ADDENDUM

REGULAR MEETING AGENDA
OF THE JURUPA VALLEY CITY COUNCIL
Thursday, February 7, 2019
Workshop: 6:00 p.m.
Regular Session: 7:00 p.m.
City Council Chamber
8930 Limonite Avenue, Jurupa Valley, CA 92509

ADDITIONAL AGENDA ITEM:

15. COUNCIL BUSINESS

G. DISCUSSION OF STATUS OF RIVERSIDE TRANSMISSION RELIABILITY PROJECT; DIRECTION TO STAFF REGARDING OUTREACH TO PUBLIC, ELECTED OFFICIALS AND MEDIA (ORAL REPORT)

Requested Action: That the City Council discuss this matter and provide further direction to City staff.
REGULAR MEETING AGENDA
OF THE JURUPA VALLEY CITY COUNCIL
Thursday, February 7, 2019
Workshop: 6:00 p.m.
Regular Session: 7:00 p.m.
City Council Chamber
8930 Limonite Avenue, Jurupa Valley, CA 92509

A. As a courtesy to those in attendance, we ask that cell phones be turned off or set to their silent mode and that you keep talking to a minimum so that all persons can hear the comments of the public and City Council.

B. A member of the public who wishes to speak under Public Comments must fill out a “Speaker Card” and submit it to the City Clerk BEFORE the Mayor calls for Public Comments on an agenda item. Each agenda item up will be open for public comments before taking action. Public comments on subjects that are not on the agenda can be made during the “Public Appearance/Comments” portion of the agenda.

C. Members of the public who wish to comment on the CONSENT CALENDAR may do so during the Public Comment portion of the Agenda prior to the adoption of the Consent Calendar.

D. As a courtesy to others and to assure that each person wishing to be heard has an opportunity to speak, please limit your comments to 3 minutes.

1. 6:00 P.M. - CALL TO ORDER AND ROLL CALL FOR WORKSHOP
   - Brian Berkson, Mayor
   - Anthony Kelly, Jr., Mayor Pro Tem
   - Chris Barajas, Council Member
   - Lorena Barajas, Council Member
   - Micheal Goodland, Council Member

2. ECONOMIC DEVELOPMENT STRATEGIC PLAN
   Presented by George Wentz, Deputy City Manager and Tim Jonasson, Senior Manager, Development Services & Economic Development
3. 7:00 P.M. - CALL TO ORDER AND ROLL CALL FOR REGULAR SESSION

- Brian Berkson, Mayor
- Anthony Kelly, Jr., Mayor Pro Tem
- Chris Barajas, Council Member
- Lorena Barajas, Council Member
- Micheal Goodland, Council Member

4. INVOCATION

5. PLEDGE OF ALLEGIANCE

6. APPROVAL OF AGENDA

7. PRESENTATIONS

A. RECOGNITIONS TO CAPTAIN DANIEL HEDGE AND LIEUTENANT MICHAEL LUJAN AND INTRODUCTION OF POLICE CAPTAIN JOHN MORIN AND LIEUTENANT DANNY YOUNG

B. INTRODUCTION OF THE NATIONAL DATE FESTIVAL QUEEN AND HER COURT

8. PUBLIC APPEARANCE/COMMENTS

Persons wishing to address the City Council on subjects other than those listed on the Agenda are requested to do so at this time. A member of the public who wishes to speak under Public Appearance/Comments OR the Consent Calendar must fill out a “Speaker Card” and submit it to the City Clerk BEFORE the Mayor calls for Public Comments on an agenda item. When addressing the City Council, please come to the podium and state your name and address for the record. While listing your name and address is not required, it helps us to provide follow-up information to you if needed. In order to conduct a timely meeting, we ask that you keep your comments to 3 minutes. Government Code Section 54954.2 prohibits the City Council from taking action on a specific item until it appears on an agenda.

9. INTRODUCTIONS, ACKNOWLEDGEMENTS, COUNCIL COMMENTS AND ANNOUNCEMENTS

10. CITY MANAGER’S UPDATE

11. APPROVAL OF MINUTES

A. JANUARY 17, 2019 REGULAR MEETING
12. CONSENT CALENDAR (COMMENTS ON CONSENT AGENDA TAKEN HERE)

(All matters on the Consent Calendar are to be approved in one motion unless a Councilmember requests a separate action on a specific item on the Consent Calendar. If an item is removed from the Consent Calendar, it will be discussed individually and acted upon separately.)

A. COUNCIL APPROVAL OF A MOTION TO WAIVE THE READING OF THE TEXT OF ALL ORDINANCES AND RESOLUTIONS INCLUDED IN THE AGENDA

Requested Action: That the City Council waive the reading of the text of all ordinances and resolutions included in the agenda.

B. CONSIDERATION OF CHECK REGISTER IN THE AMOUNT OF $2,194,758.25

Requested Action: That the City Council ratify the check registers dated January 10, 17 and 24 as well as the payroll registers dated January 16 and 30, 2019.

C. APPROVAL OF FINAL TRACT MAP 32704 LOCATED ON THE NORTH SIDE OF JURUPA ROAD BETWEEN PYRITE STREET AND TYROLITE STREET INCLUDING ACCEPTANCE OF OFFERS OF DEDICATION, APPROVAL OF SUBDIVISION AGREEMENTS, AND ACCEPTANCE OF IMPROVEMENT BONDS (ALL ERA PROPERTIES, LLC)

1. Requested Action: That the City Council approve Final Tract Map 32704 and accept the dedications as follows:

a. Accept the offers of dedication for streets and public utility purposes over all of Lots “A” through “D”, inclusive as shown on Final Tract Map 32704.

b. Release and relinquishment of access along Lot “B” (Jurupa Road), Lot “C” (Jurupa Road), and Lot “D” (Jurupa Road), the owners of lots 16 through 25, inclusive, abutting these roads and during such time will have no rights of access except the general easement of travel as shown on Final Tract Map 32704.

c. Accept the real property described as Lot 27 for open space and public drainage purposes as shown on Final Tract Map 32704.

d. Accept the real property described as an easement for public utility purposes over Lots 5, 6, 12, 13, and 14 as shown on Final Tract Map 32704.

e. Accept the real property described as an easement for drainage purposes within Lot 16 as shown on Final Tract Map 32704.
2. Authorize the Mayor and City Clerk to sign Final Tract Map 32704.

3. Approve and authorize the Mayor and City Clerk to execute the Subdivision Improvement Agreements.

4. Accept the Irrevocable Standby Letter of Credit No.18OSL04249 in the amount of $1,068,000 for the construction of Improvements and survey monumentation.

D. AWARD OF CONSTRUCTION AGREEMENT TO ELECNOR BELCO ELECTRIC, INC. FOR THE LIMONITE AVENUE AND MARLATT STREET PEDESTRIAN HYBRID BEACON, CIP PROJECT NO. 17-C.1

1. Requested Action: That the City Council approve and award a construction agreement to Elecnor Belco Electric, Inc. in the amount of $147,526 for the Limonite Avenue and Marlatt Street Pedestrian Hybrid Beacon (Agreement) for the work included in its proposal, and authorize the City Manager to execute the Agreement in substantially the form attached to the staff report as approved by the City Attorney; and

2. Authorize the City Manager to execute contract change orders not to exceed 5% of the total agreement, pursuant to requirements set forth in the agreement; and

3. That the City Council appropriate $140,000 of Development Impact Fee (DIF) funds from the Traffic Signal Installation/Interconnect, Limonite Ave Project (Acct. No. 62311) to the Project account to fund the total project costs; and

4. Authorize the City Manager to record the Notice of Completion upon acceptance of the work by the City Engineer.

13. CONSIDERATION OF ANY ITEMS REMOVED FROM THE CONSENT CALENDAR

14. PUBLIC HEARINGS

A. PUBLIC HEARING TO CONSIDER CHANGE OF ZONE (CZ) NO. 18001 FROM R-R (RURAL RESIDENTIAL) TO R-1 (ONE FAMILY DWELLINGS) AND NOTICE OF PLANNING COMMISSION DECISION TO APPROVE MASTER APPLICATION (MA) NO. 18089 (TTM37470, VAR18004, AND EXCEPTION TO SECTION 7.10.080 (C) OF TITLE 7) A PROCEDURAL REQUIREMENT FOR NOTICING THE ADVISORY AGENCY’S (PLANNING COMMISSION) DECISION OF APPROVING A SUBDIVISION OF A PROPERTY LOCATED SOUTH OF INTERSECTION OF 30TH STREET AND SIERRA AVENUE, APNS: 177-020-018; 177-020-012; 177-110-005 (APPLICANT: JA BRAY, LLC)
1. Requested Action: That the City Council receive and file the Notice of Decision, initiating the commencement of a ten-day appeal period for TTM37470, VAR18004, and Exception to Section 7.10.080 (c) of Title 7.

2. That the City Council pass and adopt Resolution No. 2019-10, entitled:


3. That the City Council conduct a first reading and introduce Ordinance No. 2019-02, entitled:

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITY OF JURUPA VALLEY OFFICIAL ZONING MAP CHANGING THE ZONE OF APPROXIMATELY 6.74 GROSS ACRES OF REAL PROPERTY LOCATED SOUTH OF THE INTERSECTION OF 30TH STREET AND SIERRA AVENUE (APNS: 177-020-018, 177-020-012, 177-110-005) FROM RURAL RESIDENTIAL (R-R) ZONE TO ONE (1) FAMILY DWELLINGS (R-1) ZONE AND MAKING FINDINGS PURSUANT TO CEQA

B. PUBLIC HEARING TO CONSIDER MASTER APPLICATION 18246 (MA18246): APPEAL (AP18002) OF THE PLANNING COMMISSION DECISION TO INCLUDE A CONDITION OF APPROVAL THAT REQUIRES THE ELIMINATION OF A PARKING AREA ENCROACHING ON AN ADJACENT LOT FOR MASTER APPLICATION (MA) NO. 18113: SITE DEVELOPMENT PERMIT NO. 18052 (SDP18052) TO ALLOW THE CONSTRUCTION OF A 7,360 SQUARE-FOOT AUTO PARTS SUPPLY STORE LOCATED AT 9056 MISSION BOULEVARD (APN:169-120-036) (APPELLANT: AUTOZONE AND MERIDIAN PROPERTY VENTURES)

Requested Action: That the City Council sustain the action of the Planning Commission and adopt Resolution No. 2019-11, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, SUSTAINING THE PLANNING COMMISSION’S APPROVAL OF CONDITIONS OF APPROVAL FOR MASTER APPLICATION NO. 18113: A SITE DEVELOPMENT PERMIT (SDP18052) TO
PERMIT THE CONSTRUCTION OF A 7,360 SQUARE-FOOT AUTO PARTS SUPPLY STORE ON REAL PROPERTY LOCATED AT 9056 MISSION BOULEVARD (APN: 169-120-036)

15. COUNCIL BUSINESS

A. ADOPTION OF AN ORDINANCE TO ALLOW MICROENTERPRISE HOME KITCHEN OPERATIONS IN THE CITY UNDER NEW STATE LEGISLATION, AB 626

Requested Action: That the City Council conduct a first reading and introduce Ordinance No. 2019-03, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ADDING CHAPTER 6.100 AND AMENDING TITLE 9, PLANNING AND ZONING, OF THE JURUPA VALLEY MUNICIPAL CODE TO IMPLEMENT THE PERMITTING AND REGULATION OF MICROENTERPRISE HOME KITCHEN OPERATIONS AND FINDING AN EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)

B. ORDINANCE ADDING SECTION 2.36 OF THE JURUPA VALLEY MUNICIPAL CODE ESTABLISHING THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE AND ASSOCIATED REGULATIONS

Requested Action: That the City Council conduct a first reading and introduce Ordinance No. 2019-04, entitled:

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ADDING SECTION 2.36 TO THE JURUPA VALLEY MUNICIPAL CODE ESTABLISHING THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE AND SETTING FORTH PROCEDURAL RULES AND REGULATIONS FOR THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

C. ADOPTION OF AN ORDINANCE CONCERNING PROCEDURES FOR APPEALS OF PLANNING COMMISSION LAND USE DECISIONS TO THE CITY COUNCIL AND PLANNING COMMISSION RECOMMENDATIONS TO THE CITY COUNCIL

Requested Action: That the City Council conduct a first reading and introduce Ordinance No. 2019-05, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ADDING SECTION 9.05.100 and 9.05.110 TO THE JURUPA VALLEY MUNICIPAL CODE CONCERNING PROCEDURES FOR
APPEALS OF PLANNING COMMISSION LAND USE DECISIONS TO THE CITY COUNCIL AND PLANNING COMMISSION RECOMMENDATIONS TO THE CITY COUNCIL, AMENDING VARIOUS SECTIONS OF TITLE 7, SUBDIVISIONS, AND TITLE 9, PLANNING AND ZONING, TO IMPLEMENT NEW SECTION 9.05.100 AND FINDING THAT THE MODIFICATIONS TO PROCEDURES ARE EXEMPT FROM CEQA PURSUANT TO SECTIONS 15061(b)(3) OF THE CEQA GUIDELINES

D. AMENDMENT TO JURUPA VALLEY MUNICIPAL CODE TO PROVIDE ADDITIONAL REGULATIONS FOR THE DISPLAY OF MOBILE VENDING PERMITS AND RELATING TO VENDING NEAR FARMER’S MARKETS AND SPECIAL EVENTS

Requested Action: That the City Council conduct a first reading and introduce Ordinance No. 2019-06, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING SECTION 6.20.090 OF THE JURUPA VALLEY MUNICIPAL CODE RELATING TO THE DISPLAY OF MOBILE FACILITY VENDING PERMITS AND SECTION 6.20.110 (20) AND (21) RELATING TO VENDING NEAR FARMER’S MARKETS AND SPECIAL EVENTS AND FINDING THE ORDINANCE EXEMPT FROM CEQA

E. AMENDING CHAPTER 3.70 OF THE JURUPA VALLEY MUNICIPAL CODE TO INCLUDE A PROCESS FOR WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (WRCOG) CALCULATION AND COLLECTION OF FEES UNDER THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) PROGRAM

Requested Action: That the City Council conduct a first reading and introduce Ordinance No. 2019-07, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING CHAPTER 3.70 OF THE JURUPA VALLEY MUNICIPAL CODE TO INCLUDE A PROCESS FOR WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS’ CALCULATION AND COLLECTION OF FEES UNDER THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) PROGRAM AND DETERMINING THAT THE ORDINANCE IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW UNDER SECTION 15378(B)(4) OF THE CEQA GUIDELINES
F. CONSIDERATION OF A RESOLUTION OPPOSING THE FONTANA WEST VALLEY LOGISTICS CENTER SPECIFIC PLAN; MASTER CASE NO. 13-034; GENERAL PLAN AMENDMENT NO. 11-026; ZONE CHANGE AMENDMENT NO. 11-016; SPECIFIC PLAN AMENDMENT NO. 11-003; DEVELOPMENT AGREEMENT NO. 11-002; TENTATIVE PARCEL MAP NO. 19156 (TPM NO. 13-005)

Requested Action: That the City Council pass and adopt Resolution 2019-12, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, OPPOSING THE FONTANA WEST VALLEY LOGISTICS CENTER SPECIFIC PLAN; MASTER CASE NO. 13-034; GENERAL PLAN AMENDMENT NO. 11-026; ZONE CHANGE AMENDMENT NO. 11-016; SPECIFIC PLAN AMENDMENT NO. 11-003; DEVELOPMENT AGREEMENT NO. 11-002; TENTATIVE PARCEL MAP NO. 19156 (TPM NO. 13-005)

16. CITY COUNCIL MEMBER ORAL/WRITTEN REPORTS REGARDING REGIONAL BOARDS AND COMMISSIONS

A. MAYOR BRIAN BERKSON

1. UPDATE ON THE INTERAGENCY COORDINATING COUNCIL MEETING HELD JANUARY 25, 2019

2. UPDATE ON THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION WORKSHOP HELD JANUARY 31 – FEBRUARY 1, 2019

B. MAYOR PRO TEM ANTHONY KELLY, JR.

1. UPDATE ON THE RIVERSIDE TRANSIT AGENCY MEETING OF JANUARY 24, 2019

C. COUNCIL MEMBER LORENA BARAJAS

1. UPDATE ON THE WESTERN RIVERSIDE COUNTY - REGIONAL CONSERVATION AUTHORITY MEETING OF FEBRUARY 4, 2019

D. COUNCIL MEMBER MICHEAL GOODLAND

1. UPDATE ON THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS - EXECUTIVE COMMITTEE MEETING OF FEBRUARY 4, 2019
17. CITY ATTORNEY’S REPORT

18. COUNCIL MEMBER REPORTS AND COMMENTS

19. ADJOURNMENT

Adjourn to the Regular Meeting of February 21, 2019 at 7:00 p.m. at the City Council Chamber, 8930 Limonite Avenue, Jurupa Valley, CA 92509.

In compliance with the Americans with Disabilities Act and Government Code Section 54954.2, if you need special assistance to participate in a meeting of the Jurupa Valley City Council or other services, please contact Jurupa Valley City Hall at (951) 332-6464. Notification at least 48 hours prior to the meeting or time when services are needed will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Agendas of public meetings and any other writings distributed to all, or a majority of, Jurupa Valley City Council Members in connection with a matter subject to discussion or consideration at an open meeting of the City Council are public records. If such writing is distributed less than 72 hours prior to a public meeting, the writing will be made available for public inspection at the City of Jurupa Valley, 8930 Limonite Avenue, Jurupa Valley, CA 92509, at the time the writing is distributed to all, or a majority of, Jurupa Valley City Council Members. The City Council may also post the writing on its Internet website at www.jurupavalley.org.

Agendas and Minutes are posted on the City’s website at www.jurupavalley.org.
MINUTES
OF THE REGULAR MEETING
OF THE JURUPA VALLEY CITY COUNCIL
January 17, 2019

The meeting was held at the Jurupa Valley City Council Chamber, 8930 Limonite Avenue, Jurupa Valley, CA

6:00 P.M. - 7:00 P.M. - CITY COUNCIL RECEPTION

A Special Council Reception was held prior to tonight’s meeting.

1. 7:00 P.M. - CALL TO ORDER AND ROLL CALL FOR REGULAR SESSION

- Brian Berkson, Mayor
- Anthony Kelly, Jr., Mayor Pro Tem
- Chris Barajas, Council Member
- Lorena Barajas, Council Member
- Micheal Goodland, Council Member

Mayor Berkson called the regular meeting to order at 7:06 p.m.

2. INVOCATION was given by Imam Shaw, Islamic Center of Jurupa Valley.

3. PLEDGE OF ALLEGIANCE was led by Council Member Lorena Barajas.

4. APPROVAL OF AGENDA

A motion was made by Mayor Pro Tem Anthony Kelly, Jr., seconded by Council Member Chris Barajas, to approve the Agenda.

Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly
Noes: None
Absent: None

5. PRESENTATIONS

6. PUBLIC APPEARANCE/COMMENTS

Betty Anderson referred to several “takeaways” regarding the approval of the Pilot Flying J Project and outlined several key facts regarding the Environmental Impact Report.

Stephen Anderson stated that he would like to clear up the idea that air becomes “inambient after 1,000 feet from the emitter.” He discussed the Air Quality Management District’s standards for air pollution. He voiced a concern that a letter was submitted from the Jurupa Community Services District that was never acknowledged by the City.
Laura Shultz stated that she moved to this area because of the equestrian lifestyle and rural atmosphere. She stated that when citizens voted to incorporate the city, the Council promised to maintain this lifestyle. She read aloud Page 1 of the General Plan which refers to preserving the small character and the semi-rural equestrian nature of Jurupa Valley. She stated that the General Plan was built from committees that involved input from residents and it was intended to protect the rural character of the community.

Jerry Creekpaum introduced his business which installs, designs, and manages aquaponics systems that represent an innovative farming system requiring no soil that grows both fish and plants. His business is based in Jurupa Valley and he is looking for a location to establish an urban farm.

Eddie Torres, representing Assemblymember Sabrina Cervantes, announced the following upcoming events: 1) a workshop hosted by the Fish and Wildlife Service on Saturday, January 26th at Rancho Jurupa Park that will teach youngsters how to fish; 2) a Martin Luther King, Jr., walk-a-thon on Monday, January 21st that will travel to Riverside Community College. Mr. Torres announced that Ms. Cervantes was recently named Chair of the Jobs, Economic Development, and the Economy Committee.

Josie Gaytan, representing Reach Out, welcomed Chris Barajas and Lorena Barajas to the City Council. She commended the Council for the good work they are doing. She conveyed an invitation to the Ribbon Cutting ceremony on Tuesday, January 29th from 4:00 p.m. to 7:00 p.m. that will celebrate Reach Out’s new office in Jurupa Valley. Members of the public are also welcome to attend.

Jacqueline Lee stated that not every piece of property needs to be overdeveloped. She encouraged the Council to maintain large lots and the City’s animal keeping lifestyle. She encouraged the Council to avoid lengthy meetings and to try to keep the meetings short.

Santa voiced concern that he has had the police called on him for a “constitutionally protected act.” He stated that he has been treated like a second class citizen because he has a camera that he uses to record employees and he expects a public apology.

7. INTRODUCTIONS, ACKNOWLEDGEMENTS, COUNCIL COMMENTS AND ANNOUNCEMENTS

Council Member Micheal Goodland stated that he is on the Board of Directors of Habitat for Humanity and the Veteran’s Housing Project on Mission will be moving forward. He noted that these housing units will be designated for Veterans only. He thanked everyone for coming out for the Council’s “meet and greet” this evening.

Mayor Pro Tem Anthony Kelly, Jr., thanked all those who came out this evening, including his mother and members of his family. He reminded citizens that the City Council serve them and he encouraged their participation and input.
Council Member Lorena Barajas thanked City staff for putting together tonight’s “meet and greet” with the Council. She stated that she enjoyed meeting with residents and hearing their comments.

Council Member Chris Barajas thanked everyone for coming out this evening.

Mayor Brian Berkson wished everyone a very Happy New Year, stating that he looks forward to working with the Council in moving the City forward.

8. CITY MANAGER’S UPDATE

City Manager Gary Thompson gave an update on the heavy rains last week, stating that there is far less flooding than occurred several years ago. This is due to the City’s efforts over the past year. He noted that there was a major rescue mission in the Santa Ana River.

He announced that Riverside County outreach workers and volunteers will canvas the community to take part in the annual Homeless Point-in-Time Count which will take place on Tuesday, January 29, 2019. Interested persons may visit www.rivcoexchange.com to register.

He announced that there will be a Joint City Council/Planning Commission Workshop on Wednesday, January 30th at 6:00 p.m. to discuss policies for future development in Jurupa Valley.

9. APPROVAL OF MINUTES

A. DECEMBER 11, 2018 SPECIAL MEETING

B. DECEMBER 20, 2018 REGULAR MEETING

A motion was made by Council Member Mayor Pro Tem Anthony Kelly, seconded by Council Member Micheal Goodland, to approve the Minutes of the December 11, 2018 special meeting and the December 20, 2018 regular meeting.

Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly
Noes: None
Absent: None

10. CONSENT CALENDAR

A. COUNCIL APPROVAL OF A MOTION TO WAIVE THE READING OF THE TEXT OF ALL ORDINANCES AND RESOLUTIONS INCLUDED IN THE AGENDA

Requested Action: That the City Council waive the reading of the text of all ordinances and resolutions included in the agenda.
B. CONSIDERATION OF CHECK REGISTER IN THE AMOUNT OF $3,189,341.12 – REMOVED FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION

Requested Action: That the City Council ratify the check registers dated December 13, 20, 2018 and January 3, 2019 as well as the payroll registers dated December 19, 2018 and January 2, 4, 2019.

C. APPROVAL OF AMENDMENT NO. 1 TO AGREEMENT FOR PURCHASE, INSTALLATION, CONFIGURATION, MAINTENANCE, SUPPORT AND TRAINING OF LASERFICHE SOFTWARE SYSTEM AND DOCUMENT SCANNING SERVICES – REMOVED FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION

Requested Action: That the City Council approve Amendment No. 1 to the agreement between the City of Jurupa Valley and ECS imaging, Inc. for the purchase, installation, configuration, maintenance, support and training of the Laserfiche software system and documentation scanning services.

D. AUTHORIZING THE DESTRUCTION OF CERTAIN OBSOLETE CITY RECORDS – REMOVED FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION

Requested Action: That the City Council pass and adopt Resolution No. 2019-01, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF CERTAIN OBSOLETE CITY RECORDS

E. APPROVAL OF AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF JURUPA VALLEY AND ONWARD ENGINEERING FOR ENGINEERING DESIGN SERVICES FOR THE 2018-2019 ADA IMPROVEMENT PROJECT (18-B.1) – REMOVED FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION

1. Requested Action: That the City Council approve an agreement between Onward Engineering and the City of Jurupa Valley for the 2018-2019 ADA Improvement Project in an amount not to exceed $26,900 and authorize the City Manager to execute the Agreement in substantially the form attached and in such final form as approved by the City Attorney; and

2. Authorize the City Manager to execute scope of services amendments not to exceed 10% of the total agreement pursuant to requirements set forth in the agreement.
F. RATIFY THE TRANSPORTATION UNIFORM MITIGATION FEE REIMBURSEMENT AGREEMENT BY AND BETWEEN THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS AND THE CITY OF JURUPA VALLEY FOR THE MARKET STREET BRIDGE OVER THE SANTA ANA RIVER

Requested Action: That the City Council ratify the Transportation Uniform Mitigation Fee (TUMF) Reimbursement Agreement by and between the Western Riverside Council of Governments (WRCOG) and the City of Jurupa Valley for the Market Street Bridge over the Santa Ana River as approved by the City Attorney.

A motion was made by Council Member Chris Barajas, seconded by Council Member Lorena Barajas, to approve the Consent Calendar, with the exception of Items 10.B, 10.C, 10.D, and 10.E, which were removed for further discussion.

Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly
Noes: None
Absent: None

11. CONSIDERATION OF ANY ITEMS REMOVED FROM THE CONSENT CALENDAR


Council Member Lorena Barajas requested that Item 10.B be removed from the Consent Calendar for further discussion.

City Manager Gary Thompson provided additional information and responded to Council’s questions.

A motion was made by Mayor Pro Tem Anthony Kelly, seconded by Council Member Lorena Barajas ratify the check registers dated December 13, 20, 2018 and January 3, 2019 as well as the payroll registers dated December 19, 2018 and January 2, 4, 2019.

Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly
Noes: None
Absent: None

10.C APPROVAL OF AMENDMENT NO. 1 TO AGREEMENT FOR PURCHASE, INSTALLATION, CONFIGURATION, MAINTENANCE, SUPPORT AND TRAINING OF LASERFICHE SOFTWARE SYSTEM AND DOCUMENT SCANNING SERVICES

Council Member Micheal Goodland requested that Item 10.C be removed from the Consent Calendar for further discussion.
Keith Clarke, Building Official, provided additional information and responded to Council’s questions.

A motion was made by Council Member Micheal Goodland, seconded by Mayor Pro Tem Anthony Kelly, to approve Amendment No. 1 to the agreement between the City of Jurupa Valley and ECS imaging, Inc. for the purchase, installation, configuration, maintenance, support and training of the Laserfiche software system and documentation scanning services.

Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly
Noes: None
Absent: None

10.D AUTHORIZING THE DESTRUCTION OF CERTAIN OBSOLETE CITY RECORDS

Council Member Micheal Goodland requested that Item 10.D be removed from the Consent Calendar for further discussion.

City Clerk Victoria Wasko provided additional information and responded to Council’s questions.

City Attorney Peter Thorson clarified additional information and responded to Council’s questions.

A motion was made by Council Member Micheal Goodland, seconded by Council Member Lorena Barajas, to adopt Resolution No. 2019-01, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF CERTAIN OBSOLETE CITY RECORDS

Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly
Noes: None
Absent: None


Council Member Chris Barajas requested that Item 10.E be removed from the Consent Calendar for further discussion.

Steve Loriso, City Engineer, provided additional information and responded to Council’s questions.
A motion was made by Council Member Chris Barajas, seconded by Council Member Micheal Goodland, to approve an agreement between Onward Engineering and the City of Jurupa Valley for the 2018-2019 ADA Improvement Project in an amount not to exceed $26,900 and authorize the City Manager to execute the Agreement in substantially the form attached and in such final form as approved by the City Attorney; and authorize the City Manager to execute scope of services amendments not to exceed 10% of the total agreement pursuant to requirements set forth in the agreement.

Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly
Noes: None
Absent: None

12. PUBLIC HEARINGS

A. PUBLIC HEARING FOR RECONSIDERATION OF MASTER APPLICATION (MA) NO. 17099: CHANGE OF ZONE (CZ) NO. 17003 TO CHANGE THE ZONING CLASSIFICATION OF APPROXIMATELY 10.4 COMBINED GROSS ACRES OF REAL PROPERTY FROM R-1 (ONE (1) FAMILY DWELLINGS) TO R-4 (PLANNED RESIDENTIAL) AND TO CONSIDER AN APPEAL OF TENTATIVE TRACT MAP (TTM) NO. 37211, SUBDIVISION OF SAID PROPERTY INTO 48 LOTS FOR FUTURE SINGLE FAMILY RESIDENTIAL DEVELOPMENT, THREE LETTERED STREET LOTS, 2 LETTERED LOTS FOR DRAINAGE FACILITIES, AND THE CONSTRUCTION OF ASSOCIATED ON-SITE AND OFF-SITE INFRASTRUCTURE. PROPERTY LOCATED AT THE INTERSECTION OF CANAL AND OPAL STREETS, NORTH OF STATE ROUTE 60, AND EAST OF PACIFIC AVENUE (APNS: 177-130-007, 177-142-018) (APPLICANT: SEQUANATA PARTNERS, LP)

Rocio Lopez, Senior Planner, presented the staff report.

Mayor Berkson opened the public hearing and called for any public comments.

Paul Onufer, representing Sequanota Partners, LP, (applicant), spoke in support of the project. He outlined the project’s infrastructure improvements which include an improvement to the existing storm drain channel and the existing sewer and water lines. He added that the perimeter roads along Canal and Opal will also be improved with curb and sidewalk. He offered to answer any questions.

Laura Shultz stated that she was opposed to changing the zone as the increased density will provide a burden to the city and its residents. She encouraged the Council to abide by the General Plan and not approve the zone change.

Tamara Paul stated that she lives just north of this project. She voiced concern that Canal Street is so narrow that two cars cannot pass safely. She noted the existing
traffic, stating that the infrastructure does not exist to add additional homes. She noted that there is not enough law enforcement in this area to support the existing residents.

Paul Onufer, representing Sequanota Partners, LP (applicant) responded to the previous speaker’s comments. He stated that this project allows for smaller lots, however, they are not proposing smaller lots as most of the lots are 6,000 square feet. He noted that most of the lots have a width of 65 feet with a depth of 100 feet. He stated that the overall density difference between an R-1 and an R-4 project is six lots. He stated that they are asking for a marginal increase in units to help offset the infrastructure improvements to the project such as the crossing at the Sunnyslope Channel to provide secondary access and the sound wall.

Further discussion followed.

A motion was made by Mayor Pro Tem Anthony Kelly, Jr., seconded by Council Member Chris Barajas, to continue the public hearing to a later date.

Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly
Noes: None
Absent: None

B. PUBLIC HEARING TO CONSIDER A GENERAL PLAN AMENDMENT (GPA16005) FROM LDR (LOW DENSITY RESIDENTIAL – COUNTRY NEIGHBORHOOD) TO MDR (MEDIUM DENSITY RESIDENTIAL) AND NOTICE OF THE PLANNING COMMISSION’S DECISION TO APPROVE MASTER APPLICATION (MA) NO. 16146 (TTM37052) A PROCEDURAL REQUIREMENT FOR NOTICING THE ADVISORY AGENCY’S (PLANNING COMMISSION) DECISION OF APPROVING A SUBDIVISION OF A PROPERTY LOCATED WEST OF HUDSON STREET BETWEEN 60TH AND 59TH STREETS (APN: 165-100-027) (APPLICANTS: ANDREW SHORES AND PAUL TALANIAN)

Rocio Lopez, Senior Planner, presented the staff report.

Steve Loriso, City Engineer, provided additional information and responded to Council’s questions.

Following discussion, Mayor Berkson voiced a concern with the traffic circulation of the project.

City Attorney Peter Thorson clarified that the only action before the City Council is to consider the General Plan Amendment. If the Council’s concerns center on circulation or the map, or how the lots are configured, then the Council should continue the General Plan Amendment and appeal the map so the Council may consider the entire project at the same time.
Mayor Berkson opened the public hearing and called for any public comments.

Sam Akbarpour, P.E., Sake Engineers, (representing the applicants) apologized for the absence of the applicants who were unable to attend tonight’s meeting. He stated that when the developer submitted their Tentative Tract Map they found out that there is no existing right of way. As a result of meetings with staff they decided not to put in a cul-de-sac. He added that the project is in compliance with the existing zoning.

Dennis White stated that he disagreed with the contention that surrounding properties were 7,200 square feet as he believes his property is 9,900 square feet. He voiced concern that the project will add additional traffic to an area that is already heavily travelled.

Laura Shultz stated that the existing school is already overpopulated. She voiced concern that as the city increases the number of residents she has not seen an increase in law enforcement. She stated that residents are facing constant thefts and constant accidents as there is not enough law enforcement.

Sam Akbarpour, P.E., Sake Engineers, (representing the applicants), offered to answer any questions.

Further discussion followed.

A motion was made by Council Member Micheal Goodland, seconded by Mayor Pro Tem Anthony Kelly, Jr., to continue the public hearing to a later date and appeal the Planning Commission’s approval of Tentative Tract Map (TTM) No. 37052 in order to hear the entire project at the same time.

| Ayes:       | L. Barajas, B. Berkson, M. Goodland, A. Kelly |
| Noes:      | C. Barajas |
| Absent:    | None |

C. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN FOR 2018-2019

Sean McGovern, Administrative Analyst, presented the staff report.

Mayor Berkson opened the public hearing and called for any public comments.

Further discussion followed.

There being no further comments, the public hearing was closed.

A motion was made by Council Member Chris Barajas, seconded by Council Member Lorena Barajas, to adopt Resolution No. 2019-05, entitled:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING A SUBSTANTIAL AMENDMENT TO THE 2018-2019 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN

Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly
Noes: None
Absent: None

D. PUBLIC HEARING REGARDING THE ANNEXATION OF TERRITORY (ZONE 2-B - VALLEY SQUARE, LOCATED AT THE SOUTHWEST CORNER OF MISSION BOULEVARD AND PYRITE STREET TO THE CITY OF JURUPA VALLEY LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED (THE “DISTRICT”) AND THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN SUCH TERRITORY

Steve Loriso, City Engineer, presented the staff report.

Mayor Berkson opened the public hearing and called for any public comments.

Further discussion followed.

There being no further comments, the public hearing was closed.

Mayor Berkson asked the City Clerk to tabulate the ballots.

The City Clerk reported that one voter cast one ballot. All votes cast were in favor of the special assessment.

A motion was made by Council Member Micheal Goodland, seconded by Mayor Pro Tem Anthony Kelly, Jr., to adopt Resolution No. 2019-06, entitled:

A. PUBLIC HEARING REGARDING THE ANNEXATION OF TERRITORY (ZONE K - JURUPA ESTATES), LOCATED AT THE NORTHEAST CORNER OF JURUPA ROAD AND PYRITE STREET TO THE CITY OF JURUPA VALLEY LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED (THE “DISTRICT”) AND THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN SUCH TERRITORY

Steve Loriso, City Engineer, presented the staff report.

Mayor Berkson opened the public hearing and called for any public comments.

There being no further comments, the public hearing was closed.

Mayor Berkson asked the City Clerk to tabulate the ballots.

The City Clerk reported that one voter cast one ballot. All votes cast were in favor of the special assessment.

A motion was made by Council Member Micheal Goodland, seconded by Mayor Pro Tem Anthony Kelly, Jr., to adopt Resolution No. 2019-07, entitled:


Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly
Noes: None
Absent: None

F. PUBLIC HEARING REGARDING THE ANNEXATION OF TERRITORY (ZONE C – PM 37062) TO THE CITY OF JURUPA VALLEY LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED (THE “DISTRICT”) AND THE LEVY AND COLLECTION OF ASSESSMENTS
WITHIN SUCH TERRITORY (CONTINUED FROM THE DECEMBER 20, 2018 MEETING)

Steve Loriso, City Engineer, presented the staff report.

Mayor Berkson opened the public hearing and called for any public comments.

There being no further comments, the public hearing was closed.

Mayor Berkson asked the City Clerk to tabulate the ballots.

The City Clerk reported that one voter cast one ballot. All votes cast were in favor of the special assessment.

A motion was made by Council Member Chris Barajas, seconded by Council Member Lorena Barajas, to adopt Resolution No. 2019-08, entitled:


Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly
Noes: None
Absent: None

13. COUNCIL BUSINESS

A. UPDATE ON OVERHEAD STREET BANNER POLES

Steve Loriso, City Engineer, presented the staff report.

Further discussion followed.

A motion was made by Council Member Micheal Goodland, seconded by Mayor Pro Tem Anthony Kelly, Jr., to receive the update on Overhead Street Banner Poles and approve an appropriation of $250,000 to cover the final design and the costs of the poles.
B. RESOLUTION AMENDING SECTION 2 OF RESOLUTION NO. 2015-03, ESTABLISHING THE TRAFFIC SAFETY COMMITTEE BY ADDING MEMBERS APPOINTED BY THE CITY COUNCIL AND MAKING NEW APPOINTMENTS IF THE RESOLUTION IS ADOPTED

Steve Loriso, City Engineer, presented the staff report.

A motion was made by Council Member Micheal Goodland, seconded by Mayor Pro Tem Anthony Kelly, Jr., to adopt Resolution No. 2019-09, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY AMENDING SECTION 2 OF RESOLUTION NO. 2015-03, ESTABLISHING THE TRAFFIC SAFETY COMMITTEE BY ADDING MEMBERS APPOINTED BY THE CITY COUNCIL

Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly
Noes: None
Absent: None

Mayor Berkson welcomed Mayra Jackson and Robert Galindo who expressed an interest in serving on the Traffic Safety Committee.

The applicant presentations followed.

A motion was made by Council Member Chris Barajas, seconded by Council Member Micheal Goodland, to appoint Mayra Jackson to the Traffic Safety Committee for a term ending in December, 2020.

Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly
Noes: None
Absent: None

A motion was made by Council Member Chris Barajas, seconded by Council Member Micheal Goodland, to appoint Robert Galindo to the Traffic Safety Committee for a term ending in December, 2020.

Ayes: C. Barajas, L. Barajas, B. Berkson, M. Goodland, A. Kelly
Noes: None
Absent: None
14. CITY COUNCIL MEMBER ORAL/WRITTEN REPORTS REGARDING REGIONAL BOARDS AND COMMISSIONS

A. MAYOR BRIAN BERKSON


B. MAYOR PRO TEM ANTHONY KELLY, JR.


C. COUNCIL MEMBER CHRIS BARAJAS


D. COUNCIL MEMBER LORENA BARAJAS

1. Council Member Barajas gave an update on the Western Riverside County Regional Conservation Authority meeting of January 7, 2019.

E. COUNCIL MEMBER MICHEAL GOODLAND


15. CITY ATTORNEY’S REPORT

City Attorney Peter Thorson had no report.

16. COUNCIL MEMBER REPORTS AND COMMENTS

Mayor Pro Tem Anthony Kelly, Jr., asked when the Downey Park would be re-opened for visitors.

17. ADJOURNED IN MEMORY

Mayor Berkson adjourned the meeting in memory of Cathedral City Mayor Greg Pettis who passed away on Tuesday afternoon. He conveyed condolences to Mr. Pettis’ family on behalf of the City Council.
There being no further business before the City Council, Mayor Berkson adjourned the meeting at 11:34 p.m.

The next meeting of the Jurupa Valley City Council will be held February 7, 2019 at 7:00 p.m. at the City Council Chamber, 8930 Limonite Avenue, Jurupa Valley, CA 92509.

Respectfully submitted,

Victoria Wasko, CMC
City Clerk
STAFF REPORT

DATE: FEBRUARY 7, 2019
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY S. THOMPSON, CITY MANAGER
BY: ALAN KREIMEIER, ADMINISTRATIVE SERVICES DIRECTOR

SUBJECT: AGENDA ITEM NO. 12.B

CHECK REGISTERS

RECOMMENDATION

That the City Council ratify the check registers dated January 10, 17 and 24 as well as the payroll registers dated January 16 and 30, 2019.

The City Council of the City of Jurupa Valley authorizes expenditures through the annual budget process. The FY 2018-19 Budget was adopted on June 7, 2018. Expenditures not included in the annual budget process are approved by resolution throughout the fiscal year.

ANALYSIS

All expenditures on the attached check registers have been approved by the City Council and are in conformance with the authority provided by Section 37208 of the Government Code. The check register dated January 10, 2019 included a $1,965.91 payment to Chase Card Services. The Statement, with purchase details, is attached herewith.

OTHER INFORMATION

None.

FINANCIAL IMPACT

Check registers:

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Payroll registers:

01/16/19  $ 44,196.74
01/30/19  $ 45,136.18

TOTAL  $ 2,194,758.25

ALTERNATIVES

1. Not ratify the attached check registers.

Prepared by:  Submitted by:

[Signature]
Alan Kreimeier
Administrative Services Director

[Signature]
Gary S. Thompson
City Manager

Attachments:

3. Chase Credit Card Statement.
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|         |            |                                      |               |                                                   |             |             |
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|         |            |                                       | 250511879001  | 12/26/2018 | OFFICE SUPPLIES                                 | 87.25       |             |
|         |            |                                       | 250448332001  | 12/26/2018 | OFFICE SUPPLIES                                 | 85.59       |             |
|         |            |                                       | 248843772001  | 12/19/2018 | OFFICE SUPPLIES                                 | 54.83       |             |
|         |            |                                       | 247194394001  | 12/14/2018 | OFFICE SUPPLIES                                 | 39.10       |             |
|         |            |                                       | 251492768001  | 12/31/2018 | OFFICE SUPPLIES                                 | 37.91       |             |
|         |            |                                       | 247184182001  | 12/14/2018 | OFFICE SUPPLIES                                 | 29.07       |             |
|         |            |                                       | 251491900001  | 12/28/2018 | OFFICE SUPPLIES                                 | 27.00       |             |
|         |            |                                       | 247184395001  | 12/14/2018 | OFFICE SUPPLIES                                 | 19.77       | 934.15      |
| 11034   | 1/10/2019  | ORTIZ, ROGELIO                       | 18607         | 12/20/2018 | SELF-INKING STAMPS-BLDG                        | 370.66      |             |
|         |            |                                       | 18586         | 12/11/2018 | SELF-INKING STAMPS - BLDG                      | 301.70      |             |
|         |            |                                       | 18541         | 11/7/2018  | CODE ENFORCEMENT DEPT                          | 136.84      | 809.20      |
| 11035   | 1/10/2019  | PATH OF LIFE MINISTRIES              | 121018        | 12/10/2018 | CDBG/CITY OF JURUPA VALL                       | 5,820.00    | 5,820.00    |
| 11036   | 1/10/2019  | PEPE'S INC                            | 83764         | 12/15/2018 | TOWING SERVICES - SHERIF                       | 100.00      | 100.00      |</p>
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Sub total for CHASE BANK: 1,388,702.79
# CASH REQUIREMENTS

**CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 01/16/19: $44,196.74**

## TRANSACTION SUMMARY

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<td>CASH REQUIRED FOR CHECK DATE 01/16/19</td>
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## TRANSACTION DETAIL

**ELECTRONIC FUNDS TRANSFER** - Your financial institution will initiate transfer to Paychex *at or after 12:01 A.M.* on transaction date.

<table>
<thead>
<tr>
<th>TRANS. DATE</th>
<th>BANK NAME</th>
<th>ACCOUNT NUMBER</th>
<th>PRODUCT</th>
<th>DESCRIPTION</th>
<th>DESCRIPTION</th>
<th>BANK DRAFT AMOUNTS &amp; OTHER TOTALS</th>
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<tbody>
<tr>
<td>01/15/19</td>
<td>JP MORGAN CHASE BANK,</td>
<td>xxxxx8176</td>
<td>Direct Deposit</td>
<td>Net Pay Allocations</td>
<td>33,783.54</td>
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**REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES** - Paychex does not remit these funds. You must ensure accurate and timely payment of applicable items.

<table>
<thead>
<tr>
<th>TRANS. DATE</th>
<th>BANK NAME</th>
<th>ACCOUNT NUMBER</th>
<th>PRODUCT</th>
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Run Date 01/14/19 01:32 PM

Cash Requirements Page 1 of 2

Cash Requirements

Period Start - End Date: 12/30/18 - 01/12/19

Check Date: 01/16/19
**CASH REQUIREMENTS**

**CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 01/30/19: $45,136.18**

**TRANSACTION SUMMARY**

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**TRANSACTION DETAIL**

**ELECTRONIC FUNDS TRANSFER** - Your financial institution will initiate transfer to Paychex at or after 12:01 A.M. on transaction date.

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<th>TRANS. DATE</th>
<th>BANK NAME</th>
<th>ACCOUNT NUMBER</th>
<th>PRODUCT</th>
<th>DESCRIPTION</th>
<th>Net Pay Allocations</th>
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**REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES** - Paychex does not remit these funds. You must ensure accurate and timely payment of applicable items.

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<th>TRANS. DATE</th>
<th>BANK NAME</th>
<th>ACCOUNT NUMBER</th>
<th>PRODUCT</th>
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<th>TOTAL</th>
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0079 A790-3990 City Of Jurupa Valley
Run Date 01/26/19 12:34 PM

Period Start - End Date
01/13/19 - 01/26/19
Check Date 01/30/19

Cash Requirements Page 1 of 2 CASHREQ
ACCOUNT ACTIVITY

Date of Transaction | Merchant Name or Transaction Description | $ Amount
--- | --- | ---
12/12 | Payment ThankYou Image Check ALAN L KREIMEIER TRANSACTIONS THIS CYCLE (CARD 4590) $9722.38 INCLUSIVE PAYMENTS RECEIVED | -9,722.38
11/20 | BED BATH & BEYOND #1118 MIRA LOMA CA - Supplies JU Holiday Open House | 141.51
11/21 | FEDEX 460165510 800-4693339 TN - Postage | 92.68
11/28 | Amazon Prime Amazon.com/bill WA - City Amazon Acct. | 14.00
11/27 | DOLLAR TREE RIVERSIDE CA - Supplies JU Holiday Open House | 118.14
11/26 | ANIMATIONFACTORY.COM BRUSSELS ON - Software Presentations | 99.97
11/28 | AMZN Mktp US*M07BR6E40 Amazon.com/bill WA - Stickney Charging Table | 5.99
11/30 | CALIF CRAFT PARTY SUPPLY 951-735-1213 CA - Supplier JU Holiday Open House | 320.00
11/30 | PARTY CITY 486 MIRA LOMA CA - Supplies JU Holiday Open House | 4.30
12/02 | Amazon.com*M08O465L1 Amazon.com/bill WA - Charging Table City Hall Restaurant | 199.55
11/30 | HOMEGOODS #0858 EASTVALE CA | 99.07
12/04 | TARGET 00019512 MIRA LOMA CA - Recognition Supplies | 36.67
12/06 | ICSC 849-728-3800 NY - ICC membership T. Jonassen | 50.00
12/06 | VONS #2688 MIRA LOMA CA - Recognition Supplies | 75.64
12/11 | FREDPRYOR CAREERTRACK 800-5863012 KS - Payroll Law Seminar | 298.00
12/14 | DOLLAR TREE RIVERSIDE CA - Recognition Supplies | 39.87
12/14 | TERRI ROLLING'S TRANSACTIONS THIS CYCLE (CARD 4916) $1553.54 | 1553.54
11/26 | HIT TROPHY INC 419-445-5356 OH | 97.43
11/27 | HIT TROPHY INC 419-445-5356 OH | 97.15
12/19 | BED BATH & BEYOND #651 973-785-4833 NJ | 75.40
12/18 | BED BATH & BEYOND #1116 MIRA LOMA CA | 75.40
12/18 | VICTORIA WASKO TRANSACTIONS THIS CYCLE (CARD 4982) $291.52 | 291.52
12/02 | MSFT * E07C074H0S 800-642-7676 WA - Microsoft User Licenses | 140.85
12/02 | GARY THOMPSON TRANSACTIONS THIS CYCLE (CARD 4940) $140.85 | 140.85

2018 Totals Year-to-Date
Total fees charged in 2018 $0.00
Total interest charged in 2018 $0.00

Year-to-date totals do not reflect any fees or interest refunds you may have received.

INTEREST CHARGES

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

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<th>Annual Percentage Rate (APR)</th>
<th>Balance Subject To Interest Rate</th>
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<td>15.24%/d</td>
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STAFF REPORT

DATE: FEBRUARY 7, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY S. THOMPSON, CITY MANAGER
BY: STEVE R. LORISO, P.E., CITY ENGINEER

SUBJECT: AGENDA ITEM NO. 12.C

APPROVAL OF FINAL TRACT MAP 32704 LOCATED ON THE NORTH SIDE OF JURUPA ROAD BETWEEN PYRITE STREET AND TYROLITE STREET INCLUDING ACCEPTANCE OF OFFERS OF DEDICATION, APPROVAL OF SUBDIVISION AGREEMENTS, AND ACCEPTANCE OF IMPROVEMENT BONDS (ALL ERA PROPERTIES, LLC)

RECOMMENDATION

It is recommended that the City Council:

1. Approve Final Tract Map 32704 and accept the dedications as follows:
   
   a. Accept the offers of dedication for streets and public utility purposes over all of Lots “A” through “D”, inclusive as shown on Final Tract Map 32704.
   
   b. Release and relinquishment of access along Lot “B” (Jurupa Road), Lot “C” (Jurupa Road), and Lot “D” (Jurupa Road), the owners of lots 16 through 25, inclusive, abutting these roads and during such time will have no rights of access except the general easement of travel as shown on Final Tract Map 32704.
   
   c. Accept the real property described as Lot 27 for open space and public drainage purposes as shown on Final Tract Map 32704.
   
   d. Accept the real property described as an easement for public utility purposes over Lots 5, 6, 12, 13, and 14 as shown on Final Tract Map 32704.
   
   e. Accept the real property described as an easement for drainage purposes within Lot 16 as shown on Final Tract Map 32704.

2. Authorize the Mayor and City Clerk to sign Final Tract Map 32704.
3. Approve and authorize the Mayor and City Clerk to execute the Subdivision Improvement Agreements.

4. Accept the Irrevocable Standby Letter of Credit No. 18OSL04249 in the amount of $1,068,000 for the construction of Improvements and survey monumentation.

BACKGROUND

Tentative Tract Map 32704 was conditionally approved by the County Board of Supervisors when TTM32704 was received and filed on May 30, 2007. Staff has reviewed Final Tract Map 32704 and finds that it is in substantial conformance with the approved Tentative Map. The City Attorney has reviewed and approved to form the Subdivision Agreements and the Public Improvement Bond Forms. This action approves the Final Tract Map, Subdivision Agreements, and accepts offers of dedication and improvement bonds related to the subdivision.

ANALYSIS

Final Tract Map 32704 provides for the development of a 25 lot single family residential subdivision and all associated road and utility improvements on a 7.24 acre site located on the north side of Jurupa Road between Pyrite Street and Tyrolite Street. The project provides for two (2) open space lots including a water quality basin lot and a tot lot. The next step in the process is consideration of the final map, the agreements for the subdivision work, and posting surety to guarantee completion of subdivision work.

The development proposes single family dwelling units on 7,200 SF minimum lots. Lots will be developed on three (3) new streets within the tract boundary. The City Engineer has reviewed the final map (attached) and finds that it is in substantial conformance with tentative map. The Engineering Department and Planning Department staff have reviewed the conditions of approval and have determined all conditions required for map recordation have been met. The City Attorney has reviewed and approved the Subdivision Improvement Agreements and the Improvement Bond forms. Staff recommends that the City Council approve final Tract Map 32704 and accept the offers of dedication, the subdivision agreements, and the public improvement bonds.

FISCAL IMPACT

The City will receive development fees and payments as part of the obligations defined in the Municipal Code.

ALTERNATIVES

1. Take no action.

2. Provide alternative direction to staff.
Reviewed by:

Steve R. Loriso, PE
City Engineer

Submitted by:

Gary S. Thompson
City Manager

Prepared by:

Tina M. York, PE
Development Services Manager

Reviewed by:

George A. Wentz
Deputy City Manager

Approved as to form by:

Peter M. Thorson
City Attorney

Reviewed by:

Alan Kreimeier
Administrative Services Director

Attachments:

1. Exhibit #1 Tract Map 32704
2. Exhibit #2 Subdivision Agreements
3. Exhibit #3 Irrevocable Standby Letter of Credit
This is a diagram of a property located in Riverside County, California. The diagram includes a list of easements and constraint notes. The property is described in detail with various features and boundaries marked on the map. The text on the diagram is not legible, but it appears to be a technical or legal document related to the property's development constraints and easements. The document is titled "Environmental Constraint Sheet" and includes a table labeled "EASEMENT NOTES." The text is too small and detailed to transcribe accurately. The diagram contains various symbols and lines indicating property boundaries, easements, and other constraints. The map is oriented with North at the top, and the scale is indicated as 1"=80'.
AGREEMENT
FOR THE CONSTRUCTION OF SEWER SYSTEM IMPROVEMENTS

This agreement, made and entered into by and between the City of Jurupa Valley, County of Riverside, State of California hereinafter called City and All Era Properties, LLC hereinafter called Landowner.

WITNESSETH:

FIRST: Landowner, for and in consideration of the approval by City of the final map of that certain land division known as TR 32704, hereby agrees, at Landowner’s own cost and expense, to construct or cause to have constructed, with 24 months from the date this agreement is executed, in a good and workmanlike manner, a sewer system, complete with all necessary pipes, connections and appurtenances necessary to the satisfactory operation of said system, and, further, to extend main or mains from the existing system maintained and operated by Jurupa Community Services District to connect with the system described above with all pipe laid at such a depth as to provide a full thirty-six inch (36”) minimum cover from the top of the pipe to street grade, unless otherwise specified by the City Engineer, all in accordance with those plans and specifications which have been approved by both the County Health Director and City Engineer, and are on file in the office of the City Engineer. Said approved plans and specifications are hereby made a part of this agreement as fully as though set forth herein. All of the above required work shall be done under the inspection of, and to the satisfaction of, the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Landowner further agrees to maintain the above required improvements for a period of one year following acceptance by the City and during this one year period to repair or replace to the satisfaction of the City Engineer any defective work or labor done or defective materials furnished. Landowner further agrees that all underground improvements shall be completed prior to the paving of any roadway. The estimated cost of said work and improvements is the sum of One Hundred Thirteen Thousand dollars, ($113,000).

SECOND: Landowner agrees to pay to City the actual cost of such inspections of the work and improvements as may be required by the City Engineer. Landowner further agrees that, if suit is brought upon this agreement or any bond guaranteeing the completion of the sewer system improvements, all costs and reasonable expenses and fees incurred by City in successfully enforcing such obligations shall be paid by Landowner, including reasonable attorney’s fees, and that, upon entry of judgment, all such costs, expenses and fees shall be taxed as costs and included in any judgment rendered.

THIRD: City shall not, nor shall any officer, employee or consultant of City be liable or responsible for any accident, loss or damage happening or occurring to the works specified in this agreement prior to the completion and acceptance thereof, nor shall County or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Landowner, its agents or employees, in the performance of the work, and all or said liabilities are assume by Landowner. Landowner agrees to protect, defend, and hold harmless City and the officers, employees and consultants thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Landowner, its agents and employees, in the performance of this agreement or arising out of the use of any patent or patented article in the performance of this agreement.

FOURTH: The Landowner hereby grants to City, or any agent or employee of City, the irrevocable permission to enter upon the lands of the subject land division for the purpose of completing the improvements. This permission shall terminate in the event that Landowner has completed work within the time specified or any extension thereof granted by the City.

FIFTH: The Landowner shall provide adequate notice and warning to the traveling public of each and every hazardous or dangerous condition caused or created by the construction of the works of improvement at all times up to the completion and formal acceptance of the works of improvement. The Landowner (landowner?) shall protect all persons from such hazardous or dangerous conditions by use of traffic regulatory control methods, including, but not limited to, stop signs, regulatory signs or signals, barriers, or detours.
SIXTH: Landowner, its agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

SEVENTH: If Landowner, its agents or employees, neglects, refuses, or fails to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time which have been granted by City, or if Landowner violates, neglects, refuses, or fails to perform satisfactorily any of the provisions of the plans and specifications. Landowner shall be in default of this agreement and notice of such default shall be served upon Landowner. City shall have the power, on recommendation of the City Engineer to terminate all rights of Landowner because of such default. The determination by the City Engineer of the question as to whether any of the terms of the agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon the Landowner and any and all parties who may have any interest in the agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to City under law. The failure of Landowner to commence construction shall not relieve the Landowner or surety from completion of the improvements required by this agreement.

EIGHTH: Landowner agrees to file with City prior to the date this agreement is executed, a good and sufficient improvement security in an amount not less than the estimated cost of the work and improvements for the faithful performance of the terms and conditions of this agreement, and good and sufficient security for payment of labor and materials in the amount prescribed by Article XVII of Riverside County Ordinance 460 to 3 of the Civil Code of the State of California. Landowner agrees to renew each and every said bond or bonds with good and sufficient sureties or increase the of said bond, or both, within ten (10) day after being notified by the City Engineer that the sureties or amounts are insufficient. Notwithstanding any other provisions herein, if Landowner fails to take such action as is necessary to comply with said notice; Landowner shall be in default of this agreement unless all required improvements are completed within ninety (90) days of the date on which the City Engineer notified Landowner of the insufficiency of the security or the amount of the bonds or both.

NINETH: It is further agreed by and between the parties hereto, including the surety or sureties on the bonds securing this agreement, that, in the event it is deemed necessary to extend the time of completion of the work contemplated to be done under this agreement, extensions of time may be granted, from time to time, by City, either at its own option, or upon request of Landowner, and such extensions shall in no way affect the validity of this agreement or release the surety or sureties on such bonds. Landowner further agrees to maintain the aforesaid bond or bonds in full force and effect during the terms of this agreement including any extensions of time as may be granted therein.

TENTH: It is understood and agreed by the parties hereto that if any part, term or provision of the agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the agreement did not contain that particular part, term or provision held to be invalid.

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

************************************************************************ SIGNATURES ON FOLLOWING PAGE **************************************************************************
City

City Engineer
City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, CA 92509

Landowner

All Era Properties, LLC
PO Box 11503
Carson, CA 90749

IN WITNESS WHEREOF, Landowner has affixed his name, address and seal.

By: 
Title: 

By: 
Title:

APPROVED:

By: __________________________
  Steve Loriso, PE
  City Engineer

ATTEST:

By: __________________________
  Vicki Wasko
  City Clerk

APPROVED AS TO FORM

By: __________________________
  Peter Thorson
  City Attorney

CITY OF JURUPA VALLEY

By: __________________________
  Micheal Goodland
  Mayor

SIGNATURES OF LANDOWNER MUST BE ACKNOWLEDGED BY NOTARY
AND EXECUTED IN TRIPLICATE

Original: 7/1/11
Revised: 7/1/12
CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

On September 21, 2018 before me, Vanessa Kissandra Williams - Cyprian, Notary Public
(personally appeared Byron Lee Walker, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s), acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public Signature (Notary Public Seal)

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Agreement for the construction
of Sewer System improvements

Number of Pages 3 Document Date 9/21/18

CAPACITY CLAIMED BY THE SIGNER

☐ Individual(s)
☐ Corporate Officer
☐ (Title)
☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- 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 with a staple.
AGREEMENT
FOR THE CONSTRUCTION OF ROAD/DRAINAGE IMPROVEMENTS

This agreement, made and entered into by and between the City of Jurupa Valley, State of California, hereinafter called City, and All Era Properties, LLC, a limited liability company, hereinafter called Landowner.

WITNESSETH:

FIRST: Landowner, for and in consideration of the approval by City of the final map of that certain land division known as TR 32704, hereby agrees, at Landowner’s own cost and expense, to construct or cause to have constructed, with 24 months from the date this agreement is executed, in a good and workmanlike manner, road and drainage improvements, complete with all necessary curb, gutter, sidewalks, street lights, pavement, storm drain pipes, and catch basins to the satisfactory operation of said systems, with all pipe laid at such a depth as to provide a full thirty-six inch (36”) minimum cover from the top of the pipe to street grade, unless otherwise specified by the City Engineer, all in accordance with those plans and specifications which have been approved by both the Riverside County Flood Control and Water Conservation District and the City Engineer, and are on file in the office of the City Engineer. Said approved plans and specifications are hereby made a part of this agreement as fully as though set forth herein. All of the above required work shall be done under the inspection of, and to the satisfaction of, the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Landowner further agrees to maintain the above required improvements for a period of one year following acceptance by the City and during this one year period to repair or replace to the satisfaction of the City Engineer any defective work or labor done or defective materials furnished. Landowner further agrees that all underground improvements shall be completed prior to the paving of any roadway. The estimated cost of said work and improvements is the sum of Eight Hundred Thirty Nine Thousand Five Hundred Dollars, $839,500.00.

SECOND: Landowner agrees to pay to City the actual cost of such inspections of the work and improvements as may be required by the City Engineer. Landowner further agrees that, if suit is brought upon this agreement or any bond guaranteeing the completion of the road and drainage improvements, all costs and reasonable expenses and fees incurred by City in successfully enforcing such obligations shall be paid by Landowner, including reasonable attorney’s fees, and that, upon entry of judgment, all such costs, expenses and fees shall be taxed as costs and included in any judgment rendered.

THIRD: City shall not, nor shall any officer, employee or consultant of City be liable or responsible for any accident, loss or damage happening or occurring to the works specified in this agreement prior to the completion and acceptance thereof, nor shall County or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Landowner, its agents or employees, in the performance of the work, and all or said liabilities are assume by Landowner. Landowner agrees to protect, defend, and hold harmless City and the officers, employees and consultants thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Landowner, its agents and employees, in the performance of this agreement or arising out of the use of any patent or patented article in the performance of this agreement.

FOURTH: The Landowner hereby grants to City, or any agent or employee of City, the irrevocable permission to enter upon the lands of the subject land division for the purpose of completing the
improvements. This permission shall terminate in the event that Landowner has completed work within the time specified or any extension thereof granted by the City.

FIFTH: The Landowner shall provide adequate notice and warning to the traveling public of each and every hazardous or dangerous condition caused or created by the construction of the works of improvement at all times up to the completion and formal acceptance of the works of improvement. The Landowner (landowner?) shall protect all persons from such hazardous or dangerous conditions by use of traffic regulatory control methods, including, but not limited to, stop signs, regulatory signs or signals, barriers, or detours.

SIXTH: Landowner, its agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

SEVENTH: If Landowner, its agents or employees, neglects, refuses, or fails to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time which have been granted by City, or if Landowner violates, neglects, refuses, or fails to perform satisfactorily any of the provisions of the plans and specifications. Landowner shall be in default of this agreement and notice of such default shall be served upon Landowner. City shall have the power, on recommendation of the City Engineer to terminate all rights of Landowner because of such default. The determination by the City Engineer of the question as to whether any of the terms of the agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon the Landowner and any and all parties who may have any interest in the agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to City under law. The failure of Landowner to commence construction shall not relieve the Landowner or surety from completion of the improvements required by this agreement.

EIGHTH: Landowner agrees to file with City prior to the date this agreement is executed, a good and sufficient improvement security in an amount not less than the estimated cost of the work and improvements for the faithful performance of the terms and conditions of this agreement, and good and sufficient security for payment of labor and materials in the amount prescribed by Article XVII of Riverside County Ordinance 480 to 3 of the Civil Code of the State of California. Landowner agrees to renew each and every said bond or bonds with good and sufficient sureties or increase the of said bond, or both, within ten (10) day after being notified by the City Engineer that the sureties or amounts are insufficient. Notwithstanding any other provisions herein, if Landowner fails to take such action as is necessary to comply with said notice; Landowner shall be in default of this agreement unless all required improvements are completed within ninety (90) days of the date on which the City Engineer notified Landowner of the insufficiency of the security or the amount of the bonds or both.

NINETH: It is further agreed by and between the parties hereto, including the surety or sureties on the bonds securing this agreement, that, in the event it is deemed necessary to extend the time of completion of the work contemplated to be done under this agreement, extensions of time may be granted, from time to time, by City, either at its own option, or upon request of Landowner, and such extensions shall in no way affect the validity of this agreement or release the surety or sureties on such bonds. Landowner further agrees to maintain the aforesaid bond or bonds in full force and effect during the terms of this agreement including any extensions of time as may be granted therein.
TENTH: It is understood and agreed by the parties hereto that if any part, term or provision of the agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the agreement did not contain that particular part, term or provision held to be invalid.

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

City
City Engineer
City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, CA 92509

Landowner
All Era Properties, LLC
PO Box 11503
Carson, CA 90749

TWELFTH: This Agreement contains the entire agreement of the parties as to the matters set forth herein. No waiver of any term or conditions of this Agreement shall be a continuing waiver thereof.

THIRTEENTH: To the extent required by Labor Code Section 1720, Landowner and its Landowners shall pay prevailing wages for all work performed for the construction, alteration, demolition, installation, or repair for construction of the Improvements required by this Agreement. Pursuant to the provisions of Section 1773 of the Labor Code of the State of California, the general prevailing rate of per diem wages and the general rate for holiday and overtime work in this locality for each craft, classification, or type of workman needed to execute the work required by this Agreement from the Director of the Department of Industrial Relations and on its website at http://www.dir.ca.gov/DLSR/DPreWageDetermination.htm. These rates are on file with the City Clerk. Copies may be obtained at cost at the City Clerk's office of Jurupa Valley. Landowner shall post a copy of such wage rates at the job site and shall pay the adopted prevailing wage rates as a minimum. Landowner shall comply with the provisions of Sections 1773.8, 1775, 1776, 1777.5, 1777.6, and 1813 of the Labor Code. Pursuant to the provisions of 1775 of the Labor Code, Landowner shall forfeit to the City, as a penalty, the sum of $50.00 for each calendar day, or portion thereof, for each laborer, worker, or mechanic employed, paid less than the stipulated prevailing rates for any work done under this contract, by him or by any subcontractor under him, in violation of the provisions of this agreement.

FOURTEENTH: Until such time as the Improvements are accepted by City, Landowner shall be responsible for and bear the risk of loss to any of the Improvements constructed or installed. Until such time as all Improvements required by this Agreement are fully completed and accepted by City, Landowner will be responsible for the care, maintenance of, and any damage to such improvement.

FIFTEENTH: Upon acceptance of the work on behalf of City and recordation of the Notice of Completion, ownership of the improvements constructed pursuant to this Agreement shall vest in City.
IN WITNESS WHEREOF, Landowner has affixed his name, address and seal.

By: [Signature]
Title: [Position]

By: [Signature]
Title: [Position]

APPROVED:

By: [Signature]
Steve Loriso, PE
City Engineer

ATTEST:

By: [Signature]
Vicki Wasko
City Clerk

APPROVED AS TO FORM

By: [Signature]
Peter Thorson
City Attorney

CITY OF JURUPA VALLEY:

By: [Signature]
Micheal Goodland
Mayor

SIGNATURES OF LANDOWNER MUST BE ACKNOWLEDGED BY NOTARY AND EXECUTED IN TRIPlicate

Original: 7/1/11
Revised: 7/1/12
CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

On September 21st, 2018 before me, Vanessa Kissandra Williams-Cyprian, Notary Public, personally appeared Byron Lee Walker, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public Signature

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT
Agreement for the construction of
Read/Drainage Improvements

Number of Pages: 4
Document Date: 9/24/18

CAPACITY CLAIMED BY THE SIGNER
☐ Individual(s)
☐ Corporate Officer [Title]
☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other [ ]

INSTRUCTIONS FOR COMPLETING THIS FORM
This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

• 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 with a staple.
AGREEMENT
FOR THE CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS

This agreement, made and entered into by and between the City of Jurupa Valley, County of Riverside, State of California hereinafter called City and All Era Properties, LLC hereinafter called Landowner.

WITNESSETH:

FIRST: Landowner, for and in consideration of the approval by City of the final map of that certain land division known as TR 32704, hereby agrees, at Landowner’s own cost and expense, to construct or cause to have constructed, with 24 months from the date this agreement is executed, in a good and workmanlike manner, a water distribution system, complete with all necessary pipes, valves, fire hydrants, connections and appurtenances necessary to the satisfactory operation of said distribution system, and, further, to extend main or mains from the existing supply system maintained and operated by Jurupa Community Services District to connect with the distribution system described above with all pipe laid at such a depth as to provide a full thirty-six inch (36") minimum cover from the top of the pipe to street grade, unless otherwise specified by the City Engineer, all in accordance with those plans and specifications which have been approved by both the County Health Director and City Engineer, and are on file in the office of the City Engineer. Said approved plans and specifications are hereby made a part of this agreement as fully as though set forth herein. All of the above required work shall be done under the inspection of, and to the satisfaction of, the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Landowner further agrees to maintain the above required improvements for a period of one year following acceptance by the City and during this one year period to repair or replace to the satisfaction of the City Engineer any defective work or labor done or defective materials furnished. Landowner further agrees that all underground improvements shall be completed prior to the paving of any roadway. The estimated cost of said work and improvements is the sum of Eighty Five Thousand Five Hundred dollars, ($85,500.00).

SECOND: Landowner agrees to pay to City the actual cost of such inspections of the work and improvements as may be required by the City Engineer. Landowner further agrees that, if suit is brought upon this agreement or any bond guaranteeing the completion of the water system improvements, all costs and reasonable expenses and fees incurred by City in successfully enforcing such obligations shall be paid by Landowner, including reasonable attorney’s fees, and that, upon entry of judgment, all such costs, expenses and fees shall be taxed as costs and included in any judgment rendered.

THIRD: City shall not, nor shall any officer, employee or consultant of City be liable or responsible for any accident, loss or damage happening or occurring to the works specified in this agreement prior to the completion and acceptance thereof, nor shall County or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Landowner, its agents or employees, in the performance of the work, and all or said liabilities are assume by Landowner. Landowner agrees to protect, defend, and hold harmless City and the officers, employees and consultants thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Landowner, its agents and employees, in the performance of this agreement or arising out of the use of any patent or patented article in the performance of this agreement.

FOURTH: The Landowner hereby grants to City, or any agent or employee of City, the irrevocable permission to enter upon the lands of the subject land division for the purpose of completing the improvements. This permission shall terminate in the event that Landowner has completed work within the time specified or any extension thereof granted by the City.

FIFTH: The Landowner shall provide adequate notice and warning to the traveling public of each and every hazardous or dangerous condition caused or created by the construction of the works of improvement at all times up to the completion and formal acceptance of the works of improvement. The Landowner (landowner?) shall protect all persons from such hazardous or dangerous conditions by use of traffic regulatory control methods, including, but not limited to, stop signs, regulatory signs or signals, barriers, or detours.
SIXTH: Landowner, its agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

SEVENTH: If Landowner, its agents or employees, neglects, refuses, or fails to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time which have been granted by City, or if Landowner violates , neglects, refuses, or fails to perform satisfactorily any of the provisions of the plans and specifications. Landowner shall be in default of this agreement and notice of such default shall be served upon Landowner. City shall have the power, on recommendation of the City Engineer to terminate all rights of Landowner because of such default. The determination by the City Engineer of the question as to whether any of the terms of the agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon the Landowner and any and all parties who may have any interest in the agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to City under law. The failure of Landowner to commence construction shall not relief the Landowner or surety from completion of the improvements required by this agreement.

EIGHTH: Landowner agrees to file with City prior to the date this agreement is executed, a good and sufficient improvement security in an amount not less than the estimated cost of the work and improvements for the faithful performance of the terms and conditions of this agreement, and good and sufficient security for payment of labor and materials in the amount prescribed by Article XVII of Riverside County Ordinance 460 to 3 of the Civil Code of the State of California. Landowner agrees to renew each and every said bond or bonds with good and sufficient sureties or increasethesaid bond, or both, within ten (10) day after being notified by the City Engineer that the sureties or amounts are insufficient. Notwithstanding any other provisions herein, if Landowner fails to take such action as is necessary to comply with said notice; Landowner shall be in default of this agreement unless all required improvements are completed within ninety (90) days of the date on which the City Engineer notified Landowner of the insufficiency of the security or the amount of the bonds or both.

NINETH: It is further agreed by and between the parties hereto, including the surety or sureties on the bonds securing this agreement, that, in the event it is deemed necessary to extend the time of completion of the work contemplated to be done under this agreement, extensions of time may be granted, from time to time, by City, either at its own option, or upon request of Landowner, and such extensions shall in no way affect the validity of this agreement or release the surety or sureties on such bonds. Landowner further agrees to maintain the aforesaid bond or bonds in full force and effect during the terms of this agreement including any extensions of time as may be granted therein.

TENTH: It is understood and agreed by the parties hereto that if any part, term or provision of the agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the agreement did not contain that particular part, term or provision held to be invalid.

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

********************** SIGNATURES ON FOLLOWING PAGE **********************
IN WITNESS WHEREOF, Landowner has affixed his name, address and seal.

By: [Signature]
Title: [Title]

APPROVED:

By: [Signature]
Steve Lorisio, PE
City Engineer

ATTEST:

By: [Signature]
Vicki Wasko
City Clerk

APPROVED AS TO FORM

By: [Signature]
Peter Thorson
City Attorney

CITY OF JURUPA VALLEY:

By: [Signature]
Micheal Goodland
Mayor

SIGNATURES OF LANDOWNER MUST BE ACKNOWLEDGED BY NOTARY AND EXECUTED IN TRIPlicate

Original: 7/1/11
Revised: 7/1/12
CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity
of the individual who signed the document to which this certificate is attached,
and not the truthfulness, accuracy, or validity of that document.

State of California }
County of Los Angeles }

On September 20th, 2016 before me, Vanessa Kissandra Williams-Cyprian, Notary Public
(personally appeared Bynar Lee Walker, )

who proved to me on the basis of satisfactory evidence to be the person(s) whose
name(s) is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public Signature (Notary Public Seal)

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Agreement for the Construction
of Water System Improvements

Number of Pages 3 Document Date 9/24/16

CAPACITY CLAIMED BY THE SIGNER

□ Individual(s)
□ Corporate Officer
□ Partner(s)
□ Attorney-in-Fact
□ Trustee(s)
□ Other

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and
if needed, should be completed and attached to the document. Acknowledgments
from other states may be completed for documents being sent to that state so long
as the wording does not require the California notary to violate California notary
law.

• 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 with a staple.
AGREEMENT
FOR THE PLACEMENT OF SURVEY MONUMENTS

This agreement, made and entered into by and between the City of Jurupa Valley, County of Riverside, State of California hereinafter called City and All Era Properties, LLC hereinafter called Landowner.

WITNESSETH:

FIRST: Landowner, for and in consideration of the approval by City of the final map of that certain land division known as Tract 32704, hereby agrees, at Landowner's own cost and expense, to furnish all labor, equipment and materials necessary to set, within 24 months from the date this agreement is executed, in a good and workmanlike manner, all survey monuments and tie points and to furnish to the City Surveyor tie notes for said tract in accordance with the standards set forth in Riverside County Ordinance No. 461 and Section 8771 et seq. of the Business and Professions Code of the State of California. Landowner further agrees to pay, within 30 days of presentation to Landowner of the final billing of any surveyor or engineer for work performed by him as provides for in Article 9 of Chapter 4, Division 2 of Title 7 of the Government Code of the State of California (commencing with Section 66495). Landowner further agrees that if payment to the surveyor or engineer is not made within 30 days, the surveyor or engineer notifies City that he has not been paid for setting the final monuments, and the Board of Supervisors, pursuant to Section 66497 of the Government Code, after providing Landowner with an opportunity to present evidence as to whether or not the surveyor or engineer has been paid, orders that payment be made by City to the engineer or surveyor, Landowner will, upon demand, and without proof of loss by City, reimburse City for any funds so expended. Notwithstanding any other provisions herein, the determination of City as to whether the surveyor or engineer has been paid shall be conclusive on Landowner, its surety, and all parties who may have an interest in the agreement or any portion thereof.

All of the above required work shall be done under the inspection of, and to the satisfaction of, the City Surveyor, and shall not be deemed complete until approved and accepted as complete by the City. The estimated cost of said work and improvements is the sum of Bond Amount fourteen thousand and no/100 dollars ($14,000.00).

SECOND: Landowner agrees to pay to City the actual cost of such inspections of the work and improvements as may be required by the City Surveyor. Landowner further agrees that, if suit is brought upon this agreement or any bond guaranteeing the completion of the monuments, all costs and reasonable expenses and fees incurred by City in successfully enforcing such obligations shall be paid by Landowner, including reasonable attorney's fees, and that, upon entry of judgment, all such costs, expenses and fees shall be taxed as costs and included in any judgment rendered.

THIRD: City shall not, nor shall any officer or employee of City, be liable or responsible for any accident, loss or damage happening or occurring to the works in this agreement prior to the completion and acceptance thereof, nor shall City or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Landowner, its agents or employees, in the performance of the work, and all or said liabilities are assumed by Landowner. Landowner agrees to protect, defend, and hold harmless City and the officers and employees thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Landowner, its agents and employees, in the performance of this agreement or arising out of the use of any patent or patented article in the performance of this agreement.

FOURTH: The Landowner hereby grants to City, the Surety upon any bond, and to the agents, employees and Landowners of either of them, the irrevocable permission to enter upon the lands of the subject land division for the purpose of completing the monumentation. This permission shall terminate in the event that Landowner or the Surety has completed work within the time specified or any extension thereof granted by the City. It is further agreed that Landowner shall have control of the ground reserved for the installation of said work, and the streets in which they are to be placed, as is necessary to allow Landowner to carry out this agreement.

FIFTH: Landowner agrees to file with City prior to the date this contract is executed, an acceptable and sufficient improvement security in an amount not less than the estimated cost of the work, as above specified, for the faithful performance of the terms and conditions of this agreement, and for the payment of the amount of the improvement security to the City for the benefit of any surveyor or engineer who has not been paid by the Landowner, as provided for by Section
66495 et seq. of the Government Code of the State of California. Landowner agrees to renew each and every said bond or bonds with good and sufficient sureties or increase the amount of said bonds, or both, within ten (10) days after being notified by the Director of Transportation that the sureties or amounts are insufficient. Notwithstanding any other provisions herein, if Landowner fails to take such action as is necessary to comply with said notice, Landowner shall be in default of this agreement unless all required improvements are completed within ninety (90) days of the date on which the Director of Transportation notified Landowner of the insufficiency of the security or the amount of the bonds or both.

SIXTH: If Landowner neglects, refuses, or fails to prosecute the work as to insure its completion within the time specified, or within such extensions of time which have been granted by City, or if Landowner violates, neglects, refuses, or fails to perform satisfactorily any of the provisions of the plans and specifications, Landowner shall be in default of this agreement. City shall have the power, on recommendation of the Director of Transportation, to terminate all rights of Landowner in such agreement, but said termination shall not affect or terminate any of the rights of City as against Landowner or its Surety then existing or which thereafter accrue because of such default. The determination of the City Surveyor of the question as to whether any of the terms of the agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon the Landowner, its Surety, and any and all parties who may have any interest in the agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to City under law. The failure of the Landowner to commence construction shall not relieve the Landowner or surety from completion of the improvements required by this agreement.

SEVENTH: It is further agreed by and between the parties hereto, including the surety or sureties on the bonds securing this agreement, that, in the event it is deemed necessary to extend the time of completion of the work contemplated to be done under this agreement, extensions of time may be granted, from time to time, by City, either at its own option, or upon request of Landowner, and such extensions shall in no way affect the validity of this agreement or release the surety or sureties on such bonds. Landowner further agrees to maintain the aforesaid bond or bonds in full force and effect during the terms of this agreement, including any extensions of time as may be granted therein.

EIGHTH: It is understood and agreed by the parties hereto that if any part, term or provision of this agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the agreement did not contain that particular part, term or provision held to be invalid.

NINTH: Any notice or notices required or permitted to be given pursuant to this agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

********************** SIGNATURES ON FOLLOWING PAGE **********************
City

City Engineer
City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, CA 92509

Landowner

All Era Properties, LLC
PO Box 11503
Carson, CA 90749

IN WITNESS WHEREOF, Landowner has affixed his name, address and seal.

By

Title

By

Title

APPROVED:

By:

Steve Loris, PE
City Engineer

ATTEST:

By:

Vicki Wasko
City Clerk

APPROVED AS TO FORM

By:

Peter Thorson
City Attorney

By:

Micheal Goodland
Mayor

SIGNATURES OF LANDOWNER MUST BE ACKNOWLEDGED BY NOTARY
AND EXECUTED IN TRIPlicate

Revised 02/17/14
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

On September 1st, 2018 before me, Vanessa Kissandra Williams Cyprian, Notary Public

personally appeared Byron Lee Walker, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public Signature

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violation California notary law.

• 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 attachment this document to the signed document with a staple.
STAFF REPORT

DATE: FEBRUARY 7, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY S. THOMPSON, CITY MANAGER
BY: STEVE R. LORISO, P.E., CITY ENGINEER/DIRECTOR OF PUBLIC WORKS

SUBJECT: AGENDA ITEM NO. 12.D

AWARD OF CONSTRUCTION AGREEMENT TO ELECNOR BELCO ELECTRIC, INC. FOR THE LIMONITE AVENUE AND MARLATT STREET PEDESTRIAN HYBRID BEACON, CIP PROJECT NO. 17-C.1

RECOMMENDATION

1. That the City Council approve and award a construction agreement to Elecnor Belco Electric, Inc. in the amount of $147,526 for the Limonite Avenue and Marlatt Street Pedestrian Hybrid Beacon (Agreement) for the work included in its proposal, and authorize the City Manager to execute the Agreement in substantially the form attached and in such final form as approved by the City Attorney; and

2. Authorize the City Manager to execute contract change orders not to exceed 5% of the total agreement, pursuant to requirements set forth in the agreement; and

3. That the City Council appropriate $140,000 of Development Impact Fee (DIF) funds from the Traffic Signal Installation/Interconnect, Limonite Ave Project (Acct. No. 62311) to the Project account to fund the total project costs; and

4. Authorize the City Manager to record the Notice of Completion upon acceptance of the work by the City Engineer.

BACKGROUND

At its meeting of April 19, 2018, the City Council approved the FY 2018-2019 Capital Improvement Program (CIP). This CIP included the Limonite Avenue and Marlatt Street Pedestrian Hybrid Beacon. This project will provide for a pedestrian crossing facility at the intersection of Limonite Avenue and Marlatt Street. The type of facility chosen to be installed is a High-intensity Activated crossWalk Beacon (HAWK).
Kimley-Horn and Associates prepared the bid package for the Project and the City Engineer approved this bid package on December 20, 2018. On December 26, 2018 the Notice Inviting Bids was published in The Press Enterprise. The City Clerk also advertised in various online bid posting services and additional notice was placed on the City’s website. The bid package was uploaded to PlanetBids, the City’s bid solicitation service provider, where interested bidders could obtain the complete bid document package.

ANALYSIS

Formal bidding procedures were followed in conformance with the Public Contract Code. Six (6) bids were received on January 17, 2019 as summarized below.

All bids were reviewed for accuracy and completeness. Elecnor Belco Electric, Inc. submitted the lowest cumulative bid totaling $147,526 and was verified as the lowest, responsive and responsible bidder.

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Total Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Elecnor Belco Electric, Inc.</td>
<td>$147,526.00</td>
</tr>
<tr>
<td>2. Sturgeon Electric, Inc.</td>
<td>$160,420.00</td>
</tr>
<tr>
<td>3. California Professional Engineering, Inc.</td>
<td>$173,957.70</td>
</tr>
<tr>
<td>4. DBX, Inc.</td>
<td>$177,009.00</td>
</tr>
<tr>
<td>5. Calpromax Engineering, Inc.</td>
<td>$179,879.76</td>
</tr>
<tr>
<td>6. Cen-Pac Engineering, Inc.</td>
<td>$193,642.00</td>
</tr>
<tr>
<td>Engineer’s Estimate</td>
<td>$126,845.00</td>
</tr>
</tbody>
</table>

City Public Works/City Engineering Department staff will provide Construction Management (CM) and inspection. This effort will require daily observation of contractor’s operations, materials inspection and testing, monitoring compliance with the contract documents including temporary construction traffic control, preparation of monthly progress payment reports, and performance of various administrative activities related to the project. This construction support is estimated to cost $20,000.

OTHER INFORMATION

Previous Actions:

- March 15, 2018 – Awarded Professional Services Agreement to Kimley-Horn and Associates
- July 19, 2018 – Accepted the Traffic Analysis and Directed staff to proceed with the preparation of Plans and Specs for a HAWK Beacon
FINANCIAL IMPACT

The FY 2018-2019 CIP Project Budget for the Limonite Avenue and Marlatt Street Pedestrian Hybrid Beacon is $100,000 and is funded by the City’s Development Impact Fee (DIF) funds. The available funds are not sufficient for award of this agreement as recommended and related support services. Award of a construction contract as recommended requires that City Council appropriate $140,000 of the City’s DIF funds from Project Account No. 62311 bringing the Project Budget to $240,000.

The total estimated project costs for an award of a contract to Elecnor Belco Electric, Inc. as recommended are as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Admin</td>
<td>$30,000.00</td>
</tr>
<tr>
<td>Design Contract</td>
<td>$32,191.86</td>
</tr>
<tr>
<td>Construction Contract</td>
<td>$147,526.00</td>
</tr>
<tr>
<td>Contingency (5%)</td>
<td>$7,376.30</td>
</tr>
<tr>
<td>Construction Support Services</td>
<td>$20,000.00</td>
</tr>
<tr>
<td><strong>Total Project Cost</strong></td>
<td><strong>$237,094.16</strong></td>
</tr>
</tbody>
</table>

No General Fund monies are required for approval of this agreement

ALTERNATIVES

1. Do not approve Agreement as recommended.
2. Provide alternate direction to staff.

***************SIGNATURES ON FOLLOWING PAGE***************
Prepared by:

Chase Keys, E.I.T.
CIP Manager

Reviewed by:

Alan Kreimeier
Administrative Services Director

Approved as to form:

Peter Thorson
City Attorney

Attachments:

1) Agreement, Project No. 17-C.1

Reviewed by:

Steve R. Loriso, P.E.
City Engineer/Director of Public Works

Reviewed by:

George A. Wentz
Deputy City Manager

Submitted by:

Gary S. Thompson
City Manager
ATTACHMENT 1

Agreement, Project No. 17-C.1
THIS Agreement, made and entered into the 7th day of February, 2019, by and between the City of Jurupa Valley, a municipal corporation, hereinafter called the "City" and Elecnor Belco Electric, Inc., hereinafter called the "Contractor."

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

1. **Scope of Services.** Contractor shall perform the work and provide all labor, materials, equipment and services, except as otherwise provided in the Plans or Special Provisions, in a good and workmanlike manner for the project identified as **Limonite Avenue and Marlatt Street Pedestrian Hybrid Beacon** ("Project"), in accordance with this Agreement. The complete Agreement includes all of the Documents as if set forth in full herein, to wit, including the Agreement, any and all Contract Change Orders issued after the execution of the Agreement, Addenda No(s). N/A issued prior to the opening of the Bids, the Special Provisions (which includes the General Provisions and Technical Provisions), the Project Plans, the Standard Plans, the Standard Specification, reference Specifications, the Bidder's Proposal, the Notice Inviting Bids, the Non-Collusion Affidavit, the Faithful Performance Bond, the Labor and Materials Payment Bond and insurance (the "Documents"), all of which are essential parts of the Agreement between City and Contractor and are hereby made a part of this Agreement. In the event of any conflict in the provisions thereof, the terms of said Documents as set forth above shall control, each over the other, in the order provided.

2. **Compensation.** The City will pay the Contractor and the Contractor agrees to receive and accept the prices set forth in the Bid Schedule as full compensation for the work required under the bid items awarded by the City, to wit, the Base Bid Item(s) and Additive Bid Item(s) in the sum total amount of **one hundred forty seven thousand five hundred twenty six dollars** ($147,526.00), subject to additions or reductions of the quantities of the various bid items at the unit prices bid, for furnishing all materials and for doing all the work contemplated and embraced under the Documents.

3. **Payments.** City shall make payments within thirty (30) days after receipt of an undisputed and properly submitted payment request from Contractor. City shall return to Contractor any payment request determined not to be a proper payment request as soon as practicable, but not later than seven (7) days after receipt, and shall explain in writing the reasons why the payment request is not proper.

A payment shall be made as the City Council of the City prescribes upon estimates approved by the City Council. However, progress payments shall not be made in excess of ninety-five percent (95%) of the percentage of actual work completed plus a like percentage of the value of material delivered on the ground or stored subject to, or under the control of, the City, and unused. The City shall withhold not less than five percent (5%) of the Agreement price until final completion and acceptance of the Project. However, at any time after fifty percent (50%) of the work has been completed, if the City Council of the City finds that satisfactory progress is being made, it may, at its discretion, make any of the remaining progress payments in full for actual work completed.
4. **Time.** The Contractor hereby agrees to commence work pursuant to this Agreement within fourteen (14) calendar days after the date of authorization specified in the Notice to Proceed. The Contractor agrees to diligently prosecute the work, including corrective items of work, day to day thereafter, to completion, within **Thirty (30) working days** after said date in the “Notice to Proceed with Construction,” except as adjusted by subsequent Contract Change Order(s).

5. **Liquidated Damages.** The City and Contractor hereby agree that in case all construction called for under the Agreement is not completed within the time hereinabove specified, including City caused delays or extensions, damages will be sustained by the City and that, it is and will be impracticable or extremely difficult to ascertain and determine the actual amount of damages the City will sustain in the event of, and by reason of, such delay.

   It is, therefore, agreed that such damages shall be presumed to be in the amount of **$1,000.00** per calendar day, and that the Contractor will pay to the City, or City may retain from amounts otherwise payable to Contractor, said amount for each calendar day by which the Contractor fails to complete the work, including corrective items of work, under this Agreement within the time hereinabove specified and as adjusted by Contract Change Order(s). The Contractor will not be assessed liquidated damages for delay(s) occasioned by the failure of the City or of the owner of a utility to provide for the removal or relocation of utility facilities.

6. **Insurance.** The Contractor shall at all times during the term of this Agreement carry, maintain, and keep in full force and effect: (1) a policy or policies of broad-form comprehensive general liability insurance with minimum limits of $2,000,000.00 combined single limit coverage against any injury, death, loss, or damage as a result of wrongful or negligent acts by the Contractor, its officers, representatives, volunteers, employees, agents, and independent contractors in performance of services under this Agreement; (2) property damage insurance with a minimum limit of $1,000,000.00; (3) automotive liability insurance with a minimum combined single limits coverage of $1,000,000.00; and (4) workers’ compensation insurance with a minimum limit of $1,000,000.00 or the amount required by law, whichever is greater.

   Acceptable insurance coverage shall be from an admitted corporate surety insurer licensed in the State of California, approved by the City, and with a rating of, or equivalent to, A:VII by A.M. Best & Company.

   Any deviation from this rule shall require specific approval, in writing, from the City.

   All insurance policies shall provide that the insurance coverage shall not be non-renewed, canceled, reduced, or otherwise modified (except through addition of additional insured to the policy) by the insurance carrier without the insurance carrier giving the City thirty (30) days prior written notice thereof by certified mail, return receipt requested. The Contractor agrees that it will not cancel, reduce or otherwise modify said insurance coverage.

   The Contractor agrees that if it does not keep the aforesaid insurance in full force and effect, and such insurance is available at a reasonable cost, the City may take out the necessary insurance and pay the premium thereon, and the repayment thereof shall be deemed an obligation of the Contractor and the cost of such insurance may be deducted, at the option of the City, from payments due the Contractor.

   The Contractor shall submit to the City (1) insurance certificates indicating compliance with the minimum workers’ compensation insurance requirements above, and (2) insurance policy endorsements not less than one (1) day prior to beginning of performance under this Agreement.
Any deductibles must be declared to and approved by the City.

The general liability and automobile liability policies must contain or be endorsed to contain the following provisions: “The City of Jurupa Valley and their officers, agents, employees, and volunteers are to be covered as insureds with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of the contractor; and with respect to liability arising out of work or operations performed on behalf of the City of Jurupa Valley, including materials, parts or equipment furnished in connection with the work or operations.”

The insurance provided by Contractor shall be primary to any coverage available to the City.

The Contractor shall furnish the City with original certificates and amendatory endorsements effecting coverage required herein. All certificates and endorsements are to be received and approved by the City before work commences. The City may require, at any time, complete, certified copies of all required insurance policies, including endorsements affecting the coverage.

7. **Bonds.** The Contractor hereby agrees to provide and maintain in effect two (2) good and sufficient Surety Bonds for one hundred percent (100%) each of the contract price. The bonds shall be a “Faithful Performance Bond” which shall guarantee the faithful performance of all work and a "Labor and Materials Payment Bond" which shall secure the payment of the claims of labor, mechanics, or materialmen for all work under the Agreement pursuant to Section 9550 of the Civil Code.

8. **Contractor’s Guarantee.** The Contractor, the Contractor’s heirs, executors, administrators, successors, or assigns guarantee that all work performed under this Agreement fully meets the requirements thereof as to quality of workmanship and materials furnished. If any defects in materials or workmanship become evident within a period of one year from the date of the acceptance of the work by the City Council, the Contractor shall, at his or her own expense, make any repair(s) or replacement(s) necessary to restore the work to full compliance with the Plans and Specifications.

9. **Prevailing Wages.** Pursuant to the provisions of Section 1773 of the Labor Code of the State of California, the City Council has obtained the general prevailing rate of per diem wages and the general rate for holiday and overtime work in this locality for each craft, classification, or type of workman needed to execute this Contractor from the Director of the Department of Industrial Relations. Copies may be obtained from the California Department of Industrial Relations Internet website at http://www.dir.ca.gov. Contractor shall provide a copy of prevailing wage rates to any staff or sub-contractor hired, and shall pay the adopted prevailing wage rates as a minimum. Contractor shall comply with the provisions of Sections 1720, 1725.5, 1771.1(a), 1773.8, 1775, 1776, 1777.5, 1777.6, and 1813 of the Labor Code. Pursuant to the provisions of 1775 of the Labor Code, Contractor shall forfeit to the City, as a penalty, the sum of $200.00 for each calendar day, or portion thereof, for each laborer, worker, or mechanic employed, paid less than the stipulated prevailing rates for any work done under this Agreement, by him or by any subcontractor under him, in violation of the provisions of the Agreement. This project, work, or service will be subject to compliance monitoring and enforcement by the Department of Industrial Relations (DIR) pursuant to Labor Code Section 1771.4.

Registration with the Department of Industrial Relations (DIR) is mandatory as a condition for bidding, providing certain services, and working on a public works project as specified in Labor Code Section 1771.1(a). Contractor and any subcontractors must be registered with the Department of Industrial Relations to be qualified to bid, or provide a proposal and/or time and material quote or be listed in a bid, proposal or quote, subject to the requirements of Public Contract

Agreement - 3
AGREEMENT
PROJECT NO. 17-C.1

Code Section 4104; or engage in the performance of any contract that is subject to Labor Code Section 1720 et seq., unless currently registered and qualified to perform public work pursuant to Labor Code Section 1725.5. Contractor and subcontractors will be required to provide proof of registration with the DIR. For more information regarding registration with the Department of Industrial Relations, refer to http://www.dir.ca.gov/Public-Works/PublicWorks.html.

10. **Third Party Claims.** City shall have full authority to compromise or otherwise settle any claim relating to the Agreement at any time. City shall timely notify Contractor of the receipt of any third-party claim relating to the Agreement. City shall be entitled to recover its reasonable costs incurred in providing this notice.

11. **Antitrust Claims.** Contractor offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the California Business and Professions Code) arising from purchases of goods, services, or materials pursuant to the Agreement. This assignment shall be made and become effective at the time the City tenders final payment to Contractor without further acknowledgment by the parties.

12. **Claim Dispute Resolution.** In the event of any dispute or controversy with the City over any matter whatsoever, the Contractor shall not cause any delay or cessation in or of work, but shall proceed with the performance of the work in dispute. The Contractor shall retain any and all rights provided that pertain to the resolution of disputes and protests between the parties. The disputed work will be categorized as an “unresolved dispute” and payment, if any, shall be as later determined by mutual agreement or a court of law. The Contractor shall keep accurate, detailed records of all disputed work, claims and other disputed matters.

All claims arising out of or related to the Agreement or this Project, and the consideration and payment of such claims, are subject to the Government Claims Act (Government Code Section 810 et seq.) with regard to filing claims. All such claims are also subject to Public Contract Code Section 9204 and Public Contract Code Section 20104 et seq. (Article 1.5), where applicable. This Contract hereby incorporates those provisions as though fully set forth herein. Thus, the Contractor or any Subcontractor must file a claim in accordance with the Government Claims Act as a prerequisite to filing a construction claim in compliance with Section 9204 and Article 1.5 (if applicable), and must then adhere to Article 1.5 and Section 9204, as applicable, pursuant to the definition of “claim” as individually defined therein.

13. **Debarred, Suspended or Ineligible Contractors.** Contractor shall not be debarred throughout the duration of this Agreement. Contractor shall not perform work with debarred subcontractor pursuant to California Labor Code Section 1777.1 or 1777.7.

14. **Conflicts of Interest.** Contractor agrees not to accept any employment or representation during the term of this Agreement or within twelve (12) months after completion of the work under this Agreement which is or may likely make Contractor “financially interested,” as provided in Government Code Section 1090 and 87100, in any decisions made by City on any matter in connection with which Contractor has been retained pursuant to this Agreement.

15. **Trenching and Excavations.** If the project involves trenching more than four (4) feet deep, Contractor shall promptly, and before the following conditions are disturbed, notify the City in writing of any: material that Contractor believes may be hazardous waste, as defined in California Health and Safety Code Section 25117, that is required to be removed to a Class I, Class II, or Class III
disposal site in accordance with provisions of existing law; subsurface or latent physical conditions at the site differing from those indicated; or unknown physical conditions at the site of any unusual nature, different materially from those ordinarily encountered and generally recognized as inherent in work of the character provided for in the Agreement. The City shall promptly investigate the conditions, and if the City finds that the conditions do materially differ or do involve hazardous waste and cause a decrease or increase in Contractor’s cost of or the time required for performance of any part of the work, the City shall issue a change order.

16. **Utilities.** The City acknowledges its responsibilities under Government Code section 4215 and incorporates that section herein by this reference.

17. **Location of Existing Elements.** The methods used and costs involved to locate existing elements, points of connection and all construction methods are Contractor’s sole responsibility. Accuracy of information furnished, as to existing conditions, is not guaranteed by the City. Contractor, at its sole expense, must make all investigations necessary to determine locations of existing elements, which may include, without limitation, contacting U.S.A. Alert and other private underground locating firm(s), utilizing specialized locating equipment and/or hand trenching.

18. **Wage and Hour Laws.** The Contractor shall, as a penalty, forfeit twenty-five dollars ($25) for each worker employed in the execution of the Agreement for each calendar day during which the worker is required or permitted to work more than 8 hours in any one calendar day and 40 hours in any one calendar week in violation of the provisions of California Labor Code Section 1813. As provided for in California Labor Code Section 1810, a legal day's work is 8 hours of labor in any one calendar day.

19. **Audits.** The City or its representative shall have the option of inspecting and/or auditing all records and other written materials used by Contractor in preparing its billings to the City as a condition precedent to any payment to Contractor. Contractor will promptly furnish documents requested by the City. Additionally, Contractor shall be subject to State Auditor examination and audit at the request of the City or as part of any audit of the City, for a period of three (3) years after final payment under this Agreement.

20. **Entire Agreement.** This Agreement, including any other documents incorporated herein by specific reference, represents the entire and integrated agreement between City and Contractor. This Agreement supersedes all prior oral or written negotiations, representations or agreements. This Agreement may not be modified or amended, nor any provision or breach waived, except in a writing signed by both parties which expressly refers to this Agreement.

21. **Termination.** This Agreement may be canceled by the City at any time with or without cause without penalty upon thirty (30) days’ written notice. In the event of termination without fault of Contractor, City shall pay Contractor for all services satisfactorily rendered prior to date of termination, and such payment shall be in full satisfaction of all services rendered hereunder.

22. **Substitution of Securities.** Pursuant to California Public Contract Code Section 22300, the Contractor will be permitted the substitution of securities for any monies withheld by the City of Jurupa Valley to ensure performance under this Agreement. At the request and expense of the Contractor, securities equivalent to the amount withheld shall be deposited with the City of Jurupa Valley, or with a state or federally chartered bank as the escrow agent, who shall pay such monies to the Contractor. Securities eligible for substitution under this section shall include those listed in Section 16430 of the Government Code, bank or savings and loan certificates of deposit, interest-bearing demand deposit accounts, and standby letters of credit. The Contractor shall be the
beneficial owner of any securities substituted for monies withheld and shall receive any dividends or interest thereon. The Contractor shall give the City written notice within thirty (30) days after this Agreement is awarded that it desires to substitute securities for money that would ordinarily be withheld. If the substituted securities are deposited into an escrow, the escrow shall be governed by a written escrow agreement in a form which is substantially similar to the agreement set forth in Section 22300, of the Public Contract Code.

23. **Indemnification.** To the fullest extent permitted by law, Contractor hereby agrees, at its sole cost and expense, to defend, protect, indemnify, and hold harmless the City of Jurupa Valley and their officials, officers, attorneys, agents, employees, volunteers, successors, and assigns (collectively “Indemnitees”) from and against any and all damages, costs, expenses, liabilities, claims, demands, causes of action, proceedings, expenses, judgments, penalties, liens, and losses of any nature whatsoever, including fees of accountants, attorneys, or other professionals and all costs associated therewith (collectively “Liabilities”), arising or claimed to arise, directly or indirectly, out of, in connection with, resulting from, incidental to, or related to any act, failure to act, error, or omission of Contractor or any of its officers, agents, servants, employees, subcontractors, materialmen, suppliers or their officers, agents, servants or employees, arising or claimed to arise, directly or indirectly, out of, in connection with, resulting from, or related to this Agreement or the performance or failure to perform any term, provision, covenant, or condition of this Agreement, including this indemnity provision. This indemnity provision is effective regardless of any prior, concurrent, or subsequent active or passive negligence by Indemnitees and shall operate to fully indemnify Indemnitees against any such negligence. This indemnity provision shall survive the termination of the Agreement and is in addition to any other rights or remedies which Indemnitees may have under the law. Payment is not required as a condition precedent to an Indemnitee's right to recover under this indemnity provision, and an entry of judgment against an Indemnitee shall be conclusive in favor of the Indemnitee's right to recover under this indemnity provision. Contractor shall pay Indemnitees for any attorney’s fees and costs incurred in enforcing this indemnification provision. Notwithstanding the foregoing, nothing in this instrument shall be construed to encompass (a) Indemnitees' sole negligence or willful misconduct to the limited extent that the underlying Agreement is subject to Civil Code 2782(a) or (b) the contracting public agency's active negligence to the limited extent that the underlying Agreement is subject to Civil Code 2782(b).

This indemnity is effective without reference to the existence or applicability of any insurance coverages which may have been required under the Agreement or any additional insured endorsements which may extend to Indemnitees. The Contractor, on behalf of itself and all parties claiming under or through it, hereby waives all rights of subrogation and contribution against the Indemnitees, while acting within the scope of their duties, from all claims, losses and liabilities arising out of or incident to activities or operations performed by or on behalf of the Contractor regardless of any prior, concurrent, or subsequent active or passive negligence by the Indemnitees.

24. **Assignment.** The parties do for themselves, their heirs, executors, administrators, successors and assigns agree to the full performance of all of the provisions herein contained. The Contractor may not, either voluntarily or by action of law, assign any obligation assumed by the Contractor hereunder without prior written consent of the City.

25. **Attorney's Fees.** If any legal action or other proceeding, including action for declaratory relief, is brought for the enforcement of this Agreement or because of an alleged dispute, breach, default or misrepresentation in connection with this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees, experts' fees, and other costs, in addition to any other relief to which the party may be entitled.
26. **Worker's Compensation Insurance.** By my signature hereunder, as Contractor, I certify that I am aware of the Provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the Provisions of that code, and I will comply with such Provisions before commencing the performance of the work of this Agreement.

27. **Effective Date.** The effective date of this Agreement shall be the date of the Award of Contract by the City of Jurupa Valley.

28. **Contractor's License.** Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a Contractor may be referred to the Registrar, Contractors’ State License Board, 3132 Bradshaw Road, Sacramento, CA 95826. Mailing address: P.O. Box 26000, Sacramento, CA 95826.

(SIGNATURE PAGE FOLLOWS)
AGREEMENT
PROJECT NO. 17-C.1

CITY OF JURUPA VALLEY, Municipal Corporation

ELECNOR BELCO ELECTRIC, INC.

BY: ____________________________________________
    Gary S. Thompson, City Manager, City of Jurupa Valley

License No./
Classification: ________________________________

Expiration Date: ______________________________

Federal I.D. No.: ______________________________

DATE: ______________________________

SIGNING INSTRUCTION TO THE CONTRACTOR:

All signatures on the Agreement on behalf of the Contractor must be acknowledged before a notary public.

General Partners must sign on behalf of the partnership.

In the event that the contracting firm is a corporation, two (2) corporate officer’s having authority from the corporation MUST sign (two (2) signatures total). If the corporation has a corporate resolution stating that one person is authorized to sign on behalf of all officers, attach corporate resolution immediately following the notary certificates. Corporate Seal may be affixed hereto.

INTERNAL USE ONLY

ATTEST:

_____________________________________
    City Clerk
    (only needed if Mayor signs)

APPROVED AS TO LEGAL FORM:

_____________________________________
    City Attorney

_____________________________________
    Date

RECOMMENDED FOR APPROVAL:

_____________________________________
    Department Head

PRINT NAME: ____________________________
SIGNATURE: ____________________________
TITLE: _________________________________
DATE: _________________________________

PRINT NAME: ____________________________
SIGNATURE: ____________________________
TITLE: _________________________________
DATE: _________________________________

INTERNAL USE ONLY

ATTEST:

_____________________________________
    City Clerk
    (only needed if Mayor signs)

APPROVED AS TO LEGAL FORM:

_____________________________________
    City Attorney

_____________________________________
    Date

RECOMMENDED FOR APPROVAL:

_____________________________________
    Department Head

PRINT NAME: ____________________________
SIGNATURE: ____________________________
TITLE: _________________________________
DATE: _________________________________

PRINT NAME: ____________________________
SIGNATURE: ____________________________
TITLE: _________________________________
DATE: _________________________________

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ATTEST:

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    City Clerk
    (only needed if Mayor signs)

APPROVED AS TO LEGAL FORM:

_____________________________________
    City Attorney

_____________________________________
    Date

RECOMMENDED FOR APPROVAL:

_____________________________________
    Department Head

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KNOW ALL MEN AND WOMEN BY THESE PRESENTS:

THAT WHEREAS, the City Council of the City of Jurupa Valley, State of California, known as "City," has awarded to Elecnor Belco Electric, Inc., as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City Manager, and identified as Project No. 17-C.1, Limonite Avenue and Marlatt Street Pedestrian Hybrid Beacon, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond guaranteeing the faithful performance of said Agreement;

NOW THEREFORE, we the undersigned Contractor and ____________________________, as Surety, are held and firmly bound unto the City of Jurupa Valley, County of Riverside in the penal sum of one hundred forty seven thousand five hundred twenty six dollars, ($147,526.00), lawful money of the United States, to be paid to the said City or its certain attorney, its successors and assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound Contractor, his or her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in said Agreement and any alterations thereof made as therein provided, on his or her or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Jurupa Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect. In the event suit is brought upon this bond by the City and judgment is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Agreement or to the work to be performed thereunder, or the Provisions accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Agreement or to the work or the Provisions.

(SIGNATURE PAGE FOLLOWS)
IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this 7th day of February 2019.

ELECNOR BELCO ELECTRIC, INC.  

Contractor Name: ___________________________  
Address: ___________________________  
Telephone No.: ___________________________
Print Name: ___________________________  
Signature: ___________________________
Approved as to Form this  
_____ day of ___________________________ 2019  

City Attorney  
City of Jurupa Valley

NOTE: This bond must be executed by both parties. Corporate seal may be affixed hereto. All signatures must be acknowledged before a notary public (attach acknowledgments). The attorney-in-fact for the corporate surety must be registered, as such, in at least one county in the State of California. (Attach one original Power of Attorney sheet for each bond).
KNOW ALL MEN AND WOMEN BY THESE PRESENTS

THAT WHEREAS, the City Council of the City of Jurupa Valley, State of California, known as "City", has awarded to Elecnor Belco Electric, Inc., as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City Manager, and identified as Project No. 17-C.1, Limonite Avenue and Marlatt Street Pedestrian Hybrid Beacon, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond to secure the payment of claims of laborers, mechanics, materialmen, and other persons, as provided by law;

NOW, THEREFORE, we the undersigned Contractor and ____________________________, as Surety are held and firmly bound unto the City of Jurupa Valley, County of Riverside, in the penal sum of one hundred forty seven thousand five hundred twenty six dollars, ($147,526.00), lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Contractor, his or her or its heirs, executors, administrator, successors or assigns, or subcontractors, shall fail to pay any of the persons described in the State of California Civil Code, Section 9100, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board from the wages of employees of the Contractor and his or her subcontractors, pursuant to Section 13020, of the Unemployment Insurance Code, with respect to such work and labor, that the Surety or Sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In the event suit is brought upon this bond by the City or other person entitled to bring such an action and judgment is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

This bond shall inure to the benefit of any of the persons described in the State of California Civil Code Section 9100, to give a right of action to such persons or their assigns in any suit brought upon this bond.

(SIGNATURE PAGE FOLLOWS)
LABOR AND MATERIALS PAYMENT BOND
PROJECT NO. 17-C.1

BOND NO.___________

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this 7th day of February 2019.

ELECNOR BELCO ELECTRIC, INC.

Contractor Name: ____________________________
Name: ____________________________
Address: ____________________________
Address: ____________________________

Telephone No.: ____________________________
Telephone No.: ____________________________

Print Name: ____________________________
Print Name: ____________________________
Attorney-in-Fact

Signature: ____________________________
Signature: ____________________________

Approved as to Form this
_____ day of ____________________________ 2019

City Attorney
City of Jurupa Valley

NOTE: This bond must be executed by both parties. Corporate seal may be affixed hereto. All signatures must be acknowledged before a notary public (attach acknowledgments). The attorney-in-fact for the corporate surety must be registered, as such, in at least one county in the State of California. (Attach one original Power of Attorney sheet for each bond).
STAFF REPORT

DATE: FEBRUARY 7, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: GARY S. THOMPSON, CITY MANAGER

BY: THOMAS G. MERRELL, AICP, PLANNING DIRECTOR

SUBJECT: AGENDA ITEM NO. 14.A

PUBLIC HEARING TO CONSIDER CHANGE OF ZONE (CZ) NO. 18001 FROM R-R (RURAL RESIDENTIAL) TO R-1 (ONE FAMILY DWELLINGS) AND NOTICE OF PLANNING COMMISSION DECISION TO APPROVE MASTER APPLICATION (MA) NO. 18089 (TTM37470, VAR18004, AND EXCEPTION TO SECTION 7.10.080 (C) OF TITLE 7) A PROCEDURAL REQUIREMENT FOR NOTICING THE ADVISORY AGENCY’S (PLANNING COMMISSION) DECISION OF APPROVING A SUBDIVISION OF A PROPERTY LOCATED SOUTH OF INTERSECTION OF 30TH STREET AND SIERRA AVENUE, APNS: 177-020-018; 177-020-012; 177-110-005 (APPLICANT: JA BRAY, LLC)

RECOMMENDATION

1) That the City Council receive and file the Notice of Decision, initiating the commencement of a ten-day appeal period for TTM37470, VAR18004, and Exception to Section 7.10.080 (c) of Title 7.

2) That the City Council adopt Resolution No. 2019-10, entitled:


3) That the City Council conduct a first reading and introduce Ordinance No. 2019-02, entitled:
AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITY OF JURUPA VALLEY OFFICIAL ZONING MAP CHANGING THE ZONE OF APPROXIMATELY 6.74 GROSS ACRES OF REAL PROPERTY LOCATED SOUTH OF THE INTERSECTION OF 30TH STREET AND SIERRA AVENUE (APNS: 177-020-018, 177-020-012, 177-110-005) FROM RURAL RESIDENTIAL (R-R) ZONE TO ONE (1) FAMILY DWELLINGS (R-1) ZONE AND MAKING FINDINGS PURSUANT TO CEQA

BACKGROUND

On January 9, 2019, the Planning Commission held a public hearing and took the following actions:

1. Approved the entitlements for a 34-single family lot subdivision, Highland Park 2, and adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting program. The entitlements included a Tentative Tract Map with an exception to Section 7.10.080 (c) of Title 7, and a Variance.

2. Recommended to the City Council to approve the Change of Zone of the project site.

Both adopted Planning Commission resolutions are attached to this staff report.

PROJECT DESCRIPTION

Highland Park 2. The proposed project is for a 34-single-family lot subdivision on approximately 6.74 acres. The average lot size for this project is 6,400 square-feet. It is located south of the intersection of 30th Street and Sierra Avenue in the Sunnyslope area. See Exhibit A for the project location. Project location is indicated with a star.

The land was originally intended to be made a part of the original Highland Park 1 application that was approved by the City Council in 2016. However, the applicant and the previous owner, County of Riverside, did not come to an agreement on the land acquisition until after the Highland Park 1 approval. Thus, the applicant made a separate application for this 34-single-family lot subdivision. Highland Park 2 (34 units) adds about 8% to Highland Park 1 (398 units). See Exhibit B for the approved Highland Park 1 project.

The applicant intends for both projects to be developed similar in character and quality including architectural styles and floor plans. Highland Park 2 cannot request to change the zoning to R-4 (same zoning as Highland Park 1) due to a code requirement that requires the project area to be at least 9 acres. Highland Park 2 is 6.74 acres. Thus, the request is for an R-1 zone.

Although Highland Park 1 is zoned R-4 and Highland Park 2 will be zoned R-1, both R-1 and R-4 zones are consistent with the General Plan land use designation of Medium Density Residential (MDR) (maximum 5 units per acre).
The intended residential character for Medium Density Residential detached single-family homes is for an average lot size of 6,000 square-feet.

Had the project been included with the original Highland Park application, the project site could have been zoned R-4. Thus, if the project had been zoned R-4, all the lots would comply with the R-4 development standards. It is only a technicality that the project cannot be zoned R-4.

The project site abuts the western boundary of Highland Park 1. Exhibit C presents the location of “Highland Park 1” in yellow and indicates the location of “Highland Park 2” with a star.

**EXHIBIT A. PROJECT SITE (SOURCE: COUNTY OF RIVERSIDE GIS)**

Table 1 presents general project information and Table 2 presents the requested applications. Per the Municipal code, the Planning Commission is the advisory agency for Schedule “A” tentative maps and Variances. Thus, the Planning Commission takes action on both of the Tentative Tract Map (TTM) with exception and Variance applications for this project.

The Planning Commission approved those entitlements on January 9, 2019 and recommended City Council to approve the Change of Zone. The TTM and VAR will not take effect unless the Change of Zone is approved and effective.
Background of Highland Park 1. In March 2016, the City Council approved a residential subdivision for 398 single-family homes, see Exhibit C, with a community park on 168 acres of land in the Sunnyslope community. The residential subdivision is named Highland Park and it is surrounded by residential communities. Highland Park 1 has an average lot size of 6,550 square-feet for a total of 398 single-family homes.
Highland Park 2 has an average lot size of 6,400 square-feet. It is located north of Canal Street, east of Sierra Avenue / 20th Street, and north of the Union Pacific Railroad line. Refer to Exhibit B for location.

