter defined, may purchase at such sale.

After deducting all costs, fees and expenses of Trustee and of this Trust, including cost of evidence of title in connection with sale, Trustee shall apply the proceeds of sale to payment of: all sums expended under the terms hereof, not then repaid, with accrued interest at the amount allowed by law in effect at the date hereof; all other sums then secured hereby; and the remainder, if any, to the person or persons legally entitled thereto.

(7) Beneficiary, or any successor in ownership of any indebtedness secured hereby, may from time to time, by instrument in writing, substitute a successor or successors to any Trustee named herein or acting hereunder, which instrument, executed by the Beneficiary and duly acknowledged and recorded in the office of the recorder of the county or counties where said property is situated, shall be conclusive proof of proper substitution of such

successor Trustee or Trustees, who shall, without conveyance from the Trustee predecessor, succeed to all its title, estate, rights, powers and duties. Said instrument must contain the name of the original Trustor, Trustee and Beneficiary hereunder, the book and page where this Deed is recorded and the name and address of the new Trustee.

(8) That this Deed applies to, inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term Beneficiary shall mean the owner and holder, including pledgees, of the note secured hereby, whether or not named as Beneficiary herein. In this Deed, whenever the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

(9) That Trustee accepts this Trust when this Deed, duly executed and acknowledged, is made a public record as provided by law. Trustee is not obligated to notify any party hereto of pending sale under any other Deed of Trust or of any action or proceeding in which Trustor, Beneficiary or Trustee shall be a party unless brought by Trustee.

DO NOT RECORD REQUEST FOR FULL RECONVEYANCE

TO FIRST AMERICAN TITLE, TRUSTEE:

The undersigned is the legal owner and holder of the note or notes, and of all other indebtedness secured by the foregoing Deed of Trust. Said note or notes, together with all other indebtedness secured by said Deed of Trust, have been fully paid and satisfied; and you are hereby requested and directed on payment to you of any sums owning to you under the terms of said Deed of Trust, to cancel said note or notes above mentioned, and all other evidences of indebtedness secured by said Deed of Trust delivered to you herewith, together with the said Deed of Trust, and to reconvey, without warranty, to the parties designated by the terms of said Deed of Trust, all the estate now held by you under the same.

Dated: _____

_____

_____

Please mail Deed of Trust,
Note and Reconveyance to

_____

Do not lose or destroy this Deed of Trust OR THE NOTE which it secures. Both must be delivered to the Trustee for cancellation before reconveyance will be made.

DEED OF TRUST
with power of sale

First American Title
TRUSTEE

ATTACHMENT NO. 13

MEMORANDUM OF AGREEMENT

Requested By and When Recorded Return To: **Community Redevelopment Agency of the City of Moreno Valley** 14177 Frederick Street Moreno Valley, California 92552-0805 Attention: Executive Director	This document is exempt from the payment of a recording fee pursuant to Government Code Section 6103.

MEMORANDUM OF AGREEMENT

THIS **MEMORANDUM OF AGREEMENT** ("Memorandum"), dated as of _____, 2009, is entered into by and between the COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, a public body corporate and politic ("Agency") and MV RANCHO DORADO II LIMITED PARTNERSHIP, a California Limited Partnership (the "Participant").

1. Affordable Housing Agreement. Agency and Participant have executed an Affordable Housing Agreement (the "Agreement") dated as of May 26, 2009, covering that certain real property located in the City of Moreno Valley, County of Riverside, State of California, more fully described in Exhibit "A" attached hereto and incorporated herein by this reference. The Agreement is on file as a public record with the Agency at its offices at 14177 Frederick Street, Moreno Valley, California 92552-0805. All of the terms, conditions, provisions and covenants of the Agreement are incorporated in this Memorandum by reference as though written out at length herein, and the Agreement and this Memorandum shall be deemed to constitute a single instrument or document.

2. Purpose of Memorandum. This Memorandum is prepared for recordation purposes only, and in no way modifies the terms, conditions, provisions and covenants of the Agreement. In the event of any inconsistency between the terms, conditions, provisions and covenants of this Memorandum and the Agreement, the terms, conditions, provisions and covenants of the Agreement shall prevail.

PARTICIPANT:

MV RANCHO DORADO II LIMITED PARTNERSHIP,
a California Limited Partnership

By: HOUSING CORPORATION OF AMERICA,
a Utah nonprofit corporation
(Its: Managing General Partner)

By: _____
Ron Olson
Its: President

By: PALM DESERT DEVELOPMENT COMPANY,
a California corporation
(Its: Administrative General Partner)

By: _____
James M. Jernigan
Its: CFO/Secretary

AGENCY:

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY,
a public body, corporate and politic

By: _____
Executive Director

ATTEST:

_____
Agency Secretary

EXHIBIT "A"

LEGAL DESCRIPTION

[to come]

ATTACHMENT NO. 14

FIRST INTERCREDITOR AND SUBORDINATION AGREEMENT

RECORDING REQUESTED BY)
AND WHEN RECORDED MAIL TO:)
)
CITY OF MORENO VALLEY)
REDEVELOPMENT AGENCY)
14177 Frederick Street)
P.O. Box 88005)
Moreno Valley, California 92552-0805)
Attention: Executive Director)

INTERCREDITOR AND SUBORDINATION AGREEMENT

NOTICE: THIS INTERCREDITOR AND SUBORDINATION AGREEMENT RESULTS IN THE SECURITY INTEREST UNDER YOUR DEEDS OF TRUST BECOMING SUBJECT TO AND OF LOWER PRIORITY THAN THE LIEN OF SOME OTHER OR LATER SECURITY INSTRUMENT.

This Intercreditor and Subordination Agreement ("Intercreditor and Subordination Agreement"), made this _____ day of _____, 200_, by and among MV Rancho Dorado II Limited Partnership, a California Limited Partnership ("Owner or Participant"), which is owner of that certain interest in real property as legally described on Exhibit "A" hereto (the "Site") and hereinafter described as the "Property," Community Redevelopment Agency of the City of Moreno Valley, a public body corporate and politic ("Agency"), present holder and owner of the deed of trust and note first hereinafter described, and the County of Riverside, a subdivision of the State of California ("Lender"); Lender's address is: 1325 Spruce Street, Suite 400, Riverside, California 92507.

WHEREAS, Agency is a California redevelopment agency acting under the California Community Redevelopment Law, Part 1 of Division 24 of the Health and Safety Code (the "Redevelopment Law"); and

WHEREAS, the Redevelopment Plan for the Moreno Valley Redevelopment Project, sometimes referred to as the Project (herein, the "Project") was adopted by Ordinance No. 154 by the City Council of the City of Moreno Valley (the "Redevelopment Plan"). The redevelopment project area for the Redevelopment Plan as so amended constitutes the "Project Area"; and

WHEREAS, the Agency is authorized and empowered under the Community Redevelopment Law, California Health and Safety Code Sections 33000, *et seq.* (the "Community Redevelopment Law"), to enter into agreements for the production, improvement, or preservation of affordable housing to households of limited income, with such housing to be available at "Affordable Rent" (within the meaning of the Redevelopment Law); and

WHEREAS, the Participant is experienced in the development and operation of affordable multi-family housing, particularly in California; and

WHEREAS, the Participant has entered into an Affordable Housing Agreement with the Agency dated as of May 26, 2009 (the "AHA") which provides for the Participant to acquire certain real property (the "Site") located in the City of Moreno Valley and within the Project Area of the Agency's Moreno Valley Redevelopment Project, whereupon the Participant shall develop seventy-one (71) dwelling units and related improvements and thereupon rent not fewer than seventy (70) of such dwelling units to "Extremely Low Income Households," "Very Low Income Households," "Lower Income Households" and "Moderate Income Households," all at "Affordable Rent" in accordance with the "Prescribed Rent Levels and Tenant Mix," as those terms are defined below, all as more particularly provided herein. Such development is intended to implement the Agency's goals and objectives under the Redevelopment Law to provide decent, safe and sanitary housing for persons of very low income, low income and moderate income, and to increase, improve and preserve housing available at affordable housing cost to persons of very low income, low income and moderate income pursuant to the Redevelopment Plan and Health and Safety Code Sections 33334.2, *et seq*., and 33413; and

WHEREAS, "Prescribed Rent Levels and Tenant Mix" is defined in the AHA as follows: "Prescribed Rent Levels and Tenant Mix" means the following: (i) fourteen (14) one-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than thirty percent (30%) of Median Income; (ii) one (1) two-bedroom Unit, which shall be available at Affordable Rent to households earning not greater than thirty percent (30%) of Median Income; (iii) three (3) three-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than fifty percent (50%) of Median Income; (iv) three (3) two-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than fifty percent (50%) of Median Income; (v) twelve (12) three-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than sixty percent (60%) of Median Income; (vi) one (1) two-bedroom Unit, which shall be available at Affordable Rent to households earning not greater than sixty percent (60%) of Median Income; and (vii) thirty-six (36) additional Units which shall be available at Affordable Rent to households earning not greater than one hundred twenty percent (120%) of Median Income; and

WHEREAS, Participant shall apply for and obtain an allocation for the obtaining of 9% Low Income Tax Credits as generally provided for under Section 42 of the Internal Revenue Code and/or California Revenue and Taxation Code Sections 17057.5, 17058, 23610.4 and 23610.5 and California Health and Safety Code Section 50199, *et seq*. ("9% Tax Credits"); and

WHEREAS, under the AHA, the Participant shall develop seventy-one (71) dwelling units and not fewer than seventy (70) of those dwelling units to be rented at "Affordable Rent" and in conformity with the "Prescribed Rent Levels and Tenant Mix" throughout the "Required Covenant Period" (which is a fifty-six year period as more particularly defined in the AHA). All capitalized items no defined herein shall have the meanings established therefor in the AHA; and

WHEREAS, in connection with the AHA, the Owner has executed and delivered to escrow the "Agency Note," the "Agency Deed of Trust" and the "Agency Participant CC&R's" all as defined in the AHA. The Agency Note is to be delivered to Agency prior to or immediately upon the recordation of this Intercreditor and Subordination Agreement. In addition, the Agency Participant

CC&R's are to be recorded as to the Site among the official land records of the County Recorder of Riverside County of even day herewith; and

WHEREAS, Owner has executed, or is about to execute, a deed of trust (the "Lender Deed of Trust") and note in the sum of Six Hundred Fifty Thousand Dollars ($650,000) (the "Loan Amount") dated as of March 17, 2009, in favor of Lender, payable by the Owner with interest and upon the terms and conditions described therein; and

WHEREAS, the parties hereto intend that any lien in favor of Lender under the Lender Deed of Trust shall be subordinate to the Agency Participant CC&R's and the Agency Deed of Trust; and

WHEREAS, it is a condition precedent to obtaining the loan of the loan amount from Agency that the Agency Participant CC&Rs and the Agency Deed of Trust shall unconditionally be a lien or charge upon the Site prior and superior to the lien or charge of the Lender Deed of Trust and the County HOME Agreement; and

WHEREAS, Agency is willing to make said loan provided the Agency Deed of Trust securing the same is a lien or charge upon the Site prior and superior to the lien or charge of the Lender Deed of Trust and provided that Lender will specifically and unconditionally subordinate the lien or charge of the Lender Deed of Trust to the lien or charge of the Agency Deed of Trust and further provided that the Lender will agree to the provisions of Section 5 of this Intercreditor and Subordination Agreement; and

WHEREAS, it is to the mutual benefit of the parties hereto that Agency make such loan to Owner, and Lender is willing that the Agency Deed of Trust securing the same shall, when recorded, constitute a lien or charge upon the Site which is unconditionally prior and superior to the lien or charge of the Lender Deed of Trust;

NOW, THEREFORE, in consideration of the mutual benefits accruing to the parties hereto and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged and in order to induce Agency to make the loan above referred to, it is hereby declared, understood, and agreed as follows:

1. That the Agency Participant CC&Rs and the Agency Deed of Trust shall unconditionally be a lien or charge on the Site prior and superior to the lien or charge of the Lender Deed of Trust and the County HOME Agreement;

2. That Agency would not make its loan above described without this Intercreditor and Subordination Agreement;

3. The Lender Deed of Trust shall be junior and subordinate to the Agency Developer CC&R's;

4. In the event of a mortgage or deed of trust default or breach by the Participant whether prior to or after the completion of the construction of any of the "Improvements" (as defined in the AHA) or any part thereof (continuing until the expiration of the term of the Required Covenant Period), Participant shall immediately deliver to Agency a copy of any mortgage holder's notice of default. If the holder of any mortgage or deed of trust has not exercised its option to construct, the Agency shall have the right but no obligation to cure the default. In such event, the Agency shall be entitled to

reimbursement from the Participant of all proper costs and expenses incurred by the Agency in curing such default.

