REGULAR MEETING AGENDA
OF THE JURUPA VALLEY CITY COUNCIL
Thursday, December 2, 2021
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. 7:00 PM - CALL TO ORDER AND ROLL CALL FOR REGULAR SESSION
   - Lorena Barajas, Mayor
   - Chris Barajas, Mayor Pro Tem
   - Leslie Altamirano, Council Member
   - Brian Berkson, Council Member
   - Guillermo Silva, Council Member

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

5. PRESENTATIONS
   A. RIVERSIDE COUNTY DEPARTMENT OF ANIMAL SERVICES - INTRODUCTION OF “PET OF THE MONTH”
6. 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.

7. INTRODUCTIONS, ACKNOWLEDGEMENTS, COUNCIL COMMENTS AND ANNOUNCEMENTS

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

A. MAYOR PRO TEM CHRIS BARAJAS

1. UPDATE ON THE INTERAGENCY COORDINATING COUNCIL MEETING OF NOVEMBER 19, 2021

B. COUNCIL MEMBER LESLIE ALTAMIRANO

1. UPDATE ON THE NORTHWEST MOSQUITO AND VECTOR CONTROL DISTRICT MEETING OF NOVEMBER 18, 2021

C. COUNCIL MEMBER BRIAN BERKSON

1. UPDATE ON THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION - WESTERN RIVERSIDE COUNTY PROGRAMS AND PROJECTS COMMITTEE MEETING OF NOVEMBER 22, 2021

9. CITY MANAGER’S UPDATE

10. APPROVAL OF MINUTES

A. NOVEMBER 18, 2021 REGULAR MEETING
11. 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 $3,058,980.13

Requested Action: That the City Council ratify the check registers dated October 28 and November 4, 10 and 18, 2021 as well as the payroll registers dated October 29, 31 and November 12, 2021.

C. ORDINANCE NO. 2021-26

Requested Action: That the City Council conduct a second reading and adopt Ordinance No. 2021-26, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. PS 2021-001 (PUBLIC SAFETY, PARADISE KNOLLS) AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN

D. ORDINANCE NO. 2021-27

Requested Action: That the City Council conduct a second reading, and adopt Ordinance No. 2021-27, entitled:

E. **ORDINANCE NO. 2021-28**

Requested Action: That the City Council conduct a second reading and adopt Ordinance No. 2021-28, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF JURUPA VALLEY, PARADISE JURUPA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AND EQUITY THREE PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AND RICHMOND AMERICAN HOMES OF MARYLAND, INC., A MARYLAND CORPORATION (PARADISE KNOLLS PROJECT), AND MAKING FINDINGS PURSUANT TO CEQA AND DETERMINATIONS THAT NO FURTHER CEQA REVIEW IS REQUIRED

F. **FIRST AMENDMENT TO THE COOPERATIVE AGREEMENT TO PROVIDE FIRE PROTECTION, FIRE PREVENTION, RESCUE, FIRE MARSHAL AND MEDICAL EMERGENCY SERVICES FOR THE CITY OF JURUPA VALLEY**

Requested Action: That the City Council approve the First Amendment to the Cooperative Agreement (Agreement) with the County of Riverside for the provision of Fire Protection/Prevention/Rescue/Fire Marshal and Medical Emergency Services to the City of Jurupa Valley under the current Revenue Neutrality Agreement, and authorize the Mayor to execute the First Amendment in substantially the form and format attached to the staff report as approved by the City Attorney.

G. **CONSIDERATION OF RESOLUTIONS REGARDING THE ANNEXATION OF ZONE Z (AGUA MANSA COMMERCE PARK) TO CITY OF JURUPA VALLEY LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED (“CITY OF JURUPA VALLEY L&LMD 89-1-C”), SOUTHEAST CORNER OF RUBIDOUX BOULEVARD AND EL RIVINO ROAD**

1. Requested Action: That the City Council adopt Resolution No. 2021-93, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, INITIATING PROCEEDINGS FOR THE ANNEXATION OF TERRITORY TO CITY OF JURUPA VALLEY LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED AS ZONE Z AND THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN SUCH TERRITORY FOR FISCAL YEAR 2022-2023 PURSUANT TO THE PROVISIONS
OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE AND ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION; AND

2. That the City Council adopt Resolution No. 2021-94, entitled:


3. That the City Council adopt Resolution No. 2021-95, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, DECLARING ITS INTENTION TO ANNEX TERRITORY TO CITY OF JURUPA VALLEY LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED AS ZONE Z AND TO LEVY AND COLLECT ASSESSMENTS WITHIN SUCH TERRITORY FOR FISCAL YEAR 2022-2023 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE AND ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION AND APPOINTING A TIME AND PLACE FOR HEARING PROTESTS


Requested Action: That the City Council approve cash-in-lieu of undergrounding for utility lines and poles within, serving, and along the 24th St frontage of Wheeler Upfitters in the amount of $166,000.

I. APPROVAL OF COOPERATIVE AGREEMENT BETWEEN THE CITY OF JURUPA VALLEY, CARSON-VA INDUSTRIAL II, LP, AND THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR CONSTRUCTION AND MAINTENANCE OF AGUA MANSA – BROWN AVE/WILSON ST STORM DRAINS STAGE 3 (LOCATED AT 12340 AGUA MANSA ROAD (APNS: 175-210-062; 063; 032 & 034)
Requested Action: That the City Council approve the cooperative agreement with the Riverside County Flood Control and Water Conservation District (District) and Carson-VA Industrial II, LP (Developer) and authorize the Mayor to sign the agreement.

J. THIRD AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF JURUPA VALLEY AND KIMLEY-HORN AND ASSOCIATES, INC. FOR THE TRAFFIC SIGNAL INSTALLATION, PEDLEY AND JURUPA PROJECT, CIP PROJECT NO. 16-C.2

1. Requested Action: That the City Council approve the “Third Amendment to Professional Consultant Services” between the City of Jurupa Valley and Kimley-Horn and Associates, Inc. and authorize the City Manager to execute the Amendment in substantially the form attached to the staff report and in such final form as approved by the City Attorney; and

2. Appropriate $24,339 of unencumbered DIF (Signals) to the project account to fund the total cost of the amendment.

K. APPROVAL TO PURCHASE TWO FORD ESCAPE HYBRIDS FROM FRITTS FORD

Requested Action: That the City Council approve the purchase of two Ford Escape Hybrid vehicles, utilizing funding from the Assembly Bill 2766 Program of the South Coast Air Quality Management District.

12. CONSIDERATION OF ANY ITEMS REMOVED FROM THE CONSENT CALENDAR

13. PUBLIC HEARINGS

A. 8:00 PM - PUBLIC HEARING TO RECEIVE INPUT FROM THE COMMUNITY REGARDING THE REDRAWING OF ELECTION DISTRICT BOUNDARIES

1. Requested Action: That the City Council open the public hearing to receive input from the community regarding the redrawing of election district boundaries; and

2. That the City Council provide feedback to National Demographics Corporation regarding the proposed neighborhoods and communities of interest.
B. PUBLIC HEARING TO CONSIDER ALTERING THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. 2019-001 (PARADISE KNOLLS) GENERALLY LOCAED AT THE SOUTHWEST CORNER OF LIMONITE AVENUE AND DOWNEY STREET, TR 36822; CALLING A SPECIAL ELECTION; DECLARING THE RESULTS OF THE ELECTION AND APPROVING ALTERATIONS TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR CITY OF JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. 2019-001 (PARADISE KNOLLS); AND INTRODUCTION OF AN ORDINANCE TO ALTER THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

1. Requested Action: That the City Council open the public hearing and take testimony, if any.

2. Following the public hearing, staff recommends that the City Council adopt Resolution No. 2021-96, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY CALLING A SPECIAL ELECTION AND SUBMITTING TO THE QUALIFIED ELECTORS OF CITY OF JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. 2019-001 (PARADISE KNOLLS) A PROPOSITION TO MODIFY THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX; AND

3. That the City Council adopt Resolution No. 2021-97, entitled:


4. That the City Council conduct a first reading and introduce Ordinance No. 2021-32, entitled:

C. PUBLIC HEARING TO CONSIDER A RESOLUTION ADOPTING THE 2021-2029 (6TH CYCLE) HOUSING ELEMENT OF THE GENERAL PLAN

Requested Action: That the City Council open the public hearing, receive public testimony, and adopt Resolution No. 2021-99, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ADOPTING AN ORDER INITIATING PROCEEDINGS TO AMEND THE 2017 GENERAL PLAN BY UPDATING THE HOUSING ELEMENT, APPROVING AN ADDENDUM TO A CERTIFIED PROGRAMMATIC FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT IN CONNECTION THEREWITH FOR THE 2021-2029 (6TH CYCLE) HOUSING ELEMENT, ADOPTING THE 2021-2029 (6TH CYCLE) HOUSING ELEMENT OF THE CITY OF JURUPA VALLEY, AND DIRECTING STAFF TO TRANSMIT THE 2021-2029 (6TH CYCLE) HOUSING ELEMENT TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR CERTIFICATION

D. PUBLIC HEARING TO CONSIDER ZONING CODE AMENDMENT NO. 21007 (ZCA21007) ELIMINATING EXPANSION OR ESTABLISHMENT OF TRUCK INTENSIVE USES IN VARIOUS COMMERCIAL, INDUSTRIAL AND MANUFACTURING ZONES, INITIATION OF A GENERAL PLAN AMENDMENT AND ZONING AMENDMENT TO CHANGE THE LAND USE IN VARIOUS INDUSTRIAL AND MANUFACTURING ZONES IN THE CITY AND EXTENDING THE TEMPORARY MORATORIUM ON EXPANSION OR ESTABLISHMENT OF TRUCK INTENSIVE USES WITHIN FIVE INDUSTRIAL AND MANUFACTURING AREAS FOR AN ADDITIONAL ONE YEAR PERIOD

1. Requested Action: That the City Council conduct a first reading and introduce Ordinance No. 2021-29, entitled:

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING THE JURUPA VALLEY MUNICIPAL CODE ELIMINATING EXPANSION OR ESTABLISHMENT OF TRUCK INTENSIVE USES IN VARIOUS COMMERCIAL,
INDUSTRIAL, AND MANUFACTURING ZONES AND FINDING AN EXEMPTION FROM CEQA UNDER SECTION 15061(B)(3) OF THE CEQA GUIDELINES


3. Initiate a Zoning Code Amendment to the Business Park (B-P) zone;

4. Adopt, by a 4/5's vote, Urgency Ordinance No. 2021-30, entitled:

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, EXTENDING INTERIM URGENCY ORDINANCE NO. 2021-05, ENACTED PURSUANT TO GOVERNMENT CODE SECTION 65858, ESTABLISHING A TEMPORARY MORATORIUM ON THE APPROVAL OF APPLICATIONS FOR BUILDING PERMITS OR OTHER ENTITLEMENTS FOR THE EXPANSION OR ESTABLISHMENT OF TRUCK INTENSIVE USES WITHIN FIVE AREAS SHOWN IN ATTACHMENT 2, EXHIBIT A AND FINDING AN EXEMPTION FROM CEQA GUIDELINES UNDER SECTION 15061(B)(3)

14. COUNCIL BUSINESS

A. INTRODUCTION OF AN ORDINANCE, AMENDING SECTION 2.05.100 OF THE JURUPA VALLEY MUNICIPAL CODE RELATING TO THE PROCEDURES TO ADJUST COUNCIL DISTRICT BOUNDARIES FOLLOWING THE FEDERAL DECENNIAL CENSUS IN ACCORDANCE WITH ELECTIONS CODE SECTION 61000 TO 61009

That the City Council conduct a first reading and introduce Ordinance No. 2021-31, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING SECTION 2.05.100 OF THE JURUPA VALLEY MUNICIPAL CODE RELATING TO THE ADJUSTMENT OF COUNCIL DISTRICT BOUNDARIES PURSUANT TO THE REQUIREMENTS OF ELECTIONS CODE SECTIONS 21600 TO 21609

B. SETTLEMENT OF NATIONAL OPIOID LITIGATION

That the City Council adopt Resolution No. 2021-100, entitled:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, AUTHORIZING THE CITY TO ENTER INTO THE SETTLEMENT AGREEMENTS WITH MCKESSON CORPORATION, CARDINAL HEALTH, INC., AMERISOURCEBERGEN CORPORATION, JOHNSON & JOHNSON, JANSSEN PHARMACEUTICALS, INC., ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC., AND JANSSEN PHARMACEUTICA, INC., AGREE TO THE TERMS OF THE STATE-SUBDIVISION AGREEMENTS, AND AUTHORIZE ENTRY INTO THE STATE-SUBDIVISION AGREEMENTS WITH THE ATTORNEY GENERAL

15. CITY ATTORNEY’S REPORT

16. COUNCIL MEMBER REPORTS AND COMMENTS

17. ADJOURNMENT

Adjourn to the Regular Meeting of December 16, 2021 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
November 18, 2021

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

1. 6:00 PM - CALL TO ORDER AND ROLL CALL FOR CLOSED SESSION

- Lorena Barajas, Mayor
- Chris Barajas, Mayor Pro Tem
- Leslie Altamirano, Council Member
- Brian Berkson, Council Member
- Guillermo Silva, Council Member

Mayor Lorena Barajas called the closed session meeting to order at 6:04 p.m.

2. CONVENE TO CLOSED SESSION

A. PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEMS

There were no public comments regarding the closed session items.

B. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION. The City Council met in closed session with the City Attorney pursuant to Government Code Section 54956.9(d)(1) with respect to one matter of pending litigation: In re National Prescription Opioid Litigation, MDL No. 2804 (Federal District Court N.D. Ohio).

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS. The City Council met in closed session pursuant to Government Code Section 54956.8 regarding the acquisition of certain property interests, including a small permanent road and utility easement acquisition and temporary construction easement on one parcel and temporary construction easements on fifteen parcels to facilitate the construction of the Van Buren Widening Project from Limonite Avenue to the Santa Ana River (“Proposed Project”). The real property interests needed for the Proposed Project are described below. Negotiators for the City of Jurupa Valley are Octavio Duran, Chase Keys, and the City’s acquisition consultant, Kari Anvick, Project Manager with Epic Land Solutions. The negotiators for the respective property interests are set forth below.

The acquisition of certain property interests from the real property located at 8781 Lakeview Avenue, Jurupa Valley, and identified as APN 163-211-002. Specifically, the City seeks to acquire an approximate 1,660 square foot temporary construction easement with a term of twelve months. The negotiating parties are
the City of Jurupa Valley and the property owners, Trustees of the Bansal A. Maneesh Trust and Sehgal-Mann Family Trust. Under negotiations are the price and terms of the acquisition of the temporary construction easement.

The acquisition of certain property interests from the real property located at 6734 Studio Place, Jurupa Valley, and identified as APN 163-212-005. Specifically, the City seeks to acquire an approximate 273 square foot temporary construction easement with a term of twelve months. The negotiating parties are the City of Jurupa Valley and the property owner, Teresa Vasquez. Under negotiations are the price and terms of the acquisition of the temporary construction easement.

The acquisition of certain property interests from the real property located at 8463 Lakeview Avenue, Jurupa Valley, and identified as APN 163-230-010. Specifically, the City seeks to acquire an approximate 528 square foot temporary construction easement with a term of twelve months. The negotiating parties are the City of Jurupa Valley and the property owner, Leslie L. Hitchcock. Under negotiations are the price and terms of the acquisition of the temporary construction easement.

The acquisition of certain property interests from the real property located at 8663 & 8675 Lakeview Avenue, Jurupa Valley, and identified as APNs 163-212-006 & 163-212-007. Specifically, the City seeks to acquire an approximate 258 square foot temporary construction easement with a term of twelve months. The negotiating parties are the City of Jurupa Valley and the property owners, Richard J. Hickok & Jonell Hickok. Under negotiations are the price and terms of the acquisition of the temporary construction easement.

The acquisition of certain property interests from the real property located at 8457 Lakeview Avenue, Jurupa Valley, and identified as APN 163-230-018. Specifically, the City seeks to acquire an approximate 485 square foot temporary construction easement with a term of twelve months. The negotiating parties are the City of Jurupa Valley and the property owners, Adalberto Valadez & Angelica Valadez. Under negotiations are the price and terms of the acquisition of the temporary construction easement.

The acquisition of certain property interests from the real property located at 8603 Lakeview Avenue, Jurupa Valley, and identified as APN 163-212-013. Specifically, the City seeks to acquire an approximate 505 square foot temporary construction easement with a term of twelve months. The negotiating parties are the City of Jurupa Valley and the property owner, Randy A. Gilmore. Under negotiations are the price and terms of the acquisition of the temporary construction easement.

The acquisition of certain property interests from the real property located at 8645 Lakeview Avenue, Jurupa Valley, and identified as APN 163-212-008. Specifically, the City seeks to acquire an approximate 250 square foot temporary
construction easement with a term of twelve months. The negotiating parties are the City of Jurupa Valley and the property owners, Raul Deltoro & Hilda Deltoro. Under negotiations are the price and terms of the acquisition of the temporary construction easement.

The acquisition of certain property interests from the real property located at 8823 63rd Street, Jurupa Valley, and identified as APN 163-042-031. Specifically, the City seeks to acquire an approximate 904 square foot temporary construction easement with a term of twelve months. The negotiating parties are the City of Jurupa Valley and the property owner, Jose Luis Sanchez. Under negotiations are the price and terms of the acquisition of the temporary construction easement.

The acquisition of certain property interests from the real property located at 8619 Lakeview Avenue, Jurupa Valley, and identified as APN 163-212-010. Specifically, the City seeks to acquire an approximate 502 square foot temporary construction easement with a term of twelve months. The negotiating parties are the City of Jurupa Valley and the property owner, Steven Manuel Nunez. Under negotiations are the price and terms of the acquisition of the temporary construction easement.

The acquisition of certain property interests from the real property located at 8561 Lakeview Avenue, Jurupa Valley, and identified as APN 163-230-004. Specifically, the City seeks to acquire an approximate 434 square foot temporary construction easement with a term of twelve months. The negotiating parties are the City of Jurupa Valley and the property owners, Elaine Eddings & Pearl Morton. Under negotiations are the price and terms of the acquisition of the temporary construction easement.

The acquisition of certain property interests from the real property located at 8783 Kelsey Place, Jurupa Valley, and identified as APN 163-080-019. Specifically, the City seeks to acquire an approximate 1,054 square foot temporary construction easement with a term of twelve months. The negotiating parties are the City of Jurupa Valley and the property owners, Arvind N. Patel & Sudha A. Patel. Under negotiations are the price and terms of the acquisition of the temporary construction easement.

The acquisition of certain property interests from the real property located at 8635 Lakeview Avenue, Jurupa Valley, and identified as APN 163-212-009. Specifically, the City seeks to acquire an approximate 287 square foot temporary construction easement with a term of twelve months. The negotiating parties are the City of Jurupa Valley and the property owner, Cynthia Dianne Vest. Under negotiations are the price and terms of the acquisition of the temporary construction easement.

The acquisition of certain property interests from the real property located at 8583 Lakeview Avenue, Jurupa Valley, and identified as APN 163-230-003.
Specifically, the City seeks to acquire an approximate 495 square foot temporary construction easement with a term of twelve months. The negotiating parties are the City of Jurupa Valley and the property owner, Alberto Jorge Salinas Hernandez. Under negotiations are the price and terms of the acquisition of the temporary construction easement.

The acquisition of certain property interests from the real property located at 8551 Lakeview Avenue, Jurupa Valley, and identified as APN 163-230-024. Specifically, the City seeks to acquire an approximate 962 square foot temporary construction easement with a term of twelve months. The negotiating parties are the City of Jurupa Valley and the property owners, Joseph W. Zeigler & Pattie J. Zeigler. Under negotiations are the price and terms of the acquisition of the temporary construction easement.

The acquisition of certain property interests from the real property located at 8487 Lakeview Avenue, Jurupa Valley, and identified as APNs 163-230-008 & 163-230-009. Specifically, the City seeks to acquire an approximate 994 square foot temporary construction easement with a term of twelve months. The negotiating parties are the City of Jurupa Valley and the property owners, Kenneth M. Smith & Betty Ruth Smith. Under negotiations are the price and terms of the acquisition of the temporary construction easement.

The acquisition of certain property interests from the real property located at 6711-6733 Studio Place, Jurupa Valley, and identified as APNs 163-211-003 & 163-211-004. Specifically, the City seeks to acquire an approximate 195 square foot area in fee and an approximate 948 square foot temporary construction easement with a term of twelve months. The negotiating parties are the City of Jurupa Valley and the property owner, APVP Holdings, LLC, a California limited liability company. Under negotiations are the price and terms of the acquisition of these property interests.

3. RECONVENE IN OPEN SESSION

A. ANNOUNCEMENT OF ANY REPORTABLE ACTIONS IN CLOSED SESSION

City Attorney Peter Thorson announced that under Closed Session Item No. 1, the City Council, by a unanimous vote, approved the fair market value estimates for the 15 temporary construction easements and one permanent easement and set just compensation for those property interests and authorized the City’s staff, city attorney’s office, and the City’s acquisition consultant to prepare written offers to acquire these interests, and then authorized the City’s staff and the City’s acquisition consultant to negotiate in good faith with the property owners for the acquisition of those property interests. Under Closed Session Item No. 2, the Council by a unanimous vote, authorized and directed the city attorney to prepare a resolution approving the proposed settlements for that litigation and turning over
the city’s proceeds from those settlements to the county for the abatement of opioid
drug addiction, treatment of opioid addictions and the prevention of opioid abuse. This
will be brought before the City Council at their December 2, 2021 meeting.

4. 7:00 PM - CALL TO ORDER AND ROLL CALL FOR REGULAR SESSION

- Lorena Barajas, Mayor
- Chris Barajas, Mayor Pro Tem
- Leslie Altamirano, Council Member
- Brian Berkson, Council Member
- Guillermo Silva, Council Member

Mayor Lorena Barajas called the regular meeting to order at 7:03 p.m.

5. INVOCATION was given by Pastor Greg Rondeau from Calvary Chapel Jurupa Valley.

6. PLEDGE OF ALLEGIANCE was led by Amy Sells.

7. APPROVAL OF AGENDA

A motion was made by Council Member Leslie Altamirano, seconded by Council
Member Guillermo Silva, to approve the Agenda.

Ayes: L. Altamirano, C. Barajas, L. Barajas, B. Berkson, G. Silva
Noes: None
Absent: None

8. PRESENTATIONS

A. MONTHLY REPORT – HEALTHY JURUPA VALLEY – PRESENTED BY
   NATALIE ROCHA, REACH OUT, INC.

B. MONTHLY REPORT – JURUPA VALLEY CHAMBER OF COMMERCE
   – PRESENTED BY TYLER BYRNE, JURUPA VALLEY CHAMBER OF
   COMMERCE

C. COMPLETE STREETS SAFETY ASSESSMENT – PRESENTED VIA
   ZOOM BY JOHN CICCARELLI, SAFETREC, UC-BERKELEY

9. PUBLIC APPEARANCE/COMMENTS

Henry Escalera voiced concern that horse riders can no longer access the Bain Street
crossing to get across to the trailhead and the area is filled with trash and tumbleweeds. He
asked that there be more traffic enforcement as motorists are speeding in his neighborhood.
10. INTRODUCTIONS, ACKNOWLEDGEMENTS, COUNCIL COMMENTS AND ANNOUNCEMENTS

In response to Mr. Escalera’s comments, Mayor Pro Tem Chris Barajas noted that the Bain Street trail is owned by the Riverside County Flood Control and Water Conservation District. He encouraged Mr. Escalera to contact Paul Toor, Director of Public Works to see what can be done to resolve this issue.

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

A. MAYOR LORENA BARAJAS
   1. Mayor Barajas gave an update on the Western Riverside County Regional Conservation Authority meeting of November 1, 2021.

B. MAYOR PRO TEM CHRIS BARAJAS


C. COUNCIL MEMBER BRIAN BERKSON
   1. Council Member Berkson gave an update on the Riverside County Transportation Commission meeting of November 10, 2021.

   2. Council Member Berkson gave an update on the Metrolink / Southern California Regional Rail Authority Executive Committee meeting of November 12, 2021.

   3. Council Member Berkson gave an update on the Riverside Transit Agency Executive Committee meeting of November 18, 2021.

12. CITY MANAGER’S UPDATE

City Manager Rod Butler congratulated the Jurupa Area Recreation and Park District for receiving a 2021 “Project of the Year Award” from the American Public Works Association for Horseshoe Lake Park. Mr. Butler announced that the City’s Open House and Holiday Tree Lighting event will be held on Friday, December 3, 2021 at 6:00 p.m. He reported that City Hall will be closed on Thursday, November 25th and Friday,
November 26th for the Thanksgiving holiday. He asked for Council’s direction as to whether the January 6, 2022 Council meeting should be canceled.

By consensus, the City Council canceled the January 6, 2022 Council meeting.

Ayes: L. Altamirano, C. Barajas, L. Barajas, B. Berkson, G. Silva
Noes: None
Absent: None

13. APPROVAL OF MINUTES

A. NOVEMBER 4, 2021 REGULAR MEETING

A motion was made by Mayor Pro Tem Chris Barajas, seconded by Council Member Guillermo Silva, to approve the Minutes of the November 4, 2021 regular meeting.

Ayes: L. Altamirano, C. Barajas, L. Barajas, B. Berkson, G. Silva
Noes: None
Absent: None

14. 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. ORDINANCE NO. 2021-22

Requested Action: That the City Council conduct a second reading and adopt Ordinance No. 2021-22, 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 (1) 35 ACRES OF REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF PYRITE STREET AND GRANITE HILL DRIVE (APNS: 171-040-004, -005, -012, -013, -026, -033, -034, -035, -046, -047) FROM MANUFACTURING – SERVICE COMMERCIAL (M-SC) ZONE TO COMMERCIAL TOURIST (C-T) ZONE, (2) 9.5 ACRES LOCATED AT THE NORTHEAST CORNER OF PYRITE STREET AND GRANITE HILL DRIVE (APNS: 171-030-005, -013, -015) FROM CONTROLLED DEVELOPMENT AREAS (W-2) ZONE TO COMMERCIAL TOURIST (C-
T) ZONE, AND (3) 10 ACRES OF REAL PROPERTY LOCATED AT 10396 BELLEGRAVE AVENUE (APNS: 159-030-001, -002, -003, -004, -005) FROM LIGHT AGRICULTURE (A-1) ZONE TO RESIDENTIAL AGRICULTURE (R-A) ZONE, AND MAKING FINDINGS PURSUANT TO CEQA AND DETERMINATIONS THAT NO FURTHER CEQA REVIEW IS REQUIRED

C. ORDINANCE NO. 2021-23

Requested Action: That the City Council conduct a second reading and adopt Ordinance No. 2021-23, entitled:

AN ORDINANCE OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITY OF JURUPA VALLEY OFFICIAL ZONING MAP CHANGING THE ZONES OF APPROXIMATELY 2.06 GROSS ACRES OF REAL PROPERTY LOCATED 8931 GRANITE HILL DRIVE (APN: 173-160-024) FROM SCENIC HIGHWAY COMMERCIAL (C-P-S) ZONE TO CONTROLLED DEVELOPMENT AREAS (W-2) ZONE, AND MAKING FINDINGS PURSUANT TO CEQA

D. ORDINANCE NO. 2021-24

Requested Action: That the City Council conduct a second reading and adopt Ordinance No. 2021-24, 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 67.67 ACRES OF REAL PROPERTY LOCATED AT 6501 CLAY STREET (APNS: 163-400-001 & 052) FROM MANUFACTURING-SERVICE COMMERCIAL (M-SC) ZONE TO PLANNED RESIDENTIAL (R-4) ZONE, AND MAKING FINDINGS PURSUANT TO CEQA

E. ORDINANCE NO. 2021-25

Requested Action: That the City Council conduct a second reading and adopt Ordinance No. 2021-25, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ADDING CHAPTER 2.06 TO THE JURUPA VALLEY MUNICIPAL CODE REGARDING ELECTRONIC FILING OF CAMPAIGN FINANCE DISCLOSURE STATEMENTS
F. AWARD OF CONSTRUCTION AGREEMENT TO HARDY & HARPER, INC. FOR 2020-2021 CDBG – PACIFIC AVENUE STREET IMPROVEMENTS, CIP PROJECT NO. 20107

1. Requested Action: That the City Council approve and award a construction agreement to Hardy & Harper, Inc. in the amount of $565,000 for the 2020-21 CDBG – Pacific Avenue Street Improvement Project (Agreement) for the work included in its proposal, and authorize the City Manager to execute the Agreement in substantially the form and format attached to the staff report 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 $47,500, pursuant to requirements set forth in the agreement; and

3. Re-appropriate $215,000 of Measure “A” funds from the City’s Bain Street Pavement Rehabilitation and Shoulder Improvements Project, CIP Project No. 16-A.2, Account No. 71302, 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.

G. MODIFICATION OF RAILROAD CROSSING CONDITIONS OF APPROVAL AND APPROVAL OF A DEPOSIT AGREEMENT BETWEEN CITY AND LENNAR HOMES OF CALIFORNIA FOR TRACT 31894 LOCATED NORTH OF CANAL STREET AND THE UNION PACIFIC RAILROAD LINE, EAST OF SIERRA AVENUE, SOUTH OF KAREN LANE, AND WEST OF THE RIO VISTA SPECIFIC PLAN

Recommendation: That the City Council adopt Resolution No. 2021-89, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY AMENDING RESOLUTION NO. 2016-16 WITH RESPECT TO THE RAILROAD CROSSING IMPROVEMENT CONDITIONS OF APPROVAL FOR TRACT 31894 NORTH OF CANAL STREET AND THE UNION PACIFIC RAILROAD LINE, EAST OF SIERRA AVENUE, SOUTH OF KAREN LANE, AND WEST OF THE RIO VISTA SPECIFIC PLAN (APNS: 175-080-011; 177-020-004, 016, 017; 177-030-001, 002, 004, 006, 010, 016; AND 177-110-006, 007) AND APPROVING A DEPOSIT AGREEMENT WITH THE DEVELOPER OF THE TRACT

H. APPROVAL OF AN AGREEMENT WITH ULTRASYSTEMS FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED “DISTRICT AT RUBIDOUX” PROJECT; CASE NUMBER: MA21269 (GPA21010, CZ21014, DA21001, CUP21010 &
SDP21098); LOCATED AT 5520 30TH STREET; (APPLICANT: EM RANCH OWNER, LLC)

Requested Action: That the City Council approve an Agreement for Consulting Services with UltraSystems for the completion of an Environmental Impact Report (EIR) for the proposed “District at Rubidoux” project in an amount not to exceed $188,770 to be funded entirely by an advance deposit made by EM Ranch Owner, LLC, the “applicant,” sufficient to cover completion of the EIR document and authorize the City Manager to sign the Agreement on the City Council’s behalf.

A motion was made by Mayor Pro Tem Chris Barajas, seconded by Council Member Guillermo Silva, to approve the Consent Calendar.

Ayes: L. Altamirano, C. Barajas, L. Barajas, B. Berkson, G. Silva
Noes: None
Absent: None

15. CONSIDERATION OF ANY ITEMS REMOVED FROM THE CONSENT CALENDAR

16. PUBLIC HEARINGS

A. PUBLIC HEARING TO CONSIDER CALLING A SPECIAL ELECTION; DECLARING THE RESULTS OF THE ELECTION; AND APPROVING FORMATION AND LEVY OF SPECIAL TAXES FOR CITY OF JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. PS 2021-001 (PUBLIC SAFETY, PARADISE KNOLLS) GENERALLY LOCATED AT THE SOUTHWEST CORNER OF LIMONITE AVENUE AND DOWNEY STREET, TR36822

Paul Toor, Public Works Director, presented the staff report.

Further discussion followed.

Mayor Lorena Barajas opened the public hearing.

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

A motion was made by Mayor Pro Tem Chris Barajas, seconded by Council Member Guillermo Silva, to adopt Resolution No. 2021-90 and 91, entitled:

A RESOLUTION OF FORMATION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY TO ESTABLISH CITY OF JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. PS 2021-001 (PUBLIC SAFETY, PARADISE KNOLLS), TO ESTABLISH AN APPROPRIATIONS LIMIT TO AUTHORIZE THE LEVY OF A
SPECIAL TAX THEREIN, AND TO SUBMIT THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT AND THE LEVY OF SPECIAL TAXES TO THE QUALIFIED ELECTORS THEREOF; AND

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY CALLING A SPECIAL ELECTION AND SUBMITTING TO THE QUALIFIED ELECTORS OF CITY OF JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. PS 2021-001 (PUBLIC SAFETY, PARADISE KNOLLS) PROPOSITIONS REGARDING THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT AND THE ANNUAL LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT

Ayes: L. Altamirano, C. Barajas, L. Barajas, B. Berkson, G. Silva
Noes: None
Absent: None

At the request of the Mayor, the City Clerk announced that two owners cast two ballots. All votes cast were in favor of the special tax.

A motion was made by Mayor Pro Tem Chris Barajas, seconded by Council Member Guillermo Silva, to adopt Resolution No. 2021-92, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, DECLARING THE RESULTS OF A SPECIAL ELECTION IN CITY OF JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. PS2021-001 (PUBLIC SAFETY, PARADISE KNOLLS) AND DIRECTING THE RECORDING OF A NOTICE OF SPECIAL TAX LIEN

Ayes: L. Altamirano, C. Barajas, L. Barajas, B. Berkson, G. Silva
Noes: None
Absent: None

A motion was made by Mayor Pro Tem Chris Barajas, seconded by Council Member Guillermo Silva, to introduce Ordinance No. 2021-26, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. PS 2021-001 (PUBLIC SAFETY, PARADISE KNOLLS) AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN
Ayes: L. Altamirano, C. Barajas, L. Barajas, B. Berkson, G. Silva
Noes: None
Absent: None

B. PUBLIC HEARING TO CONSIDER AMENDING ARTICLE I, DEFINITIONS, OF CHAPTER 6.77 OF THE JURUPA VALLEY MUNICIPAL CODE AND AMENDING ARTICLE XIV, MANDATORY ORGANIC WASTE DISPOSAL REDUCTION, OF THE JURUPA VALLEY MUNICIPAL CODE, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA GUIDELINES SECTIONS 15061(B)(3) AND 15308

Paul Toor, Public Works Director, presented the staff report.

Further discussion followed.

Mayor Barajas opened the public hearing.

Bernard Murphy stated that when reading the ordinance, he learned that an inspection of his trash cans could be performed on his residential dwelling. He asked for clarification about this wording in the ordinance.

Further discussion followed.

Mike Arragon, Vice President, Burrtec Waste Industries, provided additional information regarding the state’s audit requirements, noting that Burrtec would perform their audits on trash bins that are on the street and they would not be going onto private property.

Further discussion followed.

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

A motion was made by Mayor Pro Tem Chris Barajas, seconded by Council Member Guillermo Silva, to conduct a first reading and introduce Ordinance No. 2021-27, entitled:

Ayes:  L. Altamirano, C. Barajas, L. Barajas, B. Berkson, G. Silva  
Noes:  None  
Absent: None  

C. PUBLIC HEARING TO CONSIDER THE FIRST AMENDMENT TO THE PARADISE KNOLLS DEVELOPMENT AGREEMENT WITH PARADISE JURUPA, LLC, EQUITY THREE PROPERTIES, LLC, AND RICHMOND AMERICAN HOMES REGARDING REMOVAL OF A REQUIREMENT TO PROVIDE EQUESTRIAN STABLES AND ARENAS, DEDICATION OF A 2.75-ACRE SITE FOR A NEW PARK, AND PAYMENT OF A $600,000 COMMUNITY BENEFIT FEE  

Joe Perez, Community Development Director, presented the staff report. Mr. Perez provided the background of the original development agreement and the requirements of the specific plan and land use map. He outlined the proposed amendment to the Development Agreement which includes the removal of the developer’s obligation to provide an equestrian facility, dedication of a 2.75-acre site to the city, and a community benefit payment.

Further discussion followed.

Mayor Lorena Barajas opened the public hearing.

Tyler Byrne stated that the original plan for this development was flawed and should have never gone forward. He urged the Council to uphold future promises made by developers and to ensure such promises are practical.

Henry Escalera spoke about the original plans for the project which included half-acre lots. He provided information on the regional trails in the area, noting that the trail near the rear of the property has been blocked off due to previous flooding.

Ron Anderson stated that he agrees with the proposed amendment. He discussed the issues that will arise if the original plan goes through as the new homes will not blend well with the planned horse stables and arena.

Rick Kozak, Strategic Land Partners, addressed some of the previous comments and provided additional information.

Further discussion followed.

Colby Diuguid, General Manager, Jurupa Area Recreation and Park District provided additional information and responded to Council’s questions.

There being no further comments, the public hearing was closed.
A motion was made by Mayor Pro Tem Chris Barajas, seconded by Council Member Guillermo Silva, to introduce Ordinance No. 2021-28, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF JURUPA VALLEY, PARADISE JURUPA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AND EQUITY THREE PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AND RICHMOND AMERICAN HOMES OF MARYLAND, INC., A MARYLAND CORPORATION (PARADISE KNOLLS PROJECT), AND MAKING FINDINGS PURSUANT TO CEQA AND DETERMINATIONS THAT NO FURTHER CEQA REVIEW IS REQUIRED

Ayes: L. Altamirano, C. Barajas, L. Barajas, B. Berkson, G. Silva
Noes: None
Absent: None

17. COUNCIL BUSINESS

A. DISCUSSION OF A PROPOSED SOCIAL HOST ORDINANCE

Amy Sells, Principal Management Analyst, presented the staff report.

Lieutenant Jason Sexton provided additional information and responded to Council’s questions.

John Yeomans, National Liquor Law Enforcement Association, spoke in support of the proposed ordinance as it will provide another valuable resource for law enforcement in keeping youth safe from the dangers of underage alcohol use.

Patricia Rillera, MADD, spoke in support of the proposed ordinance, stating that social host ordinances gives communities a practical tool for holding adults accountable and more than 150 cities have adopted such an ordinance.

Fred Alvarez, Reach Out, spoke in support of the proposed ordinance, stating that as a prior law enforcement officer, he has seen the benefits of such an ordinance and it is a valuable law enforcement tool.

Following the presentation, the City Council discussed the merits of implementing a Social Host Ordinance.

A motion was made by Council Member Leslie Altamirano, seconded by Council Member Guillermo Silva, to direct the City Attorney to prepare an Ordinance and add Jurupa Valley Municipal Code Section 11.26 for consideration at a future City Council meeting.
Ayes:  L. Altamirano, C. Barajas, L. Barajas, B. Berkson, G. Silva
Noes:  None
Absent: None

B. APPROVAL OF FOUR (4) NEW CLASSIFICATIONS AND AMENDED SALARY SCHEDULE FOR 2021-2022

Connie Cardenas, Administrative Services Director, presented the staff report.

A motion was made by Mayor Pro Tem Chris Barajas, seconded by Council Member Guillermo Silva, to approve the creation of the following new classifications: Administrative Services Coordinator, Executive Assistant, Public Works Field Services Coordinator, and Public Works and Facilities Maintenance Specialist; and approve the new job descriptions, salary ranges, and amended Salary Schedule for 2021-22.

Ayes:  L. Altamirano, C. Barajas, L. Barajas, B. Berkson, G. Silva
Noes:  None
Absent: None

18. CITY ATTORNEY’S REPORT

City Attorney Peter Thorson had no report.

19. COUNCIL MEMBER REPORTS AND COMMENTS

Council Member Guillermo Silva conveyed a Happy Thanksgiving to all.

Mayor Pro Tem Chris Barajas relayed his discussions with the County Supervisor’s Office regarding the Bain Street trail and his efforts to get the trail system improved and to ensure there is proper maintenance.

Council Member Leslie Altamirano announced the Adopt a family Santa Express schedule as follows: Saturday December 4th at Sky Country, Sunday, December 5th in Del Sol, Saturday, December 11th in Indian Hills, and Sunday, December 12th in Glen Avon. The Santa Express visits area neighborhoods with a Christmas themed parade and volunteers hand out candy canes while collecting donations in support of their Holiday Adoption Program.

Council Member Brian Berkson wished everyone a happy, healthy and safe holiday season.

20. ADJOURNMENT

There being no further business before the City Council, Mayor Lorena Barajas adjourned the meeting at 9:50 p.m.
The next meeting of the Jurupa Valley City Council will be held December 2, 2021 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: DECEMBER 2, 2021

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ROD BUTLER, CITY MANAGER
BY: CONNIE CARDENAS, ADMINISTRATIVE SERVICES DIRECTOR

SUBJECT: AGENDA ITEM NO. 11.B
CHECK REGISTERS

RECOMMENDATION

That the City Council ratify the check registers dated October 28 and November 4, 10 and 18, 2021 as well as the payroll registers dated October 29, 31 and November 12, 2021.

The City Council of the City of Jurupa Valley authorizes expenditures through the annual budget process. The FY 2021-22 Budget was adopted on June 17, 2021. 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 Statement, with purchase details, is attached herewith.

OTHER INFORMATION

None.

FINANCIAL IMPACT

Check registers:

10/28/21 $ 235,625.87
11/04/21 $ 611,874.35
11/10/21 $ 1,614,313.63
11/18/21 $ 167,513.16
Payroll registers:

10/29/21  $ 228,901.92
10/31/21  $  3,379.44
11/12/21  $ 197,371.76

TOTAL     $ 3,058,980.13

ALTERNATIVES

1. Not ratify the attached check registers.

Prepared by:  Submitted by:

[Signature]          [Signature]

Connie Cardenas        Rod B. Butler
Administrative Services Director  City Manager

Reviewed by:

[Signature]

Michael Flad
Assistant City Manager

Attachments:

1. Check registers dated October 28 and November 4, 10 and 18, 2021.
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Sub total for CHASE BANK: 167,513.16
21 checks in this report.

Grand Total All Checks: 167,513.16
Bank code: chase
(none)
CASH REQUIREMENTS

CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 11/03/21: $228,901.92

IMPORTANT COVID-19 INFORMATION: If you filed IRS Form 7200, please notify your Paychex representative to avoid owing a balance at the end of the quarter and ensure your Form 941 is accurate.

TRANSACTION SUMMARY

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>TOTAL ELECTRONIC FUNDS TRANSFER (EFT)</td>
<td>228,901.92</td>
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<tr>
<td>CASH REQUIRED FOR NEGOTIABLE CHECKS &amp;/OR EFT</td>
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<tr>
<td>TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES</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>AMOUNT</th>
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<tbody>
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**EFT FOR 11/02/21**

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<th>Description</th>
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<tr>
<td>EFT FOR 11/02/21</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>
<th>DESCRIPTION</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>11/03/21</td>
<td>Refer to your records 'or account Information</td>
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<td>Payroll</td>
<td>Employee Deductions</td>
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TOTAL EFT

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0079 A790-3990 City Of Jurupa Valley
Run Date 11/01/21 02:07 PM
Period Start - End Date 10/16/21 - 10/29/21
Check Date 11/03/21

Cash Requirements
CASH REQUIREMENTS

CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 11/05/21: $3,379.44

IMPORTANT COVID-19 INFORMATION: If you filed IRS Form 7200, please notify your Paychex representative to avoid owing a balance at the end of the quarter and ensure your Form 941 is accurate.

TRANSACTION SUMMARY

<table>
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<tr>
<th>SUMMARY BY TRANSACTION TYPE</th>
<th>TOTAL ELECTRONIC FUNDS TRANSFER (EFT)</th>
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<td>TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES</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.

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<th>ACCOUNT NUMBER</th>
<th>PRODUCT</th>
<th>DESCRIPTION</th>
<th>BANK DRAFT AMOUNTS &amp; OTHER TOTALS</th>
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<td>Direct Deposit</td>
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<td>11/05/21</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>
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<th>TRANS. DATE</th>
<th>BANK NAME</th>
<th>ACCOUNT NUMBER</th>
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<th>DESCRIPTION</th>
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<td>EE Pretax FSA</td>
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# CASH REQUIREMENTS

CASH REQUIRED FOR NEGOTIABLE CHECKS & OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 11/17/21: $197,371.76

**IMPORTANT COVID-19 INFORMATION:** If you filed IRS Form 7200, please notify your Paychex representative to avoid owing a balance at the end of the quarter and ensure your Form 941 is accurate.

## TRANSACTION SUMMARY

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<tr>
<th>Summary by Transaction Type</th>
<th>Total Electronic Funds Transfer (EFT)</th>
<th>Total Remaining Deductions / Withholdings / Liabilities</th>
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<td>197,371.76</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.

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<th>Trans. Date</th>
<th>Bank Name</th>
<th>Account Number</th>
<th>Product</th>
<th>Description</th>
<th>Bank Draft Amounts &amp; Other Totals</th>
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<tr>
<td>11/16/21</td>
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<td>xxxxxxx176</td>
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<td>EFT for 11/16/21</td>
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**Employee Withholdings**
- Medicare: 3,036.10
- Fed Income Tax: 22,917.74
- CA Income Tax: 11,607.62
- CA Disability: 2,068.86

**Total Withholdings:** 39,631.32

**Employer Liabilities**
- Medicare: 3,043.72
- CA Unemployment: 357.47
- CA Emp Train: 8.93

**Total Liabilities:** 3,410.12

**EFT for 11/17/21**
- 43,041.44

**Total EFT**
- 197,371.76

## Remaining Deductions / Withholdings / Liabilities

**Payroll**

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<th>Bank Name</th>
<th>Account Number</th>
<th>Product</th>
<th>Description</th>
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<td>Employee Deductions</td>
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Cash Requirements
Run Date 11/15/21 03:17 PM
Period Start - End Date 10/20/21 - 11/12/21
Check Date 11/17/21
Page 1 of 2
CASHREQ
AGENDA ITEM NO. 11.C

ORDINANCE NO 2021-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. PS 2021-001 (PUBLIC SAFETY, PARADISE KNOLLS) AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN

RECITALS:

WHEREAS, the City Council of the City of Jurupa Valley (the “City Council”), has previously adopted Resolution No. 2021-82 entitled “A Resolution of Intention of the City Council of the City of Jurupa Valley, California, to Establish City of Jurupa Valley Community Facilities District No. PS 2021-001 (Public Safety, Paradise Knolls) and to Authorize the Levy of a Special Tax within City of Jurupa Valley Community Facilities District No. PS 2021-001 (Public Safety, Paradise Knolls)” (the “Resolution of Intention”), stating its intention to conduct proceedings to form City of Jurupa Valley Community Facilities District No. PS 2021-001 (Public Safety, Paradise Knolls) (the “CFD”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the California Government Code (the “Act”) to finance certain services (the “Services”) including incidental expenses, to serve the CFD; and

WHEREAS, the Resolution of Intention set November 18, 2021, 2020, at 7:00 p.m., or as soon thereafter as practical, as the date of a public hearing on all matters pertaining to the formation of the CFD, the extent of the CFD, the furnishing of Services to serve the CFD, and the proposed rate and method of apportionment of the special tax within the CFD (the “Rate and Method”); and

WHEREAS, a notice of public hearing was published and mailed to all landowners proposed to be included in the CFD in accordance with the Act; and

WHEREAS, at the public hearing, evidence was presented to the City Council on such matters before it, including a special report (the “Report”) describing the services necessary to adequately meet the needs of the CFD and the estimated costs of financing such Services as required by Section 53321.5 of the Act; and

WHEREAS, at the public hearing, all persons desiring to be heard on all matters pertaining to the formation of the CFD, the extent of the CFD, the furnishing of Services to serve the CFD, and the Rate and Method were heard and a full and fair hearing was held; and

WHEREAS, subsequent to the public hearing, the City Council adopted a resolution entitled “Resolution of Formation of the City Council of the City of Jurupa Valley to Establish City of Jurupa Valley Community Facilities District No. PS 2021-001 (Public Safety, Paradise Knolls), to Establish an Appropriations Limit therefor, to Authorize the Levy of a Special Tax therein, and to Submit the Establishment of an Appropriations Limit and the Levy of a Special Tax to the Qualified Electors thereof” (the “Resolution of Formation”) which established the CFD and authorized the levy of a special tax within the CFD; and

WHEREAS, subsequent to the public hearing, the City Council also adopted a resolution entitled “Resolution of the City Council of the City of Jurupa Valley Calling a Special Election and Submitting to the Qualified Electors of City of Jurupa Valley Community Facilities District No. PS 2021-001 (Public Safety, Paradise Knolls) a Proposition to establish an Appropriations Limit therefor, to Authorize the Levy of a Special Tax therein, and to Submit the Establishment of an Appropriations Limit and the Levy of a Special Tax to the Qualified Electors thereof” (the “Resolution of Special Election”) which established the CFD and authorized the levy of a special tax within the CFD; and
WHEREAS, pursuant to the terms of the Resolution Calling Election, an election was held in which qualified electors of the CFD approved the establishment of an appropriations limit for the CFD and the levy of a special tax (the “Special Tax”) within the CFD; and

WHEREAS, on November 18, 2021, the City Council adopted a resolution entitled “Resolution of the City Council of the City of Jurupa Valley Declaring the Results of a Special Election in the City of Jurupa Valley Community Facilities District No. PS 2021-001 (Public Safety, Paradise Knolls) and Directing the Recording of a Notice of Special Tax Lien” (the “Resolution Declaring Results of Election”) which certified the results of the November 18, 2021 election conducted by the City Clerk, which results showed that more than two-thirds of the votes cast in the CFD were in favor of the proposition to levy the Special Tax and the proposition to establish an appropriations limit for the CFD;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES HEREBY ORDAIN AS FOLLOWS:

1. Recitals. The above recitals are all true and correct.

2. Authorization of the Levy of a Special Tax. By the passage of this Ordinance, the City Council authorizes the levy of the Special Tax in the CFD in accordance with the Rate and Method set forth in the Exhibit “B” to the Resolution of Formation, which is on file in the office of the City Clerk and incorporated by reference herein.

3. Annual Rate Determination. The City Council is hereby further authorized to determine on or before August 10 each year, or such other date as is established by law or by the County Auditor-Controller of the County of Riverside, the specific Special Tax to be levied on each parcel of land in the CFD, except that special taxes to be levied shall not exceed the maximum rates set forth in the Rate and Method, but the special tax may be levied at a lower rate.

4. Exempt Property. Except as provided in Section 53340.1 of the Act and except for properties that a local agency is a landowner of within the meaning of subdivision (f) of Section 53317 of the Act, pursuant to Section 53340 of the Act, properties of entities of the state, federal and local governments shall be exempt from the levy of the Special Tax. Reference is hereby made to the Rate and Method for a description of other properties or entities that are expressly exempted from the levy of the Special Tax.

5. Use of Collections. All of the collections of the Special Tax shall be used only as provided by the Act and in the Resolution of Formation. The Special Tax shall be levied only so long as needed for the purposes as described in the Resolution of Formation.

6. Collection. The Special tax shall be collected in the same manner as ordinary ad valorem taxes and shall be subject to the same penalties and the same procedure, sale and lien in any case of delinquency as applicable for ad valorem property taxes; provided, however,
that the Special Tax may be collected by direct billing by the City of the property owners in the CFD or in such other manner as may be provided by the City Council. In addition, the provisions of Section 53356.1 of the Act shall apply to any delinquent Special Tax payments.

7. **Authorization.** The specific authorization for adoption of the Ordinance is Section 53340 of the Act.

8. **Severability.** If for any reason any portion of the Ordinance is found to be invalid, or if the Special Tax is found inapplicable for any particular parcel within the CFD, by a court of competent jurisdiction, the balance of this Ordinance, and the application of the Special Tax to the remaining parcels within the CFD shall not be affected.

9. **Certification.** The City Clerk shall certify the passage of this Ordinance and cause it to be published or posted in accordance with law.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Jurupa Valley on this 2nd day of December, 2021.

______________________________
Lorena Barajas
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. 2021-26 was introduced at a meeting of the City Council of the City of Jurupa Valley on the 18th day of November, 2021, and thereafter at a regular meeting held on the 2nd day of December, 2021, 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 2nd day of December, 2021.

________________________________
Victoria Wasko, City Clerk
City of Jurupa Valley
ORDINANCE NO. 2021-27


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

Section 1. Chapter 6.77 of the Jurupa Valley Municipal Code is hereby amended to read as follows:

6.77.010 Definitions

For the purposes of this Chapter, the following words, terms, phrases, and their derivations have the meanings given herein. Terms not defined in this section and defined elsewhere in this Code shall have the same meanings herein unless the context otherwise requires. In the event of a conflict between a definition in this Code and a definition in 14 CCR Section 18982, the definitions in Section 18982 shall control for the purposes of this Chapter. Additionally, for the purposes of this Chapter, the definitions in 14 CCR Section 18982 shall control for terms used in this Chapter and not defined in this Code. When consistent with the context, words used in the present tense include the future tense, and words in the singular number include the plural number. Unless otherwise specified herein, references to a statute or regulation means the statute or regulation, as amended, supplemented, superseded and replaced from time to time.

A. “CalRecycle” means the California Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on the City (and others).

B. “California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this Chapter are preceded with a number that refers to the relevant title of the CCR (e.g., “14 CCR” refers to Title 14 of the CCR).

C. “City” means the City of Jurupa Valley.

D. “City Manager” means the City Manager of the City or his/her designee.

E. “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a Multi-Family Residential Dwelling; or, as otherwise defined in 14 CCR Section 18982(a)(6). A multi-family residential dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this Chapter.
F. “Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

G. “Community Composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined in 14 CCR Section 18982(a)(8).

H. “Compliance Review” means a review of records by the City to determine compliance with this Chapter.

I. “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4).

J. “Compostable Plastic(s)” means plastic materials that meet the ASTM D6400 standard for compostability; or, as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).

K. “Container Contamination” or “Contaminated Container” means a container, regardless of color, that contains Prohibited Container Contaminants; or, as otherwise defined in 14 CCR Section 18982(a)(55).

L. “County” means the County of Riverside.

M. “C&D” means construction and demolition debris.

N. “Designee” means an entity that the City contracts with or otherwise arranges to carry out any of the City’s responsibilities of this Chapter as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.

O. “Edible Food” means food intended for human consumption; or, as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Chapter or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this Chapter or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

P. “Enforcement Action” means an action of the City to address non-compliance with this Chapter including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

Q. “Enforcement Official” means the City Manager, Director of Public Works or the City Manager’s authorized Designees who are partially or wholly responsible for enforcing this Chapter.
R. “Excluded Waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City and its Generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the City’s Enforcement Official or its Designee’s, reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the City, or its Designee, to potential liability; but not including de minimus volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the State Public Resources Code.

S. “Food Distributor” means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores; or, as otherwise defined in 14 CCR Section 18982(a)(22).

T. “Food Facility” has the same meaning as in Section 113789 of the State Health and Safety Code.

U. “Food Recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed; or, as otherwise defined in 14 CCR Section 18982(a)(24).

V. “Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities; or, as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

1) A food bank as defined in Section 113783 of the State Health and Safety Code;

2) A nonprofit charitable organization as defined in Section 113841 of the State Health and Safety code; and

3) A nonprofit charitable temporary food facility as defined in Section 113842 of the State Health and Safety Code; or, as otherwise defined in 14 CCR Section 18982(a)(25).

W. A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

X. “Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery; or, as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
Y. “Food Scraps” means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. [Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.]

Z. “Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations; or, as otherwise defined in 14 CCR Section 18982(a)(27).

AA. “Food-Soiled Paper” means compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.

BB. “Food Waste” means Food Scraps, Food-Soiled Paper, and Compostable Plastics.

CC. “Generator” means a person or entity that is responsible for the initial creation of Solid Waste, and with respect to Organic Waste, means a person or entity that is responsible for the initial creation of Organic Waste; or, as otherwise defined in 14 CCR Section 18982(a)(48).

DD. “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments; or, as otherwise defined in 14 CCR Section 18982(a)(30).

EE. “Hauler Route” means the designated itinerary or sequence of stops for each segment of the City’s collection service area; or, as otherwise defined in 14 CCR Section 18982(a)(31.5).

FF. “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed Waste Organic Collection Stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).

GG. “Inspection” means a site visit where the City or its Designee reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Chapter; or, as otherwise defined in 14 CCR Section 18982(a)(35).

HH. “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event; or, as otherwise defined in 14 CCR Section 18982(a)(38).
II. “Large Venue,” unless otherwise defined in 14 CCR Section 18982(a)(39), means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Chapter and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue.

JJ. “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of the City’s regulations related to Solid Waste; or, as otherwise defined in 14 CCR Section 18982(a)(40).

KK. “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

LL. “MWELO” refers to the Model Water Efficient Landscape Ordinance, 23 CCR, Division 2, Chapter 2.7 and Chapter 9.283 of this Code.

MM. “Non-Compostable Paper” includes, but is not limited to, paper that is coated in a plastic material that will not breakdown in the composting process; or, as otherwise defined in 14 CCR Section 18982(a)(41).

NN. “Non-Local Entity” means the following entities that are not subject to the City’s enforcement authority; or, as otherwise defined in 14 CCR Section 18982(a)(42):

1) Special district(s) located within the jurisdictional boundaries of the City;

2) Federal facilities, including military installations, located within the jurisdictional boundaries of the City;

3) Prison(s) located within the jurisdictional boundaries of the City;

4) Facilities operated by the State park system located within the jurisdictional boundaries of the City;

5) Public universities (including community colleges) located within the jurisdictional boundaries of the City;

6) County fairgrounds located within the jurisdictional boundaries of the City; and

7) State agencies located within the jurisdictional boundaries of the City.
OO. “Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes including, but not limited to, bottles, cans, metals, plastics and glass; or, as otherwise defined in 14 CCR Section 18982(a)(43).

PP. “Notice of Violation” or “NOV” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties; or, as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

QQ. “Organic Waste” means Solid Waste containing material originated from living organisms and their metabolic waste products, including, but not limited to, food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges; or, as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

RR. “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling; or, as otherwise defined in 14 CCR Section 18982(a)(51).

SS. “Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications; or, as otherwise defined in 14 CCR Section 18982(a)(54).

TT. “Prohibited Container Contaminants,” means discarded materials placed in a container that are not identified as being permitted or are considered to be excluded waste.

UU. “Recovery” means any activity or process described in 14 CCR Section 18983.1(b); or, as otherwise defined in 14 CCR Section 18982(a)(49).

VV. “Recycled-Content Paper” means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber; or, as otherwise defined in 14 CCR Section 18982(a)(61).

WW. “Remote Monitoring” means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

XX. “Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption; or, as otherwise defined in 14 CCR Section 18982(a)(64).

YY. “Route Review” means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination and may include mechanical Inspection methods such as the use of cameras; or, as otherwise defined in 14 CCR Section 18982(a)(65).

ZZ. “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor of the State on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the State
Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the State Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants.

AAA. “SB 1383 Regulations” means the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of 14 CCR and 27 CCR.

BBB. “Self-Hauler” means a person or entity approved by the City, who, in compliance with all applicable requirements of this Chapter, hauls Solid Waste, Organic Waste or recyclable materials he or she has generated to another person or entity. Self-Hauler also includes a person or entity who Back-Hauls waste; or, as otherwise defined in 14 CCR Section 18982(a)(66). Back-Haul means generating and transporting Organic Waste to a destination owned and operated by the Generator using the Generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

CCC. “Single-Family” means of, from, or pertaining to any residential premises with fewer than five (5) units.

DDD. “Solid Waste” unless otherwise defined in State Public Resources Code Section 40191, means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

1) Hazardous waste, as defined in the State Public Resources Code Section 40141.

2) Radioactive waste regulated pursuant to the Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).

3) Medical waste regulated pursuant to the Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

EEE. “Source Separated” means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this Chapter, Source Separated shall include separation of materials by the Generator, property owner, property owner’s
employee, property manager, or property manager’s employee into different containers for the purpose of collection.

FFF. “State” means the State of California.

GGG. “Supermarket” means a full-line, self-service retail store with gross annual sales of two million dollars ($2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items; or, as otherwise defined in 14 CCR Section 18982(a)(71).

HHH. “Tier One Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following; or, as otherwise defined in 14 CCR Section 18982(a)(73):

1) Supermarket;
2) Grocery Store with a total facility size equal to or greater than 10,000 square feet;
3) Food Service Provider;
4) Food Distributor; or,
5) Wholesale Food Vendor.

III. “Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following; or, as otherwise defined in 14 CCR Section 18982(a)(73):

1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet;
2) Hotel with an on-site Food Facility and 200 or more rooms;
3) Health facility with an on-site Food Facility and 100 or more beds;
4) Large Venue;
5) Large Event;
6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet; or
7) A Local Education Agency facility with an on-site Food Facility.

JJJ. “Wholesale Food Vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination; or, as otherwise defined in 14 CCR Section 189852(a)(76).

6.77.020. Purposes.
A. Assembly Bill (“AB”) 939 of 1989, the California Integrated Waste Management Act of 1989 (Public Resources Code Section 40000, et seq., as amended, supplemented, superseded and replaced from time to time and as implemented by regulations of the California Department of Resources, Recycling and Recovery (“CalRecycle”)), requires the City to reduce, reuse, and recycle (including composting), solid waste generated in the City to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.

B. AB 341 of 2011 places requirements on businesses, including multi-family property owners with five or more dwelling units, that generate a specified threshold amount of solid waste to arrange for recycling services and requires the City to implement a mandatory commercial recycling program.

C. AB 1826 of 2014 requires businesses, including multi-family property owners with five or more dwelling units, that generate a specified threshold amount of solid waste, recycling, and organic waste per week to arrange for recycling services for that waste, and requires the City to implement a recycling program to divert organic waste from such businesses.

D. Senate Bill (“SB”) 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. These regulations, adopted in 2020 (“SB 1383 Regulations”), place requirements on multiple entities including the City; single-family residential households; commercial businesses, including multi-family property owners with five or more dwelling units; commercial edible food generators, haulers, including self-haulers; food recovery organizations; and food recovery services to support achievement of statewide organic waste disposal reduction targets.

E. The SB 1383 Regulations require the City to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of the SB 1383 Regulations.

F. This Article implements the requirements of the SB 1383 Regulations.

6.77.030. Requirements for Single-Family Organic Waste Generators
Single-Family Organic Waste Generators shall comply with the following requirements, except Single-Family Generators that meet the Self-Hauler requirements of this Code:

A. Subscribe to the City’s Organic Waste collection service(s) for all Organic Waste generated as described below. The City shall have the right to review the number and size of a Generator’s containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and Single-Family Generators shall adjust their service level for their collection services as requested by the City. Generators may additionally manage
their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

B. Shall place designated materials in designated containers. A person or entity is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements of the Regulations, prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first. Commencing January 1, 2022, labels will be placed on each new container or lid provided to generators consistent with the applicable container collection requirements and limitations of this article specifying what materials are allowed to be placed in each container.

6.77.040. Requirements for Commercial Organic Waste Generators

Organic Waste Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall comply with the following requirements, except Commercial Businesses that meet the Self-Hauler requirements of this Code.

A. Subscribe to the franchise hauler’s collection service(s) and comply with requirements of those service(s) as described below in paragraph (b) of this section. The City shall have the right to review the number and size of a Generator’s containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and Commercial Businesses shall adjust their service level for their collection services as requested by the City.

B. Generator shall place designated materials in the permitted containers. A person or entity is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements of the Regulations, prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first. “Commencing January 1, 2022, labels will be placed on each new container or lid provided to generators consistent with the applicable container collection requirements and limitations of this article specifying what materials are allowed to be placed in each container.

C. Supply and allow access to adequate number, size and location of collection containers for employees, contractors, tenants, and customers, consistent with the City’s collection service or, if self-hauling, per the Commercial Businesses’ instructions to support its compliance with its self-haul program, in accordance with 6.77.090.

D. Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers shall be visible and easily accessible. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that
would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

(1) A body or lid that conforms with the container colors provided through the collection service provided by the City’s franchised hauler. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of this subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

(2) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant to 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.

E. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirements pursuant to 14 CCR Section 18984.9(b).

F. Excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials or, if self-hauling, per the Commercial Businesses’ instructions to support its compliance with its self-haul program in accordance with 6.77.090.

G. Excluding Multi-Family Residential Dwellings, periodically inspect containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).

H. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Materials.

I. Provide information as described in (h) in this Section before or within fourteen (14) days of occupation of the premises to new tenants.

J. Provide or arrange access for the City or its agent to their properties during all Inspections conducted in accordance with 6.77.090 to confirm compliance with the requirements of this section.

K. If a Commercial Business wants to self-haul, meet the Self-Hauler requirements of this Code, including 6.77.090.
L. Nothing in this Section prohibits a Generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

M. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to 6.77.070.

6.77.050. Waivers for Generators

A. De Minimis Waivers. The City may waive a Commercial Business’ obligations (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this Article if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described below in subsection (a)(2). Commercial Businesses requesting a de minimis waiver shall:

(1) Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in subsection (a)(2) below.

(2) Provide documentation that either:

(A) The Commercial Business’ total Solid Waste collection service is two cubic yards or more per week and Organic Waste comprises less than 20 gallons per week per applicable container of that business’ total waste; or,

(B) The Commercial Business’ total Solid Waste collection service is less than two cubic yards per week and Organic Waste comprises less than 10 gallons per week per applicable container of the business’ total waste.

(3) Notify the City if circumstances change such that the Commercial Business’ Organic Waste exceeds the threshold required for waiver, in which case the waiver will be rescinded.

(4) Provide written verification of eligibility for a de minimus waiver every 5 years and subject to reverification by the City, if the City has approved a de minimus waiver.

B. Physical Space Waivers. The City may waive a Commercial Business’ or property owner’s obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements of this Article if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for the Organic Waste collection requirements of this chapter. Commercial Businesses or property owners requesting a physical space waiver shall:
(1) Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver and provide documentation as noted below.

(2) Provide documentation that the premises lacks adequate space for containers including documentation from its hauler, licensed architect, or licensed engineer.

(3) Provide written verification to the City that it is still eligible for a physical space waiver every five years, if the City has approved an application for a physical space waiver.

D. The Enforcement Official will be responsible for review and approval of waivers.

6.77.060. Requirements for Commercial Edible Food Generators

A. Tier One Commercial Edible Food Generators must comply with the requirements of this Section commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply with the requirements of this Section commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

B. Large Venue or Large Event operators, not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.

C. Commercial Edible Food Generators shall comply with the following requirements:

(1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.

(2) Contract with or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for:

   (A) the collection of Edible Food for Food Recovery; or,

   (B) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.

(3) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

(4) Allow the City’s designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.

(5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
(A) A list of each Food Recovery Service or Food Recovery Organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).

(B) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).

(C) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:

   (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.

   (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.

   (iii) The established frequency that food will be collected or self-hauled.

   (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

D. If the Enforcement Official makes a request, then within 30 days of the request, Tier One Commercial Edible Foods Generators and Tier Two Commercial Edible Food Generators shall provide a Food Recovery report to the City that includes the following information:

   (A) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).

   (B) The quantity of food, measured in annual pounds recovered, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

   (C) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.

E. Nothing in this ordinance shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State on September 25, 2017, which added Article 13 (commencing with Section 49580) to Chapter 9 of Part 27 of Division 4 of Title 2 of the State Education Code, and amended Section 114079 of the State Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time.
6.77.070. Requirements for Food Recovery Organizations and Services

A. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

1. The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
2. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
3. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
4. The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.

B. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

1. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
2. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
3. The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.

C. Food Recovery Organizations and Food Recovery Services shall inform Generators about State Food and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established under 14 CCR Section 18991.3(b).

D. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than July 1 of each year, commencing in 2023.

E. Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery
Organization contacted by the City shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the City.

6.77.080. Requirements for Haulers, Facility Operators and Community Composting Operations

A. Requirements for Haulers

(1) Haulers providing residential, Commercial, or industrial Organic Waste collection services to Generators within the City’s boundaries shall meet the requirements and standards of 14 CCR, Division 7, Chapter 12 as a condition of approval of contract, agreement, or other authorization to collect Organic Waste.

(2) Through written notice to the City, haulers shall identify the facilities to which they will transport Organic Waste.

(3) Haulers providing Organic Waste collection services shall comply with the applicable requirements of 14 CCR, Division 7, Chapter 12, Article 3.

(4) Haulers providing residential, Commercial industrial Organic Waste collection services shall transport Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

(5) Haulers providing residential, Commercial industrial Organic Waste Collection Services shall obtain applicable approval of the City pursuant to 14 CCR Section 18988.1 and keep a record of the documentation of its approval by the City.

B. Paragraph (a) of this section is not applicable to a hauler that consistent with Article 1, Chapter 9, Part 2, Division 30, commencing with Section 41950 of the Public Resources Code, is transporting Source Separated Organic Waste to a Community Composting site or to a hauler that is lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1 and applicable requirements of this Code.

C. Requirements for Facility Operators and Community Composting Operations

(1) Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon the City’s request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within 60 days.

(2) Community Composting operators, upon the City’s request, shall provide information to the City to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the City shall
respond within 60 days, unless a shorter timeframe is otherwise specified by the City.

6.77.090. Self-Hauler Requirements

In addition to any other requirements for Self-Haulers as contained in this Code:

A. Self-Haulers of Organic Waste shall comply with the requirements in 14 CCR Section 18988.3.

B. Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that the City otherwise requires Organic Waste Generators to separate for collection in the City’s organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Section 18984.1, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.

C. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.

D. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) and Single-Family Organic Waste Generators shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; each business issued a self-haul permit shall, every calendar quarter, on or before April 15, July 15, October 15, and January 15, file a report detailing the following information:

(1) Delivery receipts and weight tickets from the entity accepting the waste.

(2) The amount of material in cubic yards or tons transported by the Generator to each entity.

(3) If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler’s vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

F. Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in paragraph (c) of this section to the City, if requested.
6.77.100. Compliance with CALGreen Recycling Requirements

A. In addition to any other requirements of this, the following requirements also apply:

(1) For projects covered by the California Green Building Standards Code, 24 CCR, Part 11, the applicants must, as a condition of the City’s permit approval, comply with the following:

(A) Where five (5) or more Multi-Family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and are identified for the storage and collection of materials, consistent with the collection program offered by the City’s franchised hauler, or comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended July 1, 2019 and effective January 1, 2020.

(B) Where new commercial construction or additions will result in more than 30% of the floor area, provide readily accessible areas identified for the storage and collection of materials, consistent with the collection program offered by the City, or shall comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended July 1, 2019 and effective January 1, 2020.

B. For Organic Waste commingled with C&D, the requirements of 24 CCR Sections 4.408.1 and 5.408.1, as amended July 1, 2019 and effective January 1, 2020 shall be complied with.

6.77.110. Model Water Efficient Landscaping Ordinance Requirements

Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the City, who are constructing a new (Single-Family, Multi-Family, public, institutional, or Commercial) project with a landscape area greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELO, including sections related to use of Compost and mulch, as amended September 15, 2015.

6.77.120. Procurement Requirements for Direct Service Providers and Vendors

Direct service providers to the City and all vendors providing Paper Products and Printing and Writing Papers must comply with the City’s policy regarding recovered organic waste product procurement, including Recycled-Content Paper procurement.

6.77.130. Inspections and Investigations by the City
A. City representatives and/or its designated entity, including Designees, are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from Generators, or Source Separated materials to confirm compliance with this Article by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow the City, its Designees or agents to enter the interior of a private residential property for inspection. For the purposes of inspecting Commercial Business containers for compliance with this Article, the City may conduct container Inspections for Prohibited Container Contaminants.

B. A regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the City representative and/or its designated entity, including Designees, during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this Article described herein. Failure to provide or arrange for:

1. access to an entity’s premises;
2. installation and operation of Remote Monitoring equipment; or,
3. access to records for any Inspection or investigation

is a violation of this Article and may result in penalties described herein.

C. Any records obtained by the City during its Inspections, Remote Monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in State Government Code Section 6250 et seq.

D. The City representative, its Designees and agents are authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of this Article, subject to applicable laws.

E. The City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints in accordance with by 14 CCR Section 18995.3.

6.77.140. Enforcement

A. Violation of any provision of this Article shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the Enforcement Official. Enforcement Actions under this Article are issuance of an administrative citation and assessment of a fine. The City’s procedures on imposition of administrative fines set forth in Chapters 1.16 and 1.20 of this Code are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this Article and any rule or regulation adopted pursuant to this Article,
except as otherwise indicated in this Article. Other remedies allowed by law may be used, including civil action or prosecution as a misdemeanor or infraction. The City may pursue civil actions in the State courts to seek recovery of unpaid administrative citations. The City may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of City staff and resources.

B. Enforcement pursuant to this Article may be undertaken by the Enforcement Official.

C. Fines for Violations. The fines for violations of the provisions of this Article are as follows, subject to modifications by resolution of the City Council:

(1) For a first violation, the penalty shall be $150 per violation.

(2) For a second violation, the penalty shall be $500 per violation.

(3) For a third or subsequent violation, the penalty shall be $1,000 per violation.

D. Compliance Deadline Extension Considerations

The City may extend the compliance deadlines set forth in a Notice of Violation if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

(1) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;

(2) Delays in obtaining discretionary permits or other government agency approvals; or,

(3) Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the City is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

Section 2. CEQA. The City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15308 on the grounds that it can be seen with certainty that the enhanced solid waste regulations, as provided for in this Ordinance will not have a significant effect on the environment and that the new requirements, which strengthen requirements for the handling of solid waste, represent actions by a regulatory agency (the City) for the protection of the environment.

Section 3. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or
portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 6. OPERATIVE DATE OF ORDINANCE. This Ordinance shall become operative on January 1, 2022.

Section 7. PUBLICATION. The City Clerk shall certify to the adoption of this Ordinance and shall post or publish this Ordinance as required by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Jurupa Valley on this 2nd day of December, 2021.

________________________________________
Lorena Barajas
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. 2021-27 was introduced at a meeting of the City Council of the City of Jurupa Valley on the 18th day of November, 2021, and thereafter at a regular meeting held on the 2nd day of December, 2021, 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 2nd day of December, 2021.

________________________________
Victoria Wasko, City Clerk
City of Jurupa Valley
ORDINANCE NO. 2021-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY APPROVING FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF JURUPA VALLEY, PARADISE JURUPA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AND EQUITY THREE PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AND RICHMOND AMERICAN HOMES OF MARYLAND, INC., A MARYLAND CORPORATION (PARADISE KNOLLS PROJECT), AND MAKING FINDINGS PURSUANT TO CEQA AND DETERMINATIONS THAT NO FURTHER CEQA REVIEW IS REQUIRED

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

Section 1. Findings. The City Council of the City of Jurupa Valley does hereby find, determine and declare that:

(a) This Ordinance approves the “FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF JURUPA VALLEY, PARADISE JURUPA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AND EQUITY THREE PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY AND RICHMOND AMERICAN HOMES OF MARYLAND, INC., A MARYLAND CORPORATION (PARADISE KNOLLS PROJECT)” (the “First Amendment”).