EXHIBIT B. LOCATION OF APPROVED HIGHLAND PARK 1 PROJECT
(SOURCE: COUNTY OF RIVERSIDE GIS)

Highland Park 1 includes an abandoned quarry located adjacent to the homes and community. The land use designation and zoning were for industrial use and mining. Since Highland Park was approved, the Medium Density Residential land use designation and R-4 (Planned Residential) zone are for residential use.

R-4 zone allows for both (1) a minimum lot area of 3,600 square-feet and (2) a minimum of 6,000 square-feet overall per dwelling unit that includes recreation and service areas. The zone is intended for smaller lots with a greater area of shared common recreation and open space or a conventional single-family neighborhood with 6,000 square-feet lots.
**EXHIBIT C. APPROVED HIGHLAND PARK 1 PROJECT (398 UNITS)**

**2017 General Plan.** As part of the adoption of the 2017 General Plan, the City Council approved the project site for Highland Park 2 to have a land use designation of Medium Density Residential (MDR) which was recommended by staff in anticipation of this application. The surrounding area has the same land use designation of MDR. The General Plan Land Use Element states that the MDR allows up to 5 units per acre with a minimum lot size of 5,500 square feet. The General Plan also allows multiple zones consistent with MDR: R-1, R-2, R-2A, R-4, R-6, R-T, SP, and PUD. See Exhibit D for the land use map which shows the general area designated as MDR.

**EXHIBIT D. EXCERPT FROM 2017 GENERAL PLAN LAND USE MAP**
ANALYSIS

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT. The City of Jurupa Valley has prepared and intends to adopt a Mitigated Negative Declaration (MND) for the Project. The proposed Mitigated Negative Declaration is supported by an Initial Study that evaluated potential effects with respect to Aesthetics, Agriculture and Forest Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation/Traffic, and Utilities and Service Systems. The proposed Mitigated Negative Declaration determines 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 or agreed to by the Applicant. The City’s decision to prepare a Mitigated Negative Declaration should not be construed as a recommendation of either approval or denial of this Project. Planning Condition No. 4 requires all the mitigation measures of the Mitigation Monitoring and Reporting Program (MMRP) to be as conditions.

Public Review Period. The public review period for the environmental document began on November 20, 2018 and ended on December 19, 2018. The City did not receive any comments.

II. GENERAL PLAN. The proposed project is consistent with the recently adopted General Plan. The project meets the intent, characteristics and policies of the land use designation. The zones that can be used with MDR are R-1, R-2, R-2A, R-4, R-6, R-T, SP, and PUD. The proposed zoning classification of R-1 (One (1) Family Dwellings) is consistent with Medium Density Residential (MDR). MDR is for single-family detached and attached residential and allows up to 5 dwelling units per acre. This project is for single-family detached and the project’s density is 5 dwelling units per acre. MDR’s typical lot size ranges from 5,500 square-feet to 20,000 square-feet. The project’s average lot size is almost 6,400 square-feet with one lot under 6,000 square-feet and a several lots greater than 7,200 square-feet.

III. ZONING ORDINANCE. The project is consistent with the proposed R-1 zone (One (1) Family Dwellings). The Planning Commission approved the TTM with exception and a Variance for the subdivision. Table 3 summarizes the variances to the lot area, lot width, lot depth, and lot frontage. The characteristics of this proposed neighborhood will be very similar to the existing neighborhoods especially from the street. The setbacks are the same. The size of the homes is generally the same. The only difference is a slightly larger backyard that is not visible from the street. In other words, it is not possible to visually determine whether a neighborhood has 6,000 square-feet lots or 7,200 square-feet lots.
TABLE 3. R-1 ZONE’S APPLICABLE DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>Does The Project Comply?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area: Minimum 7,200 sq. ft.</td>
<td>Yes – with an approved Variance. Average lot size is almost 6,400 square-feet with one lot at 5,711 square-feet</td>
</tr>
<tr>
<td>Average Width of Lot: Min. 60 ft.</td>
<td>Yes – with an approved Variance</td>
</tr>
<tr>
<td>Average Depth of Lot: Min. 100 ft.</td>
<td>Yes, as shown on the TTM</td>
</tr>
<tr>
<td>Lot Frontage:</td>
<td></td>
</tr>
<tr>
<td>• Minimum 60 ft.</td>
<td>Yes – with an approved Variance</td>
</tr>
<tr>
<td>• Lots fronting on knuckles or cul-de-sac may have a min. of 35 ft.</td>
<td></td>
</tr>
</tbody>
</table>

CONCLUSION

This project is designed to be a part of the Highland Park 1 community that the City Council approved. The character and aesthetics of both tracts will be the same as this project will have the same architecture and floor plans. Moreover, the lot design is similar. The average lot size for Highland Park 1 is 6,550 square-feet and Highland Park 2 is 6,400 square-feet. The project is small since it adds only 8% to the overall Highland Park project. The proposed project is compatible with the community.

The Planning Commission approved the entitlements for the subdivision and has recommended approval of Change of Zone to the City Council.

For these reasons, the staff recommends approval of the Change of Zone.

FINANCIAL IMPACT

There are no financial impacts associated with the Notice of Decision or the Change of Zone as the Applicant has covered all associated costs for processing.

ALTERNATIVES

1. That the City Council receive and file the Notice of Decision, initiating the commencement of a ten-day appeal period for TTM37470, VAR18004, AND Exception to Section 7.10.080 (c) of Title 7; adopt Resolution No. 2019-10 and conduct the first reading and introduce Ordinance No. 2019-02, to allow the Change of Zone No. 18001 from R-R (Rural Residential) to R-1 (One Family Dwellings) for property located south of 30th Street and Sierra Avenue, APNS: 177-020-018; 177-020-012; 177-110-005; (the recommended action)

2. That the City Council receive and file the Notice of Decision.
3. Provide alternative direction to staff.

Prepared by:

Thomas G. Merrell, AICP
Planning Director

Submitted by:

Gary S. Thompson
City Manager

Reviewed by:

Alan Kreimeier
Administrative Services Director

Reviewed by:

Peter M. Thorson
City Attorney

Reviewed by:

George A. Wentz
Deputy City Manager

ATTACHMENTS
1. Resolution No. 2019-10
   a. Exhibit A. Mitigated Negative Declaration & Mitigation Monitoring Reporting Program (MMRP) (on file with City and on City’s website)

2. Ordinance No. 2019-02
   a. Mitigated Negative Declaration & Mitigation Monitoring Reporting Program (MMRP) Planning Commission Resolution No. 2019-01-09-01 (on file with City and on City’s website)


4. Planning Commission Resolution No. 2019-01-09-02
   a. Exhibit A. Conditions of Approval
   b. Exhibit B. Mitigated Negative Declaration & Mitigation Monitoring Reporting Program (MMRP) (not included because it is included as Exhibit A in Resolution No. 2019-10)
4. Planning Commission Staff Report for January 9, 2019 (excluding exhibits)
5. Tentative Tract Map No. 37470 (2 pages)
6. Landscape Plan with Wall & Fence Plan (2 pages)
7. Change of Zone exhibit
8. Radius Map
RESOLUTION NO. 2019-10


THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. Project. JA Bray, LLC (the “Applicant”) has applied for Change of Zone No. 18001, Variance No. 18004, and an exception to Section 7.10.080.C. of the Jurupa Valley Municipal Code, and Tentative Tract Map No. 37470 (collectively, Master Application No. 18089 or MA No. 18089) to change the classification of real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) from Rural Residential (R-R) Zone to One (1) Family Dwellings (R-1) Zone, and to permit a Schedule “A” subdivision of approximately 6.74 gross acres into thirty-four (34) single-family residential lots on real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) (the “Project”).

Section 2. Procedural Findings. The City Council of the City of Jurupa Valley does hereby find, determine and declare that:

(a) The application for MA No. 18089 was processed including, but not limited to, a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

(b) On January 9, 2019, the Planning Commission of the City of Jurupa Valley held a public hearing on MA No. 18089, at which time all persons interested in the Project had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission closed the public hearing. At the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission adopted Resolution No. 2019-01-09-01, recommending that the City Council adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve Change of Zone No. 18001 to change the zoning classification of approximately 6.74 gross acres of real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) from Rural Residential (R-R) Zone to One (1) Family Dwellings (R-1) Zone. Additionally, the Planning Commission adopted Resolution No. 2019-01-09-02, approving Variance No. 18004, an exception to Section 7.10.080.C. of the Jurupa Valley Municipal Code, and Tentative Tract Map No. 37052.
(c) On February 4, 2019, the Planning Department filed a notice of the Planning Commission’s decision approving Tentative Tract Map No. 18004 with the City Clerk and a copy of the notice was mailed to the Applicant, the Applicant’s authorized agent, and all interested parties requesting a copy.

(d) On February 7, 2019, the Planning Department filed a notice of the Planning Commission’s decision approving Tentative Tract Map No. 18004 with the City Council, which notice was placed on the City Council’s regular meeting agenda on that date.

(e) On February 7, 2019, the City Council of the City of Jurupa Valley held a public hearing on the proposed Change of Zone No. 18001, at which time all persons interested in the Project had the opportunity and did address the City Council on these matters. Following the receipt of public testimony the City Council closed the public hearing.

(f) All legal preconditions to the adoption of this Resolution have occurred.

Section 3. California Environmental Quality Act Findings for Adoption of Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. The City Council of the City of Jurupa Valley hereby makes the following environmental findings and determinations in connection with the approval of Change of Zone No. 18001:

(a) Pursuant to the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code §21000 et seq.) and the State Guidelines (the “Guidelines”) (14 Cal. Code Regs. §15000 et seq.), City staff prepared an Initial Study of the potential environmental effects of the approval of the Project as described in the Initial Study. Based upon the findings contained in that Study, City staff determined that, with the incorporation of mitigation measures, there was no substantial evidence that the Project could have a significant effect on the environment and a Mitigated Negative Declaration (“MND”) was prepared by the City in full compliance with CEQA.

(b) Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the MND as required by law. The public comment period commenced on November 20, 2018, and expired on December 19, 2018. Copies of the documents have been available for public review and inspection at City Hall, 8930 Limonite Avenue, Jurupa Valley, California 92509. The City received did not receive any comments during the public review period.

(c) On January 9, 2019, the Planning Commission conducted a duly noticed public hearing to consider the Project and the MND, reviewed the staff report, accepted and considered public testimony. After due consideration, the Planning Commission found that agencies and interested members of the public were afforded ample notice and opportunity to comment on the MND and the Project and approved Resolution No. 2019-01-09-01 recommending that City Council adopt the MND, adopt a Mitigation Monitoring and Reporting Program for the Project, and approve the proposed Change of Zone No. 18001.

(d) The City Council has reviewed the MND and the Mitigation Monitoring and Reporting Program (“MMRP”), attached as Exhibit “A.” and all comments received regarding the MND and, based on the whole record before it, finds that:
1) The MND was prepared in compliance with CEQA;
2) With the incorporation of mitigation measures, there is no substantial evidence that the Project will have a significant effect on the environment; and
3) The MND reflects the independent judgment and analysis of the City Council.

(e) Based on the findings set forth in this Resolution, the City Council hereby adopts the MND and MMRP for the Project.

(f) The Planning Director is authorized and directed to file a Notice of Determination in accordance with CEQA.

Section 4. Certification. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 7th day of February, 2019.

______________________________
Brian Berkson
Mayor

ATTEST:

______________________________
Victoria Wasko, CMC
City Clerk
CERTIFICATION

STATE OF CALIFORNIA  )
COUNTY OF RIVERSIDE  ) ss.
CITY OF JURUPA VALLEY  )

I, Victoria Wasko, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-10 was duly passed and adopted at a meeting of the City Council of the City of Jurupa Valley on the 7th day of February, 2019 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, on the 7th day of February, 2019.

________________________________
Victoria Wasko, City Clerk
City of Jurupa Valley
EXHIBIT “A”

Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
Initial Study/
Mitigated Negative Declaration

City of Jurupa Valley Master Application No. 18089

Change of Zone No. 18001
Tentative Tract Map No. 37470 with Exception
Variance No. 18004

City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, CA 92509
Contact: Annette Tam, Senior Planner
(951) 332-6464
atam@jurupavalley.org

Applicant:

JA Bray, LLC c/o
John Schafer
jschafer@richlandcommunities.com
949-383-4127

November 12, 2018
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MASTER APPLICATION NO. 18089 SUMMARY

**Change of Zone (CZ) No. 18001:** Amend the City of Jurupa Valley Zoning Map from R-R (Rural Residential) to R-1 (One Family Dwelling).

**Tentative Tract Map (TTM) No. 37470 with an Exception:** Subdivide 6.76 acres of land into 34 single-family residential lots with a minimum lot size of 5,711 square feet. The exception is to allow several lots out of 34 lots to have lot depth greater than 2 ½ times than the lot width.

**Variance (VAR) No. 18004:** The Variance application is to request the change of minimum lot area from 7,200 square-feet to 5,711 square-feet and the minimum average frontage of lot from 60 feet to 50 feet.
1.0. INTRODUCTION

1.1 Purpose of an Initial Study

The California Environmental Quality Act (CEQA) requires that before a public agency makes a decision to approve a project that could have one or more adverse effects on the physical environment, the agency must inform itself about the project’s potential environmental impacts, give the public an opportunity to comment on the environmental issues, and take feasible measures to avoid or reduce potential harm to the physical environment.

The purpose of this Initial Study is to provide a preliminary analysis of a proposed action to determine whether a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report should be prepared for a project. An Initial Study also enables an applicant or the City of Jurupa Valley to modify a project, mitigating adverse impacts in lieu of preparing an Environmental Impact Report, thereby potentially enabling the project to qualify for a Negative Declaration or a Mitigated Negative Declaration.

1.2 Purpose of a Mitigated Negative Declaration

A Mitigated Negative Declaration is a written statement by the City of Jurupa Valley that the Initial Study identified potentially significant environmental effects of the Project but the Project is revised or mitigation measures are required to eliminate or mitigate impacts to less than significant levels.

1.3 Initial Study Checklist/Mitigated Negative Declaration Document

This document in its entirety is an Initial Study/Mitigated Negative Declaration prepared in accordance with the California Environmental Quality Act (CEQA), including all criteria, standards, and procedures of CEQA (California Public Resource Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et seq.).

1.4 Public Review and Processing of the Initial Study Checklist/Mitigated Negative Declaration

This Initial Study Checklist/Mitigated Negative Declaration and a Notice of Intent to adopt the Mitigated Negative Declaration was distributed to the following entities for a 30-day public review period:

1) The State Clearinghouse;

2) Organizations and individuals who have previously requested such notice in writing to the City of Jurupa Valley;

3) Responsible and trustee agencies (public agencies that have a level of discretionary approval over some component of the proposed Project); and

4) The Riverside County Clerk.
The Notice of Intent also was noticed to the general public in the *Riverside Press-Enterprise*, which is a primary newspaper of circulation in the areas affected by the Project.

The Notice of Intent identifies the location(s) where the Initial Study/Mitigated Negative Declaration and its associated Mitigation Monitoring Reporting Program and technical reports are available for public review. During the 30-day public review period, comments on the adequacy of the Initial Study/Mitigated Negative Declaration document may be submitted to the City of Jurupa Valley Planning Department.

Following the 30-day public review period, the City of Jurupa Valley Planning Department will review any comment letters received during to determine whether any substantive comments were provided that may warrant revisions or recirculation to the Initial Study/Mitigated Negative Declaration document. If recirculation is not required (as defined by CEQA Guidelines §15073.5(b)), written and/or oral responses will be provided to the City of Jurupa Valley Planning Commission for review as part of their deliberations concerning the Project.

For this Project, the Jurupa Valley Planning Commission has the authority to recommend, conditionally recommend, or not recommend the Project for approval. The Jurupa Valley City Council has exclusive authority to approve, conditionally approve, or deny the Project. Accordingly, public hearings will be held before the Jurupa Valley Planning Commission and City Council to consider the proposed Project and the adequacy of this Initial Study/Mitigated Negative Declaration. At the conclusion of the public hearing process, the City Council will take action to approve, conditionally approve, or deny the proposed Project. If approved, the City Council will adopt findings relative to the Project’s environmental effects as disclosed in the Initial Study/Mitigated Negative Declaration and a Notice of Determination will be filed with the Riverside County Clerk.

### 1.5 Initial Study /Mitigated Negative Declaration Findings and Conclusions

Section 3.0 of this document contains the Environmental Checklist/Initial Study that was prepared for the proposed Project pursuant to CEQA and City of Jurupa Valley requirements.

The environmental factors marked with an “X” below would be potentially affected by this Project and thus require mitigation to reduce impacts to “less than significant” as indicated by the checklist on the following pages.

- [ ] Aesthetics
- [X] Biological Resources
- [ ] Greenhouse Gas Emissions
- [X] Land Use / Planning
- [ ] Population / Housing
- [ ] Transportation/Traffic
- [X] Mandatory Findings of Significance
- [ ] Agriculture and Forestry Resources
- [X] Cultural Resources
- [ ] Hazards & Hazardous Materials
- [ ] Mineral Resources
- [ ] Public Services
- [X] Tribal Cultural Resources
- [ ] Air Quality
- [ ] Geology /Soils
- [ ] Hydrology / Water Quality
- [X] Noise
- [ ] Recreation
- [ ] Utilities/Service Systems

---

**Introduction**

Page 2
The Initial Study determined that, with the incorporation of mitigation measures, there is no substantial evidence, in light of the whole record before the Lead Agency (City of Jurupa Valley), that the Project may have a significant effect on the environment. Therefore, based on the findings of the Initial Study Checklist, the City of Jurupa Valley determined that a Mitigated Negative Declaration is the appropriate CEQA determination for the Project pursuant to CEQA Guidelines § 15070(b).
2.0 PROJECT BACKGROUND

2.1 Project Location

The City of Jurupa Valley covers approximately 43.5 square miles within the County of Riverside. The City is bordered by the City of Fontana and County of San Bernardino to the north, City of Norco to the south, City of Eastvale to the west, and City of Riverside and County of San Bernardino to the east. Specifically, the Project is located on the south side of intersection of Sierra Avenue & 30th Street. (Refer to Exhibit 1).

The Project site is identified by the following Assessor Parcel Numbers: 177-020-012, 177-020-018, and 177-110-005.

2.2 Project Description

The Project Applicant, JA Bray, LLC, submitted the following applications to the City of Jurupa Valley, which comprise the proposed Project: Change of Zone (CZ) No. 18001, Tentative Tract Map (TTM) No. 37470 with an Exception to Section 7.10.080 (C) of Title 7., and Variance (VAR) No. 18004. The City of Jurupa Valley also refers to these applications as Master Application (MA) No. 18089. The Project's application materials are on file with the City of Jurupa Valley Planning Department, 8930 Limonite Avenue, Jurupa Valley, CA 92509 and are hereby incorporated by reference.

A. **Change of Zone No. 18001**: Amend the City of Jurupa Valley Zoning Map from R-R (Rural Residential) to R-1 (One-Family Dwellings).

B. **Tentative Tract Map No. 37470**

Subdivide 6.76 acres of land into 34 single-family residential lots with a minimum lot size of 5,711 square feet and related infrastructure and landscaping improvements.

*Street Improvements*

The Project proposes the following street improvements:

- **30th Street** is proposed to be improved as a Local Street within a half-width right-of-way of 33-feet with 2 travel lanes, a 6-foot wide landscaped parkway, and a 5-foot wide sidewalk adjacent to the Project site.

- Proposed **Street A** is proposed to be improved as a Local Street within a full-width right-of-way of 56-feet with 2 travel lanes, a 5-foot wide landscaped parkway, and a 5-foot wide sidewalk adjacent to the Project site.

*Trails*

A 10-foot wide multi-purpose trail easement is proposed along the western and southern boundaries of the Project site.

*Drainage Improvements*
Drainage will flow in Street A from north to south where it will be captured in the water quality basin at the southern end of the Project site. After first flush treatment, it will be discharged via a storm drain line that will connect to the storm drain line maintained by the Riverside County Flood Control District which borders the western boundary of the Project site.

*Sewer and Water Improvements*

An 8-inch sewer line will be constructed that connects via an easement between Lot 15 and Lot 16 and will connect to the sewer system within Tract 31894 to the east of the Project site.

An 8-inch water line will be constructed in Street A to connect to the water line in 30th Street.

*Construction Duration*

Project construction is anticipated to occur over 13-month period. (Refer to Section 4.3, *Air Quality*, for additional details.

C. **Variance No. 18004.**

The Variance application is to request the change of (1) minimum lot area from 7,200 square-feet to 5,711 square-feet and (2) minimum lot frontage from 60 feet to 50 feet.

D. **De-Annexation of Jurupa Community Services District to Rubidoux Community Services District.**

The Project site is located within the Jurupa Community Services District (JCSD). The JCSD Board of Directors approved a “no contest” action that supports the de-annexation of the Project site from JCSD and the annexation of the Project site to the Rubidoux Community Services District. As such, water and sewer service will be provided to the Project site by the Rubidoux Community Services District.

2.3 **Existing Site Conditions/Environmental Setting**

CEQA Guidelines §15125 establishes requirements for defining the environmental setting to which the environmental effects of a proposed project must be compared. The environmental setting is defined as “...the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time the environmental analysis is commenced...” (CEQA Guidelines §15125[a]). A Notice of Preparation was not required at the time the Initial Study Checklist was commenced. Thus the environmental setting for the Project is the approximate date that the Project’s Initial Study Checklist commenced on April 30, 2018.

The Property is approximately 6.76-acres in size and located on the south side of 30th Street between 30th Street and Canal Street. The Property is currently undeveloped land. The soils and vegetation on the proposed Project site have been disturbed historically by quarry activities, off-highway vehicle activity, illegal dumping, and recreational use. The soils on the proposed Project site are loose sands and sandy loam. The dominant plant community on the Project site is non-
native annual grassland. Elevation at the site varies from approximately 880 to 910 feet above mean sea level. Current access to the Project site is provided by 30th Street to the north which is a paved 2-lane roadway and has no curb, gutter or sidewalk adjacent to the site.

Currently, the Project site is frequently disturbed by off-highway vehicle use, illicit dumping, and several campsites built by vagrant trespassers. The proposed Project site was also used to for staging of equipment, to access the railroad, and for truck access to the home framing storage yard located southwest of the proposed Project site. In the past, the proposed Project site was used for farming and cultivated crops. The fence in the center of the Project site also has an earthen berm along the fence row. An earthen berm was constructed along the railroad easement and Canal Street south of the Project site. The Project site was crisscrossed by many roads over the past 20 years during the construction of Line A and the houses north of 30th Street. The three rail spurs and buildings constructed for the granite rock quarry in 1940 altered the land along the eastern edge of the proposed project. Existing and surrounding land uses are shown in Table 1.

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>Vacant land.</td>
</tr>
<tr>
<td>North</td>
<td>30th street with single-family homes further to the north.</td>
</tr>
<tr>
<td>South</td>
<td>Railroad tracks with Canal Street and single-family homes further to the south.</td>
</tr>
<tr>
<td>East</td>
<td>Vacant land.</td>
</tr>
<tr>
<td>West</td>
<td>Vacant land with Mt. Rubidoux Nursing Center, single-family residences, and a vehicle storage facility further to the west.</td>
</tr>
</tbody>
</table>

Source: Field Inspection, April 2018

2.4 Existing General Plan Land Use and Zoning Designations

The City Council adopted the City of Jurupa Valley's first locally prepared General Plan on September 7, 2017. The 2017 General Plan is the primary tool to guide the development and character of Jurupa Valley for the next five to ten years.

The Project site's land use designation is Medium Density Residential (MDR) which allows residential development at 2-5 dwelling units per acre. A summary of the existing General Plan land use and zoning designations for the Project site and surrounding properties is provided in Table 2.
### Table 2. Existing and Surrounding General Plan Designations and Zoning Classifications

<table>
<thead>
<tr>
<th>Location</th>
<th>General Plan Designation</th>
<th>Zoning Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>MDR (Medium Density Residential)</td>
<td>R-R (Rural Residential)</td>
</tr>
<tr>
<td>North</td>
<td>MDR (Medium Density Residential)</td>
<td>R-1 (Single Family Residential) &amp; R-4 (Planned Residential)</td>
</tr>
<tr>
<td>South</td>
<td>MDR (Medium Density Residential)</td>
<td>M-SC (Manufacturing-Service Commercial)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>R-1 (Single Family Residential)</td>
</tr>
<tr>
<td>East</td>
<td>MDR (Medium Density Residential)</td>
<td>R-4 (Planned Residential)</td>
</tr>
<tr>
<td>West</td>
<td>MDR (Medium Density Residential)</td>
<td>R-R (Rural Residential)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>M-SC (Manufacturing-Service Commercial)</td>
</tr>
</tbody>
</table>

*Sources: City of Jurupa Valley-General Plan Land Use Map March 2018, City of Jurupa Valley Zoning Map March 2018*
3.0 INITIAL STUDY CHECKLIST

Evaluation Format

This Initial Study Checklist has been prepared in compliance with the California Environmental Quality Act (CEQA) Guidelines. The Project is evaluated based on its potential effect on eighteen (18) environmental factors categorized as follows, as well as Mandatory Findings of Significance:

<table>
<thead>
<tr>
<th>Factor Name</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aesthetics</td>
<td>1</td>
</tr>
<tr>
<td>Agriculture &amp; Forestry Resources</td>
<td>2</td>
</tr>
<tr>
<td>Air Quality</td>
<td>3</td>
</tr>
<tr>
<td>Biological Resources</td>
<td>4</td>
</tr>
<tr>
<td>Cultural Resources</td>
<td>5</td>
</tr>
<tr>
<td>Geology &amp; Soils</td>
<td>6</td>
</tr>
<tr>
<td>Greenhouse Gas Emissions</td>
<td>7</td>
</tr>
<tr>
<td>Hazards &amp; Hazardous Materials</td>
<td>8</td>
</tr>
<tr>
<td>Hydrology &amp; Water Quality</td>
<td>9</td>
</tr>
<tr>
<td>Land Use &amp; Planning</td>
<td>10</td>
</tr>
<tr>
<td>Mineral Resources</td>
<td>11</td>
</tr>
<tr>
<td>Noise</td>
<td>12</td>
</tr>
<tr>
<td>Population &amp; Housing</td>
<td>13</td>
</tr>
<tr>
<td>Public Services</td>
<td>14</td>
</tr>
<tr>
<td>Recreation</td>
<td>15</td>
</tr>
<tr>
<td>Transportation &amp; Traffic</td>
<td>16</td>
</tr>
<tr>
<td>Tribal Cultural Resources</td>
<td>17</td>
</tr>
<tr>
<td>Utilities and Service Systems</td>
<td>18</td>
</tr>
<tr>
<td>Mandatory Findings of Significance</td>
<td>19</td>
</tr>
</tbody>
</table>

Each factor is analyzed by responding to a series of questions pertaining to the impact of the Project on the particular factor in the form of a checklist. This Initial Study Checklist provides a manner to analyze the impacts of the Project on each factor in order to determine the severity of the impact and determine if mitigation measures can be implemented to reduce the impact to less than significant without having to prepare an Environmental Impact Report.

CEQA also requires Lead Agencies to evaluate potential environmental effects based on scientific and factual data (CEQA Guidelines §15064[b]). A determination of whether or not a particular environmental impact will be significant must be based on substantial evidence, which includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines §15064(f)[5]).

The effects of the Project are then placed in the following four categories, which are each followed by a summary to substantiate why the Project does not impact the particular factor with or without mitigation. If “Potentially Significant Impacts” that cannot be mitigated are determined, then the Project does not qualify for a Mitigated Negative Declaration and an Environmental Impact Report must be prepared:
<table>
<thead>
<tr>
<th><strong>Potentially Significant Impact</strong></th>
<th><strong>Less Than Significant Impact with Mitigation Incorporated</strong></th>
<th><strong>Less Than Significant Impact</strong></th>
<th><strong>No Impact</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Potentially significant impact(s) have been identified or anticipated that cannot be mitigated to a level of insignificance. An Environmental Impact Report must therefore be prepared.</td>
<td>Potentially significant impact(s) have been identified or anticipated, but mitigation is possible to reduce impact(s) to a less than significant category. Mitigation measures must then be identified.</td>
<td>No “significant” impact(s) identified or anticipated. Therefore, no mitigation is necessary.</td>
<td>No impact(s) identified or anticipated. Therefore, no mitigation is necessary.</td>
</tr>
</tbody>
</table>

Throughout the impact analysis in this Initial Study Checklist, reference is made to the following:

- **Plans, Policies, Programs (PPP)** – These include existing regulatory requirements such as plans, policies, or programs applied to the Project based on the basis of federal, state, or local law currently in place which effectively reduce environmental impacts.

- **Project Design Features (PDF)** – These measures include features proposed by the Project that are already incorporated into the Project’s design and are specifically intended to reduce or avoid impacts (e.g., water quality treatment basins).

- **Mitigation Measures (MM)** – These measures include requirements that are imposed where the impact analysis determines that implementation of the proposed Project would result in significant impacts. Mitigation measures are proposed to reduce impacts to less than significant levels in accordance with the requirements of CEQA.

Plans, Policies, or Programs (PPP) and the Project Design Features (PDF) were assumed and accounted for in the assessment of impacts for each issue area if applicable.
Mitigation Measures (MM) were formulated only for those issue areas where the results of the impact analysis identified significant impacts that could be reduced to less than significant levels.

All three types of measures described above may be required to be implemented as part of the Project, and will be included in the Mitigation Monitoring and Reporting Program for the Project.

**Environmental Factors Requiring Mitigation**

The environmental factors marked with an “X” below would be potentially affected by this Project and thus require mitigation to reduce impacts to “less than significant” as indicated by the checklist on the following pages.

- [ ] Aesthetics
- [X] Biological Resources
- [ ] Greenhouse Gas Emissions
- [ ] Land Use / Planning
- [ ] Population / Housing
- [ ] Transportation/Traffic
- [X] Mandatory Findings of Significance
- [ ] Agriculture and Forestry Resources
- [ ] Cultural Resources
- [X] Hazards & Hazardous Materials
- [ ] Mineral Resources
- [ ] Public Services
- [X] Tribal Cultural Resources
- [ ] Air Quality
- [ ] Geology /Soils
- [ ] Hydrology / Water Quality
- [X] Noise
- [ ] Recreation
- [ ] Utilities/Service Systems
Determination

On the basis of this initial evaluation:

I find that the proposed use COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be recommended for adoption.

I find that although the proposal 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 Applicant. A MITIGATED NEGATIVE DECLARATION will be recommended for adoption.

I find that the proposal MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposal MAY have a significant effect(s) 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, if the effect is a “potentially significant impact” or “potentially significant unless mitigated.” 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 effect (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION, pursuant to all applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures are are imposed upon the proposed Project, nothing further is required.

City of Jurupa Valley

Signature

Thomas G. Merrell, AICP, Planning Director

Printed Name/Title

Agency

November 12, 2018

Date
Appendices (Under Separate Cover or on Compact Disk)


Appendix D.  Delineation of Wetlands and Jurisdictional Waters, LSA Associates, October 18, 2018.


3.1 AESTHETICS

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Have a substantial adverse effect on a scenic vista?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3.1 (a) Have a substantial adverse effect on a scenic vista?

Determination: Less Than Significant Impact.
Sources: General Plan, Google Earth, Project Application Materials.

Impact Analysis

Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts related to scenic vistas. This measure will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.1-1 As required by Municipal Code Section 9.55.020(1) building height shall not exceed three (3) stories, with a maximum height of forty (40) feet.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project related to this issue.

The Project site is approximately 6.76 gross acres in size and is located in an area largely characterized by residential development and vacant land. Land uses surrounding to the north are 30th Street with single-family homes further to the north, to the south are railroad tracks with Canal Street and single-family homes further to the south, to the east is vacant land, and to the west is vacant land with Mt. Rubidoux Nursing Center, single-family residences, and a vehicle storage facility further to the west.
According to the General Plan, scenic vistas are points or corridors that are accessible to the public and that provide a view of scenic areas and/or landscapes. According to General Plan Figure 4-23, the Project site is not adjacent to a scenic corridor.

Scenic vistas in the Project vicinity are the Jurupa Hills located approximately 6,000 feet to the northwest of the Project site and the foothills of Rattlesnake Mountain located approximately 3,000 feet to the northeast of the Project site.

As required by PPP 3.1-1 above, the future buildings proposed on the property will be restricted to 30 feet in height. As such, the Project would not block or completely obstruct views from surrounding public vantage points to the Jurupa Hills or Rattlesnake Mountain visible in the horizon under existing conditions.

Based on the analysis above, impacts to scenic vistas would be less than significant.

### 3.1 (b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

**Determination:** No Impact.

*Sources: California Department of Transportation “Scenic Highway Program Eligible and Officially Designated Routes,” General Plan, General Plan Figure 4.23, Google Earth.*

**Impact Analysis**

**Plans, Policies, or Programs (PPP)**

*There are no Plans, Policies, or Programs applicable to the Project related to this issue.*

**Project Design Features (PDF)**

*There are no Project Design Features applicable to the Project related to this issue.*

California's Scenic Highway Program was created by the Legislature in 1963. Its purpose is to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Sections 260 through 263.

According to the California Department of Transportation, the Project site is not located within a State Scenic Highway. In addition, according to General Plan Figure 4-23, the Project site is not adjacent to a scenic corridor. As such, there is no impact.
3.1 (c) **Substantially degrade the existing visual character or quality of the site and its surroundings?**

**Determination: Less Than Significant Impact.**
*Sources: Project Application Materials, Google Earth.*

**Impact Analysis**

**Plans, Policies, or Programs (PPP)**

*There are no Plans, Policies, or Programs applicable to the Project related to this issue.*

**Project Design Features (PDF)**

*There are no Project Design Features applicable to the Project related to this issue.*

**Construction Impacts**

During the Project’s temporary construction period, construction equipment, supplies, and activities would be visible on the subject property from immediately surrounding areas. Construction activities are a common occurrence in the developing inland region of Riverside County and are not considered to substantially degrade the area’s visual quality. All construction equipment would be removed from the Project site following completion of the Project’s construction activities. For these reasons, the temporary visibility of construction equipment and activities at the Project site would not substantially degrade the visual character of the surrounding area.

**Operational Impacts**

The visual character of the Project site would change from disturbed, vacant land to a 34-lot subdivision for construction of single-family residences. A project is generally considered to have a significant impact on visual character if it substantially changes the character of the project site such that it becomes visually incompatible or visually unexpected when viewed in the context of its surroundings.

The Project site is in an area largely characterized by residential development and vacant land. Land uses surrounding to the north are 30th Street with single-family homes further to the north, to the south are railroad tracks with Canal Street and single-family homes further to the south, to the east is vacant land, and to the west is vacant land with Mt. Rubidoux Nursing Center, single-family residences, and a vehicle storage facility further to the west.

In addition, the Project site currently planned for Medium Density Residential uses by the General Plan (Up to 5 dwelling units per acre). Residential development with single-family residences has been anticipated for the Project site. The introduction of single-family residences will be compatible to the existing development in the surrounding area.

Based on the analysis above, impacts would be less than significant and no mitigation measures are required.
3.1 (d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Determination: Less Than Significant Impact.
Sources: Project Application Materials.

Impact Analysis

Plans, Policies, or Programs (PPP)

The following apply to the Project and would help reduce impacts related to light and glare. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.1-2 As required by General Plan Policy COS 10.1, require outdoor lighting to be shielded and prohibit outdoor lighting that:

1. Operates at unnecessary locations, levels, and times.
2. Spills onto areas off-site or to areas not needing or wanting illumination.
3. Produces glare (intense line-of-site contrast).
4. Includes lighting frequencies (colors) that interfere with astronomical viewing.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project related to this issue.

The Project would increase the amount of light in the area above what is being generated by the vacant site by directly adding new sources of illumination including security and decorative lighting for the future residential structures and street lighting. With implementation of PPP 3.1-3, impacts relating to lighting would be less than significant.

The primary exterior of the proposed homes would be constructed of stucco which is not a reflective surface. As such, impacts relating to glare would be less than significant.
### 3.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the Project:

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?  

**b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

**c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

**d. Result in the loss of forest land or conversion of forest land to non-forest use?**

**e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

![Table with results]
3.2 (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?

**Determination: No Impact**

Sources: California Department of Conservation “Farmland Mapping and Monitoring Program.

**Impact Analysis**

*Plans, Policies, or Programs (PPP)*

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

*Project Design Features (PDF)*

There are no Project Design Features applicable to the Project related to this issue.

The site does not contain any lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as mapped by the State Department of Conservation Farmland Mapping and Monitoring Program. As such, the Project has no potential to convert such lands to a non-agricultural use and no impact would occur.

3.2 (b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

**Determination: No Impact.**

Sources: General Plan Land Use Map, Zoning Map.

**Impact Analysis**

*Plans, Policies, or Programs (PPP)*

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

*Project Design Features (PDF)*

There are no Project Design Features applicable to the Project related to this issue.

*Agricultural Zoning*

The Project site currently has a zoning classification of R-R (Rural Residential). The Project is proposing a change of zone to R-1 (One family Dwellings) which allows single-family detached housing with a minimum lot size of 7,200 square feet. The R-1 Zone is not considered a primary agricultural zone. As such, the Project would not conflict with existing zoning for agricultural use if the change of zone were approved.

*Williamson Act*

Pursuant to the California Land Conservation Act of 1965, a Williamson Act Contract enables private landowners to voluntarily enter into contracts with local governments for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners
receive lower property tax assessments based upon farming and open space uses as opposed to full market value. According to the Riverside County Geographic Information System, the site is not under a Williamson Act Contract. As such, there is no impact.

#### 3.2 (c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

**Determination:** No Impact.

*Sources: General Plan Land Use Map, Zoning Map.*

**Impact Analysis**

**Plans, Policies, or Programs (PPP)**

*There are no Plans, Policies, or Programs applicable to the Project related to this issue.*

**Project Design Features (PDF)**

*There are no Project Design Features applicable to the Project related to this issue.*

The Project is proposing a change of zone from R-R (Rural Residential) to R-1 (One Family Dwellings). The Project site does not contain any forest lands, timberland, or timberland zoned as Timberland Production, nor are any forest lands or timberlands located on or nearby the Project site. Because no lands on the Project site are zoned for forestland or timberland, the Project has no potential to impact such zoning. Therefore, no impact would occur.

#### 3.2 (d) Result in the loss of forest land or conversion of forest land to non-forest use?

**Determination:** No Impact.

*Source: Field Survey.*

**Impact Analysis**

**Plans, Policies, or Programs (PPP)**

*There are no Plans, Policies, or Programs applicable to the Project related to this issue.*

**Project Design Features (PDF)**

*There are no Project Design Features applicable to the Project related to this issue.*

The Project site and surrounding properties do not contain forest lands, are not zoned for forest lands, nor are they identified as containing forest resources by the General Plan. Because forest land is not present on the Project site or in the immediate vicinity of the Project site, the Project has no potential to result in the loss of forest land or the conversion of forest land to non-forest use. Therefore, no impact would occur.
3.2 (e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

Determination: Less Than Significant Impact.
Sources: California Department of Conservation, Biological Resources Assessment and MSHCP Consistency Analysis (Appendix B).

Impact Analysis

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project related to this issue.

The Farmland Mapping and Monitoring Program classifies portions of the Project site as Farmland of Local Importance. Farmland of Local Importance is either currently producing, or has the capability of production; but does not meet the criteria of Prime, Statewide or Unique Farmland. The General Plan Conservation and Open Space Element contains policies to encourage the continuation of land that is in active agricultural production. The dominant plant community on the Project site is non-native annual grassland and is considered to be Fallow Agricultural Land. The description of this habitat and vegetation communities is based on the definitions found in MSHCP Section 2.1.3 and A Manual of California Vegetation: Second Edition (Sawyer et al. 2009). Fallow Agricultural Land includes fallow fields that have been recently disked, plowed, or are no longer used to produce crops and are slowly being encroached by non-native herbaceous plant species. In some cases, native annual wildflowers become established in fallow agricultural lands. As such, the Project site is not currently providing active agricultural land of use to the local economy.

In addition, the Project site is approximately 6.76 gross acres in size and is located in an area largely characterized by residential development and vacant land. Land uses surrounding to the north are 30th Street with single-family homes further to the north, to the south are railroad tracks with Canal Street and single-family homes further to the south, to the east is vacant land, and to the west is vacant land with Mt. Rubidoux Nursing Center, single-family residences, and a vehicle storage facility further to the west. In addition, the Project site is planned for residential uses by the General Plan and this type of development has been anticipated for the Project site.

Based on the analysis above, the Project would not result in conversion of Farmland to non-agricultural use and no impacts would occur.
3.3 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:

<table>
<thead>
<tr>
<th>Determination</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
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</tr>
<tr>
<td>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)?</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Expose sensitive receptors to substantial pollutant concentrations?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Create objectionable odors affecting a substantial number of people?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3.3 (a) Conflict with or obstruct implementation of the applicable air quality plan (South Coast Air Quality Management District)?

**Determination: Less Than Significant Impact.**

*Source: Air Quality & Greenhouse Gas Impact Analysis (Appendix A), SCAQMD Air Quality Handbook.*

**Impact Analysis**

*Plans, Policies, or Programs (PPP)*

*There are no Plans, Policies, or Programs applicable to the Project related to this issue.*

*Project Design Features (PDF)*

*There are no Project Design Features applicable to the Project related to this issue.*

*Federal Air Quality Standards*

Under the Federal Clean Air Act, the Federal Environmental Protection Agency establishes health-based air quality standards that California must achieve. These are called “national (or federal) ambient air quality standards” and they apply to what are called “criteria pollutants.” Ambient (i.e. surrounding) air quality standard establish a concentration above which a criteria pollutant is known to cause adverse health effects to people. The national ambient air quality standards apply to the following criteria pollutants:

- Ozone (8-hour standard)
- Respirable Particulate Matter (PM$_{10}$)
- Fine Particulate Matter (PM$_{2.5}$)
- Carbon Monoxide (CO)
- Nitrogen Dioxide (NOx)
- Sulphur Dioxide (SO$_2$), and
- Lead.

**State Air Quality Standards**

Under the California Clean Air Act, the California Air Resources Board also establishes health-based air quality standards that cities and counties must meet. These are called “state ambient air quality standards” and they apply to the following criteria pollutants:

- Ozone (1-hour standard)
- Ozone (8-hour standard)
- Respirable Particulate Matter (PM$_{10}$)
- Fine Particulate Matter (PM$_{2.5}$)
- Carbon Monoxide (CO)
- Nitrogen Dioxide (NOx)
- Sulphur Dioxide (SO$_2$), and
- Lead

**Regional Air Quality Standards**

The City of Jurupa Valley is located within the South Coast Air Basin which is under the jurisdiction of the South Coast Air Quality Management District. The District develops plans and regulations designed to achieve these both the national and state ambient air quality standards described above.

**Attainment Designation**

An “attainment” designation for an area signifies that criteria pollutant concentrations did not exceed the established standard. In contrast to attainment, a “nonattainment” designation indicates that a criteria pollutant concentration has exceeded the established standard.

Table 3 shows the attainment status of criteria pollutants in the South Coast Air Basin.

<table>
<thead>
<tr>
<th>Criteria Pollutant</th>
<th>State Designation</th>
<th>Federal Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ozone – 1 hour standard</td>
<td>Nonattainment</td>
<td>No Standard</td>
</tr>
<tr>
<td>Ozone – 8 hour standard</td>
<td>Nonattainment</td>
<td>Nonattainment</td>
</tr>
<tr>
<td>Respirable Particulate Matter (PM$_{10}$)</td>
<td>Nonattainment</td>
<td>Attainment</td>
</tr>
<tr>
<td>Fine Particulate Matter (PM$_{2.5}$)</td>
<td>Nonattainment</td>
<td>Nonattainment</td>
</tr>
<tr>
<td>Carbon Monoxide (CO)</td>
<td>Attainment</td>
<td>Attainment</td>
</tr>
<tr>
<td>Criteria Pollutant</td>
<td>State Designation</td>
<td>Federal Designation</td>
</tr>
<tr>
<td>-------------------</td>
<td>------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Nitrogen Dioxide (NOx)</td>
<td>Attainment</td>
<td>Attainment</td>
</tr>
<tr>
<td>Sulfur Dioxide (SO2)</td>
<td>Attainment</td>
<td>Attainment</td>
</tr>
<tr>
<td>Lead</td>
<td>Attainment</td>
<td>Attainment</td>
</tr>
</tbody>
</table>

*Source: California Air Resources Board, 2015*

**Air Quality Management Plan**

The South Coast Air Quality Management District is required to produce air quality management plans directing how the South Coast Air Basin’s air quality will be brought into attainment with the national and state ambient air quality standards. The most recent air quality management plan is the 2016 Air Quality Management Plan and it is applicable to City of Jurupa Valley. The purpose of the 2016 Air Quality Management Plan is to achieve and maintain both the national and state ambient air quality standards described above.

In order to determine if a project is consistent with the 2016 Air Quality Management Plan, the South Coast Air Quality Management District has established consistency criterion which are defined in Chapter 12, Sections 12.2 and 12.3 of the South Coast Air Quality Management District's CEQA Air Quality Handbook and are discussed below.

**Consistency Criterion No. 1:** The proposed project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the 2016 Air Quality Management Plan.

Consistency Criterion No. 1 refers to violations of the California Ambient Air Quality Standards and National Ambient Air Quality Standards. As evaluated under Issues 3.3 (b), (c), and (d) below, the Project would not exceed regional or localized significance thresholds for any criteria pollutant during construction or during long-term operation. Accordingly, the Project's regional and localized emissions would not contribute substantially to an existing or potential future air quality violation or delay the attainment of air quality standards.

**Consistency Criterion No. 2:** The proposed project will not exceed the assumptions in the 2016 Air Quality Management Plan.

The 2016 Air Quality Management Plan demonstrates that the applicable ambient air quality standards can be achieved within the timeframes required under federal law. Growth projections from local general plans adopted by cities in the district are provided to the Southern California Association of Governments (SCAG), which develops regional growth forecasts, which are then used to develop future air quality forecasts for the AQMP.

The General Plan Land Use Designation currently assigned to the Project is Medium Density Residential (MDR). The future emission forecasts contained in the 2016 Air Quality Management Plan are primarily based on demographic and economic growth projections provided by the Southern California Association of Governments. The Project was planned for residential development with a density of up to 5 dwelling units per acre at the time the 2016 Air Quality
Management Plan adopted. Therefore, the Project will not exceed the growth forecast estimates used in the 2016 Air Quality Management Plan.

For the reasons stated above, the Project would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, delay the timely attainment of air quality standards or the interim emissions reductions specified in the 2016 Air Quality Management Plan. In addition, the Project would not exceed the growth assumptions in the 2016 Air Quality Management Plan. As such, the Project would be consistent with the 2016 Air Quality Management Plan and impacts would be less than significant and no mitigation measures are required.

3.3(b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Determination: Less Than Significant Impact.
Source: Air Quality & Greenhouse Gas Impact Analysis (Appendix A).

Impact Analysis

Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts related to air quality violations. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.3-1 The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 403, “Fugitive Dust.” Rule 403 requires implementation of best available dust control measures during construction activities that generate fugitive dust, such as earth moving and stockpiling activities, grading, and equipment travel on unpaved roads. Measures listed below (or equivalent language) shall appear on all Project grading plans, construction specifications and bid documents, and the City shall ensure such language is incorporated prior to issuance of any grading permits:

- “All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.”
- “The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.”
- “The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less.”

PPP 3.3-2 The Project is required to comply with the provisions of South Coast Air Quality District Rule 431.2, “Sulphur Content and Liquid Fuels.” The purpose of this rule is to
limit the sulfur content in diesel and other liquid fuels for the purpose of both reducing the formation of sulfur oxides and particulates during combustion and to enable the use of add-on control devices for diesel fueled internal combustion engines.

PPP 3.3-3 The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 1113; “Architectural Coatings” Rule 1113 limits the release of volatile organic compounds (VOCs) into the atmosphere during painting and application of other surface coatings. The measure listed below (or equivalent language) shall appear on all Project grading plans, construction specifications and bid documents, and the City shall ensure such language is incorporated prior to issuance of any building permits:

- “In order to limit the VOC content of architectural coatings used in the SCAB, architectural coatings shall be no more than a low VOC default level of 50 g/L unless otherwise specified in the SCAQMD Table of Standards (pg. 32-33).”

PPP 3.3-4 The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 1186 “PM\textsubscript{10} Emissions from Paved and Unpaved Roads and Livestock Operations” and Rule 1186.1, “Less-Polluting Street Sweepers.” Adherence to Rule 1186 and Rule 1186.1 reduces the release of criteria pollutant emissions into the atmosphere during construction.

*Project Design Features (PDF)*

There are no Project Design Features applicable to the Project related to this issue.

As shown in Table 3 above, the South Coast Air Basin, in which the Project is located, is considered to be in “non-attainment” status for several criteria pollutants.

The South Coast Air Quality Management District has developed regional and localized significance thresholds for regulated pollutants. Any project in the South Coast Air Basin with daily emissions that exceed any of the indicated regional or localized significance thresholds would be considered to contribute to a projected air quality violation. The Project’s regional and localized air quality impacts are discussed below.

*Regional Impact Analysis*

As with any new development project, the Project has the potential to generate pollutant concentrations during both construction activities and long-term operation. The following provides an analysis based on the applicable regional significance thresholds established by the South Coast Air Quality Management District in order to meet national and state air quality standards which are shown in Table 4 below.
Table 4. South Coast Air Quality Management District Air Quality Regional Significance Thresholds

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Emissions (Construction) (pounds/day)</th>
<th>Emissions (Operational) (pounds/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOx</td>
<td>100</td>
<td>55</td>
</tr>
<tr>
<td>VOC</td>
<td>75</td>
<td>55</td>
</tr>
<tr>
<td>PM10</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>PM2.5</td>
<td>55</td>
<td>55</td>
</tr>
<tr>
<td>SOx</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>CO</td>
<td>550</td>
<td>550</td>
</tr>
<tr>
<td>Lead</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

Sources: South Coast Air Quality Management District CEQA Air Quality Significance Thresholds (2009)

Both construction and operational emissions for the Project were estimated by using the California Emissions Estimator Model (CalEEMod) which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model can be used for a variety of situations where an air quality analysis is necessary or desirable such as California Environmental Quality Act (CEQA) documents and is authorized for use by the South Coast Air Quality Management District.

Construction Related Impacts

Short-term criteria pollutant emissions will occur during site grading, building construction, paving, and architectural coating activities. Emissions will occur from use of equipment, worker, vendor, and hauling trips, and disturbance of onsite soils (fugitive dust).

Table 5 describes the type of construction equipment to be used for the Project.

Table 5. Construction Equipment by Phase

<table>
<thead>
<tr>
<th>Construction Phase</th>
<th>Equipment Type</th>
<th>Equipment Unit Amount</th>
<th>Hours Per Day Used</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Preparation</td>
<td>Rubber Tired Dozers</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Tractors/Loaders/Backhoes</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>Grading</td>
<td>Excavators</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Graders</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Rubber Tired Dozers</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Tractors/Loaders/Backhoes</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>Building Construction</td>
<td>Cranes</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Forklifts</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Generator Sets</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Tractors/Loaders/Backhoes</td>
<td>1</td>
<td>7</td>
</tr>
</tbody>
</table>
MA 18089
Initial Study/Mitigated Negative Declaration
November 12, 2018

<table>
<thead>
<tr>
<th>Construction Phase</th>
<th>Equipment Type</th>
<th>Equipment Unit Amount</th>
<th>Hours Per Day Used</th>
</tr>
</thead>
<tbody>
<tr>
<td>Welders</td>
<td>1</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Paving</td>
<td>Cement and Mortar Mixers</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Pavers</td>
<td>2</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Paving Equipment</td>
<td>2</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Rollers</td>
<td>2</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Tractors/Loaders/Backhoes</td>
<td>1</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Architectural Coating</td>
<td>Air Compressors</td>
<td>1</td>
<td>6</td>
</tr>
</tbody>
</table>

Source: Air Quality and Greenhouse Gas Impact Analysis (Appendix A).

Table 6 shows the tentative Project construction schedule.

<table>
<thead>
<tr>
<th>Phase No.</th>
<th>Phase Name</th>
<th>Phase Start Date</th>
<th>Phase End Date</th>
<th>Number of Days/Weeks</th>
<th>Total Number of Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Site Preparation</td>
<td>2/2/2019</td>
<td>2/8/2019</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>2</td>
<td>Grading</td>
<td>2/9/2019</td>
<td>2/20/2019</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>3</td>
<td>Building Construction</td>
<td>2/21/2019</td>
<td>1/8/2020</td>
<td>5</td>
<td>230</td>
</tr>
<tr>
<td>4</td>
<td>Paving</td>
<td>1/9/2020</td>
<td>2/3/2020</td>
<td>5</td>
<td>18</td>
</tr>
<tr>
<td>5</td>
<td>Architectural Coating</td>
<td>2/4/2020</td>
<td>2/27/2020</td>
<td>5</td>
<td>18</td>
</tr>
</tbody>
</table>

Source: Air Quality and Greenhouse Gas Impact Analysis (Appendix A).

The estimated maximum regional daily construction emissions are summarized in Table 7 below.

<table>
<thead>
<tr>
<th>Construction Phase</th>
<th>Total Regional Emissions (lbs/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>VOV (ROG)</td>
</tr>
<tr>
<td>Site Preparation</td>
<td>4.43</td>
</tr>
<tr>
<td>Grading</td>
<td>2.66</td>
</tr>
<tr>
<td>Building Construction</td>
<td>2.44</td>
</tr>
<tr>
<td>Paving</td>
<td>1.29</td>
</tr>
<tr>
<td>Architectural Coatings</td>
<td>21.53</td>
</tr>
<tr>
<td>Peak Daily Emissions</td>
<td>21.53</td>
</tr>
<tr>
<td>SCAQMD Thresholds</td>
<td>75</td>
</tr>
<tr>
<td>Significant?</td>
<td>No</td>
</tr>
</tbody>
</table>

Source: Air Quality and Greenhouse Gas Impact Analysis (Appendix A).

As shown in Table 7, emissions resulting from the Project construction would not exceed numerical thresholds established by the SCAQMD and therefore no mitigation is required.
Long-Term Regional Operation Related Impacts

Long-term criteria air pollutant emissions will result from the operation of the proposed Project. Long-term emissions are categorized as area source emissions, energy demand emissions, and operational emissions. Operational emissions will result from automobile, truck, and other vehicle sources associated with daily trips to and from the Project. Area source emissions are the combination of many small emission sources that include use of outdoor landscape maintenance equipment, use of consumer products such as cleaning products, and periodic repainting of the proposed Project. Energy demand emissions result from use of electricity and natural gas.

The results of the CalEEMod model for summer and winter operation of the Project are summarized in Table 8 below (Maximum Operational Daily Emissions). Based on the results of the model, operational emissions associated with operation the Project will not exceed the thresholds established by SCAQMD.

<table>
<thead>
<tr>
<th>Source</th>
<th>ROG (VOC)</th>
<th>NOx</th>
<th>CO</th>
<th>SOx</th>
<th>PM_{10}</th>
<th>PM_{2.5}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>1.46</td>
<td>0.51</td>
<td>3.02</td>
<td>&lt;0.01</td>
<td>0.05</td>
<td>0.05</td>
</tr>
<tr>
<td>Energy</td>
<td>0.03</td>
<td>0.26</td>
<td>0.11</td>
<td>&lt;0.01</td>
<td>0.02</td>
<td>0.02</td>
</tr>
<tr>
<td>Mobile</td>
<td>1.01</td>
<td>1.67</td>
<td>10.68</td>
<td>0.02</td>
<td>2.51</td>
<td>0.69</td>
</tr>
<tr>
<td>Total Project</td>
<td>2.50</td>
<td>2.44</td>
<td>13.81</td>
<td>0.02</td>
<td>2.58</td>
<td>0.77</td>
</tr>
<tr>
<td>Threshold</td>
<td>55</td>
<td>55</td>
<td>550</td>
<td>150</td>
<td>150</td>
<td>55</td>
</tr>
<tr>
<td>Significant?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

As shown in Table 7, emissions resulting from the Project construction would not exceed numerical thresholds established by the SCAQMD and therefore no mitigation is required.

Based on the analysis above, regional air quality impacts for operational emissions would be less than significant and no mitigation measures are required.

Localized Impact Analysis

As part of the South Coast Air Quality Management District's environmental justice program, attention has been focusing more on the localized effects of air quality. Although the region may be in attainment for a particular criteria pollutant, localized emissions from construction and operational activities coupled with ambient pollutant levels can cause localized increases in criteria pollutant that exceed national and/or State air quality standards. The South Coast Air Quality Management District has established Localized Significance Thresholds (LST) which were developed in response to environmental justice and health concerns raised by the public regarding exposure of individuals to criteria pollutants in local communities.

Localized Significance Thresholds are only applicable to the following criteria pollutants: oxides of nitrogen (NOx), carbon monoxide (CO), particulate matter less than 10 microns in aerodynamic diameter (PM_{10}) and particulate matter less than 2.5 microns in aerodynamic diameter (PM_{2.5}). Localized Significance Threshold's represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable national or state ambient air quality standard, and are developed based on the ambient concentrations of that pollutant for each source receptor area and distance to the nearest sensitive receptor.
Construction-Related Localized Emissions

Construction localized impacts were evaluated pursuant to the South Coast Air Quality Management District’s Final Localized Significance Thresholds Methodology. This methodology provides screening tables for one through five-acre project construction scenarios, depending on the amount of site disturbance during a day. Maximum daily oxides of nitrogen (NO\(_x\)), carbon monoxide (CO), and particulate matter (PM\(_{10}\) and PM\(_{2.5}\)) emissions will occur during construction of the Project, grading of the Project site, and paving of streets and driveways. Table 7 below summarizes on-site emissions as compared to the local screening thresholds established for Source Receptor Area (SRA) 23 (Metropolitan Riverside/Mira Loma).

<table>
<thead>
<tr>
<th>Phase</th>
<th>NO(_x)</th>
<th>CO</th>
<th>PM(_{10})</th>
<th>PM(_{2.5})</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-Site Emissions</td>
<td>46</td>
<td>22</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>Threshold</td>
<td>270</td>
<td>1,577</td>
<td>13</td>
<td>8</td>
</tr>
<tr>
<td>Significant?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Source: Air Quality & Greenhouse Gas Impact Analysis (Appendix A),

As shown in Table 9, emissions resulting from the Project construction would not exceed LST numerical thresholds established by the SCAQMD and no mitigation is required.

Operational-Related Localized Emissions

On-site operational activities can result in localized increases in criteria pollutant levels that can cause air quality standards to be exceeded even if standards are not exceeded on a regional level. On-site area and energy sources were evaluated. As shown in Table 10, emissions resulting from the Project operations would not exceed LST numerical thresholds established by the SCAQMD and no mitigation is required.

<table>
<thead>
<tr>
<th>Phase</th>
<th>NO(_x)</th>
<th>CO</th>
<th>PM(_{10})</th>
<th>PM(_{2.5})</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-Site Emissions</td>
<td>0.6</td>
<td>3.5</td>
<td>0.2</td>
<td>0.1</td>
</tr>
<tr>
<td>Threshold</td>
<td>270</td>
<td>1,577</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Significant?</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Source: Air Quality & Greenhouse Gas Impact Study (Appendix A),

CO Hot Spots

CO Hot Spots are typically associated with idling vehicles at extremely busy intersections (i.e., intersections with an excess of 100,000 vehicle trips per day). There are no intersections in the vicinity of the Project site which exceed the 100,000 vehicle per day threshold typically associated with CO Hot Spots. In addition, the South Coast Air Basin has been designated as an attainment area for CO since 2007. Therefore, Project-related vehicular emissions would not create a Hot Spot and would not substantially contribute to an existing or projected CO Hot Spot.

Based on the analysis above, impacts would be less than significant and no mitigation measures are required.
3.3(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)?**

**Determination: Less Than Significant Impact.**

*Source: Source: Air Quality & Greenhouse Gas Impact Study (Appendix A),* 

**Impact Analysis**

*Plans, Policies, or Programs (PPP)*

The following apply to the Project and would reduce impacts related to a cumulatively considerable net increase of any criteria pollutant. These measures will be included in the Project's Mitigation Monitoring and Reporting Program to ensure compliance:

(Refer to PPP 3.3.1 through PPP 3.3-4 under Issue 3.3(b) above).

*Project Design Features (PDF)*

*There are no Project Design Features applicable to the Project related to this issue.*

According to the SCAQMD, individual projects that do not generate operational or construction emissions that exceed the SCAQMD’s recommended daily thresholds for project specific impacts would also not cause a cumulatively considerable increase in emissions for those pollutants for which the Basin is in nonattainment, and, therefore, would not be considered to have a significant, adverse air quality impact. Alternatively, individual project-related construction and operational emissions that exceed SCAQMD thresholds for project-specific impacts would be considered cumulatively considerable.

As discussed in Issue 3.3(b) above, the Project would not exceed the regional or localized significance thresholds for construction activities. As such, the Project will not result in a cumulatively considerable net increase of any criteria pollutant.

Based on the analysis above, impacts would be less than significant.

3.3(d) **Exposure of sensitive receptors to substantial pollutant concentrations?**

**Determination: Less Than Significant Impact.**

*Sources: Source: Air Quality & Greenhouse Gas Impact Study (Appendix A), Health Risk Assessment (Appendix B).* 

**Impact Analysis**

*Plans, Policies, or Programs (PPP)*

The following apply to the Project and would reduce impacts related to a cumulatively considerable net increase of any criteria pollutant. These measures will be included in the Project's Mitigation Monitoring and Reporting Program to ensure compliance:

(Refer to PPP 3.3.1 through PPP 3.3-4 under Issue 3.3(b) above).
There are no Project Design Features applicable to the Project related to this issue.

Sensitive Receptors

Sensitive receptors (i.e., children, senior citizens, and acutely or chronically ill people) are more susceptible to the effects of air pollution than the general population. Land uses that are considered sensitive receptors typically include residences, schools, playgrounds, childcare centers, hospitals, convalescent homes, and retirement homes. The closest sensitive receptors would be the residential homes to the north of the Project site.

Localized Impacts

As shown on Tables 9 and 10 above under the discussion of Issue 3.3 (b), the Project would not exceed any of the South Coast Air Quality Management District’s Localized Significance Thresholds during near-term construction or long-term operation. In addition, the Project would not create a CO Hot Spot. Accordingly, Project-related localized emissions would not expose sensitive receptors to substantial pollutant concentrations during construction or long-term operation and impacts would be less than significant.

Toxic Air Contaminants (TAC)

As determined in the *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal. 4th 369 (CBIA) case the California Supreme Court determined that CEQA does not generally require an analysis of impacts of the existing environmental conditions on the future residents of a proposed project and generally only requires an analysis of the proposed project’s impact on the environment. However, the CBIA case also stated that when a proposed project brings development and people into an area already subject to specific hazards and the new development/people exacerbate the existing hazards, then CEQA requires an analysis of the hazards and the proposed project’s effect in terms of increasing the risks related to those hazards.

In regard to air quality hazards, Toxic Air Contaminants (TACs) are defined as substances that may cause or contribute to an increase in deaths or in serious illness or that may pose a present or potential hazard to human health. As such, if a proposed project would not exacerbate pre-existing hazards (e.g., TAC health risks) then an analysis of those hazards and the proposed project’s effect on increasing those hazards is not required. The existing conditions on the project site only include vacant land that does not contain any operational land uses that emit TACs.

During construction, diesel particulate matter (DPM) emissions from heavy equipment use and heavy-duty trucks and would temporarily add to the health risk from DPM in the Project area that is primarily a result from heavy-duty trucks operating on State Route 60, near the Project site. Heavy-duty construction equipment is subject to an ARB Airborne Toxics Control Measure for in-use diesel construction equipment to reduce diesel particulate emissions. As described above for the LST analysis, PM$_{10}$ (representative of DPM, which is a TAC) emissions and exposure would be minimal and below the SCAQMD LSTs.

The nearest sensitive receptors to the Project site are residences located approximately 120 feet north of the Project site and the Mt. Rubidoux Nursing Center located approximately 600 feet to the
west of the Project site. According to the Office of Environmental Health Hazard Assessment, health risks should be based on a 70-year exposure period for the maximally exposed individual resident; however, such assessments should be limited to the period/duration of activities associated with the project. Since the proposed Project involves phased construction activities in many areas across the Project site, the exposure of any proximate individual sensitive receptor to TACs would be limited. Due to the temporary nature of construction (that would only occur over approximately 13 months) exposure at any individual sensitive receptor and minimal particulate emissions generated on the Project site, TACs generated during construction would not be expected to result in concentrations causing significant health risks.

Operation of the proposed Project would not result in any non-permitted direct emissions (e.g., those from a point source such as diesel generators) or result in a substantial increase in diesel vehicles (i.e., delivery trucks). Overall, the proposed Project would not result in exposure of sensitive receptors in the vicinity of the project site (i.e., the residences to the north of the Project site and the Mt. Rubidoux Nursing Center approximately 600 feet to the west of the Project site) to substantial TAC concentrations and would not exacerbate pre-existing health risk hazards.

Therefore, impacts would be less than significant and no mitigation is required.

### 3.3 (e) Create objectionable odors affecting a substantial number of people?

**Determination: Less Than Significant Impact.**

*Source: SCAQMD CEQA Air Quality Handbook, Project Application Materials.*

**Impact Analysis**

*Plans, Policies, or Programs (PPP)*

The following applies to the Project and would reduce impacts related to objectionable odors. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program:

PPP 3.3-5 The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 402 “Nuisance.” Adherence to Rule 402 reduces the release of odorous emissions into the atmosphere.

*Project Design Features (PDF)*

*There are no Project Design Features applicable to the Project related to this issue.*

According to the South Coast Air Quality Management District *CEQA Air Quality Handbook*, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The Project proposes residential development which is a land use typically not associated with emitting objectionable odors.

Potential odor sources associated with the proposed Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities. Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and
would cease upon completion of the respective phase of construction and is thus considered less than significant. It is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the City's solid waste regulations. The proposed Project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances. Therefore, odors associated with the proposed Project construction and operations would be less than significant and no mitigation is required.
### 3.4 BIOLOGICAL RESOURCES

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Have a substantial adverse effect, either directly or through habitat</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>modifications, on any species identified as a candidate, sensitive, or special</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>status species in local or regional plans, policies, or regulations, or by the</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Have a substantial adverse effect on any riparian habitat or other sensitive</td>
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<td>natural community identified in local or regional plans, policies, regulations</td>
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<td>or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
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<td>c. Have a substantial adverse effect on federally protected wetlands as defined</td>
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<td>by Section 404 of the Clean Water Act (including, but not limited to, marsh,</td>
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<td>vernal pool, coastal, etc.) through direct removal, filling, hydrological</td>
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<td>interruption, or other means?</td>
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<td>d. Interfere substantially with the movement of any native resident or migratory</td>
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<td>fish or wildlife species or with established native resident or migratory</td>
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<td>wildlife corridors, or impede the use of native wildlife nursery sites?</td>
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<td>e. Conflict with any local policies or ordinances protecting biological</td>
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<td>resources, such as a tree preservation policy or ordinance?</td>
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<td>f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural</td>
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<td>Community Conservation Plan, or other approved local, regional, or state</td>
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<td>habitat conservation plan?</td>
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**3.4(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?**

**Determination:** Less Than Significant Impact With Mitigation Incorporated.

*Source: Biological Resources Assessment and MSHCP Consistency Analysis (Appendix B), First Year Focused Delhi Sands Flower Loving Fly Survey (Appendix C).*
**Impact Analysis**

*Plans, Policies, or Programs (PPP)*

The following applies to the Project and would reduce impacts related to candidate, sensitive, or special status species but not to the degree that impacts would be less than significant. This measure will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.4-1  The Project is required to pay mitigation fees pursuant to the Western Riverside County Multiple Species Habitat Conservation Plan (MHSCP) as required by Municipal Code Chapter 3.80.

*Project Design Features (PDF)*

There are no Project Design Features applicable to the Project related to this issue.

*Existing Conditions*

The Project site is adjacent to residential development on the north, vacant land to the east and west, car storage at the southwest corner of the project site, and railroad to the south. The soils and vegetation on the proposed Project site have been disturbed historically by quarry activities, off-highway vehicle activity, illegal dumping, and recreational use. The soils on the proposed Project site are loose sands and sandy loam. The dominant plant community on the Project site is non-native annual grassland.

*Plant Species*

The dominant vegetation type on site is best described as non-native grassland (NNG). The NNG plant community is approximately 7.22 acres and is dominated by annual grasses (*Bromus* spp.), western ragweed (*Ambrosia psilostachya*), short pod mustard (*Hirschfeldia incana*), castor bean (*Ricinus communis*), Russian thistle (*Salsola tragus*), and tree tobacco (*Nicotiana glauca*).

- **Brand’s Star Phacelia**: The Project site is located within MSHCP Section 6.1.3 survey area designated for the Brand’s star phacelia. This species is known to occur in sandy soils but mainly in alluvial terraces and sand dunes. This species has been observed in a sandy horse trail in Santa Ana Wilderness Area and was historically collected in Fairmont Park in the City of Riverside. There are discontinuous ephemeral drainages on the Project site and sandy soils remain even with the highly disturbed conditions. The Project site is not likely to support this plant species due to the isolation from the past natural hydrologic connection with the upper watershed and the current disturbed conditions. Focused plant surveys for the Brand’s phacelia are not required because the plant is dependent upon periodic flooding and the site is not part of an alluvial fan or flood terrace; therefore, this habitat is not present.

- **San Diego Ambrosia**: The project site is located within MSHCP Section 6.1.3 survey area designated for the San Diego ambrosia. This species is known to occur in open floodplain terraces with Garretson gravelly fine. The Project site is not likely to support this plant species because these described soils do not occur on the Project site and no playas or pools
occur. Focused plant surveys for San Diego ambrosia are not required because the site is not part of a floodplain and contains only Delhi soil.

- **San Miguel Savory**: The Project site is located within an MSHCP Section 6.1.3 survey area designated for San Miguel savory. This plant is known to occur on rocky, gabbroic, and metavolcanic substrates in oak woodland and chaparral. The project site is sandy and does not support rocky or gabbroic substrates for this plant. No chaparral or oak woodland habitat is present on the Project site, therefore focused surveys for San Miguel savory are not required.

- **Riversidean Sage Scrub**: RSS is considered a sensitive plant community by natural resource agencies because it provides habitat for listed and sensitive plant and wildlife species endemic to southern California. The Project site supports 0.44 acre of RSS dominated by California sagebrush (*Artemisia californica*), brittlebush (*Encelia farinosa*), California buckwheat (*Eriogonum fasciculatum*), and deerweed (*Lotus scoparius*). The RSS vegetation community has reestablished on the decommissioned quarry and rail yard.

**Conclusion:** The Project does not provide habitat for regional listed plant species or MSHCP plant species of concern in the NEPSSA due to the lack of suitable soil, water, and land use suitability. No further action is required.

**Wildlife Species**

Common wildlife species were observed during the various surveys. The lack of wildlife diversity is likely due to human disturbance and the non-native grassland that has taken over the site’s native vegetation.

- **Coastal California Gnatcatcher**: CAGN, a federal listed as threatened species, was incidentally observed foraging during the 2018 field surveys. Figure 8 of Appendix B shows CAGN from 2006 and the CAGN critical habitat areas. The CAGN observed during the 2018 Highland Park 2 field surveys occurred in the general vicinity of the 2006 observations. The Project site supports approximately 0.44 acre of RSS habitat, which is suitable foraging habitat although this edge of the RSS may not be used for nesting.

- **Delhi Sands Flower-loving Fly**: Focused surveys for DSF, a federal listed as endangered species, are required by the USFWS and the MSHCP Section 9.0 Species Conservation Objectives due to the presence of Delhi sands soils on the Project site. The entire Project site comprises mapped soils are Delhi fine sand, 2 to 15 percent slopes, wind-eroded (DaD2), as shown in Figure 2 in Appendix B. Surveys began in July 2018 and will be completed after the summer survey period of July 2019. This species is unlikely to be present due to the high degree of disturbance by the historical quarry operation and the contemporary off-roading and dumping. However, since the July 2019 survey has not been done, the following mitigation measure is required:

  **MM-BIO-1: July 2019 Delhi Sands Flower-loving Fly Survey.** Prior to the issuance of a grading permit, a Delhi Sands Flower-loving Fly Survey shall be conducted pursuant to the Interim General Survey Guidelines for the Delhi Sands Flower-Loving Fly (U.S. Fish and Wildlife Service, December 30, 1996) and submitted to the City of Jurupa Valley Planning Department. In order to issue a grading permit, the results of the survey must be negative for the presence
of the species. In the event, the species is present, the Applicant shall be required to maintain the MSHCP in rough step. Mitigation may include, but is not limited to, the funding or purchase of suitable DSF habitat, purchasing conservation credits from an existing DSF mitigation bank, and/or acquiring and funding of habitat restoration.

- **Burrowing Owl**: The Project site is within the MSHCP burrowing owl focused survey area. Potential habitat for burrowing owl occurs throughout portions of the study area. Focused burrowing owl were conducted in May and June of 2018. The species was found to be absent from the project site. Since burrowing owls can quickly occupy a site, a pre-construction survey is still recommended to confirm absence before ground-disturbing activities commence as required by Mitigation Measure BIO-2 below.

**MM-BIO-2: Pre-Construction Burrowing Owl Survey.** Within 30 calendar days prior to grading, a qualified biologist shall conduct a survey of the Project’s proposed impact footprint and make a determination regarding the presence or absence of the burrowing owl. The determination shall be documented in a report and shall be submitted, reviewed, and accepted by the City of Jurupa Valley Planning Department prior to the issuance of a grading permit and subject to the following provisions:

a. In the event that the pre-construction survey identifies no burrowing owls in the impact area, a grading permit may be issued without restriction.

b. In the event that the pre-construction survey identifies the presence of burrowing owl, then prior to the issuance of a grading permit and prior to the commencement of ground-disturbing activities on the property, the qualified biologist shall follow the methods recommended by the California Department of Fish and Wildlife (CDFW, 2012) and Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP, 2006) for passive or active relocation of burrowing owls. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow California Department of Fish and Wildlife relocation protocol. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow California Department of Fish and Wildlife relocation protocol. The biologist shall provide evidence in writing to the Planning Department that the species has fledged or been relocated prior to the issuance of a grading permit.

The Project site does not fall within a survey area for sensitive amphibian or mammal species covered under the MSHCP, or for any listed as threatened or endangered mammal species. With implementation of Mitigation Measure BIO-1 and BIO-2, the Project will not 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 Wildlife or U.S. Fish and Wildlife Service.

| 3.4(b) | Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? |
Determination: No Impact.
Source: Biological Resources Assessment and MSHCP Consistency Analysis (Appendix B).

Impact Analysis

Plans, Policies, or Programs (PPP)
There are no Plans, Policies, or Programs applicable to the Project related to this issue.

Project Design Features (PDF)
There are no Project Design Features applicable to the Project related to this issue.

No riparian habitat is present on site. No vernal pool indicator soils or plants occur within the Project site. The Project site is not located within Federal Designated Critical Habitat. No further action is required.

3.4(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?

Determination: Less Than Significant Impact With Mitigation Incorporated.
Source: Delineation of Wetlands and Jurisdictional Waters (Appendix D).

Impact Analysis

Plans, Policies, or Programs (PPP)
There are no Plans, Policies, or Programs applicable to the Project related to this issue.

Project Design Features (PDF)
There are no Project Design Features applicable to the Project related to this issue.

The proposed Project site was surveyed on December 18, 2017. A routine wetland delineation was conducted and areas of potential jurisdiction were evaluated using the Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987; hereafter 1987 Manual), Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (USACE 2008; hereafter Regional Supplement). Other reference materials included the current wetland indicator plant list (Lichvar and Kartesz 2014), current hydric soils list and criteria (U.S. Department of Agriculture [USDA] 2010), Field Guide to Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States (USACE 2008; hereafter 2008 OHWM Field Guide), and the CWA Guidance for implementing Rapanos and Carabell Cases (USACE 2007). The study area was also delineated for any areas that would be subject to potential CDFW jurisdiction based on current CDFW definitions and guidance.
The land southeast of the project site is part of the adjacent project (Highland Park TTM No. 31894), which was surveyed for potential jurisdictional waters/wetlands on March 16, 2016, and described in the Delineation of Wetlands and Jurisdictional Waters Report for the Highland Park Residential Project dated October 7, 2016. The USACE determined in an Approved Jurisdictional Determination letter, dated May 31, 2017 (File No. SPL-2016-00406), that waters of the United States do not occur on the adjacent project. Therefore, the rills and swales in the Highland Park 2 (TTM No. 37470) Proposed Project above the lower southwest corner of the adjacent project are also not jurisdictional waters of the U.S.

Non-Jurisdictional Waters: U.S. Army Corps of Engineers

The rills and swales within the proposed Project site are isolated from any downstream connection to traditional navigable waters (TNWs) and tributaries. The total length and area for all the non-jurisdictional erosion features with bed and bank are 746 linear feet and 0.02 acre within the proposed Project site.

California Department of Fish and Wildlife Jurisdiction

The rills and swales on the proposed Project site are located in disturbed land mostly covered by nonnative annual grassland. No riparian/riverine scrub or woodland habitat is present on the Project site. The CDFW can extend jurisdiction over both disturbed and natural streambeds irrespective of whether there is connectivity to a downstream watercourse. The CDFW may not assert jurisdiction over the 0.02 acre of rills and swales since the contribution of downstream functions and values is negligible, because runoff remains on site, and the historic natural drainage area has been contained within Line A as part of the Sierra Estates residential subdivision north of the proposed Project.

Santa Ana Regional Water Quality Control Board

The Applicant will discuss with the RWQCB the request for a waste discharge order because it is expected that the USACE will rely upon the Approved Non-Jurisdictional Determination and decline to assert jurisdiction over these erosion features on the proposed project.

Conclusions

Based on the data collected and analyzed, LSA, the applicants' biologist, delineated 746 linear feet of streambed totaling 0.02 acre within the proposed Project site. The total quantity comprises a few individual erosional features within a vacant parcel. The USACE may determine that waters of the United States do not occur on the proposed Project site. The CDFW may not require the proposed project to obtain a Streambed Alteration Agreement (SAA). The RWQCB may issue a waste discharge order for the proposed project, since they issued WDO No. R8-2017-0020 for the adopted Highland Park Project (TTM 31894), the adjacent project) to comply with water quality standards.

However, as noted on page 15 of the Delineation of Wetlands and Jurisdictional Waters (Appendix C)...” The results presented in this report should be considered preliminary until verified by the USACE and CDFW. These agencies will make the final determination on the respective jurisdictional areas.”
Although it appears that the data supports a determination that the features on the Project site are not jurisdictional under USACE, CDFW, and RWQCB criteria, in the absence of a final determination from these regulatory agencies, the following mitigation measures are required to be conservative and to ensure jurisdictional waters are not impacted.

**MM BIO-3. Coordination With Regulatory Agencies.** Prior to the issuance of grading permit, the applicant shall contact the United State Army Corps of Engineers (USACE) and the California Department of Fish and Wildlife (CDFW) to positively determine whether or not either agency wishes to exert jurisdiction of the onsite drainage features. If either agency decides to exert jurisdiction, Mitigation Measures BIO-4 and BIO-5 shall be implemented.

**BIO-4. Federal Jurisdiction.** If federal jurisdictional authority is exercised under Mitigation Measure BIO-3, the following shall be implemented: Prior to issuance of a grading permit, the developer shall obtain a Clean Water Act Section 404 Nation-Wide Permit from the U.S. Army Corps of Engineers (USACOE) and compensate for the loss of 746 linear feet of streambed totaling 0.02 acre at a ratio of not less than 3:1 onsite or not less than 2:1 for permanent impacts, and a Clean Water Act Section 401 Certification from the Santa Ana Regional Water Quality Control Board (RWQCB). These permits will address impacts to identified jurisdictional resources on the Project site and appropriate offsite mitigation such as the Santa Ana Watershed Project Area (SAWPA), Prado Basin, or an appropriate nearby downstream established mitigation bank area. The developer shall implement this measure to the satisfaction of the City Planning Department.

No USACE mitigation will be required and this mitigation measure may be waived for the proposed Project, if the applicant provides written evidence to the City of Jurupa Valley Planning Department that the USACE will rely upon the Highland Park (TTM No. 31893) Approved Jurisdictional Determination. The adjacent project also has a waste discharge order, dated May 1, 2017 (Adoption of Order No. RS-2017-0020). The Regional Water Quality Control Board (RWQCB) will likely issue a waste discharge order for the proposed project, if the USACE makes a non-jurisdictional determination.

**BIO-5. CDFW Jurisdiction.** If state jurisdictional authority is exercised under Mitigation Measure BIO-3, the following shall be implemented: Prior to the issuance of a grading permit, the Project applicant shall obtain a Streambed Alteration Agreement under Section 1602 of the California Fish and Game Code from the California Department of Fish and Wildlife (CDFW). The following shall be incorporated into the permitting, subject to approval by the regulatory agencies: (a) Replacement and/or restoration of jurisdictional "waters of the State" within the Santa Ana River watershed for 746 linear feet of streambed totaling 0.02 acre at a ratio of not less than 3:1 onsite or not less than 2:1 for permanent impacts; (b) The applicant shall restore any onsite or offsite temporary impact areas to pre-project conditions and revegetate where applicable; and (c) Off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an agency approved off-site mitigation bank or within an agency-accepted off-site permittee responsible mitigation area such as the Santa Ana Watershed Project Area (SAWPA), Prado Basin, or an appropriate nearby downstream established mitigation bank area.

No CDFW mitigation will be required and this mitigation measure may be waived for the proposed Project, if the applicant provides written evidence to the City of Jurupa Valley Planning Department that the CDFW does not respond to the streambed alteration notification, then the proposed Project can proceed 60 days after the CDFW states the application is complete or after receiving a CDFW Operation of Law letter.
With implementation of Mitigations BIO-3 through BIO-5, impacts would be less than significant.

### 3.4(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

**Determination: Less Than Significant Impact.**

*Source: Biological Resources Assessment and MSHCP Consistency Analysis (Appendix B), Impact Analysis*

**Impact Analysis**

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project related to this issue.

The Project site is bounded by existing development to the north, south, and west. An adopted specific plan project is planned for the land to the east. Therefore, the Project site in its current condition is an in-fill project. The Project site is not part of a County or statewide regional trail or wildlife corridor plan. The Project site does not provide movement cover, foraging, or shelter and is not suitable as a local wildlife movement corridor. No further action is required.

### 3.4(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

**Determination: No Impact.**

*Source: Biological Resources Assessment and MSHCP Consistency Analysis (Appendix B), Impact Analysis*

**Impact Analysis**

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project related to this issue.

There are no trees located on the Project site.

### 3.4(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

**Determination: Less Than Significant Impact With Mitigation Incorporated.**

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**Biological Resources**

**Page 43**
Impact Analysis

Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts relating to conflicting with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. This measure would be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.4-1 The Project is required to pay mitigation fees pursuant to the Western Riverside County Multiple Species Habitat Conservation Plan (MHSCP) as required by Municipal Code Chapter 3.80.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

The Project site is located within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The MSHCP, a regional Habitat Conservation Plan was adopted on June 17, 2003. The intent of the MSHCP is to preserve native vegetation and meet the habitat needs of multiple species, rather than focusing preservation efforts on one species at a time. The MSHCP provides coverage (including take authorization for listed species) for special-status plant and animal species, as well as mitigation for impacts to sensitive species.

Based on the analysis under Issues 3.4 (a) through 3.4 (d) above:

- The Project site is not in an MSHCP survey area for riparian/riverine areas or vernal pools.
- The Project will not impact Narrow Endemic Plant Species.
- The Project site does not contain suitable soils to support the Delhi Sand Flower-Loving Fly.
- The Project site is not required to comply with the Urban/Wildland Interface Guidelines.
- Burrowing owl habitat exists on the site. Mitigation Measure BIO-3 (30-day Pre-Construction Survey) is required:

With implementation of PPP 3.4-1 and Mitigation Measures BIO-1 and BIO-2, impacts related to conflicts with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan are less than significant.
3.5 CULTURAL RESOURCES

<table>
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<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tr>
<td>a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?</td>
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<td>b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?</td>
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<td>c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
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<td>d. Disturb any human remains, including those interred outside of formal cemeteries?</td>
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3.5(a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?

Determination: Less Than Significant Impact.
Source: Cultural Resources Assessment (Appendix E).

Impact Analysis

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Historic resources generally consist of buildings, structures, improvements, and remnants associated with a significant historic event or person(s) and/or have a historically significant style, design, or achievement. Damaging or demolition of historic resources is typically considered to be a significant impact. Impacts to historic resources can occur through direct impacts, such as destruction or removal, and indirect impacts, such as a change in the setting of a historic resource.

CEQA Guidelines §15064.5(a) clarifies that historical resources include the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.
2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements [of] section 5024.1(g) of the Public Resources Code.

3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

Results of the January 12, 2018, records search at the EIC indicate there are no previously recorded resources within the Project site; however, the Project site has never been surveyed. The January 12, 2018, field survey revealed approximately 90 percent of the Project site is obscured and very little of the original surface remains exposed. There was virtually complete obstruction by vegetation, and ground visibility was exceptionally poor at approximately 10 percent.

A concentration of discarded asphalt and a stockpile of imported soil were noted in the northern portion of the site. Building and road debris (brick, concrete block, and asphalt fragments) along with sparse modern refuse (including furniture) were also noted on the surface. The southern end of the Project site has been severely disturbed by earthmoving activities.

The January 2018 review of online historic period aerial photographs and maps and online research indicated there were never any buildings or structures within Project site and agricultural cultivation was not conspicuous.

Based on the analysis above, impacts to above-ground historical resources are less than significant.

### 3.5(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines § 15064.5?

**Determination: Less Than Significant Impact with Mitigation Incorporated.**

*Source: Cultural Resources Study (Appendix E).*

**Impact Analysis**

#### Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

#### Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Archaeological sites are locations that contain resources associated with former human activities, and may contain such resources as human skeletal remains, waste from tool manufacture, tool concentrations, and/or discoloration or accumulation of soil or food remains.

A cultural resources records search, additional research, and a field survey were conducted for the Project site. Although no cultural resources were previously documented within the Project site by the records search, a quarry was in operation during the historic period on the east side of the Project site. Also, numerous prehistoric resources are documented in the immediately vicinity of...
the eastern edge of the quarry. Therefore, due to the proximity of these resources, the Project site retains some potential for subsurface resources and part-time archaeological monitoring is recommended.

**MM- CR-1: Archaeological Monitoring.** A qualified archaeologist (the “Project Archaeologist”) shall be retained by the developer prior to the issuance of a grading permit. The Project Archaeologist will be on-call to monitor ground-disturbing activities and excavations on the Project site following identification of potential cultural resources by project personnel. If archaeological resources are encountered during implementation of the Project, ground-disturbing activities will be temporarily redirected from the vicinity of the find. The Project Archaeologist will be allowed to temporarily divert or redirect grading or excavation activities in the vicinity in order to make an evaluation of the find. If the resource is significant, Mitigation Measure CR-2 shall apply.

**MM- CR-2: Archeological Treatment Plan.** If a significant archaeological resource(s) is discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). The archaeological monitor, the Project Proponent, and the City Planning Department shall confer regarding mitigation of the discovered resource(s). A treatment plan shall be prepared and implemented by the archaeologist to protect the identified archaeological resource(s) from damage and destruction. The treatment plan shall contain a research design and data recovery program necessary to document the size and content of the discovery such that the resource(s) can be evaluated for significance under CEQA criteria. The research design shall list the sampling procedures appropriate to exhaust the research potential of the archaeological resource(s) in accordance with current professional archaeology standards (typically this sampling level is two (2) to five (5) percent of the volume of the cultural deposit). At the completion of the laboratory analysis, any recovered archaeological resources shall be processed and curated according to current professional repository standards. The collections and associated records shall be donated to an appropriate curation facility. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the City of Jurupa Valley Planning Department and the Eastern Information Center.

With implementation of Mitigation Measures CR-1 and CR-2, impacts will be less than significant.

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<th>3.5(c)</th>
<th><strong>Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</strong></th>
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**Determination: Less Than Significant Impact with Mitigation Incorporated.**

*Source: Paleontological Resources Assessment (Appendix F).*

**Impact Analysis**

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

Paleontological resources are the preserved fossilized remains of plants and animals. Fossils and traces of fossils are preserved in sedimentary rock units, particularly fine to medium grained...
marine, lake, and stream deposits, such as limestone, siltstone, sandstone, or shale, and in ancient soils. They are also found in coarse-grained sediments, such as conglomerates or coarse alluvium sediments. Fossils are rarely preserved in igneous or metamorphic rock units. Fossils may occur throughout a sedimentary unit and, in fact, are more likely to be preserved subsurface, where they have not been damaged or destroyed by previous ground disturbance, amateur collecting, or natural causes such as erosion.

No significant paleontological resources were identified directly within the Project site during the field survey. However, the literature review indicates the Project site contains middle to early Pleistocene Old Alluvial Fan Deposits, Unit 1, which has high paleontological sensitivity. As such, development of this Project has the potential to impact scientifically important fossils. The following mitigation measure is required.

**MM-CR-3: Paleontological Monitoring.** A qualified paleontologist (the “Project Paleontologist”) shall be retained by the developer prior to the issuance of a grading permit. The Project Paleontologist will be on-call to monitor ground-disturbing activities and excavations on the Project site following identification of potential paleontological resources by project personnel. If paleontological resources are encountered during implementation of the Project, ground-disturbing activities will be temporarily redirected from the vicinity of the find. The Project Paleontologist will be allowed to temporarily divert or redirect grading or excavation activities in the vicinity in order to make an evaluation of the find. If the resource is significant, Mitigation Measure CR-4 shall apply.

**MM-CR-4: Paleontological Treatment Plan.** If a significant paleontological resource(s) is discovered on the property, in consultation with the Project proponent and the City, the qualified paleontologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation in the find a local qualified repository, and preparation of a report summarizing the find.

Based on the analysis above, with implementation of Mitigation Measure CR-4 and CR-5, impacts are less than significant.

**3.5(d) Disturb any human remains, including those interred outside of formal cemeteries?**

**Determination: Less Than Significant Impact.**


**Impact Analysis**

*Plans, Policies, or Programs (PPP)*

The following applies to the Project and would reduce impacts relating to disturbing human remains. This measure will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

**PPP 3.5-1** The project is required to comply with the applicable provisions of California Health and Safety Code §7050.5 as well as Public Resources Code §5097 et. seq.

*Project Design Features (PDF)*
There are no Project Design Features applicable to the Project relating to this issue.

The Project site does not contain a cemetery and no known formal cemeteries are located within the immediate site vicinity. As noted in the response to Issue 3.5 (a) above, the Project site has been heavily disturbed and the potential for uncovering human remains at the Project site is considered low. Nevertheless, the remote potential exists that human remains may be unearthed during grading and excavation activities associated with Project construction.

In the event that human remains are discovered during Project grading or other ground disturbing activities, the Project would be required to comply with the applicable provisions of California Health and Safety Code §7050.5 as well as Public Resources Code §5097 et. seq. California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner.

If the Coroner determines the remains to be Native American, the California Native American Heritage Commission (NAHC) must be contacted and the NAHC must then immediately notify the “most likely descendant(s)” of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Based on the analysis above, with implementation of PPP 3.5-1, impacts would be less than significant and no mitigation measures are required.
### 3.6 GEOLOGY AND SOILS

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) 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.</td>
<td></td>
<td></td>
<td></td>
<td>[●]</td>
</tr>
<tr>
<td>2) Strong seismic ground shaking?</td>
<td></td>
<td>[●]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3) Seismic-related ground failure, including liquefaction?</td>
<td></td>
<td>[●]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4) Landslides?</td>
<td></td>
<td></td>
<td>[●]</td>
<td></td>
</tr>
<tr>
<td>b. Result in substantial soil erosion or the loss of topsoil?</td>
<td></td>
<td>[●]</td>
<td></td>
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</tr>
<tr>
<td>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-site or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
<td></td>
<td></td>
<td>[●]</td>
<td></td>
</tr>
<tr>
<td>d. Be located on expansive soil, as defined in the Uniform Building Code, creating substantial risks to life or property?</td>
<td></td>
<td></td>
<td>[●]</td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td>[●]</td>
<td></td>
</tr>
</tbody>
</table>

3.6 (a) (1) 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.

Determination: Less Than Significant Impact.

Sources: Preliminary Geotechnical Investigation (Appendix G), Riverside County Map My County Website.)
Impact Analysis

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

The Project site is not located within an Alquist-Priolo Earthquake Fault Zone, and no known faults underlie the site. Because there are no faults located on the Project site, there is no potential for the Project to expose people or structures to adverse effects related to ground rupture.

3.6 (a) (2) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking?

Determination: Less Than Significant Impact.
Sources: Preliminary Geotechnical Investigation (Appendix G), Riverside County Map My County Website).

Impact Analysis

Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts relating to seismic ground shaking. These measures will be included in the Project's Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.6-1 As required by Municipal Code Section 8.05.010, the Project is required to comply with the most recent edition of the California Building Code to preclude significant adverse effects associated with seismic hazards.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

The Project site is located in a seismically active area of Southern California and is expected to experience moderate to severe ground shaking during the lifetime of the Project. This risk is not considered substantially different than that of other similar properties in the southern California area. As a mandatory condition of Project approval, the Project would be required to construct the proposed structures in accordance with the California Building Code (CBC). The City's Building and Safety Department would review the building plans through building plan checks, issuance of a building permit, and inspection of the building during construction, which would ensure that all required CBC seismic safety measures are incorporated into the building. Compliance with the CBC as verified by the City's review process, would reduce impacts related to strong seismic ground shaking.

Based on the analysis above, with implementation of PPP 3.6-1, impacts would be less than significant and no mitigation measures are required.
3.6 (a) (3) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction?

**Determination: Less Than Significant Impact.**
Sources: Preliminary Geotechnical Investigation (Appendix G), Riverside County Map My County Website.

**Impact Analysis**

*Plans, Policies, or Programs (PPP)*

The following applies to the Project and would reduce impacts relating to seismic ground shaking. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program:

PPP 3.6-1 As required by Municipal Code Section 8.05.010, the Project is required to comply with the most recent edition of the *California Building Code* to preclude significant adverse effects associated with seismic hazards.

*Project Design Features (PDF)*

There are no Project Design Features applicable to the Project relating to this issue.

Liquefaction is a phenomenon in which loose, saturated, relatively cohesion-less soil deposits lose shear strength during strong ground motions. The factors controlling liquefaction are:

- Seismic ground shaking of relatively loose, granular soils that are saturated or submerged can cause soils to liquefy and temporarily behave as a dense fluid. For liquefaction to occur, the following conditions have to occur:

  - Intense seismic shaking;
  - Presence of loose granular soils prone to liquefaction; and
  - Saturation of soils due to shallow groundwater.

Based on information obtained from the County of Riverside Map My County website, the Project site has a “moderate” potential for liquefaction. Groundwater was not encountered during any subsurface exploration as part of the geotechnical investigation conducted for the Project site to a depth of 41.5 feet. Review of California Department of Water Resources, Water Data Library 2018 online database indicates groundwater in the general site area has fluctuated from approximately 81 feet to 85 feet below the existing ground surface (Well ID Station: 34008N1173940W001).

Additionally, detailed design-level geotechnical studies and building plans pursuant to the *California Building Code* are required prior to approval of construction, as required by PPP 3.6-1. Compliance with the recommendations of the geotechnical study for soils conditions, is a standard practice and would be required by the City Building and Safety Department. Therefore, compliance with the requirements of the *California Building Code* as identified in a site specific geotechnical design would be reviewed by the City for appropriate inclusion, as part of the building plan check.
and development review process, would reduce the low potential for liquefaction to a less than significant level.

3.6 (a) (4) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides?

Determination: No Impact.

Source: Field Inspection.

Impact Analysis

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Generally, a landslide is defined as the downward and outward movement of loosened rock or earth down a hillside or slope. Landslides can occur either very suddenly or slowly, and frequently accompany other natural hazards such as earthquakes, floods, or wildfires. Landslides can also be induced by the undercutting of slopes during construction, improper artificial compaction, or saturation from sprinkler systems or broken water pipes.

The site is relatively flat and contains no slopes that may be subject to landslides. Therefore the site is not considered susceptible to seismically induced landslides. As such, there are no impacts.

3.6(b) Result in substantial soil erosion or the loss of topsoil?

Determination: Less Than Significant Impact.

Source: City Municipal Code Chapter 6.05.010, Storm Water/Urban Runoff Management and Discharge Controls,

Impact Analysis

Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts related to soil erosion. This measure will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP’s 3.91-1 through PPP 3.9-4 in Section 3.9, Hydrology and Water Quality shall apply.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.
**Construction**

Construction of the Project has the potential to contribute to soil erosion and the loss of topsoil. Grading and excavation activities that would be required for the proposed Project would expose and loosen topsoil, which could be eroded by wind or water.

City Municipal Code Chapter 6.05.010, *Storm Water/Urban Runoff Management and Discharge Controls*, implements the requirements of the National Pollutant Discharge Elimination System (NPDES) stormwater permit, which establishes minimum stormwater management requirements and controls that are required to be implemented for construction of the proposed Project. To reduce the potential for soil erosion and the loss of topsoil, a Stormwater Pollution Prevention Plan (SWPPP) is required by the City, (as required by PPP 3.9-2). The SWPPP is required to address site-specific conditions related to specific grading and construction activities. The SWPPP would identify potential sources of erosion and sedimentation loss of topsoil during construction, identify erosion control Best Management Practices (BMPs) to reduce or eliminate the erosion and loss of topsoil, such as use of: silt fencing, fiber rolls, or gravel bags, stabilized construction entrance/exit, hydroteeseeding.

With compliance with the City Municipal Code Chapter 6.05.010, *Storm Water/Urban Runoff Management and Discharge Controls*, Regional Water Quality Control Board requirements, and the best management practices (BMPs) in the SWPPP, construction impacts related to erosion and loss of topsoil would be less than significant.

**Operation**

The proposed Project includes installation of landscaping throughout the Project site and areas of loose topsoil that could erode by wind or water would not exist upon operation of the proposed use. In addition, as described in Section 3.9, *Hydrology and Water Quality*, the hydrologic features of the proposed Project have been designed to slow, filter, and retain stormwater on the Project site, which would also reduce the potential for stormwater to erode topsoil. Furthermore, pursuant to Municipal Code Chapter 6.05.010, *Storm Water/Urban Runoff Management and Discharge Controls*, implementation of the Project requires a Water Quality Management Plan (WQMP), which would ensure that appropriate operational BMPs would be implemented to minimize or eliminate the potential for soil erosion or loss of topsoil to occur during operation of the Project. As a result, potential impacts related to substantial soil erosion or loss of topsoil would be less than significant.

Based on the analysis above, with implementation of PPP 3.9-2, impacts would be less than significant.

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**3.6(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 offsite landslide, lateral spreading, subsidence, liquefaction or collapse?*

**Determination: Less Than Significant Impact.**

*Source: Preliminary Geotechnical Investigation (Appendix G)*,
Impact Analysis

Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts relating to an unstable geologic unit. These measures will be included in the Project's Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.6-1 As required by Municipal Code Section 8.05.010, the Project is required to comply with the most recent edition of the California Building Code to preclude significant adverse effects associated with seismic hazards.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Landslide

As noted in the response to Issue 3.6 (a) (4) above, the site is relatively flat and contains no slopes that may be subject to landslides. Therefore, the site is not considered susceptible to landslides.

Lateral Spreading

Lateral spreading is a term referring to landslides that commonly form on gentle slopes and that have rapid fluid-like flow horizontal movement. Most lateral spreading is caused by earthquakes but it is also caused by landslides. As noted in the response to Issue 3.6 (a) (4) above, the site is relatively flat and contains no slopes that may be subject to landslides. Therefore, the site is not considered susceptible to lateral spreading.

Subsidence

Subsidence is the downward movement of the ground caused by the underlying soil conditions. Certain soils, such as clay soils are particularly vulnerable since they shrink and swell depending on their moisture content. Subsidence is an issue if buildings or structures sink which causes damage to the building or structure. Subsidence is usually remedied by excavating the soil the depth of the underlying bedrock and then recompacting the soil so that it is able to support buildings and structures.

According to the Riverside County Map My County website, the Project site is considered "susceptible" to subsidence. However, with implementation of PPP 3.6-1, impacts would be less than significant.

Liquefaction

As noted in the response to Issue 3.6 (a) (3) above, the potential for exposure to liquefaction is not expected because the depth of groundwater is more than 41.5-feet.
Collapse

Collapse occurs in saturated soils in which the space between individual particles is completely filled with water. This water exerts a pressure on the soil particles that influences how tightly the particles themselves are pressed together. The soils lose their strength beneath buildings and other structures.

As noted in the response to Issue 3.6 (a) (3) above, the Project site’s potential for exposure to collapse is considered “low” because the depth of groundwater is more than 41.5-feet. As such, impacts are less than significant.

3.6(d) Be located on expansive soil, as defined in the Uniform Building Code, creating substantial risks to life or property?

**Determination:** Less than Significant Impact.
*Source: Preliminary Geotechnical Investigation (Appendix G),*

**Impact Analysis**

*Plans, Policies, or Programs (PPP)*

The following applies to the Project and would reduce impacts relating to expansive soils. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.6-1 As required by Municipal Code Section 8.05.010, the Project is required to comply with the most recent edition of the *California Building Code* to preclude significant adverse effects associated with seismic hazards.

*Project Design Features (PDF)*

There are no Project Design Features applicable to the Project relating to this issue.

Expansive soils are those that undergo volume changes as moisture content fluctuates; swelling substantially when wet or shrinking when dry. Soil expansion can damage structures by cracking foundations, causing settlement and distorting structural elements. According to the results of the laboratory testing performed, the near-surface older alluvial soils exhibited a “negligible” to “very low” expansion potential when tested in accordance with ASTM D 4829. Design-level geotechnical plans pursuant to the *California Building Code* are required prior to approval of construction, as required by PPP 3.6-1. Compliance with the *California Building Code* is a standard practice and would be required by the City Building and Safety Department. Therefore, compliance with the requirements of the *California Building Code* as identified in a site specific geotechnical design would be reviewed by the City, as part of the building plan check and development review process, would ensure that potential soil stability impacts would be less than significant level.
3.6(e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

**Determination:** No Impact.
*Source: Project Application Materials.*

**Impact Analysis**

*Plans, Policies, or Programs (PPP)*

*There are no Plans, Policies, Programs, applicable to the Project relating to this issue.*

*Project Design Features (PDF)*

*There are no Project Design Features applicable to the Project relating to this issue.*

The Project does not propose the use of septic tanks or alternative waste water disposal systems. The Project would install domestic sewer infrastructure and connect to the Rubidoux Community Service District’s existing sewer conveyance and treatment system. As such, there are no impacts.
3.7 GREENHOUSE GAS EMISSIONS

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
<td></td>
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</tr>
<tr>
<td>b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
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</tr>
</tbody>
</table>

3.7(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Determination: Less Than Significant Impact.
Source: Air Quality & Greenhouse Gas Impact Analysis (Appendix A).

Impact Analysis

Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts relating to greenhouse gas emissions. These measures will be included in the Project's Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.7-1 As required by Municipal Code Section 8.05.010, California Energy Code, prior to issuance of a building permit, the Project Applicant shall submit showing that the Project will be constructed in compliance with the most recently adopted edition of the applicable California Building Code Title 24 requirements.

PPP 3.7-2 As required by Municipal Code Section 9.283.010, Water Efficient Landscape Design Requirements, prior to the approval of landscaping plans, the Project proponent shall prepare and submit landscape plans that demonstrate compliance with this section.

PPP 3.7-3 As required by Municipal Code Section 8.05.010 (8), the Project proponent shall comply with the California Green Building Standards.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

An individual project cannot generate enough greenhouse gas emissions to influence global climate change. The Project participates in this potential impact by its incremental contribution combined with the cumulative increase of all other sources of greenhouse gases which when taken together may have a significant impact on global climate change.
A final numerical threshold for determining the significance of greenhouse gas emissions in the South Coast Air Basin has not been established by the South Coast Air Quality Management District. The City of Jurupa Valley is using the following as interim thresholds for small residential projects:

- Residential projects that emit less stationary source greenhouse gas emissions less than 3,000 MTCO2e per year are not considered a substantial greenhouse gas emitter and the impact is less than significant. Projects that emit in excess of 3,000 MTCO2e per year require additional analysis and mitigation.

A summary of the Project’s projected annual operational greenhouse gas emissions, including amortized construction-related emissions, is provided in Table 11.

<table>
<thead>
<tr>
<th>Emission Source</th>
<th>GHG Emissions (metric tons per year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Construction Emissions</td>
<td>11.00</td>
</tr>
<tr>
<td>(amortized over 30 years)</td>
<td></td>
</tr>
<tr>
<td>Area</td>
<td>7.57</td>
</tr>
<tr>
<td>Energy</td>
<td>150.61</td>
</tr>
<tr>
<td>Mobile Sources</td>
<td>339.18</td>
</tr>
<tr>
<td>Waste</td>
<td>5.00</td>
</tr>
<tr>
<td>Water Usage</td>
<td>14.45</td>
</tr>
<tr>
<td><strong>Total CO2E (All Sources)</strong></td>
<td><strong>527.98</strong></td>
</tr>
<tr>
<td><strong>Significance Threshold</strong></td>
<td><strong>3,000</strong></td>
</tr>
<tr>
<td><strong>Significant?</strong></td>
<td><strong>NO</strong></td>
</tr>
</tbody>
</table>

Source: Air Quality and Greenhouse Gas Impact Analysis (Appendix A).

Based on guidance from the SCAQMD, if this type of project would emit GHG emissions less than 3,000 MTCO2e per year, the project is not considered a substantial GHG emitter and the GHG impact is less than significant, requiring no additional analysis and no mitigation.

**3.7(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

**Determination: Less Than Significant Impact.**


**Impact Analysis**

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.
The Climate Change Scoping Plan was first approved by the California Air Resources Board (CARB) in 2008 and must be updated every five years. The First Update to the Climate Change Scoping Plan was approved by the Board on May 22, 2014. The Climate Change Scoping Plan provides a framework for actions to reduce California's GHG emissions, and requires CARB and other state agencies to adopt regulations and other initiatives to reduce GHGs. As such, the Climate Change Scoping Plan is not directly applicable to the Projects in many cases. The Project is not in conflict with the Climate Change Scoping Plan because its individual greenhouse gas emissions are below screening thresholds as noted in the response to Issue 3.7 (a) above and the Project will implement such greenhouse reduction measures Water Efficient Landscaping, Title 24 Energy Efficiency Requirements, and recycling and waste reduction requirements.

In addition, the City of Jurupa Valley is a participant in the Western Riverside County Council of Governments Subregional Climate Action Plan (WRCOG Subregional CAP). The specific goals and actions included in the WRCOG Subregional CAP that are applicable to the proposed Project include those pertaining to energy and water use reduction, promotion of green building measures, waste reduction, and reduction in vehicle miles traveled. The proposed Project would also be required to include all mandatory green building measures for new developments under the CALGreen Code, as required by the City Municipal Code Section 8.05.010 (8), which would require that the new buildings reduce water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant emitting finish materials. In addition, the City's requires that all landscaping comply with water efficient landscaping requirements.

The implementation of these stricter building and appliance standards would result in water, energy, and construction waste reductions for the proposed Project. In addition, as described above, the proposed Project would not exceed the GHG thresholds. Therefore, the proposed Project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases with implementation of PPP 3.7-1 through 3.7-3.
### 3.8 HAZARDS AND HAZARDOUS MATERIALS

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td></td>
<td></td>
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<td>■</td>
</tr>
<tr>
<td>b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
<td></td>
<td></td>
<td></td>
<td>■</td>
</tr>
<tr>
<td>c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
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<td>■</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
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<td>■</td>
</tr>
<tr>
<td>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?</td>
<td></td>
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<td>■</td>
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<tr>
<td>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?</td>
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<tr>
<td>g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
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<tr>
<td>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?</td>
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</tbody>
</table>

**3.8(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

**3.8(b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**
Determination: Less than Significant Impact.

Source: Phase I Environmental Site Assessment (Appendix H).

Impact Analysis

Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts relating to this issue. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.8-1 As required by General Plan Policy CSSF 1.31-Federal/State Laws. Comply with federal and state laws regarding the management of hazardous waste and materials.

Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Existing Conditions

The Phase I Environmental Site Assessment prepared for the Project site in accordance with the scope and limitations of ASTM Practice E 1527-13 has revealed no evidence of recognized environmental conditions in connection with the Project site.

Construction Activities

Heavy equipment that would be used during construction of the proposed Project would be fueled and maintained by substances such as oil, diesel fuel, gasoline, hydraulic fluid, and other liquid materials that would be considered hazardous if improperly stored or handled. In addition, materials such as paints, roofing materials, solvents, and other substances typically used in building construction would be located on the Project site during construction. Improper use, storage, or transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. The potential for accidental releases and spills of hazardous materials during construction is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with future development that would be a reasonably consequence of the proposed Project than would occur on any other similar construction site.

Construction contractors are required to comply with all applicable federal, state, and local laws and regulations regarding hazardous materials, including but not limited requirements imposed by the Environmental Protection Agency, California Department of Toxic Substances Control, South Coast Air Quality Management District, and the Santa Ana Regional Water Quality Control Board. As such, impacts due to construction activities would not cause a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. A less than significant impact would occur.
**Operational Activities**

The Project site would be developed with residential land uses which is a land use not typically associated with the transport, use, or disposal of hazardous materials. Although residential land uses may utilize household products that contain toxic substances, such as cleansers, paints, adhesives, and solvents, these products are usually in low concentration and small in amount and would not pose a significant risk to humans or the environment during transport to/from or use at the Project site.

Pursuant to State law and local regulations, residents would be required to dispose of household hazardous waste (e.g., batteries, used oil, old paint) at a permitted household hazardous waste collection facility. Accordingly, the Project would not expose people or the environment to significant hazards associated with the disposal of hazardous materials at the Project site. Long-term operation of the Project would not expose the public or the environment to significant hazards associated with the transport, use, or disposal of hazardous materials and impacts would be less than significant.

**3.8(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

**Determination:** Less Than Significant Impact.

*Sources: Project Application Materials, Google Earth.*

**Impact Analysis**

**Plans, Policies, or Programs (PPP)**

*There are no Plans, Policies, or Programs applicable to the Project relating to this issue.*

**Project Design Features (PDF)**

*There are no Project Design Features applicable to the Project relating to this issue.*

The Project site is not located within ¼ mile of an existing or proposed school. The nearest school in Nueva Vista Continuation School located approximately 0.50 miles west of the Project site. As discussed in the responses to issues 3.8 (b) and 3.8 (b) above, the all hazardous or potentially hazardous materials would comply with all applicable federal, State, and local agencies and regulations with respect to hazardous materials. As such, impacts are less than significant.

**3.8(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?**

**Determination:** No Impact.

*Sources: DTSC's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List,) Phase I Environmental Site Assessment (Appendix H).*
Impact Analysis

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As such, no impact would occur.

3.8(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?

Determination: Less Than Significant Impact.
Source: Riverside County Airport Land Use Commission.

Impact Analysis

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

The Project site is located approximately 1.5 miles northwest of the Flabob Airport. According to Map FL-1, Flabob Airport Land Use Compatibility Plan, the Project site is not located within a Compatibility Zone of the Flabob Airport Influence Area. As such, impacts would be less than significant.

3.8(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?

Determination: No Impact.
Source: Google Earth. Site Reconnaissance.

Impact Analysis

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.
The Project site is not located within the vicinity of a private airstrip. As such, no impact would occur.

3.8(g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Determination: No Impact.
Sources: General Plan Safety Element, Project Application Materials.

Impact Analysis

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Access to the Project site is proposed from 30th Street which are paved roadway and would be further improved by the Project. The Project site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction and long-term operation, the Project would be required to maintain adequate emergency access for emergency vehicles from 30th Street and connecting roadways as required by the City. Furthermore, the Project would not result in a substantial alteration to the design or capacity of any public road that would impair or interfere with the implementation of evacuation procedures. Because the Project would not interfere with an adopted emergency response or evacuation plan, impacts are less than significant.

3.8 (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?

Determination: Less Than Significant Impact.
Source: General Plan Figure 8-11.

Impact Analysis

The following applies to the Project and would reduce impacts relating to this issue. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

Plans, Policies, or Programs (PPP)

PPP 3.14-1 The Project applicant shall comply with all applicable Riverside County Fire Department codes, ordinances, and standard conditions regarding fire prevention and suppression measures relating to water improvement plans, fire hydrants, automatic fire extinguishing systems, fire access, access gates, combustible construction, water availability, and fire sprinkler systems.
**Project Design Features (PDF)**

*There are no Project Design Features applicable to the Project relating to this issue.*

According to *General Plan Figure 8-11: Wildfire Severity Zones in Jurupa Valley*, the Project site is shown as being in a "Moderate" fire hazard area. The Project would be conditioned by the City to provide a minimum of fire safety and support fire suppression activities, including compliance with State and local fire codes. As such, development of the Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires and impacts would be less than significant.
### 3.9 HYDROLOGY AND WATER QUALITY

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Violate any water quality standards or waste discharge requirements?</td>
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<tr>
<td>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)?</td>
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<tr>
<td>c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner, which would result in substantial erosion or siltation on-or offsite?</td>
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<tr>
<td>d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on-or offsite?</td>
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<tr>
<td>e. Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?</td>
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<td>f. Otherwise substantially degrade water quality?</td>
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<tr>
<td>g. Place housing within a 100-year flood hazard as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
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<tr>
<td>h. Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?</td>
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<tr>
<td>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?</td>
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<tr>
<td>j. Inundation by seiche, tsunami, or mudflow?</td>
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</tbody>
</table>
3.9(a) Violate any water quality standards or waste discharge requirements?

Determination: Less Than Significant Impact.
*Source: Tentative Tract Map 37470, Preliminary WQMP (Appendix I).*

**Impact Analysis**

*Plans, Policies, or Programs (PPP)*

The following apply to the Project and would reduce impacts relating to water quality and waste discharge requirements. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

**PPP 3.9-1**
As required by Municipal Code Chapter 6.05.050, *Storm Water/Urban Runoff Management and Discharge Controls, Section B (1)*, any person performing construction work in the city shall comply with the provisions of this chapter, and shall control storm water runoff so as to prevent any likelihood of adversely affecting human health or the environment. The City Engineer shall identify the BMPs that may be implemented to prevent such deterioration and shall identify the manner of implementation. Documentation on the effectiveness of BMPs implemented to reduce the discharge of pollutants to the MS4 shall be required when requested by the City Engineer.

**PPP 3.9-2**
As required by Municipal Code Chapter 6.05.050, *Storm Water/Urban Runoff Management and Discharge Controls, Section B (2)*, any person performing construction work in the city shall be regulated by the State Water Resources Control Board in a manner pursuant to and consistent with applicable requirements contained in the General Permit No. CAS000002, State Water Resources Control Board Order Number 2009-0009-DWQ. The city may notify the State Board of any person performing construction work that has a non-compliant construction site per the General Permit.

**PPP 3.9-3**
As required by Municipal Code Chapter 6.05.050, *Storm Water/Urban Runoff Management and Discharge Controls, Section C*, new development or redevelopment projects shall control storm water runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The City Engineer shall identify the BMPs that may be implemented to prevent such deterioration and shall identify the manner of implementation. Documentation on the effectiveness of BMPs implemented to reduce the discharge of pollutants to the MS4 shall be required when requested by the City Engineer. The BMPs may include, but are not limited to, the following and may, among other things, require new developments or redevelopments to do any of the following:

1. Increase permeable areas by leaving highly porous soil and low lying area undisturbed by:

   a. Incorporating landscaping, green roofs and open space into the project design;
(b) Using porous materials for or near driveways, drive aisles, parking stalls and low volume roads and walkways; and

(c) Incorporating detention ponds and infiltration pits into the project design.