In addition, the Participant and the Lender agree that in the event Lender acquires the Development by exercise of foreclosure or assignment in lieu of foreclosure or otherwise, Lender shall so notify the Agency and the Agency shall have not less than sixty (60) days following receipt by Agency of such notice (given in the manner described in Section 8.2 of the AHA) to purchase the interests of such lender in the Development (including the corresponding loan for an amount equal to the outstanding balance of the corresponding loan). The Participant agrees to provide documentation evidencing the relinquishment of any and all rights to the Development in such event; provided that the failure to provide such documentation shall not be construed to mean that the Participant retains any rights under the AHA;

5. Lender declares, agrees, and acknowledges that:

5.1 It intentionally and unconditionally waives, relinquishes, and subordinates the lien or charge of the Lender Deed of Trust in favor of the lien or charge upon said Property of the Agency Deed of Trust, and understands that in reliance upon, and in consideration of, this waiver, relinquishment and subordination specific loans and advances are being made and, as part and parcel thereof, specific monetary and other obligations are being and will be entered into which would not be made or entered into but for said reliance upon this waiver, relinquishment and subordination; and

5.2 An endorsement has been or shall be placed upon the note secured by the Lender Deed of Trust that the Lender Deed of Trust has by this instrument been subordinated to the lien or charge of the Agency Deed of Trust.

5.3 Lender, Owner and the Agency expressly agree and acknowledge that Lender's Loan Agreement and the Agency Note shall be payable from Residual Receipts (as defined in the AHA), as follows: seventy-five percent (75%) of the Residual Receipts shall be applied pari passu as among the Lender, the California Housing Finance Agency ("CalHFA") and the Agency, and the remaining twenty-five percent (25%) shall be retained by the Participant. For this purpose, the allocation of Residual Receipts shall be fifty-one and sixty-three one-hundredths percent (51.63%) to the Agency (based upon its financial commitment of $4,750,000), sixteen and three-tenths percent (16.3%) to CalHFA (based upon its financial commitment of MHSA funds of $1,500,000), and seven and seven one-hundredths percent (7.07%) to Lender (based upon its financial commitment of $650,000).

(signatures on following page)

"OWNER"

MV RANCHO DORADO II LIMITED PARTNERSHIP,
a California Limited Partnership

By: HOUSING CORPORATION OF AMERICA,
a Utah nonprofit corporation
(Its: Managing General Partner)

By: _____
Ron Olson
Its: President

By: PALM DESERT DEVELOPMENT COMPANY,
a California corporation
(Its: Administrative General Partner)

By: _____
James M. Jernigan
Its: CFO/Secretary

"LENDER"

COUNTY OF RIVERSIDE,
a subdivision of the State of California

By: _____
Name:
Its:

"AGENCY"

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, a public body corporate and politic

By: _____
Executive Director

ATTEST:

_____
Agency Secretary

EXHIBIT A

LEGAL DESCRIPTION

[to come]

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and 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 Seal)
Signature of Notary Public

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED

_____
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages ___ Document Date_____

_____
(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer
  _____
  (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e, certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and 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 Seal)
Signature of Notary Public

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED

_____
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages ___ Document Date_____

_____
(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer
  _____
  (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e, certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and 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 Seal)
Signature of Notary Public

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED

_____
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages ___ Document Date_____

_____
(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer
  _____
  (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e, certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

ATTACHMENT NO. 15

DESCRIPTION OF THE MHSA PROGRAM

MENTAL HEALTH SERVICES ACT HOUSING PROGRAM
TERM SHEET/PROGRAM DESCRIPTION

Program Description	The **Mental Health Services Act Housing Program (MHSA Housing Program)** offers permanent financing and capitalized operating subsidies for the development of permanent supportive housing, including both rental housing and shared housing, to serve persons with serious mental illness who are homeless, or at risk of homelessness (as defined by the MHSA Housing Program), and who otherwise meet the MHSA Housing Program target population description. This program is jointly administered by the California Housing Finance Agency (CalHFA) and the Department of Mental Health (DMH).
Permanent Loans	• The MHSA Housing Program will fund one-third of the costs of a Rental Housing Development up to a maximum of $100,000 per MHSA Housing Program unit ("apartment"), as adjusted annually. • The MHSA Housing Program will fund all of the costs of a Shared Housing Development up to $100,000 per MHSA Housing Program unit ("bedroom") as adjusted annually, provided that each bedroom is restricted for rental to an MHSA eligible resident. Developers will not need to supplement MHSA Housing Program funds with other capital sources in Shared Housing Developments unless the costs exceed $100,000 per bedroom. • The above two amounts will be adjusted each year by a 4.83% inflation factor beginning January 1, 2009. • Permanent loan proceeds will be available at construction loan closing or permanent loan closing or at acquisition if no rehabilitation or new construction is required. • Permanent loan proceeds may be used for allowable costs associated with the acquisition and development of the property, including reimbursing the developer for predevelopment costs and acquisition costs. Permanent loans will be secured against the property and the improvements by a promissory note, a deed of trust and a Regulatory Agreement. • Permanent loan limits will be based on the number of units restricted to MHSA eligible residents and not on the total number of units in the proposed development. • MHSA Housing Program loan funds may trigger prevailing wage requirements. Applicants are advised to consult their attorney on this issue.
Fees, Rates and Terms	• Origination Fee: 1% of the MHSA permanent loan amount, which will be due at MHSA Housing Program permanent loan closing, or predevelopment loan closing, whichever occurs sooner. • A servicing fee of 0.42% of the original principal balance of the permanent loan shall be due and payable annually. This fee shall be paid to CalHFA for administrative services. • Accrued interest and principal payments will be made on an annual basis from net cash flow (residual receipts).

	• All residual receipts payments received by CalHFA will be credited to the development and deposited back into the respective county's sub-account. • The interest rate on Rental Housing Developments will be fixed at 3% simple interest but may differ if tax credits are involved. When tax credits are involved, interest rates may be set lower than 3%, provided the applicant demonstrates that an interest rate reduction is necessary for tax-related reasons. • Interest rates on Shared Housing Developments will be fixed at 3% simple interest. • The loan term for both Rental Housing Developments and Shared Housing Developments shall be 20 years, or longer if required by other funding sources or if tax credits are involved. Upon the request of the developer, the loan term may be extended to up to 55 years. The developer may request an extension of the loan term in its application or at any time prior to final commitment of the loan. The Regulatory Agreement shall be extended to match the longer loan term. • The payment of unpaid interest and principal will be due and payable upon completion of the loan term. • If MHSA permanent loan proceeds are disbursed at construction loan closing, no loan interest will accrue during the construction period, but the 0.42% servicing fee will be charged during that time period, and the first two years of servicing fees will be due as a lump sum in advance at the time of construction loan closing. • If MHSA permanent loan proceeds are not disbursed until construction is complete, one year of the 0.42% servicing fee shall be due as a lump sum, in advance, at permanent loan disbursement. • The interest owing upon loan maturity will be treated in one of the following ways for rental and shared housing developments. ❖ Accrued interest will be due and payable for a development that has received an allocation of low income housing tax credits. ❖ Accrued interest shall be due and payable for all developments with the following exceptions: ➢ The development was used in accordance with the MHSA Housing Program regulations and the Regulatory Agreement throughout the term of the loan, and the terms of the loan and the Regulatory Agreement are extended for a term acceptable to CalHFA. ➢ The development is sold at loan maturity and CalHFA determines that the sale proceeds are invested in another property that has like use, has a like number of MHSA units, is encumbered by a Regulatory Agreement, and is secured by a new note and deed of trust in an amount equal to or greater than the original MHSA Housing Program permanent loan. • If applicable, the loan term for Rental Housing Developments with HUD 811 loans shall be consistent with HUD requirements.

Approved Housing Types	• Both Rental Housing Developments and Shared Housing Developments are permitted as defined below. • Master leasing is not allowed.
Shared Housing Developments	• A Shared Housing Development is a residential building that contains one or more traditional residences. All bedrooms in a Shared Housing Development shall be occupied by an MHSA eligible resident. • For purposes of the MHSA Housing Program, a bedroom in a Shared Housing Development is a unit. Each residential housing unit funded by the MHSA Housing Program must be occupied by an MHSA eligible resident, as determined by DMH and the sponsoring county mental health department. • All residences in a Shared Housing Development shall be rented to and shared by two or more unrelated adults, each of whom is a member of the MHSA Housing Program eligible residents. • While this program is intended primarily for unrelated adult house-mates, nothing in this definition excludes the spouse, adult partner, and/or child of an MHSA eligible resident from sharing the bedroom of the eligible resident, up to housing occupancy limits. • To qualify for funding, a Shared Housing Development must provide a lease and a separate lockable bedroom for each MHSA eligible resident; the MHSA eligible resident must be responsible for paying rent; and all bedrooms in each residence must be occupied by an MHSA eligible resident. • Each Shared Housing residence must also contain a living area, a kitchen and full bathroom. Kitchens and living rooms need to be appropriately sized to accommodate the number of residents in each residence. • Each residence with three bedrooms shall contain a minimum of a bathroom and a half-bath. Residences with four or five bedrooms shall contain two full bathrooms. A bathroom shall consist of a toilet, sink and shower and/or bathtub. A half-bath shall consist of a toilet and a sink. • The maximum number of bedrooms per Shared Housing residence is five. • A Shared Housing Development may consist of a 2- to 4-unit building, provided that all units (bedrooms) in the building are targeted for use as Shared Housing. • Single-family homes, condominiums, and half-plexes may also qualify as a Shared Housing Development provided that they have a minimum of two bedrooms. • Shared Housing Developments cannot be located in Rental Housing Developments.
Rental Housing Developments	• A Rental Housing Development is an apartment building or buildings with no less than five residential units restricted for rental to MHSA eligible residents. • In buildings with 5 to 100 units, at least 10% of the units, but no fewer that 5