(c) On May 19, 2016, the City Council of the City of Jurupa Valley introduced Ordinance No. 2016-08 and on June 16, 2016, the City Council held the second reading and adopted Ordinance No. 2016-08 approving that certain development agreement entitled “Development Agreement by and between the City of Jurupa Valley, Paradise Jurupa, LLC, a California limited liability company, and Equity Three Properties, LLC, a California limited liability company (Paradise Knolls Project)” dated as of June 16, 2016 (“Development Agreement”).

(d) The property that is the subject of the Development Agreement is approximately 107.2 acres located within the City of Jurupa Valley, the County of Riverside, State of California, as described in Exhibit “A” to the Development Agreement (“Property”).

(e) The Development Agreement was recorded on July 29, 2016, as Document No. 2016-0320558 in the Official Records of the County of Riverside.

(f) On March 17, 2017, the parties entered into that certain operating memorandum entitled “First Operating Memorandum to the ‘Development Agreement by and between the City of Jurupa Valley, Paradise Jurupa, LLC, a California limited liability company, and Equity Three Properties, LLC, a California limited liability company (Paradise Knolls Project)” (“First Operating Memorandum”).

(g) On February 12, 2020, the parties entered into that certain “Partial Assignment and Assumption of Development Agreement” (“Partial Assignment”) which was recorded on June 5, 2020, as Document No. 2020-0240413 in the Official Records of Riverside County. The Partial Assignment allocates the obligations of the Developer for the community benefits, dedication of land, construction of public improvements, maintenance of public improvements, and payment of public safety services among Paradise Jurupa (“Paradise Jurupa”), Equity Three Properties, LLC (“Equity Three”), and Richmond American Homes of Maryland, Inc. (“Richmond American”).

(h) On April 7, 2020, the parties entered into that certain operating memorandum entitled “Second Operating Memorandum to the ‘Development Agreement by and between the City of Jurupa Valley, Paradise Jurupa, LLC, a California limited liability Company, and Equity Three Properties, LLC, a California limited liability company (Paradise Knolls Project)” (“Second Operating Memorandum”).

(i) On September 16, 2021, Paradise Jurupa, Equity Three, and Richmond American entered into that certain operating memorandum entitled “Third Operating Memorandum to the ‘Development Agreement by and Between the City of Jurupa Valley, Paradise Jurupa, LLC, a California limited liability Company, and Equity Three Properties, LLC, a California limited liability company (Paradise Knolls Project)” (“Third Operating Memorandum”).

(j) On October 27, 2021, the Planning Commission of the City of Jurupa Valley held a duly noticed public hearing to consider a Previous Environmental Document Review Determination and this First Amendment. After hearing and considering public comments, the Planning Commission adopted Resolution No. 2021-10-27-02, entitled “A RESOLUTION OF
THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY (1) APPROVE A FIRST AMENDMENT TO THAT CERTAIN DEVELOPMENT AGREEMENT BETWEEN THE CITY OF JURUPA VALLEY, PARADISE JURUPA, LLC, AND EQUITY THREE PROPERTIES, LLC, CONCERNING THE DEVELOPMENT OF AN APPROVED MASTER PLANNED RESIDENTIAL COMMUNITY CONSISTING OF 650 SINGLE-FAMILY RESIDENTIAL LOTS AND COMMERCIAL, RECREATIONAL AND OPEN SPACE USES ON APPROXIMATELY 107.2 ACRES OF REAL PROPERTY LOCATED ON LIMONITE AVENUE, WESTERLY OF DOWNEY STREET AND NORTHERLY OF THE SANTA ANA RIVER (APNS: 162-230-001, 002, 003, 005, 006; 162-240-005; AND 162-220-011, 013), AND (2) MAKE FINDINGS PURSUANT TO CEQA AND DETERMINATIONS THAT NO FURTHER CEQA REVIEW IS REQUIRED.”

(k) On November 18, 2021, the City Council of the City of Jurupa Valley held a duly noticed public hearing to consider a Previous Environmental Document Review Determination and this First Amendment. The City Council heard and considered all public comments.

(l) The City Council has reviewed the potential impacts of the First Amendment and the various potential benefits to the City of the First Amendment and has concluded that the First Amendment is in the best interests of the City.

(m) The City Council has determined that the First Amendment to the Development Agreement is consistent with the 2017 City of Jurupa Valley General Plan, including the goals and objectives thereof and each element thereof, in that:

1) The General Plan’s purpose and goal to promote and preserve the City’s semi-rural equestrian heritage will be met by requiring the Applicant to make a Six Hundred Thousand Dollar ($600,000) Community Benefit Payment to the City for open space, park and recreational purposes.

2) LUE 5.25 of the General Plan establishes a focus to integrate pedestrian, equestrian, and bicycle friendly trail networks. The proposed First Amendment continues the commitment of providing equestrian trails, and, therefore, the proposed First Amendment is consistent with the General Plan, including LUE 5.25 and the Town Center Overlay.

3) The General Plan’s purpose is to maintain and incorporate equestrian features to promote the City’s equestrian commitment. Although the proposed First Amendment eliminates the obligation to construct equestrian stables and arenas, the proposed First Amendment does not eliminate the requirement that the Applicant provide equestrian trails along Downey Street and in Planning Area 5 (i.e., 15-acre open space area along the Santa Ana River) and through the fifteen (15) acre green space along the Santa Ana River.

(n) The First Amendment to the Development Agreement is consistent with Specific Plan No. 1402 in that:
1) The Paradise Knolls Specific Plan’s requirement that all future neighborhoods need to have a public amenity in near proximity, will be met by requiring that the Applicant dedicate 2.75 acres of land for a future park in Planning Area 6, which will be located south of Planning Area 1 and north of the Santa Ana River.

2) The Specific Plan’s purpose is to promote a pedestrian friendly neighborhood that includes trail networks such as equestrian trails. Although the proposed First Amendment removes the requirement to construct stables and arenas, it still requires that the Applicant build multi-purpose trails in near proximity to the neighborhood, which will start at the southwest intersection of Limonite and Downey will continue south on Downey Street and will go through the fifteen (15) acre green space along the Santa Ana River.

3) The Specific Plan’s overall vision and or goal is to promote and anticipate future public amenities within the City, which the proposed First Amendment further enhances by requiring the Applicant to pay the City Six Hundred Thousand Dollars ($600,000) to be used for open space, park and recreational purposes.

Section 2. California Environmental Quality Act Findings. The City Council hereby makes the following environmental findings and determinations in connection with the approval of the Project:

(a) Pursuant to CEQA and the City’s local CEQA Guidelines, City staff has considered the potential environmental impacts of the Project. City staff has also reviewed the Final Environmental Impact Report (FEIR) for the Paradise Knolls Project certified by the City Council on April 21, 2016, including the impacts and mitigation measures identified therein, and prepared a Previous Environmental Document Review Determination in accordance with CEQA for the Project. Based on that review, the City of Jurupa Valley Planning Department has determined that the Project and the circumstances under which the Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior FEIR. All potential environmental impacts associated with the Paradise Knolls Project and the Project are adequately addressed by the prior FEIR, and the mitigation measures contained in the prior FEIR will reduce those impacts to a level that is less than significant.

(b) The City Council has independently reviewed the Previous Environmental Document Review Determination, and based upon the whole record before it, the Previous Environmental Document Review Determination, and its independent review and judgment, finds that the Project is not subject to further environmental review pursuant to the Guidelines because:

1) The Project and the circumstances under which the Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior FEIR; and
2) All potential environmental impacts associated with the Paradise Knolls Project and the Project are adequately addressed by the prior FEIR, and the mitigation measures contained in the prior FEIR will reduce those impacts to a level that is less than significant.

(c) The custodian of records for the prior FEIR, and all other materials that constitute the record of proceedings upon which the Planning Commission determination is based, is the Planning Department of the City of Jurupa Valley. Those documents are available for public review in the Planning Department located at 8930 Limonite Avenue, Jurupa Valley, California 92509.

Section 3. **Approval of the First Amendment.** The City Council of the City of Jurupa Valley hereby approves that certain “FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF JURUPA VALLEY, PARADISE JURUPA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AND EQUITY THREE PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY AND RICHMOND AMERICAN HOMES OF MARYLAND, INC., A MARYLAND CORPORATION (PARADISE KNOLLS PROJECT)” and authorizes the Mayor to execute the First Amendment in substantially the form attached hereto as Exhibit “A” to this Ordinance.

Section 4. **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 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.

Section 6. **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 2<sup>nd</sup> day of December, 2021.

______________________________
Lorena Barajas
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. 2021-28 was introduced at a meeting of the City Council of the City of Jurupa Valley on the 18th day of November, 2021, and thereafter at a regular meeting held on the 2nd day of December, 2021, 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 2nd day of December, 2021.

________________________
Victoria Wasko, City Clerk
City of Jurupa Valley
Exhibit A

First Amendment to the Development Agreement
RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, CA 92509
Attention: City Clerk

APNS: Space Above This Line for Recorder’s Use
(Exempt from Recording Fees per Gov’t Code § 6103

FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF JURUPA VALLEY, PARADISE JURUPA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AND EQUITY THREE PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY AND RICHMOND AMERICAN HOMES OF MARYLAND, INC., A MARYLAND CORPORATION (PARADISE KNOLLS PROJECT)

THIS FIRST AMENDMENT (“First Amendment”) to the that certain Development Agreement by and Between the City of Jurupa Valley, Paradise Jurupa, LLC, a California limited liability company, and Equity Three Properties, LLC, a California limited liability company, (Paradise Knolls Project) dated June 16, 2016 and recorded July 29, 2016 as Document No. 2016-0320558 (the “Development Agreement”) is made and entered into by and between City of Jurupa Valley, a municipal corporation (“City”), Paradise Jurupa, LLC, a California limited liability company (“Paradise Jurupa”), Equity Three Properties, LLC, a California limited liability company (“Equity Three”), and Richmond American Homes of Maryland, Inc., a Maryland corporation (“Richmond American”). Paradise Jurupa and Equity Three shall be known as the “Original Developer”). City, Original Developer, and Richmond American are sometimes referred to herein individually as “Party” and collectively as “Parties”.

RECITALS

This First Amendment is made with respect to the following facts and for the following purposes, each of which are acknowledged as true and correct by the Parties:

A. On April 21, 2016, the City Council adopted Resolution No. 2016-15 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, CERTIFYING AN ENVIRONMENTAL IMPACT REPORT AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR A RESIDENTIAL SUBDIVISION OF APPROXIMATELY 107.2 ACRES LOCATED ON LIMONITE AVENUE, WESTERLY OF DOWNEY STREET AND NORTHERLY OF THE SANTA ANA RIVER, ADOPTING SPECIFIC PLAN NO. 1402, AND APPROVING GENERAL PLAN AMENDMENT NO. 1406, TENTATIVE TRACT MAP NO. 36822, TENTATIVE TRACT MAP NO. 36823 AND NEIGHBORHOOD DEVELOPMENT PLAN NO. 1601 TO PERMIT THE DEVELOPMENT OF A MASTER PLANNED RESIDENTIAL

B. On May 19, 2016 the City Council of the City of Jurupa Valley introduced Ordinance No. 2016-08 and on June 16, 2016 the City Council held the second reading and adopted Ordinance No. 2016-08 approving that certain development agreement entitled “Development Agreement by and Between the City of Jurupa Valley, Paradise Jurupa, LLC, a California limited liability company, and Equity Three Properties, LLC, a California limited liability company (Paradise Knolls Project)” dated as of June 16, 2016 (“Development Agreement”).

C. The property that is the subject of the Development Agreement and this First Amendment is approximately 107.2 acres located within the City of Jurupa Valley, the County of Riverside, State of California, as described in Exhibit “A” to the Development Agreement (“Property”).

D. The Development Agreement was recorded on July 29, 2016 as Document No. 2016-0320558 in the Official Records of the County of Riverside.

E. On March 17, 2017 the City and Original Developer entered into that certain operating memorandum entitled “First Operating Memorandum to the ‘Development Agreement by and Between the City of Jurupa Valley, Paradise Jurupa, LLC, a California limited liability Company, and Equity Three Properties, LLC, a California limited liability company (Paradise Knolls Project)”’ (First Operating Memorandum”).

F. On February 12, 2020, the Parties entered into that certain “Partial Assignment and Assumption of Development Agreement” (“Partial Assignment”) which was recorded on June 5, 2020 as Document No. 2020-0240413 in the Official Records of Riverside County. The Partial Assignment allocates certain obligations of the Developer for the community benefits, dedication of land, construction of public improvements, maintenance of public improvements, and payment of public safety services among Paradise Jurupa, Equity Three and Richmond American.

G. On April 7, 2020 the Parties entered into that certain operating memorandum entitled “Second Operating Memorandum to the ‘Development Agreement by and Between the City of Jurupa Valley, Paradise Jurupa, LLC, a California limited liability Company, and Equity Three Properties, LLC, a California limited liability company (Paradise Knolls Project)”’ (Second Operating Memorandum”).

H. On September 16, 2021, the Parties entered into that certain operating memorandum entitled “Third Operating Memorandum to the ‘Development Agreement by and Between the City of Jurupa Valley, Paradise Jurupa, LLC, a California limited liability
Company, and Equity Three Properties, LLC, a California limited liability company (Paradise Knolls Project)" ("Third Operating Memorandum").

I. On October 27, 2021 the Planning Commission of the City of Jurupa Valley held a duly noticed public hearing to consider this First Amendment and findings pursuant to the California Environmental Quality Act. The Planning Commission adopted Resolution No. 2021-10-27-2, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY (1) APPROVE A FIRST AMENDMENT TO THAT CERTAIN DEVELOPMENT AGREEMENT BETWEEN THE CITY OF JURUPA VALLEY, PARADISE JURUPA, LLC, AND EQUITY THREE PROPERTIES, LLC, CONCERNING THE DEVELOPMENT OF AN APPROVED MASTER PLANNED RESIDENTIAL COMMUNITY CONSISTING OF 650 SINGLE-FAMILY RESIDENTIAL LOTS AND COMMERCIAL, RECREATIONAL AND OPEN SPACE USES ON APPROXIMATELY 107.2 ACRES OF REAL PROPERTY LOCATED ON LIMONITE AVENUE, WESTERLY OF DOWNEY STREET AND NORTHERLY OF THE SANTA ANA RIVER (APNS: 162-230-001, 002, 003, 005, 006; 162-240-005; AND 162-220-011, 013), AND (2) MAKE FINDINGS PURSUANT TO CEQA AND DETERMINATIONS THAT NO FURTHER CEQA REVIEW IS REQUIRED."

J. On November 18, 2021, the City Council of the City of Jurupa Valley held a duly noticed public hearing to consider an Addendum to the Environmental Impact Report for the Project (adopted by Resolution No. 2016-15, on April 16 2016) and this First Amendment. After hearing and considering public comments, the City Council introduced Ordinance No. 2021-28, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF JURUPA VALLEY, PARADISE JURUPA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, EQUITY THREE PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY AND RICHMOND AMERICAN HOMES OF MARYLAND, INC., A MARYLAND CORPORATION (PARADISE KNOLLS PROJECT),' MAKING CERTAIN FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT " On December 4, 2021, the City Council adopted Ordinance No. 2021-28.

K. The "Effective Date" of this First Amendment shall be the effective date of Ordinance No. 2021-28.

L. The Parties now desire to amend the Development Agreement pursuant to Section 3.E. thereof as set forth herein.

AGREEMENT

NOW, THEREFORE, with reference to the foregoing Recitals, and in consideration of the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, the Parties agree as follows:
1. **Amendments to Development Agreement.** On the Effective Date of this First Amendment, the Parties hereby agree to the following amendments to the Development Agreement:

   a. Section 5 of the Development Agreement is hereby amended by adding the following Section 5.F:

   “Community Benefit Payment – Open Space, Park and Recreational Uses. On or before issuance of the 108th building permit for the Development, Developer shall deliver to the City a payment of Six Hundred Thousand and No/100 Dollars ($600,000.00) (the “Community Benefit Payment – Open Space, Park and Recreation Purposes”) to be used by the City for open space, park and recreational purposes.”

   b. Section 6.B.4. of the Development Agreement is deleted in its entirety and replaced with the following new Section 6.B.4.:

   “Developer agrees to build not less than 7,000 linear feet of equestrian-multi-purpose trail per city standards starting at the intersection of Limonite and Downey going south on Downey Street to the Development’s south-eastern boundary and an equestrian-multi-purpose trail through the fifteen (15) acre green space along the Santa Ana River described on Exhibit D on or before issuance of the one hundred (108th) building permit for the Development, unless an extension of time is authorized in writing by the City Manager or his or her authorized representative. The City and Developer may clarify the details of the actual location and construction of the trails through an Operating Memorandum pursuant to Section 3.E.4. of the Development Agreement.”

   c. Section 6.B.3. of the Development Agreement is deleted in its entirety and replaced with the following new Section 6.B.3:

   “6.B.3.a. On or before issuance of the 108th building permit for the Development, Developer shall approve, execute and record an Irrevocable Offer to Dedicate the following property to the City: (i) not less than fifteen (15) acres of land for green space and passive open space and recreational uses as provided in this Agreement, along the Santa Ana River, in Lot 5 of Tract Map No. 36822 (otherwise known as Planning Area 6 of Specific Plan No. SP1402) (the “Public Open Space”); and (ii) two and seventy-five one hundredths (2.75) acres of land for open space, park and recreational use in Lot 5 of Tract Map No. 36822 (otherwise known as Planning Area 6 of Specific Plan No. SP1402) and as further detailed in Exhibit “B” attached hereto (the “Lot 5 Property”). The form of the Irrevocable Offer to Dedicate shall be in substantially the form attached hereto as Exhibit C and approved by the City Attorney. For the avoidance of doubt, Developer shall have no obligation to improve the Lot 5 Property prior to or following acceptance of the Offer of Dedication thereof by the City, except as provided in subsection 6.B.3.b. below.

   “6.B.3.b. Within one hundred eighty (180) days of the recording of the Irrevocable Offer of Dedication for the Lot 5 Property, City may elect, in its sole discretion, to return Lot 5 Property to the Developer by written notice and, if returned to Developer, Developer shall construct and maintain a park on the Lot 5 Property at Developer’s sole cost and expense, as further provided in this subparagraph.
6.3.b(1) Following the written notice, City shall promptly initiate proceedings to vacate the Irrevocable Offer of Dedication for Lot 5 Property.

6.3.b(2) With one hundred eighty (180) days of the recordation of the vacation of the Irrevocable Lot 5 Property, Developer shall commence construction of the park on the Lot 5 Property, subject to extensions by the City Council.

6.3.b(3) The design, amenities, plans and specifications for the park on the Lot 5 Property shall be subject to the approval of the City Council. Construction, installation, and final completion of the park improvements shall be in conformance with City standards and approved by the City Building Official.

6.3.b(4) The park on Lot 5 Property shall be open to the public.

6.3.b(5) Developer shall maintain the park at Lot 5 Property, at its sole cost and expense, including, but not limited to: (a) maintenance and replacement of all landscaping and park amenities in accordance with the design, amenities, plans and specifications for the park on the Lot 5 Property approved by the City Council and the City’s Community Parks and Recreation Plan; (b) payment of all water, electricity and other utilities; and (c) provide and pay for general liability insurance and property damage insurance in policy amounts of no less than two million dollars ($2,000,000.00) which insurance policy amounts shall increase by ten percent (10%) every three (3) years. Developer may assign its obligations under this subparagraph to the Homeowners Association for the Paradise Knolls Project, subject to an assignment and assumption agreement approved by the City Council.”

d. Section 6.5 of the Development Agreement is deleted in its entirety.

e. The phrase “The Developer shall build two (2) equestrian open-air riding arenas in the southeastern portion of the 15-acre property described on Exhibit D” is hereby deleted from Section 6. Sections 6.6 (a), 6.6 (b), 6.6 (c) and 6.6 (e) of the Development Agreement are each deleted in their entirety.

2. Miscellaneous.

a. Interpretation; Governing Law. This First Amendment shall be construed according to its fair meaning and as prepared by both parties hereto. This Amendment shall be construed in accordance with and governed by the laws of the State of California.

b. Lender Consent and Subordination Agreement. This First Amendment shall not be effective and shall not be recorded until such time as all persons with an interest in the Property, or holding a deed of trust or lien in the Property or a portion of the Property, have duly executed a Consent and Subordination in substantially the form attached hereto as Exhibit D and reasonably acceptable to the City Attorney. The originals of any such Consent and Subordination shall be attached hereto as Exhibit E and recorded with this First Amendment.
c. **Indemnification.** Original Developer agrees to indemnify and hold harmless the City and its agents, officers, contractors, attorneys, and employees ("Indemnified Parties") from and against any claims or proceeding against the Indemnified Parties to set aside, void or annul the approval of this First Amendment pursuant to the provisions of Section 8.A of the Development Agreement.

d. **Authority.** Each of the Parties represents and warrants to the other that the person or persons executing this First Amendment on behalf of such Party is or are authorized to execute and deliver this First Amendment and that this First Amendment shall be binding upon such Party.

e. **Further Assurances.** Each of the Parties agree to do such further acts and things and to execute and deliver such additional Operating Memoranda and instruments as the other may reasonably request to consummate, evidence, confirm or more fully implement the First Amendments of the parties as contained herein.

f. **Execution in Counterparts.** This First Amendment may be executed in several counterparts, and all originals so executed shall constitute one First Amendment between the Parties hereto.

g. **Conflict.** In the event of any conflict or inconsistency between the provisions hereof and the provisions of the Development Amendment, the provisions of the First Amendment shall govern and prevail.

h. **Recordation.** The Parties hereby authorize this First Amendment to be recorded in the Official Records within ten (10) days following the approval of Ordinance No. 2021-28, pursuant to Government Code Section 65868.5.

i. **Successors and Assigns.** This First Amendment shall be binding upon and inure to the benefit of the respective successors, assigns, personal representatives, heirs and legatees of the Parties.

j. **Time of Essence.** Time is of the essence regarding each provision of this First Amendment of which time is an element.

k. **Recitals.** All Recitals set forth herein are incorporated in this First Amendment as though fully set forth herein.

l. **Not for Benefit of Third Parties.** This First Amendment and all provisions hereof are for the exclusive benefit of the Parties and shall not be construed to benefit or be enforceable by any third party.

m. **Exhibits.** The following Exhibits are attached to this Agreement and incorporated herein as though set forth in full:

1) Exhibit A: Description of Property;

2) Exhibit B: Lot 5 Property Description;
3) Exhibit C: Form Of Irrevocable Offer Of Dedication;
4) Exhibit D: Form of Lender Consent and Subordination Agreement;
5) Exhibit E, Executed Lender Consent and Subordination Agreements

n. Except as provided herein, all other terms and conditions of the Development Agreement remain in full force and effect.

[signatures on following page]
IN WITNESS WHEREOF, the Parties have executed this First Amendment as of
______________________, 2021.

PARADISE JURUPA, LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY

By: _______________________
Gregory P. Lansing, Manager

EQUITY THREE PROPERTIES, LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY

By: _______________________
Gregg C. Seaman, Manager

RICHMOND AMERICAN HOMES OF
MARYLAND, INC., a Maryland
corporation

By: _______________________
Edgar Gomez
Vice President Project Management

[A resolution of signature authority is required.]
CITY OF JURUPA VALLEY, a California municipal corporation

Lorena Barajas
Mayor

ATTEST:

Victoria Wasko, CMC
City Clerk

APPROVED AS TO FORM:

RICHARDS WATSON & GERSHON

Peter M. Thorson
City Attorney
EXHIBIT A TO FIRST AMENDMENT

Real Property Legal Description
EXHIBIT B TO FIRST AMENDMENT

LOT 5 PROPERTY DESCRIPTION (2.75 ACRES)
EXHIBIT C TO FIRST AMENDMENT

FORM OF IRREVOCABLE OFFER OF DEDICATION
11-10-21

Recording Requested by
and when recorded return to:

CITY OF JURUPA VALLEY
Attention: City Clerk
8930 Limonite Avenue
Jurupa Valley, CA 92509

[SPACE ABOVE THIS LINE FOR RECORDER’S USE ONLY]

Assessor’s Parcel No. ______________   [ ] Portion

[ ] All

Documentary Transfer Tax $0.00

This Instrument is for the benefit of the City of Jurupa Valley and is exempt from Recording Fees (Govt. Code § 27383), Filing Fees (Govt. Code § 6103), and Documentary Transfer Tax (Rev & Tax Code § 11922).

IRREVOCABLE OFFER OF DEDICATION OF REAL PROPERTY PURSUANT TO GOVERNMENT CODE SECTION 7050

This IRREVOCABLE OFFER OF DEDICATION OF EASEMENT PURSUANT TO GOVERNMENT CODE SECTION 7050 (this “Agreement”) is made as of ______________, 2021, by PARADISE JURUPA, LLC, a California limited liability company, and EQUITY THREE PROPERTIES, LLC, a California limited liability company, (collectively “Grantor”), in favor of the CITY OF JURUPA VALLEY, a California municipal corporation (“Grantee”), with respect to the following recitals:

RECATALS

A. Grantor is the record fee owner of that certain real property located in the City of Jurupa Valley, County of Riverside, State of California, and more particularly described on Exhibit “A” attached hereto (the “Property”).

B. Pursuant to the provisions of that certain “FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF JURUPA VALLEY, PARADISE JURUPA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AND EQUITY THREE PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY AND RICHMOND AMERICAN HOMES OF MARYLAND, INC., A MARYLAND CORPORATION (PARADISE KNOLLS PROJECT)” recorded on ______________, 2021 as Document No. 2021- ____________ of the Official Records of the County of Riverside (“First Amendment”), Grantor has irrevocably offered to dedicate to Grantee pursuant to Government Code section 7050 a portion of the Property as open space and as park for park and recreation purposes and all uses necessary or convenient thereto.
AGREEMENT

NOW THEREFORE, for good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, Grantor agrees as follows:

1. **Offer.** Grantor hereby makes an irrevocable offer ("Irrevocable Offer") pursuant to Government Code section 7050 to dedicate to the City of Jurupa Valley, a California municipal corporation a portion of the Property as (1) open space ("Public Open Space Property") and (2) 2.75 acres of property for park and recreation purposes and all uses necessary or convenient thereto on that certain real property described on Exhibit "B" and depicted on Exhibit "C" to this Offer of Dedication ("Lot 5 Property").

2. **Term.** The term of the Irrevocable Offer shall commence on the date that this Offer of Dedication is recorded in the Official Records of the County of Riverside, California. Pursuant to Government Code section 7050, this offer of dedication, when recorded in the Riverside County Recorder's Office, shall be irrevocable and may be accepted at any time by the Grantee. Pursuant to Government Code section 7050, the offer of dedication may be terminated and the right to accept such offer abandoned in the same manner as is prescribed for the summary vacation of streets or highways by Part 3 (commencing with Section 8300) of Division 9 of the Streets and Highways Code. Such termination and abandonment may be by the Grantee.

3. **Acceptance.** Pursuant to Government Code section 7050, Grantee may accept the Irrevocable Offer at any time by adoption of a resolution by Grantee's City Council accepting the dedication of the Public Open Space Property and Lot 5 Property (the "Resolution of Acceptance"). The Public Open Space Property and Lot 5 Property shall become effective upon the adoption of the Resolution of Acceptance and shall remain in perpetuity unless and until it is terminated by Grantee by vacation thereof in accordance with applicable law. The Resolution of Acceptance will authorize Grantee to execute a Certificate of Acceptance in substantially the form attached hereto as Exhibit "D", which is incorporated herein by this reference, accepting the Offer (the "Acceptance"), and Grantor authorizes Grantee to record the Acceptance in Official Records of the County of Riverside, California.

4. **Grantor Covenants.** Grantor covenants, for itself and its successors and assigns, as follows:

   1. **No Encroachments.** Grantor agrees not to erect, construct, place or maintain any building, structure or other improvement on the Public Open Space Property and Lot 5 Property at any time prior to the Expiration Date.

   2. **Maintenance.** Grantor agrees to continue to maintain the Public Open Space Property and Lot 5 Property and assume all liability therefore until such time as Grantee adopts the Resolution of Acceptance and records the Acceptance. Following the recording of the Acceptance, Grantee shall maintain the Public Open Space Property and Lot 5 Property and assume liability therefore.

   3. **No Encumbrances.** Grantor warrants that it has obtained the consent from any beneficiaries of deeds of trust encumbering the Public Open Space Property and Lot 5 Property and that it has obtained subordinations from said beneficiaries. Grantor agrees that it
will not encumber the Public Open Space Property and Lot 5 Property or permit the establishment of a lien thereon without the prior written consent of the Grantee, which consent shall not be unreasonably delayed or withheld if any such encumbrance or lien shall be subordinate to the Public Open Space Property and Lot 5 Property.

5. **Run With Land.** The covenants made in this Offer of Dedication shall run with the land and shall burden the Property for the benefit of Grantee. Such covenants shall inure to the benefit of, or bind, as the case may require, the respective heirs, representatives, successors and assigns of Grantee and Grantor. Grantor authorizes Grantee to record this Offer of Dedication in Official Records of the County of Riverside, California.

6. **General Provisions.** This Agreement is made and entered into in the State of California and shall in all respects be interpreted, enforced and governed under the laws of the State of California. This Agreement contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any valid subsequent modification of this Agreement shall be in writing, signed by the parties. In the event of any controversy, claim or dispute relating to this Agreement or breach hereof, any legal action shall be filed in the County of Riverside, California.

IN WITNESS WHEREOF, Grantor has executed this Irrevocable Offer of Dedication of Park Property as of the date set forth below.

**GRANTOR**

PARADISE JURUPA, LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY

By: __________________________
Gregory P. Lansing, Manager

EQUITY THREE PROPERTIES, LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY

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

State of California  
County of Riverside  

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

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

WITNESS my hand and official seal.

Signature____________________________         (Seal)
State of California
County of Riverside

On ___________, before me, __________________________, (insert name and title of the officer)

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

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

WITNESS my hand and official seal.

Signature________________________ (Seal)
CITY OF JURUPA VALLEY
Office of the City Clerk
8930 Limonite Avenue
Jurupa Valley, CA 92509

CONSENT TO RECORDATION PURSUANT TO
GOVERNMENT CODE SECTION 7050

(Assessor’s Parcel Number ____________)

This is to certify that the City of Jurupa Valley, a California municipal corporation, hereby consents to the recordation of the Irrevocable Offer of Dedication of Public Open Space Property and Lot 5 Property to Government Code Section 7050. The purpose of this Consent to Recordation is to provide record notice of said Irrevocable Offer of Dedication.

Pursuant to Government Code Section 7050, said offer of dedication is irrevocable and may be accepted by the City of Jurupa Valley at any time. Any such acceptance will require formal action by the City Council of the City of Jurupa Valley. The City of Jurupa Valley shall neither incur any liability nor assume any responsibility for the Subject Easement described in said Irrevocable Offer of Dedication until such time as the City of Jurupa Valley accepts the Public Open Space Property and Lot 5 Property by formal action and accepts Public Open Space Property and Lot 5 Property.

Dated: ____________________________

CITY OF JURUPA VALLEY, a California municipal corporation

________________________
Rod B. Butler
City Manager

ATTEST:

By: ____________________________

Victoria Wasko, CMC
City Clerk

APPROVED AS TO FORM:

By: ____________________________

Peter M. Thorson
City Attorney
Exhibit "A" to Offer of Dedication

Grantor’s Property
Exhibit “B” to Offer of Dedication

[Legal Description of Public Open Space Property and Lot 5 Property]
Exhibit “C”

[Plat Map of Public Open Space Property and Lot 5 Property]
Exhibit “D”

Form of Certificate OF ACCEPTANCE

CERTIFICATE OF ACCEPTANCE OF DEDICATION OF PUBLIC OPEN SPACE PROPERTY AND LOT 5 PROPERTY AND ALL USES NECESSARY OR CONVENIENT THERETO
(Government Code Section 27281)

The City of Jurupa Valley, a California municipal corporation (“City”), hereby accepts the irrevocable offer of dedication for the Public Open Space Property and Lot 5 Property, and all uses necessary or convenient thereto made by Jurupa Paradise LLC and Equity Three Properties, LLC (collectively “Grantor”) in favor of the City in that certain IRREVOCABLE OFFER OF DEDICATION OF EASEMENT PURSUANT TO GOVERNMENT CODE SECTION 7050 dated ____________ and recorded in the Official Records of the County of Riverside on ________________ as Document No. ________________.

The City hereby certifies that it accepts the dedication of the Public Open Space Property and Lot 5 Property, and all uses necessary or convenient thereto described on Exhibit “A” and depicted on Exhibit “B” attached hereto (“Subject Properties”), and incorporated herein by this reference, on behalf of the public for public park pursuant to the authority granted by the City Council of the City of Jurupa Valley by Resolution No. __________. Resolution No. __________ accepted said irrevocable offer of dedication of the Public Open Space Property and Lot 5 Property pursuant to Government Code Section 7050 and authorized the City Manager to execute the Certificate of Acceptance.

CITY OF JURUPA VALLEY, a California municipal corporation

Dated: ____________________  By: ____________________

Rod Butler, City Manager
ATTEST:

By: __________________________
   City Clerk

APPROVED AS TO FORM:

By: __________________________
   Peter M. Thorson, City Attorney
LENDER’S CONSENT AND SUBORDINATION TO THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF JURUPA VALLEY, PARADISE JURUPA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, EQUITY THREE PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AND RICHMOND AMERICAN HOMES OF MARYLAND, INC., A MARYLAND CORPORATION (PARADISE KNOLLS PROJECT)

1. __________________________________________ (“Lender”) holds a security interest in a portion of the Property described in the “FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF JURUPA VALLEY, PARADISE JURUPA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AND EQUITY THREE PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AND RICHMOND AMERICAN HOMES OF MARYLAND, INC., A MARYLAND CORPORATION (PARADISE KNOLLS PROJECT)” (“First Amendment”). Jurupa Paradise, Equity Three and Richmond American shall be referred to in this Consent as “Developer.”

2. Lender acknowledges that the Development Agreement and the First Amendment to the Development Agreement are integral parts of the Developer’s land use entitlements for the Property and provide significant benefits to the Developer and to the Property as well as vesting Developer’s land use entitlements pursuant to the terms of the Development Agreement and the First Amendment to the Development Agreement.

3. 

4. In consideration of the rights and benefits conferred upon the Developer by the terms of the Development Agreement and the First Amendment to the Development Agreement and in recognition of the accrual of those benefits to the Lender in the event Lender takes possession of the Property, Lender hereby consents to the Development Agreement, the First Amendment to the Development Agreement and the Irrevocable Offer of Dedication of Real Property Pursuant to Government Code Section 7050 described therein and their recordation and further agrees that Lender’s interests in the Property are subject to, and made subordinate to, the rights and interests of the City as set forth in the Development Agreement, the First Amendment to the Development Agreement and the Irrevocable Offer of Dedication of Real Property Pursuant to Government Code Section 7050 described therein.

5. The City agrees to provide notice of any default to Lender pursuant to Section __________ of the Development Agreement at the following address:

________________________________________

________________________________________
IN WITNESS WHEREOF the Lender has executed this Consent and Subordination as of ______, 2021.

Lender:

________________________________________
Name:
Title:

________________________________________
Name:
Title:
EXHIBIT A TO LENDER’S CONSENT AND SUBORDINATION AGREEMENT

LEGAL DESCRIPTION OF PROPERTY
DATE: DECEMBER 2, 2021
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ROD BUTLER, CITY MANAGER
SUBJECT: AGENDA ITEM NO. 11.F

FIRST AMENDMENT TO THE COOPERATIVE AGREEMENT TO PROVIDE FIRE PROTECTION, FIRE PREVENTION, RESCUE, FIRE MARSHAL AND MEDICAL EMERGENCY SERVICES FOR THE CITY OF JURUPA VALLEY

RECOMMENDATION

That the City Council approve the First Amendment to the Cooperative Agreement (Agreement) with the County of Riverside for the provision of Fire Protection/Prevention/Rescue/Fire Marshal and Medical Emergency Services to the City of Jurupa Valley under the current Revenue Neutrality Agreement, and authorize the Mayor to execute the First Amendment in substantially the form and format attached and as approved by the City Attorney.

BACKGROUND

On June 22, 2021, the City Council approved the Cooperative Agreement to provide fire protection, prevention, rescue, fire marshal and medical emergency services in the City of Jurupa Valley (City) provided by the County of Riverside (County) through a contract with the California Department of Forestry and Fire Protection (CAL FIRE).

Subsequent to this agreement, the City of Jurupa Valley requested an increase in service levels that will add a one-half (.5) Fire Systems Inspector to the existing Cooperative Agreement with CAL FIRE and the Riverside County Fire Department. This increase was approved by this City Council as part of the FY2021/2022 budget.

ANALYSIS

As the City of Jurupa Valley grows, the level of Fire Protective Services is analyzed each year to assure the community is receiving the services it needs for fire protection and prevention. In recent months, several fires have affected businesses. In an effort to
prevent future fires from distressing businesses, CAL FIRE and City Staff recommend the addition of an annual Fire Inspection Program.

Annual inspections by the fire department are performed to assess and mitigate potential fire and life safety hazards in buildings. The Fire Inspector will provide businesses with a written report of any corrections that are necessary.

These inspections benefit the building/business owners, as well as those who use the building, by offering:

- A safer working/living environment for employees/residents.
- A safer building for unfamiliar occupants (visitors, shoppers, clients, etc.).
- Business and job security. Up to 80 percent of all small businesses that experience a large fire never reopen; this not only affects the building/business owner, but also results in the loss of jobs. Of the businesses that do reopen, many lose much of their customer base due to prolonged absence of production or service.
- A better-maintained building for improved resale value. It is commonplace for buyers to hire a company to inspect the building prior to purchase to identify potential hidden costs related to fire and life safety.
- A possible reduction in insurance premiums. Some items may be required by both the fire department and your insurance carrier, such as annual fire-sprinkler and fire-alarm inspections verifying proper system maintenance. Many insurance carriers give businesses premium reductions for properly installed and maintained fire-protection systems.

FINANCIAL IMPACT

Costs associated with this Amendment were included in the FY 21/22 Budget. There is no additional financial impact to the City.

ALTERNATIVES

1. Elect not to enter into the agreement at this time and provide staff with additional direction.
Prepared by:

Amy Sells
Principal Management Analyst

Reviewed by:

Connie Cardenas
Administrative Services Director

Reviewed by:

Peter M. Thorson
City Attorney

Submitted by:

Rod B. Butler
City Manager

Reviewed by:

Michael Flad
Assistant City Manager

Attachments:

1. Cooperative Agreement
2. EXHIBIT “A”
3. First Amendment to the Cooperative Agreement
4. Amended EXHIBIT “A”
5. Additional EXHIBIT “D”
A COOPERATIVE AGREEMENT
TO PROVIDE FIRE PROTECTION, FIRE PREVENTION, RESCUE, FIRE MARSHAL
AND MEDICAL EMERGENCY SERVICES FOR THE CITY OF JURUPA VALLEY

THIS AGREEMENT, made and entered into this 22 day of June, 2021, by and between the County of Riverside, a political subdivision of the State of California, on behalf of the Fire Department (hereinafter referred to as “COUNTY”), and the City of Jurupa Valley a duly created city (hereinafter referred to as “CITY”), whereby it is agreed as follows:

SECTION I: PURPOSE

The purpose of this Agreement is to arrange for COUNTY, through its Cooperative Fire Programs Fire Protection Reimbursement Agreement (“CAL FIRE Agreement”) with the California Department of Forestry and Fire Protection (“CAL FIRE”), to provide CITY with fire protection, hazardous materials mitigation, technical rescue response, fire marshal, medical emergency services, and public service assists (hereinafter referred to as “Fire Services”). This Agreement is entered into pursuant to the authority granted by Government Code sections §55600 et seq., and will provide a unified, integrated, cooperative, regional fire protection system. COUNTY’s ability to perform under this Agreement is subject to the terms and conditions of the CAL FIRE Agreement.

SECTION II: DESIGNATION OF FIRE CHIEF

A. The County Fire Chief appointed by the Board of Supervisors, or his/her designee (hereinafter referred to as “Chief”), shall represent COUNTY and CITY during the period of this Agreement, and Chief shall, under the supervision and direction of the County Board of Supervisors, have charge of the organization described in Exhibit “A”, attached hereto and made a part hereof, for the purpose of providing Fire Services as deemed necessary to satisfy the needs of both the COUNTY and CITY, except upon those lands wherein other agencies of government have responsibility for the same or similar Fire Services.

B. The COUNTY will assign an existing Chief Officer as the Fire Department Liaison (hereinafter referred to as “Fire Liaison”). The Chief may delegate certain authority to the Fire Liaison, as the Chief’s duly authorized designee, and the Fire Liaison shall be responsible for directing the Fire Services provided to CITY as set forth in Exhibit "A".

C. COUNTY will be allowed flexibility in the assignment of available personnel and equipment in order to provide the Fire Services as agreed upon herein.
SECTION III: PAYMENT FOR SERVICES

A. Any changes to the cost associated with the staffing set forth in Exhibit “A” made necessary by action of the Legislature, CAL FIRE, or any other public agency with authority to direct changes in the level of salaries or expenses, shall be paid from the Structural Fire Taxes collected by the COUNTY as outlined in the Revenue Neutrality Agreement. In turn, the COUNTY shall have the right to unilaterally reduce the services furnished under this Agreement shall promptly notify CITY, in writing, specifying the services to be reduced. If CITY desires to add funds to the total included herein to cover the cost of increased salaries or services necessitated by actions described in, such increase shall be accomplished by an amendment to the Exhibit “A” and approved by the parties hereto.

1. In the event CITY requests an increase in services and paragraph A of this section is not applicable, an amendment to Exhibit “A” may be approved by the parties hereto. The CITY shall annually appropriate a fiscal year budget to support the requested Fire Services increase as set forth in an amended Exhibit “A”.

B. COUNTY provides fire personnel and services through its CAL FIRE Agreement. In the event CITY desires an increase or decrease in CAL FIRE or COUNTY civil service employees or services assigned to CITY as provided for in Exhibit “A,” CITY shall provide one hundred twenty (120) days written notice of the proposed requested increase or decrease. Proper notification shall include the following: (1) The total amount of increase or decrease; (2) The effective date of the increase or decrease; and (3) The number of employees, by classification, affected by the proposed increase or decrease. If such notice is not provided, CITY shall reimburse COUNTY for relocation costs incurred by COUNTY because of the increase or decrease, in addition to any other remedies available resulting from the increase or decrease in services. COUNTY is under no obligation to approve any requested increase or decrease, and it is expressly understood by the parties that in no event will COUNTY authorize or approve CITY’s request to reduce services below the COUNTY Board of Supervisors-approved staffing level for any fire station, or to reduce services to the extent that the services provided under this Agreement are borne by other jurisdictions. COUNTY shall render a written decision on whether to allow or deny the increase or decrease within thirty (30) days of the notice provided pursuant to this section.

C. In the event CITY requests an increase in services, as outlined in Paragraph A.1, the CITY shall pay COUNTY actual costs for increased Fire Services pursuant to this Agreement. COUNTY shall make a claim to CITY for the actual cost of contracted services, pursuant to the amended Exhibit “A,” on a quarterly basis. The COUNTY is mandated per Government Code Section §51350 for full cost recovery. CITY shall pay each claim, in full, within thirty (30) days after receipt thereof.

Cooperative Fire Agreement
City of Jurupa Valley
July 1, 2021 to June 30, 2024
2 of 9
D. Chief may be authorized to negotiate and execute any amendments to Exhibit “A” or Exhibit “C” of this Agreement on behalf of COUNTY as authorized by the Board of Supervisors. CITY shall designate a “Contract Administrator” who shall, under the supervision and direction of CITY, be authorized to execute amendments to Exhibits “A” or “C” on behalf of CITY.

E. [ ] (Check only if applicable, and please initial to acknowledge) Additional terms as set forth in the attached Exhibit “B” are incorporated herein and shall additionally apply to this agreement regarding payment of services.

F. [ ] (Check only if applicable, and please initial to acknowledge) Additional terms as set forth in the attached Exhibit “C” are incorporated herein and shall additionally apply to this agreement regarding payment for the Fire Engine Use Agreement.

G. [ ] (Check only if applicable, and please initial to acknowledge) Additional terms as set forth in the attached Exhibit “D” are incorporated herein and shall additionally apply to this agreement regarding payment for Fire Marshall Services.

H. Notwithstanding Paragraph F, as it relates to the Fire Engine Use Agreement herein if applicable, additional terms as set forth are incorporated herein and shall additionally apply to this Agreement regarding payment of services. In the event that a fire engine, owned and maintained by the CITY has a catastrophic failure, the COUNTY Fire Chief may allow use of a COUNTY fire engine, free of charge up to one hundred twenty (120) days. After the initial one hundred twenty (120) days, a rental fee will be applied to the CITY invoice for use of said COUNTY fire engine. The rental fee shall be Two Thousand Fifty-Five Dollars ($2,055) per day; or Fourteen Thousand Three Hundred Eighty-Four Dollars ($14,384) per week.

I. Notwithstanding Paragraph G, as it relates to Fire Marshal services herein, if applicable, additional terms as set forth are incorporated herein and shall additionally apply to this agreement regarding Fire Marshal services. In the event the CITY elects not to use Fire Marshal services outlined in Paragraph G (Exhibit D), the services must be provided by the COUNTY Office of the Fire Marshal pursuant to Health and Safety Code sections 13145 and 13146 at a cost to the owner as outlined in COUNTY Ordinance No. 671(Establishing Consolidated Fees for Land Use and Related Functions).

SECTION IV: INITIAL TERM AND AMENDMENT

A. The term of this Agreement shall be from July 1, 2021, to June 30, 2024.

B. One (1) year prior to the date of expiration of this Agreement, CITY shall give COUNTY written notice of whether CITY intends to enter into a new Agreement with
COUNTY for Fire Services and, if so, whether CITY intends to request a change in the level of Fire Services provided under this Agreement.

SECTION V: TERMINATION

During the term of this Agreement, this Agreement may only be terminated by the voters of either the COUNTY or the CITY pursuant to Government Code §55603.6.

SECTION VI: COOPERATIVE OPERATIONS

All Fire Services contemplated under this Agreement shall be performed by both parties to this Agreement working as one unit; therefore, personnel and/or equipment belonging to either CITY or COUNTY may be temporarily dispatched elsewhere from time to time for mutual aid.

SECTION VII: MUTUAL AID

Pursuant to Health and Safety Code sections 13050 et seq., when rendering mutual aid or assistance, COUNTY may, at the request of CITY, demand payment of charges and seek reimbursement of CITY costs for personnel, equipment use, and operating expenses as funded herein, under authority given by Health and Safety Code sections 13051 and 13054. COUNTY, in seeking said reimbursement pursuant to such request of CITY, shall represent the CITY by following the procedures set forth in Health and Safety Code section 13052. Any recovery of CITY costs, less actual expenses, shall be paid or credited to the CITY, as directed by CITY.

In all such instances, COUNTY shall give timely notice of the possible application of Health and Safety Code sections 13051 and 13054 to the officer designated by CITY.

SECTION VIII: SUPPRESSION COST RECOVERY

As provided in Health and Safety Code section 13009, Riverside County Ordinance No. 787, section 5.E.2., and California Fire Code, COUNTY may bring an action for collection of suppression costs of any fire caused by negligence, violation of law, or failure to correct noticed fire safety violations. Additionally, COUNTY may bring action for collection to any person who negligently, intentionally or in violation of law causes an emergency response, including, but not limited to, a traffic accident, spill of toxic or flammable fluids or chemicals is liable for the costs of securing such emergency, including those costs pursuant to Government Code section 53150, et seq., as may be amended from time to time. When using CITY equipment and personnel under the terms of this Agreement, COUNTY may bring such actions for collection of costs incurred by CITY and the COUNTY. In such a case CITY appoints and designates COUNTY as its agent in said collection proceedings. In the event of recovery, COUNTY shall apportion the recovered amount via the annual Cost Allocation Plan. This recovery does not include
CITY resources outside of this Cooperative Agreement. Those resources would require the CITY to obtain cost recovery directly.

In all such instances, COUNTY shall give timely notice of the possible application of Health and Safety Code section 13009 to the officer designated by CITY.

**SECTION IX: PROPERTY ACCOUNTING**

All personal property provided by CITY and by COUNTY for the purpose of providing Fire Services under the terms of this Agreement shall be marked and accounted for in such a manner as to conform to the standard operating procedure established by the COUNTY for the segregation, care, and use of the respective property of each.

**SECTION X: FACILITY**

CITY shall provide Fire Station(s), strategically located to provide standard response time within the City of Jurupa Valley from which fire operations shall be conducted. If the Fire Station(s) are owned by the CITY, the CITY shall maintain the facilities at CITY's cost and expense. In the event CITY requests COUNTY to undertake repairs or maintenance costs or services, the costs and expenses of such repairs or maintenance shall be reimbursed to COUNTY through the Support Services Cost Allocation, or as a direct invoice to the CITY.

**SECTION XI: INDEMNIFICATION AND HOLD HARMLESS**

To the fullest extent permitted by applicable law, COUNTY shall and does agree to indemnify, protect, defend and hold harmless CITY, its agencies, districts, special districts and departments, their respective directors, officers, elected and appointed officials, employees, agents and representatives (collectively, "Indemnitees") for, from and against any and all liabilities, claims, damages, losses, liens, causes of action, suits, awards, judgments and expenses, attorney and/or consultant fees and costs, taxable or otherwise, of any nature, kind or description of any person or entity, directly or indirectly arising out of, caused by, or resulting from (1) the Services performed hereunder by COUNTY, or any part thereof, (2) the Agreement, including any approved amendments or modifications, or (3) any negligent act or omission of COUNTY, its officers, employees, subcontractors, agents, or representatives (collectively, "Liabilities"). Notwithstanding the foregoing, the only Liabilities with respect to which COUNTY’s obligation to indemnify, including the cost to defend, the Indemnitees does not apply is with respect to Liabilities resulting from the negligence or willful misconduct of an Indemnitee, or to the extent such claims do not arise out of, pertain to or relate to the Scope of Work in the Agreement.

To the fullest extent permitted by applicable law, CITY shall and does agree to indemnify, protect, defend and hold harmless COUNTY, its agencies, departments, directors, officers, agents, Board of Supervisors, elected and appointed officials an
representatives (collectively, "Indemnitees") for, from and against any and all liabilities, claims, damages, losses, liens, causes of action, suits, awards, judgments and expenses, attorney and/or consultant fees and costs, taxable or otherwise, of any nature, kind or description of any person or entity, directly or indirectly arising out of, caused by, or resulting from (1) the services performed hereunder, by CITY, or any part thereof, (2) the Agreement, including any approved amendments or modifications, or (3) any negligent act or omission of CITY its officers, employees, subcontractors, agents, or representatives (collectively, "Liabilities"). Notwithstanding the foregoing, the only Liabilities with respect to which CITY’s obligation to indemnify, including the cost to defend, the Indemnitees does not apply is with respect to Liabilities resulting from the negligence or willful misconduct of an Indemnitee, or to the extent such claims do not arise out of, pertain to or relate to the Scope of Work in the Agreement.

SECTION XII: AUDIT

A. COUNTY and CITY agree that their designated representative shall have the right to review and to copy any records and supporting documentation of the other party hereto pertaining to the performance of this Agreement. COUNTY and CITY agree to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated or as required by law, and to allow the auditor(s) of the other party access to such records during normal business hours. COUNTY and CITY agree to a similar right to audit records in any subcontract related to performance of this Agreement. (E.g., Gov. Code, §8546.7).

B. Each party shall bear its own costs in performing a requested audit.

SECTION XIII: DISPUTES

CITY shall select and appoint a “Contract Administrator” who shall, under the supervision and direction of CITY, be available for contract resolution or policy intervention with COUNTY, when, upon determination by the Chief that a situation exists under this Agreement in which a decision to serve the interest of CITY has the potential to conflict with COUNTY interest or policy. Any dispute concerning a question of fact arising under the terms of this Agreement which is not disposed of within a reasonable period of time by the CITY and COUNTY employees normally responsible for the administration of this Agreement shall be brought to the attention of the Chief Executive Officer (or designated representative) of each organization for joint resolution. For purposes of this provision, a “reasonable period of time” shall be ten (10) calendar days or less. CITY and COUNTY agree to continue with the responsibilities under this Agreement during any dispute. Disputes that are not resolved informally by and between CITY and COUNTY representatives may be resolved, by mutual agreement of the parties, through mediation. Such mediator will be jointly selected by the parties. The costs associated with mediator shall be shared equally among the participating parties. If the mediation does not resolve the issue(s), or if the parties cannot agree to mediation, the parties reserve the right to seek remedies as provided by law or in equity. The parties agree, pursuant to Battaglia Enterprises v. Superior Court (2013) 215 Cal.App.4th 309.

Cooperative Fire Agreement
City of Jurupa Valley
July 1, 2021 to June 30, 2024

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that each of the parties are sophisticated and negotiated this agreement and this venue at arm’s length. Pursuant to this Agreement, the parties agree that venue for litigation shall be in the Superior Court of Riverside County. Should any party attempt to defeat this section and challenge venue in Superior Court, the party challenging venue stipulates to request the Court change venue to San Bernardino County and shall not ask for venue in any other County.

Any claims or causes of actions, whether they arise out of unresolved disputes as specified in this section or claims by third parties that are made against the COUNTY, shall be submitted to the Office of the Clerk of the Board for the County of Riverside in a timely manner. For claims made against the COUNTY that involve CAL FIRE employees, to the extent permissible under the COUNTY’s contract with CAL FIRE, the claims will be forwarded on to CAL FIRE for processing.

SECTION XIV: ATTORNEYS’ FEES

If CITY fails to remit payments for services rendered pursuant to any provision of this Agreement, COUNTY may seek recovery of fees through litigation, in addition to all other remedies available.

In the event of litigation between COUNTY and CITY to enforce any of the provisions of this Agreement or any right of either party hereto, the unsuccessful party to such litigation agrees to pay the prevailing party’s costs and expenses, including reasonable attorneys’ fees, all of which shall be included in and as a part of the judgment rendered in such litigation.

SECTION XV: DELIVERY OF NOTICES

Any notices to be served pursuant to this Agreement shall be considered delivered when deposited in the United States mail and addressed to:

COUNTY OF RIVERSIDE
Riverside County Fire Chief
210 West San Jacinto Avenue
Perris, CA 92570

CITY OF JURUPA VALLEY
City Manager
City of Jurupa Valley
8830 Limonite Avenue
Jurupa Valley, CA 92509

Provisions of this section do not preclude any notices being delivered in person to the addresses shown above. Delivery in person shall constitute service hereunder, effective when such service is made.

SECTION XVI: ENTIRE CONTRACT

This Agreement contains the whole contract between the parties for the provision of Fire Services. It may be amended or modified upon the mutual written consent of the parties hereto where in accordance with applicable state law. This Agreement does NOT
NOT supplement other specific agreements entered into by both parties for equipment or facilities, and excepting those equipment or facilities agreements, this Agreement cancels and supersedes any previous agreement for the same or similar services.

[Signature Provisions on following page]

IN WITNESS, WHEREOF, the duly authorized officials of the parties hereto have, in their respective capacities, set their hands as of the date first hereinabove written.

Dated: 6/3/2021

CITY OF JURUPA VALLEY
By: Lorena Barajas, Mayor

ATTEST:
By: Victoria Wasko, City Clerk

APPROVED AS TO FORM:
By: Peter Thorson, City Attorney

(SEAL)

COUNTY OF RIVERSIDE

Dated: 6/22/2021

By: Karen S. Spiegel
Chair, Board of Supervisors
KAREN SPIEGEL

ATTEST:
KECIA HARPER
Clerk of the Board

APPROVED AS TO FORM:
GREGORY P. PRIAMOS,
County Counsel

By: Meilissa R. Cushman
Deputy County Counsel
EXHIBIT "A"
TO THE COOPERATIVE AGREEMENT TO PROVIDE
FIRE PREVENTION, RESCUE, FIRE MARSHALL AND
MEDICAL EMERGENCY FOR THE CITY OF JURUPA VALLEY
DATED JULY 1, 2021 FOR FY2021/2022 THRU FY2023/2024

### CITY BUDGET COST ESTIMATE (with Tax Credit)

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### CITY BUDGET COST ESTIMATE (without Tax Credit)

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**EXHIBIT "A"**

**TO THE COOPERATIVE AGREEMENT TO PROVIDE**

**FIRE PREVENTION, RESCUE, FIRE MARSHALL AND**

**MEDICAL EMERGENCY FOR THE CITY OF JURUPA VALLEY**

**DATED JULY 1, 2021 FOR FY2021/2022**

*See notation below for estimate assumptions*

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<tr>
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<td>1,586,257</td>
<td>679,293</td>
<td>695,324</td>
<td>1,999,597</td>
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<tr>
<td>SUBTOTAL STAFF</td>
<td>7</td>
<td>8</td>
<td>3</td>
<td>4</td>
<td>10</td>
<td>33</td>
</tr>
</tbody>
</table>

**SUPPORT SERVICES**

| Administrative/Operational | 16,082 | per assigned Staff ** |
| Volunteer Program | 5,504 | Per Entity Allocation |
| Medic Program | 78,844 | Medic FTE/Defib Basis |
| Battalion Chief Support | 29,774 | 29 FTE per Station |
| ECC Support | 349,874 | Calls/Station Basis |
| Fleet Support | 65,330 | per Fire Suppression Equip |
| Comm/IT Support | 261,322 | Calls/Station Basis |
| Facility Support | 18,151 | Assigned Staff/Station Basis |
| Hazmat Support | 49,283 | |

**SUPPORT SERVICES SUBTOTAL**

2,132,237

| DIRECT CHARGES | 458,029 |
| FIRE ENGINE USE AGREEMENT | 36,250 | each engine | 108,750 | 3 |

**TOTAL STAFF COUNT**

33

**TOTAL ESTIMATED CITY BUDGET**

$9,491,043

*ESTIMATED STRUCTURAL FIRE TAX CRED*

(2,482,525)

**NET ESTIMATED CITY BUDGET**

$7,008,518

**SUPPORT SERVICES**

**Administrative & Operational Services**

| Finance | Public Affairs | 3 Fire Stations |
| Training | Procurement | 10,467 Number of Calls |
| Data Processing | Emergency Services | 14 Assigned Medic FTE |
| Accounting | Fire Fighting Equip. | 4 Monitors/Defibs |
| Personnel | Office Supplies/ Equip. | 3 Hazmat Stations |

FY21/22 EXHIBIT "A"

CITY OF JURUPA VALLEY

Page 2 of 7
Volunteer Program - Support staff, Workers Comp, and Personal Liability Insurance

Medic Program - Support staff, Training, Certification, Case Review & Reporting, Monitor/Defibrillator replacement cycle.

Battalion Chief Support - Pooled BC coverage for Cities/Agencies that do not include BC staffing as part of their contracted services.

Fleet Support - Support staff, automotive costs, vehicle/engine maintenance, fuel costs

Emergency Command Center Support - Dispatch services costs

Communications / IT Support - Support staff, communications, radio maintenance, computer support functions

Facility Support - Facility maintenance staff with associated operating costs.

Hazmat Program - Support staff, operating costs, and vehicle replacement.

**FY 21/22 ESTIMATED POSITION SALARIES TOP STEP**

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary</th>
</tr>
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<tbody>
<tr>
<td>Deputy Chief</td>
<td>316,514</td>
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<tr>
<td>Division Chief</td>
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<td>263,060</td>
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<tr>
<td>Captain</td>
<td>225,271</td>
</tr>
<tr>
<td>Captain Medic</td>
<td>254,658</td>
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<tr>
<td>Engineer</td>
<td>198,282</td>
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<tr>
<td>Engineer/Medic</td>
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<td>Fire II</td>
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<td>Fire II/Medic</td>
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<td>Fire Systems Inspector</td>
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<td>County Deputy Fire Marshal</td>
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<td>SrVdEl</td>
<td>16,082</td>
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<tr>
<td>VoLdEl</td>
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<tr>
<td>Medic FTE</td>
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<td>Medic Monitors/Defibs Replacement</td>
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*Cost Assumptions:
- All Salaries based on FINAL Salary, Pay Differentials, and Operating Expenses Schedule FY 2021-2022 Dated January 12, 2021
- Benefits and Admin Fee based on Staff Benefit Rate Matrix FY 2021-22 dated February 2021 - Prelim
- Direct cost of benefits (COBEN) is based on 1st Qtr AO-17 data.
- Estimated Support Services based on assumptions above*

**FY 21/22 DIRECT BILL ACCOUNT CODES**

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<td>522370</td>
<td>Maint-Extermination</td>
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<tr>
<td>522380</td>
<td>Maint-Critical Systems</td>
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<tr>
<td>522410</td>
<td>Maint-Health &amp; Safety</td>
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<tr>
<td>522860</td>
<td>Medical Supplies</td>
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<td>Pharmaceuticals</td>
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<td>523220</td>
<td>Licenses And Permits</td>
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<td>526700</td>
<td>Rent-Lease Building</td>
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<td>529510</td>
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<tr>
<td>529550</td>
<td>Water</td>
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<tr>
<td>537240</td>
<td>Internd Exp-Utilities</td>
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<tr>
<td>542050</td>
<td>Capital Improvements Facilities</td>
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</table>
EXHIBIT "A"

TO THE COOPERATIVE AGREEMENT TO PROVIDE FIRE PREVENTION, RESCUE, FIRE MARSHALL AND MEDICAL EMERGENCY FOR THE CITY OF JURUPA VALLEY
DATED JULY 1, 2021 FOR FY2022/2023
*See notation below for estimate assumptions

<table>
<thead>
<tr>
<th>CAPTAINS</th>
<th>CAPTAIN MEDICS</th>
<th>ENGINEERS</th>
<th>ENGINEER MEDICS</th>
<th>FF II</th>
<th>FFII MEDICS</th>
<th>TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>STA #16</td>
<td>473,069</td>
<td>208,196</td>
<td>237,752</td>
<td>182,523</td>
<td>209,958</td>
<td>1,311,498</td>
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<td>473,069</td>
<td>416,393</td>
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<td></td>
<td>419,915</td>
<td>1,309,377</td>
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<tr>
<td></td>
<td>(Truck) 709,604</td>
<td>624,589</td>
<td>547,568</td>
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<td>419,915</td>
<td>836,308</td>
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<td>1</td>
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<td></td>
<td>419,915</td>
<td>925,059</td>
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<td>1,665,570</td>
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<td>730,090</td>
<td>2,099,577</td>
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<tr>
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<td>10</td>
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SUPPORT SERVICES

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<tr>
<th>Service Type</th>
<th>Amount</th>
<th>Note</th>
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<td>Administrative/Operational</td>
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<td>per assigned Staff **</td>
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<tr>
<td>Volunteer Program</td>
<td>5,779</td>
<td>Per Entity Allocation</td>
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<tr>
<td>Medic Program</td>
<td>82,576</td>
<td>Medic FTE/Defib Basis</td>
</tr>
<tr>
<td>Battalion Chief Support</td>
<td>29 FTE per Station</td>
<td></td>
</tr>
<tr>
<td>ECC Support</td>
<td>Calls/Station Basis</td>
<td></td>
</tr>
<tr>
<td>Fleet Support</td>
<td>68,597</td>
<td>per Fire Suppression Equip</td>
</tr>
<tr>
<td>Comm/IT Support</td>
<td>Calls/Station Basis</td>
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<tr>
<td>Facility Support</td>
<td>Assigned Staff/Station Basis</td>
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<tr>
<td>Hazmat Support</td>
<td>51,726</td>
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</tr>
</tbody>
</table>

SUPPORT SERVICES SUBTOTAL | 2,238,849 |

DIRECT CHARGES | 458,029 |

FIRE ENGINE USE AGREEMENT | 36,250 | each engine |

TOTAL STAFF COUNT | 33 |

TOTAL ESTIMATED CITY BUDGET | $9,337,256 |

*ESTIMATED STRUCTURAL FIRE TAX CRED | (2,482,525) |

NET ESTIMATED CITY BUDGET | $7,454,731 |

SUPPORT SERVICES

<table>
<thead>
<tr>
<th>Administrative &amp; Operational Services</th>
<th>3 Fire Stations</th>
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</thead>
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<tr>
<td>Finance</td>
<td>Public Affairs</td>
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<tr>
<td>Training</td>
<td>Procurement</td>
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<tr>
<td>Data Processing</td>
<td>Emergency Services</td>
</tr>
<tr>
<td>Accounting</td>
<td>Fire Fighting Equip.</td>
</tr>
<tr>
<td>Personnel</td>
<td>Office Supplies/Equip.</td>
</tr>
</tbody>
</table>

** 33.88 Total Assigned Staff

33.0 Assigned Staff

FY22/23 EXHIBIT "A"
CITY OF JURUPA VALLEY
Page 4 of 7
Volunteer Program - Support staff, Workers Comp, and Personal Liability Insurance

Medic Program - Support staff, Training, Certification, Case Review & Reporting, Monitor/Defibrillator replacement cycle.

Battalion Chief Support - Pooled BC coverage for Cities/Agencies that do not include BC staffing as part of their contracted services.

Fleet Support - Support staff, automotive costs, vehicle/engine maintenance, fuel costs

Emergency Command Center Support - Dispatch services costs

Communications / IT Suppctrl - Support staff, communications, radio maintenance, computer support functions

Facility Support - Facility maintenance staff with associated operating costs.

Hazmat Program - Support staff, operating costs, and vehicle replacement.

FY 22/23 POSITION SALARIES TOP STEP

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary</th>
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<tbody>
<tr>
<td>Deputy Chief</td>
<td>332,340</td>
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<tr>
<td>Division Chief</td>
<td>327,963</td>
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<tr>
<td>Bat Chief</td>
<td>276,213</td>
</tr>
<tr>
<td>Capt</td>
<td>236,535</td>
</tr>
<tr>
<td>Capt Medic</td>
<td>267,391</td>
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<tr>
<td>Eng</td>
<td>208,196</td>
</tr>
<tr>
<td>Eng/Medic</td>
<td>237,752</td>
</tr>
<tr>
<td>FF II</td>
<td>162,523</td>
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<td>FF II/Medic</td>
<td>209,958</td>
</tr>
<tr>
<td>Fire Safety Supervisor</td>
<td>186,284</td>
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<td>Fire Safety Specialist</td>
<td>173,035</td>
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<tr>
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<td>151,881</td>
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<td>89,051</td>
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<tr>
<td>Emergency SVC Coordinator</td>
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<td>County Fire Marshal</td>
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</tr>
<tr>
<td>County Deputy Fire Marshal</td>
<td>162,537</td>
</tr>
<tr>
<td>Fire Engine</td>
<td>36,250</td>
</tr>
<tr>
<td>SRV/DEL</td>
<td>16,886</td>
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<tr>
<td>VOL DEL</td>
<td>5,779</td>
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<tr>
<td>MEDIC FTE</td>
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<td>MEDIC Monitors/Defibs</td>
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<td>Batt DEL</td>
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<tr>
<td>Hazmat Vehicle Replacement</td>
<td>1,986</td>
</tr>
</tbody>
</table>

*Cost Assumptions:
- All Salaries based on FINAL Salary, Pay Differentials, and Operating Expenses Schedule FY 2021-2022 Dated January 12, 2021
- Benefits and Admin Fee based on Staff Benefit Rate Matrix FY 2021-22 dated February 2021 - Prelim
- Direct cost of benefits (COBETI) is based on 1st Qtr AO-17 data.
- Projected increase of 5% to Safety & Non-Safety Staff and Support Services from previous FY21/22.

FY 22/23 DIRECT BILL ACCOUNT CODE

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
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<td>Household Expense</td>
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<td>522680</td>
<td>Appliances</td>
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<td>Laundry Services</td>
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<td>Household Furnishings</td>
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<td>523680</td>
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<tr>
<td>524180</td>
<td>Maint-Copier Machines</td>
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<tr>
<td>524140</td>
<td>Maint-Kitchen Equipment</td>
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<td>542080</td>
<td>Capital Improvements Facilities</td>
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FY22/23 EXHIBIT "A"
CITY OF JURUPA VALLEY
Page 5 of 7
EXHIBIT "A"
TO THE COOPERATIVE AGREEMENT TO PROVIDE
FIRE PREVENTION, RESCUE, FIRE MARSHALL AND
MEDICAL EMERGENCY FOR THE CITY OF JURUPA VALLEY
DATED JULY 1, 2021 FOR FY2023/2024

*See notation below for estimate assumptions

<table>
<thead>
<tr>
<th>CAPTAINS</th>
<th>CAPTAIN MEDICS</th>
<th>ENGINEERS</th>
<th>ENGINEER MEDICS</th>
<th>FF II</th>
<th>FFII MEDICS</th>
<th>TOTALS</th>
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<td>1</td>
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<td>249,640</td>
<td>1</td>
<td>440,911</td>
<td>2</td>
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SUBTOTALS 1,738,530 | 280,761 | 1,748,849 | 748,920 | 766,595 | 2,204,556 | 7,488,210 |

SUBTOTAL STAFF 7 | 1 | 8 | 3 | 4 | 10 | 33 |

SUPPORT SERVICES

| Administrative/Operational | 17,731 | per assigned Staff ** | 600,715 | 33.88 |
| Volunteer Program          | 6,068  | Per Entity Allocation | 6,068   | 1     |
| Medic Program              | 86,705 | Medic FTE/Defib Basis | 170,391 | 14    |
| Battalion Chief Support    | 72,027 | .29 FTE per Station   | 228,107 | 4     |
| ECC Support                | 385,736| Calls/Station Basis   | 260,116 | 3     |
| Fleet Support              | 555,333| Calls/Station Basis   | 20,011  |       |
| Comm/IT Support            | 54,313 | Assigned Staff/Station Basis |       |       |
| Facility Support           |        |                       | 2,350,791|       |
| Hazmat Support             |        |                       | 2,350,791|       |

SUPPORT SERVICES SUBTOTAL

DIRECT CHARGES

FIRE ENGINE USE AGREEMENT

38,250 each engine

TOTAL STAFF COUNT

TOTAL ESTIMATED CITY BUDGET

$10,405,780

* ESTIMATED STRUCTURAL FIRE TAX CRED

(2,482,525)

NET ESTIMATED CITY BUDGET

$7,923,255

33.88% Assigned Staff
0.88% Battalion Chief Support
33.88% Total Assigned Staff

SUPPORT SERVICES

Administrative & Operational Services

Finance
Training
Data Processing
Accounting
Personnel

Public Affairs
Procurement
Emergency Services
Fire Fighting Equip.
Office Supplies/Equip.

3 Fire Stations
10,467 Number of Calls
14 Assigned Medic FTE
4 Monitors/Defibs
3 Hazmat Stations
31 Number of Hazmat Calls
Volunteer Program - Support staff, Workers Comp, and Personal Liability Insurance

Medic Program - Support staff, Training, Certification, Case Review & Reporting, Monitor/Defibrillator replacement cycle.

Battalion Chief Support - Pooled BC coverage for Cities/Agencies that do not include BC staffing as part of their contracted services.

Fleet Support - Support staff, automotive costs, vehicle/engine maintenance, fuel costs

Emergency Command Center Support - Dispatch services costs

Communications / IT Support - Support staff, communications, radio maintenance, computer support functions

Facility Support - Facility maintenance staff with associated operating costs.

Hazmat Program - Support staff, operating costs, and vehicle replacement.

FY 23/24 POSITION SALARIES TOP STEP

<table>
<thead>
<tr>
<th>Code</th>
<th>Position</th>
<th>Salary</th>
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<td>344,350</td>
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<td>218,606</td>
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<td>181,687</td>
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<td>159,475</td>
<td>FIRE SYSTEMS INSPECTOR</td>
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<td>93,604</td>
<td>OFFICE ASSISTANT III</td>
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<td>106,383</td>
<td>SECRETARY I</td>
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<td>130,531</td>
<td>EMERGENCY SVC COORDINATOR</td>
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<td>277,537</td>
<td>COUNTY FIRE MARSHAL</td>
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<td>202,164</td>
<td>COUNTY DEPUTY FIRE MARSHAL</td>
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</table>

*Cost Assumptions:
- All Salaries based on FINAL Salary, Pay Differentials, and Operating Expenses Schedule FY 2021-2022 Dated January 12, 2021
- Benefits and Admin Fee based on Staff Benefit Rate Matrix FY 2021-22 dated February 2021 - Prelim
- Direct cost of benefits (COBEN) is based on 1st Qtr AO-17 data.
- Projected increase of 5% to Safety & Non-Safety Staff and Support Services from previous FY22/23.

FY 23/24 DIRECT BILL ACCOUNT CODE

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Code</th>
<th>Description</th>
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<tbody>
<tr>
<td>520230</td>
<td>Cellular Phone</td>
<td>522340</td>
<td>Station Budgeted Maint-Building and Improvement</td>
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<tr>
<td>520300</td>
<td>Pager Service</td>
<td>522360</td>
<td>Maint-Extermination</td>
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<td>520320</td>
<td>Telephone Service</td>
<td>522380</td>
<td>Maint-Critical Systems</td>
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<td>520800</td>
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<td>522410</td>
<td>Maint-Health &amp; Safety</td>
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<td>522890</td>
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<td>Office Equip Non Fixed Assets</td>
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<td>521680</td>
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<td>522310</td>
<td>Maint-Building and Improver</td>
<td>542080</td>
<td>Capital Improvements Facilities</td>
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</table>
FROM: FIRE DEPARTMENT

SUBJECT: FIRE DEPARTMENT: Approval of the Cooperative Agreement to Provide Fire Protection, Fire Prevention, Rescue and Medical Emergency Services between the County of Riverside and the City of Jurupa Valley for three (3) years, District 2. [$29,834,080 - General Fund 74%, Structural Fire Tax 26%]

RECOMMENDED MOTION: That the Board of Supervisors:
1. Approve the attached Cooperative Agreement to Provide Fire Protection, Fire Prevention, Rescue and Medical Emergency Services for the City of Jurupa Valley; and
2. Authorize the Chair of the Board to execute this Cooperative Agreement on behalf of the County; and
3. Authorize the Fire Chief to negotiate and execute any amendments to the Exhibit "A" of this Agreement, subject to approval-as-to-form by the Office of County Counsel.