(2) Direct runoff to permeable areas by orienting it away from impermeable areas to swales, berms, green strip filters, gravel beds, rain gardens, pervious pavement or other approved green infrastructure and French drains by:

(a) Installing rain-gutters oriented towards permeable areas;

(b) Modifying the grade of the property to divert flow to permeable areas and minimize the amount of storm water runoff leaving the property; and

c) Designing curbs, berms or other structures such that they do not isolate permeable or landscaped areas.

(3) Maximize storm water storage for reuse by using retention structures, subsurface areas, cisterns, or other structures to store storm water runoff for reuse or slow release.

(4) Rain gardens may be proposed in-lieu of a water quality basin when applicable and approved by the City Engineer.

PPP 3.9-4 As required by Municipal Code Chapter 6.05.050, *Storm Water/Urban Runoff Management and Discharge Controls, Section E*, any person or entity that owns or operates a commercial and/or industrial facility(s) shall comply with the provisions of this chapter. All such facilities shall be subject to a regular program of inspection as required by this chapter, any NPDES permit issued by the State Water Resource Control Board, Santa Ana Regional Water Quality Control Board, Porter-Cologne Water Quality Control Act (Wat. Code Section 13000 et seq.), Title 33 U.S.C. Section 1251 et seq. (Clean Water Act), any applicable state or federal regulations promulgated thereto, and any related administrative orders or permits issued in connection therewith.

*Project Design Features (PDF)*

The following feature proposed by the Project is incorporated into the Project's design and is intended to reduce or avoid impacts to hydrology and water quality. This feature will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PDF 3.9-1 The Project will provide a water quality basin with a design capture volume (DCV) sufficient retain all stormwater runoff for percolation into the groundwater. The detention basins will provide water quality treatment during percolation.
**Construction Impacts**

Construction of the Project would involve clearing, grading, paving, utility installation, building construction, and the installation of landscaping, which would result in the generation of potential water quality pollutants such as silt, debris, chemicals, paints, and other solvents with the potential to adversely affect water quality. As such, short-term water quality impacts have the potential to occur during construction of the Project in the absence of any protective or avoidance measures.

Pursuant to the requirements of the Santa Ana Regional Water Quality Control Board and the City of Jurupa Valley, the Project would be required to obtain a National Pollutant Discharge Elimination System Municipal Stormwater Permit for construction activities. The National Pollutant Discharge Elimination System permit is required for all Projects that include construction activities, such as clearing, grading, and/or excavation that disturb at least one acre of total land area.

In addition, the Project would be required to comply with the Santa Ana Regional Water Quality Control Board's Santa Ana River Basin Water Quality Control Program. Compliance with the National Pollutant Discharge Elimination System permit and the Santa Ana River Basin Water Quality Control Program involves the preparation and implementation of a *Storm Water Pollution Prevention Plan* for construction-related activities, including grading. The *Storm Water Pollution Prevention Plan* would specify the Best Management Practices that the Project would be required to implement during construction activities to ensure that all potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property.

**Operational Impacts**

Storm water pollutants commonly associated with the type of land uses that could occupy the proposed buildings include sediment/turbidity, nutrients, trash and debris, oxygen-demanding substances, organic compounds, bacteria and viruses, oil and grease, and pesticides.

Pursuant to the requirements of the City's National Pollutant Discharge Elimination System permit, a *Water Quality Management Plan* is required for managing the quality of storm water or urban runoff that flows from a developed site after construction is completed and the facilities or structures are occupied and/or operational. A *Water Quality Management Plan* describes the Best Management Practices that will be implemented and maintained throughout the life of a project to prevent and minimize water pollution that can be caused by storm water or urban runoff.

Impervious areas shall be discharged into adjacent landscaped areas, where feasible, and all onsite area is discharged into the onsite bioretention basin before leaving the Project site. Treatment of first flush waters from the development will be accomplished by routing them through the proposed on-site water quality basin.

Based on the analysis above, with implementation of PPP 3.9-1 through PPP 3.9-4, impacts would be less than significant.
3.9(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)?

**Determination: Less Than Significant Impact.**

*Sources: Tentative Tract Map 37470, Preliminary WQMP (Appendix I).*

**Impact Analysis**

**Plans, Policies, or Programs (PPP)**

*There are no Plans, Policies, or Programs applicable to the Project relating to this issue.*

**Project Design Features (PDF)**

*There are no Project Design Features applicable to the Project relating to this issue.*

The Project site is located within the Jurupa Community Services District (JCSD). The JCSD Board of Directors approved a “no contest” action that supports the de-annexation of the Project site from JCSD and the annexation of the Project site to the Rubidoux Community Services District. As such, water service will be provided to the Project site by the Rubidoux Community Services District (“District”).

According to the District’s *Draft 2015 Urban Water Management Plan*, the sole source of potable water supply for the District and for all water users in the Rubidoux Community is groundwater extracted from the southern portion of the Riverside-Arlington Subbasin 1 (also referred to herein as the Riverside Basin) of the Upper Santa Ana Valley Groundwater Basin. The Basin encompasses the District’s entire service area. The District expects that groundwater extracted from the Basin by six potable and six non-potable (irrigation only) groundwater wells will continue to be its primary (and possibly only) source of water through the year 2040, and possibly beyond.

The Upper Santa Ana Valley Groundwater Basin is adjudicated, as set forth in Judgment No. 78426 (also referred to herein as the Basin Judgment). According to Section IX(b) of the Basin Judgment, entered April 17, 1969, “over any five-year period, there may be extracted from such Basin Area, without replenishment obligation, an amount equal to five times such annual average for the Basin Area; provided, however, that if extractions in any year exceed such average by more than 20 percent, Western [Western Municipal Water District] shall provide replenishment in the following year equal to the excess extractions over such 20 percent peaking allowance.”

In August 2015, DWR released a draft list of 21 groundwater basins and subbasins significantly overdrafted by "excessive" pumping in response to a series of executive orders issued by Governor Brown since January 2014. The Riverside-Arlington Subbasin was not included in this list. DWR published the final list in January 2016, with no changes to the designation of the Riverside-Arlington Subbasin.
Development of the Project would increase impervious surface coverage on the site which would in turn reduce the amount of direct infiltration of runoff into the ground. This would have a less than significant impact on groundwater recharge in the areas of the Riverside-Arlington Subbasin 1 that are managed for that purpose, since those recharge areas do not encompass the Project site.

According to a review of California Department of Water Resources, Water Data Library 2018 online database indicates groundwater in the general site area has fluctuated from approximately 81 feet to 85 feet below the existing ground surface (Well ID Station: 34008N1173940W001).

Based on the above analysis, impacts to groundwater supplies and recharge would be less than significant and no mitigation measures are required.

3.9(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 offsite?

3.9(d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on or offsite?

3.9(e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

Determination: Less than Significant Impact.
Sources: Tentative Tract Map 37470, Preliminary WQMP (Appendix I).

Impact Analysis

Plans, Policies, or Programs (PPP)

Refer to PPP 3.9-1 through 3.9-4 under Issue 3.9 (a) above.

Project Design Features (PDF)

Refer to PDF 3.9-1 under Issue 3.9 (a) above.

The Project site currently drains from north to south, and these existing drainage patterns will be conserved. Impervious areas shall be discharged into adjacent landscaped areas, where feasible, and all onsite area will be discharged into the onsite bioretention basin before leaving the Project site.

Based on the analysis above, with implementation of PPP 3.9-1 through 3.9-4, impacts would be less than significant with respect to Issues 3.9 (c), 3.9 (d), and 3.9 (e) above and no mitigation measures are required.
### 3.9(f) Otherwise substantially degrade water quality?

**Determination:** Less Than Significant Impact.  
*Sources: Tentative Tract Map 37470, Preliminary WQMP (Appendix I).*

**Impact Analysis**

**Plans, Policies, or Programs (PPP)**

Refer to PPP 3.9-1 through 3.9-4 under Issue 3.9 (a) above.

**Project Design Features (PDF)**

Refer to PDF 3.9-1 under Issue 3.9 (a) above.

There are no conditions associated with the proposed Project that could result in the substantial degradation of water quality beyond what is described above in response to Issues 3.9 (a), 3.9(c), and 3.9 (e) above.

### 3.9(g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

**Determination:** No Impact.  
*Source: General Plan Figure 8-9.*

**Impact Analysis**

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

According to *General Plan Figure 8-9: Flood Insurance Rate Map (FIRM)*, the Project site is not located within a 100-year flood hazard area. No impact would occur and no mitigation measures are required.

### 3.9(h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

**Determination:** No Impact.  
*Source: General Plan Figure 8-9.*

**Impact Analysis**
There are no Plans, Policies, Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

According to General Plan Figure 8-9: Flood Insurance Rate Map (FIRM), the Project site is not located within a 100-year flood hazard area. No impact would occur and no mitigation measures are required.

3.9(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?

Determination: No Impact.
Source: General Plan Figure 8-9.

Impact Analysis

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

According to General Plan Figure 8-9: Flood Insurance Rate Map (FIRM), the Project site is not located within an area that may be exposed to the failure of a levee or a dam. No impact would occur and no mitigation measures are required.

3.9(j) Inundation by seiche, tsunami, or mudflow?

Determination: No Impact.
Sources: Project Application Materials, Google Earth.

Impact Analysis

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

The Pacific Ocean is located more than 30 miles from the Project site; consequently, there is no potential for tsunamis to impact the Project. In addition, no steep hillsides subject to mudflow are located on or near the Project site. The nearest large body of surface water to the site is Lake
Mathews, located approximately 12 miles to the south. Due to the distance of Lake Mathews from the Project site, a seiche in Lake Mathews would have no impact on the Project. Therefore, the Project site would not be subject to inundation by a seiche, mudflow, and/or tsunami. Therefore, no impact would occur.
3.10 LAND USE AND PLANNING

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<tr>
<th>Would the Project:</th>
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<th>Less than Significant With Mitigation Incorporated</th>
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<tbody>
<tr>
<td>a. Physically divide an established community?</td>
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<tr>
<td>b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
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<td>c. Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
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3.10(a) Physically divide an established community?

**Determination:** No Impact.

*Sources: Project Application Materials, Google Earth.*

**Impact Analysis**

*Plans, Policies, or Programs (PPP)*

*There are no Plans, Policies, or Programs applicable to the Project relating to this issue.*

*Project Design Features (PDF)*

*There are no Project Design Features applicable to the Project relating to this issue.*

An example of a Project that has the potential to divide an established community includes the construction of a new freeway or highway through an established neighborhood. The Project is located in an area largely characterized by residential development and vacant land. Land uses surrounding to the north are 30th Street with single-family homes further to the north, to the south are railroad tracks with Canal Street and single-family homes further to the south, to the east is vacant land, and to the west is vacant land with Mt. Rubidoux Nursing Center, single-family residences, and a vehicle storage facility further to the west. Therefore, no impacts would occur with respect to dividing an established community.
3.10(b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Determination: Less Than Significant Impact.
Sources: General Plan, South Coast Air Quality Management District, Final 2016 Air Quality Management Plan, Western Riverside County Multiple Species Habitat Conservation Plan, Santa Ana Regional Water Quality Control Board’s Santa Ana River Basin Water Quality Control Program Project Application Materials

Impact Analysis

Plans, Policies, or Programs (PPP)

The applicable plans and policies relating to a conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect are described in the analysis below.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Although the Project proposes a change of zone form R-R (Rural Residential) to R-1 (One Family Dwellings), the Project is still consistent with the General Plan Land Use Designation of MDR (Medium Density Residential) which allows development on the Project site with a density range of 2-5 dwelling units per acre. The Project is proposed at a density of 5.0 dwelling units per acre.

As demonstrated throughout this Initial Study/Mitigated Negative Declaration, the Project would otherwise not conflict with any applicable goals, objectives, and policies of the City of Jurupa General Plan or the City of Jurupa Valley Municipal Code. Additionally, the Project would not conflict with any applicable policy document, including the Western Riverside Multiple Species Habitat Conservation Plan, the Santa Ana Regional Water Quality Control Board’s Santa Ana River Basin Water Quality Control Program, the South Coast Air Quality Management District’s Air Quality Management Plan, and the Flabob Airport Land Use Compatibility Plan. The purpose of these plans are to avoid or mitigate an environmental effect.

In conclusion, the Project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating adverse environmental effects and impacts are less than significant with implementation of all of the Plans, Policies, and Programs identified in the attached Mitigation Monitoring and Reporting Program.

3.10(c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

Determination: Less Than Significant Impact With Mitigation Incorporated.
Source: Biological Resources Assessment and MSHCP Consistency Analysis (Appendix B),
Impact Analysis

Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts relating to a conflict with any applicable habitat conservation plan or natural community conservation plan. This measure would be included in the Project's Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.4-1 The Project is required to pay mitigation fees pursuant to the Western Riverside County Multiple Species Habitat Conservation Plan (MHSCP) as required by Municipal Code Chapter 3.80.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

The Project is located within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The MSHCP, a regional Habitat Conservation Plan, was adopted on June 17, 2003. The intent of the MSHCP is to preserve native vegetation and meet the habitat needs of multiple species, rather than focusing preservation efforts on one species at a time. The MSHCP provides coverage (including take authorization for listed species) for special-status plant and animal species, as well as mitigation for impacts to sensitive species.

Based on the analysis under Issues 3.4 (a) through 3.4 (d) (Biological Resources):

- The Project site is not in an MSHCP survey area for riparian/riverine areas or vernal pools.
- The Project will not impact Narrow Endemic Plant Species.
- The Project site does not contain suitable soils to support the Delhi Sand Flower-Loving Fly.
- The Project site is not required to comply with the Urban/Wildland Interface Guidelines.
- Burrowing owl habitat exists on the site. Mitigation Measure BIO-3 (30-day Pre-Construction Survey) is required:

With implementation of PPP 3.4-1 and Mitigation Measure BIO-1 and BIO-2, impacts related to conflicts with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan are less than significant.
3.11 MINERAL RESOURCES

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td></td>
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</tr>
<tr>
<td>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?</td>
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<td></td>
</tr>
</tbody>
</table>

3.11(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?

Determination: No Impact.

Source: General Plan.

Impact Analysis

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

According to General Plan Figure 4-16: Jurupa Valley Mineral Resources, the Project site is mapped within MRZ-3, which is defined as "Areas containing known or inferred mineral occurrences of undetermined mineral resources significance." No mineral resource extraction activity is known to have ever occurred on the Project site. Accordingly, implementation of the Project would not result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State of California. Therefore, no impact would occur.

3.11(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?

Determination: Less Than Significant Impact.

Source: General Plan.

Impact Analysis

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.
There are no Project Design Features applicable to the Project relating to this issue.

According to General Plan Figure 4-16: Jurupa Valley Mineral Resources, the Project site is mapped within MRZ-3, which is defined as “Areas containing known or inferred mineral occurrences of undetermined mineral resources significance.” However, no mineral resource extraction activity is known to have ever occurred on the Project site. As such, impacts are less than significant.
3.12 **NOISE**

<table>
<thead>
<tr>
<th><strong>Would the Project:</strong></th>
<th><strong>Potentially Significant Impact</strong></th>
<th><strong>Less than Significant With Mitigation Incorporated</strong></th>
<th><strong>Less Than Significant Impact</strong></th>
<th><strong>No Impact</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**3.12(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?**

**Determination:** Less Than Significant Impact With Mitigation Incorporated.

*Source: Noise and Vibration Impact Analysis (Appendix J).*

**Impact Analysis**

*Plans, Policies, or Programs (PPP)*

The following apply to the Project and would reduce impacts relating to noise but not to the degree that impacts would be less than significant. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.12-1 As required by Municipal Code Section 11.05.020 (9), private construction projects located within one-quarter (¼) of a mile from an inhabited dwelling shall not perform construction between the hours of six (6:00) p.m. and six (6:00) a.m. during
the months of June through September and between the hours of six (6:00) p.m. and seven (7:00) a.m. during the months of October through May.

PPP 3.12-2 As required by Jurupa Valley Municipal Code Section 11.05.040, no person shall create any sound, or allow the creation of any sound, on any property that causes the exterior sound level on any other occupied property to exceed the sound level standards set forth in Table 1 of this section or that violates the special sound source standards set forth in Section 11.05.060.

*Project Design Features (PDF)*

There are no Project Design Features applicable to the Project relating to this issue.

*Existing Ambient Noise Environment*

Sources that dominate the existing noise environment include traffic on 30th Street and distant traffic on SR 60, as well as parking lot impacts west of the Project site.

*Construction Noise*

The proposed Project would require the use of heavy-duty, off-road construction equipment throughout development activities. Since project specific information is not available at this time, potential construction-related noise impacts can only be evaluated based on the typical construction activities associated with industrial development. Potential construction source noise levels were developed based on methodologies, reference noise levels, and equipment usage and other operating factors documented and contained in the Federal Highway Administration's (FHWA) Construction Noise Handbook (FHWA, 2010), Federal Transit Administration's (FTA) Transit Noise and Vibration Impact Assessment document (FTA, 2006), and Caltrans' Transportation and Construction Vibration Guidance Manual (Caltrans, 2013).

Project construction activities would include: staging, site preparation (e.g., land clearing), grading, utility trenching, foundation work (e.g., excavation, pouring concrete pads), material deliveries, building construction (e.g., framing, concrete pouring, welding), paving, coating application, and site finishing work. In general, these activities would involve the use of worker vehicles, delivery trucks, dump trucks, and heavy-duty construction equipment such as (but not limited to) backhoes, tractors, loaders, graders, excavators, rollers, cranes, material lifts, generators, and air compressors. Table 12 presents the noise levels associated with typical types of construction equipment that could be used to develop the Project.

With regard to construction noise, site preparation and grading phases typically result in the highest temporary noise levels due to the use of heavy-duty equipment such as dozers, excavators, graders, loaders, scrapers, and trucks. As shown in Table 11, the worst-case Leq and Lmax noise levels associated with the operation of a dozer, excavator, scraper, etc. are predicted to be approximately 82 and 85 dBA, respectively, at a distance of 50 feet from the equipment operating area. At an active construction site, it is not uncommon for two or more pieces of construction equipment to operate at the same time and in close proximity. The concurrent operation of two or more pieces of construction equipment would result in noise levels of approximately 85 to 88 dBA at a distance of 50 feet from equipment operating areas. These maximum noise levels would occur for a short period time; as site preparation and grading is completed and building construction...
begins, work activities would occur further from property lines and generate lower construction noise levels.

### Table 12. Typical Construction Equipment Noise Levels (dBA)

<table>
<thead>
<tr>
<th>Equipment Type</th>
<th>Reference Noise Level at 50 feet (Lmax)</th>
<th>Predicted Noise Levels (Leq) at Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>50 Feet</td>
</tr>
<tr>
<td>Bulldozer</td>
<td>85</td>
<td>81</td>
</tr>
<tr>
<td>Backhoe</td>
<td>80</td>
<td>76</td>
</tr>
<tr>
<td>Compact Roller</td>
<td>80</td>
<td>73</td>
</tr>
<tr>
<td>Concrete Mixer</td>
<td>85</td>
<td>81</td>
</tr>
<tr>
<td>Crane</td>
<td>85</td>
<td>77</td>
</tr>
<tr>
<td>Excavator</td>
<td>85</td>
<td>81</td>
</tr>
<tr>
<td>Generator</td>
<td>82</td>
<td>79</td>
</tr>
<tr>
<td>Pneumatic Tools</td>
<td>85</td>
<td>82</td>
</tr>
<tr>
<td>Scraper</td>
<td>85</td>
<td>82</td>
</tr>
<tr>
<td>Delivery Truck</td>
<td>85</td>
<td>81</td>
</tr>
<tr>
<td>Vibratory Roller</td>
<td>80</td>
<td>73</td>
</tr>
</tbody>
</table>

Sources: Caltrans, 2013, FHWA, 2010

- **dBA**: Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels to be consistent with that of human hearing response.

- **Lmax**: The RMS (root mean squared) maximum level of a noise source or environment where peak is the maximum level of the raw noise source.

- **Leq**: The method to describe sound levels that vary over time, resulting in a single decibel value which takes into account the total sound energy over the period of time of interest.

Per Section 11.05.020 (9) of the Municipal Code, construction activities occurring between the hours of 6:00 AM and 6:00 PM during the months of June through September and between 7:00 AM and 6:00 PM during the months of October through May are exempt from noise standards.

Regardless of the Project’s consistency with the Municipal Code as described above, construction activities on the Project site, especially those involving heavy equipment, would result in noise levels up to 88 dBA during grading which would exceed the exterior noise level for residential uses...
of 55 dBA CNEL. The following mitigation measure is required to reduce construction noise impacts to the maximum extent feasible:

Mitigation Measure

**Mitigation Measure NOI-1-Construction Noise Mitigation Plan.** Prior to the issuance of a grading permit, the developer is required to submit a construction-related noise mitigation plan to the City Planning Department for review and approval. The plan must depict the location of construction equipment and how the noise from this equipment will be mitigated during construction of this project. In addition, the plan shall require that the following notes are included on grading plans and building plans. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City of Jurupa Valley staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.

"a) Haul truck deliveries shall be limited to between the hours of 6:00am to 6:00pm during the months of June through September and 7:00am to 6:00pm during the months of October through May.

b) Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers’ standards.

c) All stationary construction equipment shall be placed in such a manner so that emitted noise is directed away from any sensitive receptors adjacent to the Project site.

d) Construction equipment staging areas shall be located the greatest distance between the staging area and the nearest sensitive receptors."

Per Section 11.05.020 (9) of the Municipal Code, construction activities occurring between the hours of 6:00 AM and 6:00 PM during the months of June through September and between 7:00 AM and 6:00 PM during the months of October through May are exempt from noise standards.

**Operational Noise**

The Project is proposed to consist of 34 single-family detached residential lots and the only potential for the Project to create a substantial permanent increase in ambient noise levels would be from future traffic generated by the proposed homes. The proposed Project is expected to generate approximately 324 average daily vehicle trips (26 trips in the AM Peak hours and 34 trips in the PM Peak hours) which will not noticeably increase ambient noise levels in the Project area. Typically, a doubling of traffic volumes is required to result in an increase of 3 dBA, which is considered to be a barely audible change. Project generated traffic will not result in a doubling of traffic volumes along any affected roadway segment. As such, the proposed Project traffic would not result in a substantial permanent increase in ambient roadway noise levels. Off-site transportation-related noise impacts created by the Project would be less than significant and mitigation is not required.

3.12(b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

**Determination: Less Than Significant Impact.**

Sources: Noise and Vibration Impact Analysis (Appendix J).
Impact Analysis

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Construction Vibration

Under existing conditions, there are no known sources of ground-borne vibration or noise emanating from the Project site. The Project will not employ any pile driving, rock blasting, or rock crushing equipment during construction activities, which are the primary sources of ground-borne noise and vibration during construction.

The City has relied upon vibration standards promulgated by Caltrans in past CEQA documents. (California Department of Transportation, Transportation and Construction Vibration Guidance Manual. September, 2013). According to Caltrans, the threshold at which there may be a risk of architectural damage to normal houses with plastered walls and ceilings is 0.20 PPV inch/second. Primary sources of vibration during construction would be bulldozers. A large bulldozer could produce up to 0.089 PPV at 25 feet. At a distance of 15 feet a bulldozer would yield a worst-case 0.027 PPV (inch/sec) which is within the threshold of perception and below any risk of architectural damage.

There are single family residences located near the Project site. The level of anticipated vibration does not exceed 0.20 PPV inch/second. As such, vibration would not result in the excessive groundborne vibration or groundborne noise levels.

Operational Vibration

Typically, groundborne vibration sources that could potentially affect nearby properties are from rail roads and trucks traveling at higher speeds on freeways and highways. The Project does not have rail access nor is it a major transportation facility or roadway. Therefore, the operational impacts associated with ground-borne vibration would be less than significant at nearby sensitive uses.

3.12(c) A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?

Determination: Less Than Significant Impact With Mitigation Incorporated.


Impact Analysis

Plans, Policies, or Programs (PPP)

Refer to PPP 3.12-1 and PPP 3.12-2 under Issue 3.12(a) above.
There are no Project Design Features applicable to the Project relating to this issue.

As discussed above under Issue 3.12(a), with implementation of Mitigation Measures NOI-1, impacts would be less than significant.

### 3.12(d) A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?

**Determination: Less Than Significant Impact With Mitigation Incorporated.**

*Source: Noise and Vibration Impact Analysis (Appendix J).*

### Impact Analysis

**Plans, Policies, or Programs (PPP)**

Refer to PPP 3.12-1 and PPP 3.12-2 under Issue 3.12(a) above.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

As discussed above under Issue 3.12(a), the only potential for the Project to create a substantial temporary or periodic increase in ambient noise levels is during its construction phase. The analysis presented under Issue 3.12(a) concluded that the Project would result in elevated noise levels during construction but were less than significant with implementation of Mitigation Measure NOI-1.

### 3.12(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?

**Determination: No Impact.**

*Source: Riverside County Airport Land Use Commission.*

### Impact Analysis

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

According to *Map FL-3, Noise Compatibility Contours*, the Project site is not located within an area that will be significantly impacted by aircraft noise. As such, the Project will not result in excessive noise for people residing or working in the Project area.
3.12(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?

**Determination: No Impact.**

*Source: Google Earth, Field Inspection.*

The Project site is not located in the vicinity of a private airstrip. Therefore, no impacts will occur.
### 3.13 POPULATION AND HOUSING

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>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)?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 3.13(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)?

**Determination:** Less than Significant Impact.  
Source: Project Application Materials.

### Impact Analysis

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

The Project would not result in substantial population growth because it only will allow up to thirty-four (34) dwelling units. According to the California Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018* Jurupa Valley has 3.35 persons per household. The increase in population would be 114 persons assuming all the future residents of the houses would come from outside the city limits.

Typically, growth would be considered a significant impact pursuant to CEQA if it directly or indirectly affects the ability of agencies to provide needed public services and requires the expansion or new construction of public facilities and utilities.

New water and sewer lines will connect to the existing facilities in 30th Street.

In addition, the analysis in Section 3.14, *Public Services*, of this Initial Study Checklist demonstrates that the impacts on public services are less than significant so the public service provider’s ability
to provide services will not be reduced. Based on the above analysis, impacts are less than significant.

### 3.13(b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

**Determination:** No Impact.
*Sources: Project Application Materials.*

**Impact Analysis**

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

*There are no Project Design Features applicable to the Project relating to this issue.*

The Project site does not contain any residential housing units. Therefore, implementation of the Project would not displace a substantial number of existing housing, nor would it necessitate the construction of replacement housing elsewhere. As such, there would be no impact.

### 3.13(c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

**Determination:** No Impact.
*Source: Project Application Materials.*

**Impact Analysis**

**Plans, Policies, or Programs (PPP)**

*There are no Plans, Policies, Programs applicable to the Project relating to this issue.*

**Project Design Features (PDF)**

*There are no Project Design Features applicable to the Project relating to this issue.*

As described above under the response to Issue 3.13(b), the Project site does not contain residential housing units. Therefore, the Project would not displace substantial numbers of people and would not necessitate the construction of replacement housing elsewhere. Impacts would be less than significant.
3.14 PUBLIC SERVICES

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</td>
<td></td>
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</tr>
<tr>
<td>1) Fire protection?</td>
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<td>✔</td>
</tr>
<tr>
<td>2) Police protection?</td>
<td></td>
<td></td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>3) Schools?</td>
<td></td>
<td></td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>4) Parks?</td>
<td></td>
<td></td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>5) Other public facilities?</td>
<td></td>
<td></td>
<td></td>
<td>✔</td>
</tr>
</tbody>
</table>

3.14(a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

FIRE PROTECTION

Determination: Less Than Significant Impact.
Source: Riverside County Fire Department.

Impact Analysis

Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts relating to fire protection. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.14-1 The Project applicant shall comply with all applicable Riverside County Fire Department codes, ordinances, and standard conditions regarding fire prevention and suppression measures relating to water improvement plans, fire hydrants,
automatic fire extinguishing systems, fire access, access gates, combustible construction, water availability, and fire sprinkler systems.

**PPP 3.14-2**  
As required by Municipal Code Chapter 3.75 et seq., the Project proponent shall pay a Development Impact Fee (DIF) following protocol for impact fee collection.

*Project Design Features (PDF)*

*There are no Project Design Features applicable to the Project relating to this issue.*

The Riverside County Fire Department provides fire protection services to the Project area. The Project would be primarily served by the Rubidoux Fire Station No. 38, an existing station located at an existing station located approximately 2.7 roadway miles northwest of the Project site at 5721 Mission Boulevard.

Development of the Project would impact fire protection services by placing an additional demand on existing fire protection resources should its resources not be augmented. To offset the increased demand for fire protection services, the Project would be conditioned by the City to provide a minimum of fire safety and support fire suppression activities, including compliance with State and local fire codes, fire sprinklers, a fire hydrant system, paved access, and secondary access routes. Although the Project would increase the demand for fire protection services, it is not anticipated that it would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities as the Fire Department has reviewed the Project and will provide fire protection services from existing facilities.

Furthermore, the Project would be required to comply with the provisions of Municipal Code Chapter 3.75 which requires payment of the Development Impact Fee to assist the City in providing for fire protection services. Payment of the Development Impact Fee would ensure that the Project provides fair share funds for the provision of additional public services, including fire protection services, which may be applied to fire facilities and/or equipment, to offset the incremental increase in the demand for fire protection services that would be created by the Project.

Based on the analysis above, with implementation of PPP 3.14-1 and PPP 3.14-2, impacts related to fire protection are less than significant.

**POLICE PROTECTION**

*Determinations: Less Than Significant Impact.*

*Sources: Riverside County Sheriff’s Department “Stations,” Riverside County General Plan, Project Application Materials.*

**Impact Analysis**

*Plans, Policies, or Programs (PPP)*

The following applies to the Project and would reduce impacts relating to police protection. This measure will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:
PPP 3.14-2  As required by Municipal Code Chapter 3.75 et seq., the Project proponent shall pay a Development Impact Fee (DIF) following protocol for impact fee collection.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

The Riverside County Sheriff’s Department provides community policing to the Project area via the Jurupa Valley Station located at 7477 Mission Boulevard, Jurupa Valley, CA. The Project would increase the demand for police protection services. The Project would be required to comply with the provisions of Municipal Code Chapter 3.75 which requires payment of the Development Impact Fee to assist the City in providing for public services, including police protection services. Payment of the Development Impact Fee would ensure that the Project provides its fair share of funds for additional police protection services, which may be applied to sheriff facilities and/or equipment, to offset the incremental increase in the demand that would be created by the Project. Although the Project would increase the demand for police protection services, it is not anticipated that it would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities as the Sheriff’s Department has reviewed the Project and will provide police protection services from existing facilities. As such, the Project would not result in a substantial adverse physical impact associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.

In addition, consistent with General Plan Policy CSSF 2.1-2, the Project plans were routed to the Sheriff’s Department for review and comment to increase public safety and maintain close coordination with the Sheriff's Department and law enforcement programs.

Based on the analysis above, with implementation of PPP 3.14-2, impacts related to police protection are less than significant.

SCHOOLS

Determination: Less Than Significant Impact.
Sources: California Senate Bill 50 (Greene), Project Application Materials.

Impact Analysis

Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts relating to schools. This measure will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.14-3  As required by Section 65995 of the Government Code, the Project Applicant shall pay required development impact fees to the applicable school district following protocol for impact fee collection required by that district.
There are no Project Design Features applicable to the Project relating to this issue.

The Project proposes thirty-four (34) dwelling units which could create additional students to be served by the Jurupa Unified School District assuming future students will come from outside the District. However, the Project would be required to contribute fees to the Jurupa Unified School District in accordance with the Leroy F. Greene School Facilities Act of 1998 (Senate Bill 50). Pursuant to Senate Bill 50, payment of school impact fees constitutes complete mitigation under CEQA for Project-related impacts to school services.

Based on the above analysis, with implementation of PPP 3.14-3, impacts related to schools are less than significant.

PARKS

Determination: Less Than Significant Impact.

Source: Project Application Materials

Impact Analysis

Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts relating to parks. This measure will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.14-4 Prior to the issuance of a building permit, the Project Applicant shall pay required park development impact fees to the Jurupa Area Recreation and Park District pursuant to District Ordinance No. 01-2007 and 02-2008.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

As noted in the response to Issue 3.13 (a) above, the Project proposes thirty-four (34) dwelling units. According to the California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018 Jurupa Valley has 3.35 persons per household. The increase in population would be 114 persons assuming all the future residents of the houses would come from outside the city limits. As such, the Project will generate additional need for parkland. The payment of development impact fees will reduce any indirect Project impacts related to parks.

Based on the above analysis, with implementation of PPP 3.14-4, impacts related to parks are less than significant.

OTHER PUBLIC FACILITIES

Determination: Less Than Significant Impact.

Source: Project Application Materials.
Impact Analysis

Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts relating to other public facilities. These measures will be included in the Project's Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.14-2 above is applicable to the Project.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

As noted in the response to Issue 3.13(a) above, development of the Project could result in a direct increase in the population of the Project area and would not increase the demand for public services, including public health services and library services which would require the construction of new or expanded public facilities.

The Project would be required to comply with the provisions of Municipal Code Chapter 3.75 which requires payment of the Development Impact Fee to assist the City in providing public services. Payment of the Development Impact Fee would ensure that the Project provides fair share of funds for additional public services. These funds may be applied to the acquisition and/or construction of public services and/or equipment.

Based on the above analysis, with implementation of PPP 3.14-2 above, impacts related to other public facilities are less than significant.
3.15 RECREATION

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
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<tr>
<td>Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
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<tr>
<td>b.</td>
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<tr>
<td>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?</td>
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</tbody>
</table>

Impact Analysis

3.15(a) Would the proposed Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Determination: Less than Significant Impact.

Source: Project Application Materials.

Impact Analysis

Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts relating to other public facilities. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.14-4 Prior to the issuance of a building permit, the Project Applicant shall pay required park development impact fees to the Jurupa Area Recreation and Park District pursuant to District Ordinance No. 01-2007 and 02-2008.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

The Project would not result in substantial population growth because it only will allow thirty-four (34) dwelling units. According to the California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018 Jurupa Valley has 3.35 persons per household. The increase in population would be 114 persons assuming all the future residents of the houses would come from outside the city limits. As such, the Project would not cause a substantial physical deterioration of any park facilities or would accelerate the physical deterioration of any park facilities because the Project because of the relatively small increase in population. The payment of Development Impact Fees will reduce any indirect Project impacts related to recreational facilities.
Based on the above analysis, with implementation of PPP 3.14-1, impacts related to recreational facilities would be less than significant and no mitigation measures are required.

3.15(b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?

Determination: Less than Significant Impact.

Source: Project Application Materials

Impact Analysis

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

The Project does not propose any recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment. In addition, no offsite parks or recreational improvements are proposed or required as part of the Project.

Based on the analysis above, impacts related to parks and recreational facilities would be less than significant and no mitigation measures are required.
### 3.16 TRANSPORTATION/TRAFFIC

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</td>
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<td>b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</td>
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<tr>
<td>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?</td>
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<tr>
<td>d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
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<tr>
<td>e. Result in inadequate emergency access?</td>
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<tr>
<td>f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</td>
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</table>

**3.16(a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**

**Determination: Less Than Significant Impact.**

*Source: Riverside County Transportation Department, Traffic Impact Analysis Preparation Guidelines.*
Impact Analysis

Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts relating to transportation/traffic. These measures will be included in the Project's Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.16-1 The Project Proponent shall make required per-unit fee payments associated with the Western Riverside County Transportation Uniform Mitigation Fees (TUMF) pursuant to Chapter 3.70 of the Municipal Code.

PPP 3.16-2 As required by Municipal Code Chapter 3.75, the Project is required to pay a Development Impact Fee to assist the City in providing revenue that the City can use to fund transportation improvements such as roads, bridges, major improvements and traffic signals.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Motor Vehicle Analysis

The City of Jurupa Valley relies upon the Riverside County Transportation Department, Traffic Impact Analysis Preparation Guidelines to determine if a project requires a traffic impact analysis to be prepared. According to the Guidelines, a traffic impact analysis is generally not required for any use that generates less than 100 vehicle trips during the peak hours. The City's Transportation Manager determined that a traffic impact analysis was not required for this Project and that impacts would be less than significant due to the low volume of traffic (estimated at 324 daily vehicle trips, 26 of which will occur during the morning peak hour and 34 of which will occur during the evening peak hour). In addition, the City's Transportation Manager determined there are no concerns over safety or operational issues associated with the Project.

Transit Service Analysis

The Riverside Transit Agency, a public transit agency, serves the region and the City of Jurupa Valley. There is no bus service adjacent to the Project site. In addition, the Project is not proposing to construct any improvements would interfere with any future bus service.

Bicycle & Pedestrian Facilities Analysis

The Project is not proposing to construct any improvements that will interfere with bicycle and pedestrian use. Pedestrian and bicycle access will be available to the Project site from 30th Street. Therefore, the Project will not conflict with an applicable plan, ordinance or policy applying to non-motorized travel. Impacts are less than significant.
3.16(b) Conflict with an applicable congestion management program, including, but not limited to, level-of-service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Determination: Less Than Significant Impact.
Source: Riverside County Congestion Management Program.

Impact Analysis

The Riverside County Transportation Commission was designated as the Congestion Management Agency for Riverside County in 1990, and therefore, prepares and administers the Riverside County Congestion Management Program in consultation with the Technical Advisory Committee which consists of local agencies, the County of Riverside, transit agencies, and subregional agencies.

The intent of the Riverside County Congestion Management Program is to more directly link land use, transportation, and air quality, thereby prompting reasonable growth management programs that will effectively utilize new transportation funds, alleviate traffic congestion and related impacts, and improve air quality.

The 2011 Riverside County Congestion Management Program is the latest version of the CMP prepared by the Riverside County Transportation Commission in accordance with Proposition 111, passed in June 1990. The Congestion Management Program was established in the State of California to more directly link land use, transportation, and air quality and to prompt reasonable growth management programs that would more effectively utilize new and existing transportation funds, alleviate traffic congestion and related impacts, and improve air quality. Deficiencies along the CMP system are identified by the Riverside County Transportation Commission when they occur so that improvement measures can be identified. Understanding the reason for these deficiencies and identifying ways to reduce the impact along a critical CMP corridor is intended to conserve scarce funding resources and help target those resources appropriately.

Due to the low volume of traffic (estimated at 324 daily vehicle trips, 26 of which will occur during the morning peak hour and 34 of which will occur during the evening peak hour), Project traffic will not result in significant direct and cumulatively considerable impacts to Congestion Management Program roadway system. Accordingly, implementation of the Project would not conflict with the applicable Congestion Management Program, including Level of Service standards, and impacts would be less than significant.

3.16(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?

Determination: No Impact.
Source: Google Earth.

Impact Analysis

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.
There are no Project Design Features applicable to the Project relating to this issue.

The Project does not include an air travel component (e.g., runway, helipad, etc.). Accordingly, the Project would not have the potential to affect air traffic patterns, including an increase in traffic levels or a change in flight path location that results in substantial safety risks. Impacts are less than significant and no mitigation is required.

**3.16(d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

**Determination: No Impact.**  
*Source: Project Application Materials.*

**Impact Analysis**

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

All roadway improvements will be constructed to meet City standards. The Project would not be incompatible with existing development in the surrounding area to the extent that it would create a transportation hazard as a result of an incompatible use. Accordingly, the Project would not substantially increase hazards due to a design feature or incompatible use. Impacts would be less than significant and mitigation is not required.

**3.16(e) Result in inadequate emergency access?**

**Determination: No Impact.**  
*Source: Project Application Materials.*

**Impact Analysis**

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

The Project proposes thirty-four (34) residential homes which would increase the need for emergency access to-and-from the site. Adequate emergency access would be provided to the
Project site from 30th Street and Sierra Avenue. During the course of the preliminary review of the Project, the Project's transportation design was reviewed by the City's Engineering Department, County Fire Department, and County Sheriff's Department to ensure that adequate access to and from the site would be provided for emergency vehicles.

With the adherence to mandatory requirements for emergency vehicle access, there are no impacts and no mitigation measures are required.

### 3.16(f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

**Determination:** No Impact.

*Source: General Plan Circulation Element, Project Application Materials.*

**Impact Analysis**

**Plans, Policies, or Programs (PPP)**

*There are no Plans, Policies, or Programs applicable to the Project relating to this issue.*

**Project Design Features (PDF)**

*There are no Project Design Features applicable to the Project relating to this issue.*

The Riverside Transit Agency, a public transit agency, serves the region and the City of Jurupa Valley. In addition, the Project is not proposing to construct any improvements would interfere with any future bus service. As such, the Project as proposed will not conflict with an applicable plan, ordinance or policy applying to transit services. Impacts would be less than significant and no mitigation would be required.
### 3.17 TRIBAL CULTURAL RESOURCES

**Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**

<table>
<thead>
<tr>
<th>Impact Analysis</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?</td>
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<tr>
<td>b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?</td>
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</table>

### 3.17(a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

**Determination: No Impact.**

*Source: Cultural Resources Assessment (Appendix E), AB52 Tribal Consultation.*

#### Impact Analysis

**Plans, Policies, or Programs (PPP)**

*There are no Plans, Policies, or Programs applicable to the Project relating to this issue.*

**Project Design Features (PDF)**

*There are no Project Design Features applicable to the Project relating to this issue.*

Historic resources generally consist of buildings, structures, improvements, and remnants associated with a significant historic event or person(s) and/or have a historically significant style, design, or achievement. Damaging or demolition of historic resources is typically considered to be a significant impact. Impacts to historic resources can occur through direct impacts, such as destruction or removal, and indirect impacts, such as a change in the setting of a historic resource.

CEQA Guidelines §15064.5(a) clarifies that historical resources include the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.
2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements [of] section 5024.1(g) of the Public Resources Code.

3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

Results of the January 12, 2018, records search at the EIC indicate there are no previously recorded resources within the Project site; however, the Project site has never been surveyed. The January 12, 2018, field survey revealed approximately 90 percent of the Project site is obscured and very little of the original surface remains exposed. There was virtually complete obstruction by vegetation, and ground visibility was exceptionally poor at approximately 10 percent.

A concentration of discarded asphalt and a stockpile of imported soil were noted in the northern portion of the site. Building and road debris (brick, concrete block, and asphalt fragments) along with sparse modern refuse (including furniture) were also noted on the surface. The southern end of the Project site has been severely disturbed by earthmoving activities.

The January 2018 review of online historic period aerial photographs and maps and online research indicated there were never any buildings or structures within Project site and agricultural cultivation was not conspicuous.

Based on the analysis above, impacts to above ground historical resources are less than significant.

3.17(b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Determination: Potentially Significant Impact With Mitigation Incorporated.

Source: Cultural Resources Assessment (Appendix E), AB52 Tribal Consultation.

Impact Analysis

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

On July 1, 2015 AB 52 (Gatto, 2014) went into effect. AB 52 established “Tribal Cultural resources” as a resource subject to CEQA review. Tribal Cultural Resources are either of the following:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.

(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also created a process for consultation with California Native American Tribes in the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project.

The Planning Department notified the following California Native American Tribes per the requirements of AB52:

- Gabrielseño Band of Mission Indians – Kizh Nation
- Soboba Band Luiseño Indians
- Torres Martinez Band of Cahuilla Indians.
- San Manuel Band of Mission Indians

The Gabrielseño Band of Mission Indians – Kizh Nation, Soboba Band Luiseño Indians, and the San Manuel Band of Mission Indians requested consultation and indicated that tribal cultural resources could be present on the site. As a result of the AB52 consultation process, the following mitigation measure is required:

**Mitigation Measure TCR-1- Native American Monitoring, Treatment of Discoveries, and Disposition of Discoveries.**

I.

a. **TREATMENT PLAN:** Prior to the issuance of a grading permit, the applicant shall submit a treatment plan in accordance with Part II (b) “Treatment of Discoveries” of this mitigation measure for the review and approval of the Planning Director.

b. **ARCHEOLOGICAL MONITOR:** An archaeological monitor shall be present for all ground-disturbing activities that occur within the proposed project area.

II.

a. **MONITORING:** Prior to the issuance of a grading permit, the applicant shall contact the consulting Native American Tribe(s) that have requested monitoring through consultation with the City during the AB 52 process. The applicant shall coordinate with the Tribe to develop a Tribal Monitoring Agreement(s). A copy of the agreement shall be provided to the Jurupa Valley Planning Department prior to the issuance of a grading permit.

b. **TREATMENT OF DISCOVERIES:** If a significant tribal cultural resource is discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). A representative of the appropriate Native American Tribe(s) shall be present and coordinate the activities.
Tribe(s), the Project Proponent, and the City Planning Department shall confer regarding mitigation of the discovered resource(s). A treatment plan shall be prepared and implemented to protect the identified tribal cultural resources from damage and destruction. The treatment plan shall contain a research design and data recovery program necessary to document the size and content of the discovery such that the resource(s) can be evaluated for significance under CEQA criteria. The research design shall list the sampling procedures appropriate to exhaust the research potential of the tribal cultural resources in accordance with current professional archaeology standards. The treatment plan shall require monitoring by the appropriate Native American Tribe(s) during data recovery and shall require that all recovered artifacts undergo basic field analysis and documentation or laboratory analysis, whichever is appropriate. At the completion of the basic field analysis and documentation or laboratory analysis, any recovered tribal cultural resources shall be processed and curated according to current professional repository standards. The collections and associated records shall be donated to an appropriate curation facility, or, the artifacts may be delivered to the appropriate Native American Tribe(s) if that is recommended by the City of Jurupa Valley. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the Jurupa Valley Planning Department, the Eastern Information Center, and the appropriate Native American Tribe.

c. **DISPOSITION OF DISCOVERIES:** In the event that Native American cultural resources are inadvertently discovered during the course of grading for this project. The following procedures will be carried out for treatment and disposition of the discoveries:

The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to tribal cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the Jurupa Valley Planning Department with evidence of same:

1. A fully executed reburial agreement with the appropriate culturally affiliated Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed.
2. A curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation.
3. If more than one Native American Group is involved with the project and cannot come to an agreement as to the disposition of cultural materials, they shall be curated at the Western Science Center by default.
4. Should reburial of collected cultural items be preferred, it shall not occur until after the Phase IV monitoring report has been submitted to the Jurupa Valley Planning Department. Should curation be preferred, the
developer/permit applicant is responsible for all costs and the repository and curation method shall be described in the Phase IV monitoring report.

With implementation of Mitigation Measure TCR-1, impacts will be less than significant.
# 3.17 UTILITIES AND SERVICE SYSTEMS

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
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<tr>
<td>b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
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<tr>
<td>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?</td>
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<tr>
<td>d. Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
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<tr>
<td>e. Result in a determination by the wastewater treatment provider, which serves or may serve the Project that it has adequate capacity to serve the Project’s projected demand in addition to the provider’s existing commitments?</td>
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<td>f. Be served by a landfill with sufficient permitted capacity to accommodate the Project’s solid waste disposal needs?</td>
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<td>g. Comply with federal, state, and local statutes and regulations related to solid waste?</td>
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### 3.17(a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

**Determination:** Less Than Significant Impact.

*Source: Rubidoux Community Services District.*

**Impact Analysis**

*Plans, Policies, or Programs (PPP)*

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

*Project Design Features (PDF)*

There are no Project Design Features applicable to the Project relating to this issue.
Wastewater collection services would be provided to the Project site by the Rubidoux Community Services District ("District"). Pursuant to General Waste Discharge Requirements for Wastewater Collection Agencies (State Water Resources Control Board Order No. 2006-0003-DWQ) the District must demonstrate, through sanitary sewer system use ordinances, service agreements, or other legally binding procedures, that it possesses the necessary legal authority to prevent illicit discharges into its sanitary sewer system as set forth in the District's Sewer System Management Plan.

Wastewater generated by the Project will be collected and conveyed through wastewater conveyance facilities (trunk sewer, lift station, and force main) to the Riverside Water Quality Control Plant (RWQCP), which is located on Acorn Street in the City of Riverside. The RWQCP is required to operate its treatment facility in accordance with the waste treatment and discharge standards and requirements set forth by the Santa Ana Regional Water Quality Control Board. The proposed Project would not install or utilize septic systems or alternative wastewater treatment systems; therefore, the Project would have no potential to exceed the applicable wastewater treatment requirements established by the Santa Ana Regional Water Quality Control Board. Accordingly, impacts would be less than significant.

**3.17(b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

**Determination: Less Than Significant Impact.**
Sources: Rubidoux Community Services District, Project Application Materials.

**Impact Analysis**

**Plans, Policies, or Programs (PPP)**

*There are no Plans, Policies, or Programs applicable to the Project relating to this issue.*

**Project Design Features (PDF)**

*There are no Project Design Features applicable to the Project relating to this issue.*

Water and sewer service to the Project site will be provided by the Rubidoux Community Services District. New water and sewer lines will connect to the existing facilities in 30th Street. No additional water or sewer infrastructure will be needed to serve the Project other than connection to the existing water and sewer lines in the immediate vicinity of the Project site.

The installation of water and sewer lines as proposed by the Project would result in physical impacts to the surface and subsurface of the Project site. These impacts are considered to be part of the Project's construction phase and are evaluated throughout this Initial Study Checklist. In instances where impacts have been identified for the Project’s construction phase, Plans, Policies, Programs (PPP), Project Design Features (PDF), or Mitigation Measures (MM) are required to reduce impacts to less-than-significant levels. Accordingly, additional measures beyond those identified throughout this Initial Study Checklist would not be required.
3.17(c) **Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

**Determination:** Less Than Significant Impact.

*Source: Project Application Materials.*

**Impact Analysis**

*Plans, Policies, or Programs (PPP)*

*Refer to PPP 3.9-1 through PPP 3.9-4 under Section 3.9-Hydrology and Water Quality.*

*Project Design Features (PDF)*

*Refer to PDF 3.9-1 under Section 3.9-Hydrology and Water Quality.*

Drainage will flow in Street A from north to south where it will be captured in the water quality basin at the southern end of the Project site. After first flush treatment, it will be discharged via a storm drain line that will connect to the storm drain line maintained by the Riverside County Flood Control District which borders the western boundary of the Project site.

The construction of the on-site and off-site drainage facilities would result in physical impacts to the surface and subsurface of the Project site. These impacts are part of the Project's construction phase and are evaluated in the appropriate sections of this Initial Study Checklist. In any instances where impacts have been identified for the Project's construction phase, Plans, Policies, Programs (PPP), Project Design Features (PDF), or Mitigation Measures are required to reduce impacts to less-than-significant levels. Accordingly, additional measures beyond those identified throughout this Initial Study Checklist would not be required.

3.17(d) **Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

**Determination:** Less Than Significant Impact.

*Source: Rubidoux Community Services District.*

**Impact Analysis**

*Plans, Policies, or Programs (PPP)*

*There are no Plans, Policies, or Programs applicable to the Project relating to this issue.*

*Project Design Features (PDF)*

*There are no Project Design Features applicable to the Project relating to this issue.*

The Project site is located within the Jurupa Community Services District (JCSD). The JCSD Board of Directors approved a “no contest” action that supports the de-annexation of the Project site from
JCSD and the annexation of the Project site to the Rubidoux Community Services District. As such, water service will be provided to the Project site by the Rubidoux Community Services District ("District").

According to the District's Draft 2015 Urban Water Management Plan, the base daily water use is 208 gallons per day per capita (gpcd). According to the California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018 Jurupa Valley has 3.35 persons per household. Thus, the Project would generate 114 residents. Based on the 208 gpcd, the Project would result in an estimated water demand of 23,712 gpcd.

According to the District's Draft 2015 Urban Water Management Plan, the sole source of potable water supply for the District and for all water users in the Rubidoux Community is groundwater extracted from the southern portion of the Riverside-Arlington Subbasin 1 (also referred to herein as the Riverside Basin) of the Upper Santa Ana Valley Groundwater Basin. The Basin encompasses the District's entire service area. The District expects that groundwater extracted from the Basin by six potable and six non-potable (irrigation only) groundwater wells will continue to be its primary (and possibly only) source of water through the year 2040, and possibly beyond.

The Upper Santa Ana Valley Groundwater Basin is adjudicated, as set forth in Judgment No. 78426 (also referred to herein as the Basin Judgment). According to Section IX(b) of the Basin Judgment, entered April 17, 1969, "over any five-year period, there may be extracted from such Basin Area, without replenishment obligation, an amount equal to five times such annual average for the Basin Area; provided, however, that if extractions in any year exceed such average by more than 20 percent, Western [Western Municipal Water District] shall provide replenishment in the following year equal to the excess extractions over such 20 percent peaking allowance."

In August 2015, DWR released a draft list of 21 groundwater basins and subbasins significantly overdrafted by "excessive" pumping in response to a series of executive orders issued by Governor Brown since January 2014. The Riverside-Arlington Subbasin was not included in this list. DWR published the final list in January 2016, with no changes to the designation of the Riverside-Arlington Subbasin.

The District does not have an immediate concern with water supply reliability. Because the District's water supply is groundwater, which has historically not been impacted by seasonal or year-to-year climatic change, the District is not subject to short-term water shortages resulting from temporary dry weather conditions. In the foreseeable future, the District will continue to be reliant on local groundwater supplies. The District will develop additional groundwater extraction and groundwater treatment facilities as needed to ensure a continuous and adequate water supply for its service area.

Based on the analysis above, impacts are less than significant.
3.17(e) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project’s projected demand in addition to the provider’s existing commitments?

Determination: Less Than Significant Impact.
Source: Rubidoux Community Services District, CalEEMod.

Impact Analysis

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

The Project site is located within the Jurupa Community Services District (JCSD). The JCSD Board of Directors approved a “no contest” action that supports the de-annexation of the Project site from JCSD and the annexation of the Project site to the Rubidoux Community Services District. As such, sewer service will be provided to the Project site by the Rubidoux Community Services District (“District”).

The District purchases treatment capacity at the Riverside Water Quality Control Plant (RWQCP), which is located on Acorn Street in the City of Riverside. The current capacity of the RWQCP is 40 million gallons per day (approximately 123 acre-feet per day). The District is currently in the early planning stages for construction of additions to the plant. Quantities of wastewater collected and conveyed by the District to the RWQCP in 2015 was 2,212 AF/yr. The quantities projected to be conveyed by District and treated by the City of Riverside over the next 25 years are: 2,290 AF/yr in 2020; 2,310 AF/yr in 2025; 2,320 AF/yr in 2030; 2,330 AF/yr in 2035; and 2,350 SF/yr in 2040.

Wastewater use for the Project was estimated by using The California Emissions Estimator Model (CalEEMod). The model can be used to estimate wastewater usage for analysis in CEQA documents. The Project is estimated to have an indoor water demand of 1.77 million gallons per year which includes wastewater. Assuming (a maximum) that all the water is discharged to the sewer system, the increase in wastewater from the proposed Project would be 5.79 AF (acre feet per year), which is within the operational capacity of the RWQCP. The capacity of existing wastewater treatment plant would be able to accommodate this increase within the existing capacity. Therefore, implementation of the proposed Project would not result in impacts related to wastewater treatment provider capacity, and impacts would be less than significant.

3.17(f) Be served by a landfill with sufficient permitted capacity to accommodate the Project’s solid waste disposal needs?

Determination: Less Than Significant Impact.
Sources: Riverside County Waste Management, Cal Recycle Facility/Site Summary Details, CalEEMod.

Impact Analysis
**Plans, Policies, or Programs (PPP)**

The following apply to the Project and would reduce impacts relating to landfill capacity. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

**PPP 3.17-1** The Project shall comply with Section 4.408 of the 2013 California Green Building Code Standards, which requires new development projects to submit and implement a construction waste management plan in order to reduce the amount of construction waste transported to landfills. Prior to the issuance of building permits, the City of Jurupa Valley shall confirm that a sufficient plan has been submitted, and prior to final building inspections, the City of Jurupa shall review and verify the Contractor’s documentation that confirms the volumes and types of wastes that were diverted from landfill disposal, in accordance with the approved construction waste management plan.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Construction Related Impacts**

Waste generated during the construction phase of the Project would primarily consist of discarded materials from the construction of streets, common areas, infrastructure installation, and other project-related construction activities. Solid waste generated in Jurupa Valley is generally transported to the Agua Mansa Transfer Station and Material Recovery Facility at 1830 Agua Mansa Road. From there, recyclable materials are transferred to third-party providers, and waste materials are transported to various landfills in Riverside County, including the Badlands Sanitary Landfill and the El Sobrante Landfill.

According to the Cal Recycle Facility/Site Summary Details website accessed on June 2, 2018, these landfills receive well below their maximum permitted daily disposal volume and demolition and construction waste generated by the Project is not anticipated to cause these landfills to exceed their maximum permitted daily disposal volume. Furthermore, none of these regional landfill facilities are expected to reach their total maximum permitted disposal capacities during the Project’s construction period. As such, these regional landfill facilities would have sufficient daily capacity to accept construction solid waste generated by the Project.

**Operational Related Impacts**

To determine the solid waste demand of the proposed Project, default values for single-family residential housing were taken from CalEEMod. Based on CalEEMod default estimates for the proposed Project’s land uses, the proposed Project would result in a solid waste generation of approximately 9.94 tons per year. Based on the current recycling requirements, which require diversion of 50 percent of solid waste away from landfills, the proposed Project’s solid waste generation would be reduced to 4.97 tons of solid waste per year. In 2020, state regulations per AB 341 will become effective, which will require diversion of 75 percent of solid waste from landfills. Thus, it is anticipated that solid waste landfill disposal from operation of the Project in 2020 would be further reduced to approximately 2.2 tons per year.
According to the Cal Recycle Facility/Site Summary Details website accessed on June 2, 2018 the Badlands Sanitary Landfill has a permitted disposal capacity of 4,000 tons per day with a remaining capacity of 14,730,020 cubic yards. The Badlands Sanitary Landfill is estimated to reach capacity, at the earliest time, in the year 2024. The El Sobrante Landfill has a permitted disposal capacity of 16,034 tons per day with a remaining capacity of 145,530,000 tons. The El Sobrante Landfill is estimated to reach capacity, at the earliest time, in the year 2045.

Solid waste generated during long-term operation of the Project would ultimately be disposed of at the Badlands Sanitary Landfill and/or the El Sobrante Landfill. During long-term operation, the Project’s solid waste (without the 50% and 75% reduction described above) would represent less than 0.003% of the daily permitted disposal capacity at the Badlands Sanitary Landfill and less than 0.0009% of the daily permitted disposal capacity at the El Sobrante Landfill.

Because the Project would generate a relatively small amount of solid waste per day, as compared to the permitted daily capacities for Badlands Sanitary Landfill and the El Sobrante Landfill, these regional landfill facilities would have sufficient daily capacity to accept solid waste generated by the Project.

Based on the above analysis, impacts are less than significant.

### 3.17(g) Comply with federal, state, and local statutes and regulations related to solid waste?

**Determination: Less Than Significant Impact.**

Sources: California Assembly Bill 939 (Sher), Riverside County Waste Resources Management District, Riverside County Integrated Waste Management Plan, Riverside County Waste Management Department, Solid Waste System Study Report, Waste Management “El Sobrante Landfill”

**Impact Analysis**

**Plans, Policies, or Programs (PPP)**

The following applies to the Project and would reduce impacts relating to solid waste. This measure will be included in the Project’s Mitigation Monitoring and Reporting Program:

**PPP 3.17-1** The Project shall comply with Section 4.408 of the 2013 California Green Building Code Standards, which requires new development projects to submit and implement a construction waste management plan in order to reduce the amount of construction waste transported to landfills. Prior to the issuance of building permits, the City of Jurupa Valley shall confirm that a sufficient plan has been submitted, and prior to final building inspections, the City of Jurupa shall review and verify the Contractor’s documentation that confirms the volumes and types of wastes that were diverted from landfill disposal, in accordance with the approved construction waste management plan.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.
Construction Related Impacts

Waste generated during the construction phase of the Project would primarily consist of discarded materials from the construction of streets, common areas, infrastructure installation, and other project-related construction activities. According to the Riverside County Waste Management Department, solid waste generated within the City of Jurupa Valley is deposited at the Badlands Sanitary Landfill and the El Sobrante Landfill.

According to the Cal Recycle Facility/Site Summary Details website accessed on March 28, 2018, these landfills receive below their maximum permitted daily disposal volume and demolition and construction waste generated by the Project is not anticipated to cause these landfills to exceed their maximum permitted daily disposal volume. Furthermore, none of these regional landfill facilities are expected to reach their total maximum permitted disposal capacities during the Project’s construction period. As such, these regional landfill facilities would have sufficient daily capacity to accept construction solid waste generated by the Project.

Operational Related Impacts

The California Integrated Waste Management Act established an integrated waste management system that focused on source reduction, recycling, composting, and land disposal of waste. In addition, the Act established a 50% waste reduction requirement for cities and counties by the year 2000, along with a process to ensure environmentally safe disposal of waste that could not be diverted. Per the requirements of the Integrated Waste Management Act, the Riverside County Board of Supervisors adopted the Riverside Countywide Integrated Waste Management Plan which outlines the goals, policies, and programs the County and its cities will implement to create an integrated and cost effective waste management system that complies with the provisions of California Integrated Waste Management Act and its diversion mandates.

The Project’s waste hauler would be required to coordinate with the waste hauler to develop collection of recyclable materials for the Project on a common schedule as set forth in applicable local, regional, and State programs. Recyclable materials that would be recycled by the Project include paper products, glass, aluminum, and plastic.

Additionally, the Project’s waste hauler would be required to comply with all applicable local, State, and Federal solid waste disposal standards, thereby ensuring that the solid waste stream to the landfills that serve the Project are reduced in accordance with existing regulations.

Based on the analysis above, impacts are less than significant.
### 3.19 MANDATORY FINDINGS OF SIGNIFICANCE

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
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<tr>
<td>b. Does the Project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a Project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
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<tr>
<td>c. Does the Project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
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</table>

**Impact Analysis**

**3.19(a)** *Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

**Determination:** Less Than Significant Impact With Mitigation Incorporated.

*Source: This Initial Study Checklist.*

**Impact Analysis**

As noted in the analysis throughout this Initial Study Checklist, the following apply to the Project and would reduce impacts relating to this issue. These measures will be included in the Project's Mitigation Monitoring and Reporting Program to ensure compliance:
Plans, Policies, or Programs (PPP)

All Plans, Policies, or Programs pertaining to Biological Resources and Cultural Resources shall apply.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Mitigation Measure(s)

BIO-1 through BIO-5, CR-1 through CR-4, and TCR-1 shall apply.

In instances where impacts have been identified, the Plans, Policies, or Programs were applied to the Project based on the basis of federal, state, or local law currently in place which effectively reduces environmental impacts, or Mitigation Measures are required to reduce impacts to less than significant levels. Therefore, Project does not have impacts which would have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

3.19(b) Does the Project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a Project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Determination: Less Than Significant Impact With Mitigation Incorporated.

Source: This Initial Study Checklist.

Impact Analysis

As noted in the analysis throughout this Initial Study Checklist, the following apply to the Project and would reduce impacts relating to this issue. These measures will be included in the Project's Mitigation Monitoring and Reporting Program to ensure compliance:

Plans, Policies, or Programs (PPP)

All Plans, Policies, or Programs (PPP) identified in this Initial Study Checklist document shall apply.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Mitigation Measures (MM)

BIO-1 through BIO-5, CR-1 through CR-4, NOI-1, and TCR-1 shall apply.
In instances where impacts have been identified, the Plans, Policies, or Programs were applied to the Project based on the basis of federal, state, or local law currently in place which effectively reduces environmental impacts, or Mitigation Measures are required to reduce impacts to less than significant levels. Therefore, Project does not have impacts that are cumulatively considerable.

3.19(c)

**Does the Project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?**

**Determination:** Less Than Significant Impact.

*Source: This Initial Study Checklist.*

**Impact Analysis**

As noted in the analysis throughout this Initial Study Checklist, the following apply to the Project and would reduce impacts relating to this issue. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

**Plans, Policies, or Programs (PPP)**


**Project Design Features (PDF)**

*There are no Project Design Features applicable to the Project relating to this issue.*

**Mitigation Measures (MM)**

NOI-1 shall apply.

In instances where impacts have been identified, the Plans, Policies, or Programs were applied to the Project based on the basis of federal, state, or local law currently in place which effectively reduces environmental impacts. Therefore, Project does not have impacts which would cause substantial adverse effects on human beings, either directly or indirectly.
4.0 REFERENCES


City of Jurupa Valley General Plan, 2017 www.jurupavalley.org

City of Jurupa Valley General Plan EIR, 2017 www.jurupavalley.org


California Department of Toxic Substances Control, www.dtsc.ca.gov

City of Riverside, Wastewater Collection and Treatment Facilities Integrated Master Plan, February 2008. https://www.google.com/search?source=hp&ei=NG80W_zAD8j0zgLkrJHwAw&q=City+of+Riverside%2C+Water

Countywide Integrated Waste Management Plan www.rivcowom.org


South Coast Air Quality Management District, Final 2016 Air Quality Management Plan www.aqmd.gov

Western Riverside County Multiple Species Habitat Conservation Plan. http://www.rctlma.org/mshcp/


5.0 REPORT PREPARATION PERSONNEL

LEAD AGENCY:

City of Jurupa Valley
Planning Department
8930 Limonite Avenue
Jurupa Valley, Ca 92509

Ernest Perea, CEQA Administrator
Annette Tam, Senior Planner
6.0 MITIGATION MONITORING REPORTING PROGRAM

PROJECT NAME: Change of Zone No. 18001, Tentative Tract Map No. 37470 with exception, and Variance No. 18004

DATE: November 12, 2018

PROJECT MANAGER: Annette Tam, Senior Planner

PROJECT DESCRIPTION:

- **Change of Zone (CZ) No. 18001**: Amend the City of Jurupa Valley Zoning Map from R-R (Rural Residential) to R-1 (One Family Dwelling).

- **Tentative Tract Map (TTM) No. 37470**: Subdivide 6.76 acres of land into 34 single-family residential lots with a minimum lot size of 5,711 square feet. The exception application to allow several lots out of 34 lots to have lot depth greater than 2 ½ times than the lot width.

- **Variance (VAR) No. 18004**: The Variance application is to request the change of minimum lot area from 7,200 square-feet to 5,711 square-feet and the minimum average frontage of lot from 60 feet to 50 feet.

PROJECT LOCATION: The Project is located on the south side of intersection of Sierra Avenue & 30th Street. The Project site is identified by the following Assessor Parcel Numbers: 177-020-012, 177-020-018, and 177-110-005.

Throughout this Mitigation Monitoring and Reporting Program, reference is made to the following:

- **Plans, Policies, or Programs (PPP)** – These include existing regulatory requirements such as plans, policies, or programs applied to the Project based on the basis of federal, state, or local law currently in place which effectively reduce environmental impacts.

- **Project Design Features (PDF)** – These measures include features proposed by the Project that are already incorporated into the Project’s design and are specifically intended to reduce or avoid impacts (e.g., water quality treatment basins).

- **Mitigation Measures (MM)** – These measures include requirements that are imposed where the impact analysis determines that implementation of the proposed Project would result in significant impacts; mitigation measures are proposed in accordance with the requirements of CEQA.
Plans, Policies, or Programs (PPP) and Project Design Features (PDF) were assumed and accounted for in the assessment of impacts for each issue area. Mitigation Measures were formulated only for those issue areas where the results of the impact analysis identified significant impacts. All three types of measures described above will be required to be implemented as part of the Project.

<table>
<thead>
<tr>
<th>MITIGATION MEASURE (MM)</th>
<th>RESPONSIBILITY FOR IMPLEMENTATION</th>
<th>TIME FRAME/MILESTONE</th>
<th>VERIFIED BY</th>
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</thead>
<tbody>
<tr>
<td>PLANS, POLICIES, OR PROGRAMS (PPP) PROJECT DESIGN FEATURES (PDF)</td>
<td></td>
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<tr>
<td><strong>AESTHETICS</strong></td>
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<tr>
<td>PPP 3.1-1 As required by Municipal Code Section 9.55.020(1) (1) building height shall not exceed three (3) stories, with a maximum height of forty (40) feet.</td>
<td>Planning Department</td>
<td>Prior to the issuance of building permits</td>
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<td>PPP 3.1-2 As required by General Plan Policy COS 10.1, require outdoor lighting to be shielded and prohibit outdoor lighting that:</td>
<td>Planning Department</td>
<td>Prior to the issuance of an building permit and during project operation.</td>
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<tr>
<td>1. Operates at unnecessary locations, levels, and times.</td>
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<td>2. Spills onto areas off-site or to areas not needing or wanting illumination.</td>
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<td>3. Produces glare (intense line-of-site contrast).</td>
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<td>4. Includes lighting frequencies (colors) that interfere with astronomical viewing.</td>
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<tr>
<td><strong>AIR QUALITY</strong></td>
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<td>PPP 3.3-1 The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 403, &quot;Fugitive Dust.&quot; Rule 403 requires implementation of best available dust control measures during construction activities that generate fugitive dust, such as earth moving and stockpiling activities, grading, and equipment travel on unpaved roads. Measures listed below (or equivalent language) shall appear on all Project grading plans, construction specifications and bid documents, and the City shall ensure such language is incorporated prior to issuance of any grading permits:</td>
<td>Engineering Department</td>
<td>Notes must be on the grading plan prior to the issuance of the grading permit and the project is required to comply with the provisions of &quot;Fugitive Dust&quot; during grading</td>
<td></td>
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<tr>
<td>- &quot;All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.&quot;</td>
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<td>- &quot;The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three (3) times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after</td>
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<tr>
<td>MITIGATION MEASURE (MM) PLANS, POLICIES, OR PROGRAMS (PPP) PROJECT DESIGN FEATURES (PDF)</td>
<td>RESPONSIBILITY FOR IMPLEMENTATION</td>
<td>TIME FRAME/MILESTONE</td>
<td>VERIFIED BY:</td>
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| work is done for the day.”  
- “The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less.” | | | |
| **PPP 3.3-2** The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 1186 “PM10 Emissions from Paved and Unpaved Roads and Livestock Operations” and Rule 1186.1, “Less-Polluting Street Sweepers.” Adherence to Rules 1186 and 1186.1 reduces the release of criteria pollutant emissions into the atmosphere during construction. | Building & Safety Department | During construction | |
| **PPP 3.3-3** The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 1113; “Architectural Coatings” Rule 1113 limits the release of volatile organic compounds (VOCs) into the atmosphere during painting and application of other surface coatings. The measure listed below (or equivalent language) shall appear on all Project grading plans, construction specifications and bid documents, and the City shall ensure such language is incorporated prior to issuance of any building permits:  
- “In order to limit the VOC content of architectural coatings used in the SCAB, architectural coatings shall be no more than a low VOC default level of 50 g/L unless otherwise specified in the SCAQMD Table of Standards (pg. 32-33).” | Building & Safety Department  
Engineering Department  
Planning Department | Notes must be on the plans and documents; the project shall comply with the provisions of “Architectural Coatings” during construction and on-going | |
<p>| <strong>PPP 3.3-4</strong> The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 1186 “PM10 Emissions from Paved and Unpaved Roads and Livestock Operations” and Rule 1186.1, “Less-Polluting Street Sweepers.” Adherence to Rule 1186 and Rule 1186.1 reduces the release of criteria pollutant emissions into the atmosphere during construction. | Building &amp; Safety Department | During construction | |
| <strong>PPP 3.3-5</strong> The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 402 “Nuisance.” Adherence to Rule 402 reduces the release of odorous emissions into the atmosphere. | Planning Department | On-going | |</p>
<table>
<thead>
<tr>
<th>BIOLOGICAL RESOURCES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PPP 3.4-1</strong> The Project is required to pay mitigation fees pursuant to the Western Riverside County Multiple Species Habitat Conservation Plan (MHSCP) as required by Municipal Code Chapter 3.80.</td>
</tr>
<tr>
<td><strong>MM-BIO-1: July 2019 Delhi Sands Flower-loving Fly Survey</strong>. Prior to the issuance of a grading permit, a Delhi Sands Flower-loving Fly Survey shall be conducted pursuant to the Interim General Survey Guidelines for the Delhi Sands Flower-Loving Fly (U.S. Fish and Wildlife Service, December 30, 1996) and submitted to the City of Jurupa Valley Planning Department. In order to issue a grading permit, the results of the survey must be negative for the presence of the species. In the event, the species is present, the Applicant shall be required to maintain the MSHCP in rough step. Mitigation may include, but is not limited to, the funding or purchase of suitable DSF habitat, purchasing conservation credits from an existing DSF mitigation bank, and/or acquiring and funding of habitat restoration.</td>
</tr>
<tr>
<td><strong>MM-BIO-2: Pre-Construction Burrowing Owl Survey</strong>. Within 30 calendar days prior to grading, a qualified biologist shall conduct a survey of the Project’s proposed impact footprint and make a determination regarding the presence or absence of the burrowing owl. The determination shall be documented in a report and shall be submitted, reviewed, and accepted by the City of Jurupa Valley Planning Department prior to the issuance of a grading permit and subject to the following provisions:</td>
</tr>
<tr>
<td>a. In the event that the pre-construction survey identifies no burrowing owls in the impact area, a grading permit may be issued without restriction.</td>
</tr>
<tr>
<td>b. In the event that the pre-construction survey identifies the presence of burrowing owl, then prior to the issuance of a grading permit and prior to the commencement of ground-disturbing activities on the property, the qualified biologist shall follow the methods recommended by the California Department of Fish and Wildlife (CDFW, 2012) and Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP, 2006) for passive or active relocation of burrowing owls. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow...</td>
</tr>
</tbody>
</table>
California Department of Fish and Wildlife relocation protocol. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow California Department of Fish and Wildlife relocation protocol. The biologist shall provide evidence in writing to the Planning Department that the species has fledged or been relocated prior to the issuance of a grading permit.

**MM BIO-3. Coordination With Regulatory Agencies.** Prior to the issuance of grading permit, the Project Applicant shall contact the United State Army Corps of Engineers (USACE) and the California Department of Fish and Wildlife (CDFW) to positively determine whether or not either agency wishes to exert jurisdiction of the onsite drainage features. If either agency decides to exert jurisdiction, Mitigation Measures BIO-4 and BIO-5 shall be implemented.

<table>
<thead>
<tr>
<th><strong>BIO-4. Federal Jurisdiction.</strong></th>
<th>Planning Department</th>
<th>Prior to the issuance of a grading permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>If federal jurisdictional authority is exercised under Mitigation Measure BIO-3, the following shall be implemented: Prior to issuance of a grading permit, the developer shall obtain a Clean Water Act Section 404 Nationwide Permit from the U.S. Army Corps of Engineers (USACOE) and compensate for the loss of 746 linear feet of streambed totaling 0.02 acre at a ratio of not less than 3:1 onsite or not less than 2:1 for permanent impacts, and a Clean Water Act Section 401 Certification from the Santa Ana Regional Water Quality Control Board (RWQCB). These permits will address impacts to identified jurisdictional resources on the Project site and appropriate offsite mitigation such as such as the Santa Ana Watershed Project Area (SAWPA), Prado Basin, or an appropriate nearby downstream established mitigation bank area. The developer shall implement this measure to the satisfaction of the City Planning Department.</td>
<td>Planning Department</td>
<td>Prior to the issuance of a grading permit</td>
</tr>
</tbody>
</table>

No USACE mitigation will be required and this mitigation measure may be waived for the proposed Project, if the applicant provides written evidence to the City of Jurupa Valley Planning Department that the USACE will rely upon the Highland Park (TM 31893) Approved Jurisdictional Determination. The adjacent project also has a waste discharge order, dated May 1, 2017 (Adoption of Order No. RS-2017-0020). The Regional Water Quality Control Board (RWQCB) will likely issue a waste discharge order for the proposed project, if the USACE makes a non-jurisdictional determination.

<table>
<thead>
<tr>
<th><strong>BIO-5. CDFW Jurisdiction.</strong></th>
<th>Planning Department</th>
<th>Prior to the issuance of a grading permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>If state jurisdictional authority is exercised under Mitigation Measure BIO-3, the following shall be implemented: Prior to the issuance of a grading permit, the Project applicant shall obtain a Streambed Alteration Agreement under Section 1602 of the California Fish and Game Code from the</td>
<td>Planning Department</td>
<td>Prior to the issuance of a grading permit</td>
</tr>
</tbody>
</table>
California Department of Fish and Wildlife (CDFW). The following shall be incorporated into the permitting, subject to approval by the regulatory agencies: (a) Replacement and/or restoration of jurisdictional “waters of the State” within the Santa Ana River watershed for 746 linear feet of streambed totaling 0.02 acre at a ratio of not less than 3:1 onsite or not less than 2:1 for permanent impacts; (b) The applicant shall restore any onsite or offsite temporary impact areas to pre-project conditions and revegetate where applicable; and (c) Off-site mitigation may occur on land acquired for the purpose of in-perpetuity preservation, or through the purchase of mitigation credits at an agency approved off-site mitigation bank or within an agency-accepted off-site permittee responsible mitigation area such as the Santa Ana Watershed Project Area (SAWPA), Prado Basin, or an appropriate nearby downstream established mitigation bank area.

No CDFW mitigation will be required and this mitigation measure may be waived for the proposed Project, if the applicant provides written evidence to the City of Jurupa Valley Planning Department that if the CDFW does not respond to the streambed alteration notification, then the proposed Project can proceed 60 days after the CDFW states the application is complete or after receiving a CDFW Operation of Law letter.

**CULTURAL RESOURCES**

<table>
<thead>
<tr>
<th>MM- CR-1: Archaeological Monitoring</th>
<th>Planning Department</th>
<th>Prior to the issuance of grading permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>A qualified archaeologist (the “Project Archaeologist”) shall be retained by the Project Applicant prior to the issuance of a grading permit. The Project Archaeologist will be on-call to monitor ground-disturbing activities and excavations on the Project site following identification of potential cultural resources by project personnel. If archaeological resources are encountered during implementation of the Project, ground-disturbing activities will be temporarily redirected from the vicinity of the find. The Project Archaeologist will be allowed to temporarily divert or redirect grading or excavation activities in the vicinity in order to make an evaluation of the find. If the resource is significant, Mitigation Measure CR-2 shall apply.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>MM- CR-2: Archeological Treatment Plan</th>
<th>Engineering Department</th>
<th>During grading</th>
</tr>
</thead>
<tbody>
<tr>
<td>If a significant archaeological resource(s) is discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). The archaeological monitor, the Project Proponent, and the City Planning Department shall confer regarding mitigation of the discovered resource(s). A treatment plan shall be prepared and implemented by the archaeologist to protect the identified archaeological resource(s) from damage and destruction. The treatment plan shall contain a research design and data</td>
<td></td>
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</tr>
</tbody>
</table>
A recovery program necessary to document the size and content of the discovery such that the resource(s) can be evaluated for significance under CEQA criteria. The research design shall list the sampling procedures appropriate to exhaust the research potential of the archaeological resource(s) in accordance with current professional archaeology standards (typically this sampling level is two (2) to five (5) percent of the volume of the cultural deposit). At the completion of the laboratory analysis, any recovered archaeological resources shall be processed and curated according to current professional repository standards. The collections and associated records shall be donated to an appropriate curation facility. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the City of Jurupa Valley Planning Department and the Eastern Information Center.

**MM-CR-3: Paleontological Monitoring**  A qualified paleontologist (the "Project Paleontologist") shall be retained by the Project Applicant prior to the issuance of a grading permit. The Project Paleontologist will be on-call to monitor ground-disturbing activities and excavations on the Project site following identification of potential paleontological resources by project personnel. If paleontological resources are encountered during implementation of the Project, ground-disturbing activities will be temporarily redirected from the vicinity of the find. The Project Paleontologist will be allowed to temporarily divert or redirect grading or excavation activities in the vicinity in order to make an evaluation of the find. If the resource is significant, Mitigation Measure CR-4 shall apply.

**MM-CR-4: Paleontological Treatment Plan**  If a significant paleontological resource(s) is discovered on the property, in consultation with the Project proponent and the City, the qualified paleontologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation in a local qualified repository, and preparation of a report summarizing the find.

**PPP 3.5-1** The project is required to comply with the applicable provisions of California Health and Safety Code §7050.5 as well as Public Resources Code §5097 et. seq.
## GEOLOGY AND SOILS

| PPP 3.6-1 As required by Municipal Code Section 8.05.010, the Project is required to comply with the most recent edition of the *California Building Code* to preclude significant adverse effects associated with seismic hazards. | Building & Safety Department | Prior to the issuance of building permits |
| PPP’s 3.91-1 through PPP 3.9-4 in Section 3.9, *Hydrology and Water Quality* shall apply. | Engineering Department | Prior to the issuance of a grading permit and during operation |

## GREENHOUSE GAS EMISSIONS

| PPP 3.7-1 As required by Municipal Code Section 8.05.010, *California Energy Code*, prior to issuance of a building permit, the Project Applicant shall submit plans showing that the Project will be constructed in compliance with the most recently adopted edition of the applicable California Building Code Title 24 requirements. | Building & Safety Department | Prior to the issuance of building permits |
| PPP 3.7-2 As required by Municipal Code Section 9.283.010, *Water Efficient Landscape Design Requirements*, prior to the approval of landscaping and irrigation plans, the Project Applicant shall prepare and submit landscape and irrigation plans that demonstrate compliance with this section. | Building & Safety Department | Prior to the issuance of building permits |
| PPP 3.7-3 As required by Municipal Code Section 8.05.010 (8), the Project proponent shall comply with the *California Green Building Standards*. | Building & Safety Department | Prior to the issuance of building permits |

## HAZARDS AND HAZARDOUS MATERIALS

| PPP 3.8-1 As required by *General Plan* Policy CSSF 1.31-Federal/State Laws. Comply with federal and state laws regarding the management of hazardous waste and materials. | Fire Department | On-going |
## HYDROLOGY AND WATER QUALITY

### PPP 3.9-1

As required by Municipal Code Chapter 6.05.050, *Storm Water/Urban Runoff Management and Discharge Controls, Section B (1)*, any person performing construction work in the city shall comply with the provisions of this chapter, and shall control storm water runoff so as to prevent any likelihood of adversely affecting human health or the environment. The City Engineer shall identify the BMPs that may be implemented to prevent such deterioration and shall identify the manner of implementation. Documentation on the effectiveness of BMPs implemented to reduce the discharge of pollutants to the MS4 shall be required when requested by the City Engineer.

<table>
<thead>
<tr>
<th>Engineering Department</th>
<th>Prior to the issuance of grading permits</th>
</tr>
</thead>
</table>

### PPP 3.9-2

As required by Municipal Code Chapter 6.05.050, *Storm Water/Urban Runoff Management and Discharge Controls, Section B (2)*, any person performing construction work in the city shall be regulated by the State Water Resources Control Board in a manner pursuant to and consistent with applicable requirements contained in the General Permit No. CAS000002, State Water Resources Control Board Order Number 2009-0009-DWQ. The city may notify the State Board of any person performing construction work that has a non-compliant construction site per the General Permit.

<table>
<thead>
<tr>
<th>Engineering Department</th>
<th>Prior to the issuance of grading permits and during construction</th>
</tr>
</thead>
</table>

### PPP 3.9-3

As required by Municipal Code Chapter 6.05.050, *Storm Water/Urban Runoff Management and Discharge Controls, Section C*, new development or redevelopment projects shall control storm water runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The City Engineer shall identify the BMPs that may be implemented to prevent such deterioration and shall identify the manner of implementation. Documentation on the effectiveness of BMPs implemented to reduce the discharge of pollutants to the MS4 shall be required when requested by the City Engineer. The BMPs may include, but are not limited to, the following and may, among other things, require new developments or redevelopments to do any of the following:

1. Increase permeable areas by leaving highly porous soil and low lying area undisturbed by:
   - Incorporating landscaping, green roofs and open space into the project
(b) Using porous materials for or near driveways, drive aisles, parking stalls and low volume roads and walkways; and

(c) Incorporating detention ponds and infiltration pits into the project design.

(2) Direct runoff to permeable areas by orienting it away from impermeable areas to swales, berms, green strip filters, gravel beds, rain gardens, pervious pavement or other approved green infrastructure and French drains by:

(a) Installing rain-gutters oriented towards permeable areas;

(b) Modifying the grade of the property to divert flow to permeable areas and minimize the amount of storm water runoff leaving the property; and

(c) Designing curbs, berms or other structures such that they do not isolate permeable or landscaped areas.

(3) Maximize storm water storage for reuse by using retention structures, subsurface areas, cisterns, or other structures to store storm water runoff for reuse or slow release.

(4) Rain gardens may be proposed in-lieu of a water quality basin when applicable and approved by the City Engineer.

**PPP 3.9-4** As required by Municipal Code Chapter 6.05.050, *Storm Water/Urban Runoff Management and Discharge Controls, Section E*, any person or entity that owns or operates a commercial and/or industrial facility(s) shall comply with the provisions of this chapter. All such facilities shall be subject to a regular program of inspection as required by this chapter, any NPDES permit issued by the State Water Resource Control Board, Santa Ana Regional Water Quality Control Board, Porter-Cologne Water Quality Control Act (Wat. Code Section 13000 et seq.), Title 33 U.S.C. Section 1251 et seq. (Clean Water Act), any applicable state or federal regulations promulgated thereto, and any related administrative orders or permits issued in connection therewith.
### NOISE

**PPP 3.12-1** As required by Municipal Code Section 11.05.020 (9), private construction projects located within one-quarter (¼) of a mile from an inhabited dwelling shall not perform construction between the hours of six (6:00) p.m. and six (6:00) a.m. during the months of June through September and between the hours of six (6:00) p.m. and seven (7:00) a.m. during the months of October through May.

Building & Safety Department

Prior to the issuance of a building permit

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**PPP 3.12-2** As required by Jurupa Valley Municipal Code Section 11.05.040, no person shall create any sound, or allow the creation of any sound, on any property that causes the exterior sound level on any other occupied property to exceed the sound level standards set forth in Table 1 of this section or that violates the special sound source standards set forth in Section 11.05.060.

Building & Safety Department

During operation

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**Mitigation Measure NOI-1-Construction Noise Mitigation Plan.** Prior to the issuance of a grading permit, the Project Applicant is required to submit a construction-related noise mitigation plan to the City Planning Department for review and approval. The plan must depict the location of construction equipment and how the noise from this equipment will be mitigated during construction of this project. In addition, the plan shall require that the following notes are included on grading plans and building plans. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City of Jurupa Valley staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.

- **a)** Haul truck deliveries shall be limited to between the hours of 6:00am to 6:00pm during the months of June through September and 7:00am to 6:00pm during the months of October through May.
- **b)** Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers’ standards.
- **c)** All stationary construction equipment shall be placed in such a manner so that emitted noise is directed away from any sensitive receptors adjacent to the Project site.
- **d)** Construction equipment staging areas shall be located the greatest distance between the staging area and the nearest sensitive receptors.”

Planning Department

Prior to the issuance of a grading permit
## PUBLIC SERVICES

### PPP 3.14-1
The Project Applicant shall comply with all applicable Riverside County Fire Department codes, ordinances, and standard conditions regarding fire prevention and suppression measures relating to water improvement plans, fire hydrants, automatic fire extinguishing systems, fire access, access gates, combustible construction, water availability, and fire sprinkler systems.

<table>
<thead>
<tr>
<th></th>
<th>Fire Department</th>
<th>Prior to issuance of a building permit or occupancy permit</th>
</tr>
</thead>
</table>

### PPP 3.14-2
As required by Municipal Code Chapter 3.75 et seq., the Project proponent shall pay a Development Impact Fee (DIF) following protocol for impact fee collection.

<table>
<thead>
<tr>
<th></th>
<th>Building &amp; Safety Department</th>
<th>Per Municipal Code Chapter 3.75</th>
</tr>
</thead>
</table>

### PPP 3.14-3
As required by Section 65995 of the Government Code, the Project Applicant shall pay required development impact fees to the applicable school district following protocol for impact fee collection required by that district.

<table>
<thead>
<tr>
<th></th>
<th>Building &amp; Safety Department</th>
<th>Prior to the issuance of building permits</th>
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</table>

### PPP 3.14-4
Prior to the issuance of any building permit, the Project Applicant shall pay required park development impact fees to the Jurupa Area Recreation and Park District pursuant to District Ordinance No. 01-2007 and 02-2008.

<table>
<thead>
<tr>
<th></th>
<th>Building &amp; Safety Department</th>
<th>Prior to the issuance of building permits</th>
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</table>

## TRANSPORTATION/TRAFFIC

### PPP 3.16-1
Prior to the issuance of any building permit, the Project Proponent shall make required per-unit fee payments associated with the Western Riverside County Transportation Uniform Mitigation Fees (TUMF), and the City of Jurupa Valley Development Impact Fee (DIF) per Title 3 of the Municipal Code.

<table>
<thead>
<tr>
<th></th>
<th>Building &amp; Safety Department</th>
<th>TUMF shall be paid in accordance to the deadline stated in Chapter 3.70 DIF shall be paid in accordance to the deadline stated in Chapter 3.75</th>
</tr>
</thead>
</table>

### PPP 3.16-2
As required by Municipal Code Chapter 3.75, the Project is required to pay a Development Impact Fee to assist the City in providing revenue that the City can use to fund transportation improvements such as roads, bridges, major improvements and traffic signals.

<table>
<thead>
<tr>
<th></th>
<th>Building &amp; Safety Department</th>
<th>DIF shall be paid in accordance to the deadline stated in Chapter 3.75</th>
</tr>
</thead>
</table>
TRIBAL CULTURAL RESOURCES

I. 
   a. **TREATMENT PLAN:** Prior to the issuance of a grading permit, the applicant shall submit a treatment plan in accordance with Part II (b) “Treatment of Discoveries” of this mitigation measure for the review and approval of the Planning Director.
   
   b. **ARCHEOLOGICAL MONITOR:** An archaeological monitor shall be present for all ground-disturbing activities that occur within the proposed project area.

II. 
   a. **MONITORING:** Prior to the issuance of a grading permit, the applicant shall contact the consulting Native American Tribe(s) that have requested monitoring through consultation with the City during the AB 52 process. The applicant shall coordinate with the Tribe to develop a Tribal Monitoring Agreement(s). A copy of the agreement shall be provided to the Jurupa Valley Planning Department prior to the issuance of a grading permit.
   
   b. **TREATMENT OF DISCOVERIES:** If a significant tribal cultural resource is discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). A representative of the appropriate Native American Tribe(s), the Project Proponent, and the City Planning Department shall confer regarding mitigation of the discovered resource(s). A treatment plan shall be prepared and implemented to protect the identified tribal cultural resources from damage and destruction. The treatment plan shall contain a research design and data recovery program necessary to document the size and content of the discovery such that the resource(s) can be evaluated for significance under CEQA criteria. The research design shall list the sampling procedures appropriate to exhaust the research potential of the tribal cultural resources in accordance with current professional archaeology standards. The treatment plan shall require monitoring by the appropriate Native American Tribe(s) during data recovery and shall require that all recovered artifacts undergo basic field analysis and documentation or laboratory analysis, whichever is appropriate. At the completion of the basic field analysis and documentation or laboratory analysis, any recovered tribal cultural resources shall be processed and curated.
according to current professional repository standards. The collections and associated records shall be donated to an appropriate curation facility, or, the artifacts may be delivered to the appropriate Native American Tribe(s) if that is recommended by the City of Jurupa Valley. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the Jurupa Valley Planning Department, the Eastern Information Center, and the appropriate Native American Tribe.

c. **DISPOSITION OF DISCOVERIES:** In the event that Native American cultural resources are inadvertently discovered during the course of grading for this project. The following procedures will be carried out for treatment and disposition of the discoveries: The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to tribal cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the Jurupa Valley Planning Department with evidence of same:

1. A fully executed reburial agreement with the appropriate culturally affiliated Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed.

2. A curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation.

3. If more than one Native American Group is involved with the project and cannot come to an agreement as to the disposition of cultural materials, they shall be curated at the Western Science Center by default.
4. Should reburial of collected cultural items be preferred, it shall not occur until after the Phase IV monitoring report has been submitted to the Jurupa Valley Planning Department. Should curation be preferred, the developer/permit applicant is responsible for all costs and the repository and curation method shall be described in the Phase IV monitoring report.

<table>
<thead>
<tr>
<th>UTILITY AND SERVICE SYSTEMS</th>
</tr>
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<tbody>
<tr>
<td><strong>PPP 3.17-1</strong> The Project shall comply with Section 4.408 of the 2013 California Green Building Code Standards, which requires new development projects to submit and implement a construction waste management plan in order to reduce the amount of construction waste transported to landfills. Prior to the issuance of building permits, the City of Jurupa Valley shall confirm that a sufficient plan has been submitted, and prior to final building inspections, the City of Jurupa shall review and verify the Contractor’s documentation that confirms the volumes and types of wastes that were diverted from landfill disposal, in accordance with the approved construction waste management plan.</td>
</tr>
</tbody>
</table>
ATTACHMENT 2
Ordinance No. 2019-02
ORDINANCE NO. 2019-02

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING OF AN AMENDMENT TO THE CITY OF JURUPA VALLEY OFFICIAL ZONING MAP CHANGING THE ZONE OF APPROXIMATELY 6.74 GROSS ACRES OF REAL PROPERTY LOCATED SOUTH OF THE INTERSECTION OF 30TH STREET AND SIERRA AVENUE (APNs: 177-020-018, 177-020-012, 177-110-005) FROM RURAL RESIDENTIAL (R-R) ZONE TO ONE (1) FAMILY DWELLINGS (R-1) ZONE, AND MAKING FINDINGS PURSUANT TO CEQA

THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. Project Procedural Findings. The City Council of the City of Jurupa Valley does hereby find, determine and declare that:

(a) JA Bray, LLC (the “Applicant”) has applied for Change of Zone No. 18001, Variance No. 18004, and an exception to Section 7.10.080.C. of the Jurupa Valley Municipal Code, and Tentative Tract Map No. 37470 (collectively, Master Application No. 18089 or MA No. 18089) to change the classification of real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) from Rural Residential (R-R) Zone to One (1) Family Dwellings (R-1) Zone, and to permit a Schedule “A” subdivision of approximately 6.74 gross acres into thirty-four (34) single-family residential lots on real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005).

(b) All of the components of Master Application No. 18089 shall collectively be known as the “Project.” Change of Zone Application No. 18001 is the subject of this Ordinance.

(c) The Applicant is seeking approval of Change of Zone No. 18001 to rezone 6.74 gross acres located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) from Rural Residential (R-R) Zone to One (1) Family Dwellings (R-1) Zone.

(d) Section 9.285.020.A. of the Jurupa Valley Municipal Code provides that the owner of real property, or a person authorized by the owner, may request that the City consider a change in the zoning classification that has been applied to the owner’s property.

(e) Section 9.285.020.B. of the Jurupa Valley Municipal Code provides that applications for change of zone must be made to the Planning Commission on forms provided by the Planning Department, must supply all required information, and must be accompanied by the filing fee set forth in Chapter 3.65.
Section 9.285.020.C. of the Jurupa Valley Municipal Code provides that an application for a change of zone may not be set for a public hearing until (1) all procedures required by the Jurupa Valley Rules Implementing the California Environmental Quality Act (Pub. Resources Code Section 21000 et seq.) to hear a matter have been completed; and (2) the requested change of zone is consistent with the 2017 Jurupa Valley General Plan.

Sections 9.285.040.(1) and (2) of the Jurupa Valley Municipal Code provide that the Planning Commission shall hold a noticed public hearing on a proposed amendment to Title 9 of the Jurupa Valley Municipal Code that proposes to change property from one zone to another.

Section 9.285.040.(3) of the Jurupa Valley Municipal Code provides that, after closing the public hearing, the Planning Commission must render its decision within a reasonable time and transmit it to the City Council in the form of a written recommendation, which shall contain the reasons for the recommendation and the relationship of the proposed amendment to 2017 General Plan. A copy of the Planning Commission’s recommendation must be mailed to the applicant and proof thereof must be shown on the original transmitted to the City Council.

Section 9.285.040.(4)(a) of the Jurupa Valley Municipal Code provides that upon receipt of a recommendation for approval by the Planning Commission, the City Clerk shall set the matter for public hearing before the City Council at the earliest convenient day, and give notice of the time and place of the hearing in the same manner as notice was given of the hearing before the Planning Commission.

Section 9.285.040.(5) of the Jurupa Valley Municipal Code provides that after closing the public hearing the City Council must render its decision within a reasonable time and may approve, modify, or disapprove the recommendation of the Planning Commission; provided, however, that any proposed modification of the Planning Commission's recommendation not previously considered by the Planning Commission must first be referred back to the Planning Commission for a report and recommendation.

The Project was processed including, but not limited to a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

On January 9, 2019, the Planning Commission of the City of Jurupa Valley held a public hearing on MA No. 18089, at which time all persons interested in the Project had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission closed the public hearing. At the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission adopted Resolution No. 2019-01-09-01, recommending that the City Council adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve Change of Zone No. 18001 to change the zoning classification of approximately 6.74 gross acres of real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) from Rural Residential (R-R) Zone to One (1) Family Dwellings (R-1) Zone. Additionally, the Planning Commission

(m) On February 4, 2019, the Planning Department filed a notice of the Planning Commission’s decision approving Tentative Tract Map No. 18004 with the City Clerk and a copy of the notice was mailed to the Applicant, the Applicant’s authorized agent, and all interested parties requesting a copy.

(n) On February 7, 2019, the Planning Department filed a notice of the Planning Commission’s decision approving Tentative Tract Map No. 18004 with the City Council, which notice was placed on the City Council’s regular meeting agenda on that date.

(o) On February 7, 2019, the City Council of the City of Jurupa Valley held a public hearing on the proposed Change of Zone No. 18001, at which time all persons interested in the Project had the opportunity and did address the City Council on these matters. Following the receipt of public testimony the City Council closed the public hearing.

(p) All legal preconditions to the adoption of this Ordinance have occurred.

Section 2. California Environmental Quality Act Findings. The City Council hereby makes the following environmental findings and determinations in connection with the approval of proposed Change of Zone No. 18001:

(a) Pursuant to the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code §21000 et seq.) and the State Guidelines (the “Guidelines”) (14 Cal. Code Regs. §15000 et seq.), City staff prepared an Initial Study of the potential environmental effects of the approval of the Project. Based upon the findings contained in that Study, City staff determined that, with the incorporation of mitigation measures, there was no substantial evidence that the Project could have a significant effect on the environment and a Mitigated Negative Declaration (“MND”) was prepared by the City in full compliance with CEQA.

(b) Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the MND as required by law. The public comment period commenced on November 20, 2018, and expired on December 19, 2018. Copies of the documents have been available for public review and inspection at City Hall, 8930 Limonite Avenue, Jurupa Valley, California 92509. The City received did not receive any comments during the public review period.

(c) On January 9, 2019, the Planning Commission conducted a duly noticed public hearing to consider the Project and the MND, reviewed the staff report, accepted and considered public testimony. After due consideration, the Planning Commission found that agencies and interested members of the public were afforded ample notice and opportunity to comment on the MND and the Project and approved Resolution No. 2019-01-09-01 recommending that City Council adopt the MND, adopt a Mitigation Monitoring and Reporting Program for the Project, and approve the proposed Change of Zone No. 18001.

(d) On February 7, 2019, the City Council conducted a duly noticed public hearing to consider proposed Change of Zone No. 18001 and the MND, reviewed the staff
Based upon the evidence presented at the hearing, including the staff report and oral testimony, the City Council, by separate Resolution No. 2019-__, adopted the MND and a MMRP for the proposed Change of Zone No. 18001 as set forth in Exhibit “A” to City Council Resolution No. 2019-10.

(e) All actions taken by City have been duly taken in accordance with all applicable legal requirements, including the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”), and all other requirements for notice, public hearings, findings, votes and other procedural matters.

(f) The custodian of records for the MND, MMRP, and all other materials that constitute the record of proceedings upon which the City Council’s decision was based, including, without limitation, the staff reports for Master Application No. 18089, all of the materials that comprise and support the MND and all of the materials that support the staff reports for Master Application No. 18089, is the Planning Department of the City of Jurupa Valley. Those documents are available for public examination during normal business hours at the City of Jurupa Valley, 8930 Limonite Avenue, Jurupa Valley, California 92509.

Section 3. Findings for Approval of Change of Zone. The City Council of the City of Jurupa Valley hereby finds and determines that Change of Zone No. 18001 should be adopted because the proposed change of zoning classification from Rural Residential (R-R) Zone to One (1) Family Dwellings (R-1) Zone is consistent with the 2017 Jurupa Valley General Plan and the requirements of the General Plan land use designation of Medium Density Residential (MDR). The General Plan land use designation of MDR permits single-family detached and attached residential and allows up to five (5) dwelling units per acre. The Project proposes single-family detached and a density of five (5) dwelling units per acre. The General Plan land use designation of MDR permits lot ranges from 5,500 square-feet to 20,000 square-feet. The proposed Project’s average lot size is almost 6,400 square-feet, with one lot under 6,000 square-feet and a several lots greater than 7,200 square-feet.

Section 4. Approval of Zone Change. The City Council of the City of Jurupa Valley hereby rezones approximately 6.74 gross acres of real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) from Rural Residential (R-R) Zone to One (1) Family Dwellings (R-1) Zone, and directs the City Manager to revise the official City of Jurupa Valley Zoning Map to designate the property as being in this new zone.

Section 5. Severability. If any sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

Section 6. Effect of Ordinance. This Ordinance is intended to supersede any ordinance or resolution of the County of Riverside incorporated by the City of Jurupa Valley that may in conflict with the terms of this Ordinance.
Section 7.  Certification. The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

Section 8.  Effective Date. This Ordinance shall take effect on the date provided in Government Code Section 36937.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 21st day of February, 2019.

______________________________
Brian Berkson
Mayor

ATTEST:

______________________________
Victoria Wasko, CMC
City Clerk
CERTIFICATION

STATE OF CALIFORNIA  )
COUNTY OF RIVERSIDE  ) ss.
CITY OF JURUPA VALLEY  )

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance No. 2019-02 was regularly introduced at a regular meeting of the City Council held on the 7th day of February, 2019 and thereafter at a regular meeting held on the 21st day of February 2019 it was duly passed and adopted by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 21st day of February, 2019

________________________________
Victoria Wasko, CMC
City Clerk
RESOLUTION NO. 2019-01-09-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVE CHANGE OF ZONE NO. 18001 TO CHANGE THE ZONING CLASSIFICATION OF APPROXIMATELY 6.74 GROSS ACRES OF REAL PROPERTY LOCATED SOUTH OF THE INTERSECTION OF 30TH STREET AND SIERRA AVENUE (APNS: 177-020-018, 177-020-012, 177-110-005) FROM RURAL RESIDENTIAL (R-R) ZONE TO ONE (1) FAMILY DWELLINGS (R-1) ZONE

THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. Project. JA Bray, LLC (the “Applicant”) has applied for Change of Zone No. 18001, Variance No. 18004, and an exception to Section 7.10.080.C. of the Jurupa Valley Municipal Code, and Tentative Tract Map No. 37470 (collectively, Master Application No. 18089 or MA No. 18089) to change the classification of real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) from Rural Residential (R-R) Zone to One (1) Family Dwellings (R-1) Zone, and to permit a Schedule “A” subdivision of approximately 6.74 gross acres into thirty-four (34) single-family residential lots on real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) (the “Project”). Change of Zone No. 18001 is the subject of this Resolution.

Section 2. Change of Zone.

(a) The Applicant is seeking approval of Change of Zone No. 18001 to rezone 6.74 gross acres located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) from Rural Residential (R-R) Zone to One (1) Family Dwellings (R-1) Zone.

(b) Section 9.285.020.A. of the Jurupa Valley Municipal Code provides that the owner of real property, or a person authorized by the owner, may request that the City consider a change in the zoning classification that has been applied to the owner’s property.

(c) Section 9.285.020.B. of the Jurupa Valley Municipal Code provides that applications for change of zone must be made to the Planning Commission on forms provided by the Planning Department, must supply all required information, and must be accompanied by the filing fee set forth in Chapter 3.65.
(d) Section 9.285.020.C. of the Jurupa Valley Municipal Code provides that an application for a change of zone may not be set for a public hearing until (1) all procedures required by the Jurupa Valley Rules Implementing the California Environmental Quality Act (Pub. Resources Code Section 21000 et seq.) to hear a matter have been completed; and (2) the requested change of zone is consistent with the 2017 Jurupa Valley General Plan.

(e) Sections 9.285.040.(1) and (2) of the Jurupa Valley Municipal Code provide that the Planning Commission shall hold a noticed public hearing on a proposed amendment to Title 9 of the Jurupa Valley Municipal Code that proposes to change property from one zone to another.

(f) Section 9.285.040.(3) of the Jurupa Valley Municipal Code provides that, after closing the public hearing, the Planning Commission must render its decision within a reasonable time and transmit it to the City Council in the form of a written recommendation, which shall contain the reasons for the recommendation and the relationship of the proposed amendment to 2017 General Plan. A copy of the Planning Commission’s recommendation must be mailed to the applicant and proof thereof must be shown on the original transmitted to the City Council. If the Planning Commission does not reach a decision due to a tie vote, that fact must be reported to the City Council and the failure to reach a decision shall be deemed a recommendation against the proposed change of zone.

Section 3. Procedural Findings. The Planning Commission of the City of Jurupa Valley does hereby find, determine and declare that:

(a) The application for MA No. 18089 was processed including, but not limited to, a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

(b) On January 9, 2019, the Planning Commission of the City of Jurupa Valley held a public hearing on MA No. 18089, at which time all persons interested in the Project had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission closed the public hearing.

(c) All legal preconditions to the adoption of this Resolution have occurred.

Section 4. California Environmental Quality Act Findings and Recommendation for Adoption of Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. The Planning Commission of the City of Jurupa Valley hereby recommends that the City Council of the City of Jurupa Valley make the following environmental findings and determinations in connection with the approval of the Project:

(a) Pursuant to the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code §21000 et seq.) and the State Guidelines (the “Guidelines”) (14 Cal. Code Regs. §15000 et seq.), City staff prepared an Initial Study of the potential environmental effects of the approval of the Project as described in the Initial Study. Based upon the findings contained in that Study, City staff determined that, with the incorporation of mitigation measures, there was no substantial evidence that the Project could have a significant effect on the environment and a
Mitigated Negative Declaration ("MND") was prepared by the City in full compliance with CEQA.

(b) Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the MND as required by law. The public comment period commenced on November 20, 2018, and expired on December 19, 2018. Copies of the documents have been available for public review and inspection at City Hall, 8930 Limonite Avenue, Jurupa Valley, California 92509. The City received did not receive any comments during the public review period.

c) The City Council has reviewed the MND and the Mitigation Monitoring and Reporting Program ("MMRP"), attached as Exhibit "_" and all comments received regarding the MND and, based on the whole record before it, finds that:

1) The MND was prepared in compliance with CEQA;

2) With the incorporation of mitigation measures, there is no substantial evidence that the Project will have a significant effect on the environment; and

3) The MND reflects the independent judgment and analysis of the City Council.

d) Based on the findings set forth in this Resolution, the City Council hereby adopts the MND and MMRP for the Project.

e) The Planning Director is authorized and directed to file a Notice of Determination in accordance with CEQA.

Section 5. **Findings for Recommendation of Approval of Change of Zone.**
The Planning Commission of the City of Jurupa Valley does hereby recommend that the City Council of the City of Jurupa Valley find and determine that Change of Zone No. 18001 should be adopted because the proposed change of zoning classification from Rural Residential (R-R) Zone to One (1) Family Dwellings (R-1) Zone is consistent with the 2017 Jurupa Valley General Plan and the requirements of the General Plan land use designation of Medium Density Residential (MDR). The General Plan land use designation of MDR permits single-family detached and attached residential and allows up to five (5) dwelling units per acre. The Project proposes single-family detached and a density of five (5) dwelling units per acre. The General Plan land use designation of MDR permits lot ranges from 5,500 square-feet to 20,000 square-feet. The proposed Project’s average lot size is almost 6,400 square-feet, with one lot under 6,000 square-feet and a several lots greater than 7,200 square-feet.

Section 6. **Recommendation of Approval of Change of Zone No. 18001.** Based on the foregoing, the Planning Commission of the City of Jurupa Valley hereby recommends that the City Council of the City of Jurupa Valley approve Change of Zone No. 18001 to rezone 6.74 gross acres located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) from Rural Residential (R-R) Zone to One (1) Family Dwellings (R-1) Zone.
Section 7. **Certification.** The Planning Director shall certify to the adoption of this Resolution.

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of Jurupa Valley on this 9th day of January, 2019.

[Signature]
Chair of Jurupa Valley Planning Commission

ATTEST:

[Signature]
Thomas G. Merrell, AICP
Planning Director/Secretary to the Planning Commission
STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE  
CITY OF JURUPA VALLEY

I, Thomas G. Merrell, Planning Director of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-01-09-01 was duly adopted and passed at a meeting of the Planning Commission of the City of Jurupa Valley on the 9th day of January, 2019, by the following vote, to wit:

AYES:  COMMISSION MEMBERS:

Moore, Pruitt, Silva, Lopez, Newman

NOES:  COMMISSION MEMBERS:

ABSENT:  COMMISSION MEMBERS:

ABSTAIN:  COMMISSION MEMBERS:

[Signature]

THOMAS G. MERRELL, AICP
PLANNING DIRECTOR
RESOLUTION NO. 2019-01-09-02


THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. Project. JA Bray, LLC (the “Applicant”) has applied for Change of Zone No. 18001, Variance No. 18004, and an exception to Section 7.10.080.C. of the Jurupa Valley Municipal Code, and Tentative Tract Map No. 37470 (collectively, Master Application No. 18089 or MA No. 18089) to change the classification of real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) from Rural Residential (R-R) Zone to One (1) Family Dwellings (R-1) Zone, and to permit a Schedule “A” subdivision of approximately 6.74 gross acres into thirty-four (34) single-family residential lots on real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005) (the “Project”). Variance No. 18004, the exception to Section 7.10.080.C. of the Jurupa Valley Municipal Code, and Tentative Tract Map No. 37470 are the subject of this Resolution.

Section 2. Variance.

(a) The Applicant is seeking approval of Variance No. 18004 from: (1) the minimum lot area of 7,200 square feet for premises in the R-1 Zone, as set forth in Section 9.55.020.(2) of the Jurupa Valley Municipal Code, to permit lot areas ranging between 5,711 and 6,792 square feet for Lots 3-15 and 17-34, (2) the minimum average lot width of sixty (60) feet for premises in the R-1 Zone, as set forth in Section 9.55.020.(3) of the Jurupa Valley Municipal Code, to permit an average lot width of fifty (50) feet for Lots 1-15 and 17-34, and (3) the minimum lot frontage of sixty (60) feet for premises in the R-1 Zone, as set forth in Section 9.55.020.(4) of the Jurupa Valley Municipal Code, to permit lot frontages ranging between 50 and 53 feet for Lots 1-15 and 21-34.

(b) Section 9.240.270.A. of the Jurupa Valley Municipal Code provides that variances from the terms of Title 9 (Planning and Zoning) of the Jurupa Valley Municipal Code, may be granted when, because of special circumstances applicable to a parcel of property, including size, shape, topography, location or surroundings, the strict application of Title 9
deprives such property of privileges enjoyed by other property in the vicinity that is under the same zoning classification. A variance may not be granted for a parcel of property that authorizes a use or activity that is not otherwise expressly authorized by the zone regulation governing the parcel of property, but must be limited to modifications of property development standards, such as lot size, lot coverage, yards, and parking and landscape requirements.

(c) Section 9.240.270.D of the Jurupa Valley Municipal Code provides that any variance granted shall be subject to such conditions as are necessary so that the adjustment does not constitute a grant of special privileges that is inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated, and which are necessary to protect the health, safety and general welfare of the community.

(d) Section 9.240.270.C of the Jurupa Valley Municipal Code provides that all public hearings on variances that require approval of a land division shall be heard by the hearing body that has jurisdiction of the principal application.

(e) Section 9.240.270.C of the Jurupa Valley Municipal Code further provides that a public hearing shall be held on all variance applications in accordance with the provisions of Section 9.240.250, and all the procedural requirements and rights of appeal as set forth therein shall govern the hearing.

(f) Section 9.240.250.(6) of the Jurupa Valley Municipal Code provides that for any decision where the hearing body is the Planning Commission and it has rendered a final decision rather than a recommendation to the City Council, that decision shall be considered final unless an appeal is filed with the City Clerk within ten (10) days after the decision. An appeal may be filed by the applicant, any interested person, or an individual Council Member or by a majority vote of the Council. If an appeal is filed by an applicant or other interested person, it shall be accompanied by the fee set forth in County Ordinance No. 671. Any appeal filed by an individual Council Member or by a majority vote of the Council does not require the payment of a fee. After an appeal is filed and the fee is received by the city, the City Clerk shall set the matter for public hearing before the City Council not less than thirteen (13) nor more than sixty (60) days thereafter and shall give notice of the time and place of the hearing in the same manner as notice was given of the hearing before the Planning Commission.

(g) Section 9.240.250.(7) of the Jurupa Valley Municipal Code provides that the City Council shall hear the matter de novo; however, the documents and the minutes of the hearing before the hearing body shall be a part of the City Council’s record at its hearing on the matter. The City Council shall hear relevant testimony from interested persons and within a reasonable time after the close of the hearing, make its decision sustaining, reversing or modifying the decision of the hearing body.

Section 3. Exception to Section 7.10.080.C. of Title 7 of the Jurupa Valley Municipal Code.

(a) Section 7.10.080.C. of the Jurupa Valley Municipal Code states, in part: “When lots eighteen thousand (18,000) square feet or less are proposed, the depth of lots shall not exceed two and one-half (2½) times the width.”
(b) The Applicant is seeking approval of an exception to Section 7.10.080.C. of the Jurupa Valley Municipal Code for the depth of Lots 1-4 and 18 in the proposed Tentative Tract Map No. 37470 to exceed 2½ times the width.

(c) Section 7.10.010.C. of the Jurupa Valley Municipal Code states that "exceptions from the requirements of this title [7] relating to the design or improvement of land divisions shall be granted by the appropriate advisory agency or appeal board only when it is determined that there are special circumstances applicable to the property, such as but not limited to size, shape or topographical conditions, or existing road alignment and width, and that the granting of the modification will not be detrimental to the public health, safety or welfare or be damaging to other property in the vicinity."

Section 4. **Tentative Tract Map.**

(a) The Applicant is seeking approval of Tentative Tract Map No. 37470, a Schedule “A” subdivision of approximately 6.74 gross acres into thirty-four (34) single-family residential lots on real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005).

(b) Section 7.05.020.A. of the Jurupa Valley Municipal Code provides that the Jurupa Valley Planning Commission is designated as the “Advisory Agency” charged with the duty of making investigations and reports on the design and improvement of all proposed Schedule “A” maps. Further, Sections 7.05.020.A. and 7.15.150 of the Jurupa Valley Municipal Code provide that the Planning Commission is authorized to approve, conditionally approve, or disapprove all such tentative map land divisions and report the action directly to the City Council and the land divider.

(c) Section 7.15.130.A. of the Jurupa Valley Municipal Code provides that within fifty (50) days after the date of filing of a commercial parcel map, a public hearing on the map must be held before the Planning Commission. Section 7.15.130.B. of the Jurupa Valley Municipal Code provides that after the close of the hearing, the Planning Commission must approve, conditionally approve, or disapprove the proposed tentative map, file notice of the decision with the City Clerk, and mail notice of the decision to the land divider, or his or her authorized agent, and any interested party requesting a copy.

(d) Section 7.15.180 of the Jurupa Valley Municipal Code requires denial of a tentative tract map if it does not meet all of the requirements of Title 7 of the Jurupa Valley Municipal Code, or if any of the following findings are made:

1) That the proposed land division is not consistent with applicable general and specific plans.