	units per development, shall be set aside for MHSA eligible residents. In buildings with more than 100 units, a minimum of 10 units must be set aside for MHSA eligible residents. • Each MHSA Housing Program unit in a Rental Housing Development must have a lease signed by all adult members of the household. The lease must contain language that the unit must be occupied by an MHSA eligible resident. • Each MHSA Housing Program unit must be occupied by an MHSA eligible resident, as determined by DMH and the sponsoring county mental health department. • Rental Housing Developments may include both general occupancy buildings and special occupancy buildings. Special occupancy buildings include both senior housing and housing for homeless youth, as defined by California statute. • All units in a Rental housing Development shall include, at a minimum, a living area, a sleeping area, a kitchen area and a bathroom. The kitchen area shall at a minimum consist of a sink, refrigerator, cupboard space, counter area, microwave or oven, and a two-burner stove or built-in cook top. • Each unit with three bedrooms shall contain a bathroom and a half-bath. Units with four or more bedrooms shall contain two full bathrooms. A bathroom shall consist of a toilet, sink and shower and/or bathtub. A half-bath shall consist of a toilet and a sink. • All Rental Housing Developments will be required to have adequate space for supportive services staff and service programs. Exceptions may be made for existing buildings where this requirement is not feasible. • One unit may be made available for a manager's unit. • If there are other household members occupying the unit who are not MHSA eligible residents, and the eligible resident no longer resides in the unit, regardless of the reason, the other household members may continue to occupy the unit if the Rental Housing Development is a mixed-population development and the housing provider is able to supply a newly vacant non-MHSA Housing Program unit in the same development to an MHSA eligible resident. If the development is a single-population development, or if no non-MHSA Housing Program vacant units are available, the other household members may continue to occupy the unit for a grace period of 90 days. Capitalized operating subsidies, (if applicable to the development), will continue through the end of the grace period. During this grace period, the housing provider will work with the remaining household members to find alternate housing accommodations. If the remaining household members do not find alternate accommodations within the grace period, the Borrower shall start eviction proceedings. [This policy is similar to that of HUD's Housing Opportunities for Persons with AIDS (HOPWA) program requirements.]
Applicants	• Applications shall be submitted to DMH and CalHFA via county mental health departments, which shall apply for funding in conjunction with and on behalf

	of a qualified developer/borrower. • The submission by the county mental health department will signify the county's approval of all of the following; ❖ The capital funding request for the development, ❖ The capitalized operating subsidy funding request for the development, (if applicable), ❖ A commitment by the county mental health department to provide funding for supportive services for the residents of the development who are MHSA eligible residents for the term of the MHSA Housing Program loan, and ❖ Other items, to be determined, as required by DMH.
Qualified Developers and Borrowers	• Qualified developers include: ❖ Developers with a track record of successful affordable housing development and a history of serving the target population, ❖ Developers with a track record of successful affordable housing development but with no history of serving the target population, but with a strong contract or Memorandum of Understanding with a qualified service provider and property manager, and the assistance of qualified consultants with a history of successfully working with developers to house the target population, ❖ A qualified supportive services provider with a joint venture developer partner with a history of successful affordable housing development, who has entered into a strong contract or Memorandum of Understanding with a qualified property manager, and has the assistance of qualified consultants who have a history of successfully working with similar joint venture partners to house the target population, ❖ A qualified supportive services provider with a qualified development team that has a history of successful affordable housing development and that has entered into a contract or Memorandum of Understanding (acceptable to CalHFA) with a qualified property manager, ❖ An affiliate of the local redevelopment agency, an affiliate of the local housing authority created to hold MHSA Housing Properties or other appropriate agency of the county created to hold properties financed by the Mental Health Services Act, with a staff or development team with a strong track record of successful development of affordable housing, and a history of working with the target population, or ❖ An appropriate agency of the county. • The developer and its affiliate organizations will be evaluated both for their ability to successfully develop and manage the real estate component of the development, and for their ability to partner with a lead service provider or service providers to deliver high-quality services to the target population. • The borrower must be legally organized as one of the following:

	❖ A limited partnership (LP). The managing general partner of the LP must be a 501(c)(3) corporation or a limited liability company (LLC) whose sole member or members are 501(c)(3) corporations; ❖ A 501(c)(3) corporation; ❖ An LLC whose sole member or members are 501(c)(3) corporations; ❖ An affiliate of a local redevelopment agency; ❖ An affiliate of the county created to hold properties financed with MHSA Housing Program funding; or ❖ An affiliate of a local housing authority created to hold MHSA Housing Program properties. • The borrower also must be organized as either ❖ A single asset entity (in the case of a LP or LLC), or ❖ A separate legal entity that only holds properties that have MHSA Housing Program funding, as appropriate.
MHSA Loan Allocations Per County	• Each county will have MHSA Housing Program capital and capitalized operating subsidy funds allocated to them by DMH. The permanent (capital) loans and capitalized operating subsidy awards made under the MHSA Housing Program in a given county will be limited to the funds available to each county under the DMH allocation formula, plus any interest earned on the county-specific funds while they are being held by CalHFA. • Initially, $400 million will be available to counties for this program. • Nothing shall prohibit county mental health departments from utilizing other available funds for this program to supplement their MHSA Housing Program allocations.
Small Counties	• Eight percent of the total funds allocated to the MHSA Housing Program by DMH will be allocated for small county applications under this program. The MHSA funds set aside for small counties are currently estimated to be approximately $32 million of the available $400 million initial allocation. • To be identified as "small," the county must have 200,000 or fewer residents in accordance with MHSA requirements, based on the most recent census. • The application process will be the same for large and small counties. However, CalHFA may waive some of the program requirements for small county applications. Requests for waivers will be reviewed on a case-by-case basis. • County specific funds may be combined by small counties to create developments that serve regional needs. • While it is anticipated that the MHSA Housing Program is sufficiently flexible to meet the needs of small counties, alternate program provisions may be developed if they are needed to address the unique needs of small counties.

Allowable Non-MHSA Funding Sources	• The MHSA Housing Program will fund one-third of the costs of the MHSA Housing Program units in a Rental Housing Development up to a maximum of $100,000 per MHSA Housing Program unit. Two thirds of the costs must come from other sources. • The applicant must provide 100% of the capital costs of the non-MHSA Housing Program units from other sources. • 100% of the capital costs of Shared Housing Developments up to $100,000 per bedroom will be provided by this program, provided that each bedroom is occupied by an MHSA eligible resident. • Capital costs above the MHSA Housing Program funding limits for Rental Housing Developments and Shared Housing Developments may be obtained from grants, tax credits, other deferred, forgivable or residual receipts loans from governmental and private loan sources, and other county mental health funds. • MHSA Capitalized Operating Subsidy Reserve (COS) funds may not be used to make amortized debt service payments, or residual receipts payments. However COS may be used to make the 0.42% required annual debt service payment for HCD MHP loans, provided that the payment is in proportion to the number of units in the Development which receive COS funds. • Fully amortizing loans will be allowed for those Rental Housing Developments or Shared Housing Developments that do not receive capitalized operating subsidies from the MHSA Housing Program, provided they have other rental subsidies that are high enough to support the debt. • Fully amortizing loans will be allowed for Rental Housing Developments that receive MHSA Housing Program capitalized operating subsidies if all of the following conditions are met: ➢ Rents on the non-MHSA Housing Program units are high enough to fully support amortizing debt, and ➢ Annual operating budgets and annual audits are bifurcated sufficiently to ensure that the amortizing debt payments are not being paid from MHSA Housing Program units subsidized with capitalized operating subsidy reserves. • Developers are advised to consult their attorneys regarding potential legal conflicts between different housing funding sources.
Subordinate Financing	• Subordinate loans or grants are encouraged from local government and third parties to achieve project feasibility. • The MHSA Housing Program Regulatory Agreement and Loan Documents may be subordinate to conventional construction loan documents, fully amortizing permanent loans, and HUD 811 Use Agreements and loan documents. Subordination to other HUD documents may be considered on a case-by-case basis • The MHSA Housing Program permanent loan may be subordinate, upon CalHFA approval, to other residual receipts/deferred permanent loans from

	federal and local sources, provided that those loans are twice the amount of the MHSA Housing Program permanent loan or larger. • All other loan documents, loans, leases, recorded use agreements, and recorded grant agreements must be subordinate to the MHSA Housing Program permanent loan documents and Regulatory Agreements. • When loans are provided by both HCD and the MHSA Housing Program, the HCD Regulatory Agreement may be recorded after the MHSA Housing Program Regulatory Agreement and prior to the MHSA Housing Program permanent loan documents. • The HCD/MHP housing program and the MHSA Housing Program may enter into a "risk-sharing agreement" regarding the pro rata disposition of assets upon foreclosure.
Rent and Occupancy Requirements	• All MHSA Housing Program units must be targeted for occupancy by at least one MHSA eligible resident. An eligible household is a household that has at least one MHSA eligible resident • Rents in MHSA Housing Program units in both Rental Housing Developments and Shared Housing Developments must be restricted to 30% of 50% or less of the area median income (as adjusted by household size). • For units with MHSA Housing Program capitalized operating subsidy reserves, the tenant portion of the rent must be set at 30% of the current SSI/SSP grant amount for a single individual living independently, or 30% of total household income, whichever is higher (up to 50% of area median income). • If operating and/or other rental subsidies for the MHSA Units are expected to be exhausted prior to the maturity date of the original program loan, the Borrower may submit a plan fro transition of the use of these Units to CalHFA. The plan shall be submitted at least two years prior to the expected depletion of the subsidies. The plan shall include, but not be limited to the following: ❖ An explanation of the efforts the Borrower has made to secure subsidies necessary to sustain the MHSA Units from other sources. ❖ An explanation of the fiscal necessity of adjusting the number or use of the designated MHSA Units. ❖ A process for increasing the rent and continuing to market and rent the MHSA Units to members of the Target Population who do not require subsidies. ❖ The plan for continuing, throughout the term of the MHSA Program loan, to apply for other subsidies, renewal of subsidies, and/or applications to the County for additional funds to subsidize the rental of MHSA Units to members of the Target Population. ❖ Approval of the Borrower's plan based on an assessment of all available information and a review of the Development's overall financial feasibility. Rent increases in 30% of 50% of AMI will not be approved. The approval will be conditioned on the Borrower's commitment to continue to seek

	other subsidies and market to the Target Population.
Reserve Requirements	• A minimum of three months of the first year's anticipated operating cost, but no more than 100% of anticipated first year's operating costs, must be capitalized as an operating reserve. This reserve may be held by CalHFA for the term of the MHSA Housing Program loan. • A rent-up reserve may be capitalized, as determined by CalHFA based on an independent market study and/or appraisal. The rent-up reserve may be waived by CalHFA based on the number of units that have been leased prior to permanent loan closing. • A minimum replacement reserve deposit of $1,000 per Rental Housing Development unit must be capitalized at permanent loan closing for acquisition/rehabilitation developments. This may be limited to MHSA Housing Program units at CalHFA's discretion. • A minimum replacement reserve deposit of $500 per Shared Housing Development unit must be capitalized at permanent loan closing for acquisition/rehabilitation developments. • There are no capitalized replacement reserve deposits requirements for new construction at the time of funding of the permanent loan. • Up to $3,000 per unit of replacement reserves may be capitalized if funds are available in the development budget. • Minimum annual replacement reserve deposits of $500/unit/year per Rental Housing Development unit shall be required from operating cash flow. • Minimum annual replacement reserve deposits $100/unit/year per Shared Housing Development unit (bedroom) from operating cash flow. • These amounts may be revised from time to time by CalHFA.
Allowable Costs and General Requirements	• All costs normally allowed as development costs for supportive housing by CalHFA are allowable costs for MHSA Housing Program loans. • Developer fees may be no higher than those allowed by TCAC and will be reviewed individually for appropriateness. • If the Development received a capitalized operating subsidy reserve award, ground lease payments must be capitalized in the development budget, and cannot be amortized over the term of the loan. • All developments will be required to apply for the "welfare tax exemption" (property tax exemption), and will be required to maintain that exemption for the term of the loan.
MHSA Capitalized Operating Subsidy Reserve	• The borrower and the county mental health department may apply for a reservation of capitalized operating subsidies for the MHSA Housing Program units up to a maximum of $100,000 per unit. • Starting on January 1, 2009 the capitalized operating subsidy reserve