ACTION:

Bill Weiser
Bill Weiser, Fire Department Chief 6/22/2021

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Jeffries and duly carried by, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Perez, and Hewitt
Nays: Washington
Absent: None
Date: June 22, 2021
xc: Fire

Kecia R. Harper
Clerk of the Board
By Deputy
SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

<table>
<thead>
<tr>
<th>FINANCIAL DATA</th>
<th>Current Fiscal Year</th>
<th>Next Fiscal Year</th>
<th>Total Cost</th>
<th>Ongoing Cost</th>
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<tbody>
<tr>
<td>COST</td>
<td>$ N/A</td>
<td>$ 9,491,043</td>
<td>$ 29,834,080</td>
<td>$ N/A</td>
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<tr>
<td>NET COUNTY COST</td>
<td>$ N/A</td>
<td>$ 7,008,518</td>
<td>$ 22,386,504</td>
<td>$ N/A</td>
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</table>

**SOURCE OF FUNDS:** Structural Fire Tax – 20% and General Fund – 74%

**Budget Adjustment:** No

**For Fiscal Year:** 21/22–23/24

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

On July 13, 2010 (Item 3.93), the County of Riverside entered into a Revenue Neutrality Agreement for the incorporation of the City of Jurupa Valley. This agreement includes a long-term tax share plan where the County of Riverside continues to maintain the responsibility to provide Fire Services, based on the existing level of service at incorporation, in exchange for receiving the structural fire tax funds collected through property tax. The Revenue Neutrality agreement has an indefinite term due to the county maintaining this existing level of service. The two entities entered into a cooperative agreement (Item 3.38 on August 20, 2013) to outline services and conditions. As with the previous cooperative agreement, the agreement under consideration by the Board of Supervisors maintains the existing level of service and outlines this service and conditions.

The County will continue to fund 100% the existing level of fire services provided in the City of Jurupa Valley. The County will receive 100% of the structural fire taxes associated with the City of Jurupa Valley. The term of this agreement is July 1, 2021 through June 30, 2024, with the FY 21/22 estimated at $9,491,043, FY 22/23 estimated at $9,937,256 and FY 23/24 estimated at $10,405,780. Estimated expending from General Fund for FY 21/22 is $7,008,518 for FY 22/23 is $7,454,731 and for FY 23/24 is $7,923,255.

The City of Jurupa Valley approved the Cooperative Agreement during the June 3, 2021, City Council Meeting.

The agreement has been reviewed and approved as to form by County Counsel.

**Impact on Residents and Businesses**

There are no changes in the agreement; therefore, there will be no impact on businesses or citizens of the City of Jurupa Valley due to the renewal of this agreement. However, the language in the Agreement does state that the city may request an increase or decrease of employees or services assigned to the city with one hundred twenty (120) days’ written notice to the County. All requests for changes will be evaluated by the designated Chief Officer and/or County Fire Chief to ensure that the levels of service provided to the Community are at or above...
the minimum standard requirements. Any concerns will be discussed with the city representative.

SUPPLEMENTAL:
Additional Fiscal Information
Fire estimates expending $9,491,043 for FY 21/22, $9,937,256 for FY 22/23 and $10,405,780 for FY 23/24. General fund estimated expending for FY 21/22 is $7,008,518, for FY 22/23 $7,454,731 and for FY 23/24 is $7,923,255. The expense is included in the Fire Department’s budget proposal for FY 21/22 and will be part of future budget proposals. No additional general funds are requested. The estimated contract increase from FY20/21 Cost Estimate is 1.03%. This increase is due to various rate increases from the State Cooperative Agreement and the County cost increases in direct Fire Marshal Services and general operating costs. There were no changes in the Agreement’s level of staffing since the previous signed Agreement in FY17/18.

Contract History and Price Reasonableness
The County of Riverside has been providing fire services to the City of Jurupa Valley since incorporation in 2011, as well as prior to Incorporation when the area was unincorporated. The current contract with the City of Jurupa Valley was approved by the Board of Supervisors on May 1, 2018, Item #3.13. Since that time, the CalFire Cooperative rates decreased by 24.59% in FY20/21 and were realized by the County in the previous contract. The estimated contract increase from FY20/21 to FY21/22 Cost Estimate is 1.03%. This increase is due to various rate increases from the State Cooperative Agreement and the County cost increases in general operating costs. There were no changes in the Agreement’s level of County staffing since the previous signed Agreement dated May 1, 2018, Item #3.13.

Melissa Cushman
6/8/2021
Cherilyn Williams
6/9/2021

Gregory V. Prialos, Director County Counsel
6/8/2021
FIRST AMENDMENT TO “A COOPERATIVE AGREEMENT TO PROVIDE
FIRE PROTECTION, FIRE PREVENTION, RESCUE AND MEDICAL
EMERGENCY SERVICES FOR THE CITY OF JURUPA VALLEY”

THIS FIRST AMENDMENT (hereinafter referred to as “First Amendment”)
to the "Cooperative Agreement to Provide Fire Protection, Fire Prevention, Rescue
and Medical Emergency Services for the City of Jurupa Valley” entered into on
June 22, 2021 (hereinafter referred to as the “Agreement”), is made and entered
into this ____ day of _____________, 2021, by and between the County of
Riverside, a political subdivision of the State of California, on behalf of the Fire
Department (hereinafter referred to as “COUNTY”), and the City of Jurupa Valley,
a duly created city (hereinafter referred to as “CITY”), whereby it is agreed as
follows:

A. Recitals. This First Amendment is made with respect to the following
purposed and facts which each of the parties agree to be true and correct:

a. On June 22, 2021, the COUNTY and the CITY entered into
the Agreement with a term from July 1, 2021, to June 30, 2024.

b. The parties now wish to amend the Agreement to provide for:
(1) an amendment to Exhibit A, (2) an alteration to the inclusion of an Exhibit D,
(3) an addition of an Exhibit D, and (4) a provision relating to electronic signatures.

NOW, THEREFORE, for good and valuable consideration, the receipt and
adequacy of which is hereby acknowledged, COUNTY and CITY agree as follows:

1. The above recitals are true and correct and are incorporated herein
by reference.

2. Amended Exhibit A. Exhibit A to the Agreement is hereby amended
with a new Exhibit A, dated August 12, 2021, for Fiscal Year 2021-22, Fiscal Year
2022-23, and Fiscal Year 2023-24 attached hereto and incorporated herein as
though set forth in full.

3. Amended Paragraph G. Paragraph G from SECTION III:
PAYMENT FOR SERVICES is hereby checked as applicable.

4. Additional Exhibit D. Exhibit D to the Agreement, dated August 20,
2021, is attached hereto and incorporated herein as though set forth in full.

5. Added Section XVII. A new Section XVII is hereby added to the
Agreement as follows:
"SECTION XVII: ELECTRONIC SIGNATURES

This Agreement may be executed in any number of counterparts, each of which will be an original, but all of which together will constitute one instrument. Each party of this Agreement agrees to the use of electronic signatures, such as digital signatures that meet the requirements of the California Uniform Electronic Transactions Act ("CUETA") Civ. Code, §§ 1633.1 to 1633.17), for executing this Agreement. The parties further agree that the electronic signatures of the parties included in this Agreement are intended to authenticate this writing and to have the same force and effect as manual signatures. Electronic signature means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record pursuant to the CUETA as amended from time to time. The CUETA authorizes use of an electronic signature for transactions and contracts among parties in California, including a government agency. Digital signature means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature, and shall be reasonably relied upon by the parties. For purposes of this section, a digital signature is a type of 'electronic signature' as defined in subdivision (i) of Section 1633.2 of the Civil Code."

8. Other Terms Remain. Except as specifically set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect.

///
///
///

[Signature Provisions on following page]
IN WITNESS WHEREOF, the duly authorized officials of the parties hereunto have, in their respective capacities, set their hands as of the date first hereinabove written.

CITY OF JURUPA VALLEY

Dated: __________________________

By: ____________________________
Lorena Barajas, City Mayor

ATTEST:

By: ____________________________
Victoria Wasko, City Clerk
(SEAL)

APPROVED AS TO FORM:

By: ____________________________
Peter Thorson, City Attorney

COUNTY OF RIVERSIDE

Dated: __________________________

By: ____________________________
Chair, Board of Supervisors

ATTEST:

KECIA HARPER
Clerk of the Board

APPROVED AS TO FORM:

GREGORY P. PRIAMOS,
County Counsel

By: ____________________________
MELISSA R. CUSHMAN
Deputy County Counsel

(SEAL)
EXHIBIT "A"

TO THE COOPERATIVE AGREEMENT TO PROVIDE
FIRE PREVENTION, RESCUE, FIRE MARSHALL AND
MEDICAL EMERGENCY FOR THE CITY OF JURUPA VALLEY
DATED AUGUST 20, 2021 FOR FY2021/2022 THRU FY2023/2024

<table>
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<tr>
<th>CITY BUDGET COST ESTIMATE (with Credits)</th>
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<tr>
<td>FISCAL YEAR 2021/2022</td>
<td>$70,906</td>
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<tr>
<td>FISCAL YEAR 2022/2023</td>
<td>$72,324</td>
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<tr>
<td>FISCAL YEAR 2023/2024</td>
<td>$73,771</td>
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<td><strong>TOTAL CITY BUDGET ESTIMATE FOR FY2021/2022 THRU FY2023/2024</strong></td>
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<table>
<thead>
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<th>CITY BUDGET COST ESTIMATE (without Credits)</th>
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<tr>
<td>FISCAL YEAR 2021/2022</td>
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<td>FISCAL YEAR 2023/2024</td>
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<td><strong>$30,051,081</strong></td>
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EXHIBIT "A"

TO THE COOPERATIVE AGREEMENT TO PROVIDE FIRE PREVENTION, RESCUE, FIRE MARSHALL AND MEDICAL EMERGENCY FOR THE CITY OF JURUPA VALLEY
DATED AUGUST 20, 2021 FOR FY2021/2022
(Add a Fire Systems Inspector split cost w/ Rubidoux CSD per City’s letter dated August 11, 2021)

*See notation below for estimate assumptions

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<thead>
<tr>
<th>CAPTAINS</th>
<th>CAPTAIN MEDICS</th>
<th>ENGINEER</th>
<th>ENGINEER MEDICS</th>
<th>FF II</th>
<th>FFII MEDICS</th>
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<td>SUBTOTAL STAFF</td>
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<td>7</td>
<td>8</td>
<td>3</td>
<td>4</td>
<td>10</td>
</tr>
</tbody>
</table>

ESTIMATED SUPPORT SERVICES (Fire Cost Allocation Plan)

Administrative/Operational (Schedule A) | 16,062 per assigned Staff ** | 544,867 | 33.88 |
Volunteer Program (Schedule B) | 5,504 Per Entity Allocation | 5,504 | 1 |
Medic Program (Schedule C) | 10,648 Medic FTE and 1,370 per Defib | 154,550 | 14 |
Battalion Chief Support (Schedule D) | 78,644 .29 FTE per Station | 236,932 | 3 |
ECC Support (Schedule E) | 28.12 per Call and 18,529 per Station | 349,674 |
Fleet Support (Schedule F) | 65,330 per Fire Suppression Equip | 261,322 | 4 |
Comm/FIT Support (Schedule G) | 41.21 per Call and 27,160 per Station | 512,774 |
Facility Support (Schedule H) | Assigned Staff/Station Basis | 18,151 |
Hazmat Support (Schedule I) | 1,096 per Call and 4,468 per Station | 49,263 |

ESTIMATED SUPPORT SERVICES SUBTOTAL | 2,132,237 |

DIRECT CHARGES | 458,029 |
FIRE ENGINE USE AGREEMENT | 36,250 each engine | 108,750 | 3 |
TOTAL STAFF COUNT | 33 |

CITY REQUESTED SERVICES
FIRE SYSTEMS INSPECTOR (PCN TBD) | 141,812 each | 70,906 | 9.5 |
(FSI Position Split Funded w/ Rubidoux) | 70,906 |

TOTAL ESTIMATED BUDGET | $9,561,949 |
ESTIMATED STRUCTURAL FIRE TAX CREDIT | (2,482,525) |
COUNTY FUNDING | (7,079,418) |
NET ESTIMATED CITY BUDGET | $70,906 |

| 3 Fire Stations | 33.00 Assigned Staff |
| 10,467 Number of Calls | 0.88 Battalion Chief Support |
| 14 Assigned Medic FTE | ** 33.88 Total Assigned Staff |
| 4 Monitors/Defibs | |
| 3 Hazmat Stations | |
| 31 Number of Hazmat Calls | |

SUPPORT SERVICES (Fire Cost Allocation Plan)
Administrative & Operational Services
Finance | Procurement |
Training | Emergency Services |
Data Processing | Fire Fighting Equip. |
Accounting | Office Supplies/Equip. |
Personnel | |

FY21/22 EXHIBIT "A"
CITY OF JURUPA VALLEY
Page 2 of 7
SUPPORT SERVICES (Fire Cost Allocation Plan) cont.
Volunteer Program - Support staff, Workers Comp, and Personal Liability Insurance
Medic Program - Support staff, Training, Certification, Case Review & Reporting, Monitor/ Defibrillator replacement cycle.
Battalion Chief Support - Pooled BC coverage for Cities/Agencies that do not include BC staffing as part of their contracted services.
Fleet Support - Support staff, automotive costs, vehicle/engine maintenance, fuel costs
Emergency Command Center Support - Dispatch services costs
Communications / IT Support - Support staff, communications, radio maintenance, computer support functions
Facility Support - Facility maintenance staff with associated operating costs.
Hazmat Program - Support staff, operating costs, and vehicle replacement.

FY 21/22 POSITION SALARIES TOP STEP (per assumptions below)

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPUTY CHIEF</td>
<td>36,250</td>
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<td>DIV CHIEF</td>
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<tr>
<td>COUNTY DEPUTY FIRE MARSHAL</td>
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</tbody>
</table>

*Cost Assumptions:*
- All Salaries based on FINAL Saary, Pay Differentials, and Operating Expenses Schedule FY 2021-2022 Dated January 12, 2021
- Benefits and Admin Fee based on Staff Benefit Rate Matrix FY 2021-22 dated February 2021 - Prelim
- Direct cost of benefits (COBEN) is based on 1st Qtr AO-17 data.
- Estimated Support Services based on previous assumptions with a 2.5% increase

FY 21/22 DIRECT BILL ACCOUNT CODES

<table>
<thead>
<tr>
<th>Code</th>
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<tbody>
<tr>
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<td>520840</td>
<td>Household Furnishings</td>
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<tr>
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<tr>
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<td>Maint-Kitchen Equipment</td>
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<tr>
<td>522310</td>
<td>Maint-Building and Improvement</td>
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<td>Maint-Extermination</td>
</tr>
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<td>522380</td>
<td>Maint-Critical Systems</td>
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<td>522410</td>
<td>Maint-Health &amp; Safety</td>
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<td>522860</td>
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<td>537240</td>
<td>Internd Exp-Utilities</td>
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<tr>
<td>542080</td>
<td>Capital Improvements Facilities</td>
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EXHIBIT "A"

TO THE COOPERATIVE AGREEMENT TO PROVIDE FIRE PREVENTION, RESCUE, FIRE MARSHALL AND MEDICAL EMERGENCY FOR THE CITY OF JURUPA VALLEY
DATED AUGUST 20, 2021 FOR FY2022/2023

*See notation below for estimate assumptions

<table>
<thead>
<tr>
<th>CAPTAINS</th>
<th>CAPTAIN MEDICS</th>
<th>ENGINEERS</th>
<th>ENGINEER MEDICS</th>
<th>FF II MEDICS</th>
<th>FFII MEDICS</th>
<th>TOTALS</th>
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<td>2</td>
<td>208,196</td>
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<td>237,752</td>
</tr>
<tr>
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<td>Medic Engine</td>
<td>473,069</td>
<td>2</td>
<td>416,393</td>
<td>2</td>
<td>419,915</td>
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<tr>
<td></td>
<td>(Truck)</td>
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<td>3</td>
<td>624,589</td>
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<td>2</td>
<td>419,915</td>
<td>2</td>
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<td>Fixed Relief</td>
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<td>1</td>
<td></td>
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<td></td>
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<td>237,752</td>
<td>1</td>
<td>419,915</td>
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<td>713,257</td>
<td>730,090</td>
<td>2,099,577</td>
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ESTIMATED SUPPORT SERVICES (Fire Cost Allocation Plan)

| Administrative/Operational (Schedule A) | 16,886 per assigned Staff ** | 572,110 | 33.88 |
| Volunteer Program (Schedule B)         | 5,779 Per Entity Allocation  | 5,779   | 1     |
| Medic Program (Schedule C)             | 11,180 Medic FTE and 1,439 per Defib | 162,277 | 14    |
| Battalion Chief Support (Schedule D)   | 82,576 .29 FTE per Station   | 247,729 | 3     |
| ECC Support (Schedule E)               | 29.52 per Call and 19,455 per Station | 367,368 | 4     |
| Fleet Support (Schedule F)             | 68,597 per Fire Suppression Equip | 274,388 | 4     |
| Comm/IT Support (Schedule G)           | 43.27 per Call and 28,518 per Station | 538,413 | 33    |
| Facility Support (Schedule H)          | Assigned Staff/Station Basis | 19,058  |       |
| Hazmat Support (Schedule I)            | 1,151 per Call and 4,691 per Station | 51,726  |       |

ESTIMATED SUPPORT SERVICES SUBTOTAL 2,238,849

DIRECT CHARGES 458,029

FIRE ENGINE USE AGREEMENT 36,250 each engine 108,750 3

TOTAL STAFF COUNT 73,234 0.5

CITY REQUESTED SERVICES

FIRE SYSTEMS INSPECTOR (PCN TBD) 144,649 each 72,324

(FSI Position Split Funded w/ Rubidoux) 72,324

TOTAL ESTIMATED BUDGET $10,009,581

ESTIMATED STRUCTURAL FIRE TAX CREDIT (2,482,525)

COUNTY FUNDING (7,454,731)

NET ESTIMATED CITY BUDGET $72,324

3 Fire Stations 33.0 Assigned Staff
10,467 Number of Calls 0.66 Battalion Chief Support
14 Assigned Medic FTE ** 33.88 Total Assigned Staff
4 Monitors/Defibs
3 Hazmat Stations
31 Number of Hazmat Calls

SUPPORT SERVICES (Fire Cost Allocation Plan)

Administrative & Operational Services

Finance Procurement
Training Emergency Services
Data Processing Fire Fighting Equip.
Accounting Office Supplies/Equip.
Personnel

FY22/23 EXHIBIT "A"
CITY OF JURUPA VALLEY
Page 4 of 7
SUPPORT SERVICES (Fire Cost Allocation Plan) cont.
Volunteer Program - Support staff, Workers Comp, and Personal Liability Insurance

Medic Program - Support staff, Training, Certification, Case Review & Reporting, Monitor/Defibrillator replacement cycle.

Battalion Chief Support - Pooled BC coverage for Cities/Agencies that do not include BC staffing as part of their contracted services.

Fleet Support - Support staff automotive costs, vehicle/engine maintenance, fuel costs

Emergency Command Center Support - Dispatch services costs

Communications / IT Support - Support staff, communications, radio maintenance, computer support functions

Facility Support - Facility maintenance staff with associated operating costs.

Hazmat Program - Support staff, operating costs, and vehicle replacement.

FY 22/23 POSITION SALARIES TOP STEP (per assumptions below)

<table>
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<tr>
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<td>276,213</td>
<td>5,779</td>
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<td>CAPT</td>
<td>MEDIC FTE</td>
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<td>236,635</td>
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<td>1,439</td>
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<td>ENG</td>
<td>BATT DEL</td>
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<td>82,576</td>
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<td>ENG/MEDIC</td>
<td>ECC STATION</td>
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<td>SECRETARY I</td>
<td>4,691</td>
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<td>96,492</td>
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*Cost Assumptions:
- All Salaries based on FINAL Salary, Pay Differentials, and Operating Expenses Schedule FY 2021-2022 Dated January 12, 2021
- Benefits and Admin Fee based on Staff Benefit Rate Matrix FY 2021-22 dated February 2021 - Prelim
- Direct cost of benefits (COBEN) is based on 1st Qtr AO-17 data.
- Projected increase of 5% to Safety & 2% Non-Safety Staff and 5% Support Services from previous FY21/22.

FY 22/23 DIRECT BILL ACCOUNT CODE

| 520230 | Cellular Phone | 522340 | Station Budgeted Maint-Building and Improvement |
| 520300 | Pager Service  | 522360 | Maint-Extermination  |
| 520320 | Telephone Service | 522380 | Maint-Critical Systems |
| 520800 | Household Expense | 522410 | Maint-Health & Safety |
| 520805 | Appliances     | 522860 | Medical Supplies  |
| 520830 | Laundry Services | 522890 | Pharmaceuticals |
| 520840 | Household Furnishings | 523220 | Licenses And Permits |
| 520845 | Trash          | 523680 | Office Equip Non Fixed Assets |
| 521380 | Maint-Cooler Machines | 526700 | Rent-lease Retailing |
| 521440 | Maint-Kitchen Equipment | 529500 | Electricity |
| 521540 | Maint-Office Equipment | 529510 | Heating Fuel |
| 521660 | Maint-Telephone | 529550 | Water |
| 521680 | Maint-Underground Tanks | 537240 | Interfrnd Exp-Utilities |
| 522310 | Maint-Building and Improveme | 542050 | Capital Improvements Facilities |
EXHIBIT "A"

TO THE COOPERATIVE AGREEMENT TO PROVIDE FIRE PREVENTION, RESCUE, FIRE MARSHALL AND MEDICAL EMERGENCY FOR THE CITY OF JURUPA VALLEY
DATED AUGUST 20, 2021 FOR FY2023/2024

*See notation below for estimate assumptions

<table>
<thead>
<tr>
<th>CAPTAINS</th>
<th>CAPTAIN MEDICS</th>
<th>ENGINEERS</th>
<th>ENGINEER MEDICS</th>
<th>FF II</th>
<th>FFII MEDICS</th>
<th>TOTALS</th>
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</thead>
<tbody>
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<td>249,640 1</td>
<td>191,649 1</td>
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<td>1,377,073 6</td>
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<td>748,920 3</td>
<td>2,204,556 10</td>
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</table>

SUBTOTAL STAFF 7 8 3 4 10 33

ESTIMATED SUPPORT SERVICES (Fire Cost Allocation Plan)

Administrative/Operational (Schedule A) 17,731 per assigned Staff ** 600,715 33.88
Volunteer Program (Schedule B) 6,066 Per Entity Allocation 6,066 1
Medic Program (Schedule C) 11,739 Medic FTE and 1,511 per Defib 170,391 14
Battalion Chief Support (Schedule D) 80,705 .29 FTE per Station 260,116 3
ECC Support (Schedule E) 31.00 per Call and 20,428 per Station 385,736
Fleet Support (Schedule F) 72,027 per Fire Suppression Equip 288,107 4
Comm/IT Support (Schedule G) 45.43 per Call and 29,944 per Station 565,333
Facility Support (Schedule H) Assigned Staff/Station Basis 20,011
Hazmat Support (Schedule I) 1,208 per Call and 4,928 per Station 54,313

ESTIMATED SUPPORT SERVICES SUBTOTAL 2,350,791

DIRECT CHARGES 458,029
FIRE ENGINE USE AGREEMENT 36,250 each engine 108,750 3
TOTAL STAFF COUNT 108,750 3

CITY REQUESTED SERVICES
FIRE SYSTEMS INSPECTOR (PCN TBD) 147,542 each 73,771 0.5
(FSI Position Split Funded w/ Rubidoux)

TOTAL ESTIMATED BUDGET $10,479,551
ESTIMATED STRUCTURAL FIRE TAX CREDIT (2,482,525)
COUNTY FUNDING (7,923,255)
NET ESTIMATED CITY BUDGET $73,771

3 Fire Stations 33.0 Assigned Staff
14 Assigned Medic FTE 33.88 Total Assigned Staff
10,467 Number of Calls 0.98 Battalion Chief Support
4 Monitors/Defibs
3 Hazmat Stations
31 Number of Hazmat Calls

SUPPORT SERVICES (Fire Cost Allocation Plan)
Administrative & Operational Services
Finance
Training
Data Processing
Accounting
Personnel
Procurement
Emergency Services
Fire Fighting Equip.
Office Supplies/Equip.

FY23/24 EXHIBIT "A"
CITY OF JURUPA VALLEY
Page 6 of 7
SUPPORT SERVICES (Fire Cost Allocation Plan) cont.
Volunteer Program - Support staff, Workers Comp, and Personal Liability Insurance

Medic Program - Support staff, Training, Certification, Case Review & Reporting, Monitor/Defibrillator replacement cycle.

Battalion Chief Support - Pooled BC coverage for Cities/Agencies that do not include BC staffing as part of their contracted services.

Fleet Support - Support staff, automotive costs, vehicle/engine maintenance, fuel costs

Emergency Command Center Support - Dispatch services costs

Communications / IT Support - Support staff, communications, radio maintenance, computer support functions

Facility Support - Facility maintenance staff with associated operating costs.

Hazmat Program - Support staff, operating costs, and vehicle replacement.

FY 23/24 POSITION SALARIES TOP STEP (per assump):

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F*Cost Assumptions:
- All Salaries based on FINAL Salary, Pay Differentials, and Operating Expenses Schedule FY 2021-2022 Dated January 12, 2021
- Benefits and Admin Fee based on Staff Benefit Rate Matrix FY 2021-22 dated February 2021 - Prelim
- Direct cost of benefits (COBEN) is based on 1st Qtr AO-17 data.
- Projected increase of 5% to Safety & 2% Non-Safety Staff and 5% Support Services from previous FY22/23

FY 23/24 DIRECT BILL ACCOUNT CODE

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<th>Description</th>
<th>Code</th>
<th>Description</th>
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<tbody>
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<td>520230</td>
<td>Cellular Phone</td>
<td>522340</td>
<td>Station Budgeted Maint-Building and Improvement</td>
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<tr>
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<td>Pager Service</td>
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<td>Household Expense</td>
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<td>Maint-Health &amp; Safety</td>
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<td>Appliances</td>
<td>522860</td>
<td>Medical Supplies</td>
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<td>Capital Improvements Facilities</td>
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EXHIBIT “D”

TO THE COOPERATIVE AGREEMENT
TO PROVIDE FIRE PROTECTION, FIRE PREVENTION, FIRE MARSHAL, RESCUE
AND MEDICAL EMERGENCY SERVICES FOR THE CITY OF JURUPA VALLEY
DATED JULY 1, 2021

PAYMENT FOR ADDITIONAL SERVICES
OFFICE OF THE FIRE MARSHAL AGREEMENT

The Fire Marshal Agreement is utilized in the event a CITY elects to fund
locally direct COUNTY Fire Marshal personnel at the CITY to perform the duties of the
Office of the Fire Marshal. These duties include:

For conformance with applicable laws, codes and regulations concerning fire
protection and life safety -
- State mandated Fire/Life Safety Inspections in accordance with Health and Safety
  Code sections 13146.1, 13146.2, 13146.3, 13217 and 13235
- Investigation of fire safety complaints
- Annual Business Fire/Life Safety Inspections

In the event CITY desires an increase in the Office of the Fire Marshal duties/services
provided, CITY shall provide sixty (60) days’ written notice of the proposed increase
in services. COUNTY is under no obligation to approve any requested increase.
COUNTY shall render a written decision on whether to allow or deny the increase
within thirty (30) days of the notice provided pursuant to this section.

It is the CITY responsibility to provide funding for all direct operating supplies for each
position in accordance with COUNTY requirements and/or standards. These supplies
include, but are not limited to:
- Vehicle and regular maintenance
- Training
- Office space, furniture, Code & Standard reference books, and general & field
  supplies
- All IT and Communication tools (such as cell phone, computer, etc.)
- Uniform costs

All costs including salaries and benefits will be included in each quarterly invoice as
outlined in the Cooperative Agreement.

The CITY may opt out of this Agreement and eliminate funding for locally
direct COUNTY Fire Marshal personnel at the CITY in writing with a minimum notice of
one hundred and twenty (120) days. The costs will be prorated accordingly by services
provided and fiscal year.

Fire Marshal duties/services not delineated above in this Exhibit must be
provided by the COUNTY Office of the Fire Marshal pursuant to Health and Safety Code

Exhibit “D”
CITY OF JURUPA VALLEY
Page 1 of 2
sections 13145 and 13146 and at a cost to the customer as outlined in COUNTY Ordinance No. 671 (Establishing Consolidated Fees for Land Use and Related Functions). These duties/services include:

- Review Planning and Development Cases
- Review and inspection of construction development
- Review, permitting and inspection of Special Events
- Meeting with development applicants and customers

It is the responsibility of the CITY to obtain cost recovery for the Fire Marshal services provided by these personnel for the CITY.
STAFF REPORT

DATE: DECEMBER 2, 2021
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ROD BUTLER, CITY MANAGER
BY: PAUL TOOR, DIRECTOR OF PUBLIC WORKS
SUBJECT: AGENDA ITEM NO. 11.G

CONSIDERATION OF RESOLUTIONS REGARDING THE ANNEXATION OF ZONE Z (AGUA MANSA COMMERCE PARK) TO CITY OF JURUPA VALLEY LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED (“CITY OF JURUPA VALLEY L&LMD 89-1-C”), SOUTHEAST CORNER OF RUBIDOUX BOULEVARD AND EL RIVINO ROAD

RECOMMENDATION

1. That the City Council adopt Resolution No. 2021-93, entitled:


2. That the City Council adopt Resolution No. 2021-94, entitled:


3. That the City Council adopt Resolution No. 2021-95, entitled:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DECLARING ITS INTENTION TO ANNEX TERRITORY TO CITY OF JURUPA VALLEY LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 89-1-CONSOLIDATED AS ZONE Z AND TO LEVY AND COLLECT ASSESSMENTS WITHIN SUCH TERRITORY FOR FISCAL YEAR 2022-2023 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE AND ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION AND APPOINTING A TIME AND PLACE FOR HEARING PROTESTS

BACKGROUND

Upon incorporation on July 1, 2011, the City of Jurupa Valley assumed the responsibility for certain City of Jurupa Valley L&LMD 89-1-C zones now within the City’s jurisdictional boundaries. As such, the City is now responsible for the services and charges provided by the City of Jurupa Valley L&LMD 89-1-C zones within its boundaries. City of Jurupa Valley L&LMD No. 89-1-C currently maintains and services 64 locations (56 Zones) throughout the City of Jurupa Valley. The District contains 36 landscaping assessment zones and 20 street lighting assessment zones. The annual levy of assessments on the parcels within the boundaries of L&LMD No. 89-1-C is consistent with the Landscaping and Lighting Act of 1972.

On February 4, 2016 the City adopted Resolution No. 2016-01 clarifying that the City of Jurupa Valley L&LMD 89-1-C is distinct from the County of Riverside Landscaping and Lighting Maintenance District No. 89-1-Consolidated and assumes all responsibility for such district, including annexation of territory to the district.

The owner, Agua Mansa Commerce Predev LLC & Agua Mansa Commerce Phase I, LLC, requested annexation of the site into the existing City of Jurupa Valley L&LMD 89-1-C in order to cover costs associated with the maintenance of public improvements within the annexation known as Zone Z. The territory proposed to be annexed includes 13 parcels identified as APNs 175-170-036, 175-170-040, 175-170-043, 175-170-046, 175-180-001, 175-200-001, 175-200-002, 175-200-003, 175-200-004, 175-200-005, 175-200-007, 175-200-008, and 175-200-009 (TPM 37528), generally located at the southeast corner of Rubidoux Boulevard and El Rivino Road. The annexation was formed in order to maintain the street right-of-way/streetscape area which maintenance includes:

- The installation and planting of landscaping, including trees, shrubs, grass and other ornamental vegetation within the public right-of-way parkway landscaped area on Rubidoux Boulevard, El Rivino Road, and Hall Street, as identified on the approved L&LMD Landscape Plans for this Zone Z;

- The installation or construction of any facilities which are appurtenant to any of the foregoing, or which are necessary or convenient for the maintenance or servicing...
thereof, including, but not limited to, grading, clearing, removal of debris; and

- The installation or construction of curbs, gutters, walls, sidewalks or paving, water irrigation, drainage or electrical facilities; and,

- The operation and maintenance cost of streetlights located within the public right-of-way on Rubidoux Boulevard, El Rivino Road, Hall Avenue, and Brown Avenue, as identified on the approved Streetlight Plans for the Agua Mansa Commerce Park;

- The operation and maintenance cost of traffic signals at the intersections of El Rivino Road and Cactus Avenue, Rubidoux Boulevard and Sandstone Road, El Rivino Road and Rubidoux Boulevard, El Rivino Road and Hall Avenue, and Rubidoux Boulevard and Market Street.

- The operation and maintenance cost of maintenance and/or servicing of any of the foregoing.

ANALYSIS

Parcel Map No. 37528 is anticipated to record prior to the base year of assessment, FY22-23; therefore, the Engineer’s Report shows the Initial Maximum Assessment per assessable parcel under Parcel Map No. 37528. Parcel Map No. 37528 consists of nine assessable parcels and 4 non-assessable parcels. The non-assessable parcels include two open space lots (Lot No. 10 and Lot No. 11) and two undevelopable parcels located on the west side of the Agua Mansa Commerce Park development (Lot No. 12 and Lot No. 13).

Adoption of Resolution Nos. 2021-93, 2021-94, and 2021-95 will allow the City of Jurupa Valley to collect funds to maintain Zone Z of this Landscape and Lighting Maintenance District.

The proposed annexation will have an initial Maximum Assessment for the Zone in the amount of $133,524; to be apportioned based on the number of assessable acres of each benefiting parcel within the zone boundary. These rates may be adjusted annually by the greater of two percent (2%) or the cumulative percentage increase in the Consumer Price Index over the base year of 2022. The owners have filed a petition representing their willingness to move forward.

OTHER INFORMATION

Consistent with the City Council’s direction regarding compliance with Article XIII D of the California Constitution and the Landscaping and Lighting Act of 1972, the attached
resolutions have been prepared and a public hearing scheduled for 7:00 p.m. on January 20, 2022 to receive testimony for or against the proposed assessments.

**FINANCIAL IMPACT**

The property owners are responsible for the annual payments of the special assessment. The City will file the special assessment with the County Auditor-Controller for inclusion on the annual property tax roll. The property owners have posted a deposit with their application to form Zone Z, in order to cover City costs incurred in connection with the annexation. Approval of this resolution does not in any way commit the City to any financial contribution or liability by Zone Z. The City’s cost to administer Zone Z annually will be reimbursted through the special assessment charged to property owners.

The revenue from this special assessment will be deposited into City of Jurupa Valley L&LMD 89-1-C and will be used to pay for the services as listed above. Both the revenue and expenses will be part of the City’s FY 2022-2023 Adopted Budget, and there is no anticipated impact to the general fund.

**ALTERNATIVES**

1. Take no action.
2. Provide staff with further direction.

**************SIGNATURES ON FOLLOWING PAGE***************
Reviewed by:

Paul Toor
Director of Public Works

Prepared by:

Carolina Fernandez
Assistant Engineer

Approved as to form by:

Peter M. Thorson
City Attorney

Submitted by:

Rod B. Butler
City Manager

Reviewed by:

Michael Flad
Assistant City Manager

Reviewed by:

Connie Cardenas
Administrative Services Director

Attachments:

1) Resolution No. 2021-93
2) Resolution No. 2021-94
3) Resolution No. 2021-95
4) Engineer's Report
RESOLUTION NO. 2021-93


THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY HEREBY FINDS, DETERMINES, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. The City Council of the City of Jurupa Valley proposes to annex territory, described below in Section 2 of this Resolution, to an existing landscaping and lighting district located within the City of Jurupa Valley, which was established pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (hereinafter referred to as the "Act") and which is designated as City of Jurupa Valley Landscape and Lighting Maintenance District No. 89-1-Consolidated (hereinafter referred to as the "District") and to levy and collect assessments pursuant to the Act and Article XIII D of the California Constitution against lots and parcels within such territory to pay for the costs and expenses of the improvements described below in Section 3 of this Resolution for the fiscal year commencing July 1, 2022 and ending June 30, 2023.

Section 2. The territory proposed to be annexed to the District includes 13 parcels identified as Assessor Parcel Numbers (APNs) 175-170-036, 175-170-040, 175-170-043, 175-170-046, 175-180-001, 175-200-001, 175-200-002, 175-200-003, 175-200-004, 175-200-005, 175-200-007, 175-200-008, and 175-200-009, located on the southeast corner of Rubidoux Boulevard and El Rivino Road. Such territory is shown on a map on file in the office of the City Clerk and open to public inspection.

Section 3. The proposed improvements are briefly described as follows: The installation and planting of landscaping, including trees, shrubs, grass and other ornamental vegetation within the public right-of-way parkway landscaped area on Rubidoux Boulevard, El Rivino Road, and Hall Street, as identified on the approved L&LMD Landscape Plans for this Zone Z; the installation or construction of any facilities which are appurtenant to any of the foregoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris; the installation or construction of curbs, gutters, walls, sidewalks or paving, water irrigation, drainage or electrical facilities; the operation and maintenance cost of streetlights located within the public right-of-way on Rubidoux Boulevard, El Rivino Road, Hall Avenue, and Brown Avenue, as identified on the approved Streetlight Plans for the Agua Mansa Commerce Park; the operation and maintenance cost of traffic signals at the intersections of El Rivino Road and Cactus Avenue, Rubidoux Boulevard and Sandstone Road, El Rivino Road and Rubidoux Boulevard, El Rivino Road and Hall Avenue, and Rubidoux Boulevard and Market Street; and the maintenance and/or servicing of any of the foregoing.
Section 4. After the proposed territory is annexed to the District, the District shall continue to be designated as City of Jurupa Valley Landscape and Lighting Maintenance District No. 89-1-Consolidated.

Section 5. Lots or parcels of land within the territory proposed to be annexed to the District that are owned or used by any county, city, city and county, special district or any other local governmental entity, the State of California, or the United States shall be assessed unless the City demonstrates by clear and convincing evidence that such lots or parcels receive no special benefit from the proposed improvements.

Section 6. The City Council hereby orders the City Engineer, or his designee, to prepare and file with the City Clerk a report in writing in connection with the annexation of territory described herein to the District and the levy and collection of assessments against lots and parcels of land within such territory. This report shall be prepared in accordance with the Act and Section 4 of Article XIII D of the California Constitution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 2nd day of December, 2021.

______________________________
Lorena Barajas
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. 2021-93 was duly adopted and passed at a meeting of the City Council of the City of Jurupa Valley on the 18th day of November, 2021, 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 2nd day of December, 2021.

Victoria Wasko, CMC, City Clerk
City of Jurupa Valley

-3-
RESOLUTION NO. 2021-94


THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY HEREBY FINDS, DETERMINES, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. The City Council of the City of Jurupa Valley, pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (hereinafter referred to as the "Act"), did by previous resolution order the City Engineer, or the City Engineer’s designee, to prepare and file a written report in accordance with the Act and Article XIII D of the California Constitution in connection with the proposed annexation of territory to City of Jurupa Valley Lighting District No. 89-1-Consolidated as Zone Z and the levy and collection of assessments against lots and parcels of land within City of Jurupa Valley Lighting District No. 89-1-Consolidated for the fiscal year commencing July 1, 2022 and ending June 30, 2023.

Section 2. The Engineer has prepared and filed with the City Clerk of the City of Jurupa Valley and the City Clerk has presented to the City Council such report entitled "Engineer’s Report for City of Jurupa Valley Landscape & Lighting Maintenance District No. 89-1-Consolidated, Zone Z, Agua Mansa Commerce Park" (the "Report").

Section 3. The City Council has carefully examined and reviewed the Report, and the Report is hereby approved as filed.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 2nd day of December, 2021.

__________________________
Lorena Barajas
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. 2021-94 was duly adopted and passed at a meeting of the City Council of the City of Jurupa Valley on the 2nd day of December, 2021, 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 2nd day of December, 2021.

_______________________________
Victoria Wasko, CMC, City Clerk
City of Jurupa Valley
RESOLUTION NO. 2021-95


THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY HEREBY FINDS, DETERMINES, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. Pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (hereinafter referred to as the "Act") and as provided by Article XIII D of the California Constitution, the City Council of the City of Jurupa Valley, by previous Resolution, has initiated proceedings for the annexation of territory described below in Section 4 of this Resolution to City of Jurupa Valley Landscape and Lighting Maintenance District No. 89-1-Consolidated (hereinafter referred to as the "District") as Zone Z, and the levy and collection of assessments against the lots and parcels of land within such territory for fiscal year 2022-2023 to pay for the costs and expenses of the improvements described below in Section 6 of this Resolution.

Section 2. The Engineer selected by the City Council has prepared and filed with the City Clerk of the City of Jurupa Valley and the City Clerk has presented to the City Council a report in connection with the proposed annexation of territory to the District and the levy and collection of assessments against the lots and parcels of land within such territory for fiscal year 2022-2023, and the City Council did by previous Resolution approve such report.

Section 3. The City Council hereby declares its intention to order the annexation of territory described below in Section 4 of this Resolution to the District and to levy and collect assessments against the lots and parcels of land within such territory for fiscal year 2022-2023 to pay for the costs of the improvements described below in Section 6 of this Resolution. The Council hereby determines that the public interest requires this annexation to the District and levy and collection of assessments.

Section 4. The territory proposed to be annexed to the District includes 13 parcels identified as Assessor Parcel Numbers (APNs) 175-170-036, 175-170-040, 175-170-043, 175-170-046, 175-180-001, 175-200-001, 175-200-002, 175-200-003, 175-200-004, 175-200-005, 175-200-007, 175-200-008, and 175-200-009, located at the southeast corner of Rubidoux
Section 5. After the proposed territory is annexed to the District, the District shall continue to be designated as City of Jurupa Valley Landscape and Lighting Maintenance District No. 89-1-Consolidated.

Section 6. The proposed improvements are briefly described as follows: The installation and planting of landscaping, including trees, shrubs, grass and other ornamental vegetation within the public right-of-way parkway landscaped area on Rubidoux Boulevard, El Rivino Road, and Hall Street, as identified on the approved L&LMD Landscape Plans for this Zone Z; the installation or construction of any facilities which are appurtenant to any of the foregoing, or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris; the installation or construction of curbs, gutters, walls, sidewalks or paving, water irrigation, drainage or electrical facilities; the operation and maintenance cost of streetlights located within the public right-of-way on Rubidoux Boulevard, El Rivino Road, Hall Avenue, and Brown Avenue, as identified on the approved Streetlight Plans for the Agua Mansa Commerce Park; the operation and maintenance cost of traffic signals at the intersections of El Rivino Road and Cactus Avenue, Rubidoux Boulevard and Sandstone Road, El Rivino Road and Rubidoux Boulevard, El Rivino Road and Hall Avenue, and Rubidoux Boulevard and Market Street; and the maintenance and/or servicing of any of the foregoing.

Section 7. Lots or parcels of land within the District that are owned or used by any county, city, city and county, special district or any other local governmental entity, the State of California, or the United States shall be assessed unless the City demonstrates by clear and convincing evidence that such lots or parcels receive no special benefit from the proposed improvements.

Section 8. Reference is hereby made to the report of the Engineer entitled "Engineer’s Report for City of Jurupa Valley Landscape & Lighting Maintenance District 89-1-Consolidated, Zone Z, Agua Mansa Commerce Park" on file with the City Clerk for a full and detailed description of the improvements, the boundaries of the territory proposed to be annexed to the District, the boundaries of the existing District and the zones therein, and the proposed assessments upon assessable lots and parcels of land within the territory proposed to be annexed to the District.

Section 9. NOTICE IS HEREBY GIVEN THAT THURSDAY, THE 7TH DAY OF JANUARY 20, 2022, AT 7:00 P.M., IN THE CITY COUNCIL CHAMBER AT 8930 LIMONITE AVENUE, JURUPA VALLEY, CALIFORNIA, IS THE TIME AND PLACE FIXED FOR A PUBLIC HEARING BY THE CITY COUNCIL ON THE QUESTION OF THE ANNEXATION OF THE TERRITORY TO THE DISTRICT DESCRIBED ABOVE IN SECTION 4 OF THIS RESOLUTION TO THE DISTRICT AND THE LEVY AND COLLECTION OF THE ASSESSMENT FOR FISCAL YEAR 2022-2023 AGAINST THE LOTS AND PARCELS OF LAND WITHIN SUCH TERRITORY. All interested persons shall be afforded the opportunity to hear and be heard.

Section 10. The City Clerk is hereby authorized and directed to give notice of such hearing as provided by law by causing a notice of the public hearing and an assessment ballot to be mailed
by first class mail to the record owners of the parcels in the territory proposed to be annexed to the District no less than 45 days before the date of the public hearing.

**Section 11.** The City Council hereby designates Victoria Wasko, City Clerk, 8930 Limonite Avenue, Jurupa Valley, California, (951) 332-6464 to answer inquiries regarding the hearing, protest proceedings, and procedural or technical matters.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Jurupa Valley on this 2nd day of December, 2021.

________________________________________
Lorena Barajas  
Mayor

ATTEST:

________________________________________
Victoria Wasko, CMC  
City Clerk
STATE OF CALIFORNIA
COUNTY OF RIVERSIDE
CITY OF JURUPA VALLEY

I, Victoria Wasko, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2021-95 was duly adopted and passed at a meeting of the City Council of the City of Jurupa Valley on the 2nd day of December, 2021, 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 2nd day of December, 2021.

Victoria Wasko, City Clerk
City of Jurupa Valley
ENGINEER’S REPORT FOR
CITY OF JURUPA VALLEY
LANDSCAPE AND LIGHTING
MAINTENANCE DISTRICT
NO. 89-1-CONSOLIDATED

ZONE Z
AGUA MANSA COMMERCE PARK

DECEMBER 2021

Prepared By:

HR Green Pacific
1260 Corona Pointe Court, Suite 305
855.900.4742
www.hrgreen.com
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AGENCY: CITY OF JURUPA VALLEY
SUBJECT: ANNEXATION OF AGUA MANSA COMMERCE PARK TO CITY OF JURUPA VALLEY LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO.89-1-CONSOLIDATED (“CITY OF JURUPA VALLEY L&LMD NO.89-1-C”) AS ZONE Z
TO: CITY OF JURUPA VALLEY CITY COUNCIL

Pursuant to the direction from the City Council of the City of Jurupa Valley (“City Council”), California, this Engineer’s Report (“Report”) is prepared and hereby submitted for the City of Jurupa Valley (“City”) in compliance with the provisions of Section 22565 through 22574 of the Landscaping and Lighting Act of 1972 (“1972 Act”), said Act being Part 2 of Division 15 of the Streets and Highways Code of the State of California, Section 4 of Article XIII D of the California Constitution.

This Report provides for the annexation of a portion of Agua Mansa Commerce Park to City of Jurupa Valley L&LMD No. 89-1-C as Zone Z and establishes the Maximum Assessment to be levied in the Fiscal Year commencing July 1, 2022 to June 30, 2023 (2022-2023) and continuing in all subsequent Fiscal Years, for this area to be known and designated as:

CITY OF JURUPA VALLEY L&LMD NO. 89-1-C ZONE Z
AGUA MANSA COMMERCE PARK

I do hereby assess and apportion the total amount of the costs and expenses upon several parcels of land within said designated area liable therefor and benefited thereby, in proportion to the estimated benefits that each parcel receives, respectively, from said services.

NOW, THEREFORE, I, the appointed ENGINEER, acting on behalf of the City of Jurupa Valley, pursuant to the 1972 Act, do hereby submit the following:

Pursuant to the provisions of law, the costs and expenses of the Zone have been assessed upon the parcels of land in the Zone benefited thereby in direct proportion and relation to the estimated benefits to be received by each of said parcels. For particulars as to the identification of said parcels, reference is made to the Assessment Diagram/Boundary Map, a reduced copy of which is included herein.

As required by law, an Assessment Diagram/Boundary Map is filed herewith, showing the Zone, as well as the boundaries of the respective parcels and subdivisions of land within said Zone as they exist, as of the date of this Report, each of which subdivisions of land or parcels or lots, respectively, have been assigned a parcel/lot number within a specific tract and indicated on said Assessment Diagram/Boundary Map and in the Assessment Roll contained herein.

The separate numbers given the subdivisions and parcels of land, as shown on said Assessment Diagram/Boundary Map and Assessment Roll, correspond with the numbers assigned to each parcel by the Riverside County Assessor. Reference is made to the County Assessor Roll for a description of the lots or parcels.
As of the date of this Report, there are no parcels or lots within Zone Z that are owned by a federal, state or other local governmental agency that will benefit from the services to be provided by the assessments to be collected.

December 2nd, 2021.

______________________________
Steve Loriso, R.C.E. 64701
EXECUTIVE SUMMARY

INTRODUCTION

Pursuant to the provisions of law, the costs and expenses of the Zone have been assessed upon the parcels of land in the Zone benefited thereby in direct proportion and relation to the estimated benefits to be received by each of said parcels. For particulars as to the identification of said parcels, reference is made to the Assessment Diagram/Boundary Map, a reduced copy of which is included herein. On this 2nd day of December, 2021 the City Council, City of Jurupa Valley, State of California, ordering the preparation of the Report providing for the annexation of a portion of Agua Mansa Commerce Park to L&LMD No. 89-1-C as Zone Z did, pursuant to the provisions of the 1972 Act, being Division 15 of the Streets and Highways Code of the State of California, adopt Resolution No. 2021-XX for a special assessment district zone known and designated as:

ZONE Z
AGUA MANSA COMMERCE PARK

The annexation of Zone Z includes the parcels of land within the industrial center known as Agua Mansa Commerce Park, located within Tentative Parcel Map number 37528 (TPM37528). As of the date of this report, the zone contains thirteen (13) assessable parcels; also identified by the Assessor Parcel Number(s) 175-170-036, 175-170-040, 175-170-043, 175-170-046, 175-180-001, 175-200-001, 175-200-002, 175-200-003, 175-200-004, 175-200-005, 175-200-007, 175-200-008, 175-200-009. As required by law, an Assessment Diagram/Boundary Map is filed herewith, showing the Zone, as well as the boundaries and dimensions of the respective parcels and subdivisions of land within said Zone as they exist, as of the date of this Report, each of which subdivisions of land or parcels or lots, respectively, have been assigned a parcel/lot number within a specific tract and indicated on the Assessment Diagram/Boundary Map and in the Assessment Roll contained herein.

The following report presents the engineering analysis for the annexation of Zone Z and the establishment of the Maximum Assessment to be levied and collected commencing Fiscal Year 2022-2023 and all subsequent fiscal years.

DEFINITIONS

Agency – Means the local government, City of Jurupa Valley.
Capital cost – Means the cost of acquisition, installation, construction, reconstruction, or replacement of a permanent public improvement by the Agency.
District – Means an area determined by the Agency to contain all parcels which will receive a special benefit from a proposed public improvement of property-related service.
Maintenance and operation expenses - Means the cost of rent, repair, replacement, rehabilitation, fuel, power, electrical current, care, and supervision.
necessary to properly operate and maintain a permanent public improvement.

Ad Valorem Reduction – The corresponding general benefit value of the improvements.

Special benefit – Means a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large. General enhancement of property value does not constitute “special benefit.”
PART I – BOUNDARIES OF THE DISTRICT

LOCATION OF THE ASSESSMENT ZONE

Zone Z shall consist of a benefit zone encompassing the properties within the industrial development known as Agua Mansa Commerce Park. The proposed improvements described in this Report are based on current development and improvement plans provided as of the date of this Report.

Zone Z is generally located on the southeast corner of Rubidoux Boulevard and El Rivino Road intersection, in the City of Jurupa Valley, in the County of Riverside, State of California. At the time of this assessment, the assessment zone consists of 13 assessable (legal) parcels and zero non-assessable parcels. Zone Z consists of all lots/units, parcels, and subdivisions of land located in the following development area:


Note: Tentative Parcel Map No. 37528 consists of 9 assessable parcels and 4 non-assessable parcels. The non-assessable parcels include two open space lots (Lot No. 10 and Lot No. 11) and two undevelopable parcels located on the west side of the Agua Mansa Commerce Park development (Lot No. 12 and Lot No. 13). This report will provide the base year assessment as detailed in the Maximum Assessment Methodology section and assuming recorrdation of Parcel Map No. 37528.
PART II – PLANS AND SPECIFICATIONS FOR CITY OF JURUPA VALLEY
L&LMD NO. 89-1-C ZONE Z

The services to be funded by City of Jurupa Valley L&LMD No. 89-1-C Zone Z include the landscape maintenance within industrial development designated as Agua Mansa Commerce Park. The proposed improvements, the associated costs, and assessments have been carefully reviewed, identified, and allocated based on:

a. Level of Service
b. Improvement Types
c. Proximity to Improvement
d. Levels of Special Benefit from Zone (on Public versus Private)

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements, which include the construction, maintenance, and servicing of public lights, landscaping, dedicated easements for landscape use, and appurtenant facilities. The 1972 Act further provides that assessments may be apportioned upon all assessable lot(s) or parcel(s) of land within an assessment district in proportion to the estimated benefits to be received by each lot or parcel from the improvements rather than by assessed value.

It was determined that the improvements identified by this report will directly benefit the parcels to be assessed within Zone Z. The assessments and method of apportionment is based on the premise that the assessments will be used to construct and install landscape and lighting improvements within the existing district as well as provide for annual maintenance of those improvements and the assessment revenues generated by the Zone will be used solely for such purpose.

LANDSCAPING IMPROVEMENTS
The assessment will provide for landscaping servicing and maintenance on public right-of-way and as approved by the City during the Tentative Parcel Map (TPM37528) approval. The following apply:

1. Servicing: the furnishing of water for the irrigation of any landscaping or the maintenance of any other improvements.
2. Maintenance: the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of any improvement, including the repair, removal, or replacement of all of part of landscape improvements. Maintenance shall also include tree trimming for the trees identified on the approved L&LMD Landscape Plans for Zone Z.

The benefits associated with landscaping improvements include:

1. Enhanced environmental quality of the parcels through improved erosion resistance, dust and debris control, and fire protection.
2. Reduced criminal activity and property-related crimes (especially vandalism) against properties through well-maintained surrounding and amenities.
3. Enhanced environmental quality of the parcels by moderating temperatures, providing oxygenation and attenuation noise.

**STREET LIGHTING IMPROVEMENTS**

The assessment will provide for the operating energy cost and maintenance of the street lights servicing the industrial development, Agua Mansa Commerce Park, as shown in the Street Improvement Plans prepared for the development and approved by the City Engineer.

The benefits associated with streetlight improvements include:

1. Enhanced deterrence of crime such as vandalism and other criminal activities which would reduce damage to improvements or property.
2. Improved visibility to assist police in the protection of property.
3. Improved visibility for egress from and ingress to the property.

There are twenty-three streetlights considered for this assessment. The fifteen (15) streetlights along the south side of El Rivino Road, two (2) along the west side of Hall Avenue, one (1) at the project entrance at Brown Avenue, and five (5) along the east side of Rubidoux Boulevard.

**TRAFFIC SIGNAL IMPROVEMENTS**

The assessment will provide for the operating energy cost and maintenance of the traffic signals servicing and required due to the new industrial development, Agua Mansa Commerce Park, as shown in the Street Improvement Plans prepared for the development and approved by the City Engineer.

The benefits associated with traffic signal improvements include:

1. Enhanced circulation at roadway intersections.
2. Enhanced traffic handling capacity of an intersection.
3. Improved safety and efficiency of pedestrian and vehicular traffic.
4. Improved visibility for egress from and ingress to the property.

There are five intersections included on this assessment: El Rivino Road & Cactus Avenue, Rubidoux Boulevard & Sandstone Road, El Rivino Road & Rubidoux Boulevard, El Rivino Road & Hall Avenue, Agua Mansa Road & Market Street, and Rubidoux Boulevard & Market Street.
PART III – FINANCIAL ANALYSIS

INTRODUCTION
The formula used for calculating assessments reflects the composition of the parcels and the improvements and services provided by the Zone Z to fairly apportion the costs based on the estimated benefit to each parcel.

The landscaping, streetlight, and traffic signal improvements included on this assessment for Zone Z provide direct and special benefit to the lots or parcels within the Zone. Therefore, the maintenance of these improvements also provides direct and special benefit by maintaining the functionality of the improvements and allowing the improvements to operate in a proper manner.

Because all benefiting properties consist of a uniform land use, it is determined that all (any) industrial parcels benefit equally from the improvements and the costs and expenses for the maintenance and servicing of landscaping and streetlight are apportioned on a per acre basis.

The total benefit from the works of improvement is a combination of the special benefits to the parcels within the Zone and the general benefits to the public at large and to adjacent property owners. A portion of the total maintenance costs for the landscaping and streetlights, if any, associated with general benefits will not be assessed to the parcels in the Zone, but will be paid from other City of Jurupa Valley funds.

No property is assessed in excess of the reasonable cost of the proportional special benefit conferred on that property. Additionally, because the benefiting properties consist of a uniform land use (industrial), it is determined that each of the parcels within the Zone benefit equally from the improvements. Therefore, the proportionate share of the costs and expenses for the provisions of landscaping, as well as costs and expenses for the maintenance of the landscaping, are apportioned equally on a per acre basis.

MAXIMUM ASSESSMENT METHODOLOGY
The following methodology was adopted by City Council in Resolution No. 2016-01 dated February 4, 2016. Such methodology has been maintained in preparation of this Report. The purpose of establishing a Maximum Assessment formula is to provide for reasonable increases and inflationary adjustments to annual assessments without requiring costly noticing and mailing procedures, which would add to the Zone Z costs and assessments.

The Maximum Assessment formula shall be applied to all assessable parcels of land within the Zone. For Zone Z, the initial Maximum Assessment(s) for Fiscal Year 2022-2023 are as follows:

1. The initial Total Maximum Assessment established within Zone Z shall be $133,524.
2. The initial Maximum Assessment per assessable (existing) acre shall be $660.94.
3. The initial Maximum Assessment per assessable acre provided Parcel Map No. 37528 records prior to the base year assessment shall be $660.94.
The initial Maximum Assessment is subject to an annual inflator starting in Fiscal Year 2023-2024. The initial Maximum Assessment shall be adjusted by the greater of two percent (2%) or the cumulative percentage increase in the CPI-U Index published by the Bureau of Labor Statistics of the United States Department of Labor.

The Maximum Assessment is adjusted annually and is calculated independent of Zone Z’s annual budget and proposed annual assessment. The proposed annual assessment (rate per assessable parcel) applied in any fiscal year is not considered to be an increased assessment if less than or equal to the Maximum Assessment amount. In no case shall the annual assessment exceed the Maximum Assessment.

Although the Maximum Assessment will increase each year, the actual Zone Z assessments may remain virtually unchanged. The Maximum Assessment adjustment is designed to establish reasonable limits on Zone Z assessments. The Maximum Assessment calculated each year does not require or facilitate an increase of the annual assessment and neither does it restrict assessments to the adjusted maximum amount. If the budget and assessments for the fiscal year require an increase and the increase is more than the adjusted Maximum Assessment, it is considered an increased assessment.

To impose an increase assessment, the City of Jurupa Valley must comply with the provisions of the California Constitution Article XIII D Section 4c, that requires a public hearing and certain protest procedures including mailed notice of the public hearing and property owner protest balloting. Property owner through the balloting process must approve the proposed assessment increase. If the proposed assessment is approved, then a new Maximum Assessment is established for Zone Z. If the proposed assessment is not approved, the City may not levy an assessment greater than the adjusted Maximum Assessment previously established for Zone Z.

**COST ESTIMATE**

The Ad Valorem reduction is the corresponding general benefit value of the improvements, and it is determined by identifying the general public benefit from the installation and upkeep of the improvements identified on this report. All proposed landscape, water quality improvements, and lighting improvements contained within this report are located directly in front of the assessed zone and the construction and installation of the improvements were only necessary for the development of properties within the Zone. Therefore, it was determined that any public access or use of these local improvements by others is incidental and there is no measurable general benefit to properties outside the one or to the public at large. The Ad Valorem reduction for these improvements is zero.

The traffic signal at El Rivino Road and Cactus Avenue will be a new traffic signal located at the development’s main access point to El Rivino Road. The traffic signal will be partially located in the City of Rialto. Based on the traffic analysis prepared for this project and the traffic signal location, an ad valorem reduction has been provided. The district will be assessed for 50% of the estimated maintenance and operation cost.

The traffic signal at Rubidoux Boulevard and Sandstone Road will be a new traffic signal located at the development’s overall main access on Rubidoux Boulevard. The traffic analysis prepared for this project and traffic signal location was considered and it was determined that any public access or use of these
local improvements by others is incidental and there is no measurable general benefit to properties outside the one of to the public at large. The Ad Valorem reduction for these improvements is zero.

The traffic signal at El Rivino Road and Rubidoux Boulevard is an existing traffic signal. The traffic signal is partially located in the City of Rialto. Based on the traffic analysis prepared for this project and the traffic signal location, an ad valorem reduction has been provided. The district will be assessed for 40% of the estimated maintenance and operation cost.

The traffic signal at El Rivino Road and Hall Avenue, will be a new traffic signal partially located in the City of Rialto. Based on the traffic analysis prepared for this project and the traffic signal location, an ad valorem reduction has been provided. The district will be assessed for 40% of the estimated maintenance and operation cost.

The traffic signal at Agua Mansa Road and Market Street is an existing traffic signal. Based on the traffic analysis prepared for this project and the traffic signal location, ad valorem reduction has been provided. The district will be assessed for 20% of the estimated maintenance and operation cost.

The traffic signal Rubidoux Boulevard and Market Street is an existing traffic signal. Based on the traffic analysis prepared for this project and the traffic signal location, and ad valorem reduction has been provided. The district will be assessed for 30% of the estimated maintenance and operation cost.

The Assessment for each assessable parcel within Zone Z is calculated by dividing the total Annual Balance to Levy minus the Ad Valorem Reduction by the total number of assessable subdivided parcels within Zone Z to determine the Annual Assessment per assessable parcel.

\[
\frac{\text{Annual Balance to Levy} - \text{Ad Valorem Reduction}}{\text{Total number of assessable acres}} = \text{Annual Assessment per assessable acres}
\]

The Annual Balance to Levy is the Total Annual Landscaping Costs plus the Total Annual Streetlight Costs as seen in the following summary table:
CITY OF JURUPA VALLEY L&LMD NO. 89-1-C ZONE Z
AGUA MANSA COMMERCCE PARK
FY 2022-2023

Total Assessable Acres: 202.02 acres  
Total Assessable Parcels (TPM No. 37528): 9

<table>
<thead>
<tr>
<th>Cost Description</th>
<th>Total Cost for Zone Z</th>
<th>Cost per Acre for Zone Z</th>
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</thead>
<tbody>
<tr>
<td><strong>Landscaping:</strong></td>
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<tr>
<td>Annual Landscaping Maintenance:</td>
<td>$42,284.22</td>
<td>$209.31</td>
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<td>Tree Trimming :</td>
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<td>Water (including water meter)</td>
<td>$9,804.00</td>
<td>$48.53</td>
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<td>Fertilizer Injector</td>
<td>$4400.00</td>
<td>$21.05</td>
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<td>Electricity (including electric meter)</td>
<td>$600.00</td>
<td>$2.97</td>
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<td>Mulch :</td>
<td>$1,459.50</td>
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<td>Calsense Single:</td>
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<td>Backflow Certificate :</td>
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<td>Graffiti Abatement:</td>
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<td>TOTAL ANNUAL LANDSCAPING COSTS :</td>
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<td>$386.01</td>
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<td><strong>Streetlighting:</strong></td>
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<td>Streetlights LED (Rubidoux Boulevard):</td>
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<td>$9.71</td>
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<td>Streetlights LED (El Rivino Road, Hall Avenue, Brown Avenue):</td>
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<td>$3.03</td>
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<td>TOTAL ANNUAL STREETLIGHTING COSTS :</td>
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<td>$12.73</td>
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<td><strong>Traffic Signals:</strong></td>
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<tr>
<td>Traffic Signal at El Rivino Road &amp; Cactus Avenue</td>
<td>$5,000.00</td>
<td>$24.75</td>
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<td>Traffic Signal at Rubidoux Boulevard &amp; Sandstone Road</td>
<td>$10,000.00</td>
<td>$49.50</td>
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<td>Traffic Signal at El Rivino Road &amp; Cedar-Rubidoux Boulevard</td>
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<tr>
<td>Agua Mansa Road/Market Street</td>
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<td>$9.90</td>
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<tr>
<td>Traffic Signal at Rubidoux Boulevard &amp; Market St./20th St.</td>
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<td>$14.85</td>
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<td>TOTAL TRAFFIC SIGNAL COSTS :</td>
<td>$28,000.00</td>
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<td><strong>ADMINISTRATION (8%)</strong></td>
<td>$8,684.46</td>
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<td><strong>INSPECTION (5%)</strong></td>
<td>$5,427.79</td>
<td>$26.87</td>
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<tr>
<td><strong>OPERATING RESERVE, REPAIRS AND REPLACEMENTS (10%)</strong></td>
<td>$10,855.57</td>
<td>$53.73</td>
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TOTAL ANNUAL ASSESSMENT:  
*$133,524.00  
*$660.94  
*Rounded to nearest dollar

INITIAL MAXIMUM ASSESSMENT PER ASSESSABLE ACRE : $660.94
PART IV – ASSESSMENT DIAGRAM

(See next page)
ASSESSMENT DIAGRAM/ BOUNDARY MAP
CITY OF JURUPA VALLEY LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 89-1- CONSOLIDATED
ZONE Z LLMD89-1-C
PM 37528

CITY OF JURUPA VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA


ASSESSOR'S PARCEL NUMBER AS OF DATE OF ENGINEER'S REPORT

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<th>Parcel Numbers</th>
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<th>175-170-043</th>
<th>175-170-046</th>
<th>175-180-001</th>
<th>175-200-001</th>
<th>175-200-004</th>
<th>175-200-005</th>
<th>175-200-007</th>
<th>175-200-008</th>
<th>175-200-009</th>
</tr>
</thead>
</table>

Legend

- Subzone Boundary
  - (A) ALL
  - (P) PORTION

VICINITY MAP

For details concerning the lines and dimensions of the applicable Assessor’s Parcel numbers, refer to the County Assessor’s Map as of the date of the Report.
PART V – ASSESSMENT ROLLS

Parcel identification for each parcel within Zone Z shall be the parcels as shown on the Riverside County Secured Roll for the year in which this Report is prepared and reflective of the Assessor’s Parcel Maps. Zone Z includes the following Assessor’s Parcel Numbers (APNs) as of the date of this Report: 175-170-036, 175-170-040, 175-170-043, 175-170-046, 175-180-001, 175-200-001, 175-200-002, 175-200-003, 175-200-004, 175-200-005, 175-200-007, 175-200-008, and 175-200-009.

The foregoing APNs are included within the boundary of Parcel Map No. 37528. The assessment to be levied upon each parcel that benefits from the annexation of Zone Z to L&LMD No. 89-1-C will be $660.94 per acre for fiscal year 2022-23. As stated in this Report, the total budget for Zone Z for the fiscal year 2022-23 is $133,524.00. Parcel Map No. 37528 is anticipated to record prior to the base year of assessment (FY22-23); therefore, the initial Maximum Assessments per assessable parcel for Zone Z are as follows:

<table>
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<tr>
<th>Lot Number per TPM No. 37528</th>
<th>Approximate Assessable Acreage</th>
<th>Assessment Per Acre</th>
<th>Maximum Assessment</th>
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<tr>
<td>1</td>
<td>57.09</td>
<td>$660.94</td>
<td>$37,733.32</td>
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<tr>
<td>2</td>
<td>50.32</td>
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<td>3</td>
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<td>22.5</td>
<td>$660.94</td>
<td>$14,871.25</td>
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<td>5</td>
<td>11.68</td>
<td>$660.94</td>
<td>$7,719.83</td>
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<tr>
<td>6</td>
<td>13.4</td>
<td>$660.94</td>
<td>$8,856.66</td>
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<td>7</td>
<td>1.93</td>
<td>$660.94</td>
<td>$1,275.62</td>
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<td>4.28</td>
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</tr>
<tr>
<td>13</td>
<td>0</td>
<td>$660.94</td>
<td>**$0.00</td>
</tr>
</tbody>
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* Lots 10 and 11 of TPM No. 37528 are Open Space lots and therefore non-assessable.
** Lots 12 and 13 of TPM No. 37528 are non-benefiting parcels.

The initial Maximum Assessment shall be adjusted annually by the greater of two percent (2%) or the cumulative percentage increase in the CPI-U for All Items Index published by the BLS.
STAFF REPORT

DATE: DECEMBER 2, 2021
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ROD BUTLER, CITY MANAGER
       PAUL TOOR, PUBLIC WORKS DIRECTOR/CITY ENGINEER
SUBJECT: AGENDA ITEM NO. 11.H

APPROVAL OF CASH-IN-LIEU OF UNDERGROUNDBING FOR UTILITY LINES AND POLES WITHIN, SERVING, AND ALONG THE 24TH STREET FRONTAGE OF WHEELER UFPITTERS LOCATED EAST OF RUBIDOUX BOULEVARD, SOUTH OF MARKET STREET, AND NORTH OF 24TH STREET (APNS: 178-330-018, -024, AND -025)

RECOMMENDATION

1) That the City Council approve cash-in-lieu of undergrounding for utility lines and poles within, serving, and along the 24th St frontage of Wheeler Upfitters in the amount of $166,000.

BACKGROUND

On November 20, 2020, the City Council approved Master Application No. 20039 and adopted Planning Commission Resolution No. 2020-11-10-01. In compliance with Title 7 of the Municipal Code, Subdivisions, the conditions of approval for this project require the applicant to underground poles and lines within the boundaries of the property, and within the public right-of-way adjacent to the property and extending to the first existing utility pole beyond the property’s boundaries. The project site has a total of nine (9) electrical poles along the 24th St frontage and three (3) total electrical and communication poles along the Hall Avenue frontage. There are no overhead facilities located along the Market Street frontage.

On October 1, 2020, the City Council introduced Ordinance No. 2020-12, amending Section 7.50.010 of the Jurupa Valley Municipal Code related to undergrounding of existing and new utility lines. The Ordinance states a fee may be paid in lieu of undergrounding existing overhead utility lines in the following situations:

- The length of utilities lines to be placed underground will be less than three hundred (300) feet and the utility lines have not been placed underground on any property abutting the subject property.
• Existing on-site utility lines also serve property under separate ownership.
• The City Engineer determines that undergrounding would not result in a net reduction of utility poles.
• The expansion of an existing building or buildings on a site if the proposed expansion does not increase the total gross floor area of the building or buildings by more than one hundred (100) percent. In such cases, the amount of the in-lieu fee to be paid shall be prorated based on the percentage increase in total gross floor area on the site.
• The demolition and reconstruction of all or part of an existing building or buildings on a site if the total gross floor area of the buildings on site will be increased by no more than one hundred (100) percent. In such cases, the amount of the in-lieu fee to be paid shall be prorated based on the percentage increase in total gross floor area on the site.
• The City Engineer determines that existing utility lines cannot be placed underground without severely disrupting existing improvements.
• The physical or legal character of existing utility easements will not allow utility lines to be placed underground.

ANALYSIS

The owner is requesting to pay a fee in-lieu of undergrounding for the 12kV lines on 24th Street based on Section 7.50.010. The pole line on 24th street consists of nine (9) total poles with two circuits, one (1) 12kV line and one (1) 33kV line. Per City Ordinance 33kV lines including the poles do not require undergrounding. All nine poles along 24th Street carry 33 kV lines and two of those poles carry a 12kV line.

Staff reviewed the request and given the two poles carrying the 12kV line are shared with the 33kV line, undergrounding would not result in a net reduction of utility poles. Furthermore, if the City requires the overhead 12kV line to be placed underground, SCE will need to install a new riser pole per their construction requirements, resulting in additional poles.

The owner provided a cost estimate for the 24th Street undergrounding work in the amount of $166,610. Staff has determined that the estimate is consistent with similar work in the City and is recommending approval of this request. The poles along Hall Street will adhere to undergrounding requirements and engineering standards.

OTHER INFORMATION

The City Attorney has reviewed and approved the Agreements as to form.

Previous Actions:
• November 20, 2020 - Jurupa Valley City Council approved Master Application No. 20039 and adopted Planning Commission Resolution No. 2020-11-10-01
FINANCIAL IMPACT

Staff time to process the project will be recovered by the developer’s deposits as part of this application and no net cost to the City’s General Fund is anticipated. The cash-in-lieu fees will be collected if request is approved.

ALTERNATIVES

1. Take no action.
2. Provide alternative direction to staff.

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

Octavio Duran Jr.
Assistant City Engineer

Reviewed by:

Paul Voor
Public Works Director/City Engineer

Reviewed by:

Connie Cardenas
Director of Administrative Services

Reviewed by:

Michael Flad
Assistant City Manager

Approved as to form:

Peter M. Thorson
City Attorney

Submitted by:

Rod B. Butler
City Manager

Attachments:

A. Owner's Uncergrounding Application
UNDERGROUND UNTILITY APPLICATION

Name of Owner: Rex 2353 LLC
Phone #: 810-638-5900  FAX number: 
Mailing Address: 7439 Sheridan Rd Flushing MI 48433
Email Address: emily@epdsolutions.com

Name of Applicant: Wheeler Upfitters
Phone #: 810-638-5900  FAX number: 
Mailing Address: 7439 Sheridan Rd Flushing MI 48433
Email Address: emily@epdsolutions.com

Project Description: Wheeler's Upfitters, construction of a 25,910 square-foot industrial building for the operation of commercial vehicle customizing, specifically vans and light trucks.

APN(S): 178-330-024, 025, 018
Parcel or Tract:  Lots:  Acres: 15.3
Planning Project #: MA20075

Type of Project:

- Commercial
- Industrial
- Golf Course, Flood, Etc.
- Surface Mining
- Tracts
- Other: __________________________
Aug 16, 2021

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

RE: Request for Waiver for Utility Undergrounding GP21-010

Dear Mr. Paul Toor,

Please accept this letter as a formal request to waive the utility undergrounding requirement for project GP21-010 along 24th Street. Due to the current site conditions (with a 33KV and 12KVA system located at the 24th street frontage), the undergrounding of the existing 12KVA line along the 24th street frontage would result in the addition of a new pole being installed in the street. It is our understanding; the intent of the condition is to reduce the number of poles along the public ROW and the undergrounding of these lines would not meet the intent of the condition. Our proposal is to pay an in-lieu fee to the city at a cost of $310 per linear foot of frontage along 24th street. This fee is based on a cost estimate prepared by a dry utility consultant.

We are grateful for the City’s consideration of this request and look forward to hearing from you.