2) That the design or improvement of the proposed land division is not consistent with applicable general and specific plans.

3) That the site of the proposed land division is not physically suitable for the type of development.
4) That the site of the proposed land division is not physically suitable for the proposed density of the development.

5) That the design of the proposed land division or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

6) That the design of the proposed land division or the type of improvements are likely to cause serious public health problems.

7) That the design of the proposed land division or the type of improvements will conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed land division. A land division may be approved if it is found that alternate easements for access or for use will be provided and that they will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

8) Notwithstanding subsection 5) above, a tentative map may be approved if an environmental impact report was prepared with respect to the project and a finding was made, pursuant to the California Environmental Quality Act (Pub. Resources Code Section 21000 et seq.), that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

(c) Section 7.15.140 of the Jurupa Valley Municipal Code provides that the action of the Planning Commission on a tentative Schedule “A” map will be final, unless the final decision is appealed by the land divider or any interested party.

(f) Sections 7.05.030.B. and 7.15.150 of the Jurupa Valley Municipal Code provide that if a land divider or any interested party believes that they may be adversely affected by the decision of the Planning Commission, the land divider or any interested party may appeal the decision to the City Council. Any such appeal shall be filed with the City Clerk within ten (10) days after the notice of decision of the Planning Commission appears on the City Council’s agenda. The appeal must be filed in writing, stating the basis for appeal, and must be accompanied by the applicable fee.

Section 5. Procedural Findings. The Planning Commission of the City of Jurupa Valley does hereby find, determine and declare that:

(a) The application for MA No. 18089 was processed including, but not limited to, a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

(b) On January 9, 2019, the Planning Commission of the City of Jurupa Valley held a public hearing on MA No. 18089, at which time all persons interested in the Project had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission closed the public hearing.
(c) All legal preconditions to the adoption of this Resolution have occurred.

Section 6. California Environmental Quality Act Findings for Adoption of Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. The Planning Commission of the City of Jurupa Valley does hereby make the following environmental findings and determinations in connection with the approval of the Project:

(a) Pursuant to the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code §21000 et seq.) and the State Guidelines (the "Guidelines") (14 Cal. Code Regs. §15000 et seq.), City staff prepared an Initial Study of the potential environmental effects of the approval of the Project as described in the Initial Study. Based upon the findings contained in that Study, City staff determined that, with the incorporation of mitigation measures, there was no substantial evidence that the Project could have a significant effect on the environment and a Mitigated Negative Declaration ("MND") was prepared by the City in full compliance with CEQA.

(b) Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the MND as required by law. The public comment period commenced on November 20, 2018, and expired on December 19, 2018. Copies of the documents have been available for public review and inspection at City Hall, 8930 Limonite Avenue, Jurupa Valley, California 92509. The City received did not receive any comments during the public review period.

(c) The Planning Commission has reviewed the MND and the Mitigation Monitoring and Reporting Program ("MMRP"), attached as Exhibit "B," and all comments received regarding the MND and, based on the whole record before it, finds that:

1) The MND was prepared in compliance with CEQA;

2) With the incorporation of mitigation measures, there is no substantial evidence that the Project will have a significant effect on the environment; and

3) The MND reflects the independent judgment and analysis of the Planning Commission.

(d) Based on the findings set forth in this Resolution, the Planning Commission hereby adopts the MND and MMRP for the Project.

(e) The Planning Director is authorized and directed to file a Notice of Determination in accordance with CEQA.

Section 7. Findings for Approval of Variance. The Planning Commission of the City of Jurupa Valley does hereby find, determine, and declare that the proposed Variance No. 18004 should be granted because:

(a) Special circumstances apply to the subject parcel of property, including existing irregularly shaped lots, and the strict application of the minimum lot area, average lot width, and lot frontage requirements under Sections 9.55.020.(2), (3), and (4) of the Jurupa...
Valley Municipal Code will deprive the subject parcel of property of privileges enjoyed by other properties in the vicinity under the same R-1 zoning classification that have lot areas less than 7,200 square feet.

(b) The adjustment does not constitute a grant of special privileges that is inconsistent with the limitations upon other properties in the vicinity and the R-1 Zone, which have lot areas less than 7,200 square feet, and will not be detrimental to the health, safety, and general welfare of the community because the proposed Project meets the intent of the City of Jurupa Valley Municipal Code and is consistent with the 2017 Jurupa Valley General Plan.

Section 8. **Findings for Approval of Exception to Section 7.10.080.C. of Title 7 of the Jurupa Valley Municipal Code.** The Planning Commission of the City of Jurupa Valley does hereby find, determine, and declare that an exception to Section 7.10.080.C. of the City of Jurupa Valley should be granted because:

(a) There are special circumstances applicable to the subject property, such as, but not limited to, size, shape or topographical conditions, or existing road alignment and width, in that these lots have a greater lot depth due to the design of the internal street (Street A) which is an extension of the existing Sierra Avenue. The slightly curved angle of Street A along these lots causes the lot depth to be greater than the lots along the straight portion of Street A. Additionally, the existing irregular shape of the southern boundary combined with the cul-de-sac, causes Lot 18 to have a greater lot depth.

(b) The granting of the modification will not be detrimental to the public health, safety, or welfare, or be damaging to other property in the vicinity, in that allowance of slightly greater lot depth will increase the backyard area which is used by the residents.

Section 9. **Findings for Approval of Tentative Tract Map No. 37470.** The Planning Commission of the City of Jurupa Valley does hereby find, determine, and declare that the proposed Tentative Tract Map No. 37470 should be granted because:

(a) The proposed land division will be consistent with the 2017 Jurupa Valley General Plan upon approval of Change of Zone No. 18001 and Variance No. 18004, in that the land use designation of MDR and the subject property are suitable for the proposed residential land division of 6.74 acres and the proposed density.

(b) The design and improvement of the proposed land division is consistent with the 2017 Jurupa Valley General Plan, including the characteristics and allowed density of premises designated MDR.

(c) The site of the proposed land division is physically suitable for the type of development as designed.

(d) The site of the proposed land division is physically suitable for the proposed density of the development.

(e) The design of the proposed land division and proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or
wildlife or their habitat with the imposition of the recommended conditions of approval and mitigation measures.

(f) The design of the proposed land division and the type of improvements are not likely to cause serious public health problems. The Project will not be a danger to the welfare of the general public.

(g) The subject property does not have any easements, acquired by the public at large, for either access through, or use of, the subject property within the proposed land division.

Section 10. Approval of Variance, Exception, and Tentative Tract Map with Conditions. Based on the foregoing, the Planning Commission hereby approves Variance No. 18004, an exception to Section 7.10.080.C. of the Jurupa Valley Municipal Code, and Tentative Tract Map No. 37470 to permit a Schedule “A” subdivision of approximately 6.74 gross acres into thirty-four (34) single-family residential lots on real property located south of the intersection of 30th Street and Sierra Avenue (APNs: 177-020-018, 177-020-012, 177-110-005), subject to the recommended conditions of approval attached hereto as Exhibit “A.” The Planning Commission’s approval of Variance No. 18004, the exception to Section 7.10.080.C. of the Jurupa Valley Municipal Code, and Tentative Tract Map No. 37470 is conditioned upon the City Council’s adoption of an ordinance approving Change of Zone No. 18001, and this approval shall not take effect until the effective date of the ordinance approving Change of Zone No. 18001.

Section 11. Certification. The Planning Director shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Jurupa Valley on this 9th day of January, 2019.

Chair of Jurupa Valley Planning Commission

ATTEST:

Thomas G. Merrell, AICP
Planning Director/Secretary to the Planning Commission
STATE OF CALIFORNIA   
COUNTY OF RIVERSIDE   ss.
CITY OF JURUPA VALLEY

I, Thomas Merrell, Planning Director of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-01-09-02 was duly adopted and passed at a meeting of the Planning Commission of the City of Jurupa Valley on the 9th day of January, 2019, by the following vote, to wit:

AYES: COMMISSION MEMBERS:
      Moore, Pruitt, Silva, Lopez, Newman

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ABSTAIN: COMMISSION MEMBERS:

[Signature]
THOMAS G. MERRELL
PLANNING DIRECTOR
EXHIBIT A OF ATTACHMENT NO. 2

Recommended Conditions of Approval
HIGHLAND PARK NO. 2 - 34-LOT SUBDIVISION

CONDITIONS OF APPROVAL FOR MA18089 (CZ18001, TTM37470 WITH EXCEPTION & VAR18004)

RESOLUTION NO. 2019-01-09-02

EXHIBIT A

TTM – The condition applies to the Tentative Tract Map.
VAR – The condition applies to the Variance

PLANNING DEPARTMENT

1. **TTM & VAR - PROJECT PERMITTED.** MA18089 (CZ18001, TTM37470 with exception to Section 7.10.060.C of Title 7, VAR18004) is for the subdivision of 6.74 gross acres into 34 single-family lots with common lot numbers 35 (open space) & 36 (water quality basin).

2. **TTM & VAR - INDEMNIFY CITY.** The applicant, the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the “Indemnitor”), shall indemnify, defend, and hold harmless the City of Jurupa Valley and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the “Indemnitees”) from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including, without limitation, litigation expenses and attorney’s fees, arising out of either (i) the City’s approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including, without limitation, any action taken pursuant to the California Environmental Quality Act (“CEQA”), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an “Action”) within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right, but not the obligation, to do so and, if it does, the Indemnitor shall promptly pay the City’s full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City.

3. **TTM & VAR - CONSENT TO CONDITIONS.** Within thirty (30) days after project approval, the property owner or designee shall submit written consent to the required conditions of approval to the Planning Director or designee.
4. **TTM & VAR - MITIGATION MEASURES.** This project shall be subject to the mitigation measures of the adopted Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP).

5. **TTM & VAR - FEES.** The approval of MA18089 (CZ18001, TTM37470 with exception, VAR18004) shall not become effective until all planning fees have been paid in full.

6. **TTM - APPROVAL PERIOD.** An approved or conditionally approved tentative map shall expire 36 months after such approval unless within that period of time a final map shall have been approved and filed with the County Recorder. Prior to the expiration date, the land divider may apply in writing for an extension of time pursuant to Title 7 of the Municipal Code.

7. **VAR – APPROVAL PERIOD.** Any variance that is granted shall be used within one (1) year from the effective date thereof, or within such additional time as may be set in the conditions of approval, which shall not exceed a total of three (3) years, except that a variance in connection with a land division may be used during the same period of time that the land division approval may be used; otherwise the variance shall be null and void.

8. **TTM - CONFORMANCE TO APPROVED EXHIBITS.** The project shall be in conformance to the approved plans listed below with changes in accordance to these conditions of approval:
   a) TTM37470
   b) Landscape Plan
   c) Maintenance Plan

9. **TTM – PLANNING REVIEW OF GRADING PLANS.** Prior to the issuance of any grading permit, the aesthetic impact of slopes and grade differences where the project adjoins streets or other properties shall be approved by the Planning Director.

10. **TTM – COVENANTS, CONDITIONS & RESTRICTIONS (CC & RS).** Prior to the recordation of the map, the applicant shall record CC & Rs providing for maintenance of the project in perpetuity that meets the Planning Director’s approval. The CC & R shall, at a minimum, include provisions for all of the following items:
   a) Formation of a home owner’s association (HOA). One HOA shall maintain both TTM37470 (MA18089 – Highland Park 2) and TTM31894 (MA1212 - Highland Park 1);
   b) Description of the responsibilities of HOA and property owner(s)
   c) HOA shall be responsible for the following items (at minimum):
      1. Ensuring the architecture of the homes is consistent with Highland Park’s (MA1212 TTM31894) development plan by conducting architectural review.
2. Maintenance of Lot 36 including any landscaping and lighting fixtures

3. Two-car garage shall be maintained at all times for each unit

d) Identify locations or areas to be maintained by home owner’s association, property owner(s), special districts, and City (if applicable) in text and by exhibit(s)

Any changes or modifications to the requirements of the CC & Rs shall be reviewed and approved by the Planning Director.


   a) **Prior to the issuance of any building permit**, the applicant shall submit a landscape and irrigation plan that includes an 8-foot-wide multi-purpose trail constructed of decomposed granite. The trail shall be consistent with this MA18089 conceptual landscape plan with the following exception: A five-foot wide landscaped planter with shrubs shall be constructed along the split-face block wall located on the rear property line of Lots 18 to 34.

   In the event the adjacent properties (located to the west and south of TTM37470) are developed, this multi-purpose trail may be re-aligned to provide a more direct connection to the trail of Highland Park (MA1212 TTM31894).

   The plan shall provide bollards that are fully shielded adjacent to the multi-purpose trail for public safety.

   b) **Prior to the final inspection of a building permit for a residential unit**, the trail with the bollards shall be constructed in accordance to the plan.

12. **TTM – MAINTENANCE OF MULTI-PURPOSE TRAIL ON LOTS 35 AND 36**. The multi-purpose trail on Lots 35 and 36 shall be maintained by Jurupa Recreation Area Park District (JARPD). **Prior to the issuance of the building permit for the first single-family unit of the tract**, the applicant shall provide documentation that JARPD accepts maintenance of the multi-purpose trail to the Planning Department.

   If JARPD does not accept the maintenance of the trail, the maintenance of the trail shall be the responsibility of the HOA.

13. **TTM - ON-SITE LANDSCAPING. Prior to the issuance of the first Building permit**, the applicant shall submit the following items, including landscape and irrigation as modified in accordance with this condition, for Planning Director’s review and approval:

   a) Complete “Professional Services (PROS)” application (Planning) for the review of the final landscape, irrigation, and shading plans.

   b) Initial deposit for PROS application.
c) The total cost estimate of landscaping, irrigation, labor, and one-year maintenance.

d) Completed "City Faithful Performance Bond for Landscape Improvements" form with original signatures after the City provides the applicant with the required amount of bond. This bond is for landscaping not within publicly maintained areas.

e) Completed City Landscape Agreement with original signatures after the City has reviewed the submitted cost estimate.

f) Three (3) sets of final on-site landscape, irrigation plans, shading plan with digital copies in 8.5" x 11" on a CD that shall address all the following requirements:

1. Compliance with Chapter 9.283 Water Efficient Landscape Design Requirements
2. Consistent with the approved conceptual plans
3. Satisfies the conditions including Condition No. 11 (A five-foot wide landscaped planter with shrubs shall be constructed along the split-face block wall located on the rear property line of Lots 18 to 34.)
4. Add 5 more trees around the perimeter of the basin. Trees shall be spaced at 40 feet on center.
5. Provide an inventory of on-site existing trees 4" caliper or larger. Indicate caliper, approximate height, and condition. Provide an exhibit indicating which existing trees will be preserved.
6. Provide landscape erosion control planting and irrigation for all manufactured slopes 3 feet or taller or otherwise provide retaining walls at the property line.
7. Provide a preliminary horticultural soils report and recommendations upon which initial soil preparation specifications are based.

Prior to the issuance of the first Certificate of Occupancy for MA18089 (TTM37470), the following events shall be satisfied in the order it is listed:

1. Substantial Conformance Letter: The Landscape Architect of Record shall conduct an inspection and submit a letter to the City of Jurupa Valley Planning Department once the landscape architect has deemed the installation is in conformance to the approved plans.

2. City Inspection: The City landscape architect shall conduct an inspection of the installation to confirm the landscape and irrigation plan was constructed in accordance to the approved plans.
14. **TTM – SDP APPROVAL FOR ARCHITECTURE & FLOOR PLANS.** The architecture and floor plan for this tract shall be consistent, in quality and aesthetics, with Highland Park 1 (MA1212 – TTM31894) as determined by the Planning Director.

*Prior to the issuance of the first Building permit for a single-family unit*, a Site Development Permit (SDP) shall be submitted for the review and approval of plotting plan, architectural styles, and floor plans by the Planning Director.

15. **TTM – SDP APPROVAL FOR MODEL HOMES.** If model homes are proposed, a Site Development Permit application shall be submitted for the review and approval by the Planning Director *prior to the issuance of any building permit(s)* for the model homes.

16. **TTM – SDP APPROVAL FOR WALL & FENCE PLAN.** Prior to the issuance of the *first Building Permit for a unit*, the applicant shall submit a “Final Wall & Fence Plan” with a Site Development Permit application for the review and approval of the Planning Director. The plan shall be consistent with the MA18089 approval. All locations, dimensions, and construction materials for fences, walls, and gates shall be shown on the plan.

   e) No solid fence or wall shall exceed 42 inches in height within the front setback.

   f) The maintenance gate shall be constructed with a material that is open view to allow the public to view into the basin area for safety.

   g) The decorative block walls shall comply with the following requirements:

       o All block walls that face a public street or face a common open space shall have anti-graffiti wall coating.

       o Pilasters shall be constructed at the following places:

           - Each end of the tract perimeter walls;
           - Each turn or corner (for example: at each corner of the rear yard)
           - Otherwise evenly spaced at approximately 30 feet on center but shall not exceed 40 feet apart.

17. **TTM - INCORPORATE CONDITIONS.** *Prior to the issuance of any building permit*, the owner or designee shall include within the first four pages of the working drawings a list of all conditions of approval imposed by the project's final approval.

18. **TTM – ACKNOWLEDGEMENT LETTER OF R-1 STANDARDS.** *Prior to the issuance of first building permit for a unit*, the applicant shall submit a written acknowledgement of the following development standards of R-1:

   a. Building setbacks

   b. Lot Coverage

19. **TTM - JURUPA AREA RECREATION AND PARK DISTRICT.** *Prior to the issuance of any building permit*, the applicant shall submit proof of satisfying any fees,
dedications, or requirements by the Jurupa Area Recreation and Park District to the Building Official.

20. TTM – IMPACT FEES. The applicant shall the pay the following impact fees (unless exempt) in accordance to Title 3 of the Municipal Code:

   a. Development Impact Fee (DIF) Program. The applicant shall pay any owed DIFs by the required deadline pursuant to Chapter 3.75 of the Jurupa Valley Municipal Code.

   b. Multiple Species Habitat Conservation Plan Mitigation (MSHCP) Fee. The applicant shall pay any owed MSHCP fees by the required deadline pursuant to Chapter 3.80 of the Municipal Code.

   c. Transportation Uniform Mitigation Fee (TUMF) Program. The applicant shall pay any owed TUMFs by the required deadline pursuant to Chapter 3.70 of the Municipal Code.

21. TTM – GARAGES. All residential units shall not have less than two parking spaces in a garage with roll-up door and shall be maintained at all times. Garage conversions shall only be permitted if a two-car garage is replaced in the original size and architectural style of the home.

22. TTM – MAXIMUM HEIGHT OF SOLID FENCES AND WALLS WITHIN THE FRONT SETBACK. No solid fence or wall shall exceed 42 inches in height within the front yard setback.

23. TTM - STREET TREES. Street trees and related security and agreements are required pursuant Chapter 7.55 of Title 7.

24. TTM - LANDSCAPE MAINTENANCE. All landscaped areas shall be maintained as approved on the final landscape plans in an orderly, attractive and healthy condition. This shall include proper pruning, mowing of turf areas, weeding, removal of litter, fertilization, replacement of plants when necessary, and the regular application of appropriate quantities of water to all landscaped areas. Irrigation systems shall be maintained as approved on the final landscape plans in proper operating condition. Waterline breaks, head/emitter ruptures, overspray or runoff conditions and other irrigation system failures shall be repaired immediately. The applicant shall maintain canopy trees in a manner that they provide the required shade coverage and encourages the canopy to grow to provide shade. Avoid topping trees or pruning the trees in a manner that the trees do not achieve mature height and form.

25. TTM – REMOVAL OF GRAFFITI. The homeowner's association (HOA) shall remove any graffiti on the common areas as soon as possible. In addition, if the HOA was notified by the City, the HOA shall remove the graffiti within seven (7) days of the City's notice.
1. GENERAL REQUIREMENTS (ENGINEERING)

1.1. The use hereby conditioned is for a Schedule "A" subdivision, Tentative Tract Map No. 37470; being a subdivision of a portion of Section 8 and Section 9, Township 2 South Range 5 West S.B.& M.; more particularly Assessor's Parcels Number APNs 177-020-018, 177-020-012, and 177-110-005; consisting of 6.74 acres, into 34 numbered parcels for residential purposes, 2 numbered lots for open space purpose and water quality basin, and 1 lettered lot for road dedication. Exhibit titled Tentative Tract Map No. 37470, prepared by VSL Engineering, dated March 2018, is hereby referenced.

1.2. This land division shall comply with the State of California Subdivision Map Act, the City of Jurupa Valley Municipal Code, and Riverside County Ordinance No. 460; as it pertains for Schedule "A" subdivision for residential purposes, unless otherwise modified by the conditions listed herein.

1.3. It is assumed that any easements shown on the referenced exhibits are shown correctly and include all the easements that encumber the subject property. The Applicant shall secure approval from all easement holders for all grading and improvements which are proposed over the respective easement or provide evidence that the easement has been relocated, vacated, abandoned, easement holder cannot be found, or is otherwise of no affect. Should such approvals or alternate action regarding the easements not be provided, the Applicant may be required to amend or revise the permit application.

1.4. 30th Street is a Local Road (modified) with a right-of-way width of 66 feet. The applicant will be required to prepare street improvement plans and construct improvements on 30th Street as described on these conditions of approval. The improvements include, but are not limited to, curb and gutter, sidewalk, landscaped parkway and signing and striping. The Applicant shall cause improvement plans to be prepared and submitted for review and approval of the City Engineer.

1.5. Existing Sierra Avenue will be realigned to the east by adjacent development. Future Street J, as identified on the referenced exhibit, is considered a Local Road. The applicant will be required to coordinate the alignment of the road with adjacent development for TTM31894. The applicant will be required to prepare street improvement plans and construct improvements for the intersection of J Street and 30th Street per these conditions of approval.

1.6. Proposed Street A shall be dedicated as a public local road with a right-of-way width of 56 feet. The applicant will be required to prepare street improvement plans and construct improvements per these conditions of approval. Improvements include, but are not limited to, a 36-foot paved road, curb and gutter, sidewalk, drive approaches, landscaped parkway, and signing and striping. The Applicant shall cause improvement plans to be prepared and submitted for review and approval of the City Engineer.

1.7. New street lights are required on 30th Street and Street A. The Applicant shall
cause streetlight plans to be prepared and submitted for review and approval of the City Engineer.

1.8. In compliance with Santa Ana Regional Water Quality Control Board Orders this project is required to comply with the Water Quality Management Plan for Urban Runoff (WQMP). The WQMP addresses post-development water quality impacts from new development and redevelopment projects. Guidelines and templates to assist the developer in completing the necessary studies are available on-line at www.floodcontrol.co.riverside.ca.us under Programs and Services, Stormwater Quality.

1.9. Electrical power, telephone, communication, street lighting, and cable television lines shall be placed underground in accordance with Riverside County Ordinance 460 and 461, as adopted by the City. This also applies to existing overhead lines which are 33.6 kilovolts or below within and along the project frontage and between the nearest poles offsite in each direction of the project site. All utility extensions within the subdivision and within individual lots shall be placed underground.

1.10. Owner will be required to form a Community Facilities District (CFD) for maintenance of parkway improvements as identified on these conditions of approval and approved by the Director of Public Works.

1.11. An Environmental Constraint Sheet (FCS) is required to be prepared for this project for filing with the City Engineer at the time of recording the Final Map.

2. PRIOR TO GRADING PERMIT (ENGINEERING)

2.1. No grading permit shall be issued until the Tentative Tract Map (TTM), and all other related cases are approved and are in effect, unless otherwise approved by the City Engineer.

2.2. The Developer shall prepare a "rough" grading plan or a combined "rough and precise" grading plan for the entire site. The grading plan shall be prepared under the supervision of a civil engineer licensed in the state of California (Project Civil Engineer) and he/she must sign the plan. The printed name and contact information of the Project Civil Engineer shall be included on the face of the grading plan. The grading plan shall be approved by the City Engineer.

2.2.1. The grading plan shall provide for acceptance and proper disposal of all off-site drainage flowing onto or through the site. Should the quantities of flow exceed the capacity of the conveyance facility, the Applicant shall provide adequate drainage facilities and/or appropriate easement(s), if necessary, as approved by the City Engineer.

2.2.2. The grading plan shall provide for protection of downstream properties from damages caused by alteration of the drainage pattern, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities including enlarging existing facilities and/or by securing a drainage easement(s), if necessary, as approved by the City Engineer.
2.2.3. Temporary erosion control measures shall be implemented immediately following rough grading to prevent transport and deposition of earthen materials onto downstream/downwind properties, public rights-of-way, or other drainage facilities. Erosion Control Plans showing these measures shall be submitted along with the grading plan for approval by the City Engineer.

2.2.4. Driveway approaches shall be constructed per Riverside County Standard No. 207. Existing driveway approaches, if any, shall be removed and replaced with full height curb and gutter and adjacent sidewalk to match approved street sections.

2.2.5. Grading agreement and securities shall be in place prior to commencement of grading.

2.3. Prior to approval of the grading plan, the applicant shall submit for review and approval of the City Engineer a project specific final geotechnical report.

2.3.1. Grading of the site shall be per the recommendations of the geotechnical report as reviewed and approved by the Engineering department.

2.3.2. A preliminary geotechnical report for the Proposed Single-Family Residential Development for the Highland Park Project, prepared by LGC Geo-Environmental, Inc.; dated July 27, 2018; was prepared and submitted during entitlement. Applicant shall address comments provided on the Engineering review letter dated September 20, 2018 prior to submittal of the final report for review.

2.3.3. Final report shall include percolation test and results for the water quality basin if infiltration is proposed.

2.4. Prior to approval of grading plans and if grading is required offsite, the Developer shall obtain written notarized letter of permission from the property owner(s) to grade as necessary and provide a copy to the Engineering Department. It shall be the sole responsibility of the Developer to obtain any and all proposed or required easements and/or permissions necessary to perform the grading shown on the site plan, tentative tract map and grading exhibits.

2.5. Prior to approval of grading plans, the applicant shall obtain written authorization from Riverside County Flood Control and Water Conservation District (RCFC&WCD) for any grading work and operations performed over or impacting the existing RCFC&WCD easement.

2.6. Prior to the issuance of the precise grading permit, the Applicant shall cause a Water Quality Management Plan (WQMP) to be prepared in conformance with the requirements of the City of Jurupa Valley and the Riverside County Flood Control and Water Conservation District (RCFC&WCD) for approval of the City Engineer.

2.7. Prior to approval of the grading plan for disturbance of one (1) or more acres the landowner shall provide evidence that it has prepared and submitted to the State Water Resources Control Board (SWRCB) a Storm Water Pollution Prevention plan (SWPPP). The SWRCB issued WDID number shall be included on the face of the grading plan.
2.8. Prior to issuance of the grading permit, the applicant shall obtain authorization from RCFC&WCD for basin overflow connection to their facilities.

2.9. Any proposed retaining walls will require a separate permit(s). Permits shall be obtained prior to the issuance of the precise grading permit unless otherwise approved by the City Engineer and Building Official.

2.10. Where grading involves import or export the Applicant shall obtain approval for the import/export location, from the Engineering department, if located in the City. If an Environmental Assessment did not previously address the import/export location a Grading Environmental Assessment shall be submitted to the Engineering Department for comment and to the Planning Director for review and approval. If import/export location is outside the City the Applicant shall provide evidence that the jurisdictional agency has provided all necessary, separate approvals for import/export to/from the site.

2.11. Where grading involves import or export using City streets the Applicant shall obtain approval of the haul route and a haul route permit from the Public Works Department.

2.12. Prior to approval of the grading plan the Applicant shall prepare a final Hydrology Report, corresponding with the proposed improvements, for approval of the City Engineer. The report shall be consistent with the proposed development and signed by a California licensed civil engineer.

2.12.1. All drainage and storm drain improvements shall be designed in accordance with Riverside County Flood Control & Water Conservation District’s standards.

2.12.2. Applicant is responsible for obtaining the necessary permits from Riverside County Flood Control and Water Conservation District (RCFCD) for connection to their facilities.

2.12.3. A preliminary Hydrology Report for the proposed development prepared by VSL Engineering, dated September 9, 2017, was prepared and submitted during the entitlement. Applicant shall address any comments made during the entitlement process and submit final report to the Engineering department for final review and approval.

2.13. The Applicant shall prepare separate landscaping and irrigation plans for areas within the street right-of-way for review and approval by the City Engineer.

2.14. The Applicant shall prepare separate street improvement and street lighting plans for review and approval by the City Engineer.

2.15. Where grading involves import to or export of more than 50 cubic yards from the site the Developer shall obtain approval for the import/export location from the Engineering Department if located in the City.

3. PRIOR TO FINAL MAP RECORDATION

3.1. No final Map shall be recorded until all other related cases, Change of Zone CZ18001 and Variance VAR18004, are approved and are in effect unless otherwise approved by the City Engineer.
3.2. No final Map shall be recorded until the formation / annexation process for the Community Facilities (CFD) associated with this project, if any, is finalized.

3.2.1. Applicant shall prepare Landscape and Irrigation plans for CFD. Plans shall be prepared per Riverside County Ordinance No. 859 and per the City’s submittal guidelines and package.

3.2.2. CFD will include, but is not limited to, the maintenance of the following:

- Water Quality Basins;
- Tree trimming for trees within the public right-of-way, as identified on the CFD landscape plans and approved by the Director of Public Works;
- Landscape Maintenance
- Entry Monuments (if proposed)

3.2.3. The CFD will not maintain the parkway area in front of the homeowner’s lot. Property owners will be responsible of the maintenance of the landscaping in front of their homes within the public right-of-way. The following exception applies: the CFD will be responsible for the tree trimming of trees along parkways on public right-of-way.

3.2.4. Formation of an HOA for parkway improvements in lieu of CFD will require the City Engineer’s approval.

3.3. The Applicant shall provide improvement plans for approval of the City Engineer for all public improvements including, but not limited to, street improvements plans showing parkway improvements, road and pavement improvements, streetlights, landscape and irrigation, and water system.

3.4. Rights-of-way for streets and public utilities purposes shall be dedicated and shown on the final Map in accordance with these conditions of approval, the City’s Municipal Code, Riverside County Ordinance 460, and Riverside County Ordinance 461. It is understood that the Tentative Tract Map exhibit correctly shows acceptable centerlines, existing easements, traveled ways, and drainage courses, and that the omission or unacceptability may require that the Developer amend or revise the tentative map as may be necessary to allow a finding that the final Map is in substantial conformance with the tentative map.

3.5. The Applicant shall prepare improvement plans for approval of the City Engineer:

3.5.1. Applicant shall prepare plans for improvements on 30th Street consistent with these conditions of approval and shall be responsible for the construction of the improvements. Improvements shall provide for:

   a) Ultimate road and pavement conditions;
   b) 22-ft wide paved road from centerline to curb face;
c) Curb and Gutter per Riverside County Standard No. 200 / 201 in accordance to the final drainage report and to match existing improvements west of development;
d) Curb adjacent landscape and 5-ft sidewalk, within an 11-foot parkway.

3.5.2. Applicant shall prepare plans for improvements for proposed in-tract Street A consistent with these conditions of approval and shall be responsible of construction of the improvements. Improvements shall provide for:
a) Ultimate road and pavement conditions, 36-ft wide paved road within a 56-ft right-of-way section (Riverside County Standard 105);
b) Curb and Gutter per Riverside County Standard No. 200 / 201 in accordance to the final drainage report and connecting to the improvements on 30th Street;
c) 5-ft curb adjacent landscape and 5-ft sidewalk within a 10-foot parkway.

3.5.3. Applicant shall prepare plans for improvements at the intersection of 30th Street, proposed Street A, and future J Street (existing Sierra Avenue), consistent with these conditions of approval and shall be responsible of construction of the improvements. Improvements shall provide for:
a) Ultimate road and pavement conditions;
b) Due to current line of sight restrictions and curvilinear alignment of Street A, the intersection of 30th Street with A and J Streets will be controlled by 3-way stop signs to be installed by the developer.
c) ADA compliant access ramps should be provided for crossing north and south legs of the intersection.
d) Parkway landscaping at the intersection of 30th Street with Street A and J Street should be selected such that adequate line of sight is maintained.

3.6. Should this project be within any assessment/benefit district, the Applicant shall make application for and pay any reapportionment of the assessment or pay the unit fees in the assessment/benefit district.

3.7. Applicant shall provide clearance letter from water and sewer utility purveyor, that all and any conditions by the water and sewer utility purveyor (if any) have been satisfied or appropriately initiated to its satisfaction.

3.8. Electrical power, telephone, communication, street lighting, and cable television lines shall be designed to be placed underground in accordance with Riverside County Ordinances 460 and 461, as adopted by the City. The Applicant is responsible for coordinating the work with the serving utility company. This requirement applies to underground existing overhead electrical lines which are 33.6 kilovolts or below along the project frontage and between the nearest poles offsite in each direction of the project site including services that originate from poles on the far side of the street. A disposition note describing the above shall be reflected on design improvement plans whenever those plans are required.
Written proof confirming initiation of the design of utility improvements or relocations, issued by the utility company, shall be submitted to the Engineering Department for verification purposes.

3.9. Applicant shall obtain approval by water and sewer purveyor for water system and sewer system improvement plans (if any). The plans shall be submitted to and approved by the appropriate service district and the City.

3.10. Prior to Final Map approval, the applicant shall submit for review and approval an application and complete package for the vacation of right-of-way, for that portion of the right-of-way at the easterly terminus of 30th street generally shown on the TTM. Vacation documents shall be approved and recorded prior to Final Map filing.

3.11. Agreement and securities for street improvements shall be in place.

4. PRIOR TO ISSUANCE OF BUILDING PERMIT (ENGINEERING)

4.1. The Project geotechnical/soils engineer shall certify to the completion of grading in conformance with the approved grading plans and the recommendations of the Geotechnical/Soils report approved for this project. Minimum street sections and traffic indexes are to be according to Riverside County Standards. Final sections may be greater based on the final R values determined by a Geologist registered in the State of California, and as approved by the City Engineer.

4.2. A licensed land surveyor or civil engineer shall certify to the completion of grading in conformance with the lines and grades shown on the approved grading plans.

4.3. The Applicant shall prepare a precise grading plan, if precise grading was not included in a combined "rough and precise" grading plan. The precise grading plan shall be approved by the City Engineer.

4.4. The site's BMP facilities and features shall be constructed as shown on the project's site grading plans or separate post-construction BMP improvement plans approved of the City Engineer. Post-construction water quality surface features and facilities such as basins and bio-swales are not required to be landscaped prior to issuance of building permits, but must be otherwise constructed and additional temporary erosion control measures in place as approved by the City Engineer.

4.5. The required domestic water system improvements, including fire hydrants, shall be installed and accepted.

5. PRIOR TO BUILDING PERMIT FINAL INSPECTION (ENGINEERING)

5.1. The Applicant is responsible for the completing off all grading and construction of all infrastructure improvements within the public right-of-way in accordance with approved plans, with Riverside County Ordinance 461, as adopted by the City, and with all other applicable requirements, to the satisfaction of the City Engineer. Applicant shall ensure that streetlights are energized along the streets.
where Applicant is seeking Building Final Inspection (Occupancy).

5.2. The Project geotechnical/soils engineer shall provide a Final Grading Certification, certifying to the completion of the precise grading in conformance with the approved grading plans, the recommendation of the Geotechnical/Soils report approved for this project and the California Building Code.

5.3. A licensed surveyor or civil engineer shall certify to the completion of precise grading in conformance with the lines and grades shown on the approved grading plans.

5.4. The Applicant is responsible for completing all landscaping and irrigation improvements within the public right-of-way as applicable. The Applicant shall provide a Landscaping Certificate of Completion to the City Engineer.

5.5. The Applicant is responsible for the completion of all post-construction water quality Best Management Practices (BMPs) facilities and features. These facilities and features will require operation and maintenance in perpetuity by the Property Owner(s).

6. PRIOR TO BOND EXONERATION (ENGINEERING)

6.1. All street improvements must be completed and accepted by the City.

6.2. CFD maintained improvements shall be completed and accepted by the City Engineering.

6.3. The applicant is responsible for completing all utility mainline and service line extensions within and serving the project site, including but not limited to, electrical power, telephone, other communication, street lighting, and cable television as herein before required, unless otherwise approved by the City Engineering in writing. Utility extensions from the mainline or other points of connection within the public right-of-way require that the applicant obtained an Encroachment Permit from the Engineering Department. Correspondence from the respective utility company approving and accepting utility improvements shall be provided from each respective utility company. The City will make a final inspection of work to verify that any impacts that the work might have had to other City owned infrastructure is restored or repaired to the satisfaction of the City Engineer.

The Applicant hereby agrees that these Conditions of Approval are valid and lawful and binding on the Applicant, and its successors and assigns, and agrees to the Conditions of Approval.

Applicant’s name (Print Form):____________________________________________________

Applicant’s name (Signature):____________________________________________________

Date:__________________
ATTACHMENT 5
Planning Commission Staff Report for January 9, 2019
(excluding exhibits)
DATE: JANUARY 9, 2019
TO: MEMBERS OF THE PLANNING COMMISSION
FROM: THOMAS G. MERRELL, AICP, PLANNING DIRECTOR
BY: ANNETTE TAM, SENIOR PLANNER
SUBJECT: AGENDA ITEM NO. 6.1
MASTER APPLICATION (MA) NO. 18089: CZ18001, TTM37470, VAR18004
AND EXCEPTION TO SECTION 7.10.080 (C) OF TITLE 7
PROPOSAL: “HIGHLAND PARK 2” – RESIDENTIAL SUBDIVISION OF 6.74 ACRES INTO 34 SINGLE-FAMILY LOTS
LOCATION: SOUTH OF INTERSECTION OF 30TH STREET AND SIERRA AVENUE (OR J STREET OF TTM31894)
APPLICANT: JA BRAY, LLC

RECOMMENDATION
By motion:

1. Adopt Planning Commission Resolution No. 2019-01-09-01, recommending that the City Council (1) adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and (2) approve Change of Zone No. 18001; and

2. Adopt Planning Commission Resolution No. 2019-01-09-02, (1) adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; (2) approving Tentative Tract Map No. 37470 with an exception to Section 7.10.080 (c) of Title 7; and (3) approving Variance No. 18004 in order to allow a subdivision of 6.74 gross acres into 34 single-family lots.

BACKGROUND

Project Description & Location: Highland Park 2. The proposed project is for a 34-single-family lot subdivision on approximately 6.74 acres. The average lot size for this project is 6,400 square-feet. It is located south of the intersection of 30th Street and Sierra Avenue in the Sunnyslope area. See Exhibit A for the project location. Project location is indicated with a star.

The land was originally intended to be made a part of the original Highland Park 1 application that was approved by the City Council in 2016. However, the applicant and the previous owner, County of Riverside, did not come to an agreement on the land acquisition until after the Highland Park 1 approval. Thus, the applicant made a separate application for this 34-single-family lot subdivision. Highland Park 2 (34 units) adds about 8% to Highland Park 1 (398 units). See Exhibit B for approved Highland Park 1 project.
The applicant intends for both projects to be developed similar in character and quality including architectural styles, and floor plans. Highland Park 2 cannot request to change the zoning to R-4 (same zoning as Highland Park 1) due to a code requirement that requires the project area to be at least 9 acres. Highland Park 2 is 6.74 acres. Thus, the request is for an R-1 zone.

Had the project been included with the original Highland Park application, the project site could have been zoned R-4. Thus, if the project had been zoned R-4, all the lots would comply with the R-4 development standards. It is only a technicality that the project cannot be zoned R-4.

The project site abuts the western boundary of Highland Park 1. Exhibit C presents the location of “Highland Park 1” in yellow color and indicates the location of “Highland Park 2” with a star.

Table 1 presents the applications for this project. Per the Municipal code, the Planning Commission is the advisory agency for Schedule “A” tentative maps and Variances. Thus, the Planning Commission takes action on both of the Tentative Tract Map (TTM) with exception and Variance applications for this project. A condition of the TTM will state that the approval of the TTM and VAR will not take effect unless the Change of Zone is approved and effective. For a Change of Zone (CZ) application, the Planning Commission holds a public hearing and makes a recommendation to the City Council. If the Commission recommends approval of the CZ, the City Council will hold a hearing and takes action on the CZ application. If the Commission
TABLE 1. REQUESTED ENTITLEMENTS

<table>
<thead>
<tr>
<th>Requested Entitlement</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Change of Zone (CZ)</td>
<td>Change existing zoning classification from R-R (Rural Residential) to R-1 (One-Family Dwelling).</td>
</tr>
<tr>
<td>Tentative Tract Map (TTM) with Exception to Section 7.10.080 (c) of Title 7</td>
<td>Subdividing approximately 6.74 acres of land into 34 single-family lot with common area lots; Exception to allow five (5) lots to have lot depth greater than 2 ½ times than the lot width.</td>
</tr>
<tr>
<td>Variance (VAR)</td>
<td>Section 9.55.020 (2) Lot Area: Reduce 20% of the minimum lot size from 7,200 square-feet to 5,711 square-feet; Section 9.55.020 (3) Average Width &amp; (4) Lot Frontage: Reduce 16% of the minimum average width from 60 feet to 50 feet; and Section 9.55.020 (4) Lot Frontage: Reduce 16% of the minimum frontage of lot from 60 feet to 50 feet</td>
</tr>
</tbody>
</table>

TABLE 2: GENERAL PROJECT INFORMATION

| Accessor’s Parcel Number(S) | 177-020-018; 177-020-012; 177-110-005 |
| Total Acreage of Project Site | 6.74 gross acres |
| Existing General Plan Land Use Designation | Medium Density Residential (MDR) allows up 5 units per acre |
| Existing Zoning Classifications | R-R (Rural Residential) |

Background of Highland Park 1. In March 2016, the City Council approved a residential subdivision for 398 single-family homes with a community park on 168 acres of land in the Sunnyslope community. The residential subdivision is named Highland Park and it is surrounded by residential communities. Highland Park 1 has an average lot size of 6,550 square-feet for a total of 398 single-family homes. Highland Park 2 has an average lot size of 6,400 square-feet.

It is located north of Canal Street, east of Sierra Avenue / 20th Street, and north of the Union Pacific Railroad line. Refer to Exhibit C for location.

Highland Park 1 includes an abandoned quarry located adjacent to the homes and community. The land use designation and zoning were for industrial use and mining. Since Highland Park was approved, the Medium Density Residential land use designation and R-4 (Planned Residential) zone are for residential use.

R-4 zone allows for both (1) a minimum lot area of 3,600 square-feet and (2) a minimum of 6,000 square-feet overall per dwelling unit that includes recreation and service areas. The zone
is intended for smaller lots with a greater area of shared common recreation and open space or a conventional single-family neighborhood with 6,000 square-feet lots.

2017 General Plan. As part of the adoption of the 2017 General Plan, the City Council approved the project site for Highland Park 2 to have a land use designation of Medium Density Residential (MDR) which was recommended by staff in anticipation of this application. The surrounding area has the same land use designation of MDR. MDR allows up to 5 units per acre. See Exhibit D for the land use map which shows the general area designated as MDR.

EXHIBIT B. APPROVED HIGHLAND PARK 1 PROJECT (398 UNITS)
EXHIBIT C. LOCATION OF APPROVED HIGHLAND PARK 1 PROJECT
(SOURCE: COUNTY OF RIVERSIDE GIS)

EXHIBIT D. EXCERPT FROM 2017 GENERAL PLAN LAND USE MAP
I. PROJECT DESIGN & MAINTENANCE.

A. Project Design Overall. The proposed project is within a residential area. There is an existing residential community on the north side of 30th Street (across the street to the north) and a recently approved 400-unit residential community, “Highland Park,” which abuts the proposed tract on the east boundary line.

The proposed project has thirty-four single-family lots that fronts onto Street A. See Exhibit E, Conceptual Landscape Plans, below. The single-family lots are surrounded by open space areas, including water quality basins, to the west by Lot 36, south by Lot 35, and east by Highland Park 1 tract. Additionally, there will be an eight foot (8’) wide D.G. multi-purpose trail that starts on 30th Street and ends at the south boundary abutting the Union Pacific Railroad. The trail would connect to the Highland Park 1 trail.

EXHIBIT E. CONCEPTUAL LANDSCAPE PLANS

B. Circulation.

- Street A is an extension of the existing Sierra Avenue to the north of 30th Street. See Exhibit F for the cross-section. It is designed to be 56-foot-wide with a 10-foot-wide parkway on both sides of the street. A five-foot-wide landscaped area will be constructed between the street and the sidewalk. It will serve as a buffer for the pedestrians from the street. The street trees will enhance the street scene in the tract.

EXHIBIT F. CROSS-SECTION OF STREET A
• 30th Street will be widened to be constructed as a sixty-six-foot-wide right-of-way. See Exhibit G for the cross-section. The south side of 30th Street will be constructed to have a sidewalk and landscaped area along the project frontage. The landscaped area will be adjacent to the street to serve as a buffer for pedestrians, too.

The easterly end of 30th Street, beyond Sierra Avenue, is proposed to be vacated to be a part of Lot 1. Engineering Department has no objection since the area east of Sierra Avenue will not be needed.

EXHIBIT G. CROSS-SECTION OF 30TH STREET

C. Architecture & Floor Plans. The approval for Highland Park 1 includes approved conceptual architectural styles and floor plans. The styles include Craftsman, Cottage, Spanish, and Traditional.

A condition for this project will require the architectural styles and floor plans for the homes to be substantially in conformance with the approved Highland Park 1’s approved architectural styles and floor plans.

D. Walls & Fences. The proposed walls and fences match the approved Highland Park 1 project. A six-foot high split-face wall is proposed for the rear lot lines and lot lines that abut 30th Street and the water quality basin. An almost six-foot high vinyl fence is proposed for the side lot lines with a matching vinyl gate for the side yard. A black tubular steel fence with split-face block pilaster is proposed to secure the water quality basin.

E. Maintenance of Project. Table 5, Maintenance, presents a summary of the maintenance information.

A condition of approval will require the recordation of Covenants, Conditions & Restrictions (CC & Rs) and the formation of a Homeowner’s Association (HOA). The plan is to have one HOA for both Highland Park 1 and 2.

Community Facilities District (CFD) or Lighting & Landscape Maintenance District (L&LMD) is required to be formed for the maintenance of the water quality basin and trees in the public rights-of-way.
## TABLE 5. MAINTENANCE

<table>
<thead>
<tr>
<th>ITEM FOR MAINTENANCE</th>
<th>MAINTENANCE AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Landscaped Parkways on Street “A” except trees</td>
<td>Private Homeowner</td>
</tr>
<tr>
<td>• Abutting Walls &amp; Fences</td>
<td></td>
</tr>
<tr>
<td>• Common Open Area with all improvements and landscaping</td>
<td>Homeowner’s Association (HOA)</td>
</tr>
<tr>
<td>• Abutting Walls &amp; Fences along common areas</td>
<td></td>
</tr>
<tr>
<td>• Trees in the Rights-of-Way</td>
<td>Community Facilities District (CFD) or Lighting &amp; Landscape Maintenance District (LLMD)</td>
</tr>
<tr>
<td>• Water Quality Basin</td>
<td>Community Facilities District (CFD) or Lighting &amp; Landscape Maintenance District (LLMD)</td>
</tr>
<tr>
<td>• Multi-purpose Trail within Lots 35 &amp; 36</td>
<td>Jurupa Area Recreation &amp; Park District (JARPD)</td>
</tr>
</tbody>
</table>

### II. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City of Jurupa Valley has prepared and intends to adopt a Mitigated Negative Declaration (MND) for the Project. The proposed Mitigated Negative Declaration is supported by an Initial Study that evaluated potential effects with respect to Aesthetics, Agriculture and Forest Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation/Traffic, and Utilities and Service Systems. The proposed Mitigated Negative Declaration determines 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 or agreed to by the Applicant. The City’s decision to prepare a Mitigated Negative Declaration should not be construed as a recommendation of either approval or denial of this Project. Planning Condition No. 4 requires all the mitigation measures of the Mitigation Monitoring and Reporting Program (MMRP) to be as conditions.

**Public Review Period.** The public review period for the environmental document began on November 20, 2018 and ended on December 19, 2018. The City did not receive any comment.

### III. GENERAL PLAN

The proposed project is consistent with the recently adopted General Plan. The project meets the intent, characteristics and policies of the land use designation.

The proposed zoning classification of R-1 (One (1) Family Dwellings) is consistent with Medium Density Residential (MDR). MDR is for single-family detached and
attached residential and allows up to 5 dwelling units per acre. This project is for single-family detached and the project’s density is 5 dwelling units per acre.

MDR’s typical lot size ranges from 5,500 square-feet to 20,000 square-feet. The project’s average lot size is almost 6,400 square-feet with one lot under 6,000 square-feet and a several lots greater than 7,200 square-feet.

IV. TILE 9 LAND USE ORDINANCE. The project is consistent with the proposed R-1 zone (One (1) Family Dwellings) with an approved Variance. See Table 3 for a summary.

<table>
<thead>
<tr>
<th>TABLE 3. R-1 ZONE’S APPLICABLE DEVELOPMENT STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Standard</td>
</tr>
<tr>
<td>----------------------</td>
</tr>
<tr>
<td>Lot Area: Minimum 7,200 square-feet</td>
</tr>
<tr>
<td>Average Width of Lot: Minimum 60 ft.</td>
</tr>
<tr>
<td>Average Depth of Lot: Minimum 100 ft.</td>
</tr>
<tr>
<td>Lot Frontage:</td>
</tr>
<tr>
<td>Minimum 60 ft.</td>
</tr>
<tr>
<td>Lots fronting on knuckles or cul-de-sac may have a min. of 35 ft.</td>
</tr>
</tbody>
</table>

Variance for Lot Area. Most of the lots (91%) require a variance to allow the lot area to be less than the required minimum lot area of 7,200 square-feet. The average lot size is almost 6,400 square-feet. The proposed lots are smaller than the required minimum lot area by 5.6% - 20.6% with an average of 13%. Only one lot is less than 6,000 square-feet at 5,711 square-feet.

The characteristics of this neighborhood will be very similar to the existing neighborhoods especially from the street. The setbacks are the same. The size of the homes is generally the same. The only difference is a slightly larger backyard that is not visible from the street. In other words, it is not possible to visually determine whether a neighborhood has 6,000 square-feet lots or 7,200 square-feet lots.

<table>
<thead>
<tr>
<th>TABLE 4. VARIANCE FOR LOT AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOT NO.</td>
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<tr>
<td>---------</td>
</tr>
<tr>
<td>Lot 3</td>
</tr>
<tr>
<td>Lot 4</td>
</tr>
<tr>
<td>Lot 5</td>
</tr>
<tr>
<td>Lot 6 – 14, 22 – 29, &amp; 30</td>
</tr>
<tr>
<td>Lot 15</td>
</tr>
<tr>
<td>Lot 17</td>
</tr>
<tr>
<td>Lot 18</td>
</tr>
</tbody>
</table>
**Variance for Average Lot Width.** The project requests a variance to modify the average lot width from 60 feet to 50 feet (16% decrease in lot width) for 33 lots (91%). The average lot width for the tract is 50 feet with a few lots greater than 50 feet.

**Variance for Minimum Lot Frontage.** The project requests a variance to modify the minimum lot frontage of 60 feet. Twenty-nine lots have a lot frontage between 50 feet to 53 feet. These lot frontages are smaller than the required minimum lot frontage by 11.6% to 16.6%. All the lots that front the cul-de-sac meet the minimum lot frontage of 35 feet.

**V. TITLE 7 SUBDIVISIONS.** The tentative tract map, Schedule “A”, complies with all applicable provisions of Title 7 and the Subdivision Map Act for standards and process with the exception to Section 7.10.080 (C).

The exception would allow five (5) lots, Lots 1 – 4 and 18, to have lot depth greater than 2.5 times than the lot width by, at most, 20%. The lot ratios of those five lots range between 2.55 to 3.18.

These lots have a greater lot depth due to the design of the internal street (Street A) which is an extension of the existing Sierra Avenue. The slightly curved angle of Street A along these lots causes the lot depth to be greater than the lots along the straight portion of Street A. Additionally, the existing irregular shape of the southern boundary combined with the cul-de-sac, causes Lot 18 to have a greater lot depth. However, the lot ratio of these lots is generally within 20% of the maximum. The granting of the exception to have a great lot depth than the maximum will not be detrimental to the public health, safety or welfare or be damaging to other property in the vicinity. The slightly larger lot depth will provide more yard space.

Engineering Department has reviewed the project for access, circulation, grading, and drainage. Staff is recommending the attached conditions which address areas such as subdivision, circulation, access, grading, drainage, and water quality.

**VI. FINDINGS FOR TENTATIVE LAND DIVISION MAPS (SECTION 7.15.180 OF TITLE 7)**

“A tentative map shall be denied if it does not meet all requirements of this ordinance, or if any of the following findings are made:

- **A.** That the proposed land division is not consistent with applicable general and specific plans.
  
  The project is consistent with the general plan with the approved Change of Zone and Variance. The land use designation is Medium Density Residential and the land is suitable for the proposed residential land division of 6.74 acres and density.

- **B.** That the design or improvement of the proposed land division is not consistent with applicable general and specific plans.
  
  The proposed design of the subdivision with improvements is consistent with the General Plan including the characteristics and allowed density of MDR.

- **C.** That the site of the proposed land division is not physically suitable for the type of development.
The site is physically suitable for the development as designed.

D. That the site of the proposed land division is not physically suitable for the proposed density of the development.

The site with the design is suitable for the proposed density.

E. That the design of the proposed land division or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The project will not cause any substantial environmental damage or impacts to wildlife and their habitats with recommended conditions and mitigation measures. Staff prepared an Initial Study and intends to adopt a Mitigated Negative Declaration. The document is attached to this staff report. The project will not be a danger to the welfare of the general public. The project will not cause serious public health problems.

F. That the design of the proposed land division or the type of improvements are likely to cause serious public health problems.

G. That the design of the proposed land division or the type of improvements will conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed land division. A land division may be approved if it is found that alternative easements for access or for use will be provided and that they will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

The project does not have any easement for access, acquired by the public at large, through or use of the property within the subdivision.

H. Notwithstanding subsection E. above, a tentative map may be approved if an environmental impact report was prepared with respect to the project and a finding was made, pursuant to the California Environmental Quality Act, that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report."

Staff prepared an Initial Study and intends to adopt a Mitigated Negative Declaration. The document is attached to this staff report.

VII. FINDINGS FOR GRANTING A VARIANCE (SEC. 9.240.270 OF TITLE 9).

"Variances from the terms of this chapter may be granted when, because special circumstances applicable to a parcel of property, including size, shape, topography, location or surroundings, the strict application of this chapter deprive such property of privileges enjoyed by other property in the vicinity that is under the same zoning classification."

The above findings can be made to support a recommendation for granting a variance to permit the minimum (1) average lot width be less than 60 feet; (2) lot frontage to be less than 60 feet; and (3) the lot area to be less than 7,200 square-feet.
The strict application of these three development standards deprive the subject parcel of property of privileges enjoyed by other properties in the vicinity under the same R-1 zoning classification that have lot areas less than 7,200 square-feet.

This project is designed to be similar in character and aesthetics as the previously approved Highland Park1 which abuts the project site. In order for this project to be designed consistent with the character of Highland Park 1, the Variance must be approved.

This project meets the intent of the code and is consistent with the General Plan. The proposed zoning classification of R-1 (One (1) Family Dwellings) is consistent with Medium Density Residential (MDR). MDR is for single-family detached and attached residential and allows up to 5 dwelling units per acre. This project is for single-family detached and the project’s density is 5 dwelling units per acre. MDR’s typical lot size ranges from 5,500 square-feet to 20,000 square-feet. The project’s average lot size is almost 6,400 square-feet.

CONCLUSION

This project is designed to be a part of the Highland Park 1 community that the City Council approved. The character and aesthetics of both tracts will be the same as this project will have the same architecture and floor plans. Moreover, the lot design is similar. The average lot size for Highland Park 1 is 6,550 square-feet and Highland Park 2 is 6,400 square-feet. The project is small since it adds only 8% to the overall Highland Park project.

For these reasons, the staff recommends approval of the project.

Prepared by: Annette Tam
Senior Planner

Submitted by: Thomas G. Merrell, AICP
Planning Director

Reviewed by: Serita Young
Deputy City Attorney
ATTACHMENTS

1. Resolution No. 2019-01-09-01
2. Resolution No. 2019-01-09-02
   a. Exhibit A. Recommended Conditions of Approval
   b. Exhibit B. Mitigated Negative Declaration & Mitigation Monitoring Reporting
      Program (MMRP) (on file with City and on City’s website)
3. Change of Zone Exhibit
4. Exhibits:
   a. Tentative Tract Map No. 37470 including Landscape Plan
   b. Wall & Fence Plan with Maintenance Information
5. Radius Map for Public Noticing
ATTACHMENT 6
Tentative Tract Map No. 37470
LEGAL DESCRIPTION:

PARCEL 1:

THAT PORTION OF TRACT 1 OF THE SUBDIVISION OF THE LANDS FORMERLY BELONGING TO THE A. C. ARMSTRONG ESTATE, AS SHOWN BY MAP ON FILE IN BOOK J, PAGE 151 OF RECORDS, RIVERSIDE COUNTY, AS SHOWN ON PLAT OF TRACT 1 OF THE ARMSTRONG ESTATE, AS SHOWN BY MAP ON FILE IN BOOK 6, PAGE 31 OF RECORDS, RIVERSIDE COUNTY RECORDS, AND SHOWN ON RECORD OF SURVEY ON FILE IN BOOK A, PAGE 70 OF RECORDS OF SURVEY, RIVERSIDE COUNTY RECORDS. DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SANTA ANITA HEIGHTS UNIT NO. 5, AS SHOWN BY MAP ON FILE IN BOOK 6, PAGE 207 AND 309 OF RECORDS, RIVERSIDE COUNTY RECORDS; THEREON NORTH 62° 08' 00" WEST, ON THE PROLONGATION OF THE SOUTHWESTERLY LINE OF SAID SANTA ANITA HEIGHTS UNIT NO. 5, 671.20 FEET, MORE OR LESS, TO THE SOUTHWESTERLY CORNER OF THE NORTH EXCEPTED described in the above mentioned deed; thence north 8° 23' 30" WEST, 30.76 FEET, MORE OR LESS, ON THE SOUTHWESTERLY LINE OF SAID NORTH EXCEPTED (SAID POINT BEING 30 FEET SOUTHWESTERLY MEASURED AT RIGHT ANGLES FROM THE FIRST MENTIONED BEARING); thence south 8° 23' 30" EAST 0.00 FEET, MORE OR LESS, TO THE BEGINNINGS OF A TANGENT CURVE CONCAVING NORTHEAST AND HAVING A RADIUS OF 350 FEET (SAID CURVE BEING TANGENT AT ITS POINT OF BEGINNING TO A LINE THAT IS PARALLEL WITH AND DISTANT SOUTHWESTERLY MEASUREMENT AT RIGHT ANGLES, 153 FEET FROM THE SOUTHWESTERLY LINE OF THE THIRD EXCEPTION DESCRIBED IN THE ABOVE MENTIONED DEED; THESE RADIUS, OR SALT CURVE 140 FEET, MORE OR LESS, TO A LINE THAT IS PARALLEL TO SAID CURVE AND PASSES THROUGH THE MOST NORTHWESTERLY CORNER OF THE SECOND EXCEPTION DESCRIBED IN THE ABOVE MENTIONED DEED) thence on said tangent line SOUTHWESTERLY 155 FEET, MORE OR LESS, TO SAID MOST NORTHWESTERLY CORNER; thence north 8° 23' 30" WEST ON THE SOUTHWESTERLY LINE OF SALE DEED CONVEYED TO SANTA ANITA HEIGHTS WATER COMPANY IN DEED RECORDED JANUARY 23, 1969, AS INSTRUMENT NO. 4399, RIVERSIDE COUNTY RECORDS, TO THE INTERSECTION WITH THE SOUTHWESTERLY LINE OF SAID DEED RECORDED IN BOOK 1769, PAGE 431 OF OFFICIAL RECORDS, RIVERSIDE COUNTY RECORDS.

RECEIVING A RIGHT OF WAY TO THE NORTH RIVERSIDE CULVERT COMPANY OVER THIS PROPERTY FOR A PIPE LINE AND ITS MAINTENANCE.

EXCEPTING THEREFROM THAT PORTION LIES SOUTHWESTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF 10TH STREET, 60 FEET WEST, AND THE SOUTHWESTERLY LINE OF SANTA ANITA HEIGHTS UNIT NO. 5, AS SHOWN BY MAP ON FILE IN BOOK 15, PAGE 27 AND 50 OF RECORDS, RIVERSIDE COUNTY RECORDS; THEREON NORTH 8° 23' 30" EAST ALONG SAID SOUTHWESTERLY LINE OF OAK STREET, 214.9 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY LINE OF SANTA ANITA HEIGHTS UNIT NO. 5, A POINT CONCAVING SOUTHWESTERLY PARALLELING THE SOUTHWESTERLY LINE OF SAID SANTA ANITA HEIGHTS HEIGHTS UNIT NO. 5 TO A POINT ON THE SOUTHWESTERLY LINE OF THE LAND DESCRIBED IN THE DEED RECORDED IN BOOK 1769, PAGE 431 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY.

PARCEL 2:

THAT PORTION OF TRACT NO. 1 OF THE SUBDIVISION OF THE LANDS FORMERLY BELONGING TO THE A. C. ARMSTRONG ESTATE, AS SHOWN BY MAP ON FILE IN BOOK J, PAGE 151 OF RECORDS, RIVERSIDE COUNTY RECORDS, AND SHOWN ON RECORDS OF SURVEY ON FILE IN BOOK A, PAGE 70 OF RECORDS OF SURVEY, RIVERSIDE COUNTY RECORDS, DESCRIBED AS FOLLOWS:

COMMENCING AT STATION 26 IN TRACT NO. 1 OF THE LANDS FORMERLY BELONGING TO A. C. ARMSTRONG ESTATE, AS SHOWN BY MAP, THEREON NORTH 85° 00' EAST, ALONG COURSES 24 OF SAID A. C. ARMSTRONG ESTATE, 225.1 FEET TO THE INTERSECTION WITH THE CENTERLINE OF PACIFIC AVENUE, PROCEEDED THEREON NORTH 85° 16' 10" EAST, ALONG THE CENTRALLINE OF SAID PACIFIC AVENUE, PROCEEDED TO THE INTERSECTION WITH THE SOUTHWESTERLY LINE OF THE RIGHT OF WAY OF THE SANTA ANITA HEIGHTS WATER COMPANY ALONG THE SOUTHWESTERLY LINE OF PACIFIC AVENUE, PROCEEDED THEREON 85° 16' 10" EAST, 401.47 FEET TO THE CENTERLINE OF SAID PACIFIC AVENUE, THENCE NORTH 85° 00' EAST 401.47 FEET TO THE CENTERLINE OF SAID PACIFIC AVENUE, THENCE NORTH 85° 00' EAST TO THE INTERSECTION WITH THE SOUTHWESTERLY LINE OF SAID PACIFIC AVENUE, PROCEEDED THEREON 85° 00' EAST, 350 FEET TO THE TRUE POINT OF BEGINNING, THENCE NORTH 3° 32' EAST, 204.36 FEET TO THE TRUE POINT OF BEGINNING.
HIGHLAND PARK 2 - TR 37470
Highland Park - Richland Communities
City of Jurupa Valley
ATTACHMENT 9
Radius Map
Riverside County GIS
APNs: 177-020-012, 177-020-018, 177-110-005

1000' BUFFER

Legend
- County Boundary
- Cities
- World Street Map

PLANNING DEPARTMENT
RECEIVED
DEC 1 2 2018
CITY OF JURUPA VALLEY

"IMPORTANT" Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON... 3/13/2018 2:23:28 PM
STAFF REPORT

DATE: FEBRUARY 7, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY THOMPSON, CITY MANAGER
BY: THOMAS G. MERRELL, AICP, PLANNING DIRECTOR

SUBJECT: AGENDA ITEM NO. 14.B

PUBLIC HEARING TO CONSIDER MASTER APPLICATION 18246 (MA18246): APPEAL (AP18002) OF THE PLANNING COMMISSION DECISION TO INCLUDE A CONDITION OF APPROVAL THAT REQUIRES THE ELIMINATION OF A PARKING AREA ENCROACHING ON AN ADJACENT LOT FOR MASTER APPLICATION (MA) NO. 18113: SITE DEVELOPMENT PERMIT NO. 18052 (SDP18052) TO ALLOW THE CONSTRUCTION OF A 7,360 SQUARE-FOOT AUTO PARTS SUPPLY STORE LOCATED AT 9056 MISSION BOULEVARD (APN:169-120-036) (APPELLANT: AUTOZONE AND MERIDIAN PROPERTY VENTURES)

RECOMMENDATION

1) That the City Council sustain the action of the Planning Commission and adopt Resolution No. 2019-11, entitled:


BACKGROUND

The Planning Commission approved the above application on December 12, 2018 with a 4 to 0 vote, subject to conditions of approval. The applicant disagreed with several of the conditions and filed an appeal on December 20, 2018.
Project Description

A copy of the Planning Commission’s Staff Report from December, 12, 2018 is attached, with maps, plans and other details of the proposed project.

The proposed AutoZone project consists of a 7,360 square-foot building, parking, landscaping, right-of-way improvements and a shared driveway between the subject parcel and an adjoining lot. The project also includes a request to allow some parking for the use to occur through an encroachment on an adjacent parcel. Zoning of the property is C-1/C-P (General Commercial). The General Plan land use designation is CR (Commercial Retail) and the property is within the Glen Avon Town Center Overlay area as well as the Equestrian Protection Lifestyle Overlay.

The applicant states that AutoZone’s corporate policies require parking to be within a specified distance of any main entrance to its buildings. The encroachment onto the adjoining lot is requested for parking purposes and is intended to satisfy the AutoZone’s corporate distance requirement. Both properties would use a single ingress and egress driveway providing access to Mission Boulevard.

History of Application

The City first received an application to develop an Auto Zone and Jiffy Lube in 2017 at 9056 Mission Boulevard as a Pre-application request to consider 2 buildings on 2 adjoining lots. Staff viewed the proposal as inconsistent with the Glen Avon Town Center vision statement, but also advised the applicant that the proposed use is permitted by the existing zoning and it is permissible to continue with the entitlement process. However, soon thereafter, the applicant submitted a revised plan that proposed one building for Auto Zone on one parcel and removal of the Jiffy Lube on the other one.

The revised (new) project included a shared driveway and parking on the adjacent parcel. At that time, City staff expressed substantial concerns with the shared access way and the encroachment onto the adjoining lot for parking purposes. The standards and findings for granting a Site Development Permit do not accommodate off-site parking or piece-meal development.

Since then, City staff has attempted to work with the various applicants (there have been 6 different individuals from Meridian representing AutoZone since the first submission) to design a project that promotes the goals and policies of the General Plan, including the City’s vision for the Glen Avon Town Center. On at least 4 separate occasions, staff and/or the Planning Commission have expressed concerns with the shared driveway and/or the parking encroachment on the adjacent lot.

Planning Commission Action

On December 12, 2018, the Planning Commission conducted a public hearing for the AutoZone with the shared access, parking encroachment, landscaping and site improvements. Staff recommended approval of the project with conditions that required
the elimination of the shared driveway and encroaching parking area. The AutoZone site is large enough to accommodate its required parking without encroaching on the adjacent lot.

The Planning Commission approved the Site Development Permit on a 4-0 vote with the deletion of a condition requiring removal of the shared driveway. After receiving testimony from the applicant and discussing various design options, the Commission decided that the shared access would be acceptable and provide added flexibility to the developer. However, the condition that required removal of the parking area on an adjoining lot remained unchanged.

**Appeal of Conditions Related to the Off-Site Parking**

On December 20, 2018, the applicant appealed the Planning Commission decision to approve the project due to disagreement with the condition requiring removal of the parking area on the adjoining lot. In addition, the appellant disagrees with several other conditions of approval. A copy of the appellant's letter explaining the appeal is attached to this report.

In the appellant’s correspondence providing rationale for the appeal, he complains of the lengthy processing time of his application and contends that at no time before December 5, 2018 was he (or anyone else in his firm) made aware of staff’s objection to the encroachment of 13 parking spaces on the adjacent lot. Based on staff’s review of our files and records, the following is a timeline of key dates pertaining to the application.

- **October 5, 2017** – Submittal of MA17231 (PAR17010), by Mr. Michael McCanless and Ms. Christine Velasquez of Meridian (MPCCA) for a pre-application review (PAR) of a proposed Jiffy Lube and AutoZone located on two adjacent parcels.

- **October 24, 2017** – Mr. McCanless and Ms. Velasquez of MPCCA request that the PAR be placed on hold to modify some aspects of the proposed site plan.

- **December 14, 2017** – Mr. McCanless and Ms. Velasquez provide updated site plans with only one building for Auto Zone and requested that the PAR process continue.

- **December 18, 2017** – Staff conducts interagency routing and requests interagency comments on the project.

- **January 23, 2018** – After the 30-day comment period, staff sends the formal report on the PAR which clearly identifies the issue with the encroachment on the adjacent lot for parking.

- **May 23, 2018** – Four months later, a new applicant, Luke Corsbie of Ware Malcomb (representing Meridian and Auto Zone) submits an application for
MA18113 comprising of a Site Development Permit (SDP18052) for an Auto Zone. The site plan continues to show an encroachment onto the adjoining parcel for parking and a shared access driveway.

- June 13, 2018 – Staff presents the project at a Planning Commission Study Session to solicit early feedback on the proposal. The Commission expresses concerns with the following: 1) parking area encroaching onto an adjacent parcel; 2) the limitation on future development of the adjoining lot, 3) inconsistency with the future Glen Avon Town Center Vision; 4) concerns regarding the building configuration and, 5) site design appropriate to fit within the Glen Avon community.

- June 14, 2018 – application deemed complete. Staff routes plans to inter-agencies and City Departments providing a 30-day review period.

- July 16, 2018 - Review period ends and staff begins preparation of 1st review letter. Note: CEQA Consultant identifies need for an Initial Study and Mitigated Negative Declaration (ISMND).

- August 9, 2018 – 1st review letter with inter-agency and City Department comments sent to the applicant repeating issues pertaining to site design and parking encroachment. Applicant asked to address comments from various agencies and resubmit. Staff discusses concerns with 4th project manager, Dave Kresge.

- August 21, 2018 (approx.) - CEQA Consultant begins Initial Study. Noise study and Phase 1 Environmental study requested.

- November 1, 2018 – E-mail sent to the 5th project manager, Ms. Becky Dansker with Meridian Property CCA/Meridian Property DVA Ventures LLC requesting clarification on schedule.

- November 20 – ISMND completed and distributed for 20-day review period.

- December 12, 2018 - Planning Commission approves project with approved shared driveway but requires elimination of parking on adjacent lot.

- December 20, 2018 – A sixth representative of Meridian, Mike Conn, files an appeal.

In summary, the City clearly communicated its concerns with the 13 parking spaces proposed on the adjacent lot early in the process. It is most likely that due to substantial changes in staffing at Meridian (6 different representatives over a two year period) that key information such as staff’s concern with the parking encroachment failed to be recognized. From the timeline above it is evident that the seven months between applicant’s decision to make a formal, complete submittal and the Commission’s
decision was productive and necessary to satisfy State requirements under CEQA and address comments of outside agencies and City departments.

**Applicant’s Appeal of Parking Design**

In addition to the issues with timing and project communications, the appellant challenges Conditions of Approval No. 25, 32, 33, which all evolve from the encroachment of the parking onto the adjacent lot.

“25 - **SITE PARKING.** Parking for the proposed retail development shall be completely contained on the same parcel as the building. No parking shall be located on the adjacent parcel.

32 - **SHARED DRIVEWAY.** Prior to the issuance of any building permit, the Applicant shall revise plans to remove 13 parking spaces shown within the shared driveway easement. Said 13 spaces may be placed elsewhere on the project site.

33 - **EASEMENT PARKING SPACES.** The applicant shall revise the site plan to remove the thirteen (13) shared parking spaces demonstrated on the site plan, and may place those parking spaces on the project site.

**ANALYSIS**

Staff continues to believe that the encroachment of the AutoZone’s parking onto the adjacent lot greatly impedes the development potential of that parcel and contribute further to development that will be inconsistent with Glen Avon Town Center vision.

During the Planning Commission hearing, the Commission made revisions to Planning Conditions of Approval No. 25 (Site Parking); No. 32 (Shared Driveway); No. 33 (Easement Parking Spaces); and Engineering Condition No. 3.1 (Required Easement as Access Only). The shared driveway was conditioned for access only (no parking).

**Off-Site Parking Issues**

Per the applied conditions of approval the project was conditioned to remove the proposed 13 parking stalls located on the adjacent parking lot. Parking spaces in the proposed easement was not recommended since the proposal would impede and limit the future development of the adjacent lot. While the access driveway easement is seen by the Commission as a beneficial feature that would provide access to the site while reducing the amount of driveways to Mission Boulevard, the proposal of parking spaces on the proposed easement still poses a limitation to the adjacent lot as it will utilize 27.5 feet of 109 feet, of the adjacent lot’s frontage along Mission Boulevard. The conditions noted above were applied since parking in the proposed easement impedes and limits future development of the adjacent lot.

The applicant states that having 13 shared parking spaces adjacent to the AutoZone building is vital to the success of the Project and the eventual development of the lot. The applicant states that parking in the rear of a building is detrimental to retail shopping, visibility and access. The applicant seeks to remove the condition and include
the 13 parking spaces located on the adjacent western parcel.

It is important to note that the building is the standard design per Auto Zone’s Corporate Policies, which are typically intended for wider lots. In this case, the building has the front facing the side and the side facing the front. The applicant wants the parking in the front of the building but there is not enough room so they are spilling onto the vacant lot next to them.

**Findings for Site Development Permits**

Staff continues to believe the project should not be approved with the adjacent parking given the location of this parcel within the Glen Avon Town Center Overlay, it is particularly important to align planning decisions with goals and policies set forth in the Overlay. In particular, findings required for approval of a Site Development Permit include:

A. *The proposed use must conform to all the requirements of the City of Jurupa Valley General Plan and with all applicable requirements of State law and the ordinance of the City of Jurupa Valley.*

   With the conditions of approval (as recommended), the project conforms to all requirements of the City of Jurupa Valley General Plan and with all applicable requirements of State law and the ordinance of the City of Jurupa Valley. Without the condition of approval requiring removal of the parking on the adjacent lot, the finding for the SDP cannot be made.

B. *The overall development of the land shall be designed for the protection of the public health, safety, and general welfare; to conform to the logical development of the land and to be compatible with the present and logical development of the surrounding property. The plan shall consider the location and need for dedication and improvement of necessary streets and sidewalks, including the avoidance of traffic congestion; and shall take into account topographical and drainage conditions, including the need for dedication and improvements of necessary structures as a part thereof.*

   With the 13 parking spaces on the adjacent lot, staff does not believe this finding can be made. Since the project proposes an encumbrance (driveway access, landscaping and parking spaces) on an adjoining vacant property, future development potential of that site will be significantly impeded. It is important to note that the adjoining lot will be limited by the access and improvements constructed to serve this project, limiting the options for logical development consistent with the Glen Avon Town Center and General Plan polices.

**Customer Repairs in the Parking Lot**

In addition to the conditions pertaining to parking encroachment, the appellant seeks to remove Condition No. 35 which reads:
35 - **LIMITED SPACES FOR OUTDOOR CUSTOMER SERVICES.** The Applicant and the Applicant’s tenant(s) shall limit the performance of outside customer services to four (4) parking spaces located to the rear of the subject lot. Outdoor customer services will be limited to checking “check engine lights” or maintenance notifications, replacement of light bulbs, replacement of batteries, checking of battery levels, and replacement of windshield wipers.

Staff continues to believe that this condition should be included. Outdoor customer service activities are addressed with this condition which limits outdoor customer service to four (4) parking spaces located at the rear of the subject lot, and limits outdoor customer service to checking “check engine lights” or maintenance notifications; replacement of light bulbs; replacement of batteries; checking of battery levels; and replacement of windshield wipers. Outdoor customer service activities are conditioned to limit outdoor activities conducted at the site. The condition limits activities locations in the rear parking lot to reduce impacts of maintenance activities visible at the frontage of the site.

The applicant states that this condition poses a security concern for AutoZone and makes customer service activities difficult for employees to attend to quickly and efficiently. The applicant states that it is challenging for employees to monitor the rear parking area. The applicant seeks to appeal this condition and to be allowed to conduct the limited activities identified in the adopting resolution to any portion of the parking lot chosen by its customers.

Importantly, Section 9.115.020 of the Jurupa Valley Municipal Code states that automobile parts and supplies stores are permitted only in enclosed buildings with not more than two hundred (200) square feet of outside storage or display or materials appurtenant to such use. Staff imposed Condition No. 35 to ensure compatibility with this Municipal Code provision.

**STAFF RECOMMENDATION**

Staff recommends that the action of the Commission be sustained and that the appeal be denied.

**FINANCIAL IMPACT**

The applicant has submitted an appeal fee, which offsets a portion of the cost of processing this appeal application. The remaining cost for processing the appeal will be supported by the City’s General Fund.

**ALTERNATIVES**

1. Adopt Resolution No. 2019-11, sustaining the Planning Commission’s decision to approve MA18113 (SDP18052), including the modified Conditions of Approval, and deny the Appeal *(the recommended action)*;

2. Sustain the approval of MA18113 (SDP18052), but modify the Conditions of Approval, and deny the Appeal;
3. Grant the Appeal, approve MA18113 (SDP18052), with modified conditions as requested by the Applicant; or

4. Provide alternative direction to staff.

Prepared by:

Thomas G. Merrell, AICP
Planning Director

Submitted by:

Gary Thompson
City Manager

Reviewed by:

Alán Kreimeier
Administrative Services Director

Reviewed by:

Peter M. Thorson
City Attorney

Reviewed by:

George A. Wentz
Deputy City Manager

ATTACHMENTS
1. Resolution No. 2019-11
2. Adopted Planning Commission Resolution No. 2018-12-12-01
   a. Exhibit A: Recommended Conditions of Approval
   b. Exhibit B: Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program (MMRP)
3. Excerpt of Planning Commission Minutes (December 12, 2018)
4. Planning Commission Staff Report (December 12, 2018) without Attachments
5. Appeal from AutoZone/Meridian Property Ventures
6. Architectural Set of Plans
RESOLUTION NO. 2019-11


THE CITY COUNCIL OF THE CITY OF JURU PA VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. Project. AutoZone and Meridian (collectively, the “Applicant”) have applied for Site Development Permit No. 18052 (Master Application No. 18113 or MA No. 18113) to permit the construction of a 7,360 square foot auto parts supply store on real property located at 9056 Mission Boulevard (APN: 169-120-036) in the General Commercial (C-1/C-P) Zone and designated Commercial Retail (“CR”) (the “Project”).

Section 2. Site Development Permit.

(a) The Applicant is seeking approval of Site Development Permit No. 18052 to permit the construction of a 7,360 square foot auto parts supply store on real property located at 9056 Mission Boulevard (APN: 169-120-036) in the General Commercial (C-1/C-P) Zone.

(b) Sections 9.115.020.A.(8) of the Jurupa Valley Municipal Code provides that the following use is permitted in the C-1/C-P Zone, only in enclosed buildings with not more than two hundred (200) square feet of outside storage or display of materials appurtenant to such use, and provided a Site Development Permit is approved pursuant to the provisions of Section 9.240.330 of the Jurupa Valley Municipal Code: automobile parts and supply stores.

(c) Section 9.240.330.(3) of the Jurupa Valley Municipal Code provides that no site development permit shall be approved unless it complies with the following standards:

1) The proposed use must conform to all the requirements of the Jurupa Valley General Plan and with all applicable requirements of state law and the ordinances of the City.

2) The overall development of the land shall be designed for the protection of the public health, safety, and general welfare;

3) The overall development of the land shall be designed to conform to the logical development of the land;
4) The overall development of the land shall be designed to be compatible with the present and future logical development of the surrounding property;

5) The site development plan shall consider the location and need for dedication and improvement of necessary streets and sidewalks, including the avoidance of traffic congestion;

6) The site development plan shall take into account topographical and drainage conditions, including the need for dedication and improvements of necessary structures as a part thereof; and

7) All site development permits that permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in accordance with Title 7 (Subdivisions) of the Jurupa Valley Municipal Code in such a manner that each building is located on a separate legally divided parcel.

(d) Section 9.240.330.(4)(d)(iii) of the Jurupa Valley Municipal Code provides that notwithstanding the provisions of Section 9.240.330 or any other provision to the contrary, when there is a policy implication or the proposed use is the subject of concern for the public interest, as expressed by the City Council, the Planning Director may refer review of a site development permit application subject to the Planning Director’s review to the Planning Commission and the application shall be heard by the Planning Commission in accordance with the provisions of Section 9.240.330.

(e) Section 9.240.330.(5)(b) of the Jurupa Valley Municipal Code provides that within ten (10) calendar days after the date of the mailing of the decision of the Planning Commission, an appellant may appeal that decision, in writing, to the City Council, on the forms provided by the Planning Department, which shall be accompanied by the applicable filing fee.

(f) Section 9.240.330.(5)(c) of the Jurupa Valley Municipal Code provides that upon receipt of a completed appeal, the City Clerk must set the matter for hearing before the City Council not less than five (5) days nor more than thirty (30) days thereafter and must give written notice of the hearing to the appellant and the Planning Director. Further, the City Council must render its decision within thirty (30) days following the close of the hearing on the appeal.

Section 3. Procedural Findings. The City Council of the City of Jurupa Valley does hereby find, determine and declare that:

(a) The application for MA No. 18113 was processed including, but not limited to, a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

(b) On December 12, 2018, the Planning Commission of the City of Jurupa Valley held a public hearing on MA No. 18113, at which time all persons interested in the Master Application No. 18113 had the opportunity and did address the Planning Commission on
these matters. Following the receipt of public testimony the Planning Commission closed the public hearing. Following a discussion of the Project the Planning Commission voted to approve MA No. 18113 by adopting Planning Commission Resolution No. 2018-12-12-01, a Resolution of the Planning Commission of the City of Jurupa Valley adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approving Site Development Permit No. 18052 to permit the construction of a 7,360 square-foot auto parts supply store on real property located at 9056 Mission Boulevard (APN: 169-120-036).

(c) On December 13, 2018, a copy of the notice of decision on MA No. 18113 was mailed to the Applicant and to any person who has made a written request for a copy of the decision.

(d) On December 21, 2018, the Applicant (the “Appellant”) filed a timely appeal of the Planning Commission’s approval of MA No. 18113 (Master Application No. 18246 or AP No. 18002) (the “Appeal”). The Appeal set aside the Planning Commission’s action and made the Council the approving body.

(e) The application for MA No. 18113 was processed including, but not limited to, a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

(f) On February 7, 2019, the City Council of the City of Jurupa Valley conducted a public hearing on the Appeal, at which time all persons interested in the Appeal had the opportunity and did address the City Council on these matters. Following the receipt of public testimony the City Council closed the public hearing.

(g) All legal preconditions to the adoption of this Resolution have occurred.

Section 4. California Environmental Quality Act Findings for Adoption of Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. The City Council of the City of Jurupa Valley does hereby make the following environmental findings and determinations in connection with the approval of the Project:

(a) Pursuant to the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code §21000 et seq.) and the State Guidelines (the “Guidelines”) (14 Cal. Code Regs. §15000 et seq.), City staff prepared an Initial Study of the potential environmental effects of the approval of the Project as described in the Initial Study. Based upon the findings contained in that Study, City staff determined that, with the incorporation of mitigation measures, there was no substantial evidence that the Project could have a significant effect on the environment and a Mitigated Negative Declaration (“MND”) was prepared by the City in full compliance with CEQA.

(b) Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the MND as required by law. The public comment period commenced on November 22, 2018, and expired on December 11, 2018. Copies of the documents have been available for public review and inspection at City Hall, 8930 Limonite Avenue, Jurupa Valley, California 92509. The City did not receive any comments during the public review period.
On December 12, 2018, the Planning Commission reviewed the MND and the Mitigation Monitoring and Reporting Program (“MMRP”), attached as Exhibit “B” to Planning Commission Resolution No. 2018-12-12-01, and all comments received regarding the MND and, based on the whole record before it, found that:

1) The MND was prepared in compliance with CEQA;
2) With the incorporation of mitigation measures, there is no substantial evidence that the Project will have a significant effect on the environment; and
3) The MND reflects the independent judgment and analysis of the Planning Commission.

Based on the findings set forth in Resolution No. 2018-12-12-01, the Planning Commission adopted the MND and MMRP for the Project.

Based on the findings set forth in Resolution No. 2018-12-12-01, the City Council hereby sustains the Planning Commission’s adoption of the MND and MMRP for the Project, attached as Exhibit “B” to Planning Commission Resolution No. 2018-12-12-01.

The Planning Director is authorized and directed to file a Notice of Determination in accordance with CEQA.

Section 5. Findings for Approval of Site Development Permit. The City Council of the City of Jurupa Valley does hereby find, determine, and declare that the Planning Commission’s approval of the proposed Site Development Permit No. 18052 should be sustained because:

(a) The proposed auto parts supply store conforms to all the requirements of the 2017 Jurupa Valley General Plan in that the subject site is zoned C-1/C-P (General Commercial) with a General Plan land use designation of Commercial Retail (CR). The proposed development project demonstrates consistency with the General Plan and compliance with the Zoning Code, with an added condition that requires removal of the adjacent shared parking area to promote vehicle safety;

(b) The proposed auto parts supply store conforms with all applicable requirements of state law and the ordinances of the City in that the project, with an added condition that requires removal of the adjacent shared parking area to promote vehicular safety;

(c) The overall development of the land is designed for the protection of the public health, safety, and general welfare in that the proposed development, as demonstrated in the Site Plan (with an added condition that requires removal of the adjacent shared parking area to promote vehicular safety) has been designed to accommodate auto parts store parking and landscaping areas;

(d) The overall development of the land (with an added condition that requires removal of the adjacent shared parking area to promote vehicular safety) is designed to conform to the logical development of the land in that the proposed development has been designed to
protect the health, safety, and general welfare of future sensitive land uses by incorporating screen walls and dense landscaping along the property perimeters. The building layout, landscaping and public improvements conform to the logical development of the land and are compatible with the present and future development of the surrounding area;

(e) The overall development of the land (with an added condition that requires removal of the adjacent shared parking area to promote vehicular safety) is designed to be compatible with the present and future logical development of the surrounding property in that the project features architectural design style that is consistent with the Glen Avon rural community;

(f) Site Development Permit No. 18052 does not permit the construction of more than one structure on a single legally divided parcel. The project has been conditioned to prohibit the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided per Title 7 (Subdivisions) of the Jurupa Valley Municipal Code.

Section 6. **Approval of Master Application No. 18113 with Conditions.**

Based on the foregoing, the City Council of the City of Jurupa Valley hereby sustains the Planning Commission’s approval of Site Development Permit No. 18052, to permit the construction of a 7,360 square foot auto parts supply store on real property located at 9056 Mission Boulevard (APN: 169-120-036) in the General Commercial (C-1/C-P) Zone and designated Commercial Retail (“CR”), all subject to the recommended conditions of approval as modified by the Planning Commission on December 12, 2018, and attached hereto as Exhibit “A”, and denies the Appeal of the Appellant.

Section 7. **Certification.** The City Clerk shall certify to the adoption of this Resolution.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Jurupa Valley on this 7th day of February, 2019.

________________________________________
Brian Berkson
Mayor

ATTEST:

________________________________________
Victoria Wasko, CMC
City Clerk
CERTIFICATION

STATE OF CALIFORNIA  )
COUNTY OF RIVERSIDE     ) ss.
CITY OF JURUPA VALLEY  )

I, Victoria Wasko, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-11 was duly passed and adopted at a meeting of the City Council of the City of Jurupa Valley on the 7th day of February, 2019 by the following votes, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 7th day of February, 2019.

________________________________
Victoria Wasko, City Clerk
City of Jurupa Valley
EXHIBIT “A”

Conditions of Approval
RESOLUTION NO. 2019-02-07-01


THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. Project. AutoZone and Meridian (collectively, the “Applicant”) have applied for Site Development Permit No. 18052 (Master Application No. 18113 or MA No. 18113) to permit the construction of a 7,360 square foot auto parts supply store on real property located at 9056 Mission Boulevard (APN: 169-120-036) in the General Commercial (C-1/C-P) Zone and designated Commercial Retail (“CR”) (the “Project”).

Section 2. Site Development Permit.

(a) The Applicant is seeking approval of Site Development Permit No. 18052 to permit the construction of a 7,360 square foot auto parts supply store on real property located at 9056 Mission Boulevard (APN: 169-120-036) in the General Commercial (C-1/C-P) Zone.

(b) Sections 9.115.020.A.(8) of the Jurupa Valley Municipal Code provides that the following use is permitted in the C-1/C-P Zone, only in enclosed buildings with not more than two hundred (200) square feet of outside storage or display of materials appurtenant to such use, and provided a Site Development Permit is approved pursuant to the provisions of Section 9.240.330 of the Jurupa Valley Municipal Code: automobile parts and supply stores.

(c) Section 9.240.330.(3) of the Jurupa Valley Municipal Code provides that no site development permit shall be approved unless it complies with the following standards:

1) The proposed use must conform to all the requirements of the Jurupa Valley General Plan and with all applicable requirements of state law and the ordinances of the City.

2) The overall development of the land shall be designed for the protection of the public health, safety, and general welfare;

3) The overall development of the land shall be designed to conform to the logical development of the land;
4) The overall development of the land shall be designed to be compatible with the present and future logical development of the surrounding property;

5) The site development plan shall consider the location and need for dedication and improvement of necessary streets and sidewalks, including the avoidance of traffic congestion;

6) The site development plan shall take into account topographical and drainage conditions, including the need for dedication and improvements of necessary structures as a part thereof; and

7) All site development permits that permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in accordance with Title 7 (Subdivisions) of the Jurupa Valley Municipal Code in such a manner that each building is located on a separate legally divided parcel.

(d) Section 9.240.330.(4)(d)(iii) of the Jurupa Valley Municipal Code provides that notwithstanding the provisions of Section 9.240.330 or any other provision to the contrary, when there is a policy implication or the proposed use is the subject of concern for the public interest, as expressed by the City Council, the Planning Director may refer review of a site development permit application subject to the Planning Director’s review to the Planning Commission and the application shall be heard by the Planning Commission in accordance with the provisions of Section 9.240.330.

(e) Section 9.240.330.(5)(b) of the Jurupa Valley Municipal Code provides that within ten (10) calendar days after the date of the mailing of the decision of the Planning Commission, an appellant may appeal that decision, in writing, to the City Council, on the forms provided by the Planning Department, which shall be accompanied by the applicable filing fee.

(f) Section 9.240.330.(5)(c) of the Jurupa Valley Municipal Code provides that upon receipt of a completed appeal, the City Clerk must set the matter for hearing before the City Council not less than five (5) days nor more than thirty (30) days thereafter and must give written notice of the hearing to the appellant and the Planning Director. Further, the City Council must render its decision within thirty (30) days following the close of the hearing on the appeal.

Section 3. **Procedural Findings.** The City Council of the City of Jurupa Valley does hereby find, determine and declare that:

(a) The application for MA No. 18113 was processed including, but not limited to, a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

(b) On December 12, 2018, the Planning Commission of the City of Jurupa Valley held a public hearing on MA No. 18113, at which time all persons interested in the Master Application No. 18113 had the opportunity and did address the Planning Commission on
these matters. Following the receipt of public testimony the Planning Commission closed the public hearing. Following a discussion of the Project the Planning Commission voted to approve MA No. 18113 by adopting Planning Commission Resolution No. 2018-12-12-01, a Resolution of the Planning Commission of the City of Jurupa Valley adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approving Site Development Permit No. 18052 to permit the construction of a 7,360 square-foot auto parts supply store on real property located at 9056 Mission Boulevard (APN: 169-120-036).

(c) On December 13, 2018, a copy of the notice of decision on MA No. 18113 was mailed to the Applicant and to any person who has made a written request for a copy of the decision.

(d) On December 21, 2018, the Applicant (the “Appellant”) filed a timely appeal of the Planning Commission’s approval of MA No. 18113 (Master Application No. 18246 or AP No. 18002) (the “Appeal”). The Appeal set aside the Planning Commission’s action and made the Council the approving body.

(e) The application for MA No. 18113 was processed including, but not limited to, a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

(f) On February 7, 2019, the City Council of the City of Jurupa Valley conducted a public hearing on the Appeal, at which time all persons interested in the Appeal had the opportunity and did address the City Council on these matters. Following the receipt of public testimony the City Council closed the public hearing.

(g) All legal preconditions to the adoption of this Resolution have occurred.

Section 4. California Environmental Quality Act Findings for Adoption of Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. The City Council of the City of Jurupa Valley does hereby make the following environmental findings and determinations in connection with the approval of the Project:

(a) Pursuant to the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code §21000 et seq.) and the State Guidelines (the “Guidelines”) (14 Cal. Code Regs. §15000 et seq.), City staff prepared an Initial Study of the potential environmental effects of the approval of the Project as described in the Initial Study. Based upon the findings contained in that Study, City staff determined that, with the incorporation of mitigation measures, there was no substantial evidence that the Project could have a significant effect on the environment and a Mitigated Negative Declaration (“MND”) was prepared by the City in full compliance with CEQA.

(b) Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the MND as required by law. The public comment period commenced on November 22, 2018, and expired on December 11, 2018. Copies of the documents have been available for public review and inspection at City Hall, 8930 Limonite Avenue, Jurupa Valley, California 92509. The City did not receive any comments during the public review period.
On December 12, 2018, the Planning Commission reviewed the MND and the Mitigation Monitoring and Reporting Program (“MMRP”), attached as Exhibit “B” to Planning Commission Resolution No. 2018-12-12-01, and all comments received regarding the MND and, based on the whole record before it, found that:

1) The MND was prepared in compliance with CEQA;

2) With the incorporation of mitigation measures, there is no substantial evidence that the Project will have a significant effect on the environment; and

3) The MND reflects the independent judgment and analysis of the Planning Commission.

Based on the findings set forth in Resolution No. 2018-12-12-01, the Planning Commission adopted the MND and MMRP for the Project.

Based on the findings set forth in Resolution No. 2018-12-12-01, the City Council hereby sustains the Planning Commission’s adoption of the MND and MMRP for the Project, attached as Exhibit “B” to Planning Commission Resolution No. 2018-12-12-01.

The Planning Director is authorized and directed to file a Notice of Determination in accordance with CEQA.

Section 5. **Findings for Approval of Site Development Permit**. The City Council of the City of Jurupa Valley does hereby find, determine, and declare that the Planning Commission’s approval of the proposed Site Development Permit No. 18052 should be sustained because:

(a) The proposed auto parts supply store conforms to all the requirements of the 2017 Jurupa Valley General Plan in that the subject site is zoned C-1/C-P (General Commercial) with a General Plan land use designation of Commercial Retail (CR). The proposed development project demonstrates consistency with the General Plan and compliance with the Zoning Code, with an added condition that requires removal of the adjacent shared parking area to promote vehicle safety;

(b) The proposed auto parts supply store conforms with all applicable requirements of state law and the ordinances of the City in that the project, with an added condition that requires removal of the adjacent shared parking area to promote vehicular safety;

(c) The overall development of the land is designed for the protection of the public health, safety, and general welfare in that the proposed development, as demonstrated in the Site Plan (with an added condition that requires removal of the adjacent shared parking area to promote vehicular safety) has been designed to accommodate auto parts store parking and landscaping areas;

(d) The overall development of the land (with an added condition that requires removal of the adjacent shared parking area to promote vehicular safety) is designed to conform to the logical development of the land in that the proposed development has been designed to
protect the health, safety, and general welfare of future sensitive land uses by incorporating screen walls and dense landscaping along the property perimeters. The building layout, landscaping and public improvements conform to the logical development of the land and are compatible with the present and future development of the surrounding area;

(e) The overall development of the land (with an added condition that requires removal of the adjacent shared parking area to promote vehicular safety) is designed to be compatible with the present and future logical development of the surrounding property in that the project features architectural design style that is consistent with the Glen Avon rural community;

(f) Site Development Permit No. 18052 does not permit the construction of more than one structure on a single legally divided parcel. The project has been conditioned to prohibit the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided per Title 7 (Subdivisions) of the Jurupa Valley Municipal Code.

Section 6. **Approval of Master Application No. 18113 with Conditions.** Based on the foregoing, the City Council of the City of Jurupa Valley hereby sustains the Planning Commission’s approval of Site Development Permit No. 18052, to permit the construction of a 7,360 square foot auto parts supply store on real property located at 9056 Mission Boulevard (APN: 169-120-036) in the General Commercial (C-1/C-P) Zone and designated Commercial Retail (“CR”), all subject to the recommended conditions of approval as modified by the Planning Commission on December 12, 2018, and attached hereto as Exhibit “A”, and denies the Appeal of the Appellant.

Section 7. **Certification.** The City Clerk shall certify to the adoption of this Resolution.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Jurupa Valley on this 7th day of February, 2019.

______________________________
Brian Berkson
Mayor

ATTEST:

______________________________
Victoria Wasko, CMC
City Clerk
CERTIFICATION

STATE OF CALIFORNIA       )
COUNTY OF RIVERSIDE      ) ss.
CITY OF JURUPA VALLEY    )

I, Victoria Wasko, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-02-07-01 was duly passed and adopted at a meeting of the City Council of the City of Jurupa Valley on the 7th day of February, 2019 by the following votes, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 7th day of February, 2019.

________________________________
Victoria Wasko, City Clerk
City of Jurupa Valley
ATTACHMENT 2

Adopted Planning Commission Resolution No. 2018-12-12-01
RESOLUTION NO. 2018-12-12-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING SITE DEVELOPMENT PERMIT NO. 18052 TO PERMIT THE CONSTRUCTION OF A 7,360 SQUARE-FOOT AUTO PARTS SUPPLY STORE ON REAL PROPERTY LOCATED AT 9056 MISSION BOULEVARD (APN: 169-120-036)

THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. Project. AutoZone and Meridian (collectively, the “Applicant”) have applied for Site Development Permit No. 18052 (Master Application No. 18113 or MA No. 18113) to permit the construction of a 7,360 square foot auto parts supply store on real property located at 9056 Mission Boulevard (APN: 169-120-036) in the General Commercial (C-1/C-P) Zone and designated Commercial Retail (“CR”) (the “Project”).

Section 2. Site Development Permit.

(a) The Applicant is seeking approval of Site Development Permit No. 18052 to permit the construction of a 7,360 square foot auto parts supply store on real property located at 9056 Mission Boulevard (APN: 169-120-036) in the General Commercial (C-1/C-P) Zone.

(b) Sections 9.115.020.A.(8) of the Jurupa Valley Municipal Code provides that the following use is permitted in the C-1/C-P Zone, only in enclosed buildings with not more than two hundred (200) square feet of outside storage or display of materials appurtenant to such use, and provided a Site Development Permit is approved pursuant to the provisions of Section 9.240.330 of the Jurupa Valley Municipal Code: automobile parts and supply stores.

(c) Section 9.240.330.(3) of the Jurupa Valley Municipal Code provides that no site development permit shall be approved unless it complies with the following standards:

1) The proposed use must conform to all the requirements of the Jurupa Valley General Plan and with all applicable requirements of state law and the ordinances of the City.

2) The overall development of the land shall be designed for the protection of the public health, safety, and general welfare;

3) The overall development of the land shall be designed to conform to the logical development of the land;

4) The overall development of the land shall be designed to be compatible with the present and future logical development of the surrounding property;
5) The site development plan shall consider the location and need for dedication and improvement of necessary streets and sidewalks, including the avoidance of traffic congestion;

6) The site development plan shall take into account topographical and drainage conditions, including the need for dedication and improvements of necessary structures as a part thereof; and

7) All site development permits that permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in accordance with Title 7 (Subdivisions) of the Jurupa Valley Municipal Code in such a manner that each building is located on a separate legally divided parcel.

Section 3. **Procedural Findings.** The Planning Commission of the City of Jurupa Valley does hereby find, determine and declare that:

(a) The application for MA No. 18113 was processed including, but not limited to, a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

(b) On December 21, 2018, the Planning Commission of the City of Jurupa Valley held a public hearing on MA No. 18113, at which time all persons interested in the Master Application No. 18113 had the opportunity and did address the Planning Commission on these matters. Following the receipt of public testimony the Planning Commission closed the public hearing.

(c) All legal preconditions to the adoption of this Resolution have occurred.

Section 4. **California Environmental Quality Act Findings for Adoption of Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.** The Planning Commission of the City of Jurupa Valley does hereby make the following environmental findings and determinations in connection with the approval of the Project:

(a) Pursuant to the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code §21000 *et seq.*) and the State Guidelines (the "Guidelines") (14 Cal. Code Regs. §15000 *et seq.*), City staff prepared an Initial Study of the potential environmental effects of the approval of the Project as described in the Initial Study. Based upon the findings contained in that Study, City staff determined that, with the incorporation of mitigation measures, there was no substantial evidence that the Project could have a significant effect on the environment and a Mitigated Negative Declaration ("MND") was prepared by the City in full compliance with CEQA.

(b) Thereafter, City staff provided public notice of the public comment period and of the intent to adopt the MND as required by law. The public comment period commenced on November 22, 2018, and expired on December 11, 2018. Copies of the documents have been
available for public review and inspection at City Hall, 8930 Limonite Avenue, Jurupa Valley, California 92509. The City did not receive any comments during the public review period.

(e) The Planning Commission has reviewed the MND and the Mitigation Monitoring and Reporting Program ("MMRP"), attached as Exhibit "B," and all comments received regarding the MND and, based on the whole record before it, finds that:

1) The MND was prepared in compliance with CEQA;

2) With the incorporation of mitigation measures, there is no substantial evidence that the Project will have a significant effect on the environment; and

3) The MND reflects the independent judgment and analysis of the Planning Commission.

(d) Based on the findings set forth in this Resolution, the Planning Commission hereby adopts the MND and MMRP for the Project.

(e) The Planning Director is authorized and directed to file a Notice of Determination in accordance with CEQA.

Section 5. Findings for Approval of Site Development Permit. The Planning Commission of the City of Jurupa Valley does hereby find, determine, and declare that the proposed Site Development Permit No. 18052 should be granted because:

(a) The proposed auto parts supply store conforms to all the requirements of the 2017 Jurupa Valley General Plan in that the subject site is zoned C-1/C-P (General Commercial) with a General Plan land use designation of Commercial Retail (CR). The proposed development project demonstrates consistency with the General Plan and compliance with the Zoning Code, with an added condition that requires removal of the adjacent shared parking area to promote vehicle safety;

(b) The proposed auto parts supply store conforms with all applicable requirements of state law and the ordinances of the City in that the project, with an added condition that requires removal of the adjacent shared parking area to promote vehicular safety;

(c) The overall development of the land is designed for the protection of the public health, safety, and general welfare in that the proposed development, as demonstrated in the Site Plan (with an added condition that requires removal of the adjacent shared parking area to promote vehicular safety) has been designed to accommodate auto parts store parking and landscaping areas;

(d) The overall development of the land (with an added condition that requires removal of the adjacent shared parking area to promote vehicular safety) is designed to conform to the logical development of the land in that the proposed development has been designed to protect the health, safety, and general welfare of future sensitive land uses by incorporating screen walls and dense landscaping along the property perimeters. The building layout,
landscaping and public improvements conform to the logical development of the land and are compatible with the present and future development of the surrounding area;

(e) The overall development of the land (with an added condition that requires removal of the adjacent shared parking area to promote vehicular safety) is designed to be compatible with the present and future logical development of the surrounding property in that the project features architectural design style that is consistent with the Glen Avon rural community;

(f) Site Development Permit No. 18052 does not permit the construction of more than one structure on a single legally divided parcel. The project has been conditioned to prohibit the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided per Title 7 (Subdivisions) of the Jurupa Valley Municipal Code.

Section 6. Approval of Master Application No. 18113 with Conditions. Based on the foregoing, the Planning Commission of the City of Jurupa Valley hereby approves Site Development Permit No. 18052 to permit the construction of a 1,360 square foot auto parts supply store on real property located at 9056 Mission Boulevard (APN: 169-120-036) in the General Commercial (C-1/C-P) Zone and designated Commercial Retail ("CR"), all subject to the recommended conditions of approval attached hereto as Exhibits "A".

Section 7. Certification. The Planning Director shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Jurupa Valley on this 12th day of December, 2018.

[Signature]
George Ruiz
Chair Pro Tem of Jurupa Valley Planning Commission

ATTEST:

[Signature]
Thomas G. Merrell, AICP
Planning Director/Secretary to the Planning Commission
STATE OF CALIFORNIA                           )
COUNTY OF RIVERSIDE                          ) ss.
CITY OF JURUPA VALLEY                        )

I, Thomas Merrell, Planning Director of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2018-12-12-01 was duly adopted and passed at a meeting of the Planning Commission of the City of Jurupa Valley on the 12th day of December, 2018, by the following vote, to wit:

AYES:  COMMISSION MEMBERS:
       Ruiz, Moore, Pruitt, Silva

NOES:  COMMISSION MEMBERS:

ABSENT:  COMMISSION MEMBERS:

ABSTAIN:  COMMISSION MEMBERS:

THOMAS G. MERRELL
PLANNING DIRECTOR
ATTACHMENT 2.a

Exhibit A: Recommended Conditions of Approval
EXHIBIT “A”

CONDITIONS OF APPROVAL FOR MA18113 (SDP18052)

PLANNING DEPARTMENT

1. PROJECT PERMITTED. MA18113 (SDP18052) is for the approval of a 7,360 square-foot building for an auto parts supply store (AutoZone) with 37 parking spaces on a vacant .87-acre parcel.

2. INDEMNIFY CITY. The applicant, the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the “Indemnitor”), shall indemnify, defend, and hold harmless the City of Jurupa Valley and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the “Indemnites”) from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney’s fees, arising out of either (i) the City’s approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnites in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act (“CEQA”), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City’s full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City.

3. CONSENT TO CONDITIONS. Within thirty (30) days after project approval, the owner or designee shall submit written consent to the required conditions of approval to the Planning Director or designee.

4. MITIGATION MEASURES. This project shall be subject to the mitigation measures adopted with the Mitigated Negative Declaration (MND) prepared for the project and included with these conditions of approval.

5. FEES. The approval of MA18113 (SDP18052) shall not become effective until all planning fees have been paid in full.

6. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). This project is approved subject to the provisions of a Mitigated Negative Declaration. Within forty-eight (48) hours of final approval for this project, the owner or designee shall deliver to the

Conditions of Approval for MA18113 (SDP18052)
Resolution No. 2018-12-12-01
Planning Department a check payable to the Riverside County Clerk in the amount of $2,330.75 (includes $50.00 County Clerk Processing Fee) or the fees that are currently in effect at the time. This will enable the City to file the Notice of Determination.

7. **COPIED CONDITIONS.** Prior to the issuance of any building permit, the owner or designee shall include within the first four pages of the working drawings a list of all conditions of approval imposed by the project’s final approval.

8. **APPROVAL PERIOD – SITE DEVELOPMENT PERMIT.** This approval shall be used within two (2) years of the approval date; otherwise, it shall become null and void and of no effect whatsoever. By “use”, it shall mean the beginning of substantial construction contemplated by this approval within two (2) year period which is thereafter diligently pursued to completion or to the actual occupancy of existing buildings or land under the terms of the authorized use. Prior to the expiration of the two (2) year period, the permittee may request up to one (1) year of extension of time in which to begin substantial construction or use of this permit. Should the extension be obtained and no substantial construction or use of this permit be initiated within three (3) years of the approval date this permit, it shall become null and void.

9. **CONFORMANCE TO APPROVED EXHIBITS.** The project shall be in conformance to the approved plans (listed below) with any changes in accordance to these conditions of approval:
   
   a. **XXXXXX TO BE REVISED AND RESUBMITTED**

10. **ON-SITE LANDSCAPING.** Prior to the issuance of any Building permit, the applicant shall submit a “Professional Services (PROS)” application (with current fees) and the following items for Planning Director review and approval:
   
   a. Upon project entitlement, submit construction documents prepared and wet signed by a licensed landscape architect for review approval; a generalized review check list is available upon request. Submit complete construction documents including construction plans, planting plans and irrigation plans for final review approval. Plans to be in conformance with the City of Jurupa Valley Standards for Landscape Development, the Water Efficient Landscape Ordinance, and the Riverside County Guide to California Friendly Landscaping.
      
      i. Provide a complete irrigation plan and legend, including POC, pressure loss calculations, backflow prevention, master valve, automatic rain shut-off, weather based smart controller in vandal resistant enclosure, remote control valves, equipment legend and installation details.
         1. Set the irrigation heads 24” inward from the sidewalk and other hardscape and Indicate shrub head riser heights.
         2. Indicate all piping and sizes.
         3. Provide water budget calculations; MAWA and EAWU.
         4. Provide a hydrozone information table.
         5. Provide irrigation run time schedules for both a six-month establishment period and for the established landscape.
         6. Provide the applicant’s wet signature and date with the following statement, “I agree to comply with the criteria of the City of Jurupa Valley Water Use Efficiency Ordinance”.
   
   b. Provide complete planting plans and installation details to include:
i. A planting legend with WCOLS plant water use ratings.
ii. Provide a copy of the preliminary horticultural soils report recommendations upon which initial soil preparation specifications are based.
iii. Provide root barriers to prevent tree root damage to sewer lines, sidewalks, curbs or other hardscape.
iv. Include a 1-year landscape maintenance period.
v. Include a 1-year guarantee for all landscape and irrigation.

c. Include the following general notes on the construction documents:
   i. The project landscape architect shall conduct a field inspection at substantial completion of the project to verify that the landscape and irrigation installation is in Compliance with the approved design plans; this prior to beginning the contractors 1 year maintenance period. The project Landscape Architect shall then submit a Certificate of Compliance letter to the City of Jurupa Valley and request a final City Inspection of the landscape and irrigation installation. The Certificate shall include a list of any deficiencies or necessary changes for approval by the Department of Development Services. At the time of the City final landscape inspection an irrigation system coverage review will be conducted; the landscape contractor may be required to be in attendance to operate the irrigation system to facilitate the review.
   ii. The project landscape architect shall conduct a field inspection at completion of the project 1-year maintenance period to verify that the landscape and irrigation installation is in Compliance with the approved design plans and is healthy and flourishing. The project Landscape Architect shall then submit a Certificate of Compliance letter to the City of Jurupa Valley and request a final City Inspection of the maintained landscape and irrigation installation.

d. Provide a detailed opinion of probable construction cost, this for determination of bonding [hardscape & softscape, quantity & unit prices, include 1-yr. maintenance period].

Prior to the final inspection of any Building permit, the project landscape architect shall conduct a field inspection at completion of the project 1-year maintenance period to verify that the landscape and irrigation installation is in Compliance with the approved design plans and is healthy and flourishing. The project Landscape Architect shall then submit a Certificate of Compliance letter to the City of Jurupa Valley and request a final City Inspection of the maintained landscape and irrigation installation.

11. TRASH COLLECTION. Prior to the issuance of any building permit, the applicant shall submit plans to include the trash collection with details and specification to the Planning Department for review and approval. Walls of the enclosure and any solid gates shall have graffiti protection coating. In addition, the applicant shall submit an approval or clearance letter from the waste collection agency to the Planning Department.

12. GRAFFITI PROTECTION FOR WALLS. Prior to the issuance of any building permit, the applicant shall submit plan that includes anti-graffiti coating or protection for the exterior side of all perimeter walls and exterior of building walls to half the height of the structure, or 12 feet, whichever is greater, for City review and approval. The applicant shall remove any
graffiti on the property as soon as possible. In addition, if the applicant was notified by the City, the applicant shall remove the graffiti within seven (7) days of the City’s notice.

13. OUTDOOR LIGHTING. All outdoor lighting fixtures shall be maintained in good condition. Light fixtures shall be shielded to prevent any light to flood onto adjacent properties.

14. MAINTENANCE OF PROPERTY. The applicant shall maintain the retail location and be kept free of debris, weeds, abandoned vehicles, code violations, and any other factor or condition that may contribute to potential blight or crime.

15. ACCESSIBLE PARKING. A minimum of 2 (two) accessible parking spaces for persons with disabilities shall be provided as shown on APPROVED EXHIBIT NO. "C." Each parking space reserved for persons with disabilities shall be identified by a permanently affixed reflectorized sign constructed of porcelain on steel, beaded text or equal, displaying the International Symbol of Accessibility. The sign shall not be smaller than 70 square inches in area and shall be centered at the interior end of the parking space at a minimum height of 80 inches from the bottom of the sign to the parking space finished grade, or centered at a minimum height of 36 inches from the parking space finished grade, ground, or sidewalk. A sign shall also be posted in a conspicuous place, at each entrance to the off-street parking facility, not less than 17 inches by 22 inches, clearly and conspicuously stating the following: "Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons may be towed away at owner's expense. Towed vehicles may be reclaimed at ___ or by telephoning ___." In addition to the above requirements, the surface of each parking space shall have a surface identification sign duplicating the symbol of accessibility in blue paint of at least 3 square feet in size.

16. INSTALL BIKE RACKS. 2 (two) Class II bicycle racks shall be provided in convenient locations to facilitate bicycle access to the project area as shown on Exhibit No. "C".

17. ROOFTOP EQUIPMENT. All rooftop equipment shall be screened from public view. Roof mounted equipment shall be shielded from ground view. Screening material shall be subject to Planning Department approval.

18. LOADING SPACES. A minimum of 1 (one) loading spaces shall be provided in accordance with the Jurupa Valley Municipal Code Section 9.240.120 and as shown on APPROVED EXHIBIT NO. "C." The loading spaces shall be surfaced with six (6) inches of concrete over a suitable base and shall not be less than 10 feet wide by 35 feet long, with 14 feet vertical clearance.

19. PARKING PAVING MATERIAL. A minimum of 37 (thirty seven) parking spaces shall be provided as shown on the APPROVED EXHIBIT NO. "C," unless otherwise approved by the Planning Department. The parking area shall be surfaced with asphaltic concrete granite to current standards as approved by the Department of Building and Safety.

20. SIGN PROHIBITING WORK. The developer shall install signs in the parking area prohibiting any mechanical or maintenance work on vehicles on the subject property by customers, or any other work by employees except as otherwise permitted by these conditions of approval. The location and appearance of these signs shall be included in the required signage plot plan.
21. **UTILITIES UNDERGROUND.** All utilities, except electrical lines rated 33 kV or greater, shall be installed underground. If the permittee provides to the Department of Building and Safety and the Planning Department a definitive statement from the utility provider refusing to allow underground installation of the utilities they provide, this condition shall be null and void with respect to that utility.

22. **WALL & FENCE LOCATIONS.** Wall and/or fence locations shall be in conformance with the approved site plan.

23. **STREET TREE ON ADJACENT LOT.** The applicant shall not remove the existing eucalyptus tree located in the City’s Right of Way on the lot adjacent to the property.

24. **STORE ENTRY.** The applicant shall revise the northern elevation of the building to include a main entrance which shall be subject to review and approval by the Planning Director.

25. **SITE PARKING.** Parking for the proposed retail development shall be completely contained on the same parcel as the building. No parking shall be located on the adjacent parcel (169-120-037).

26. **JURUPA AREA RECREATION AND PARK DISTRICT.** Prior to the issuance of any building permit, the applicant shall submit proof of satisfying any fees, dedications, or requirements by the Jurupa Area Recreation and Park District to the Building Official.

27. **MULTIPLE SPECIES HABITAT CONSERVATION PLAN MITIGATION FEE (ORD. NO. 810).** The applicant shall pay any owed fees pursuant to Ordinance No. 810. In order for the agency to determine that the project qualifies for any exemptions for any of the subject fees, the applicant needs to submit sufficient evidence to the City to demonstrate that it qualifies for the exemption.