	amount will be adjusted each year by a 4% inflation factor • Only the operating costs of MHSA Housing Program units may be subsidized with capitalized operating subsidies. Non-MHSA Housing Program unit costs, including supportive services costs, are not eligible costs and must be accounted for in a separate, bifurcated annual budget. • Capitalized operating subsidies will not be available for developments that do not receive permanent loan funds from the MHSA Housing Program. • Capitalized operating subsidy reserves will be sized to allow for operating subsidies for up to 20 years. ❖ A development's capitalized operating subsidy reserve will be sized based on a review of the difference between the tenant portion of the rent and operating expenses in the proforma first-year operating budget, an annual income escalator and an annual cost escalator. ❖ Interest earnings on the reserve over the term will be factored into the amount of available subsidy. ❖ See the Subsidy Calculator on CalHFA's website for current escalators and an estimate of project specific subsidy. • Capitalized operating subsidies will be capitalized at permanent loan conversion or closing and held by CalHFA in an interest-bearing reserve account for the benefit of the MHSA units. • Capitalized operating subsidy reserves are for use by MHSA units only and will not be the property of the development. • Capitalized operating subsidy reserve awards will be made at loan commitment but will be conditioned upon a demonstration, prior to permanent loan closing, that the developer has applied in good faith for other available rental housing subsidies for the development, and been unsuccessful in its application(s). Developers will be asked to identify in their applications the rental subsidy source or sources for which they have applied for or which they are planning to apply for and why they are pursuing that source or sources. The determination of the appropriateness of the source or sources will be made during the underwriting process. Documentation of good faith application to the alternate source or sources will be required during the underwriting process. Developers will only be required to apply for other subsidies in one award cycle. • Developments that receive rental or operating subsidy contracts from other sources may also apply for a back-up award for MHSA Housing Program capitalized operating subsidies for the time period not covered by other subsidy contract(s), or for any shortfall not covered by other subsidy awards during their term(s), provided that they agree to apply for all available extensions of subsidy contract(s). • Developments that receive rental or operating subsidy contracts from other sources for less than the total number of MHSA units may apply for COS reserves for the remaining MHSA units, provided that they agree to apply for all available extensions of subsidy contract(s).

Use of MHSA Capitalized Operating Subsidy Reserve (COS)	• Capitalized operating subsidies will become available at the point the development receives its Certificate of Occupancy for new construction projects, or at recorded notice of completion for acquisition-rehabilitation projects. • Capitalized operating subsidies will be disbursed quarterly, in advance. The first advance will include a per diem of the capitalized operating subsidy from the completion date to the first day of the next quarter. • The first advance of capitalized operating subsidies includes the anticipated tenant portion of the subsidized rent for one full year. This will allow the borrower to assist the MHSA eligible residents in applying for SSI and other available sources of income. This additional subsidy is intended to make the project whole while residents are going through the SSI application/appeal process. Note: the intent is for these funds to be recycled. Borrowers are advised to include clauses in their leases that require the tenants to reimburse them for back rent due when they begin to receive SSI disability benefits. • The capitalized operating subsidy payments will be reconciled with actual operating costs every year. • No distributions of surplus cash or residual receipts may be made to the borrower for non-project purposes from excess capitalized operating subsidies. Any surplus cash attributable to the capitalized operating subsidies, based on the annual audit, must be held by the development for the next year's operating expenses and the next year's capitalized operating subsidies allocation will be adjusted accordingly. • Capitalized Operating Subsidy Reserve (COS) shall be used to pay: ❖ Approved Operating Expenses in excess of actual Development income attributable to the COS MHSA Units. ❖ The annual servicing fee of 0.42% attributable to the MHSA capitalized operating subsidy units. ❖ The balance of the COS may be used to pay the following, if funds are available within the $100,000 per unit cap after operating expenses and the 0.42% annual servicing fee have been paid, in the priority order specified below: ➢ If the development has a HCD Multifamily Housing Program (MHP) loan, the 0.42 percent required annual interest payment of the principal amount of the MHP loan, attributable to the COS MHSA Units. ➢ Annual bond issuance fees, if any, attributable to the COS MHSA Units. ➢ Asset management fees of up to $30 per month per COS MHSA Unit, up to $18,000 per Development per year, as adjusted for inflation. ➢ An annual Operating Reserve deposit not to exceed three percent (3%) of anticipated gross income for the relevant year attributable to the COS MHSA Units.

	➢ Deferred Developer fees, if any, attributable to the COS MHSA Units. ➢ Service coordinator salaries and benefits attributable to the COS MHSA Units. • Capitalized Operating Subsidy Reserve shall not be used to pay for amortized debt service payments, ground lease payments, asset management fees or partnership management fees in excess of the proportional share of the $18,000 per development allowed in the MHSA Housing Program as adjusted for inflation, the operating costs of any non-MHSA Unit, the operating costs of any MHSA Units for which the Borrower did not apply for and receive a COS award, cash distributions to the Borrower, residual receipts payments to other lenders, lump sum pay off of other loans.
Occupancy Requirements, and Reduction or Termination of MHSA the Capitalized Operating Subsidy Reserve	• Occupancy will be reviewed annually for compliance with MHSA regulations. • Capitalized operating subsidies will be reduced or terminated for developments that do not rent their MHSA Housing Program units to MHSA eligible residents. • Capitalized operating subsidies will be reduced or terminated for MHSA Housing Program units when the MHSA eligible resident has a housing choice voucher (HCV), absent mitigating circumstances. • Capitalized operating subsidies will be reduced or terminated for MHSA units that receive project-based rental subsidies from other sources. • Capitalized operating subsidies are only available while an MHSA eligible resident resides in the unit and is paying the tenant portion of the rent (that is, not during months in which the eligible resident has moved out of the unit), except that: ❖ Capitalized operating subsidies may continue for up to two months upon vacancy of an MHSA Housing Program unit that receives capitalized operating subsidies. ❖ Capitalized operating subsidies will continue if the MHSA eligible resident is in a hospital, an acute or long-term care facility, or other institutional setting for up to three months, provided the MHSA eligible resident is expected to return within the three-month period, and provided that the MHSA tenant portion of the rent is kept current; ❖ Capitalized operating subsidies will continue through the end of the three-month grace period following the date the MHSA eligible resident moves out of the unit when the eligible resident resides in the unit with other household members who are not MHSA eligible residents; and • If family members who are not MHSA eligible residents continue to reside in the unit after the MHSA eligible resident is no longer in residence, they must be given timely legal notice that (1) the capitalized operating subsidy will be

	terminated after the 3 month grace period; (2) that the unit rent will be will increase to the lease rate, or alternately, the market rent or the highest restricted rental rate; and (3) that the rent increase will be effective beginning three months after the receipt of the notice.
Asset Management	• CalHFA will hold capitalized operating subsidies in a reserve and disburse it according to the terms of the Capitalized Operating Subsidy Reserve Agreement. • Replacement reserves and regular operating reserves for the development will be held by CalHFA. This requirement may be waived at CalHFA's discretion. • Taxes and insurance will be impounded by CalHFA. This requirement may be waived at CalHFA's discretion. • All developments will be required to submit quarterly financial reports. This requirement may be waived, or more frequent reporting may be required, at CalHFA's discretion. • All mixed-use developments which receive an MHSA Capitalized Operating Subsidy Reserve will be required to submit bifurcated annual audits prepared by a certified public accountant in accordance with commonly accepted accounting standards. The audit must distinguish actual annual income and expenses of MHSA units that receive capitalized operating subsidies from those units that do not receive the subsidies. The audit requirement may be waived at CalHFA's discretion or alternately, CalHFA may, at its discretion, substitute a different form of financial certification for Shared Housing Developments and small Rental Housing Developments of 25 units or fewer.
Supportive Services	• The borrower must provide a clearly articulated supportive services delivery program. • The supportive services provided must be appropriate to MHSA eligible residents, and designed to assist those residents to live independently. • The borrower must have a commitment for supportive services funding from the county mental health department upon submission of the MHSA Housing Program loan application. • All developments must identify a qualified service provider that will provide supportive services to the residents. In the event that there are multiple service providers, the application must identify a primary service provider for the development. The borrower will be required to arrange for the provision of supportive services for the term of the MHSA Housing Program loan. • All applications must include a supportive services plan, which must meet MHSA Housing Program requirements and must be approved by DMH. • A supportive services budget, including staffing ratios, will be required by CalHFA ninety days prior to lease up or upon the closing of the MHSA Housing Program Loan, which ever is sooner. • The property management agent and the primary service provider may be

	the same entity, provided that there is a clear separation of staff and a clear delineation of their separate roles and responsibilities.
MHSA Housing Program Target Population & Certification Requirements	• DMH has defined the MHSA target population for the purposes of the MHSA Housing Program, as individuals who meet the following criteria: ❖ (1) Adults or older adults with serious mental illness as defined by Welfare and Institutions Code Section 5600.3(b). ❖ (2) Children and youth with severe emotional disorders as defined in Welfare and Institutions Code Section 5600.3(a). ❖ (3) In addition to meeting either (1) or (2) above, the individual shall be one of the following: ➢ Homeless, meaning living on the streets or lacking a fixed and regular night-time residence. This includes living in a shelter, motel or other temporary living situation in which the individual has no tenant rights. ➢ At risk of being homeless due to one of the following situations: (i) Transition age youth exiting the child welfare or juvenile justice systems. (ii) Discharge from crisis and transitional residential settings; a hospital, including acute psychiatric hospitals; psychiatric health facilities; skilled nursing facilities with a certified special treatment program for the mentally disordered; and mental health rehabilitation centers. (iii) Release from city or county jails. (iv) Temporary placement in a residential care facility upon discharge from (ii) or (iii) above. (v) Certification by the county mental health director as an individual who has been assessed by and is receiving services from the county mental health department and who has been deemed to be at imminent risk of being homeless. • The county mental health department shall determine the eligibility of individuals applying for tenancy in an MHSA unit for compliance with the target population criteria. • The county mental health department must certify the eligibility of individuals meeting target population criteria. Individuals who have been certified are MHSA eligible residents.
Application Process	All developments will be required to submit a completed application with all attachments. The application form will be posted on the DMH and CalHFA web sites. It will include MHSA Housing Program-specific requirements and the joint CalHFA, TCAC, CDLAC, and HCD application ("the Universal Application"). Please see the most recent term sheet on the CalHFA website at http://www.calhfa.ca.gov/multifamily/mhsa/index.htm.
Due Diligence	The due diligence reports listed below are required for all developments. Preparation of reports will be at the developer's/ borrower's expense: • A management contract with a qualified property management agent with experience with the target population.

	• A Memorandum of Understanding (MOU) between the developer, the primary service provider, the property management company and the county mental health department. The property management agent and the primary service provider may be related entities, provided there is a clear separation of staff and a clear delineation of their separate roles, staffing and responsibilities in the MOU. • A supportive services plan. • A supportive services budget, including staffing ratios, will be required as a condition of funding. • A commitment from the county mental health department for services funding on the form provided in Attachment H of the MHSA Housing Program Application. This form must be signed by the county mental health director. • Qualifications and evidence of experience with similar developments from the developer and development team members, together with resumes for their key personnel. • Three years of audited financials for the developer. • Evidence of Article 34 compliance, if applicable. • Property appraisal, market study, Phase I Report, and other studies as appropriate. • For acquisition or rehabilitation projects, the purchase appraisal may be accepted in lieu of an as-improved appraisal at CalHFA's discretion. • For Shared Housing Developments, appraisals must be submitted on a form appropriate for single family or small rental properties and must be prepared by a California licensed appraiser. • MAI commercial appraisals performed by a California licensed appraiser will be required for Rental Housing Developments. • Physical Needs Assessments, building inspection reports, sewer camera reports, roof reports, lead-paint, mold, asbestos, and structural (seismic) studies, as appropriate, for acquisition/ rehabilitation projects. For smaller shared housing developments, a building inspection report may replace the Physical Needs Assessment. • Some third party studies including physical need assessments and construction inspection contracts will be commissioned by CalHFA. • Plans and specifications will be required for new construction. Please see CalHFA's architectural recommendations on our website. New construction projects will be reviewed in accordance with these recommendations. • Plans and specifications and a narrative scope of work will be required for acquisition/rehabilitation developments. • Plans should provide for both supportive services space and office space for service staff, as appropriate, in Rental Housing Developments. • Plans and specifications are not required for Shared Housing Developments where rehabilitation is not required.