Thank you

EPD Solutions Inc – Agent for Wheeler Upfitters LLC
### HALL AND 24TH STREET SITE

10/14/2021

<table>
<thead>
<tr>
<th>SITE LOCATION</th>
<th>CONST. COSTS</th>
<th>UTILITY FEES</th>
<th>TOTAL COSTS</th>
</tr>
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<tbody>
<tr>
<td>24TH STREET</td>
<td>$33,310.00</td>
<td>$133,300.00</td>
<td>$166,610.00</td>
</tr>
</tbody>
</table>

**TOTAL BUDGET COSTS:** $33,310.00 $133,300.00 $166,610.00

*NOTE: ESTIMATE DOES NOT INCLUDE COSTS FOR DRY UTILITY REMOVALS, IF ANY*
## DRY UTILITY BUDGET COST ESTIMATE

**ROADWAY ADJACENT FACILITIES - 24TH STREET**

**10-14-21**

### NOTE: TRAFFIC CONTROL AND PAVEMENT RESTORATION BY OTHERS

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<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>QUANTITY</th>
<th>UNIT</th>
<th>PRICE ($)</th>
<th>TOTAL ($)</th>
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<td><strong>CONSTRUCTION COSTS:</strong></td>
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<tr>
<td><strong>A</strong></td>
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<td></td>
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<td><strong>E</strong></td>
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Hi Desiree,

Thank you for the call – As discussed, the pole line on 24th street consists of (2) circuits – (1) 12kV line and (1) 33kV line. The 33kV line including the poles will remain per city code. If the City of Jurupa Valley determines that the overhead 12kV line is to be placed underground, SCE will need to install a new riser pole east of our site. The reasoning for a new pole is because SCE prohibits new underground conduits to “rise” on an existing pole equipped with overhead transformers.

One of the challenges we have to undergrounding the 12kV line is that the new pole will need to be placed in the east neighboring’s parking area. The new pole will require anchoring to the west to support the overhead wires on the east side. The pole including the anchoring can take up about 30-40’ in space. (see attached google map).

Based on our call with SCE – we do not anticipate a 7x14’ SCE structure to be installed. Just a riser pole with anchoring. Therefore, the structure has been removed from the cost estimate.

Please consider the “in-lieu of” request to allow the 12kV line to remain.

Thank you,

Denise Perez
RGI Utility Consultants
A ProActive Company
200 South Main Street, Suite 316
Corona, CA 92882-2211
Main: 951-279-7900 x797
Direct: 951-339-4055
MATCHLINE SEE SHEET 2 OF 3

PROJECT SITE
5600 Market street

NO OVERHEAD FACILITIES BY MARKET STREET PARCELS
STAFF REPORT

DATE: DECEMBER 2, 2021
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ROD BUTLER, CITY MANAGER
BY: PAUL TOOR, PUBLIC WORKS DIRECTOR/CITY ENGINEER
SUBJECT: AGENDA ITEM NO. 11.I

APPROVAL OF COOPERATIVE AGREEMENT BETWEEN THE CITY OF JURUPA VALLEY, CARSON-VA INDUSTRIAL II, LP, AND THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR CONSTRUCTION AND MAINTENANCE OF AGUA MANSA – BROWN AVE/WILSON ST STORM DRAINS STAGE 3 (LOCATED AT 12340 AGUA MANSA ROAD (APNS: 175-210-062; 063; 032 & 034)

RECOMMENDATION

1) That the City Council approve the cooperative agreement with the Riverside County Flood Control and Water Conservation District (District) and Carson-VA Industrial II, LP (Developer) and authorize the Mayor to sign the agreement.

BACKGROUND

As a condition of approval, the Developer of MA 18008 must construct certain flood control facilities in order to provide flood protection and drainage for their project and surrounding development.

ANALYSIS

The Developer and the District are proposing an agreement for the construction of flood control facilities in order to provide the required flood protection for the development. The proposed construction includes large diameter pipes (District Facilities) which will be owned and maintained by the District and which will outlet to existing District facilities (Agua Mansa – Brown Ave/Wilson St Storm Drains). The Developer and the District will construct all of the necessary facilities. The City will own and maintain the catch basins, connector pipes, and inlets located within the City right of way (identified as “APPURTENANCES” in the cooperative agreement). The City is also party to this agreement as plan review and construction inspection will be conducted by City staff.
The District will calendar the agreement for consideration at the Board of Supervisor's regularly scheduled meeting upon City approval of this agreement. Prior to the start of construction, a surety will be posted with the City for the Developer Facilities and District Facilities for work described in the agreement.

OTHER INFORMATION

The City Attorney has reviewed and approved the Agreements as to form.

Previous Actions:
- July 1, 2021 - Jurupa Valley City Council adopted Resolution No. 2021-54 approving MA 18008

FINANCIAL IMPACT

Plan review and inspection fees will be deposited with the City prior to construction of the facilities. The City will be responsible for the maintenance of the catch basins, connector pipes and inlets within the public right of way. There is no financial impact anticipated other than routine cleaning of catch basins and pipes accepted into the City system as part of subdivision improvements. As the project velocities in the pipes are excessive, the catch basin inlet and pipe maintenance annual costs are minimal.

ALTERNATIVES

1. Take no action.
2. Provide alternative direction to staff.

************************** SIGNATURES ON FOLLOWING PAGE **************************
Prepared by:
Octavio Duran Jr.
Assistant City Engineer

Reviewed by:
Paul Ford
Public Works Director/City Engineer

Reviewed by:
Connie Cardenas
Director of Administrative Services

Submitted by:
Rod B. Butler
City Manager

Approved as to form:
Peter M. Thorson
City Attorney

Attachments:
A. Agreement
COOPERATIVE AGREEMENT
Agua Mansa – Brown Ave / Wilson St Storm Drains, Stage 3
Project No. 1-0-00335-3
Master Application No. 18008

This Cooperative Agreement ("Agreement"), dated as of ________________

is entered into by and between the Riverside County Flood Control and Water Conservation
District, a body politic ("DISTRICT"), the City of Jurupa Valley, a municipal corporation of the
State of California ("CITY") and Carson-VA Industrial II, LP, a Delaware limited partnership
("DEVELOPER"). DISTRICT, CITY and DEVELOPER individually referred to herein as
"Party" and collectively referred to herein as the "Parties". The Parties hereto hereby agree as
follows:

RECITALS

A. DEVELOPER is the legal owner of record of certain real property located
within the city of Jurupa Valley and has submitted for approval Master Application No. 18008
related to the property. Pursuant to the conditions of approval for Master Application No. 18008,
DEVELOPER must construct certain flood control facilities in order to provide flood protection
and drainage for DEVELOPER's planned development

B. The legal description of the property related to Master Application No.
18008 is provided in Exhibit "A", attached hereto and made a part hereof; and

C. The required flood control facilities and drainage improvements related to
Master Application No. 18008 are shown on DISTRICT's Drawing No. 1-0752 and shown in
concept in "blue" on Exhibit "B", attached hereto and made a part hereof, and include the
construction of:

i. Approximately 700 lineal feet of underground reinforced concrete pipe, as
shown in concept in "blue" on Exhibit "B", its associated manhole and
transition structures, hereinafter collectively called "AGUA MANSA –
BROWN AVE / WILSON ST STORM DRAINS, STAGE 3”. At the
downstream terminus, AGUA MANSA – BROWN AVE / WILSON ST
STORM DRAINS, STAGE 3 will connect to the existing DISTRICT-
maintained Agua Mansa – Brown Ave / Wilson St Storm Drains, as shown
on DISTRICT's Drawing No. 1-0514 and as shown in concept in "red" on
Exhibit "B" ("Existing Facility"). Upon completion of AGUA MANSA –
BROWN AVE / WILSON ST STORM DRAINS, STAGE 3 construction,
approximately 874 lineal feet of the Existing Facility, as shown in concept
in "green" on Exhibit B, will be removed ("Removed Portion"), and
DISTRICT will vacate its associated DISTRICT easements of the
Removed Portion of the Existing Facility; and

ii. All safety devices requested by DISTRICT staff during the course of
project construction and during any final field inspections, including, but
not limited to, concrete pads, slope protection barriers, signage and fencing
("SAFETY DEVICES"). SAFETY DEVICES shall be purchased and
installed by DEVELOPER's contractor and subject to DISTRICT's
inspection and approval.

iii. Together, AGUA MANSA – BROWN AVE / WILSON ST STORM
DRAINS, STAGE 3 and SAFETY DEVICES are hereinafter called
"DISTRICT FACILITIES"; and

D. Associated with the construction of DISTRICT FACILITIES is the
construction of various catch basins, curbs and gutters within CITY's right of way, hereinafter
called "CITY APPURTENANCES".
E. Associated with the construction of DISTRICT FACILITIES and CITY APPURTEANCES is the construction of certain existing inlets and walls, and certain lateral storm drains that are thirty-six inches (36") or less in diameter within DEVELOPER's rights of way, hereinafter called "DEVELOPER FACILITIES". DEVELOPER FACILITIES shall be subsequently owned and maintained by DEVELOPER and any subsequent property owner(s) of Master Application No. 18008.

F. Together, DISTRICT FACILITIES, CITY APPURTEANCES and DEVELOPER FACILITIES are hereinafter called "PROJECT"; and

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

H. DEVELOPER and DISTRICT desire CITY to accept ownership and the responsibility for the operation and maintenance of CITY APPURTEANCES; and

I. DISTRICT is willing to accept ownership and responsibility for the operation and maintenance of DISTRICT FACILITIES provided DEVELOPER (a) complies with this Agreement; (b) constructs PROJECT in accordance with DISTRICT and CITY approved plans and specifications; (c) obtains and conveys to DISTRICT all rights of way necessary for the inspection, operation and maintenance of DISTRICT FACILITIES as set forth herein; and (d) accepts ownership and responsibility for the operation and maintenance of PROJECT following completion of PROJECT construction until such time as DISTRICT accepts ownership and responsibility for the operation and maintenance of DISTRICT FACILITIES and CITY accepts ownership and responsibility for the operation and maintenance of CITY APPURTEANCES, as set forth herein; and
J. CITY is willing to (i) accept and hold faithful performance and payment bonds submitted by DEVELOPER on behalf of DISTRICT for DISTRICT FACILITIES; (ii) review and approve DEVELOPER's plans and specifications for PROJECT; (iii) inspect the construction of PROJECT; (iv) grant DISTRICT the right to inspect, operate and maintain DISTRICT FACILITIES within CITY rights of way; and (v) accept ownership and responsibility for the operation and maintenance of CITY APPURTENANCES, provided PROJECT is constructed in accordance with plans and specifications approved by DISTRICT and CITY.

NOW, THEREFORE, in consideration of the preceding recitals and the mutual covenants hereinafter contained, the Parties hereto mutually agree that the above recitals are true and correct and incorporated into the terms of this Agreement and as follows:

SECTION I

DEVELOPER shall:

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

2. Continue to pay DISTRICT, within thirty (30) days after receipt of periodic billings from DISTRICT, any and all such amounts as are deemed reasonably necessary by DISTRICT to cover DISTRICT's costs associated with (i) the review and approval of IMPROVEMENT PLANS; (ii) the review and approval of rights of way and conveyance documents; (iii) the processing and administration of this Agreement; and (iv) construction inspection costs. Additionally, DEVELOPER shall pay CITY, within thirty (30) calendar days after receipt of periodic billings from CITY, any and all such amounts as are deemed reasonably necessary by CITY to cover CITY's costs associated with (i) the review and approval of IMPROVEMENT PLANS; (ii) the review and approval of rights of way and conveyance
documents; (iii) the processing and administration of this Agreement; and (iv) construction inspection costs.

3. Grant DISTRICT and CITY, by execution of this Agreement, the right to enter upon DEVELOPER's property where necessary and convenient for the purpose of gaining access to and performing inspection services for the construction of PROJECT, as set forth herein.

4. Provide CITY, upon execution of this Agreement or not less than twenty (20) calendar days prior to recordation of the final map for Master Application No. 18008 or any phase thereof, whichever occurs first, with faithful performance and payment bonds in accordance with CITY's municipal code or ordinance, including any amendments thereto, for the estimated cost for construction of (i) DISTRICT FACILITIES as determined by DISTRICT; and (ii) of CITY APPURTENANCES as determined by CITY. The surety, amount and form of the bonds shall be subject to approval of DISTRICT (Attention: Contract Services Section) and CITY. The bonds shall remain in full force and effect until DISTRICT FACILITIES are accepted by DISTRICT and CITY APPURTENANCES are accepted by CITY as complete. Both bonds shall be subscribed by an Admitted Surety Insurer, which is authorized to transact surety insurance business in the State of California with a policy holder's rating of A or higher and a Financial Class of VII or larger. Should any bond or surety become insufficient, DEVELOPER shall furnish a new bond within ten (10) calendar days after receiving notice from CITY.

5. Deposit with DISTRICT (Attention: Business Office – Accounts Receivable) and notify Contract Services Section, upon DISTRICT's approval of IMPROVEMENT PLANS, the estimated cost of providing construction inspection for DISTRICT FACILITIES, in an amount as determined and approved by DISTRICT in accordance with Ordinance Nos. 671 and 749 of the County of Riverside, including any amendments thereto, based upon the bonded value of DISTRICT FACILITIES.
6. Furnish DISTRICT (Attention: Contract Services Section), upon DISTRICT's approval of IMPROVEMENT PLANS, with a complete list of all contractors and subcontractors to be performing work on PROJECT, including the corresponding license number and license classification of each. At such time, DEVELOPER shall further identify in writing its designated superintendent for PROJECT construction.

7. Furnish DISTRICT (Attention: Contract Services Section), upon DISTRICT's approval of IMPROVEMENT PLANS, with a complete list of all contractors and subcontractors to be performing work on PROJECT, including the corresponding license number and license classification of each. At such time, DEVELOPER shall further identify in writing its designated superintendent for PROJECT construction.

7. Furnish DISTRICT (Attention: Contract Services Section), upon DISTRICT's approval of IMPROVEMENT PLANS, with a construction schedule which shall show the order and dates in which DEVELOPER or DEVELOPER's contractor proposes to carry out the various parts of work, including estimated start and completion dates. As construction of PROJECT progresses, DEVELOPER shall update said construction schedule as requested by DISTRICT.

8. Furnish DISTRICT (Attention: Contract Services Section), upon DISTRICT's approval of IMPROVEMENT PLANS, with a confined space entry procedure specific to PROJECT. The procedure shall comply with requirements contained in California Code of Regulations, Title 8, Section 5158, Other Confined Space Operations; Section 5157, Permit Required Confined Space; and District Confined Space Procedures, SOM-18. The procedure shall be reviewed and approved by DISTRICT prior to the issuance of a Notice to Proceed, which shall be given by DISTRICT to DEVELOPER upon DISTRICT's and CITY's approval.

9. DEVELOPER shall not commence operations until DISTRICT (Attention: Contract Services Section) and CITY have been furnished with original certificate(s) of insurance and original certified copies of endorsements and, if requested, certified original policies of insurance including all endorsements and any and all other attachments. Upon approval of IMPROVEMENT PLANS, an original certificate of insurance evidencing the required insurance
coverage shall be provided to DISTRICT. At minimum, the procured insurance coverages should adhere to DISTRICT's required insurance provided in Exhibit "C", attached hereto and made a part hereof. Failure to maintain the insurance required by this paragraph shall be deemed a material breach of this Agreement and shall authorize and constitute authority for DISTRICT, at its sole discretion, to provide written notice to DEVELOPER that DISTRICT is unable to perform its obligations hereunder, nor to accept responsibility for ownership, operation and maintenance of DISTRICT FACILITIES due, either in whole or in part, to said breach of this Agreement.

10. Secure, at its sole cost and expense, all necessary licenses, agreements, permits, approvals, rights of way, rights of entry and temporary construction easements as may be needed for the construction, inspection, operation and maintenance of PROJECT. Upon DISTRICT approval of IMPROVEMENT PLANS or not less than twenty (20) calendar days prior to recordation of the final map for Master Application No. 18008 or any phase thereof, whichever occurs first, DEVELOPER shall furnish DISTRICT (Attention: Plan Check Section) and CITY with sufficient evidence of DEVELOPER having secured such necessary licenses, agreements, permits, approvals, rights of way, rights of entry, and temporary construction easements, as determined and approved by DISTRICT and CITY.

11. Upon DISTRICT approval of IMPROVEMENT PLANS, obtain and provide DISTRICT (Attention: Real Estate Services Section), with duly executed Irrevocable Offers(s) of Dedication to the public for flood control and drainage purposes, including ingress and egress, for the rights of way deemed necessary by DISTRICT for the construction, inspection, operation and maintenance of DISTRICT FACILITIES. The Irrevocable Offer(s) of Dedication shall be in a form approved by DISTRICT and shall be executed by all legal and equitable owners of the property(ies) described in the Irrevocable Offer(s).
12. Furnish DISTRICT (Attention: Plan Check Section), when submitting the Irrevocable Offer(s) of Dedication as set forth in Section I.11., with Preliminary Reports on Title dated not more than thirty (30) calendar days prior to date of submission of all the property(ies) described in the Irrevocable Offer(s) of Dedication.

13. Furnish DISTRICT (Attention: Plan Check Section) and CITY each with a set of final mylar plans PROJECT plans and assign their ownership to DISTRICT and CITY respectively prior to the start on any portion of PROJECT construction.

14. Notify DISTRICT (Attention: Construction Management Section) and CITY in writing after receiving DISTRICT's plan check, rights of way and administrative clearance for PROJECT as set forth in Sections I.4 through I.13., with twenty (20) calendar days written notice of intent to start of construction of PROJECT, and include PROJECT's geotechnical firm, concrete lab/test firm, D-Load test forms, trench shoring/false work calculations and concrete mix designs for DISTRICT's review and approval. Construction shall not begin on any element of PROJECT, for any reason whatsoever, until DISTRICT has issued to DEVELOPER a written Notice to Proceed authorizing DEVELOPER to commence construction of PROJECT.

15. Prior to commencing construction, obtain, at its sole cost and expense, and furnish DISTRICT (Attention: Plan Check Section) and CITY with copies of all permits, approvals or agreements required by any federal, state or local resource and/or regulatory agency for the construction, operation and maintenance of PROJECT. Such documents include, but are not limited to, those issued by the U.S. Army Corps of Engineers, California Regional Water Quality Control Board, California State Department of Fish and Wildlife, State Water Resources Control Board and Western Riverside County Regional Conservation Authority ("REGULATORY PERMITS").
16. Not permit any change to or modification of DISTRICT and CITY approved IMPROVEMENT PLANS without the prior written permission and consent of DISTRICT and CITY.

17. Comply with all Cal/OSHA safety regulations, including, but not limited to, regulations concerning confined space and maintain a safe working environment for DEVELOPER, DISTRICT and CITY employees on the site.

18. Construct or cause to be constructed PROJECT at DEVELOPER’s sole cost and expense, in accordance with DISTRICT and CITY approved IMPROVEMENT PLANS.

19. Within two (2) weeks of completing PROJECT construction, provide DISTRICT (Attention: Construction Management Section) and CITY with written notice that PROJECT construction is substantially complete, and request (i) DISTRICT conduct a final inspection of DISTRICT FACILITIES; and (ii) CITY conduct a final inspection of CITY APPURTENANCES.

20. Upon completion of PROJECT construction, and upon acceptance by CITY of all rights of way deemed necessary by DISTRICT and CITY for the operation and maintenance of PROJECT, but prior to DISTRICT acceptance of DISTRICT FACILITIES for ownership, operation, and maintenance, convey, or cause to be conveyed to CITY the flood control easement(s), including ingress and egress, in a form approved by DISTRICT, to the rights of way as shown in concept cross-hatched in black on Exhibit "D", attached hereto and made a part hereof. The easement(s) or grant deed(s) shall be in a form approved by both DISTRICT and CITY and shall be executed by all legal and equitable owners of the property(ies) described in the easement(s) or grant deed(s).

21. At the time of recordation of the conveyance document(s) as set forth in Section I.20., furnish DISTRICT with policies of title insurance, each in the amount of not less
than (i) fifty percent (50%) of the estimated fee value as determined by DISTRICT for each
easement parcel to be conveyed to DISTRICT; or (ii) one hundred percent (100%) of the estimated
value as determined by DISTRICT for each fee parcel to be conveyed to DISTRICT, guaranteeing
DISTRICT's interest in said property as being free and clear of all liens, encumbrances,
assessments, easements, taxes and leases (recorded or unrecorded), except those which in the sole
discretion of DISTRICT are acceptable.

22. Upon completion of PROJECT construction, accept ownership, sole
responsibility and all liability whatsoever for the operation and maintenance of DEVELOPER
FACILITIES. Additionally, DEVELOPER shall accept ownership, sole responsibility and all
liability whatsoever for the operation and maintenance of DISTRICT FACILITIES and CITY
APPURTEANCES until such time as (i) DISTRICT accepts ownership and responsibility for
operation and maintenance of DISTRICT FACILITIES; and (ii) CITY accepts ownership and
responsibility for operation and maintenance of CITY APPURTEANCES.

23. Upon completion of PROJECT construction but prior to DISTRICT
acceptance of DISTRICT FACILITIES for ownership, operation and maintenance, provide or
cause its civil engineer of record or construction civil engineer of record, duly registered in the
State of California, to provide DISTRICT (Attention: Construction Management Section) with (i)
soil compaction report(s) – stamped and wet signed by the geotechnical engineer; (ii) concrete
testing report(s) – stamped and wet signed by the civil engineer of record; and (iii) a redlined
"record drawings" copy of IMPROVEMENT PLANS. After DISTRICT approval of the redlined
"record drawings". DEVELOPER's engineer shall schedule with DISTRICT a time to transfer
the redlined changes onto DISTRICT's original mylars at DISTRICT's office; after which, the
engineer shall review, stamp and sign the original DISTRICT FACILITIES engineering plans as
"record drawings".
24. Ensure that all work performed pursuant to this Agreement by DEVELOPER, its agents or contractors is done in accordance with all applicable local, state and federal laws and regulations, including, but not limited to, all applicable provisions of the Labor Code, Business and Professions Code, and Water Code. DEVELOPER shall be solely responsible for all costs associated with compliance with applicable laws and regulations.

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

SECTION II

DISTRICT shall:

1. Review IMPROVEMENT PLANS and approve when DISTRICT has determined that such plans meet DISTRICT standards and are found acceptable to DISTRICT prior to the start of PROJECT construction.

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

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

4. Record or cause to be recorded the Irrevocable Offer(s) of Dedication provided by DEVELOPER pursuant to Section I.11.

5. Endeavor to issue DEVELOPER a Notice to Proceed with twenty (20) calendar days of receipt of DEVELOPER's complete written notice as set forth in Section I.14.; however, DISTRICT's construction inspection staff is limited and, therefore, the issuance of a Notice to Proceed is subject to staff availability.
6. Reserves the right to withhold issuance of the Notice to Proceed pursuant to Section IV.4.

7. Inspect construction of DISTRICT FACILITIES.

8. Keep an accurate accounting and submit periodic invoices to DEVELOPER of all DISTRICT costs associated with the (i) review and approval of IMPROVEMENT PLANS; (ii) review and approval of right of way and conveyance documents; and (iii) processing and administration of this Agreement.

9. Keep an accurate accounting of all DISTRICT construction inspection costs and, within forty-five (45) calendar days after DISTRICT acceptance of DISTRICT FACILITIES as being complete, submit a final cost statement to DEVELOPER. If the deposit as set forth in Section I.5 exceeds such inspection costs, DISTRICT shall reimburse DEVELOPER the excess amount within sixty (60) calendar days after DISTRICT's acceptance of DISTRICT FACILITIES as being complete.

10. Provide DEVELOPER with a reproducible duplicate copy of "record drawings" of IMPROVEMENT PLANS upon (i) DISTRICT acceptance of PROJECT construction as being complete; and (ii) DISTRICT receipt of stamped and signed "record drawing" of IMPROVEMENT PLANS as set forth in Section I.23.

11. Accept ownership and sole responsibility for the operation and maintenance of DISTRICT FACILITIES upon (i) DISTRICT inspection of DISTRICT FACILITIES in accordance with Section I.19.; (ii) DISTRICT acceptance of PROJECT construction as being complete; (iii) DISTRICT receipt of stamped and signed "record drawings" of IMPROVEMENT PLANS as set forth in Section I.23.; (iv) recordation of all conveyance documents described in Section I.21.; (v) DISTRICT FACILITIES are fully functioning as a flood
control drainage system as solely determined by DISTRICT; and (vi) DISTRICT’s sole determination that DISTRICT FACILITIES are in a satisfactorily maintained condition.

12. Prior to DISTRICT acceptance of ownership and responsibility for the operation and maintenance of DISTRICT FACILITIES, DISTRICT FACILITIES shall be in a satisfactorily maintained condition as solely determined by DISTRICT. If, subsequent to any inspection and in the sole discretion of DISTRICT, DISTRICT FACILITIES are not in an acceptable condition, corrections shall be made at sole expense of DEVELOPER.

13. Provide CITY with a reproducible duplicate copy of "record drawings" of DISTRICT FACILITIES along with a written notice that PROJECT is complete and request CITY release bonds held for DISTRICT FACILITIES upon (i) DISTRICT acceptance of PROJECT construction as being complete; and (ii) DISTRICT receipt of stamped and signed "record drawing" of IMPROVEMENT PLANS, as set forth in Section I.23.

SECTION III

CITY shall:

1. Review and approve IMPROVEMENT PLANS prior to the start of PROJECT construction when CITY has determined that such plans meet CITY standards.

2. Accept CITY and DISTRICT approved faithful performance and payment bonds submitted by DEVELOPER, which meet the requirements of CITY’s municipal code or ordinances, as set forth in Section I.4., and hold said bonds as provided herein. The surety, amount and form of the bonds shall be subject to approval of DISTRICT (Attention: Contract Services Section) and CITY. The bonds shall remain in full force and effect until DISTRICT accepts DISTRICT FACILITIES as complete and CITY accepts CITY APPURTENANCES as complete. CITY shall not release said bonds until DISTRICT provides CITY with a reproducible duplicate copy of "record drawings" and written notification as set forth in Section II.13.
3. Inspect PROJECT construction.

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

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

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

7. Upon completion of PROJECT construction, but prior to DISTRICT acceptance of DISTRICT FACILITIES for ownership, operation and maintenance, convey or cause to be conveyed to DISTRICT the flood control easement(s), including ingress and egress, to the rights of way as shown in concept in "cross-hatched" on Exhibit "D".

8. Accept ownership and sole responsibility for the operation and maintenance of CITY'S FACILITIES upon DISTRICT acceptance of DISTRICT FACILITIES for ownership, operation and maintenance.

9. Release occupancy permits in accordance with the approved conditions of Approval for Master Application No. 18008.

10. Upon DISTRICT and CITY acceptance of PROJECT construction as being complete, accept sole responsibility for the adjustment of all PROJECT manhole rings and covers located within CITY rights of way which must be performed at such time(s) that the finished grade along and above the underground portions of DISTRICT FACILITIES are improved,
repaired, replaced or changed. It being further understood and agreed that any such adjustments shall be performed at no cost to DISTRICT.

SECTION IV

It is further mutually agreed:

1. All construction work involved with PROJECT shall be inspected by DISTRICT and CITY but shall not be deemed complete until DISTRICT and CITY mutually agree in writing that construction of PROJECT is completed in accordance with DISTRICT and CITY approved IMPROVEMENT PLANS.

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

3. If DEVELOPER fails to commence construction of PROJECT within twelve (12) consecutive months after execution of this Agreement, it is expressly understood that since time is of the essence in this Agreement, failure of DEVELOPER to perform the work within the agreed upon time shall constitute authority for DISTRICT to perform the remaining work to complete the PROJECT and require DEVELOPER's surety to pay to CITY the penal sum of any and all bonds. In which case, CITY shall subsequently reimburse DISTRICT from the funds paid by DEVELOPER's surety for any DISTRICT costs incurred to complete PROJECT.

4. If DEVELOPER fails to complete construction of PROJECT within nine (9) months after commencement of construction of PROJECT, then DISTRICT reserves the right to withhold issuance of the Notice to Proceed pending a review of the existing site conditions as they exist at the time DEVELOPER provides written notification to DISTRICT of the start of construction as set forth in Section I.14. In the event of a change in the existing site conditions
that materially affects PROJECT function or DISTRICT's ability to operate and maintain DISTRICT FACILITIES, DISTRICT may require DEVELOPER to modify IMPROVEMENT PLANS as deemed necessary by DISTRICT. In the event of a change in the existing site conditions that materially affects PROJECT function or CITY's ability to operate and maintain CITY APPURTENANCES, CITY may require DEVELOPER to modify IMPROVEMENT PLANS as deemed necessary by CITY.

5. In the event DEVELOPER wishes to expedite issuance of a Notice to Proceed, DEVELOPER may elect to furnish an independent qualified construction inspector at DEVELOPER's sole cost and expense. DEVELOPER shall furnish appropriate documentation of the individual's credentials and experience to DISTRICT for review and, if appropriate, approval. DISTRICT shall review the individual's qualifications and experience, and upon approval thereof, said individual, hereinafter called "DEPUTY INSPECTOR", shall be authorized to act on DISTRICT's behalf on all DISTRICT FACILITIES construction and quality control matters. If DEVELOPER's initial construction inspection deposit furnished pursuant to Section 1.4. exceeds Ten Thousand Dollars ($10,000), DISTRICT shall refund to DEVELOPER up to eighty percent (80%) of DEVELOPER's initial inspection deposit within forty-five (45) calendar days of DISTRICT's approval of DEPUTY INSPECTOR; however, a minimum balance of Ten Thousand Dollars ($10,000) shall be retained on account.

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

7. DEVELOPER shall indemnify and hold harmless DISTRICT, the County of Riverside, CITY (including their Agencies, Districts, Special Districts and Departments, their respective directors, officers, Board of Supervisors, elected and appointed officials, employees, agents and representatives) ("Indemnitees") from any liability whatsoever, based or asserted upon any services of DEVELOPER, its officers, employees, subcontractors, agents or representatives, arising out of or in any way relating to this Agreement, including but not limited to property damage, bodily injury, or death or any other element of any kind or nature whatsoever arising from the performance of DEVELOPER, its officers, employees, subcontractors, agents or representatives, from this Agreement. DEVELOPER shall defend, at its sole expense, all costs and fees including, but not limited, to attorney fees, cost of investigation, defense and settlements or awards, the Indemnitees in any claim or action based upon such alleged acts or omissions.

8. With respect to any action or claim subject to indemnification herein by DEVELOPER, DEVELOPER shall, at its sole cost, have the right to use counsel of their own choice and may adjust, settle or compromise any such action or claim only with the prior consent of DISTRICT, the County of Riverside and CITY. Any such adjustment, settlement or compromise shall not in any manner whatsoever limit or circumscribe DEVELOPER's indemnification to Indemnitees as set forth herein. No settlement on behalf of CITY that would impose construction, maintenance or other obligations on CITY beyond those described in this
Agreement shall be effective unless and until the settlement agreement is agreed to in writing by the City Manager on behalf of CITY.

9. DEVELOPER's obligation hereunder shall be satisfied when DEVELOPER has provided to DISTRICT, the County of Riverside and CITY the appropriate form of dismissal relieving DISTRICT, the County of Riverside or CITY from any liability for the action or claim involved.

10. The specified insurance limits required in this Agreement shall in no way limit or circumscribe DEVELOPER's obligations to indemnify and hold harmless the Indemnitees herein from third party claims.

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

12. DEVELOPER for itself, its successors and assigns hereby releases DISTRICT, the County of Riverside and CITY (including their Agencies, Districts, Special Districts and Departments, their respective directors, officers, Board of Supervisors, elected and appointed officials, employees, agents and representatives) from any and all claims, demands, actions, or suits of any kind arising out of any liability, known or unknown, present or future, including but not limited to any claim or liability, based or asserted, pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution, or any other law or ordinance which seeks to impose any other liability or damage, whatsoever, for damage caused by the discharge of drainage within or from PROJECT. Nothing contained herein shall constitute a release by DISTRICT, County of Riverside or CITY (including their Agencies, Districts, Special Districts and Departments, their respective directors, officers, Board of
Supervisors, elected and appointed officials, employees, agents and representatives) of DEVELOPER from any and all claims, demands, actions or suits of any kind arising out of any liability, known or unknown, present or future, for the negligent maintenance of PROJECT by DEVELOPER after the acceptance of PROJECT by DISTRICT or CITY.

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

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

To DISTRICT:  RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
1995 Market Street
Riverside, CA  92501
Attn:  Contracts Services Section

To CITY:     CITY OF JURUPA VALLEY
8930 Limonite Avenue
Jurupa Valley, CA  92509
Attn:  Paul Toor

To DEVELOPER:  CARSON-VA INDUSTRIAL II, LP,
A DELAWARE LIMITED PARTNERSHIP
100 Bayview Circle, Suite 3500
Newport Beach, CA  92660
Attn:  James Christian

15. This Agreement is to be construed in accordance with the laws of the State of California. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force and effect without being impaired or invalidated in any way.
16. Any action at law or in equity brought by any of the Parties hereto for the purpose of enforcing a right or rights provided for by the Agreement shall be tried in a court of competent jurisdiction in the County of Riverside, State of California, and the Parties hereto waive all provisions of law providing for a change of venue in such proceedings to any other County.

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

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

19. No Party shall assign this Agreement without the written consent of all other Parties. Any attempt to delegate or assign any interest herein without written consent of all other Parties shall be deemed void and of no effect. In the event DEVELOPER sells Master Application No. 18008, DEVELOPER shall notify DISTRICT and CITY of any such transfer or assignment in writing no later than thirty (30) calendar days from the date of the sale. DEVELOPER expressly understands and agrees that it shall remain liable with respect to any and all of the obligations and duties in this Agreement until DISTRICT, CITY, DEVELOPER and the new owner(s) of Master Application No. 18008 fully execute an assignment and assumption agreement that transfers all DEVELOPER's rights, duties or obligations hereunder to the new owner(s) of Master Application No. 18008.

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

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

22. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

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IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on
______________________________.
(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

By ________________________________  By ________________________________
JASON E. UHLEY  KAREN SPIEGEL, Chair
General Manager-Chief Engineer  Riverside County Flood Control and Water
Conservation District Board of Supervisors

APPROVED AS TO FORM:  ATTEST:

GREGORY P. PRIAMOS  KECIA HARPER
County Counsel  Clerk of the Board

By ________________________________  By ________________________________
SARAH MOORE  Deputy
Deputy County Counsel

(SEAL)

[Signed in Counterpart]

Cooperative Agreement:
Agua Mansa – Brown Ave / Wilson St Storm Drains, Stage 3
Project No. 1-0-00335-3
Master Application No. 18008
AK:blm
11/22/21
RECOMMENDED FOR APPROVAL:

CITY OF JURUPA VALLEY

By ___________________________  By ___________________________
   ROD BUTLER                     LORENA BARAJAS
   City Manager                   Mayor

APPROVED AS TO FORM:

ATTEST:

By ___________________________  By ___________________________
   PETER M. THORSON                VICTORIA WASKO
   City Attorney                  City Clerk

(SEAL)

Cooperative Agreement:
Agua Mansa – Brown Ave / Wilson St Storm Drains, Stage 3
Project No. 1-0-00335-3
Master Application No. 18008
AK:blm
11/22/21
Carson-VA Industrial II, LP,
a Delaware limited partnership

By

_________________________________
DANIEL J. DARNELL
Its: Vice President

By

_________________________________
JOHN W. HAWKINSON
Its: Senior Vice President, Assistant Secretary

(ATTACH NOTARY WITH CAPACITY STATEMENT)

Cooperative Agreement:
Agua Mansa – Brown Ave / Wilson St Storm Drains, Stage 3
Project No. 1-0-00335-3
Master Application No. 18008
AK:blm
11/22/21
EXHIBIT A

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF JURUPA VALLEY IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL A:

PARCEL A OF THAT CERTAIN CERTIFICATE OF LOT LINE ADJUSTMENT (LLA) NO. MA 18008, IN THE CITY OF JURUPA VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECORDED NOVEMBER 1, 2019 AS INSTRUMENT NO. 2019-0445260 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THOSE PORTIONS OF PARCELS 2 AND 3 AND THAT PORTION OF LOT C OF PARCEL MAP NO. 24088, IN THE CITY OF JURUPA VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 177, PAGES 37 THROUGH 41, INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, AS PER CERTIFICATE OF PARCEL MERGER NO. 1672, RECORDED JANUARY 3, 2008 AS INSTRUMENT NO. 2008-0002128 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID PARCEL 2 OF PARCEL MAP NO. 24088, WITH THE CENTERLINE OF HALL AVENUE, 88.00 FEET WIDE AS SHOWN ON SAID PARCEL MAP 24088;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID PARCEL 2, NORTH 89° 55' 14" EAST 1,009.55 FEET;

THENCE LEAVING SAID NORTH LINE, SOUTH 31° 54' 55" WEST 844.39 FEET TO SAID CENTERLINE OF HALL AVENUE;

THENCE NORTHWESTERLY ALONG SAID CENTERLINE OF HALL AVENUE, NORTH 58° 05' 05" WEST 186.18 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVED NORTHEASTERLY, HAVING A RADIUS OF 880.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 49° 35' 10" AND AN ARC LENGTH OF 761.59 FEET TO THE POINT OF BEGINNING.

APN 175-210-062

PARCEL B:

PARCEL B OF THAT CERTAIN CERTIFICATE OF LOT LINE ADJUSTMENT (LLA) NO. MA 18008, IN THE CITY OF JURUPA VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECORDED NOVEMBER 1, 2019 AS INSTRUMENT NO. 2019-0445260 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THOSE PORTIONS OF PARCELS 2, 3 AND 4 AND THAT PORTION OF LOT C OF PARCEL MAP NO. 24088, IN THE CITY OF JURUPA VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 177, PAGES 37 THROUGH 41, INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, TOGETHER WITH THAT PORTION OF PARCEL 9 OF PARCEL MAP NO. 12104, AS SHOWN ON A MAP RECORDED IN BOOK 168, PAGES 51 THROUGH 54, INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF COUNTY RECORDER OF SAN BERNARDINO COUNTY, CALIFORNIA, AS PER CERTIFICATE OF PARCEL MERGER NO. 1672, RECORDED JANUARY 3, 2008 AS INSTRUMENT NO. 2008-0002128 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EXCEPT THEREFROM THOSE PORTIONS LYING WEST OF A LINE DESCRIBED AS FOLLOWS:
BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID PARCEL 2 OF PARCEL MAP NO. 24088 WITH THE CENTERLINE OF HALL AVENUE, 88.00 FEET WIDE;
THENCE EASTERLY ALONG THE NORTH LINE OF SAID PARCEL 2 NORTH 89° 55' 14" EAST 1,009.55 FEET;
THENCE LEAVING SAID NORTH LINE, SOUTH 31° 54' 55" WEST 844.39 FEET TO THE CENTERLINE OF HALL AVENUE, 88.00 FEET WIDE.

TOGETHER WITH LOT 7 OF RIVINO HEIGHTS AMENDED MAP NO. 1, IN THE CITY OF JURUPA VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 16, PAGE 92 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, CALIFORNIA.

EXCEPT THEREFROM THAT PORTION LYING WESTERLY OF THE EASTERLY LINE OF THE NORTHWEST ONE- QUARTER OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN.

ALSO EXCEPT THEREFROM THAT PORTION LYING SOUTHERLY OF THE NORTHERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO THE WEST SAN BERNARDINO COUNTY WATER COMPANY BY DEED RECORDED MARCH 3, 1987 AS INSTRUMENT NO. 87-068479 OF OFFICIAL RECORDS OF SAN BERNARDINO COUNTY.

SAID DESCRIPTION IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE NO. E 0210-92, RECORDED SEPTEMBER 2, 1992 AS INSTRUMENT NO. 92-365492 OF OFFICIAL RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA.

APN 175-210-032; APN 175-210-034; APN 175-210-063
EXHIBIT “B”

COOPERATIVE AGREEMENT
Agua Mansa – Brown Ave/ Wilson St Storm Drains - Stage 3
Project No. 1-0-00335-3
Master Application No. 18008
DISTRICT’s Insurance Requirements is as follows:

Without limiting or diminishing DEVELOPER's obligation to indemnify or hold DISTRICT harmless, DEVELOPER shall procure and maintain or cause to be maintained, at its sole cost and expense, the following insurance coverages during the term of this Agreement. As respects to the insurance section only, the “DISTRICT” herein refers to the Riverside County Flood Control and Water Conservation District, the County of Riverside, its Agencies, Districts, Special Districts, and Departments, their respective directors, officers, Board of Supervisors, employees, elected or appointed officials, agents or representatives as Additional Insureds.

A. Workers' Compensation:
If DEVELOPER has employees as defined by the State of California, DEVELOPER shall maintain statutory Workers' Compensation Insurance (Coverage A) as prescribed by the laws of the State of California. Policy shall include Employers’ Liability (Coverage B) including Occupational Disease with limits not less than $1,000,000 per person per accident. Policy shall be endorsed to waive subrogation in favor of DISTRICT.

B. Commercial General Liability:
Commercial General Liability insurance coverage, including but not limited to, premises liability, unmodified contractual liability, products and completed operations liability, personal and advertising injury, and cross liability coverage, covering claims which may arise from or out of DEVELOPER's performance of its obligations hereunder. Policy shall name the DISTRICT as Additional Insured. Policy's limit of liability shall not be less than $2,000,000 per occurrence combined single limit. If such insurance contains a general aggregate limit, it shall apply separately to this Agreement or be no less than two (2) times the occurrence limit.

C. Vehicle Liability:
If vehicles or mobile equipment are used in the performance of the obligations under this Agreement, then DEVELOPER shall maintain liability insurance for all owned, non-owned or hired vehicles so used in an amount not less than $1,000,000 per occurrence combined single limit. If such insurance contains a general aggregate limit, it shall apply separately to this Agreement or be no less than two (2) times the occurrence limit. Policy shall name the DISTRICT as Additional Insureds.

D. Professional Liability:
DEVELOPER shall cause any architect or engineer retained by DEVELOPER in connection with the performance of DEVELOPER's obligations under this Agreement to maintain Professional Liability Insurance providing coverage for the performance of their work included within this Agreement, with a limit of liability of not less than $2,000,000 per occurrence and $4,000,000 annual aggregate. DEVELOPER shall require that, if such Professional Liability
EXHIBIT “C”

Insurance is written on a claims made basis rather than an occurrence basis, such insurance shall continue through the term of this Agreement and that such architect or engineer shall purchase at such architect or engineer's sole expense either 1) an Extended Reporting Endorsement (also known as Tail Coverage); or 2) Prior Dates Coverage from a new insurer with a retroactive date back to the date of, or prior to, the inception of this Agreement; or 3) demonstrate through Certificates of Insurance that such architect or engineer has maintained continuous coverage with the same or original insurer. Coverage provided under items: 1), 2) or 3) shall continue for the term specified in the insurance policy as long as the law allows.

E. General Insurance Provisions – All Lines:

a. Any insurance carrier providing insurance coverage hereunder shall be admitted to the State of California and have an A.M. BEST rating of not less than an A: VIII (A: 8) unless such requirements are waived, in writing, by the DISTRICT Risk Manager. If the DISTRICT's Risk Manager waives a requirement for a particular insurer such waiver is only valid for that specific insurer and only for one policy term.

b. The DEVELOPER must declare its insurance self-insured retention for each coverage required herein. If any such self-insured retention exceeds $500,000 per occurrence each such retention shall have the prior written consent of the DISTRICT Risk Manager before the commencement of operations under this Agreement. Upon notification of self-insured retention deemed unacceptable to the DISTRICT, and at the election of the DISTRICT's Risk Manager, DEVELOPER's carriers shall either: 1) reduce or eliminate such self-insured retention with respect to this Agreement with DISTRICT, or 2) procure a bond which guarantees payment of losses and related investigations, claims administration, and defense costs and expenses.

c. DEVELOPER shall cause their insurance carrier(s) or its contractor's insurance carrier(s), to furnish DISTRICT with 1) a properly executed original certificate(s) of insurance and certified original copies of endorsements effecting coverage as required herein; and 2) if requested to do so orally or in writing by the DISTRICT Risk Manager, provide original certified copies of policies including all endorsements and all attachments thereto, showing such insurance is in full force and effect. Further, said certificate(s) and policies of insurance shall contain the covenant of the insurance carrier(s) that a minimum of thirty (30) days written notice shall be given to the DISTRICT prior to any material modification, cancellation, expiration or reduction in coverage of such insurance. If DEVELOPER insurance carrier(s) policies does not meet the minimum notice requirement
d. In the event of a material modification, cancellation, expiration or reduction in coverage, this Agreement shall terminate forthwith, unless DISTRICT receives, prior to such effective date, another properly executed original certificate of insurance and original copies of endorsements or certified original policies, including all endorsements and attachments thereto, evidencing coverages set forth herein and the insurance required herein is in full force and effect. An individual authorized by the insurance carrier to do so on its behalf shall sign the original endorsements for each policy and the certificate of insurance.

e. It is understood and agreed by the parties hereto that DEVELOPER's insurance shall be construed as primary insurance, and DISTRICT's insurance and/or deductibles and/or self-insured retentions or self-insured programs shall not be construed as contributory.

f. If, during the term of this Agreement or any extension thereof, there is a material change in the scope of services or there is a material change in the equipment to be used in the performance of the scope of work which will add additional exposures (such as the use of aircraft, watercraft, cranes, etc.); or the term of this Agreement, including any extensions thereof, exceeds five (5) years, DISTRICT reserves the right to adjust the types of insurance required under this Agreement and the monetary limits of liability for the insurance coverages currently required herein, if, in the DISTRICT Risk Manager's reasonable judgment, the amount or type of insurance carried by DEVELOPER has become inadequate.

g. DEVELOPER shall pass down the insurance obligations contained herein to all tiers of subcontractors working under this Agreement.

h. The insurance requirements contained in this Agreement may be met with a program(s) of self-insurance acceptable to DISTRICT.

i. DEVELOPER agrees to notify DISTRICT of any claim by a third party or any incident or event that may give rise to a claim arising from the performance of this Agreement.
COOPERATIVE AGREEMENT
Agua Mansa – Brown Ave/ Wilson St Storm Drains - Stage 3
Project No. 1-0-00335-3
Master Application No. 18008
STAFF REPORT

DATE: DECEMBER 2, 2021

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ROD BUTLER, CITY MANAGER
BY: PAUL TOOR, DIRECTOR OF PUBLIC WORKS/CITY ENGINEER

SUBJECT: AGENDA ITEM NO. 11.J

THIRD AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF JURUPA VALLEY AND KIMLEY-HORN AND ASSOCIATES, INC. FOR THE TRAFFIC SIGNAL INSTALLATION, PEDLEY AND JURUPA PROJECT, CIP PROJECT NO. 16-C.2

RECOMMENDATION

1. That the City Council approve the “Third Amendment to Professional Consultant Services” between the City of Jurupa Valley and Kimley-Horn and Associates, Inc. and authorize the City Manager to execute the Amendment in substantially the form attached and in such final form as approved by the City Attorney; and

2. Appropriate $24,339 of unencumbered DIF (Signals) to the project account to fund the total cost of the amendment.

BACKGROUND

At its meeting of November 17, 2016, the City Council approved an agreement with Kimley-Horn and Associates to study the traffic operations and prepare a warrant analysis associated with the proposed signalization of the Jurupa Road and Pedley Road intersection. Then, at its meeting of August 16, 2018, City Council approved the first amendment to include final design services for the traffic signal installation at that intersection. Then, at its meeting of March 7, 2019, City Council approved the second amendment to extend the date of the agreement. Since the first two Amendments were authorized, Kimley-Horn completed the final design of the traffic signal. Those final design plans were combined with the bid documents for the Jurupa/Van Buren Grade Separation Project. On May 19, 2021, bids were opened for the grade separation project and on July 20, 2021 a contract was awarded. Construction on the project has since commenced, including work on the Pedley/Jurupa Traffic Signal Installation.
ANALYSIS

Since construction of the project began, Kimley-Horn has assisted the City/County construction team on various review related items. Their agreement has since run out of funds and expired. Staff has been satisfied with the services of Kimley-Horn and wishes to extend the date of the agreement and add additional funds to keep them on the project team to aid in submittal reviews, respond to contractor requests for information, etc. It is crucial on a project of this magnitude to maintain continuity of staff that have familiarity with the work being constructed.

Per the City’s request, on October 26, 2021 Kimley-Horn provided a proposal to provide additional construction support for the project. Staff has reviewed the proposal and is satisfied with the proposed scope of work and fee.

OTHER INFORMATION

Previous Actions:

- November 17, 2016 the City Council approved an agreement with Kimley-Horn and Associates for the Traffic Analysis and Warrant Study
- February 1, 2018 City Staff presented the Traffic Analysis Study
- August 16, 2018 the City Council approved Amendment No. 1 to the Agreement with Kimley-Horn and Associates for Final Design Services
- March 7, 2019 the City Council approved Amendment No. 2 to the Agreement with Kimley-Horn and Associates to extend the date

FINANCIAL IMPACT

A fee proposal of $24,339 has been negotiated with Kimley-Horn and Associates.

The fund balance in the project account is not sufficient for approval of this amendment. Approval of this amendment requires that the City Council appropriate $24,339 from the unappropriated fund balance of DIF (Signals) to the project account.

Construction funding for the project is being provided by the Jurupa/Van Buren Grade Separation Project.

No General Fund monies are required for approval of this amendment.

ALTERNATIVES

1. Do not approve Amendment No. 3
2. Provide alternate direction to Staff
Attachments:

1. Third Amendment to the Agreement for Professional Services between the City of Jurupa Valley and Kimley-Horn and Associates, Inc.
ATTACHMENT 1

“Third Amendment to the Agreement for Professional Services between the City of Jurupa Valley and Kimley-Horn and Associates, Inc.”
THIRD AMENDMENT TO PROFESSIONAL CONSULTANT SERVICES AGREEMENT BETWEEN KIMLEY-HORN AND ASSOCIATES, INC. AND THE CITY OF JURUPA VALLEY FOR CONSTRUCTION SUPPORT SERVICES FOR TRAFFIC SIGNAL INSTALLATION, PEDLEY AND JURUPA

This Third Amendment is made and effective as of December 2, 2021 between the City of Jurupa Valley, a municipal corporation ("City") and Kimley-Horn and Associates, Inc., a California corporation ("Consultant"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. This Third Amendment is made with the respect to the following facts and purposes:

   1.1 On November 17, 2016, the City and Consultant entered into that certain Agreement entitled “Agreement for Professional Consultant Services between the City of Jurupa Valley and Kimley-Horn and Associates, Inc. for Limonite Avenue Traffic Signal Coordination Study between Downey Street and Pedley Road and Jurupa Road/Pedley Road/UPRR Intersection Signalization Study in Jurupa Valley” (“Agreement”).

   1.2 On August 16, 2018, the City and Consultant entered into that certain First Amendment to the original November 17, 2019 agreement. The original Agreement as amended by the First Amendment shall collectively be referred to as the “Agreement”.

   1.3 On March 7, 2019, the City and Consultant entered into that certain Second Amendment to the original November 17, 2019 agreement. The original Agreement as amended by the Second Amendment shall collectively be referred to as the “Agreement”.

   1.4 The parties now desire to amend the Agreement as set forth in this Amendment.

2. Section 1, Term, of the Agreement is hereby amended to read as follows:

   “1. Term

   This Agreement shall commence on November 17, 2016, and shall remain and continue in effect until tasks described are completed in accordance with the Scope of Services, but in no event later than December 31, 2022, unless sooner terminated pursuant to the provisions of the Agreement.”

3. Exhibit A, Scope of Services of the Agreement, is hereby amended by adding to the section thereof:

4. Exhibit B, Payment Rates and Schedule of the Agreement, is hereby amended by adding to the section thereof:

3.1 Exhibit “B.4”, Fee Proposal from Kimley-Horn and Associates, Inc. dated October 26, 2021, as attached.

5. Section 4A, Payment, of the Agreement is hereby amended to read as follows:

“4. Payment

A. The City agrees to cause Consultant to be paid monthly, in accordance with the payment rates and terms and the schedule of payment as set forth in Exhibit B, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. This amount shall not exceed three hundred twenty four thousand four hundred thirty eight dollars ($324,438.00) for the total term of the Agreement unless additional payment is approved as provided in this Agreement.”
IN WITNESS WHEREOF, the parties have caused this Agreement to be signed and executed personally or on its behalf by its duly authorized representative.

KIMLEY-HORN AND ASSOCIATES, INC.

By: _____________________________
Name: ___________________________
Title: ____________________________

By: _____________________________
Name: ___________________________
Title: ____________________________

[SIGNATURES OF TWO CORPORATE OFFICERS OR CORPORATE AUTHORITY RESOLUTION REQUIRED]

CITY
CITY OF JURUPA VALLEY,
A California Municipal Corporation

_______________________
Rod Butler, City Manager
City of Jurupa Valley, California

ATTEST:

_______________________
VICTORIA WASKO
City Clerk

APPROVED AS TO FORM:

_______________________
PETER M. THORSON
City Attorney
October 26, 2021

By email

Mr. Chase Keys
City of Jurupa Valley – Department of Public Works
8930 Limonite Avenue
Jurupa Valley, CA 92509

RE: Additional Budget Request – Pedley Road at Jurupa Road At-Grade Crossing Construction Support

Dear Mr. Keys:

Kimley-Horn and Associates, Inc. (Kimley-Horn) is pleased to submit this additional services request to the City of Jurupa Valley (City) to provide construction support services related to the Pedley Road and Jurupa Road Intersection Improvement Project (Project). Our project understanding, scope of services and fee to perform these services are below.

Project Understanding

The City of Jurupa Valley previously retained Kimley Horn to prepare the design plans to signalize the intersection of Pedley Road and Jurupa Road, along with, the at-grade rail crossing (USDOT Crossing ID #810981E) across the south leg of the intersection. The intersection is along the detour route for the Jurupa Road Grade Separation Project and construction for the improvements at Pedley Road and Jurupa Road will be completed as part of the grade separation project.

Scope of Services

Kimley-Horn will provide the following tasks:

Task 1: Construction Phase Support

Kimley-Horn will assist the City during the construction phase by responding to contractor’s RFIs and submittals, preparing addendums, and providing clarifications to the extent budgeted. Changes in the overall design concept are not anticipated. A 12-month construction duration is assumed. We have assumed the following: one preconstruction meeting (attended July 21, 2021), up to ten RFIs, review up to ten submittals, one addendum, and attendance at bi-weekly meetings for the Jurupa Road Grade Separation project. Due to the varying nature of construction support, we will monitor our budget using only hours needed for the support and notify the City if we anticipate needing additional budget.

Kimley-Horn will prepare record drawings by updating the approved design drawings based on one consolidated set of redline markups provided by the Contractor or City staff. Independent verification is not included in this scope. Significant deviations from the original design documents are not anticipated.
The purpose of the record drawings is to create a deliverable that will represent the built condition for the City’s records as recorded by the Contractor.

Kimley-Horn has no control over the contractor’s or construction manager’s means, methods, techniques, sequence, schedule and other activities. Therefore, the associated effort for Kimley-Horn during construction detailed in this fee sheet are an estimate only. Kimley-Horn will provide its services during construction on a time and materials basis, and will notify the client prior to exceeding the budgets stated herein.

*Deliverables: Responses to RFIs, Record Drawings - 1 hardcopy and 1 electronic (both PDF format and AutoCAD 2020 C3D)*

**Assumptions**

- Twelve (12) months for the construction of the Pedley Road and Jurupa Road intersection improvements.

**Fee and Billing**

Kimley-Horn will perform the services described in the Scope of Services outlined above on an hourly basis not-to-exceed plus expenses fee of $24,339, per the attached cost proposal.

Services not outlined above will not be performed without your authorization, and will constitute extra effort, to be performed for an additional fee, to be agreed upon prior to performing the work.

**Closure**

If you concur in all the foregoing and wish to direct us to proceed with the services, please return along with the appropriate contract documentation. This proposal is valid for sixty (60) days after the date of this letter.

We appreciate the opportunity to provide these services to you. Please contact me if you have any questions.
Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

Jason Melchor, P.E. (No. 65218)
Project Manager / Associate
### CITY OF JURUPA VALLEY
PEDLEY ROAD AND JURUPA ROAD INTERSECTION IMPROVEMENTS CONSTRUCTION SUPPORT

#### ESTIMATE OF COST BREAKDOWN
BY PERSONNEL AND TASK

KIMLEY-HORN AND ASSOCIATES, INC.

<table>
<thead>
<tr>
<th>TASK</th>
<th>Project Manager</th>
<th>Engineer I</th>
<th>Senior Analyst</th>
<th>Analyst</th>
<th>Admin</th>
<th>TOTAL HOURS</th>
<th>LABOR COST</th>
<th>TOTAL COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Phase Support</td>
<td>40</td>
<td>30</td>
<td>10</td>
<td>30</td>
<td>12</td>
<td>122</td>
<td>$23,630</td>
<td>$23,630</td>
</tr>
<tr>
<td><strong>TOTAL HOURS</strong></td>
<td><strong>40</strong></td>
<td><strong>30</strong></td>
<td><strong>10</strong></td>
<td><strong>30</strong></td>
<td><strong>12</strong></td>
<td><strong>122</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>HOURLY RATES</strong></td>
<td>$260.00</td>
<td>$195.00</td>
<td>$165.00</td>
<td>$145.00</td>
<td>$115.00</td>
<td></td>
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<td></td>
</tr>
<tr>
<td><strong>COST</strong></td>
<td>$10,400</td>
<td>$5,850</td>
<td>$1,650</td>
<td>$4,350</td>
<td>$1,380</td>
<td></td>
<td>$23,630</td>
<td>$23,630</td>
</tr>
</tbody>
</table>

**EXPENSES**

- Expenses (3.0%) $709

**TOTAL** $24,339
STAFF REPORT

DATE: DECEMBER 2, 2021

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ROD BUTLER, CITY MANAGER
BY: PAUL TOOR, PUBLIC WORKS DIRECTOR/CITY ENGINEER

SUBJECT: AGENDA ITEM NO. 11.K

APPROVAL TO PURCHASE TWO FORD ESCAPE HYBRIDS FROM FRITTS FORD

RECOMMENDATION

1) That the City Council approve the purchase of two Ford Escape Hybrid vehicles, utilizing funding from the Assembly Bill 2766 Program of the South Coast Air Quality Management District.

BACKGROUND

The City has been making a reasonable effort to gradually acquire its own vehicles. In March 2015, the City Council approved the purchase of eight pick-up trucks to be used by the Code Enforcement staff, Public Works staff, and the Building Inspection staff. In January 2020, the City Council approved the purchase of three more vehicles. The most recent vehicle purchase was approved in September 2021.

The aforementioned vehicle purchases were made possible through Assembly Bill 2766 (“AB 2766”), which formed the Motor Vehicle Subvention Fund Program (“Program”). The funds from the Program are distributed by the South Coast Air Quality Management District (“SCAQMD”). SCAQMD provides funding to cities and counties to assist in developing clean transportation programs and reducing vehicle emissions.

ANALYSIS

The Public Works Department is actively working to fill vacant in-house positions. As these positions are filled, the need for additional City vehicles will grow. Adding to the City’s fleet inventory will ensure there are no disruptions in completing day to day responsibilities. The Public Works Department currently has five vehicles, all of which are already assigned to field staff. In September 2021, the City Council approved the purchase of a sixth vehicle, a 2022 Ford Escape Hybrid from Fritts Ford in Riverside,
which is expected to arrive in February 2022. This sixth vehicle is also intended for field staff use.

City staff is recommending the purchase of two additional 2022 Ford Escape Hybrids from Fritts Ford to prepare for new field staff in the early New Year. City staff solicited four proposals from local dealerships this past summer and Fritts Ford was the most competitive of the proposals received. Fritts Ford offered the 2022 Ford Escape Hybrid for the price of the 2021 model and agreed to honor this pricing. The Ford Escape Hybrid is known for its reliability and low emission standards, which will enable the City to utilize SCAQMD funds.

Due to the COVID-19 pandemic, there is a chip shortage resulting in limited inventory of new vehicles. If the purchases are approved, the City will receive the two vehicles in early spring 2022. As the Public Works Department grows, additional vehicles will be needed to fulfill responsibilities and maintain efficiency. City staff is continuing to explore other potential funding sources for future vehicle purchases.

FINANCIAL IMPACT

The cost of two 2022 Ford Escape Hybrids is $55,129.90. If approved, the funding will come from the AB 2766 Program of the SCAQMD.

ALTERNATIVES

1. Not approve the vehicle purchases
2. Seek other vendors

************************** SIGNATURES ON FOLLOWING PAGE ****************************
Prepared by:
Andrea Mejia
Senior Management Analyst

Reviewed by:
Paul Poof
Public Works Director/City Engineer

Reviewed by:
Connie Cardenas
Director of Administrative Services

Reviewed by:
Michael Fland
Assistant City Manager

Approved as to form:
Peter M. Thorson
City Attorney

Submitted by:
Rod B. Butler
City Manager

Attachments:
A. Ford Escape Hybrid Vehicle Specifications
**VEHICLE ORDER CONFIRMATION**

**CNGP530**

---

**2022 ESCAPE**

**Order No:** 3191  
**Priority:** C1  
**Ord FIN:** QW574  
**Order Type:** SB  
**Price Level:** 220  
**Cust/Flt Name:** JURUPA VALLEY  
**PO Number:** RETAIL

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<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Price</th>
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<tr>
<td>UOB</td>
<td>SE FHEV FWD .106.7&quot; WB</td>
<td>$28030</td>
</tr>
<tr>
<td>YZ</td>
<td>OXFORD WHITE</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>UNIQUE CLTH STS</td>
<td></td>
</tr>
<tr>
<td>H</td>
<td>EBONY</td>
<td></td>
</tr>
<tr>
<td>201A</td>
<td>EQUIP GRP</td>
<td></td>
</tr>
<tr>
<td>99Z</td>
<td>.2.5L I-VCT ENG NC</td>
<td></td>
</tr>
<tr>
<td>445</td>
<td>.ECVT TRANS 225/65R17 TIRES</td>
<td></td>
</tr>
<tr>
<td>51U</td>
<td>MINI SP TR/WHL 110</td>
<td></td>
</tr>
<tr>
<td>153</td>
<td>FRT LICENSE BKT NC</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL BASE AND OPTIONS:** $29385

**TOTAL:** $29385

*THIS IS NOT AN INVOICE*

---

SO05 - INQUIRY IS COMPLETE.

**$25,565.38**

$8.75  Tire Fee

$9.50  CVR FEE

$1,981.32  7.75% Sales Tax

$27,564.95

---

Thank you

Vikiy Garay  
Fritts Ford
# 2022 Escape 4dr FWD SE Hybrid (U0B)

## Price Level: 220

### As Configured Vehicle

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>MSRP</th>
</tr>
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<tbody>
<tr>
<td><strong>Base Vehicle</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>U0B</td>
<td>Base Vehicle Price (U0B)</td>
<td>$28,030.00</td>
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<tr>
<td><strong>Packages</strong></td>
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<tr>
<td>201A</td>
<td>Equipment Group 201A</td>
<td>N/C</td>
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<tr>
<td></td>
<td>Includes:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Engine: 2.5L I4 Atkinson Cycle I-4 Hybrid</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Transmission: eCVT</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- 2.91 Axle Ratio</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- GVWR: TBD</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Tires: 225/65R17 AS BSW</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Wheels: 17&quot; Shadow Silver-Painted Aluminum</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Unique Cloth Front Bucket Seats</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Includes 6-way manual driver (fore/aft, up/down, recline) and 4-way manual front passenger (fore/aft with manual recline).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Radio: AM/FM Stereo</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Includes 6 speakers, speed compensated volume and SiriusXM radio with a 3 month prepaid subscription. Note: SiriusXM audio and data services each require a subscription sold separately, or as a package, by Sirius XM Radio Inc. If you decide to continue service after your trial, the subscription plan you choose will automatically renew thereafter and you will be charged according to your chosen payment method at their-current rates. Fees and taxes apply. To cancel you must call SiriusXM at 1-866-635-2349. See SiriusXM Customer Agreement for complete terms at <a href="http://www.siriusxm.com">www.siriusxm.com</a>. All fees and programming subject to change. Sirius, XM and all related marks and logos are trademarks of Sirius XM Radio Inc.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- SYNC 3 Communications &amp; Entertainment System</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Includes enhanced voice recognition communications and entertainment system, 8&quot; LCD capacitive touchscreen in center stack with swipe capability, AppLink, 911 Assist, Apple CarPlay and Android Auto compatibility, 2 smart-charging USB ports and pinch-to-zoom capability is included when equipped with available voice-activated touchscreen navigation system.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- FordPass Connect</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Includes 4G LTE Wi-Fi hotspot that connects up to 10 devices (includes a wireless data trial that begins upon AT&amp;T activation and expires at the end of 3 months or when 3GB of data is used, whichever comes first, but cannot extend beyond the trial subscription period for remote features. To activate, go to <a href="http://www.att.com/ford">www.att.com/ford</a>). Remote start with specific time scheduling, lock and unlock, locate parked vehicle and check vehicle status (the FordPass App and complimentary connected services are required for remote features (see FordPass terms for details). Connected services and features depend on compatible A I &amp; T network availability. Evolving technology/feature networks/vehicle capability may limit functionality and prevent operation of connected features. Connected services exclude Wi-Fi hotspot.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Dual-Zone Electronic Automatic Temperature Control</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Electronic Fuel Door Release</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Instrument Panel w/6.5&quot; Digital Screen</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Neutral Towing Capability</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Pedestrian Alert Sounder</td>
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</tr>
</tbody>
</table>

### Powertrain

- **99Z**
  - Engine: 2.5L IVCT Atkinson Cycle I-4 Hybrid

- **445**
  - Transmission: eCVT

- **STDAX**
  - 2.91 Axle Ratio

- **STDGV**
  - GVWR: TBD

### Wheels & Tires

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.
## 2022 Escape 4dr FWD SE Hybrid (U0B)

**Price Level:** 220

### As Configured Vehicle (cont'd)

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>MSRP</th>
</tr>
</thead>
<tbody>
<tr>
<td>STDTR</td>
<td>Tires: 225/65R17 AS BSW</td>
<td>Included</td>
</tr>
<tr>
<td>STDWL</td>
<td>Wheels: 17&quot; Shadow Silver-Painted Aluminum</td>
<td>Included</td>
</tr>
<tr>
<td>51U</td>
<td>Mini Spare Wheel</td>
<td>$110.00</td>
</tr>
<tr>
<td></td>
<td>Replaces tire inflator and sealant kit. Includes mini spare tire, wheel nut wrench and jack.</td>
<td></td>
</tr>
</tbody>
</table>

### Seats & Seat Trim

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>MSRP</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Unique Cloth Front Bucket Seats</td>
<td>Included</td>
</tr>
<tr>
<td></td>
<td>Includes 6-way manual driver (fore/aft, up/down, recline) and 4-way manual front passenger (fore/aft with manual recline).</td>
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</table>

### Other Options

<table>
<thead>
<tr>
<th>Code</th>
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</thead>
<tbody>
<tr>
<td>PAINT</td>
<td>Monotone Paint Application</td>
<td>STD</td>
</tr>
<tr>
<td>106WB</td>
<td>106&quot; Wheelbase</td>
<td>STD</td>
</tr>
<tr>
<td>STDRD</td>
<td>Radio: AM/FM Stereo</td>
<td>Included</td>
</tr>
</tbody>
</table>

**SiriusXM service is not available in Alaska and Hawaii.**

Includes 6 speakers, speed compensated volume and SiriusXM radio with a 3 month prepaid subscription. Note: SiriusXM audio and data services each require a subscription sold separately, or as a package, by Sirius XM Radio Inc. If you decide to continue service after your trial, the subscription plan you choose will automatically renew thereafter and you will be charged according to your chosen payment method at then-current rates. Fees and taxes apply. To cancel you must call SiriusXM at 1-866-635-2349. See SiriusXM Customer Agreement for complete terms at www.siriusxm.com. All fees and programming subject to change. Sirius, XM and all related marks and logos are trademarks of Sirius XM Radio Inc.

Includes:
- SYNC 3 Communications & Entertainment System
- Includes enhanced voice recognition communications and entertainment system, 8" LCD capacitive touchscreen in center stack with swipe capability, AppLink, 911 Assist, Apple CarPlay and Android Auto compatibility, 2 smart-charging USB ports and pinch-to-zoom capability is included when equipped with available voice-activated touchscreen navigation system.
- FordPass Connect
- Includes 4G LTE Wi-Fi hotspot that connects up to 10 devices (includes a wireless data trial that begins upon AT&T activation and expires at the end of 3 months or when 3GB of data is used, whichever comes first, but cannot extend beyond the trial subscription period for remote features. To activate, go to www.att.com/ford). Remote start with specific time scheduling, lock and unlock, locate parked vehicle and check vehicle status (the FordPass App and complimentary connected services are required for remote features (see FordPass terms for details). Connected services and features depend on compatible AT&T network availability. Evolving technology/cellular networks/vehicle capability may limit functionality and prevent operation of connected features. Connected services exclude Wi-Fi hotspot).

<table>
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<tr>
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<th>Description</th>
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<tbody>
<tr>
<td>153</td>
<td>Front License Plate Bracket</td>
</tr>
<tr>
<td></td>
<td>Standard in states requiring two license plates and optional to all others.</td>
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### Emissions

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</thead>
<tbody>
<tr>
<td>425</td>
<td>50-State Emissions System</td>
<td>STD</td>
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Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.
As Configured Vehicle (cont'd)

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<tr>
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<tbody>
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<td></td>
</tr>
<tr>
<td>4H_01</td>
<td>Dark Earth Gray</td>
<td>N/C</td>
</tr>
<tr>
<td>Exterior Color</td>
<td></td>
<td></td>
</tr>
<tr>
<td>YZ_01</td>
<td>Oxford White</td>
<td>N/C</td>
</tr>
</tbody>
</table>

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.
STAFF REPORT

DATE:        DECEMBER 2, 2021
TO:          HONORABLE MAYOR AND CITY COUNCIL
FROM:        ROD BUTLER, CITY MANAGER
BY:          VICTORIA WASKO, CMC, CITY CLERK
SUBJECT:     AGENDA ITEM NO. 13.A

PUBLIC HEARING TO RECEIVE INPUT FROM THE COMMUNITY REGARDING THE REDRAWING OF ELECTION DISTRICT BOUNDARIES

RECOMMENDATION

1) That the City Council open the public hearing to receive input from the community regarding the redrawing of election district boundaries; and

2) That the City Council provide feedback to National Demographics Corporation regarding the proposed neighborhoods and communities of interest.

BACKGROUND

Every ten years, cities with by-district election systems must use new census data to review and, if needed, redraw district lines to reflect how local populations have changed. This process, called redistricting, ensures all districts have nearly equal population. The redistricting process for the City of Jurupa Valley must be completed by April 17, 2022. This is the second of four required hearings.

ANALYSIS

The purpose of this public hearing is to inform the public about the districting process and to hear from the community on what factors should be taken into consideration while creating district boundaries. The public is requested to provide input regarding communities of interest and other local factors that should be considered while drafting district maps. A community of interest under the relevant Elections Code for cities (Sections 21601(c)/21621(c)) is “a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation.”
FINANCIAL IMPACT

There is no cost with respect to this public hearing. However, the contract cost associated with the redistricting project was approved through the FY 2021-22 Budget.

ALTERNATIVES

1. None. The redistricting process is required by state law.

Prepared by:

Victoria Wasko, CMC
City Clerk

Reviewed by:

Connie Cardenas
Administrative Services Director

Reviewed by:

Peter M. Thorson
City Attorney

Submitted by:

Rod B. Butler
City Manager

Reviewed by:

Michael Flad
Assistant City Manager
STAFF REPORT

DATE: DECEMBER 2, 2021

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ROD BUTLER, CITY MANAGER
BY: PAUL TOOR, PUBLIC WORKS DIRECTOR

SUBJECT: AGENDA ITEM NO. 13.B

PUBLIC HEARING TO CONSIDER ALTERING THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. 2019-001 (PARADISE KNOLLS) GENERALLY LOCAED AT THE SOUTHWEST CORNER OF LIMONITE AVENUE AND DOWNEY STREET, TR 36822; CALLING A SPECIAL ELECTION; DECLARING THE RESULTS OF THE ELECTION AND APPROVING ALTERATIONS TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR CITY OF JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. 2019-001 (PARADISE KNOLLS); AND INTRODUCTION OF AN ORDINANCE TO ALTER THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

RECOMMENDATION:

1) That the City Council open the public hearing and take testimony, if any.

2) Following the public hearing, staff recommends that the City Council adopt Resolution No. 2021-96, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY CALLING A SPECIAL ELECTION AND SUBMITTING TO THE QUALIFIED ELECTORS OF CITY OF JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. 2019-001 (PARADISE KNOLLS) A PROPOSITION TO MODIFY THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX; AND

3) That the City Council adopt Resolution No. 2021-97, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY ACTING AS THE LEGISLATIVE BODY OF THE JURUPA VALLEY
COMMUNITY FACILITIES DISTRICT NO. 2019-001 (PARADISE KNOLLS),
DECLARING THE RESULTS OF A SPECIAL ELECTION WITHIN JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. 2019-001 (PARADISE KNOLLS), CHANGING THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR THE DISTRICT, AND DIRECTING THE RECORDING OF AN AMENDED AND RESTATED NOTICE OF SPECIAL TAX LIEN; AND

4) That the City Council conduct a first reading and introduce Ordinance No. 2021-32, entitled:


BACKGROUND

On October 21, 2021, the City Council took the first step in the process of considering an alteration to the Rate and Method of Apportionment of Special Tax (RMA) for CFD No. 2019-001 (PARADISE KNOLLS), composed of Tract 36822. At that time the City Council approved a Resolution of Consideration, Resolution No. 2021-86, to consider the alteration to the RMA. At that meeting the City Council set December 2, 2021 as the date for the public hearing on the proposed alteration to the RMA (the “Proposed Amendment”).

The City formed the CFD on May 7, 2020, pursuant to the Mello-Roos Act of 1982 (the “Act”), which authorizes public agencies to levy special taxes to fund certain public facilities and services.

The land owners (the “Land Owners”) within the Paradise Knolls Specific Plan area, Richmond American Homes of Maryland, Inc., Paradise Jurupa, LLC, and Equity Three Properties, LLC, requested that the City revise the scope of services established in CFD No. 2019-001 (Paradise Knolls) to cover the costs associated with the maintenance of public improvements within the Open Space area (PA6). The RMA for CFD No. 2019-001 includes Special Tax A to cover the overall Specific Plan operation and maintenance of improvements, and a Special Tax B to cover each Planning Area’s operation and maintenance costs of improvements.