28. **SALE OF INDIVIDUAL BUILDINGS.** No structure constructed on Project site may be sold until the subject Project on which the structure is located is divided and a final map recorded in accordance with the City’s subdivision regulations such that the structure is located on a separate legally divided parcel.

29. **NORTH ARCHITECTURAL FAÇADE:** Prior to the issuance of any grading permit, the applicant shall submit a revised design of the northern façade to the Planning Director for final review and approval.

30. **SIGNAGE.** Any signage requires a separate Site Development Permit.

31. **TRAILS AND SIDEWALKS.** The applicant shall submit a revised plan that eliminates the trail improvements in the right-of-way and shall pay an in-lieu fee at a cost established by the City Engineer.

32. **SHARED DRIVEWAY.** Prior to the issuance of any building permit, the Applicant shall revise plans to remove 13 parking spaces shown within the shared driveway easement. Said 13 spaces may be placed elsewhere on the project site.

33. **EASEMENT PARKING SPACES.** The applicant shall revise the site plan to remove the thirteen (13) shared parking spaces demonstrated on the site plan, and may place those parking spaces on the project site.

34. **STAFF TRAINING.** Prior to the issuance of any building permit, the Applicant shall provide proof of employee training to the planning department. Such training shall include
training employees to conduct minor customer services in accordance with these conditions of approval, such as checking “check engine lights” or maintenance notifications, replacement of light bulbs, replacement of batteries, checking of battery levels, and replacement of windshield wipers.

35. **LIMITED SPACES FOR OUTDOOR CUSTOMER SERVICES.** The Applicant and the Applicant’s tenant(s) shall limit the performance of outside customer services to four (4) parking spaces located to the rear of the subject lot. Outdoor customer services will be limited to checking “check engine lights” or maintenance notifications, replacement of light bulbs, replacement of batteries, checking of battery levels, and replacement of windshield wipers.

**ENGINEERING DEPARTMENT**

1. **GENERAL REQUIREMENTS (ENGINEERING)**

1.1. The use hereby conditioned is for a Site Development Permit (SDP18052); the construction of Auto Zone, located 9056 Mission Boulevard, more particularly. Exhibit titled Auto Zone, 9056 Mission Boulevard, prepared by Ware Malcomb, dated November 27, 2018, is hereby referenced.

1.2. It is assumed that any easements shown on the referenced exhibit are shown correctly and include all the easements that encumber the subject property. The Project proponent shall secure approval from all (if any) easement holders for all grading and improvements which are proposed over the respective easement or provide evidence that the easement has been relocated, quitclaimed, vacated, abandoned, easement holder cannot be found, or is otherwise of no affect. Should such approvals or alternate action regarding the easements not be provided, the Project proponent may be required to amend or revise the permit application.

2. **PRIOR TO GRADING PERMIT (ENGINEERING)**

**Grading and Drainage**

2.1. No grading permit shall be issued until the Site Development Permit is approved.

2.2. This project will require a grading permit, installation of BMPs, and a hauling permit from the Engineering and Public Works departments.

2.3. Prior to approval of the grading plan, the applicant shall submit for review and approval of the City Engineer a project specific final geotechnical report.

2.3.1. Grading of the site shall be per the recommendations of the geotechnical report as reviewed and approved by the Engineering department.

2.3.2. A preliminary geotechnical report prepared by Cornerstone Earth Group, dated September 10, 2018 was prepared and submitted during entitlement. Applicant shall revise report to address comments provided in a letter from Ninyo & Moore (attached), dated November 6, 2018 prior to submittal of final report for review and approval.

2.3.3. For landscaping within public road rights-of-way separate
landscape and irrigation plans shall be prepared for approval of the City Engineer. The improvements shall comply with Riverside County Ordinance 461, as adopted by the City, “Comprehensive Landscaping Guidelines & Standards”, and Riverside County Ordinance 859, as adopted by the City. Landscaping and irrigation plans shall be submitted with the street improvement plans.

Landscaping plans shall depict ONLY such landscaping, irrigation and related facilities as are to be placed within the public rights-of-way.

2.4. The Developer shall prepare a “rough” grading plan or a combined “rough and precise” grading plan for the entire site.

2.4.1. The grading plan shall be prepared under the supervision of a civil engineer licensed in the state of California (Project Civil Engineer) and he/she must sign the plan. The printed name and contact information of the Project Civil Engineer shall be included on the face of the grading plan. The grading plan shall be approved by the City Engineer.

2.4.2. The grading plan shall provide for acceptance and proper disposal of all off-site drainage flowing onto or through the site. Should the quantities of flow exceed the capacity of the conveyance facility, the Project Proponent shall provide adequate drainage facilities and/or appropriate easement(s), if necessary, as approved by the City Engineer.

2.4.3. Temporary erosion control measures shall be implemented immediately following rough grading to prevent transport and deposition of earthen materials onto downstream/downwind properties, public rights-of-way, or other drainage facilities. Erosion Control Plans showing these measures shall be submitted along with the grading plan for approval by the City Engineer.

2.5. Prior to approval of the grading plan, Landowner shall prepare, or cause to be prepared, a final WQMP in conformance with the requirements of the Riverside County Flood Control and Water Conservation District (RCFCD) requirements for processing with and approval of the City Engineer. The water quality management features and facilities to be constructed shall be shown on the project’s site grading plans or separate post-construction BMP improvement plans for approval of the City Engineer. The property owner shall enter into a Water Quality Management Plan and Stormwater BMP Operation and Maintenance Agreement with the City. The agreement shall be recorded and a certified copy shall be provided to the City Engineer.

2.6. Grading agreement and securities shall be in place prior to commencement of grading.

2.7. The Applicant is responsible for the preparation of improvement plans. All required plans shall conform to Title 7, Subdivisions of the City of Jurupa Valley Municipal Code, and Riverside County Road Improvement Standards (Ordinance 461) and all other relevant laws, rules, and regulations governing grading in the City of Jurupa Valley. Improvement plans shall be approved and securities in place prior to the
issuance of any grading

2.7.1. Developer shall prepare Street Improvement plans for Mission Boulevard to include at minimum the line and grade of the curb and gutter along the project frontage for review and concurrence of the City Engineer.

2.7.1.1. Mission Boulevard along the project frontage shall be improved to a ultimate half-width right-of-way of 64ft, with a 32-ft paved section (6ft half median, 12-ft number 1 lane, and 14-ft outside lane) and 32-ft improved parkway (10-ft curb adjacent landscaping, 12-ft paved multi-purpose bike and pedestrian trail, and 10-ft landscape).

2.7.1.2. Driveways shall be per Riverside County Standard 207A.

2.7.1.3. Developer will be responsible for any utility relocation needed in order to provide the required parkway improvements.

2.7.2. Applicant shall pave all driveways with a minimum 3 inches AC over 4 inches aggregate base from the back of the driveway approach to 50 feet beyond the right-of-way line.

2.7.3. Applicant shall submit for review and approval of the City Engineer, Streetlight Plans.

2.7.3.1. Applicant is required to provide streetlights along the project frontage on Mission Boulevard as approved and deemed adequate by the City Engineer.

2.8. Prior to approval of the grading plan the Developer shall prepare a detailed hydrology and hydraulics report corresponding with the detailed plans for grading, site development, storm drain improvements, and street improvements, including analysis of offsite drainage tributary to the site, for approval of the City Engineer.

2.8.1. All drainage and storm drain improvements shall be designed in accordance with Riverside County Flood Control & Water Conservation District's (RCFCD) standards. The receiving drainage facilities shall be analyzed to determine the extent of any downstream control or restrictions that might affect this site or other properties. All drainage improvements shall be designed to accommodate 100-year storm flows. Minimum drainage grade shall be 1% except on Portland Cement Concrete where 0.5% shall be the minimum.

2.8.2. Drainage in streets shall comply with RCFCD standards which require that 10-year flows be contained within the tops of curbs and 100-year flows be contained within the right-of-way. Additional drainage facilities may be required in the streets as necessary to satisfy this requirement.

2.8.3. An encroachment permit is required from RCFCD for connection to its facilities, if any.

2.9. The grading plan shall provide for acceptance and proper disposal of all off-site drainage flowing to or through the site. Should the quantities exceed the street capacity, the Developer shall provide adequate drainage facilities and/or
appropriate easements as approved by the City Engineer. All drainage easements shall be shown and clearly identified on grading plans.

2.10. The grading plan shall provide for protection of downstream properties from damages caused by alteration of the drainage patterns, e.g. increase, concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities including enlarging existing facilities and/or by securing a drainage easement as necessary.

2.11. If grading is required offsite, the Developer shall obtain written notarized letter of permission from the property owner(s) to grade as necessary and provide a copy to the Engineering Department. It shall be the sole responsibility of the Developer to obtain any and all proposed or required easements and/or permissions necessary to perform the grading shown on the site plan and grading exhibits.

2.12. Where grading involves import to or export of more than 50 cubic yards from the site the Developer shall obtain approval for the import/export location from the Engineering Department if located in the City.

2.12.1. A hauling permit from the Public Works Department will be required.

2.13. Temporary erosion control measures shall be implemented immediately following any grading to prevent transport and deposition of debris onto downstream properties, public rights-of-way, or other drainage facilities. Erosion Control Plans showing these measures shall be submitted along with the grading plan for approval by the City Engineer.

2.14. Applicant is required to annex into Jurupa Valley Landscape & Lighting Maintenance District 89-1-C for maintenance of the landscape parkway improvements. The Developer shall submit landscape and irrigation plans for review and approval of the City Engineer.

2.14.1. The annexation shall be in a manner approved by the City Engineer and City Attorney.

2.14.2. For landscaping within public road rights-of-way separate landscape and irrigation plans shall be prepared for approval of the City Engineer. The improvements shall comply with Riverside County Ordinance 461, as adopted by the City, “Comprehensive Landscaping Guidelines & Standards”, and Riverside County Ordinance 859, as adopted by the City. Landscaping and irrigation plans shall be submitted with the street improvement plans.

Landscaping plans shall depict ONLY such landscaping, irrigation and related facilities as are to be placed within the public rights-of-way.

The applicant may enter into a maintenance agreement with the City for the maintenance of landscape and irrigation along the project frontage and within the public right-of-way at the discretion of the City Engineer.

2.15. Prior to approval of the grading plan for disturbance of one or more acres the Landowner shall provide evidence that it has prepared and
submitted to the State Water Resources Control Board (SWRCB) a Storm Water Pollution Prevention Plan (SWPPP). The SWRCB issued WDID number shall be included on the face of the grading plan.

3. PRIOR TO ISSUANCE OF BUILDING PERMIT (ENGINEERING)

3.1. Applicant shall prepare, obtain and record a reciprocal access only (no parking included) easement with the adjacent property (west).

3.2. The project is located within the Glen Avon Town Center Overlay area of the City. A raised, landscaped median, consistent with the requirements of the Glen Avon Town Center Overlay is required within the project limits. The applicant shall prepare median improvement plans along Mission Boulevard, from Glen Street to Avon Street, and submitted for approval by the City Engineer. This is to be considered in-lieu of constructing median improvements within the limits of the applicant’s property frontage.

3.3. Street and street light improvement plans for the required improvements along Mission Boulevard shall be approved by the City Engineer.

3.4. The Developer shall be responsible for any match up asphalt concrete (AC) paving, and reconstruction or resurfacing of existing paving as determined by the City Engineer.

3.5. For landscaping within public road rights-of-way separate landscape and irrigation plans shall be prepared for approval of the City Engineer. The improvements shall comply with Riverside County Ordinance 461, as adopted by the City, “Comprehensive Landscaping Guidelines & Standards”, and Riverside County Ordinance 859, as adopted by the City. Landscaping and irrigation plans shall be submitted with the street improvement plans.

   Landscaping plans shall depict ONLY such landscaping, irrigation and related facilities as are to be placed within the public rights-of-way.

   The applicant may enter into a maintenance agreement with the City for the maintenance of landscape and irrigation along the project frontage and within the public right-of-way at the discretion of the City Engineer.

3.6. Should this project lie within any assessment/benefit district, the Developer shall make application for and pay for any reapportionment of the assessments or pay the unit fees in the assessment/benefit district.

3.7. Developer shall form, or annex to if one already exists, a Community Facilities District (CFD) in order to provide funding for City Public Safety Services. The formation or annexation to a CFD for Public Safety Services shall be in a manner approved by the City Engineer and City Attorney. Participation in a CFD is intended to fully mitigate the incremental impact of new development on City public safety costs and maintain such levels service at the standards established in the City’s General Plan.

3.8. Separate sanitary sewer and domestic water system improvement plans shall be prepared for required improvements for approval of the Jurupa Community
Services District (JCSD) and concurrence of the City Engineer. Water system improvement plans showing the locations of fire hydrants (see County Standard 400) off-site and on-site must also be approved by Riverside County Fire Department.

Necessary easements for sewer and water systems on-site, as determined by JCSD, shall be shown on the plans.

3.9. Rough grading must be completed as shown on the approved grading plans.

3.9.1. The Project Geotechnical Engineer shall certify to the completion of grading in conformance with the approved grading plans and the recommendations of the geotechnical report approved for this project.

3.9.2. A licensed land surveyor shall certify to the completion of grading in conformance with the lines and grades shown on the approved grading plans.

3.10. Securities and agreements must be in place to assure completion of the grading or to perform remedial grading to the extent necessary as determined by the City Engineer.

4. PRIOR TO BUILDING PERMIT FINAL INSPECTION (ENGINEERING)

4.1. All utility connections that require excavation within the existing public right-of-way will require encroachment permits.

4.2. The Developer is responsible for the completion of all grading and all improvements in the public rights-of-way and for compliance with all other requirements applicable to the public rights-of-way in accordance with Riverside County Ordinance 461, as adopted by the City.

4.3. The Project Geotechnical Engineer shall certify to the completion of grading in conformance with the approved grading plans and the recommendations of the geotechnical report approved for this project.

4.4. A licensed land surveyor or civil engineer shall certify to the completion of grading in conformance with the lines and grades shown on the approved grading plans.

The Applicant hereby agrees that these Conditions of Approval are valid and lawful and binding on the Applicant, and its successors and assigns, and agrees to the Conditions of Approval.

Applicant’s name (Print Form): ____________________________

Applicant’s name (Signature): ____________________________
ATTACHMENT 2.b

Exhibit B: Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program (MMRP)
Initial Study/
Mitigated Negative Declaration

City of Jurupa Valley Master Application No. 18113

Site Development Permit No. 18052
for the
Auto Zone Project

City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, CA 92509
Contact: Roberto Gonzalez, Assistant Planner
(951) 332-6464
rgonzalez@jurupavalley.org

Applicant:

Autozone-Meridian Property Ventures
2420 Camino Ramon
San Ramon, CA 94583

November 20, 2018
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A. Site Development Permit (SDP) 18052: Construct a 7,360 square-foot Auto Zone retail store on a 1.06 acre site located at 9056 Mission Boulevard (southside of Mission Boulevard between Avon Street and Glen Street, Jurupa Valley, CA.)
1.0. INTRODUCTION

1.1 Purpose of an Initial Study

The California Environmental Quality Act (CEQA) requires that before a public agency makes a decision to approve a project that could have one or more adverse effects on the physical environment, the agency must inform itself about the project’s potential environmental impacts, give the public an opportunity to comment on the environmental issues, and take feasible measures to avoid or reduce potential harm to the physical environment.

The purpose of this Initial Study is to provide a preliminary analysis of a proposed action to determine whether a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report should be prepared for a project. An Initial Study also enables an applicant or the City of Jurupa Valley to modify a project, mitigating adverse impacts in lieu of preparing an Environmental Impact Report, thereby potentially enabling the project to qualify for a Negative Declaration or a Mitigated Negative Declaration.

1.2 Purpose of a Mitigated Negative Declaration

A Mitigated Negative Declaration is a written statement by the City of Jurupa Valley that the Initial Study identified potentially significant environmental effects of the Project but the Project is revised or mitigation measures are required to eliminate or mitigate impacts to less than significant levels.

1.3 Initial Study /Mitigated Negative Declaration Document

This document in its entirety is an Initial Study/Mitigated Negative Declaration prepared in accordance with the California Environmental Quality Act (CEQA), including all criteria, standards, and procedures of CEQA (California Public Resource Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et seq.).

1.4 Public Review and Processing of the Initial Study/Mitigated Negative Declaration

This Initial Study/Mitigated Negative Declaration and a Notice of Intent to adopt the Mitigated Negative Declaration was distributed to the following entities for a 20-day public review period:

1) Organizations and individuals who have previously requested such notice in writing to the City of Jurupa Valley;

2) Responsible and trustee agencies (public agencies that have a level of discretionary approval over some component of the proposed Project); and

3) The Riverside County Clerk.

The Notice of Intent also was noticed to the general public in the Riverside Press-Enterprise, which is a primary newspaper of circulation in the areas affected by the Project.

The Notice of Intent identifies the location(s) where the Initial Study/Mitigated Negative Declaration and its associated Mitigation Monitoring Reporting Program and technical reports are
available for public review. During the 20-day public review period, comments on the adequacy of the Initial Study/Mitigated Negative Declaration document may be submitted to the City of Jurupa Valley Planning Department.

Following the 20-day public review period, the City of Jurupa Valley Planning Department will review any comment letters received during to determine whether any substantive comments were provided that may warrant revisions or recirculation to the Initial Study/Mitigated Negative Declaration document. If recirculation is not required (as defined by CEQA Guidelines §15073.5(b)), written and/or oral responses will be provided to the City of Jurupa Valley Planning Director for review as part of their deliberations concerning the Project.

For this Project, the Jurupa Valley Planning Commission has authority to approve, conditionally approve, or deny the Project subject to appeal. Accordingly, a public hearing(s) will be held before the Jurupa Valley Planning Commission to consider the proposed Project, consider any comments received and make a determination on the adequacy of this Initial Study/Mitigated Negative Declaration.

At the conclusion of the public hearing process, the Planning Commission will take action to approve, conditionally approve, or deny the proposed Project. If approved, the Planning Commission will adopt findings relative to the Project's environmental effects as disclosed in the Initial Study/Mitigated Negative Declaration and a Notice of Determination will be filed with the Riverside County Clerk.

1.5 Initial Study/Mitigated Negative Declaration Findings and Conclusions

Section 3.0 of this document contains the Initial Study that was prepared for the proposed Project pursuant to CEQA and City of Jurupa Valley requirements.

The Initial Study determined that implementation of the proposed Project would result in no impacts or less than significant impacts with implementation of Plans, Policies, Programs, or Project Design Features to the environment under the following issue areas:

- Aesthetics
- Air Quality
- Agriculture and Forestry Resources
- Biological Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Service Systems
The Initial Study Checklist determined that the proposed Project would result in potentially significant impacts to the following issue areas, but the Project will incorporate mitigation measures that would avoid or mitigate effects to a point where clearly no significant environmental impacts on the environment would occur:

- Cultural Resources
- Noise
- Tribal Cultural Resources

The Initial Study determined that, with the incorporation of mitigation measures, there is no substantial evidence, in light of the whole record before the Lead Agency (City of Jurupa Valley), that the Project may have a significant effect on the environment. Therefore, based on the findings of the Initial Study, the City of Jurupa Valley determined that a Mitigated Negative Declaration is the appropriate CEQA determination for the Project pursuant to CEQA Guidelines § 15070(b).
2.0 PROJECT BACKGROUND

2.1 Project Location

The City of Jurupa Valley covers approximately 43.5 square miles within the County of Riverside. The City is bordered by the City of Fontana and County of San Bernardino to the north, City of Norco and City of Riverside to the south, City of Eastvale to the west, and City of Riverside and County of San Bernardino to the east. Specifically, the Project is located at 9056 Mission Boulevard (southside of Mission Boulevard between Avon Street and Glen Street, Jurupa Valley, CA. (Refer to Exhibit 1).

The Project site is also identified by the following Assessor Parcel Numbers:

- 169-120-036 and a portion of 169-120-037.

2.2 Project Description

The Project Applicant, Auto Zone-Meridian Property Ventures, submitted the following application to the City of Jurupa Valley, which comprise the proposed Project: Site Development Permit (SDP) 18058. The City of Jurupa Valley also refers to this application as Master Application (MA) No. 18113. The Project’s application materials are on file with the City of Jurupa Valley Planning Department, 8930 Limonite Avenue, Jurupa Valley, CA 92509 and are hereby incorporated by reference.

The proposed Project consists of constructing a new 7,360 square foot Auto Zone retail store and related site improvements (e.g. parking lot, landscaping, drainage facilities, utility connections) on a 1.06 acre site. The Project site includes a 7, 106 square foot easement area located along the western boundary of the site. This easement area will be include a portion of the new driveway and 13 parking spaces.

Street Improvements and Access

Mission Boulevard along the Project frontage is proposed to be improved to a ultimate half-width right-of-way of 64ft, with a 32-ft paved section (6ft half median, 12-ft number 1 lane, and 14-ft outside lane) and 32-ft improved parkway (10-foot curb adjacent landscaping, 12-foot paved multi-purpose bike and pedestrian trail, and 10-foot landscaped area). The Project proposes to construct a 28-foot wide driveway which will be located on the both the applicant’s owned parcel and within an easement on the adjacent parcel to the west. No additional site access or regional circulations will be required to accommodate the Project.

Water and Sewer Improvements

The Jurupa Community Services District (JCSD) has indicated that existing water and sewer facilities exist at the site. The proposed retail building will connect to these existing facilities.

Drainage Improvements

The proposed site will be designed to mimic the existing condition to the maximum extent practical. However, based on conversations with the Public Works Department staff runoff will not be allowed to cross onto private property as it does today without an agreement in place. Therefore,
since 100% onsite retention is not feasible, runoff will sheet flow in gutters to the south end of the site where the water will be treated in a bio-retention basin for water quality and storage purposes. The treated water and overflow water will then be discharged by one of two options:

1. The underdrain and overflow will be collected in a well with a pump and be discharged to the curb and gutter on Mission Boulevard. There is no storm drain facilities in Mission Boulevard. The amount of runoff will be reduced to be the least amount practical given the site requirements for the proposed development.

2. The underdrain will be pumped to the surface and discharge to an energy dissipater before sheet flowing to the adjacent property as it does today. The basin overflow will discharge over a weir with an energy dissipater as well. This method of discharge is contingent upon obtaining an agreement from the adjacent property owner. The building finished floor is set well above the street grade to protect against the 100-yr flood.

Construction Duration

It is estimated that construction will occur in one phase taking approximately 113 days.

Operational Characteristics

The Project will operate as a retail store for Auto Zone.

2.3 Existing Site Conditions/Environmental Setting

CEQA Guidelines §15125 establishes requirements for defining the environmental setting to which the environmental effects of a proposed project must be compared. The environmental setting is defined as “...the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time the environmental analysis is commenced...” (CEQA Guidelines §15125[a]). A Notice of Preparation was not required at the time the Initial Study Checklist was commenced. Thus the environmental setting for the Project is the approximate date that the Project’s Initial Study Checklist commenced in October 2018.

The existing site consists of a relatively level (1%-2%), rectangular-shaped property that is undeveloped. The subject property was vacant land as early as 1931 up until at least 1938. Between 1948 and 1985, the subject property appeared to have been developed for mixed residential and agricultural use. The entire lot appeared to have been reverted to vacant land as early as 1990 up until 2012. The subject property appeared to have first been used as a plant nursery in 2013 and has since been removed. A deteriorated asphalt concrete driveway and Portland cement concrete slab are located on the northern portion of the site. The remained of the site contains sparse vegetation that has been continually disturbed by human activities.

According to the United States Department of Agriculture Soil Survey for Riverside County, the subject property is underlain by soils of the Ramona Series. These soils consist of well-drained, very deep sandy loams that have a sandy clay loam subsoil.

Access to the Project site is from Mission Boulevard. Existing and surrounding land uses are shown in Table 1.
Table 1. Existing and Surrounding Land Uses

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>Vacant land.</td>
</tr>
<tr>
<td>North</td>
<td>Mission Boulevard beyond which is a multi-tenant commercial center.</td>
</tr>
<tr>
<td>South</td>
<td>Residential dwellings.</td>
</tr>
<tr>
<td>East</td>
<td>Tax and Business Services (9028 Mission Boulevard) and US Post Office (9036 Mission Boulevard)</td>
</tr>
<tr>
<td>West</td>
<td>Vacant land.</td>
</tr>
</tbody>
</table>

Source: Field Inspection, October, 2018

2.4 Existing General Plan Land Use Designations and Zoning Classifications

The City Council adopted the City of Jurupa Valley’s first locally prepared General Plan on September 7, 2017. The 2017 General Plan is the primary tool to guide the development and character of Jurupa Valley for the next five to ten years.

A summary of the existing General Plan land use and zoning designations for the Project site and surrounding properties is provided in Table 2.

Table 2. Existing and Surrounding General Plan Designations and Zoning Classifications

<table>
<thead>
<tr>
<th>Location</th>
<th>General Plan Designation</th>
<th>Zoning Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>CR-Commercial Retail</td>
<td>C-1/C-P-General Commercial</td>
</tr>
<tr>
<td>North</td>
<td>CR-Commercial Retail (north of Mission Boulevard)</td>
<td>C-1/C-P-General Commercial(north of Mission Boulevard)</td>
</tr>
<tr>
<td>South</td>
<td>LDR-Country Neighborhood</td>
<td>A-1-Light Agriculture</td>
</tr>
<tr>
<td>East</td>
<td>C1/CP-General Commercial</td>
<td>C-1/C-P-General Commercial</td>
</tr>
<tr>
<td>West</td>
<td>C1/CP-General Commercial</td>
<td>C-1/C-P-General Commercial</td>
</tr>
</tbody>
</table>

Source: City of Jurupa Valley-General Plan Land Use Map October, 2018
Auto Zone Project (MA 18113)
Initial Study /Mitigated Negative Declaration
November 20, 2018

Auto Zone
MA 18113

Project Location Map/Aerial Photo

Exhibit 1
3.0 INITIAL STUDY CHECKLIST

Evaluation Format

This Initial Study Checklist has been prepared in compliance with the California Environmental Quality Act (CEQA) Guidelines. The Project is evaluated based on its potential effect on eighteen (18) environmental factors categorized as follows, as well as Mandatory Findings of Significance:

1. Aesthetics
2. Agriculture & Forestry Resources
3. Air Quality
4. Biological Resources
5. Cultural Resources
6. Geology & Soils
7. Greenhouse Gas Emissions
8. Hazards & Hazardous Materials
9. Hydrology & Water Quality
10. Land Use & Planning
11. Mineral Resources
12. Noise
13. Population & Housing
14. Public Services
15. Recreation
16. Transportation & Traffic
17. Tribal Cultural Resources
18. Utilities and Service Systems
19. Mandatory Findings of Significance

Each factor is analyzed by responding to a series of questions pertaining to the impact of the Project on the particular factor in the form of a checklist. This Initial Study Checklist provides a manner to analyze the impacts of the Project on each factor in order to determine the severity of the impact and determine if mitigation measures can be implemented to reduce the impact to less than significant without having to prepare an Environmental Impact Report.

CEQA also requires Lead Agencies to evaluate potential environmental effects based to the fullest extent possible on scientific and factual data (CEQA Guidelines §15064[b]). A determination of whether or not a particular environmental impact will be significant must be based on substantial evidence, which includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Guidelines §15064[f][5]).

The effects of the Project are then placed in the following four categories, which are each followed by a summary to substantiate why the Project does not impact the particular factor with or without mitigation. If "Potentially Significant Impacts" that cannot be mitigated are determined, then the Project does not qualify for a Mitigated Negative Declaration and an Environmental Impact Report must be prepared:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potentially significant impact(s) have been identified or anticipated that cannot be mitigated to a level of insignificance. An Environmental Impact Report must therefore be prepared.</td>
<td>Potentially significant impact(s) have been identified or anticipated, but mitigation is possible to reduce impact(s) to a less than significant category. Mitigation measures must then be identified.</td>
<td>No &quot;significant&quot; impact(s) identified or anticipated. Therefore, no mitigation is necessary.</td>
<td>No impact(s) identified or anticipated. Therefore, no mitigation is necessary.</td>
</tr>
</tbody>
</table>
Throughout the impact analysis in this Initial Study Checklist, reference is made to the following:

- **Plans, Policies, Programs (PPP)** – These include existing regulatory requirements such as plans, policies, or programs applied to the Project based on the basis of federal, state, or local law currently in place which effectively reduce environmental impacts.

- **Project Design Features (PDF)** – These measures include features proposed by the Project that are already incorporated into the Project’s design and are specifically intended to reduce or avoid impacts (e.g., water quality treatment basins).

- **Mitigation Measures (MM)** – These measures include requirements that are imposed where the impact analysis determines that implementation of the proposed Project would result in significant impacts. Mitigation measures are proposed to reduce impacts to less than significant levels in accordance with the requirements of CEQA.

Plans, Policies, or Programs (PPP) and the Project Design Features (PDF) were assumed and accounted for in the assessment of impacts for each issue area if applicable.

Mitigation Measures (MM) were formulated only for those issue areas where the results of the impact analysis identified significant impacts that could to be reduced to less than significant levels.

All three types of measures described above may be required to be implemented as part of the Project, and will be included in the Mitigation Monitoring and Reporting Program for the Project.

**Environmental Factors Requiring Mitigation**

The environmental factors marked with an "X" below would be potentially affected by this Project and thus require mitigation to reduce impacts to “less than significant” as indicated by the checklist on the following pages.

- ☐ Aesthetics
- ☐ Biological Resources
- ☐ Greenhouse Gas Emissions
- ☐ Land Use / Planning
- ☐ Population / Housing
- ☐ Transportation/Traffic
- ☐ Mandatory Findings of Significance
- ☑ Agriculture and Forestry Resources
- ☑ Cultural Resources
- ☑ Hazards & Hazardous Materials
- ☐ Mineral Resources
- ☐ Public Services
- ☑ Tribal Cultural Resources
- ☐ Air Quality
- ☐ Geology /Soils
- ☐ Hydrology / Water Quality
- ☑ Noise
- ☐ Recreation
- ☐ Utilities/Service Systems
Auto Zone Project (MA 18113)
Initial Study/Mitigated Negative Declaration
November 20, 2018

**Determination**

On the basis of this initial evaluation:

I find that the proposed use **COULD NOT** have a significant effect on the environment, and a NEGATIVE DECLARATION will be recommended for adoption.

I find that although the proposal 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 Applicant. A MITIGATED NEGATIVE DECLARATION will be recommended for adoption.

I find that the proposal **MAY** have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposal **MAY** have a significant effect(s) 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, if the effect is a “potentially significant impact” or “potentially significant unless mitigated.” 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 effect (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION, pursuant to all applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures are are imposed upon the proposed Project, nothing further is required.

---

**Signature**

Thomas G. Merrell, AICP, Planning Director

**Date**

November 20, 2018
Appendices (Under Separate Cover or on Compact Disk)


Appendix C.  *Preliminary Drainage Study*, Ware Malcomb, September 20, 2018.

Appendix D.  *Phase I Environmental Site Assessment*, AEI Consultants, October 19, 2017.

3.1 AESTHETICS

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Have a substantial adverse effect on a scenic vista?</td>
<td></td>
<td></td>
<td></td>
<td>■</td>
</tr>
<tr>
<td>b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td></td>
<td></td>
<td></td>
<td>■</td>
</tr>
<tr>
<td>c. Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td></td>
<td></td>
<td>■</td>
<td></td>
</tr>
<tr>
<td>d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?</td>
<td></td>
<td></td>
<td>■</td>
<td></td>
</tr>
</tbody>
</table>

3.1 (a) Have a substantial adverse effect on a scenic vista?

Determination: Less No Impact.
Sources: General Plan, Google Earth, Project Application Materials

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project related to this issue.

Impact Analysis

According to the General Plan, scenic vistas are points or corridors that are accessible to the public and that provide a view of scenic areas and/or landscapes. Figure 4-23: Jurupa Valley Scenic Corridors and Roadways of the General Plan does not identify Mission Boulevard adjacent to the Project site as a scenic corridor or roadway. The Jurupa Mountains located approximately 4,000 feet to the north of the site is considered a scenic vista. The Project site itself does not provide "public" vantage to the Jurupa Mountains. As such, the Project will not obstruct views of the Jurupa Mountains from a public vantage point.

Based on the analysis above, there is no impact.

3.1 (b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Determination: No Impact.
Auto Zone Project (MA 18113)
Initial Study /Mitigated Negative Declaration
November 20, 2018

Sources: California Department of Transportation “Scenic Highway Program Eligible and Officially Designated Routes,” General Plan, General Plan Figure 4.23, Google Earth.

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project related to this issue.

**Impact Analysis**

California's Scenic Highway Program was created by the Legislature in 1963. Its purpose is to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Sections 260 through 263. According to the California Department of Transportation, the Project site is not located within a State Scenic Highway. As such, there is no impact.

Based on the analysis above, there is no impact.

<table>
<thead>
<tr>
<th>3.1 (c)</th>
<th>Substantially degrade the existing visual character or quality of the site and its surroundings?</th>
</tr>
</thead>
</table>

**Determination: Less Than Significant Impact.**

Sources: Project Application Materials, Google Earth.

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project related to this issue.

**Impact Analysis**

*Construction Impacts*

During the Project's temporary construction period, construction equipment, supplies, and activities would be visible on the subject property from immediately surrounding areas. Construction activities are a common occurrence in Jurupa Valley and is not considered to substantially degrade the area's visual quality. All construction equipment would be removed from the Project site following completion of the Project's construction activities. For these reasons, the temporary visibility of construction equipment and activities at the Project site would not substantially degrade the visual character of the surrounding area.

*Operational Impacts*

A project is generally considered to have a significant impact on visual character if it substantially changes the character of a project site such that it becomes visually incompatible or visually unexpected when viewed in the context of its surroundings.
The proposed retail building, parking lot, and landscaped areas are proposed on an approximately 1.06 acre site. To the north of the Project site is Mission Boulevard beyond which is a multi-tenant commercial center. To the south are residential dwellings. To the east is a tax and business service (9028 Mission Boulevard) and a US Post Office (9036 Mission Boulevard). To the west is vacant land. The introduction of a new retail building constructed to meet the City's design standards will not substantially changes the character of the Project site such that it becomes visually incompatible or visually unexpected when viewed in the context of its surroundings. Impacts would be less than significant and no mitigation measures are required.

### 3.1 (d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

**Determination: Less Than Significant Impact.**

**Sources: Project Application Materials.**

**Plans, Policies, or Programs (PPP)**

The following apply to the Project and would help reduce impacts related to light and glare. These measures will be included in the Project's Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.1-2 All outdoor lighting shall be designed and installed to comply with California Green Building Standard Code Section 5.106 or with a local ordinance lawfully enacted pursuant to California Green Building Standard Code Section 101.7, whichever is more stringent.

**Project Design Features (PDF)**

PDF 3.1-1 As required by the building elevations filed with the City of Jurupa Valley Planning Department as part of the application materials for MA 18113, the primary exterior of the proposed building will be primarily constructed of materials that do not produce glare.

**Impact Analysis**

The Project would increase the amount of light in the area above what is being generated by the larger 19 acre site by directly adding new sources of illumination including security lighting for the proposed office building and parking lot lighting. With implementation of PPP 3.1-3, impacts relating to light would be less than significant.

The primary exterior of the proposed building will be compromised of board and batten siding, CMU block, and stone veneer which are materials that are not reflective surfaces. With implementation of PDF 3.1-1, impacts relating to glare would be less than significant.
### 3.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the Project:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

| a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | | | |
| b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? | | | |
| c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | | | |
| d. Result in the loss of forest land or conversion of forest land to non-forest use? | | | |
| e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | | | |
3.2 (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?

**Determination: No Impact**

*Sources: California Department of Conservation “Farmland Mapping and Monitoring Program.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project related to this issue.

**Impact Analysis**

The site does not contain any lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as mapped by the State Department of Conservation Farmland Mapping and Monitoring Program. As such, the Project has no potential to convert such lands to a non-agricultural use and no impact would occur.

3.2 (b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

**Determination: No Impact.**

*Sources: General Plan Land Use Map, Zoning Map.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project related to this issue.

**Impact Analysis**

**Agricultural Zoning**

The Project site is zoned C-1/C-P (General Commercial) which allows a variety of retail uses. The C-1/C-P Zone is not considered a primary agricultural zone. As such, the Project would not conflict with existing zoning for agricultural use.

**Williamson Act**

Pursuant to the California Land Conservation Act of 1965, a Williamson Act Contract enables private landowners to voluntarily enter into contracts with local governments for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive lower property tax assessments based upon farming and open space uses as opposed to full
market value. According to the Riverside County Geographic Information System, the site is not under a Williamson Act Contract. As such, there is no impact.

### 3.2 (c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

**Determination:** No Impact.

*Sources: General Plan Land Use Map, Zoning Map.*

#### Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

#### Project Design Features (PDF)

There are no Project Design Features applicable to the Project related to this issue.

#### Impact Analysis

The Project site is zoned C-1/C-P (General Commercial). The Project site does not contain any forest lands, timberland, or timberland zoned as Timberland Production, nor are any forest lands or timberlands located on or nearby the Project site. Because no lands on the Project site are zoned for forestland or timberland, the Project has no potential to impact such zoning. Therefore, no impact would occur.

### 3.2 (d) Result in the loss of forest land or conversion of forest land to non-forest use?

**Determination:** No Impact.

*Source: Field Survey.*

#### Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

#### Project Design Features (PDF)

There are no Project Design Features applicable to the Project related to this issue.

#### Impact Analysis

The Project site and surrounding properties do not contain forest lands, are not zoned for forest lands, nor are they identified as containing forest resources by the General Plan. Because forest land is not present on the Project site or in the immediate vicinity of the Project site, the Project has no potential to result in the loss of forest land or the conversion of forest land to non-forest use. Therefore, no impact would occur.
3.2 (e)  *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?*

**Determination:** No Impact.

*Sources: California Department of Conservation.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project related to this issue.

**Impact Analysis**

The Farmland Mapping and Monitoring Program classifies the Project property as “Urban-Built-Up Lands.” The proposed retail building, parking lot, and landscaped areas are proposed on approximately 1.06 acres. Surrounding land uses in the area consist of Mission Boulevard beyond which is a multi-tenant commercial center. To the south are residential dwellings. To the east is a tax and business service (9028 Mission Boulevard) and a US Post Office (9036 Mission Boulevard). To the west is vacant land. There is no land being used primarily for agricultural purposes in the vicinity of the Project site. As such, the Project would not result in conversion of Farmland to non-agricultural use and no impacts would occur.
### 3.3 AIR QUALITY

<table>
<thead>
<tr>
<th>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:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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)?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Expose sensitive receptors to substantial pollutant concentrations?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Create objectionable odors affecting a substantial number of people?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 3.3 (a) Conflict with or obstruct implementation of the applicable air quality plan (South Coast Air Quality Management District)?

**Determination:** Less Than Significant Impact.
*Source: CalEEMod Printouts (Appendix A).*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project related to this issue.

**Impact Analysis**

**Federal Air Quality Standards**

Under the Federal Clean Air Act, the Federal Environmental Protection Agency establishes health-based air quality standards that California must achieve. These are called “national (or federal) ambient air quality standards” and they apply to what are called “criteria pollutants.” Ambient (i.e. surrounding) air quality standard establish a concentration above which a criteria pollutant is known to cause adverse health effects to people. The national ambient air quality standards apply to the following criteria pollutants:

- Ozone (8-hour standard)
- Respirable Particulate Matter (PM₁₀)
• Fine Particulate Matter (PM$_{2.5}$)
• Carbon Monoxide (CO)
• Nitrogen Dioxide (NOx)
• Sulphur Dioxide (SO$_2$), and
• Lead.

State Air Quality Standards

Under the California Clean Air Act, the California Air Resources Board also establishes health-based air quality standards that cities and counties must meet. These are called “state ambient air quality standards” and they apply to the following criteria pollutants:

• Ozone (1-hour standard)
• Ozone (8-hour standard)
• Respirable Particulate Matter (PM$_{10}$)
• Fine Particulate Matter (PM$_{2.5}$)
• Carbon Monoxide (CO)
• Nitrogen Dioxide (NOx)
• Sulphur Dioxide (SO$_2$), and
• Lead

Regional Air Quality Standards

The City of Jurupa Valley is located within the South Coast Air Basin which is under the jurisdiction of the South Coast Air Quality Management District. The District develops plans and regulations designed to achieve these both the national and state ambient air quality standards described above.

Attainment Designation

An “attainment” designation for an area signifies that criteria pollutant concentrations did not exceed the established standard. In contrast to attainment, a “nonattainment” designation indicates that a criteria pollutant concentration has exceeded the established standard.

Table 3 shows the attainment status of criteria pollutants in the South Coast Air Basin.

**Table 3. Attainment Status of Criteria Pollutants in the South Coast Air Basin.**

<table>
<thead>
<tr>
<th>Criteria Pollutant</th>
<th>State Designation</th>
<th>Federal Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ozone – 1 hour standard</td>
<td>Nonattainment</td>
<td>No Standard</td>
</tr>
<tr>
<td>Ozone – 8 hour standard</td>
<td>Nonattainment</td>
<td>Nonattainment</td>
</tr>
<tr>
<td>Respirable Particulate Matter (PM$_{10}$)</td>
<td>Nonattainment</td>
<td>Attainment</td>
</tr>
<tr>
<td>Fine Particulate Matter (PM$_{2.5}$)</td>
<td>Nonattainment</td>
<td>Nonattainment</td>
</tr>
<tr>
<td>Carbon Monoxide (CO)</td>
<td>Attainment</td>
<td>Attainment</td>
</tr>
<tr>
<td>Criteria Pollutant</td>
<td>State Designation</td>
<td>Federal Designation</td>
</tr>
<tr>
<td>--------------------</td>
<td>-------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Nitrogen Dioxide (NOx)</td>
<td>Attainment</td>
<td>Attainment</td>
</tr>
<tr>
<td>Sulfur Dioxide (SO2)</td>
<td>Attainment</td>
<td>Attainment</td>
</tr>
<tr>
<td>Lead</td>
<td>Attainment</td>
<td>Attainment</td>
</tr>
</tbody>
</table>

Source: California Air Resources Board, 2015

Air Quality Management Plan

The South Coast Air Quality Management District is required to produce air quality management plans directing how the South Coast Air Basin’s air quality will be brought into attainment with the national and state ambient air quality standards. The most recent air quality management plan is 2016 Air Quality Management Plan and it is applicable to City of Jurupa Valley. The purpose of the 2016 Air Quality Management Plan is to achieve and maintain both the national and state ambient air quality standards described above.

In order to determine if a project is consistent with the 2016 Air Quality Management Plan, the South Coast Air Quality Management District has established consistency criterion which are defined in Chapter 12, Sections 12.2 and 12.3 of the South Coast Air Quality Management District’s CEQA Air Quality Handbook and are discussed below.

**Consistency Criterion No. 1:** The proposed project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the 2016 Air Quality Management Plan.

Consistency Criterion No. 1 refers to violations of the California Ambient Air Quality Standards and National Ambient Air Quality Standards. As evaluated under Issues 3.3 (b), (c), and (d) below, the Project would not exceed regional or localized significance thresholds for any criteria pollutant during construction or during long-term operation. Accordingly, the Project’s regional and localized emissions would not contribute substantially to an existing or potential future air quality violation or delay the attainment of air quality standards.

**Consistency Criterion No. 2:** The proposed project will not exceed the assumptions in the 2016 Air Quality Management Plan.

The 2016 Air Quality Management Plan demonstrates that the applicable ambient air quality standards can be achieved within the timeframes required under federal law. Growth projections from local general plans adopted by cities in the district are provided to the Southern California Association of Governments (SCAG), which develops regional growth forecasts, which are then used to develop future air quality forecasts for the AQMP.

The General Plan Land Use Designation currently assigned to the Project is C-R (General Retail). The future emission forecasts contained in the 2016 Air Quality Management Plan are primarily based on demographic and economic growth projections provided by the Southern California Association of Governments. The Project was planned for commercial development at the time the 2016 Air Quality Management Plan adopted. Therefore, the Project will not exceed the growth forecast estimates used in the 2016 Air Quality Management Plan.
For the reasons stated above, the Project would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, delay the timely attainment of air quality standards or the interim emissions reductions specified in the 2016 Air Quality Management Plan. In addition, the Project would not exceed the growth assumptions in the 2016 Air Quality Management Plan. As such, the Project would be consistent with the 2016 Air Quality Management Plan and impacts would be less than significant and no mitigation measures are required.

3.3(b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Determination: Less Than Significant Impact With Mitigation Incorporated.  
Source: CalEEMod Printouts (Appendix A).

Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts related to air quality violations. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.3-1 The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 403, “Fugitive Dust." Rule 403 requires implementation of best available dust control measures during construction activities that generate fugitive dust, such as earth moving and stockpiling activities, grading, and equipment travel on unpaved roads.

PPP 3.3-2 The Project is required to comply with the provisions of South Coast Air Quality District Rule 431.2, “Sulphur Content and Liquid Fuels." The purpose of this rule is to limit the sulfur content in diesel and other liquid fuels for the purpose of both reducing the formation of sulfur oxides and particulates during combustion and to enable the use of add-on control devices for diesel fueled internal combustion engines.

PPP 3.3-3 The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 1113, “Architectural Coatings” Rule 1113 limits the release of volatile organic compounds (VOCs) into the atmosphere during painting and application of other surface coatings.

PPP 3.3-4 The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 1186 “PM10 Emissions from Paved and Unpaved Roads and Livestock Operations” and Rule 1186.1, “Less-Polluting Street Sweepers.” Adherence to Rule 1186 and Rule 1186.1 reduces the release of criteria pollutant emissions into the atmosphere during construction.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project related to this issue.

Impact Analysis
As shown in Table 3 above, the South Coast Air Basin, in which the Project is located, is considered to be in “non-attainment” status for several criteria pollutants.

The South Coast Air Quality Management District has developed regional and localized significance thresholds for regulated pollutants. Any project in the South Coast Air Basin with daily emissions that exceed any of the indicated regional or localized significance thresholds would be considered to contribute to a projected air quality violation. The Project’s regional and localized air quality impacts are discussed below.

**Regional Impact Analysis**

As with any new development project, the Project has the potential to generate pollutant concentrations during both construction activities and long-term operation. The following provides an analysis based on the applicable regional significance thresholds established by the South Coast Air Quality Management District in order to meet national and state air quality standards which are shown in Table 4 below.

**Table 4. South Coast Air Quality Management District Air Quality Regional Significance Thresholds**

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Emissions (Construction) (pounds/day)</th>
<th>Emissions (Operational) (pounds/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOx</td>
<td>100</td>
<td>55</td>
</tr>
<tr>
<td>VOC</td>
<td>75</td>
<td>55</td>
</tr>
<tr>
<td>PM10</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>PM2.5</td>
<td>55</td>
<td>55</td>
</tr>
<tr>
<td>SOx</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>CO</td>
<td>550</td>
<td>550</td>
</tr>
<tr>
<td>Lead</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

Source: South Coast Air Quality Management District CEQA Air Quality Significance Thresholds (2009)

Both construction and operational emissions for the Project were estimated by using the California Emissions Estimator Model (CalEEMod) which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model can be used for a variety of situations where an air quality analysis is necessary or desirable such as California Environmental Quality Act (CEQA) documents and is authorized for use by the South Coast Air Quality Management District.

**Construction Related Impacts**

Short-term criteria pollutant emissions will occur during site grading, building construction, paving, and architectural coating activities. Emissions will occur from use of equipment, worker, vendor, and hauling trips, and disturbance of onsite soils (fugitive dust). The estimated maximum daily
construction emissions are summarized in Table 5 below. Emissions resulting from the Project construction would not exceed numerical thresholds established by the SCAQMD and therefore no mitigation is required.

<table>
<thead>
<tr>
<th>Maximum Daily Emissions</th>
<th>Emissions (pounds per day)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NOx</td>
</tr>
<tr>
<td>Regional Threshold</td>
<td>10.32</td>
</tr>
<tr>
<td>Exceeds Regional Threshold?</td>
<td>NO</td>
</tr>
</tbody>
</table>

Source: SCAQMD and CalEEMod

Long-Term Regional Operation Related Impacts

Long-term criteria air pollutant emissions will result from the operation of the proposed Project. Long-term emissions are categorized as area source emissions, energy demand emissions, and operational emissions. Operational emissions will result from automobile, truck, and other vehicle sources associated with daily trips to and from the Project. Area source emissions are the combination of many small emission sources that include use of outdoor landscape maintenance equipment, use of consumer products such as cleaning products, and periodic repainting of the proposed Project. Energy demand emissions result from use of electricity and natural gas.

The results of the CalEEMod model for summer and winter operation of the Project are summarized in Table 6 below (Maximum Operational Daily Emissions). Based on the results of the model, operational emissions associated with operation the Project will not exceed the thresholds established by SCAQMD.

<table>
<thead>
<tr>
<th>Maximum Daily Emissions</th>
<th>Emissions (pounds per day)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NOx</td>
</tr>
<tr>
<td>Regional Threshold</td>
<td>3.94</td>
</tr>
<tr>
<td>Exceeds Regional Threshold?</td>
<td>NO</td>
</tr>
</tbody>
</table>

Source: SCAQMD and CalEEMod

Based on the analysis above, regional air quality impacts for construction would be less than significant and no mitigation measures are required.

Localized Impact Analysis

As part of the South Coast Air Quality Management District’s environmental justice program, attention has been focusing more on the localized effects of air quality. Although the region may be in attainment for a particular criteria pollutant, localized emissions from construction and operational activities coupled with ambient pollutant levels can cause localized increases in criteria pollutant that exceed national and/or State air quality standards. The South Coast Air Quality Management District has established Localized Significance Thresholds (LST) which were developed in response to environmental justice and health concerns raised by the public regarding exposure of individuals to criteria pollutants in local communities.
Localized Significance Thresholds are only applicable to the following criteria pollutants: oxides of nitrogen (NOx), carbon monoxide (CO), particulate matter less than 10 microns in aerodynamic diameter (PM10) and particulate matter less than 2.5 microns in aerodynamic diameter (PM2.5). Localized Significance Thresholds represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable national or state ambient air quality standard, and are developed based on the ambient concentrations of that pollutant for each source receptor area and distance to the nearest sensitive receptor. The nearest sensitive receptors are the single-family residences located adjacent to the southern border of the site.

*Construction-Related Localized Emissions*

Construction localized impacts were evaluated pursuant to the South Coast Air Quality Management District's *Final Localized Significance Thresholds Methodology*. This methodology provides screening tables for one through five acre project construction scenarios, depending on the amount of site disturbance during a day. Maximum daily oxides of nitrogen (NOx), carbon monoxide (CO), and particulate matter (PM10 and PM2.5) emissions will occur during construction of the Project, grading of the Project site, and paving of facility parking lots and drive aisles. Table 7 below (Construction Localized Significance Threshold Analysis) summarize on-site emissions as compared to the local screening thresholds established for Source Receptor Area (SRA) 23 (Metropolitan Riverside/Mira Loma).

The proposed Project could actively disturb approximately up to a total of 1.06 acres in one day during the grading phase of construction. As such, the two acre screening table was used. Localized air quality impacts were evaluated at sensitive receptor land uses nearest the Project site. The estimated maximum daily construction LST emissions are summarized in Table 7 below. Emissions resulting from the Project construction and operation would not exceed LST numerical thresholds established by the SCAQMD and no mitigation is required.

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>LST Significance Threshold Lbs/Day*</th>
<th>Project Emissions (mitigated)</th>
<th>Exceeds Threshold?</th>
</tr>
</thead>
<tbody>
<tr>
<td>(NOx) for Construction and Operation</td>
<td>118</td>
<td>10.32</td>
<td>NO</td>
</tr>
<tr>
<td>(CO) for Construction and Operation</td>
<td>674</td>
<td>9.58</td>
<td>NO</td>
</tr>
<tr>
<td>PM 10 for Operation</td>
<td>1</td>
<td>&gt;0.1</td>
<td>NO</td>
</tr>
<tr>
<td>PM10 for Construction</td>
<td>4</td>
<td>0.95</td>
<td>NO</td>
</tr>
<tr>
<td>PM 2.5 for Operation</td>
<td>1</td>
<td>&gt;0.1</td>
<td>NO</td>
</tr>
<tr>
<td>PM2.5 for Construction</td>
<td>3</td>
<td>0.72</td>
<td>NO</td>
</tr>
</tbody>
</table>

*Based on LST SRA #22 1-acre @ 25 meters*
CO Hot Spots are typically associated with idling vehicles at extremely busy intersections (i.e., intersections with an excess of 100,000 vehicle trips per day). There are no intersections in the vicinity of the Project site which exceed the 100,000 vehicle per day threshold typically associated with CO Hot Spots. In addition, the South Coast Air Basin has been designated as an attainment area for CO since 2007. Therefore, Project-related vehicular emissions would not create a Hot Spot and would not substantially contribute to an existing or projected CO Hot Spot.

Based on the analysis above, impacts would be less than significant and no mitigation measures are required.

3.3(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)?

Determination: Less Than Significant Impact.
Source: CalEEMod Printouts (Appendix A).

Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts related to a cumulatively considerable net increase of any criteria pollutant. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

(Refer to PPP 3.3.1 through PPP 3.3-4 under Issue 3.3(b) above).

Project Design Features (PDF)

There are no Project Design Features applicable to the Project related to this issue.

Impact Analysis

According to the SCAQMD, individual projects that do not generate operational or construction emissions that exceed the SCAQMD’s recommended daily thresholds for project specific impacts would also not cause a cumulatively considerable increase in emissions for those pollutants for which the Basin is in nonattainment, and, therefore, would not be considered to have a significant, adverse air quality impact. Alternatively, individual project-related construction and operational emissions that exceed SCAQMD thresholds for project-specific impacts would be considered cumulatively considerable.

As discussed in Issue 3.3(b) above, the Project would not exceed the regional or localized significance thresholds for construction activities. As such, the Project will not result in a cumulatively considerable net increase of any criteria pollutant.

Based on the analysis above, impacts would be less than significant.

3.3(d)  Expose sensitive receptors to substantial pollutant concentrations?

Determination: Less Than Significant Impact.
Source: CalEEMod Printouts (Appendix A).
Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts related to a cumulatively considerable net increase of any criteria pollutant. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

(Refer to PPP 3.3.1 through PPP 3.3.4 under Issue 3.3(b) above).

Project Design Features (PDF)

There are no Project Design Features applicable to the Project related to this issue.

Impact Analysis

Sensitive receptors (i.e., children, senior citizens, and acutely or chronically ill people) are more susceptible to the effects of air pollution than the general population. Land uses that are considered sensitive receptors typically include residences, schools, playgrounds, childcare centers, hospitals, convalescent homes, and retirement homes. To the north and east of the site are residential land uses which are considered sensitive receptors. The closest sensitive receptors would be the residential homes located adjacent to the southern border of the Project site.

As shown on Table 7 above under the discussion of Issue 3.3 (b), the Project would not exceed any of the South Coast Air Quality Management District’s Localized Significance Thresholds during near-term construction or long-term operation. In addition, the Project would not create a CO Hot Spot. Accordingly, Project-related localized emissions would not expose sensitive receptors to substantial pollutant concentrations during construction or long-term operation and impacts would be less than significant.

---

### 3.3 (e) Create objectionable odors affecting a substantial number of people?

**Determination: Less Than Significant Impact.**


---

Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts related to objectionable odors. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program:

PPP 3.3-5   The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 402 “Nuisance.” Adherence to Rule 402 reduces the release of odorous emissions into the atmosphere.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project related to this issue.

Impact Analysis
According to the South Coast Air Quality Management District *CEQA Air Quality Handbook*, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The Project proposes a retail store. As such, the Project does not contain land uses typically associated with emitting objectionable odors. Potential odor sources associated with the proposed Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities and the temporary storage of typical solid waste (refuse) associated with the proposed Project's (long-term operational) uses. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is thus considered less than significant. It is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the City's solid waste regulations. The proposed Project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances. Therefore, odors associated with the proposed Project construction and operations would be less than significant and no mitigation is required.
## 3.4 BIOLOGICAL RESOURCES

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

### 3.4(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?

**Determination: No Impact.**

*Source: Site Inspection.*
3.4(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Determination: No Impact.
Source: Site Inspection.

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project related to this issue.

Impact Analysis

The site was previously used as a plant nursery. Plants appeared to be grown in individual pots/planters. According to the Western Riverside County Regional Conservation Authority website accessed on November 19, 2018, the site is:

- Not in an amphibian survey area.
- Not in a burrowing owl survey area.
- Not in a criteria area species survey area.
- Not in a mammal survey area.
- Not in a narrow endemic plant survey area.

The site has recently been cleared of most vegetation. There are no sensitive plant or wildlife species on the site. As such, there are no impacts.

3.4(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?

Given the site conditions described in Issue 3.4(a) above, there is no riparian habitat or other sensitive natural community present on the site.
Determination: No impact.
*Source: Site Inspection.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project related to this issue.

**Impact Analysis**

Given the site conditions described in Issue 3.4(a) above, there are no wetlands present on the site.

---

**3.4(d)** *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

Determination: No Impact.
*Source: Site Inspection.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project related to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project related to this issue.

**Impact Analysis**

Given the site conditions described in Issue 3.4(a) above, there are no native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors present on the site.

---

**3.4(e)** *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Determination: No Impact.
*Source: Site Inspection.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.
Impact Analysis

No protected species of trees are located on the Project site. There are no other ordinances in place protecting biological resources that are applicable to the Project. As such, there are no impacts and no mitigation measures are required.

3.4(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Determination: No Impact.
Source: Site Inspection.

Given the site conditions described in Issue 3.4(a) above, there will be no impacts related to conflicts with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.
3.5 CULTURAL RESOURCES

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?</td>
<td></td>
<td></td>
<td></td>
<td>■</td>
</tr>
<tr>
<td>b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?</td>
<td>■</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>■</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td></td>
<td></td>
<td></td>
<td>■</td>
</tr>
</tbody>
</table>

3.5(a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines § 15064.5?

Determination: No Impact.

Source: Site Inspection.

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Historic resources generally consist of buildings, structures, improvements, and remnants associated with a significant historic event or person(s) and/or have a historically significant style, design, or achievement. Damaging or demolition of historic resources is typically considered to be a significant impact. Impacts to historic resources can occur through direct impacts, such as destruction or removal, and indirect impacts, such as a change in the setting of a historic resource.

CEQA Guidelines §15064.5(a) clarifies that historical resources include the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.

2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements [of] section 5024.1(g) of the Public Resources Code.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

There are no structures on the Project site so no historic structures will be impacted.

3.5(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines § 15064.5?

** Determination: Less Than Significant Impact With Mitigation Incorporated.**

*Source: Geotechnical Exploration and Design (Appendix B).*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

Archaeological sites are locations that contain resources associated with former human activities, and may contain such resources as human skeletal remains, waste from tool manufacture, tool concentrations, and/or discoloration or accumulation of soil or food remains.

Given the site conditions and the previous site that has occurred, it is anticipated that subsurface archaeological resources will not be encountered. However, it is possible that undiscovered archaeological resources may be encountered during the remedial grading if it exceeds 2 feet in depth. Therefore, the following mitigation measure is required:

**Mitigation Measures (MM)**

*MM- CR-1: Archaeological Resource Inadvertent Discovery.* Prior to the issuance of a grading permit, the following note shall be included on the grading plan:

“If archaeological resource(s) are discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). The Project Proponent shall immediately notify the City Planning Department. The Project Proponent shall retain the services of a qualified archaeologist who shall evaluate the find before work is allowed to commence. A treatment plan shall be prepared and implemented by the archaeologist to protect the identified archaeological resource(s) from damage and destruction. The treatment plan shall contain a research design and data recovery program necessary to document the size and content of the discovery such that the resource(s) can be evaluated for significance under CEQA criteria. The research design shall list the sampling procedures appropriate to exhaust the research potential of the archaeological resource(s) in accordance with current professional archaeology standards (typically this sampling level is two (2) to five (5) percent of the volume of the cultural deposit). At the completion of the laboratory analysis, any recovered archaeological resources shall be processed and curated according to current professional repository standards. The collections and associated records shall be donated to an appropriate curation facility.
A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the City of Jurupa Valley Planning Department and the Eastern Information Center.

Based on the analysis above, with implementation of Mitigation Measure CR-1, impacts are less than significant.

3.5(c) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

**Determination:** Less Than Significant Impact with Mitigation Incorporated.

*Source: Riverside County Geographic information System.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

Paleontological resources are the preserved fossilized remains of plants and animals. Fossils and traces of fossils are preserved in sedimentary rock units, particularly fine to medium grained marine, lake, and stream deposits, such as limestone, siltstone, sandstone, or shale, and in ancient soils. They are also found in coarse-grained sediments, such as conglomerates or coarse alluvium sediments. Fossils are rarely preserved in igneous or metamorphic rock units. Fossils may occur throughout a sedimentary unit and, in fact, are more likely to be preserved subsurface, where they have not been damaged or destroyed by previous ground disturbance, amateur collecting, or natural causes such as erosion.

Although the site has been previously cleared by mechanical means, according to the Riverside County Map My County website, the Project site is located in a "high potential" for paleontological resources. Therefore, the following mitigation measure is required.

**Mitigation Measures (MM)**

**MM-CR-2: Paleontological Resources Inadvertent Discovery.** Prior to the issuance of a grading permit, the following note shall be included on the grading plan:

“If paleontological resource(s) are discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). The Project Proponent shall immediately notify the City Planning Department. The Project Proponent shall retain the services of a qualified paleontologist who shall evaluate the find before work is allowed to commence. A treatment plan shall be prepared and implemented by the paleontologist to protect the identified paleontological resource(s) from damage and destruction. The treatment plan shall contain a research design and data recovery program necessary to document the size and content of the discovery such that the resource(s) can be evaluated for significance under CEQA criteria. The research design shall list the sampling procedures..."
appropriate to exhaust the research potential of the paleontological resource(s) in accordance with current professional paleontological standards. At the completion of the laboratory analysis, any recovered paleontological resources shall be processed and curated according to current professional repository standards. The collections and associated records shall be donated to an appropriate curation facility. A final report containing the significance and treatment findings shall be prepared by the paleontologist and submitted to the City of Jurupa Valley Planning Department and the Eastern Information Center.

Based on the analysis above, with implementation of Mitigation Measure CR-2, impacts are less than significant.

### 3.5(d) Disturb any human remains, including those interred outside of formal cemeteries?

**Determination: Less Than Significant Impact.**  

**Plans, Policies, or Programs (PPP)**

The following applies to the Project and would reduce impacts relating to disturbing human remains. This measure will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.5-1 The project is required to comply with the applicable provisions of California Health and Safety Code §7050.5 as well as Public Resources Code §5097 et. seq.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The Project site does not contain a cemetery and no known formal cemeteries are located within the immediate site vicinity. As noted in the response to Issue 3.5 (a) above, the Project site has been heavily disturbed and the potential for uncovering human remains at the Project site is considered low. Nevertheless, the remote potential exists that human remains may be unearthed during grading and excavation activities associated with Project construction.

In the event that human remains are discovered during Project grading or other ground disturbing activities, the Project would be required to comply with the applicable provisions of California Health and Safety Code §7050.5 as well as Public Resources Code §5097 et. seq. California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner.

If the Coroner determines the remains to be Native American, the California Native American Heritage Commission (NAHC) must be contacted and the NAHC must then immediately notify the “most likely descendant(s)“ of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the
treatment of the remains as provided in Public Resources Code Section 5097.98. Based on the analysis above, with implementation of PPP 3.5-1, impacts would be less than significant and no mitigation measures are required.
### 3.6 GEOLOGY AND SOILS

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) 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.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2) Strong seismic ground shaking?</td>
<td>■</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3) Seismic-related ground failure, including liquefaction?</td>
<td>■</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4) Landslides?</td>
<td>■</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Result in substantial soil erosion or the loss of topsoil?</td>
<td>■</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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-site or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
<td>■</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Be located on expansive soil, as defined in the Uniform Building Code, creating substantial risks to life or property?</td>
<td>■</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td>■</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 3.6 (a) (1) 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.

**Determination:** No Impact.

*Source: Geotechnical Investigation (Appendix B), Riverside County Map My County Website.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.
Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The Project site is not located within an Alquist-Priolo Earthquake Fault Zone, and no known faults underlie the site. Because there are no faults located on the Project site, there is no potential for the Project to expose people or structures to adverse effects related to ground rupture.

3.6 (a) (2) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking?

Determination: Less Than Significant Impact.
Source: Geotechnical Exploration and Design (Appendix B).

Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts relating to seismic ground shaking. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.6-1 As required by Municipal Code Section 8.05.010, the Project is required to comply with the most recent edition of the California Building Code to preclude significant adverse effects associated with seismic hazards.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The Project site is located in a seismically active area of Southern California and is expected to experience moderate to severe ground shaking during the lifetime of the Project. This risk is not considered substantially different than that of other similar properties in the southern California area. As a mandatory condition of Project approval, the Project would be required to construct the proposed structures in accordance with the California Building Standards Code. The City’s Building and Safety Department would review the building plans through building plan checks, issuance of a building permit, and inspection of the building during construction, which would ensure that all required CBSC seismic safety measures are incorporated into the building. Compliance with the CBC as verified by the City’s review process, would reduce impacts related to strong seismic ground shaking.

Based on the analysis above, with implementation of PPP 3.6-1, impacts would be less than significant and no mitigation measures are required.
3.6 (a) (3) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction?

Determination: Less Than Significant Impact.
Source: Geotechnical Exploration and Design (Appendix B).

Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts relating to seismic ground shaking. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program:

PPP 3.6-1 As required by Municipal Code Section 8.05.010, the Project is required to comply with the most recent edition of the California Building Code to preclude significant adverse effects associated with seismic hazards.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Liquefaction is a phenomenon in which loose, saturated, relatively cohesion-less soil deposits lose shear strength during strong ground motions. The factors controlling liquefaction are:

- Seismic ground shaking of relatively loose, granular soils that are saturated or submerged can cause soils to liquefy and temporarily behave as a dense fluid. For liquefaction to occur, the following conditions have to occur:
  - Intense seismic shaking;
  - Presence of loose granular soils prone to liquefaction; and
  - Saturation of soils due to shallow groundwater.

Based on the Geotechnical Investigation (Appendix B), the potential for seismic liquefaction at the subject site is considered “low.” Additionally, detailed design-level geotechnical studies and building plans pursuant to the California Building Standards Code are required prior to approval of construction, as required by PPP 3.6-1. Compliance with the recommendations of the geotechnical study for soils conditions, is a standard practice and would be required by the City Building and Safety Department. Therefore, compliance with the requirements of the California Building Standards Code as identified in a site specific geotechnical design would be reviewed by the City for appropriate inclusion, as part of the building plan check and development review process, would reduce the low potential for liquefaction to a less than significant level.

3.6 (a) (4) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides?
Determination: No Impact.
Source: Site Inspection.

Plans, Policies, or Programs (PPP)
There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)
There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis
Generally, a landslide is defined as the downward and outward movement of loosened rock or earth down a hillside or slope. Landslides can occur either very suddenly or slowly, and frequently accompany other natural hazards such as earthquakes, floods, or wildfires. Landslides can also be induced by the undercutting of slopes during construction, improper artificial compaction, or saturation from sprinkler systems or broken water pipes.

The site is relatively flat and contains no slopes that may be subject to landslides. Therefore the Project site is not considered susceptible to seismically induced landslides. As such, there are no impacts.

3.6(b) Result in substantial soil erosion or the loss of topsoil?

Determination: Less Than Significant Impact.
Source: Project Application Materials.

Plans, Policies, or Programs (PPP)
The following applies to the Project and would reduce impacts related to soil erosion. This measure will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP’s 3.91-1 through PPP 3.9-4 in Section 3.9, Hydrology and Water Quality shall apply.

Project Design Features (PDF)
There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis
Construction
Grading and excavation activities that would be required for development would expose and loosen topsoil, which could be eroded by wind or water. The City’s Municipal Code Chapter 6.05.010, Storm Water/Urban Runoff Management and Discharge Controls, implements the requirements of the National Pollutant Discharge Elimination System (NPDES) stormwater permit, which establishes minimum stormwater management requirements and controls that are required to be implemented for construction of the proposed Project. To reduce the potential for soil erosion and the loss of topsoil, a Stormwater Pollution Prevention Plan (SWPPP) is required by the City, (as required by PPP 3.9-2). The SWPPP is required to address site-specific conditions related to specific
grading and construction activities. The SWPPP would identify potential sources of erosion and sedimentation loss of topsoil during construction, identify erosion control Best Management Practices (BMPs) to reduce or eliminate the erosion and loss of topsoil, such as use of: silt fencing, fiber rolls, or gravel bags, stabilized construction entrance/exit, hydroteeiding.

With compliance with the City Municipal Code Chapter 6.05.010, Storm Water/Urban Runoff Management and Discharge Controls, Regional Water Quality Control Board requirements, and the best management practices (BMPs) in the SWPPP, construction impacts related to erosion and loss of topsoil would be less than significant.

Operation

The proposed Project includes installation of new paving and landscaping throughout the Project site and soil that could erode by wind or water would not exist upon operation of the proposed use. In addition, as described in Section 3.9, Hydrology and Water Quality, the hydrologic features of the proposed Project have been designed to slow, filter, and retain stormwater on the Project site, which would also reduce the potential for stormwater to erode soil. Furthermore, pursuant to Municipal Code Chapter 6.05.010, Storm Water/Urban Runoff Management and Discharge Controls, implementation of the Project requires a Water Quality Management Plan (WQMP), which would ensure that appropriate operational BMPs would be implemented to minimize or eliminate the potential for soil erosion to occur during operation of the Project. As a result, potential impacts related to substantial soil erosion or loss of topsoil would be less than significant.

Based on the analysis above, with implementation of PPP 3.9-2, impacts would be less than significant.

| 3.6(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 offsite landslide, lateral spreading, subsidence, liquefaction or collapse? |

**Determination: Less Than Significant Impact.**

*Source: Geotechnical Exploration and Design (Appendix B).*

**Plans, Policies, or Programs (PPP)**

The following apply to the Project and would reduce impacts relating to an unstable geologic unit. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

- **PPP 3.6-1**  
  As required by Municipal Code Section 8.05.010, the Project is required to comply with the most recent edition of the California Building Code to preclude significant adverse effects associated with seismic hazards.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

**Landslide**
As noted in the response to Issue 3.6 (a) (4) above, the site is relatively flat and contains no slopes that may be subject to landslides. Therefore the site is not considered susceptible to landslides.

**Lateral Spreading**

Lateral spreading is a term referring to landslides that commonly form on gentle slopes and that have rapid fluid-like flow horizontal movement. Most lateral spreading is caused by earthquakes but it is also caused by landslides. As noted in the response to Issue 3.6 (a) (4) above, the Project site is relatively flat and contains no slopes that may be subject to landslides. Therefore the site is not considered susceptible to lateral spreading.

**Subsidence**

Subsidence is the downward movement of the ground caused by the underlying soil conditions. Certain soils, such as clay soils are particularly vulnerable since they shrink and swell depending on their moisture content. Subsidence is an issue if buildings or structures sink which causes damage to the building or structure. Subsidence is usually remedied by excavating the soil the depth of the underlying bedrock and then recompaacting the soil so that it is able to support buildings and structures.

According to the Riverside County Geographic Information System, the Project site is considered “susceptible” to subsidence. However, with implementation of PPP 3.6-1, impacts would be less than significant.

**Liquefaction**

Based on the *Geotechnical Investigation* (Appendix B), the potential for seismic liquefaction at the subject site is considered “low.”

**Collapse**

Collapse occurs in saturated soils in which the space between individual particles is completely filled with water. This water exerts a pressure on the soil particles that influences how tightly the particles themselves are pressed together. The soils lose their strength beneath buildings and other structures.

Based on the *Geotechnical Investigation* (Appendix B), the potential for collapse and swell are considered “low.” based on the laboratory test results.

---

**3.6(d)** Be located on expansive soil, as defined in the Uniform Building Code, creating substantial risks to life or property?

**Determination:** Less than Significant Impact.

*Source: Geotechnical Exploration and Design (Appendix B).*

**Plans, Policies, or Programs (PPP)**
The following apply to the Project and would reduce impacts relating to expansive soils. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.6-1   As required by Municipal Code Section 8.05.010, the Project is required to comply with the most recent edition of the *California Building Code* to preclude significant adverse effects associated with seismic hazards.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

Expansive soils are those that undergo volume changes as moisture content fluctuates; swelling substantially when wet or shrinking when dry. Soil expansion can damage structures by cracking foundations, causing settlement and distorting structural elements. Based on the *Geotechnical Investigation* (Appendix B), Plasticity Index (PI) tests on representative soils samples indicated a PI of 8, indicating low expansion potential.

In addition, design-level geotechnical plans pursuant to the *California Building Standards Code* are required prior to approval of construction, as required by PPP 3.6-1. Compliance with the *California Building Standards Code* is a standard practice and would be required by the City Building and Safety Department. Therefore, compliance with the requirements of the *California Building Standards Code* as identified in a site specific geotechnical design would be reviewed by the City, as part of the building plan check and development review process, would ensure that potential soil stability impacts would be less than significant level.

3.6(e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

**Determination:** No Impact.

*Source: Project Application Materials.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, Programs, or Standard Conditions applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The Project does not propose the use of septic tanks or alternative waste water disposal systems. The Project would install domestic sewer infrastructure and connect to the Jurupa Community Service District’s existing sewer conveyance and treatment system. As such, there are no impacts.
3.7 GREENHOUSE GAS EMISSIONS

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
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<tr>
<td>b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
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</tr>
</tbody>
</table>

3.7(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Determination: Less Than Significant Impact.

Source: CalEEMod Printouts (Appendix A).

Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts relating to greenhouse gas emissions. These measures will be included in the Project's Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.7-1 As required by Municipal Code Section 8.05.010, California Energy Code, prior to issuance of a building permit, the Project Applicant shall submit showing that the Project will be constructed in compliance with the most recently adopted edition of the applicable California Building Code Title 24 requirements.

PPP 3.7-2 As required by Municipal Code Section 9.283.010, Water Efficient Landscape Design Requirements, prior to the approval of landscaping plans, the Project proponent shall prepare and submit landscape plans that demonstrate compliance with this section.

PPP 3.7-3 As required by Municipal Code Section 8.05.010 (8), the Project proponent shall comply with the California Green Building Standards.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

An individual project cannot generate enough greenhouse gas emissions to influence global climate change. The Project participates in this potential impact by its incremental contribution combined with the cumulative increase of all other sources of greenhouse gases which when taken together may have a significant impact on global climate change.
A final numerical threshold for determining the significance of greenhouse gas emissions in the South Coast Air Basin has not been established by the South Coast Air Quality Management District. The City of Jurupa Valley is using the following as interim thresholds for industrial projects:

- Small commercial projects that emit less stationary source greenhouse gas emissions less than 3,000 MTCO2e per year are not considered a substantial greenhouse gas emitter and the impact is less than significant. Projects that emit in excess of 3,000 MTCO2e per year require additional analysis and mitigation.

A summary of the Project’s projected annual operational greenhouse gas emissions, including amortized construction-related emissions, is provided in Table 8.

<table>
<thead>
<tr>
<th>Source</th>
<th>GHG Emissions MT/yr</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N2O</td>
</tr>
<tr>
<td>Mobile Sources</td>
<td>0.000</td>
</tr>
<tr>
<td>Area</td>
<td>0.000</td>
</tr>
<tr>
<td>Energy</td>
<td>0.0004</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>0.000</td>
</tr>
<tr>
<td>Water/Wastewater</td>
<td>0.0004</td>
</tr>
<tr>
<td>30-year Amortized Construction GHG</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
</tr>
<tr>
<td>SCAQMD Threshold</td>
<td></td>
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<tr>
<td>Exceed Threshold?</td>
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</tbody>
</table>

Based on guidance from the SCAQMD, if a small commercial project would emit GHG emissions less than 3,000 MTCO2e per year, the project is not considered a substantial GHG emitter and the GHG impact is less than significant, requiring no additional analysis and no mitigation.

3.7(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Determination: Less Than Significant Impact.


Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs specific to the project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.
Impact Analysis

The Climate Change Scoping Plan was first approved by the California Air Resources Board (CARB) in 2008 and must be updated every five years. The First Update to the Climate Change Scoping Plan was approved by the Board on May 22, 2014. The Climate Change Scoping Plan provides a framework for actions to reduce California’s GHG emissions, and requires CARB and other state agencies to adopt regulations and other initiatives to reduce GHGs. As such, the Climate Change Scoping Plan is not directly applicable to the Projects in many cases. The Project is not in conflict with the Climate Change Scoping Plan because its individual greenhouse gas emissions are below screening thresholds as noted in the response to Issue 3.7 (a) above and the Project will implement such greenhouse reduction measures Water Efficient Landscaping, Title 24 Energy Efficiency Requirements, and recycling and waste reduction requirements.

In addition, the City of Jurupa Valley is a participant in the Western Riverside County Council of Governments Subregional Climate Action Plan (WRCOG Subregional CAP). The specific goals and actions included in the WRCOG Subregional CAP that are applicable to the proposed Project include those pertaining to energy and water use reduction, promotion of green building measures, waste reduction, and reduction in vehicle miles traveled. The proposed Project would also be required to include all mandatory green building measures for new developments under the CALGreen Code, as required by the City Municipal Code Section 8.05.010 (8), which would require that the new building reduce water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant emitting finish materials. In addition, the City’s requires that all landscaping comply with water efficient landscaping requirements.

The implementation of these stricter building and appliance standards would result in water, energy, and construction waste reductions for the proposed Project. In addition, as described above, the proposed Project would not exceed the GHG thresholds. Therefore, the proposed Project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases with implementation of PPP 3.7-1 through 3.7-3.
3.8 HAZARDS AND HAZARDOUS MATERIALS

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td></td>
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</tr>
<tr>
<td>b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
<td></td>
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<td>□</td>
</tr>
<tr>
<td>c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
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<td>□</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td>□</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td>□</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td>□</td>
</tr>
<tr>
<td>g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td></td>
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</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td>□</td>
</tr>
</tbody>
</table>
3.8(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

3.8(b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Determination: Less than Significant Impact.

Source: Phase I Environmental Site Assessment (Appendix D)...

Plans, Policies, or Programs (PPP)

There are numerous regulations pertaining to the routine transport, use, or disposal of hazardous materials. The following apply to the Project and would reduce impacts relating to this issue. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.8-1 As required by Health and Safety Code Section 25507, a business shall establish and implement a business plan for emergency response to a release or threatened release of a hazardous material in accordance with the standards prescribed in the regulations adopted pursuant to Section 25503 if the business handles a hazardous material or a mixture containing a hazardous material that has a quantity at any one time above the thresholds described in Section 25507(a) (1) through (6).

Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Existing Conditions

Based on a review of historical sources, the subject property was vacant land as early as 1931 up until at least 1938. Between 1948 and 1985, the subject property appeared to have been developed for mixed residential and agricultural use. The entire lot appeared to have been reverted to vacant land as early as 1990 up until 2012. The subject property appeared to have first been used as a plant nursery in 2013 which has since ceased operation.

Recognized Environmental Condition (REC) is defined by the ASTM Standard Practice E1527-13 as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.

Controlled Recognized Environmental Condition (CREC) is defined by the ASTM Standard Practice E1527-13 as a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls.
The Phase I Environmental Assessment (Appendix D) did not identify evidence of RECs or CRECs in connection with the subject property and no further investigation for the subject property is recommended at this time.

It should be noted that the subject property was historically used for agricultural purposes (i.e. plant nursery). There is a potential that agricultural chemicals, such as pesticides, herbicides and fertilizers, used on site have impacted the subject property. Because the subject property is planned for commercial redevelopment, it is likely that the entire area of the subject property will likely either be paved over or covered by improvements that make direct contact with any potential remaining concentrations in the soil unlikely.

Construction Activities

Heavy equipment that would be used during construction of the proposed Project would be fueled and maintained by substances such as oil, diesel fuel, gasoline, hydraulic fluid, and other liquid materials that would be considered hazardous if improperly stored or handled. In addition, materials such as paints, roofing materials, solvents, and other substances typically used in building construction would be located on the Project site during construction. Improper use, storage, or transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. The potential for accidental releases and spills of hazardous materials during construction is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with future development that would be a reasonably consequence of the proposed Project than would occur on any other similar construction site.

Construction contractors are required to comply with all applicable federal, state, and local laws and regulations regarding hazardous materials, including but not limited requirements imposed by the Environmental Protection Agency, California Department of Toxic Substances Control, South Coast Air Quality Management District, and the Santa Ana Regional Water Quality Control Board. As such, impacts due to construction activities would not cause a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. A less than significant impact would occur.

Operational Activities

The Project proposes a retail building and a parking lot. These types of uses do not involve the use of substantial amounts of hazardous materials.

3.8(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Determination: Less Than Significant Impact.

Sources: Project Application Materials, Google Earth.

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)
There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The Project site is not located within one-quarter (0.25) mile of a mile from an existing or proposed school. The nearest school is Jurupa Middle School located approximately 0.6 miles to the southeast of the Project site.

3.8(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?

**Determination: No Impact.**

*Sources: DTSC's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List), Phase I Environmental Site Assessment (Appendix D).*

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As such, no impact would occur.

3.8(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?

**Determination: No Impact.**

*Source: Riverside County Airport Land Use Commission Google Earth Pro.*

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis
The Project site is not located within two miles of a public airport or public use airport. The nearest airport is Flabob Airport located approximately 4 miles southeast of the Project site. As such, no impact would occur.

### 3.8(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?

**Determination: No Impact.**

*Source: Google Earth. Site Reconnaissance.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The Project site is not located within the vicinity of a private airstrip. As such, no impact would occur.

### 3.8(g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

**Determination: No Impact.**

*Sources: General Plan Safety Element, Project Application Materials.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

Access to the Project site is proposed from Mission Boulevard which is an improved roadway. The Project site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction and long-term operation, the Project would be required to maintain adequate emergency access for emergency vehicles from Mission Boulevard and connecting roadways as required by the City. Furthermore, the Project would not result in a substantial alteration to the design or capacity of any public road that would impair or interfere with the implementation of evacuation procedures. Because the Project would not interfere with an adopted emergency response or evacuation plan, impacts are less than significant.
3.8 (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?

Determination: No Impact.
Source: General Plan.

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

According to General Plan Figure 8-11: Wildfire Severity Zones in Jurupa Valley, the Project site is located within a "moderate" fire hazard zone and is not located within a high wildfire hazard area. In addition, the Project would be conditioned to comply with the standard requirements of the Fire Department to provide a minimum of fire safety and support fire suppression activities, including compliance with State and local fire codes, fire sprinklers, a fire hydrant system, paved access, and secondary access routes. Therefore development of the Project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires and no impact would occur.
### 3.9 HYDROLOGY AND WATER QUALITY

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Violate any water quality standards or waste discharge requirements?</td>
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<tr>
<td>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)?</td>
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<tr>
<td>c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner, which would result in substantial erosion or siltation on- or offsite?</td>
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<tr>
<td>d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or offsite?</td>
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<tr>
<td>e. Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?</td>
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</tr>
<tr>
<td>f. Otherwise substantially degrade water quality?</td>
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<tr>
<td>g. Place housing within a 100-year flood hazard as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
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<tr>
<td>h. Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?</td>
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<tr>
<td>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?</td>
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<tr>
<td>j. Inundation by seiche, tsunami, or mudflow?</td>
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</tbody>
</table>
3.9(a) Violate any water quality standards or waste discharge requirements?

**Determination: Less Than Significant Impact.**

*Source: Preliminary Drainage Study (Appendix C).*

**Plans, Policies, or Programs (PPP)**

The following apply to the Project and would reduce impacts relating water quality and waste discharge requirements. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.9-1 As required by Municipal Code Chapter 6.05.050, *Storm Water/Urban Runoff Management and Discharge Controls, Section B (1)*, any person performing construction work in the city shall comply with the provisions of this chapter, and shall control storm water runoff so as to prevent any likelihood of adversely affecting human health or the environment. The City Engineer shall identify the BMPs that may be implemented to prevent such deterioration and shall identify the manner of implementation. Documentation on the effectiveness of BMPs implemented to reduce the discharge of pollutants to the MS4 shall be required when requested by the City Engineer.

PPP 3.9-2 As required by Municipal Code Chapter 6.05.050, *Storm Water/Urban Runoff Management and Discharge Controls, Section B (2)*, any person performing construction work in the city shall be regulated by the State Water Resources Control Board in a manner pursuant to and consistent with applicable requirements contained in the General Permit No. CAS000002, State Water Resources Control Board Order Number 2009-0009-DWQ. The city may notify the State Board of any person performing construction work that has a non-compliant construction site per the General Permit.

PPP 3.9-3 As required by Municipal Code Chapter 6.05.050, *Storm Water/Urban Runoff Management and Discharge Controls, Section C*, new development or redevelopment projects shall control storm water runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The City Engineer shall identify the BMPs that may be implemented to prevent such deterioration and shall identify the manner of implementation. Documentation on the effectiveness of BMPs implemented to reduce the discharge of pollutants to the MS4 shall be required when requested by the City Engineer. The BMPs may include, but are not limited to, the following and may, among other things, require new developments or redevelopments to do any of the following:

(1) Increase permeable areas by leaving highly porous soil and low lying area undisturbed by:

(a) Incorporating landscaping, green roofs and open space into the project design;

(b) Using porous materials for or near driveways, drive aisles, parking stalls and low volume roads and walkways; and
(c) Incorporating detention ponds and infiltration pits into the project design.

(2) Direct runoff to permeable areas by orienting it away from impermeable areas to swales, berms, green strip filters, gravel beds, rain gardens, pervious pavement or other approved green infrastructure and French drains by:

(a) Installing rain-gutters oriented towards permeable areas;

(b) Modifying the grade of the property to divert flow to permeable areas and minimize the amount of storm water runoff leaving the property; and

c) Designing curbs, berms or other structures such that they do not isolate permeable or landscaped areas.

(3) Maximize storm water storage for reuse by using retention structures, subsurface areas, cisterns, or other structures to store storm water runoff for reuse or slow release.

(4) Rain gardens may be proposed in-lieu of a water quality basin when applicable and approved by the City Engineer.

PPP 3.9-4

As required by Municipal Code Chapter 6.05.050, Storm Water/Urban Runoff Management and Discharge Controls, Section E, any person or entity that owns or operates a commercial and/or industrial facility(s) shall comply with the provisions of this chapter. All such facilities shall be subject to a regular program of inspection as required by this chapter, any NPDES permit issued by the State Water Resource Control Board, Santa Ana Regional Water Quality Control Board, Porter-Cologne Water Quality Control Act (Wat. Code Section 13000 et seq.), Title 33 U.S.C. Section 1251 et seq. (Clean Water Act), any applicable state or federal regulations promulgated thereeto, and any related administrative orders or permits issued in connection therewith.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Construction Impacts

Construction of the Project would involve clearing, grading, paving, utility installation, building construction, and the installation of landscaping, which would result in the generation of potential water quality pollutants such as silt, debris, chemicals, paints, and other solvents with the potential to adversely affect water quality. As such, short-term water quality impacts have the potential to occur during construction of the Project in the absence of any protective or avoidance measures.

Pursuant to the requirements of the Santa Ana Regional Water Quality Control Board and the City of Jurupa Valley, the Project would be required to obtain a National Pollutant Discharge Elimination
System Municipal Stormwater Permit for construction activities. The National Pollutant Discharge Elimination System permit is required for all Projects that include construction activities, such as clearing, grading, and/or excavation that disturb at least one acre of total land area.

In addition, the Project would be required to comply with the Santa Ana Regional Water Quality Control Board’s Santa Ana River Basin Water Quality Control Program. Compliance with the National Pollutant Discharge Elimination System permit and the Santa Ana River Basin Water Quality Control Program involves the preparation and implementation of a *Storm Water Pollution Prevention Plan* for construction-related activities, including grading. The *Storm Water Pollution Prevention Plan* would specify the Best Management Practices that the Project would be required to implement during construction activities to ensure that all potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property.

*Operational Impacts*

Storm water pollutants commonly associated with the type of land uses that could occupy the proposed buildings include sediment/turbidity, nutrients, trash and debris, oxygen-demanding substances, organic compounds, bacteria and viruses, oil and grease, and pesticides.

Pursuant to the requirements of the City’s National Pollutant Discharge Elimination System permit, a *Water Quality Management Plan* is required for managing the quality of storm water or urban runoff that flows from a developed site after construction is completed and the facilities or structures are occupied and/or operational. A *Water Quality Management Plan* describes the Best Management Practices that will be implemented and maintained throughout the life of a project to prevent and minimize water pollution that can be caused by storm water or urban runoff.

Runoff will sheet flow in gutters to the south end of the site where the water will be treated in a bio-retention basin for water quality and storage purposes

Based on the analysis above, with implementation of PPP 3.9-1 through PPP 3.9-4, impacts would be less than significant.

3.9(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)?*

**Determination: Less Than Significant Impact.**

*Source: Jurupa Community Services District.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.
Impact Analysis

The Project site would be served with potable water by the Jurupa Community Services District. Domestic water supplies from this service provider are reliant on groundwater from the Chino Groundwater Basin as a primary source. All municipal water entities that exceed their safe yield incur a groundwater replenishment obligation, which is used to recharge the groundwater basin with water from the State Water Project sources. Thus, the Project's demand for domestic water service would not 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.

Development of the Project site will increase the amount of impervious surfaces which will reduce the amount of direct infiltration of runoff into the ground. However, this would have a less than significant impact on groundwater recharge in the areas of the Chino Groundwater Basin that are managed for that purpose, since those recharge areas do not encompass the Project site.

Water supplies to the project area are provided by the Jurupa Community Services District, which obtains water supplies entirely from groundwater production. The largest source of groundwater is the Chino Groundwater Basin that supplies all of the District's potable wells. In addition, a small amount of non-potable water is supplied from the Riverside Groundwater Basin.

The Chino Basin was adjudicated by the California Superior Court in 1978 to regulate the amount of groundwater that can be pumped from the basin by creating the Chino Basin Watermaster to oversee management of water rights. The Jurupa Community Services District currently has total production water rights of 14,659 AFY from the Chino Basin. In addition, the District has rights to “carry over” supplies of water that was previously not used. Due to the existing regulations related to groundwater pumping that are implemented by the Chino Basin Watermaster, the Jurupa Community Services District would not pump substantial ground water amounts that could result in a substantial depletion of groundwater supplies. As such, impacts would be less than significant.

Based on the above analysis, impacts to groundwater supplies and recharge would be less than significant and no mitigation measures are required.

3.9(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 offsite?

Determination: Less Than Significant Impact.

Sources: Preliminary Hydrology Report (Appendix C).

Plans, Policies, or Programs (PPP)

Refer to PPP 3.9-1 through 3.9-4 under Issue 3.9 (a) above.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis
Existing Condition
The existing site consists of a relatively level (1%-2%), rectangular-shaped property that is undeveloped. Previously the site was used as a plant nursery. The site drains from north to south via surface sheet flow. Runoff is discharged from the site at the surface via sheet flow to the adjacent low density residential lot. There is no on-site run-on due to the street curb and a ridgeline along the easterly property line.

Proposed Condition
The proposed site will be designed to mimic the existing condition to the maximum extent practical. However, based on conversations with the Public Works Department staff runoff will not be allowed to cross onto private property as it does today without an agreement in place. Therefore, since 100% onsite retention is not feasible, runoff will sheet flow in gutters to the south end of the site where the water will be treated in a bio-retention basin for water quality and storage purposes. The treated water and overflow water will then be discharged by one of two options:

1. The underdrain and overflow will be collected in a well with a pump and be discharged to the curb and gutter on Mission Boulevard. There is no storm drain facilities in Mission Blvd. The amount of runoff will be reduced to be the least amount practical given the site requirements for the proposed development.

2. The underdrain will be pumped to the surface and discharge to an energy dissipater before sheet flowing to the adjacent property as it does today. The basin overflow will discharge over a weir with an energy dissipater as well. This method of discharge is contingent upon obtaining an agreement from the adjacent property owner. The building finished floor is set well above the street grade to protect against the 100-year flood.

Based on the analysis above, with implementation of PPP 3.9-1 through 3.9-4 and the design of the drainage system as proposed, impacts would be less than significant and no mitigation measures are required.

3.9(d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on or offsite?

Determination: Less Than Significant Impact.

Plans, Policies, or Programs (PPP)
There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)
There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis
The proposed site will be designed to mimic the existing condition to the maximum extent practical. However, based on conversations with the Public Works Department staff runoff will not be allowed to cross onto private property as it does today without an agreement in place. Therefore, since 100% onsite retention is not feasible, runoff will sheet flow in gutters to the south end of the site where the water will be treated in a bio-retention basin for water quality and storage purposes. The treated water and overflow water will then be discharged by one of two options:

1. The underdrain and overflow will be collected in a well with a pump and be discharged to the curb and gutter on Mission Boulevard. There is no storm drain facilities in Mission Blvd. The amount of runoff will be reduced to be the least amount practical given the site requirements for the proposed development.

2. The underdrain will be pumped to the surface and discharge to an energy dissipater before sheet flowing to the adjacent property as it does today. The basin overflow will discharge over a weir with an energy dissipater as well. This method of discharge is contingent upon obtaining an agreement from the adjacent property owner. The building finished floor is set well above the street grade to protect against the 100-year flood.

As such, the increased runoff from development will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on or offsite.

Based on the analysis above, with implementation of PPP 3.9-1 through 3.9-4 and the design of the drainage system as proposed, impacts would be less than significant and no mitigation measures are required.

3.9(e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

Determination: Less than Significant Impact.

Plans, Policies, or Programs (PPP)
Refer to PPP 3.9-1 through 3.9-4 under Issue 3.9 (a) above.

Project Design Features (PDF)
There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis
Please refer to the analysis as described in Issue 3.9 (d) above,
3.9(f) Otherwise substantially degrade water quality?

**Determination: Less Than Significant Impact.**
*Sources: Hydrology Report (Appendix D), Water Quality Management Plan (Appendix E).*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

There are no conditions associated with the proposed Project that could result in the substantial degradation of water quality beyond what is described above in Responses 3.9 (a), 3.9(c), and 3.9 (e) Impacts would be less than significant.

3.9(g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

**Determination: No Impact.**
*Source: Project Application Materials.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The Project does not propose any housing. Therefore, no impact would occur.

3.9(h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

**Determination: Less Than Significant Impact.**
*Source: General Plan Figure 8-9: Flood Insurance Rate Map (FIRM).*

**Plans, Policies, Programs (PPP)**

There are no Plans, Policies, Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**
There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

According to *General Plan Figure 8-9: Flood Insurance Rate Map (FIRM)*, the Project site is not located within a 100-year flood hazard area. No impact would occur and no mitigation measures are required.

### 3.9(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?

**Determination: No Impact.**  
*Source: Project Application Materials.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

According to *General Plan Figure 8-9: Flood Insurance Rate Map (FIRM)*, the Project site is not located within an area that may be exposed to the failure of a levee or a dam. No impact would occur and no mitigation measures are required.

### 3.9(j) Inundation by seiche, tsunami, or mudflow?

**Determination: No Impact.**  
*Sources: Project Application Materials, Google Earth.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The Pacific Ocean is located more than 30 miles from the Project site; consequently, there is no potential for tsunamis to impact the Project. In addition, no steep hillsides subject to mudflow are located on or near the Project site. The nearest large body of surface water to the site is Lake Mathews, located approximately 12 miles to the south. Due to the distance of Lake Mathews from the Project site, a seiche in Lake Mathews would have no impact on the Project. Therefore, the
Project site would not be subject to inundation by a seiche, mudflow, and/or tsunami. Therefore, no impact would occur.
3.10 LAND USE AND PLANNING

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Physically divide an established community?</td>
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<td>□</td>
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<tr>
<td>b. Conflict with any applicable land use plan, policy, or regulation of an agency</td>
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<td>with jurisdiction over the Project (including, but not limited to the general</td>
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<td>plan, specific plan, local coastal program, or zoning ordinance) adopted for</td>
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<td>the purpose of avoiding or mitigating an environmental effect?</td>
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<tr>
<td>c. Conflict with any applicable habitat conservation plan or natural community</td>
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<tr>
<td>conservation plan?</td>
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</tbody>
</table>

3.10(a) Physically divide an established community?

Determination: No Impact.
Sources: Project Application Materials, Google Earth.

Plans, Policies, or Programs (PPP)
There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)
There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis
An example of a Project that has the potential to divide an established community includes the construction of a new freeway or highway through an established neighborhood. The Project site consists of approximately 1.06 and is adjacent to development on the south, east, and west and Mission Boulevard on the north. Therefore, no impacts would occur with respect to dividing an established community.

3.10(b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Determination: Less Than Significant Impact.
Sources: General Plan, South Coast Air Quality Management District, Final 2016 Air Quality Management Plan, Western Riverside County Multiple Species Habitat Conservation Plan, Santa Ana Regional Water Quality Control Board's Santa Ana River Basin Water Quality Control Program Project Application Materials
**Plans, Policies, or Programs (PPP)**

The applicable plans and policies relating to a conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect are described in the analysis below.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The *General Plan* land use designation currently assigned to the Project site is C-R (Commercial Retail). As demonstrated throughout this Initial Study/Mitigated Negative Declaration, the Project would otherwise not conflict with any applicable goals, objectives, and policies of the City of Jurupa *General Plan* or the City of Jurupa Valley Municipal Code. Additionally, the Project would not conflict with any applicable policy document, including the *Western Riverside Multiple Species Habitat Conservation Plan, Santa Ana Regional Water Quality Control Board’s Santa Ana River Basin Water Quality Control Program, South Coast Air Quality Management District’s Air Quality Management Plan*, and *Riverside Municipal Airport Land Use Compatibility Plan*. The purpose of these plans are to avoid or mitigate an environmental effect.

In conclusion, the Project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating adverse environmental effects and impacts are less than significant with implementation of the following:

**Plans, Policies, or Programs (PPP)**

All of the Plans, Policies, and Programs identified in the attached Mitigation Monitoring and Reporting Program apply.

<table>
<thead>
<tr>
<th>3.10(c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</th>
</tr>
</thead>
</table>

**Determination:** No Impact.

*Source: Source: MSHCP, Site Inspection.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The Project is located within the *Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)*. The MSHCP, a regional Habitat Conservation Plan, was adopted on June 17, 2003.
The intent of the MSHCP is to preserve native vegetation and meet the habitat needs of multiple species, rather than focusing preservation efforts on one species at a time. The MSHCP provides coverage (including take authorization for listed species) for special-status plant and animal species, as well as mitigation for impacts to sensitive species.

Based on the analysis under Issue 3.4, *Biological Resources*:

- The Project site does not contain MSHCP riparian/riverine areas or vernal pools.
- The Project site does not contain any MSHCP Narrow Endemic Plant Species.
- The Project site does not contain suitable habitat to support the Delhi Sand Flower-Loving Fly.
- The Project site is not required to comply with the Urban/Wildland Interface Guidelines.
- There is no presence of the Burrowing Owl on the site.

Based on the analysis above, there are no impacts related to conflicts with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan are less than significant.
### 3.11 MINERAL RESOURCES

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
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<tr>
<td>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?</td>
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</tbody>
</table>

#### 3.11(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?

**Determination:** No Impact.

*Source: General Plan.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

According to *General Plan Figure 4-16: Jurupa Valley Mineral Resources*, the Project site is mapped within MRZ-3, which is defined as “Areas containing known or inferred mineral occurrences of undetermined mineral resources significance.” No mineral resource extraction activity is known to have ever occurred on the Project site. Accordingly, implementation of the Project would not result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State of California. Therefore, no impact would occur.

#### 3.11(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?

**Determination:** No Impact.

*Source: General Plan.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**
There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

According to *General Plan Figure 4-16: Jurupa Valley Mineral Resources*, the Project site is mapped within MRZ-3, which is defined as "Areas containing known or inferred mineral occurrences of undetermined mineral resources significance." However, no mineral resource extraction activity is known to have ever occurred on the Project site. Therefore, no impact would occur.
3.12 NOISE

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>a. Exposure of persons to or generation of noise levels in excess of standards</td>
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<td>established in the local general plan or noise ordinance, or applicable</td>
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<td>standards of other agencies?</td>
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<td>b. Exposure of persons to or generation of excessive groundborne vibration or</td>
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<td>groundborne noise levels?</td>
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<td>c. A substantial permanent increase in ambient noise levels in the Project</td>
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<td>vicinity above levels existing without the Project?</td>
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<td>d. A substantial temporary or periodic increase in ambient noise levels in the</td>
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<td>Project vicinity above levels existing without the Project?</td>
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<td>e. For a project located within an airport land use plan or, where such a plan</td>
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<td>has not been adopted, within two miles of a public airport or public use</td>
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<td>airport, would the Project expose people residing or working in the Project</td>
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<td>area to excessive noise levels?</td>
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<tr>
<td>f. For a project within the vicinity of a private airstrip, would the Project</td>
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<td>expose people residing or working in the Project area to excessive noise levels?</td>
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</table>

3.12(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?

Determination: Less Than Significant Impact With Mitigation Incorporated.

Source: Project Application Materials.

Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts relating to noise. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.12-1 As required by Municipal Code Section 11.05.020 (9), private construction projects located within one-quarter (¼) of a mile from an inhabited dwelling shall not perform construction between the hours of six (6:00) p.m. and six (6:00) a.m. during the months of June through September and between the hours of six (6:00) p.m. and seven (7:00) a.m. during the months of October through May.
PPP 3.12-2 As required by Jurupa Valley Municipal Code Section 11.05.040, no person shall create any sound, or allow the creation of any sound, on any property that causes the exterior sound level on any other occupied property to exceed the sound level standards set forth in Table 1 of this section or that violates the special sound source standards set forth in Section 11.05.060.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Existing Ambient Noise Environment

The background ambient noise levels in the Project study area are dominated by the transportation-related noise associated with Mission Boulevard.

Construction Noise

The proposed Project would require the use of heavy-duty, off-road construction equipment throughout development activities. Since project specific information is not available at this time, potential construction-related noise impacts can only be evaluated based on the typical construction activities associated with commercial development. Potential construction source noise levels were developed based on methodologies, reference noise levels, and equipment usage and other operating factors documented and contained in the Federal Highway Administration's (FHWA) Construction Noise Handbook (FHWA, 2010), Federal Transit Administration's (FTA) Transit Noise and Vibration Impact Assessment document (FTA, 2006), and Caltrans' Transportation and Construction Vibration Guidance Manual (Caltrans, 2013).

Project construction activities would include: staging, site preparation (e.g., land clearing), grading, utility trenching, foundation work (e.g., excavation, pouring concrete pads), material deliveries, building construction (e.g., framing, concrete pouring, welding), paving, coating application, and site finishing work. In general, these activities would involve the use of worker vehicles, delivery trucks, dump trucks, and heavy-duty construction equipment such as (but not limited to) backhoes, tractors, loaders, graders, excavators, rollers, cranes, material lifts, generators, and air compressors. Table 9 presents the noise levels associated with typical types of construction equipment that could be used to develop the Project.

With regard to construction noise, site preparation and grading phases typically result in the highest temporary noise levels due to the use of heavy-duty equipment such as dozers, excavators, graders, loaders, scrapers, and trucks. As shown in Table 9, the worst-case Leq and Lmax noise levels associated with the operation of a dozer, excavator, scraper, etc. are predicted to be approximately 82 and 85 dBA, respectively, at a distance of 50 feet from the equipment operating area. At an active construction site, it is not uncommon for two or more pieces of construction equipment to operate at the same time and in close proximity. The concurrent operation of two or more pieces of construction equipment would result in noise levels of approximately 85 to 88 dBA at a distance of 50 feet from equipment operating areas. These maximum noise levels would occur for a short period time; as site preparation and grading is completed and building construction
began, work activities would occur further from property lines and generate lower construction noise levels.

Table 9. Typical Construction Equipment Noise Levels (dBA)

<table>
<thead>
<tr>
<th>Equipment Type</th>
<th>Reference Noise Level at 50 feet (Lmax)</th>
<th>Predicted Noise Levels (Leq) at Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>50 Feet</td>
</tr>
<tr>
<td>Bulldozer</td>
<td>85</td>
<td>81</td>
</tr>
<tr>
<td>Backhoe</td>
<td>80</td>
<td>76</td>
</tr>
<tr>
<td>Compact Roller</td>
<td>80</td>
<td>73</td>
</tr>
<tr>
<td>Concrete Mixer</td>
<td>85</td>
<td>81</td>
</tr>
<tr>
<td>Crane</td>
<td>85</td>
<td>77</td>
</tr>
<tr>
<td>Excavator</td>
<td>85</td>
<td>81</td>
</tr>
<tr>
<td>Generator</td>
<td>82</td>
<td>79</td>
</tr>
<tr>
<td>Pneumatic Tools</td>
<td>85</td>
<td>82</td>
</tr>
<tr>
<td>Scraper</td>
<td>85</td>
<td>82</td>
</tr>
<tr>
<td>Delivery Truck</td>
<td>85</td>
<td>81</td>
</tr>
<tr>
<td>Vibratory Roller</td>
<td>80</td>
<td>73</td>
</tr>
</tbody>
</table>

Sources: Caltrans, 2013, FHWA, 2010

dBA: Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels to be consistent with that of human hearing response.

Lmax: The RMS (root mean squared) maximum level of a noise source or environment where peak is the maximum level of the raw noise source.

Leq: The method to describe sound levels that vary over time, resulting in a single decibel value which takes into account the total sound energy over the period of time of interest.

Per Section 11.05.020 (9) of the Municipal Code, construction activities occurring between the hours of 6:00 AM and 6:00 PM during the months of June through September and between 7:00 AM and 6:00 PM during the months of October through May are exempt from noise standards.

Regardless of the Project’s consistency with the Municipal Code as described above, construction activities on the Project site, especially those involving heavy equipment, would result in noise levels up to 88 dBA during grading which would exceed the exterior noise level for the residential
uses south of the Project site of 55 dBA CNEL. The following mitigation measure is required to reduce construction noise impacts to the maximum extent feasible:

**Mitigation Measure**

**Mitigation Measure NOI-1-Construction Noise Mitigation Plan.** Prior to the issuance of a grading permit, the developer is required to submit a construction-related noise mitigation plan to the City Planning Department for review and approval. The plan must depict the location of construction equipment and how the noise from this equipment will be mitigated during construction of this project. In addition, the plan shall require that the following notes are included on grading plans and building plans. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City of Jurupa Valley staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.

"a) Haul truck deliveries shall be limited to between the hours of 6:00am to 6:00pm during the months of June through September and 7:00am to 6:00pm during the months of October through May.

b) Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers’ standards.

c) All stationary construction equipment shall be placed in such a manner so that emitted noise is directed away from any sensitive receptors adjacent to the Project site.

d) Construction equipment staging areas shall be located the greatest distance between the staging area and the nearest sensitive receptors."

Per Section 11.05.020 (9) of the Municipal Code, construction activities occurring between the hours of 6:00 AM and 6:00 PM during the months of June through September and between 7:00 AM and 6:00 PM during the months of October through May are exempt from noise standards.

**Operational Noise**

Development of the Project will result in additional noise above the existing baseline conditions and increase the ambient noise levels in the area for the residential uses south of the Project site. The Project-related operational noise sources are expected to include: roof-top air conditioning units and parking lot vehicle movements.

Based upon the reference noise levels, it is possible to estimate the Project operational stationary-source noise levels. The operational noise level account for the distance attenuation provided due to geometric spreading, when sound from a localized stationary source (i.e., a point source) propagates uniformly outward in a spherical pattern. Hard site conditions are used in the operational noise analysis which result in noise levels that attenuate (or decrease) at a rate of 6 dBA for each doubling of distance from a point source.

Based on noise measurements taken for a 7,004 square foot auto parts sales store in the City of Wildomar (Wildomar Crossings Noise Impact Analysis, November 16, 2017), noise generated from roof-top air conditioning equipment is estimated at 46.1 dBA at 50 feet and loading area activities are estimated to be 42.8 dBA at 50 feet, and parking lot activities are estimated to be 31.7 dBA at 50
feet. The proposed building is located on the northern portion of the Project site adjacent to Mission Boulevard at the front of the site. Roof-top air conditioning equipment and loading area activities will be located approximately 240 feet from the residential uses to the south. At this distance roof-top air conditioning equipment is estimated to be 34.1 dBA and loading area activities are estimated to be 30.8 dBA based on the fact noise levels attenuate (or decrease) at a rate of 6 dBA for each doubling of distance from a point source.

The closest parking stalls are located approximately 60 feet from the residential uses to the south. At this distance, parking lot activities are estimated to remain close to 31.7 dBA

As established by the General Plan Noise Element performance standards, Project-related noises, as projected to any portion of any surrounding property containing a habitable dwelling, hospital, school, library or nursing home, shall not exceed 65 equivalent level dBA (dBA Leq) between 7 a.m. and 10 p.m. or 45 dBA Leq between 10 p.m. and 7:00 a.m. for a cumulative period of more than ten (10) minutes per hour. As shown above, the noise levels generated by the roof-top air conditioning units, the loading area, and the parking lot will not exceed the General Plan Noise Element performance standards.

It should be noted that the Project also proposes a 6-foot high block wall along the eastern and southern property boundaries. Generally, a solid wall can reduce noise levels by 5 to 15 dBA. In addition, the roof-top air conditioning unit(s) will have the sound further attenuated by a parapet wall.

Based on the analysis above, impacts are less than significant.

**3.12(b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?**

**Determination: Less Than Significant Impact.**

*Source: General Plan, Project Application Materials.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

*Construction Vibration*

Under existing conditions, there are no known sources of ground-borne vibration or noise that affect the Project site other than the railroad tracks located approximately 150 feet north of the Project site. The Project will not employ any pile driving, rock blasting, or rock crushing equipment during construction activities, which are the primary sources of ground-borne noise and vibration during construction.
The City has relied upon vibration standards promulgated by Caltrans in past CEQA documents. According to Caltrans, the threshold at which there may be a risk of architectural damage to normal houses with plastered walls and ceilings is 0.20 PPV inch/second. Primary sources of vibration during construction would be bulldozers. A large bulldozer could produce up to 0.089 PPV at 25 feet. At a distance of 15 feet a bulldozer would yield a worst-case 0.027 PPV (inch/sec) which is within the threshold of perception and below any risk or architectural damage.

The sensitive receptors in the vicinity of the Project site are residences which are south of the Project site. (within 25 feet). Based on the reference vibration levels provided by the Federal Transit Administration (FTA), a large bulldozer represents the peak source of vibration with a reference velocity of 0.089 in/sec PPV at 25 feet. At a distance of 25-feet, this level of vibration does not exceed 0.20 PPV inch/second threshold. As such, vibration would not result in the excessive groundborne vibration or groundborne noise levels.

*Operational Vibration*

The Project proposes a retail building and parking lot. Typically, groundborne vibration sources that could potentially affect nearby properties are from rail roads and trucks traveling at higher speeds on freeways and highways. The Project site does not have rail access nor is it a major transportation facility or roadway. Therefore, the operational impacts associated with groundborne vibration would be less than significant at nearby sensitive uses.

Based on the above analysis, impacts are less than significant.

<table>
<thead>
<tr>
<th>3.12(c)</th>
<th>A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Determination:</strong> Less Than Significant Impact.</td>
<td></td>
</tr>
<tr>
<td>Source: Project Application Materials.</td>
<td></td>
</tr>
</tbody>
</table>

**Plans, Policies, or Programs (PPP)**

Refer to PPP 3.12-1 and PPP 3.12-2 under Issue 3.12(a) above.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

As discussed above under Issue 3.12(a), impacts would be less than significant.

<table>
<thead>
<tr>
<th>3.12(d)</th>
<th>A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Determination:</strong> Less Than Significant Impact With Mitigation Incorporated.</td>
<td></td>
</tr>
<tr>
<td>Source: Project Application Materials.</td>
<td></td>
</tr>
</tbody>
</table>

**Plans, Policies, or Programs (PPP)**
Refer to PPP 3.12-1 and PPP 3.12-2 under Issue 3.12(a) above.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

As discussed above under Issue 3.12(a), the only potential for the Project to create a substantial temporary or periodic increase in ambient noise levels is during its construction phase. The analysis presented under Issue 3.12(a) concluded that the Project would result in elevated noise levels during construction but were less than significant with implementation of Mitigation Measure NOI-1.

### 3.12 (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?

**Determination:** No Impact.

*Source: Riverside County Airport Land Use Commission.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The Project site is not located within the 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. The nearest airport is Flabob Airport located approximately 4 miles southeast of the Project site. As such, the Project will not result in excessive noise for people residing or working in the Project area.

### 3.12(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?

**Determination:** No Impact.

*Source: Google Earth, Field Inspection.*

The Project site is not located in the vicinity of a private airstrip. Therefore, no impacts will occur.
3.13 POPULATION AND HOUSING

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>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)?</td>
<td></td>
<td></td>
<td>■</td>
<td></td>
</tr>
<tr>
<td>b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td></td>
<td></td>
<td></td>
<td>■</td>
</tr>
<tr>
<td>c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td></td>
<td></td>
<td></td>
<td>■</td>
</tr>
</tbody>
</table>

3.13(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)?

**Determination:** Less than Significant Impact.

*Source: Project Application Materials.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The Project would not directly result in population growth because it does not propose any residential dwelling units. The Project proposes a 7,106 square foot retail building for auto parts sales. As such, it is not anticipated that the Project would generate the need for any additional housing resulting in population growth.

Typically, growth would be considered a significant impact pursuant to CEQA if it directly or indirectly affects the ability of agencies to provide needed public services and requires the expansion or new construction of public facilities and utilities.

Water and sewer service to the Project site will be provided by the Jurupa Community Services District. Water and sewer service is available to serve the Project site from existing facilities in Mission Boulevard. No additional water or sewer infrastructure will be needed to serve the Project other than connection to the existing water and sewer lines within Mission Boulevard.
In addition, the analysis in Section 3.14, Public Services, of this Initial Study demonstrates that the impacts on public services are less than significant so the public service provider’s ability to provide services will not be reduced. Based on the above analysis, impacts are less than significant.

3.13(b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

Determination: No Impact.
Sources: Project Application Materials.

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The Project consists of vacant land and does not contain any existing housing. Therefore, implementation of the Project would not displace a substantial number of existing housing, nor would it necessitate the construction of replacement housing elsewhere. As such, there would be no impact.

3.13(c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Determination: No Impact.
Source: Project Application Materials.

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

As described above under the response to Issue 3.13(b), the Project site consists of vacant land. Therefore, the Project would not displace substantial numbers of people and would not necessitate the construction of replacement housing elsewhere. As such, there would be no impact.
3.14 PUBLIC SERVICES

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) Fire protection?</td>
<td></td>
<td></td>
<td></td>
<td>■</td>
</tr>
<tr>
<td>2) Police protection?</td>
<td></td>
<td></td>
<td></td>
<td>■</td>
</tr>
<tr>
<td>3) Schools?</td>
<td></td>
<td></td>
<td></td>
<td>■</td>
</tr>
<tr>
<td>4) Parks?</td>
<td></td>
<td></td>
<td></td>
<td>■</td>
</tr>
<tr>
<td>5) Other public facilities?</td>
<td></td>
<td></td>
<td></td>
<td>■</td>
</tr>
</tbody>
</table>

3.14(a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

FIRE PROTECTION

Determination: Less Than Significant Impact.

Source: Riverside County Fire Department.

Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts relating to fire protection. These measures will be included in the Project's Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.14-1 The Project applicant shall comply with all applicable Riverside County Fire Department codes, ordinances, and standard conditions regarding fire prevention and suppression measures relating to water improvement plans, fire hydrants, automatic fire extinguishing systems, fire access, access gates, combustible construction, water availability, and fire sprinkler systems.
PPP 3.14-2  As required by Municipal Code Chapter 3.75, the Project is required to pay a Development Impact Fee that the City can use to improve public facilities and/or, to offset the incremental increase in the demand for public services that would be created by the Project.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The Riverside County Fire Department provides fire protection services to the Project area. The Project would be primarily served by the West Riverside Fire Station located approximately 2 roadway miles east of the Project site at 7545 Mission Boulevard, Jurupa Valley, CA.