	Please see the MHSA guidelines for Shared Housing Developments Acquisition Rehabilitation Projects on our website. Acquisition Rehab Shared Housing Developments will be reviewed in accordance with those recommendations.
Predevelopment Loans	• Predevelopment loans of up to $500,000 will be available to all Rental Housing Developments that have received an MHSA Housing Program permanent loan commitment, have obtained all other permanent financing commitments, and can demonstrate site control and receipt of all required local planning approvals, except permits. • Predevelopment loans of up to $200,000 will be available to all Shared Housing Developments that have received an MHSA Housing Program loan commitment, have obtained other permanent financing commitments if applicable, and can demonstrate site control and receipt of all required local planning approvals, except permits. • Predevelopment loan amounts cannot exceed the MHSA Housing Program permanent loan commitment for the development. • All predevelopment loans in excess of $200,000 must be secured against the property. • Predevelopment loans of less than $200,000 may be secured against the property at CalHFA's discretion. • The predevelopment loan term will be two years from either permanent loan closing or predevelopment loan closing, whichever is sooner. • Interest will be 3% simple fixed. • Principal and interest will be deferred until permanent loan closing. • Predevelopment loan interest may be forgiven at permanent loan closing if MHSA funds are used for permanent financing. • Predevelopment loan funds will be available for predevelopment costs necessary to complete due diligence required for construction loan closing or permanent financing. Examples of eligible predevelopment costs include engineering studies, Phase 2 studies, and architectural fees, legal fees and the 1% MHSA Housing Program loan fee. • Staffing costs, purchase option costs, and all costs associated with site acquisition are not eligible costs for predevelopment loans. • If the MHSA permanent loan does not fund, the predevelopment loan principal and all accrued interest shall be due at the time of the predevelopment loan's maturity.
Reporting	• County mental health departments must meet all DMH Outcomes Reporting requirements. • The primary service provider and borrower will be required to provide information regarding supportive services delivery to and housing outcomes for MHSA eligible residents, on an MHSA Housing Program Annual Self-Certification form (see CalHFA website).

	• Developments will be required to provide on the MHSA Housing Program Annual Self-Certification data on tenant access to housing rental and operating subsidies and benefits programs, including but not limited to the number of MHSA eligible residents who: ❖ Are on the Section 8 waiting list, ❖ Are enrolled in the Section 8 voucher program, ❖ Are receiving SSI/SSP, ❖ Have an application in progress for, but are not yet receiving, SSI/SSP, and ❖ Have applied for or are receiving other benefits to which they are entitled.
Exception Process	CalHFA may grant exceptions to MHSA Housing Program requirements upon written request from the county mental health department and/or the sponsor/borrower. Unless prior written approval is received from CalHFA, the county mental health department and the sponsor/borrower must maintain compliance with all program regulations and requirements. It should be noted that only the county mental health department may request an increase in the allowable maximum loan amount. No exceptions will be considered for any form of leased housing, deviations from serving the target population or from the approved housing types. CalHFA may exempt the county mental health department and/or the sponsor/borrower from compliance with any program regulations or requirements upon receipt of a submittal substantiating evidence supporting the request and justifying the proposed alternative. Within 30 days of receipt of a request for an exception, CalHFA will notify the county mental health department and/or the sponsor/borrower, in writing that either (1) the request with substantiating evidence has been received and accepted for consideration, or (2) the request is deficient. If the request is deficient, CalHFA will describe the additional information required for the request to be acceptable and establish a timeframe for receipt of the additional information. If the county mental health department and/or the sponsor/borrower fail to comply with the CalHFA-established timeframe for submission of additional information, the exception request will be denied. Within 30 days of receipt of an acceptable request for an exception, CalHFA will notify the county mental health department and/or the sponsor/borrower, in writing, whether the request has been approved, denied, or accepted with conditions and modifications.
Questions	CalHFA will administer this housing program for DMH under an interagency agreement between the two agencies in accordance with DMH regulations, which are currently being promulgated. Financing questions regarding the MHSA Housing Program may be directed to

	CalHFA's Multifamily Programs Division: Kathy Weremiuk, Special Lending Program Manager Phone: (310) 342-1256; Fax: (310) 342-1225 Email: kweremiuk@calhfa.ca.gov Nanette Guevara, Loan Officer Phone: (916) 324-9844; Fax: (916) 327-5115 Email: nguevara@calhfa.ca.gov Tina Ilvonen, Loan Officer Consultant Phone: (206) 517-9961; Fax: (206) 517-3141 Email: tilvonen@calhfa.ca.gov Questions on the Mental Health Services Act and DMH regulations may be directed to DMH's MHSA Special Projects unit: Jane Laciste, Chief, Special Projects Phone: (916) 654-3529 Email: jane.laciste@dmh.ca.gov

IMPORTANT DISCLOSURE INFORMATION:

The information provided in this program description is for guidance only. While we have taken care to provide accurate information, we cannot cover every circumstance or program nuance of the MHSA Housing Program, the Mental Health Services Act and the regulations enacted under it by DMH, and/or housing law. This program description is subject to change from time to time without prior notice. 04/08

ATTACHMENT NO. 16

SECOND INTERCREDITOR AND SUBORDINATION AGREEMENT

RECORDING REQUESTED BY)
AND WHEN RECORDED MAIL TO:)
)
CITY OF MORENO VALLEY)
REDEVELOPMENT AGENCY)
14177 Frederick Street)
P.O. Box 88005)
Moreno Valley, California 92552-0805)
Attention: Executive Director)

INTERCREDITOR AND SUBORDINATION AGREEMENT

NOTICE: THIS INTERCREDITOR AND SUBORDINATION AGREEMENT RESULTS IN THE SECURITY INTEREST UNDER YOUR DEEDS OF TRUST BECOMING SUBJECT TO AND OF LOWER PRIORITY THAN THE LIEN OF SOME OTHER OR LATER SECURITY INSTRUMENT.

This Intercreditor and Subordination Agreement ("Intercreditor and Subordination Agreement"), made this _____ day of _____, 200_, by and among MV Rancho Dorado II Limited Partnership, a California Limited Partnership ("Owner or Participant"), which is owner of that certain interest in real property as legally described on Exhibit "A" hereto (the "Site") and hereinafter described as the "Property," Community Redevelopment Agency of the City of Moreno Valley, a public body corporate and politic ("Agency"), a public instrumentality and a political subdivision of the State of California, present holder and owner of the deed of trust and note first hereinafter described, and the California Housing Finance Agency (herein, "Lender"); Lender's address is: c/o 1415 L Street, Suite 500, Sacramento, California 95814.

WHEREAS, Agency is a California redevelopment agency acting under the California Community Redevelopment Law, Part 1 of Division 24 of the Health and Safety Code (the "Redevelopment Law"); and

WHEREAS, the Redevelopment Plan for the Moreno Valley Redevelopment Project, sometimes referred to as the Project (herein, the "Project") was adopted by Ordinance No. 154 by the City Council of the City of Moreno Valley (the "Redevelopment Plan"). The redevelopment project area for the Redevelopment Plan as so amended constitutes the "Project Area"; and

WHEREAS, the Agency is authorized and empowered under the Community Redevelopment Law, California Health and Safety Code Sections 33000, *et seq.* (the "Community Redevelopment Law"), to enter into agreements for the production, improvement, or preservation of affordable housing to households of limited income, with such housing to be available at "Affordable Rent" (within the meaning of the Redevelopment Law); and

WHEREAS, the Participant is experienced in the development and operation of affordable multi-family housing, particularly in California; and

WHEREAS, the Participant has entered into an Affordable Housing Agreement with the Agency dated as of May 26, 2009 (the "AHA") which provides for the Participant to acquire certain real property (the "Site") located in the City of Moreno Valley and within the Project Area of the Agency's Moreno Valley Redevelopment Project, whereupon the Participant shall develop seventy-one (71) dwelling units and related improvements and thereupon rent not fewer than seventy (70) of such dwelling units to "Extremely Low Income Households," "Very Low Income Households," "Lower Income Households" and "Moderate Income Households," all at "Affordable Rent" in accordance with the "Prescribed Rent Levels and Tenant Mix," as those terms are defined below, all as more particularly provided herein. Such development is intended to implement the Agency's goals and objectives under the Redevelopment Law to provide decent, safe and sanitary housing for persons of very low income, low income and moderate income, and to increase, improve and preserve housing available at affordable housing cost to persons of very low income, low income and moderate income pursuant to the Redevelopment Plan and Health and Safety Code Sections 33334.2, *et seq*., and 33413; and

WHEREAS, "Prescribed Rent Levels and Tenant Mix" is defined in the AHA as follows: "Prescribed Rent Levels and Tenant Mix" means the following: (i) fourteen (14) one-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than thirty percent (30%) of Median Income; (ii) one (1) two-bedroom Unit, which shall be available at Affordable Rent to households earning not greater than thirty percent (30%) of Median Income; (iii) three (3) three-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than fifty percent (50%) of Median Income; (iv) three (3) two-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than fifty percent (50%) of Median Income; (v) twelve (12) three-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than sixty percent (60%) of Median Income; (vi) one (1) two-bedroom Unit, which shall be available at Affordable Rent to households earning not greater than sixty percent (60%) of Median Income; and (vii) thirty-six (36) additional Units which shall be available at Affordable Rent to households earning not greater than one hundred twenty percent (120%) of Median Income; and

WHEREAS, Participant shall apply for and obtain an allocation for the obtaining of 9% Low Income Tax Credits as generally provided for under Section 42 of the Internal Revenue Code and/or California Revenue and Taxation Code Sections 17057.5, 17058, 23610.4 and 23610.5 and California Health and Safety Code Section 50199, *et seq*. ("9% Tax Credits"); and

WHEREAS, under the AHA, the Participant shall develop seventy-one (71) dwelling units and not fewer than seventy (70) of those dwelling units to be rented at "Affordable Rent" and in conformity with the "Prescribed Rent Levels and Tenant Mix" throughout the "Required Covenant Period" (which is a fifty-six year period as more particularly defined in the AHA). All capitalized items no defined herein shall have the meanings established therefor in the AHA; and

WHEREAS, in connection with the AHA, the Owner has executed and delivered to escrow the "Agency Note," the "Agency Deed of Trust" and the "Agency Participant CC&R's" all as defined in the AHA. The Agency Note is to be delivered to Agency prior to or immediately upon the recordation of this Intercreditor and Subordination Agreement. In addition, the Agency Participant

CC&R's are to be recorded as to the Site among the official land records of the County Recorder of Riverside County of even day herewith; and

WHEREAS, Owner has executed, or is about to execute, a deed of trust (the "Lender Deed of Trust") and note in the sum of One Million Five Hundred Thousand Dollars ($1,500,000) (the "Loan Amount") dated as of _____, 2009, in favor of Lender, payable by the Owner with interest and upon the terms and conditions described therein and the MHSA Agreement; and

WHEREAS, the parties hereto intend that any lien in favor of Lender under the Lender Deed of Trust shall be subordinate to the Agency Participant CC&R's and the Agency Deed of Trust; and