The Open Space area will include approximately 15 acres of open space for public passive recreational use, including picnic tables and a walking trail. Maintenance for the Open Space is estimated to be $136,147.23 and alterations to Special Tax A are being proposed for required maintenance.
ANALYSIS

The proposed Amendment will not modify the Maximum Special Tax B, which is based on the Planning Area, and will remain as follows for base Fiscal Year 2021-2022:

<table>
<thead>
<tr>
<th></th>
<th>TAX B 1</th>
<th>TAX B 2</th>
<th>TAX B 3</th>
<th>TAX B 4</th>
<th>TAX B 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>SFR (D/U)</td>
<td>$478.30</td>
<td>$71.30</td>
<td>$0</td>
<td>$721.70</td>
<td>$248.70</td>
</tr>
<tr>
<td>MFR (AC)</td>
<td>$478.30</td>
<td>$71.30</td>
<td>$0</td>
<td>$721.70</td>
<td>$248.70</td>
</tr>
<tr>
<td>Non-Residential (AC)</td>
<td>$2,380.40</td>
<td>$2,048.70</td>
<td>$0</td>
<td>$964.40</td>
<td>$1,761.60</td>
</tr>
</tbody>
</table>

The proposed alterations will modify Special Tax A which covers common areas and spaces in the following amounts:

<table>
<thead>
<tr>
<th></th>
<th>TAX A Approved</th>
<th>TAX A Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>SFR (D/U)</td>
<td>$306.60</td>
<td>$698.00</td>
</tr>
<tr>
<td>MFR (AC)</td>
<td>$306.60</td>
<td>$698.00</td>
</tr>
<tr>
<td>Non-Residential (AC)</td>
<td>$2,816.20</td>
<td>$4,664.00</td>
</tr>
</tbody>
</table>

These rates will increase based on the percentage increase in the Consumer Price Index, for Riverside-San Bernardino-Ontario area, with a maximum annual increase of 6% and a minimum annual increase of 2% of the Maximum Special Tax in effect in the previous fiscal year. The owners have filed a petition representing their willingness to move forward.

OTHER INFORMATION

The Mello-Roos Act provides that, at the conclusion of the public hearing, the City Council may abandon the proceedings or, if not precluded by written protests submitted by either (i) 50 percent or more of the registered voters residing within the CFD or (ii) the owners of one-half or more of the land included in the CFD and not exempt from the special tax, the City Council may submit the question of changing the Original RMA, as proposed in the Resolution of Consideration, to the qualified electors of the CFD.

Because the Land Owners own all of the taxable property within the CFD and there are currently no residents within the District, the election on the Proposed Amendment will be a landowner vote pursuant to the Mello-Roos Act, with each landowner having one vote for each acre or portion thereof owned within the CFD not exempt from the special tax.

Pursuant to provisions of the Mello-Roos Act, the Land Owners, as the only qualified landowners electors within the CFD, have submitted to the City a Consent and Waiver waiving the timelines under the California Elections Code (among other things) and
consenting to a special election to be held after the close of the public hearing. By approving the attached Resolution Calling a Special Election, the City Council would call for the special election on the Proposed Amendment to be held immediately following the close of the public hearing and adoption of such resolution.

If there is no majority protest and the City Council determines to approve the Resolution Calling the Special Election to hold an election on the Proposed Amendment, the Mello-Roos Act requires the City Council to adopt a resolution authorizing the change if at least two-thirds of the votes cast at the election are in favor of the Proposed Amendment. The form of this resolution is attached as the Resolution Declaring Results of Special Election and Changing the Rate and Method of Apportionment of Special Tax for the CFD. This resolution also directs the recodification of an Amended Notice of Special Tax Lien to reflect the changes in the Rate and Method of Apportionment of Special Taxes for the CFD.

Finally, as noted above, the City Council previously adopted Ordinance No. 2020-06 on May 21, 2020, in connection with the formation proceedings for the CFD. In accordance with Section 53440 of the Mello-Roos Act, Ordinance No. 2020-06 authorizes the levy of a special tax within the CFD and presently refers to the Original RMA as the basis for the special tax levy for parcels within the CFD. To conform to the results of a successful election approving the Proposed Amendment, it is recommended that the City Council introduce and conduct the first reading of the attached Ordinance amending Ordinance No. 2020-06, which would update the provisions of Ordinance No. 2020-06 as to the authorization of the levy of a special tax within the CFD. The City Council would be requested at its next regular meeting to conduct the second reading and approve the Ordinance amending Ordinance No. 2020-06.

FINANCIAL IMPACT

The individual property owners are responsible for the annual payments of special taxes. The City will file the annual special tax with the County Auditor-Controller. The property owners have posted a deposit with their application to change the RMA for CFD No. 2019-001, in order to cover City costs incurred in connection with the process. Approval of the actions set forth in this staff report do not in any way commit the City to any financial contribution or liability by CFD No. 2019-001. The City’s cost to administer CFD No. 2019-001 annually will be reimbursed through the special taxes charged to property owners.

The revenue from this special tax will be deposited into a fund for CFD No. 2019-001 and will be used to pay for the Services described in the Amended and Restated RMA. Both the revenue and expenses will be part of the City’s FY 2022-2023 Adopted Budget, and there is no anticipated impact to the general fund.

ALTERNATIVES

1. Take no action.
2. Provide alternative direction to staff
Attachments

1. Resolution Calling a Special Election
2. Resolution Declaring Election Results and Ordering Changes to RMA
3. Ordinance Amending Ordinance No. 2020-06
RESOLUTION NO. 2021-96

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY CALLING A SPECIAL ELECTION AND SUBMITTING TO THE QUALIFIED ELECTORS OF CITY OF JURUPA VALLEY COMMUNITY FACILITIES DISTRICT NO. 2019-001 (PARADISE KNOLLS) A PROPOSITION TO MODIFY THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

WHEREAS, the City Council (the “City Council”) of the City of Jurupa Valley, California (the “City”), conducted proceedings in accordance with the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the California Government Code (the “Act”), for the establishment of the Jurupa Valley Community Facilities District No. 2019-001 (Paradise Knolls) (the “District”); and

WHEREAS, on May 7, 2020, the City Council established the District pursuant to its Resolution No. 2020-24 (the “Resolution of Formation”); and

WHEREAS, the Resolution of Formation specified a rate and method of apportionment of special taxes for the special taxes to be levied on property within the District (the “Original RMA”); and

WHEREAS, on the same date and in accordance with the Act, the City duly held an election within the District whereby the levy of special taxes by the District on property within the District in accordance with the Original RMA was duly approved by at least two-thirds of the votes cast by the qualified electors of the District; and

WHEREAS, Section 53331 of the Act provides that, if the City Council, acting as legislative body of the District, determines that public convenience and necessity require a change in the types of authorized services which should be financed by the District or that the rate or method of apportionment of a special tax should be changed, the City Council may adopt a resolution of consideration in the form specified by the Act; and

WHEREAS, on October 21, 2021, the City Council adopted its Resolution No 2021-86 (the “Resolution of Consideration”) to consider alterations to the Original RMA, as shown on Exhibit A attached thereto (the “Amended and Restated RMA”).

WHEREAS, following a Public Hearing on this matter, the City Council desires to submit to the voters of the District a proposition to adopt the Amended and Restated RMA; and

WHEREAS, the City Clerk has advised the City Council that she has received a statement from the Registrar of Voters of the County of Riverside that no persons are registered to vote in the territory of the District; and

WHEREAS, the City Clerk has advised the City Council that she has received a Consent and Waiver from each and every landowner within the District, pursuant to which the each landowner has expressly waived certain requirements related to the conduct of the election;
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY
HEREBY RESOLVES AS FOLLOWS:

SECTION 1. Recitals. The above recitals are all true and correct.

SECTION 2. Call of Election. The City Council hereby calls and schedules a special election for December 2, 2021, to consider the proposition described in Section 3 below.

SECTION 3. Proposition.

a. Pursuant to Sections 53326 and 53338 of the Act, the proposition to alter the rate and method of apportionment of special tax for the District as described in the Resolution of Consideration shall be submitted to the qualified electors for the District as required by the Act.

b. If the proposition to alter the rate and method of apportionment of special tax receives the approval of more than two-thirds of the votes cast on the proposition, the Amended and Restated RMA may replace the Original RMA as provided for in the Resolution of Consideration.

c. The proposition to be submitted to the voters of the District at such special election shall be as follows:

“Shall the amended and restated rate and method of apportionment, as set forth in Exhibit A to Resolution No. 2021-86, entitled “A Resolution of the City Council of the City of Jurupa Valley, California, Acting as Legislative Body of the City of Jurupa Valley Community Facilities District No. 2019-001 (Paradise Knolls), to Consider Alterations to the Rate and Method of Apportionment of Special Tax,” adopted on October 21, 2021, replace the existing rate and method of apportionment of special tax?”

SECTION 4. Electors Determined. The City Council finds that 12 persons have not been registered to vote within the territory of the District for each of the 90 days preceding the close of the Public Hearing and that pursuant to Sections 53326 and 53338 of the Act, the vote in the special election called by this Resolution shall be by the landowners of the District and each landowner shall have one vote for each acre, or portion thereof, which he or she owns within the District.

SECTION 5. Conduct of Election. Except as otherwise provided in Section 6 hereof, the special election shall be conducted by the City Clerk in accordance with the provisions of the California Elections Code governing mail ballot elections of cities, and in particular the provisions of Division 4 (commencing with Section 4000), of that Code, insofar as they may be applicable.
SECTION 6. Election Procedures.

a. The procedures to be followed in conducting the special election on the proposition described in Section 3 shall be as provided in the Resolution of Consideration. It is hereby acknowledged that the City Clerk has on file a copy of the Resolution of Consideration.

b. The City Council hereby finds that the qualified electors of the District have waived the time limits for conducting the special election by unanimous written consent.

SECTION 7. Concurrence of City Clerk. The City Council hereby finds and determines that the City Clerk has concurred in the shortened time for the election, pursuant to Section 53326 of the Act.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 2nd day of December, 2021.

______________________________
Lorena Barajas
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. 2021-96 was duly adopted and passed at a meeting of the City Council of the City of Jurupa Valley on the 2nd day of December, 2021, 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 2nd day of December, 2021.

___________________________
Victoria Wasko, City Clerk
City of Jurupa Valley
RESOLUTION NO. 2021-97


WHEREAS, the City Council (the “City Council”) of the City of Jurupa Valley, California (the “City”), conducted proceedings in accordance with the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the California Government Code (the “Act”), for the establishment of the Jurupa Valley Community Facilities District No. 2019-001 (Paradise Knolls) (the “District”); and

WHEREAS, on May 7, 2020, the City Council established the District pursuant to its Resolution No. 2020-24 (the “Resolution of Formation”); and

WHEREAS, the Resolution of Formation specified a rate and method of apportionment of special taxes for the special taxes to be levied on property within the District (the “Original RMA”); and

WHEREAS, on the same date and in accordance with the Act, the City duly held an election within the District whereby the levy of special taxes by the District on property within the District in accordance with the Original RMA was duly approved by at least two-thirds of the votes cast by the qualified electors of the District; and

WHEREAS, Section 53331 of the Act provides that, if the City Council, acting as legislative body of the District, determines that public convenience and necessity require a change in the types of authorized services which should be financed by the District or that the rate or method of apportionment of a special tax should be changed, the City Council may adopt a resolution of consideration in the form specified by the Act; and

WHEREAS, on October 21, 2021, the City Council adopted its Resolution No 2021-86 (the “Resolution of Consideration”) to consider alterations to the Original RMA, as shown on Exhibit A attached thereto (the “Amended and Restated RMA”).

WHEREAS, following a Public Hearing on this matter, the City Council adopted a resolution calling a special election to submit a measure to the qualified electors of the District to modify the Original RMA (the “Resolution Calling Election”); and

WHEREAS, pursuant to the terms of the Resolution Calling Election, which are by this reference incorporated herein, the Special Election was held on December 2, 2021, and the City Clerk has on file a Certificate of the City Clerk as to the Results of the Canvass of the Election
Returns (the “Certificate”), a copy of which is attached hereto as Exhibit A and by this reference incorporated herein; and

WHEREAS, this City Council has reviewed said Certificate and hereby approves it;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY HEREBY RESOLVES AS FOLLOWS:

1. Recitals. The above recitals are all true and correct.

2. Ballot Measure. The ballot measure (the “Ballot Measure”) presented to the qualified electors is set forth in Exhibit B attached hereto and by this reference incorporated herein.

3. Election Results. The results of the Special Election are as set forth in the Certificate on file with the City Clerk and attached hereto as Exhibit A. Pursuant to the Certificate, the Ballot Measure presented at the Special Election was approved by the qualified electors of the District.

4. Ballot Measure Authorized. This City Council, acting in its capacity as legislative body of the District, hereby orders the Amended and Restated RMA described in the Ballot Measure is lawfully authorized and that the Original RMA to be changed and replaced by the Amended and Restated RMA. The City Council further finds and determines that the special tax as set forth in the Amended and Restated RMA is reasonable.

5. Finding of Validity. It is hereby found that all prior proceeding and actions taken by this City Council with respect to the District were valid and in conformity with the Act.

6. Notice of Special Tax Lien. The City Clerk is hereby directed to record in the office of the County Recorder of the County of Riverside within fifteen days of the date hereof a notice of special tax lien with respect to the District in substantially the form required by California Streets and Highways Code Section 3117.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 2nd day of December, 2021.

Lorena Barajas
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. 2021-97 was duly adopted and passed at a meeting of the City Council of the City of Jurupa Valley on the 2nd day of December, 2021, 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 2nd day of December, 2021.

_______________________________
Victoria Wasko, City Clerk
City of Jurupa Valley
EXHIBIT A

CITY OF JURUPA VALLEY
COMMUNITY FACILITIES DISTRICT NO. 2019-001
(Paradise Knolls)

CERTIFICATE OF THE CITY CLERK AS TO THE
RESULTS OF THE CANVAS OF THE ELECTION RETURNS

I, ____________________, City Clerk of the City of Jurupa Valley, hereby certify that I canvassed the returns of the Special Election in the City of Jurupa Valley Community Facilities District No. 2019-001 (Paradise Knolls), and that the election was held in the Chambers of the City Council at 8930 Limonite Avenue, Jurupa Valley, CA on December 2, 2021.

I further certify that the total number of ballots cast in said election and the total number of votes cast for and against the measure are full, true and correct:

<table>
<thead>
<tr>
<th>Qualified Eligible Voters</th>
<th>Votes Cast</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ballot Measure</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 2nd day of December, 2021.

By: _______________________
City Clerk
City of Jurupa Valley
EXHIBIT B

Ballot Measure:

“Shall the amended and restated rate and method of apportionment, as set forth in Exhibit A to Resolution No. 2021-86, entitled “A Resolution of the City Council of the City of Jurupa Valley, California, Acting as Legislative Body of the City of Jurupa Valley Community Facilities District No. 2019-001 (Paradise Knolls), to Consider Alterations to the Rate and Method of Apportionment of Special Tax,” adopted on October 21, 2021, replace the existing rate and method of apportionment of special tax?”
ORDINANCE NO. 2021-32


THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings.

A. The City Council (the “City Council”) of the City of Jurupa Valley, California (the “City”), conducted proceedings in accordance with the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the California Government Code (the “Act”), for the establishment of the Jurupa Valley Community Facilities District No. 2019-001 (Paradise Knolls) (the “District”).

B. On May 7, 2020, the City Council established the District pursuant to its Resolution No. 2020-24 (the “Resolution of Formation”).

C. The Resolution of Formation specified a rate and method of apportionment of special taxes for the special taxes to be levied on property within the District (the “Original RMA”).

D. On the same date and in accordance with the Act, the City duly held an election within the District whereby the levy of special taxes by the District on property within the District in accordance with the Original RMA was duly approved by at least two-thirds of the votes cast by the qualified electors of the District.

E. On May 21, 2020, the City Council adopted Ordinance No. 2020-06 authorizing the levy of the special taxes approved at the special election.

F. Section 53331 of the Act provides that, if the City Council, acting as legislative body of the District, determines that public convenience and necessity require a change in the types of authorized services which should be financed by the District or that the rate or method of apportionment of a special tax should be changed, the City Council may adopt a resolution of consideration in the form specified by the Act; and

G. On October 21, 2021, the City Council adopted its Resolution No 2021-86 (the “Resolution of Consideration”) to consider alterations to the Original RMA, as shown on Exhibit A attached thereto (the “Amended and Restated RMA”).

H. Following a Public Hearing on this matter, the City Council adopted a resolution calling a special election to submit a measure to the qualified electors of the District to modify the Original RMA (the “Resolution Calling Election”); and
I. Pursuant to the terms of the Resolution Calling Election, the Special Election was held on December 2, 2021, and the City Clerk canvassed the election results and certified that more than two-thirds of the votes cast in the District were in favor of the measure to change and replace the Original RMA with the Amended and Restated RMA.

J. On December 2, 2021, the City Council adopted a resolution entitled, “A Resolution of the City Council of the City of Jurupa Valley, California, Acting as Legislative Body of the Jurupa Valley Community Facilities District No. 2019-001 (Paradise Knolls), Declaring the Results of a Special Election Within Jurupa Valley Community Facilities District No. 2019-001, Changing the Rate and Method of Apportionment of the Special Tax for the District, and Directing the Recording of an Amended Notice of Special Tax Lien” (the “Resolution of Change”), which declared that the Original RMA has been changed and replaced by the Amended and Restated RMA.

K. The City Council desires to amend Ordinance No. 2020-06 to authorize the levy of a special tax within the District in accordance with the Amended and Restated RMA commencing with Fiscal Year 2021-22 and for each Fiscal Year thereafter for the purposes set forth in the Resolution of Change.

SECTION 2: The City Council hereby amends and restates Section of Ordinance No. 2020-06 in its entirety to read as follows:

“B. By the passage of this Ordinance, the City Council authorizes the levy of the Special Tax in the CFD in accordance with the Rate and Method set forth in Exhibit A to the resolution entitled, “A Resolution of the City Council of the City of Jurupa Valley, California, Acting as Legislative Body of the Jurupa Valley Community Facilities District No. 2019-001 (Paradise Knolls), Declaring the Results of a Special Election Within Jurupa Valley Community Facilities District No. 2019-001, Changing the Rate and Method of Apportionment of the Special Tax for the District, and Directing the Recording of an Amended Notice of Special Tax Lien,” which is on file in the office of the City Clerk and incorporated by reference herein.

A. The specific authorization for adoption of this Ordinance is the provisions of Section 53340 of the Act.

B. The City Clerk is hereby authorized to transmit a certified copy of this Ordinance to the Riverside County Assessor and Treasurer-Tax Collector, and to perform all other acts which are required by the Act, this Ordinance, or by law in order to accomplish the purpose of this Ordinance.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.
SECTION 4. **Effective Date.** This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 5. **Certification.** The City Clerk shall certify to the adoption of this Ordinance and is hereby directed to publish or post this Ordinance in accordance with law.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Jurupa Valley on this 16th day of December, 2021.

____________________________
Lorena Barajas
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. 2021-32 was introduced at a meeting of the City Council of the City of Jurupa Valley on the 2nd day of December, 2021 and thereafter at a regular meeting held on the 16th day of December, 2021, 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 16th day of December, 2021.

________________________________
Victoria Wasko, City Clerk
City of Jurupa Valley
A Special Tax (all capitalized terms are defined in Section A., "Definitions, below) shall be applicable to each Parcel of Taxable Property located within the boundaries of Community Facilities District No. 2019-001 (Paradise Knolls). The amount of Special Tax to be levied on a Parcel in each Fiscal Year, commencing in Fiscal Year 2021-2022, shall be determined by the City Council of the City of Jurupa Valley, acting in its capacity as the legislative body of the CFD by applying the appropriate Special Tax as set forth in Sections B., C., and D., below. All of the real property within the CFD, unless exempted by law or by the provisions of Section E. below, shall be taxed for the purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

“**Acre or Acreage**” means the land area of a Parcel as indicated on the most recent Assessor's Parcel Map, or if the land area is not shown on the Assessor's Parcel Map, the land area shown on the applicable Final Map, condominium plan, or other recorded County map or the land area calculated to the reasonable satisfaction of the Administrator using the boundaries set forth on such map or plan. The square footage of a Parcel is equal to the Acreage of such Parcel multiplied by 43,560.


“**Administrative Expenses**” means all actual or reasonably estimated costs and expenses of the CFD that are chargeable or allocable to carry out its duties as the Administrator of the CFD as allowed by the Act, which shall include without limitation, all costs and expenses arising out of or resulting from the annual levy and collection of the Special Tax (whether by the City or designee thereof or both), any litigation or appeal involving the CFD, and other administrative expenses of the City or designee thereof, or both, directly related to the CFD. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD for attorney’s fees and other costs related to commencing and pursuing to completion any foreclosure as a result of delinquent Special Taxes.

“**Administrator**” means an official of the City, or designee thereof, responsible for determining the annual amount of the levy and collection of the Special Taxes.

“**Approved Property**” means all Parcels of Taxable Property: (i) that are included in a Final Map that was recorded prior to the January 1st preceding the Fiscal Year in which
**Exhibit A**

the Special Tax is being levied, and (ii) that have not been issued a Building Permit prior to the April 1st preceding the Fiscal Year in which the Special Tax is being levied.

“Assessor” means the Assessor of the County.

“Assessor’s Parcel Map” means an official map of the Assessor of the County designating Parcels by Assessor’s Parcel Number.

“Assessor’s Parcel Number” means the number assigned to a lot or Parcel for purposes of identification as determined from an Assessor Parcel Map or the applicable assessment roll.

“Base Year” means the Fiscal Year ending June 30, 2022.

“Boundary Map” means a recorded map of the CFD which indicates by a boundary line the extent of the territory identified to be subject to the levy of Special Taxes.

"Building Permit" means the first legal document issued by a local agency giving official permission for new construction. For purposes of this definition, "Building Permit" shall not include any subsequent Building Permits issued or changed after the first issuance.

“CFD” means Community Facilities District No. 2019-001 (Paradise Knolls) of the City of Jurupa Valley.

“City” means the City of Jurupa Valley, California

“Consumer Price Index” means the Consumer Price Index published by the U.S. Bureau of Labor Statistic for “All Urban Consumers” in the Riverside-San Bernardino-Ontario Area, measured as of the month of April in the Calendar Year which ends in the previous Fiscal Year. In the event this index ceases to be published, the Consumer Price Index shall be another index as determined by the Administrator that is reasonably comparable to the Consumer Price Index for the Riverside-San Bernardino-Ontario Area.

“Council” means the City Council of the City acting as the legislative body of the CFD.

“County” means the County of Riverside, California.

“Developed Property” means all Parcels of Taxable Property: (i) that are included in a Final Map that was recorded prior to January 1st preceding the Fiscal Year in which the Special Tax is being levied, and (ii) for which a Building Permit for new construction has been issued prior to April 1st preceding the Fiscal Year in which the Special Tax is being levied.

“Dwelling Unit” or “(D/U)” means a residential unit that is used or intended to be used as a domicile by one or more persons, as determined by the Administrator.
Exhibit A

“Exempt Property” means any Parcel which is exempt from Special Taxes pursuant to Section E., below.

“Final Map” means a subdivision of property by recordation of an Assessor’s Parcel Map or lot line adjustment, pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) or recordation of a condominium plan pursuant to California Civil Code 1352 that creates individual lots for which Building Permits may be issued without further subdivision.

“Fiscal Year” means the 12 month period starting on July 1 of any calendar year and ending the following June 30.

“Land Use Class” means any of the classes listed in Table 1 of Section C. below.

“Maximum Special Tax” means the Maximum Special Tax A or the Maximum Special Tax B.

“Maximum Special Tax A” means for each Parcel in each Fiscal Year, the greatest amount of Special Tax A, determined in accordance with Section C., below, which may be levied on such Parcel in such Fiscal Year.

“Maximum Special Tax B” means for each Parcel in each Fiscal Year, the greatest amount of Special Tax, determined in accordance with Section C., below, which may be levied on such Parcel in such Fiscal Year.

“Minimum Taxable Acreage” means for each Zone, the applicable Acreage listed in Table 5 of Section E.

“Multifamily Residential Property” means all Parcels of Developed Property that consists of a building or buildings comprised of attached Dwelling Units available for rental by the general public, not for sale to an end user, and under common management.

“Non-Residential Property” means all Parcels of Developed Property for which a Building Permit was issued, permitting the construction of one or more non-residential structures.

“Open Space Area” means, for the purposes of this CFD, that portion of land located within Planning Area 6 (PA6) of the Paradise Knolls Specific Plan, approximately 15 acres of size.

“Parcel(s)” means a lot or parcel within the CFD shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel Number valid as of July 1st for the Fiscal Year for which the Special Tax is being levied.

“Property Owner’s Association Property” means all Parcels which have been conveyed, dedicated to, or irrevocably offered for dedication to a property owner association, including any master or sub-association, prior to April 1st preceding the Fiscal Year in which the Special Tax is being levied.
“Proportionately” means for Parcels of Taxable Property that are (i) Developed Property, that the ratio of the actual Special Tax levy to Maximum Special Tax is the same for all Parcels of Developed Property, (ii) Approved Property, that the ratio of the actual Special Tax levy to the Maximum Special Tax is the same for all Parcels of Approved Property, and (iii) Undeveloped Property, Public Property or Property Owner’s Association Property, that the ratios of the actual Special Tax levy per Acre to the Maximum Special Tax per Acre is the same for all Parcels of Undeveloped Property, Public Property and Property Owner’s Association Property.

“Public Property” means all Parcels which, as of April 1st preceding the Fiscal Year in which the Special Tax is being levied, are (i) used for rights-of-way or any other purpose and is owned by, dedicated to, or irrevocably offered for dedication to the federal government, the State, the County, City or any other public agency, provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use; or (ii) encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

“Residential Property” means all Parcels of Developed Property for which a Building Permit has been issued permitting the construction of one or more residential Dwelling Units.

“Single Family Property” means all Parcels of Residential Property, other than Multifamily Residential Property.

“Special Tax(es)” means the Special Tax A or Special Tax B to be levied in each Fiscal Year on each Parcel of Taxable Property in accordance with Section D.

“Special Tax A” means the special tax to be levied in each Fiscal Year on each Parcel of Taxable Property in accordance with Section D.1 to fund the Special Tax A Requirement.

“Special Tax A Requirement” means for each Fiscal Year, that amount required to: (i) pay the estimated cost of Special Tax A Services for such Fiscal Year as determined by the City; (ii) fund the Special Tax A Reserve Fund in an amount equal to the lesser of (a) 20% of the Special Tax A Reserve Fund Requirement or (b) the amount needed to fund the Special Tax A Reserve Fund up to the Special Tax A Reserve Fund Requirement, (iii) pay Administrative Expenses; (iv) pay for the actual or anticipated shortfall due to Special Tax A delinquencies in the current or prior Fiscal Year; and (v) less a credit for funds available to reduce the annual Special Tax A levy as determined by the Administrator.

“Special Tax A Reserve Fund” means a fund to be used for capital replacement and maintenance costs related to the Special Tax A Services.

“Special Tax A Reserve Fund Requirement” means an amount up to 150% of the anticipated annual cost of Special Tax A Services of $207,465.06 for the Base Year. The Special Tax A Reserve Fund Requirement shall be increased annually,
Exhibit A

commencing July 1, 2022, based on the percentage increase in the Consumer Price Index with a maximum annual increase of six percent (6%) and a minimum annual increase of two percent (2%) of the amount in effect in the previous Fiscal Year.

“Special Tax A Services” means: (i) Streetlights maintenance including energy charges, operation, maintenance, and administrative costs of streetlights located on Limonite Avenue, Downey Street, Beach Street, Rancho Jurupa Drive, and Equestrian Way and identified on the City approved streetlight plans for the Paradise Knolls master plan development; (ii) the maintenance of landscape and all landscaping materials such as turf, ground cover, shrub, trees, plants, irrigation and drainage systems, weed control and other abatements, sidewalks, multi-purpose trail, equestrian trail, trail fences, entry monuments, lights, electricity, and related repair, replacement and inspection on Limonite Avenue, Downey Street, Beach Street, Rancho Jurupa Drive, and Equestrian Way and as identified on the City approved CFD Plans for the Paradise Knolls master plan development and CFD maintenance exhibit; (iii) The maintenance, administration and inspections of stormwater facilities and BMPs including open space area drains, catch basins, open space areas, and any other NPDES/WQMP/BMP related devices as identified on the CFD maintenance exhibit; (iv) litter and graffiti removal on soundwalls and other amenities, plus normal painting as required within CFD boundaries on Limonite Avenue, Downey Street, Beach Street, Rancho Jurupa Drive, and Equestrian Way; (v) the maintenance of landscape and all landscaping materials such as turf, ground cover, shrub, trees, plants, irrigation and drainage systems, weed control and other abatements, disintegrated granite trail, trail fences, hydroseeding and related watering, recreational equipment, and related repair, replacement and inspection on the Open Space area; and (vi) all other services necessary or useful for, or in connection with, the authorized services listed above, including, but not limited to, building a reserve fund for replacement.

Inspection is inclusive of scheduling, travel time, visual inspection process and procedures, GPS location recording, reporting by device, annual reporting, visual inspection for functionality, vegetated as designed, irrigation is complete and in working order, noting any of the following: any deficiencies, erosion, trash, silt, sediment, structural deficiencies. Maintenance is inclusive of repair or replacing any of the items noted as deficient or needing to be corrected to not be deficient. Administration is inclusive of quality assurance and control of inspection and maintenance, general contract administration, including phone calls and procurement of goods and services.

“Special Tax B” means the special tax to be levied in each Fiscal Year on each Parcel of Taxable Property in accordance with Section D. 2, and D.3, and D.4, according to the Zone in which the Parcel is located.

“Special Tax B Reserve Fund” means a separate fund for each Zone to be used for capital replacement and maintenance costs related to the Special Tax B Services.

“Special Tax B Reserve Fund Requirement” means an amount equal to the Base Year amount of $51,177.30 for Zone 1, $21,388.00 for Zone 2, $0 for Zone 3, $4,330.10 for Zone 4, and $61,673.00 for Zone 5. The Special Tax B Reserve Fund Requirement for each Zone shall be increased annually, commencing July 1, 2022, based on the percentage increase in the Consumer Price Index with a maximum annual increase of
Exhibit A

six percent (6%) and a minimum annual increase of two percent (2%) of the amount in effect in the previous Fiscal Year.

“Special Tax B Services” means services as described for each Zone below

“State” means the State of California.

“Taxable Property” means all Parcels within the boundary of the CFD pursuant to the Boundary Map which are not exempt from the Special Tax pursuant to Section E., below.

“Taxable Unit” means either a Dwelling Unit or an Acre, as shown in Table 1.

“Undeveloped Property” means all Parcels of Taxable Property not classified as Developed Property, Approved Property, Public Property or Property Owner’s Association Property.

“Zone” means Zone 1, Zone 2, Zone 3, Zone 4 or Zone 5.

“Zone 1” means all the Parcels located within the area identified as Zone 1 on Exhibit A to this Rate and Method of Apportionment.

“Zone 1 Services” means: (i) The maintenance of streetlights including operation, energy charges, maintenance, and administrative costs of streetlights specifically identified on the City approved streetlight plans for the subdivision known as TR 36823 (Planning Area 1 of the Paradise Knolls Specific Plan); (ii) the maintenance of landscape, including streetscape, slopes, and open space areas. The landscape maintenance may include, but is not limited to, all landscaping materials such as turf, shrub, trees, plants, irrigation and drainage systems, weed control and other abatements, electricity, and related repair/replacement and inspection; and as identified on the CFD landscape plans for the subdivision known as TR 36823 (Planning Area 1 of the Paradise Knolls Specific Plan). The maintenance may include, but is not limited to all landscaping materials such as turf, ground cover, shrub, trees, plants, irrigation and drainage systems, weed control and other abatements, streetlights, electricity, repair/replacement and inspection. Inspection is inclusive of scheduling, travel time, visual inspection process and procedures, GPS location recording, reporting by device, annual reporting, visual inspection for functionality, vegetated as designed, irrigation is complete and in working order, noting any of the following: any deficiencies, erosion, trash, silt, sediment, structural deficiencies. Maintenance is inclusive of repair or replacing any of the items noted as deficient or needing to be corrected to not be deficient. Administration is inclusive of quality assurance and control of inspection and maintenance, general contract administration, including phone calls and procurement of goods and services; (iii) all other services necessary or useful for, or in connection with, the authorized services listed above, including, but not limited to, building a reserve fund for replacement.

“Zone 1 Special Tax B Requirement” means for each Fiscal Year, that amount required to: (i) pay the estimated cost of Zone 1 Services for such Fiscal Year as determined by the City; (ii) fund the Special Tax B Reserve Fund in an amount equal to
the lesser of (a) 20% of the Special Tax B Reserve Fund Requirement applicable to Zone 1 or (b) the amount needed to fund the Special Tax B Reserve Fund up to the Special Tax B Reserve Fund Requirement applicable to Zone 1, (iii) pay for the actual or anticipated shortfall due to Zone 1 Special Tax B delinquencies in the current or prior Fiscal Year; and (iv) less a credit for funds available to reduce the annual Special Tax B levy for Zone 1 as determined by the Administrator.

“Zone 2” means all the Parcels located within the area identified as Zone 2 on Exhibit A to this Rate and Method of Apportionment.

“Zone 2 Services” means: (i) The maintenance of streetlights including operation, energy charges, maintenance, and administrative costs of streetlights specifically identified on the City approved streetlight plans for Planning Area 2 of the Paradise Knolls Specific Plan; (ii) the maintenance of landscape, including streetscape, slopes, and open space areas. The landscape maintenance may include, but is not limited to, all landscaping materials such as turf, shrub, trees, plants, irrigation and drainage systems, weed control and other abatements, electricity, and related repair/replacement and inspection; and as identified on the CFD landscape plans for the area identified as Planning Area 2 on the Paradise Knolls Specific Plan. The maintenance may include, but is not limited to all landscaping materials such as turf, ground cover, shrub, trees, plants, irrigation and drainage systems, weed control and other abatements, streetlights, electricity, repair/replacement and inspection. Inspection is inclusive of scheduling, travel time, visual inspection process and procedures, GPS location recording, reporting by device, annual reporting, visual inspection for functionality, vegetated as designed, irrigation is complete and in working order, noting any of the following: any deficiencies, erosion, trash, silt, sediment, structural deficiencies. Maintenance is inclusive of repair or replacing any of the items noted as deficient or needing to be corrected to not be deficient. Administration is inclusive of quality assurance and control of inspection and maintenance, general contract administration, including phone calls and procurement of goods and services; (iii) all other services necessary or useful for, or in connection with, the authorized services listed above, including, but not limited to, building a reserve fund for replacement.

“Zone 2 Special Tax B Requirement” means for each Fiscal Year, that amount required to: (i) pay the estimated cost of Zone 2 Services for such Fiscal Year as determined by the City; (ii) fund the Special Tax B Reserve Fund in an amount equal to the lesser of (a) 20% of the Special Tax B Reserve Fund Requirement applicable to Zone 2 or (b) the amount needed to fund the Special Tax B Reserve Fund up to the Special Tax B Reserve Fund Requirement applicable to Zone 2, (iii) pay for the actual or anticipated shortfall due to Zone 2 Special Tax B delinquencies in the current or prior Fiscal Year; and (iv) less a credit for funds available to reduce the annual Special Tax B levy for Zone 2 as determined by the Administrator.

“Zone 3” means all the Parcels located within the area identified as Zone 3 on Exhibit A to this Rate and Method of Apportionment.

“Zone 3 Services” means improvements within Planning Area 3 on the Paradise Knolls Specific Plan installed within dedicated public right-of-way. As of the date of this
Exhibit A
document, no public facilities and/or improvements are expected to be installed within Planning Area 3 and, therefore, no services are identified as part of Zone 3 Services.

“Zone 3 Special Tax B Requirement” means for each Fiscal Year, that amount required to: (i) pay the estimated cost of Zone 3 Services for such Fiscal Year as determined by the City; (ii) fund the Special Tax B Reserve Fund in an amount equal to the lesser of (a) 20% of the Special Tax B Reserve Fund Requirement applicable to Zone 3 or (b) the amount needed to fund the Special Tax B Reserve Fund up to the Special Tax B Reserve Fund Requirement applicable to Zone 3, (iii) pay for the actual or anticipated shortfall due to Zone 3 Special Tax B delinquencies in the current or prior Fiscal Year; and (iv) less a credit for funds available to reduce the annual Special Tax B levy for Zone 3 as determined by the Administrator. As of the date of this document, the expected cost is $0.

“Zone 4” means all the Parcels located within the area identified as Zone 4 on Exhibit A to this Rate and Method of Apportionment.

“Zone 4 Services” means: (i) The maintenance of streetlights including operation, energy charges, maintenance, and administrative costs of streetlights specifically identified on the City approved streetlight plans for the subdivision known as Planning Area 4 on the Paradise Knolls Specific Plan; (ii) the maintenance of landscape, including streetscape, slopes, and open space areas. The landscape maintenance may include, but is not limited to, all landscaping materials such as turf, shrub, trees, plants, irrigation and drainage systems, weed control and other abatements, electricity, and related repair/replacement and inspection; and as identified on the CFD landscape plans for the area identified as Planning Area 4 on the Paradise Knolls Specific Plan. The maintenance may include, but is not limited to all landscaping materials such as turf, ground cover, shrub, trees, plants, irrigation and drainage systems, weed control and other abatements, street lights, electricity, repair/replacement and inspection. Inspection is inclusive of scheduling, travel time, visual inspection process and procedures, GPS location recording, reporting by device, annual reporting, visual inspection for functionality, vegetated as designed, irrigation is complete and in working order, noting any of the following: any deficiencies, erosion, trash, silt, sediment, structural deficiencies. Maintenance is inclusive of repair or replacing any of the items noted as deficient or needing to be corrected to not be deficient. Administration is inclusive of quality assurance and control of inspection and maintenance, general contract administration, including phone calls and procurement of goods and services; (iii) all other services necessary or useful for, or in connection with, the authorized services listed above, including, but not limited to, building a reserve fund for replacement.

“Zone 4 Special Tax B Requirement” means for each Fiscal Year, that amount required to: (i) pay the estimated cost of Zone 4 Services for such Fiscal Year as determined by the City; (ii) fund the Special Tax B Reserve Fund in an amount equal to the lesser of (a) 20% of the Special Tax B Reserve Fund Requirement applicable to Zone 4 or (b) the amount needed to fund the Special Tax B Reserve Fund up to the Special Tax B Reserve Fund Requirement applicable to Zone 4, (iii) pay for the actual or anticipated shortfall due to Zone 4 Special Tax B delinquencies in the current or prior
Exhibit A

Fiscal Year; and (iv) less a credit for funds available to reduce the annual Special Tax B levy for Zone 4 as determined by the Administrator.

“Zone 5” means all the Parcels located within the area identified as Zone 5 on Exhibit A to this Rate and Method of Apportionment.

“Zone 5 Services” means: (i) The maintenance of streetlights including operation, energy charges, maintenance, and administrative costs of streetlights specifically identified on the City approved streetlight plans for the subdivision known as Planning Area 5 on the Paradise Knolls Specific Plan; (ii) the maintenance of landscape, including streetscape, slopes, and open space areas. The landscape maintenance may include, but is not limited to, all landscaping materials such as turf, shrub, trees, plants, irrigation and drainage systems, weed control and other abatements, electricity, and related repair/replacement and inspection; and as identified on the CFD landscape plans for the area identified as Planning Area 5 on the Paradise Knolls Specific Plan. The maintenance may include, but is not limited to all landscaping materials such as turf, ground cover, shrub, trees, plants, irrigation and drainage systems, weed control and other abatements, electricity, repair/replacement and inspection. Inspection is inclusive of scheduling, travel time, visual inspection process and procedures, GPS location recording, reporting by device, annual reporting, visual inspection for functionality, vegetated as designed, irrigation is complete and in working order, noting any of the following: any deficiencies, erosion, trash, silt, sediment, structural deficiencies. Maintenance is inclusive of repair or replacing any of the items noted as deficient or needing to be corrected to not be deficient. Administration is inclusive of quality assurance and control of inspection and maintenance, general contract administration, including phone calls and procurement of goods and services; (iii) all other services necessary or useful for, or in connection with, the authorized services listed above, including, but not limited to, building a reserve fund for replacement.

“Zone 5 Special Tax B Requirement” means for each Fiscal Year, that amount required to: (i) pay the estimated cost of Zone 5 Services for such Fiscal Year as determined by the City; (ii) fund the Special Tax B Reserve Fund in an amount equal to the lesser of (a) 20% of the Special Tax B Reserve Fund Requirement applicable to Zone 5 or (b) the amount needed to fund the Special Tax B Reserve Fund up to the Special Tax B Reserve Fund Requirement applicable to Zone 5, (iii) pay for the actual or anticipated shortfall due to Zone 5 Special Tax B delinquencies in the current or prior Fiscal Year; and (iv) less a credit for funds available to reduce the annual Special Tax B levy for Zone 5 as determined by the Administrator.

B. ASSIGNMENT TO LAND USE CLASS

Each Fiscal Year, commencing with Fiscal Year 2021-2022, all Parcels of Taxable Property shall be classified as either Developed Property, Approved Property, Undeveloped Property, Public Property or Property Owner’s Association Property, and
Exhibit A

subject to the levy of Special Taxes in accordance with this Rate and Method of Apportionment as determined pursuant to Sections C. and D.

Parcels of Developed Property shall further be classified as Residential Property or Non-Residential Property. Parcels of Residential Property shall further be classified as Single Family Property or Multifamily Residential Property.

C. MAXIMUM SPECIAL TAX RATES

1. Developed Property

   The Maximum Special Tax A and the Maximum Special Tax B that may be levied and escalated, as explained further in Section C.1. (a) below, in any Fiscal Year for each Parcel classified as Developed Property shall be determined by reference to tables 1, 2, 3, 4, or 5 below according to the Zone in which the Parcel is located.
### TABLE 1
Maximum Special Tax Rates for Developed Property in Zone 1 for Fiscal Year 2021-2022

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Taxable Unit</th>
<th>Maximum Special Tax A per Taxable Unit</th>
<th>Maximum Special Tax B per Taxable Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Single Family Residential Property</td>
<td>D/U</td>
<td>$698.00</td>
<td>$478.30</td>
</tr>
<tr>
<td>2</td>
<td>Multifamily Residential Property</td>
<td>D/U</td>
<td>$698.00</td>
<td>$478.30</td>
</tr>
<tr>
<td>3</td>
<td>Non-Residential Property</td>
<td>Acre</td>
<td>$4,664.00</td>
<td>$2,380.40</td>
</tr>
</tbody>
</table>

### TABLE 2
Maximum Special Tax Rates for Developed Property in Zone 2 for Fiscal Year 2021-2022

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Taxable Unit</th>
<th>Maximum Special Tax A per Taxable Unit</th>
<th>Maximum Special Tax B per Taxable Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Single Family Residential Property</td>
<td>D/U</td>
<td>$698.00</td>
<td>$71.30</td>
</tr>
<tr>
<td>2</td>
<td>Multifamily Residential Property</td>
<td>D/U</td>
<td>$698.00</td>
<td>$71.30</td>
</tr>
<tr>
<td>3</td>
<td>Non-Residential Property</td>
<td>Acre</td>
<td>$4,664.00</td>
<td>$2,048.70</td>
</tr>
</tbody>
</table>

### TABLE 3
Maximum Special Tax Rates for Developed Property in Zone 3 for Fiscal Year 2021-2022

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Taxable Unit</th>
<th>Maximum Special Tax A per Taxable Unit</th>
<th>Maximum Special Tax B per Taxable Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Single Family Residential Property</td>
<td>D/U</td>
<td>$698.00</td>
<td>$0</td>
</tr>
<tr>
<td>2</td>
<td>Multifamily Residential Property</td>
<td>D/U</td>
<td>$698.00</td>
<td>$0</td>
</tr>
<tr>
<td>3</td>
<td>Non-Residential Property</td>
<td>Acre</td>
<td>$4,664.00</td>
<td>$0</td>
</tr>
</tbody>
</table>

### TABLE 4
Maximum Special Tax Rates for Developed Property in Zone 4 for Fiscal Year 2021-2022

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Taxable Unit</th>
<th>Maximum Special Tax A per Taxable Unit</th>
<th>Maximum Special Tax B per Taxable Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Single Family Residential Property</td>
<td>D/U</td>
<td>$698.00</td>
<td>$0</td>
</tr>
<tr>
<td>2</td>
<td>Multifamily Residential Property</td>
<td>D/U</td>
<td>$698.00</td>
<td>$0</td>
</tr>
<tr>
<td>3</td>
<td>Non-Residential Property</td>
<td>Acre</td>
<td>$4,664.00</td>
<td>$0</td>
</tr>
</tbody>
</table>
Exhibit A

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Taxable Unit</th>
<th>Maximum Special Tax A per Taxable Unit</th>
<th>Maximum Special Tax B per Taxable Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Single Family Residential Property</td>
<td>D/U</td>
<td>$ 698.00</td>
<td>$ 721.70</td>
</tr>
<tr>
<td>2</td>
<td>Multifamily Residential Property</td>
<td>D/U</td>
<td>$ 698.00</td>
<td>$ 721.70</td>
</tr>
<tr>
<td>3</td>
<td>Non-Residential Property</td>
<td>Acre</td>
<td>$ 4,664.00</td>
<td>$ 964.40</td>
</tr>
</tbody>
</table>

TABLE 5

Maximum Special Tax Rates for Developed Property in Zone 5 for Fiscal Year 2021-2022

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Taxable Unit</th>
<th>Maximum Special Tax A per Taxable Unit</th>
<th>Maximum Special Tax B per Taxable Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Single Family Residential Property</td>
<td>D/U</td>
<td>$ 698.00</td>
<td>$ 248.70</td>
</tr>
<tr>
<td>2</td>
<td>Multifamily Residential Property</td>
<td>D/U</td>
<td>$ 698.00</td>
<td>$ 248.70</td>
</tr>
<tr>
<td>3</td>
<td>Non-Residential Property</td>
<td>Acre</td>
<td>$ 4,664.00</td>
<td>$ 1,761.58</td>
</tr>
</tbody>
</table>

(a) Increase in the Maximum Special Tax

On each July 1, following the Base Year, the Maximum Special Tax, identified in Table 1, above, shall be increased annually, commencing July 1, 2022, based on the percentage increase in the Consumer Price Index with a maximum annual increase of six percent (6%) and a minimum annual increase of two percent (2%) of the Maximum Special Tax in effect in the previous Fiscal Year.

(b) Multiple Land Use Classes

In some instances, a Parcel of Developed Property may contain more than one Land Use Class. The Maximum Special Tax that may be levied on such Parcel shall be the sum of the Maximum Special Tax that can be levied for each Land Use Class located on that Parcel. For a Parcel that contains more than one Land Use Class, the Acreage of such Parcel shall be allocated to each type of property based on the amount of Acreage designated for each land use as determined by reference to the site plan approved for such Parcel. The Administrator’s allocation to each Land Use Class shall be final.

2. Approved Property

The Maximum Special Tax A for each Parcel of Approved Property shall be equal to the product of the applicable Undeveloped Property Maximum Special Tax A
Exhibit A

per Acre times the Acreage of such Parcel; provided, however, for a Parcel of Approved Property that is expected to become Single Family Property as reasonably determined by the Administrator based on the Final Map for such Parcel, the Maximum Special Tax A for such Parcel of Approved Property shall be calculated pursuant to Section C.1 as if such Parcel were already designated as Single Family Property.

The Maximum Special Tax B for each Parcel of Approved Property shall be equal to the product of the applicable Undeveloped Property Maximum Special Tax B per Acre times the Acreage of such Parcel; provided, however, for a Parcel of Approved Property that is expected to become Single Family Property as reasonably determined by the Administrator based on the Final Map for such Parcel, the Maximum Special Tax B for such Parcel of Approved Property shall be calculated pursuant to Section C.1 as if such Parcel were already designated as Single Family Property.

The Maximum Special Tax A and the Maximum Special Tax B shall be increased annually, commencing July 1, 2022, based on the percentage increase in the Consumer Price Index with a maximum annual increase of six percent (6%) and a minimum annual increase of two percent (2%) of the corresponding Maximum Special Tax in effect in the previous Fiscal Year.
3. Undeveloped Property

The Maximum Special Tax that may be levied and escalated for each Parcel classified as Undeveloped Property shall be:

**TABLE 6**

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Special Tax A Per Acre</th>
<th>Maximum Special Tax B Per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$2,998.90</td>
<td>$0</td>
</tr>
<tr>
<td>2</td>
<td>$2,998.90</td>
<td>$0</td>
</tr>
<tr>
<td>3</td>
<td>$2,998.90</td>
<td>$0</td>
</tr>
<tr>
<td>4</td>
<td>$2,998.90</td>
<td>$0</td>
</tr>
<tr>
<td>5</td>
<td>$2,998.90</td>
<td>$0</td>
</tr>
</tbody>
</table>

The Maximum Special Tax for Undeveloped Property shall be increased annually, commencing July 1, 2021, based on the percentage increase in the Consumer Price Index with a maximum annual increase of six percent (6%) and a minimum annual increase of two percent (2%) of the corresponding Maximum Special Tax in effect in the previous Fiscal Year.

4. Public Property and/or Property Owner’s Association Property that is not Exempt Property pursuant to the provisions of Section E

The Maximum Special Tax A for each Parcel of Taxable Public Property and/or Property Owners Association Property shall be equal to the product of the applicable Undeveloped Property Maximum Special Tax A per Acre times the Acreage of such Parcel and shall be increased annually, commencing July 1, 2021, based on the percentage increase in the Consumer Price Index with a maximum annual increase of six percent (6%) and a minimum annual increase of two percent (2%) of the Maximum Special Tax A in effect in the previous Fiscal Year.

The Maximum Special Tax B for each Parcel of Taxable Public Property and/or Property Owners Association Property shall be equal to the product of the applicable Undeveloped Property Maximum Special Tax B per Acre times the Acreage of such Parcel and shall be increased annually, commencing July 1, 2021, based on the percentage increase in the Consumer Price Index with a maximum annual increase of six percent (6%) and a minimum annual increase of two percent (2%) of the Maximum Special Tax B in effect in the previous Fiscal Year.
D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

1. Special Tax A

Commencing with Fiscal Year 2021-2022 and for each following Fiscal Year, the Administrator shall levy the Special Tax A on all Taxable Property until the amount of Special Tax A equals the Special Tax A Requirement in accordance with the following steps:

First: The Special Tax A shall be levied Proportionately on each Parcel of Developed Property at up to 100% of the applicable Maximum Special Tax A as needed to satisfy the Special Tax A Requirement;

Second: If additional moneys are needed to satisfy the Special Tax A Requirement after the first step has been completed, the Special Tax A shall be levied Proportionately on each Parcel of Approved Property at up to 100% of the Maximum Special Tax A for Approved Property. Notwithstanding, no Special Tax A shall be levied on Approved Property to fund items (ii) and (iii) of the Special Tax A Requirement;

Third: If additional moneys are needed to satisfy the Special Tax A Requirement after the first two steps have been completed, the Special Tax A shall be levied Proportionately on each Parcel of Undeveloped Property at up to 100% of the applicable Maximum Special Tax A for Undeveloped Property. Notwithstanding, no Special Tax A shall be levied on Undeveloped Property to fund items (ii) and (iii) of the Special Tax A Requirement;

Fourth: If additional moneys are needed to satisfy the Special Tax A Requirement after the first three steps have been completed, the Special Tax A shall be levied Proportionately on each Parcel of Taxable Property that is Public Property or Property Owner’s Association Property at up to 100% of the applicable Maximum Special Tax A for such Parcel.

2. Special Tax B – Zone 1

Commencing with Fiscal Year 2021-2022 and for each following Fiscal Year, the Administrator shall levy the Special Tax B on all Taxable Property in Zone 1 until the amount of Special Tax B equals the Zone 1 Special Tax B Requirement in accordance with the following steps:

First: The Special Tax B shall be levied Proportionately on each Parcel of Developed Property within Zone 1 at up to 100% of the Maximum Special Tax B applicable to such Parcel as needed to satisfy the Zone 1 Special Tax B Requirement;

Second: If additional moneys are needed to satisfy the Zone 1 Special Tax B Requirement after the first step has been completed, the Special Tax B shall be levied Proportionately on each Parcel of Approved Property within Zone 1 at up to 100% of the Maximum Special Tax B applicable to such Parcel;
**Exhibit A**

Third: If additional moneys are needed to satisfy the Zone 1 Special Tax B Requirement after the first two steps have been completed, the Special Tax B shall be levied Proportionately on each Parcel of Undeveloped Property within Zone 1 at up to 100% of the Maximum Special Tax B applicable to such Parcel. Notwithstanding, no Special Tax B shall be levied on Undeveloped Property within Zone 1 to fund item (ii) of the Zone 1 Special Tax B Requirement;

Fourth: If additional moneys are needed to satisfy the Zone 1 Special Tax B Requirement after the first three steps have been completed, the Special Tax B shall be levied Proportionately on each Parcel of Taxable Property within Zone 1 that is Public Property or Property Owner’s Association Property at up to 100% of the Maximum Special Tax B applicable to such Parcel.

3. **Special Tax B – Zone 2**

Commencing with Fiscal Year 2021-2022 and for each following Fiscal Year, the Administrator shall levy the Special Tax B on all Taxable Property in Zone 2 until the amount of Special Tax B equals the Zone 2 Special Tax B Requirement in accordance with the following steps:

First: The Special Tax B shall be levied Proportionately on each Parcel of Developed Property within Zone 2 at up to 100% of the Maximum Special Tax B applicable to such Parcel as needed to satisfy the Zone 2 Special Tax B Requirement;

Second: If additional moneys are needed to satisfy the Zone 2 Special Tax B Requirement after the first step has been completed, the Special Tax B shall be levied Proportionately on each Parcel of Approved Property within Zone 2 at up to 100% of the Maximum Special Tax B applicable to such Parcel;

Third: If additional moneys are needed to satisfy the Zone 2 Special Tax B Requirement after the first two steps have been completed, the Special Tax B shall be levied Proportionately on each Parcel of Undeveloped Property within Zone 2 at up to 100% of the Maximum Special Tax B applicable to such Parcel. Notwithstanding, no Special Tax B shall be levied on Undeveloped Property within Zone 2 to fund item (ii) of the Zone 2 Special Tax B Requirement;

Fourth: If additional moneys are needed to satisfy the Zone 2 Special Tax B Requirement after the first three steps have been completed, the Special Tax B shall be levied Proportionately on each Parcel of Taxable Property within Zone 2 that is Public Property or Property Owner’s Association Property at up to 100% of the Maximum Special Tax B applicable to such Parcel.

4. **Special Tax B – Zone 3**

Zone 3 is expected to be of commercial use with no public facilities within Planning Area 3 of the Paradise Knolls Specific Plan; therefore, Special Tax B for Zone 3 is expected to be $0.
Exhibit A

5. Special Tax B – Zone 4

Commencing with Fiscal Year 2021-2022 and for each following Fiscal Year, the Administrator shall levy the Special Tax B on all Taxable Property in Zone 4 until the amount of Special Tax B equals the Zone 4 Special Tax B Requirement in accordance with the following steps:

First: The Special Tax B shall be levied Proportionately on each Parcel of Developed Property within Zone 4 at up to 100% of the Maximum Special Tax B applicable to such Parcel as needed to satisfy the Zone 4 Special Tax B Requirement;

Second: If additional moneys are needed to satisfy the Zone 4 Special Tax B Requirement after the first step has been completed, the Special Tax B shall be levied Proportionately on each Parcel of Approved Property within Zone 4 at up to 100% of the Maximum Special Tax B applicable to such Parcel;

Third: If additional moneys are needed to satisfy the Zone 4 Special Tax B Requirement after the first two steps have been completed, the Special Tax B shall be levied Proportionately on each Parcel of Undeveloped Property within Zone 4 at up to 100% of the Maximum Special Tax B applicable to such Parcel. Notwithstanding, no Special Tax B shall be levied on Undeveloped Property within Zone 4 to fund item (ii) of the Zone 4 Special Tax B Requirement;

Fourth: If additional moneys are needed to satisfy the Zone 4 Special Tax B Requirement after the first three steps have been completed, the Special Tax B shall be levied Proportionately on each Parcel of Taxable Property within Zone 4 that is Public Property or Property Owner’s Association Property at up to 100% of the Maximum Special Tax B applicable to such Parcel.

6. Special Tax B – Zone 5

Commencing with Fiscal Year 2021-2022 and for each following Fiscal Year, the Administrator shall levy the Special Tax B on all Taxable Property in Zone 5 until the amount of Special Tax B equals the Zone 5 Special Tax B Requirement in accordance with the following steps:

First: The Special Tax B shall be levied Proportionately on each Parcel of Developed Property within Zone 5 at up to 100% of the Maximum Special Tax B applicable to such Parcel as needed to satisfy the Zone 5 Special Tax B Requirement;

Second: If additional moneys are needed to satisfy the Zone 5 Special Tax B Requirement after the first step has been completed, the Special Tax B shall be levied Proportionately on each Parcel of Approved Property within Zone 5 at up to 100% of the Maximum Special Tax B applicable to such Parcel;
Third: If additional moneys are needed to satisfy the Zone 5 Special Tax B Requirement after the first two steps have been completed, the Special Tax B shall be levied Proportionately on each Parcel of Undeveloped Property within Zone 5 at up to 100% of the Maximum Special Tax B applicable to such Parcel. Notwithstanding, no Special Tax B shall be levied on Undeveloped Property within Zone 5 to fund item (ii) of the Zone 5 Special Tax B Requirement;

Fourth: If additional moneys are needed to satisfy the Zone 5 Special Tax B Requirement after the first three steps have been completed, the Special Tax B shall be levied Proportionately on each Parcel of Taxable Property within Zone 5 that is Public Property or Property Owner’s Association Property at up to 100% of the Maximum Special Tax B applicable to such Parcel.

Notwithstanding the above, under no circumstances will the Special Taxes levied in any Fiscal Year against any Parcel of Residential Property for which a Certificate of Occupancy has been issued be increased by more than ten percent (10%) as a result of a delinquency in the payment of the Special Tax applicable to any other Parcel above the amount that would have been levied in that Fiscal Year had there never been any such delinquency or default.

E. EXEMPTIONS

The CFD shall not levy Special Taxes on Public Property and Property Owner’s Association Property within each Zone of the CFD, provided that the sum of all Taxable Acreage within the applicable Zone does not drop below the amounts shown in Table 5 below. Exempt Property status will be assigned by the Administrator in the chronological order in which Parcels becomes Public Property and/or Property Owner’s Association Property. Parcels which cannot be classified as Exempt Property because such classification would reduce the Acreage of all Taxable Property within a Zone to less than the Minimum Taxable Acreage for such Zone will continue to be classified as Taxable Property, and will continue to be subject to Special Taxes accordingly.

F. MANNER OF COLLECTION

The Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes and shall be subject to the same penalties, the same procedure, sale and lien priority in the case of delinquency; provided, however, that the Administrator may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the CFD, and provided further that the CFD may covenant to foreclose and may actually foreclose on Parcels having delinquent Special Taxes as permitted by the Act.
Any taxpayer may file a written appeal of the Special Tax on his/her Parcel(s) with the Administrator, provided that the appellant is current in his/her payments of Special Taxes. During pendency of an appeal, all Special Taxes must be paid on or before the payment due date established when the levy was made. The appeal must specify the reasons why the appellant claims the Special Tax is in error. The Administrator shall review the appeal, meet with the appellant if the Administrator deems necessary, and advise the appellant of its determination. If the Administrator agrees with the appellant, the Administrator shall grant a credit to eliminate or reduce future Special Taxes on the appellant’s Parcel(s). No refunds of previously paid Special Taxes shall be made.

The Administrator shall interpret this Rate and Method of Apportionment and make determinations relative to the annual levy and administration of the Special Tax and any taxpayer who appeals, as herein specified.

H. TERM OF THE SPECIAL TAX

The Special Tax A and Special Tax B shall be levied annually in perpetuity unless terminated earlier by the City.
STAFF REPORT

DATE: DECEMBER 2, 2021
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ROD BUTLER, CITY MANAGER
BY: JOE PEREZ, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: AGENDA ITEM NO. 13.C

PUBLIC HEARING TO CONSIDER A RESOLUTION ADOPTING THE 2021-2029 (6TH CYCLE) HOUSING ELEMENT OF THE GENERAL PLAN

RECOMMENDATION

1) That the City Council open the public hearing, receive public testimony, and adopt Resolution No. 2021-99, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ADOPTING AN ORDER INITIATING PROCEEDINGS TO AMEND THE 2017 GENERAL PLAN BY UDPATING THE HOUSING ELEMENT, APPROVING AN ADDENDUM TO A CERTIFIED PROGRAMMATIC FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT IN CONNECTION THEREWITH FOR THE 2021-2029 (6TH CYCLE) HOUSING ELEMENT, ADOPTING THE 2021-2029 (6TH CYCLE) HOUSING ELEMENT OF THE CITY OF JURUPA VALLEY, AND DIRECTING STAFF TO TRANSMIT THE 2021-2029 (6TH CYCLE) HOUSING ELEMENT TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR CERTIFICATION

BACKGROUND

Since 1969, California has required that all local governments (cities and counties) adequately plan to meet the housing needs of everyone in the community. California’s local governments meet this requirement by adopting housing plans as part of their “general plan” (also required by the State). General plans serve as the local government’s "blueprint" for how the city and/or county will grow and develop and includes seven required elements: land use, transportation, conservation, noise, open space, safety, and housing. Per SB 1000, jurisdictions must also address environment justice, which is a
required component of the General Plan, and a stand-alone element in Jurupa Valley. The law mandating that housing be included as an element of each jurisdiction’s general plan is known as “housing-element law.”

California’s housing-element law acknowledges that, in order for the private market to adequately address the housing needs and demand of Californians, local governments must adopt plans and regulatory systems that provide opportunities for (and do not unduly constrain), housing development. As a result, housing policy in California rests largely on the effective implementation of local general plans and, in particular, local housing elements. Local governments must update their housing elements every eight years.

**Regional Housing Needs Assessment (RHNA)**

The Regional Housing Needs Assessment (RHNA) is mandated by State Housing Law as part of the periodic process of updating local housing elements. RHNA quantifies the need for housing within each jurisdiction during specified planning periods. The 6th Cycle RHNA covers the planning period of October 2021 through October 2029. The main objective of the RHNA is to distribute the need for new housing construction in an equitable method throughout the State. Communities use RHNA in land use planning, in prioritizing local resource allocation, and in deciding how to address identified existing and future housing needs resulting from population, employment, and household growth. RHNA allows communities to anticipate growth, so that collectively the region and sub region can grow in ways that enhance quality of life, improve access to jobs, promote transportation mobility, address social equity and fair share housing needs. The City of Jurupa Valley’s RHNA for the 2021-2029 planning period is identified in Table 1 below.

<table>
<thead>
<tr>
<th>Table 1: Jurupa Valley’s RHNA by Income Category</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
</tr>
<tr>
<td>4,497</td>
</tr>
</tbody>
</table>

*Source: Southern California Association of Governments (SCAG)*

*6th Cycle RHNA Allocation Based on Final Methodology and Final Connect SoCal*

It is important to note that while the Southern California Association of Governments (SCAG) distributes jurisdictional housing needs throughout Southern California based on a methodology that includes data from the California Department of Finance and California Department of Housing and Community Development (HCD), a city is not required to actually build the number of housing units ascribed to it, but rather, is required to only ensure that its zoning and general plan land use map designations have adequate capacity to allow for the development of the required units. The City does not have to build the housing units but must provide appropriate zoning on sites that offer true development potential as well as fair processes and fees.
Jurupa Valley Municipal Code Section 9.30.040.B. requires that the City Council adopt an order to initiate General Plan Amendments, therefore this action must also be initiated by City Council as part of this public hearing in accordance with City procedures.

**Planning Commission Review**

On November 10, 2021, the Planning Commission held a public hearing and unanimously voted (4-0-1) to adopt a resolution recommending that the City Council initiate and adopt the Housing Element (Attachment 2).

**ANALYSIS**

**Community Engagement**

With the 5th Cycle Housing Element planning period coming to an end, the City has been working on the 6th Cycle Housing Element update for the 2021-2029 planning period since fall 2020. The Revised Public Review Draft Housing Element has been available since October 5, 2021 on the City’s website at [https://www.jurupavalley.org/462/Housing-Element-Update](https://www.jurupavalley.org/462/Housing-Element-Update). In preparing the 6th Cycle Housing Element, involvement with community members was prioritized to fully understand their values and ideas for the future. There were several opportunities for community members and housing interest groups to provide input on housing issues. Although in-person outreach was limited due to COVID-19 constraints, the community adapted and found meaningful ways to get involved in the Housing Element update process through digital engagement platforms and virtual meetings.

In winter 2020-21, the City launched the Housing Element Update webpage and online Community Housing Survey (in both English and Spanish). The website contained educational information about the purpose and process for the Housing Element, project updates, and notices of upcoming opportunities to participate.

The Community Housing Survey resulted in 231 responses. In an effort to connect with as many residents of Jurupa Valley as possible, the survey was promoted through the City’s Planning Commission and City Council meetings, the City’s email list, the City’s Facebook, and on the City’s website. To date, the responses from a majority of the survey takers showed that those with the greatest need for housing in Jurupa Valley are seniors, large families, young adults and homeless persons. The responses also revealed that the community does not see any difficulty in finding housing but does see the need for affordable housing and would like to see more diversity in affordable housing. Survey responses also identified the following housing-related concerns and desires:

- Desire to increase the variety of housing types and affordability
- Desire to see government assistance for the maintenance of existing homes
- Desire to see housing developed near access to community and commercial amenities
- Desire to provide housing for those in the special needs categories (i.e., those who are homeless, single parent household, seniors or living with disabilities)
The City incorporated the survey data into the overall analysis of the Element and the main concerns of the community were reviewed and addressed in the Housing Opportunities and Resources Section of the Draft Housing Element. The responses received from the community resulted in specific emphasis on affordable housing and diversity in future housing types.

In addition, public input was facilitated by means of separate Study Sessions conducted with the Planning Commission and City Council respectively on March 10, 2021 and April 15, 2021. These Study Sessions provided an overview of Housing Element requirements and housing law and a discussion of the City’s RHNA and potential housing sites to meet the RHNA. The Planning Commission and City Council were generally supportive of the need for additional housing sites in the City and indicated areas of the City where additional housing and density would be most feasible, including within the Specific Plan areas and along the City’s major transportation corridors.

On April 5 and 6, 2021, public workshops were conducted on the Housing Element, one in English and one in Spanish. Due to the COVID-19 pandemic, the workshops were conducted via teleconference with computer stations available at City Hall for participants without computer access. The workshops were advertised on the City’s website, community websites, and through social media. During the workshops, City staff provided an overview of Housing Element requirements and housing law and a discussion of the City’s RHNA and potential housing sites to meet the RHNA. Participants were then encouraged to provide their input on housing issues and needs in Jurupa Valley. Overall, participants agreed that lack of affordable housing is the biggest housing issue in Jurupa Valley. During these workshops, the participants also emphasized the following concerns and desires for the City to address:

- Desire to increase the variety of housing types and affordability
- Desire to locate higher density housing near transportation corridors
- Desire to see more multi-family dwelling development and small lot or condo developments to increase the income variety of the community
- Desire to see more shared open spaces in the community and developments with less traditional lawns

On May 20, 2021, a Joint Study Session was held with the Planning Commission and City Council. This Study Session focused on the Draft Housing Element and reviewed the analysis of potential sites to be included in the Sites Inventory. The Planning Commission and City Council were supportive of the general direction of the Draft Housing Element and sites analysis, with the direction to remove four sites, which would not impact the City’s ability to meet its RHNA. In addition, members of community and representatives from the Center for Community Action and Environmental Justice (CCAEJ) expressed the following:

- Opposition to develop housing in areas impacted by diesel pollution and other contaminants, and encouraging the City to provide continued public outreach on this matter
Supportive of the detailed housing action plan summary
Supportive of the mobile home owner assistance program, a rent control ordinance, and mixed income housing integration
Requests for policy change to allow densities higher than 25 du/acre
Questions about the RHNA and density assumptions for Paradise Knolls and the desire to maintain equestrian lifestyle

On November 10, 2021, the Planning Commission held a public hearing and unanimously voted (4-0-1; Carmona absent) to adopt a resolution recommending that the City Council initiate and adopt the Housing Element. There were no comments received from the public or the Planning Commission.

**HCD Review - Draft Housing Element**

Following the May 20th Study Session, staff revised the Draft Housing Element and formally submitted the document to HCD for a mandatory 60-day review on May 27, 2021. The City received HCD’s comment letter on July 26, 2021 (Attachment 3). The letter identified revisions necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The comments received in this letter were comparable in length and nature to revisions required of other Southern California jurisdictions that have submitted draft housing elements for review this cycle, including the need to complete the Fair Housing Analysis, described below. HCD’s primary comments on the Draft Housing Element included the following:

**Affirmatively Furthering Fair Housing (AFFH)** – One of HCD’s primary comments was that the Housing Element should include an AFFH analysis. As outlined in more detail below, the Draft Housing Element submitted to HCD in May did not contain the AFFH analysis because HCD’s guidance on how to prepare an AFFH analysis was provided too late in the process to be addressed in the first draft.

**Housing Sites Inventory** – HCD had several comments relating to the Housing Sites Inventory, including the need to specify income levels for each housing unit, provide more information about Specific Plan build-out, include housing units permitted between June 30, 2021 and September 30, 2021, justifying the projection of 15 Accessory Dwelling Units (ADUs) permits per year, and other items.

**Quantified Objectives** – HCD requested that the City include a summary of quantified objectives in the Housing Element of the number of units by income category that are likely to be constructed, rehabilitated, and conserved within the planning period. The objectives can be different than the designated RHNA and represent the City’s best estimate for what will occur within the planning period.

**Local Processing and Permit Procedures** – HCD requested additional information on the City’s processing and permit procedures including further clarification on ministerial versus discretionary processes, objective design standards, permit findings, and requests for projects below the maximum General Plan density range.
Housing Policies and Action Items – HCD requested that the City provide more detail and specificity on the Housing policies and action items contained in Sections H and I of the Housing Element. Specifically, HCD requested more specific commitment to implementation and timing of implementation.

Revised Draft Housing Element

A Revised Draft Housing Element was prepared in response to HCD’s comments (Attachment 4). The Revised Draft Housing Element was advertised and posted on the City’s website for public review on October 5, 2021. The City submitted the revised draft to HCD for a second formal review on October 15, 2021, together with a matrix summary of how each comment was addressed (Attachment 5). Per State housing-element law, HCD must provide written response within 60 days, and we anticipate receiving the formal response letter on or before December 14, 2021. Because it is anticipated any final requested revisions will be minor and technical in nature, it is recommended that the City Council adopt a resolution allowing final changes in response to HCD comments be made by the Community Development Director without the need for adoption by the City Council. This will allow this version of the Housing Element to be adopted by the City Council within the 120-day grace period following the statutory due date of October 15, 2021.

6th Cycle (2021-2029) Housing Element

The Housing Element is organized as follows:

A. Introduction  
B. Community Profiles  
C. Existing Housing Needs  
D. Housing Opportunities and Resources  
E. Housing Constraints  
F. Housing Goals and Policies  
G. Housing Action Plan

The key changes from the 5th Cycle Housing Element to the 6th Cycle Housing Element include:

- Updating the Housing Sites Inventory to meet current RHNA (see detailed discussion below under Sites Analysis – Potential Housing Sites)  
- Comprehensively updating housing and demographics data  
- Addressing changes to housing law since the last update, including new legislation regarding fair housing, measures to further promote Accessory Dwelling Units (ADUs) to the extent required by State law, and regulatory changes regarding emergency shelters and supportive and transitional housing  
- Updating/restructuring of housing policies and programs to:  
  o Remove policies and programs no longer appropriate to City  
  o Consolidate programs/actions with similar objectives  
  o Adjust level of commitments based on past accomplishments

A key factor that sets the Housing Element apart from rest of the General Plan is that it has to be updated according to a statutory deadline. This is the only element of the
General Plan that has a statutory deadline and has to be updated every eight years. For the SCAG region, we have a deadline of October 15, 2021 with a 120-day grace period. What also sets the Housing Element apart from the rest of General Plan is that the Housing Element has to be submitted to HCD for review for compliance with housing-element law.

It is important to note that if the City does not adopt the Housing Element within 120 days from the statutory due date of October 15, 2021 for Southern California Association of Governments (SCAG) localities, the City could be deemed out of compliance and risk losing important sources of funding currently provided by the State, and be subject to possible litigation and/or fines for non-compliance. Recent legislation (AB72) allows HCD to revoke Housing Element certification if violations occur and refer them to the Attorney General for remediation and enforcement.

In addition, by proactively planning for new housing and identifying potential sites where new housing development should occur, Jurupa Valley maintains local control to regulate housing development in a manner consistent with local character and quality of life. The outcome of successfully planning for housing is to provide for housing choice and viable neighborhoods where the attainment of a decent home and suitable living environment for every member of the community is possible.

**Affirmatively Furthering Fair Housing (AFFH)**

In 2017, the State passed AB 686, Affirmatively Furthering Fair Housing, requiring Housing Elements to address this topic. The law adopts a now repealed federal rule by reference and indicates that jurisdictions that have completed an Assessment of Fair Housing (AFH) or Analysis of Impediments (AI) to Fair Housing Choice would be able to incorporate information from these studies. HCD was supposed to release guidance on compliance in July 2020. However, release of this guidance was significantly delayed due to the need to develop a data tool to assist local jurisdictions in conducting the analysis. HCD finally released the guidance memo and data tool on April 27, 2021, and staff completed the AFFH analysis, which is included in the Housing Element as Appendix E, and is currently being reviewed by HCD. Based on the guidance memo, the analysis required is extensive and focuses on a jurisdictional-specific perspective. As such, jurisdictions are often not able to rely on analyses conducted as part of the AFH or AI, which were encouraged by HUD to take a regional approach.

The City complies with the State’s AFFH requirements by taking meaningful actions to address impediments identified in the analysis. In summary, the City of Jurupa Valley offers high opportunity areas but faces challenges in promoting and providing a range of housing types and prices suitable for lower-income households. Providing a range of affordable housing can help foster more inclusive communities and increase access to opportunities for persons of color, persons with disabilities, and other protected classes. Table 5.53 of the Housing Element summarizes fair housing issues, contributing factors, and implementing actions.
Sites Analysis – Potential Housing Sites

HCD requires that the Housing Element include a summary of anticipated housing development and an inventory of suitable land for residential development that can be combined to meet City’s RHNA allocation. We have been evaluating projected and potential development with a focus on development projects that are proposed but have not yet received City approval (Pipeline Projects), projected Accessory Dwelling Units (ADUs), anticipated residential growth in Specific Plans, and available land for residential development.