Development of the Project would not significantly impact fire protection services by placing an additional demand on existing fire protection resources should its resources not be augmented because the proposed office building is replacing existing office space on the site (however it is increasing the space). To offset any increased demand for fire protection services, the Project would be conditioned by the City to provide a minimum of fire safety and support fire suppression activities, including compliance with State and local fire codes, fire sprinklers, a fire hydrant system, paved access, and secondary access routes.

The Project would be required to comply with the provisions of Municipal Code Chapter 3.75 which requires payment of the Development Impact Fee to assist the City in providing for fire protection services. Payment of the Development Impact Fee would ensure that the Project provides fair share funds for the provision of additional public services, including fire protection services, which may be applied to fire facilities and/or equipment, to offset the incremental increase in the demand for fire protection services that would be created by the Project.

In addition, as required by the City's Inter-Agency Project Review Request process, the Project plans were routed to the Fire Department for review and comment on the impacts to providing fire protection services. The Fire Department did not indicate that the Project would result in the need for new or physically altered fire facilities in order to maintain acceptable service ratios, response times or other performance objectives.

Based on the above analysis, with implementation of PPP 3.14-1 and PPP 3.14-2, impacts related to fire protection are less than significant.

**POLICE PROTECTION**

**Determination: Less Than Significant Impact.**

*Sources: Riverside County Sheriff's Department “Stations,” Riverside County General Plan, Project Application Materials.*

**Plans, Policies, or Programs (PPP)**

The following applies to the Project and would reduce impacts relating to police protection. This measure will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:
PPP 3.14-2  As required by Municipal Code Chapter 3.75, the Project is required to pay a Development Impact Fee that the City can use to improve public facilities and/or, to offset the incremental increase in the demand for public services that would be created by the Project.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The Riverside County Sheriff’s Department provides community policing to the Project area via the Jurupa Valley Station located at 7477 Mission Boulevard, Jurupa Valley, CA. The Project would increase the demand for police protection services. The Project would be required to comply with the provisions of Municipal Code Chapter 3.75 which requires payment of the Development Impact Fee to assist the City in providing for public services, including police protection services. Payment of the Development Impact Fee would ensure that the Project provides its fair share of funds for additional police protection services, which may be applied to sheriff facilities and/or equipment, to offset the incremental increase in the demand that would be created by the Project.

In addition, as required by the City's Inter-Agency Project Review Request process, the Project plans were routed to the Sheriff's Department for review and comment on the impacts to providing sheriff protection services. The Sheriff’s Department did not indicate that the Project would result in the need for new or physically altered sheriff facilities in order to maintain acceptable service ratios, response times or other performance objectives.

Based on the above analysis, with implementation of PPP 3.14-2, impacts related to police protection are less than significant.

**SCHOOLS**

**Determination: Less Than Significant Impact.**
*Sources: California Senate Bill 50 (Greene), Project Application Materials.*

**Plans, Policies, or Programs (PPP)**

The following applies to the Project and would reduce impacts relating to schools. This measure will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.14-3  Prior to the issuance of building permits, the Project Applicant shall pay required development impact fees to the Jurupa Unified School District following protocol for impact fee collection.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.
Impact Analysis

The Project does not propose any housing and would not directly create additional students to be served by the Jurupa Unified School District. However, the Project would be required to contribute fees to the Jurupa Unified School District in accordance with the Leroy F. Greene School Facilities Act of 1998 (Senate Bill 50). Pursuant to Senate Bill 50, payment of school impact fees constitutes complete mitigation under CEQA for Project-related impacts to school services.

Based on the above analysis, with implementation of PPP 3.14-3, impacts related to schools are less than significant.

PARKS

Determination: Less Than Significant Impact.
Source: Project Application Materials

Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts relating to parks. This measure will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.14-4 Prior to the issuance of a building permit, the Project Applicant shall pay required park development impact fees to the Jurupa Area Recreation and Park District pursuant to District Ordinance No. 01-2007 and 02-2008.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

As noted in the response to Issue 3.13 (a) above, the Project will not create an additional need for housing thus directly increasing the overall population of the City and generating additional need for parkland. The payment of development impact fees will reduce any indirect Project impacts related to parks.

Based on the above analysis, with implementation of PPP 3.14-4, impacts related to parks are less than significant.

OTHER PUBLIC FACILITIES

Determination: Less Than Significant Impact.
Source: Project Application Materials.

Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts relating to parks. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.14-2 above is applicable to the Project.
Project Design Features (PDF)
There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

As noted in the response to Issue 3.13(a) above, development of the Project would not result in a direct increase in the population of the Project area and would not increase the demand for public services, including public health services and library services which would require the construction of new or expanded public facilities.

The Project would be required to comply with the provisions of Municipal Code Chapter 3.75 which requires payment of the Development Impact Fee to assist the City in providing public services. Payment of the Development Impact Fee would ensure that the Project provides fair share of funds for additional public services. These funds may be applied to the acquisition and/or construction of public services and/or equipment.

Based on the above analysis, with implementation of PPP 3.14-2 above, impacts related to other public facilities are less than significant.
**3.15 RECREATION**

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Impact Analysis

**3.15(a) Would the proposed Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

**Determination: Less than Significant Impact.**  
*Source: Project Application Materials.*

#### Plans, Policies, or Programs (PPP)

The following applies to the Project and would reduce impacts relating to other public facilities. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.14-4 Prior to the issuance of a building permit, the Project Applicant shall pay required park development impact fees to the Jurupa Area Recreation and Park District pursuant to District Ordinance No. 01-2007 and 02-2008.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

### Impact Analysis

The Project would not cause a substantial physical deterioration of any park facilities or would accelerate the physical deterioration of any park facilities because the Project does not proposes residential dwelling units which would increase the population that would use parks. The payment of Development Impact Fees will reduce any indirect Project impacts related to recreational facilities.

Based on the above analysis, with implementation of PPP 3.14-1, impacts related to recreational facilities would be less than significant and no mitigation measures are required.
3.15(b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?

**Determination: Less than Significant Impact.**
*Source: Project Application Materials*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

As noted in the response to Issue 3.15(a) above, the Project does not propose any recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment. In addition, no onsite parks or recreational improvements are proposed or required as part of the Project.

Based on the above analysis, impacts related to parks and recreational facilities would be less than significant and no mitigation measures are required.
### 3.16 TRANSPORTATION/TRAFFIC

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</td>
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<tr>
<td>b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</td>
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<tr>
<td>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?</td>
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<tr>
<td>d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
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<tr>
<td>e. Result in inadequate emergency access?</td>
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<tr>
<td>f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</td>
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**3.16(a)** Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

**Determination:** Less Than Significant Impact.

*Source: Project Application Materials.*

**Plans, Policies, or Programs (PPP)**

The following applies to the Project and would reduce impacts relating to transportation/traffic. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:
PPP 3.16-1  The Project Proponent shall make required per-unit fee payments associated with the Western Riverside County Transportation Uniform Mitigation Fees (TUMF) pursuant to Chapter 3.70 of the Municipal Code.

PPP 3.16-2  As required by Municipal Code Chapter 3.75, the Project is required to pay a Development Impact Fee to assist the City in providing revenue that the City can use to fund transportation improvements such as roads, bridges, major improvements and traffic signals.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Motor Vehicle Analysis

The City of Jurupa Valley relies upon the Riverside County Transportation Department, Traffic Impact Analysis Preparation Guidelines to determine if a project requires a traffic impact analysis to be prepared. According to the Guidelines, a traffic impact analysis is generally not required for any use that generates less than 100 vehicle trips during the peak hours. The City's Transportation Manager determined that a traffic impact analysis was not required for this Project and that traffic impacts would be less than significant due to the low volume of traffic (estimated at 15.7 trips in the AM Peak Hour and 42.4 trips in the PM Peak Hour based on ITE Trip Generation Rates.

Transit Service Analysis

The Riverside Transit Agency, a public transit agency serves the region and the City of Jurupa Valley. There is bus service along Mission Boulevard adjacent to the Project site. Mission Boulevard along the Project frontage is proposed to be improved to a ultimate half-width right-of-way of 64ft, with a 32-ft paved section (6ft half median, 12-ft number 1 lane, and 14-ft outside lane) and 32-ft improved parkway (10-foot curb adjacent landscaping, 12-foot paved multi-purpose bike and pedestrian trail, and 10-foot landscaped area). The Project proposes to construct a 28-foot wide driveway which will be located on the both the applicant's owned parcel and within an easement on the adjacent parcel to the west. No additional site access or regional circulations will be required to accommodate the Project. These improvements are typical street improvements consistent with City standards and the General Plan Mobility Element and will not interfere with existing or future transit service.

Bicycle & Pedestrian Facilities Analysis

The Project is not proposing to construct any improvements that will interfere with bicycle and pedestrian use. Pedestrian and bicycle access will be available to the Project site from Mission Boulevard. In addition, bicycle parking will be provided on the Project site. Therefore, the Project will not conflict with an applicable plan, ordinance or policy applying to non-motorized travel. Impacts are less than significant.
3.16(b) Conflict with an applicable congestion management program, including, but not limited to, level-of-service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Determination: Less Than Significant Impact.
Source: project Application Materials.

Impact Analysis

The Riverside County Transportation Commission was designated as the Congestion Management Agency for Riverside County in 1990, and therefore, prepares and administers the Riverside County Congestion Management Program in consultation with the Technical Advisory Committee which consists of local agencies, the County of Riverside, transit agencies, and subregional agencies.

The intent of the Riverside County Congestion Management Program (CMP) is to more directly link land use, transportation, and air quality, thereby prompting reasonable growth management programs that will effectively utilize new transportation funds, alleviate traffic congestion and related impacts, and improve air quality.

Mission Boulevard is not a designated CMP roadway. As noted above, the Project will generate a low volume of traffic (estimated at 15.7 trips in the AM Peak Hour and 42.4 trips in the PM Peak Hour based on ITE Trip Generation Rates. The City’s Transportation Manager has determined that Project traffic will not result in significant direct and cumulatively considerable impacts to the CMP roadway system. Accordingly, implementation of the Project would not conflict with the applicable Congestion Management Program, including Level of Service standards, and impacts would be less than significant.

3.16(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?

Determination: No Impact.
Source: Google Earth.

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The Project proposes a retail building and parking lot and does not involve the operation of aircraft. As such, the Project will not 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.
3.16(d) **Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

**Determination:** No Impact.
*Source: Project Application Materials.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

Access to the site is from Mission Boulevard which is an existing improved roadway. Mission Boulevard along the Project frontage is proposed to be improved to a ultimate half-width right-of-way of 64ft, with a 32-ft paved section (6ft half median, 12-ft number 1 lane, and 14-ft outside lane) and 32-ft improved parkway (10-foot curb adjacent landscaping, 12-foot paved multi-purpose bike and pedestrian trail, and 10-foot landscaped area). The Project proposes to construct a 28-foot wide driveway which will be located on the both the applicant's owned parcel and within an easement on the adjacent parcel to the west. No additional site access or regional circulations will be required to accommodate the Project. These improvements are typical street improvements consistent with City standards and the *General Plan Mobility Element*. In addition, the Project is located along a commercial corridor. The Project would not be incompatible with existing development in the surrounding area to the extent that it would create a transportation hazard as a result of an incompatible use. Accordingly, the Project would not substantially increase hazards due to a design feature or incompatible use. Impacts would be less than significant and mitigation is not required.

3.16(e) **Result in inadequate emergency access?**

**Determination:** Less Than Significant Impact.
*Source: Project Application Materials.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

Adequate emergency access would continue to be provided to the Project site from Mission Boulevard both during construction and operation. With the adherence to mandatory
requirements for emergency vehicle access, impacts would be less than significant and no mitigation measures are required.

### 3.16(f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

**Determination: No Impact.**

*Source: Project Application Materials.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

The Riverside Transit Agency, a public transit agency serves the region and the City of Jurupa Valley. In addition, as noted above, the Project is not proposing to construct any improvements would interfere with any existing or future alternative transportation facilities. As such, the Project as proposed will not conflict with an applicable plan, ordinance or policy applying to transit services. Impacts would be less than significant and no mitigation would be required.
3.17 TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?</td>
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<td>✓</td>
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</table>

Determination: No Impact.
Source: Project Application Materials.

The proposed office building, parking lot, and landscaped areas are proposed on an approximately 1.9 acre portion of a developed 19 acre site. The 19 acre site consists of a 100,000 square building that supports the operations of Crest Steel. As noted above, Crest Steel is a steel service facility whose inventory includes beam, plate, tube, flat bar, angle and channel steel. The facility processes these steel products for use in structural carbon steel needs. The 1.9 acre site where the office building and parking lot is proposed is a paved area with dilapidated asphalt. Surrounding the existing building are stacks of raw materials and steel used for day to day operations. There are no structures on the 1.9 acre site so no historic structures will be impacted.

3.17(b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Determination: Potentially Significant Impact With Mitigation Incorporated.
Source: AB 52 Consultation.

Impact Analysis
On July 1, 2015 AB 52 (Gatto, 2014) went into effect. AB 52 established “Tribal Cultural resources” as a resource subject to CEQA review. Tribal Cultural Resources are either of the following:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.

(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also created a process for consultation with California Native American Tribes in the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project.

The Planning Department notified the following California Native American Tribes per the requirements of AB52:

- Gabrieleño Band of Mission Indians – Kizh Nation
- Soboba Band Luiseño Indians
- Torres Martinez Band of Cahuilla Indians.

During the consultation process, the City’s Planning Department notified the Gabrieleño Band of Mission Indians – Kizh Nation and the Soboba Band Luiseño Indians that the City is imposing the following mitigation measure:

Mitigation Measures (MM)

MM- TCR-1: Treatment of Discoveries, and Disposition of Discoveries.

TREATMENT OF DISCOVERIES:

If a significant tribal cultural resource is discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). A representative of the appropriate Native American Tribe(s), the Project Proponent, and the City Planning Department shall confer regarding mitigation of the discovered resource(s). A treatment plan shall be prepared and implemented to protect the identified tribal cultural resources from damage and destruction. The treatment plan shall contain a research design and data recovery program necessary to document the size and content of the discovery such that the resource(s) can be evaluated for significance under CEQA criteria. The research design shall list the sampling procedures appropriate to exhaust the research potential of the tribal cultural resources in accordance with current professional archaeology standards. The treatment plan shall require monitoring by the appropriate Native American Tribe(s) during data
recovery and shall require that all recovered artifacts undergo basic field analysis and documentation or laboratory analysis, whichever is appropriate. At the completion of the basic field analysis and documentation or laboratory analysis, any recovered tribal cultural resources shall be processed and curated according to current professional repository standards. The collections and associated records shall be donated to an appropriate curation facility, or, the artifacts may be delivered to the appropriate Native American Tribe(s) if that is recommended by the City of Jurupa Valley. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the City of Jurupa Valley Planning Department, the Eastern Information Center, and the appropriate Native American Tribe.

**DISPOSITION OF DISCOVERIES:**

In the event that Native American cultural resources are inadvertently discovered during the course of grading for this project. The following procedures will be carried out for treatment and disposition of the discoveries:

The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to tribal cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the Jurupa Valley Planning Department with evidence of same:

a) A fully executed reburial agreement with the appropriate culturally affiliated Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed.

b) A curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation.

c) If more than one Native American Group is involved with the project and cannot come to an agreement as to the disposition of cultural materials, they shall be curated at the Western Science Center by default.

d) Should reburial of collected cultural items be preferred, it shall not occur until after the Phase IV monitoring report has been submitted to the Jurupa Valley Planning Department. Should curation be preferred, the developer/permit applicant is responsible for all costs and the repository and curation method shall be described in the Phase IV monitoring report.

With implementation of Mitigation Measure TCR-1, impacts will be less than significant.
### 3.17 UTILITIES AND SERVICE SYSTEMS

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
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<tr>
<td>b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
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<tr>
<td>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?</td>
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<tr>
<td>d. Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
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<tr>
<td>e. Result in a determination by the wastewater treatment provider, which serves or may serve the Project that it has adequate capacity to serve the Project’s projected demand in addition to the provider’s existing commitments?</td>
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<tr>
<td>f. Be served by a landfill with sufficient permitted capacity to accommodate the Project’s solid waste disposal needs?</td>
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<tr>
<td>g. Comply with federal, state, and local statutes and regulations related to solid waste?</td>
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#### 3.17(a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

**Determination:** Less Than Significant Impact.

*Source: Jurupa Community Services District UWMP.*

**Plans, Policies, or Programs (PPP)**

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**
Wastewater collection services would be provided to the Project site by the Jurupa Community Services District ("District"). Wastewater generated by any development proposed on the Project site will be collected and conveyed through wastewater conveyance facilities (trunk sewer, lift station, and force main) to the Riverside Water Quality Control Plant (RWQCP), which is located on Acorn Street in the City of Riverside. The RWQCP is required to operate its treatment facility in accordance with the waste treatment and discharge standards and requirements set forth by the Santa Ana Regional Water Quality Control Board. The proposed Project would not install or utilize septic systems or alternative wastewater treatment systems; therefore, the Project would have no potential to exceed the applicable wastewater treatment requirements established by the Santa Ana Regional Water Quality Control Board. Accordingly, impacts would be less than significant.

3.17(b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Determination: Less Than Significant Impact.
Sources: Jurupa Community Services District UWMP, Project Application Materials.

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Water and sewer service to the Project site will be provided by the Jurupa Community Services District. Water and sewer service is available to serve the Project site from existing water and sewer lines located within Mission Boulevard adjacent to the Project site. No additional water or sewer infrastructure will be needed to serve the Project other than connection to the existing water and sewer lines within Mission Boulevard.

The installation of water and sewer lines as proposed by the Project would result in physical impacts to the surface and subsurface of the Project site. These impacts are considered to be part of the Project’s construction phase and are evaluated throughout this Initial Study. In instances where impacts have been identified for the Project’s construction phase, Plans, Policies, Programs (PPP), Project Design Features (PDF), or Mitigation Measures (MM) are required to reduce impacts to less-than-significant levels. Accordingly, additional measures beyond those identified throughout this Initial Study would not be required.

3.17(c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Determination: Less Than Significant Impact.
Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

The proposed site will be designed to mimic the existing condition to the maximum extent practical. However, based on conversations with the Public Works Department staff runoff will not be allowed to cross onto private property as it does today without an agreement in place. Therefore, since 100% onsite retention is not feasible, runoff will sheet flow in gutters to the south end of the site where the water will be treated in a bio-retention basin for water quality and storage purposes. The treated water and overflow water will then be discharged by one of two options:

1. The underdrain and overflow will be collected in a well with a pump and be discharged to the curb and gutter on Mission Boulevard. There is no storm drain facilities in Mission Boulevard. The amount of runoff will be reduced to be the least amount practical given the site requirements for the proposed development.

2. The underdrain will be pumped to the surface and discharge to an energy dissipater before sheet flowing to the adjacent property as it does today. The basin overflow will discharge over a weir with an energy dissipater as well. This method of discharge is contingent upon obtaining an agreement from the adjacent property owner. The building finished floor is set well above the street grade to protect against the 100-yr flood.

The construction of the on-site drainage facilities would result in physical impacts to the surface and subsurface of the Project site. These impacts are part of the Project’s construction phase and are evaluated in the appropriate sections of this Initial Study. In any instances where impacts have been identified for the Project’s construction phase, Plans, Policies, Programs (PPP), Project Design Features (PDF), or Mitigation Measures are required to reduce impacts to less-than-significant levels. Accordingly, additional measures beyond those identified throughout this Initial Study Checklist would not be required.

3.17(d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Determination: Less Than Significant Impact.

Source: Jurupa Community Services District UWMP, Water and Sewer Will Serve Letter (Appendix E).

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.
Impact Analysis

Water service would be provided to the Project site by the Jurupa Community Services District ("District"). According to the District's 2015 Urban Water Management Plan, the District relies predominantly on groundwater and desalinated brackish groundwater from the Chino Groundwater Basin. According to the 2015 Urban Water Management Plan, the District has 16 wells, 8 booster stations, and 15 reservoirs with 53.7 Million gallons of capacity. In order to ensure a continuing supply of good quality water for current citizens and also future development, the District participates in a Joint Powers Authority with other neighboring water purveyors, called the Chino Desalter Authority.

Based on water usage obtained from CalEEMod, the Project is estimated to have an indoor water demand of 0.54 million gallons per year, and an outdoor water demand of 0.33 million gallons per year. The total annual water use would be 0.87 million gallons per year, which equates to 2.66 acre feet per year. The District estimated that water demand will increase by 3,095 acre feet in 2020. Project's water demand equates to 0.08 percent of the District’s anticipated increase in demand by 2020. In addition, the commercial facility's water demand would be within the volume of water supply that is identified in the 2015 Urban Water Management Plan. Thus, sufficient water supplies available to serve the Project from existing entitlements and resources; and new or expanded entitlements would not be needed. Impacts would be less than significant.

3.17(e) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project’s projected demand in addition to the provider’s existing commitments?

Determination: Less Than Significant Impact.
Source: Jurupa Community Services District UWMP.

Plans, Policies, or Programs (PPP)

There are no Plans, Policies, or Programs applicable to the Project relating to this issue.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Sanitary sewer service to the Project site would be provided by the Jurupa Community Services District ("District"). The District purchases treatment capacity at the Riverside Water Quality Control Plant (RWQCP), which is located on Acorn Street in the City of Riverside.

The current capacity of the RWQCP is 40 million gallons per day (approximately 123 acre-feet per day). The District is currently in the early planning stages for construction of additions to the plant. Quantities of wastewater collected and conveyed by the District to the RWQCP in 2015 was 2,212 AF/yr. The quantities projected to be conveyed by District and treated by the City of Riverside over the next 25 years are: 2,290 AF/yr in 2020; 2,310 AF/yr in 2025; 2,320 AF/yr in 2030; 2,330 AF/yr in 2035; and 2,350 SF/yr in 2040.
Sewer service is available to serve the Project at the Project site. Wastewater use for the development of the proposed commercial facility was estimated by using The California Emissions Estimator Model (CaEEMod). CaEEMod is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model can be used to estimate water usage for analysis in CEQA documents. CaEEMod provides data on the amount of water in gallons used indoors and outdoors for land use subtype (e.g. the commercial facility).

The indoor water is also used to estimate the amount of wastewater generated. The Project is anticipated to have an indoor water demand of 0.54 million gallons per year which includes wastewater. Assuming (a maximum) that all the water is discharged to the sewer system, the increase in wastewater from the proposed Project would be 1.65 acre feet per year, which is within the operational capacity of the wastewater treatment plant. The capacity of existing wastewater treatment plant would be able to accommodate this increase within the existing capacity. Therefore, implementation of the proposed Project would not result in impacts related to wastewater treatment provider capacity, and impacts would be less than significant.

Based on the above analysis, impacts are less than significant.

3.17(f) Be served by a landfill with sufficient permitted capacity to accommodate the Project’s solid waste disposal needs?

Determination: Less Than Significant Impact.
Sources: Riverside County Waste Management, Cal Recycle Facility/Site Summary Details,

Plans, Policies, or Programs (PPP)

The following apply to the Project and would reduce impacts relating to landfill capacity. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

PPP 3.17-1 The Project shall comply with Section 4.408 of the 2013 California Green Building Code Standards, which requires new development projects to submit and implement a construction waste management plan in order to reduce the amount of construction waste transported to landfills. Prior to the issuance of building permits, the City of Jurupa Valley shall confirm that a sufficient plan has been submitted, and prior to final building inspections, the City of Jurupa shall review and verify the Contractor’s documentation that confirms the volumes and types of wastes that were diverted from landfill disposal, in accordance with the approved construction waste management plan.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Impact Analysis

Construction Related Impacts
Waste generated during the construction phase of the Project would primarily consist of discarded materials from the construction of streets, common areas, infrastructure installation, and other project-related construction activities. Solid waste generated in Jurupa Valley is transported to the Agua Mansa Transfer Station and Material Recovery Facility at 1830 Agua Mansa Road. From there, recyclable materials are transferred to third-party providers, and waste materials are transported to various landfills in Riverside County, including the Badlands Sanitary Landfill and the El Sobrante Landfill.

According to the Cal Recycle Facility/Site Summary Details website accessed on November 20, 2018, these landfills receive well below their maximum permitted daily disposal volume and demolition and construction waste generated by the Project is not anticipated to cause these landfills to exceed their maximum permitted daily disposal volume. Furthermore, none of these regional landfill facilities are expected to reach their total maximum permitted disposal capacities during the Project’s construction period. As such, these regional landfill facilities would have sufficient daily capacity to accept construction solid waste generated by the Project.

*Operational Related Impacts*

The California Emissions Estimator Model (CalEEMod) is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential air quality criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model can also be used to estimate solid waste generation rates for various types of land uses for analysis in CEQA documents... Waste disposal rates by land use and overall composition of municipal solid waste in California is primarily based on CalRecycle data.

Based on solid waste generation usage obtained from CalEEMod, the Project would generate approximately 173 pounds of waste per day, or 31.6 tons of waste per year.

According to the Cal Recycle Facility/Site Summary Details website accessed on November 20, 2018, the Badlands Sanitary Landfill has a permitted disposal capacity of 4,000 tons per day with a remaining capacity of 15,748,799 cubic yards. The Badlands Sanitary Landfill is estimated to reach capacity, at the earliest time, in the year 2022. The El Sobrante Landfill is has a permitted disposal capacity of 16,034 tons per day with a remaining capacity of 145,530,000 tons. The El Sobrante Landfill is estimated to reach capacity, at the earliest time, in the year 2045.

Solid waste generated during long-term operation of the Project would be disposed at the Badlands Sanitary Landfill and/or the El Sobrante Landfill. During long-term operation, the Project’s solid waste generation of 173 pounds per day would represent a minimal amount of the daily permitted disposal capacity at the Badlands Sanitary Landfill and the El Sobrante Landfill.

The Project is not anticipated to cause these landfills to exceed their maximum permitted daily disposal volume. Because the Project would generate a relatively small amount of solid waste per day, as compared to the permitted daily capacities for Badlands Sanitary Landfill and the El Sobrante Landfill, these regional landfill facilities would have sufficient daily capacity to accept solid waste generated by the Project.

Based on the above analysis, impacts are less than significant.
**3.17(g) Comply with federal, state, and local statutes and regulations related to solid waste?**

**Determination: Less Than Significant Impact.**

*Sources: California Assembly Bill 939 (Sher), Riverside County Waste Resources Management District, Riverside County Integrated Waste Management Plan, Riverside County Waste Management Department, Solid Waste System Study Report, Waste Management “El Sobrante Landfill”*

**Plans, Policies, or Programs (PPP)**

The following applies to the Project and would reduce impacts relating to solid waste. This measure will be included in the Project’s Mitigation Monitoring and Reporting Program:

**PPP 3.17-1** The Project shall comply with Section 4.408 of the 2013 California Green Building Code Standards, which requires new development projects to submit and implement a construction waste management plan in order to reduce the amount of construction waste transported to landfills. Prior to the issuance of building permits, the City of Jurupa Valley shall confirm that a sufficient plan has been submitted, and prior to final building inspections, the City of Jurupa shall review and verify the Contractor’s documentation that confirms the volumes and types of wastes that were diverted from landfill disposal, in accordance with the approved construction waste management plan.

**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Impact Analysis**

**Construction Related Impacts**

Waste generated during the construction phase of the Project would primarily consist of discarded materials from the construction of streets, common areas, infrastructure installation, and other project-related construction activities. According to the Riverside County Waste Management Department, solid waste generated within the City of Jurupa Valley is deposited at the Badlands Sanitary Landfill and the El Sobrante Landfill.

According to the Cal Recycle Facility/Site Summary Details website accessed on November 20, 2018, these landfills receive below their maximum permitted daily disposal volume and demolition and construction waste generated by the Project is not anticipated to cause these landfills to exceed their maximum permitted daily disposal volume. Furthermore, none of these regional landfill facilities are expected to reach their total maximum permitted disposal capacities during the Project’s construction period. As such, these regional landfill facilities would have sufficient daily capacity to accept construction solid waste generated by the Project.

**Operational Related Impacts**

The California Integrated Waste Management Act established an integrated waste management system that focused on source reduction, recycling, composting, and land disposal of waste. In
addition, the Act established a 50% waste reduction requirement for cities and counties by the year 2000, along with a process to ensure environmentally safe disposal of waste that could not be diverted. Per the requirements of the Integrated Waste Management Act, the Riverside County Board of Supervisors adopted the Riverside Countywide Integrated Waste Management Plan which outlines the goals, policies, and programs the County and its cities will implement to create an integrated and cost effective waste management system that complies with the provisions of California Integrated Waste Management Act and its diversion mandates.

The Project’s waste hauler would be required to coordinate with the waste hauler to develop collection of recyclable materials for the Project on a common schedule as set forth in applicable local, regional, and State programs. Recyclable materials that would be recycled by the Project include paper products, glass, aluminum, and plastic.

Additionally, the Project’s waste hauler would be required to comply with all applicable local, State, and Federal solid waste disposal standards, thereby ensuring that the solid waste stream to the landfills that serve the Project are reduced in accordance with existing regulations.

Based on the above analysis, impacts are less than significant.
### 3.19 MANDATORY FINDINGS OF SIGNIFICANCE

<table>
<thead>
<tr>
<th>Would the Project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
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<tr>
<td>b. Does the Project have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; means that the incremental effects of a Project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
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<tr>
<td>c. Does the Project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
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</tbody>
</table>

**Impact Analysis**

**3.19(a)** *Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

**Determination: Less Than Significant Impact With Mitigation Incorporated.**

*Source: This Initial Study Checklist.*

**Impact Analysis**

As noted in the analysis throughout this Initial Study Checklist, the following apply to the Project and would reduce impacts relating to this issue. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:
Auto Zone Project (MA 18113)  
Initial Study /Mitigated Negative Declaration  
November 20, 2018

Plans, Policies, or Programs (PPP)

All Plans, Policies, or Programs pertaining to Biological Resources and Cultural Resources shall apply.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Mitigation Measures (MM)

CR-1, CR-2, CR-3, CR-4 and TCR-1 shall apply.

In instances where impacts have been identified, the Plans, Policies, or Programs were applied to the Project based on the basis of federal, state, or local law currently in place which effectively reduces environmental impacts, or Mitigation Measures are required to reduce impacts to less than significant levels. Therefore, Project does not have impacts which would have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

3.19(b) Does the Project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a Project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Determination: Less Than Significant Impact With Mitigation Incorporated.

Source: This Initial Study Checklist.

Impact Analysis

As noted in the analysis throughout this Initial Study Checklist, the following apply to the Project and would reduce impacts relating to this issue. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

Plans, Policies, or Programs (PPP)

All Plans, Policies, or Programs (PPP) identified in this Initial Study Checklist document shall apply.

Project Design Features (PDF)

There are no Project Design Features applicable to the Project relating to this issue.

Mitigation Measures (MM)

CR-1, CR-2, CR-3, CR-4 and TCR-1 shall apply.
In instances where impacts have been identified, the Plans, Policies, or Programs were applied to the Project based on the basis of federal, state, or local law currently in place which effectively reduces environmental impacts, or Mitigation Measures are required to reduce impacts to less than significant levels. Therefore, Project does not have impacts that are cumulatively considerable.

3.19(c) **Does the Project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?**

**Determination: Less Than Significant Impact With Mitigation Incorporated.**  
*Source: This Initial Study Checklist.*

**Impact Analysis**

As noted in the analysis throughout this Initial Study Checklist, the following apply to the Project and would reduce impacts relating to this issue. These measures will be included in the Project’s Mitigation Monitoring and Reporting Program to ensure compliance:

**Plans, Policies, or Programs (PPP)**


**Project Design Features (PDF)**

There are no Project Design Features applicable to the Project relating to this issue.

**Mitigation Measures (MM)**

NOI-1 shall apply.

In instances where impacts have been identified, the Plans, Policies, or Programs were applied to the Project based on the basis of federal, state, or local law currently in place which effectively reduces environmental impacts. Therefore, Project does not have impacts which would cause substantial adverse effects on human beings, either directly or indirectly.
4.0 REFERENCES


City of Jurupa Valley General Plan, 2017 www.jurupavalley.org

City of Jurupa Valley General Plan EIR, 2017 www.jurupavalley.org

California Department of Toxic Substances Control, www.dtsc.ca.gov

Countywide Integrated Waste Management Plan www.rivcowom.org


South Coast Air Quality Management District, Final 2016 Air Quality Management Plan www.aqmd.gov

Western Riverside County Multiple Species Habitat Conservation Plan. http://www.rctlma.org/mshcp/

5.0 REPORT PREPARATION PERSONNEL

LEAD AGENCY:

City of Jurupa Valley
Planning Department
8930 Limonite Avenue
Jurupa Valley, Ca 92509

Ernest Perea, CEQA Administrator
Roberto Gonzalez, Assistant Planner
6.0 MITIGATION MONITORING REPORTING PROGRAM

PROJECT NAME: Auto Zone (MA 18113)

DATE: November 20, 2018

PROJECT MANAGER: Roberto Gonzalez, Assistant Planner

PROJECT DESCRIPTION: Construct a 7,106 square-foot new auto parts store with associated parking and site improvements.

PROJECT LOCATION: 9056 Mission Boulevard (southside of Mission Boulevard between Avon Street and Glen Street, Jurupa Valley, CA. The Project site is also identified by the following Assessor Parcel Numbers: 169-120-036 and a portion of 169-120-037.

Throughout this Mitigation Monitoring and Reporting Program, reference is made to the following:

- **Plans, Policies, or Programs (PPP)** – These include existing regulatory requirements such as plans, policies, or programs applied to the Project based on the basis of federal, state, or local law currently in place which effectively reduce environmental impacts.

- **Project Design Features (PDF)** – These measures include features proposed by the Project that are already incorporated into the Project’s design and are specifically intended to reduce or avoid impacts (e.g., water quality treatment basins).

- **Mitigation Measures (MM)** – These measures include requirements that are imposed where the impact analysis determines that implementation of the proposed Project would result in significant impacts; mitigation measures are proposed in accordance with the requirements of CEQA.

Plans, Policies, or Programs (PPP) and Project Design Features (PDF) were assumed and accounted for in the assessment of impacts for each issue area. Mitigation Measures were formulated only for those issue areas where the results of the impact analysis identified significant impacts. All three types of measures described above will be required to be implemented as part of the Project.
<table>
<thead>
<tr>
<th>MITIGATION MEASURE (MM) PLANS, POLICIES, OR PROGRAMS (PPP) PROJECT DESIGN FEATURES (PDF)</th>
<th>RESPONSIBILITY FOR IMPLEMENTATION</th>
<th>TIME FRAME/MILESTONE</th>
<th>VERIFIED BY:</th>
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<tbody>
<tr>
<td><strong>AESTHETICS</strong></td>
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<tr>
<td><strong>PPP 3.1-2</strong> All outdoor lighting shall be designed and installed to comply with California Green Building Standard Code Section 5.106 or with a local ordinance lawfully enacted pursuant to California Green Building Standard Code Section 101.7, whichever is more stringent.</td>
<td>Planning Department</td>
<td>Prior to the issuance of building permits</td>
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<tr>
<td><strong>PDF 3.1-1</strong> As required by the building elevations filed with the City of Jurupa Valley Planning Department as part of the application materials for MA 18113, the primary exterior of the proposed building will be primarily constructed of materials that do not produce glare.</td>
<td>Planning Department</td>
<td>Prior to the issuance of building permits</td>
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<td><strong>AIR QUALITY</strong></td>
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<tr>
<td><strong>PPP 3.3-1</strong> The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 403, “Fugitive Dust.” Rule 403 requires implementation of best available dust control measures during construction activities that generate fugitive dust, such as earth moving and stockpiling activities, grading, and equipment travel on unpaved roads.</td>
<td>Engineering Department</td>
<td>During grading</td>
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<tr>
<td><strong>PPP 3.3-2</strong> The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 1186 “PM10 Emissions from Paved and Unpaved Roads and Livestock Operations” and Rule 1186.1, “Less-Polluting Street Sweepers.” Adherence to Rules 1186 and 1186.1 reduces the release of criteria pollutant emissions into the atmosphere during construction.</td>
<td>Building &amp; Safety Department</td>
<td>During construction</td>
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</tr>
<tr>
<td><strong>PPP 3.3-3</strong> The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 402 “Nuisance.” Adherence to Rule 402 reduces the release of odorous emissions into the atmosphere.</td>
<td>Building &amp; Safety Department Engineering Department Planning Department</td>
<td>During construction and on-going</td>
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<tr>
<td><strong>PPP 3.3-4</strong> The Project is required to comply with the provisions of South Coast Air Quality Management District Rule 402 “Nuisance.” Adherence to Rule 402 reduces the release of odorous emissions into the atmosphere.</td>
<td>Planning Department</td>
<td>On-going</td>
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<tr>
<td><strong>CULTURAL RESOURCES</strong></td>
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<tr>
<td>MITIGATION MEASURE (MM) PLANS, POLICIES, OR PROGRAMS (PPP) PROJECT DESIGN FEATURES (PDF)</td>
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<tr>
<td><strong>MM- CR-1: Archaeological Monitoring.</strong> A qualified archaeologist (the “Project Archaeologist”) shall be retained by the developer prior to the issuance of a grading permit. The Project Archaeologist will be on-call to monitor ground-disturbing activities and excavations on the Project site following identification of potential cultural resources by project personnel. If archaeological resources are encountered during implementation of the Project, ground-disturbing activities will be temporarily redirected from the vicinity of the find. The Project Archaeologist will be allowed to temporarily divert or redirect grading or excavation activities in the vicinity in order to make an evaluation of the find. If the resource is significant, Mitigation Measure CR-2 shall apply.</td>
<td>Planning Department</td>
<td>Prior to the issuance of grading permit</td>
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<tr>
<td><strong>MM- CR-2: Archaeological Treatment Plan.</strong> If a significant archaeological resource(s) is discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). The archaeological monitor, the Project Proponent, and the City Planning Department shall confer regarding mitigation of the discovered resource(s). A treatment plan shall be prepared and implemented by the archaeologist to protect the identified archaeological resource(s) from damage and destruction. The treatment plan shall contain a research design and data recovery program necessary to document the size and content of the discovery such that the resource(s) can be evaluated for significance under CEQA criteria. The research design shall list the sampling procedures appropriate to exhaust the research potential of the archaeological resource(s) in accordance with current professional archaeology standards (typically this sampling level is two (2) to five (5) percent of the volume of the cultural deposit). At the completion of the laboratory analysis, any recovered archaeological resources shall be processed and curated according to current professional repository standards. The collections and associated records shall be donated to an appropriate curation facility. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the City of Jurupa Valley Planning Department and the Eastern Information Center.</td>
<td>Engineering Department</td>
<td>During grading</td>
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<tr>
<td><strong>MM-CR-3: Paleontological Monitoring.</strong> A qualified paleontologist (the “Project Paleontologist”) shall be retained by the developer prior to the issuance of a grading permit. The Project Paleontologist will be on-call to monitor ground-disturbing activities and excavations on the Project site following identification</td>
<td>Engineering Department</td>
<td>During grading</td>
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<tr>
<td>MITIGATION MEASURE (MM) PLANS, POLICIES, OR PROGRAMS (PPP) PROJECT DESIGN FEATURES (PDF)</td>
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<td>of potential paleontological resources by project personnel. If paleontological resources are encountered during implementation of the Project, ground-disturbing activities will be temporarily redirected from the vicinity of the find. The Project Paleontologist will be allowed to temporarily divert or redirect grading or excavation activities in the vicinity in order to make an evaluation of the find. If the resource is significant, Mitigation Measure CR-4 shall apply.</td>
<td>Planning Department</td>
<td>Prior to the issuance of an occupancy permit or as otherwise determined by the Planning Director</td>
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<tr>
<td><strong>MM-CR-4:</strong> Paleontological Treatment Plan. If a significant paleontological resource(s) is discovered on the property, in consultation with the Project proponent and the City, the qualified paleontologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation in the find a local qualified repository, and preparation of a report summarizing the find.</td>
<td>Planning Department</td>
<td>During grading</td>
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<tr>
<td><strong>PPP 3.5-1</strong> The project is required to comply with the applicable provisions of California Health and Safety Code §7050.5 as well as Public Resources Code §5097 et. seq.</td>
<td>Planning Department</td>
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<tr>
<td><strong>GEOLOGY AND SOILS</strong></td>
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<tr>
<td><strong>PPP 3.6-1</strong> As required by Municipal Code Section 8.05.010, the Project is required to comply with the most recent edition of the <em>California Building Code</em> to preclude significant adverse effects associated with seismic hazards.</td>
<td>Building &amp; Safety Department</td>
<td>Prior to the issuance of building permits</td>
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<tr>
<td><strong>PPP’s 3.91-1 through PPP 3.9-4 in Section 3.9, <em>Hydrology and Water Quality</em> shall apply.</strong></td>
<td>Engineering Department</td>
<td>Prior to the issuance of a grading permit and during operation</td>
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<tr>
<td><strong>GREENHOUSE GAS EMISSIONS</strong></td>
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<tr>
<td><strong>PPP 3.7-1</strong> As required by Municipal Code Section 8.05.010, <em>California Energy Code</em>, prior to issuance of a building permit, the Project Applicant shall submit showing that the Project will be constructed in compliance with the most recently adopted edition of the applicable California Building Code Title 24 requirements.</td>
<td>Building &amp; Safety Department</td>
<td>Prior to the issuance of building permits</td>
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<tr>
<td>MITIGATION MEASURE (MM) PLANS, POLICIES, OR PROGRAMS (PPP) PROJECT DESIGN FEATURES (PDF)</td>
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<td>PPP 3.7-2 As required by Municipal Code Section 9.283.010, Water Efficient Landscape Design Requirements, prior to the approval of landscaping plans, the Project proponent shall prepare and submit landscape plans that demonstrate compliance with this section.</td>
<td>Building &amp; Safety Department</td>
<td>Prior to the issuance of building permits</td>
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<tr>
<td>PPP 3.7-3 As required by Municipal Code Section 8.05.010 (8), the Project proponent shall comply with the California Green Building Standards.</td>
<td>Building &amp; Safety Department</td>
<td>Prior to the issuance of building permits</td>
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<tr>
<td>HYDROLOGY AND WATER QUALITY</td>
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<tr>
<td>PPP 3.9-1 As required by Municipal Code Chapter 6.05.050, Storm Water/Urban Runoff Management and Discharge Controls, Section B (1), any person performing construction work in the city shall comply with the provisions of this chapter, and shall control storm water runoff so as to prevent any likelihood of adversely affecting human health or the environment. The City Engineer shall identify the BMPs that may be implemented to prevent such deterioration and shall identify the manner of implementation. Documentation on the effectiveness of BMPs implemented to reduce the discharge of pollutants to the MS4 shall be required when requested by the City Engineer.</td>
<td>Engineering Department</td>
<td>Prior to the issuance of grading permits</td>
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<tr>
<td>PPP 3.9-2 As required by Municipal Code Chapter 6.05.050, Storm Water/Urban Runoff Management and Discharge Controls, Section B (2), any person performing construction work in the city shall be regulated by the State Water Resources Control Board in a manner pursuant to and consistent with applicable requirements contained in the General Permit No. CAS000002, State Water Resources Control Board Order Number 2009-0009-DWQ. The city may notify the State Board of any person performing construction work that has a non-compliant construction site per the General Permit.</td>
<td>Engineering Department</td>
<td>Prior to the issuance of grading permits and during construction</td>
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<tr>
<td>PPP 3.9-3 As required by Municipal Code Chapter 6.05.050, Storm Water/Urban Runoff Management and Discharge Controls, Section C, new development or redevelopment projects shall control storm water runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The City Engineer shall identify the BMPs that may be implemented</td>
<td>Engineering Department</td>
<td>Prior to the issuance of grading permits and during operation</td>
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<td>MITIGATION MEASURE (MM) PLANS, POLICIES, OR PROGRAMS (PPP) PROJECT DESIGN FEATURES (PDF)</td>
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<td>to prevent such deterioration and shall identify the manner of implementation. Documentation on the effectiveness of BMPs implemented to reduce the discharge of pollutants to the MS4 shall be required when requested by the City Engineer. The BMPs may include, but are not limited to, the following and may, among other things, require new developments or redevelopments to do any of the following:</td>
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<td>(1) Increase permeable areas by leaving highly porous soil and low lying area undisturbed by:</td>
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<td>(a) Incorporating landscaping, green roofs and open space into the project design;</td>
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<td>(b) Using porous materials for or near driveways, drive aisles, parking stalls and low volume roads and walkways; and</td>
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<td>(c) Incorporating detention ponds and infiltration pits into the project design.</td>
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<td>(2) Direct runoff to permeable areas by orienting it away from impermeable areas to swales, berms, green strip filters, gravel beds, rain gardens, pervious pavement or other approved green infrastructure and French drains by:</td>
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<td>(a) Installing rain-gutters oriented towards permeable areas;</td>
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<td>(b) Modifying the grade of the property to divert flow to permeable areas and minimize the amount of storm water runoff leaving the property; and</td>
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<td>(c) Designing curbs, berms or other structures such that they do not isolate permeable or landscaped areas.</td>
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<td>(3) Maximize storm water storage for reuse by using retention</td>
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<tr>
<td>MITIGATION MEASURE (MM) PLANS, POLICIES, OR PROGRAMS (PPP) PROJECT DESIGN FEATURES (PDF)</td>
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<td>structures, subsurface areas, cisterns, or other structures to store storm water runoff for reuse or slow release. (4) Rain gardens may be proposed in-lieu of a water quality basin when applicable and approved by the City Engineer.</td>
<td>Engineering Department</td>
<td>During operation</td>
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</tr>
<tr>
<td><strong>PPP 3.9-4</strong> As required by Municipal Code Chapter 6.05.050, <em>Storm Water/Urban Runoff Management and Discharge Controls, Section E</em>, any person or entity that owns or operates a commercial and/or industrial facility(s) shall comply with the provisions of this chapter. All such facilities shall be subject to a regular program of inspection as required by this chapter, any NPDES permit issued by the State Water Resource Control Board, Santa Ana Regional Water Quality Control Board, Porter-Cologne Water Quality Control Act (Wat. Code Section 13000 et seq.), Title 33 U.S.C. Section 1251 et seq. (Clean Water Act), any applicable state or federal regulations promulgated thereto, and any related administrative orders or permits issued in connection therewith.</td>
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<tr>
<td><strong>NOISE</strong></td>
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<tr>
<td><strong>PPP 3.12-1</strong> As required by Municipal Code Section 11.05.020 (9), private construction projects located within one-quarter (¼) of a mile from an inhabited dwelling shall not perform construction between the hours of six (6:00) p.m. and six (6:00) a.m. during the months of June through September and between the hours of six (6:00) p.m. and seven (7:00) a.m. during the months of October through May.</td>
<td>Building &amp; Safety Department</td>
<td>Prior to the issuance of a building permit</td>
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<tr>
<td><strong>PPP 3.12-2</strong> As required by Jurupa Valley Municipal Code Section 11.05.040, no person shall create any sound, or allow the creation of any sound, on any property that causes the exterior sound level on any other occupied property to exceed the sound level standards set forth in Table 1 of this section or that violates the special sound source standards set forth in Section 11.05.060.</td>
<td>Building &amp; Safety Department</td>
<td>During operation</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure NOI-1-Construction Noise Mitigation Plan. Prior to the issuance of a grading permit, the developer is required to submit a construction-related noise mitigation plan to the City Planning Department for review and</td>
<td>Planning Department</td>
<td>Prior to the issuance of a grading permit.</td>
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<tr>
<td>MITIGATION MEASURE (MM) Plans, Policies, or Programs (PPP) Project Design Features (PDF)</td>
<td>RESPONSIBILITY FOR IMPLEMENTATION</td>
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<td>approval. The plan must depict the location of construction equipment and how the noise from this equipment will be mitigated during construction of this project. In addition, the plan shall require that the following notes are included on grading plans and building plans. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City of Jurupa Valley staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.</td>
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<tr>
<td>“a) Haul truck deliveries shall be limited to between the hours of 6:00am to 6:00pm during the months of June through September and 7:00am to 6:00pm during the months of October through May.</td>
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<tr>
<td>b) Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers’ standards.</td>
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<tr>
<td>c) All stationary construction equipment shall be placed in such a manner so that emitted noise is directed away from any sensitive receptors adjacent to the Project site.</td>
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<tr>
<td>d) Construction equipment staging areas shall be located the greatest distance between the staging area and the nearest sensitive receptors.”</td>
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<tr>
<td><strong>PUBLIC SERVICES</strong></td>
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<tr>
<td><strong>PPP 3.14-1</strong> The Project applicant shall comply with all applicable Riverside County Fire Department codes, ordinances, and standard conditions regarding fire prevention and suppression measures relating to water improvement plans, fire hydrants, automatic fire extinguishing systems, fire access, access gates, combustible construction, water availability, and fire sprinkler systems.</td>
<td>Fire Department</td>
<td>Prior to issuance of a building permit or occupancy permit</td>
<td></td>
</tr>
<tr>
<td><strong>PPP 3.14-2</strong> As required by Municipal Code Chapter 3.75, the Project is required to pay a Development Impact Fee that the City can use to improve public facilities and/or, to offset the incremental increase in the demand for public</td>
<td>Building &amp; Safety Department</td>
<td>Per Municipal Code Chapter 3.75</td>
<td></td>
</tr>
<tr>
<td>MITIGATION MEASURE (MM) PLANS, POLICIES, OR PROGRAMS (PPP) PROJECT DESIGN FEATURES (PDF)</td>
<td>RESPONSIBILITY FOR IMPLEMENTATION</td>
<td>TIME FRAME/MILESTONE</td>
<td>VERIFIED BY:</td>
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<tr>
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<td>services that would be created by the Project.</td>
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<td><strong>PPP 3.14-3</strong> Prior to the issuance of any building permit, the Project Applicant shall pay required development impact fees to the Jurupa Unified School District following protocol for impact fee collection.</td>
<td>Building &amp; Safety Department</td>
<td>Prior to the issuance of building permits</td>
<td></td>
</tr>
<tr>
<td><strong>PPP 3.14-4</strong> Prior to the issuance of any building permit, the Project Applicant shall pay required park development impact fees to the Jurupa Area Recreation and Park District pursuant to District Ordinance No. 01-2007 and 02-2008.</td>
<td>Building &amp; Safety Department</td>
<td>Prior to the issuance of building permits</td>
<td></td>
</tr>
<tr>
<td><strong>TRANSPORTATION/TRAFFIC</strong></td>
<td></td>
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<tr>
<td><strong>PPP 3.16-1</strong> Prior to the issuance of any building permit, the Project Proponent shall make required per-unit fee payments associated with the Western Riverside County Transportation Uniform Mitigation Fees (TUMF), and the City of Jurupa Valley Development Impact Fee (DIF).</td>
<td>Building &amp; Safety Department</td>
<td>Prior to the issuance of building permits</td>
<td></td>
</tr>
<tr>
<td><strong>PPP 3.16-2</strong> As required by Municipal Code Chapter 3.75, the Project is required to pay a Development Impact Fee to assist the City in providing revenue that the City can use to fund transportation improvements such as roads, bridges, major improvements and traffic signals.</td>
<td>Building &amp; Safety Department</td>
<td>Prior to the issuance of building permits</td>
<td></td>
</tr>
<tr>
<td><strong>TRIBAL CULTURAL RESOURCES</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>MM- TCR-1: Native American Monitoring, Treatment of Discoveries, and Disposition of Discoveries.</strong></td>
<td>Planning Department Engineering Department</td>
<td>Prior to the issuance of a grading permit and during grading</td>
<td></td>
</tr>
<tr>
<td><strong>MONITORING:</strong></td>
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<tr>
<td>Prior to the issuance of a grading permit, the applicant shall contact the consulting Native American Tribe(s) that have requested monitoring through consultation with the City during the AB 52 process. The applicant shall coordinate with the Tribe to develop a Tribal Monitoring Agreement(s). A copy of the agreement shall be provided to the Jurupa Valley Planning Department</td>
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</tbody>
</table>

M-9
prior to the issuance of a grading permit.

**TREATMENT OF DISCOVERIES:**

If a significant tribal cultural resource is discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). A representative of the appropriate Native American Tribe(s), the Project Proponent, and the City Planning Department shall confer regarding mitigation of the discovered resource(s). A treatment plan shall be prepared and implemented to protect the identified tribal cultural resources from damage and destruction. The treatment plan shall contain a research design and data recovery program necessary to document the size and content of the discovery such that the resource(s) can be evaluated for significance under CEQA criteria. The research design shall list the sampling procedures appropriate to exhaust the research potential of the tribal cultural resources in accordance with current professional archaeology standards. The treatment plan shall require monitoring by the appropriate Native American Tribe(s) during data recovery and shall require that all recovered artifacts undergo basic field analysis and documentation or laboratory analysis, whichever is appropriate. At the completion of the basic field analysis and documentation or laboratory analysis, any recovered tribal cultural resources shall be processed and curated according to current professional repository standards. The collections and associated records shall be donated to an appropriate curation facility, or, the artifacts may be delivered to the appropriate Native American Tribe(s) if that is recommended by the City of Jurupa Valley. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the Jurupa Valley Planning Department, the Eastern Information Center, and the appropriate Native American Tribe.

**DISPOSITION OF DISCOVERIES:**

In the event that Native American cultural resources are inadvertently discovered during the course of grading for this project. The following procedures will be carried out for treatment and disposition of the discoveries:
The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to tribal cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the Jurupa Valley Planning Department with evidence of same:

a) A fully executed reburial agreement with the appropriate culturally affiliated Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed.

b) A curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation.

c) If more than one Native American Group is involved with the project and cannot come to an agreement as to the disposition of cultural materials, they shall be curated at the Western Science Center by default.

d) Should reburial of collected cultural items be preferred, it shall not occur until after the Phase IV monitoring report has been submitted to the Jurupa Valley Planning Department. Should curation be preferred, the developer/permit applicant is responsible for all costs and the repository and curation method shall be described in the Phase IV monitoring report.
<table>
<thead>
<tr>
<th>MITIGATION MEASURE (MM) PLANS, POLICIES, OR PROGRAMS (PPP) PROJECT DESIGN FEATURES (PDF)</th>
<th>RESPONSIBILITY FOR IMPLEMENTATION</th>
<th>TIME FRAME/MILESTONE</th>
<th>VERIFIED BY:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PPP 3.17-1</strong> The Project shall comply with Section 4.408 of the 2013 California Green Building Code Standards, which requires new development projects to submit and implement a construction waste management plan in order to reduce the amount of construction waste transported to landfills. Prior to the issuance of building permits, the City of Jurupa Valley shall confirm that a sufficient plan has been submitted, and prior to final building inspections, the City of Jurupa shall review and verify the Contractor’s documentation that confirms the volumes and types of wastes that were diverted from landfill disposal, in accordance with the approved construction waste management plan.</td>
<td>Building &amp; Safety Department</td>
<td>Prior to the issuance of building permits</td>
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</tbody>
</table>

M-12
ATTACHMENT 3

Excerpt of Planning Commission Minutes (December 12, 2018)
EXCERPT OF PLANNING COMMISSION MINUTES
CITY OF JURUPA VALLEY
December 12, 2018

6.1 MASTER APPLICATION NO. 18113: SITE DEVELOPMENT PERMIT NO. 18052 (SDP18052) TO ALLOW CONSTRUCTION OF A 7,360 SQUARE-FOOT AUTO PARTS AND SUPPLIES RETAIL STORE WITH SITE IMPROVEMENTS ON A VACANT LOT LOCATED AT 9056 MISSION BLVD. (APN:169-120-036)

Mr. Roberto Gonzalez, Associate Planner, provided a PowerPoint presentation with an overview of the project and noted the project had come to the Commission as a Study Session at the June 13, 2018 Planning Commission Meeting. At that time, the Commissioners expressed concerns with the site plan and the ability to make necessary findings pertaining to the development of the adjoining property. In particular, staff and the Commission did not support the use of the adjoining lot to fulfil parking needs since it could impede future development. In addition, the Commissioners discussed the General Plan Overlay for the future Glen Avon Town Center Master Plan. Also at the July Study Session, the PC directed the applicant to work with staff to address these concerns. Mr. Gonzalez noted he has worked with the applicant to address architectural concerns however; the concerns with parking and the access easement on the adjoining property have remained a concern.

Planning Director Mr. Tom Merrell clarified various items addressed by Mr. Gonzalez to be included in the Conditions of Approval.

Ms. Becky Dansker, Applicant representative, provided a presentation and thanked city staff for working on this project.

Mr. Luke Corsbie, Engineering Consultant representative discussed configuration of the site.

Mr. Joe Arce, Auto Zone Representative, thanked the Commissioners and looks forward to having another Auto Zone in Jurupa Valley.

PUBLIC HEARING OPENED

Mr. Joe Manzano, Resident stated he is in support of the proposed project.

PUBLIC HEARING CLOSED

COMMISSIONERS DELIBERATION:

1. Front Entrance Design
2. Drainage Concern
3. Employee Training
4. Garage Restriction Discussion
5. Shared Parking Consideration
6. Site Development Permit to be submitted for Planning Commission Approval for adjacent site
7. Conditions of Approval to be revised and clarified by Assistant City Attorney

RE OPENED PUBLIC HEARING

Ms. Becky Dansker, Applicant representative, stated they are in the process of acquiring the property on the east side.

PUBLIC HEARING CLOSED

There being no other persons wishing to address the Commission, Chair Pro Tem Ruiz closed the public hearing.

Commissioner Moore moved and Commissioner Pruitt seconded a motion to adopt Resolution No. 2018-12-12-01 subject to the revised Conditions of Approval. The motion was approved 4:0.

Ayes: Ruiz, Pruitt, Silva, Moore
Noes: None
Abstained: None
Absent: None
ATTACHMENT 4

Planning Commission Staff Report
(December 12, 2018) With Attachments
RETURN TO AGENDA

STAFF REPORT

DATE: DECEMBER 12, 2018
TO: CHAIR PRO TEM RUIZ AND MEMBERS OF THE PLANNING COMMISSION
FROM: THOMAS G. MERRELL, AICP, PLANNING DIRECTOR
BY: ROB GONZALEZ, ASSISTANT PLANNER
SUBJECT: MASTER APPLICATION (MA) NO. 18113: SITE DEVELOPMENT PERMIT NO. 18052 (SDP18052) TO ALLOW CONSTRUCTION OF A 7,360 SQUARE-FOOT AUTO PARTS SUPPLY RETAIL STORE WITH SITE IMPROVEMENTS ON A VACANT LOT AT 9056 MISSION BLVD. (APN: 169-120-036)

RECOMMENDATION

By motion, adopt Planning Commission Resolution No. 2018-12-12-01 to permit construction of a 7,360 square-foot, auto parts supply store and associated site improvements at 9056 Mission Boulevard.

BACKGROUND

The Planning Commission considered this project at a study session conducted on June 13, 2018 (see Planning Commission Minutes excerpt attached to this report). At that time, staff and the Planning Commission expressed concerns with the site plan and the ability to make necessary findings pertaining to the logical development of adjoining property. In particular, staff and the Commission did not support the use of the adjoining lot to fulfill parking needs since it could impede future development of that site. In addition, the Planning Commission discussed the General Plan Overlay for the future Glen Avon Town Center Master Plan. At the conclusion of the meeting, the Planning Commission directed the applicant to work with staff to address these concerns.

Since that time, staff has worked with the applicant to address architectural concerns but the concerns with parking and the access easement on the adjoining property are still features of the project that remain a concern.

PROJECT DESCRIPTION

The Applicant (“Applicant” or “AutoZone and Meridian”) has submitted an application to allow construction of an auto supply store at 9056 Mission Boulevard. The project includes a 7,360 square-foot building, parking, landscaping, sidewalk/trail improvements and a shared access easement for driveway and parking purposes on an adjoining parcel. The site is located at 9056 Mission Boulevard, north of 44th Street, south of Mission Boulevard, east of Glen Street and west of Avon Street. Zoning of the property is C-1/C-P (General Commercial). The General Plan land use designation is CR (Commercial Retail) and the property is within the Glen Avon Town Center Overlay area as well as the Equestrian Protection Lifestyle Overlay.
Operational Characteristics. The retail activity will be primarily contained to the interior of the proposed building between the hours of 7:30 a.m. and 11:00 p.m. seven days a week. Although most of the activity occurs inside the building, it should be noted that AutoZone personnel intend to provide limited assistance to its customers outside of the building such as diagnostic testing. Diagnostic testing may occur when a customer’s “check engine light” appears. In addition, the applicant proposes to allow employees may assist customers with the installation of windshield wipers and batteries. The changing of oil and other fluids in the parking lot is not proposed.

The floor plan includes a retail sales area, a manager’s area, a loading area, restrooms, and a counter area. The retail area is organized by aisles. Merchandise is stored behind counter areas and in the loading areas.

Table No. 1 outlines the existing land use and zoning designations and Exhibits 1 and 2 show zoning and general plan information.

<table>
<thead>
<tr>
<th>TABLE 1: GENERAL PROJECT INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Plan Land Use Designation</td>
</tr>
<tr>
<td>Policy Area</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Existing Zoning Classification</td>
</tr>
</tbody>
</table>

Surrounding parcels to the east and west of the site are zoned C-1/C-P and are also located in the General Commercial land use district (CR). Surrounding parcels to the south are zoned A-1 and R-1 and are developed with residential neighborhoods.

EXHIBIT 1 – GENERAL PLAN LAND USE AND OVERLAY INFORMATION
Site Design and Access. The building is proposed near the northern boundary of the property close to Mission Boulevard. Parking is proposed towards the southern portion of the property. Primary access is proposed to and from the site off of Mission Boulevard. The on-site circulation plan has been designed to allow patrons and employees to drive through the site and access 37 parking spaces to the rear of the property as well as 13 spaces on an adjoining lot.

New landscaping is proposed along the building frontage on Mission Boulevard along the northeast side of the site in front of the parking aisle and within the parking lot. A retention basin, concrete flatwork and trash enclosure are also proposed as part of the project.

The plan includes an encroachment/access easement onto the adjacent lot for parking and driveway access purposes. The applicant states that AutoZone’s corporate policies require parking to be within a specified distance of any building. The encroachment onto the adjoining lot is requested for parking purposes and is intended to satisfy the AutoZone’s corporate distance requirement. In addition, the easement is intended to provide appropriate space for the circulation of vehicles on the site, namely the circulation and turning radius of a standard 69-foot semi-trailer truck. Both properties would use a single ingress and egress driveway providing access to Mission Boulevard.

The easterly and southerly lot lines include a 6’ high solid masonry wall. The combination of landscaping and masonry wall provides a buffer to existing residential uses to the southerly portion of the lot and the existing uses to the easterly lot.
The following table demonstrates the projects compliance with zoning requirements:

**TABLE 3 – C-1/C-P DEVELOPMENT REGULATIONS**

<table>
<thead>
<tr>
<th>Standard</th>
<th>Does the Project Comply with Standards?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot size and dimensions.</strong> No minimum lot area, lot width and lot</td>
<td>Yes, the project complies.</td>
</tr>
<tr>
<td>depth are established for development in this zone.</td>
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<tr>
<td><strong>Setbacks.</strong> There are setback requirements for buildings which do</td>
<td>Yes, the project complies.</td>
</tr>
<tr>
<td>not exceed thirty-five (35) feet in height.</td>
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<tr>
<td><strong>Parking.</strong> Automobile storage space shall be provided as required</td>
<td>Yes, with conditions of approval, the project complies. Note: If approved</td>
</tr>
<tr>
<td>by Section 9.240.120. The code requires a total of 37 on-site</td>
<td>as proposed, the project would have 13 extra parking spaces. Shade</td>
</tr>
<tr>
<td>parking spaces. These spaces have been provided on the project site.</td>
<td>requirements for the parking area are also satisfied.</td>
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<tr>
<td>In addition, the applicant proposes 13 extra parking spaces on an</td>
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<tr>
<td>adjoining lot by establishing an access and parking easement. Parking</td>
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<td>is also provided in accordance with the Americans with Disabilities</td>
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<tr>
<td>Act requirements. Landscaping shade requirements of 30 percent of the</td>
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<td>parking are proposed</td>
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</tr>
<tr>
<td><strong>Roof - Mounted Equipment. All roof-mounted mechanical</strong></td>
<td>Yes, with a condition of</td>
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</table>
equipment shall be screened from the ground elevation view to a minimum sight distance of 1,320 feet. Approval, the project will comply.

**Landscaping.** The code requires that 10 percent of the site be landscaped. The conceptual landscape plan was reviewed by the City’s Landscape Consultant and recommended for approval. A copy of the landscape plan is provided below. Yes, the project complies.

**Walls and Fences.** The code requires all paved parking areas, other than those required for single-family residential uses, which adjoin property zoned R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4, R-5, R-6, R-A, R-R or R-T, to construct a six (6) foot high solid masonry wall provided with an anti-graffiti coating installed to preclude a view of the parking area from such adjoining property. Yes, the project complies. A 6-foot high block wall is proposed.

**EXHIBIT 5 - ARCHITECTURAL DESIGN**

![Exhibit 5 - Architectural Design]

**ANALYSIS**

**Zoning**

The retail sales of auto parts is an allowed use in the C-1/C-P zone per Section 9.115.020 of the Jurupa Valley Municipal Code subject to approval of a site development permit and specific findings. The project meets the development requirements of the C-1/C-P Zone as demonstrated on Table 3 but staff does not believe the required findings can be made. A discussion of the required findings will be provided in a later section of this report.
A new trash enclosure constructed of split face block, opaque self-closing gates and a trellis roof is proposed to match the new development and will comply with City standards. The applicant will be submitting a separate Site Development Permit for the evaluation and processing of a future sign for the site.

EXHIBIT 2 - LANDSCAPE PLAN

Findings for Approval of a Site Development Permit

The zoning code requires that the City make the following findings before approving a site development permit:

A. The proposed use must conform to all the requirements of the City of Jurupa Valley General Plan and with all applicable requirements of State law and the ordinance of the City of Jurupa Valley.

Project: With the conditions of approval, the project conforms to all requirements of the City of Jurupa Valley General Plan and with all applicable requirements of State law and the ordinance of the City of Jurupa Valley.

B. The overall development of the land shall be designed for the protection of the public health, safety, and general welfare; to conform to the logical development of the land and to be compatible with the present and logical development of the surrounding
property. The plan shall consider the location and need for dedication and improvement of necessary streets and sidewalks, including the avoidance of traffic congestion; and shall take into account topographical and drainage conditions, including the need for dedication and improvements of necessary structures as a part thereof.

Project: As proposed, staff does not believe this finding can be made. Since the project proposes an encumbrance (driveway access, landscaping and parking spaces) on an adjoining vacant property, future development potential of that site will be significantly impeded. It is important to note that the adjoining lot will be limited by the access and improvements constructed to serve this project, limiting the options for logical development consistent with the Glen Avon Town Center and General Plan policies.

To move forward with project approval, staff recommends a condition of approval that requires removal of the parking spaces, shared access way and landscaping on the adjacent lot from the site plan. Any encumbrances on the adjacent parcel should only be considered in conjunction with a development plan encompassing both properties.

By adding a condition of approval requiring removal of the parking area, shared driveway and landscaping from the adjacent lot is staff is able to support the required finding.

C. All site development permits which permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in accordance with Title 7 in such a manner that each building is located on a separate legally divided parcel.

Project: By adding a condition of approval that prevents the above situation, staff is able to support this finding.

General Plan

Land Use Element. The General Plan identifies this property as appropriate for general retail uses (Commercial Retail). In addition, the site is located in the Equestrian Protection Lifestyle Overlay as well as the Glen Avon Town Center Overlay. The project meets the intent of the Commercial Retail land use designation and is consistent with the allowed Floor-to- Area Ratio (FAR) of 0.20 - 0.35. The following General Plan Land Use Element policies pertain to this project:

• LUE 3.2 Accessibility. Building and parking facilities should generally be located adjacent to and oriented parallel to public streets to facilitate pedestrian accessibility and to screen parked cars.

Project: The proposed building currently has its main entrance facing the parking area to the west on the adjacent lot. Such a configuration is not compatible with this goal and does not maximize pedestrian connectivity to the use. To remedy this issue, staff recommends (and the applicant has agreed) to relocate the front entrance of the building to be on the north side of the building.

• LUE 3.5 Residential Compatibility. Commercial uses abutting residential properties shall be designed to protect the residential uses from the impacts of noise, vibration, light, fumes, odors, vehicular traffic, parking, and safety hazards.
Project: Although the project is designed to mitigate potential impacts to the existing residential properties abutting the project to the south and east, the use has the potential to cause land use conflicts. Walls and landscaping are included to serve as a buffer but negative impacts will likely occur if conditions are not included that address increased noise, litter, fumes, parking lot lights, and customers fixing cars in the parking lot.

As a result of these issues, staff recommends including conditions of approval that require all activities to be conducted within an enclosed building and that prevents light from parking lot security standards from spilling light onto adjoining properties. A condition is also recommended that requires the applicant to include a garage to conduct any customer assistance or servicing of vehicles.

It should be noted that the City’s zoning code requires that all activities be performed entirely within an enclosed building. It will be a violation of the code and a violation of this Site Development Permit for any employee or customer to be working on or doing any work outside.

- LUE 3.8 Architectural Compatibility. Require commercial development to be designed to enhance and be architecturally compatible with its surroundings and with designated scenic highways or public view corridors by providing high quality architecture, landscaping, and site improvements. Architectural styles that reflect the City’s small town rural, agricultural history shall be utilized in the design of new commercial developments in or near the Village Centers, consistent with the applicable design guidelines.

Project: The architectural design of the project considers the rural heritage of the Glen Avon Village Center. The proposed development features an agricultural design that is designed to reflect the City’s small town rural history. The building’s style is a contemporary version of rural farm architecture that reflects the local rural heritage. The design incorporates a variety of color tones and decorative features.

The building includes a variety of stucco finishes, integral colored CMU block and board and batten siding. A roof parapet is provided and screens roof mounted HVAC equipment. Decorative features include hardie trim with accent colors, and fixed barn door style shutters. The building includes metal roofing. The west elevation includes a shade rafter that includes rough sawn posts and braces, and stone veneer post wraps. Staff will require the same entry way treatment on the northern façade of the building.

General Plan – Glen Avon Town Center Overlay

The 2017 Jurupa Valley General Plan includes a general program in which the City will prepare an area plan for each of its town centers to establish a consensus and a vision that is shared by the stakeholders and the City Council.

The property is located within the Glen Avon Town Center Overlay area. It is situated in an area with prominent visibility and access. Importantly, any future development in these vital areas should be carefully planned to promote prosperity and to achieve a small town rural atmosphere. Projects within this overlay should embrace the small town commercial and traditional neighborhoods that are served by equestrian- and pedestrian-friendly connections.

The following General Plan policies are established to guide development within this important historical commercial center.
• LUE 5.13 Village Center Development. Require development within the Village Center Overlay to be compact, pedestrian-oriented, and designed to accommodate a broad range of uses, including commercial, residential, and public facility uses, consistent with the Community’s historic character.

Project: Staff does not believe that the use is consistent with this policy. The project is not pedestrian-oriented in that it exists only to serve users of automobiles. The proposal promotes the use of automobiles almost exclusively.

• LUE 5.25 Connectivity. Integrate pedestrian-, equestrian-, and bicycle-friendly street and trail networks connecting village centers with surrounding land uses.

Project: Although the applicant has agreed to create a front entrance on Mission Boulevard, a side facing door will nonetheless be the main entrance. The front of the building faces the side or the lot in order to accommodate the standard floor plan for Auto Zone stores. The door facing the street is on the side of the building. The proposed solution to a front entrance for a building designed to face the side of the lot does not fully satisfy the intent of this General Plan policy.

• LUE 5.27 Architectural Compatibility. Require that village center development be designed to be architecturally compatible with its surroundings and visually enhance the character of the surrounding neighborhood and designated scenic highways or public view corridors.

Project: With the proposed conditions of approval, the project promotes achievement of this goal.

General Plan – Equestrian Lifestyle Projection Overlay

The project is within the Protected Equestrian Sphere Policy Area. The intent of the policy area is to promote and protect the equestrian character of the area. To promote the equestrian lifestyle, the applicant proposes an equestrian trail within the right-of-way of Mission Boulevard. The 12-foot wide equestrian trail will consist of decomposed granite. If the applicant were to construct this trail at this time, it would be fragmented and lead to nowhere. As an alternative, the applicant should be required to pay an in-lieu fee to cover the future costs of trail construction when the City and/or adjacent property owners develop their portions of the trial.

ENVIRONMENTAL REVIEW

The City of Jurupa Valley has prepared and intends to adopt a Mitigated Negative Declaration (MND) for the Project. The proposed Mitigated Negative Declaration is supported by an Initial Study that evaluated potential effects with respect to Aesthetics, Agriculture and Forest Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing Public Services, Recreation, Transportation/Traffic, and Utilities and Services Systems. The proposed Mitigated Negative Declaration determines that although the proposed Project could have significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made or agreed by the Applicant. The City’s decision to prepare a Mitigated Negative Declaration should not be construed as a recommendation of either approval or denial of this Project. Conditions of approval require all measured of the Mitigation Monitoring and Reporting Program (MMRP) to be set as condition to the project.
The public review period for the environmental document began on November 22, 2018 and ended on December 11, 2018. The City received no comments against the adoption of a Mitigated Negative Declaration during the public review period.

CONCLUSION

The use is a permitted use in the C-1/C-P zone and is consistent with the intent and purpose of the Commercial Retail land use designation. It should be noted, however, that the use is not consistent with several of the City’s General Plan policies pertaining to commercial development. Although conditions of approval can be included that limit land use compatibility issues, the use is still auto-oriented and may be better suited in a different location.

With the Mitigation Monitoring and Reporting Program, as well as the conditions of approval, staff supports the project with the recommended Conditions of Approval. All required findings for the approval have been affirmatively determined.

Prepared by:  

Rob Gonzalez  
Assistant Planner

Submitted by:  

Thomas G. Merrell, AICP  
Planning Director

Reviewed by:

//s// Serita Young  
Serita Young  
Deputy City Attorney

ATTACHMENTS

1. Resolution No. 2018-12-12-01
   a. Exhibit A: Recommended Conditions of Approval
   b. Exhibit B: Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program (MMRP)

2. Planning Commission Workshop Synopsis (Date: 6/13/2018)

3. Director Referral To Planning Commission (Dated:11/14/2018)

4. JCSD Will-Serve Letter (Dated: 11/14/2018)

5. Architectural Plans
   a. Site Plan - Sheet 1
   b. Color Elevation – Sheet CE1
   c. Conceptual Landscape Plan – Sheet L1.1, L1.2, L1.2
d. Floor Plans – Sheet A-1

e. Preliminary Grading Plan – Sheet 1

6. Colored Elevations

7. Landscape Plans
ATTACHMENT 5

Appeal from AutoZone/Meridian Property Ventures
APPLICATION FOR APPEAL

1. APPELLANT INFORMATION
   Appellant's name (print): Becky Dansker, as Project Manager for
   Applicant/Appellant Meridian Property Ventures

   Company: Meridian Property Ventures
   Mailing Address: 2420 Camino Ramon, Ste. 215
   City: San Ramon State: CA Zip: 94583
   Telephone: 714-584-0475 E-mail: bdansker@mpcca.com

   - Is the appeal being filed on your behalf, or on behalf of another party,
     organization or company? ☑ Self ☐ Other: On behalf of
     Applicant/Appellant Meridian Property Ventures

2. REPRESENTATIVE/AGENT INFORMATION

   Representative/Agent name (if applicable):______________________________

   Company:____________________________________________________________

   Mailing Address:______________________________________________________

   City:____________________ State:____________ Zip:______________________
   Telephone:________________ E-mail:______________________________

3. APPELLANT BODY/CASE INFORMATION

   Appellant Body:
   ☑ Planning Commission ☐ City Council ☐ Director of Planning

   Case Number(s): AutoZone Application MA 18113/SDP 18052
   Project Address: 9056 Mission Boulevard (APN: 169-120-036),
   Jurupa Valley
Type of Appeal

☐ Appeal by Applicant/Owner
☐ Appeal by a person, other than the Applicant/Owner

Explanation of Appeal (What decision or part of decision do you disagree with and why should the decision be overturned): [See attachment] *

use additional sheets if necessary.

4. APPLICANT’S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: [Signature]
Becky Dansker, Project Manager for Applicant/Appellant
Date: December 21, 2018

THE APPEAL FILING PACKAGE MUST CONSIST OF THE FOLLOWING:
1. One completed and signed application form.
3. All appropriate filing fees (the base fee, plus other fees specifically for the Department of Building and Safety, Flood Control District and/or Transportation Department conditions, if applicable).

FOR PLANNING USE ONLY

Date Received: __________________________
Received By: __________________________
Case Number(s): __________________________
Via E-Mail and Overnight Mail

December 21, 2018

City of Jurupa Valley
c/o Planning Department
8930 Limonite Avenue
Jurupa Valley, CA 92509

Re: Explanation of Appeal, AutoZone Application MA 18113/SDL 18052

This letter sets forth the arguments in favor of the appeal dated December 21, 2018 filed by Meridian Property Ventures ("Applicant") challenging the Conditions of Approval imposed by the Planning Commission on the above-referenced project.

I. Introduction

On May 9, 2018—following almost 6 months of pre-application negotiations with Planning Department staff—Applicant submitted an application for a Site Development Permit for the approval of a freestanding, 7,360 square foot AutoZone store with 37 onsite parking spaces on Mission Boulevard between Glen and Avon (the “Project”). The Project design included at great cost to AutoZone many premium ‘rural-farm’ design elements requested by staff purporting to reflect the Jurupa Valley General Plan’s Glen Avon overlay vision, including barn style shutters, exposed rafter ends, stone veneer post wraps and rough sawn posts and braces, among a plethora of other design upgrades not exacted from any other retail developer in Jurupa Valley in the past. From the Inception of the Project, the Applicant’s development proposal also included a reciprocal easement burdening the adjacent parcel, APN 169-120-U3/, for 13 shared parking spaces and a shared vehicular access driveway. On August 9, 2018 Applicant received pre-application comments from the Jurupa Valley Planning Department and met several more times with Planning Department staff to address and resolve these comments. On November 9, 2018, in good faith reliance upon these meetings, Applicant resubmitted its application for Site Development Review with thorough and complete responses to Planning staff questions and material changes to the prior site plan. The application was finally accepted as complete and the Planning Department established a December 12, 2018 Planning Commission hearing date.

On December 5, 2018, Applicant received E-Mail and telephone communications from Planning staff demanding that Applicant agree once again to significant changes to the Project. These changes would eventually evolve into Conditions 25, 32, 35, 36, 37 and 38 in the Conditions of Approval recommended by Staff and subsequently imposed by the Planning Commission on December 12, 2018. Applicant affirms that at no time prior to December 5, 2018 did the Planning Department object to the 13 shared parking spaces on the adjacent parcel. Nor was any concern raised regarding AutoZone employees conducting occasional customer service activities in the parking area, which is now universal in the auto parts industry. This Appeal concurs with the Planning Commission’s approval of the Site Development Permit 18052 on December 12, 2018 but challenges Conditions 25, 32, 35, 36, 37 and 38 pertaining to these two issues. For the reasons set forth herein, Applicant respectfully requests that the Jurupa Valley City Council delete these Conditions upon appeal and rehearing.
II. Discussion of Conditions

A. Shared Parking Conditions

25. SITE PARKING. Parking for the proposed retail development shall be completely contained on the same parcel as the building. No parking shall be located on the adjacent parcel (169-120-037).

35. SHARED DRIVEWAY. Prior to the issuance of any building permit, the Applicant shall revise plans to remove 13 parking spaces shown within the shared driveway easement. Said 13 spaces may be placed elsewhere on the project site.

36. EASEMENT PARKING SPACES. The applicant shall revise the site plan to remove the thirteen (13) shared parking spaces demonstrated on the site plan, and may place those parking spaces on the project site.

1. Is the Project as proposed (with the shared parking on the adjacent parcel) consistent with the General Plan?

   i. Overview

   The starting point of any analysis into the appropriateness of a particular use must be the applicable zoning. Staff concedes that the Project is consistent with zoning [Staff Report, Page 1], and indeed that the site’s C-1/C-P General Commercial zoning expressly calls out and permits “Automobile Parts and Supply Stores” by right, with only a Site Development Review Permit under Sec. 9.115.020 A (8). In essence the zoning scheme for Automobile Parts and Supply Stores contemplates routine, non CEQA administrative approval of a Site Development Review permit by the Planning Director unless “there is a policy implication or the proposed use is the subject of concern for the public interest” [Planning Code, 9.204.330(4)(d)(iii)]. Therefore the referral of this Project to the Planning Commission by the Planning Director for discretionary approval is in itself unwarranted for a project that conforms with zoning and as we will clearly demonstrate, with the General Plan as well.

   ii. General Plan Land Use Element 5.13

   The Staff Report states that notwithstanding consistency with zoning, the Project is inconsistent with the General Plan’s Glen Avon and Equestrian overlay policies.

LUE 5.13 Village Center Development. Require development within the Village Center Overlay to be compact, pedestrian-oriented, and designed to accommodate a broad range of uses, including commercial, residential, and public facility uses, consistent with the Community’s historic character.

Project: Staff does not believe that the use is consistent with this policy. The project is not pedestrian-oriented in that it exists only to serve users of automobiles. The proposal promotes the use of automobiles almost exclusively.
iii. Analysis of LUE 5.13

If Planning staff’s argument that an auto parts store use violates LUE 5.13 is correct, it must also logically mean that substantial portions of Jurupa Valley’s current zoning ordinance are also facially inconsistent with its General Plan and void because established state law voids zoning that is inconsistent with the General Plan. See Lesher Communications, Inc. v. City of Walnut Creek, 52 Cal. 3d. 531, 540 (1990); Gov’t Code Section 65860(a). The same arguments against an auto parts use can be asserted against most retail developments existing or currently planned in Jurupa Valley. Under the C-1/C-P zone there is a list of 95 permitted uses and almost all of them would not meet such a restrictive reading of the General Plan’s ‘pedestrian-oriented’ element.

Staff is of the opinion that an auto parts supply store is by definition ‘auto oriented’. This is a curious conclusion because an auto supply store is no more or less ‘pedestrian friendly’ than any other typical commercial or retail user. As an example, a grocery store is ‘auto oriented’ because most shoppers drive to grocery stores and drive their groceries home. Certainly, there are certain ‘lifestyle’ retail centers in other cities that are more pedestrian friendly than others but such centers could also have AutoZone as a tenant. Neither the tenant’s use nor its name is indicative of whether the use is pedestrian friendly or auto oriented. That determination is driven by the available pedestrian infrastructure, including sidewalks, trails, higher end residential, etc. Despite the virtual absence at this time of all of these amenities, Applicant has agreed to include in its design a 10-foot landscaped buffer, design a landscaped median and fund a 12-foot multipurpose trail as part of its Project.

As with all General Plans, the Jurupa Valley General Plan sets forth a number of other important considerations ignored in the staff report. First, the General Plan identifies the area as CR. The C-R ‘Commercial Retail’ land use designation encourages and allows the development of “a broad range of retail commercial and services, including professional office and visitor-serving commercial uses.” [General Plan 2-37] This designation is appropriate for “local and regional-service retail and service uses” which would include the AutoZone use, which is a national brand that offers both local and regional products and services. A prima facie case can be made that the Project is consistent with the General Plan.

Planning Staff analysis leads to the conclusion that the General Plan’s Glen Avon and Equestrian overlay districts are inconsistent with the existing zoning and uses. This would immediately make development in Jurupa Valley impossible if allowed to stand. Many of the retail and commercial businesses, both existing and anticipated, on Mission Boulevard between Glen and Avon would also be inconsistent with LUE 5.13. This perspective would convert much of Mission Boulevard’s retail and commercial uses into non conforming uses, substantially devaluing their worth and creating a chilling effect on economic development within this vital corridor. This inference violates 9.115.020G of the Planning Code, which states, “[i]t is the intent of the City Council that a legally established pre-existing land use of an occupied property shall not assume a nonconforming status as a result of the adoption of the 2017 General Plan and the concurrent or subsequent adoption of a change of zone for consistency with the 2017 General Plan.” If owners, citizens and developers in Jurupa Valley cannot rely on the express language of the Planning Code because of perceived inconsistency with General Plan policies by staff, how are they to
make reasoned development decisions? Much of the vacant and underdeveloped commercial land on Mission Boulevard will plunge into planning limbo and continue on a downward spiral towards blight if opportunities for code complying retail are called into question by Planning's narrow interpretation of the General Plan.

The Jurupa Valley General Plan states:

"The General Plan is implemented primarily through its Zoning Ordinance. While the General Plan designates land uses to be accommodated in the long term, zoning identifies the specific land uses allowed and development standards that describe how they should be developed and operated. The General Plan's successful implementation depends, in large measure, upon the regular updating of the Zoning Ordinance to maintain consistency with the General Plan, as required by state law." [See General Plan, Page 1-14]

It should be noted that Government Code Section 65302.9 and 65861 et. seq. mandates that a City's zoning be amended if it is determined to be inconsistent with the General Plan and to date, this has not happened. The implementing area plans/specific plans that the General Plan anticipates will be created do not currently exist, offering prospective applicants no guidance beyond what is in the zoning code. Applicant is abiding by the rules, laws and regulations as they currently exist, hence until such time as an implementing area plan is approved for Glen Aven, the benefit of the doubt regarding General Plan compliance should be given to the Applicant.

iv. General Plan Land Use Element 5.25


Project: Although the applicant has agreed to create a front entrance on Mission Boulevard, a side facing door will nonetheless be the main entrance. The front of the building faces the side or the lot in order to accommodate the standard floor plan for Auto Zone stores. The door facing the street is on the side of the building. The proposed solution to a front entrance for a building designed to face the side of the lot does not fully satisfy the intent of this General Plan policy.

v. Analysis of LUE 5.25

Staff's interpretation that the Project does not satisfy LUE 5.25 is particularly frustrating. Staff mandated that the Project include major frontage improvements at a significant cost to the Applicant, including funding for a large, multipurpose trail to accommodate equestrians, pedestrians and bicyclists. It seems unfair to conclude that the Project does not advance the pedestrian, equestrian and bicycle connectivity goals of the General Plan after requiring these improvements.
vi. Conclusion

Given that the Zoning ordinance expressly permits Applicant’s ‘automobile parts store’ use by right and that the General Plan’s C-R designation permits AutoZone’s proposed use, the Site Development Permit review should be primarily to ensure that the building design implements the General Plan policy goals for Glen Avon. On the design front, Staff has correctly concluded that the Project meets all of the C-1, C-P Development Regulations [See Staff Report, Pages 4 and 5] and the Glen Avon Village Center vision set forth in General Plan LUC 3-B. “The architectural design of the project considers the rural heritage of the Glen Avon Village Center. The proposed development features an agricultural design that is designed to reflect the City’s small town rural history. The building’s style is a contemporary version of rural farm architecture that reflects the local rural heritage. The design incorporates a variety of color tones and decorative features. The building includes a variety of stucco finishes, integral colored CMU block and board and batten siding. A roof parapet is provided and screens roof mounted HVAC equipment. Decorative features include hardie trim with accent colors, and fixed barn door style shutters. The building includes metal roofing. The west elevation includes a shade rafter that includes rough sawn posts and braces, and stone veneer post wraps. Staff will require the same entry way treatment on the northern façade of the building.” It appears that Staff’s general antipathy towards the Project reflected in its analysis of the applicability of the General Plan to the Project is unwarranted and unsupported.

2. Does the Shared Parking result in the ‘illogical development of the land’?

i. Overview

The primary rationale for the elimination of the 13 ‘shared parking’ spaces is that the parking easement constrains the development of the adjacent property owner’s land, thereby preventing the ‘logical development’ of the adjacent land. The Staff Report concludes: “since the project proposes an encumbrance (driveway access, landscaping and parking spaces) on an adjoining vacant property, future development potential of that site will be significantly impeded. It is important to note that the adjoining lot will be limited by the access and improvements constructed to serve this project, limiting the options for logical development consistent with the Glen Avon Town Center and General Plan policies”. It should be noted that the Glen Avon Town Center and General Plan policies do not, in reality, mention ‘logical development’ requirements and adjacent property. In imposing Conditions 25, 35 and 35 limiting parking on the site plan, Staff is conflating its authority to impose conditions on the Applicant during its Site Development plan review process pursuant to Section 9.240.330(3)(b) of the Planning Code with the requirements of General Plan consistency.

Section 9.240.330(3)(b) states: “The overall development of the land shall be designed for the protection of the public health, safety and general welfare; to conform to the logical development of the land and to be compatible with the present and future logical development of the surrounding property. The plan shall consider the location and need for dedication and improvement of necessary streets and sidewalks, including the avoidance of traffic congestion; and shall take into account topographical and drainage conditions, including the need for dedication and improvements of necessary structures as a part thereof.”
ii. Analysis

Applicant respectfully disagrees with Staff’s interpretation of Section 9.240.330(3)(b). And at least in part, so did the Planning Commission when it approved the shared driveway over Staff’s objections. Having 13 shared parking spaces adjacent to the AutoZone building is vital to the success of the Project and the eventual development of the adjacent lot. Most of the retailers in Jurupa Valley would agree that parking in the rear of a building is deleterious to retail shopping, visibility and access. In light of the added development costs associated with this site, ensuring that the Project is successful is important to both Applicant and the City.

In no way does the shared driveway or the shared parking in any way diminish the future developability of the adjacent parcel. To the contrary, the Planning Commission agreed with Applicant that a shared driveway is essential to the adjacent parcel because of its narrow and long configuration and limited frontage on Mission. Without a shared driveway, the adjacent property owner would have to put a second curb cut and driveway in its property and that curb cut would have to be closer to the Glen intersection. This driveway will result in queuing on Mission and will interfere with safe left and right turns from Glen on to eastbound Mission. A second curb cut will also diminish the value of that parcel by reducing the more valuable frontage on Mission, thereby compromising the future development of the property. The logical conclusion is that a shared driveway is essential to the development of both parcels, a conclusion that was unanimously agreed to and approved by the Planning Commission against the recommendation of staff, further eroding the underlying logic of staff’s opinion that any encumbrance on an adjacent parcel is an impermissible constraint on its planning authority.

If the Planning Commission was willing to concede that a shared driveway would have a beneficial impact on the adjacent property, why would it not also be willing to consider the beneficial impact of the shared parking, for the same reasons? As the attached Shared Parking Site Plan shows, the most logical development of the adjacent site would be to have the shared parking in the location shown. This parking configuration gives the adjacent property owner easy access to the main entrance on the building’s eastern facade. Because of the building’s limited and narrow frontage on Mission, the logical turn movement out of the shared driveway is for invitees to the adjacent building to enter on Mission off the shared driveway, then turn right and head west into the shared parking to access the building. Just as the driveway shared by both parcels contributes to the “future logical development” of the adjacent parcel, so do the shared parking spaces.

At the Planning Commission, staff argued that approving the parking on the adjacent parcel was akin to site planning that parcel without the benefit of a full site plan review. In reality, parking and access easements over neighboring properties not part of an application are routine elements of projects. They are often imposed as conditions of approval and mitigation measures on applicants to ensure that the adjacent site can be developed at a future date with adequate access and parking. The same argument was advanced against the shared driveway by staff but was rejected by the Planning Commission. In both instances, the synergies created by cooperation between adjacent property owners are self-evident and should be encouraged by the City. By interfering in the fair market transaction between neighbors looking to cooperatively maximize the value of their properties for development, the Planning Commission has inadvertently inhibited the logical development of this property. By imposing the restrictive conditions, Staff has eliminated a portion of the benefit of the bargain negotiated freely between the parties, namely having Applicant pay for the cost of designing and building the parking for its neighbor.
iii. Conclusion

At no time during the Planning Commission hearing did staff convincingly articulate why the attached Shared Parking Site Plan was not ‘logical’. The proposed Shared Parking Site Plan does not in any way diminish the ability of the Planning department to review the site plan for the adjacent property at a future date. Staff can require a future applicant to submit a site development plan for review and can impose various limitations on development, including the location of additional parking and the location and orientation of the building. In fact the building could even be set back from Mission if that is the desire for staff. The site’s narrow frontage and rectangular shape (and the General Plan’s suggestion that the building should be situated close to a major boulevard such as Mission) makes the proposed Shared Parking Site Plan the most logical development scenario for both properties. Staff appears to interpret 9.240.330(3)(b) to say that a proposed development scenario has to be the only option for it to be ‘logical’ and allowed.

Or perhaps staff is taking the more extreme position that any development on an adjacent parcel is impermissible unless it has gone through the site plan review process. Page 7 of the Staff Report states, “any encumbrances on the adjacent parcel should only be considered in conjunction with a development plan encompassing both properties.” The Planning Commission dismissed this extreme interpretation when it approved the shared driveway. Shared parking is routinely approved in cities, generally without requiring a ‘development plan encompassing both properties’. Such an interpretation would be unduly restrictive on future development in Jurupa Valley and is not supported by a plain reading of the text. To the contrary, the language in the code could be read to require encumbrances such as driveways and shared parking on adjacent parcels if such encumbrances contribute to the logical future development of these parcels.

The tenuous nature of Staff’s reliance upon the logical development rationale is underscored by the language of the adopting resolution prepared by the City Attorney, which diminishes the ‘logical development’ argument when it finds: “The overall development of the land (with an added condition that requires removal of the adjacent shared parking area to promote vehicular safety) is designed to conform to the logical development of the land in that the proposed development has been designed to protect the health, safety, and general welfare of future sensitive land uses by incorporating screen walls and dense landscaping along the property perimeters.” No argument is given in support of the ‘vehicular safety rationale’ and the City’s reliance on the ‘vehicular safety’ argument rather than the ‘logical development’ argument in the adopting resolution and findings is instructive.

3. Limitations on Customer Service Activities in the Parking Lot to the Rear Lot

The Planning Commission approved customer service activities in the parking lot but limited these activities to the rear of the parking lot. This poses security concerns for AutoZone and makes these activities difficult for its employees to attend to quickly and efficiently. It is also more challenging for its employees to monitor the rear parking area. If the City Council approves the 13 shared parking on the westerly side of the building near the main entrance of the Project, Applicant respectfully requests that
it be allowed to conduct the limited activities identified in the adopting Resolution in any portion of the parking lot chosen by its customers.

4. Conclusion

It is indeed rare for an applicant to appeal to the City Council a project that has been approved with conditions by the Planning Commission. We do not do so lightly. The conditions recommended by Staff and imposed by the Planning Commission make it extremely costly for AutoZone to conduct business at this location. After investing millions of dollars in design upgrades for this store and public infrastructure investments in Jurupa, AutoZone will be immediately placed in a competitive disadvantage. The City Council should be aware that the particular use in question is expressly allowed by the existing zoning code, which calls out ‘Automobile Parts and Supply Stores’ as a permitted use and there are no code prohibitions on shared parking on adjacent property not a part of the application. The only requirement is that the impact be well thought out and support the Project. Shared parking on adjacent land is not prohibited by the General Plan under its CR ‘Commercial Retail’ land use designation and there are no General Plan policies that prohibit shared parking.

We believe this is ultimately a policy decision to be made by the City and believe that Jurupa Valley should be encouraging a retailer with an estimated annual sales tax generating revenue of $3M a year to locate its store in Glen Avon in Jurupa Valley. Page 2-7 of the General Plan recognizes the reality of retail development in Jurupa Valley when it states that “retail-commercial opportunities have lagged behind those of other nearby cities. The City’s relatively high percentages of single-family housing, vacant land, and industrial land uses when compared with retail commercial and services, offices and public facilities, suggest an imbalance in providing sufficient land to meet a broad range of commercial, residential, and public services needs. Economic studies . . . show significant retail ‘leakage’ to shopping areas in neighboring cities.” The other reality is that the retail corridor on both sides of Mission Boulevard in Glen Avon are many years away from realizing the goals of an ‘equestrian oriented’ walkable community. Such a vision is indeed attainable but must be the subject of public comment and robust input into the preparation of an area plan that balances a number of such constraints. In the interim, projects that conform to zoning and the general plan as a matter of right and build the needed public infrastructure should be permitted to move forward. The AutoZone project would stem the retail leakage in Jurupa Valley but it should be freed from onerous conditions of approval that could force it to abandon the Project.

Sincerely,

Mike Conn
Senior Vice President
Meridian

Copies: Bryan Daugherty, AutoZone
        Becky Dansker, Meridian
        Indrajit Oheysekere, Meridian
STAFF REPORT

DATE: FEBRUARY 7, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY S. THOMPSON, CITY MANAGER

SUBJECT: AGENDA ITEM NO. 15.A

ADOPTION OF ORDINANCE TO ALLOW MICROENTERPRISE HOME KITCHEN OPERATIONS IN THE CITY UNDER NEW STATE LEGISLATION, AB 626

RECOMMENDATION

1) That the City Council conduct a first reading and introduce Ordinance No. 2019-03, entitled:

   AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ADDING CHAPTER 6.100 AND AMENDING TITLE 9, PLANNING AND ZONING, OF THE JURUPA VALLEY MUNICIPAL CODE TO IMPLEMENT THE PERMITTING AND REGULATION OF MICROENTERPRISE HOME KITCHEN OPERATIONS AND FINDING AN EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)

ANALYSIS

AB 626: Microenterprise Home Kitchen Operations

Assembly Bill 626 ("AB 626") allows cities to adopt ordinances permitting “Microenterprise Home Kitchen Operations” subject to City permits and State food handling laws and regulations. AB 626 became effective on January 1, 2019.

“Microenterprise Home Kitchen Operation” means a food facility that is operated by a resident in a private home where food is stored, handled, and prepared for consumers that meets all of the following requirements:

1. The operation has no more than one full-time equivalent “food employee,” not including a family member or household member;

2. Food is prepared, cooked, and served on the same day;
3. Food is consumed onsite at the Microenterprise Home Kitchen Operation or offsite if the food is picked up by the consumer or delivered within a safe time period based on holding equipment capacity;

4. Food preparation does not involve processes that require a Hazard Analysis Critical Control Point Plan or the production, service, or sale of raw milk or raw milk products;

5. The service and sale of raw oysters is prohibited;

6. Food preparation is limited to no more than 30 individual meals per day, or the approximate equivalent of meal components when sold separately, and no more than 60 individual meals, or the approximate equivalent of meal components when sold separately, per week;

7. The operation has no more than $50,000 in verifiable gross annual sales, as adjusted annually for inflation based on the California Consumer Price Index; and

8. The operation only sells food directly to consumers and not to any wholesaler or retailer.

Microenterprise Home Kitchen Operation does not include either: (1) A catering operation; or (2) a cottage food operation

Microenterprise Home Kitchen Operation is a permitted use in any zone permitting residential uses.

AB 626 provides that a Microenterprise Home Kitchen Operation shall be considered a permitted use of residential property in any zone permitting residential uses if the microenterprise home kitchen operation complies with both of the following criteria: (A) Abstains from posting signage or other outdoor displays advertising the microenterprise home kitchen operation; and (B) complies with applicable local noise ordinances.

The City cannot prohibit the operation of, require a zoning permit to operate (such as a Conditional Use Permit or Site Development Permit, require a rezone of the property for, or levy any fees on, or impose any other restriction on, a microenterprise home kitchen operation in any residential dwelling for zoning purposes.

Additionally, a Microenterprise Home Kitchen Operation shall be considered a residence for the purposes of the State Uniform Building Standards Code and the City’s building and fire codes set forth in Title 8, Buildings and Construction, of the Jurupa Valley Municipal Code.

Microenterprise Home Kitchen Operation must obtain a City permit.

Under AB 626 and the proposed ordinance, any person who desires to operate a Microenterprise Home Kitchen Operation, as defined in Section 9.25.825 of the Jurupa Valley Municipal Code, shall obtain a permit pursuant to the provisions of this Chapter.
As part of the Application, the applicant shall submit written standard operating procedures that include all of the following information:

1. All food types or products that will be handled.
2. The proposed procedures and methods of food preparation and handling.
3. Procedures, methods, and schedules for cleaning utensils, equipment, and for the disposal of refuse.
4. How food will be maintained at the required holding temperatures pending pickup by consumer or during delivery.
5. Days and times that the home kitchen will potentially be utilized as a microenterprise home kitchen operation.

The application shall be accompanied by an application fee in an amount approved by Resolution of the City Council.

The City Manager shall approve the permit after an initial inspection has determined that the proposed microenterprise home kitchen operation and its method of operation complies with the requirements of this Code and the provisions of AB 626.

Microenterprise Home Kitchen Operations are subject to the California Retail Food Code with certain exceptions. The 26 exceptions are listed in Health and Safety Code Section 114367.1. The operator of a Microenterprise Home Kitchen Operation will need to obtain a food service health permit from Riverside County Department of Environmental Health. Also, it is important to note that while Microenterprise Home Kitchen Operations are exempt from many restaurant and commercial kitchen requirements of the California Retail Food Code, many regulations remain and the operator of a Microenterprise Home Kitchen Operation will need to carefully study and comply with those regulations.

As a condition of approval of the permit, the Applicant shall submit evidence that he or she has successfully pass an approved and accredited food safety certification examination, as specified in Health and Safety Code Section 113947.1 prior to commencement of the Microenterprise Home Food Operation.

The City Manager may add conditions to the permit as may be necessary to assure compliance with these requirements, provided, however, the conditions shall not require a microenterprise home kitchen operation to comply with food safety requirements that are different from, or in addition to, the requirements of the California Retail Food Code.

Riverside County Microenterprise Home Kitchen Operation Permit.

In the event the County of Riverside adopts an ordinance providing for Microenterprise Home Kitchen Operation Permits, the county-issued permit would be valid in the City
regardless of whether the city has separately enacted an ordinance relating to the permitting of such facilities pursuant to the authority of Health and Safety Code Section 114367. It is not known at this time whether the County of Riverside will regulate the permitting of Microenterprise Home Kitchen Operations as a food facility, or, if does, when such a regulation would be effective.

FINANCIAL IMPACT

None, other than potential costs of enforcement. Costs of processing the application would be recovered by the application fee.

ALTERNATIVES

1. Provide comments to Staff and request changes to the ordinance.

Submitted by:

[Signature]
Gary S. Thompson
City Manager

Reviewed by:

[Signature]
Keith Clarke
Building Official

Reviewed by:

[Signature]
Peter M. Thorson
City Attorney

Reviewed by:

[Signature]
Thomas Merrell, AICP
Planning Director

Attachments:

1. Proposed Ordinance
2. AB 626
ORDINANCE NO. 2019-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ADDING CHAPTER 6.100 AND AMENDING TITLE 9, PLANNING AND ZONING, OF THE JURUPA VALLEY MUNICIPAL CODE TO IMPLEMENT THE PERMITTING AND REGULATION OF MICROENTERPRISE HOME KITCHEN OPERATIONS AND FINDING AN EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)

THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. Definition of Microenterprise Home Kitchen Operations. Section 9.10.825 is hereby added to the Jurupa Valley Municipal Code to read as follows:

9.10.825 Microenterprise Home Kitchen Operations

A. “Microenterprise home kitchen operation” means a food facility that is operated by a resident in a private home where food is stored, handled, and prepared for, and may be served to, consumers, and that meets all of the following requirements:

(1) The operation has no more than one full-time equivalent food employee, not including a family member or household member.

(2) Food is prepared, cooked, and served on the same day.

(3) Food is consumed onsite at the microenterprise home kitchen operation or offsite if the food is picked up by the consumer or delivered within a safe time period based on holding equipment capacity.

(4) Food preparation does not involve processes that require a Hazard Analysis Critical Control Point (“HACCP”) plan, as specified in California Health and Safety Code Section 114419, or the production, service, or sale of raw milk or raw milk products, as defined in Section 11380 of Title 17 of the California Code of Regulations.

(5) The service and sale of raw oysters is prohibited.

(6) Food preparation is limited to no more than 30 individual meals per week, or the approximate equivalent of meal components when sold separately, and no more than 60 individual meals, or the approximate equivalent of meal components when sold separately, per week.

(7) The operation has no more than fifty thousand dollars ($50,000) in verifiable gross annual sales, as adjusted annually for inflation based on the California Consumer Price Index.
(8) The operation only sells food directly to consumers and not to any wholesaler or retailer. For purposes of this paragraph, the sale of food prepared in a microenterprise home kitchen operation through the Internet Web site or mobile application of an Internet food service intermediary, as defined in California Health and Safety Code Section 114367.6, is a direct sale to consumers. An operation that sells food through the Internet Web site or mobile application of an Internet food service intermediary shall consent to the disclosures specified in paragraphs (6) and (7) of subdivision (a) of California Health and Safety Code Section 114367.6.

(b) “Microenterprise home kitchen operation” does not include either of the following:

(1) A catering operation.

(2) A cottage food operation, as defined in Health and Safety Code Section 113758.

(c) For purposes of this section, “resident of a private home” means an individual who resides in the private home when not elsewhere for labor or other special or temporary purpose.

Section 2. Microenterprise Home Kitchen Operations are permitted uses in residential zones. Section 9.240.540 is hereby added to the Jurupa Valley Municipal Code to read as follows:

**Section 9.240.540 Microenterprise Home Kitchen Operations Permitted Use in Residential Zones.**

A. (1) A microenterprise home kitchen operation shall be a permitted use of residential property in any residential dwelling in any zone permitting residential uses if the microenterprise home kitchen operation complies with both of the following criteria:

   (A) Abstain from posting signage or other outdoor displays advertising the microenterprise home kitchen operation.

   (B) Be in compliance with applicable local noise ordinances.

(2) The City shall not prohibit the operation of, require a zoning permit to operate, require a rezone of the property for, or levy any fees on, or impose any other restriction on, a microenterprise home kitchen operation in any residential dwelling for zoning purposes.
(3) This section shall not supersede or otherwise limit the investigative and enforcement authority of the City with respect to violations of its nuisance ordinances.

(b) The use of a residence for the purposes of a microenterprise home kitchen operation shall not constitute a change of occupancy for purposes of the State Housing Law (Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code), or for purposes of local building and fire codes.

(c) A microenterprise home kitchen operation shall be considered a residence for the purposes of the State Uniform Building Standards Code and local building and fire codes adopted by the City pursuant to Chapter 8.05, Adoption of Construction Code, and Chapter 8.10, Adoption of Fire Code.

Section 3. Microenterprise Home Kitchen Operation Permits. Chapter 6.100, Microenterprise Home Kitchen Permits, is hereby added to the Jurupa Valley Municipal Code to read as follows:

Chapter 6.100, Microenterprise Home Kitchen Operations Permit

6.100.010. Microenterprise Home Kitchen Operations Permit Required. Any person who desires to operate a Microenterprise Home Kitchen Operation, as defined in Section 9.25.825 of the Jurupa Valley Municipal Code, shall obtain a permit pursuant to the provisions of this Chapter. A Microenterprise Home Kitchen Operation is prohibited in the City unless there is a Microenterprise Home Kitchen Operation Permit in full force and effect for the location and the operator of the Microenterprise Home Kitchen Operation.

6.100.020. Permit Application; Fee.

A. An application for Microenterprise Home Kitchen Operation Permit shall be filed with the City Manager on forms approved by the City Manager. As part of the Application, and in addition to other information required by the City Manager, the applicant shall submit written standard operating procedures that include all of the following information pursuant to Health and Safety Code Section 114367.3:

(1) All food types or products that will be handled.

(2) The proposed procedures and methods of food preparation and handling.

(3) Procedures, methods, and schedules for cleaning utensils, equipment, and for the disposal of refuse.

(4) How food will be maintained at the required holding temperatures, as specified in Section 113996, pending pickup by consumer or during delivery.
(5) Days and times that the home kitchen will potentially be utilized as a microenterprise home kitchen operation.

The application shall be accompanied by an application fee in an amount approved by Resolution of the City Council. The application fee shall not exceed the reasonable administrative costs to the City in issuing the permit. The application shall not be deemed filed until such time as the fee is submitted.


A. The City Manager shall approve the permit after an initial inspection has determined that the proposed microenterprise home kitchen operation and its method of operation complies with the requirements of this Code, including, but not limited to, Sections 9.10.825 and 9.240,540, and the provisions of Chapter 11.6 (commencing with Section 114367), Microenterprise Home Kitchen Operation, of Part 7 of Division 104 of the Health and Safety Code. As a condition of approval of the permit, the Applicant shall submit evidence that he or she has successfully pass an approved and accredited food safety certification examination, as specified in Health and Safety Code Section 113947.1 prior to commencement of the Microenterprise Home Food Operation. The City Manager may add conditions to the permit as may be necessary to assure compliance with these requirements, provided, however, the conditions shall not require a microenterprise home kitchen operation to comply with food safety requirements that are different from, or in addition to, the requirements of the California Retail Food Code. The City Manager shall personally serve or send written notice of his or her decision by US Mail accompanied by a declaration of service.

B. For purposes of permitting, the permitted area includes the home kitchen, onsite consumer eating area, food storage, utensils and equipment, toilet room, janitorial or cleaning facilities, and refuse storage area. Food operations shall not be conducted outside of the permitted areas.

C. The Microenterprise Home Kitchen Operation Permit shall be valid for one year after issuance and then must be renewed annually thereafter.

D. The Microenterprise Home Kitchen Operation Permit is nontransferable. A permit shall be valid only for the person and location specified by that permit, and, unless suspended or revoked for cause, for the time period indicated.

E. The permit, or an accurate copy thereof, shall be retained by the operator onsite and displayed at all times the microenterprise home kitchen operation is in operation.

F. The City Manager may deny the permit if he or she finds that the proposed microenterprise home kitchen operation does not comply with the requirements of this Section, Sections 9.10.825 and 9.240,540 of the Jurupa Valley Municipal Code, and the provisions of Chapter 11.6 (commencing with Section 114367), Microenterprise Home Kitchen Operation, of Part 7 of Division 104 of the Health and Safety Code. If the permit is denied, the City Manager shall explain the reasons for the denial in writing. The denial
shall be sent to the applicant at the address designated on the Application by US Mail and shall be accompanied by a declaration of mailing.

G. An applicant for a Microenterprise Home Kitchen Operation Permit may appeal the City Manager’s decision on the permit pursuant to the provisions of Chapter 2.40 of the Jurupa Valley Municipal Code within fifteen (15) calendar days from the date of mailing of the notice of the decision on the permit pursuant to the provisions of Chapter 2.40, Hearings and Appeals, of this Code.

6.100.040. Inspections; Suspension and Revocation of Permit; Enforcement.

A. “Enforcement Official” shall mean the Enforcement Official as defined in Section 1.10.020 of this Code.

B. Inspections. Notwithstanding any other law and in accordance with the requirements of Health and Safety Code Section 114367.3 the following requirements shall apply to inspections.

1. After the initial inspection for purposes of determining compliance with this chapter, a microenterprise home kitchen operation shall not be subject to routine inspections, except that a the Enforcement Official may access, for inspection purposes, the permitted area of a microenterprise home kitchen operation after the occurrence of either of the following:

   a. The Enforcement Official has provided the microenterprise home kitchen operation with reasonable advance notice.

   b. The Enforcement Official has a valid reason, such as a consumer complaint, to suspect that adulterated or otherwise unsafe food has been produced or served by the microenterprise home kitchen operation, or that the microenterprise home kitchen operation has otherwise been in violation of this Chapter.

2. A microenterprise home kitchen operation shall not be subject to more than one inspection each year by the Enforcement Official on behalf of the City, except in cases in which the Enforcement Official has valid reason, such as a consumer complaint, to suspect that adulterated or otherwise unsafe food has been produced or served by the microenterprise home kitchen operation, or that the microenterprise home kitchen operation has otherwise been in violation of applicable laws.

3. The Enforcement Official shall document the reason for the inspection, keep that documentation on file with the microenterprise home kitchen operation’s permit, and provide the reason in writing to the operator of the microenterprise home kitchen operation.
(4) Access provided under this section is limited to the permitted area of the microenterprise home kitchen operation, during the posted operating hours of the microenterprise home kitchen operation, and solely for the purpose of enforcing or administering this Chapter.

(5) The Enforcement Official may seek recovery from a microenterprise home kitchen operation of an amount that does not exceed the local enforcement agency’s reasonable costs of inspecting the microenterprise home kitchen operation for compliance with this Chapter if the microenterprise home kitchen operation is found to be in violation of this Chapter.

C. In the event the Enforcement Official determines that a violation of this Code or the Microenterprise Home Kitchen Operation Permit has occurred, her or she shall notify the permittee of the nature of the violation and time required to correct the violation by personal service or US Mail, accompanied by a declaration of service or mailing. The violation shall be corrected as soon as possible but not more than ten (10) calendar days following the date of mailing of the notice unless the Enforcement Official extends the time for correction.

D. In the event the violation is not corrected within the time required, the City Manager may suspend or revoke the Microenterprise Home Kitchen Operation Permit. In such event the City Manager shall notify the permittee in writing at the address designated in the Permit Application, by personal service or US Mail, accompanied by a declaration of service or mailing. Within ten (10) calendar days of the date of personal service or mailing, the permittee may appeal the suspension or revocation pursuant to the provisions of Chapter 2.40 of this Code. The suspension or revocation shall be effective on the tenth day following personal service or mailing of the notice of suspension or revocation unless appealed.

E. In the event the violation constitutes an immediate threat to health or safety, the City Manager may immediately suspend the Permit until such time as the City Manager determines that the violation has been corrected. The City Manager shall provide notice of an immediate suspension either orally or by written notice sent by US mail to the address listed in the permit application, accompanied by a declaration of notice or mailing. The immediate suspension shall be effective immediately upon oral notification or mailing. An immediate suspension may be appealed within ten (10) days of the notice or mailing pursuant to the provisions of Chapter 2.40 of this Code.

F. Violations of this Chapter may be enforced through the provisions of Chapter 1.20, Administrative Citations, Chapter 1.25, Public Nuisance Injunctions, or other applicable law.

6.10.050. Riverside County Microenterprise Home Kitchen Operation Permit. In the event the County of Riverside adopts an ordinance providing for Microenterprise Home Kitchen Operation Permits, the county-issued permit would be valid in the City regardless of whether the city has separately enacted an ordinance relating to the
permitting of such facilities pursuant to the authority of Health and Safety Code Section 114367.

Section 4. Severability If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 5. CEQA The City Council finds that that the proposed ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) and the City’s CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed Ordinance will have a significant effect on the environment. The provisions of this Ordinance will not result in a permanent or temporary, direct or indirect, alteration of property nor the construction of any new or expanded structures. The provisions of this Ordinance implement the requirements of Chapter 470 of the Statutes of 2018 (AB 626), the State law permitting the operation of Microenterprise Home Kitchen Operations, exempting them from certain kitchen requirements under the California Retail Food Code, and limiting the authority of cities to regulate them. The proposed Ordinance will not, therefore, result in direct or indirect physical changes in the environment.

Section 6. Certification. The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 21st day of February, 2019.

______________________________
Brian Berkson
Mayor

ATTEST:

______________________________
Victoria Wasko, CMC
City Clerk
I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance No. 2019-03 was regularly introduced at a regular meeting of the City Council held on the 7th day of February, 2019 and thereafter at a regular meeting held on the 21st day of February 2019 it was duly passed and adopted by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 21st day of February, 2019

________________________________
Victoria Wasko, CMC
City Clerk
Assembly Bill No. 626

CHAPTER 470

An act to amend Sections 110460, 111955, 113789, and 114390 of, to add Section 113825 to, and to add Chapter 11.6 (commencing with Section 114367) to Part 7 of Division 104 of, the Health and Safety Code, relating to the California Retail Food Code.

[Approved by Governor September 18, 2018. Filed with Secretary of State September 18, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 626, Eduardo Garcia. California Retail Food Code: microenterprise home kitchen operations.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities for regulation by the State Department of Public Health, and requires local enforcement agencies to enforce these provisions. Existing law defines “food facility” as an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, as specified. Existing law exempts, among others, a private home, including a registered or permitted cottage food operation, from the definition of food facility. A violation of the California Retail Food Code is generally a misdemeanor.