WHEREAS, it is a condition precedent to obtaining the loan of the loan amount from Agency that the Agency Participant CC&Rs and the Agency Deed of Trust shall unconditionally be a lien or charge upon the Site prior and superior to the lien or charge of the Lender Deed of Trust and the MHSA Agreement; and

WHEREAS, in the event of foreclosure by the Agency, the Agency agrees to refrain from taking actions which would extinguish the status of dwelling units as MHSA dwelling units as designated under the MHSA Agreement; and

WHEREAS, Agency is willing to make said loan provided the Agency Deed of Trust securing the same is a lien or charge upon the Site prior and superior to the lien or charge of the Lender Deed of Trust and provided that Lender will specifically and unconditionally subordinate the lien or charge of the Lender Deed of Trust to the lien or charge of the Agency Deed of Trust and further provided that the Lender will agree to the provisions of Section 5 of this Intercreditor and Subordination Agreement; and

WHEREAS, it is to the mutual benefit of the parties hereto that Agency make such loan to Owner, and Lender is willing that the Agency Deed of Trust securing the same shall, when recorded, constitute a lien or charge upon the Site which is unconditionally prior and superior to the lien or charge of the Lender Deed of Trust;

NOW, THEREFORE, in consideration of the mutual benefits accruing to the parties hereto and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged and in order to induce Agency to make the loan above referred to, it is hereby declared, understood, and agreed as follows:

1. That the Agency Participant CC&Rs and the Agency Deed of Trust shall unconditionally be a lien or charge on the Site prior and superior to the lien or charge of the Lender Deed of Trust and the MHSA Agreement. The Agency agrees to refrain from taking actions which would extinguish the status of dwelling units as MHSA dwelling units as designated under the MHSA Agreement;

2. That Agency would not make its loan above described without this Intercreditor and Subordination Agreement;

3. The Lender Deed of Trust shall be junior and subordinate to the Agency Developer CC&R's;

4. In the event of a mortgage or deed of trust default or breach by the Participant whether prior to or after the completion of the construction of any of the "Improvements" (as defined in the AHA) or any part thereof (continuing until the expiration of the term of the Required Covenant Period),

Participant shall immediately deliver to Agency a copy of any mortgage holder's notice of default. If the holder of any mortgage or deed of trust has not exercised its option to construct, the Agency shall have the right but no obligation to cure the default. In such event, the Agency shall be entitled to reimbursement from the Participant of all proper costs and expenses incurred by the Agency in curing such default.

5. Lender declares, agrees, and acknowledges that:

5.1 It intentionally and unconditionally waives, relinquishes, and subordinates the lien or charge of the Lender Deed of Trust in favor of the lien or charge upon said Property of the Agency Deed of Trust, and understands that in reliance upon, and in consideration of, this waiver, relinquishment and subordination specific loans and advances are being made and, as part and parcel thereof, specific monetary and other obligations are being and will be entered into which would not be made or entered into but for said reliance upon this waiver, relinquishment and subordination; and

5.2 An endorsement has been or shall be placed upon the note secured by the Lender Deed of Trust that the Lender Deed of Trust has by this instrument been subordinated to the lien or charge of the Agency Deed of Trust.

5.3 Lender, Owner and the Agency expressly agree and acknowledge that Lender's Loan Agreement and the Agency Note shall be payable from Residual Receipts (as defined in the AHA), as follows: seventy-five percent (75%) of the Residual Receipts shall be applied pari passu as among the Lender, the County of Riverside ("County") and the Agency, and the remaining twenty-five percent (25%) shall be retained by the Participant. For this purpose, the allocation of Residual Receipts shall be fifty-one and sixty-three one-hundredths percent (51.63%) to the Agency (based upon its financial commitment of $4,750,000), sixteen and three-tenths percent (16.3%) to CalHFA (based upon its financial commitment of MHSA funds of $1,500,000), and seven and seven one-hundredths percent (7.07%) to the County (based upon its financial commitment of $650,000). Lender, Owner and the Agency further expressly agree and acknowledge that Lender shall be afforded notice and a reasonable opportunity to cure any defaults under the Agency Participant CC&Rs and the Agency Deed of Trust.

(signatures on following page)

"OWNER"

MV RANCHO DORADO II LIMITED PARTNERSHIP,
a California Limited Partnership

By: HOUSING CORPORATION OF AMERICA,
a Utah nonprofit corporation
(Its: Managing General Partner)

By: _____
Ron Olson
Its: President

By: PALM DESERT DEVELOPMENT COMPANY,
a California corporation
(Its: Administrative General Partner)

By: _____
James M. Jernigan
Its: CFO/Secretary

"LENDER"

CALIFORNIA HOUSING FINANCE AGENCY, a public instrumentality and political subdivision of the State of California

By: _____
Name:
Title:

"AGENCY"

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, a public body corporate and politic

By: _____
Executive Director

ATTEST:

_____
Agency Secretary

EXHIBIT A

LEGAL DESCRIPTION

[to come]

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and 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 Seal)
Signature of Notary Public

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED

_____
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages ___ Document Date_____

_____
(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer
  _____
  (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e, certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and 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 Seal)
Signature of Notary Public

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED

_____
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages ___ Document Date_____

_____
(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer

  _____
  (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e, certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and 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 Seal)
Signature of Notary Public

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED

_____
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages ___ Document Date_____

_____
(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer

  _____
  (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e, certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

ATTACHMENT NO. 17

PARTICIPANT CERTIFICATE

_____, 200_ (the "Date of Certificate")

Community Redevelopment Agency of the City of Moreno Valley
Attention: Executive Director
14177 Frederick Street
P.O. Box 88005
Moreno Valley, California 92552-0805

Re: Affordable Housing Agreement by and between the Community Redevelopment Agency of the City of Moreno Valley (the "Agency") and MV Rancho Dorado II Limited Partnership, a California Limited Partnership (the "Participant"), dated as of May 26, 2009 (the "Agreement")

Ladies and Gentlemen:

The undersigned as Participant under the Agreement does hereby state, declare, certify, represent and warrant to the Agency, its officers, agents and employees as follows:

1. Participant has reviewed, executed and is familiar with the terms of the Agreement. All capitalized terms herein shall have the meanings established therefor in the Agreement.

The Agreement is in full force and effect and shall remain in full force and effect.

2. The Agency Participant CC&Rs, the Memorandum of Agreement, the Agency Deed of Trust and the Affordability Restriction Notice have been recorded among the official land records of the County of Riverside.

3. Participant has sufficient internal funds and/or has obtained a loan or financing, including all sources of financing as described and in the amounts set forth therefor in the Financing Assumptions, subject to customary conditions, for construction of the Development, and Agency has approved such evidence of financing, in accordance with Sections 4.15 and 4.15.1.1 of the Agreement and specifically including a commitment for the MHSA Amount of $1,500,000 and a commitment by the County of $650,000 under the County HOME Agreement. A construction loan providing financing for the Development is ready to close (as is the County HOME Loan), and shall close, and a portion of proceeds from the sale of Tax Credits, as described in Section 4.15.1.1 of the Agreement, shall be immediately available for use in constructing the Improvements.

4. TCAC has issued a reservation of 9% Tax Credits and the Participant has satisfied all conditions precedent to such reservation.

5. Participant has obtained at its expense and shall cause to be delivered to Agency a lender's ALTA policy of insurance for the Agency Deed of Trust (for the amount of the Agency Disbursement Agreement) showing a lien position conforming to the Agreement.

6. Participant complied with Section 3.1(e) of the Agreement in connection with selection of contractors and the award of a contract for construction of the Improvements.

7. Participant has obtained payment bonds and performance and completion bonds for off-site improvements required by the City in connection with the development of the Site, in an amount and from a surety company acceptable to the Executive Director. All bonds have been issued by good and solvent sureties qualified to do business in California and have a rating of A or better in the most recent edition of Best's Key Rating Guide.

8. The financing assumptions for the Improvements as set forth in the Financing Assumptions (Attachment No. 19 to the Agreement) have not changed, excepting as may be permitted under the Agreement and as heretofore approved in writing by the Agency.

9. All of the insurance policies required by Section 4.5 of the Agreement are in full force and effect.

10. Upon completion, the Required Affordable Units shall be occupied in accordance with the Agreement.

11. The representations and warranties of Participant contained in the Agreement are true and correct as of the Date of Certificate.

12. No Event of Default by Participant has occurred under the Agreement and no event hall have occurred which, with the giving of notice or the passage of time or both, would constitute an Event of Default by Participant under the Agreement.

13. Participant has not, prior to the Date of Certificate transferred the Agreement, the Site, or any rights of Participant therein.

14. Participant affirms that Section 4.7 of the Agreement shall survive closing, including without limitation the provisions thereof under which Participant shall defend, indemnify and hold harmless the Agency from any claims, losses, liabilities, and damages arising out of the Participant as set forth in Section 4.7 and/or in connection with the design and/or construction of the Improvements and/or the effect of liens or stop notices.

15. Participant has received no notice from any governmental agency that there are Hazardous Materials on the Site and is not aware of the presence of Hazardous Materials on the Site in excess of amounts permitted by law.

16. Participant is operating and in good standing as a qualified limited partnership under the laws of the State of California and as reflected in the records of the California Secretary of State.

17. Participant remakes to Agency each and every representation and/or warranty made to Agency under the Agreement.

Participant executes this Participant Certificate for the benefit and protection of the Agency with full knowledge that the Agency is relying on this Participant Certificate in disbursing moneys to the Participant.

IN WITNESS WHEREOF, the undersigned, as Participant, has executed this Participant Certificate as of the date first written above.

PARTICIPANT

MV RANCHO DORADO II LIMITED PARTNERSHIP,
a California Limited Partnership

By: HOUSING CORPORATION OF AMERICA,
a Utah nonprofit corporation
(Its: Managing General Partner)

By: _____
Ron Olson
Its: President

By: PALM DESERT DEVELOPMENT COMPANY,
a California corporation
(Its: Administrative General Partner)

By: _____
James M. Jernigan
Its: CFO/Secretary

ATTACHMENT NO. 18

AFFORDABILITY RESTRICTION NOTICE

Recording Requested By:

When Recorded Return To and
Mail Tax Statements To:

Community Redevelopment Agency of
the City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, California 92552-0805
Attention: Executive Director

[Space above for recorder.]

This document is exempt from the payment of a recording fee pursuant to Government Code Section 27383.

NOTICE OF AFFORDABILITY RESTRICTIONS ON
TRANSFER OF PROPERTY

This NOTICE OF AFFORDABILITY RESTRICTIONS ON TRANSFER OF SITE (or "Notice of Affordability Restrictions") is executed as of May 26, 2009 and recorded pursuant to Section 33334.3(f)(3)(B) of the California Health and Safety Code as amended by AB 987, Chapter 690, Statutes of 2007 (herein, "Chapter 690"), and affects that certain property described in Exhibit "A" hereto ("Site"). The Community Redevelopment Agency of the City of Moreno Valley ("Agency") and MV RANCH DORADO II LIMITED PARTNERSHIP, a California Limited Partnership ("Participant") have previously entered into an Affordable Housing Agreement dated as of May 26, 2009 (the "AHA").

1. The AHA provides for affordability restrictions and restrictions on the transfer of the Site, as more particularly set forth in the AHA. A copy of the AHA is on file with the Agency as a public record and is deemed incorporated herein. Reference is made to the AHA with regard to the complete text of the provisions of

such agreement which provides for affordability restrictions and restrictions on the transfer of the Site.