As discussed at the May 20th Joint Planning Commission and City Council Study Session, we have determined that the City has adequate capacity for moderate and above moderate housing. However, the City has a projected shortfall of land available for low, very low and extremely low-income housing which is typically the hardest to find. Based on additional information and analysis, and HCD comments about what can and cannot be counted toward the City’s RHNA, the numbers have been revised from what was presented in May 2021. Table 2 below outlines the City’s RHNA requirement and anticipated housing surplus or deficit in all of the required income categories for the 6th Cycle.

As outlined in Table 2, the City has a projected deficit of 883 low, very low and extremely low-income housing units for the 2021-2029 planning cycle. In order to ensure that adequate land is available for this housing, the City needs to redesignate a minimum of approximately 40.5 acres of land to the General Plan land use designation of Highest Density Residential (HHDR) (and corresponding zoning) to meet State requirements for low and very low-income housing. However, it is recommended that the City designate additional sites to provide additional capacity in the event that some sites are developed below projected densities. In fact, Senate Bill 166, the State’s No Net Loss Law, requires that if a jurisdiction approves a housing development with less residential unit capacity than identified in the Housing Element, it must simultaneously redesignate/rezone additional capacity elsewhere to make up for the shortfall within a 6-month period. This is monitored and enforced by HCD, and rezoning within a 6-month timeframe is challenging to be able to conduct the necessary public outreach, analysis and environmental review. Thus, providing excess capacity will provide flexibility as residential projects are considered by the City during the 2021-2029 timeframe. In addition, if we do not identify additional capacity beyond our RHNA requirements, it is possible HCD will identify this as an issue during their review, resulting in a delay to receiving certification by the mandatory State deadline. Finally, if the City does not meet its requirement to redesignate at least 40.5 acres to HHDR, a new higher designation may need to be created and other sites may need to be re-designated to an even higher density to meet the requirement for low and very low-income housing.
## Table 2 – City of Jurupa Valley RHNA

<table>
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<tr>
<th>Unit Capacity</th>
<th>Income Category</th>
<th>Extremely/Very Low</th>
<th>Low</th>
<th>Moderate</th>
<th>Above Moderate</th>
<th>Total Units</th>
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<td>731</td>
<td>1,810</td>
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<td>4</td>
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<td>138</td>
<td>152</td>
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<td>2. Pipeline Projects</td>
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<td>–</td>
<td>–</td>
<td>310</td>
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<td>27</td>
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<td>4. Development Potential in Specific Plans</td>
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<tr>
<td>I-15 Corridor Specific Plan</td>
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<tr>
<td>Emerald Meadows Ranch Specific Plan</td>
<td></td>
<td>–</td>
<td>238</td>
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<td>Rio Vista Specific Plan</td>
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<td>–</td>
<td>440</td>
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<td>Paradise Knolls Specific Plan</td>
<td></td>
<td>195</td>
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<td>–</td>
<td>6</td>
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<td>Subtotal</td>
<td></td>
<td>195</td>
<td>105</td>
<td>678</td>
<td>1,452</td>
<td>2,403</td>
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<tr>
<td>5. Development Potential on Vacant and Underutilized Parcels</td>
<td></td>
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<td>Ranch Residential (EDR)</td>
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<td>–</td>
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<td>–</td>
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<td>Country Neighborhood (LDR) &amp; Rural Community – Low (RC-LDR)</td>
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<td>–</td>
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<tr>
<td>Medium Density Residential (MDR)</td>
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<td>–</td>
<td>–</td>
<td>–</td>
<td>207</td>
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<td>Medium High Density Residential (MHDR)</td>
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<td>–</td>
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<td>–</td>
<td>109</td>
<td>109</td>
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<tr>
<td>High Density Residential (HDR)</td>
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<td>–</td>
<td>58</td>
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<tr>
<td>Very High Density Residential (VHDR)</td>
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<td>–</td>
<td>–</td>
<td>–</td>
<td></td>
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</tr>
<tr>
<td>Highest Density Residential (HHDR)²</td>
<td></td>
<td>452</td>
<td>243</td>
<td>58</td>
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<td>243</td>
<td>58</td>
<td>591</td>
<td>1,344</td>
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<tr>
<td>Total RHNA Credits (Built + Potential)</td>
<td></td>
<td>678</td>
<td>395</td>
<td>1,093</td>
<td>3,006</td>
<td>5,172</td>
</tr>
<tr>
<td>RHNA Surplus/[Deficit]</td>
<td>(529)</td>
<td>(354)</td>
<td>+362</td>
<td></td>
<td>+1,196</td>
<td></td>
</tr>
</tbody>
</table>

1 ADU affordability levels based on SCAG’s 2020 Affordability Analysis for San Bernardino and Riverside Counties
2 Assumes 65% of potential HHDR units on vacant or underutilized parcels applied to “Very Low/Extremely Low” housing need, with the remaining potential HHDR units allocated to meet “Low Income” need.
At the May 20th joint City Council/Planning Commission Study Session, staff presented a proposal to redesignate 21 sites to HHDR to make up for the anticipated RHNA shortfall and provide a cushion. Sites were chosen that were deemed to be the most suitable for housing and included locations that met all or most of the following criteria:

- Vacant or minimal land improvements
- On or near transportation corridors
- Proximity to transit
- Proximity to shopping and food outlets
- Proximity to parks and/or open space
- Predominately outside of rural and equestrian areas
- Minimal exposure to hazards (i.e., very high fire hazard, flood risk)

As outlined previously, staff received direction at the May 20th Study Session to remove four sites from consideration for the submittal to HCD. Former site F-1 was removed due to its proximity to Glen Avon Elementary School and a concern about traffic in the area. Sites C-3, C-4 and C-5 were removed due to their location at the Granite Hill Drive/Pedley Road intersection and a concern that these sites should be reserved for freeway-oriented commercial uses, such as restaurants. However, there was also an acknowledgement that just the southern portion of the sites fronting Granite Hill Drive could be reserved for commercial uses, with the remainder reserved for housing. Nonetheless, following the meeting, staff removed sites F-1, C-3, C-4 and C-5 from the draft document that was submitted to HCD on May 27, 2021. The remaining 17 sites totaled 81.7 acres and with a potential yield of 1,161 dwelling units.

In revising the Draft Housing Element in response to the July 26, 2021 HCD letter, staff determined that the number of units that can count towards RHNA had been reduced and the City would not have excess capacity in the low-income category with the sites proposed. Thus, staff added back in sites C-3, C-4 and C-5 as shown Appendix B (Attachment 4) of the Draft Revised Housing Element. Combined with the other proposed redesignation/rezoned sites, the 20 sites total 75.4 acres and could result in a total yield of 1,282 very low and low income units which would meet the City’s RHNA requirement with some excess capacity. Table 3 below outlines the City’s RHNA summary with the redesignation/rezone sites including Sites C-3, C-4 and C-5.
Table 3 – City of Jurupa Valley RHNA with Redesignation/Rezone Sites Added

<table>
<thead>
<tr>
<th>Unit Capacity</th>
<th>Income Category</th>
<th>Extremel y/ Very Low</th>
<th>Low</th>
<th>Moderate</th>
<th>Above Moderate</th>
<th>Total Units</th>
</tr>
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<tbody>
<tr>
<td>RHNA</td>
<td></td>
<td>1,207</td>
<td>749</td>
<td>731</td>
<td>1,810</td>
<td>4,497</td>
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<tr>
<td>Total RHNA Credits</td>
<td></td>
<td>678</td>
<td>395</td>
<td>1,093</td>
<td>3,006</td>
<td>5,172</td>
</tr>
<tr>
<td>RHNA Surplus/[Deficit] without Redesignation Sites</td>
<td></td>
<td>-529</td>
<td>-354</td>
<td>+362</td>
<td>+1,196</td>
<td></td>
</tr>
<tr>
<td>New Redesignation Sites</td>
<td></td>
<td>833</td>
<td>449</td>
<td></td>
<td>-22</td>
<td></td>
</tr>
<tr>
<td>RHNA Surplus with Redesignation Sites</td>
<td></td>
<td>+304</td>
<td>+95</td>
<td>+362</td>
<td>+1,174</td>
<td>+1,935</td>
</tr>
</tbody>
</table>

ENVIRONMENTAL REVIEW

In approving the General Plan in 2017, the City Council certified the Jurupa Valley 2017 General Plan Programmatic Final Environmental Impact Report (EIR) (SCH No. 2016021025) in accordance with the CEQA. Pursuant to CEQA Guidelines Section 15164, the City has reviewed the proposed Housing Element Update against the 2017 EIR and determined the EIR adequately addresses all the environmental issues associated with the project. The proposed project would not result in any new significant impacts on the environment based upon the analysis and conclusions presented in the 2017 EIR. In addition, previously identified significant impacts would not be substantially more severe than shown in the previous EIR. Finally, no new feasible mitigation measures have been identified that would substantially reduce significant impacts identified in the 2017 EIR. Therefore, staff has prepared an EIR Addendum (Attachment 6) for the Housing Element Update. Unlike an EIR, an Addendum is not required to be circulated for public review.

NOTICING REQUIREMENTS

A legal advertisement for the public hearing was published in the Press Enterprise on November 22, 2021.

FINANCIAL IMPACT

No General Fund impact. The cost associated with Community Development Department staff time to prepare the Housing Element Update is estimated at $125,000, and funding is provided from the $500,000 Local Early Action Planning Grant funds awarded by the State of California’s Housing and Community Development Department.

ALTERNATIVES

1. Recommended Action: That the City Council adopt Resolution No. 2021-99, to:
a. Initiate proceedings for the 6th cycle Housing Element consistent with JVMC Section 9.30.040.C; and
b. Adopt the 2021-2029 Housing Element of the Jurupa Valley General Plan, and make environmental determination under CEQA.

3. Take no action and direct staff to make further changes for Planning Commission recommendation.

Prepared by:

Joe Perez
Community Development Director

Submitted by:

Rod B. Butler
City Manager

Reviewed by:

Connie Cardenas
Administrative Services Director

Reviewed by:

Michael Flad
Assistant City Manager

Reviewed by:

Peter M. Thorson
City Attorney

Attachments:
1. Resolution No. 2021-99
2. Planning Commission Resolution No. 2021-11-10-02
3. Review Letter from HCD dated July 26, 2021
4. Link to Housing Element Update: http://www.jurupavalley.org/Housing-Element-Update
5. Summary Matrix: Responses to HCD Comment Letter dated July 26, 2021
6. Addendum to the City of Jurupa Valley General Plan Certified Environmental Impact Report (SCH No. 2016021025)
Attachment 1
Resolution No. 2021-99
RESOLUTION NO. 2021-99

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ADOPTING AN ORDER INITIATING PROCEEDINGS TO AMEND THE 2017 GENERAL PLAN BY UPDATING THE HOUSING ELEMENT, APPROVING AN ADDENDUM TO A CERTIFIED PROGRAMMATIC FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT IN CONNECTION THEREWITH FOR THE 2021-2029 (6TH CYCLE) HOUSING ELEMENT, ADOPTING THE 2021-2029 (6TH CYCLE) HOUSING ELEMENT OF THE CITY OF JURUPA VALLEY, AND DIRECTING STAFF TO TRANSMIT THE 2021-2029 (6TH CYCLE) HOUSING ELEMENT TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR CERTIFICATION

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

Section 1. **Project.** City staff have prepared General Plan Amendment No. 21012, a proposal to amend the Housing Element of the 2017 Jurupa Valley General Plan by adopting the 2021-2029 (6th Cycle) Housing Element ("Project").

Section 2. **General Plan Amendment.**

(a) City staff have prepared General Plan Amendment No. 21012, a proposal to amend the Housing Element of the 2017 Jurupa Valley General Plan by adopting the 2021-2029 (6th Cycle) Housing Element, attached hereto as Exhibit "A."

(b) Section 9.30.010.A. of the Jurupa Valley Municipal Code provides that any amendment to any part or element of the Jurupa Valley General Plan, shall be adopted in accordance with the provisions of Government Code Section 65300 et seq., as now written or hereafter amended, and Chapter 9.30 of the Jurupa Valley Municipal Code. No mandatory element of the General Plan may be amended more frequently than four (4) times during any calendar year, unless otherwise allowed by Government Code Section 65358. Subject to that limitation, an amendment may be adopted at any time, as determined by the City Council. Each amendment may include more than one change to the General Plan.

(c) Section 9.30.010.B. of the Jurupa Valley Municipal Code provides that the initiation of proceedings for the amendment of any part or element of the Jurupa Valley General Plan shall be conducted in accordance with the provisions of Chapter 9.30 of the Jurupa Valley Municipal Code.
(d) Section 9.30.040.B. of the Jurupa Valley Municipal Code provides that the
initiation of proceedings for any amendment pursuant to Section 9.30.040 requires an order of the
City Council, adopted by the affirmative vote of not less than a majority of the entire membership
of the City Council. The City Council may adopt an order initiating amendment proceedings at
any time. The adoption of an order by the City Council initiating amendment proceedings does
not require a public hearing and does not imply any such amendment will be approved.

(e) Section 9.30.040.C. of the Jurupa Valley Municipal Code provides that:
either the Community Development Director or the Planning Commission may recommend that:
the City Council adopt an order initiating proceedings for an amendment pursuant to Section
9.30.040. All such recommendations must be in writing and submitted to the City Clerk for
placement on the City Council agenda as a matter not requiring a public hearing.

(f) On December 2, 2021, upon recommendation by the Planning Commission,
the City Council ordered the initiation of proceedings for the General Plan Amendment No. 21012
by an affirmative vote of 5-0 of the City Council.

(g) Section 9.30.040.E. of the Jurupa Valley Municipal Code provides that after
adoption of an order of the City Council initiating proceedings for an amendment pursuant to
Section 9.30.004, the amendment shall be processed, heard, and decided in accordance with

(h) Section 9.30.100.(1) of the Jurupa Valley Municipal Code provides that
proposals to amend the Jurupa Valley General Plan, or any part or element thereof, shall be heard
by the Planning Commission during a public hearing on the matter. Notice of the public hearing
shall be given pursuant to Section 9.05.040 of the Jurupa Valley Municipal Code. Further,
Government Code Section 65353 provides that when a city has a planning commission authorized
by local ordinance or resolution to review and recommend action on a proposed general plan, the
commission shall hold at least one public hearing before approving a recommendation on the
adoption of a general plan.

(i) Section 9.30.100.(2) of the Jurupa Valley Municipal Code provides that after
closing the public hearing, the Planning Commission shall make a recommendation for approval
or disapproval within a reasonable time, by resolution, including therein its findings, and transmit
it to the City Council. A recommendation for approval shall be made by the affirmative vote of
not less than a majority of the total membership of the Planning Commission. If the Planning
Commission cannot reach a decision within a reasonable time after closing the hearing, that fact
shall be reported to the City Council and shall be deemed a recommendation to deny the proposal.
Further, Government Code Section 65354 provides that the planning commission shall make a
written recommendation on the adoption of a general plan, that a recommendation for approval
shall be made by the affirmative vote of not less than a majority of the total membership of the
commission, and that the planning commission shall send its recommendation to the legislative
body. This Resolution shall constitute the written recommendation required by Government Code
Section 65354.

(j) Section 9.30.100.(3) of the Jurupa Valley Municipal Code provides that
upon receipt of a recommendation of the Planning Commission on amendment of the General Plan,
the City Clerk shall set the matter for public hearing before the City Council at the earliest convenient day and shall give notice of public hearing in the same manner as notice was given of the hearing before the Planning Commission.

(k) Section 9.30.100.(4) of the Jurupa Valley Municipal Code provides that after closing the public hearing, the City Council shall render its decision within a reasonable time. A decision to amend the General Plan, or any part of element thereof, shall be made by resolution, which resolution shall be adopted by the affirmative vote of not less than the majority of the total membership of the City Council. The City Council may approve, modify, or disapprove the recommendation of the Planning Commission; provided, however, that any substantial modification of the Planning Commission’s recommendation not previously considered by the Commission shall be referred to the Commission for its recommendation.

(l) A proposal to amend any part or element of the General Plan shall not be approved by the City Council until all procedures required by the Jurupa Valley CEQA implementing procedures to approve a matter have been completed.

Section 3. Procedural Findings. The City Council of the City of Jurupa Valley does hereby find, determine and declare that:

(a) 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.

(b) On November 10, 2021, the Planning Commission of the City of Jurupa Valley held a public hearing on the Project, 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. Following a discussion of the Project the Planning Commission voted to recommend approval of General Plan Amendment No. 21012 by adopting Planning Commission Resolution No. 2021-11-10-02, a Resolution of the Planning Commission of the City of Jurupa Valley Recommending That the City Council of the City of Jurupa Valley Adopt an Order Initiating Proceedings to Amend the 2017 General Plan by Updating the Housing Element, Approve an Addendum to a Certified Programmatic Final Environmental Impact Report and Adopt Findings Pursuant to the California Environmental Quality Act in Connection Therewith for the 2021-2029 (6th Cycle) Housing Element, Adopt the 2021-2029 (6th Cycle) Housing Element of the City of Jurupa Valley, and Direct Staff to Transmit the 2021-2029 (6th Cycle) Housing Element to the State Department of Housing and Community Development for Certification.

(c) On December 2, 2021, the City Council held a public hearing on General Plan Amendment No. 21012, at which time all persons interested in the General Plan Amendment No. 21012 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.

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

Section 4. California Environmental Quality Act Findings. The City Council of the City of Jurupa Valley hereby makes the following environmental findings and determinations in connection with the approval of the Project:

-3-
(a) On September 7, 2017, the City Council adopted Resolution No. 2017-14 certifying a Programmatic Final Environmental Impact Report prepared for the City’s adoption of the 2017 Jurupa Valley General Plan, a update of the City’s General Plan, which includes the 5th Cycle Housing Element, and adopted findings pursuant to the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 et seq.) and the State CEQA Guidelines (“Certified Programmatic EIR”).

(b) An Addendum to the Certified Program EIR for the 2017 Jurupa Valley General Plan was prepared for the adoption of the 2021-2029 (6th Cycle) Housing Element pursuant to CEQA and State CEQA Guidelines Section 15164.

(c) The City Council has reviewed the Addendum to the Certified Programmatic EIR, along with the Certified Programmatic EIR and, in the exercise of its independent judgment, concludes that the Addendum accurately describes the environmental ramifications of updating the 5th Cycle Housing Element by adopting the 2021-2029 (6th Cycle) Housing Element.

(d) The City Council finds, based on the evidence in the record, including the Addendum, that the 2021-2029 (6th Cycle) Housing Element does not require supplemental or subsequent environmental review because the 2021-2029 (6th Cycle) Housing Element (i) is not a substantial change to the 5th Cycle Housing Element analyzed under the Certified Programmatic EIR that would require major revisions to the previously Certified Programmatic EIR, (ii) is not a substantial change in the circumstances under which the 2017 Jurupa Valley General Plan, including the 5th Cycle Housing Element, is being undertaken that would require major revisions to the Certified Programmatic EIR, and (iii) does not constitute new information of substantial importance that was not known at the time the Programmatic EIR was certified.

(e) If the 2021-2029 (6th Cycle) Housing Element is adopted by the City Council, the impacts associated with the adoption of the 2021-2029 (6th Cycle) Housing Element would be the same or less than those identified for the 5th Cycle Housing Element in the Certified Programmatic EIR, for the reasons set forth in the Addendum.

(f) The City Council, exercising its independent judgment after considering the administrative record, hereby adopts the Addendum to the Certified Programmatic EIR, attached hereto as Exhibit B, reaffirms the findings adopted as part of the Programmatic EIR certification and set forth in Resolution No. 2017-14 as remaining applicable to the 2021-2029 (6th Cycle) Housing Element.

(g) The custodian of records for the documents and other materials that constitute the record of the proceedings upon which the City Council’s decision is based, including, but are not limited to, the staff reports for the 2021-2029 (6th Cycle) Housing Element, all of the materials that comprise and support the Addendum to the Certified Programmatic EIR and all of the materials that support the staff reports for the 2021-2029 (6th Cycle) Housing Element, is the Community Development Department of the City of Jurupa Valley. Those documents are available for public review in the Community Development Department of the City of Jurupa Valley located at 8930 Limonite Avenue, Jurupa Valley, California 92509.
Section 5. **Initiation of General Plan Amendment.** The City Council of the City of Jurupa Valley hereby adopts an order initiating proceedings pursuant to Jurupa Valley Municipal Code Section 9.30.040 to amend the 2017 Jurupa Valley General Plan by updating the Housing Element.

Section 6. **Findings for Approval of General Plan Amendment.** The City Council of the City of Jurupa Valley does hereby find and determine that General Plan Amendment No. 21012 should be adopted because:

(a) The proposed 2021-2029 (6th Cycle) Housing Element is consistent with the 2017 Jurupa Valley General Plan in that updating the Housing Element for the 2021-2029 planning period meets the following goals of the 2017 General Plan:

1) Goal HE 1—Encourage and, where possible, assist in the development of quality housing to meet the City’s share of the region’s housing needs for all income levels and for special needs populations;

2) Goal HE 2—Conserve and improve the housing stock, particularly housing affordable to lower income and special housing needs households;

and

3) Goal HE 3—Promote equal housing opportunities for all persons;

4) Goal HE 4—Maintain and enhance residential neighborhoods and remove blight.

Section 7. **Approval of General Plan Amendment.** Based on the foregoing, the City Council of the City of Jurupa Valley hereby:

(a) Approves General Plan Amendment No. 21012 to amend the Housing Element of the 2017 Jurupa Valley General Plan by adopting the 2021-2029 (6th Cycle) Housing Element, in substantial form as attached hereto as Exhibit “A;”

(b) Authorizes the Community Development Director to make any non-substantive, technical revisions to the approved 2021-2029 (6th Cycle) Housing Element based on comments received by the City from the California Department of Housing and Community Development ("HCD") concerning the revised draft 2021-2029 (6th Cycle) Housing Element submitted to HCD for a second formal review by the City on October 15, 2021; and

(c) Directs the Community Development Director to transmit to HCD the 2021-2029 (6th Cycle) Housing Element for certification by HCD.

Section 8. **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 2nd day of December, 2021.
Lorena Barajas
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. 2021 99 was duly adopted and passed at a meeting of the City Council of the City of Jurupa Valley on the 2\textsuperscript{nd} day of December, 2021, 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 2nd day of December, 2021.

Victoria Wasko, City Clerk
City of Jurupa Valley
Attachment 2
Planning Commission Resolution No. 2021-12-02-02
RESOLUTION NO. 2021-11-10-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY ADOPT AN ORDER INITIATING PROCEEDINGS TO AMEND THE 2017 GENERAL PLAN BY UPDATING THE HOUSING ELEMENT, APPROVE AN ADDENDUM TO A CERTIFIED PROGRAMMATIC FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPT FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT IN CONNECTION THEREWITH FOR THE 2021-2029 (6TH CYCLE) HOUSING ELEMENT, ADOPT THE 2021-2029 (6TH CYCLE) HOUSING ELEMENT OF THE CITY OF JURUPA VALLEY, AND DIRECT STAFF TO TRANSMIT THE 2021-2029 (6TH CYCLE) HOUSING ELEMENT TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR CERTIFICATION

THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. Project. City staff have prepared General Plan Amendment No. 21012, a proposal to amend the Housing Element of the 2017 Jurupa Valley General Plan by adopting the 2021-2029 (6th Cycle) Housing Element (“Project”).

Section 2. General Plan Amendment.

(a) City staff have prepared General Plan Amendment No. 21012, a proposal to amend the Housing Element of the 2017 Jurupa Valley General Plan by adopting the 2021-2029 (6th Cycle) Housing Element, attached hereto as Exhibit “A.”

(b) Section 9.30.010.A. of the Jurupa Valley Municipal Code provides that any amendment to any part or element of the Jurupa Valley General Plan, shall be adopted in accordance with the provisions of Government Code Section 65300 et seq., as now written or hereafter amended, and Chapter 9.30 of the Jurupa Valley Municipal Code. No mandatory element of the General Plan may be amended more frequently than four (4) times during any calendar year, unless otherwise allowed by Government Code Section 65358. Subject to that limitation, an amendment may be adopted at any time, as determined by the City Council. Each amendment may include more than one change to the General Plan.

(c) Section 9.30.010.B. of the Jurupa Valley Municipal Code provides that the initiation of proceedings for the amendment of any part or element of the Jurupa Valley General Plan shall be conducted in accordance with the provisions of Chapter 9.30 of the Jurupa Valley Municipal Code.
(d) Section 9.30.040.B. of the Jurupa Valley Municipal Code provides that the initiation of proceedings for any amendment pursuant to Section 9.30.040 requires an order of the City Council, adopted by the affirmative vote of not less than a majority of the entire membership of the City Council. The City Council may adopt an order initiating amendment proceedings at any time. The adoption of an order by the City Council initiating amendment proceedings does not require a public hearing and does not imply any such amendment will be approved.

(e) Section 9.30.040.C. of the Jurupa Valley Municipal Code provides that either the Community Development Director or the Planning Commission may recommend that the City Council adopt an order initiating proceedings for an amendment pursuant to Section 9.30.040. All such recommendations must be in writing and submitted to the City Clerk for placement on the City Council agenda as a matter not requiring a public hearing.

(f) On __________ 2021, upon recommendation by the Planning Commission, the City Council ordered the initiation of proceedings for the General Plan Amendment No. 21012 by an affirmative vote of ___ ___ of the City Council.

(g) Section 9.30.040.E. of the Jurupa Valley Municipal Code provides that after adoption of an order of the City Council initiating proceedings for an amendment pursuant to Section 9.30.004, the amendment shall be processed, heard, and decided in accordance with Sections 9.30.010 and 9.30.100 of the Jurupa Valley Municipal Code.

(h) Section 9.30.100.(1) of the Jurupa Valley Municipal Code provides that proposals to amend the Jurupa Valley General Plan, or any part or element thereof, shall be heard by the Planning Commission during a public hearing on the matter. Notice of the public hearing shall be given pursuant to Section 9.05.040 of the Jurupa Valley Municipal Code. Further, Government Code Section 65353 provides that when a city has a planning commission authorized by local ordinance or resolution to review and recommend action on a proposed general plan, the commission shall hold at least one public hearing before approving a recommendation on the adoption of a general plan.

(i) Section 9.30.100(2) of the Jurupa Valley Municipal Code provides that after closing the public hearing, the Planning Commission shall make a recommendation for approval or disapproval within a reasonable time, by resolution, including therein its findings, and transmit it to the City Council. A recommendation for approval shall be made by the affirmative vote of not less than a majority of the total membership of the Planning Commission. If the Planning Commission cannot reach a decision within a reasonable time after closing the hearing, that fact shall be reported to the City Council and shall be deemed a recommendation to deny the proposal. Further, Government Code Section 65354 provides that the planning commission shall make a written recommendation on the adoption of a general plan, that a recommendation for approval shall be made by the affirmative vote of not less than a majority of the total membership of the commission, and that the planning commission shall send its recommendation to the legislative body. This Resolution shall constitute the written recommendation required by Government Code Section 65354.

Section 3. **Procedural Findings.** The Planning Commission of the City of Jurupa Valley does hereby find, determine and declare that:
(a) 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.

(b) On November 10, 2021, the Planning Commission of the City of Jurupa Valley held a public hearing on the Project, 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. 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) On September 7, 2017, the City Council adopted Resolution No. 2017-14 certifying a Programmatic Final Environmental Impact Report prepared for the City’s adoption of the 2017 Jurupa Valley General Plan, an update of the City’s General Plan, which includes the 5th Cycle Housing Element, and adopted findings pursuant to the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 et seq.) and the State CEQA Guidelines (“Certified Programmatic EIR”).

(b) An Addendum to the Certified Program EIR for the 2017 Jurupa Valley General Plan was prepared for the adoption of the 2021-2029 (6th Cycle) Housing Element pursuant to CEQA and State CEQA Guidelines Section 15164.

(c) The City Council has reviewed the Addendum to the Certified Programmatic EIR, along with the Certified Programmatic EIR and, in the exercise of its independent judgment, concludes that the Addendum accurately describes the environmental ramifications of updating the 5th Cycle Housing Element by adopting the 2021-2029 (6th Cycle) Housing Element.

(d) The City Council finds, based on the evidence in the record, including the Addendum, that the 2021-2029 (6th Cycle) Housing Element does not require supplemental or subsequent environmental review because the 2021-2029 (6th Cycle) Housing Element (i) is not a substantial change to the 5th Cycle Housing Element analyzed under the Certified Programmatic EIR that would require major revisions to the previously Certified Programmatic EIR, (ii) is not a substantial change in the circumstances under which the 2017 Jurupa Valley General Plan, including the 5th Cycle Housing Element, is being undertaken that would require major revisions to the Certified Programmatic EIR, and (iii) does not constitute new information of substantial importance that was not known at the time the Programmatic EIR was certified.

(e) If the 2021-2029 (6th Cycle) Housing Element is adopted by the City Council, the impacts associated with the adoption of the 2021-2029 (6th Cycle) Housing Element would be the same or less than those identified for the 5th Cycle Housing Element in the Certified Programmatic EIR, for the reasons set forth in the Addendum.
(f) The City Council, exercising its independent judgment after considering the administrative record, hereby adopts the Addendum to the Certified Programmatic EIR, attached hereto as Exhibit E, reaffirms the findings adopted as part of the Programmatic EIR certification and set forth in Resolution No. 2017-14 as remaining applicable to the 2021-2029 (6th Cycle) Housing Element.

(g) The custodian of records for the documents and other materials that constitute the record of the proceedings upon which the City Council’s decision is based, including, but are not limited to, the staff reports for the 2021-2029 (6th Cycle) Housing Element, all of the materials that comprise and support the Addendum to the Certified Programmatic EIR and all of the materials that support the staff reports for the 2021-2029 (6th Cycle) Housing Element, is the Community Development Department of the City of Jurupa Valley. Those documents are available for public review in the Community Development Department of the City of Jurupa Valley located at 8930 Limonite Avenue, Jurupa Valley, California 92509.

Section 5. Recommendation for Initiation of General Plan Amendment. The Planning Commission of the City of Jurupa Valley does hereby recommend that the City Council of the City of Jurupa Valley adopt an order initiating proceedings pursuant to Jurupa Valley Municipal Code Section 9.30.040 to amend the 2017 Jurupa Valley General Plan by updating the Housing Element.

Section 6. Findings for Recommendation of Approval of General Plan Amendment. 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 General Plan Amendment No. 21012 should be adopted because:

(a) The proposed 2021-2029 (6th Cycle) Housing Element is consistent with the 2017 Jurupa Valley General Plan in that updating the Housing Element for the 2021-2029 planning period meets the following goals of the 2017 General Plan:

1) Goal HE 1—Encourage and, where possible, assist in the development of quality housing to meet the City’s share of the region’s housing needs for all income levels and for special needs populations;

2) Goal HE 2—Conserve and improve the housing stock, particularly housing affordable to lower income and special housing needs households;

3) Goal HE 3—Promote equal housing opportunities for all persons, and

4) Goal HE 4—Maintain and enhance residential neighborhoods and remove blight.

Section 7. Recommendation of Approval of Code Amendment. 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:
(a) Approve General Plan Amendment No. 21012 to amend the Housing Element of the 2017 Jurupa Valley General Plan by adopting the 2021-2029 (6th Cycle) Housing Element, in substantial form as attached hereto as Exhibit "A;"

(b) Authorize the Community Development Director to make any non-substantive, technical revisions to the approved 2021-2029 (6th Cycle) Housing Element based on comments received by the City from the California Department of Housing and Community Development ("HCD") concerning the revised draft 2021-2029 (6th Cycle) Housing Element submitted to HCD for a second formal review by the City on October 15, 2021; and

(c) Direct the Community Development Director to transmit to HCD the 2021-2029 (6th Cycle) Housing Element for certification by HCD.

Section 8. Certification. The Community Development 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 10th day of November, 2021.

Penny Newman
Chair of Jurupa Valley Planning Commission

ATTEST:

Joe Perez
Community Development Director/Secretary to the Planning Commission
STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE  
CITY OF JURUPA VALLEY  

I, Joe Perez, Community Development Director of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2021-11-10-02 was duly adopted and passed at a meeting of the Planning Commission of the City of Jurupa Valley on the 10th day of November, 2021, by the following vote, to wit:

AYES:  COMMISSION MEMBERS:

Newman, Pruitt, Jackson, Shultz

NOES:  COMMISSION MEMBERS:

ABSENT:  COMMISSION MEMBERS:

Carriona

ABSTAIN:  COMMISSION MEMBERS:

Joe Perez
COMMUNITY DEVELOPMENT DIRECTOR
Attachment 3

Review Letter from HCD dated July 26, 2021
July 26, 2021

Joe Perez, Community Development Director
Community Development Department
City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, CA 92509

Dear Joe Perez:

RE: Review of the City of Jurupa Valley’s 6th Cycle (2021-2029) Draft Housing Element

Thank you for submitting the City of Jurupa Valley’s draft housing element received for review on May 27, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on July 23, 2021 with Mary Wright, Project Manager; Dianne Guevara, Deputy Community Development Director; Jean Ward, Community Planning Services Manager; Elizabeth Yee, Senior Planner and the City’s consultant Veronica Tam and Associates.

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes revisions needed to comply with State Housing Element Law.

To remain on an eight-year planning cycle, the City must adopt its housing element within 120 calendar days from the statutory due date of October 15, 2021 for Southern California Association of Governments (SCAG) localities. If adopted after this date, Government Code section 65588, subdivision (e)(4), requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit HCD’s website at: http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375_final100413.pdf.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD’s Affordable Housing and Sustainable Communities programs; and HCD’s Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing
element, the City will meet housing element requirements for these and other funding
sources.

HCD appreciates the dedication and hard work the entire housing element update
team provided during the course of our review. We are committed to assist the City in
addressing all statutory requirements of State Housing Element Law. If you have any
questions or need additional technical assistance, please contact Gianna Marasovich,
of our staff, at Gianna.Marasovich@hcd.ca.gov.

Sincerely,

Shannan West
Land Use & Planning Unit Chief

Enclosure
APPENDIX
CITY OF JURUPA VALLEY

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml Among other resources, the housing element section contains HCD's latest technical assistance tool, Building Blocks for Effective Housing Elements (Building Blocks), available at http://www.hcd.ca.gov/community-development/building-blocks/index.shtml and includes the Government Code addressing State Housing Element Law and other resources.

A. Housing Needs, Resources, and Constraints

1. Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8699.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A))

The element must address this requirement. The element, among other things, must include outreach, an assessment of fair housing, identification and prioritization of contributing factors to fair housing issues and goals and actions sufficient to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity. For more information, please visit HCD's Data Viewer, guidance and other resources at https://www.hcd.ca.gov/community-development/affh/index.shtml.

2. Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)

The element includes some basic information regarding extremely low-income (ELI) households such as the number of households (pages 5-19 and 5-25) and projected housing needs (page 5-56). However, given the unique and disproportionate needs of ELI households, the element must include analysis to better formulate policies and programs. For example, the element could consider tenure, cost burden, overcrowding and other household characteristics then examine the availability of resources to determine gaps in housing needs. For additional information, see the Building Blocks at http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/extremely-low-income-housing-needs.shtml.

3. Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)
The element documents households and housing stock characteristics but must still be revised as follows:

- **Overpayment:** The element generically describes the impacts of overpayment and mentions the availability of data (page 5-35) but should also include the actual data and a complete analysis such as examining the degree of overpayment for all households, lower-income households, differences across tenure (i.e., renter and owner), other characteristics such as overlap with special housing needs, trends, available resources and a conclusion of the magnitude of housing needs. For your consideration, this analysis may be combined with requirements under affirmatively furthering fair housing in Finding A1 above.

- **Housing Conditions:** The element includes data on structural deficiencies from the American Community Survey and information on code enforcement complaints. However, this information may significantly underestimate the need for rehabilitation and replacement and the element should include additional quantification to better formulate policies and programs. For example, the element includes some generic discussion about blighted neighborhood but could more closely examine and quantify the magnitude of needs. In addition, the element includes programs to conserve mobile homes but no quantification or explanation of the magnitude of needs to guide these programs.

4. An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality’s housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)

**Regional Housing Need Allocation (RHNA) Progress:** As noted on page 5-57, the element should be updated to include entitled units between June 30, 2021 and September 30, 2021 as appropriate, including accounting for actual or anticipated affordability.

**Parcel Listing:** The element must identify the anticipated affordability level of the units for each site identified in the sites inventory. (Gov. Code, § 65583.2, subd. (c).)

**Specific Plans:** The element describes several approved specific plans with residential capacity (pages 5-59 to 5-62). To utilize this capacity toward the RHNA, the element should account for the anticipated build-out of these specific plans in the eight-year planning period. In addition, HCD understands much of this residential capacity has not been parcels according to the approved land use. To utilize these sites, the element should include these specific plans in the parcel listing by various statutory requirements such as parcel number, acreage and capacity by income and, outside of the parcel listing, should further describe approved land uses by sub-areas, planned capacity, acreage, zoning and anticipated affordability.
**Realistic Capacity:** The element (page 5-63) mentions an assumption of 70 percent of maximum allowable densities to calculate residential capacity on identified sites but should also support this assumption based on typical densities of existing or approved residential developments at a similar affordability level.

**Infrastructure:** While the element generally describes water and sewer infrastructure, it must also demonstrate sufficient existing or planned total capacity to accommodate the City’s RHNA for the planning period (Gov. Code, § 65583.2, subd. (b)). For additional information, see the Building Blocks at [http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#environmental](http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#environmental).

**Small and Large Sites:** Sites less than 0.5 acres and larger than 10 acres in size are deemed inadequate to accommodate housing for lower-income housing unless the element demonstrates sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower-income housing units as projected for the site or unless the housing element describes other evidence to HCD that the site is adequate to accommodate housing for lower-income households. (Gov. Code, § 5583.2, subd. (c)(2)(A).) Since the element includes a site larger than 10 acres and some sites less than 0.5 acres, it must include analysis and programs as appropriate.

**Accessory Dwelling Units (ADUs):** The element projects 15 ADUs per year over the eight-year planning period for a total of 120 ADUs. However, the element notes the approval of 15 ADUs in 2018 and 10 in 2019 with an increase in inquiries in 2020. These trends are inconsistent with HCD records (6 in 2018, nothing reported in 2019 and 6 in 2020) and do not support an assumption of 15 ADUs per year. To support assumptions for ADUs in the planning period, the element should reduce the number of ADUs assumed per year or reconcile trends with HCD records, include additional information such as more recent permitted units and inquiries, resources and incentives, other relevant factors and modify policies and programs as appropriate. Additionally, programs should commit to frequent monitoring (every other year) and specific commitment to adopt alternative measures such as rezoning or amending the element within a specific time (e.g., 6 months) if ADU assumptions for the number of units and affordability are not met.

**Affirmatively Furthering Fair Housing:** The element must demonstrate the sites inventory affirmatively furthers fair housing. For more information, see the HCD’s guidance at [https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml](https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml).

**Electronic Sites Inventory:** For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD’s housing element webpage at [https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element](https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element) for a copy of the form and
instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Zoning for a Variety of Housing Types: The element must include an analysis and programs as appropriate to demonstrate zoning for a variety of housing types, as follows:

- **Emergency Shelters:** The element describes the City has I-P zoned sites totaling 439 acres but should include additional analysis to demonstrate the suitability of acreage and the zoning. Specifically, the element should evaluate the available acreage for characteristics like parcel size or potential redevelopment or reuse opportunities, proximity to services. The analysis must also address the appropriateness of other uses in the I-P zone for human habitation and whether parking requirements are limited to staff working in the emergency shelters and do not require more parking than other residential or commercial uses in the zone. The element must include programs as appropriate based on the outcomes of this analysis.

- **Low Barrier Navigation Centers and Permanent Supportive Housing:** Low barrier navigation centers and permanent supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code sections 65651 and 65662. The element must demonstrate compliance with this requirement and include programs as appropriate.

- **Employee Housing:** As noted on page 5-56, the element must include a program to amend zoning consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically sections 17021.5, 17021.6 and 17021.3.

5. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. (Gov. Code, § 65583, subd. (a)(5).)*

Local Processing and Permit Procedures: The element identifies approval findings for the Site Development Permit; however, it should also analyze those findings for impacts on approval certainty and timing. Specifically, the element should address findings such as “...compatible with the present and future logical development of the surrounding property.” Analysis may address how the City provides clarity and certainty regarding this finding such as guidelines, pre-application reviews, objectives standards or include programs to promote approval certainty. The element must also describe and analyze the design guidelines for their impact as potential constraints on housing supply and affordability and ensure consistency with the Housing Crisis Act of 2019 (Gov. Code, § 66300), which among other things, requires design requirements adopted after January 1, 2020 to be objective.
Constraints on Housing for Persons with Disabilities: The element must include an analysis of zoning, development standards, building codes, and process and permit procedures as potential constraints on housing for persons with disabilities, as follows:

- **Family Definitions and Other Requirements:** The analysis must describe zoning code definitions of family or absence of definitions and any spacing, concentration or other requirements that may constraint housing for persons with disabilities.

- **Group Homes:** The element includes discussion and programs to amend zoning consistent with the Lanterman Act but should address group homes more broadly, including group homes for less than 6 persons beyond the Lanterman Act and seven or more persons. Specifically, the element should identify what zones permit this housing and evaluate approval requirements for impacts on objectivity and approval certainty. For example, excluding this housing from residential zones or imposing standards such as compatibility with surrounding uses without clarity would be considered a constraint. The element must include programs as appropriate to address identified constraints based on the outcomes of this analysis.

- **Reasonable Accommodation:** As noted on page 5-73, the element must include a program to establish a written procedure for providing reasonable accommodation in zoning and land use.

Zoning Code and Fees Transparency: The element must clarify its compliance with new transparency requirements for posting all zoning and development standards for each parcel on the jurisdiction’s website pursuant to Government Code section 65940.1, subdivision (a)(1).

6. **An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2... (Gov. Code, § 65583, subd. (a)(6).)

Requests for Development at Lesser Densities: The element must address requests to develop housing at densities below those anticipated in the sites inventory. The analysis must address any hinderances on housing development and programs should be added as appropriate.

B. **Housing Programs**

1. **Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period...** (Gov. Code, § 65583, subd. (c.).)
To have a beneficial impact in the planning period and address the goals of the housing element, programs should be revised as follows:

- **Specific Commitment to Deliverables**: The element includes several programs where commitment to actions and timing include language such as “initiate”. While starting an action is important, so is completion in order to have a beneficial impact in the planning period. As a result, these programs should be revised with language that commits to when actions will be complete such as adoption, completion or implementation by a date certain.

- **Discrete Timing**: Programs must include discrete timing instead of “ongoing” where appropriate. Examples of programs that should be revised include 1.1.2 (Housing Authority Coordination), 1.1.4 (Affordable Housing Incentives), 1.1.11 (Site Identification), 1.1.13 (Candidate Sites Mapping), 1.1.14 (Homeless Shelter), 1.1.15 (Homelessness Strategy), 1.1.16 (Creative Housing Solutions), 1.1.22 (Affordable Housing for Disabled Persons), 2.1.1 (Adaptive Housing Solutions), 2.1.3 (Affordable Mobile Homes Conservation) and 3.1.5 (Multifamily Dwellings Standards).

- **Special Needs**: Programs 1.1.16 (Creative Housing Solutions) and 1.1.17 (Coordination with Non-profit Housing Providers) should be revised to explicitly address all special needs categories including but not limited to persons with developmental disabilities and farmworkers.

2. **Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city’s or county’s share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomest, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)

As noted in Finding A.4, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites to accommodate the RHNA or zoning available to encourage a variety of housing types. In addition, (1) Program H.1.1 must be revised to amend zoning within 3 years of the beginning of the planning period instead of adoption and address all by right requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i); and (2) amend zoning as appropriate to be consistent with the general plan.

4. **Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with**
disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)

As noted in Findings A5 and A6, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

5. The housing element shall include programs to conserve and improve the condition of the existing affordable housing stock. (Gov. Code, § 65583, subd. (c)(4).)

The element should include additional actions to conserve and improve the existing stock such as rehabilitation or neighborhood revitalization programs and programs should be added or modified based on a complete analysis as noted in Finding A3.

6. Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)

As noted in Finding A1, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs. For additional guidance on program requirements to affirmatively further fair housing, please see the HCD’s guidance at https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml.

C. **Quantified Objectives**

Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)

Include quantified objectives estimating the number of housing units by income category that can be constructed, rehabilitated, and conserved over a five-year time period. This requirement could be addressed by utilizing a matrix like the one illustrated below:

<table>
<thead>
<tr>
<th>Income</th>
<th>New Construction</th>
<th>Rehabilitation</th>
<th>Conservation / Preservation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extremely Low-</td>
<td></td>
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<tr>
<td>Very Low-</td>
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<td>Moderate-</td>
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<td></td>
</tr>
<tr>
<td>Above Moderate-</td>
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</table>
D. **Public Participation**

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(8).)

HCD understands the City made the element available approximately at the same time of submittal to HCD. By not providing an opportunity for the public to review and comment on a draft of the element in advance of submission to HCD, the City has not yet complied with statutory mandates to make a diligent effort to encourage the public participation in the development of the element and it reduces the HCD’s ability to consider public comments in its review. The availability of the document to the public and opportunity for public comment prior to submittal to HCD is essential to the public process and HCD’s review. The City must proactively make future revisions available to the public, including any commenters, prior to submitting any revisions to HCD and diligently consider and address comments, including revising the document where appropriate. HCD’s future review will consider the extent to which revisions to the documents were circulated and how the City solicited, considered, and addressed public comments in the element. The City’s consideration of public comments must not be limited by HCD’s findings in this review letter.
Attachment 4

Link to Housing Element Update: http://www.jurupavalley.org/Housing-Element-Update
Attachment 5

Summary Matrix: Responses to HCD Comment Letter dated July 26, 2021
Jurupa Valley Housing Element Update  
Responses to HCD Comment Letter Dated July 26, 2021  
October 15, 2021

<table>
<thead>
<tr>
<th>HCD Comment – Law Citation</th>
<th>Jurupa Valley HEU Specific Comment</th>
<th>City Response/Changes Made</th>
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</table>
| **A. Housing Needs, Resources, and Constraints**  
1. Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).) | The element must address this requirement. The element, among other things, must include outreach, an assessment of fair housing, identification and prioritization of contributing factors to fair housing issues and goals and actions sufficient to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity. For more information, please visit HCD’s Data Viewer, [https://www.hcd.ca.gov/community-development/affh/index.shtml](https://www.hcd.ca.gov/community-development/affh/index.shtml). | The Fair Housing Analysis is now included as Appendix E to the HEU with a description and Action Plan provided in HEU Section C – Existing Housing Needs (pg. 5-43) and Section I – Housing Action Plan (pg. 5-113). |
<p>| 2. Include an analysis of population and employment trends and documentation of projections and a quantification of the locality’s existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).) | The element includes some basic information regarding extremely low-income (ELI) households such as the number of households (pages 5-19 and 5-25) and projected housing needs (page 5-56). However, given the unique and disproportionate needs of ELI households, the element must include analysis to better formulate policies and programs. For example, the element could consider tenure, cost burden, overcrowding and other household characteristics then examine the availability of resources to determine gaps in housing needs. For additional information, see the Building Blocks at <a href="http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/extremely-low-income-housing-needs.shtml">http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/extremely-low-income-housing-needs.shtml</a>. | Additional information added to Section B - Community Profile (pgs. 5-19, et. seq.). |
| 3. Include an analysis and documentation of household characteristics, including level of | The element documents households and housing stock characteristics but must still be revised as follows: | |</p>
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<td>Additional information added to Section B - Community Profile (pg. 5-38) as well as Appendix E - Fair Housing Analysis.</td>
</tr>
<tr>
<td>4. An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality’s housing need for a designated income level,</td>
<td>Regional Housing Need Allocation (RHNA) Progress: As noted on page 5-57, the element should be updated to include entitled units between June 30, 2021 and September 30, 2021 as appropriate, including accounting for actual or anticipated affordability.</td>
<td>Information provided in Section D - Housing Opportunities and Resources (pg. 5-64).</td>
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<td>and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)</td>
<td>Parcel Listing: the element must identify the anticipated affordability level of the units for each site identified in the sites inventory. (Gov. Code, § 65583.2, subd. (c).)</td>
<td>Information provided in Appendix A - Specific Plan Capacity and Vacant Sites Inventory, Tables A-2 and A-3.</td>
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<td></td>
<td>Specific Plans: The element describes several approved specific plans with residential capacity (pages 5-59 to 5-62). To utilize this capacity toward the RHNA, the element should account for the anticipated build-out of these specific plans in the eight-year planning period. In addition, HCD understands much of this residential capacity has not been parceled according to the approved land uses. To utilize these sites, the element should include these specific plans in the parcel listing by various statutory requirements such as parcel number, acreage and capacity by income and, outside of the parcel listing, should further describe approve land uses by sub-areas, planned capacity, acreage, zoning and anticipated affordability.</td>
<td>Information provided in Section D, Housing Opportunities and Resources (pgs. 5-67, et. seq.) and Appendix A - Specific Plan Capacity and Vacant Sites Inventory, Table A-2.</td>
</tr>
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<td></td>
<td>Realistic Capacity: The element (page 5-63) mentions an assumption of 70 percent of maximum allowable densities to calculate residential capacity on identified sites but should also support this assumption based on typical densities of existing or approved residential developments at a similar affordability level.</td>
<td>Additional justification provided in Section D - Housing Opportunities and Resources (pg. 5-70).</td>
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<td>Infrastructure: While the element generally describes water and sewer infrastructure, it must also demonstrate sufficient existing or planned total capacity to accommodate the City's RHNA for the planning period (Gov. Code, § 65583.2, subd. (b).) For additional information, see the Building Blocks at <a href="http://www.hcd.ca.gov/community-development/building-">http://www.hcd.ca.gov/community-development/building-</a></td>
<td>Additional information provided in Section G, Housing Constraints (pgs. 5-91, et. seq.).</td>
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<td><strong>blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#environmental</strong></td>
<td><strong>Small and Large Sites:</strong> Sites less than 0.5 acres and larger than 10 acres in size are deemed inadequate to accommodate housing for lower-income housing unless the element demonstrates sites of equivalent size were successfully developed during the prior planning period for an equivalent number of lower-income housing units as projected for the site or unless the housing element describes other evidence to HCD that the site is adequate to accommodate housing for lower-income households (Gov. Code, § 65583.2, subd. (c)(2)(A)). Since the element includes a site larger than 10 acres and some sites less than 0.5 acres, it must include analysis and programs as appropriate.</td>
<td>Most of the sites over 10 acres have been removed from the list of sites to be redesignated/rezoned (HEU Appendix B). One site, D-03, remains over 10 acres but has been assumed for a reduced development potential of 150 dwelling units. In addition, a few small sites remain as they are adjacent to, and provide frontage for, larger sites. A note has been added stating it is assumed the small sites would be developed with the larger sites.</td>
</tr>
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<td><strong>Accessory Dwelling Units (ADUs):</strong> The element projects 15 ADUs per year over the eight-year planning period for a total of 120 ADUs. However, the element notes the approval of 15 ADUs in 2018 and 10 in 2019 with an increase in inquiries in 2020. These trends are inconsistent with HCD records (6 in 2018, nothing reported in 2019 and 6 in 2020) and do not support an assumption of 15 ADUs per year. To support assumptions for ADUs in the planning period, the element should reduce the number of ADUs assumed per year or reconcile trends with HCD records.</td>
<td>Additional explanation and justification added to Section D, Housing Opportunities and Resources (pg. 5-65).</td>
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<td>Information such as more recent permitted units and inquiries, resources and incentives, other relevant factors and modify policies and programs as appropriate. Additionally, programs should commit to frequent monitoring (every other year) and specific commitment to adopt alternative measures such as rezoning or amending the element within a specific time (e.g., 6 months) if ADU assumptions for the number and affordability are not met.</td>
<td>Affirmatively Furthering Fair Housing: The element must demonstrate the sites inventory affirmatively furthers fair housing. For more information, see the HCD’s guidance at <a href="https://www.hcd.ca.gov/communitydevelopment/housing-element/housing-element-memos.shtml">https://www.hcd.ca.gov/communitydevelopment/housing-element/housing-element-memos.shtml</a>.</td>
<td>The Fair Housing Analysis is now included as Appendix E to the HEU with a description and Action Plan provided in HEU Section C – Existing Housing Needs (pg. 5-43) and Section I – Housing Action Plan (pg. 5-113).</td>
</tr>
<tr>
<td>Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD’s housing element webpage at <a href="https://www.hcd.ca.gov/community-development/housing-element-index.shtml#element">https://www.hcd.ca.gov/community-development/housing-element-index.shtml#element</a> for a copy of the form and instructions. The City can reach out to HCD at <a href="mailto:sitesinventory@hcd.ca.gov">sitesinventory@hcd.ca.gov</a> for technical assistance.</td>
<td>Comment noted. To be submitted following City adoption of the HEU per HCD guidelines.</td>
<td></td>
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<td>Zoning for a Variety of Housing Types: The element must include an analysis and programs as appropriate to demonstrate zoning for a variety of housing types, as follows:</td>
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<td><strong>Emergency Shelters:</strong> The element describes the City has I-P zoned sites totaling 439 acres but should include additional analysis to demonstrate the suitability of acreage and the zoning. Specifically, the element should evaluate the available acreage for characteristics like parcel size or potential redevelopment or reuse opportunities, proximity to services. The analysis must also address the appropriateness of other uses in the I-P zone for human habitation and whether parking requirements are limited to staff working in the emergency shelters and do not require more parking than other residential or commercial uses I-P the zone. The element must include programs as appropriate based on the outcomes of this analysis.</td>
<td>Additional information and analysis added to Section C - Existing Housing Needs (pgs. 5-56, et. seq.).</td>
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<td><strong>Low Barrier Navigation Centers and Permanent Supportive Housing:</strong> Low barrier navigation centers and permanent supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code sections 65651 and 65652. The element must demonstrate compliance with this requirement and include programs as appropriate.</td>
<td>Additional information, analysis and programs added to Section C - Existing Housing Needs (pg. 5-61), Section H - Housing Element Goals and Policies (pg. 5-98), and Section I - Housing Action Plan (pg. 5-107).</td>
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<td><strong>Employee Housing:</strong> As noted on page 5-56, the element must include a program to amend zoning consistent with the Employee Housing Act (Health and Safety Code, § 17000 et seq.), specifically sections 17021.5, 17021.6 and 17021.8.</td>
<td>Additional information, analysis and programs added to Section C - Existing Housing Needs (pgs. 5-47, et. seq.), and Section I - Housing Action Plan (pg. 5-105).</td>
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<td><strong>5. An analysis of potential and actual governmental constraints</strong></td>
<td><strong>Local Processing and Permit Procedures:</strong> The element identifies approval findings for the Site Development Permit;</td>
<td>Additional Information, analysis and programs</td>
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<td>upon the maintenance,</td>
<td>however, it should also analyze those findings for impacts on</td>
<td>added to Section G -</td>
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<td>improvement, or development</td>
<td>approval certainty and timing. Specifically, the element should</td>
<td>Housing Constraints (pgs.</td>
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<td>of housing for all income</td>
<td>address findings such as “...compatible with the present and</td>
<td>5-83, et. seq.), and</td>
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<td>levels, including the types</td>
<td>future logical development of the surrounding property.”</td>
<td>Section I, Housing Action</td>
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<td>of housing identified in</td>
<td>Analysis may address how the City provides clarity and</td>
<td>Plan (pg. 5-107).</td>
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<td>paragraph (1) of subdivision</td>
<td>certainty regarding this finding such as guidelines, pre-</td>
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<td>(c), and for persons with</td>
<td>application reviews, objective standards or include programs</td>
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<td>disabilities as identified</td>
<td>to promote approval certainty. The element must also</td>
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<td>in the analysis pursuant to</td>
<td>describe and analyze the design guidelines for their impact</td>
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<td>paragraph (7), including</td>
<td>as potential constraints on housing supply and affordability</td>
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<td>land use controls, building</td>
<td>and ensure consistency with the Housing Crisis Act of 2019 (Gove.</td>
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<td>codes and their enforcement,</td>
<td>Code, § 66300), which among other things, requires design</td>
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<td>site improvements, fees and</td>
<td>requirements adopted after January 1, 2020 to be objective.</td>
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<td>other exactions required of</td>
<td>Constraints on Housing for Persons with Disabilities: The</td>
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<td>developers, and local</td>
<td>element must include an analysis of zoning, development</td>
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<td>processing and permit</td>
<td>standards, building codes, and process and permit procedures</td>
<td>Additional information,</td>
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<td>procedures...(Gov. Code, § 65583,</td>
<td>as potential constraints on housing for persons with</td>
<td>analysis and programs</td>
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<td>subd. (a)(5).)</td>
<td>disabilities, as follows:</td>
<td>added to Section C -</td>
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<td>• Family Definitions and Other Requirements: The analysis</td>
<td>Existing Housing Needs</td>
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<td>must describe zoning code definitions of family or absence</td>
<td>(pg. 5-49).</td>
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<td>of definitions and any spacing, concentration or other</td>
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<td>requirements that may constraint housing for persons with</td>
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<td>disabilities.</td>
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<td>• Group Homes: The element includes discussion and</td>
<td>Additional information,</td>
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<td>programs to amend zoning consistent with the Lanterman Act</td>
<td>added to Section C -</td>
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<td>but should address group homes more broadly, including</td>
<td>Existing Housing Needs</td>
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<td>group homes for less than 6 persons beyond the Lanterman</td>
<td>(pg. 5-46), and Section I-</td>
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<td>Act and seven or more persons. Specifically, the element should identify what zones permit this housing and evaluate approval requirements for impacts on objectivity and approval certainty. For example, excluding this housing from residential zones or imposing standards such as compatibility with surrounding uses without clarity would be considered a constraint. The element must include programs as appropriate to address identified constraints based on the outcomes of this analysis.</td>
<td>Housing Action Plan (pg. 5-107).</td>
<td></td>
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<tr>
<td>• Reasonable Accommodation: As noted on page 5-73, the element must include a program to establish a written procedure for providing reasonable accommodation in zoning and land use.</td>
<td>Program added to Section I - Housing Action Plan (pg. 5-110).</td>
<td></td>
</tr>
<tr>
<td>Zoning Code and Fees Transparency: The element must clarify its compliance with new transparency requirements for posting all zoning and development standards for each parcel on the jurisdiction’s website pursuant to Government Code section 65940.1, subdivision (a)(1).</td>
<td>Additional information, analysis and programs added to Section G - Housing Constraints (pg. 5-82), Section H - Housing Element Goals and Policies (pg. 5-98), and Section I - Housing Action Plan (pg. 5-107).</td>
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<tr>
<td>6. An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to</td>
<td>Requests for Development at Lesser Densities: The element must address requests to develop housing at densities below those anticipated in the sites inventory. The analysis must address any hinderances on housing development and programs that should be added as appropriate.</td>
<td>Additional information, analysis and programs added to Section G - Housing Constraints (pg. 5-87, Section H - Housing Element Goals and Policies (pg. 5-97),</td>
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| develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2... (Gov. Code, § 65583, subd. (a)(6).) | To have a beneficial impact in the planning period and address the goals of the housing element, programs should be revised as follows:  
- **Specific Commitment to Deliverables**: The element includes several programs where commitment to actions and timing include language such as “initiate”. While starting an action is important, so is completion in order to have a beneficial impact in the planning period. As a result, these programs should be revised with language that commits to when actions will be complete such as adoption, completion or implementation by a date certain. | Section I – Housing Action Plan (pgs. 5-102, et. seq.) has been revised to add more specific commitments to deliverables. |
| **B. Housing Programs**  
1. Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period... (Gov. Code, § 65583, subd. (c).) | **Discrete Timing**: Programs must include discrete timing instead of “ongoing” where appropriate. Examples of programs that should be revised include 1.1.2 (Housing Authority Coordination), 1.1.4 (Affordable Housing Incentives), 1.1.11 (Site Identification), 1.1.13 (Candidate Sites Mapping), 1.1.14 (Homeless Shelter), 1.1.15 (Homelessness Strategy), 1.1.16 (Creative Housing Solutions), 1.1.22 (Affordable Housing for Disabled Persons), 2.1.1 (Adaptive Housing Solutions), 2.1.3 (Affordable Mobile Homes Conservation) and 3.1.5 (Multifamily Dwellings Standards). | Section I – Housing Action Plan (pgs. 5-102, et. seq.) has been revised to add more information on timing of deliverables. |
<p>| <strong>Special Needs</strong>: Programs 1.1.16 (Creative Housing Solutions) and 1.1.17 (Coordination with Non-profit Housing Providers) should be revised to explicitly address all special needs | | Additional information added to Section C – Existing Housing Needs (pgs. 5-47 &amp; 5-48). |</p>
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<td><strong>2. Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city’s or county’s share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobile homes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1)).</strong></td>
<td>As noted in Finding A4, the element does not contain a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites to accommodate the RHNA or zoning available to encourage a variety of housing types. In addition (1) Program H.1.1 must be revisied to amend zoning within 3 years of the beginning of the planning period instead of adoption and address all by right requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i); (2) amend zoning as appropriate to be consistent with the general plan.</td>
<td>A complete site analysis is provided in Section D – Housing Opportunities and Resources (pgs. 5-63, et. Seq.), Appendix A – Specific Plan Capacity and Vacant Sites Inventory, and Appendix B – Proposed Redesignation/Rezone Sites. As outlined in the document, the City will fully meet its 2021-2029 RHNA with the sites to be redesignated/rezoned.</td>
</tr>
<tr>
<td><strong>4. Address and, where appropriate and legally possible, remove governmental and nongovernmental</strong></td>
<td>As noted in Finding A5 and A6, the element requires a complete analysis of potential governmental constraints. Depending upon the results of the analysis, the City may need</td>
<td>Additional information provided in Section G – Housing Constraints (pgs.</td>
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<td>constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)</td>
<td>to revise or add programs and address and remove or mitigate any identified constraints.</td>
<td>5-76, et. seq.) and Section I – Housing Action plan (pg. 5-109).</td>
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<td>5. The housing element shall include programs to conserve and improve the condition of the existing affordable housing stock. (Gov. Code, § 65583, subd. (c)(4).)</td>
<td>The element should include additional actions to conserve and improve the existing stock such as rehabilitation or neighborhood revitalization programs and programs should be added or modified based on a complete analysis as noted in Finding A3.</td>
<td>Additional information provided in Section B – Community Profile, and Section I – Housing Action Plan (pg. 113). See also Appendix E – Fair Housing Analysis.</td>
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<tr>
<td>6. Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section</td>
<td>As noted in Finding A1, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs. For additional guidance on program requirements to affirmatively further fair housing, please see the HCD’s guidance at <a href="https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml">https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml</a>.</td>
<td>The Fair Housing Analysis is now included as Appendix E to the HEU with a description and Action Plan provided in HEU Section C – Existing Housing Needs (pg. 5-43) and Section I – Housing Action Plan (pg. 5-113).</td>
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<td>12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)</td>
<td>Include quantified objectives estimating the number of housing units by income category that can be constructed, rehabilitated, and conserved over a five-year time frame. This requirement could be addressed by utilizing a matrix like the one illustrated below: (table provided)</td>
<td>New Section J, Quantified Objectives, added to comply with this requirement (pg. 5-114).</td>
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<td><strong>C. Quantified Objectives</strong> Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 &amp; 2).)</td>
<td></td>
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<td><strong>D. Public Participation</strong> Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort. (Gov. Code, § 65583, subd. (c)(8).)</td>
<td>HCD understands the City made the element available approximately at the same time of submittal to HCD. By not providing an opportunity for the public to review and comment on a draft of the element in advance of submission to HCD, the City has not yet complied with statutory mandates to make a diligent effort to encourage the public participation in the development of the element and it reduces the HCD’s ability to consider public comments in its review. The availability of the document to the public and opportunity for public comment prior to submittal to HCD is essential to the public process and HCD’s review. The City must proactively make future revisions available to the public, including any commenters, prior to submitting any revisions to HCD and diligently consider and address comments, including revising the document where appropriate. HCD’s future review will consider the extent to which revisions to the documents were circulated and how the City solicited, considered and addressed public comments in the element. The City’s</td>
<td>The Revised Draft HEU was provided to the public on October 5, 2021, ten days in advance of submittal to HCD. On October 5, 2021, notices were posted on social media, sent to local agencies, and emailed to commissioners, council members, community groups and others requesting notification. The document remains available for public review and comment.</td>
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<td>consideration of public comments must not be limited by HCD's findings in this review letter.</td>
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Attachment 6
Addendum to the City of Jurupa Valley General Plan Certified Environmental Impact Report (SCH No. 2016021025)
ADDENDUM TO THE CITY OF JURUPA VALLEY GENERAL PLAN
CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT
(SCH NO. 2016021025)

Lead Agency
City of Jurupa Valley
8930 Limonite Avenue
Jurupa Valley, CA 92509
Contact:

Prepared By
Ernest Perea
City of Jurupa Valley, CEQA Administrator
eperea@jurupavalley.org

October 29, 2021
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</thead>
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<tr>
<td>ACOE</td>
<td>Army Corps of Engineers</td>
</tr>
<tr>
<td>ADT</td>
<td>Average Daily Traffic</td>
</tr>
<tr>
<td>BMPs</td>
<td>Best Management Practices</td>
</tr>
<tr>
<td>CAP</td>
<td>Climate Action Plan</td>
</tr>
<tr>
<td>CEQA</td>
<td>California Environmental Quality Act</td>
</tr>
<tr>
<td>CDFW</td>
<td>California Department of Fish and Wildlife CGC</td>
</tr>
<tr>
<td>CHRS</td>
<td>California Historical Resources Information</td>
</tr>
<tr>
<td>DPEIR</td>
<td>Draft Program Environmental Impact Report</td>
</tr>
<tr>
<td>DTSC</td>
<td>Department of Toxic Substance</td>
</tr>
<tr>
<td>DU</td>
<td>Dwellng units</td>
</tr>
<tr>
<td>EIR</td>
<td>Environmental Impact Report</td>
</tr>
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<td>EPA</td>
<td>Environmental Protection Agency</td>
</tr>
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<td>FEIR</td>
<td>Final Environmental Impact Report</td>
</tr>
<tr>
<td>GHG</td>
<td>Greenhouse gas</td>
</tr>
<tr>
<td>GP</td>
<td>General Plan</td>
</tr>
<tr>
<td>HCP</td>
<td>Habitat Conservation Plan</td>
</tr>
<tr>
<td>I</td>
<td>Interstate</td>
</tr>
<tr>
<td>LOS</td>
<td>Level of service</td>
</tr>
<tr>
<td>MSHCP</td>
<td>Multiple Species Habitat Conservation Plan</td>
</tr>
<tr>
<td>NAHC</td>
<td>Native American Heritage Commission</td>
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<td>NPDES</td>
<td>National Pollutant Discharge Elimination System</td>
</tr>
<tr>
<td>RHNA</td>
<td>Regional Housing Needs Assessment</td>
</tr>
<tr>
<td>RDA</td>
<td>Redevelopment Agency</td>
</tr>
<tr>
<td>RWQCB</td>
<td>Regional Water Quality Control Board</td>
</tr>
<tr>
<td>SCAG</td>
<td>Southern California Association of Governments</td>
</tr>
</tbody>
</table>
SCAQMP  South Coast Air Quality Management Plan
SCH    State Clearinghouse
SEMS   Safety and Environmental Management Systems
SKR    Stephens' Kangaroo Rat
SoCal  Southern California
SOI    Sphere of Influence
SR     State Route
SWPPP  Storm Water Pollution Prevention Plan
U.S.   United States
USFWS  United States Fish and Wildlife Service
WQMP   Water Quality Management Plan
1.0 INTRODUCTION

1.1. PURPOSE

This Addendum to the Certified City of Jurupa Valley General Plan and Supporting Documents Final Program Environmental Impact Report (GP FPEIR) (LSA, February 14, 2017) (State Clearinghouse No. 2016021025) has been prepared by the City of Jurupa Valley in conformance with the California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.), the CEQA Guidelines (Cal. Code Regs., Title 14, Chapter 3 § 15000 et seq.), and City of Jurupa Valley CEQA Guidelines to address minor changes to the General Plan Program (as defined below), as a result of the proposed amendment to the General Plan Housing Element.

This project is a City initiated General Plan Housing Element. The Housing Element is one of the seven mandatory elements of the General Plan. However, unlike other elements of the General Plan, the Housing Element is required to be updated more frequently to ensure the needs of the community are regularly reviewed. The City of Jurupa Valley adopted its first Housing Element in 2017 with the adoption of its first General Plan. The proposed project is an update to the Housing Element for the 6th planning cycle that covers the period October 15, 2021 to October 15, 2029. The Draft Housing Element Update is included as Appendix A to this Addendum.

1.2. BACKGROUND

CITY OF JURUPA VALLEY GENERAL PLAN AND EIR

The Jurupa Valley General Plan (General Plan) was adopted by Resolution No. 2017-14 on September 7, 2017. The City of Jurupa Valley General Plan Final Environmental Impact Report (GP FEIR); LSA, February 14, 2016, State Clearinghouse No. 2016021025, was certified by Resolution No 2017-14 on September 7, 2017.

1.3. STATUTORY AUTHORITY AND REQUIREMENTS

CEQA Guidelines § 15164 states the following with respect to an Addendum to an EIR:

a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

CEQA Guidelines § 15162, Subsequent EIRs and Negative Declarations, states the following with respect to Subsequent EIRs:

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

   A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
   B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
   C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
   D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise, the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

When only some changes or additions to a previously certified EIR are necessary and none of the conditions described in CEQA Guidelines § 15162 are met, CEQA allows the lead agency to prepare an addendum to a previously certified EIR (CEQA Guidelines § 15164(a)).
1.4. LEAD AGENCY AND DISCRETIONARY APPROVALS

This Addendum to the Certified GP FEIR documents the City’s consideration of the potential environmental impacts resulting from the General Plan Housing Element Update as follows:

The proposed Housing Element Update plans for, but does not directly propose the construction of new residential development. The Housing Element Update provides goals, programs and policies to guide new residential development over the next 8-years. Therefore, the proposed changes would not result in any activities, which require mitigation beyond that contained in the original GP FEIR. In addition, no new information of substantial importance concerning impacts has been discovered since GP FEIR certification. Thus, Project implementation would not result in new or substantially more severe environmental impacts than anticipated in the GP FEIR.

1.5. SUMMARY OF ANALYSIS AND FINDINGS FOR AN ADDENDUM

Based upon the analysis of potential environmental consequences anticipated to occur as a result of Project implementation (see Section 4.0, Environmental Checklist and Analysis), the City has determined that:

- The primary basis for the changes to the Program is to Update the General Plan Housing Element. This policy is consistent with, and intends to support housing production goals of the Housing Element of the General Plan and State Housing Element law.
- The Project’s proposed changes involves minor policy change

Because no new significant environmental effects or substantial increase in the severity of previously identified significant effects would occur with Project implementation, major revisions to the GP FEIR would not be required.

- Project implementation would not result in new significant environmental effects or a substantial increase in the severity of significant effects previously identified in the GP FEIR. For these reasons, it would not satisfy any of the conditions that warrant preparation of a Subsequent EIR. Therefore, as Lead Agency, the City has determined that preparation of an Addendum is appropriate.

1.6. INCORPORATION BY REFERENCE

CEQA Guidelines § 15150 encourage environmental documents to incorporate by reference other documents that provide relevant data and analysis. The documents outlined below, which were utilized during preparation of this second Addendum to the GP FEIR, are a matter of public record and are hereby incorporated by reference. These documents are available for review at the City of Jurupa Valley, 8930 Limonite Avenue, Jurupa Valley, CA. 92509 and on the City’s website at http://www.jurupavalley.org


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October 29, 2021
2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION AND SETTING

The City of Jurupa Valley (City) is located in the region known as the Inland Empire in Northwestern Riverside County and is bounded by the cities of Riverside and Corona to the south, San Bernardino and Fontana to the north, Pomona and Ontario to the northwest, and Orange County to the west. Jurupa Valley is located in the northwestern portion of Riverside County, stretching east beyond the curve of the Santa Ana River, just touching the corner of San Bernardino County’s City of Colton; see Exhibit 2-1, Regional Vicinity Map. Regional access to the City is provided via Interstate 15 (I-15), an Inland Empire freeway that traverses the City in a north-south orientation and State Route 60 (SR-60) that traverses the City in an east-west orientation.

The incorporated City limits encompass approximately 45 square miles, as shown on Exhibit 2-2, Local Vicinity Map, and includes a broad array of land uses, ranging from manufacturing, industrial, residential of varying densities and non-residential uses, to semi-rural and agricultural. According to the approved 2017 General Plan the City has significant capacity for expansion of residential and commercial development.

2.2 PROJECT CHARACTERISTICS

GENERAL PLAN HOUSING ELEMENT UPDATE

The Project involves General Plan Housing Element Update, where the City as identified 20 additional sites, totaling 75.4 acres, to be re-designated to the highest General Plan density of 20-25 dwelling units per acre (HHDR) by October 15, 2024. The increased density is projected to accommodate a minimum of 1,282 units, including 833 units of very low-income housing and 449 units of low-income housing which will meet and exceed the City’s RHNA requirements. Following adoption of the Housing Element, the City will consider a proposal to re-designate the 20 sites as part of a change to the Land Use Element and Zone Changes. Changes to the Land Use Element and Zone Changes will require separate environmental review.

The maps the in Appendix B of the Housing Element 2021-2029, pp. 5-137 through 1-152, identify the 20 sites for consideration for classification as Highest Density Residential (HHDR) a land use that allows for the development of multi-family dwellings, including apartments and condominiums.

The Housing Element is one of the seven mandatory elements of the General Plan. However, unlike other elements of the General Plan, the Housing Element is required to be updated more frequently to ensure the needs of the community are regularly reviewed. The City of Jurupa Valley adopted its first Housing Element in 2017 with the adoption of its first General Plan. The proposed project is an update to the Housing Element for the 6th planning cycle that covers the period October 15, 2021 to October 15, 2029. The Draft Housing Element Update is included as Appendix A to this Addendum.

A. Introduction. The Introduction to the 2021-2029 Housing Element Update outlines the purpose of the Housing Element as it relates to applicable state legislation. This section outlines the various ways the public was encouraged to participate in the drafting of the Housing Element Update and describes input received at Planning Commission and City Council Study Sessions. The Introduction discusses how the Update relates to other Elements of the General Plan and states that the document was found to be consistent with the 2017 Jurupa Valley General Plan. Finally, the Introduction identifies the following goals for the Housing Element Update:

HE 1: Encourage, and where possible, assist in the development of quality housing to meet the City’s share of the region’s housing needs for all income levels and for special needs populations.
HE 2: Conserve and improve the housing stock, particularly housing affordable to lower income and special needs households.
HE 3: Promote equal housing opportunities for all persons.
HE 4: Maintain and enhance residential neighborhoods and improve blight.
HE 5: Reduce residential energy and water use.