This bill would, among other things, include a microenterprise home kitchen operation within the definition of a food facility, and would define a microenterprise home kitchen operation to mean a food facility that is operated by a resident in a private home where food is stored, handled, and prepared for, and may be served to, consumers, and that meets specified requirements, including, among others, that the operation has no more than one full-time equivalent food employee and has no more than $50,000 in verifiable gross annual sales. The bill would specify that the governing body of a city or county, or city and county, shall have full discretion to authorize, by ordinance or resolution, the permitting of microenterprise home kitchen operations in accordance with the provisions of this bill, except as provided. The bill would require a microenterprise home kitchen operation to be considered a restricted food service facility for purposes of certain provisions of the code, except as otherwise provided, and would exempt a microenterprise home kitchen operation from various provisions applicable to food facilities, including, among others, provisions relating to handwashing, sinks, ventilation, and animals. The bill would require the applicant for a permit to operate a microenterprise home kitchen operation to submit to the local enforcement agency written standard operating procedures that include specified information, including all food types or
products that will be handled and the days and times that the home kitchen
will potentially be utilized as a microenterprise home kitchen operation.

The bill would require an Internet food service intermediary, as defined,
that lists or promotes a microenterprise home kitchen operation on its Internet
Web site or mobile application to, among other things, be registered with
the department, to clearly and conspicuously post on its Internet Web site
or mobile application the requirements for the permitting of a microenterprise
home kitchen operation, as specified, prior to the publication of the
microenterprise home kitchen operation’s offer of food for sale, and to
submit the name and permit number of a microenterprise home kitchen
operation to the local enforcement agency if it receives, through its Internet
Web site or mobile application, 3 or more unrelated individual food safety
or hygiene complaints in a calendar year from consumers who have made
a purchase through its Internet Web site or mobile application. The bill
would also make related findings and declarations.

By expanding the scope of a crime, this bill would impose a
state-mandated local program.

This bill would incorporate additional changes to Section 113789 of the
Health and Safety Code proposed by AB 2178 and AB 2524 to be operative
only if this bill and AB 2178, this bill and AB 2524, or all 3 bills are enacted
and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies
and school districts for certain costs mandated by the state. Statutory
provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for
a specified reason.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:
(1) California is the largest agricultural producer and exporter in the
United States.
(2) California is home to the “farm-to-table” movement, which embraces
the idea that restaurants and other food sellers should prioritize locally and
sustainably produced foods.
(3) Many cities have embraced the idea of locally grown, produced, and
prepared foods. Sacramento, for example, proclaimed itself the farm-to-fork
capital of America.
(4) Accordingly, Californians have shown a preference for supporting
local agriculture and local business and for finding sustainable solutions to
food insecurity.
(5) The retail and commercial food market is an integral part of
California’s economy.
(6) Small-scale, home-cooking operations can create significant economic
opportunities for Californians that need them most — often women,
immigrants, and people of color.
(7) Under existing law, individuals can sell food through retail food facilities or cottage food operations, the latter of which being limited to a restricted list that primarily consists of nonperishable food items that can be prepared in the home. Both of these options make it difficult for the vast majority of home cooks to independently benefit from their labor, skills, and limited resources.

(8) Because the bar for entry to restaurant ownership is high, and the cost of renting a retail kitchen is so great, an informal economy of locally produced and prepared hot foods exists in the form of meal preparation services, food carts, and communally shared meals.

(9) However, due to a lack of appropriate regulations, many experienced cooks in California are unable to legally participate in the locally prepared food economy and to earn an income legally therein.

(10) As a result, and because they feel they have no other option, thousands of private chefs, home caterers, and many other food microentrepreneurs cook out of private homes or unlicensed food facilities, with little access to education for best practices or safety guidelines.

(11) Many of these cooks are unable to enter the traditional food economy based on disability, family responsibilities, or lack of opportunity.

(12) Under existing law, preparing and selling food from a home kitchen normally can be treated as a criminal act and may be punishable as a misdemeanor.

(13) Providing guidelines, training, and safety resources to home cooks would also increase public health safeguards in existing informal food economies.

(14) The exchange of home-cooked food can also improve access to healthy foods for communities, particularly in food deserts with severely limited options.

(15) The California Retail Food Code establishes health and sanitation standards for retail food facilities. That law exempts private homes from the definition of a food facility and includes cottage food operations in that exemption.

(16) Therefore, the Legislature should create a framework that authorizes the safe preparation and sale of meals prepared in home kitchens, providing adequate regulations and requirements for food handling and safety.

(b) It is the intent of the Legislature that this act authorize the use of home kitchens for small-scale, direct food sales by home cooks to consumers, providing appropriate flexibility in food types and appropriate health and sanitation standards.

SEC. 2. Section 110460 of the Health and Safety Code is amended to read:

110460. No person shall engage in the manufacture, packing, or holding of any processed food in this state unless the person has a valid registration from the department, except those engaged exclusively in the storing, handling, or processing of dried beans. The registration shall be valid for one calendar year from the date of issue, unless it is revoked. The registration shall not be transferable. This section shall not apply to a cottage food
operation that is registered or has a permit pursuant to Section 114365 or a
microenterprise home kitchen, as defined in Section 113825.

SEC. 3. Section 111955 of the Health and Safety Code is amended to
read:

111955. “Food processing establishment,” as used in this chapter, shall
mean any room, building, or place or portion thereof, maintained, used, or
operated for the purpose of commercially storing, packaging, making,
cooking, mixing, processing, bottling, canning, packing, slaughtering, or
otherwise preparing or handling food except restaurants. “Food processing
establishment” shall not include a cottage food operation that is registered
or has a permit pursuant to Section 114365 or a microenterprise home
kitchen, as defined in Section 113825.

SEC. 4. Section 113789 of the Health and Safety Code is amended to
read:

113789. (a) “Food facility” means an operation that stores, prepares,
packages, serves, vends, or otherwise provides food for human consumption
at the retail level, including, but not limited to, the following:

(1) An operation where food is consumed on or off the premises,
regardless of whether there is a charge for the food.

(2) A place used in conjunction with the operations described in this
subdivision, including, but not limited to, storage facilities for food-related
utensils, equipment, and materials.

(b) “Food facility” includes permanent and nonpermanent food facilities,
including, but not limited to, the following:

(1) Public and private school cafeterias.
(2) Restricted food service facilities.
(3) Licensed health care facilities, except as provided in paragraph (12)
of subdivision (c).
(4) Commissaries.
(5) Mobile food facilities.
(6) Mobile support units.
(7) Temporary food facilities.
(8) Vending machines.
(9) Certified farmers’ markets, for purposes of permitting and enforcement
pursuant to Section 114370.
(10) Farm stands, for purposes of permitting and enforcement pursuant
to Section 114375.
(11) Fishermen’s markets.
(12) Microenterprise home kitchen operations.

c) “Food facility” does not include any of the following:

(1) A cooperative arrangement wherein no permanent facilities are used
for storing or handling food.

(2) A private home when used for private, noncommercial purposes or
when used as a cottage food operation that is registered or has a permit
pursuant to Section 114365.
(3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.

(4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.

(5) Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code, or premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code, and in the regulations adopted pursuant to those sections, that comply with Section 118375, regardless of whether there is a charge for the wine or beer tasting, if no other beverage, except for bottles of wine or beer and prepackaged nonpotentially hazardous beverages, is offered for sale or for onsite consumption and no food, except for crackers, pretzels, or prepackaged food that is not potentially hazardous food is offered for sale or for onsite consumption.

(6) An outlet or location, including, but not limited to, premises, operated by a producer, selling or offering for sale only whole produce grown by the producer or shell eggs, or both, provided the sales are conducted at an outlet or location controlled by the producer.

(7) A commercial food processing establishment, as defined in Section 111955.

(8) A child day care facility, as defined in Section 1596.750.

(9) A community care facility, as defined in Section 1502.

(10) A residential care facility for the elderly, as defined in Section 1569.2.

(11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in Section 1568.01.

(12) (A) An intermediate care facility for the developmentally disabled, as defined in subdivisions (e), (h), and (m) of Section 1250, with a capacity of six beds or fewer.

(B) A facility described in subparagraph (A) shall report any foodborne illness or outbreak to the local health department and to the State Department of Public Health within 24 hours of the illness or outbreak.

(13) A community food producer, as defined in Section 113752.

SEC. 4.1. Section 113789 of the Health and Safety Code is amended to read:

113789. (a) “Food facility” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:

(1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.

(2) A place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.
(b) “Food facility” includes permanent and nonpermanent food facilities, including, but not limited to, the following:

1. Public and private school cafeterias.
2. Restricted food service facilities.
3. Licensed health care facilities, except as provided in paragraph (12) of subdivision (c).
5. Mobile food facilities.
6. Mobile support units.
7. Temporary food facilities.
8. Vending machines.
9. Certified farmers’ markets, for purposes of permitting and enforcement pursuant to Section 114370.
10. Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.
11. Fishermen’s markets.
12. Microenterprise home kitchen operations.

(c) “Food facility” does not include any of the following:

1. A cooperative arrangement wherein no permanent facilities are used for storing or handling food.
2. A private home when used for private, noncommercial purposes or when used as a cottage food operation that is registered or has a permit pursuant to Section 114365.
3. A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.
4. A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.
5. Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code, or premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code, and in the regulations adopted pursuant to those sections, that comply with Section 118375, regardless of whether there is a charge for the wine or beer tasting, if no other beverage, except for bottles of wine or beer and prepackaged nonpotentially hazardous beverages, is offered for sale or for onsite consumption and no food, except for crackers, pretzels, or prepackaged food that is not potentially hazardous food is offered for sale or for onsite consumption.
6. An outlet or location, including, but not limited to, premises, operated by a producer, selling or offering for sale only whole produce grown by the producer or shell eggs, or both, provided the sales are conducted at an outlet or location controlled by the producer.
7. A commercial food processing establishment, as defined in Section 111955.
8. A child day care facility, as defined in Section 1596.750.
(9) A community care facility, as defined in Section 1502.
(10) A residential care facility for the elderly, as defined in Section 1569.2.
(11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in Section 1568.01.
(12) (A) An intermediate care facility for the developmentally disabled, as defined in subdivisions (e), (h), and (m) of Section 1250, with a capacity of six beds or fewer.
(B) A facility described in subparagraph (A) shall report any foodborne illness or outbreak to the local health department and to the State Department of Public Health within 24 hours of the illness or outbreak.
(13) A community food producer, as defined in Section 113752.
(14) A limited service charitable feeding operation, as defined in Section 113819.

SEC. 4.2. Section 113789 of the Health and Safety Code is amended to read:

113789. (a) “Food facility” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:
(1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.
(2) A place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.
(b) “Food facility” includes permanent and nonpermanent food facilities, including, but not limited to, the following:
(1) Public and private school cafeterias.
(2) Restricted food service facilities.
(3) Licensed health care facilities, except as provided in paragraph (12) of subdivision (c).
(4) Commissaries.
(5) Mobile food facilities.
(6) Mobile support units.
(7) Temporary food facilities.
(8) Vending machines.
(9) Certified farmers’ markets, for purposes of permitting and enforcement pursuant to Section 114370.
(10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.
(11) Fishermen’s markets.
(12) Microenterprise home kitchen operations.
(13) Catering operation.
(14) Host facility.
(c) “Food facility” does not include any of the following:
(1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food.
(2) A private home when used for private, noncommercial purposes or when used as a cottage food operation that is registered or has a permit pursuant to Section 114365.

(3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.

(4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.

(5) Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code, or premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code, and in the regulations adopted pursuant to those sections, that comply with Section 118375, regardless of whether there is a charge for the wine or beer tasting, if no other beverage, except for bottles of wine or beer and prepackaged nonpotentially hazardous beverages, is offered for sale or for onsite consumption and no food, except for crackers, pretzels, or prepackaged food that is not potentially hazardous food is offered for sale or for onsite consumption.

(6) An outlet or location, including, but not limited to, premises, operated by a producer, selling or offering for sale only whole produce grown by the producer or shell eggs, or both, provided the sales are conducted at an outlet or location controlled by the producer.

(7) A commercial food processing establishment, as defined in Section 111955.

(8) A child day care facility, as defined in Section 1596.750.

(9) A community care facility, as defined in Section 1502.

(10) A residential care facility for the elderly, as defined in Section 1569.2.

(11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in Section 1568.01.

(12) (A) An intermediate care facility for the developmentally disabled, as defined in subdivisions (e), (h), and (m) of Section 1250, with a capacity of six beds or fewer.

(B) A facility described in subparagraph (A) shall report any foodborne illness or outbreak to the local health department and to the State Department of Public Health within 24 hours of the illness or outbreak.

(13) A community food producer, as defined in Section 113752.

SEC. 4.3. Section 113789 of the Health and Safety Code is amended to read:

113789. (a) “Food facility” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:

(1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.
(2) A place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.

(b) “Food facility” includes permanent and nonpermanent food facilities, including, but not limited to, the following:

   (1) Public and private school cafeterias.
   (2) Restricted food service facilities.
   (3) Licensed health care facilities, except as provided in paragraph (12) of subdivision (c).
   (4) Commissaries.
   (5) Mobile food facilities.
   (6) Mobile support units.
   (7) Temporary food facilities.
   (8) Vending machines.
   (9) Certified farmers’ markets, for purposes of permitting and enforcement pursuant to Section 114370.
   (10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.
   (11) Fishermen’s markets.
   (12) Microenterprise home kitchen operations.
   (13) Catering operation.
   (14) Host facility.

(c) “Food facility” does not include any of the following:

   (1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food.
   (2) A private home when used for private, noncommercial purposes or when used as a cottage food operation that is registered or has a permit pursuant to Section 114365.
   (3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.
   (4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.
   (5) Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code, or premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code, and in the regulations adopted pursuant to those sections, that comply with Section 118375, regardless of whether there is a charge for the wine or beer tasting, if no other beverage, except for bottles of wine or beer and prepackaged nonpotentially hazardous beverages, is offered for sale or for onsite consumption and no food, except for crackers, pretzels, or prepackaged food that is not potentially hazardous food is offered for sale or for onsite consumption.
   (6) An outlet or location, including, but not limited to, premises, operated by a producer, selling or offering for sale only whole produce grown by the
producer or shell eggs, or both, provided the sales are conducted at an outlet or location controlled by the producer.

(7) A commercial food processing establishment, as defined in Section 111955.

(8) A child day care facility, as defined in Section 1596.750.

(9) A community care facility, as defined in Section 1502.

(10) A residential care facility for the elderly, as defined in Section 1569.2.

(11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in Section 1568.01.

(12) (A) An intermediate care facility for the developmentally disabled, as defined in subdivisions (e), (h), and (m) of Section 1250, with a capacity of six beds or fewer.

(B) A facility described in subparagraph (A) shall report any foodborne illness or outbreak to the local health department and to the State Department of Public Health within 24 hours of the illness or outbreak.

(13) A community food producer, as defined in Section 113752.

(14) A limited service charitable feeding operation, as defined in Section 113819.

SEC. 5. Section 113825 is added to the Health and Safety Code, to read:

113825. (a) “Microenterprise home kitchen operation” means a food facility that is operated by a resident in a private home where food is stored, handled, and prepared for, and may be served to, consumers, and that meets all of the following requirements:

(1) The operation has no more than one full-time equivalent food employee, not including a family member or household member.

(2) Food is prepared, cooked, and served on the same day.

(3) Food is consumed onsite at the microenterprise home kitchen operation or offsite if the food is picked up by the consumer or delivered within a safe time period based on holding equipment capacity.

(4) Food preparation does not involve processes that require a HACCP plan, as specified in Section 114419, or the production, service, or sale of raw milk or raw milk products, as defined in Section 11380 of Title 17 of the California Code of Regulations.

(5) The service and sale of raw oysters is prohibited.

(6) Food preparation is limited to no more than 30 individual meals per day, or the approximate equivalent of meal components when sold separately, and no more than 60 individual meals, or the approximate equivalent of meal components when sold separately, per week. The local enforcement agency may decrease the limit of the number of individual meals prepared based on food preparation capacity of the operation, but shall not, in any case, increase the limit of the number of individual meals prepared.

(7) The operation has no more than fifty thousand dollars ($50,000) in verifiable gross annual sales, as adjusted annually for inflation based on the California Consumer Price Index.

(8) The operation only sells food directly to consumers and not to any wholesaler or retailer. For purposes of this paragraph, the sale of food
prepared in a microenterprise home kitchen operation through the Internet Web site or mobile application of an Internet food service intermediary, as defined in Section 114367.6, is a direct sale to consumers. An operation that sells food through the Internet Web site or mobile application of an Internet food service intermediary shall consent to the disclosures specified in paragraphs (6) and (7) of subdivision (a) of Section 114367.6.

(b) “Microenterprise home kitchen operation” does not include either of the following:

(1) A catering operation.

(2) A cottage food operation, as defined in Section 113758.

(c) For purposes of this section, “resident of a private home” means an individual who resides in the private home when not elsewhere for labor or other special or temporary purpose.

SEC. 6. Chapter 11.6 (commencing with Section 114367) is added to Part 7 of Division 104 of the Health and Safety Code, to read:

Chapter 11.6. Microenterprise Home Kitchen Operation

114367. (a) Except as provided in subdivision (b), the governing body of a city or county, or city and county, shall have full discretion to authorize, by ordinance or resolution, the permitting of microenterprise home kitchen operations in accordance with this chapter.

(b) A permit issued by a county that has authorized the permitting of microenterprise home kitchen operations in accordance with this chapter shall be valid in any city within the county regardless of whether the city has separately enacted an ordinance or resolution to authorize or prohibit the permitting of microenterprise home kitchen operations within that city.

114367.1. (a) A microenterprise home kitchen operation, as defined in Section 113825, shall be considered a restricted food service facility for purposes of, and subject to all applicable requirements of, Chapter 1 (commencing with Section 113700) to Chapter 9 (commencing with Section 114265), inclusive, Chapter 12.6 (commencing with Section 114377), and Chapter 13 (commencing with Section 114380), except as otherwise provided in this chapter.

(b) A microenterprise home kitchen operation shall be exempt from all of the following provisions:

(1) Handwashing facilities requirements, as required in Section 113953, provided that a handwashing sink is supplied with warm water and located in the toilet room and supplied, as specified in Section 113953.2.

(2) Any provision in this part relating to sinks, warewashing machines, and manual or machine sanitation, including but not limited to, Sections 114099, 114099.2, 114099.4, 114099.6, 114099.7, 114101.1, 114101.2, 114103, 114107, 114123, 114125, 114163, and 114279, provided that the sink in a microenterprise home kitchen operation has hot and cold water and is fully operable.
(3) Prohibition on the presence of persons unnecessary to the food facility operation in the food preparation, food storage, or warewashing areas, as specified in Section 113945.1.

(4) No smoking sign posting requirements, as specified in Section 113978.

(5) Limitations on employee consumption of food, drink, or tobacco outside of designated areas, as specified in Sections 113977 and 114256.

(6) Limitations on consumer access to the food facility through food preparation areas, as specified in Section 113984.1.

(7) Display guard, cover, and container requirements, as specified in Section 114060, provided that any food on display that is not protected from the direct line of a consumer’s mouth by an effective means is not served or sold to any subsequent consumer.

(8) Limitations on outdoor display and sale of foods, as specified in Section 114069.

(9) Requirements to provide clean drinking cups and tableware for second portions and beverage refills, as specified in Section 114075.

(10) Requirements pertaining to the characteristics and certification of utensils and equipment, as specified in Sections 114130, 114130.1, and 114139, provided that utensils and equipment are designed to retain their characteristic qualities under normal use conditions.

(11) Requirements pertaining to the characteristics, construction, and multiuse of food-contact and nonfood-contact surfaces, as specified in Sections 114130.1, 114130.3, and 114130.4, provided that food contact surfaces are smooth, easily cleanable, and in good repair.

(12) Requirements pertaining to the characteristics, construction, and disassembly of clean in place (CIP) equipment, as specified in Section 114130.5.

(13) Limitations on the use of wood as a food contact surface and in connection with other equipment, as specified in Section 114132.

(14) Any provision in this part relating to ventilation, including, but not limited to, Article 2 (commencing with Section 114149) of Chapter 6, provided that gases, odors, steam, heat, grease, vapors, and smoke are able to escape from the kitchen.

(15) Requirements that cold or hot holding equipment used for potentially hazardous food be equipped with integral or permanently affixed temperature measuring device or product mimicking sensors, as specified in subdivision (c) of Section 114157.

(16) Requirements pertaining to the installation of fixed, floor-mounted, and table-mounted equipment, as specified in Section 114169.

(17) Dedicated laundry facility requirements, as specified in Section 114185.5, provided that linens used in connection with the microenterprise home kitchen operation shall be laundered separately from the household and other laundry.

(18) Requirements pertaining to water, plumbing, drainage, and waste, as specified in Sections 114193, 114193.1, and 114245.7.

(19) Any requirement that a microenterprise home kitchen operation have more than one toilet facility or that access to the toilet facility not
require passage through the food preparation, food storage, or utensil washing areas, including, but not limited to, the requirements specified in Sections 114250 and 114276.

(20) Light intensity, light source, and lightbulb requirements, as specified in Sections 114252 and 114252.1, provided that food preparation areas are well lighted by natural or artificial light whenever food is being prepared.

(21) Requirements to provide and use lockers, storage facilities, and designated dressing areas, and that food facility premises be free of litter and items that are unnecessary to the operation, as specified in Sections 114256.1 and 114257.1, provided that personal effects and clothing not ordinarily found in a home kitchen are placed or stored away from food preparation areas and dressing takes place outside of the kitchen.

(22) Limitations on the presence and handling of animals, such as domestic, service, or patrol animals, as specified in Sections 114259.4 and 114259.5, provided that all animals, other than service animals, are kept outside of the kitchen and dining areas during food service and preparation.

(23) Requirements pertaining to floor, wall, and ceiling surfaces, as specified in Sections 114268, 114269, and 114271, provided that the floor, wall, and ceiling surfaces of the kitchen, storage, and toilet areas are smooth, of durable construction, and easily cleanable with no limitations on the use of wood, tile, and other nonfiber floor surfaces ordinarily used in residential settings.

(24) Any local evaluation or grading system for food facilities, as authorized by Section 113709.

(25) All prohibitions and limitations on the use of a kitchen in a private home as a food facility, including, but not limited to, prohibitions and limitations specified in Section 114285, provided that food is not prepared in designated sleeping quarters. Open kitchens adjacent to living and sleeping areas, kitchens in efficiency, studio, and loft-style residences, and kitchens without doors at all points of ingress and egress may be used in microenterprise home kitchen operations.

(26) Planning and permitting provisions of Sections 114380, 114381, and 114381.2.

(c) A microenterprise home kitchen operation may operate an open-air barbecue or outdoor wood-burning oven, pursuant to the requirements of Section 114143.

(d) The operator of a microenterprise home kitchen operation shall successfully pass an approved and accredited food safety certification examination, as specified in Section 113947.1.

(e) Any individual, other than the operator, who is involved in the preparation, storage, or service of food in a microenterprise home kitchen operation shall be subject to the food handler card requirements specified in Section 113948.

114367.2. (a) A microenterprise home kitchen operation shall not be open for business unless it has obtained a permit issued from the local enforcement agency.
(b) The department shall post on its Internet Web site the requirements for the permitting of a microenterprise home kitchen operation, pursuant to this chapter and any ordinance, resolution, or rules adopted by any city or county, or city and county, that has authorized the permitting of microenterprise home kitchen operations, which shall be written at a high school level.

(c) The applicant shall submit to the local enforcement agency written standard operating procedures that include all of the following information:

1. All food types or products that will be handled.
2. The proposed procedures and methods of food preparation and handling.
3. Procedures, methods, and schedules for cleaning utensils, equipment, and for the disposal of refuse.
4. How food will be maintained at the required holding temperatures, as specified in Section 113996, pending pickup by consumer or during delivery.
5. Days and times that the home kitchen will potentially be utilized as a microenterprise home kitchen operation.

(d) (1) The local enforcement agency shall issue a permit after an initial inspection has determined that the proposed microenterprise home kitchen operation and its method of operation comply with the requirements of this chapter.

2. A local enforcement agency shall not require a microenterprise home kitchen operation to comply with food safety requirements that are different from, or in addition to, the requirements of this chapter.

(e) For purposes of permitting, the permitted area includes the home kitchen, onsite consumer eating area, food storage, utensils and equipment, toilet room, janitorial or cleaning facilities, and refuse storage area. Food operations shall not be conducted outside of the permitted areas.

(f) A local enforcement agency may require a microenterprise home kitchen operation to renew its permit annually.

(g) A permit, once issued, is nontransferable. A permit shall be valid only for the person and location specified by that permit, and, unless suspended or revoked for cause, for the time period indicated.

(h) The permit, or an accurate copy thereof, shall be retained by the operator onsite and displayed at all times the microenterprise home kitchen operation is in operation.

(i) A local enforcement agency may collect a fee for the issuance of a permit pursuant to this chapter in an amount that does not exceed the reasonable administrative costs by the local enforcement agency in issuing the permit.

(j) Notwithstanding any other law, if there are multiple local agencies involved in the issuance of any type of permit, license, or other authorization to a microenterprise home kitchen operation, the governing body of the city or county, or city and county, shall designate one lead local agency that shall be vested with the sole authority to accept all applications for, to collect all fees for, and to issue, any permit, license, or other authorization required
for a microenterprise home kitchen operation to operate in the city or county, or city and county. A local agency other than the lead local agency shall not accept any applications for, collect any fees for, nor issue, any permits for the same purpose.

114367.3. (a) Notwithstanding any other law, after the initial inspection for purposes of determining compliance with this chapter, a microenterprise home kitchen operation shall not be subject to routine inspections, except that a representative of a local enforcement agency may access, for inspection purposes, the permitted area of a microenterprise home kitchen operation after the occurrence of either of the following:

1) The representative has provided the microenterprise home kitchen operation with reasonable advance notice.

2) The representative has a valid reason, such as a consumer complaint, to suspect that adulterated or otherwise unsafe food has been produced or served by the microenterprise home kitchen operation, or that the microenterprise home kitchen operation has otherwise been in violation of this part.

(b) Notwithstanding any other law, a microenterprise home kitchen operation shall not be subject to more than one inspection each year by the local enforcement agency, except in cases in which the local enforcement agency has valid reason, such as a consumer complaint, to suspect that adulterated or otherwise unsafe food has been produced or served by the microenterprise home kitchen operation, or that the microenterprise home kitchen operation has otherwise been in violation of this part.

(c) The local enforcement agency shall document the reason for the inspection, keep that documentation on file with the microenterprise home kitchen operation’s permit, and provide the reason in writing to the operator of the microenterprise home kitchen operation.

(d) Access provided under this section is limited to the permitted area of the microenterprise home kitchen operation, during the posted operating hours of the microenterprise home kitchen operation, and solely for the purpose of enforcing or administering this part.

(e) A local enforcement agency may seek recovery from a microenterprise home kitchen operation of an amount that does not exceed the local enforcement agency’s reasonable costs of inspecting the microenterprise home kitchen operation for compliance with this part if the microenterprise home kitchen operation is found to be in violation of this part.

114367.4. (a) (1) A city, county, or city and county shall not prohibit the operation of, require a permit to operate, require a rezone of the property for, or levy any fees on, or impose any other restriction on, a microenterprise home kitchen operation in any residential dwelling for zoning purposes. A microenterprise home kitchen operation shall be a permitted use of residential property in any residential dwelling for zoning purposes if the microenterprise home kitchen operation complies with both of the following criteria:

(A) Abstain from posting signage or other outdoor displays advertising the microenterprise home kitchen operation.
(B) Be in compliance with applicable local noise ordinances.

(2) This subdivision does not supersede or otherwise limit the investigative and enforcement authority of the city, county, or city and county with respect to violations of its nuisance ordinances.

(b) The use of a residence for the purposes of a microenterprise home kitchen operation shall not constitute a change of occupancy for purposes of the State Housing Law (Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code), or for purposes of local building and fire codes.

(c) A microenterprise home kitchen operation shall be considered a residence for the purposes of the State Uniform Building Standards Code and local building and fire codes.

114367.5. (a) A person delivering food on behalf of a microenterprise home kitchen operation with a permit issued pursuant to Section 114367.2 shall be an employee of the operation or a family member or household member of the permitholder, and, if the person drives a motor vehicle in the delivery of the food, the person shall have a valid driver’s license.

(b) The microenterprise home kitchen operation shall keep on file a copy of the valid driver’s license of a person delivering food on behalf of the operation.

114367.6. (a) An Internet food service intermediary that lists or promotes a microenterprise home kitchen operation on its Internet Web site or mobile application shall meet all of the following requirements:

(1) Be registered with the department.

(2) Prior to the listing or publication of a microenterprise home kitchen operation’s offer of food for sale, clearly and conspicuously post on its Internet Web site or mobile application the requirements for the permitting of a microenterprise home kitchen specified in this chapter, which shall be written at the high school level and be provided by the department.

(3) Clearly and conspicuously post on its Internet Web site or mobile application the fees associated with using its platform in a manner that allows both the consumer and the microenterprise home kitchen operation to see and understand the amount being charged for the services provided by the Internet food service intermediary. The Internet food service intermediary shall notify microenterprise home kitchen operations of any changes to these fees exceeding a 2-percent increase in writing and no later than one month before the changes take effect.

(4) Clearly and conspicuously post on its Internet Web site or mobile application whether or not it has liability insurance that would cover any incidence arising from the sale or consumption of food listed or promoted on its Internet Web site or mobile application.

(5) Provide a dedicated field on its platform for a microenterprise home kitchen operation to post the permit number, and shall provide notice to the microenterprise home kitchen operation of the requirement that the permit number be updated annually.

(6) Clearly and conspicuously post on its Internet Web site or mobile application how a consumer can contact the Internet food service
intermediary through its Internet Web site or mobile application if the consumer has a food safety or hygiene complaint and a link to the department’s Internet Web site that contains information for how to file a complaint with the local enforcement agency.

(7) Submit the name and permit number of a microenterprise home kitchen operation to the local enforcement agency if it receives, through its Internet Web site or mobile application, three or more unrelated individual food safety or hygiene complaints in a calendar year from consumers that have made a purchase through its Internet Web site or mobile application. The Internet food service intermediary shall submit this information to the local enforcement agency within two weeks of the third complaint received.

(8) If it is notified by the local enforcement agency of significant food safety related complaints from a verified consumer that has made a purchase through its Internet Web site or mobile application, submit to the local enforcement agency the name and permit number of microenterprise home kitchen operation where the food was purchased, and a list of consumers who purchased food on the same day from that microenterprise home kitchen operation through its Internet Web site or mobile application.

(9) Prior to the listing or publication of a microenterprise home kitchen operation’s offer of food for sale, obtain consent from the microenterprise home kitchen operation to make the disclosures to government entities required pursuant to this section.

(b) For purposes of this chapter, an “Internet food service intermediary” means an entity that provides a platform on its Internet Web site or mobile application through which a microenterprise home kitchen operation may choose to offer food for sale and from which the Internet food service intermediary derives revenues, including, but not limited to, revenues from advertising and fees for services offered to a microenterprise home kitchen operation. Services offered by an Internet food service intermediary to a microenterprise home kitchen operation may include, but are not limited to, allowing a microenterprise home kitchen operation to advertise its food for sale and providing a means for potential consumers to arrange payment for the food, whether the consumer pays directly to the microenterprise home kitchen operation or to the Internet food service intermediary. Merely publishing an advertisement for the microenterprise home kitchen operation or food cooked therein does not make the publisher an Internet food service intermediary.

SEC. 7. Section 114390 of the Health and Safety Code is amended to read:

114390. (a) Enforcement officers shall enforce this part and all regulations adopted pursuant to this part.

(b) (1) For purposes of enforcement, any authorized enforcement officer may, during the facility’s hours of operation and other reasonable times, enter, inspect, issue citations to, and secure any sample, photographs, or other evidence from a food facility, cottage food operation, or any facility suspected of being a food facility or cottage food operation, or a vehicle transporting food to or from a retail food facility, when the vehicle is
stationary at an agricultural inspection station, a border crossing, or at any food facility under the jurisdiction of the enforcement agency, or upon the request of an incident commander.

(2) If a food facility is operating under an HACCP plan, the enforcement officer may, for the purpose of determining compliance with the plan, secure as evidence any documents, or copies of documents, relating to the facility's adherence to the HACCP plan. Inspection may, for the purpose of determining compliance with this part, include any record, file, paper, process, HACCP plan, invoice, or receipt bearing on whether food, equipment, or utensils are in violation of this part.

(3) The enforcement officer may, for the purpose of determining compliance with the gross annual sales requirements for operating a microenterprise home kitchen operation or a cottage food operation, require those operations to provide copies of documents related to determining gross annual sales.

(c) Notwithstanding subdivision (a), an employee may refuse entry to an enforcement officer who is unable to present official identification showing the enforcement officer’s picture and enforcement agency name. In the absence of the identification card, a business card showing the enforcement agency’s name plus a picture identification card such as a driver’s license shall meet this requirement.

(d) It is a violation of this part for any person to refuse to permit entry or inspection, the taking of samples or other evidence, access to copy any record as authorized by this part, to conceal any samples or evidence, withhold evidence concerning them, or interfere with the performance of the duties of an enforcement officer, including making verbal or physical threats or sexual or discriminatory harassment.

(e) A written report of the inspection shall be made, and a copy shall be supplied or mailed to the owner, manager, or operator of the food facility.

SEC. 8. (a) Section 4.1 of this bill incorporates amendments to Section 113789 of the Health and Safety Code proposed by both this bill and Assembly Bill 2178. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 113789 of the Health and Safety Code, (3) Assembly Bill 2524 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 2178, in which case Sections 4, 4.2, and 4.3 of this bill shall not become operative.

(b) Section 4.2 of this bill incorporates amendments to Section 113789 of the Health and Safety Code proposed by both this bill and Assembly Bill 2524. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 113789 of the Health and Safety Code, (3) Assembly Bill 2178 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 2524, in which case Sections 4, 4.1, and 4.3 of this bill shall not become operative.

(c) Section 4.3 of this bill incorporates amendments to Section 113789 of the Health and Safety Code proposed by this bill, Assembly Bill 2178,
and Assembly Bill 2524. That section of this bill shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2019, (2) all three bills amend Section 113789 of the Health and Safety Code, and (3) this bill is enacted after Assembly Bill 2178 and Assembly Bill 2524, in which case Sections 4, 4.1, and 4.2 of this bill shall not become operative.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.
RECOMMENDATION

1) That the City Council conduct a first reading and introduce Ordinance No. 2019-04, entitled:

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ADDING SECTION 2.36 TO THE JURUPA VALLEY MUNICIPAL CODE ESTABLISHING THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE AND SETTING FORTH PROCEDURAL RULES AND REGULATIONS FOR THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

BACKGROUND

At their June 7, 2018 meeting, the City Council adopted the City’s first Consolidated Plan (“ConPlan”), Annual Action Plan, and Citizen’s Participation Plan for the Community Development Block Grant (CDBG) funding program. The passage of these planning documents was required by the Federal Department of Housing and Urban Development (HUD) to become an “entitlement city” and administer CDBG funds independently. Previously, the City’s CDBG efforts were administered by the County of Riverside.

A portion of the total CDBG allocation that the City receives from HUD must go to fund public services. Typically, this process is served through a public service grant (“PSG”) application system. Non-profit entities that serve a population with certain demographic
characteristics (low income, homeless, etc.) are encouraged to apply for public service grant funding from the City.

During the 2018-2019 CDBG program year, City Staff administered the public service grant application process. This is typical of municipalities that recently receive entitlement status from HUD, as the first year of entitlement status usually involves an extremely tight reporting schedule. A budget amount of $75,000 was made available. City Staff received proposals, established an informal review committee made up of City Staff, and recommended that the City Council formalize an Agreement with Path of Life Ministries, Inc. (“Path of Life”) for homelessness services. Since incorporation, City Staff have worked with various regional and County-led efforts to mitigate homelessness. However, the formalization of the agreement with Path of Life in 2018 marked the City’s first significant step towards mitigating local homelessness independently through a City-administered effort.

The entire CDBG process was subject to numerous delays during the 2018-2019 CDBG program year. CDBG funds are allocated by the United States Congress through a budget appropriations process. Allocations are usually made in January of each year, but in January of 2018, the Federal government temporarily shut down and Congress failed to pass a budget or a continuing resolution. Appropriations were not officially released until March of 2018, significantly shortening the amount of time that City Staff had to implement the various procedural steps that are required to receive CDBG funds. In general, the City needs to know their CDBG allocation amount to properly budget and create various planning documents that are required by HUD.

ANALYSIS

The attached ordinance will formally establish a Community Development Advisory Committee. The City expects to receive around $1,189,000 for the 2019-2020 program year, but that allocation is contingent on the passage of a Federal budget or a continuing resolution that fully funds the CDBG program. A total of $105,000 has been budgeted to fund public service grants for the 2019-2020 program year – a 40% increase from the 2018-2019 program year. Per HUD regulations, The PSG portion of the CDBG budget cannot exceed 15% of the City’s total CDBG allocation.

Public service grant applications and instructions were published on January 16, 2019. The City posted the application and instructions on the City’s website and mailed them to various non-profit entities in the region. The availability of funds was promoted on the City’s website and through a formal notice submitted to the Press Enterprise newspaper. Public service grant applications are due on February 15, 2019.

Once applications are received, City Staff will establish a staff review committee to perform a technical review of all proposals. Once complete, City Staff will make a formal recommendation to the Community Development Advisory Committee. The Community Development Advisory Committee must make a decision and affirm grant allocation amounts for each grantee selected. The Community Development Advisory
Committee’s public service grant recommendations will be incorporated into the CDBG ConPlan and Annual Action Plan. The ConPlan and Annual Action Plan will be submitted to the City Council for approval at the May 2, 2019 City Council meeting.

For the 2019-2020 program year, the role of the Community Development Advisory Committee will be relatively limited in scope once the public service grant allocations are determined and sent to the City Council for consideration. In future program years, it is envisioned that the Community Development Advisory Committee will serve as both a grant review committee and a working group to assess the results of various community services being provided by grantees. Grantees provide services that seek to mitigate and address deeply impactful social issues such as poverty, homelessness, access to affordable housing, and community health.

The 2019-2020 program year is subject to strict timelines. In order to guarantee that CDBG funds will be allocated to the City, adherence to a pre-determined schedule is imperative. City Staff have worked with GRC Associates, Inc. (CDBG consultants) and legal staff from the City Attorney’s office to create the schedule provided below.

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
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<tbody>
<tr>
<td>1/16/2019</td>
<td>Public Service Grant Application published</td>
</tr>
<tr>
<td>2/7/2019</td>
<td>Community Development Advisory Committee Ordinance presented to City Council</td>
</tr>
<tr>
<td>2/15/2019</td>
<td>Public Service Grant Applications due</td>
</tr>
<tr>
<td>2/21/2019</td>
<td>Second reading of Ordinance to create Community Development Advisory Committee</td>
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<tr>
<td>2/22/2019</td>
<td>Application instructions to serve on Community Development Advisory Committee are advertised (“Notice of Vacancy”)</td>
</tr>
<tr>
<td>3/5/2019</td>
<td>Informal CDBG Informational meeting - open to the public</td>
</tr>
<tr>
<td>3/18/2019</td>
<td>City Staff Review Committee completes assessment of PSG grant applications and generates formal recommendation for Community Development Advisory Committee</td>
</tr>
<tr>
<td>3/21/2019</td>
<td>Nominees for the Community Development Advisory Committee are submitted to the City Council for approval</td>
</tr>
<tr>
<td>3/28/2019</td>
<td>Community Development Advisory Committee meets and formalizes recommendations for funding which go to City Council</td>
</tr>
<tr>
<td>5/2/2019</td>
<td>City Council Public Hearing – adoption of all funding allocations, including PSG</td>
</tr>
<tr>
<td>5/15/2019</td>
<td>Final CDBG Consolidated Plan due to HUD</td>
</tr>
</tbody>
</table>
Each member of the City Council will have the discretion of nominating a resident of Jurupa Valley to serve on the Community Development Advisory Committee after the ordinance is adopted. City Staff will publish a notice inviting interested citizens to apply for Community Development Advisory Committee consideration. The notice will be published on February 22, 2019, contingent upon the City Council adopting this ordinance at the February 21, 2019 City Council meeting. The notice will be advertised on the City’s website and Facebook page, in addition to being distributed to City Council members for circulation. In accordance with the schedule previously described, each City Council member can nominate a committee applicant for approval at the March 21, 2019 City Council meeting.

The requirements to be a member of the Community Development Advisory Committee are listed in the attached ordinance. Additionally, residents who are selected to serve on this committee should be able to attend an official meeting tentatively scheduled for March 28, 2019. The meeting will be held at City Hall. Although not required, potential members of the Community Development Advisory Committee will be encouraged to attend an informal CDBG informational session on March 5, 2019 at 3:00 PM at City Hall. The informal CDBG informational session will be hosted by City Staff, the City’s CDBG consultants, and the Assistant City Attorney. The informal CDBG informational session will describe the basics regarding how the City administers CDBG funds. The Assistant City Attorney will be present to discuss the legalities of CDBG funding, including the mechanics of public meetings where CDBG-related funding decisions are made. The informal CDBG informational session will be open to the public.

FINANCIAL IMPACT

The City Council may choose to establish a "meeting stipend" for members of the Community Development Advisory Committee. That stipend can be established via a separate resolution authorized by the City Council. The attached ordinance does not provide for a stipend. Members of the CDBG Committee will likely meet sparingly – no more than three to four times per year.

CONCLUSION

It is recommended that the City Council conduct a first reading and introduce the proposed Ordinance.

ALTERNATIVES

1. Take no action.
2. Provide staff with further direction.
Prepared by:

Sean McGovern
Senior Management Analyst

Reviewed by:

George A. Wentz, P.E.
Deputy City Manager

Submitted by:

Gary S. Thompson
City Manager

Attachments:

A. Proposed Ordinance

Reviewed by:

Steve R. Lorio, P.E.
City Engineer/Public Works Director

Reviewed by:

Alan Kreimeier
Administrative Services Director

Approved as to Form

Peter M. Thorson
City Attorney
ORDINANCE NO. 2019-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ADDING SECTION 2.36 TO THE JURUPA VALLEY MUNICIPAL CODE ESTABLISHING THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE AND SETTING FORTH PROCEDURAL RULES AND REGULATIONS FOR THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. Enactment of Chapter 2.36. Chapter 2.36, Community Development Advisory Committee, is hereby added to Title 2, Administration and Personnel, of the Jurupa Valley Municipal Code to read as follows:

“Chapter 2.36 – COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

Sections:

2.36.010 – Community Development Advisory Committee Established.
2.36.020 – Number of Members; Appointment and Removal.
2.36.030 – Term; Annual Reconfirmation.
2.36.040 – Qualifications.
2.36.050 – Officers.
2.36.060 – Duties.
2.36.070 – Meetings/Quorum.
2.36.080 – Stipend.

2.36.010 – Community Development Advisory Committee Established.

The Community Development Advisory Committee has been established pursuant to the Citizen Participation Plan for the Community Development Block Grant (“CDBG”) Program to review applications for CDBG funding and provide the City Council with recommendations regarding the allocation of such funding.

2.36.020 – Number of Members; Appointment and Removal.

A. The Community Development Advisory Committee shall consist of five (5) members. Members of the Community Development Advisory Committee shall be appointed by the City Council. Each Council Member shall nominate one member of the Community Development Advisory Committee. Each such nomination shall require confirmation by a majority vote of the entire City Council.

1. Not less than ten (10) days prior to the meeting at which the Council will consider one or more appointments to the Community
Development Advisory Committee the City Clerk shall post notice of the pending appointments and invite qualified persons to apply for the position or positions.

2. The City Clerk shall post such notice at the locations where the City Council Agendas are posted pursuant to City Council resolution and on the City’s website.

3. In addition to these posting requirements, the City Clerk shall also comply with the posting requirements for vacancies and terms of members of the Community Development Advisory Committee as provided in Sections 54970 through 54974 of the California Government Code or their successor sections.

B. Members of the Community Development Advisory Committee shall serve at the pleasure of the City Council and a member of the Community Development Advisory Committee may be removed from the Community Development Advisory Committee by a majority vote of the entire City Council for any reason, with or without cause. If a member of the Community Development Advisory Committee is removed from office, then at the time of this vote the member shall be deemed removed from the Community Development Advisory Committee, the member’s term and tenure as a member of the Community Development Advisory Committee shall end, and a vacancy shall exist for that position.

C. If a vacancy should occur on the Community Development Advisory Committee such vacancies shall be filled by appointment of a new member by the City Council for the unexpired portion of the term pursuant to the procedures of subsection A. of this Section.

2.36.030 – Term; Annual Reconfirmation.

A. The term of each member of the Community Development Advisory Committee shall be for four (4) years or until their successors are appointed and sworn in as members, whichever is later.

B. Each year the City Council shall reconfirm the appointment of each member of the Community Development Advisory Committee.

1. The reconfirmation shall occur at a regular City Council meeting during the month of December of each year.

2. Each member of the Community Development Advisory Committee shall be reconfirmed by a majority vote of the entire City Council.

3. If a member of the Community Development Advisory Committee is not reconfirmed by a majority vote of the entire City Council, then at the time of this vote the member shall be deemed removed from the
Community Development Advisory Committee, the member’s term and tenure as a member of the Community Development Advisory Committee shall end, and a vacancy shall exist for that position.

2.36.040 – Qualifications.

A. Members of the Community Development Advisory Committee shall, at all times during their incumbencies, be bona fide residents and registered voters of the city.

B. No member of the Community Development Advisory Committee shall be a city employee, nor shall any member of the Community Development Advisory Committee be a member of another city commission or committee at any one time.

C. No member of the Community Development Advisory Committee shall serve in any capacity on a board, committee, or commission of any public agency or district.

D. No person shall serve on the Community Development Advisory Committee if he or she has any decision-making authority in a community organization that applies for or receives funds through the CDBG Program. Any participation as a decision-maker in such community organization must have ceased at least thirty (30) days prior to the time of appointment to the Community Development Advisory Committee and may not occur during incumbency. Any community organization with a decision-maker that is also a member of the Community Development Advisory Committee shall not be entitled to receive funds through the CDBG Program as long as the member continues to serve in both capacities. For purposes of this section, any person serving on the governance board, e.g., board of directors, of a community organization shall be deemed to have decision-making authority in that organization.

2.36.050 – Officers.

The officers of the Community Development Advisory Committee shall consist of a Chairperson and a Vice-Chairperson who shall be selected by a majority vote of the entire Community Development Advisory Committee. The terms of the Chairperson and Vice-Chairperson shall be from January 1 to December 31 of each year, subject to removal or failure to reconfirm pursuant to this Chapter.

2.36.060 – Duties.

The duties of the Community Development Advisory Committee shall include reviewing applications for CDBG funding, attending meetings regarding CDBG-related activities, receiving testimony from applicants, and providing the City Council with recommendations regarding the allocation of CDBG funding.
2.36.070 – Meetings/Quorum.

A. The Community Development Advisory Committee shall meet on an as-needed basis, as determined by the City Manager or designee. All meetings of the Community Development Advisory Committee shall be conducted in accordance with the provisions of the Ralph M. Brown Act (Gov. Code Section 54950 et seq.).

B. A quorum of three members of the Community Development Advisory Committee shall be required for the transaction of any business.

2.36.080 – Stipend.

Members of the Community Development Advisory Committee may receive a stipend per meeting in an amount set by resolution of the City Council.”

Section 2. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more section, subsection, sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

Section 3. Certification. The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

Section 4. Effective Date. This Ordinance shall take effect on the date provided in Section 36937 of the California Government Code.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 21st day of February, 2019.

______________________________
Brian Berkson
Mayor

ATTEST:

______________________________
Victoria Wasko, CMC
City Clerk
CERTIFICATION

STATE OF CALIFORNIA )
COUNTY OF RIVERSIDE ) ss.
CITY OF JURUPA VALLEY )

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance No. 2019-04 was regularly introduced at a regular meeting of the City Council held on the 7th day of February, 2019 and thereafter at a regular meeting held on the 21st day of February 2019 it was duly passed and adopted by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 21st day of February, 2019

________________________________
Victoria Wasko, CMC
City Clerk
STAFF REPORT

DATE: FEBRUARY 7, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY S. THOMPSON, CITY MANAGER

SUBJECT: AGENDA ITEM NO. 15.C

ADOPTION OF AN ORDINANCE CONCERNING PROCEDURES FOR APPEALS OF PLANNING COMMISSION LAND USE DECISIONS TO THE CITY COUNCIL AND PLANNING COMMISSION RECOMMENDATIONS TO THE CITY COUNCIL

RECOMMENDATION

1) That the City Council conduct a first reading and introduce Ordinance No. 2019-05, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ADDING SECTION 9.05.100 and 9.05.110 TO THE JURUPA VALLEY MUNICIPAL CODE CONCERNING PROCEDURES FOR APPEALS OF PLANNING COMMISSION LAND USE DECISIONS TO THE CITY COUNCIL AND PLANNING COMMISSION RECOMMENDATIONS TO THE CITY COUNCIL, AMENDING VARIOUS SECTIONS OF TITLE 7, SUBDIVISIONS, AND TITLE 9, PLANNING AND ZONING, TO IMPLEMENT NEW SECTION 9.05.100 AND FINDING THAT THE MODIFICATIONS TO PROCEDURES ARE EXEMPT FROM CEQA PURSUANT TO SECTIONS 15061(b)(3) OF THE CEQA GUIDELINES

ANALYSIS

The City Council has had to recently deal with development projects that involve several land use applications, such as a project with a General Plan Amendment or Zone change as well as a Side Development Permit and Tentative Subdivision Map. Council action on General Plan Amendments, Zone Changes and other legislative land use applications for a project will be made following a recommendation of the Planning Commission. Council action on Site Development Permits, Tentative Subdivision Maps and other quasi-judicial land use applications for a project will only take place if the
Planning Commission’s decision is appealed to the City Council. The current procedures for Council Consideration of each type of land use application are different.

In an effort to resolve these differences and enable the City Council to hear and decide all of the land use entitlements for a project in one comprehensive and coordinated hearing, the proposed ordinance will make the following changes in the procedures for Council approval of appeals and projects with multiple land use entitlements:

1. Upon the filing of an appeal, the decision of the Planning Commission appealed from shall be suspended until such time as the appeal is decided by the City Council.

2. In the event there are two or more quasi-judicial land use applications for a project decided by the Planning Commission, an appeal of one or more of those applications shall be deemed to be an appeal of all of the quasi-judicial land use applications for the project.

3. In the event that a project requires both legislative action (General Plan Amendment, zone change, specific plan specific plan amendment, or development agreement) in addition to quasi-judicial actions (tentative subdivision map, site development permit, conditional use permit, or variance), the Planning Commission shall make a recommendation to the City Council to approve, modify or deny the applications for the legislative action for the project and a recommendation to the City Council to approve, conditionally approve or deny the quasi-judicial land use applications.

   A. The Council shall hear the applications for the legislative actions along with applications for the quasi-judicial actions for the project in one public hearing.

   B. The decision of the City Council shall be made by ordinance or resolution as required by law and shall require three affirmative votes of the City Council.

4. In the event of a tie vote on an appeal or an affirmative vote of less than three Members of the City Council on an appeal, the decision of the Planning Commission being appealed shall be deemed sustained and the Planning Commission decision reinstated and final as to the applications.

5. In the event of a tie vote on an appeal or an affirmative vote of less than three members of the City Council on a legislative action, General Plan Amendment, Zone Change, Specific Plan, Specific Plan Amendment, Development Agreement or other legislative action, there is no action on the General Plan Amendment, Zone Change, Specific Plan, Specific Plan Amendment, Development Agreement or other legislative action and such actions shall not be effective until such time as there are three affirmative votes of the City Council.
The proposed ordinance also clarifies the procedures for an appeal by a member of the City Council or the Council itself and makes them applicable to all appeals. An appeal may be filed by an individual Council Member or by the City Council. The appeal shall only mean that the issues related to the application are important to the City and should be decided by the entire City Council and that the individual Council Member or the City Council are not expressing a view in favor of or in opposition to the application.

FINANCIAL IMPACT

None.

ALTERNATIVES

1. Provide comments to Staff and request changes to the ordinance.

Submitted by:  

Reviewed by:  

Gary S. Thompson  
City Manager  

Peter M. Thorson  
City Attorney

Reviewed by:

Thomas Merrell, AICP  
Planning Director

Attachments:

1. Proposed Ordinance
ORDINANCE NO. 2019-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ADDING SECTION 9.05.100 and 9.05.110 TO THE JURUPA VALLEY MUNICIPAL CODE CONCERNING PROCEDURES FOR APPEALS OF PLANNING COMMISSION LAND USE DECISIONS TO THE CITY COUNCIL AND PLANNING COMMISSION RECOMMENDATIONS TO THE CITY COUNCIL, AMENDING VARIOUS SECTIONS OF TITLE 7, SUBDIVISIONS, AND TITLE 9, PLANNING AND ZONING, TO IMPLEMENT NEW SECTION 9.05.100 AND FINDING THAT THE MODIFICATIONS TO PROCEDURES ARE EXEMPT FROM CEQA PURSUANT TO SECTIONS 15061(b)(3) OF THE CEQA GUIDELINES

THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 9.05.100 is hereby added to the Jurupa Valley Municipal Code to read as follows:

9.05.100. Procedures for Appeal of Planning Commission Actions to the City Council.

A. Appeal of Quasi-Judicial Planning Commission Decisions; Time for Appeal. For any quasi-judicial decision of the Planning Commission in which it has rendered a final decision, rather than a recommendation to the City Council, that decision shall be considered final unless a written appeal, with the required appeal fee, is filed with the City Clerk within ten (10) calendar days after the date of the decision and the appeal shall be processed and resolved in accordance with the provisions of this section. In the event the tenth day falls on a Saturday, Sunday or City holiday, the appeal and the applicable appeal fee shall be filed with the City Clerk on or before the close of business on the next City business day thereafter. The written appeal and appeal fee shall be filed on or before the close of business on the last day of the appeal period.

(1) “Quasi-judicial decisions” include, without limitation, tentative subdivision maps, tentative parcel maps, conditional use permits, site development permits, variances, or public use permits.

(2) “Legislative decisions” include, without limitation, a General Plan Amendment, zone change, specific plan specific plan amendment, development agreement. Legislative decisions are made by the City Council following a recommendation of the Planning Commission under procedures established by law and this Code, therefore there is no appeal of a Planning Commission recommendation on a legislative decision.

B. Persons Who May File An Appeal; Appeal Fee. An appeal may be filed by the applicant for a land use entitlement, the owner of the property subject to the application, a person who presented oral or written comments to the Planning Commission, or any other interested person. An appeal may be filed by an individual
Council Member or by the City Council, provided, however, that any such appeal shall be solely on the basis that the issues related to the application are important to the City and should be decided by the entire City Council, and, provided further, that an appeal by an individual Council Member or the Council shall not mean, nor shall it be construed to mean, that the individual Council Member or the City Council is expressing a view in favor of or in opposition to the application. Except for appeals by an individual Council Member or the City Council, the appeal shall be accompanied by the appeal fee set forth in Chapter 3.65 or resolution of the City Council. Any appeal filed by an individual Council Member or by a majority vote of the Council does not require the payment of a fee. The Director of Planning shall prepare appeal forms for these appeals.

C. Suspension of Planning Commission Decision Upon Appeal. Upon the filing of an appeal, the decision of the Planning Commission appealed from shall be suspended until such time as the appeal is decided by the City Council or is otherwise resolved as provided in this Section.

D. Multiple Planning Commission Decisions Deemed Appealed. In the event there are two or more quasi-judicial land use applications for a project decided by the Planning Commission, an appeal of one or more of those applications shall be deemed to be an appeal of all of the quasi-judicial land use applications for the project. The purpose of this section is to enable the City Council to hear and decide all of the land use entitlements for a project in a comprehensive and coordinated manner.

E. City Clerk Sets Date for City Council Appeal Hearing. After an appeal with the required appeal fee is filed with the City Clerk as provided in this section, the City Clerk shall set the matter for public hearing before the City Council not less than thirteen (13) nor more than sixty (60) days after the date the appeal is filed. Unless otherwise provided in this Code, public hearings for appeals shall be noticed using the same procedures applicable to the Planning Commission’s hearing on the application.

F. De Novo Hearing. The City Council shall hear the appeal de novo; however, the documents and the minutes of the hearing before the Planning Commission shall be a part of the City Council's record at its hearing on the matter.

G. City Council to Sustain, Reverse or Modify the Decision of Planning Commission. The City Council shall hear relevant testimony and receive written comments from interested persons prior to or at the hearing. Within a reasonable time after the close of the hearing, the City Council shall make its decision sustaining, reversing or modifying the decision of the Planning Commission. The decision of the City Council shall be made by resolution and shall require three affirmative votes of the City Council. In making its decision sustaining the decision of the Planning Commission or sustaining the decision of the Planning Commission with modifications, the City Council may adopt by reference the findings of the Planning Commission. In making its decision reversing a decision of the Planning Commission, the City Council shall make the findings required by law and this Code and shall approve, conditionally approve or disapprove the applications appealed. The decision of the City Council shall be final.
H. **Effect of Tie Vote or Less Than Three Affirmative Votes.** In the event of a tie vote on an appeal or an affirmative vote of less than three Members of the City Council on an appeal, the decision of the Planning Commission being appealed shall be deemed sustained and the Planning Commission decision reinstated and final as to the applications. In the event of a tie vote on an appeal or an affirmative vote of less than three Members of the City Council on a General Plan Amendment, zone change, specific plan specific plan amendment, development agreement or other legislative action, there is no action on the a General Plan Amendment, zone change, specific plan specific plan amendment, development agreement or other legislative action and such actions shall not be effective until such time as there are three affirmative votes of the City Council.

I. **Transcript of Oral Proceedings Before Planning Commission or City Council.** Whenever any person desires to obtain a transcript of the oral proceedings of a public hearing before the City Council or Planning Commission, or desires to have a record made of such proceedings, he or she shall, not less than seven (7) days before the hearing, notify in writing the City Clerk, if the hearing is before the City Council, or the Secretary of the Planning Commission if the hearing is before the Planning Commission. The written request shall be accompanied by a deposit of a sum equal to one day's fee for a court reporter as determined by the City Clerk. The Clerk or Secretary shall thereupon arrange to have a court reporter present at the hearing. If the hearing is thereafter continued to another day, a like request, deposit an arrangement for a Court Report shall be made, if the record is desired. Such a person may directly arrange for attendance and payment of a court reporter instead of making such arrangements through the City Clerk of Secretary by the person desiring the same.

J. **Clerk's Transcript of Documents Before Planning Commission and City Council.** Whenever any person desires to obtain a Clerk's transcript of the documents involved in a proceeding before the City Council, or the Planning Commission, he shall make a written request to the City Clerk, if the matter is before the City Council or to the Secretary of the Planning Commission, if the matter is before the Planning Commission. The Clerk or Secretary shall determine the number of pages involved and require payment in advance for the transcript at the rate set by resolution of the City Council.

K. **Uniform Appeal Procedures; Supersedes Conflicting Appeal Procedures.** The provisions of this section are intended to establish a uniform appeal procedure for quasi-judicial Planning Commission decisions made pursuant to Title 7, Subdivisions, and Title 9, Planning and Zoning of this Code and shall supersede any conflicting appeal provisions of Title 7, Subdivisions, and Title 9, Planning and Zoning.

**SECTION 2.** Section 9.05.110 is hereby added to the Jurupa Valley Municipal Code to read as follows:

Sec. 9.05.110

Notwithstanding any other provisions of this title, in the event that a project requires a General Plan Amendment, zone change, specific plan specific plan amendment, development agreement or other legislative action in addition to the tentative subdivision
map, site development permit, conditional use permit, variance or other quasi-judicial land use applications for the project, the Planning Commission shall make a recommendation to the City Council to approve, modify or deny the applications for the legislative action for the project and a recommendation to the City Council to approve, conditionally approve or deny the quasi-judicial land use applications. The Council shall hear the applications for the legislative actions along with applications for the quasi-judicial actions for the project in one public hearing before the Council in accordance with the applicable procedures of Section 9.05.100. The decision of the City Council shall be made by ordinance or resolution as required by law and shall require three affirmative votes of the City Council. The purpose of this section is to enable the City Council to hear and decide all of the land use entitlements for a project in a comprehensive and coordinated manner.

SECTION 3. Section 7.15.150 of the Jurupa Valley Municipal Code is hereby amended to read as follows:

Sec. 7.15.150. Appeal of advisory agency actions; procedure.

Except as provided in Section 7.05.020(B), the Planning Commission is the advisory agency authorized to directly approve, conditionally approve or disapprove tentative maps. An appeal from the decision of the Planning Commission to approve, conditionally approve or disapprove tentative map shall be filed and processed pursuant to the provisions of Section 9.05.100 and subject to the provisions of Section 9.05.110.

SECTION 3. Section 9.235.040 (4) and (5) of the Jurupa Valley Municipal Code, Specific Plan Development Standards, is hereby amended to read as follows:

(4) Proceedings before the City Council. The decision of the hearing body is considered final and no action by the City Council is required unless an appeal is filed and processed pursuant to the provisions of Section 9.05.100.

(5) Intentionally deleted.

SECTION 4. Section 9.238.040 of the Jurupa Valley Municipal Code is hereby amended to read as follows:

Sec. 9.238.040. - Adoption of PUD zone.

Adoption of PUD zoning, or an amendment to PUD zoning, shall follow the provisions described in this article and Chapter 9.285, Amendments and Change of Zone. Prior to submitting an application for adoption of PUD zoning, the applicant or prospective developer shall schedule a pre-application review conference with City Planning Department staff in accordance with Section 9.240.030.

SECTION 5. Section 9.240.250 (6) and (7) of the Jurupa Valley Municipal Code, Permit Applications, is hereby amended to read as follows:
(6) *Appeal procedures*. For any decision where the hearing body is the Planning Commission and it has rendered a final decision rather than a recommendation to the City Council, an appeal of that decision shall be filed and processed pursuant to the provisions of Section 9.05.100 and subject to the provisions of Section 9.05.110.

(7) *Intentionally deleted.*

**SECTION 6.** Section 9.240.260(7) of the Jurupa Valley Municipal Code, Fast Track Procedures, is hereby amended to read as follows:

(7) *Hearing and decision*. The City Council shall hear relevant testimony from all interested persons and make its decision within a reasonable time after the close of the public hearing. The City Council may approve, conditionally approve or disapprove each application for a permit or approval included in the fast track project. The decision with respect to each application for a permit or approval included in the fast track project shall be in the form required by ordinance for that type of permit or approval. The City Council decision shall be made by resolution and requires the affirmative vote of three members of the City Council. In the event of a tie vote or a vote of less than three members of the City Council, the application shall be automatically referred to the Planning Commission and shall be processed as a regular application. Within ten (10) business days of the decision, the City Clerk shall prepare and transmit notice of the decision to the Planning Director, the applicant, and any person who has submitted a written request for notice of the decision.

**SECTION 7.** Section 9.240.300 (e) of the Jurupa Valley Municipal Code, Crowing Fowl Permits, is hereby amended to read as follows:

(e) *Appeal*. An applicant or any interested person may appeal the decision of the Planning Director by the following procedure:

(1) Appeal to Planning Commission. Within fourteen (14) calendar days after the date of the decision by the Planning Director, an appeal, in writing, may be made to the Planning Commission on the form provided by the Planning Department, which shall be accompanied by a filing fee as set forth in Chapter 3.65. Notice of the appeal shall be given in the same manner that notice was given for the original hearing. The Planning Commission shall render its decision within thirty (30) days following the close of the hearing on the appeal.

(2) Appeal to the City Council. An appeal of the Planning Commission decision to the City Council shall be filed and processed pursuant to the provisions of Section 9.05.100 and subject to the provisions of Section 9.05.110.
SECTION 8. Section 9.240.330 (5) and (6) of the Jurupa Valley Municipal Code, Site Development Permits, is hereby amended to read as follows:

(5) Appeals—Site development permits not including wireless communication facilities. An applicant or any other interested party may appeal from the decision of the Planning Director by the following procedure:

(a) Initial appeal. Within ten (10) calendar days after the date of the mailing of the decision by the Planning Director, an appeal in writing may be made on the form provided by the Planning Department and which shall be accompanied by a filing fee as set forth in Chapter 3.65 or resolution of the City Council. Upon receipt of a completed appeal, the Planning Director shall set the matter for hearing and mail notice thereof to the applicant and the appellant if the site development permit did not require a public hearing. If the site development permit required a public hearing, notice of the appeal shall be given in the same manner that notice was given for the original hearing. Such appeals shall be heard by the Planning Commission, except that any appeal concerning an application of a commercial/industrial nature given fast track status, shall be heard directly by the City Council. For purposes of this section, an application shall be considered to have been given fast track status if it meets the definition set forth in Section 9.10.590.

(b) Appeal from Planning Commission. An appeal of the Planning Condition decision to the City Council shall be filed and processed pursuant to Section 9.05.100 and subject to the provisions of Section 9.05.110.

(6) Appeals—Wireless communication facilities site development permits. An applicant or any other interested party may appeal from the decision of the Planning Director by the following procedure:

(a) Initial appeal. The Planning Director shall file his/her notice of decision with the secretary of the Planning Commission, together with a report of the proceedings, not more than fifteen (15) days after making the decision. A copy of the notice of decision shall be mailed to the applicant and to any person who has made a written request for a copy of the decision. The secretary of the Planning Commission shall place the notice of decision on the next agenda of the Planning Commission, held five (5) or more days after the secretary receives the notice from the Planning Director. The decision of the Planning Director is considered final and no action by the Planning Commission is required unless, within ten (10) days after the notice appears on the Planning Commission agenda, the applicant or an interested person files an appeal, accompanied by the fee set forth in Chapter 3.65 or resolution of the City Council.
(b) **Appeal from Planning Commission.** An appeal from the decision of the Planning Commission shall be filed and processed pursuant to the provisions of Section 9.05.100 and subject to the provisions of Section 9.05.110, provided, however, that the time periods for hearing the appeal may be adjusted by the City Manager as necessary to comply with the requirements of federal or state law or this Code relating to wireless facilities.

**SECTION 9.** Section 9.240.340 (7) and (8) of the Jurupa Valley Municipal Code, Findings and Procedures for Revocation of Variances and Permits, are hereby repealed. Section 9.240.340 (5) and (6) of the Jurupa Valley Municipal Code, Findings and Procedures for Revocation of Variances and Permits, are hereby amended to read as follows:

(5) **Notice of decision.** Notice of the Planning Commission decision and a report of the proceedings shall be filed with the City Clerk not later than fifteen (15) days following the date the decision is adopted. A copy of the notice and the report shall be mailed to the applicant and proof of such mailing shall be indicated on the original notice filed with the City Clerk. If the Planning Commission does not reach a decision due to a tie vote, such fact shall be reported to the City Council in the same manner and within the same time for reporting decisions and such a failure to reach a decision shall constitute affirmation of the Building Director's revocation of the permit or variance.

(6) **Appeal.** An appeal of the decision of the Planning Commission shall be filed and processed pursuant to the requirements of Section 9.50.100 and subject to the provisions of Section 9.05.110.

**SECTION 10.** Section 9.240.350 of the Jurupa Valley Municipal Code is hereby amended to read as follows:

**Sec. 9.240.350. - Time limit.**

Whenever by the terms of this chapter or a provision of any permit or variance thereunder, a period is fixed within which an act is required or permitted to be performed and the last day of such period falls on a Saturday, Sunday, or City holiday, then the next succeeding day which is not a Saturday, Sunday, or City holiday shall be deemed the last day of such period. If, by such provisions, any document is required to be filed with the City Council, the Planning Commission or other body or officer, filing the same with the City Clerk shall be deemed filing with said City Council, filing in the office of the Planning Director shall be deemed filing with said City Council, filing in the office of the Planning Director shall be deemed filing with said Commission, filing with the secretary of such other body or in its office shall be deemed filing with such body, and filing in the office of such officer shall be deemed filing with him. If by any such provision a time limit for the performance of an act is permitted to be extended or the period renewed, such renewal or extension, to be effective, must be sought and obtained prior to the expiration of the time limit.
SECTION 11. Section 9.240.430 (4) of the Jurupa Valley Municipal Code, Applications for Modifications to Approved Commercial and Accessory WECS Permits, is hereby amended to read as follows:

(4) Procedure.

(a) Substantial conformance.

(i) The Planning Director shall approve, conditionally approve or disapprove an application for substantial conformance within thirty (30) days after accepting a completed application. The Planning Director's determination shall be based upon the standards of this section and those standards set forth in this chapter governing approval of the original application and the conditions of approval applicable to the approved WECS permit. An application for substantial conformance shall not require a public hearing. Notice of the decision shall be filed by the Planning Director with the City Clerk not more than fifteen (15) days after the decision. A copy of the notice of decision, including the original conditions of approval which remain in effect unless expressly modified and any additional conditions of approval, shall be mailed to the applicant, and to any person who has made written request for a copy of the decision, and to all owners of real property which is located within one-half (½) mile of the exterior boundaries of the project, as such owners are shown on the last equalized tax roll and any update. The City Clerk shall place the notice of decision on the next agenda of the City Council held five (5) or more days after the Clerk receives the notice from the Planning Director.

(ii) An appeal of the Planning Director’s decision shall be filed and processed pursuant to the provisions of Section 9.50.100 and subject to the provisions of Section 9.05.110, provided, however, that the references to the Planning Commission shall be deemed to refer to the Planning Director’s decision.

(iii) The City Council shall hear the matter de novo; however, the documents and other evidence presented to the Planning Director shall be a part of the City Council record at its hearing on the matter. The City Council shall hear relevant testimony from interested persons and within a reasonable time after the close of the hearing, make its decision sustaining, reversing or modifying the decision of the Planning Director.

(b) Revised permit. An application for revised permit shall be approved, conditionally approved or disapproved in accordance with the procedures for processing an original permit, including any requirements for public hearing, notice of hearing, and all rights of appeal. A revised permit shall meet the development standards applicable to a new WECS permit; provided, however, that a revised permit may be approved subject to lower development standards where the applicant demonstrates that such approval will reduce adverse impacts on residential properties.
SECTION 12. Section 9.250.040 (c) of the Jurupa Valley Municipal Code, Temporary Use Permits Application, Review, and Appeals, is hereby amended to read as follows:

C. Appeals.

(1) Initial appeal. An applicant or any interested person may appeal the decision of the Planning Director to the Planning Commission within ten (10) days of the date of the decision. The appeal shall be made on the forms provided by the Planning Department and shall be accompanied by the applicable filing fee set forth in Chapter 3.65. Upon receipt of a completed appeal form, the City Clerk shall set the matter of the appeal for hearing before the Planning Commission not less than five (5) nor more than thirty (30) days thereafter and shall give written notice of the hearing to the appellant and the Planning Director. The Planning Commission shall render its decision within thirty (30) days following the close of the appeal hearing.

(2) Appeal from the Planning Commission. An appeal of the Planning Condition decision to the City Council shall be filed and processed pursuant to Section 9.05.100 and subject to the provisions of Section 9.05.110.

SECTION 13. Severability If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 14. CEQA The City Council finds that the proposed ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) and the City’s CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed Ordinance will have a significant effect on the environment. The provisions of this Ordinance amending portions of Title 7, Subdivisions, and Title 9, Planning and Zoning, to revise procedures for appeals of Planning Commission will not result in a permanent or temporary, direct or indirect, alteration of property nor the construction of any new or expanded structures. The proposed ordinance is only a change in an administrative processes of the City that will not result in direct or indirect physical changes in the environment.

SECTION 15. Certification The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 21st day of February, 2019.
Brian Berkson  
Mayor  
ATTEST:  

Victoria Wasko, CMC  
City Clerk  

CERTIFICATION  

STATE OF CALIFORNIA  )  
COUNTY OF RIVERSIDE  ) ss.  
CITY OF JURUPA VALLEY  )  

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance No. 2019-05 was regularly introduced at a regular meeting of the City Council held on the 7th day of February, 2019 and thereafter at a regular meeting held on the 21st day of February 2019 it was duly passed and adopted by the following vote of the City Council:  

AYES:  
NOES:  
ABSENT:  
ABSTAIN:  

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 21st day of February, 2019  

Victoria Wasko, CMC  
City Clerk
STAFF REPORT

DATE: FEBRUARY 7, 2019
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY S. THOMPSON, CITY MANAGER
SUBJECT: AGENDA ITEM NO. 15.D

AMENDMENT TO JURUPA VALLEY MUNICIPAL CODE PROVIDING ADDITIONAL REGULATIONS FOR THE DISPLAY OF MOBILE VENDING PERMITS AND RELATING TO VENDING NEAR FARMER’S MARKETS AND SPECIAL EVENTS

RECOMMENDATION

1) That the City Council conduct a first reading and introduce Ordinance No. 2019-06, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING SECTION 6.20.090 OF THE JURUPA VALLEY MUNICIPAL CODE RELATING TO THE DISPLAY OF MOBILE FACILITY VENDING PERMITS AND SECTION 6.20.110 (20) and (21) RELATING TO VENDING NEAR FARMER’S MARKETS AND SPECIAL EVENTS AND FINDING THE ORDINANCE EXEMPT FROM CEQA

ANALYSIS

On November 1, 2018, the City Council revised portions of Chapter 6.20 to the City’s Municipal Code regulating mobile vending so as to comply with SB 946, new State legislation regulating sidewalk vendors.

During the discussion of this legislation and SB 946, the Council requested Staff to return with an ordinance adding to the Code the size and location of the display of a mobile vending permit that are currently imposed by administrative regulations.

The following is the text of the revised Section 6.20.090 providing for the display of the mobile vending permit:

“Sec. 6.20.090. - Vending permit; nontransferable; display.
A. No vending permit issued pursuant to the provisions of this chapter shall be transferable.

B. Each permittee under this chapter shall possess and at all times make available for inspection a business registration certificate issued by the city in accordance with Chapter 5.01 of Title 5 of this Code, and, when applicable, a copy of the unexpired and unrevoked mobile food facilities permit issued by the Riverside County Department of Environmental Health required by this Chapter.

C. Each permittee under this chapter shall possess and at all times display upon his or her motor vehicle or push cart an unexpired and unrevoked mobile facility vending permit that shall be:

   (1) Displayed on the left side, right side and rear of the mobile vending facility;

   (2) Displayed in such a manner that it is clearly visible to enforcement officials and members of the public;

   (3) Not less than six (6) inches by six (6) inches, reflective, and light blue in color.

D. The size, color and location of the displayed permit on the mobile vending facility shall be approved by the City Manager. The City Manager shall have authority to modify these requirements in order to insure that the copy of the permit is clearly visible to enforcement officials and members of the public and does not unduly interfere with the operation of the mobile vending facility.”

Section 6.20.110 (20) and (21) of the Jurupa Valley Municipal Code currently provides that vendors are prohibited from vending “within the immediate vicinity of” an area designated for certified farmer’s markets and special events authorized by City permits. This language was taken directly from SB 946, the 2018 State legislation permitting sidewalk vendors. Since the adoption of these sections, many cities have specified that the separation of vendors from certified farmer’s markets and special events should be 200’ feet rather than “within the immediate vicinity” of such events. The proposed Ordinance amends these sections to read:

“(20) Vendors are prohibited from vending in areas located within two hundred (200) feet of the immediate vicinity of a permitted certified Farmer’s market or a permitted swap meet during the limited operating hours of that certified Farmer’s market or swap meet; and

“(21) Vendors are prohibited from vending within two hundred (200) feet of an area designated for a temporary special permit issued by the
City, provided that any notice, business interruption mitigation, or other rights provided to affected businesses or property owners under the City's temporary special permit are also provided to any sidewalk vendors specifically permitted to operate in the area, if applicable. For purposes of this paragraph, a temporary special permit is a permit issued by the City for the temporary use of, or encroachment on, the sidewalk or other public area, including, but not limited to, an encroachment permit, special event permit, or temporary event permit, for purposes including, but not limited to, filming, parades, or outdoor concerts. A prohibition of sidewalk vendors pursuant to this paragraph shall only be effective for the limited duration of the temporary special permit.

FINANCIAL IMPACT

None.

ALTERNATIVES

1. Provide comments to Staff and request changes to the ordinances.

Submitted by:  
Gary S. Thompson  
City Manager

Reviewed by:  
Peter M. Thorson  
City Attorney

Reviewed by:  
Keith Clarke  
Building Official

Attachments:

1. Proposed Ordinance

2. Jurupa Valley Mobile/Sidewalk Vending Ordinance:
   A. Ordinance No. 2017-02
   B. Ordinance No. 2018-10
   C. Ordinance No. 2018-11
ORDINANCE NO. 2019-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING SECTION 6.20.090 OF THE JURUPA VALLEY MUNICIPAL CODE RELATING TO THE DISPLAY OF MOBILE FACILITY VENDING PERMITS AND SECTION 6.20.110 (20) AND (21) RELATING TO VENDING NEAR FARMER’S MARKETS AND SPECIAL EVENTS AND FINDING THE ORDINANCE EXEMPT FROM CEQA

THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. Section 6.20.090 of the Jurupa Valley Municipal Code, Vending Permit; Nontransferable, Display, is hereby amended to read as follows:

“Sec. 6.20.090. - Vending permit; nontransferable; display.

A. No vending permit issued pursuant to the provisions of this chapter shall be transferable.

B. Each permittee under this chapter shall possess and at all times make available for inspection a business registration certificate issued by the city in accordance with Chapter 5.01 of Title 5 of this Code, and, when applicable, a copy of the unexpired and unrevoked mobile food facilities permit issued by the Riverside County Department of Environmental Health required by this Chapter.

C. Each permittee under this chapter shall possess and at all times display upon his or her motor vehicle or push cart an unexpired and unrevoked mobile facility vending permit that shall be:

(1) Displayed on the left side, right side and rear of the mobile vending facility;

(2) Displayed in such a manner that it is clearly visible to enforcement officials and members of the public;

(3) Not less than six (6) inches by six (6) inches, reflective, and light blue in color.

D. The size, color and location of the displayed permit on the mobile vending facility shall be approved by the City Manager. The City Manager shall have authority to modify these requirements in order to insure that the copy of the permit is clearly visible to enforcement officials and members of the public and does not unduly interfere with the operation of the mobile vending facility.”
Section 2. Subsections (20) and (21) of Section 6.20.110 of the Jurupa Valley Municipal Code are hereby amended to read as follows:

“(20) Vendors are prohibited from vending in areas located within two hundred (200) feet of the immediate vicinity of a permitted certified farmers’ market or a permitted swap meet during the limited operating hours of that certified farmers’ market or swap meet; and

“(21) Vendors are prohibited from vending within two hundred (200) feet of an area designated for a temporary special permit issued by the City, provided that any notice, business interruption mitigation, or other rights provided to affected businesses or property owners under the City’s temporary special permit are also provided to any sidewalk vendors specifically permitted to operate in the area, if applicable. For purposes of this paragraph, a temporary special permit is a permit issued by the City for the temporary use of, or encroachment on, the sidewalk or other public area, including, but not limited to, an encroachment permit, special event permit, or temporary event permit, for purposes including, but not limited to, filming, parades, or outdoor concerts. A prohibition of sidewalk vendors pursuant to this paragraph shall only be effective for the limited duration of the temporary special permit.”

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more section, subsection, sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

Section 4. CEQA. The adoption of this Ordinance is not a "project" under the California Environmental Quality Act because the Ordinance does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4). The proposed ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") and the City's CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that this Ordinance to regulate the sale of food and goods on public property will have a significant effect on the environment. Placing such restrictions on the vendor pursuant to this Ordinance will not result in a permanent alteration of property nor the construction of any new or expanded structures or other direct or indirect physical changes in the environment. The regulated sales are by definition made from mobile locations and not from fixed stores or buildings. The Ordinance is an administrative process and regulates the conduct of people in the mobile sale of food and goods on public property and implements existing health and safety regulations.
Section 3. Certification. The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

Section 4. Effective Date. This Ordinance shall take effect on the date provided in Government Code Section 36937.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 21st day of February, 2019.

______________________________
Brian Berkson
Mayor

ATTEST:

______________________________
Victoria Wasko, CMC
City Clerk
CERTIFICATION

STATE OF CALIFORNIA  )
COUNTY OF RIVERSIDE  ) ss.
CITY OF JURUPA VALLEY  )

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance No. 2019-06 was regularly introduced at a regular meeting of the City Council held on the 7th day of February, 2019 and thereafter at a regular meeting held on the 21st day of February 2019 it was duly passed and adopted by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 21st day of February, 2019

________________________________
Victoria Wasko, CMC
City Clerk
ORDINANCE NO. 2017-02

AN ORDINANCE OF THE CITY OF JURUPA VALLEY ADDING
CHAPTER 6.20 TO THE JURUPA VALLEY MUNICIPAL CODE,
VENDING FROM A MOBILE VENDING FACILITY ON PUBLIC
STREETS, PUBLIC RIGHTS OF WAY, AND PRIVATE PROPERTY AND
FINDING THE ORDINANCE EXEMPT FROM CEQA

THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS
FOLLOWS:

Section 1. Enactment of Chapter 6.20. Chapter 6.20, Vending From a Mobile
Vending Facility on Public Streets, Public Rights of Way, and Private Property, is hereby added
to Title 6, Health and Sanitation, of the Jurupa Valley Municipal Code to read as follows:

"Chapter 6.20 VENDING FROM A MOBILE VENDING FACILITY ON
PUBLIC STREETS, PUBLIC RIGHTS OF WAY, AND PRIVATE
PROPERTY

Sections:

6.20.010 – Findings and Purpose.
6.20.040 – Vending Permit Required—Application.
6.20.050 – Vending Permit Application Fees.
6.20.060 – Vending Permit Investigation—Denial—Granting.
6.20.070 – Appeal of Conditional Approval or Denial of Vending Permits.
6.20.080 – Suspension and Revocation of Vending Permits.
6.20.090 – Vending Permit—Nontransferable—Display.
6.20.100 – Mobile Food Vending Facilities Permit Required.
6.20.110 – Regulations for Vending on Public Streets or Right of Way.
6.20.120 – Regulations for Vending from a Mobile Vending Facility on Private
Property
6.20.130 – Vending in Public Parks Prohibited.
6.20.140 – Signage—Ice Cream Truck Vendors.
6.20.150 – Exemptions.
6.20.160 – Penalties.

6.20.010 – Findings and Purpose.

(a) Findings. The City Council finds and declares as follows:

(1) Section 22455 of the California Vehicle Code authorizes
municipalities to regulate the type of vending from motor vehicles and the time, place
and manner of vending from vehicles upon any street in order to promote public safety and Article XI, Section 7 of the California Constitution extends to municipalities the police power authority to regulate in furtherance of the public health and welfare.

(2) Vending from mobile vending facilities on public streets creates the potential for safety hazards, such as, but not limited to, encouraging pedestrians to cross mid-block to purchase food.

(3) The act of looking for prospective customers while mobile vending facilities makes vendors less attentive to pedestrian and vehicular traffic. When done on public roadways, this poses traffic and safety risks to the public.

(4) Vendors who fail to park their mobile vending facilities on public streets correctly during a transaction attract prospective customers onto public roadways, creating a further traffic and public safety hazard.

(5) Unregulated vending from mobile vending facilities on public streets impairs traffic safety, the safety of pedestrians, contributes to traffic congestion and therefore impedes the orderly movement of pedestrian and motorist traffic.

(6) Unregulated vending from mobile vending facilities on sidewalks and pedestrian areas of public rights of way impairs the safety of pedestrians because it contributes to congestion on sidewalks and pedestrian rights of way and impedes the orderly movement of pedestrians around unregulated vendors.

(b) Purpose and Intent. The purpose and intent of this Chapter is to regulate the sale of food, food products, ice cream, goods or merchandise from motor vehicles or push carts on public and private property and to protect the health and safety of people within the City. This Chapter is not intended to repeal or amend the provisions of this Code that provide for licensing or permit procedures for the conduct of certain business activities. Further, this Chapter is not intended to prohibit, prevent or hinder activities of political, economic, religious or sociological ideas when such activities are noncommercial.


As used in this Chapter, the following words, terms and phrases shall have the following meanings, unless a different meaning is apparent from the context or is specified elsewhere in this Chapter:

(a) “City Manager” shall mean the City Manager of the City or his or her designee.

(b) “Commissary” means a food facility that services mobile food facilities or mobile support units where any of the following occur:

(1) Food, containers, or supplies are stored;
(2) Food is prepared or prepackaged for sale or service at other locations;

(3) Utensils are cleaned; or

(4) Liquid and solid wastes are disposed, or potable water is obtained.

(c) "Food" or "food products" mean any type of human edible substance or beverage.

(d) "Food preparation" as defined in Health and Safety Code Section 113791, as now adopted or hereafter amended.

(e) "Goods" or "merchandise" mean any items that are not food or a food product.

(f) "Limited food preparation" as defined in Health and Safety Code Section 113818, as now adopted or hereafter amended.

(g) "Ice cream truck" means any self-propelled vehicle used primarily to vend ice cream, candy or other confectionary items, and in which the predominant product for sale is ice cream, candy and other confectionary items.

(h) "Mobile food vending facility" means a motor vehicle, trailer attached to a vehicle, push cart used for the sale, retail distribution of food, or other distribution of food. There are five categories of mobile food facilities that may be permitted in the City:

(1) Produce vehicle;

(2) Prepackaged food push cart;

(3) Prepackaged food vehicle;

(4) Non-prepackaged food vehicle and mobile support unit; and

(5) Mobile food preparation unit.

(i) "Mobile food preparation unit" means a mobile food facility that engages in food preparation, beyond the scope of limited food preparation.

(j) "Mobile support unit" means a vehicle used in conjunction with a commissary or other permanent food facility that travels to, and services, mobile food facilities as needed to replenish supplies, including food and potable water, clean the interior of the unit, or dispose of liquid or solid wastes.

(k) "Motor vehicle" means any self-propelled vehicle used to vend, including food trucks and ice cream trucks.
(l) “Mobile vending facility” means a motor vehicle, trailer attached to a vehicle or push cart used for the sale, retail distribution or other distribution of goods or food, including without limitation, a mobile vending food vending facility.

(m) “Non-prepackaged food” means any food which is removed from its original packaging material for the purpose of preparation or service to the customer.

(n) “Non-prepackaged food vehicle” means a mobile food facility that engages in limited food preparation.

(o) “Person” includes any natural person, business, firm, company, corporation, public corporation, club, trust, partnership, association and similar organization.

(p) “Prepackaged food” means any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, food facility, or other source approved by the Riverside County Department of Environmental Health.

(q) “Prepackaged food push cart” means a mobile food facility limited to the sale of one hundred (100) percent prepackaged foods from a push cart.

(r) “Produce vehicle” means a mobile food facility limited to the sale of whole, uncut produce obtained from a source approved by the Riverside County Department of Environmental Health.

(s) “Push cart” means any wagon, cart, or similar wheeled container, not a vehicle as defined in the Vehicle Code of the State of California, used in conjunction with vending.

(t) “Riverside County Department of Environmental Health” means the Department of Environmental Health within the County of Riverside or such other department of the County of Riverside responsible for licensing of food vendors and the enforcement of food health laws.

(u) “Vend” or “vending” shall mean to sell, offer for sale, expose for sale, solicit offers to purchase or to barter food, food products, ice cream, goods or merchandise from a motor vehicle or push cart while parked, stopped or standing upon any public street, alley, parkway, sidewalk or other public property or private property in the City with or without use of a motor vehicle.

(v) “Vendor” means a person who vends, including an employee or agent of another.

All vendors that operate or conduct any business from a mobile vending facility in the City shall obtain and maintain a valid business registration certificate issued by the City in accordance with Chapter 5.01 of Title 5 of this Code.

6.20.040 — Vending Permit Required—Application.

In addition to procuring a business registration certificate, as set forth in Section 6.20.030 of this Chapter, all persons desiring to vend from a mobile vending facility or vend food in the City on public or private property, shall first obtain a permit to operate or conduct the business in the City. Except as otherwise provided in this Chapter, vending on any public street, alley, parkway, sidewalk or other public property or private property in the City by means of any portable, movable, semi-permanent or temporary structures or equipment, non-motorized vehicle, trailer, modular building, table, counters, stands or other similar structures is prohibited. The permit shall be known as a "Vending Permit. The Vending Permit shall be valid for a period of twelve (12) months from the date of issuance. The Vending Permit application shall be filed with the City Manager, on a form approved by the City Manager, and shall set forth the following:

(a) The applicant’s name and permanent home address;

(b) The name and permanent address of each owner and operator of the motor vehicle(s) or push cart(s) to be used to vend;

(c) If the applicant is employed by another to vend, the name and address of the employer or the person for whom the applicant is conducting commercial business;

(d) If the applicant will use a motor vehicle to vend, a description of the type of motor vehicle to be used, its registration number and its license number;

(e) If the applicant will operate a mobile food vending facility, proof of issuance of food manager and food handler certifications, pursuant to Riverside County Ordinance No. 567 and Health and Safety Code Sections 113947 through 113947.6, as now adopted or hereafter amended;

(f) A photograph of the motor vehicle or push cart;

(g) If the applicant will use a push cart to vend, a valid California driver’s license number of the applicant and vendor or a valid California identification card number of the applicant and vendor;

(h) If the applicant will use a motor vehicle to vend, a valid California driver’s license number of the applicant and vendor;

(i) If the applicant will use a motor vehicle to vend on public streets or rights of way, proof of business automobile liability insurance, with minimum combined single limits coverage of one million ($1,000,000) dollars in a form approved by the City Manager;
(j) In addition to any proof of automobile liability insurance that may be required by subsection (i), all applicants shall provide proof of general liability insurance with minimum combined single limits coverage of one million ($1,000,000) dollars and naming the City as an "Additional Insured" in a form approved by the City Manager;

(k) A description of the type of food, food products, ice cream, goods or merchandise to be sold; and

(l) A description of the streets and rights of way the applicant intends to use.

6.20.050 – Vending Permit Application Fees.

The fee for filing an application for a Vending Permit and inspections required by the provisions of this Chapter shall be set forth in a resolution adopted by the City Council. The application fee shall be nonrefundable.

6.20.060 – Vending Permit Investigation—Denial—Granting.

(a) Investigation. Upon receipt of a completed application, the City Manager shall cause to have the information in the application investigated and verified.

(b) Review Period. The City Manager shall approve, conditionally approve or deny the Vending Permit within thirty (30) calendar days of the filing of the application.

(c) Denial—Standards. The City Manager shall have the right to deny a Vending Permit required by the provisions of this Chapter if he or she makes one of the following findings:

(1) The applicant has knowingly made a false, misleading or fraudulent statement of fact to the City in the application process.

(2) The application does not contain the information required by this Chapter.

(3) The applicant has not satisfied the requirements of this Chapter.

(4) The granting of the Vending Permit or the conduct of the business will be contrary to the preservation of the public health, safety or welfare of the City or its inhabitants.

(d) Denial—No Refund of License Fees. If a Vending Permit is denied, the permit fee shall not be refundable.

(e) Granting—Conditions. In granting a Vending Permit, the City Manager, in the application of the standards and principles set forth in Subsection (c) and in order to protect the public health, safety and welfare, may impose reasonable conditions or regulations, not in conflict with any law, pertaining to the conduct of the business or the occupancy or use of any land in connection therewith in addition to, but not limited by,
those regulations set forth in this Chapter. These conditions may include, but are not limited to, the streets and locations where the applicant is permitted to vend.

6.20.070 – Appeal of Conditional Approval of Denial of Vending Permit.

Any applicant conditionally approved or denied a Vending Permit by the City Manager pursuant to the provisions of this Chapter shall have the right to appeal the decision pursuant to the provisions of Chapter 2.40, Hearings and Appeals (Jurupa Valley Ordinance No. 2014-04). The appeal shall be filed within ten (10) days of the mailing of the notice of the City Manager’s decision to the applicant.

6.20.080 – Suspension and Revocation of Vending Permits.

(a) Any Vending Permit issued pursuant to the provisions of this Chapter may be suspended or revoked by the City Manager for the following reasons:

1. Where the City Manager finds and determines that the preservation of the public peace, health, safety or welfare demand the revocation of such Vending Permit;

2. Where the permittee has violated any provision of this Chapter, or any other provision of this Code, or any other provision of law;

3. Where a Vending Permit has been granted on false, misleading or fraudulent evidence, testimony, or application; or

4. Where the permittee has violated the terms, provisions or conditions of the Vending Permit.

(b) Prior to the suspension or revocation of a Vending Permit, the City Manager shall provide the permittee with notice of the basis for the suspension or revocation of the Vending Permit and an opportunity to discuss the allegations with the City Manager. City Manager shall provide the permittee with not less than ten (10) days notice of the allegations and the permittee’s opportunity to be heard.

(c) The City Manager may immediately suspend any Vending Permit where the City Manager determines that the suspension of the Vending Permit is necessary for the immediate protection of the public health, safety, and welfare. While the immediate suspension is in effect, the City Manager shall provide the permittee with the notice and opportunity to be heard pursuant to Subsection (b) of this Section.

(d) Any permittee whose Vending Permit has been revoked by the City Manager pursuant to the provisions of this Chapter shall have the right to appeal the decision pursuant to the provisions of Chapter 2.40, Hearings and Appeals (Jurupa Valley Ordinance No. 2014-04). The appeal shall be filed within ten (10) days of the mailing of the notice of the City Manager’s decision.

6.20.090 – Vending Permit—Nontransferable—Display.
(a) No Vending Permit issued pursuant to the provisions of this Chapter shall be transferable.

(b) Each permittee under this Chapter shall possess and at all times display in conspicuous view upon his or her motor vehicle, a business registration certificate issued by the City in accordance with Chapter 5.01 of Title 5 of this Code.

(c) Each permittee under this Chapter shall possess and at all times display in conspicuous view upon his or her motor vehicle or push cart an unexpired and unrevoked mobile facility Vending Permit issued pursuant to this Chapter.

6.20.100 – Mobile Food Vending Facilities Permit Required.

In addition to procuring a business registration certificate and Vending Permit, as set forth in this Chapter, all persons desiring to operate a mobile food vending facility in the City shall first obtain an annual mobile food facilities permit issued by the Riverside County Department of Environmental Health and shall maintain such mobile food facilities permit in good standing at all times. Upon the issuance of an annual mobile food facilities permit, the permittee shall comply with all laws, regulations, and policies applicable to mobile food facilities operating in Riverside County, including, but not limited to, the following:

(a) All mobile food vending facilities shall post a notice provided by the Riverside County Department of Environmental Health (“Department”) advising consumers that a copy of the most recent routine inspection report is available for review by any interested party. The most recent inspection report must be kept with the mobile food facility at all times;

(b) All mobile food vending facilities shall operate from a permitted commissary, or other Department approved facility. All approved facilities must be located within Riverside County unless otherwise approved by the Department;

(c) If the permittee operates a mobile food preparation unit, the card/decal bearing the unit’s inspection grade shall be posted in a conspicuous place near the ordering window; and

(d) If the permittee operates any mobile food vending facility except a mobile food preparation unit, servicing of water and wastewater tanks shall take place at the commissary or by an approved mobile support unit.

6.20.110 – Regulations for Vending on Public Street or Right of Way.

All vendors operating or conducting any business from a mobile vending facility in the public street or public right-of-way in accordance with the provisions of this Chapter shall:

(a) Vend only between the hours of 7:00 a.m. and 10:00 pm;
(b) Not vend within five (5) feet of any other vendor;

(c) Not vend within fifty (50) feet of any street intersection;

(d) Not vend on any street median;

(e) Not vend upon any public street within three hundred (300) feet of the nearest property line of any property on which a school building is located between the hours of 7:00 a.m. and 5:00 p.m. of any school day;

(f) Not place tables, chairs or other seating on the public right-of-way, including any sidewalk;

(g) Not vend from a motor vehicle parked on any public street, alley or highway when:

   (1) The motor vehicle is not in full compliance with all parking and Vehicle Code provisions that apply to the location at which the motor vehicle is parked,

   (2) Any part of the motor vehicle or any other equipment or furniture related to the operation of the business encroaches onto a public sidewalk,

   (3) Any part of the motor vehicle is open to prospective customers other than from the rear of the motor vehicle or from the side of the motor vehicle facing away from the street, or

   (4) The food, food products, goods or merchandise provided are sold to persons within other vehicles or standing in the portion of the roadway open to other vehicles;

(h) Not vend in a manner that blocks or obstructs the free movement of pedestrians or vehicles;

(i) When vending on sidewalks or pedestrian areas, maintain at all times a clearance of not less than five feet (5') on all sidewalks and pedestrian areas so as to enable persons to freely pass while walking, running or using mobility assistance devices;

(j) Not use any devices for heating food or other device using a flame when vending on except pursuant to the terms of a mobile food facilities permit issued by the Riverside County Department of Environmental Health.

(k) Charge, collect and transmit sales tax for all sales in the City;

(l) Upon request by a buyer, give a receipt to the buyer that shall list the following:

   (1) The vendor's name,

   (2) The vendor's City Vending Permit number,
(3) The vendor's address and telephone number,

(4) The items sold,

(5) The price of each item sold, and

(6) The total price of all items sold;

(m) If the vendor is a mobile food vending facility, possess at all times while vending:

   (1) An unexpired and unrevoked annual mobile food facility permit issued by the Riverside County Department of Environmental Health, and

   (2) An unexpired and unrevoked food manager and food handler certification issued by the Riverside County Department of Environmental Health;

(n) Possess at all times while vending an unexpired and unrevoked Vending Permit issued pursuant to this Chapter;

(o) Possess at all times while vending any other permit as required by any other appropriate governmental agency;

(p) Comply with all applicable state and local laws, ordinances and regulations including, without limitation, state food labeling and preparation requirements, fire codes and regulations, and Americans With Disabilities Act and regulations (both State and Federal);

(q) Maintain a clearly designated waste receptacle in the immediate vicinity of the motor vehicle and vending that is marked with a sign requesting use by customers. Prior to leaving the vending location, the vendor shall pick up, remove and dispose of all trash generated by the vendor's operation located within a twenty-five (25) foot radius of the vending location; and

(r) Not vend from a non-motorized vehicle parked on a public street.

6.20.120 – Regulations for Vending from Mobile Vending Facility on Private Property

All vendors operating or conducting any business from a mobile vending facility on private property in accordance with the provisions of this Chapter shall:

(a) Comply with the zoning ordinances applicable to the private property and all land use entitlements for the private property;

(b) Unless vending from a mobile vending facility is otherwise authorized by the land use entitlements for the private property, obtain from the Director of Planning a Temporary Outdoor Event Permit or Site Development Permit. A Temporary Outdoor
Event Permit shall be obtained if the vending on private property will occur on five (5) or fewer days during a twelve (12) month period. A Site Development Permit shall be obtained if the vending will occur on six (6) or more days within a twelve (12) month period. The application for any such permit shall require the consent of the property owner for such a use and the Director of Planning shall verify such consent. Such permits shall include such conditions as are necessary to insure compliance with this Chapter and compatibility with the surrounding uses.

(c) Not vend within five (5) feet of any other vendor on the property;

(d) Not vend upon any private property within three hundred (300) feet of the nearest property line of any property on which a school building is located between the hours of 7:00 a.m. and 5:00 p.m. of any school day;

(e) If the applicant is a mobile food vending facility, possess at all times while vending (1) An unexpired and unrevoked annual mobile food facility permit issued by the Riverside County Department of Environmental Health and (2) An unexpired and unrevoked food manager and food handler certification issued by the Riverside County Department of Environmental Health;

(f) Possess at all times while vending an unexpired and unrevoked Vending Permit issued pursuant to this Chapter;

(g) Possess at all times while vending any other permit as required by any other appropriate governmental agency;

(h) Comply with all applicable state and local laws, ordinances and regulations including, without limitation, state food labeling and preparation requirements, fire codes and regulations, and Americans With Disabilities Act and regulations (State and Federal); and

(i) Maintain a clearly designated waste receptacle in the immediate vicinity of the motor vehicle and vending that is marked with a sign requesting use by customers. Prior to leaving the vending location, the vendor shall pick up, remove and dispose of all trash generated by the vendor’s operation located within a twenty-five (25) foot radius of the vending location.

6.20.130—Vending in Public Parks Prohibited; Exceptions.

(a) Prohibition. Except as provided in Subsection (b) of this Section, all vending in public parks or recreation areas is prohibited.

(b) Exceptions. No Vendor Permit shall be issued to any person for the vending of food, food products, goods or merchandise in public parks, open space, or recreation areas in the City without the prior written consent of the Jurupa Area Recreation and Park District or other governmental agency with jurisdiction over the park, open space or recreation area on file with the City Manager. Nothing in this Section shall prohibit vending in public parks or recreation areas provided the vending is
a part of a City sponsored or co-sponsored event or an event approved by the City or the Jurupa Area Recreation and Park District for parks, open space or recreation areas within their respective jurisdictions.

6.20.140 – Signage—Ice Cream Truck Vendors.

In addition to the requirements of this Chapter and this Code, the owner or operator of an ice cream truck, shall permanently maintain on the ice cream truck at least one (1) of each of the two (2) signs as are described below.

(a) Sign No. 1.


2. The sign shall be high density reflectorized sheeting placed on aluminum with black lettering on yellow backing.

(b) Sign No. 2.

**ICE CREAM TRUCK**

1. Letter Height. At least five (5) inches.

2. The lettering shall be placed on rear of vehicle.
6.20.150 – Exemptions.

The provisions of this Chapter, excluding Section 6.20.030, shall not apply to:

(a) Any approved participant in a community event authorized in writing by the City;

(b) Any individual vending without the use of a mobile vending facility or without the use of portable, movable, semi-permanent or temporary structures or equipment, non-motorized vehicle, trailer, modular building, table, counters, stands or other similar structures; and

(c) Any individual or organization that vends the following items that are (1) inherently communicative, (2) have nominal utility apart from their communication, and (3) have been created, written or composed by the vendor: books; recorded music; poetry; prose; sculptures; paintings; prints; photographs or similar items.

6.20.160 Penalties

It shall be unlawful for any person to violate any provision of this Chapter or to fail to comply with any provision of this Chapter. Any person violating any such provisions or failing to comply with any of the mandatory requirements of this Chapter, shall be guilty of a misdemeanor unless the City Attorney elects to prosecute the violation as an infraction. In addition, any person violating the provisions of this Chapter shall be subject to the penalties and remedies of Title 1 of this Code, including, without limitation, administrative citations and public nuisance abatement injunctions.

Section 2. CEQA. The adoption of this Ordinance is not a “project” under the California Environmental Quality Act because the Ordinance does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4). The proposed ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) and the City’s CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that this Ordinance to regulate the sale of food and goods on public property will have a significant effect on the environment. Placing such restrictions on the vendor pursuant to this Ordinance will not result in a permanent alteration of property nor the construction of any new or expanded structures or other direct or indirect physical changes in the environment. The regulated sales are by definition made from mobile locations and not from fixed stores or buildings. The Ordinance is an administrative process and regulates the conduct of people in the mobile sale of food and goods on public property and implements existing health and safety regulations.

Section 3. Severability. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.
Section 4. Effect of Ordinance. This Ordinance is intended to supersede any ordinance or resolution of the County of Riverside in conflict with the terms of this ordinance, including, but not limited to, the Riverside County Mobile Food Vendor Ordinance No. 580 and Roadside Vending Ordinance No. 853.

Section 5. Certification. The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 19th day of October, 2017.

Verne Lauritzen
Mayor

ATTEST:

Victoria Wasko, CMC
City Clerk
CERTIFICATION

STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE  
CITY OF JURUPA VALLEY  

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance No. 2017-02 was regularly introduced at a regular meeting of the City Council held on the 2nd day of February, 2017 and thereafter at a regular meeting held on the 19th day of October, 2017, it was duly passed and adopted by the following vote of the City Council:

AYES: BERKSON, GOODLAND, KELLY, LAURITZEN, ROUGHTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 19th day of October, 2017.

[Signature]
Victoria Wasko, CMC
City Clerk
ORDINANCE NO. 2018-10


THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. Amendment of Section 6.20.160. Section 6.20.160, Penalties, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

"Sec. 6.20.160. - Penalties.

(1) It shall be unlawful for any person to violate any provision of this chapter or to fail to comply with any provision of this chapter.

(2) Except for sidewalk vendors, any person violating any such provisions or failing to comply with any of the mandatory requirements of this chapter, shall be guilty of a misdemeanor unless the City Attorney elects to prosecute the violation as an infraction. In addition, any person violating the provisions of this chapter shall be subject to the penalties and remedies of Title 1 of this Code, including, without limitation, administrative citations and public nuisance abatement injunctions.

(3) A violation of this chapter by a sidewalk vendor who has a valid City vending permit is punishable only by the following:

   (A) An administrative fine issued pursuant to Chapter 1.20 not exceeding one hundred dollars ($100) for a first violation.
   (B) An administrative fine issued pursuant to Chapter 1.20 not exceeding two hundred dollars ($200) for a second violation within one year of the first violation.
   (C) An administrative fine issued pursuant to Chapter 1.20 not exceeding five hundred dollars ($500) for each additional violation within one year of the first violation.
   (D) A local authority may rescind a permit issued to a sidewalk vendor for the term of that permit upon the fourth violation or subsequent violations.

(4) An person engaged in sidewalk vending without a valid City vending permit sidewalk vending permit is punishable by the following in lieu of the administrative fines set forth in paragraph (3):
(A) An administrative fine issued pursuant to Chapter 1.20 not exceeding two hundred fifty dollars ($250) for a first violation.

(B) An administrative fine issued pursuant to Chapter 1.20 not exceeding five hundred dollars ($500) for a second violation within one year of the first violation.

(C) An administrative fine issued pursuant to Chapter 1.20 not exceeding one thousand dollars ($1,000) for each additional violation within one year of the first violation.

(D) Upon proof of a valid permit issued by the City, the administrative fines set forth in this paragraph shall be reduced to the administrative fines set forth in paragraph (5), respectively.

(5) Failure to pay an administrative fine pursuant to subdivision (3) or (4) shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized in subdivision (2) or (3) shall not be assessed.

(6) (A) When assessing an administrative fine pursuant to subdivisions (3) and (4), the hearing officer shall take into consideration the person's ability to pay the fine. The City Manager or his or her designee, shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

(B) If the person meets the criteria described in subdivision (a) or (b) of Section 68632, the local authority shall accept, in full satisfaction, 20 percent of the administrative fine imposed pursuant to subdivision (2) or (3).

(C) The hearing officer may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.

(7) In the event the Legislature amends Government Code Section 51039, or its successor statute, to increase the fines for violations of sidewalk vending ordinance, the City Council may revised the fines set forth in subsections (3) and (4) in accordance with the new law.

Section 2. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause
or phrase thereof irrespective of the fact that any one or more section, subsection, sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

Section 3. Effect of Ordinance. This Ordinance is intended to supersede any ordinance or resolution of the County of Riverside adopted by reference by the City of Jurupa Valley in conflict with the terms of this Ordinance.

Section 4. Certification. The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

Section 5. Effective Date. This Ordinance shall take effect on the date provided in Government Code Section 36937.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 15th day of November, 2018

Michael Goodland
Mayor

ATTEST:

Victoria Wasko, CMC
City Clerk
CERTIFICATION

STATE OF CALIFORNIA  )
COUNTY OF RIVERSIDE   ) ss.
CITY OF JURUPA VALLEY )

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance No. 2018-10 was regularly introduced at a regular meeting of the City Council held on the 1st day of November, 2018 and thereafter at a regular meeting held on the 15th day of November, 2018, it was duly passed and adopted by the following vote of the City Council:

AYES: BERKSON, KELLY, LAURITZEN, ROUGHTON, GOODLAND

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 15th day of November, 2018.

Victoria Wasko, CMC
City Clerk
ORDINANCE NO. 2018-11


THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. Amendment of Section 6.20.010. Section 6.20.010, Findings and Purpose, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

Sec. 6.20.010. - Findings and Purpose.

A. Findings. The City Council finds and declares as follows:

(1) California Vehicle Code Section 22455 authorizes municipalities to regulate the type of vending from motor vehicles and the time, place and manner of vending from vehicles upon any street in order to promote public safety and Article XI, Section 7 of the California Constitution extends to municipalities the police power authority to regulate in furtherance of the public health and welfare.
(2) Vending from mobile vending facilities on public streets creates the potential for safety hazards, such as, but not limited to, encouraging pedestrians to cross mid-block to purchase food.
(3) The act of looking for prospective customers while mobile vending facilities makes vendors less attentive to pedestrian and vehicular traffic. When done on public roadways, this poses traffic and safety risks to the public.
(4) Vendors who fail to park their mobile vending facilities on public streets correctly during a transaction attract prospective customers onto public roadways, creating a further traffic and public safety hazard.
(5) Unregulated vending from mobile vending facilities on public streets impairs traffic safety, the safety of pedestrians, contributes to traffic congestion and therefore impedes the orderly movement of pedestrian and motorist traffic.
(6) Unregulated vending from mobile vending facilities on sidewalks and pedestrian areas of public rights-of-way impairs the health, safety and welfare of pedestrians because it contributes to congestion on sidewalks and pedestrian rights-of-way and impedes the orderly movement of pedestrians around unregulated vendors.
(7) The regulations set forth in this chapter for sidewalk vendors are specifically designed and intended to protect the health, safety and welfare of the
public and sidewalk vendors upon a public sidewalk, parkway, pedestrian path, or other public right of way available to pedestrians.

B. **Purpose and intent.** The purpose and intent of this chapter is to regulate the sale of food, food products, ice cream, goods or merchandise from motor vehicles or push carts on public and private property and to protect the health, safety and welfare of people within the city and the vendors. This chapter is not intended to repeal or amend the provisions of this Code that provide for licensing or permit procedures for the conduct of certain business activities. Further, this chapter is not intended to prohibit, prevent or hinder activities of political, economic, religious or sociological ideas when such activities are noncommercial.

**Section 2. Amendment of Section 6.20.020.** Section 6.20.020, Definitions., of the Jurupa Valley Municipal Code is hereby amended to read as follows:

As used in this chapter, the following words, terms and phrases shall have the following meanings, unless a different meaning is apparent from the context or is specified elsewhere in this chapter:

*Certified farmers' market* means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.

*City Manager* shall mean the City Manager of the city or his or her designee.

*Commissary* means a food facility that services mobile food facilities or mobile support units where any of the following occur:

1. Food, containers, or supplies are stored;
2. Food is prepared or prepackaged for sale or service at other locations;
3. Utensils are cleaned; or
4. Liquid and solid wastes are disposed, or potable water is obtained.

*Food* or *food products* mean any type of human edible substance or beverage.

*Food preparation* as defined in California Health and Safety Code Section 113791, as now adopted or hereafter amended.

*Goods* or *merchandise* means any items that are not food or a food product.

*Ice cream truck* means any self-propelled vehicle used primarily to vend ice cream, candy or other confectionary items, and in which the predominant product for sale is ice cream, candy and other confectionary items.
Limited food preparation as defined in California Health and Safety Code Section 113818, as now adopted or hereafter amended.

Mobile food preparation unit means a mobile food facility that engages in food preparation, beyond the scope of limited food preparation.

Mobile food vending facility means a motor vehicle, trailer attached to a vehicle, push cart used for the sale, retail distribution of food, or other distribution of food. There are five (5) categories of mobile food facilities that may be permitted in the city:

1. Produce vehicle;
2. Prepackaged food push cart;
3. Prepackaged food vehicle;
4. Non-prepackaged food vehicle and mobile support unit; and
5. Mobile food preparation unit.

Mobile support unit means a vehicle used in conjunction with a commissary or other permanent food facility that travels to, and services, mobile food facilities as needed to replenish supplies, including food and potable water, clean the interior of the unit, or dispose of liquid or solid wastes.

Mobile vending facility means a motor vehicle, a trailer attached to a vehicle, or a push cart used for the sale, retail distribution or other distribution of goods or food, including without limitation, a mobile food vending facility.

Motor vehicle means any self-propelled vehicle used to vend, including food trucks and ice cream trucks.

Non-prepackaged food means any food which is removed from its original packaging material for the purpose of preparation or service to the customer.

Non-prepackaged food vehicle means a mobile food facility that engages in limited food preparation.

Person includes any natural person, business, firm, company, corporation, public corporation, club, trust, partnership, association and similar organization.

Prepackaged food means any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, food facility, or other source approved by the Riverside County Department of Environmental Health.

Prepackaged food push cart means a mobile food facility limited to the sale of one hundred (100) percent prepackaged foods from a push cart.
Produce vehicle means a mobile food facility limited to the sale of whole, uncut produce obtained from a source approved by the Riverside County Department of Environmental Health.

Push cart means any wagon, cart, stand, display, pedal-driven cart, showcase, rack, or similar wheeled container, not a vehicle as defined in the Vehicle Code of the State of California, used in conjunction with vending.

Riverside County Department of Environmental Health means the Department of Environmental Health within the County of Riverside or such other department of the County of Riverside responsible for licensing of food vendors and the enforcement of food health laws.

Roaming sidewalk vendor means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

Sidewalk vendor means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance not a vehicle as defined in the Vehicle Code of the State of California, or from one’s person, upon a public sidewalk, parkway, pedestrian path, or other public right of way available to pedestrians.

Stationary sidewalk vendor means a sidewalk vendor who vends from a fixed location.

Swap meet means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

Vend or vending shall mean to sell, offer for sale, expose for sale, solicit offers to purchase or to barter food, food products, ice cream, goods or merchandise from a motor vehicle or push cart while parked, stopped or standing upon any public street, alley, parkway, sidewalk or other public property or private property in the city with or without use of a motor vehicle.

Vendor means a person who vends, including an employee or agent of another.

Section 3. Amendment of Section 6.20.110. Section 6.20.110, Findings and Purpose, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

"Sec. 6.20.110. - Regulations for vending on public street or right-of-way.