2. The AHA provides for the Participant to acquire the Site whereupon the Participant shall (a) construct 71 rental dwelling units at the Site and (b) rent a specified number of such dwelling units to households of limited income, paying an affordable rent; such restrictions are set forth at greater length in a document entitled the "Agency Participant CC&Rs," substantially in the form of Attachment No. 9 to the AHA, which has been entered into by and among the Agency, the City of Moreno Valley ("City"), and the Participant, and which is expected to be recorded substantially concurrently herewith among the official land records of the County of Riverside. The Agency Participant CC&Rs and the AHA are deemed to be incorporated herein by reference.

2.1 Article II, Section 1 of the Agency Participant CC&Rs provides as follows; where the terms "Declaration", "Regulatory Agreement" and "CC&Rs" are used in the quoted language below, such terms refer to the Agency Participant CC&Rs:

> "Uses. The Participant shall develop the Approved Housing Project on the Site in conformity with the AHA. Thereafter, the Site shall be operated as an Affordable Housing Project and devoted only to the uses specified in the AHA for the periods of time specified herein. All uses conducted on the Site, including, without limitation, all activities undertaken by the Participant pursuant to the AHA, shall conform to all applicable provisions of the Moreno Valley Municipal Code and the City Approvals.
>
> "The Site shall be used, maintained and operated in accordance with the AHA and this Regulatory Agreement for the Required Covenant Period. None of the units in the Rental Project shall at any time be utilized on a transient basis nor shall the Rental Project or any portion thereof ever be used as a hotel, motel, dormitory, fraternity or sorority house, rooming house, hospital, nursing home, sanitarium, rest home or trailer court or park. No part of the Site, from the date the Participant acquired its interest in the Site, has been or will at any

time be owned or used as a cooperative housing corporation or a stock cooperative."

2.2 Article II, Section 2 of the Agency Participant CC&Rs provides as follows:

"Affordable Housing.

"*Number of Units*. Throughout the Required Covenant Period, not less than seventy (70) of the Units shall be rented at "Prescribed Rent Levels." "Prescribed Rent Levels" means the following: (i) fourteen (14) one-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than thirty percent (30%) of Median Income; (ii) one (1) two bedroom Unit, which shall be available at Affordable Rent to households earning not greater than thirty percent (30%) of Median Income; (iii) three (3) three-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than fifty percent (50%) of Median Income; (iv) three (3) two-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than fifty percent (50%) of Median Income; (v) twelve (12) three-bedroom Units, all of which shall be available at Affordable Rent to households earning not greater than sixty percent (60%) of Median Income; (vi) one (1) two-bedroom Unit, which shall be available at Affordable Rent to households earning not greater than sixty percent (60%) of Median Income; and (vii) thirty-six (36) additional Units which shall be available at Affordable Rent to households earning not greater than one hundred twenty percent (120%) of Median Income. Required Affordable Units shall be continuously occupied by or held available for occupancy by Extremely Low Income Households, Very Low Income Households, Lower Income Households and Moderate Income Households, respectively, at an Affordable Rent. All Affordable Units shall be rented at Affordable Rent. For this purpose, a tenant who qualifies as an Extremely Low Income

Household at the time he or she first occupies an Affordable Unit shall be deemed to continue to be so qualified until such time as a recertification of such individual's or family's income in accordance with Section 3 below demonstrates that such individual or family no longer qualifies as an Extremely Low Income Household. Moreover, a unit previously occupied by an Extremely Low Income Household, and then vacated shall be considered occupied by such Extremely Low Income Household until reoccupied, other than for a temporary period, at which time the character of the unit shall be redetermined. In no event shall such temporary period exceed thirty-one (31) days. A similar protocol shall apply to Very Low Income Households, Lower Income Households and Moderate Income Households, respectively.

"In the event recertification of an Extremely Low Income Household's annual income establishes that household's income to be higher than the Extremely Low Income limit, the Participant shall designate the next available unit and any necessary units thereafter as an Extremely Low Income Unit. For purposes of this Agreement, such designated unit will be considered an Extremely Low Income Unit if it is held vacant and available for occupancy by an Extremely Low Income Household, and, upon occupancy, the income eligibility of the tenant as an Extremely Low Income Household is verified and the unit is rented at Affordable Rent. A similar protocol shall apply to Very Low Income Households, Lower Income Households and Moderate Income Households, respectively.

"In the event a household's income initially complies with the corresponding income restriction but the income of such household increases, such increase shall not be deemed to result in a violation of the restrictions of this Regulatory Agreement concerning limitations upon income of occupants.. The Participant shall include in its rental agreements provisions which

implement this requirement and limitation, and the Participant shall expressly inform prospective renters as to this limitation prior to the commencement of a tenancy.

"*Duration of Affordability Requirements*. The Required Affordable Units shall be available to and occupied by Extremely Low Income Households, Very Low Income Households, Lower Income Households and Moderate Income Households, respectively, at Affordable Rent throughout the Required Covenant Period. All tenants residing in any Unit for which rents are limited by virtue of this Regulatory Agreement or pursuant to other regulation during the last two (2) years of the Required Covenant Period shall be given notice by the Participant at least once every six (6) months prior to the expiration date of this requirement, that the rent payable on such Unit may be raised to a market rate rent at the end of the Required Covenant Period.

"*Selection of Tenants*. As specified hereinbelow, Participant shall demonstrate to the Agency that the proposed tenants of each of the Required Affordable Units constitutes an Extremely Low Income Household, a Very Low Income Household, a Lower Income Households or a Moderate Income Household as more particularly provided herein. No Units shall be restricted on the basis of age.

"Prior to the rental or lease of an Required Affordable Unit to a tenant, and as set forth in this Section 2 of Article II of this Declaration, the Participant shall require the tenant to execute a written lease and to complete an Income Verification certifying that the tenant(s) occupying the Required Affordable Unit is/are an Extremely Low Income Household, a Very Low Income Household, a Lower Income Household or a Moderate Income Household and meet(s) the eligibility requirements established for the Required Affordable Unit. The Participant shall verify the income of the tenant(s).

"The Participant shall accept as tenants on the same basis as all other prospective tenants, persons who are recipients of federal certificates for rent subsidies pursuant to the existing program under Section 8 of the United States Housing Act of 1937, or its successor. The Participant shall not apply selection criteria to Section 8 certificate holders which are more burdensome than criteria applied to any other prospective tenants.

"*Determination of Affordable Rent for the Affordable Units*. The Affordable Units shall be rented or leased at Affordable Rent. As of the approval of the AHA, Affordable Rent is calculated in accordance with the Affordable Rent Worksheet. The maximum monthly rental for the Affordable Unit shall be adjusted annually as permitted by Section 50053 of the California Health and Safety Code based on the annual adjustment to the Median Income for the Area established pursuant to Section 50093 of the California Health and Safety Code, as more particularly set forth in the Affordable Rent Worksheet.

"*Relationship to Tax Credit Requirements, HOME Requirements and MHSA Requirements*. Notwithstanding any other provision of this Regulatory Agreement, to the extent that the Tax Credit Regulatory Agreement, the HOME Requirements and/or the MHSA Agreement executed by the Participant is more restrictive with respect to the requirements applicable to tenant selection, tenant income levels and unit rent levels than as provided in this Regulatory Agreement, the Tax Credit Regulatory Agreement, the HOME Requirements or the MHSA Agreement (whichever is more restrictive) shall control and the Participant's compliance therewith shall not be a default hereunder. As among this Regulatory Agreement, the HOME Requirements, the MHSA Agreement and the Tax Credit Regulatory Agreement, the more restrictive shall apply in each case. If, following completion of construction of the Improvements, the Participant restricts a greater number

of Units as affordable units than is required under this Regulatory Agreement as of the date it is first executed, the Participant agrees, upon request therefor by the Agency, to execute and record such addendum or supplement to this Regulatory Agreement as would restrict such additional units to be affordable on a similar basis to that set forth herein.

"THE PARTICIPANT UNDERSTANDS AND KNOWINGLY AGREES THAT THE MAXIMUM RENTAL FOR THE AFFORDABLE UNITS ESTABLISHED BY THE AHA AND THIS REGULATORY AGREEMENT IS SUBSTANTIALLY BELOW THE FAIR MARKET RENT FOR THE AFFORDABLE UNITS."

3. The restrictions contained in the Agency Participant CC&Rs expire fifty-six (56) years following the date the Agency Participant CC&Rs is recorded. It is anticipated that the Agency Participant CC&Rs will be submitted for recordation contemporaneously with this Notice of Affordability Restrictions.

4. The commonly known address for the Site is _____ in the City of Moreno Valley.

The Site consists of all or a portion of the following parcels: _____; such numbers are subject to change.

5. The legal description for the Site is attached hereto as Exhibit A and is incorporated herein by reference.

6. The Agency Participant CC&Rs, which includes the affordability restrictions referenced above, is expected to be submitted for recordation in the Office of the Riverside County Recorder contemporaneously with this Notice of Affordability Restrictions.

7. This Notice of Affordability Restrictions is intended merely to satisfy the requirements of Chapter 690. The AHA and the Agency Participant CC&Rs both remain in full force and effect and are not amended or altered in any manner whatsoever by this Notice of Affordability Restrictions.

8. Capitalized terms shall have the meaning established under the AHA (including all Attachments thereto) excepting only to the extent as otherwise expressly provided under this Notice of Affordability Restrictions.

9. Persons having questions regarding this Notice of Affordability Restrictions, the AHA or the Attachments thereto (including the Agency Participant CC&Rs) should contact the Agency at its offices (14177 Frederick Street, Moreno Valley, or such other address as may be designated by the Agency from time to time).

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY,
a public body, corporate and politic

By: _____
Robert G. Gutierrez, Executive Director

ATTEST:

By: _____
Jane Halstead Secretary

CITY OF MORENO VALLEY,
a municipal corporation

By: _____
Robert G. Gutierrez, City Manager

ATTEST:

By: _____
Jane Halstead
City Clerk

MV RANCHO DORADO II LIMITED PARTNERSHIP,
a California Limited Partnership

By: HOUSING CORPORATION OF AMERICA,
a Utah nonprofit corporation
(Its: Managing General Partner)

By: _____
Ron Olson
Its: President

By: PALM DESERT DEVELOPMENT COMPANY,
a California corporation
(Its: Administrative General Partner)
By:
James M. Jernigan
Its: CFO/Secretary

EXHIBIT "A"

LEGAL DESCRIPTION

That certain real property situated in the City of Moreno Valley, County of Riverside, State of California, more particularly described as follows:

[To come]

APN: [To come]

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

_____
SIGNATURE OF NOTARY PUBLIC

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

_____
SIGNATURE OF NOTARY PUBLIC

ATTACHMENT NO. 19

FINANCING ASSUMPTIONS

Project Permanent Sources and Uses of Funds:

Sources:

MHSA – Riverside County Mental Health (via CalHFA) 55 Yrs @ 1%	$ 1,500,000
The Community Redevelopment Agency of the City of Moreno Valley Housing Loan 55 Yrs @ 1% or rate of MHSA loan, whichever is greater	4,750,000
CCRC Permanent Loan 30 Yrs @ 6.25%	2,145,723
Deferred Developer Fee	878,129
Limited Partner Tax Credit Equity	10,776,232
County of Riverside EDA HOME Loan 55 Yrs @ 1%	650,000
Total Sources	**$ 20,700,084**

Uses:

Site Improvement (offsite)	$ 314,914
New Construction (includes site work, common area bldgs and structures)	11,004,673
Contractor's Overhead / Profit / General Requirements	1,648,132
General Liability Insurance	268,410
Permanent Financing Costs	60,000
Construction Contingency (Hard and Soft)	952,783
Architectural & Engineering Costs	600,000
Construction Interest & Fees	714,435
Reserves	156,938
Land Development Impact and Permit Processing Fees	1,357,341
Other Fees, Marketing & Furnishings	250,000
TCAC Fees	116,383
Legal Fees	85,000
Developer's Overhead & Profit	2,000,000
Land & Acquisition Cost	1,169,075
Total Uses	**$ 20,700,084**

RESOLUTION NO. RDA 2009-06

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY SUPPORTING THE RANCHO DORADO SOUTH APARTMENTS HOUSING DEVELOPMENT, RATIFYING CERTAIN FINDINGS AND DETERMINATIONS MADE UNDER RESOLUTION NO. 2008-11 AND AFFIRMING ITS INTENTION TO PROVIDE ASSISTANCE TO MV RANCHO DORADO LIMITED PARTNERSHIP, A SUBSIDIARY OF PALM DESERT DEVELOPMENT COMPANY, INC.