B. Community Profile. This section examines demographic and housing characteristics that influence the demand for housing in Jurupa Valley, such as age, race and ethnicity, employment, household composition, household size, and household income. The characteristics of special needs groups in the City are also described including seniors, persons with disabilities, and families with children and single-parent households. In addition, characteristics of the existing housing stock, including number of units and type, age, conditions, and costs, are addressed to better understand the nature and extent of unmet housing needs in the community.

C. Existing Housing Needs. The Existing Housing Needs section provides an overview of existing housing needs in Jurupa Valley. It addresses four types of housing need in the City including the following:

1. Housing need resulting from housing cost burden
2. Housing need resulting from overcrowding
3. Housing need resulting from population growth
4. Housing needs of special needs groups such as elderly persons, large households, persons with disabilities, female-headed households, homeless persons, and farm workers

D. Housing Opportunities and Resources. This section addresses the Regional Housing Needs Allocation (RHNA) and the potential for future housing in the City of Jurupa Valley. RHNA is an assessment of the overall housing needs in the State for a particular period, which are then broken down into regions and cities and counties. Through the applicable regional council of governments, a municipality is “assigned” a RHNA for each planning cycle, which is broken down by income level. It is important to note that jurisdictions are not required to build the housing units outlined in their RHNA numbers. Rather, cities and counties must ensure that adequate sites and zoning are in place for the private market to produce the identified housing. The current RHNA for the Southern California Association of Governments (SCAG) region covers the planning period from October 15, 2021 to October 15, 2029 and is divided into four income categories: very low, low, moderate, and above moderate, which are based on surveys of local area median income (AMI). The City of Jurupa Valley RHNA for the 2021-2029 planning period is outlined in Table 1 below.
### Table 1 City of Jurupa Valley 2021-2029 RHNA

<table>
<thead>
<tr>
<th>Income Category</th>
<th>Number of Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very-Low (0-50% AMI)</td>
<td>1,207*</td>
</tr>
<tr>
<td>Low (50-80% AMI)</td>
<td>749</td>
</tr>
<tr>
<td>Moderate (80-120% AMI)</td>
<td>731</td>
</tr>
<tr>
<td>Above-Moderate (Above 120% AMI)</td>
<td>1,810</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4,497</strong></td>
</tr>
</tbody>
</table>

*Source: SCAG 6th Cycle Final RHNA Allocation Plan, March 2021
AMI = Area Median Income
*The City has a RHNA allocation of 1,207 very low-income units (inclusive of extremely low-income units). This allocation is evenly split between extremely low and very low-income groups pursuant to state law (AB 2734).

The Housing Element includes a detailed analysis of anticipated housing in the City that may be applied to the City’s RHNA allocation. Included are units built and/or entitled since June 30, 2021, eleven (11) pipeline projects pending approval, and 120 anticipated accessory dwelling units (ADUs). In addition, the Housing Element Update includes 5,172 units anticipated to be developed during the 6th Cycle planning area in four Specific Plan areas and on sites throughout the community based on existing allowable General and Specific Plan densities. Based on this analysis, the City will have excess RHNA capacity in the moderate and above moderate-income categories and deficits in the very low and low-income categories, as outlined in Table 2 below:

#### II. City of Jurupa Valley 2021-2029 Sites Inventory

<table>
<thead>
<tr>
<th>Sites</th>
<th>Very Low</th>
<th>Low</th>
<th>Moderate</th>
<th>Above Moderate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Units Built and/or Entitled Since 6/30/21</td>
<td>4</td>
<td>5</td>
<td>5</td>
<td>138</td>
<td>152</td>
</tr>
<tr>
<td>Pipeline Projects</td>
<td>-</td>
<td>-</td>
<td>310</td>
<td>816</td>
<td>1,126</td>
</tr>
<tr>
<td>ADUs</td>
<td>27</td>
<td>42</td>
<td>42</td>
<td>9</td>
<td>120</td>
</tr>
<tr>
<td>Specific Plans</td>
<td>195</td>
<td>105</td>
<td>678</td>
<td>1,452</td>
<td>2,403</td>
</tr>
<tr>
<td>Site Inventory</td>
<td>452</td>
<td>243</td>
<td>58</td>
<td>591</td>
<td>1,344</td>
</tr>
<tr>
<td><strong>Estimated RHNA Total</strong></td>
<td><strong>678</strong></td>
<td><strong>395</strong></td>
<td><strong>1,093</strong></td>
<td><strong>3,006</strong></td>
<td><strong>5,172</strong></td>
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<tr>
<td>RHNA Requirement</td>
<td>1,207</td>
<td>749</td>
<td>731</td>
<td>1,810</td>
<td>4,497</td>
</tr>
<tr>
<td><strong>Potential Surplus/(Deficit)</strong></td>
<td><strong>(529)</strong></td>
<td><strong>(354)</strong></td>
<td><strong>+362</strong></td>
<td><strong>+1,196</strong></td>
<td></td>
</tr>
</tbody>
</table>

In order to make up the very low and low-income housing deficits, the City as identified 20 additional sites, totaling 75.4 acres, to be redesignated to the highest General Plan density of 20-25 dwelling units per acre (HHDR) by during the 2021-2029 cycle. The increased density is projected to accommodate a minimum of 1,282 units, including 833 units of very low-income housing and 449 units of low-income housing which will make up for the shortfall in the City’s RHNA requirements.

**E. Financial Resources for Housing.** The Financial Resources for Housing section outlines that the City of Jurupa Valley is a young City with limited financial resources and does not have a housing authority. The Housing Authority of the County of Riverside (HACR) manages public housing programs in the City and other participating jurisdictions in the County. Other agencies involved in creating or improving housing in the City include the Riverside Housing Development Corporation, Habitat for Humanity, Jamboree Housing, and Palm Communities. In addition, funding sources for housing production, rehabilitation, or preservation in the City include SB2/LEAP Grants, Section 8 Housing Choice Voucher Program and Community Development Block Grant (CDBG) funds.
F. Opportunities for Energy Conservation. This section identifies that housing with energy conservation features can reduce occupancy costs by decreasing the consumption of fuel and electricity. The section identifies key state energy conservation regulations as well as public and private sector programs that can assist residents with energy costs and/or retrofitting.

G. Housing Constraints. The Housing Constraints section reviews a variety of constraints on the production of housing including governmental, environmental, infrastructure, market and energy conservation constraints. Governmental constraints are policies, standards, requirements and actions (such as zoning) imposed by the government that may act to limit housing development. Environmental constraints include those addressed elsewhere this document, such as a site’s location in a flood or high fire hazard area. Infrastructure constraints address the availability of streets, parks, flood control, and sewer/water facilities to serve new development. Marketing constraints address the ability of a person or family to obtain loans or other financing to purchase or improve housing. Finally, energy conservation constraints address energy efficiency as it relates to housing affordability.

H. Housing Element Goals and Policies. This section of the Housing Element restates the City’s overall housing goals outlined above (HE 1 through HE 5) and includes a number of policies to implement the goals. The policies build upon the previous goals and policies from the 5th Cycle Housing Element with minor updates, edits and added policies. Policies include measures needed to achieve each goal, such as those related to ensuring the availability of suitable sites for affordable housing (Policy HE 1.6).

I. Housing Action Plan. The Housing Action Plan presents the City’s Housing Action Plan for the 2021-2029 planning period. The Action Plan expands on the goals and policies outlined above by providing specific actions needed to implement each policy. In addition, the parties responsible for implementing each action (i.e., the Community Development Department) are identified together with a specific timeframe for implementation. The Housing Action Plan will be used by the City and HCD to monitor the implementation of housing goals and policies throughout the 6th planning cycle.
Regional Vicinity Map

Exhibit 2-1
Local Vicinity Map
2.3 INTENDED USES OF THE EIR ADDENDUM

This Addendum to the Certified GP FEIR documents is the City’s consideration of the potential environmental consequences anticipated to occur, as a result of the Project’s proposed changes to the Housing Element Update. This Addendum explains and documents the City’s decision that a subsequent Environmental Impact Report (EIR) is not required. The City of Jurupa Valley is the Lead Agency and has approval authority over the General Plan.

AGENCIES

This City of Jurupa Valley, as the Lead Agency for this proposed Project, will use this Addendum to the EIR in consideration of the proposed General Plan Housing Element Update. This Addendum to the EIR will also provide environmental information to other agencies affected by the Project, or who have an interest in the Project.
### 3.0 ENVIRONMENTAL CHECKLIST FORM

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.</strong> Project Title: General Plan Housing Element Update</td>
<td>Addendum to the Certified City of Jurupa Valley General Plan and Supporting Documents Final Environmental Impact Report for General Plan Consistency.</td>
</tr>
<tr>
<td><strong>2.</strong> Lead Agency Name and Address:</td>
<td>City of Jurupa Valley 8930 Limonite Avenue Jurupa Valley, California 92509</td>
</tr>
<tr>
<td><strong>3.</strong> Contact Person and Telephone Number:</td>
<td>Jean Ward, Housing Element Update Project Manager, (951) 332-6464</td>
</tr>
<tr>
<td><strong>4.</strong> Project Location:</td>
<td>City of Jurupa Valley, County of Riverside; see Section 2.1, Project Location and Setting.</td>
</tr>
<tr>
<td><strong>5.</strong> Project Sponsor’s Name and Address:</td>
<td>City of Jurupa Valley 8930 Limonite Avenue Jurupa Valley, California 92509</td>
</tr>
<tr>
<td><strong>6.</strong> General Plan Designation:</td>
<td>Various</td>
</tr>
<tr>
<td><strong>7.</strong> Zoning:</td>
<td>Various</td>
</tr>
<tr>
<td><strong>8.</strong> Description of the Project:</td>
<td>See Section 2.2, Project Characteristics.</td>
</tr>
<tr>
<td><strong>9.</strong> Environmental Setting:</td>
<td>See Section 2.1, Project Location and Setting.</td>
</tr>
<tr>
<td><strong>10.</strong> Public Agency Approvals and Recommendations:</td>
<td>See Section 2.3, Intended Uses of the Addendum EIR.</td>
</tr>
</tbody>
</table>
11. California Native American Tribal Consultation

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, has consultation begun?

Public Resources Code Section 21080.3.1 requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of the proposed project prior to the release of a negative declaration, mitigated negative declaration, or EIR. As this environmental document is an Addendum to an EIR, ABS2 consultation with California Native American tribes is not required. However, it is noted that the City has initiated the Project’s tribal consultation process in compliance with SB18. The City has provided SB18 notification to following California Native American tribes for the proposed project. No tribes have requested consultation on the project.

- Agua Caliente Band of Cahuilla Indians;
- Augustine Band of Cahuilla Mission Indians;
- Cabazon Band of Mission Indians;
- Cahuilla Band of Indians;
- Campo Band of Diegueno Mission Indians
- Ewilaapayp Band of Kumeyaay Indians
- Gabrieleno Band of Mission Indians – Kizh Nation
- Gabrieleno/Tongva San Gabriel Band of Mission Indians
- Gabrieleno/Tongva Indians/Nation
- La Posta Band of Diegueno Mission Indians
- Los Coyotes Band of Cahuilla and Cupeno Indians;
- Manzanita Band of Kumeyaay Nation
- Mesa Grande Band of Diegueno Mission Indians
- Morongo Band of Mission Indians;
- Pala Band of Mission Indians
- Pechanga Band of Luiseño Indians
- Quechan Tribe of the Fort Yuma Reservation
- Ramona Band of Cahuilla Indians;
- Rincon Band of Luiseño Indians
- San Manuel Band of Mission Indians
- Santa Rosa Band of Cahuilla Indians;
- Serrano Nation of Mission Indians
- Soboba Band of Luiseño Indians; and
- Torres-Martinez Desert Cahuilla
4.0 ENVIRONMENTAL CHECKLIST AND ANALYSIS

This Section provides an analysis of the potential environmental consequences anticipated to occur as a result of Project implementation. This Section is patterned after the CEQA Guidelines Appendix G Checklist. Each of the environmental topical areas presented below includes the following: a summary of the Certified City of Jurupa Valley General Plan and Supporting Documents Final Environmental Impact Report (GP FEIR) conclusions; a brief discussion supporting the finding that the impact was adequately addressed in the FEIR; and a listing of the General Plan Policies and FEIR mitigation measures applicable to the Project. This section supports the findings that only some changes/additions to the previously certified GP FEIR are necessary and none of the conditions described in CEQA Guidelines § 15162 are met.

4.1 AESTHETICS

Would the Project:

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

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

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

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

4.1.1 Summary of GP FEIR Conclusions

GP FEIR Section 4.1, Aesthetics, analyzes impacts concerning aesthetic resources, as summarized below:

4.1(a) Adverse Effect on Scenic Vista:

Implementation of the General Plan Housing Element Update is not expected to degrade views of scenic resources in the City. At full General Plan buildout, development in many parts of the City would intensify urban development in currently undeveloped areas. Many of the scenic resources are outside the City limits and beyond the planning area boundary. Scenic views for travelers along the I-15 Freeway (northbound) and certain vantage points within the City include views of the San Gabriel Mountains to the north and the San Bernardino Mountains to the northeast.

The General Plan indicates the City contains the following important visual and aesthetic resources:

- Santa Ana River and adjacent riparian corridors with natural banks and vegetation;
- Natural and marrake Creek, lakes and other water bodies;
- Wetlands and vernal pools;
- Jurupa Mountains and Pedley Hills;
- Undeveloped land within the City's limits not intended for urban uses; and
- Hills, ridgelines, box canyons, scenic rock outcroppings, and other significant land features.
The City’s proposed Conservation and Open Space Element incorporates two state-mandated general plan elements to help protect local natural resources, including viewsheds and other aesthetic resources, with incorporation of the City’s General Plan Elements, Policies, Ordinances, and Building Codes the Housing Element Update impacts on scenic vistas is less than significant.

4.1(b) Substantially Damage Scenic Resources:

Implementation of the proposed Housing Element Update would not result in damage to any historic buildings or significant rock outcroppings or degrade resources within a State Scenic Highway.

The City is committed to preserving the environment and its natural resources, which are important to the heritage, character, economy, and overall quality of life of the community. The City’s goal is that scenic highway corridors are preserved and protected from change which would diminish the aesthetic value of lands adjacent to the designated routes. Policies and actions in the General Plan express the City’s vision for balanced growth and ensure that new development is integrated into the natural topography. Adherence to the design standards of the City’s ordinances and commercial design guidelines and implementation of the policies of the General Plan would ensure that future development that would be accommodated by the General Plan would be developed in a manner that would not cause significant impacts on scenic resources. New projects would be required to preserve viewsheds and view corridors. Impacts of the General Plan Housing Element Update are considered be less than significant.

4.1 (c) Degrades Visual Character:

General Plan Housing Element Update implementation could substantially degrade the existing visual character or quality of the Planning Area. Future development would be required to implement the General Plan’s goals, programs, and policies and would be subject to design review consistent with the City Specific Plans, Subdivision, Grading and Development Codes. Thus, negative impacts to visual character would be less than significant.

4.1 (d) Source of Light and Glare:

Sources of light and glare exist within the confines of the City, including building lighting (interior and exterior), security-lighting, sign illumination, and parking-area lighting. These sources are mostly associated with the multi-family residential, commercial, and industrial uses. Single-family, rural, and semirural residential development spread across the valley are also sources of nighttime light. Other sources of nighttime light and glare include street lights and vehicular traffic along roadways. Additionally, there is some ambient lighting from surrounding communities and roadways.

Future development in accordance with the proposed General Plan would allow for development of currently undeveloped parcels and alteration, intensification, and redistribution of some existing land uses. Because the City and surrounding area are largely undeveloped, the lighting associated with improvements and structures of future development projects could increase nighttime light and glare within the City. There are portions of the City that would be developed with more light-intensive land uses under the proposed General Plan Housing Element Update (e.g., conversion of vacant land or underutilized areas into residential uses). Sources of light and glare from new development or redevelopment would include lighting needed to provide nighttime street and building illumination, security lighting, nighttime traffic, sign illumination, and lighting associated with construction activities.
Undeveloped portions of the City; redevelopment of underutilized areas; and replacement, expansion, or refurbishment of existing development in other areas would introduce new sources of light and glare that may adversely affect day or nighttime views and impact sensitive biological resource areas such as wildlife corridors, open space, and conservation areas.

All future development projects that would be accommodated by the proposed General Plan would be required to comply with California’s Building Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24, Part 6, of the California Code of Regulations), which outlines mandatory provisions for lighting control devices and luminaires.

Adherence to City regulations and implementation of the policies of the General Plan would ensure that light and glare from new development and redevelopment projects accommodated by the General Plan Housing Element Update would be minimized and that significant impacts would not occur.

4.1.2 Impacts and Mitigation Measures

Impact Analysis:

The proposed Housing Element Update plans for, but does not directly propose the construction of new residential development. The Housing Element Update provides goals, programs and policies to guide new residential development over the next 8 years. Therefore, the proposed changes would not result in any activities, which require mitigation beyond that contained in the original GP FEIR. In addition, no new information of substantial importance concerning aesthetics has been discovered, since GP FEIR certification. Thus, Project implementation would not result in new or substantially more severe environmental impacts concerning aesthetics than anticipated in the GP FEIR, and no mitigation is required.

GP Policies and GP FEIR Mitigation Measures:

The following are selected policies of the Conservation and Open Space Element of the 2017 General Plan address open space, views, aesthetics, and lighting conditions in the City that would be relevant to the Project:

GP POLICIES

COS 8.1.1 - Environmental Resource Protection
COS 9.1.2 - Scenic Values
COS 9.1.4 - View protection in new development.
COS 9.1.6 - Scenic Corridors and Roadways.
COS 13.1.2 New Residential Development.

COS 9.1.1 - Protect scenic resources
COS 9.1.3 - Urban development.
COS 9.1.5 - Views to and from public places
COS 13.1.1 Outdoor Lighting.

These policies emphasize that the design and planning for new development must take in consideration of visual or scenic resource impacts. The various measures appear to address major areas of potential concern, so future impacts of development on Aesthetic Resources will be reduced to less than significant levels.
GP FEIR MITIGATION MEASURES

Programmatic Mitigation Measures. No mitigation needed.

Level of Programmatic Impact After Mitigation. Implementation of the 2017 General Plan goals, policies, and programs regarding visual and scenic resources, lighting and glare will not result in significant aesthetic impacts regarding visual resources, and no mitigation is required.
4.2 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 Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

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

   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?

4.2.1 Summary of GP FEIR Conclusion

FEIR Section 4.2, Agricultural Resources, analyzes impacts concerning farmland, as summarized below:

4.2(a) Conversion of Farmland: The General Plan Housing Element Update would not result in the conversion of designated Prime Farmland, Farmland of Statewide Importance, and Unique Farmland to a non-agricultural use. It is the City's intent to preserve productive agricultural land wherever possible and to discourage the conversion of productive agricultural land unless there are overarching community-wide benefits from conversion of agricultural land to urban uses.

Designated Farmland in Jurupa Valley:

The prime farmland is mainly located in the western portion of the City (just east of the I-15 Freeway north of Limonite Avenue) and the land designated as farmland of local importance located in the west, southeast, and northeast portions of the City. The FMMP data shows 130 acres designated as farmland of statewide importance or unique farmland. The FMMP mapping designates approximately 90 percent of the City land as Urban, Built-up, and Other Land which has no agricultural use or value.
4.2 (b) California Land and Conservation Act (Williamson Act):

The California Land Conservation Act of 1965, also referred to as the Williamson Act, is a non-mandated State program administered by counties and cities for the preservation of agricultural land. This program enables local governments to enter into contracts with private landowners to restrict specific parcels of land to agricultural or related open space use. In return, landowners receive much lower property tax assessments than normal because the assessments are based upon farming and open space uses rather than full market value.

According to the 2017 GP FEIR there were two properties in the southwest portion of the City that have Williamson Act contracts on them, totaling approximately 275 acres. However, records show they were cancelled as part of two proposed development projects; CV Communities and Stratham Homes. The Williamson Act requires a ten-year phase out of its agricultural preserve status and there are severe tax penalties for early withdrawal from the Act program. Due to the small amount of property covered by the Act in the City, and the existing state regulatory process and restrictions regarding this specific land use designation, potential impacts regarding the Williamson Act will be less than significant, and no mitigation is required.

The General Plan Housing Element Update would not result in conflicts with the Williamson Act.

4.2(c, d, e) Rezone of Conversion of Forest Land or Timberland:

There is no existing forest zoning in the City. Impacts related to conversion of forest to non-forest would be less than significant.

4.2.2 Impacts and Mitigation Measures

Impact Analysis:

The proposed Housing Element Update plans for, but does not directly propose the construction of new residential development. The Housing Element Update provides goals, programs and policies to guide new residential development over the next 8-years. Therefore, the proposed changes would not affect farmland or agricultural uses. In addition, no new information of substantial importance concerning farmland or agricultural uses has been discovered since GP FPEIR certification. Thus, Project implementation would not result in new or substantially more severe environmental impacts concerning farmlands or agricultural uses than anticipated in the GP FPEIR, and no mitigation is required.

Additionally, Project implementation would not result in the loss of forest land or conversion of forest land to non-forest use, or cause changes that would result in the loss of forest land or conversion of forestland to non-forest uses. No impact would occur in this regard.
GP Policies and GP FEIR Mitigation Measures:

Evaluation of General Plan Policies. The following are selected policies of the 2017 General Plan are specifically related to agriculture, forestry, and related resources that would be relevant to the Project:

COS 1.1.3 - Maintain and conserve superior examples of agricultural windrows
COS 4.1.2 - Discourage the conversion of productive agricultural land
COS 4.1.3 - Encourage placement of uses compatible with agriculture on adjacent land

GP FFEIR MITIGATION MEASURES

Level of Programmatic Impact Before Mitigation. Conversion of agricultural land to non-agricultural uses will be an eventual result of implementation of the General Plan. As land that currently supports or could support agriculture is developed, there will be less and less agricultural activity in the City. The City’s General Plan reflects the community’s desire that agriculture remain viable and active as long as it is economically practical and local landowners wish to farm. The General Plan clearly states one of its goals is to provide a transitional process away from agriculture toward rural and suburban land uses. While this will eventually result in fundamental land use change for the area, this is not considered a significant environmental impact. At a programmatic level, there are no mitigation measures needed for this transitional process other than implementation of the outlined General Plan goals, policies, and programs.

The General Plan policies outlined above will provide sufficient transition of agricultural land to rural and suburban land uses, and potential impacts to agricultural resources will be less than significant.

As there are no existing forestry resources in the City there will be no impacts on forestry resources.

Programmatic Mitigation Measures. No mitigation needed.

Level of Programmatic Impact After Mitigation. With implementation of the identified General Plan goals, policies potential impacts to agricultural and forestry resources from development within the City will be less than significant.

There are no GP FEIR Mitigation Measures relevant to Agricultural and Forestry Resources.

No mitigation required.
4.3 AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

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

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)?

d) Expose sensitive receptors to substantial pollutant concentrations?

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

4.3.1 Air Quality Summary of GP FEIR Conclusions

The General Plan Final Environmental Impact Report (FEIR) Section 4.3, Air Quality, analyzes impacts concerning air quality, as summarized below:

4.3 (a) Conflict with Air Quality Plan: General Plan Housing Element Update implementation would not be consistent with the South Coast Air Quality Management Plan (SCAQMP) because air pollutant emissions associated with buildout of the City of Jurupa Valley would cumulatively contribute to the nonattainment designations in the South Coast Air Basin (SoCAB). Furthermore, additional control measures to attain Ambient Air Quality Standards (AAQS) for growth beyond 2035 associated with buildout of the General Plan is not included in the current regional emissions inventory for the SoCAB. Therefore, the proposed project would be considered inconsistent with the AQMP, resulting in a significant impact in this regard.

4.3 (b) Air Quality Standard: Buildout of the General Plan with changes to the Housing Element would contribute to an increase in frequency or severity of air quality violations and delay attainment of the AAQS or interim emission reductions in the AQMP, and emissions generated from buildout of the General Plan with changes to the Housing Element would result in a significant air quality impact.

4.3 (c) Criteria Pollutants: The horizon year 2035, buildout of the General Plan, and the General Plan with changes to the Housing Element, would generate long-term emissions that exceed the daily SCAQMD thresholds for all criteria pollutants except for SO2. Emissions of VOC and NOx are precursors to the formation of Ozone (O3). In addition, NOx is a precursor to the formation of particulate matter (PM10 and PM2.5). Consequently, emissions of VOC and NOx that exceed the SCAQMD regional significance thresholds would contribute to the O3 nonattainment designation of the SoCAB, and emissions of NOx, PM10, and PM2.5 that exceed the SCACMD regional significance thresholds would contribute to the particulate matter (PM10 and PM2.5) nonattainment designation of the SoCAB under the national and California AAQS. Therefore, operational related air quality impacts associated with future development of the proposed General Plan are considered significant.
4.3 (d) Sensitive Receptors: Implementation of the General Plan Housing Element Update would potentially intensify uses surrounding the freeway at buildout. New development associated with the proposed General Plans surrounding Interstate 15 (I-15) and State Route 60 (SR-60) have the potential to expose sensitive receptors to substantial pollutant concentrations from diesel exhaust. The association of truck-related diesel emissions with adverse health effects is generally strongest between 300 and 1,000 feet and diminishes with distance. The impact of traffic emissions is on a gradient that at some point becomes indistinguishable from the regional air pollution problem. CARB recommends avoiding siting new sensitive land uses within “500 feet of a freeway, urban roads with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day.” Because roadway volumes on I-15 would have more than 100,000 vehicles per day, buildout has the potential to expose sensitive receptors to substantial concentrations of air pollutant emissions if constructed within 500 feet of this freeway. No other roadways within the City have or are projected to have more than 100,000 average daily vehicle trips. If new sensitive development were placed in the vicinity of any of these sources, such as the light and heavy manufacturing/warehousing, then sensitive receptors may be exposed to significant concentrations of air pollutants.

In accordance with CEQA, new development would be required to assess the localized air quality impacts from placement of new sensitive uses within the vicinity of air pollutant sources. In addition, Policies AQ 2.1.1, EJ 2.1.3, EJ 2.1.2, EJ 2.1.5, and EJ 2.1.8 call for adding buffer zones between sensitive land uses and air pollutant emission sources, would reduce impacts for future development projects to the extent feasible. However, sensitive receptors could be exposed to substantial pollutant concentrations near major sources of air pollutants in the absence of mitigation. Therefore, air quality impacts from placement of sensitive uses near major pollutant sources are considered significant.

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 EIR to analyze 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 regards to air quality hazards, 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, 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.

4.3 (e) Odors: Growth within the City of Jurupa Valley could generate new sources of odors and place sensitive receptors near existing sources of odors. Nuisance odors from land uses in the SoCAB are regulated under SCAQMD Rule 402, Nuisance, which states:

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.
Land uses that have the potential to generate substantial odor complaints include wastewater treatment plants, landfills or transfer stations, composting facilities, confined animal facility, and food manufacturing and chemical plants.

The City has designated zoning for industrial development, primarily to accommodate warehousing and other light industrial land uses. These developments would be required to comply with SCAQMD Rule 402. However, additional measures may be necessary to prevent an odor nuisance. Therefore, industrial land uses associated with the General Plan may generate a potentially significant odor impact to a substantial number of people.

Future residential and commercial development associated with buildout of the Jurupa Valley General Plan would involve minor odor-generating activities, such as lawn mower exhaust, application of exterior paints for building improvement, and cooking odors (e.g., restaurants). However, unlike industrial land uses, these land uses are not considered potential generators of odor that could affect a substantial number of people. Therefore, impacts from potential odors generated from residential and commercial land uses associated with the General Plan are considered less than significant.

During construction activities, construction equipment exhaust and application of asphalt and architectural coatings would temporarily generate odors. Any construction-related odor emissions would be temporary and intermittent in nature. Additionally, noxious odors would be confined to the immediate vicinity of the construction equipment. By the time such emissions reach any sensitive receptor sites, they would be diluted to well below any level of air quality concern. Furthermore, short-term construction-related odors are expected to cease upon the drying or hardening of the odor-producing materials. Therefore, impacts associated with construction-generated odors are considered less than significant.

4.3.1 Impacts and Mitigation Measures

Impact Analysis:

The proposed Housing Element Update plans, but does not directly propose the construction of new residential developments. The Housing Element Update provides goals, programs and policies to guide new residential development over the next 8 years. Therefore, the proposed changes would not result in any activities, which would result in short- or long-term emissions or odors. In addition, no new information of substantial importance concerning air quality has been discovered since GP FEIR certification. Thus, Project implementation would not result in new or substantially more severe environmental impacts concerning air quality than anticipated in the GP FEIR, and no mitigation is required.

GP Policies and GP FEIR Mitigation Measures:

Evaluation of General Plan Goals and Policies. The following are selected policies of the Air Quality and Land Use Elements of the 2017 General Plan are specifically related to protecting City residents and businesses from emissions and odors relevant to the Project:

GP POLICIES:

<table>
<thead>
<tr>
<th>AQ 2.1.1 - Site Plan Designs</th>
<th>AQ 2.1.2 - Pollution Control Measures</th>
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<td>AQ 5.1.2 – Energy Conservation</td>
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GP MITIGATION MEASURES

Level of Programmatic Impact Before Mitigation. Implementation of the 2017 General Plan policies will help reduce programmatic air quality impacts from future land uses (i.e., air pollutants generated by new development) but will not be able to reduce impacts from future development to less than significant levels when compared to SCAQMD daily thresholds.

Programmatic Mitigation Measures. Individual projects will have to complete environmental review including Air Quality Assessments to identify and implement project-specific mitigation but there are no additional programmatic measures available other than the goals, policies, and programs of the Air Quality Element and other elements of the 2017 General Plan that will help reduce air pollution from future development. Future development projects may exceed SCAQMD daily thresholds even with project-specific mitigation, therefore long-term impact remains significant and unavoidable.

No GP FEIR mitigation required
Would the project:

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

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?

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?

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?

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

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?

4.4.1 Summary of GP FEIR Conclusions

FEIR Section 4.4, Biological Resources, analyzes impacts concerning biological resources, as summarized below:

4.4 (a) Endangered and Threatened Species: General Plan buildout has the potential to result in direct and indirect impacts to existing biological resources. The City is a permittee of the Riverside County Multiple-Species Habitat Conservation Plan (MSHCP) and must thereby comply with the reserve assembly provisions as well as the provisions in Sections 6.1.2, 6.1.3, 6.3.2, and 6.1.4 of the MSHCP for projects proposed within the City. The implementation of the MSHCP at the project-specific level would minimize direct and indirect species impacts of future projects proposed in accordance with the General Plan.

Implementation of the General Plan goals, policies, and programs as future development occurs will help ensure that potential impacts to listed species within the City will be less than significant. The GP FEIR states that the most important policies in this regard will be protection of listed species (Policy 1.1.1), implementation of the MSHCP (Policy COS 2.1.1), and preparing biological reports to identify and protect site-specific resources (Policy COS 2.1.3). It should be noted that the term “development” in this policy applies to building improvements on both private and public actions involving vacant land.

Additionally, payment of the mitigation fee and compliance with all applicable requirements of the MSHCP provides full mitigation under California Environmental Quality Act, National Environmental Policy Act, Federal Endangered Species Act, and California Endangered Species Act for impacts to MSHCP-covered species and habitats. The MSHCP also addresses indirect impacts through cores and linkages, criteria cells, and MSHCP fees. Impacts to MSHCP-covered species would be potentially significant without mitigation.
4.4(b) Riparian and Other Sensitive Communities: General Plan buildout could have the following impacts to sensitive riparian habitats:

- Direct loss of sensitive plants and/or communities from construction activities;
- Alterations in the natural landscape with the placement of impermeable surfaces;
- Increased urban runoff, potentially containing herbicides, fungicides, pesticides, and fertilizers;
- Increased habitat fragmentation with a potential corresponding decrease in species diversity and abundance.

Where these resources are present, they need to be evaluated and protected as required by the established regulatory procedures of California Department of Fish and Wildlife (see Section 4.4.6.5 on jurisdictional land). It will be important to do surveys on land proposed for development to determine if riparian or other sensitive natural communities are present on the site.

The GP FEIR indicates in the City there are 658.8 acres of land designated for Open Space-Conservation, 867.6 acres designated as Open Space-Conservation Habitat, and 834.3 acres designated for Open Space-Water for a total of 2,360.7 acres or 8.5 percent of the City designated for some type of conserved open space use. Future development within the City may have significant impacts on riparian habitat or other sensitive natural communities.

4.4(c) Jurisdictional Waters or Resources: Potential development under the General Plan that may impact protected wetlands includes future private development, roads, or public facilities projects in and/or adjacent to sensitive habitats, including southern cottonwood/willow riparian, riparian scrub, open water/reservoir/pond, coastal live oak woodland, and riverside sage scrub.

The water and land associated with the northern bank of the Santa Ana River are within the City of Jurupa Valley. In addition, there are a number of natural (e.g., Pyrite Creek) and man-made drainages (e.g., Day Creek) that are tributary to the river within the City. The river and drainages that are considered “Waters of the U.S.” are under the jurisdiction of the U.S. Army Corps of Engineers (USACE) under Section 404 of the federal Clean Water Act. Such drainages may also under the jurisdiction of the USFWS related to federally listed biological resources. The USACE issues two types of permits under Section 404 of the Clean Water Act to authorize the discharge of dredged or fill material into Waters of the United States: a nation-wide permit (NWP) or an individual permit (IP). NWPs are general permits for specific categories of activities that result in minimal impacts to Waters of the United States (≤ 0.5 acres). In order to receive authorization under an NWP, the applicant/project developer must demonstrate avoidance or minimization of discharges into Waters of the United States to the maximum extent practicable.

These drainages may also within the jurisdiction of the Santa Ana RWQCB. Under Section 401 of the Clean Water Act, the RWQCB must certify that the discharge of dredged or fill material into Waters of the United States does not violate Federal, State, and local water quality standards. A Water Quality Certification will need to be obtained from the Santa Ana RWQCB.

Land adjacent to the Santa Ana River, or land within the City that contain drainages under federal or state jurisdiction need to be evaluated and protected as required by the established regulatory procedures. It will be important to do surveys on land proposed for development to determine if or to what degree jurisdictional land is present on a particular site. Development in the future within the City has the potential to disturb or impact land or drainages under federal or state jurisdiction – this is a significant impact.
If development is in wetland areas, state and federal laws and regulations would be implemented to protect resources from development through the Corps Section 404 permitting process, the California Wetlands Conservation Policy, and compliance with applicable MSHCP policies. The California Wetlands Conservation Policy is intended to ensure no net loss of wetlands occurs within the State.

Additionally, wetlands are protected under Section 6.1.2 of the MSHCP, which outlines the requirements and protection of riparian areas and/or vernal pools. Future development projects would comply with conditions of any required permits from RWQCB, Corps, and CDFW, and provisions of the MSHCP. Jurisdictional water impacts would be significant without mitigation.

4.4 (d) Wildlife Corridors: Overall buildout of the General Plan would affect wildlife movement. The Santa Ana River represents a significant regional resource for biological habitat and wildlife movement. Future development along the northern bank of the river, within the City, must be carefully planned and built to minimize impacts on habitat areas and wildlife movement. The river also represents a wildlife nursery site for birds and fish when present. Impacts of future development adjacent to the river could be significant unless carefully controlled or restricted. In addition to future development, the creation or maintenance of equestrian trails along the river must be monitored and controlled to prevent significant impacts to wildlife movement.

Development in the northern portions of the site, in the Jurupa Hills north of the SR-60 Freeway, may impact coastal sage scrub and grassland vegetation that may also allow for wildlife movement through these upland areas. Development in MSHCP criteria cells north of the freeway must be carefully controlled to assure there will be no significant impacts to biological resources protected by the MSHCP. Although not a specifically identified wildlife movement corridor, Pyrite Creek and its riparian resources may allow for some limited wildlife movement north-south between the Jurupa Hills and the Santa Ana River.

Consistency with the MSHCP will ensure that areas needed to provide a linkage or core for wildlife movement are conserved and that the project is in compliance with the Reserve Assembly of the MSHCP. Wildlife corridor impacts would not be significant.

4.4 (e & f) Conflicts with a Local Policies or other Conservation Plans: Implementation of the 2017 General Plan, specifically Policies 2.1.1 and 2.1.3, require future development to be consistent with the MSHCP and provide assessments of onsite biological resources. With implementation of these policies, potential impacts of future development on adopted habitat conservation plans will be less than significant, and no mitigation is needed.

Multiple Species Habitat Conservation Plan

The MSHCP is a habitat conservation plan (HCP) and Natural Communities Conservation Plan (NCCP) of which Jurupa Valley is a permittee. Therefore, implementation of the proposed General Plan Housing Element Update would be subject to the MSHCP. Per the MSHCP, projects proposed in the criteria area are subject to the Joint Project Review (JPR) process through the Regional Conservation Authority. The GP EIR is a programmatic level review, and at the time of its preparation did not identify any specific projects that would require biological surveys needed for a JPR. Instead, the City would ensure that future discretionary projects within the MSHCP area conduct their own MSHCP consistency analyses. For projects specifically within the criteria area, the City would submit a JPR that would assess how the project affects reserve assembly, and other plan requirements of the MSHCP including Section 6.1.2, Protection of Species Associated with Riparian/Riverine Areas and Vernal Pool; Section 6.1.3, Protection of Narrow Endemic Plant Species; Section 6.3.2, Additional Survey Needs and Procedures; and Section 6.1.4, Guidelines Pertaining to the Urban/Wildlands Interface.
4.4.2 Impacts and Mitigation Measures

Impact Analysis: The 2017 General Plan goals, policies, and programs will establish a framework within which subsequent programs and ordinances for the protection of biological resources will occur (e.g., tree protection ordinance). Therefore, the proposed General Plan Housing Element Update will be consistent with adopted policies and ordinances and no mitigation will be required.

Policy 2.1.1 specifically requires future development projects to comply with the requirements of the MSHCP. In addition, Policy 2.1.3 requires future development to prepare biological reports that would identify potential impacts to biological resources on specific development sites. There are no other Habitat Conservation Plans applicable to the City of Jurupa Valley. In addition, the other goals and policies outlined in Section 4.4.2.4 of the GP will help minimize future impacts to biological resources as development occurs within the City.

Implementation of the 2017 General Plan, specifically Policies 2.1.1 and 2.1.3, require future development to be consistent with the MSHCP and provide assessments of onsite biological resources. With implementation of these policies, potential impacts of future development on adopted habitat conservation plans will be less than significant, and no mitigation is need.

The proposed Housing Element Update plans for, but does not directly propose the construction of new residential development. The Housing Element Update provides goals, programs, and policies to guide new residential development over the next 8-years. Therefore, the proposed Housing Element Update changes would not affect biological resources. In addition, no new information of substantial importance concerning biological resources has been discovered since GP FEIR certification. Thus, Project implementation would not result in new or substantially more severe environmental impacts concerning biological resources than anticipated in the GP FEIR, and no mitigation is required.

GP Policies and GP FEIR Mitigation Measures:

Evaluation of General Plan Goals and Policies. The following selected policies of the Biological Resources and Conservation and Open Space Elements of the 2017 General Plan are specifically related to protecting Biological Resources within the Jurupa Valley that are relevant to the Project:

**GP POLICIES:**

COS 1.1.1 – Habitat Conservation  
COS 1.1.3 – Other Significant Vegetation  
COS 2.1.2 – Wildlife Corridors  
COS 3.1.1 – Water Use Planning  
COS 3.1.6 – Landscaping w/ Native Plants  
COS 3.1.18 – Setbacks  
COS 3.1.21 – Ecotones  
COS 1.1.2 – Protection of Significant Trees  
COS 2.1.1 – MSHCP Implementation  
COS 2.1.3 – Biological Reports  
COS 3.1.2 – Multi-Use Consideration  
COS 3.1.17 – Environmental Mitigation  
COS 3.1.20 – Riparian Area Preservation  
COS 8.1.1 – Environmental Resources Protection
GP MITIGATION MEASURES

Level of Programmatic Impact Before Mitigation. In addition to required regulatory permitting where necessary, the General Plan goals, policies, and programs outlined above will provide sufficient protection for listed species to reduce potential impacts to less than significant levels.

Programmatic Mitigation Measures. No mitigation needed.

Level of Programmatic Impact After Mitigation. With implementation of the identified General Plan goals, policies, programs, plus the regulatory requirements of the federal and state resource agencies, potential impacts to listed species from development within the City will be reduced to less than significant levels, and no mitigation is required.
4.5 CULTURAL RESOURCES

Would the project:

a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?

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

c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d. Disturb any human remains, including those interred outside of formal cemeteries?

4.5.1 Summary of GP FEIR Conclusions

FEIR Section 4.5, Cultural Resources, analyzes impacts concerning cultural resources, as summarized below:

4.5 (a) Historical Resources: Treatment of Historic Properties. Historic structures and sites that are eligible for National Register of Historic Resources listing may be vulnerable to development activities associated with buildout. Historical resources are buildings, structures, objects, sites, and districts of significance in history, archaeology, architecture, and culture. These resources include intact structures of any type that are 50 years or more of age. They are sometimes called the built environment and can include, in addition to houses, structures such as irrigation works and engineering features. Historical resources are preserved because they provide a link to a region’s past and a frame of reference for a community. Often these sites are a source of pride for a city. The historical period for the Jurupa Valley includes settlement from 1774, with the expedition of Juan Bautista de Anza into the region, to 45 years before the present as defined by CEQA. A generalized inventory of historical resources and potentially historic structures in Jurupa Valley is found in the GP and GP FEIR. In the City of Jurupa Valley, there are three potentially significant historic resources, three California State Historical Landmarks, one resource listed on the National Register of Historic Places, and one resource on both the state and national registers. At the time development or redevelopment projects are proposed, the project-level CEQA document would need to identify impacts to known or potential historic sites and structures. The CEQA Guidelines require a project that will have potentially adverse impacts on historical resources to conform to the Secretary of the Interior’s Standards for the Treatment of Historical Properties. Implementation of the GP Goals, Programs, and Policies provides protection and preservation of Historical Resources and impacts of the Housing Element Update are less than significant.

4.5 (b) Archaeological Resources: Long-term development and redevelopment, including grading, of sensitive areas could impact archaeological resources. There are many historical resources (prehistoric, historic archaeological, and historical structures and sites within the City of Jurupa Valley boundaries. Thus, there is a potential to uncover archaeological resources within the City during development activities.

The land within the City has the potential to yield archaeological resources or tribal cultural resources from past Native American activities. Lands along the Santa Ana River may contain archaeological artifacts or tribal cultural resources from past human activities; however, this area is an active floodplain and contains deep alluvial soils so the potential for finding undisturbed artifacts is relatively low. In addition, the upland portions of the City (i.e., Jurupa Hills in the northern and central portions of the City) contain many rock outcroppings and boulders that may represent archaeological resources. The General Plan requires consultation with local Native American tribal groups under both SB 18 and AB 52. The State Native American Heritage Commission has indicated there are 23 Native American groups or individuals in the region who may have an interest in the Jurupa Valley General
Plan. Implementation of the GP Goals, Programs, and Policies along with Tribal Consultation provides protection and preservation of Archaeological Resources and impacts of the Housing Element Update are less than significant.

4.5 (c) Paleontological Resources: The potential to uncover undiscovered paleontological resources in Jurupa Valley is high. Jurupa Valley contains geologic formations known potentially to contain paleontological resources. The City has a combination of low to high (County “High A” and “High B” categories) sensitivity for paleontological resources. County mapping indicates the City is underlain by a variety of soils and shallow geologic formations that may contain fossils or other paleontological materials. The mapping also indicates these resources have a higher probability of being located in the northwestern and southeastern portions of the City, but are not concentrated in any one area of the City. It is even possible, although less likely, that fossils may be found in deeper alluvial deposits along the Santa Ana River and adjacent floodplain. The upland portions of the City (i.e., Jurupa Hills in the northern and central portions of the City) contain many rock outcroppings and boulders but these do not necessarily represent unique geologic features. Future development of vacant land throughout the City may uncover previously undiscovered fossiliferous materials, so this impact is potentially significant.

With implementation of the identified 2017 General Plan goals, policies, programs, plus the regulatory requirements of the state and the recommended Mitigation Measure 4.5.5.3A discussed in Section 4.5.2 below, potential impacts to paleontological resources from future development within the City will be reduced to less than significant levels.

4.5 (d) Disturbance of Human Remains: Long-term implementation of the Jurupa Valley General Plan would allow development and redevelopment, including grading, of sensitive areas, possibly disturbing human remains, including those outside of formal cemeteries. Existing regulations, including the California Public ResourcesCode Section 5097.98, Health and Safety Code § 7050.5, Public Resources Code Section 21083.2 and CEQA Guidelines Section 15064.5(f) are required and would afford protection for human remains discovered during development activities. In addition, review and protection are afforded by CEQA for projects subject to discretionary action, particularly for activities that could potentially disturb human remains. SB 18 requires consultation regarding Native American sites and artifacts, but the potential for project-level impacts to unidentified and unrecorded tribal cultural places remains moderate to high. The excavation and grading activities of the proposed project could result in impacts to human remains. However, Public Resources Code Section 5097.98, Health and Safety Code § 7050.5, Public Resources Code Section 21083.2 and CEQA Guidelines Section 15064.5(f), mandates the process to be followed in the event of a discovery of any human remains. Impacts to human remains would be less than significant.

Post GP FEIR Certification Thresholds: Since GP FEIR certification, CEQA Guidelines Appendix G has been revised to include a new Tribal Cultural Resources threshold; refer to Section 4.17, Tribal Cultural Resources, for further discussion.

4.5.2 Impacts and Mitigation Measures

Impact Analysis: Development in the City has the potential to impact historic, archaeological, paleontological, and tribal cultural resources. At a programmatic level, General Plan Policy 2.1.1 requires all future development to protect cultural resources, including archaeological, historical, and paleontological materials or artifacts. In addition, Mitigation Measures 4.5.5.1A and 4.5.5.3A require future development to determine if such resources are onsite prior to development.
These programmatic actions will help reduce impacts of individual development projects within the City to less than significant levels. For these reasons, implementation of the General Plan Housing Element Update will not make a significant contribution to cumulatively adverse impacts to cultural resources (with the recommended mitigation).

The 2017 General Plan goals, policies, and programs outlined below will provide sufficient programmatic protection for undiscovered archaeological resources or artifacts that may be present within the City. They also require consultation and coordination with local Native American tribal representatives prior to grading for future development, so impacts related to these resources will be reduced to less than significant levels, and no mitigation is required.

The proposed Housing Element Update plans for, but does not directly propose the construction of new residential development. The Housing Element Update provides goals, programs and policies to guide new residential development over the next 8-years. Therefore, the proposed changes would not affect cultural resources. In addition, no new information of substantial importance concerning cultural resources has been discovered since GP FPBIr certification. Thus, Project implementation would not result in new or substantially more severe environmental impacts concerning cultural resources than anticipated in the GP FPEIR, and no new mitigation is required.

GP Policies and GP FEIR Mitigation Measures:

The following are selected policies of the 2017 General Plan address Cultural Resources in the City that would be relevant to the Project:

**GP POLICIES**

**COS 7.1.1 - Preserve significant paleontological, archaeological, and historical resources**
**COS 7.1.3 – Evaluate a project site for archaeological resources**
**COS 7.1.4 – Protect the confidentiality of archaeological or paleontological site information**
**COS 7.1.5 – Refer development projects for Native American tribal review and consultation**
**COS 7.1.6 – Restrict activities that could disturb or destroy cultural resource sites**
**COS 7.1.7 – Require a qualified archaeologist if resources are found during site grading**
**COS 7.1.8 – Involve local Native American participation in the City’s development process**
**COS 7.1.9 – Require an archaeological mitigation plan to protect undiscovered resources**
**COS 7.1.10 – Prohibit the demolition or substantial changes to historically significant buildings**
GP MITIGATION MEASURES

The following measure is included in the GP and GP FEIR and are standard Conditions of Approval for development within the City to help assure there will be no significant impacts of future development relative to paleontological resources:

4.5.5.1A Prior to issuance of a demolition permit for any structure older than 45 years at the time of application and according to City building records or other official documentation, a project applicant shall provide an historical assessment of the structure prepared by a qualified professional (i.e., certified historian or architectural historian) with a determination of whether the structure represents a significant historical resource according to Section 15064.5 of the State CEQA Guidelines. The assessment shall include contact with a local source of historical information regarding the structure's potential local significance, as available.

If the structure is determined to not be historic or potentially historic, either at a state or local level, the structure may be demolished without further documentation. If the structure is not historic on a state level but has local historical significance, the structure may be demolished with City Council approval, provide that the property is photo-recorded and archived prior to demolition. If the structure has state historical significance, the project historian shall prepare a preservation plan which shall address in-place or onsite preservation, relocation to an appropriate offsite location, or demolition only if it can be clearly demonstrated that preservation in place is not physically, or structurally feasible. This measure shall be implemented to the satisfaction of the City Planning Department.

4.5.5.3A Prior to issuance of a grading permit, a project applicant must provide an assessment, prepared by a qualified professional, of whether the proposed project grading will impact underlying soil units or geologic formations that have a moderate to high potential to yield fossiliferous materials. If the potential for fossil discovery is low, no pre-grading monitoring needs to be established. If the potential for fossil discovery is moderate to high, the applicant must provide a paleontological monitor during rough grading of the project. If a paleontologist is not onsite and possible fossil materials are found, work shall be halted in that area until the materials can be assessed by a qualified professional. If materials are found onsite during grading, a qualified professional shall evaluate the find and determine if it represents a significant paleontological resource. If the resource is determined to be significant, the paleontologist shall supervise removal of the material and determine the most appropriate archival storage of the material. Appropriate materials shall be prepared, catalogued, and archived at the applicant’s expense and shall be retained within Riverside County if feasible. This measure shall be implemented to the satisfaction of the City Planning Department.

Level of Programmatic Impact After Mitigation. With implementation of the identified ZUI/ General Plan goals, policies, programs, and mitigation measures 4.5.5.1A and 4.5.5.3A, plus the regulatory requirements of the federal and state resource agencies, potential impacts to archaeological resources from future development within the City will be reduced to less than significant levels, and no mitigation is required.
4.6 GEOLOGY AND SOILS

**Would the project:**

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
   - 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.
   - Strong seismic ground shaking?
   - Seismic-related ground failure, including liquefaction?
   - Landslides?

b. Result in substantial soil erosion or the loss of topsoil?

c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

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?

4.6.1 Summary of GP FEIR Conclusions

FEIR Section 4.6, Geology and Soils, analyzes impacts concerning geology and soils, as summarized below:

**4.6 (a) Exposure to Adverse Effects of Earthquakes:** Each development project considered for approval by the City under the General Plan would be required to comply with seismic safety provisions of the CBC (Title 24, Part 2 of the California Code of Regulations) and have a geotechnical investigation conducted for the affected project site. The geotechnical investigation would calculate seismic design parameters pursuant to CBC requirements and would include foundation and structural design recommendations, as needed, to reduce hazards to people and structures arising from ground shaking. Impacts would be less than significant.

**4.6 (b) Soil Erosion & Loss of Topsoil:** Grading and construction of development and redevelopment projects could expose large amounts of soil and could result in soil erosion if effective erosion control measures were not used. Best management practices (BMPs) for erosion control are required under National Pollution Discharge Elimination System (NPDES) regulations pursuant to the federal Clean Water Act. NPDES requirements for construction projects one acre or more in area are set forth in the General Construction Permit issued by the State Water Resources Control Board (SRWCB; Order No. 2009-0009- DWQ).

New development within the City is required to prepare a site-specific Water Quality Management Plan (WQMP). The WQMP contains post-construction measures, which will help reduce potential impacts to soil erosion to less than significant levels and identifies measures to treat and/or limit the entry of contaminants into the storm drain system.
Furthermore, demolition, land clearing, grading, and construction activities of projects approved pursuant to the proposed General Plan would be required to comply with South Coast Air Quality Management District Rules 403 and 403.2 regulating fugitive dust emissions, thus minimizing wind erosion from such ground-disturbing activities. Construction activities would not generate substantial erosion. Soil erosion impacts would be less than significant.

4.6 (c,d) Unstable & Expansive Soils:

Compressible Soils
Compressible soils are most likely to occur in the modern and prehistoric floodplains of the major drainages, such as the Santa Ana River. Compressible soils are also commonly found in hillside areas, typically in canyon bottoms, swales, and at the base of natural slopes. The upper few feet of older alluvium, which are commonly weathered and/or disturbed, are also typically compressible.

When development is planned within areas that contain potentially compressible soils, a geotechnical soil analysis is required to identify this hazard. The analysis should consider soil types onsite; the load of any proposed fills and structures that are planned; the type of structure (i.e., a road, pipeline, or building); and local groundwater conditions. Removal and recomposition of near-surface soils are generally the minimum required. Deeper removals may be needed for heavier loads or for structures that are sensitive to minor settlement. Based on the soil analysis, partial removal and recomposition of the compressible soils is sometimes performed, followed by settlement monitoring for a number of months after additional fill has been placed but before structures are built. In cases where it is not feasible to remove the compressible soils, buildings can be supported on specially engineered foundations that may include caissons or piles.

Collapsible Soils
Young alluvial sediments in the Jurupa Valley area may be locally susceptible to soil collapse due to their low density, granular nature, rapid deposition in the alluvial fan environment, and the generally dry condition of the near-surface soils.

The potential for soils to collapse should be evaluated on a site-specific basis as part of the geotechnical studies for development. If the soils are determined to be collapsible, the hazard can be reduced by several different measures or combination of measures, including excavation and recomposition, or presaturation and preloading of the susceptible soils in place to induce collapse prior to construction. After construction, infiltration of water into the subsurface soils should be minimized by proper surface drainage design to direct excess runoff to catch basins and storm drains.

Expansive Soils
Soils in parts of the City may be expansive: valley and canyon areas and weathered old alluvial fan deposits. Development of projects on sites underlain by expansive soils could subject people and structures to hazards from expansive soils. Development of projects pursuant to the General Plan would require subsurface geotechnical exploration and testing and compliance with recommendations in project geotechnical investigation reports.

4.6 (e) Septic Systems. All new development within the City would be required to connect to the local Community Service Districts’ sewer systems. There are no policies related to septic tanks or alternative wastewater disposal systems in the proposed 2017 General Plan. Because septic tanks and alternative wastewater treatment facilities would not be allowed for new development, soils incapable of supporting such facilities are not of concern and no significant impacts are expected or likely. There is no impact because new development would not be allowed to install septic tanks or alternative wastewater treatment facilities.
4.6.1 Impacts and Mitigation Measures

Impact Analysis:

The proposed Housing Element Update plans for, but does not directly propose the construction of new residential development. The Housing Element Update provides goals, programs and policies to guide new residential development over the next 8-years. Therefore, the proposed changes would not affect the potential exposure to seismic or geologic hazards. In addition, no new information of substantial importance concerning seismic or geologic hazards has been discovered since GP FEIR certification. Thus, Project implementation would not result in new or substantially more severe environmental impacts concerning seismic or geologic hazards than anticipated in the GP FPEIR, and no mitigation is required beyond that identified in the GP FPEIR as noted below 4.6.5.1A, 4.6.5.2A, and 4.6.5.7A.

GP Policies and GP FEIR Mitigation Measures:

The following are selected policies of the 2017 General Plan address Geological Resources in the City that would be relevant to the Project:

GP POLICIES

| CS 1.1.1 – Fault Rupture Hazards | CS 1.1.2 – Geologic Investigations |
| CS 1.1.3 – Structural/Non-Structural Assessment | CS 1.1.4 – Structural Damage |
| CS 1.1.5 – Hillside Development | AQ 3.1.5 – Fugitive Dust Reduction Measures |
| AQ 3.1.6 – Grading in High Winds |

GP MITIGATION MEASURES

4.6.5.1A Before a project is approved or otherwise permitted within an A-P Zone or within 150 feet of any other active or potentially active fault mapped in a published United States Geologic Survey (USGS) or CGS reports, or within other potential earthquake hazard area (as determined by the City), a site-specific geologic investigation shall be prepared to assess potential seismic hazards resulting from development of the project site. Where and when required, the geotechnical investigation shall address the issue(s), hazard(s), and geographic area(s) determined by the City of Jurupa Valley Planning and Building Departments to be relevant to each development. The site-specific geotechnical investigation shall incorporate up-to-date data from government and non-government sources.

Based on the site-specific geotechnical investigation, no structures intended for human occupancy shall be constructed across active faults. This site-specific evaluation and written report shall be prepared by a licensed geologist and shall be submitted to City of Jurupa Valley Planning and Building Departments for review and approval as part of the environmental and entitlement process and prior to the issuance of building permits. If an active fault is discovered, any structure intended for human occupancy shall be set back at least 50 feet from the fault. A larger or smaller setback may be established if such a setback is supported by adequate evidence as presented to and accepted by the City.

4.6.5.2A If required by the City, a site-specific assessment shall be prepared to ascertain potential ground shaking impacts on development. The site-specific ground shaking assessment shall incorporate...
up-to-date data from government and non-government sources and may be included as part of any site-specific geotechnical investigation. The site-specific ground shaking assessment shall include specific measures to reduce the significance of potential ground shaking hazards. This site-specific ground shaking assessment shall be prepared by a licensed geologist and shall be submitted to the City of Jurupa Valley Planning and Building Departments for review and approval as part of the environmental and entitlement process and prior to the issuance of building permits.

4.6.5.7A

As determined by the City, a site-specific soil assessment shall be prepared to ascertain potential soil expansion on development within the Monserate sandy loam, shallow, 5-15% slopes identified on Figure 4.6.2. The site-specific soil assessment shall incorporate up-to-date data from government and non-government sources and may be included as part of any site-specific geotechnical investigation. The site-specific soils assessment shall include specific measures to reduce the significance of potential soil swell/shrink potential.

This site-specific soils assessment shall be prepared by a licensed soils engineer or geologist and shall be submitted to the City of Jurupa Valley Planning and Building Departments for review and approval as part of the environmental and entitlement process and prior to the issuance of building permits.
4.7 GREENHOUSE GAS EMISSION

Would the project:

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

4.7.1 Summary of GP FEIR Conclusions

FEIR Section 4.7, Air Quality, analyzes impacts concerning greenhouse gas (GHG) emissions, as summarized below:

4.7 (a, b) GHG Emissions & GHG Plans: Construction and operation of future development would generate GHG emissions, with the majority of energy consumption (and associated generation of GHG emissions) occurring during operation (as opposed to during its construction) of future land uses. Typically, more than 80 percent of total operational energy consumption takes place during the use of a building, and less than 20 percent of energy is consumed during construction. As of yet, there is no study that quantitatively assesses all of the GHG emissions associated with each phase of the construction and use of an individual development. Overall, the construction and operational activities associated with new development could directly or indirectly contribute to the generation of GHG emissions.

GHG emissions associated with future new development would occur over the short-term from construction activities and would consist primarily of emissions from equipment exhaust. There would also be long-term regional emissions associated with specific project-related new vehicular trips and stationary-source emissions, such as natural gas used for heating and electricity usage for lighting. There are no established GHG thresholds at present for construction emissions.

Long-term operation of the 2017 General Plan would generate GHG emissions from area and mobile sources and indirect emissions from stationary sources associated with energy consumption. Mobile-source emissions of GHGs would include project-generated vehicle trips associated with residential and commercial activities. Area-source emissions would be associated with activities such as landscaping and maintenance of proposed land uses, natural gas for heating, and other sources. Increases in stationary-source emissions would also occur at off-site utility providers as a result of demand for electricity, natural gas, and water by the proposed uses. In addition, methane generated from wastewater treatment and solid waste disposal.

Human activities contribute to increasing concentrations of GHG in the atmosphere. Measures to reduce potential impacts of criteria air pollutants, which indirectly also help reduce GHG emissions, are included throughout the 2017 General Plan. In addition to the Air Quality Element, the Land Use; Housing; Mobility; Conservation and Open Space; and Community Safety, Services and Facilities Elements include policies and programs to reduce GHG emissions and help slow the progression of climate change. The following goals, policies, and programs of the Air Quality Element of the 2017 General Plan are specifically related to minimizing GHG emissions to the greatest degree practical.
4.7.2  Impacts and Mitigation Measures

Impact Analysis:

The proposed Housing Element Update plans for, but does not directly propose the construction of new residential development. The Housing Element Update provides goals, programs and policies to guide new residential development over the next 8-years. Therefore, Project implementation would not conflict with facilitation or implementation of the City’s General Plan. No additional information of substantial importance concerning GHG has been discovered, since GP FEIR certification. Thus, Project implementation would not result in new or substantially more severe environmental impacts concerning GHG than anticipated in the GP FEIR, and no mitigation is required.

GP Policies and GP FEIR Mitigation Measures:

The following are selected policies of the 2017 General Plan address Greenhouse Gas conditions in the City that would be relevant to the Project:

**GP POLICIES**

AQ 9.1.2 – Critical Infrastructure

**GP FEIR MITIGATION MEASURES**

There are no GP FEIR mitigation measures that are applicable to the Project.

4.8  HAZARDS AND HAZARDOUS MATERIALS

*Would the project:*

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

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?

c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

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?

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?

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?

g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
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?

4.8.1 Summary of GP FEIR Conclusions

FEIR Section 4.8, Hazards and Hazardous Materials, analyzes impacts concerning hazards and hazardous materials, as summarized below:

4.8 (a, b): Hazardous Material Use, Transport and Storage, Accidental Release:

There is a possibility that future development in the City, especially industrial projects, could accidentally release hazardous materials within the City during routine use, transport, or disposal. The most likely method of release would be a traffic accident involving one or more vehicles hauling hazardous materials. Additionally, there are many vacant parcels which could be the site of earlier development or unknown dumping of potentially hazardous materials. Many properties in the City have been developed prior to existing federal and state laws and regulations regarding hazardous materials. As these properties are redeveloped in the future, there is a possibility that hazardous materials such as asbestos, lead-based paint, etc. could be encountered.

Buildout in accordance with the Jurupa Valley General Plan would result in an increase in the frequency of transport, use, and disposal of hazardous materials associated with commercial and industrial growth within Jurupa Valley. An increase in the transport of hazardous waste from buildout of the General Plan could result in more accidental events, such as spills, that release hazardous materials.

Current federal and state regulations, City ordinances, and General Plan policies would regulate the handling of hazardous substances to reduce potential releases; exposure; and risks of transporting, storing, treating, and disposing of hazardous materials and wastes. Impacts would be less than significant.

4.8 (c) Hazards within ¼ mile of schools:

The City does not have jurisdiction with respect to the location, design, or construction of school facilities, however, the City works cooperatively with the Jurupa Valley Unified School District and the Corona-Norco Unified School District in the design of roads and other public improvements in and around school sites, and is responsible for fire, police, and public safety concerns involving all facilities within the City, including schools.

4.8 (d) Hazardous Materials Sites:

Future developments in accordance with implementation of the General Plan may be impacted by hazardous substance contamination remaining from historical operations on a particular site that may pose a significant health risk. However, properties contaminated by hazardous substances are regulated at the local, state, and federal level and are subject to compliance with stringent laws and regulations for investigation and remediation. For example, compliance with the CERCLA, RCRA, California Code of Regulations, Title 22, and related requirements would remedy any potential impacts caused by hazardous substance contamination. All environmental investigations, sampling, and/or remediation for projects within the City would be conducted under the oversight of a regulatory agency that has jurisdiction. Impacts would be less than significant.
4.8 (e & f): Public & Private Airport Safety Hazard:

Safety zones of two public airports, Riverside Municipal Airport (RMA) and the Flabob Airport, overlap portions of the City of Jurupa Valley. The Flabob Airport is located in the eastern portion of the City just north of the Santa Ana River. The RMA is located south of the eastern portion of the City across the Santa Ana River.

Riverside Municipal Airport (RMA). The RMA is south of the eastern portion of the City across the Santa Ana River. Portions of the City are within RMA’s Airport Land Use Compatibility (ALUC) Plan Zone E (see Figure 4.8.2). Zone E within ALUC is considered an area that includes Other Airport Environments. Zone E does not include residential, other land uses, or open space land restrictions. Hazards to flight, including physical, visual, and electronic forms of interference with safety of aircraft operations, are not allowed in Zone E.

Flabob Airport. This airport is located in the eastern portion of the City and some of its safety zones overlap developed uses and vacant land within the City. To minimize land use conflicts with adjacent uses, much of the remaining undeveloped area adjacent to the airport is designated as Estate Density Residential, with most of the developed land designated and used for Medium-Density Residential. The Airport Compatibility Areas are shown in Figure 4.8.3, Flabob Airport Zones. Potential land use conflicts could occur primarily in Safety Zones C and in Zone D, new residential development is limited to one dwelling per five acres, gross; and in Zone D, residential densities are limited to a prescribed density range of no greater than one dwelling per five acres or at least five dwellings per acre.

4.8 (g) Adopted Emergency Response Plan:

At a programmatic level, the General Plan must have goals, policies, and programs in place to assure the City will have adequate emergency response in the future as growth occurs. This does not necessarily mean that roads and intersections must be widened to accommodate all traffic at Level of Service A (i.e., no congestion) but rather than streets and intersection size, design, etc. do not contribute to excessive delay or congestion such that emergency vehicles cannot access all areas of the City within prescribed response time standards.

The Community Safety, Services and Facilities Element of the 2017 General Plan states the following regarding emergency response plans: “The City has an Emergency Operations Plan (EOP) that addresses how the City will respond to emergency situations ranging from minor incidents to large-scale disasters. The plan addresses four primary phases of emergency operation including Preparedness, Response, Recovery, and Mitigation. The plan discusses the activation and management of the City’s Emergency Operations Center (EOC), which may be set up during an emergency to manage the event and coordinate with other EOCs such as the Riverside County EOC. The EOC also coordinates the sharing of resources under the California Mutual Aid Agreement.”

Under a state-declared disaster, the coordination of all emergency services is recognized by the State to mitigate the effects of natural, man-made, or war-caused emergencies that result in conditions of disaster or extreme peril to life, property, and the resources of the State, and generally, to protect the health and safety and preserve the lives and property of the people of California.
4.8 (h) Wildland Fires:

A large percentage of the City’s area is designated part of Moderate, High, and Very High fire hazard severity zones, as mapped by CA. FIRE. The General Plan designates areas for development adjacent to areas that would be designated for open space; therefore, risk of wildfire could occur.

Future development within the City, especially in areas of moderate to high fire risk, may expose future residents and businesses to the threat of wildland fires. Isolated upland areas in the east-central portion of the City have a high fire danger. The Community Safety, Services and Facilities Element of the 2017 General Plan states the following regarding fire risks: “The State passed Senate Bill 1241 to require that General Plan Safety Elements address the fire severity risks in State Responsibility Areas (SRAs) and Local Responsibility Areas (LRAs). Jurupa Valley contains several areas within moderate, high and very high fire severity zones, which are located in SRAs. These include areas of the state in which responsibility of preventing and suppressing fires is primarily the responsibility of the Department of Forestry and Fire Protection, also known as CalFIRE.” The Riverside County Fire Department, in cooperation with the California Department of Forestry and Fire Protection (CalFIRE), provides full service municipal and wildland fire protection, emergency medical response, technical rescue services and response to hazardous materials discharges in Jurupa Valley. The Department operates 97 fire stations throughout the County of Riverside with four of those located in Jurupa Valley.

New development in wildland and urban-wildland interface areas must be consistent with the existing regulations, including the State Fire Code, to meet fire safety standards for building construction. Additionally, the California Building Code includes sections on fire-resistant construction material requirements based on building use and occupancy. The construction requirements are a function of building size, purpose, type, materials, location, proximity to other structures, and the type of fire suppression systems installed. Because the State of California, County of Riverside, and the City of Jurupa Valley require adherence to building codes and review by the fire department to reduce wildland fires, fire hazard impacts would be less than significant.

4.8.2 Impacts and Mitigation Measures

Impact Analysis:

The proposed Housing Element Update plans for, but does not directly propose the construction of new residential development. The Housing Element Update provides goals, programs and policies to guide new residential development over the next 8-years. Therefore, the proposed changes would not result in greater exposure to hazards or hazardous materials. In addition, no new information of substantial importance concerning hazards or hazardous materials has been discovered since GP FPEIR certification. Thus, Project implementation would not result in new or substantially more severe environmental impacts concerning hazards or hazardous materials than anticipated in the GP FPEIR, and no mitigation is required.

GP Policies and GP FEIR Mitigation Measures:

The following are selected policies of the 2017 General Plan address Hazards and Hazardous conditions in the City that would be relevant to the Project.
GP POLICIES

CS 1.1.23 - Fire Prevention
CS 1.1.25 - Wildfire Hazards
CS 1.1.30 - Brush Clearance
CS 1.1.32 - Hazardous Waste Storage/Disposal
CS 1.1.34 - Stringfellow Remediation Site
CS 1.1.36 - Multi-Hazard Functional Plan
LUE 3.5 - Residential Compatibility
LUE 4.3 - Protect Sensitive Receptors
LUE 5.53 - ALUP Compliance
LUE 5.56 - Consistency Requirements
LUE 5.59 - Cluster Development
LUE 9.1 - Land Use Compatibility
EJ 2.1.11 - Toxic Emissions
EJ 4.1.5 - Applicant Responsibilities

CS 1.1.24 - Adjacent Natural Vegetation
CS 1.1.26 - Gas Shutoff
CS 1.1.31 - Federal/State Laws
CS 1.1.33 - Hazardous Waste Collection
CS 1.1.35 - Information Dissemination
CS 1.1.38 - Self-Sufficiency
LUE 3.18 - Toxic Materials
LUE 5.43 - Special Development Requirements
LUE 5.54 - Development Review
LUE 5.58 - General Plan Adoption or Amendment
LUE 5.61 - Encroachment
EJ 2.1.8 - Separation of Uses
EJ 2.1.27 - Brownfield Sites

GP FEIR MITIGATION MEASURES

Programmatic Mitigation Measures. No mitigation needed.

Level of Programmatic Impact. Implementation of the 2017 General Plan goals, policies, and programs regarding Hazards and Hazardous Materials will not result in significant impacts regarding Hazards and Hazardous Materials, and no mitigation is required.

4.9 HYDROLOGY AND WATER QUALITY

Would the project:

a. Violate any water quality standards or waste discharge requirements?

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

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 off-site?

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 off-site?

e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

f. Otherwise substantially degrade water quality?

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?
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

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?

j. Inundation by seiche, tsunami, or mudflow?

4.9.1 Summary of GP FEIR Conclusions

FEIR Section 4.9, Hydrology and Water Quality, analyzes impacts concerning hydrology and water quality, as summarized below:

4.9 (a) Violate Water Quality Standards:

Buildout of the Jurupa Valley in accordance with the General Plan would generate pollutants during the construction and operation of individual projects.

Construction Activities
Clearing, grading, excavation, and construction activities associated with the proposed project may impact water quality due to sheet erosion of exposed soils and subsequent deposition of particulates in local drainages. Grading activities, in particular, lead to exposed areas of loose soil sediment stockpiles, that are susceptible to uncontrolled sheet flow. Although erosion occurs naturally in the environment, primarily from weathering by water and wind action, improperly managed construction activities can lead to substantially accelerated rates of erosion that are detrimental to the environment. Construction projects can also generate other water pollutants, including trash and debris, oil and grease, heavy metals, nutrients, pesticides, oxygen-demanding substances, and other organic compounds such as solvents.

NPDES regulations include BMPs for water quality protection by construction projects. Construction projects on one acre or more in area must prepare and implement a SWPPP specifying BMPs that would be used by that project. Construction projects smaller than one acre must also implement BMPs; compliance with NPDES regulations concerning construction impacts on stormwater for projects smaller than one acre managing storm water drainage and retention during construction pursuant to the California Green Building Standards Code.

Erosion and siltation resulting from construction projects pursuant to the General Plan would be minimized by implementation of erosion control, sediment control, wind erosion control, tracking control, and waste management and control BMPs.

New construction and development of land uses designated in the proposed General Plan would require projects to plan BMPs for four general phases of construction: (1) grading and land development (e.g., mass grade and rough grade), (2) utility and road installation, (3) vertical construction, and (4) final stabilization and landscaping. Therefore, BMP implementation for new construction can be evaluated in this general context. Site-specific details on individual BMPs would be dependent on the scope and breadth of each future project, which are not known at this time.

Since the proposed General Plan Housing Element Update does not include a specific development plan, project-specific WQMPs cannot be developed at this time. Future project-specific WQMPs would be prepared at the time of project application. Moreover, LID and water quality treatment solutions prescribed in project-specific WQMPs would be designed to support or enhance the regional BMPs and efforts implemented by the City. Surfacewater quality impacts would be less than significant.
4.9 (b) Groundwater Supplies:

Jurupa Valley does not rely on imported water to provide its domestic needs but rather uses local groundwater from the Santa Ana River Basin. Three agencies provide potable water to the City of Jurupa Valley. They are the Jurupa Community Services District (JUSD), the Rubidoux Community Services District (RCSD), and the Santa Ana River Water Company (SARWC).

Jurupa Community Service District (JCSD): A large portion of the City is within the service area of the Jurupa Community Services District (JCSD) which owns, operates, and maintains its own water system. Water supplied within the JCSD service area is entirely from groundwater production. The largest source of groundwater within JCSD’s service area is the Chino Groundwater Basin, which supplies all of the District’s potable wells. A small portion of JCSD’s service area overlies the Riverside Groundwater Basin.

The Chino Basin is designated as a High Priority Basin under CASGEM. The Superior Court of the State of California for the County of San Bernardino adjudicated the Chino Groundwater Basin on January 27, 1978. The principal function of the adjudication is to control the use of the water source in order to ensure the source is utilized in an optimum manner. Operation of the basin is governed by the Judgment and agreement among producers, whereby producers are allotted a “Base Water Right” to a certain amount of the operating “Safe Yield” of the basin. According to the Judgment, participating entities including JCSD, can pump in excess of their allotted “Base Water Right” but must pay a replenishment assessment to the Watermaster to cover the cost to replenish any overdraft caused by the excess pumping. The provisions of the Judgment and the monitoring of the basin are carried out by the court-appointed Chino Basin Watermaster. The Watermaster files an annual report to the court that addresses pumping and replenishment.

According to the JCSD 2020 UWMP, the District can meet the demands of normal, single dry, and multiple dry years with excess supplies until the year 2040.

Rubidoux Community Service District (RCSD): The RCSD serves the northeastern portion of City located around SR-60 at Rubidoux Boulevard serving more than 3,000 water service connections and more than 3,000 acre-feet of water per year and therefore meets the definition of an “urban water supplier”.