All vendors operating or conducting any business from a mobile vending facility in the public street or public right-of-way in accordance with the provisions of this chapter shall:

(1) Vend only between the hours of 7:00 a.m. and 10:00 p.m., except that in nonresidential areas, the hours of operation for sidewalk vending shall not
be more restrictive than any limitations on hours of operation imposed on other businesses or uses on the same street;
(2) Not vend within five (5) feet of any other vendor;
(3) Not vend within fifty (50) feet of any street intersection;
(4) Not vend on any street median;
(5) Not vend upon any public street within three hundred (300) feet of the nearest property line of any property on which a school building is located between the hours of 7:00 a.m. and 5:00 p.m. of any school day;
(6) Not place tables, chairs or other seating for customers on the public right-of-way, including any sidewalk;
(7) Not vend from a motor vehicle parked on any public street, alley or highway when:
   (a) The motor vehicle is not in full compliance with all parking and Vehicle Code provisions that apply to the location at which the motor vehicle is parked;
   (b) Any part of the motor vehicle or any other equipment or furniture related to the operation of the business encroaches onto a public sidewalk;
   (c) Any part of the motor vehicle is open to prospective customers other than from the rear of the motor vehicle or from the side of the motor vehicle facing away from the street; or
   (d) The food, food products, goods or merchandise provided are sold to persons within other vehicles or standing in the portion of the roadway open to other vehicles;
(8) Not vend in a manner that blocks or obstructs the free movement of pedestrians or vehicles;
(9) When vending on sidewalks or pedestrian areas, vendor shall maintain at all times a clearance of not less than five (5) feet on all sidewalks and pedestrian areas so as to enable persons to freely pass while walking, running or using mobility assistance devices;
(10) Not use any devices for heating food or other device using a flame when vending except pursuant to the terms of a mobile food facilities permit issued by the Riverside County Department of Environmental Health.
(11) Charge, collect and transmit sales tax for all taxable sales in the city and possess a valid California Department of Tax and Fee Administration seller's permit;
(12) Upon request by a buyer, give a receipt to the buyer that shall list the following:
   (a) The vendor's name;
   (b) The vendor's city vending permit number;
   (c) The vendor's address and telephone number;
(d) The items sold;
(e) The price of each item sold; and
(f) The total price of all items sold;

(13) If the vendor is a mobile food vending facility, vendor shall possess at all times while vending:
   (a) An unexpired and unrevoked annual mobile food facility permit issued by the Riverside County Department of Environmental Health; and
   (b) An unexpired and unrevoked food manager and food handler certification issued by the Riverside County Department of Environmental Health;

(14) Possess at all times while vending an unexpired and unrevoked vending permit issued pursuant to this chapter;

(15) Possess at all times while vending any other permit as required by any other appropriate governmental agency;

(16) Comply with all applicable state and local laws, ordinances and regulations including, without limitation, state food labeling and preparation requirements, fire codes and regulations, and Americans with Disabilities Act of 1990 (Public Law 101-336) and other disability access standards (both state and federal);

(17) Maintain a clearly designated waste receptacle in the immediate vicinity of the motor vehicle and vending that is marked with a sign requesting use by customers. Prior to leaving the vending location, the vendor shall pick up, remove and dispose of all trash generated by the vendor's operation located within a twenty-five (25) foot radius of the vending location;

(18) Not vend from a non-motorized vehicle parked on a public street;

(19) Roaming sidewalk vendors may vend in a park or in areas zoned for residential uses, but stationary sidewalk vendors are prohibited in parks and areas zoned for residential uses;

(20) Vendors are prohibited from vending in areas located within the immediate vicinity of a permitted certified farmers’ market or a permitted swap meet during the limited operating hours of that certified farmers’ market or swap meet; and

(21) Vendors are prohibited from vending within the immediate vicinity of an area designated for a temporary special permit issued by the City, provided that any notice, business interruption mitigation, or other rights provided to affected businesses or property owners under the City’s temporary special permit are also provided to any sidewalk vendors specifically permitted to operate in the area, if applicable. For purposes of this paragraph, a temporary special permit is a permit issued by the City for the temporary use of, or encroachment on, the sidewalk or other public area, including, but
not limited to, an encroachment permit, special event permit, or temporary event permit, for purposes including, but not limited to, filming, parades, or outdoor concerts. A prohibition of sidewalk vendors pursuant to this paragraph shall only be effective for the limited duration of the temporary special permit.

Section 4. Amendment of Section 6.20.130. Section 6.20.130, Findings and Purpose, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

Sec. 6.20.130. - Vending in public parks prohibited; exceptions.
A. Prohibition. Except for roaming sidewalk vendors and except as provided in subsection B. of this section, all vending in public parks or recreation areas is prohibited.
B. Exceptions. Except for roaming sidewalk vendors, no vendor permit shall be issued to anyone for the vending of food, food products, goods or merchandise in public parks, open space, or recreation areas in the city without the prior written consent of the Jurupa Area Recreation and Park District or other governmental agency with jurisdiction over the park, open space or recreation area on file with the City Manager. Nothing in this section shall prohibit vending in public parks or recreation areas provided the vending is a part of a city sponsored or co-sponsored event or an event approved by the city or the Jurupa Area Recreation and Park District for parks, open space or recreation areas within their respective jurisdictions.

Section 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more section, subsection, sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

Section 6. Certification. The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

Section 7. Effective Date. This Ordinance shall take effect on the date provided in Government Code Section 36937.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 15th day of November, 2018

Michael Goodland
Mayor
CERTIFICATION

STATE OF CALIFORNIA )
COUNTY OF RIVERSIDE ) ss.
CITY OF JURUPA VALLEY )

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance No. 2018-11 was regularly introduced at a regular meeting of the City Council held on the 1st day of November, 2018 and thereafter at a regular meeting held on the 15th day of November, 2018, it was duly passed and adopted by the following vote of the City Council:

AYES: BERKSON, KELLY, LAURITZEN, ROUGHTON, GOODLAND

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 15th day of November, 2018.

Victoria Wasko, CMC
City Clerk
STAFF REPORT

DATE: FEBRUARY 7, 2019

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GARY S. THOMPSON, CITY MANAGER

BY: STEVE R. LORISO, P.E., CITY ENGINEER/DIRECTOR OF PUBLIC WORKS

SUBJECT: AGENDA ITEM NO. 15.E

AMENDING CHAPTER 3.70 OF THE JURUPA VALLEY MUNICIPAL CODE TO INCLUDE A PROCESS FOR WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (WRCOG) CALCULATION AND COLLECTION OF FEES UNDER THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) PROGRAM

RECOMMENDATION

1) That the City Council conduct a first reading and introduce Ordinance No. 2019-07, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING CHAPTER 3.70 OF THE JURUPA VALLEY MUNICIPAL CODE TO INCLUDE A PROCESS FOR WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS’ CALCULATION AND COLLECTION OF FEES UNDER THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) PROGRAM AND DETERMINING THAT THE ORDINANCE IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW UNDER SECTION 15378(B)(4) OF THE CEQA GUIDELINES

BACKGROUND

The City of Jurupa Valley is a Member Jurisdiction of the Western Riverside Council of Governments (“WRCOG”), a joint powers agency comprised of the County of Riverside and eighteen (18) cities located in Western Riverside County. Acting in concert, the WRCOG Member Jurisdictions approved a plan in 2002-2003 whereby the shortfall in funds needed to enlarge the capacity of the Regional System of Highways and Arterials due to new development in Western Riverside County could be made up in part by a
Transportation Uniform Mitigation Fee ("TUMF") on future residential, commercial and industrial development. WRCOG, upon recommendation by the WRCOG Executive Committee, recently adopted a revision to the TUMF calculation and collection process to provide agencies an option in which WRCOG calculates and collects TUMF on behalf of member agencies that elect to delegate the fee calculation and collection to WRCOG.

ANALYSIS

Member agency staff are currently responsible for calculating and collecting TUMF for all new development within its jurisdiction. TUMF funds are remitted to WRCOG monthly, and in-depth reviews are conducted on an annual basis. On October 1, 2018, WRCOG approved a policy change to the TUMF calculation process to allow member agencies the option to shift responsibility for TUMF calculations and collections to WRCOG in an effort to improve the cost-effectiveness of the process for WRCOG and its member agencies.

The option to delegate the TUMF calculation and collection to WRCOG provides numerous benefits, including a significant reduction in local agency staff time required to calculate and collect the TUMF, elimination of the need for extensive end of the year reviews, and a shift of the responsibility for errors from the member agency to WRCOG. Under the current process, member agencies bear the responsibility for any errors related to TUMF calculations and collections. This update to the process will result in savings to member agency planning and public work resources, in addition to the member agency’s finance department resources.

The general process for TUMF calculations by WRCOG will require member agency staff to electronically complete TUMF calculation worksheets, with project-specific details, and submit to WRCOG. WRCOG staff has committed to a 48-hour response time – wherein most calculations will be completed within 48 hours, or additional information will be requested by WRCOG within 48 hours if there are unique project circumstances to consider. WRCOG staff will maintain a database of all credit agreements and the credit agreement process will not change significantly. WRCOG will host a secure, online web portal to provide the option for electronic fee payment by developers. Developers will also have the option of going to the WRCOG office to make TUMF payments in person. Once a project has paid TUMF, receipt of payment will be forwarded to the developer and applicable member agency staff. Because WRCOG will be responsible for all calculations and collections, member agency staff time required for TUMF monthly reports and annual reviews would be dramatically reduced.

In the event of a TUMF assessment dispute, developers will retain the option to appeal the assessment by WRCOG and pay the TUMF in protest, so that the project can still move forward. The TUMF dispute resolution process will be streamlined, allowing developers to go directly to WRCOG with disputes. Most notably, responsibility for TUMF miscalculations will shift from the member agency to WRCOG, given that the information provided by the member agency is complete and accurate.
**OTHER INFORMATION**

Previous Actions:

- August 17, 2017 – Resolution 2017-51 amending the applicable TUMF Fee applicable to all development

**FINANCIAL IMPACT**

There is no impact to the General Fund through approving this resolution.

**ALTERNATIVES**

1) Do not approve this Ordinance.

2) Provide alternate direction to Staff.

************************************************************************SIGNATURES ON FOLLOWING PAGE************************************************************************
Prepared by:

Steve R. Loriso, P.E.
City Engineer/Director of Public Works

Reviewed by:

Alan Kreimeier
Administrative Services Director

Submitted by:

Gary S. Thompson
City Manager

Reviewed by:

George A. Wentz
Deputy City Manager

Approved as to form:

Peter Thorson
City Attorney

Attachments:

1) Proposed Ordinance No. 2019-07
ORDINANCE NO. 2019-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING CHAPTER 3.70 OF THE JURUPA VALLEY MUNICIPAL CODE TO INCLUDE A PROCESS FOR WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS’ CALCULATION AND COLLECTION OF FEES UNDER THE WESTERN RIVERSIDE COUNTY TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) PROGRAM, AND DETERMINING THAT THE ORDINANCE IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW UNDER SECTION 15378(B)(4) OF THE CEQA GUIDELINES

THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. Amendment of Section 3.70.020. Section 3.70.020 (Findings.) of the Jurupa Valley Municipal Code is hereby amended to add a new subsection L to read as follows:

“L. WRCOG, upon the recommendation of the WRCOG Executive Committee, now desires to adopt a process in which WRCOG calculates and collects TUMF on behalf of member agencies under the revised Western Riverside County Transportation Uniform Mitigation Fee Program Ordinance.”

Section 2. Amendment of Section 3.70.040.B. Subsection B of Section 3.70.040 (Establishment of the transportation uniform mitigation fee.) of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“B. Fee Calculation. The fees shall be calculated by WRCOG according to the calculation methodology fee set forth in the WRCOG TUMF Fee Calculation Handbook adopted July 14, 2003, as amended from time to time. In addition to data in the Fee Calculation Handbook, WRCOG Staff may consider the following items when establishing the appropriate fee calculation methodology:

1. Underlying zoning of the site;
2. Land-use classifications in the latest Nexus Study;
3. Project specific traffic studies;
4. Latest standardized reference manuals such as the Institute of Traffic Engineers Trip Generation Manual;
5. Previous TUMF calculations for similar uses;
6. WRCOG staff shall approve final draft credit/reimbursement agreement prior to execution.
WRCOG shall have final determination regarding the appropriate methodology to calculate the fee based on the information provided by the local agency. In case of a conflict between the applicant, WRCOG, and/or the local agency regarding the fee calculation methodology, the dispute resolution process in the TUMF administrative plan will apply.”

Section 3. Amendment of Section 3.70.040.F. Subsection F of Section 3.70.040 (Establishment of the transportation uniform mitigation fee.) of the Jurupa Valley Municipal Code is hereby amended to change all references from 3.70.020 to 3.70.030.

Section 4. Amendment of Section 3.70.360. Section 3.70.060 (Procedures for the Levy, Collection and Disposition of Fees.) of the Jurupa Valley Municipal Code is hereby amended in its entirety to read as follows:

“A. Authority of the Building Department. The director of building and safety, or designee, is hereby authorized to provide WRCOG with development project specifics for the calculation of TUMF in a manner consistent with the TUMF administrative plan.

B. Payment. Payment of the fees shall be as follows:

1. All fees collected hereunder shall be collected by WRCOG for deposit, investment, accounting and expenditure in accordance with the provisions of this chapter, TUMF administrative plan, and the Mitigation Fee Act.

2. The fees shall be paid at the time a certificate of occupancy is issued for the development project or upon final inspection, whichever comes first (the “Payment Date”). However, this section should not be construed to prevent payment of the fees prior to issuance of an occupancy permit or final inspection. Fees may be paid at the issuance of a building permit, and the fee payment shall be calculated based on the fee in effect at that time, provided the developer tenders the full amount of his/her TUMF obligation. If the developer makes only a partial payment prior to the payment date, the amount of the fee due shall be based on the TUMF fee schedule in place on the payment date. The fees shall be calculated according to fee schedule set forth in this chapter, or resolution adopted pursuant thereto, and the calculation methodology set forth in the Fee Calculation Handbook adopted July 14, 2003, as amended from time to time.

3. The fees required to be paid shall be the fee amounts in effect at the time of payment is due under this chapter, not the date the ordinance adopting this chapter, or any amendment thereto, is initially adopted. The City shall not enter into a development agreement which freezes future adjustments of the TUMF.
4. If all or part of any development project is sold prior to payment of the fee, the property shall continue to be subject to the requirement for payment of the fee. The obligation to pay the fee shall run with the land and be binding on all the successors in interest to the property.

5. Fees shall not be waived.

C. Issuance of Certificate of Occupancy. The City shall not issue a certificate of occupancy for any development project until WRCOG has provided written evidence that it has collected the fee.

D. Appeals. Appeals shall be filed with WRCOG in accordance with the provisions of the TUMF administrative plan. Appealable issues shall be the application of the fee, application of credits, application of reimbursement, application of the legal action stay and application of exemption.

E. Reports to WRCOG. The director of building and safety, or designee, shall prepare and deliver to the executive director of WRCOG, periodic reports as will be established under Section 3.70.070 of this chapter.”

Section 5. Amendment of Section 3.70.070.A. Subsection A of Section 3.70.070 (Appointment of the TUMF administrator.) of the Jurupa Valley Municipal Code is hereby amended in its entirety to read as follows:

“A. WRCOG is hereby appointed as the administrator of the transportation uniform mitigation fee program. WRCOG is hereby authorized to collect all fees generated from the TUMF within the city, and to invest, account for and expend such fees in accordance with the provisions of this chapter and the Mitigation Fee Act. The detailed administrative procedures concerning the implementation of this chapter shall be contained in the TUMF administrative plan. Furthermore, the TUMF administrator shall use the Fee Calculation Handbook adopted July 14, 2003, as amended from time to time, for the purpose of calculating a developer’s TUMF obligation. In addition to detailing the methodology for calculating all TUMF obligations of different categories of new development, the purpose of the Fee Calculation Handbook is to clarify for the TUMF administrator, where necessary, the definition and calculation methodology for uses not clearly defined in the respective TUMF ordinances.”

Section 6. Environmental Findings. The amendments to Chapter 3.70 Transportation Uniform Mitigation Fee Program as described in this Ordinance is not a “project” within the meaning of Section 15378(b)(4) of the CEQA Guidelines, and is therefore exempt from the requirements of CEQA. Section 15378(b)(4) of the CEQA Guidelines states that a project does not include the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. The Ordinance does not approve the construction nor cause the construction of any specific transportation improvements within Riverside County. Instead, this Ordinance is only a change to the administrative process that
simply provides that WRCOG can collect the TUMF instead of the City. This Ordinance will have no effect on the environment. Pursuant to CEQA Guidelines Section 15061(d) and 15062, a Notice of Exemption will be prepared, executed and filed for the foregoing determination in the manner required by law, that this is not a project under the California Environmental Quality Act and therefore, no environmental impact assessment is necessary.

Section 7. Severability. If any one or more of the terms, provisions or sections of this Ordinance shall to any extent be judged invalid, unenforceable and/or voidable for any reason whatsoever by a court of competent jurisdiction, then each and all of the remaining terms, provisions and sections of this Ordinance shall not be affected thereby and shall be valid and enforceable.

Section 8. Judicial Review. In accordance with State law, any judicial action or proceeding to attack, review, set aside, void or annul this Ordinance shall be commenced within ninety (90) days of the date of adoption of this Ordinance.

Section 9. Effective Date. This Ordinance shall take effect on effect thirty (30) days after its adoption.

Section 10. Certification The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 21st day of February 2019.

______________________________
Brian Berkson
Mayor

ATTEST:

______________________________
Victoria Wasko, CMC
City Clerk
STATE OF CALIFORNIA )
COUNTY OF RIVERSIDE ) ss.
CITY OF JURUPA VALLEY )

I, Victoria Wasko, CMC, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance No. 2019-07 was regularly introduced at a regular meeting of the City Council held on the 7th day of February, 2019 and thereafter at a regular meeting held on the 21st day of February 2019 it was duly passed and adopted by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 21st day of February, 2019

________________________________
Victoria Wasko, CMC
City Clerk
STAFF REPORT

DATE: FEBRUARY 7, 2019
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: GARY S. THOMPSON, CITY MANAGER
BY: THOMAS G. MERRELL, AICP, PLANNING DIRECTOR
SUBJECT: AGENDA ITEM NO. 15.F

CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY OPPOSING THE FONTANA WEST VALLEY LOGISTICS CENTER SPECIFIC PLAN -- MASTER CASE NO. 13-034; GENERAL PLAN AMENDMENT NO. 11-026; ZONE CHANGE AMENDMENT NO. 11-016; SPECIFIC PLAN AMENDMENT NO. 11-003; DEVELOPMENT AGREEMENT NO. 11-002; TENTATIVE PARCEL MAP NO. 19156 (TPM NO. 13-005)

RECOMMENDATION

1) That the City Council adopt Resolution 2019-12, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY OPPOSING THE FONTANA WEST VALLEY LOGISTICS CENTER SPECIFIC PLAN -- MASTER CASE NO. 13-034; GENERAL PLAN AMENDMENT NO. 11-026; ZONE CHANGE AMENDMENT NO. 11-016; SPECIFIC PLAN AMENDMENT NO. 11-003; DEVELOPMENT AGREEMENT NO. 11-002; TENTATIVE PARCEL MAP NO. 19156 (TPM NO. 13-005)

BACKGROUND

On January 15, 2019, the City of Fontana Planning Commission forwarded a recommendation of approval to its City Council of the proposed project that includes two general plan amendments, a zone change, a specific plan amendment, a tentative parcel map, and a development agreement to change the land use designation from residential to industrial as detailed below for the future development of seven (7) warehouse buildings totaling 3.4 million square feet on 291 adjusted gross acres.

The West Valley Logistics Center is located within the southeastern portion of the City of Fontana. The Specific Plan's primary development area is bounded on the north by a
Southern California Edison (SCE) utility corridor and residential neighborhoods in the City of Fontana, on the west by the Jurupa Hills, on the south by residential properties located within the City of Jurupa Valley (Sunnyslope), and on the east by residential neighborhoods located in the San Bernardino County community of Bloomington.

The Fontana Planning Department staff report describes the existing zoning and General Plan as follows:

"The project site has an approved Specific Plan (Valley Trails Specific Plan) that allows for a master planned community containing a maximum of 1,154 homes, an elementary school, and private and joint-use recreational facilities. The Valley Trails Specific Plan and corresponding CEQA documentation were approved in 2007. Subsequently, the previous landowner sold the parcels to the current owners. The new owners have identified the development potential of the parcels as an industrial warehouse park to increase the area's economic potential and serve the southeastern section of the City".

The Fontana Planning Commission conducted a public hearing on December 18, 2018 and heard from numerous speakers in opposition to the project, including by a representative of the Jurupa Valley Planning Department. The Commission majority chose not to follow a staff recommendation for denial, instead voting to recommend Council approval with a condition that the truck traffic and circulation issues raised by the County of San Bernardino, the City of Jurupa Valley and the residents of Bloomington be resolved prior to the approval taking effect. The hearing was continued to January 15, 2019 in order for the Commission to formally adopt a resolution containing this recommendation.

On January 15, 2019, the Commission again heard from numerous speakers opposing the project, including the Deputy San Bernardino County Counsel. The Fontana Planning Commission, by majority vote, adopted a resolution recommending approval with the above condition included.

The participation and input by the City of Jurupa Valley on behalf of its Sunnyslope residents, expressing consistent opposition over the past two years, is listed in the attached resolution.

THE ISSUES

The West Valley Logistics Center Specific Plan (WVLCS) is located adjacent to the north City boundary at the northerly end of Armstrong. If constructed, it is anticipated that the 3.4 million square feet of warehouse and logistics will result in thousands of truck trips daily through the Sunnyslope community, using Armstrong and Valley Way to access to and from the SR-60 freeway.

The applicants have claimed that enactment of CC&Rs and placement of curbing in the project driveways will prevent trucks from using Armstrong. City staff believes this to be
ludicrous, and only serves as a token attempt to claim there will be no impact to Sunnyslope.

Based on this false premise, the project proposes that the truck traffic it will generate will use Locust Avenue, traversing north to Slover, then turning either east or west to access the I-10 freeway via either Cedar or Sierra. The flaw in this strategy is that Locust must be widened to four lanes in order to mitigate the traffic impacts, and Locust is not in the City of Fontana; it is in the unincorporated area of San Bernardino County's Bloomington community. The County of San Bernardino has notified the City of Fontana that it will not permit Locust to be widened, which would harm the residential neighborhoods in Bloomington.

To date, input from the City of Jurupa Valley Planning and Engineering departments has been that all truck access to Armstrong must be cut off with a physical barrier that may allow passenger vehicles, but would prevent big rigs. Staff has further been adamant that a 1,000-foot buffer must be provided in the event the project is approved. Apart from these protective measures, it has been the City's position that the project must be denied.

FINANCIAL IMPACT

There are no financial impacts associated with the adoption of the recommended City Council resolution. On-going staff support by the Engineering and Planning Departments is covered by the relevant department budget.

ALTERNATIVES

1. By motion, adopt Resolution 2019-12, opposing the West Valley Logistics Center Specific Plan by the Fontana City Council.

2. Decline to adopt Resolution 2019-12 and give direction to staff.

Prepared by:

Thomas G. Merrell, AICP
Planning Director

Submitted by:

Gary S. Thompson
City Manager

Reviewed by:

Alan Kreimeier
Administrative Services Director

Reviewed by:

Peter M. Thorson
City Attorney
Attachments:

1. Resolution No. 2019-12
2. 12/18/18 Letter from Jurupa Valley regarding West Valley Logistics Center
3. 12/18/18 Fontana Planning Commission Staff Report
4. 12/18/18 Fontana Planning Commission Draft Minutes
5. 1/15/19 Fontana Planning Commission Staff Report
RESOLUTION NO. 2019-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, OPPOSING THE FONTANA WEST VALLEY LOGISTICS CENTER SPECIFIC PLAN -- MASTER CASE NO. 13-034; GENERAL PLAN AMENDMENT NO. 11-026; ZONE CHANGE AMENDMENT NO. 11-016; SPECIFIC PLAN AMENDMENT NO. 11-003; DEVELOPMENT AGREEMENT NO. 11-002; TENTATIVE PARCEL MAP NO. 19156 (TPM NO. 13-005)

THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. City of Jurupa Valley Opposition to Fontana West Valley Logistics Center Project. The City Council of the City of Jurupa Valley strongly opposes the proposed West Valley Logistics Center in the City of Fontana and demands that the City Council of the City of Fontana deny the applications for the Project based on the findings set forth in Section 2.

Section 2. Findings. The City Council finds, determines and declares that:

A. Jurupa Valley has extensive experience with the consequences of integrating logistics and industrial development with residential neighborhoods. This pattern of land use was accommodated by the County of Riverside within Jurupa Valley for many years prior to incorporation. The industrial complexes developed in Jurupa Valley generated impacts such as heavy truck traffic, degradation of air quality, noise and congestion. These were the primary impacts.

B. Secondary impacts have become apparent over time. Significant damage to local streets, such as potholes and other surface damage, have become routine. Independent truck drivers seek to live close to these facilities and bring their tractors, and sometimes trailers, home, leading to conflicts between neighbors. The other industries that service logistics began to proliferate, such as pallet yards, trailer storage yards, etc.

C. Today, the City of Jurupa Valley is engaged in a costly process to reverse declining property values and other signs of blight from nearby industrial uses that are adversely affecting our residential neighborhoods. Jurupa Valley adopted an Environmental Justice Element to ensure disadvantaged neighborhoods are protected from further degradation. The City’s General Plan has been amended to change the land use designation of many industrial areas next to residential to non-industrial, more compatible land uses.

D. The West Valley Logistics Center is to be located adjacent to one of Jurupa Valley’s residential communities, Sunnyslope. This residential community is comprised of well-maintained homes on quiet tree lined streets. It presently does not experience the blighting influence of industrial development. It is due to our concern for the protection of this residential community that the City of Jurupa Valley opposes the proposed location for these massive logistics warehouses comprising the West Valley Logistics Center.

E. The Environmental Impact Report for the West Valley Logistics Center (“Project”) proposes mitigation for the truck traffic, suggesting that the design of driveways will direct the
traffic north to the I-10 freeway via Locust Avenue. This approach will not be effective. As the project is designed, the Sunnyslope community of Jurupa Valley will be subject to the following substantial adverse impacts:

1. Truck traffic inbound to the site from the SR-60 freeway will use Valley Way and Armstrong Road to arrive at the Project Site. Trucks moving uphill will be louder and emit significant particulate matter. The City of Jurupa Valley will incur increased costs for road maintenance.

2. Truck traffic outbound will circulate to achieve a south bound direction if their destination is south east or south west, in order to access the SR-60 freeway using Armstrong Road and Valley Way. The impacts will be a burden for road maintenance, and generation of noise and air quality impacts and significant congestion at the Valley Way / SR-60 interchange.

3. Trucks idling at the warehouses, together with possible industrial manufacturing processes, will generate additional noise and air quality impacts.

F. In order to afford adequate protection for the Sunnyslope community from these impacts, the Project must include:

   1) A 1,000 foot buffer between the nearest warehouse and loading facility;

   and

   2) A hard improvement concrete barrier and curbing at the County boundary that prevents big rig trucks from using Armstrong Road south of the proposed Project Site.

G. The position of the Applicant that the CC&R’s will prevent truck traffic generated by this project from using Armstrong and the 60 freeway access at Valley Way is simply wrong. There is no effective mechanism in CC&R’s to enforce its provisions on third party truckers not a party to the agreement or on public streets.

H. Although Locust Avenue is shown on the San Bernardino County Circulation Element as a four land secondary highway, this classification was based on the premise it would serve the residential land use that has been historically the designation for this Project Site. The San Bernardino County Circulation Element does not contemplate nor adequately address the impacts of industrial truck traffic on this road.

I. The City of Jurupa Valley commented on the proposed EIR for the West Valley Logistics Center by letter dated December 18, 2018 and explained its position to the Fontana Planning Commission at their December 18, 2018 meeting.

Section 3. The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 7th day of February, 2019.

__________________________________
Brian Berkson
Mayor
ATTEST:

_________________________________
Victoria Wasko, CMC
City Clerk

CERTIFICATION

STATE OF CALIFORNIA          )
COUNTY OF RIVERSIDE          ) ss.
CITY OF JURUPA VALLEY        )

I, Victoria Wasko, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2019-12 was duly passed and adopted at a meeting of the City Council of the City of Jurupa Valley on the 7th day of February 2019 by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, on the 7th day of February 2019.

_________________________________
Victoria Wasko, City Clerk
City of Jurupa Valley
December 18, 2018

Orlando Hernandez, Planning Manager
City of Fontana Planning Commission
8353 Sierra Avenue,
Fontana, CA 92335

Re: West Valley Logistics Center Specific Plan

Mr. Hernandez and Members of the Planning Commission:

The City of Jurupa Valley appreciates the opportunity to provide input on the proposed West Valley Logistics Center Specific Plan. To help you understand our concern and opposition to the project, I want to briefly describe the effect this type of land use has had in Jurupa Valley when placed in close proximity to homes.

Jurupa Valley Concerns with the Proposed Land Use

Our community has extensive experience with the consequences of integrating logistics and industrial development with residential neighborhoods. This pattern of land use was accommodated by the County of Riverside within Jurupa Valley for many years prior to incorporation. The industrial complexes developed in Jurupa Valley generated impacts such as heavy truck traffic, degradation of air quality, noise and congestion. These were the primary impacts.

Secondary impacts have become apparent over time. Significant damage to local streets, such as potholes and other surface damage, have become routine. Independent truck drivers seek to live close to these facilities and bring their tractors, and sometimes trailers, home, leading to conflicts between neighbors. The other industries that service logistics began to proliferate, such as pallet yards, trailer storage yards, etc.

Today, the City of Jurupa Valley is engaged in a costly process to reverse declining property values and other signs of blight from nearby industrial uses that are affecting our residential neighborhoods. We have adopted an Environmental Justice Element to ensure disadvantaged neighborhoods are protected from further degradation. Our General Plan has been amended to change the land use designation of many industrial areas next to residential to non-industrial, more compatible land uses.

The West Valley Logistics Center is to be located adjacent to one of Jurupa Valley’s residential communities, Sunnyslope. This residential area is comprised of well-maintained homes on quiet tree lined streets. It presently does not experience the blighting influence of industrial development. It is due to our concern for the protection of this residential community that the City of Jurupa Valley opposes the proposed location for these massive logistics warehouses.
We understand that the EIR proposes mitigation for the truck traffic, suggesting that the design of driveways will direct the traffic north to the I-10 freeway via Locust Avenue. This approach is unlikely to be effective. As the project is designed, we expect the following impacts to the Sunnyslope community:

1. Truck traffic inbound to the site from the SR-60 freeway will use Valley Way and Armstrong Road to arrive at the site. Trucks moving uphill will be louder and emit significant particulate matter. The City of Jurupa Valley will incur increased costs for road maintenance.

2. Truck traffic outbound will circulate to achieve a south bound direction if their destination is south east or south west, in order to access the SR-60 freeway using Armstrong Road and Valley Way. The impacts will be a burden for road maintenance, and generation of noise and air quality impacts and significant congestion at the Valley Way / SR-60 interchange.

3. Trucks idling at the warehouses, together with possible industrial manufacturing processes, will generate additional noise and air quality impacts.

In order to afford adequate protection for the Sunnyslope community, should the project be approved, it must include a 1,000 foot buffer between the nearest warehouse and loading facility, and must include a requirement for a hard improvement at the County boundary that prevents big rig trucks from using Armstrong Road south of the proposed development site.

City of Jurupa Valley Summary of Comments on the Final Environmental Impact Report

The City of Jurupa Valley is submitting comments for your consideration on the Final Environmental Impact Report ("FEIR") for the West Valley Logistics Center Specific Plan ("Project") located in the City of Fontana.

A Final EIR (FEIR), which includes responses to comments, was made available on October 23, 2018. The City of Jurupa Valley disagrees with the responses to comments and does not believe that the EIR is adequate for reasons described below. The summary comments are further supported by the more detailed comments in the attachment titled City of Jurupa Valley Comments to Responses in Final Environmental Impact Report.

Project Impacts:

The existing land use approval/designation for the site is identified as the Valley Trails Specific Plan, which is a 290 acre, master planned residential community. The surrounding area is also zoned and identified as residential. The proposed West Valley Logistics Center Specific Plan is a 3,473,690 square foot warehouse distribution project. This industrial type of use does not fit the character of the area or context of the surrounding land uses. The majority of industrial uses, according to the City of Fontana zoning map, are identified along the 10 and near the 15 freeways.

Staff believes the proposed project will have a devastating and blighting impact on the adjacent residential neighborhoods and communities. Such impacts will include noise, air quality and traffic impacts (also discussed in further detail in this letter) from additional diesel truck trips. For example, numerous diesel trucks travel in and through the area to access the warehousing and distribution center, which generates traffic, noise, and diesel emissions in the area. Diesel emissions generate gases and fine particulate matter that have been proven to have serious
health risks, particularly in the young. Further, staff does not have confidence in the proposed “signs or curbing” mitigation measures (as noted in mitigation measure SP-TR-1: Truck Routing Plan) as a means of restricting truck trips through the identified neighborhoods, impacting residential streets.

Due to the proposed drastic change in land use, such a change could have devastating economic impacts on the adjacent property values. The Sunnyslope area (nearest Jurupa Valley community to the project) has experienced positive household income growth for almost two decades (see Table 5.16 below). Sunnyslope and adjacent communities are in a healthy economic state. The approval of this type of project could severely impact property values and the quality of life enjoyed by these communities.

### Table 5.16: Median Household Income (JV General Plan)

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Median Household Income, $ 2000²</th>
<th>Median Household Income, $ 2000³</th>
<th>Median Household Income, $ 2011²</th>
<th>% Change 2000-2011</th>
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<tr>
<td>Sunnyslope CDP</td>
<td>47,390</td>
<td>51,904</td>
<td>68,313</td>
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<td>Owner-Occupied Households</td>
<td>51,378</td>
<td>67,113</td>
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<tr>
<td>Renter-Occupied Households</td>
<td>38,214</td>
<td>49,918</td>
<td>38,646</td>
<td>22.6</td>
</tr>
</tbody>
</table>

The Planning Commission should consider the following:

- Set priorities to reduce risks caused by pollution and other hazards;
- Engage the public early and proactively in substantive discussions about decisions that affect their health and welfare;
- Adopt effective mechanisms for communicating with the public and provide the public with adequate information so they can make useful contributions prior to agency decisions; and
- Coordinate with other levels of government so local citizens can benefit from the unique kinds of support that agencies at each level can provide.

**Summary of City of Jurupa Valley Comments to Responses:**

**Aesthetics (Visual Character)**

- The magnitude of the fundamental change in land use from the Valley Trail Specific Plan, which is a master-planned community envisioned to contain a maximum of 1,154 residential units, an elementary school, and private and joint-use recreational facilities to a warehouse/distribution facility totaling 3,473,690 million square feet of warehouse buildings, is not off-set by the proposed project’s design features. This significant change in land use constitutes a significant and unavoidable impact to the existing visual character of the site and its surroundings.
Air Quality and Health Risks

- The EIR does not fully disclose the degree of impacts caused by toxic air contaminants created by truck traffic generated by the project to sensitive receptors along Armstrong Road/Valley Way because Armstrong Road/Valley Way was not modeled as a line source although this roadway serves as one of the major access roadways from SR-60 to the Project site. (Ref. Mobile-Source Health Risk Assessment, Exhibit C: Modeled Emission Sources). Without fully disclosing this information, the EIR fails as an informational and disclosure document.

Noise

- The EIR does not fully disclose the degree of impacts caused by noise created by the project to sensitive receptors along Armstrong Road/Valley Way because Armstrong Road/Valley Way was not modeled for noise impacts because the EIR states this roadway segment is not a truck route although the roadway segment serves as one of the major access roadways from SR-60 to the project site. Without fully disclosing this information, the EIR fails as an informational and disclosure document.

Traffic

- The EIR is piecemealing or segmenting the project with respect to traffic impacts.
- Proposed mitigation measures for traffic impacts are infeasible in many cases. As such, several significant traffic impacts are not mitigated to a less than significant level.
- The EIR does not contain relevant information, relies on incorrect information, or omits pertinent information to adequately analyze traffic impacts. As such, the analysis is flawed and incorrectly describes the level of impacts.
- The project’s fair share payments towards roadway improvements is not accurate. As such, mitigation measures that rely upon fair share payments are not adequate and impacts remain significant.
- The project design features to discourage trucks over 7 tons from traveling south on Armstrong Road/Valley Way to access SR-60 are inadequate.
- The EIR does not adequately discuss the potential physical impacts to Rubidoux Boulevard from use by truck traffic generated by the Project.

Environmental Justice

- Environmental Justice is a concept that seeks to minimize and equalize the effects of environmental hazards among all people regardless of race, ethnicity, or income level. In 2011, the Center for Community Action and Environmental Justice filed a lawsuit against the County of Riverside (the City of Jurupa Valley), and others challenging approval of the 1.1- million-square-foot Mira Loma Industrial/Warehouse Project. The lawsuit contended that the project violated the California Environmental Quality Act (CEQA) by failing to mitigate its environmental effects on Mira Loma Village, a single-family residential neighborhood. The City believes the proposed project (the West Valley Logistics Center Specific Plan) demonstrates similar characteristics of the Mira Loma Village case and may be subject to the same challenges. Staff believes the proposed project will have effects on the healthfulness of the area and expose the surrounding communities to the environmental hazards previously discussed.

This letter serves as the City of Jurupa Valley’s comments to the FEIR. We believe the FEIR lacks proper analysis and project impact mitigation measures. The City of Jurupa Valley would like to see more restrictive measures being employed to fully prohibit any vehicle over 7 tons
from crossing into or out of the City of Jurupa Valley via Armstrong Road/Valley Way and a more detailed analysis of the impacts on the surrounding communities. In addition, The City of Jurupa Valley continues to urge the City of Fontana to disclose project information to the residents in Jurupa Valley who live along Armstrong Road/Valley Way just as the City of Fontana did for its residents located along Locust Avenue. Lastly, the City of Jurupa Valley also wishes to be kept on the list of interested parties to receive copies of all notices (including Notices of Determination) regarding the project.

If you have any questions concerning this response, please contact me a (951) 332-6464 or by email at tmerrell@jurupavalley.org. You may also contact the City’s CEQA Administrator Ernest Perea at (951) 823-0432 or by email at eperea@jurupavalley.org.

Sincerely,

Thomas G. Merrell, AICP
Planning Director

Cc: Gary S. Thompson, City Manager
    George Wentz, Deputy City Manager
    Peter Thorson, City Attorney
    Vicki Wasko, City Clerk
    Steve Loriso, City Engineer
    Ernest Perea, CEQA Administrator

Attachment: Comments to Responses in Final Environmental Impact Report dated October, 2018
City of Jurupa Valley Comments to Responses in Final Environmental Impact Report:

CJV-1 through CJV-3: These responses involve acknowledging receiving the City of Jurupa Valley's comments on the 2nd RDEIR and general CEQA procedural requirements. No comments are required.

CJV-2: No comment required.

CVJ-3: No comment required.

CJV-4: The response states that 2018 is still a viable opening year for the project. However, since the FEIR approval to the Planning Commission is not scheduled until November 20, 2018 and the project will still require additional approvals and clearances in addition to off-site improvements, site construction, and building occupancies to occur before impacts would be experienced, the requested Year 2020 opening date is more realistic that using the analyzed Year 2018 opening since that time line will have clearly passed by the time the project opens.

CJV-5: The City does not feel that the comment “mischaracterizes” the TIA. The comment was to identify that the TIA states that the minimum trip generation threshold required to trigger analysis of an intersection is consistent with the City TIA guidelines, which it is not, and is not stated in the City’s TIA guidelines.

CJV-6: Since the City of Jurupa Valley does not have projects identified at this time to mitigate any existing operational deficiencies, the only purpose that identifying existing conditions mitigation is to state that those improvements are needed to address current conditions and the project should not bear any responsibility in participating in those measures. The City requires projects to mitigate their impacts at locations with already poor operating conditions to the extent the post-project operations are no worse than existing. The project’s specific impacts would be identified at that point with the potential to be a share of an overall improvement program. The piecemealing of improvements by looking at near-term conditions may lead to the development of less-than-optimal solutions as modifications are installed without the larger view of the issue being considered. The City does not see a purpose in identifying mitigation to address only existing issues.

CJV-7: Impacts at intersection #24 and #26 in the E+P conditions are project-specific to the extent of the degradation in operating conditions that is beyond those identified in the existing conditions analysis are created solely by the addition of the project with existing traffic volumes. The project-specific mitigation is only required to reduce the impact to no worse than existing conditions. Cumulative impacts would then be those beyond that point when considered in the cumulative scenarios or improvements that improve operating conditions beyond what currently exists. Therefore, the City of Jurupa Valley does not agree that the impacts identified in the E+P analysis are not project-specific and the EIR should be revised accordingly.

CJV-8: The recommendations to install traffic signals at the intersections of Rubidoux Boulevard with 24th Street and 26th Street was the only mitigation that was proposed and the comment regarding other options to address the identified impacts was presented in the TIA or discussed with City of Jurupa Valley staff. Therefore, to state that the traffic signals were the “only feasible mitigation” is disingenuous. The TIA states that the warrants for signalization; however, the warrant analyses presented in the report did not support that claim. The response that there
are other signal warrants that could be met is not credible in that there has been no information provided to support that statement and the other warrants that were identified in the comments are not applicable to either location. There are no proximate schools or railroads, there is no collision history, no substantial pedestrian activity, or other features or activity that would meet any of the other identified warrant in the CAMUTCD.

**CJV-9:** The Project Study Report-Project Development Support (PSR-PDS) for the Rubidoux Boulevard and SR-60 Interchange was completed in late 2017 and despite the City of Jurupa Valley’s request, no mention of the PSR-PDS was included in the project’s TIA. The City feels that proposing long-term mitigation at locations where future year study has been completed without reference or review of that analysis is not appropriate. In addition, there has been precedent set for contribution to that project and the ongoing advancement of the work to get to the interchange construction was established by the City of Rialto and the Rialto Commerce Center project, which entered into an agreement with the County of Riverside and the City of Jurupa Valley to provide funding for the preparation of the PSR-PDS and will continue to make payments as development occurs towards the interchange’s design effort. We would recommend that the WVLC and City of Fontana enter into a similar agreement to assist with addressing the operational issue at this important highway junction.

**CJV-10:** The response to the City’s comment regarding the 95th percentile queueing results is still not correct in that it retains the statement that the condition results when there is 95 percent of the traffic volume. Again, the 95th percentile queue is a statistically driven value and relates to various factors, none of which are 95 percent of the traffic volume.

**CJV-11:** Whether Caltrans has agreed, or not, with the conclusion regarding the spillover of queues into adjacent lane when presented in previous studies is irrelevant. The issue is that the estimate of queueing at the intersections in question is inaccurate based on this flawed assumption and documentation of such during observations of real-world conditions. The result is that queues will be worse than are being projected in the TIA, which will result in spillback onto the highway mainline and the need by Caltrans to take additional green time at the ramp terminal traffic signals to address the spillback. This will cause additional delay and queuing on the City of Jurupa Valley arterial streets in the area.

**CJV-12:** The response is satisfactory.

**CJV-13:** A project’s fair-share impact should be based on the project’s overall impact on the area’s mobility system and when likely impacts will be experienced outside of the two busiest hours those other impacted periods should be considered. Since the proposed project will impacts roadways in the City of Jurupa Valley over many hours of the day, the share of those impacts over those hours should also be considered. While these additional hours may not impact the mitigation measures that are necessary, it may affect the Project’s share payment towards those mitigation measures. Therefore, the City requested that the daily traffic generation also be considered in evaluation the project’s fair-share contributions.

**CJV-14:** The response is satisfactory.

**CJV-15:** The response to the City’s comment is incorrect in that the signal timings for all of the signalized intersections within the City of Jurupa Valley were readily available to the TIA preparer. However, the City of Jurupa Valley has no record that those traffic signal timings were ever requested. When signal coordination is not considered in the analysis and signal
operations are only analyzed using “optimized” timings, the results do not offer a worst-case condition as has been stated, but instead present an unrealistic ‘best-case’ (hence the term ‘optimized’) condition that if implemented in the field would not result in inefficient intersection operations that would not reflect those presented in the TIA findings.

**CJV-16 through CJV-21:** The recommendation of roadway improvements that are inconsistent with the City of Jurupa Valley General Plan and are not feasible given either available right-of-way or would require substantial acquisition or currently developed property to accommodate the project’s traffic by its definition make the project not consistent with area plans resulting in a significant impact attempting to force roadway modifications to be constructed in the Jurupa Valley to support the project’s traffic. By the City of Jurupa Valley not constructing the identified and recommended improvements, the project would no longer be consistent with the FEIR conclusions that the project’s impacts have been mitigated through those improvements. The FEIR cannot conclude that project’s impacts are being mitigated by proposing roadway modifications in adjacent agency that are inconsistent with the adopted plans and policies of that agency.

**CJV-22:** No further comment with respect to urban decay.

**CJV-23:** Near the project site, undeveloped areas include the Jurupa Hills (in Fontana) along the entire Western boundary, a Southern California Edison (SCE) utility corridor along the northern portion of the project area, and vacant/undeveloped areas east of the project site and south of 7th Street. The residential properties near the project site within Fontana and the County of San Bernardino are typically single-family detached homes, some with equestrian uses, and are located east of Locust Avenue (between 7th and 11th Streets in Bloomington) and south of the project site (in the City of Jurupa Valley). Some rural residential development is found north of Jurupa Avenue. A conifer nursery is within the SCE easement south of Kessler Park and north of the existing detention basin on site. The Jurupa Hills, a major landform in southern Fontana, are the natural backdrop to the WVLCSP site. The project site was used for agricultural production and portions of the site have also been used historically as a landfill and quarry. The site is currently vacant. (Ref. 2nd RDEIR p. ES-2).

The overarching issue with respect to visual character involves the CEQA threshold that states: "Would the project substantially degrade the existing visual character or quality of the site and its surroundings? The City of Fontana’s response mischaracterizes the City of Jurupa Valley’s comments to narrowly be construed to apply only to a change in visual character. It is obvious that the CEQA threshold involves the “degradation” of the visual character and the site and its surroundings and the City of Jurupa Valley’s comment was made in that context as the CEQA threshold is clear. In that regard, the City of Jurupa Valley continues to maintain that the visual character of the site and its surroundings will be degraded by introducing an industrial land use into an area that is substantially characterized by vacant land and residential development, both existing and planned. It should be noted that in order to implement the project, the City of Fontana has to approve a fundamental change to its General Plan Land Use Map from Residential Planned Community (R-PC), Medium Density Residential (R-M), Multi Family Residential (R-MF), Public Facilities (P-PF), and Recreational Facilities (P-R) to Light Industrial (I-L) and Open Space (OS).This is a fundamental change in land use character than what was previously planned by the City of Fontana for this area. Specifically, 3,473,690 square feet of warehouse distribution uses are proposed.
Development of the proposed project would substantially and fundamentally change the existing visual character of the project site from planned residential land to light industrial (i.e. distribution warehouses) with some open space. The change in the visual character of the site and its surroundings would constitute a significant alteration of the existing visual character of the project site, regardless of the architectural treatment, landscaping, and overall appearance of new uses on the site. These impacts would be especially significant for residents of the existing neighborhoods immediately south of the project site in Jurupa Valley.

Two of the project’s objectives with respect to visual character and land use compatibility are as follows:

- **Ensure that the development of the site is compatible with, and sensitive to, existing and planned land uses in the area.**

  The EIR states that the Specific Plan will implement design features that make the warehouse buildings compatible with the surrounding residential land uses. The primary design feature to achieve this objective are decorative block walls that could range in height from 16 to 18 feet in height. This type of design feature does not seem to be compatible and sensitive to planned land uses in the area.

- **Promote compatibility with surrounding neighborhoods through site design that maximizes distances between warehouse/distribution logistics operations and adjacent uses, and provides appropriate transitions and environmental buffers.**

  Proposed Building 4 is located adjacent to the southern boundary of the site and is approximately less than 100 feet from existing residences. This does not appear to meet the intent of the objective to “maximize distances between warehouse/distribution logistics operations and adjacent uses.”

Although the project proposes to implement design features to mitigate the impacts to visual character as noted above, it is the City of Jurupa Valley’s position that the degree of fundamental change in land use constitutes a significant and unavoidable impact to the visual character of the site and its surroundings. Introducing a land use that is fundamentally different than existing and planned land uses into the area and proposing to mitigate impacts primarily through walls and landscaping does not mitigate degrading the visual character of the site’s surroundings. The City of Fontana is urged to recognize this significant impact and if it chooses to approve the project, a statement of overriding considerations must be adopted.

**CJV-24-26:** The City of Fontana’s response to Comment CJV-24 and CJV-25 states that that the reason for not including an analysis of the impacts on sensitive residential receptors along Armstrong Road/Valley Way south to SR-60 is because the maximally exposed residence is located at the intersection of 11th Street and Locust Avenue in the City of Fontana, thus analyzing impacts to sensitive receptors along Armstrong Road/Valley Way south to SR-60 would be less and therefore an analysis is not necessary. Notwithstanding this reasoning, the EIR does analyze off-site roadway impacts with respect to toxic air contaminants for roadways located in the City of Fontana north of the project site (Locust Avenue, Slover Avenue, Sierra Avenue, and Cedar Avenue) although the sensitive receptors along these roadways would also be exposed to lower toxic air contaminants than the nearest sensitive receptor at the
intersection of 11th Street and Locust Avenue. CEQA is intended to disclose impacts and omitting the information relative to Armstrong Road/Valley Way while providing the same information for roadways within the City of Fontana that are similarly exposed fails to disclose impacts (to whatever degree) to those residents along Armstrong Road/Valley Way in the City of Jurupa Valley. The City of Jurupa Valley continues to urge the City of Fontana to disclose this information to the residents in Jurupa Valley who live along Armstrong Road/Valley Way just as the City of Fontana did for its residents located along Locust Avenue, Slover Avenue, Sierra Avenue and Cedar Avenue.

CJV-27: In their response, the City of Fontana states that “Armstrong Road through south of the project site (sic) the City of Jurupa Valley is not identified in the EIR as a truck route and is therefore not analyzed for truck-related noise impacts on sensitive receptors.” Notwithstanding this reasoning, the EIR does analyze noise impacts on Locust Avenue, which according to City of Fontana Ordinance No. 1273, Revised January 5, 2017, does not identify Locust Avenue as a truck route either. CEQA is intended to disclose impacts to the public and decision makers and omitting the information relative to noise impacts to the residents along Armstrong Road/Valley way while providing the same information for Locust Avenue within the City of Fontana that are similarly exposed to noise impacts fails to disclose impacts (to whatever degree) to those residents along Armstrong Road/Valley Way in the City of Jurupa Valley. The City of Jurupa Valley continues to urge the City of Fontana to disclose this information to the residents in Jurupa Valley who live along Armstrong Road/Valley Way just as the City of Fontana did for its residents located along Locust Avenue.

CJV-28: Although Section ES.3, Required Project Approvals and Table 1-2, WVLCSO Approvals Required, both list site plan and design review as part of the requested entitlements, the response clarifies that site plan and design review will occur at a later date. The response also clarifies that the prior to recordation of Tentative Parcel Map 19156, the disposition of the trail as to alignment will be finalized. The City of Jurupa Valley has no further comment.

CJV-29: The Caltrans prepared Transportation Concept Report identified the long-range cross-sections for the SR-60 corridor in District 8. While these improvements have not been advanced at this time to specific projects, it is incorrect to state that there are no improvements currently proposed for the SR-60 freeway corridor.

CJV-30: Response to the comment is incorrect in that the City of Jurupa Valley has a Capital Improvement Program (CIP) which identified various improvement projects and is currently collecting fair-share payments from various developments to fund identified CIP projects. In addition, payments are not required to be made to the agency constructing the improvements, but only to agencies that will be participating in the projects and funding can then be processed. The response appears to be a direct attempt to justify the project not making contributions towards traffic mitigation required to address problems the project is creating or contributing to.

CJV-31: While it was stated in the report that there will be signage directing trucks to use the Market Street ramps to and from the east on SR-60, it is both unlikely that such signage will be present as Caltrans is not in the practice of placing signage along freeways for private development such as the WVLC, even with such signs present it would not be a deterrent for drivers to use the route that they feel is most expedient to get to and from their destination. Therefore, the City of Jurupa Valley believes that the failure to consider the segment of SR-60
and the westbound Rubidoux Boulevard ramps in the analysis a substantial oversight resulting in the analysis in the EIR to be inaccurate...

CJV-32: The response to the comment does not address the comment and the City of Jurupa Valley feels that lack of analysis of trucks using the Rubidoux as their return route is a substantial error in the analyses.

CJV-33: While the provision of driveway curbing may work to direct some truck drivers from using Armstrong Road/Valley Way to access the SR-60 corridor, experience has shown that when challenged with unmitigated congestion along other corridor drivers will find measures to circumvent such measures. The result of more substantial measures to prohibit truck access means that the burden of enforcing truck use restriction will fall solely on the City of Jurupa Valley and its resources. The City of Jurupa Valley would like to see more restrictive measures being employed to fully prohibit any vehicle over 7 tons from crossing into or out of the City of Jurupa Valley via Armstrong Road/Valley Way versus measures that will “discourage” use of the road.

CJV-34: While Rubidoux Boulevard is intended to serve land uses within the City of Jurupa Valley, it is not currently designed to accommodate large volumes of regional truck traffic such as would be generated by the proposed project. The City has seen the issue of large volumes of trucks on the streets within the adjacent communities along the I-10 corridor that have resulted in damaged pavements with few local dollars to repair them. If such damage is experienced along primary corridors within the City of Jurupa Valley, restrictive measures may be required to limit volumes to levels that can be accommodated by the available infrastructure.

CJV-35: Since no cooperation is required with the City of Fontana to allow local deliveries by trucks within the City of Jurupa Valley, the statement in the report is unnecessary.

CJV-36: The response is satisfactory.

CJV-37: The current City of Fontana Truck Route map does not designate truck routes within the City that would provide access to the Rubidoux Boulevard corridor. The corridors that are designated as truck route do not match the routes listed in the TIA for the southeast portion of the city. Therefore, there is concern that some latitude will be left to drivers as they search for the most allowable direct route to access the SR-60 corridor.

CJV-38: While the list of measures is appreciated, they are all essentially self-policing measures that are minimally enforceable other than police enforcement on some streets within the City of Fontana. Therefore, the City of Jurupa Valley believes that this issue has not been adequately addressed in the EIR.

CJV-39: The comment was not related to the issue of fair share, rather that impacts identified in the Existing Plus Project (E+P) scenario were being identified as Cumulative Impacts and not project-specific impact. Since there are no other cumulative projects being included in the E+P scenario, the impact by nature would be project-specific.

CJV-40: The response is satisfactory.

CJV-41: The City of Jurupa Valley disagrees with the response in that the mitigation the project is proposing in some locations exceeds both the roadway sections in both the City of Jurupa Valley General Plan and the TUMF nexus study. Therefore, some recommended improvements...
are not within the anticipated improvement programs of either the City of Jurupa Valley or the County of Riverside. As previously noted, the City has various capital improvement projects identified for which it is collecting fair-share payment from various developments to assist in funding design and construction efforts. Therefore, to say that the City has no mechanism for making such payment is incorrect. In addition, in the consolidated cases of County of Riverside v. City of Rialto et al. and City of Riverside v. City of Rialto et al. the settlement was that the applicant, Oakmont Industrial Group LLC, was required to pay to the County of Riverside monies to cover costs towards improvements as a result of truck traffic impacts that were identified in the FEIR, but no mitigation was required from the applicant. The court ruled that the development was required to pay the equivalent of TUMF fees to the County of Riverside and those finds were to be used to mitigate truck traffic impacts from the project (Rialto Commerce Center).

CJV-42: The response is satisfactory.

CJV-43: The response is satisfactory.

CJV-44 through CJV-45: The response is satisfactory.

CJV-46: The response is not related to the cost of the proposed mitigation, rather the intersection configuration that was analyzed was incorrect. Therefore, the TIA analyzed a non-existing condition.

CJV-47: The response is not related to the cost of the proposed mitigation. See comment related to CJV-8.

CJV-48: The response is not related to the cost of the proposed mitigation. The comment is related to the fact that several of the mitigation measures proposed are not feasible based on various factors, in addition to not being consistent with the City of Jurupa Valley General Plan. The concern is that such extensive modifications to the City of Jurupa Valley circulation system have been proposed without any discussion with City of Jurupa Valley staff or management.

CJV-49: See comment related CJV-33.

CJV-50: See comment related to CJV-41.

CJV-51: The response is satisfactory with respect to the CEQA thresholds. The loss of park space in the area is a planning issue and will be addressed separately apart from CEQA.

CJV-52: Also refer to Response CJV-23 above. The City of Jurupa Valley continues to maintain that the visual character of the site and its surroundings will be degraded by introducing an industrial land use into an area that is substantially characterized by vacant land and residential development, both existing and planned. It should be noted that in order to implement the project, the City of Fontana has to approve a fundamental change to its General Plan Land Use Map from Residential Planned Community (R-PC), Medium Density Residential (R-M), Multi Family Residential (R-MF), Public Facilities (P-PF), and Recreational Facilities (P-R) to Light Industrial (I-L) and Open Space (OS). This is a fundamental change in land use character than what was previously planned by the City of Fontana for this area. Specifically, Alternative 5 Alternative 5 provides for development of a warehouse-based logistics center with a 30 percent reduction in intensity and development footprint as compared to the proposed project (i.e., for, a total of 2.43 million square feet of warehouse buildings.)
ACTIONS REPORT
December 18, 2018

FROM: Community Development Department
SUBJECT: Master Case No. 13-034; General Plan Amendment No. 11-026; Zone Change Amendment No. 11-016; Specific Plan Amendment No. 11-003; Development Agreement No. 11-002; Tentative Parcel Map No. 19156 (TPM No. 13-005) - West Valley Logistics Center Specific Plan Project.

RECOMMENDATION:

Based on the concerns raised by the San Bernardino County Land Use Department and other agencies, and the findings outlined in the attached Resolution, staff recommends that the Planning Commission adopt Resolution No. PC 2018-____, and forward a recommendation to the City Council to deny the West Valley Logistics Center Specific Plan project.

APPLICANT:
UST-CB Partners, L.P.
4705 Apopka Road, Suite 201
Orlando, FL 32819

LOCATION:
The West Valley Logistics Center is located within the southeastern portion of the City of Fontana. The Specific Plan's primary development area is bounded on the north by a Southern California Edison (SCE) utility corridor, on the west by the Jurupa Hills, on the south by residential properties located within the City of Jurupa Valley, and on the east by residential uses located in the San Bernardino County community of Bloomington.

REQUEST:
An applicant request for the Planning Commission to recommend approval to the City Council to:
1. Certify the Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2012071058) for the West Valley Logistic Center Specific Plan Project;
2. General Plan Amendment No. 11-026: A request to change the General Plan land use designation from Residential Planned Community (R-PC), Medium Density Residential (R-M), Multi-Family Residential (R-MF), Recreational Facilities (P-R) to Light Industrial (I-L) and a request to change the Circulation element of the General Plan;
3. Zone Change No. 11-016: A request to change the Zoning District Map from Valley Trails Specific Plan to West Valley Logistics Center Specific Plan;
4. Specific Plan Amendment No. 11-003: A request to approve the new land use
designations in the West Valley Logistics Center Specific Plan;
5. Development Agreement No. 11-002;
6. Parcel Map No. 19156 (TPM No. 13-005): A request to consolidate 13 parcels into nine (9) parcels to facilitate the development of the West Valley Logistics Center Specific Plan.

PROJECT PLANNER:
Orlando Hernandez
Planning Manager

DISCUSSION:
See attached staff report for additional information.

FISCAL IMPACT:
None.

MOTION:
Approve staff recommendation.

ATTACHMENTS:

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ITEM: PH-A
**Staff Report to the Planning Commission**

**PLACEMENT:** Public Hearing

**APPLICATION:**
- Master Case No. 13-034 (West Valley Logistics Center Specific Plan Project)
- General Plan Amendment No. 11-026
- Zone Change Amendment No. 11-016
- Specific Plan Amendment No. 11-003
- Development Agreement No. 11-002
- Tentative Parcel Map No. 19156 (TPM No. 13-005)

**DATE:** December 18, 2018

**APPLICANT:**
UST-CB Partners, L.P.
4705 Apopka Road, Suite 201
Orlando, FL 32819

**LOCATION:**
The West Valley Logistics Center is located within the southeastern portion of the City of Fontana. The Specific Plan’s primary development area is bounded on the north by a Southern California Edison (SCE) utility corridor, on the west by the Jurupa Hills, on the south by residential properties located within the City of Jurupa Valley, and on the east by residential uses located in the San Bernardino County community of Bloomington.

**REQUEST:**
An applicant request for the Planning Commission to recommend approval to the City Council to:

1. Certify the Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2012071058) for the West Valley Logistic Center Specific Plan Project;

2. General Plan Amendment No. 11-026: A request to change the General Plan land use designation from Residential Planned Community (R-PC), Medium Density Residential (R-M), Multi-Family Residential (R-MF), Recreational Facilities (P-R) to Light Industrial (I-L) and a request to change the Circulation element of the General Plan;

3. Zone Change No. 11-016: A request to change the Zoning District Map from Valley Trails Specific Plan to West Valley Logistics Center Specific Plan;
4. Specific Plan Amendment No. 11-003: A request to approve the new land use designations in the West Valley Logistics Center Specific Plan;

5. Development Agreement No. 11-002;

6. Parcel Map No. 19156 (TPM No. 13-005): A request to consolidate 13 parcels into nine (9) parcels to facilitate the development of the West Valley Logistics Center Specific Plan.

PROJECT PLANNER: Orlando Hernandez, Planning Manager

I. BACKGROUND INFORMATION:

A. Existing Land Use Designation:

<table>
<thead>
<tr>
<th>Property</th>
<th>General Plan</th>
<th>Zoning</th>
<th>Existing Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>R-PC, R-MF, R-M, P-PF, P-R</td>
<td>Valley Trails Specific Plan</td>
<td>Vacant</td>
</tr>
<tr>
<td>North</td>
<td>R-PC, P-UC</td>
<td>R-PC</td>
<td>Vacant and Utility Corridor</td>
</tr>
<tr>
<td>South</td>
<td>City of Jurupa Valley</td>
<td>City of Jurupa Valley Residential Agriculture (R-A) Light Agriculture (A-1)</td>
<td>Single-Family Homes</td>
</tr>
<tr>
<td>East</td>
<td>Bloomington/ San Bernardino County: Single Residential (RS)</td>
<td>Bloomington/ San Bernardino County Single Residential (RS)</td>
<td>Single-Family Homes</td>
</tr>
<tr>
<td>West</td>
<td>R-PC, P-PF</td>
<td>R-PC, P-PF</td>
<td>Open Space</td>
</tr>
</tbody>
</table>

Legend: General Plan:
- R-PC Residential Planned Community; 3.0–6.4 dwelling units/acre
- R-MF Multi-Family Residential
- R-M Medium-Density Residential; 5.1–7.6 dwelling units/acre
- P-PF Public Facilities
- P-R Recreational Facilities
- P-UC Public Utility Corridor

Zoning District:
- P-PF Public Facility
- R-PC Residential Planned Community

B. Environmental Review Finding:

Pursuant to the California Environmental Quality Act (CEQA) a Draft Environmental Impact Report (EIR) for the WVLCSP was made available for public comment beginning on April 22, 2014, and ending on June 5, 2014. The City received comments on the Draft EIR from state and local agencies, interest groups, and the public. Pursuant to the provisions of CEQA Guidelines Section 15088.5(a), the City determined that a thorough response to the comments received by the City during the public review period necessitated the inclusion of new information, and would therefore require recirculation of the entire Draft EIR.
A Recirculated Draft EIR (1st RDEIR) was made available for public comment beginning on December 18, 2014, and ending on February 2, 2015. Based on the comments received by the City on the 1st RDEIR, the applicant agreed to revisions to the proposed project. As a result of this revision and the availability of updated models to address certain project impacts, the City determined that the project's traffic impact analysis, air quality, greenhouse gas, and noise technical studies each needed to be updated. In addition to the availability of updated technical studies, pursuant to the provisions of CEQA Guidelines Section 15088.5(a), the City determined that a thorough response to the comments received by the City during the public review period for the 1st RDEIR necessitated the inclusion of new information, and would therefore require a second recirculation of the entire 1st RDEIR.

A Second Recirculated Draft Environmental Impact Report (2nd RDEIR) was prepared as part of the environmental review process for the WVLCSP. The 2nd RDEIR was made available for public comment from February 5, 2018 through March 23, 2018.

II. PROJECT DESCRIPTION:

A. Background Information:
   The project site has an approved Specific Plan (Valley Trails Specific Plan) that allows for a master planned community containing a maximum of 1,154 homes, an elementary school, and private and joint-use recreational facilities. The Valley Trails Specific Plan and corresponding CEQA documentation were approved in 2007. Subsequently, the previous landowner sold the parcels to the current owners. The new owners have identified the development potential of the parcels as an industrial warehouse park to increase the area's economic potential and serve the southeastern section of the City.

B. Proposed Land Uses and Zoning Districts

<table>
<thead>
<tr>
<th>Land Use Designation</th>
<th>Zoning District</th>
<th>Acres</th>
<th>Maximum Allowable Building Area (s.f.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Area (Parcels 1-7)</td>
<td>Light Industrial (I-L)</td>
<td>191.87</td>
<td>3,053,690</td>
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<td></td>
<td>Light Industrial (I-L) West Valley Logistics Center S.P.</td>
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<tr>
<td>Open Space Area (Parcel 8)</td>
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<td>Detention Basin Area (Detention Basin Area)</td>
<td>Open Space (OS) West Valley Logistics Center S.P.</td>
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<td>Open Space (OS) West Valley Logistics Center S.P.</td>
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<td>-</td>
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<td>Rights-of-Way (Entire Site)</td>
<td>Roadway and access</td>
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<tr>
<td>TOTAL</td>
<td></td>
<td>291.31</td>
<td>3,473,690</td>
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</table>
C. Proposed Buildings and Development Type

<table>
<thead>
<tr>
<th>Building</th>
<th>Site Area (net acres)</th>
<th>Building Area (square feet)</th>
<th>Warehouse Uses</th>
<th>Support Office Use (within warehouse buildings)</th>
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<tr>
<td>1</td>
<td>42.15</td>
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<td>41.09</td>
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<td>4</td>
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<td>5</td>
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<td>6</td>
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<td>7</td>
<td>20.24</td>
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<td>410,000</td>
<td>10,000</td>
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<td>Total</td>
<td>212.11</td>
<td>3,473,690</td>
<td>3,403,690</td>
<td>70,000</td>
</tr>
</tbody>
</table>

III. ANALYSIS:

The applicant is requesting that the Planning Commission review and forward a recommendation of approval to the City Council for the proposed project that includes two (2) general plan amendments, a zone change, a specific plan amendment, a tentative parcel map, and a development agreement to change the land use designation from residential to industrial as detailed below for the future development of seven (7) warehouse buildings totaling 3.4 million square feet on 291 adjusted gross acres. The first general plan amendment is to amend the circulation element for the relocation of the Alder Avenue extension. The second general plan amendment will amend the land use element to reflect the change in use from residential to industrial. In addition, the current zoning classification will need to be amended from the existing Specific Plan (SP) [Valley Trails Specific Plan] with residential uses to the proposed SP (West Valley Logistics Center Specific Plan) that would allow industrial uses.

Project Description:
The project consists of the West Valley Logistics Center Specific Plan (WVL CSP) totaling approximately 291-acres and located in the southeast portion of the City. The proposed Specific Plan area was previously approved as the “Valley Trails Specific Plan,” which is a residential plan which was never developed.

The proposed WVL CSP would replace the existing Valley Trails Specific Plan land uses: residential, school, recreation, and open space. The new WVL CSP uses are proposed to include industrial, business park, and open space. Specifically, the WVL CSP includes approximately 3,473,690 square feet of industrial business park uses on 212.1 acres; 14.9 acres of detention basins; 1.54 acres of an existing utility corridor (that would remain unchanged); 55.2 acres of natural hillside open space; and 7.5 acres of right-of-way dedications. The WVL CSP would serve as the guiding document providing direction for development of the site, including: land use, circulation, architecture, landscape design, grading, lighting, drainage, public services, and utilities that are consistent with the City’s General Plan and Zoning Ordinance.
General Plan Amendments
Adoption of the proposed project would include amendments to the City's existing General Plan, including an amendment to the City's Land Use Element to replace the existing residential and public land use designations on the site with light industrial use and open space designations, as well as an amendment to the City's Circulation Element to remove the extension of Alder Avenue as a public street between Jurupa Avenue and Locust Avenue. The existing residential and public land use designations on the site, which include Residential Planned Community (R-PC), Medium Density Residential (R-M), Multi-Family Residential (R-MF), Public Facilities (P-PF), and Recreational Facilities (P-R), are proposed to be changed to Light Industrial (I-L) and Open Space (OS).

Alder Avenue is designated by the City's General Plan Circulation Element as a Secondary Highway (92-foot right-of-way) through the project site. According to the current General Plan, Alder Avenue is planned to be extended to the south and then east, bisecting the project site to connect to 7th Street at its intersection with Armstrong Road/Locust Avenue. To avoid the biological resources and grading impacts of extending Alder Avenue as a Secondary Highway through the steep hillsides in the western portion of the project site, the applicant is proposing to construct Alder Avenue as a private street from the intersection of Armstrong Road/Locust Avenue and 7th Street, terminating the street at a cul-de-sac south of Parcel 2.

Specific Plan and Zone Change
The proposed project includes a request for a zone change to allow for warehouse distribution development within the Specific Plan zone classification for the project site. The previously adopted Valley Trails Specific Plan provides for residential and public uses within the proposed project area. The applicant is requesting that the existing Valley Trails Specific Plan be rescinded, the WVLCSP be approved, and the property rezoned to industrial (I-I) and open space (OS-PF and OS-NA). Refer to Section 2.1.1, Land Use Plan of the specific plan, for a discussion of proposed land use designations.

Tentative Parcel Map
Along with the proposed WVLCSP, the applicant is requesting approval of Tentative Parcel Map No. 19156 to subdivide the approximately 291.31-acre site into nine parcels and one lettered lot. Seven (7) of the proposed parcels (Parcels 1 through 7) are intended for warehouse distribution development, one parcel consists of approximately 55.23 acres to be preserved in natural open space (Parcel 8), and the ninth parcel consists of a 1.54-acre utility easement (Parcel 9). The 14.93-acre lettered lot (Lot A) is an existing detention basin that would be improved as part of the proposed project.

Development Agreement
A development agreement is proposed as part of this project. This agreement would vest the right of the applicant to develop the property per the WVLCSP and limits the City's ability to amend the Specific Plan without consent of the applicant. Also, the agreement would "freeze" the City's development impact fees for the life of the agreement. The agreement has not been finalized and depending on the action taken by the Planning Commission, the agreement would have to be completed.
Environmental:
The 2nd RDEIR was prepared and presented to the Planning Commission on March 20, 2018 for the proposed project. The environmental analysis contained in the Final EIR is based in part on specific studies and assessments undertaken for the City by qualified environmental scientists, specialists, and consultants. These studies address air quality/greenhouse gas emissions/human health risk impacts, biological resource impacts, cultural resource impacts, geotechnical, hazards and hazardous materials, noise impacts, water supply impacts, and transportation/traffic impacts. These technical studies are contained in the Technical Appendices document of the FEIR and are available (on compact disc) for review.

The FEIR describes the environmental impacts of the project and proposes mitigation measures to minimize the impact of this project on the environment. The scope of this FEIR includes environmental issues identified by the City during the preparation of the IS (Initial Study)/Notice of Preparation (NOP), issues raised by outside agencies, organizations, and individuals in response to the IS/NOP, as well as issues raised by comments on the Draft EIR and 1st RDEIR.

The 2nd RDEIR for the project has determined 14 fourteen categories of environmental effects would have impacts found not to be significant. These categories are: Aesthetics, Agriculture and Forestry Resources, Biological Resources, Geological, Hazards and Hazardous Materials, Human Health Risk Impacts, Hydrology and Water Quality, Cultural, Land Use and Planning, Population and Housing, Public Utilities, Recreation and Parks, Public Services and Facilities, and Mineral Resources.

The potential impacts from the aforementioned topical areas have been fully addressed in the FEIR and the majority can be brought to a level of less than significant with mitigation. However, according to the analysis in the FEIR and supporting studies, even with incorporation of proposed mitigation measures, certain impacts to air quality, greenhouse gases, noise, and traffic would remain significant and unavoidable. Because there would be significant and unavoidable impacts resulting from the proposed project, a Statement of Overriding Consideration (SOC) is required.

CEQA requires the City to circulate the 2nd RDEIR for public review and comment for at least 45 days. The required 45-day public review started on February 5, 2018 and ended on March 23, 2018. The document was submitted to the State Clearinghouse for notification of State agencies for their possible comment. The Planning Commission conducted a public hearing on the 2nd RDEIR on March 20, 2018 to receive public comments. Prior to the end of the comment period of March 23, 2018, the City received significant comments on the 2nd RDEIR from the following public agencies, organizations, and individuals:

1. California Department of Transportation
2. Native American Heritage Commission
3. Blum Collins, LLP on behalf of the Golden State Environmental Justice
4. Sierra Club
5. Noreen Bills
6. West Valley Water District
7. California Air Resource Board
8. City of Jurupa Valley
9. Endangered Habitats League
10. George Hague
11. Kathleen Dale
12. San Bernardino County Department of Public Works
13. San Bernardino County Land Use Services Department
14. Thomas and Kim Rocha
15. Center for Biological Diversity, Sierra Club, Center for Community Action
16. South Coast Air Quality Management District
17. Center for Community Action and Environmental Justice
18. Bloomington Municipal Advisory Committee
19. Richard and Teri Alvarez
20. Lozeau Drury on behalf of the Laborers International Union of North America
21. California Department of Fish and Wildlife
22. Governor's Office of Planning and Research
23. Southern California Edison
24. K. Shawn Smallwood, Ph.D.
25. City of Riverside, Community Development Department

There were several significant issues raised by the agencies and residents regarding the proposed project. All of these concerns are outlined in the Final EIR. In particular, the San Bernardino County Land Use Services Department raised concerns with the proposed truck route and the impact to County residents in their letter dated March 26, 2018. One comment states:

"The County does not accept the proposed truck route on Locust Avenue, especially north of Santa Ana Avenue. This route goes through a residential neighborhood and would divide an existing community which is a threshold of significance for land use impacts not addressed in the DEIR."

Since their letter of March 2018, staff has met with County staff and the applicant several times to discuss the County’s traffic concerns. No resolution has been agreed upon and the County continues to have the same concerns.

The Traffic Impact Analysis identifies that 69 percent of outbound truck traffic would go north on Locust Avenue. Mitigation Measure TRA-1b states the following: Construction of Transportation Improvements requires off-site improvements on Locust Avenue from Jurupa Avenue to Slover Avenue. The improvement required is as follows:

"Widen Locust Avenue to provide four (4) through travel lanes and appropriate intersection turn lanes, along with pavement section adequate to support proposed project truck traffic."

The current condition of Locust Avenue is a two-lane street with no curb, gutter and sidewalk. Since the right-of-way is not available for these street improvements to accommodate the truck traffic, it is possible that property acquisition may be required by
the County. However, since the County is not in support of the traffic on Locust Avenue, the City does not currently have information indicating that this mitigation is feasible. Because the County does not support the proposed truck route on Locust Avenue key mitigation measures may not be completed. As such, staff is not in support of certifying an environmental document that may not fully mitigate these traffic impacts to the community.

IV. RECOMMENDATION:

Based on the concerns raised by the San Bernardino County Land Use Department and other agencies, and the findings outlined in the attached Resolution, staff recommends that the Planning Commission adopt Resolution No. PC 2018-____, and forward a recommendation to the City Council to deny the West Valley Logistics Center Plan project.

Project Planner: ________________
Orlando Hernandez
Planning Manager

Approved by: _______________________
Zai AbuBakar
Director of Community Development

Attachments:

1. Vicinity Map
2. Site Plan
3. Tentative Parcel Map No. 19156
4. Planning Commission Resolution 2018-____
5. Public Hearing Notice

Submission Materials:

1. Hard copy of FEIR and Compact Disc with DEIR, NOA, and Appendices
2. West Valley Logistics Specific Plan
3. Development Agreement
RESOLUTION PC NO. 2018-___

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA RECOMMENDING THAT THE CITY COUNCIL DENY THE WEST VALLEY LOGISTICS CENTER PROJECT

WHEREAS, the Planning Commission recommends denial of the proposed project to the City Council which includes the following:

1. General Plan Amendment No. 11-026: A request to change the General Plan land use designation from Residential Planned Community (R-PC), Medium Density Residential (R-M), Multi-Family Residential (R-MF), Recreational Facilities (P-R) to Light Industrial (I-L) and a request to change the Circulation element of the General Plan;

2. Zone Change No. 11-016: A request to change the Zoning District Map from Valley Trails Specific Plan to West Valley Logistics Center Specific Plan;

3. Specific Plan Amendment No. 11-003: A request to approve the new land use designations in the West Valley Logistics Center Specific Plan;

4. Development Agreement No. 11-002;

5. Parcel Map No. 19156 (TPM No. 13-005): A request to consolidate 13 parcels into nine parcels to facilitate the development of the specific plan.

Project Applicant: UST-CB Partners. L.P. 4705 Apopka Road, Suite 201, Orlando, Florida 32819

Project Location: The West Valley Logistics Center Specific Plan is located within the southeastern portion of the City of Fontana. The Specific Plan's primary development area is bounded on the north by a Southern California Edison (SCE) utility corridor, on the west by the Jurupa Hills, on the south by residential properties located within the City of Jurupa Valley, and on the east by residential uses located in the San Bernardino County community of Bloomington.

Total Site Area: 291 adjusted gross acres

WHEREAS, the project site has an approved specific plan (Valley Trails Specific Plan) that allows for a master planned community containing a maximum of 1154 homes, an elementary school and private and joint-use recreational facilities; and

WHEREAS, the City of Fontana wishes to protect and preserve the quality of life throughout the City, through effective land use and planning; and

WHEREAS, based on the information contained in the Final Environmental Impact Report [FEIR] (State Clearinghouse No. 2012071058) prepared for the

ATTACHMENT NO. 4
proposed project which has been circulated for the proposed project and has been submitted with the inclusion of a Mitigation Monitoring and Reporting Program as supporting information to the Planning Commission; and

WHEREAS, the owners of property within 1300 feet of the proposed project site were notified via public hearing notice mailer prior to the Public Hearing; and a notice of the public hearing was published in the local Fontana Herald newspaper on December 7, 2018, posted at City Hall and onsite at the project site; and

WHEREAS, on December 18, 2018 the Planning Commission received public testimony and evidence presented by the applicant, City staff, and other interested parties, at the Public Hearing held with respect hereto on General Plan Amendment No. 11-026, Specific Plan Amendment No. 11-003, Zone Change No. 11-016, Tentative Parcel Map No. 19156 (TPM No. 13-005), and Development Agreement No. 11-002; and

WHEREAS, the Commission carefully considered all information pertaining to the proposed project, including the staff report, findings, and all of the information, evidence, and testimony presented at its public hearing on December 18, 2018; and

WHEREAS, all other legal prerequisites to the adoption of this resolution have occurred; and

WHEREAS, the City has prepared a Final EIR, consisting of the comments received during the 45-day public review and comment period on the 2nd RDEIR, written responses to those comments, revisions to the 2nd DREIR, and an errata making minor, non-substantive changes to the Final EIR; and

WHEREAS, the FEIR identifies mitigation measures requiring street improvements along Locust Avenue, between Jurupa Avenue and Slover Avenue in order to reduce specific significant traffic impacts to a less than significant level; and

WHEREAS, the County of San Bernardino, whose consent is required for the street improvements along Locust Avenue, between Jurupa Avenue and Slover Avenue, has repeatedly expressed its opposition to the truck route and truck traffic specified in the Traffic Impact Analysis of the FEIR, meaning that this significant traffic impact will be unavoidable; and

WHEREAS, per Section 15126.4 (a) (2) of CEQA, all mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instrument; and

WHEREAS, per State CEQA Guidelines section 15093, a project which will result in one or more significant and unavoidable impact cannot be approved by the City unless it finds that the benefits of the proposed Project outweigh the proposed Project’s unavoidable adverse environmental impacts, and
WHEREAS, the benefits of the proposed Project do not outweigh its significant and unavoidable traffic impacts, and

WHEREAS, the approval of a parcel map, specific plan and development agreement require a finding that the approval actions are consistent with the City’s General Plan (see Gov’t Code §§66473.5, 66474, 65359, 65454, 65867.5), and

WHEREAS, the project is inconsistent with the General Plan on multiple grounds.

NOW, THEREFORE, the Commission RESOLVES as follows:

SECTION 1. Findings on Tentative Parcel Map. The City of Fontana Planning Commission hereby makes the following findings for the Tentative Parcel Map No. 19156 (TPM No. 13-005) in accordance with Sections 26-219 and 223 of the Fontana Municipal Code:

Finding No. 1: The proposed parcel map is consistent with the City’s General Plan and any applicable specific plan.

Findings of Fact: The proposed project site is currently composed of 13 parcels. The applicant has filed for a tentative parcel map to consolidate the 291-acre site into nine (9) parcels for future development of warehouse distributions.

The existing General Plan Land Use Designation for the project site is Residential Planned Community (R-PC), Medium Density Residential (R-M), Multi-Family Residential (R-MF) and Recreational Facilities (P-R) and currently does not allow for industrial development. Since the general plan amendment requested by the applicant is not supported by staff, the proposed tentative parcel map is not consistent with the 2018 General Plan and existing Valley Trails Specific Plan.

Finding No. 2: The design and improvements of the proposed tentative parcel map are consistent with the General Plan and any applicable specific plan.

Findings of Fact: The proposed improvements associated with the tentative tract map are designed to accommodate industrial development. As proposed, the design is not consistent with the 2018 General Plan. Furthermore, the map is not consistent with the Existing Valley Trails Specific Plan which currently allows for residential development and identifies different circulation patterns and cross-sections to accommodate the homes.
Finding No. 3: The site is physically suitable for the type and density of development proposed.

Findings of Fact: The proposed project as identified and referenced above is not consistent with the General Plan and Valley Trails Specific Plan.

Finding No. 4: The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or will not substantially and avoidably injure fish or wildlife or their habitat.

Findings of Fact: An Environmental Impact Report (State Clearinghouse No. 2012071058) was completed for this project and any potential environmental impacts were identified and listed in the Mitigation Monitoring Reporting Program (MMRP). Mitigation measures were added to make impacts less than significant as it pertains to wildlife or their habitat.

Finding No. 5: The design of the subdivision or type of improvements will not cause serious public health problems.

Findings of Fact: The Environmental Impact Report prepared for the project identifies traffic improvements as a result of project implementation. The Traffic Impact Analysis identifies 69 percent of outbound truck traffic going north on Locust Avenue. Mitigation Measure TRA-1b: Construction of Transportation Improvements requires off-site improvements on Locust Avenue from Jurupa Avenue to Slover Avenue. The improvement required is as follows: “widen Locust Avenue to provide four (4) through travel lanes and appropriate intersection turn lanes, along with pavement section adequate to support proposed project truck traffic.”. Locust Avenue is currently improved as a two-lane street with no curb, gutter and sidewalk. Adequate right-of-way does not currently exist to accommodate these improvements; therefore, the project could cause serious public health, safety, and welfare issues to the surrounding community.

Finding No. 6: The design of the site or the types of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed consolidation of parcels.

Findings of Fact: The design of the proposed Tentative Parcel Map as described in Findings No. 1 through 5 is not consistent with the Circulation Element of the General Plan and Valley Trails Specific Plan. The tentative map shows the elimination of Alder avenue which is currently identified as a Secondary Highway necessary to handle the traffic generated by the Valley Trails Specific Plan.
SECTION 2. Based on the foregoing, the Planning Commission hereby recommends that the City Council deny the West Valley Logistics Center Specific Plan Project.

SECTION 3. Resolution Regarding Custodian of Record: The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Community Development Department – Planning Division, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code section 21081.6.

SECTION 4. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 18th day of December 2018.

City of Fontana

Idilio Sanchez, Chairperson

ATTEST:

I, Cathline Fort, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on this 18th day of December 2018, by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Cathline Fort, Secretary
NOTICE OF PUBLIC HEARING

A MEETING HAS BEEN SCHEDULED BEFORE THE CITY OF FONTANA PLANNING COMMISSION FOR THE FOLLOWING:

West Valley Logistics Center Specific Plan (WVLCSNP)

The proposed specific plan project would result in the replacement of the residential, school, and park land use designations proposed in the existing but unbuilt Valley Trails Specific Plan, replacing those proposed land uses with industrial and open space land use designations under the WVLCSNP. The proposed specific plan consists of the following:

- 212.11 acres designated for industrial development (including up to 3,403,690 square feet of warehouse and 70,000 square feet of office development);
- 16.47 acres developed as a detention basin to collect and control stormwater runoff;
- 55.23 acres retained in natural hillside open space to protect areas in their natural state and promote biodiversity;
- 1.54 acre to continue as an existing utility easement (Parcel 9); and
- 7.5 acres of right-of-way dedications to allow for parking and circulation improvements within the site.

Environmental Determination: The Environmental Officer has reviewed the project and made the following environmental determination and recommendation: The project may a significant effect on the environment and an Environmental Impact Report is required per the Local Guidelines for Implementing the California Environmental Quality Act.

Location: The project is located south of Jurupa Avenue, west of Locust Avenue.

Public Hearing Date: Tuesday, December 18, 2018, at 6:00 P.M.

Place of Planning Commission Public Hearing: City Hall Council Chambers
8353 Sierra Avenue
Fontana, CA 92335

ATTACHMENT NO. 5
Should you have any questions concerning this project, please contact Orlando Hernandez, Planning Manager, at (909) 350-6602, or at ohernandez@fontana.org.

ANY INTERESTED PARTY MAY APPEAR AND PRESENT ANY INFORMATION WHICH MAY BE OF ASSISTANCE TO THE PLANNING COMMISSION. A COPY OF THE ENVIRONMENTAL DOCUMENTATION IS AVAILABLE FOR REVIEW IN THE PLANNING DIVISION, CITY HALL.

IF YOU CHALLENGE IN COURT ANY ACTION TAKEN CONCERNING A PUBLIC HEARING ITEM, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PLANNING COMMISSION PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY AT, OR PRIOR TO, THE PUBLIC HEARING.

Publish: December 7, 2018
MINUTES OF THE CITY OF FONTANA
REGULAR PLANNING COMMISSION MEETING
December 18, 2018
Grover W. Taylor Council Chambers

CALL TO ORDER/ROLL CALL:

A. Call To Order/Roll Call:

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, December 18, 2018, in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California. Chairperson Sanchez called the meeting to order at 6:02 p.m.

Present: Chairperson Sanchez, Vice Chairperson Quiroga, Secretary Fort, Commissioner Meyer, and Commissioner Vasquez (arrived at 6:12 p.m.)

Absent: None

Also Present: Attorney Kylee Otto; Director of Community Development Zai AbuBakar; Planning Manager Orlando Hernandez; Senior Planner Paul Gonzales; Associate Planner Jon S. Dille; Assistant Planner Fernando Herrera; City Clerk Tonia Lewis; and Boards and Commission Secretary Ysela Aguirre.

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

Following the Invocation given by Commissioner Meyer, the Pledge of Allegiance was led by Commissioner Quiroga.

PUBLIC COMMUNICATIONS:

A. Public Communications:

Darlene Scalf spoke on the negative impact of warehouses in San Bernardino County.

CONSENT CALENDAR:

A. Approval of Minutes:

Approve the Regular Planning Commission Meeting Minutes of December 4, 2018.

ACTION: A motion was made by Commissioner Meyer and seconded by Vice
Chairperson Quiroga to approve the Minutes of the December 4, 2018, Planning Commission Meeting. Motion passed by a vote of 3-0-1. (AYES: Quiroga, Fort, Meyer; NOES: None; ABSTAIN: Sanchez)

PUBLIC HEARINGS:

A. Master Case No. 13-034; General Plan Amendment No. 11-026; Zone Change Amendment No. 11-016; Specific Plan Amendment No. 11-003; Development Agreement No. 11-002; Tentative Parcel Map No. 19156 (TPM No. 13-005) - West Valley Logistics Center Specific Plan Project.

Planning Manager Orlando Hernandez provided the staff report.

Discussion was held on the hours of construction.

Speaking for the applicant, Lloyd Zola provided a presentation.

Discussion was held on the use of solar on rooftops.

Discussion was held on how the trucks being used will be controlled.

Discussion was held on having enough right of way to make a four lane highway on Locust Avenue and the impact to private property.

Commissioner Vasquez spoke on truck routes, traffic at Cedar and I-10 Freeway, the impact of traffic not being figured out, and encroaching on private property and concerns not being fully addressed.

Mr. Zola stated that the EIR does not include mitigation requirements and San Bernardino County having funding for Cedar interchange.

Discussion was held on Sierra Avenue not being able to keep up with current traffic and Cedar Avenue needing a bridge the size of Sierra Avenue.

Speaking for the applicant, Michael Morris spoke on the benefits of the proposed project.

The Public Hearing was opened.

Tom Merrell, City of Jurupa Valley, submitted a letter in opposition to the project and summarized the City of Jurupa Valley’s concerns.

Darlene Scalf spoke in opposition to the project and the negative impacts of warehouses; Ms. Scalf also spoke in support of unions in Fontana.

Karen Coleman spoke in opposition to the project and the negative impact warehouses have in Fontana. Ms. Coleman asked the Planning Commissioners to do what is right.

Lourdes Higareda spoke in opposition to the project and the lack of benefits to the community if the project is approved.
Leonarda Gonzales spoke in opposition to the project and prefers homes be built instead of warehouses. Mrs. Gonzales also spoke on the traffic on Cedar Avenue.

Scott Runyan, San Bernardino County Counsel Office, spoke in support of staff’s recommendation and spoke on the letter provided at the dais from San Bernardino County with concerns about the project.

Andrea Vidaurre, Center for Community Action and Environmental Justice, spoke in opposition to the project and spoke on the lack of analysis of the compatibility with the Environmental Justice Element of the new General Plan SB1000. Ms. Vidaurre spoke on not disturbing the hills.

City Clerk Tonia Lewis read into the record a letter provided at the dais from Veronica Perez.

Susana Villatoro spoke in opposition to the project and shared alternative ideas.

Josh Bourgeois spoke in opposition to the project and deficiencies in the EIR.

A recess was called at 7:16 p.m.

The meeting was reconvened at 7:23 p.m.

Jose Alvarado spoke in opposition to the project and planning to move out of the area if this project is approved.

Ana Carlos spoke in opposition to the project and asked if this is denied would it still move forward to the Mayor and City Council. Ms. Carlos spoke on the traffic and lack of space for a four lane road; and thanked the Jurupa Valley City Clerk for notifying her of this meeting.

Victoria Padilla spoke in opposition to the project and the effect any buyouts would have on her family and the negative effects it would have on the community.

Don Faris spoke in opposition to the project and the traffic around his home.

Ericka Flores spoke in opposition to the project and the negative impact to the environment and urged the Commissioners to do what is best for Fontana.

Ana Cruz spoke in opposition to the project and spoke on the investment in her property and the traffic congestion. She asked that the Planning Commission put the community, kids and family before profits.

Ana Gonzalez, Chicano Latino Caucus of San Bernardino County, is concerned with the growth of warehouses and the health and safety problems with them. Ms. Gonzalez spoke on the Mayor’s declaration of a state of emergency in education and warehouses not providing good paying jobs for youth. Ms. Gonzalez asked the Planning Commissioner to deny this project because it is not good for Fontana or nearby cities.

Roberto Sanchez spoke in opposition to the project and the negative impact to the
community with all of the recent warehouses already in Bloomington. Mr. Sanchez urged the Planning Commission to vote against it.

Kathy Sanchez spoke on her children attending Bloomington schools and her concern for their safety with warehouses in the area.

Luis Ojeda spoke in favor of the project and the need for warehouses closer to people that order online and want their orders quickly. Mr. Ojeda spoke on truckers being demonized and the laws imposed on them to retrofit their trucks; little businesses could not afford it and big companies grew.

Daniel Zetina, Laborers Union, spoke in favor of the project and the benefits to workers and local businesses in Fontana.

Thomas Ruiz spoke in favor of the project and thanked the Commissioners for approving work because it helps with the slowdown in construction. Mr. Ruiz addressed comments on education in the labor forced and spoke on union projects and the public benefit including development that pays for the upgrades to infrastructures that will be there forever.

Sally Plant spoke in opposition to the project and the roadblock caused by traffic on local streets and the safety of children walking in the area. Ms. Plant spoke on the beautiful community and the animals that will be displaced because of the construction and the diversion of traffic in to the residential areas. Ms. Plant asked the Planning Commissioners to take a look at everything.

Glenda Barillas spoke in opposition to the project and supports staff recommendations. Ms. Barillas spoke on the lack of housing in the south end and that contributing to the lower enrollment in schools, the truck traffic on Sierra Avenue because other communities do not want trucks on their streets. Ms. Barillas thanked City staff for their recommendations and spoke on the labor and small businesses that will be affected.

Alicia Oviedo spoke in opposition to the project and spoke on needing other things instead of warehouses.

Dena Still spoke in opposition to the project and the dangers of traffic. Ms. Still begged the Commission to oppose this project.

Noreen Bills spoke in opposition to the project.

Tomasa Manlove spoke in opposition to the project and expressed her concerns with not liking the look of warehouses, the temporary jobs, the pepper trees being chopped down and not being replaced, and narrow streets with cars parked on them.

Alex Artiaga spoke in favor of the project and the benefits to union workers that live in the community and are asking to work in the community. Mr. Artiaga spoke on all construction jobs being temporary.

Juan Medina spoke in favor of the project and on traveling to have to work; this project will
allow him to be close to his family while he works. Mr. Medina apologized to those that live there and spoke on people wanting their packages quickly. Mr. Medina also spoke on wanting a living wage and local jobs.

Michael Townsend, on behalf of Senator Connie Leyva, spoke in opposition to this project. Senator Leyva is sensitive to the laborers and would love for them to build homes. Senator Leyva stands with the residents that are opposed to this project.

Matthew Slowik spoke on overriding consideration and staff looking into a measure that might be able to include fund exactions for the benefit of Colton Joint Unified School District and Fontana Unified School District that go into training and further education through apprenticeships and other means for students.

Stacey Ramos spoke in opposition to the project because of the truck traffic that is out of control and not needing another project that will add more traffic. Ms. Ramos suggested building away from homes like it is done in Orange County. Ms. Ramos stands with the laborers and feels their pain, but jobs should be created that do not impact houses, schools, and the environment. Ms. Ramos asked the Commissioners to think about the residents and oppose this project.

Jayson Baiz spoke on being fortunate to go to training school to be a certified construction worker that has enabled him to live as an honest tax paying citizen and having to travel far to keep working and has had two accidents. Mr. Baiz asked to consider the hard working people of this community that need to work and provide for their families and warehouses will provide jobs.

Thomas Rocha spoke in opposition to this project and the significant impacts it will have in the area. Mr. Rocha spoke on Sierra Avenue becoming a truck route, the environmental issues it will cause, the 55 acres of habitat being affected, and the 5,000 people that live in the area. Mr. Rocha asked if this is right for Fontana and spoke on laborers choosing their profession and having to work wherever the work is available.

The Public Hearing was closed.

Speaking for the applicant, Michael Morris.

Discussion was held on considering the impact to residents.

Discussion was held on the classification of high cube fulfillment center warehouse versus short term storage warehouse.

Discussion was held on the consideration for 1,000 foot buffer and truck barriers.

Discussion was held on key mitigation measures and the applicant’s lack of answers to the problems.

Speaking for the applicant, Mark Ostoich, addressed the position of the County of San Bernardino regarding truck routes, acquiring the right of way, and construction in 2020 to address the congestion on Cedar Avenue.
Discussion was held on the residential zoning of the area and lack of demand for housing.

Discussion was held on the enforceability of trucking conditions.

Chairperson Sanchez spoke on the Planning Commissioners understanding their roles, wanting to be good neighbors and pro-business.

Vice Chairperson Quiroga spoke on listening and hearing concerns on both sides and wanting to do their best to do what is best for Fontana.

Vice Chairperson Quiroga spoke on something being built there at some point and the number of projected vehicles for different projects.

Vice Chairperson Quiroga spoke on the four lane highway and encroachment.

Commissioner Fort spoke on concerns with truck traffic and property owners not being forced to sell.

Commissioner Fort spoke on feeling everyone’s pain and trying to understand everything.

Discussion was held on forcing property owners to sell – the applicant cannot force anyone to sell, but the county can implement imminent domain.

Discussion was held on the intent of mitigation measures to improve conditions.

A recess was called at 9:02 p.m.

The meeting was reconvened at 9:08 p.m.

Discussion was held on the Planning Commission’s possible actions on this project.

Discussion was held on fees collected for schools.

Discussion was held on the current zoning and lot sizes.

Discussion was held on the language of the motion.

A recess was called at 9:39 p.m.

The meeting was reconvened at 9:51 p.m.

**ACTION:** Motion was made by Commissioner Meyer and seconded by Vice Chairperson Quiroga to extend the meeting to 11:00 p.m. Motion passed by a vote of 5-0. (AYES: Sanchez, Quiroga, Fort, Meyer and Vasquez; NOES: None; ABSTAIN: None)

Attorney Kylee Otto provided language for the motion.

**ACTION:** Motion was made by Commissioner Meyer and seconded by Commissioner
Fort for the Planning Commission recommended approval to the City Council of the proposed project until street improvements along Locust Avenue, between Jurupa Avenue and Slover Avenue can be implemented consistent with the Final Environmental Impact Report (State Clearinghouse No. 2012071058) with recommendation to staff to bring back the resolution for approval. Motion passed by a vote of 3-2. (AYES: Quiroga, Fort, and Meyer; NOES: Sanchez and Vasquez, None; ABSTAIN: None)

B. Master Case No. 18-094; Design Review No. 18-026 - A request to construct 179 single-family homes within previously approved Tract Map No. 18944 (TTM No. 13-011).

Assistant Planner Fernando Herrera provided the staff report.

Discussion was held on the park renderings.

The Public Hearing was opened.

Speaking for the applicant, Justin Journeaux, expects to break ground in March.

Discussion was held on the widening of Sierra.

Discussion was held on the price point.

No member of the audience spoke in favor or opposition.

The Public Hearing was closed.

ACTION: Motion was made by Commissioner Meyer and seconded by Commissioner Quiroga to adopt Resolution PC No. 2018-081: and 1) Find that the previously adopted Initial Study/Mitigated Negative Declaration for Tentative Tract Map No. 18944 (Tentative Tract Map No. 13-011) approved by the City Council on October 13, 2014 has adequately identified the impacts associated with the project. No further review is required pursuant to Sections 15162 through 15164 et seq of the California Environmental Quality Act and Section 6.22 of the 2018 Local Guidelines for Implementing CEQA, and direct staff to file a Notice of Determination; and, 2) Approve Design Review No. 18-026, for site and architectural review of 179 single-family homes. Motion passed by a vote of 5-0. (AYES: Sanchez, Quiroga, Fort, Meyer and Vasquez; NOES: None; ABSTAIN: None)

C. Master Case No. 18-074; Design Review No. 18-019 - The proposed project is for site and architectural review for the development of a warehouse facility of approximately 59,512 square feet with 55,512 square foot of warehouse space and 4,000 square foot of office/mezzanine space, six (6) warehouse dock doors, two (2) ground level loading doors, and 60 auto parking spaces.

Associate Planner Jon S. Dille provided the staff report.

Discussion was held on this project previously having come before the Planning Commission.
ACTION REPORT
January 15, 2019

FROM: Community Development Department

SUBJECT: Master Case No. 13-034; General Plan Amendment No. 11-026; Zone Change Amendment No. 11-016; Specific Plan Amendment No. 11-003; Development Agreement No. 11-002; Tentative Parcel Map No. 19156 (TPM No. 13-005) - West Valley Logistics Center Specific Plan Project.

RECOMMENDATION:

The Planning Commission recommended approval to the City Council of the proposed project until street improvements along Locust Avenue, between Jurupa Avenue and Slover Avenue can be implemented consistent with the Final Environmental Impact Report (State Clearinghouse No. 2012071058).

APPLICANT:
UST-CB Partners, L.P.
4705 Apopka Road, Suite 201
Orlando, FL 32819

LOCATION:
The West Valley Logistics Center is located within the southeastern portion of the City of Fontana. The Specific Plan’s primary development area is bounded on the north by a Southern California Edison (SCE) utility corridor, on the west by the Jurupa Hills, on the south by residential properties located within the City of Jurupa Valley, and on the east by residential uses located in the San Bernardino County community of Bloomington.

REQUEST:
An applicant request for the Planning Commission to recommend approval to the City Council to:
1. Certify the Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2012071058) and related Mitigation Monitoring and Reporting Program (“MMRP”) and Statement of Overriding Considerations (“SOC”);
2. General Plan Amendment No. 11-026: A request to change the General Plan land use designation from Residential Planned Community (R-PC), Medium Density Residential (R-M), Multi-Family Residential (R-MF), Recreational Facilities (P-R) to Light Industrial (I-L) and a request to change the Circulation element of the General Plan;
3. Zone Change No. 11-016: A request to change the Zoning District Map from Valley Trails Specific Plan to West Valley Logistics Center Specific Plan;
4. Specific Plan Amendment No. 11-003: A request to approve the new land use
designations in the West Valley Logistics Center Specific Plan;
5. Development Agreement No. 11-002;
6. Parcel Map No. 19156 (TPM No. 13-005): A request to consolidate 13 parcels into nine (9) parcels to facilitate the development of the West Valley Logistics Center Specific Plan.

PROJECT PLANNER:
Orlando Hernandez
Planning Manager

DISCUSSION:
See attached staff report for additional information.

FISCAL IMPACT:
None.

MOTION:
Approve staff recommendation.

ATTACHMENTS:

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ITEM: CC-B
Staff Report to the Planning Commission

PLACEMENT: Consent Calendar

APPLICATION: Master Case No. 13-034 (West Valley Logistics Center Specific Plan Project)
General Plan Amendment No. 11-026
Zone Change Amendment No. 11-016
Specific Plan Amendment No. 11-003
Development Agreement No. 11-002
Tentative Parcel Map No. 19156 (TPM No. 13-005)

DATE: January 15, 2019

APPLICANT: UST-CB Partners, L.P.
4705 Apopka Road, Suite 201
Orlando, FL 32819

LOCATION: The West Valley Logistics Center is located within the southeastern portion of the City of Fontana. The Specific Plan’s primary development area is bounded on the north by a Southern California Edison (SCE) utility corridor, on the west by the Jurupa Hills, on the south by residential properties located within the City of Jurupa Valley, and on the east by residential uses located in the San Bernardino County community of Bloomington.

REQUEST: An applicant request for the Planning Commission to recommend approval to the City Council to:

1. Certify the Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2012071058) and related Mitigation Monitoring and Reporting Program (“MMRP”) and Statement of Overriding Considerations (“SOC”);

2. General Plan Amendment No. 11-026: A request to change the General Plan land use designation from Residential Planned Community (R-PC), Medium Density Residential (R-M), Multi-Family Residential (R-MF), Recreational Facilities (P-R) to Light Industrial (I-L) and a request to change the Circulation element of the General Plan;

3. Zone Change No. 11-016: A request to change the Zoning District Map from Valley Trails Specific Plan to
West Valley Logistics Center Specific Plan;

4. Specific Plan Amendment No. 11-003: A request to approve the new land use designations in the West Valley Logistics Center Specific Plan;

5. Development Agreement No. 11-002;

6. Parcel Map No. 19156 (TPM No. 13-005): A request to consolidate 13 parcels into nine (9) parcels to facilitate the development of the West Valley Logistics Center Specific Plan.

PROJECT PLANNER: Orlando Hernandez, Planning Manager

BACKGROUND INFORMATION:

The West Valley Logistics Center Specific Plan Project was heard by the Planning Commission on December 18, 2018. After a lengthy discussion, the Planning Commission directed staff to bring back a resolution of support of the project since staff’s recommendation was for denial. The Planning Commission recommended approval to the City Council of the proposed project until street improvements along Locust Avenue, between Jurupa Avenue and Slover Avenue can be implemented consistent with the Final Environmental Impact Report (State Clearinghouse No. 2012071058). A revised resolution has been included as Attachment No. 4 consistent with the Planning Commission’s direction.

Project Planner: Orlando Hernandez
Planning Manager

Approved by: Zai AbuBakar
Director of Community Development

Attachments:

1. Vicinity Map
2. Site Plan
3. Tentative Parcel Map No. 19156
4. Planning Commission Resolution 2019-___
SITE PLAN

DATE: January 15, 2019
CASE: West Valley Logistics Center Project

ATTACHMENT NO. 2
Regular Planning Commission Meeting - January 15, 2019

PARCEL MAP

DATE: January 15, 2019
CASE: West Valley Logistics Center Project

ATTACHMENT NO. 3
RESOLUTION PC NO. 2019-___

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FONTANA RECOMMENDING THAT THE CITY COUNCIL APPROVE FINAL ENVIRONMENTAL IMPACT REPORT ("FEIR") (STATE CLEARINGHOUSE NO. 2012071058) AND RELATED MITIGATION MONITORING AND REPORTING PROGRAM ("MMRP") AND STATEMENT OF OVERRIDING CONSIDERATIONS ("SOC"); GENERAL PLAN AMENDMENT NO. 11-026 TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FROM RESIDENTIAL PLANNED COMMUNITY (R-PC), MEDIUM DENSITY RESIDENTIAL (R-M), MULTI-FAMILY RESIDENTIAL (R-MF), RECREATIONAL FACILITIES (P-R) TO LIGHT INDUSTRIAL (I-L) AND TO CHANGE THE CIRCULATION ELEMENT OF THE GENERAL PLAN; ZONE CHANGE NO. 11-016 TO CHANGE THE ZONING DISTRICT MAP FROM VALLEY TRAILS SPECIFIC PLAN TO WEST VALLEY LOGISTICS CENTER SPECIFIC PLAN; DEVELOPMENT AGREEMENT NO. 11-002; PARCEL MAP NO. 19156 (TPM NO. 13-005) TO CONSOLIDATE 13 PARCELS INTO NINE PARCELS TO FACILITATE THE DEVELOPMENT OF THE SPECIFIC PLAN FOR THE WEST VALLEY LOGISTICS CENTER PROJECT AND RECOMMENDING THAT CITY COUNCIL NOT APPROVE THE PROJECT UNTIL STREET IMPROVEMENTS ALONG LOCUST AVENUE, BETWEEN JURUPA AVENUE AND SLOVER AVENUE CAN BE IMPLEMENTED CONSISTENT WITH THE FINAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2012071058)

WHEREAS, the Planning Commission recommends approval of the proposed project to the City Council which includes the following:

1. Certification of the Final Environmental Impact Report ("FEIR") (State Clearinghouse No. 2012071058) and related Mitigation Monitoring and Reporting Program ("MMRP") and Statement of OVERRIDING Considerations ("SOC");

2. General Plan Amendment No. 11-026: A request to change the General Plan land use designation from Residential Planned Community (R-PC), Medium Density Residential (R-M), Multi-Family Residential (R-MF), Recreational Facilities (P-R) to Light Industrial (I-L) and a request to change the Circulation element of the General Plan;

3. Zone Change No. 11-016: A request to change the Zoning District Map from Valley Trails Specific Plan to West Valley Logistics Center Specific Plan;

4. Specific Plan Amendment No. 11-003: A request to approve the new land use designations in the West Valley Logistics Center Specific Plan;

5. Development Agreement No. 11-002;
6. Parcel Map No. 19156 (TPM No. 13-005): A request to consolidate 13 parcels into nine parcels to facilitate the development of the specific plan.

Project Applicant: UST-CB Partners. L.P. 4705 Apopka Road, Suite 201, Orlando, Florida 32819

Project Location: The West Valley Logistics Center Specific Plan is located within the southeastern portion of the City of Fontana. The Specific Plan's primary development area is bounded on the north by a Southern California Edison (SCE) utility corridor, on the west by the Jurupa Hills, on the south by residential properties located within the City of Jurupa Valley, and on the east by residential uses located in the San Bernardino County community of Bloomington.

Total Site Area: 291 adjusted gross acres

WHEREAS, the City of Fontana wishes to protect and preserve the quality of life throughout the City and expand local employment opportunities, through effective land use and planning; and

WHEREAS, pursuant to the California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.) ("CEQA"), and the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.) the City determined that a Program Environmental Impact Report (FEIR) should be prepared pursuant to CEQA in order to analyze all potential adverse environmental impacts of the West Valley Logistics Center Project; and

WHEREAS, based on the information contained in the Final Environmental Impact Report [FEIR] (State Clearinghouse No. 2012071058) prepared for the proposed project which has been circulated for the proposed project and has been submitted with the inclusion of a Mitigation Monitoring and Reporting Program as supporting information to the Planning Commission; and

WHEREAS, the owners of property within 1300 feet of the proposed project site were notified via public hearing notice mailer prior to the Public Hearing; and a notice of the public hearing was published in the local Fontana Herald newspaper on December 7, 2018, posted at City Hall and onsite at the project site; and

WHEREAS, on December 18, 2018 the Planning Commission received public testimony and evidence presented by the applicant, City staff, and other interested parties, at the Public Hearing held with respect hereto on the FEIR, General Plan Amendment No. 11-026, Specific Plan Amendment No. 11-003, Zone Change No. 11-016, Tentative Parcel Map No.19156 (TPM No. 13-005), and Development Agreement No. 11-002; and

WHEREAS, the Commission carefully considered all information pertaining to the proposed project, including the staff report, findings, and all of the information,
evidence, and testimony presented at its public hearing on December 18, 2018; and

WHEREAS, all other legal prerequisites to the adoption of this resolution have occurred; and

WHEREAS, the City has prepared a FEIR, consisting of the comments received during the 45-day public review and comment period on the 2nd RDEIR, written responses to those comments, revisions to the 2nd DREIR, and an errata making minor, non-substantive changes to the Final EIR; and

WHEREAS, the FEIR identifies mitigation measures requiring street improvements along Locust Avenue, between Jurupa Avenue and Slover Avenue in order to reduce specific significant traffic impacts to a less than significant level; and

WHEREAS, per State CEQA Guidelines section 15093, a project which will result in one or more significant and unavoidable impacts cannot be approved by the City unless it finds that the benefits of the proposed Project outweigh the proposed Project's unavoidable adverse environmental impacts, and

WHEREAS, the benefits of the proposed Project outweigh its significant and unavoidable air quality, greenhouse gas emissions, noise and traffic impacts, and

WHEREAS, the approval of a parcel map, specific plan and development agreement require a finding that the approval actions are consistent with the City's General Plan (see Gov't Code §§66473.5, 66474, 65359, 65454, 65867.5), and

WHEREAS, the project is consistent with the General Plan, as it is proposed to be amended.

NOW, THEREFORE, the Commission RESOLVES as follows:

SECTION 1. Recitals. The above recitals are incorporated herein by reference.

SECTION 2. Compliance with California Environmental Quality Act. The Planning Commission has reviewed and considered the Final Environmental Impact Report ("FEIR") (State Clearinghouse No. 2012071058) and related Mitigation Monitoring and Reporting Program ("MMRP"), Statement of Overriding Considerations ("SOC"), any oral or written comments received, and the administrative record prior to making any decision on the Proposed Project. The Planning Commission recommends that the City Council adopt the FEIR, the MMRP and the SOC in compliance with CEQA and the State CEQA Guidelines.

SECTION 3. Findings on Tentative Parcel Map. The City of Fontana Planning Commission hereby makes the following findings for the Tentative Parcel Map No. 19156 (TPM No. 13-005) in accordance with Sections 26-219 and 223 of the Fontana Municipal Code:
Finding No. 1: The proposed parcel map is consistent with the City’s General Plan and any applicable specific plan.

Findings of Fact: The proposed project site is currently composed of 13 parcels. The applicant has filed for a tentative parcel map to consolidate the 291-acre site into nine (9) parcels for future development of warehouse distributions.

General Plan Amendment No. 11-026 will change the General Plan land use designation from Residential Planned Community (R-PC), Medium Density Residential (R-M), Multi-Family Residential (R-MF), Recreational Facilities (P-R) to Light Industrial (I-L) as well as change the Circulation element of the General Plan. The Tentative Parcel Map is therefore consistent with the General Plan Land Use Designation for the project site, because the proposed consolidation of lots is for a warehouse logistics and distribution use which is allowed in the Light Industrial (I-L) land use district of the General Plan.

Zone Change No. 11-016 will change the Zoning District Map from Valley Trails Specific Plan to West Valley Logistics Center Specific Plan. Specific Plan Amendment No. 11-003, West Valley Logistics Center Specific Plan, allows warehouse distribution facilities. As such the proposed project is consistent with the General Plan and the Specific Plans as amended.

Finding No. 2: The design and improvements of the proposed tentative parcel map are consistent with the General Plan and any applicable specific plan.

Findings of Fact: All requirements including the lot size, lot width, and lot depth standards set forth in the West Valley Logistics Center Specific Plan, are met for the new parcels. Additionally, all street configurations conform to the requirements of the West Valley Logistics Center Specific Plan and the Zoning and Development Code (Chapter No. 30). The requested amendment is consistent with the General Plan to assemble parcels to allow for a more efficient development pattern as noted in the Land Use Element of the General Plan.

The proposed tentative parcel map would accommodate the proposed development along with any necessary building setbacks, parking, site circulation, landscaping, curb, gutter, and sidewalk access to and from the project site. Furthermore, the design and improvements of the proposed tentative parcel map are consistent with the West Valley Logistics Center Specific Plan, as more fully detailed in the specific plan, which set forth
design features to achieve compatibility with existing and future adjacent residential and industrial uses.

Finding No. 3: The site is physically suitable for the type and density of development proposed.

Findings of Fact: The project site for the Tentative Parcel Map is 291 adjusted gross acres and includes the proposed warehouses and would accommodate building setbacks, parking, site circulation, landscaping, curb, gutter, and sidewalk access to and from the project site, which meets the standards of the Zoning and Development Code.

Therefore, the site is suitable for this type of development. The lot sizes are consistent with surrounding industrial and warehouse development.

Finding No. 4: The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or will not substantially and avoidably injure fish or wildlife or their habitat.

Findings of Fact: An Environmental Impact Report (State Clearinghouse No. 2012071058) was completed for this project and any potential environmental impacts were identified and listed in the Mitigation Monitoring Reporting Program (MMRP). Mitigation measures were added to make impacts less than significant as it pertains to wildlife or their habitat.

Finding No. 5: The design of the subdivision or type of improvements will not cause serious public health problems.

Findings of Fact: The Tentative Parcel Map is for 291 acres and includes the proposed warehouse development that complies with the Fontana City Codes, and the General Plan, as amended, and West Valley Logistics Center Specific Plan, as adopted. Improvements include site circulation, landscaping, building and site lighting, streets, sidewalks, curb and gutter, drainage, and grading to provide a safe and well-designed project for the area.

The site is designed to ensure no trucks queue outside the facilities and mitigation measures are imposed to limit the maximum number of trucks idling during nighttime hours. Response to Comment BC-7 states the "project will not cause significant human health or cancer risk to adjacent residences."

The FEIR prepared for the project identifies traffic improvements as a result of project implementation. The Traffic Impact Analysis
identifies 69 percent of outbound truck traffic going north on Locust Avenue. Mitigation Measure TRA-1b: Construction of Transportation Improvements requires off-site improvements on Locust Avenue from Jurupa Avenue to Slover Avenue. The improvement required is as follows: "widen Locust Avenue to provide four (4) through travel lanes and appropriate intersection turn lanes, along with pavement section adequate to support proposed project truck traffic." Once the project complies with the mitigation measures the project will not cause serious public health, safety, and welfare issues to the surrounding community.

Finding No. 6: The design of the site or the types of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed consolidation of parcels.

Findings of Fact: The design of the proposed Tentative Parcel Map as described in Findings No. 1 through 5 above including ingress and egress will not conflict with access easement acquired by the public. The proposed lot maintains Armstrong Road as well relocates the Alder Avenue extension and also obtains access from Locust Avenue which is a publicly maintained street. Currently there are no other public access easements through or within the proposed project site.

SECTION 4. Based on the foregoing, the Planning Commission hereby recommends that the City Council approve the West Valley Logistics Center Specific Plan Project, including the FEIR, MMRP and SOC; General Plan Amendment No. 11-026; Zone Change No. 11-016; Specific Plan Amendment No. 11-003; Development Agreement No. 11-002; and Parcel Map No. 19156 (TPM No. 13-005), subject to all conditions of approval adopted and mandated by the City Council, with the further recommendation that the City Council not approve the Project until street improvements along Locust Avenue, between Jurupa Avenue and Slover Avenue can be implemented consistent with the Final EIR.

SECTION 5. Resolution Regarding Custodian of Record: The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Community Development Department – Planning Division, 8353 Sierra Avenue, Fontana, CA 92335. This information is provided in compliance with Public Resources Code section 21081.6.

SECTION 6. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED by the Planning Commission of the City of Fontana, California, at a regular meeting held on this 18th day of December 2018.
City of Fontana

Idilio Sanchez, Chairperson

ATTEST:

I, Cathline Fort, Secretary of the Planning Commission of the City of Fontana, California, do hereby certify that the foregoing resolution was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on this 15th day of January 2019, by the following vote, to-wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Cathline Fort, Secretary