WHEREAS, the California Tax Allocation Committee administers the Federal and State Tax Credits Allocation, a competitive allocation for tax credits to providers of housing units for low income households; and

WHEREAS, the California Tax Allocation Committee seeks affirmation from local Redevelopment Agencies that proposed projects will receive additional financial assistance and that they meet specific housing objectives; and

WHEREAS, Palm Desert Development Company, Inc. ("PDDC") proposed development of affordable rental units on a portion of the vacant property located generally at the southeast corner of Perris Boulevard and John F. Kennedy Boulevard; and

WHEREAS, MV Rancho Dorado Limited Partnership, a PDDC subsidiary, proposes to submit an application to develop (54) two-bedroom units and (24) three-bedroom affordable rental units and a manager's unit at the Site (the "South Project"); and

WHEREAS, the Agency has previously expressed its support for the South Project as part of and pursuant to its Resolution No. RDA 2008-11; and

WHEREAS, Agency analysis of the proposal indicates that the development would meet specified housing objectives.

NOW, THEREFORE, THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AND DETERMINE AS FOLLOWS:

Section 1. The Agency ratifies and approves its findings and determinations under Resolution No. RDA 2008-11 concerning the South Project. The Agency instructs and directs Agency staff to reserve moneys equal to the requested amount of up to $3,750,000 to MV Rancho Dorado Limited Partnership, subject to applicable legal requirements and negotiation of an Affordable Housing Agreement ("AHA") satisfactory to the Agency, for the development of (54) two-bedroom units and (24) three-bedroom units of affordable multi-family rental housing on the Site, each of which shall be made available solely to very low income and low income households.

Section 2. The Agency will negotiate an AHA which complies with all requirements of the California Redevelopment Law, conditioned on the receipt by MV

Rancho Dorado Limited Partnership, of low income housing tax credits for the proposed development.

This Resolution terminates on December 31, 2009, and shall thereafter have no force or effect, unless an AHA has theretofore been approved and executed by the Agency and the MV Rancho Dorado Limited Partnership, with respect to the Site.

APPROVED AND ADOPTED this 26th day of May, 2009.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of Chairperson of the Community Redevelopment Agency of the City of Moreno Valley

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Community
Redevelopment Agency of the
City of Moreno Valley

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity of
General Counsel of the Community
Redevelopment Agency of the
City of Moreno Valley

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, JANE HALSTEAD, Secretary of the Community Redevelopment Agency of the City of Moreno Valley, California, do hereby certify that RDA Resolution No. 2009-06 was duly and regularly adopted by the Agency Members of the Community Redevelopment Agency of the City of Moreno Valley at a regular meeting thereof held on the 26th day of May, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

SECRETARY

(SEAL)

CERTIFICATION

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, JANE HALSTEAD, Secretary of the Community Redevelopment Agency of the City of Moreno Valley, California, do hereby certify and attest the foregoing to be a true and correct copy of the original Resolution No. RDA 2009-06 on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Moreno Valley Community Redevelopment Agency, this 26th day of May, 2009.

_____

Jane Halstead, CMC, Secretary

(SEAL)

RESOLUTION NO. RDA 2009-07

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY SUPPORTING THE RANCHO DORADO NORTH APARTMENTS HOUSING DEVELOPMENT, RATIFYING CERTAIN FINDINGS AND DETERMINATIONS MADE UNDER RESOLUTION NO. 2008-12 AND AFFIRMING ITS INTENTION TO AND AFFIRMING ITS INTENTION TO PROVIDE ASSISTANCE TO MV RANCHO DORADO II LIMITED PARTNERSHIP, A SUBSIDIARY OF PALM DESERT DEVELOPMENT COMPANY, INC.

WHEREAS, the California Tax Allocation Committee administers the Federal and State Tax Credits Allocation, a competitive allocation for tax credits to providers of housing units for low income households; and

WHEREAS, the California Tax Allocation Committee seeks affirmation from local Redevelopment Agencies that proposed projects will receive additional financial assistance and that they meet specific housing objectives; and

WHEREAS, Palm Desert Development Company, Inc. ("PDDC") proposed development of affordable rental units on a portion of the vacant property located generally at the southeast corner of Perris Boulevard and John F. Kennedy Boulevard; and

WHEREAS, MV Rancho Dorado II Limited Partnership, a PDDC subsidiary, proposes to submit an application to develop (14) one-bedroom, (26) two-bedroom units and (30) three-bedroom affordable rental units and a manager's unit at the Site (the "North Project"); and

WHEREAS, the Agency has previously expressed its support for the North Project as part of and pursuant to its Resolution No. RDA 2008-12; and

WHEREAS, Agency analysis of the proposal indicates that the development would meet specified housing objectives.

NOW, THEREFORE, THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AND DETERMINE AS FOLLOWS:

Section 1. The Agency ratifies and approves its findings and determinations under Resolution No. RDA 2008-12 concerning the North Project. The Agency instructs and directs Agency staff to reserve moneys equal to the requested amount of up to $4,750,000 to MV Rancho Dorado II Limited Partnership, subject to applicable legal requirements and negotiation of an Affordable Housing Agreement ("AHA") satisfactory to the Agency, for the development of (14) one-bedroom, (26) two-bedroom units and (30) three-bedroom units of affordable multi-family rental housing on the Site, each of which shall be made available solely to very low income and low income households.

Section 2. The Agency will negotiate an AHA which complies with all requirements of the California Redevelopment Law, conditioned on the receipt by MV Rancho Dorado Limited Partnership, of low income housing tax credits for the proposed development.

This Resolution terminates on December 31, 2009, and shall thereafter have no force or effect, unless an AHA has theretofore been approved and executed by the Agency and the MV Rancho Dorado II Limited Partnership, with respect to the Site.

APPROVED AND ADOPTED this 26th day of May, 2009.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of Chairperson of the Community Redevelopment Agency of the City of Moreno Valley

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Community
Redevelopment Agency of the
City of Moreno Valley

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity of
General Counsel of the Community
Redevelopment Agency of the
City of Moreno Valley

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, JANE HALSTEAD, Secretary of the Community Redevelopment Agency of the City of Moreno Valley, California, do hereby certify that RDA Resolution No. 2009-__ was duly and regularly adopted by the Agency Members of the Community Redevelopment Agency of the City of Moreno Valley at a regular meeting thereof held on the 26th day of May, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

SECRETARY

(SEAL)

CERTIFICATION

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, JANE HALSTEAD, Secretary of the Community Redevelopment Agency of the City of Moreno Valley, California, do hereby certify and attest the foregoing to be a true and correct copy of the original Resolution No. RDA 2009-07 on file in my office.

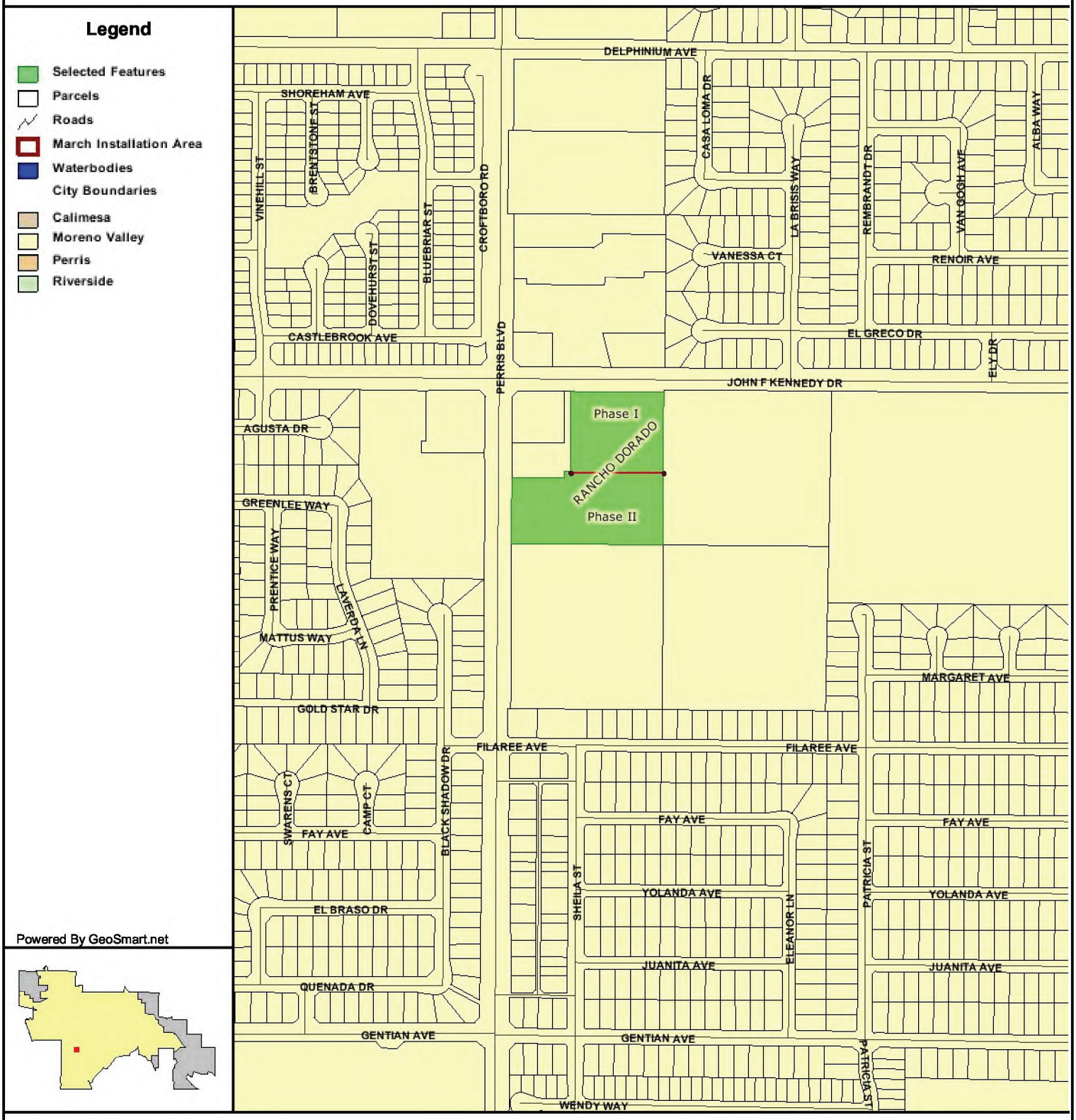
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Moreno Valley Community Redevelopment Agency, this 26th day of May, 2009.

_____

Jane Halstead, CMC, Secretary

Rancho Dorado Site Map

ATTACHMENT F



City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: 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.

N

0 200 400 800ft

Printed: 5/19/2009 12:36:47 PM

MORENO VALLEY
WHERE DREAMS SOAR

This page intentionally left blank.

CITY MANAGER'S REPORT

**(Informational Oral Presentation only –
not for Council action)**

This page intentionally left blank.