RCSD obtains all of its water supply from the local groundwater basin. This basin is identified as the “Riverside South Basin” and has been historically stable and sufficient to meet the needs of the District. Recorded groundwater levels show the basin is resilient to short-term and long-term drought conditions. The water quality in the basin however is impacted and requires treatment prior to distribution unless it is used for irrigation from a non-potable well. RCSD is currently adding additional treatment systems to meet current state notification limits for a new group of emerging contaminants called PFAS. With these additional treatment systems, the District will continue meeting state and federal limits to provide safe drinking water to all residents.

The Riverside Basin is adjudicated by two Judgments; first, the Judgment in Case No. 117628, Orange County Water District vs. City of Chino, et al., entered April 17, 1969 (“Orange County Judgment”). Second, the pumping rights to the San Bernardino, Colton and Riverside Groundwater Basins are set forth in the Judgment in Case No. 78426-County of Riverside, Western Municipal Water District of Riverside County et al., v. East San Bernardino County Water District et al., entered April 17, 1969 (“Western-San Bernardino Judgment”). The Judgment does not specify the volume of water in the Riverside Basin that the District can extract or is limited to.

By 2025, the District plans to finalize agreements with Western to purchase imported potable water supplies (i.e., State Water Projec: water supplied to Western by Metropolitan) that would then be wheeled through City
of Riverside’s distribution system (pending final agreements). Connection to the District would be via the forthcoming Mission Avenue Bridge Project. The County of Riverside Transportation Department is undertaking the Mission Avenue Bridge Project in cooperation with the Cities of Riverside and Jurupa Valley to replace the existing Mission Boulevard Bridge over the Santa Ana River by 2025 and expand it to approximately 88 feet wide and 1,100 feet long and include space for additional pipelines. The purpose of the District’s RPU Connection Project is to blend imported water that has lower TDS concentrations with the District’s water that has higher TDS concentrations so that the District’s wastewater delivered to RWQCP meets the TDS threshold concentration of 650 mg/L. Anticipated demand for imported water is approximately 1,200 AFY to 2,000 AFY at buildout. Because Western has characterized imported water supplies from Metropolitan to be reliable in normal, single-dry, and multiple-dry years (WMWD(a)), this supply is assumed to be available to RCSID in normal, single-dry, and multiple-dry years.

According to the RCSD 2015 UWMP, RCSID anticipates having adequate water supplies to meet future demands during normal, single-dry, and multiple-dry years through the 20-year planning period.

**Santa Ana River Water Company (SARWC):** The SARWC is a mutual water company that serves portions of “Old Mira Loma” which is now in the City of Jurupa Valley. This water company does not have enough connections to qualify as a retail water supplier (i.e., serving more than 3,000 water service connections and more than 3,000 acre-feet of water per year). It does not meet the definition of an “urban water supplier” so it has not prepared an Urban Water Management Plan (UWMP).

**4.9 (c & d) Alter Drainage Patterns & Create or Contribute to Runoff Water:**

There are several areas in the City within identified flood zones, including areas adjacent to the Santa Ana River and in the western portions of the City. Future development in the City in these areas may affect local runoff patterns or local drainages, some of which flow into the Santa Ana River. Since completion of the Seven Oaks Dam, the City is no longer subject to catastrophic flooding along the Santa Ana River. However, many areas in the City are adjacent to or affected by small ephemeral drainages, and future development may cause or be impacted by changes in runoff patterns or the capacity of local drainages.

Policies CS 1.1.9 and CS 1.1.11 address impacts on local drainages by requiring the review of new construction and substantial improvements that could affect these drainages or overall runoff patterns in general. In addition, Policy CS 1.1.12 requires that flood control improvements must be in place to protect not only existing development but future development in the City. Implementation of these flood-related goals, policies, and programs, the proposed 2017 General Plan will adequately address potential flooding issues within the City.

**4.9 (g & h) Housing in 100-Year Flood Hazard Area:**

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) identify areas subject to flooding during the 100-year flood. The one percent annual, or 100-year flood, is the flood that has a one percent chance of being equaled or exceeded in any given year. The GP and GFEIR identified flood zones in the City, including areas within the 100-year flood zone adjacent to the Santa Ana River and in the western portions of the City. Future development in the City in these flood zones could be significantly impacted by flooding, especially during a 100-year event. Since completion of the Seven Oaks Dam, the City is no longer subject to catastrophic flooding along the Santa Ana River.

Future development within the 100-year flood plan must be reviewed by FEMA to determine whether or not the project meets the criteria of the National Flood Insurance Program and if revisions will be needed to the FEMA maps as a result of the project’s construction.
All developments and redevelopments approved in accordance with the General Plan would comply with provisions governing new construction, modifications of existing structures, and encroachments into special flood hazard areas. Therefore, impacts related to flood zones are considered less than significant and would not subject people or structures to substantial hazards from 100-year floods.

4.9 (i) Levee or Dam Failure:

The City is not located in a currently mapped dam inundation area. The nearest dam to the City is the Prado Dam, located ten miles downstream to the southwest. In 2001, the Army Corps of Engineers completed the Seven Oaks Dam in Mentone to protect the upper stretch of the river. Seven oaks is a “dry” dam that almost exclusively provides flood protection for Orange, San Bernardino, and Riverside Counties, including Jurupa Valley. Since completion of the Seven Oaks Dam, the lower portion of the Santa Ana River has not experienced severe flooding and is not expected to be subject to flooding under expected future conditions.

Due to the presence of the Seven Oaks Dam, future development, residents, or businesses within the City would not subject to risk of loss, injury, or death involving flooding as a result of failure of a nearby dam or other water retention facility.

4.9 (i) Seiche, Tsunami, or Mudflow:

The City is not at risk of inundation by a tsunami as it is located approximately 33 miles inland from the Pacific Ocean. The City is also not located downstream of or near any enclosed body of water and could be subject to a seiche during a seismic event. There are several small reservoirs and water tanks in the City, and residences or businesses immediately down slope may be impacted by seiche events or standing waves within the enclosed water facility if they were to fail during a large seismic event. However, this would likely be an isolated event and it is not considered a substantial risk to public health or safety. Given these factors, impacts associated with seiche events are less than significant for the 2017 General Plan.

There are some areas with steep slopes and rock outcrops especially in the northern portion of the City, north of the SR-60 Freeway, in the Jurupa Hills. It is possible some of these areas could potentially become unstable during a seismic event. Impacts associated with landslides, rockfalls, or mudslides and to new development in the future would be less than significant with implementation of the 2017 General Plan, and no mitigation was recommended.

4.9.1 Impacts and Mitigation Measures

Impact Analysis:

The proposed Housing Element Update plans for, but does not directly propose the construction of new residential development. The Housing Element Update provides goals, programs and policies to guide new residential development over the next 8-years. Therefore, the proposed changes would not affect hydrology or water quality. In addition, no new information of substantial importance concerning hydrology or water quality has been discovered since GP FPEIR certification. Thus, Project implementation would not result in new or substantially more severe environmental impacts concerning hydrology or water quality than anticipated in the GP FPEIR, and no mitigation is required.

GP Policies and GP FPEIR Mitigation Measures:
The following are selected policies of the 2017 General Plan address Hydrology and Water Quality conditions in the City that would be relevant to the Project:

**GP POLICIES**

- COS 3.1.1 – Water Use Planning
- COS 3.1.3 – Water Quality
- COS 3.1.5 – Site Water Collection and Retention
- COS 3.1.7 – Edible Landscaping
- COS 3.1.9 – Pollution Discharge
- COS 3.1.11 – Aquifer Protection
- COS 3.1.13 - Storm Water Retention
- COS 3.1.15 – Water Retention Incentives
- COS 3.1.17 – Environmental Mitigation
- COS 3.1.20 – Riparian Area Preservation
- CS 1.1.2 – Geological Studies to Identify Hazards
- CS 1.1.6 – Flood Risk
- CS 1.1.8 – Building Codes
- CS 1.1.10 – Floodway Alteration
- CS 1.1.12 – Flood Control Improvements
- CS 1.1.14 – Ability to Withstand Flooding
- CS 1.1.19 – Creative Land Use Solutions
- CS 2.1.43 – Grey Water Systems
- CS 2.1.45 – Reclaimed Water
- CS 2.1.48 – Public Education/Outreach
- COS 3.1.2 – Multi-Use Consideration
- COS 3.1.4 - Water Conservation Systems
- COS 3.1.6 – Landscaping with Native Plants
- COS 3.1.8 – Waste Water Treatment
- COS 3.1.10 – Regional Cooperation
- COS 3.1.12 - Drainage Systems
- COS 3.1.14 – Natural Channels
- COS 3.1.16 – Floodway Modification
- COS 3.1.18 – Setbacks
- COS 3.1.21 – Ecotones
- CS 1.1.5 – Mitigation Onsite Hazards
- CS 1.1.7 – Floodway Alteration
- CS 1.1.9 – Permanent Structures
- CS 1.1.11 – Modification of Water Courses
- CS 1.1.13 – Environmental Protection
- CS 1.1.15 – Regional Storm Drain Systems
- CS 1.1.22 – Specific Plans
- CS 2.1.44 – Drought-Tolerant Landscaping
- CS 2.1.46 – Public Education

**GP FEIR MITIGATION MEASURES**

**Programmatic Mitigation Measures.** No mitigation needed.

**Level of Programmatic Impact.** Implementation of the 2017 General Plan goals, policies, and programs regarding Hydrology and Water Quality will not result in significant impacts regarding Hydrology and Water Quality, and no mitigation is required.

### 4.10 LAND USE AND PLANNING

**Would the project:**

a. Physically divide an established community?

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?

c. Conflict with any applicable habitat conservation plan or natural community conservation plan?

### 4.10.1 Summary of GP FEIR Conclusions
FEIR Section 4.10, *Land Use and Planning*, analyzes impacts concerning land use and planning, as summarized below:

### 4.10 (a) Physically Divide an Established Community:

The Jurupa Valley General Plan guides future growth within the City and contains the goals, policies, and programs in the Land Use and Conservation and Open Space Elements of the 2017 General Plan are intended to help maintain connectivity between the various communities within Jurupa Valley (e.g., sidewalks, equestrian and pedestrian trails, etc.). Neighborhood identity and preservation is a key component of the land use and housing elements. Additionally, the land use element outlines specific policies for compatibility that would reduce the amount of conflict between contrasting land uses. Implementation of the pertinent policies of the Jurupa Valley General Plan would help ensure the development of cohesive communities while maintaining the features that make each neighborhood unique and would not result in the physical division of an established community.

### 4.10 (b) Conflict with Land Use Plans, Policies, or Regulations:

The General Plan and GP Housing Element Update are programmatic in nature and intended to establish both short-term and long-term guidance for future development in the City. The 2017 General Plan Goals, Programs, and Policies are incorporated into the GP Housing Element Update and therefore are consistent with the General Plan.

### 4.11 (c) Conflict with Habitat Conservation Plan:

General Plan FEIR Section 4.4, Biological Resources, describes the compatibility and consistency of the proposed Land Use Plan with the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP). As concluded in Chapter 4, Biological Resources, future development that would be accommodated under the Jurupa Valley General Plan and GP Housing Element Update would not conflict or interfere with the Western Riverside MSHCP.

**Impact Analysis:**

The proposed Housing Element Update plans for, but does not directly propose the construction of new residential development. The Housing Element Update provides goals, programs and policies to guide new residential development over the next 8 years. Therefore, the proposed changes would have a less than significant affect land use and planning. In addition, no new information of substantial importance concerning land use and planning has been discovered since GP FPEIR certification. Thus, Project implementation would not result in new or substantially more severe environmental impacts concerning land use and planning than anticipated in the GP FPEIR, and no mitigation is required.

**GP Policies and GP FEIR Mitigation Measures:**

The following are selected policies of the 2017 General Plan address Land Use and Planning conditions in the City that would be relevant to the Project:

**GP POLICIES**

<table>
<thead>
<tr>
<th>LUE 1.1 - Compatible Structures</th>
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LUE 10.1 – Limit Hillside Development
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LUE 11.2 – Promote Infill and Underutilized Parcels
LUE 11.4 – Create Street and Trail Networks
LUE 11.6 – Promote Compact Growth
LUE 11.8 – Open Space Buffers
LUE 11.10 – Incentives
LUE 12.2 – Design Standards
LUE 12.4 – Landscaping
LUE 12.6 – Energy Efficiency
LUE 12.10 – Residential Compatibility
LUE 12.12 – Natural Features
LUE 12.16 – Street Crossings
LUE 12.18 – Crime Prevention
LUE 13.1 – Service Capacity
LUE 12.3 – UWMPs
LUE 14.2 – Fiscal Analysis
LUE 1.11 – Adequacy of Services
LUE 1.13 – Parcel Consolidation
LUE 2.2 – Higher Density Residential
LUE 2.4 - Housing Variety
LUE 2.6 – Buffering
LUE 3.5 – Residential Compatibility
LUE 3.7 – Mixed Uses
LUE 3.16 – Locations
LUE 4.4 – Infrastructure
LUE 4.7 – Consideration of Scale
LUE 5.8 – Residential Density
LUE 5.14 – Locations
LUE 5.16 – Incentives
LUE 5.22 – Infrastructure
LUE 5.30 – Allowed Uses
LUE 5.35 – Residential Buffering
LUE 5.38 – Application of New Specific Plan Overlays
LUE 5.40 – Flexibility
LUE 5.44 – Development Setbacks
LUE 5.46 – Sensitive Habitat and Species
LUE 5.54 – Development Review
LUE 5.56 – Consistency Requirement
LUE 5.59 – Cluster Development
LUE 5.63 – Airport Referrals
LUE 7.5 – Development Intensity
LUE 8.1 – Land Use Map
LUE 8.3 – Community Character
LUE 8.5 – Residential Growth
LUE 9.1 – Land Use Compatibility
LUE 9.4 – Buffering
LUE 10.2 – Minimize Alteration of Natural Landforms
LUE 10.4 – Hillside Minimize Erosion
LUE 10.6 – Use Adaptive Construction Techniques
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LUE 12.11 – Landscape Maintenance
LUE 12.13 – Connectivity
LUE 12.17 – Screened Trash and Recycling Areas
LUE 12.19 – Property Maintenance
LUE 13.2 – Monitoring
LUE 14.1 – Fair Share Infrastructure Funding
GP FEIR MITIGATION MEASURES

Programmatic Mitigation Measures. No mitigation needed.

Level of Programmatic Impact After Mitigation. Implementation of the 2017 General Plan goals, policies, and programs regarding Land Use and Planning will not result in significant impacts regarding Land Use and Planning resources, and no mitigation is required.

4.11 MINERAL RESOURCES

Would the project:

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

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?

4.11.1 Summary of GP FEIR Conclusions

FEIR Section 4.11, Mineral Resources, analyzes impacts concerning mineral resources, as summarized below:

4.11 (a & b) – Regionally and Locally Significant Mineral Resource Loss:

A portion of the land along the Santa Ana River in the southeastern portion of the City has been designated as MRZ-2. This area contains undetermined amounts of construction aggregate (i.e., sand and gravel), but is designated for public use associated with the Santa Ana River, and so aggregate deposits are not readily available for mining in this area. In addition, the rest of the City is designated as MRZ-3 which means the significance of any deposits is unknown. None of the vacant developable land remaining in the City contains significant mineral resources. In addition, mining would be an incompatible land use with surrounding suburban land uses. Future development in the City would not result in the loss of identified regional or local mineral resources, conversion of an identified mineral resource use, or conflict with existing mineral resource extraction activities. Therefore, future development in the City on identified vacant and available land would not result in a loss of statewide, regional, or locally important mineral resources. No significant impacts associated with this issue would occur and no mitigation is required.

4.11.2 Impacts and Mitigation Measures

Impact Analysis:

The proposed Housing Element Update plans for, but does not directly propose the construction of new residential development. The Housing Element Update provides goals, programs and policies to guide new residential development over the next 8 years. Therefore, the proposed changes would not affect mineral resources. In addition, no new information of substantial importance concerning mineral resources has been discovered since GP FEIR certification. Thus, Project implementation would not result in new or substantially more severe environmental impacts concerning mineral resources than anticipated in the GP FEIR, and no mitigation is required.
GP Policies and GP FEIR Mitigation Measures:

The following are selected policies of the 2017 General Plan address Mineral Resources in the City that would be relevant to the Project:

**GP POLICIES**

COS 6.1.3 – Incompatible Uses
LUE 1.15 – Encroachment

COS 6.1.5 – Buffers
LUE 1.16 – Road Access

**GP FEIR MITIGATION MEASURES**

Programmatic Mitigation Measures. No mitigation needed.

Level of Programmatic Impact After Mitigation. Implementation of the 2017 General Plan goals, policies, and programs regarding mineral resources will not result in significant impacts regarding mineral resources, and no mitigation is required.

4.12 NOISE

Would the project:

a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the Project?

d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the Project?

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?

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?

4.12.1 Summary of GP FEIR Conclusions

GP FEIR Section 4.12, Noise, analyzes impacts concerning noise, as summarized below:

4.12 (a) Noise Exposure in Excess of Established Standards:

The operational phases of individual projects that result from the General Plan Housing Element Update would
generate noise from vehicular sources. Future development in accordance with General Plan would cause increases in traffic along local roadways. The increases would occur due to development and regional growth. The traffic noise levels were estimated using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (RD-77-108). The FHWA model predicts noise levels through a series of adjustments to a reference sound level. These adjustments account for distances from the roadway, traffic flows, vehicle speeds, car/truck mix, length of exposed roadway, and road width. The distances to the 70, 65, and 60 CNEL contours for selected roadway segments in the vicinity of proposed project site(s) are included in the GP FEIR. Tables 4.12G and Figure 4.12.7 show future noise levels and areas of noise impacts based on Year 2035 buildout conditions.

A noise increase or decrease greater than 3 dBA is readily perceptible to the average human ear and an increase or decrease of 10 dBA is the level that is perceived as a doubling noise increase/decrease. According to the GP FEIR the programmatic analysis is different than project-level determinations. For example, if a specific project’s contribution to increases in the ambient noise environment equals 3.0 dBA or more, then it is considered a significant noise impact at a project level. Based on available information, it appears future development in the City will generate significant noise impacts along certain major transportation routes.

Residential development as planned for under the proposed Housing Element Update would incrementally increase vehicle trips and associated operational noise levels in the City, particularly vehicle noise along boulevards. New residential development would also result in new permanent sources of noise from deliveries, trash hauling, parking noise, and mechanical equipment. However, the operation of new residential developments would not result in a substantial permanent increase in ambient noise levels in the City, and impacts would be less than significant.

4.12 (b) Exposure or Generation of Excessive Groundborne Vibration:

Future development under the Housing Element Update could generate substantial noise and vibration near construction sites, and if sensitive receptors or land uses are adjacent to these sites, there could be significant impacts from noise or vibration. Construction activities can produce vibration that may be felt by adjacent land uses. As long as construction of a particular development did not require the use of equipment, such as pile drivers, known to generate substantial construction vibration levels, the primary source of vibration during construction would likely be from bulldozer operation. A small bulldozer has a vibration impact of 0.003 inches per second peak particle velocity (PPV) at 25 feet and 0.035 inches per second PPV is considered barely perceptible. It is possible that future development could result in significant vibration impacts if large construction projects are located adjacent to residential or other sensitive uses.

Vibration from railroads would also impact residential and sensitive receptors as such the GP FEIR and GP Policy NE 4.1.4 Passing Trains would reduce the impacts to less than significant.

4.12 (c) Permanent Increase In Ambient Noise Levels:

Noise is regulated by numerous codes and ordinances across federal, state, and local agencies. In addition, the City regulates stationary-source noise through the Municipal Code. Buildout of the proposed Land Use Plan would result in an increase in residential, commercial, industrial, and institutional development within the City. The primary noise sources from residential, commercial, and institutional land uses are landscaping, maintenance activities, and air conditioning systems. In addition, future commercial uses may include loading docks. Noise generated by residential or commercial uses is generally short and intermittent, and these uses are not a substantial source of noise. The City of Jurupa Valley requires that noise from new stationary sources in the City comply with the City’s Noise Ordinance, which limits the acceptable noise at the property line of the impacted property to reduce
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tsances to sensitive land uses. The City Police or Code Enforcement Officer enforces the noise limitation of the Municipal Code. Consequently, stationary-source noise from these types of proposed land uses would not substantially increase the noise environment.

Policies in the GP Noise Element would reduce noise spillover from noise-generating uses and protect noise-sensitive uses from excessive noise. Implementation of the GP Noise Element and compliance with the City’s Municipal Code would result in noise levels that are acceptable to the City and would result in less than significant noise impacts from stationary sources.

4.12 (d) Temporary Increase in Ambient Noise Levels:

Construction activities associated with the residential development planned for under the Housing Element Update would result in a temporary increase in noise levels in the vicinity of individual project sites or clusters of such sites. However, each individual residential development project would comply with the requirements of the City’s Noise Ordinance, GP Policies, . Given that each individual residential development project would comply with City regulations and requirements — including the preparation of a Construction Noise Management Plan, as necessary — construction noise impacts would be less than significant.

4.12 (e & f) Exposure to Excessive Public & Private Airport Noise Levels:

The noise contours of two public airports affect the City of Jurupa Valley the Flabob and Riverside Municipal Airports. The Flabob Airport is located in the eastern portion of the City and its noise contours overlap both developed uses and vacant land within the City. To minimize land use conflicts with adjacent uses, much of the remaining undeveloped area adjacent to the airport is designated as Estate Density Residential, with most of the developed land designated and used for Medium-Density Residential. The Riverside Municipal Airport (RMA) is south of the eastern portion of the City across the Santa Ana River. Portions of the City are within RMA’s Airport Land Use Compatibility (ALUC) Plan Zone E and also within its 65 dBA CNEL noise contour. If future residential land uses were to be located where airport activities exceeded the applicable residential noise standards, which is within 65 dBA CNEL noise contour of either airport, the General Plan might contribute to significant noise impacts in the future.

4.12.2 Impacts and Mitigation Measures

Impact Analysis:

The proposed Housing Element Update plans for, but does not directly propose the construction of new residential development. The Housing Element Update provides goals, programs and policies to guide new residential development over the next 8-years. Therefore, the proposed changes would not have a significant effect on or expose persons or structures to excessive noise and vibration levels. In addition, no new information of substantial importance concerning noise impacts has been discovered since GP FPEIR certification. Thus, Project implementation would not result in new or substantially more severe environmental impacts concerning noise and vibration than anticipated in the GP FPEIR, and no mitigation is required.

GP Policies and GP FEIR Mitigation Measures:
The following are selected policies of the 2017 General Plan address Noise conditions in the City that would be relevant to the Project:

**GP POLICIES**

- NE 1.1.1 – Land Use/Noise Compatibility
- NE 1.1.3 – New or Modified Stationary Noise
- NE 1.1.5 – Noise-Sensitive Uses
- NE 1.1.8 – Airport Noise Compatibility
- NE 1.1.10 – Mixed Uses
- NE 2.1.5 – Rail Noise Mitigation
- NE 2.1.7 – Airport Compatibility
- NE 2.1.9 – Noise Walls
- NE 3.1.3 – Noise Buffers
- NE 3.1.5 – Construction Noise
- NE 3.1.8 – Entertainment Uses
- NE 4.1.1 – Sensitive Land Uses
- NE 4.1.3 – Truck Idling
- NE 1.1.2 – New Development Stationary Noise
- NE 1.1.4 – Acoustical Assessment
- NE 1.1.6 – Protection of Noise-Sensitive Users
- NE 1.1.9 – Acoustic Site Planning
- NE 2.1.4 – Rail Noise
- NE 2.1.6 – Noise Contours
- NE 2.1.8 – Preferred Noise Mitigation
- NE 3.1.1 – Noise Analysis
- NE 3.1.4 – Construction Equipment
- NE 3.1.6 – Commercial Truck Idling
- NE 3.1.9 – Neighborhood Noise
- NE 4.1.2 – Vibration Producing Land Uses
- NE 4.1.4 – Passing Trains

**GP FEIR MITIGATION MEASURES**

Programmatic Mitigation Measures. No mitigation needed.

**Level of Programmatic Impact After Mitigation.** Implementation of the 2017 General Plan goals, policies, and programs noise will not result in significant impacts regarding noise, and no mitigation is required.

### 4.13 POPULATION AND HOUSING

**Would the project:**

a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) and may lead to fiscal or economic impacts?

b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

#### 4.13.1 Summary of GP FEIR Conclusions

FEIR Section 4.13, Population and Housing, analyzes impacts concerning population and housing, summarized below:

##### 4.13 (a) Substantial Population Growth:
The proposed Housing Element Update plans for, but does not directly propose the construction of new residential development. The proposed Housing Element Update would provide the goals, policies, and programs to guide new residential over the next 8 years. Planning for the increase in housing is necessary to accommodate for unmet housing demand and to comply with the State-mandated Regional Housing Needs Allocation (RHNA). The proposed Housing Element Update would not induce substantial growth, but rather would accommodate already projected growth in the region. Therefore, this impact would be less than significant.

4.13 (b & c) Displace Existing Housing or Substantial Numbers of People:

The 2017 General Plan is a programmatic document that is intended to lay the regulatory groundwork for future growth of housing and employment in the City. Although it applies to land uses City-wide, it is critical that future development on vacant land be consistent with the City goals, policies, and programs established in the 2017 General Plan. The Housing Element Update would be consistent with the GP goals, policies, and programs.

Implementation of the proposed Housing Element Update would increase the number of dwelling units within the City and would not displace substantial numbers of existing housing or people. Therefore, this impact is less than significant.

4.13.2 Impacts and Mitigation Measures

Impact Analysis:

The Project involves General Plan Housing Element Update, where the City as identified 20 additional sites, totaling 75.4 acres, to be redesignated to the highest General Plan density of 20-25 dwelling units per acre (HHDR) by October 15, 2024. The increased density is projected to accommodate a minimum of 1,282 units, including 833 units of very low-income housing and 449 units of low-income housing which will make up for the anticipated shortfall of the City’s RHNA requirements.

The proposed Housing Element Update plans for, but does not directly propose the construction of new residential development. The Housing Element Update provides goals, programs and policies to guide new residential development over the next 8-years. Therefore, the proposed changes would not affect population or housing growth. In addition, no new information of substantial importance concerning population and housing has been discovered since GP FPEIR certification. Thus, Project implementation would not result in new or substantially more severe environmental impacts concerning population and housing than anticipated in the GP FEIR, and no mitigation is required.

GP Policies and GP FEIR Mitigation Measures:

The following are selected policies of the 2017 General Plan address Population & Housing conditions in the City that would be relevant to the Project:

GP POLICIES

LUE 2.1 - Residential Development
HE 1.1 - Regional Needs Allocation
HE 1.3 - Preservation of Affordable Housing

LUE 2.2 - Higher Density Residential
HE 1.2 - Affordable Housing
HE 1.4 Availability of Suitable Sites

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HE 1.5 – Housing for Mentally Disabled
HE 1.7 – Self-Help Housing
HE 2.1 – Retain Housing
HE 2.3 – Public Housing
HE 2.6 – Housing Rehabilitation Funding
HE 2.8 – At-Risk Housing Preservation
HE 3.2 – Housing Information
HE 4.1 – Removal of Blight
HE 4.3 – Neighborhood Integration
HE 5.2 – Sustainable Design
EJ 3.1.1 – Location of Housing
AQ 6.1.12 – Housing Types

HE 1.6 – Housing for Homeless
HE 1.8 – Innovative Housing
HE 2.2 – Removal of Affordable Housing
HE 2.4 – Tax-Exempt Bonds
HE 2.7 – Neighborhood Quality
HE 3.1 – Fair Housing Program
HE 3.3 – Housing Opportunities for Disabled
HE 4.2 – Design Compatibility
HF 5.1. – New Construction
HE 5.3 – Site and Neighborhood Design
AQ 6.1.9 – Mixed-Use Land Use

**GP FEIR MITIGATION MEASURES**

Programmatic Mitigation Measures. No mitigation needed.

**Level of Programmatic Impact After Mitigation.** Implementation of the 2017 General Plan goals, policies, and programs regarding Population and Housing will not result in significant impacts regarding population and housing resources, and no mitigation is required.
4.14 PUBLIC SERVICES

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:

   1) Fire protection?
   2) Police protection?
   3) Schools?
   4) Parks?
   5) Other public facilities?

4.14.1 Summary of GP FEIR Conclusions

FEIR Section 4.14, Public Services, analyzes impacts concerning public services, as summarized below:

4.14 (a-1) Fire Protection:

Buildout of the Jurupa Valley General Plan would result in an increased number of persons within the City, subsequently resulting in an increase in demand for fire and emergency medical services.

Project developers would be required to pay Development Impact Fees to offset the project-related demand on existing fire services. The fees would ensure that as each future project is developed, adequate fire protection and emergency/medical services would be provided. In addition, each project would be required to be constructed consistent with current fire regulations, including provision of fire safety features. Compliance with the applicable design requirements and payment of its full, fair share of infrastructure costs would ensure that a proposed project would not adversely impact current fire protection services. Impact fees levied on new projects would be used to fund construction of new stations and/or expansion of existing facilities to reduce fire service impacts. Development fees would also be used to purchase required fire trucks and equipment and/or to hire additional fire fighters.

4.14 (a-2) Police Protection:

New residential development as planned for under the proposed Housing Element Update would result in an increase in resident population, which would increase the demand for police protection services. Policies and programs of the Community Safety, Services and Facilities Element and the Land Use Element of the 2017 General Plan are relative to maintaining police services in the City. The General Plan policies regarding public services are designed to assure the City will have adequate services now and in the future as development occurs, the City grows, and increases in population which will require additional public services. These policies all focus on making sure the City has adequate public services in the future, including police protection.

4.14 (a-3) Schools:

New residential development planned for under the proposed Housing Element Update would result in expected increases in student enrollment, which would increase the demand on existing school facilities. Senate Bill (SB)
50, requires the payment of developer fees to the Jurupa Unified School District (JUSD) and Corona-Norco Unified School District (CNUSD) to reduce impacts of increasing student population and facilities. The City of Jurupa Valley has several General Plan policies related to providing adequate community services and facilities; however, school services and facilities are the responsibility of the JUSD and CNUSD which are separate governmental entities from the City of Jurupa Valley.

4.14 (a-4) Parks: Refer to Section 4.15, Recreation.

4.14 (a-5) Libraries:

The increase in residential population anticipated to occur under the proposed Housing Element Update would the increase demand for libraries. General Plan and GP FEIR policies of the Community Safety, Services and Facilities Element and the Land Use Element are relative to library services in the City. Additionally, due to the growing use of electronic resources this impact would be less than significant.

4.14 (a-6) Impacts to Other Public Facilities:

Implementation of the proposed Housing Element Update could result in substantial adverse physical impacts associated with the provisions of new or physically altered public facilities, or need for new or physically altered public facilities. The General Plan policies regarding public facilities are designed to assure the City will have adequate services now and in the future as development occurs, the City grows, and increases in population which will require additional public facilities. These policies all focus on making sure the City has adequate public facilities in the future so that impacts would be less than significant.

4.14.2 Impacts and Mitigation Measures

Impact Analysis:

The proposed Housing Element Update plans for, but does not directly propose the construction of new residential development. The Housing Element Update provides goals, programs and policies to guide new residential development over the next 8-years. Therefore, the proposed changes would not affect fire or police protection, schools, parks, libraries, or other public services. In addition, no new information of substantial importance concerning public services has been discovered since GP FEIR certification. Thus, Project implementation would not result in new or substantially more severe environmental impacts concerning public services than anticipated in the GP FPEIR, and no mitigation is required.

GP Policies and GP FEIR Mitigation Measures:

The following are selected policies of the 2017 General Plan address Public Services in the City that would be relevant to the Project:

GP POLICIES

CS 2.1.2 – Concurrency with Development
CS 2.1.7 – Community Safety
CS 2.1.11 – Residential Noise Complaints
CS 2.1.13 – Fire Safety Techniques
CS 2.1.15 – Coordination
CS 2.1.4 – Fair Share
CS 2.1.10 – Homelessness
CS 2.1.12 – CPTED
CS 2.1.14 – Fire Department Review
CS 2.1.17 – Public Education

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CS 2.1.18 – Coordination with School Districts
CS 2.1.23 – Review of Development Proposals
LUE 4.3 – Locations
LUE 4.8 – Impact Mitigation
LUE 13.1 – Service Capacity
LUE 14.1 – Fair Share Infrastructure Funding

CS 2.1.20 – Safe Routes to School
LUE 4.2 – Encroachment
LUE 4.7 – Consideration of Scale
LUE 7.4 – Agency Coordination
LUE 13.2 – Monitoring
LUE 14.2 – Fiscal Analysis

GP FEIR MITIGATION MEASURES

Programmatic Mitigation Measures. No mitigation needed.

Level of Programmatic Impact After Mitigation. Implementation of the 2017 General Plan goals, policies, and programs regarding Public Services will not result in significant impacts regarding public service resources, and no mitigation is required.

4.15 RECREATION

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?

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?

4.15.1 Summary of GP FEIR Conclusions

FEIR Section 4.15, Recreation, analyzes impacts concerning recreation, as summarized below:

4.15(a) Impacts to Existing Parks and Recreational Facilities:

The City and other agencies (JAPD, County of Riverside, etc.) provide a variety of recreational facilities and programs that serve residents and visitors to this portion of the County, including the City of Jurupa Valley. These include the nearby Santa Ana River and several county parks, as well as a network of local parks. Unless carefully planned, it is possible that future private development or public infrastructure may negatively affect existing parkland or result in inadequate provision of public parkland in the future. The City’s primary park provider, JARP D, has a standard of five acres of parkland per 1,000 residents. General Plan buildout could create demand for as much as 751 acres of parkland at a ratio of five acres of parkland per 1,000 residents.

The Quimby Act, California Government Code Section 66477, requires the dedication of land and/or fees for park and recreational purposes as a condition of approval of a tentative map or parcel map. The Quimby Act establishes procedures that can be used by local jurisdictions to provide neighborhood and community parks and recreational facilities and services for new residential subdivisions. New developments in Jurupa Valley involving a tentative map or parcel map would pay fees, dedicate land, or both, to the City of Jurupa Valley for park and recreation purposes in accord with the Quimby Act.

The General Plan and GP FEIR provide goals, programs and policies of the Community Safety, Services, and Facilities Elements specifically related to recreational facilities and programs. Possible impacts would be significant and unavoidable.
4.15 (b) Impacts to Construction or Expansion of Recreational Facilities:

The General Plan guides growth and development within the City and is not a development project, therefore it does not include or require the construction of recreational facilities that would result in any environmental impacts. However, development pursuant to the Housing Element Update would result in the construction of new or expansion of existing recreational facilities in the City. Development and operation of new recreational facilities may have an adverse physical effect on the environment, including impacts relating to air quality, biological resources, lighting, noise, and traffic. However, it is speculative to determine the location of proposed park facilities in the City and impacts arising from development of individual park projects. Goals, policies, and actions in the General Plan and GP FEIR, along with existing federal, state, and local regulations, would mitigate potential adverse impacts to the environment that may result from the expansion of parks, recreational facilities, and trails pursuant to the proposed Housing Element Update.

4.15.2 Impacts and Mitigation Measures

Impact Analysis:

The proposed Housing Element Update plans for, but does not directly propose the construction of new residential development. The Housing Element Update provides goals, programs and policies to guide new residential development over the next 8-years. Therefore, the proposed changes would not affect parks or recreational uses. In addition, no new information of substantial importance concerning recreation has been discovered since GP FEIR certification. Thus, Project implementation would not result in new or substantially more severe environmental impacts concerning recreation than anticipated in the GP FPEIR, and no mitigation is required.

GP Policies and GP FEIR Mitigation Measures:

The following are selected policies of the 2017 General Plan address Recreational Uses in the City that would be relevant to the Project:

**GP POLICIES**

CS 2.1.32 – Evaluation of User Needs

**GP FEIR MITIGATION MEASURES**

Programmatic Mitigation Measures. No mitigation needed.

Level of Programmatic Impact After Mitigation. Implementation of the 2017 General Plan goals, policies and programs regarding Recreation will not result in significant impacts regarding recreation resources, and no mitigation is required.
4.16 TRAVEL AND TRANSPORTATION

Would the project:

a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

b. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

c. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

d. Result in inadequate emergency access?

4.16.1 Summary of GP FEIR Conclusions

FEIR Section 4.16, Transportation/Traffic, analyzes impacts concerning transportation/traffic, as summarized below:

4.16 (a) Conflict with a plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities:

The Mobility Element of the General Plan established the local circulation plan to guide growth in Jurupa Valley. All of the goals, policies, or programs of the proposed Mobility Element are generally consistent and do not conflict with the County’s Jurupa Area Plan that was the Circulation Element and has guided growth in the City up to adoption of the 2017 General Plan. The Mobility Element is the circulation plan for the entire City, so there will be no significant impacts regarding conflicts with applicable plans.

All of the goals, policies, and programs of the 2017 General Plan Mobility Element are specifically related to the movement of goods and people, including pedestrians, bicycles, transit, light rail and commuter rail, air, and automobile traffic flows.

The proposed Housing Element Update would not cause significant environmental impacts due to conflicts with any State legislation, regional transportation plans, or City transportation plans, policies, or regulations. Therefore, impacts associated with the proposed Housing Element Update would be less than significant.

4.16 (b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b):

VMT analysis and forecasting in the City uses the Riverside County Traffic Analysis Model (RivTAM) to determine if the Project would have a significant VMT impact. The analysis includes ‘Project generated VMT’ and ‘Project effect on VMT’ estimates for the Project Traffic Analysis Zone (TAZ) using the following scenarios:

- Baseline Conditions
- Baseline Plus Project Conditions
- Cumulative No Project Conditions
- Cumulative Plus Project Conditions
Under the VMT methodology, a project would result in a significant project-generated VMT impact if, for residential projects, in the Baseline Plus Project scenario the net VMT per capita exceeds the City’s average VMT per capita.

The proposed Housing Element Update plans for, but does not directly propose the construction of new residential development. Future proposed projects will be required to provide VMT analysis as part of the environmental review process.

4.16 (c & d) Design Hazards & Emergency Access:

Buildout of the proposed General Plan would result in some changes to the City’s circulation network, but would not increase hazards or impact emergency access due to design features. All future roadway system improvements associated with development and redevelopment activates under the General Plan would be designed in accordance with the established roadway design standards, some of which have also been incorporated into the Circulation Element of the General Plan.

The Circulation Element includes policies that require the City to comply with federal, state, and local design and safety standards when designing roadways and on-street and off-street pedestrian and bicycle pathways. Impacts to the circulation system and to emergency access as a result of implementation of the General Plan would be less than significant.

4.16.2 Impacts and Mitigation Measures

Impact Analysis:

The proposed Housing Element Update plans for, but does not directly propose the construction of new residential development. The Housing Element Update provides goals, programs and policies to guide new residential development over the next 8-years. Therefore, the proposed changes would not affect traffic or transportation. In addition, no new information of substantial importance concerning traffic and transportation has been discovered since GP FPEIR certification. Thus, Project implementation would not result in new or substantially more severe environmental impacts concerning traffic and transportation than anticipated in the GP FPEIR, and no mitigation is required.

GP Policies and GP FPEIR Mitigation Measures:

The following are selected policies of the 2017 General Plan address Transportation and Traffic conditions in the City that would be relevant to the Project:

**GP POLICIES**

| ME 1.1 – Mobility Corridors | ME 1.2 – Corridor Design |
| ME 1.3 – Preserving Community Character | ME 2.1 – Roadway System |
| ME 2.2 – Transportation Infrastructure | ME 2.3 – Development Project Impacts |
| ME 2.4 – Transportation Options | ME 2.5 – Public Transit Connections |
| ME 2.6 – Efficient Use | ME 2.7 – System Evaluation |
| ME 2.9 – Project Integration | ME 2.13 – Traffic Study Guidelines |
| ME 2.14 – Traffic Impact Evaluation | ME 2.15 – Traffic Impacts |
| ME 2.16 – Impact Mitigation | ME 3.1 – Bicycle & Pedestrian Trails |
| ME 3.2 – Bicycle & Pedestrian Site Design | ME 3.3 – Design Standards |
ME 3.6 – Internal Linkage
ME 3.9 – Pedestrian Facilities
ME 3.11 – Pedestrian Connectivity
ME 3.16 – Pedestrian Facilities
ME 3.17 – Public Transit Connections
ME 3.19 – Safe Routes to Schools
ME 2.21 – ADA Compliance
ME 2.25 – Bicycle Friendly Infrastructure
ME 3.36 – Bicycle Improvements
ME 4.4 – Safe Crossings
ME 4.9 – Trail Program: Funding
ME 5.12 – Bus Shelters
ME 6.5 – Railroad Buffers
ME 7.2 – Scenic Corridor Preservation
ME 7.7 – Use of Native Plants & Recycled Water
ME 8.2 – Driveway Location & Number
ME 8.4 – Common Access Driveways
ME 8.7 – Design Guidelines
ME 8.10 – Right-of-Way Improvements
ME 8.15 – Intersection Design
ME 8.17 – Sight Distance
ME 8.19 – Right-of-Way Alignment
ME 8.26 – Transportation Noise
ME 8.28 – Dirt Roads

ME 3.7 – External Linkage
ME 3.10 – Accessible Pedestrian
ME 3.12 – Pedestrian Improvements
ME 3.16 – Removal of Barriers
ME 3.18 – Safe Crossings
ME 3.20 – Development Review
ME 3.24 – Integration of Bicycle Planning
ME 3.30 – Bicycle & Pedestrian Design
ME 4.3 – Development Review
ME 4.6 – Acquisition of Right-of-Way
ME 5.8 – Transit Oriented Development
ME 5.15 – Linkage
ME 7.1 – Scenic Corridors Designated
ME 7.3 – Development Scenic Corridors
ME 8.1 – Dedicated Access
ME 8.3 – Driveways along Highways
ME 8.5 – City Standards
ME 8.8 – Residential Neighborhood Streets
ME 8.12 – Heavy Truck Restrictions
ME 8.16 – Roadway Design
ME 8.18 – Additional Right-of-Way
ME 8.22 – Emergency Response Routes
ME 8.27 – Wildlife Corridors

GP FEIR MITIGATION MEASURES

Programmatic Mitigation Measures. No mitigation needed.

Level of Programmatic Impact After Mitigation. Implementation of the 2017 General Plan goals, policies, and programs regarding traffic will not result in significant impacts regarding Traffic and Transportation resources, and no mitigation is required.
4.17 TRIBAL CULTURAL RESOURCE

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:

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), or

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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

4.17.1 Summary of GP FEIR Conclusions

The 2017 General Plan and FPEIR did not analyze impacts concerning tribal cultural resources, as explained below.

Post GP FPEIR Certification Thresholds:

Since GP FPEIR certification, CEQA Guidelines Appendix G has been revised to include a new Tribal Cultural Resources threshold. Public Resources Code Section 21080.3.1 requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of the proposed project prior to the release of a negative declaration, mitigated negative declaration, or EIR. As this environmental document is an Addendum EIR, AB52 consultation with California Native American tribes is not required.

4.17.1 Impacts and Mitigation Measures

Impact Analysis: As noted above, consultation with California Native American tribes is not required, given this environmental document is an Addendum EIR. However, it is noted, the City of Jurupa Valley, acting as the Lead Agency, initiated SB18 consultation for the project on July 16, 2021.

The proposed Housing Element Update plans for, but does not directly propose the construction of new residential development. The Housing Element Update provides goals, programs and policies to guide new residential development over the next 8-years. Therefore, the proposed changes would not affect tribal cultural resources. Thus, Project implementation would not result in environmental impacts concerning tribal cultural resources, and no mitigation is required. During future development Tribal cultural resources, as defined in Public Resources Code Section 21074, may be inadvertently uncovered during ground disturbing activities associated with residential development planned for under the proposed Housing Element Update. Damage or destruction of such tribal cultural resources would be a potentially significant impact. However, with the implementation of Native American monitoring, impacts would be reduced to less than significant with mitigation.
GP Policies and GP FEIR Mitigation Measures:

GP POLICIES

Not Applicable.

GP FEIR MITIGATION MEASURES

No requests for SB18 consultation by California Native American Tribes were received by the City within the 90-day period following the City’s initiation of consultation for this project. Therefore, no mitigation is required.

4.18 UTILITIES AND SERVICE SYSTEMS

Would the project:

a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple years?

c. 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?

d. Generate solid waste more than State or local standards, or more than the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

4.18.1 Summary of GP FEIR Conclusions

FEIR Section 4.18, Utilities and Service Systems, analyzes impacts concerning utilities and service systems, as summarized below:

4.18 (a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects:

New residential development planned for under the proposed Housing Element Update would require or result in the construction of new water facilities (e.g., laterals) and potentially replacement/expansion of existing water facilities (e.g., water mains). The construction or replacement/expansion of these facilities could potentially result in significant environmental effects such disturbance of buried cultural resources and short-term temporary impacts related to criteria air pollutant emissions, noise, and disruption of the local transportation network; however, these impacts would be reduced to less than significant with mitigation.
4.18 (b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple years?

The City's existing and projected water supply would be adequate to meet the increased water demand from the proposed Housing Element Update and the City would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.

Water supplies are discussed under Section 4.9 (b) Groundwater Supplies. Jurupa Valley does not rely on imported water to provide its domestic needs but rather uses local groundwater from the Santa Ana River Basin. Three agencies provide potable water to the City of Jurupa Valley. They are the Jurupa Community Services District (JUSD), the Rubidoux Community Services District (RCSD), and the Santa Ana River Water Company (SARWC).

The JCSO 2020 UWMP was completed prior to the proposed Housing Element Update which includes an additional HHDR of 1,282 units. Based on a generation factor of 0.185 AF/yr/DU the increase in demands for water would be approximately 237 AF/yr. The projected year 2025 Multi-family water demand from the 2020 UWMP is 1,606 AF/yr with an increase of 237 AF/yr the demand would be 1,843 AF/yr. The water demands projections from the UWMP with the estimated demands of the proposed project with recycled/reclaimed demands as compared to estimated supplies from the 2020 UWMP (with climate change calculations) is shown in the table below.

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<th></th>
<th>2025</th>
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</table>

Source: 2020 UWMP JCSD

The increase in water demands from the proposed project would be within the current and projected supplies available from the JCSD with climate change factors included through City Buildout and the year 2045.

According to the JUSD 2020 UWMP, the District can meet the demands of normal, single dry, and multiple dry years with excess supplies until the year 2040.

According to the RCSD 2015 UWMP RCSD anticipates having adequate water supplies to meet future demands during normal, single-dry, and multiple-dry years through the 20-year planning period.

The 20 sites selected as part of the Housing Element Update are located in developed areas with existing water lines in close proximity. Future developments will be able to connect to the existing water lines.

The SARWC is a mutual water company that does not have enough connections to qualify as a retail water supplier (i.e., serving more than 3,000 water service connections and more than 3,000 acre-feet of water per year). It does not meet the definition of an "urban water supplier" so it has not prepared an Urban Water Management Plan (UWMP).
4.18(c) 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:

The JCSD and the RCSD provide municipal wastewater service for Jurupa Valley. Wastewater is transported to the City of Riverside Water Quality Control Plant (RWQCP) and the Western Riverside County Regional Wastewater Authority’s (WRCRWA) treatment plant.

The increases in population and development with the proposed project would increase the overall wastewater treatment demands on the Jurupa Community Services District (JCSD) and the Rubidoux Community Services District (RCSD). The JCSD Wastewater Master Plan indicates that the current generation factor for all residential uses is 280 gpd/edu. Based on the proposed Housing Element Update with an additional 1,282 HHDR Dwelling Units the wastewater demand would increase by 358,960 gpd or 0.359 MGD.

The JCSD sends approximately 41% of wastewater to the Riverside County’s Regional Water Quality Control Plant (RWQCP) and 38% to the Western Riverside County Regional Wastewater Authority (WRCRWA) Treatment Plant, the remaining 13% is conveyed to the Inland Empire Brine Line (IEBL), whereas all of RCSD wastewater is transferred to the RWQCP.

The current treatment capacity at the RWQCP is 46 MGD and the WRCRWA treatment capacity is 14 MGD.

The JCSD capacity rights at the RWQCP are 4 MGD until 2030 then 5 MGD after 2030 and the current JCSD flows to RWQCP are 2.9 MGD. The JCSD capacity rights at the WRCRWA are 6 MGD and the JCSD current flows to WRCRWA are 4.6 MGD. The JCSD capacity rights at the IEBL are 3.493 MGD and the current JCSD flows to IEBL are 0.8 MGD.

The RCSD capacity rights at the RWQCP are 3.055 MGD and the current RCSD flows to RWQCP are 1.7 MGD.

With the increase in demand from the proposed project of 0.359 MGD and does not significantly impact wastewater flows to either treatment facility and development fees will offset the future expansion of wastewater treatment facilities.

The 20 sites selected as part of the Housing Element Update are located in developed areas with existing sewer lines in close proximity. Future developments will be able to connect to the existing sewer lines.

4.18 (d) Generate solid waste more than State or local standards, or more than the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals:

Buildout under the proposed Housing Element Update would not result in the generation of solid waste that would exceed the existing capacity of existing landfills serving the City. Therefore, impacts would be less than significant.

4.18 (e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste:

The proposed Housing Element Update would not result in generation of additional waste, with the potential to conflict with Federal, State, and local statutes and regulations related to solid waste. Due to existing City programs, there is no impact.
4.18.2 Impacts and Mitigation Measures

Impact Analysis:

The proposed Housing Element Update plans for, but does not directly propose the construction of new residential development. The Housing Element Update provides goals, programs and policies to guide new residential development over the next 8-years. Therefore, the proposed changes would not affect utilities and service systems. In addition, no new information of substantial importance concerning utilities and service systems has been discovered since GP FEIR certification. Thus, Project implementation would not result in new or substantially more severe environmental impacts concerning utilities and service systems than anticipated in the GP FEIR, and no mitigation is required.

GP Policies and GP FEIR Mitigation Measures:

The following are selected policies of the 2017 General Plan address Utilities and Service System conditions in the City that would be relevant to the Project:

**GP POLICIES**

- COS 3.1.1 – Water use planning
- COS 3.1.4 – Water Conservation Systems
- CS 2.1.44 – Drought-Tolerant Landscaping
- CS 2.1.46 – Public Education
- CS 2.1.53 – Fair-Share Costs
- CS 2.1.60 – Waste Reduction
- CS 2.1.62 – Public Education
- LUE 4.6 – Public Utilities, Easement, & ROW
- COS 3.1.2 – Multi-Use Consideration
- CS 2.1.43 – Grey Water Systems
- CS 2.1.45 – Reclaimed Water
- CS 2.1.48 – Public Education/Outreach
- CS 2.1.55 – Water Conservation
- CS 2.1.61 – Waste Management
- CS 2.1.7 – Water Conservation Ordinance
- LUE 4.7 – Consideration of Scale

**GP FEIR MITIGATION MEASURES**

Programmatic Mitigation Measures. No mitigation needed.

**Level of Programmatic Impact After Mitigation.** Implementation of the 2017 General Plan goals, policies, and programs regarding Utilities will not result in significant impacts regarding Utility resources, and no mitigation is required.
4.19 MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

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?

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)?

c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

4.19.1 Summary of GP FEIR Conclusions

FPEIR Section 4.19, Mandatory Findings of Significance, analyzes impacts concerning mandatory findings of significance, as summarized below:

**Substantially Degrade the Quality of the Environment:** General Plan implementation could substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, or eliminate important examples of major periods of California history or prehistory. According to the GP FEIR, General Plan implementation would result in less than significant impacts to biological and cultural resources with mitigation incorporated; see Sections 4.4 and 4.5 above.

**Cumulative Impacts:** General Plan implementation could have impacts that are individually limited but cumulatively considerable. According to GP FEIR Section 6.1, Cumulative Impacts, implementation of the GP FPEIR would result in cumulatively significant impacts to air quality, agricultural lands, water quality, noise, parks, and transportation despite implementation of relevant GP Policies, mitigation measures, and other project features.

**Substantially Adverse Effects on Human Beings:** General Plan implementation could result in environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly. According to the GP FPEIR, General Plan implementation could result in direct and indirect impacts to human beings, with respect to agricultural lands, air quality, noise, population and housing, and traffic.

4.19.2 Impacts and Mitigation Measures

Impact Analysis:

The proposed Housing Element Update plans for, but does not directly propose the construction of new residential development. The Housing Element Update provides goals, programs and policies to guide new residential development over the next 8-years. Therefore, the proposed changes would not substantially degrade the quality of the environment, or involve cumulative impacts or substantial adverse effects on human beings. In addition, no new information of substantial importance concerning these issue areas has been
discovered since GP FEIR certification. Thus, Project implementation would not result in new or substantially more severe environmental impacts than anticipated in the GP FEIR, and no mitigation is required.

**GP Policies and GP FEIR Mitigation Measures:**

**GP POLICIES**

Refer to the GP Policies identified in Section 4.1 through 4.18 above.

**GP FEIR MITIGATION MEASURES**

Refer to the mitigation measures identified in Section 4.1 through 4.18 above.
STAFF REPORT

DATE: DECEMBER 2, 2021

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: ROD BUTLER, CITY MANAGER

BY: JOE PEREZ, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: AGENDA ITEM NO. 13.D

PUBLIC HEARING TO CONSIDER ZONING CODE AMENDMENT NO. 21007 (ZCA21007) ELIMINATING EXPANSION OR ESTABLISHMENT OF TRUCK INTENSIVE USES IN VARIOUS COMMERCIAL, INDUSTRIAL AND MANUFACTURING ZONES, INITIATION OF A GENERAL PLAN AMENDMENT AND ZONING AMENDMENT TO CHANGE THE LAND USE IN VARIOUS INDUSTRIAL AND MANUFACTURING ZONES IN THE CITY AND EXTENDING THE TEMPORARY MORATORIUM ON EXPANSION OR ESTABLISHMENT OF TRUCK INTENSIVE USES WITHIN FIVE INDUSTRIAL AND MANUFACTURING AREAS FOR AN ADDITIONAL ONE YEAR PERIOD

RECOMMENDATION

1) That the City Council conduct a first reading and introduce Ordinance No. 2021-29, entitled:

   AN ORDINANCE OF THE CITY OF JURUPA VALLEY AMENDING THE JURUPA VALLEY MUNICIPAL CODE ELIMINATING EXPANSION OR ESTABLISHMENT OF TRUCK INTENSIVE USES IN VARIOUS COMMERCIAL, INDUSTRIAL, AND MANUFACTURING ZONES AND FINDING AN EXEMPTION FROM CEQA UNDER SECTION 15061(B)(3) OF THE CEQA GUIDELINES

2) Initiate a General Plan Amendment and Zoning Amendment to change land use in the following study areas identified in Exhibit 1 of Attachment 2: 1. Bellegrave-Van Buren 2. Belltown-Agua Mansa, 3. Pedley-Limonite, 4. Flabob Airport, 5. Sierra Avenue;

3) Initiate a Zoning Code Amendment to the Business Park (B-P) zone;

4) Adopt, by a 4/5's vote, Urgency Ordinance No. 2021-30, entitled:
AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, EXTENDING INTERIM URGENCY ORDINANCE NO. 2021-05, ENACTED PURSUANT TO GOVERNMENT CODE SECTION 65858, ESTABLISHING A TEMPORARY MORATORIUM ON THE APPROVAL OF APPLICATIONS FOR BUILDING PERMITS OR OTHER ENTITLEMENTS FOR THE EXPANSION OR ESTABLISHMENT OF TRUCK INTENSIVE USES WITHIN FIVE AREAS SHOWN IN ATTACHMENT 2, EXHIBIT A AND FINDING AN EXEMPTION FROM CEQA GUIDELINES UNDER SECTION 15061(B)(3)

BACKGROUND

Over the past five years, the City has received numerous land use proposals for industrial uses that generate significant truck traffic. The City Council and community expressed concerns with the impacts of truck traffic upon air quality, congestion, street infrastructure that degraded residential neighborhoods. Also, the current zoning regulations only include general development standards (setbacks, building height, landscaping, parking, etc.) that apply to all the permitted industrial land uses but lack specificity to address industrial truck uses. Furthermore, some of the development standards, such as screening outside storage areas, are not a requirement. Over the past year, several industrial projects have been appealed to the City Council and been denied.

Temporary Moratorium & Amendments to the Zoning Code and Related Maps

To address the problems with industrial projects that generate high volumes of truck traffic, the City Council, at its January 21, 2021 meeting, initiated a Zoning Code amendment with corresponding changes to the General Plan land use map and Zoning map to establish appropriate locations and development standards for truck intensive industrial uses. The City Council also adopted an Interim Urgency Ordinance that established a moratorium on the expansion or establishment of truck intensive uses in several Industrial Zones to allow the City time to complete the analysis and prepare an amendment for the Planning Commission and City Council's consideration. The moratorium identified the following truck intensive uses: 1) trucking and transport, 2) truck or semi-trailer storage yard, 3) heavy equipment sales, rental, and storage; 4) auto auctions, including all types of vehicles; 5) salvage yards; 6) contractor storage yards and 7) any other use reasonably determined by the Community Development Director to be similar to these types of truck intensive uses.

This temporary moratorium does not apply to the following uses: (1) distribution warehouses and similar uses regulated by the Mira Loma Warehouse and Distribution Center Overlay and the Agua Mansa Warehouse and Distribution Center Overlay or amendments thereto or any other similar overlays that may be approved by the City Council during the temporary moratorium; (2) manufacturing, processing, fabrication, or assembly; and (3) public agency operations, including private services under contract to a public agency. The 45-day moratorium was approved on January 21, 2021 and on February 18, 2021, the City Council approved an extension of the moratorium to January 22, 2022.
Stakeholders’ Meeting

On September 23, 2021, a meeting with community stakeholders was held to present the proposed Truck Intensive Use Ordinance, industrial land use recommendations and the North Pyrite Master Plan and receive comments from the stakeholders. At the meeting, Mira Loma residents raised concerns about the cumulative impacts of truck uses on air quality. In addition, they stated that the proposed five-hundred-foot distancing development standard requirement for truck uses that do not generate significant truck traffic (see "Truck Related Uses without Significant Truck Trip Generation" section of this report) from any residential or other sensitive uses should be at least 1,000 feet.

The business community in attendance thanked the City for the opportunity to participate and indicated they are looking forward to reviewing the draft Ordinance. It was noted that with the transition to electric trucks, the air quality impacts of truck intensive uses will be significantly reduced in the future. There was discussion regarding how the draft Ordinance impacts warehouse distribution uses. It was clarified the regulations for warehouse distribution are not being changed. It was also clarified that legal nonconforming uses would be allowed to continue for up to 40 years after the effective date of the proposed Ordinance. One Agua Mansa property owner indicated they would like to work with the City to provide the best use for the City. In response to an inquiry from a property owner in the North Pyrite study area, it was confirmed that meetings with landowners of the North Pyrite study area are being planned to discuss the Draft North Pyrite Master Plan.

The City has since met with property owners within the proposed Draft North Pyrite Master Plan area to review the vision and proposed land uses for the area. In these meetings, stakeholders had the following general comments:

- Concerns raised regarding the market demand and feasibility of building office and business park development
- Commercial use is more viable on the south side of SR 60
- The removal of truck stop/travel center use given they have an active application to establish a truck stop and suggested there may be opportunities with the current direction of the State related to carbon reduction.

Joint City Council and Planning Commission Meeting

On October 7, 2021, a joint City Council and Planning Commission meeting was held to review the draft Truck Intensive Use Ordinance, certain industrial land use re-designation recommendations and the Draft North Pyrite Master Plan. At the meeting, several stakeholders from the Draft North Pyrite study area expressed concern with the Draft North Pyrite Master Plan. Their comments included:

- Concern there would not be any market to support the proposed permitted industrial uses such as manufacturing, research and development and warehouse while the quarry mining is still in operation.
- The legacy of the Stringfellow Acid Pits is an impediment that could keep developers from investing in the Image Zone of the Draft North Pyrite Master Plan.
• Concern that due to market and site conditions, it will take a long time for the study area to develop after the removal / abatement of the existing uses.

• Support for providing an additional 90 days to collectively study the North Pyrite area and refine the draft North Pyrite Master Plan.

The City Council and Planning Commission expressed their support for the Truck Intensive Use Ordinance, the proposed General Plan and Zoning land use redesignations recommendations, and the Draft North Pyrite Master Plan. They also supported a 90-day no action plan period for the North Pyrite Master Plan to allow additional time to research and continue to meet with the land owners of the study area.

On October 27, 2021, the Planning Commission reviewed the draft Truck Intensive Use Ordinance and the proposed land use changes to five industrial areas of the City. Due to a concern with a conflict of interest for three of the Planning Commissioners, the Planning Commission deferred the recommendation to initiate these land use changes to the Community Development Director. After deliberations, the Planning Commission adopted Resolution No. 2021-10-27-01, by a vote of 5-0, recommending that the City Council approve the Truck Intensive Use Ordinance (see Attachment 4, October 27, 2021, Planning Commission minutes, and Attachment 5, Planning Commission Resolution).

ANALYSIS

The project includes three components for the City Council's consideration:

1. **Truck Intensive Use Ordinance** that proposes amendments to the zoning code to address the impacts of truck intensive uses.

2. **Land use study** proposes changes to land use designation of those five industrial study areas to reduce truck impacts and be consistent with the General Plan and update to the Business Park (BP) Zone.

3. **Extension of the Urgency Ordinance which extends the** existing moratorium on the expansion or establishment of truck intensive uses for an additional 12 months to January 22, 2023.

**Truck Intensive Use Ordinance**

The draft Truck Intensive Use Ordinance is proposed to make the following amendments to the zoning code to address truck intensive uses: (1) establish the zone(s) in which truck intensive uses are permitted, along with the appropriate entitlement (e.g. Site Development Permit or Conditional Use Permit); (2) revise the list of permitted uses in industrial zones, and (3) add development standards for truck intensive uses (see Attachment 1).

The draft Ordinance does not affect distribution warehouse use because a solution has already been implemented and is in effect. Warehouse distribution is allowed only in the General Plan's Mira Loma and Agua Mansa Warehouse and Distribution Center Overlays. Any distribution warehouse use proposed outside of the Overlays’ boundaries must receive City Council approval of a General Plan Amendment, and possibly other entitlement(s), to establish the Overlay onto a proposed project site. This existing requirement provides City Council complete discretion over such a use.
The proposed Ordinance allows truck intensive uses only in the Manufacturing Heavy (M-H) zone with a Conditional Use Permit. The M-H zone is recommended because it is consistent with the General Plan's intent for these areas to "allow for intense industrial activities that may have significant impacts (noise, vibration, glare, odors) on surrounding uses." Figure 1 below shows in blue the current locations with M-H zoning in the City.

This amendment, at the same time, proposes to remove truck intensive uses as allowed uses in the I-P, M-SC, and M-M zones. Specifically, the following uses would be prohibited in I-P, M-SC, and M-M zones: 1) trucking and transport; 2) truck or semi-trailer storage yard; 3) heavy equipment sales, rental, and storage; 4) auto auctions, including all types of vehicles; 5) salvage yards; 6) contractor storage yards; and 7) any other uses reasonably determined by the Community Development Director to be truck intensive would no longer be allowed in these zones.

It is important to note that, consistent with the existing Zoning code, all legally established uses that become nonconforming due to changes proposed in the proposed Ordinance may continue for 40 years after the effective date of the amendment. The code also allows legal nonconforming uses up to a 25% expansion.

Truck and Trailer Storage and Truck Stops/Travel Centers

The proposed Ordinance would eliminate truck and trailer storage yards as an allowable use in all zones due to issues with truck trips, consistency with General Plan goals, and visual blight. Vehicle storage in an enclosed building is allowed in all industrial zones.

The proposed Ordinance would also prohibit truck stops/travel centers in all zones due to truck generation impacts and consistency with General Plan goals. Truck stop/travel centers typically include a fueling station, restaurant, sleeping and shower facilities, overnight truck parking, and convenience store with alcohol sales. Although truck
stops/travel centers are not currently listed as a permitted use in the Zoning Code, gasoline service stations and other uses that comprise its components are allowed in many of the City's industrial and commercial zones. Therefore, the proposed Ordinance adds "excluding truck stops/travel centers" in all commercial and industrial zone that list fueling station as an allowed use. This, in effect, will make truck stops/travel centers a prohibited land use in the City.

There is presently a gasoline station moratorium in place to address concerns with the proliferation of the use and impacts to the community. This is a separate and concurrent effort. An Ordinance is being prepared to address these impacts.

Definitions

The proposed Ordinance adds three new definitions: (1) truck stops/travel centers, (2) research and development uses, and (3) heavy duty truck/vehicle:

Truck Stop/Travel Center: A site used primarily as a fueling or recharging station for trucks and often including truck parking, truck and trailer wash, service and repair of trucks, overnight accommodations, convenience stores, restaurants, and other services for trucks and truck drivers.

Research and Development: Uses engaged in the research, analysis, development, and/or testing of a product.

Heavy duty truck/vehicle: Any vehicle exceeding 26,001 pounds is considered heavy-duty. Examples include city transit buses, mobile cranes, cement mixers, dump trucks, refuse trucks, tractors designed to pull refrigerated trailers and other similar vehicles.

Due to the proposed prohibition of truck stops/travel center use, it is important to define the terms. In addition, the term "research and development" is being added as an allowed use in the industrial zones. The heavy duty truck definition is necessary because the new code requirements refer to heavy duty trucks and vehicles.

For better clarification, proposed amendments to the existing definitions for (1) warehouse distribution and (2) draying freight and trucking operations definitions are underlined below.

Warehousing and distribution: Businesses whose sole purpose is to store and then distribute goods for sale as opposed to businesses whose sole purpose is to move goods by truck. This use generates a greater concentration of truck traffic and significant environmental impacts than other manufacturing uses or industrial uses.

Draying, freighting and trucking operations: Business whose sole purpose is to move goods by truck. Trucking operations includes a site used for dispatching a fleet of trucks to pick up and deliver goods and storing the fleet on-site. Draying, freighting and trucking operation do not include businesses which produce, store and then distribute goods such as manufacturers with warehouses and distribution centers.

Warehouse distribution definition describes that this use generates greater concentration of truck traffic and environmental impacts than other industrial uses. Added to the current draying freight and trucking operations definition is that it includes sites used for dispatching a fleet of trucks to pick up and deliver goods and storing the fleet on site (see
Attachment 1, Exhibit A pgs. 2 & 3).

**Truck Related Uses Without Significant Truck Trip Generation**

During the Truck Intensive Use Moratorium, several proposed projects were paused because they were specifically identified as one of the seven truck intensive uses in the moratorium. However, due to their small-scale operation, some of these uses do not generate significant truck trips. For example, a family-run contractor falls under the Contractor Storage Yard category but only has one or two trucks, generating few truck trips. The proposed Zoning Code amendment intends to limit truck intensive uses but not unnecessarily prohibit all truck-related uses when they do not cause significant truck trips.

To better understand what threshold to stay below in developing the draft Ordinance, truck traffic generation rates for grocery stores were evaluated. Grocery stores require regular truck deliveries but do not generate enough truck trips to impact neighboring residential areas. Based on an extensive study of Puget Sound grocery stores, the average truck trip generation rate was determined to be 18 trips per day. We examined various projects throughout the City comparing their trip generation rates with lot sizes and building area. Based on this comparative analysis, it was determined that projects that were on parcels of an acre or smaller and with building(s) no larger than 30,000 square feet would have truck generation rates similar to a grocery store and are not likely to generate a significant amount of daily truck trips.

As a result, the proposed Ordinance allows small-scale operations such as (1) contractor storage yards, (2) equipment sales, (3) rental and storage, cold storage, and (4) warehouse (storage only, not distribution warehouse) with a project site of one (1) acre or less, and a total building area of 30,000 square feet or less and when located 500 feet or more from a residentially zoned property or other sensitive uses. Such truck uses with low truck trip generation would be allowed in the I-P, M-SC, and M-M zones with a Conditional Use Permit (CUP) and be required to meet the following proposed rule-based development standards:

- Loading, service areas, trash enclosures, truck and trailer parking, and all outside storage must be completely screened from public view. Screening includes a combination of buildings, landscape, berms, and decorative walls.

- Outside storage areas are prohibited in the front and street-side setbacks. In the case where there is no required setback, outside storage areas are prohibited within 25 feet of the front property line and street-side property line.

  - Screen walls shall be prohibited in the front and street-side setback areas. The setback areas in front of all perimeter screen walls shall be fully landscaped to soften the appearance of the wall.

  - Minimum height of a perimeter screen wall is eight (8) feet.

  - All screen walls shall include an anti-graffiti coating or equivalent measures to prevent graffiti.

  - Screen walls shall be constructed with decorative block or with a material equivalent in aesthetics and structural quality.
• All vehicle parking lots, drive-aisles, storage areas shall be paved with asphalt, concrete or similar surface material approved by the City Engineer.

• All properties, buildings, structures, outdoor storage areas, landscaping, walls, trash enclosures, accessory structures, signs, and overall grounds shall be maintained in good repair, in a clean, neat, and orderly condition.

• All heavy-duty truck/vehicles and similar heavy equipment shall not idle more than five minutes.

• All site landscape shall be designed to reduce pollutant dispersal and include species such as Pinus eldarica (Afghan Pine) or similar, that reduce particulate matter.

• All landscaped areas shall be maintained 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 in proper operating condition. The canopy trees shall be maintained 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.

In addition, these uses would be required through Conditions of Approval to demonstrate continued operational compliance with the project approvals. Failure to comply or if the approved entitlement generates more truck trips or creates other impacts on the surrounding area, further modifications to the project or potential revocation of CUP will be required.

In the M-H zone, these new standards would also be added to all the listed truck intensive uses, in addition to the conditional use permit requirements.

Additional Amendments for Clarification to the Zoning Code

After reviewing the Zoning Code in preparation for the draft Ordinance, inconsistencies and deficiencies were identified that required minor changes to the code. Therefore, the following changes are proposed:

• The addition of an Intent and Scope section to the Industrial Park (I-P) zone. This new intent section is consistent with in format with other industrial zones and the General Plan description for industrial land uses (see Attachment 1, Exhibit A pg. 7).

• Modification of the Intent and Scope sections for Manufacturing-Service Commercial (M-SC) to be consistent with the General Plan Land Use Element’s description for Industrial land use to attract high paying jobs and strengthen the City’s economic base. For clarity, it also removes a reference "It is the intent of the City Council in amending this chapter" in the Manufacturing Medium (M-M) and Manufacturing Heavy (M-H) Intent sections.
• Add clarification that a "mini warehouse" use is a self-storage facility and refers to Section 9.240.470 Mini Warehouses of the Zoning Code that provides standards for mini warehouse.

**Land Use Recommendations**

A land use survey of the City's industrial areas was completed. This information was used to evaluate each of the five areas shown in Figure 2 below, with land use recommendations for 1 – 4 and a Master Plan policy document for study area 5. The five study areas are named (1) Bellegrave-Van Buren, (2) Belltown-Agua Mansa, (3) Pedley-Limonite, (4) Flabob Airport, and (5) North Pyrite are shown in yellow below. In addition, a sixth Study Area, Sierra Avenue, shown in purple was included in proposed land use changes.

The study area evaluation has led to a proposed initiation of land use changes in Study Areas 1-4 and 6 (Sierra Avenue) area. If the City Council initiates the proposed land use changes, the City will begin processing the required General Plan and Change of Zone amendments. This process will include outreach to stakeholders in each study area and include further refinement to the land use changes. It is anticipated that the implementation of these land use changes will take over a year to complete after the City Council initiation. City Council placed a 90-day no action period for Study Area 5, the North Pyrite Master Plan area. Therefore, the Draft North Pyrite Master Plan will be presented to the City Council at a future public hearing and is not a part of this report.

**Bellegrave-Van Buren- Study Area.** The land use recommendation is to change the M-SC zoning classification within this study area to Business Park (B-P) zone to match the

current General Plan land use designation. It is also recommended that the Business Park (B-P) Zone’s standards be updated to require, at minimum, an approved Site Development Permit for all uses, consistent with the City's other industrial zones, and update the list of permitted uses to be consistent with the General Plan’s intent for

Business Park land use designation. The proposed amendments to uses and standards of the Business Park (B-P) Zone would apply to all properties zoned Business Park (B-P) throughout the City. A draft of the proposed Business Park changes is provided as Attachment 3.

**Belltown-Agua Mansa.** 28th street is a distinct dividing line between land use patterns for the area. To the north of 28th Street, the land use is predominately industrial use, while to the south is commercial, Business Park and residential uses. The land use recommendation is to keep industrial uses from encroaching any further south than 28th Street and to emphasis commercial uses along Rubidoux Boulevard. It is recommended establishment of a business park corridor along Rubidoux Boulevard north of 28th Street. The vision is to create an entry statement and landscaped parkway to improve aesthetics and property values along Rubidoux Boulevard. These concepts would be further developed in a separate future study, for a proposed North Rubidoux Master Plan. The North Rubidoux Master Plan will be funded by various approved projects with community benefit funds received through approved development agreements. Currently, the Agua Mansa Commerce Park and Agua Mansa Road Development projects are providing funding towards the North Rubidoux Master Plan pursuant to the terms of each project’s approved development agreements.
**Figure 4 Proposed Rubidoux Corridor Land Use Recommendation**

**Pedley-Limonite.** The recommendation is to change the zoning classification along 63rd Street from MS-C Zone to the updated Business Park (B-P) Zone described above under the Bellegrave-Van Buren Study Area discussion. It is also recommended that the zoning on the east side of Clay Street be changed to match the existing uses which include a senior living facility and medical building. Additional staff recommendations include amending a section of commercially zoned property along Van Buren to Business Park (B-P) Zone. These changes will make the zoning consistent with the General Plan and the existing uses along Clay Street.
Flabob Airport. It is recommended that the City develop an Airport Specific Plan. In the interim, however, it is recommended that the M-H zoned area of the airport study area be changed to M-SC.
M-H Zoning along Sierra Avenue. Shown in the graphic below is an existing M-H Zoned property which is vacant land with steep terrain that lies between Sierra Avenue and the northern City border. This property was once a staging area for a former mining facility that is now the Oak Quarry Golf Club. The County had envisioned this area potentially being an expansion of the mining facility, but that never occurred. The recommendation is for this area to be rezoned to Natural Asset (N-A) and Light Agriculture (A-1) to be consistent with the General Plan land use for this area.

Figure 7 Proposed Sierra Avenue Zone Change

Extending The Urgency Ordinance

On January 21, 2021 the City Council adopted an urgency ordinance which enacted a 45-day temporary moratorium on new or expanded truck intensive uses. On February 22, 2021, the urgency ordinance was extended an additional 10 months and 15 days and is set to expire on January 22, 2022.

If the City Council initiates some or all the recommended land use changes summarized in this report, it is recommended that the moratorium be extended for all the Manufacturing High Zones that are proposed to change to a new Zone. This will prevent the possibility of a truck intensive use from being proposed in these locations while the City is in the process of amending the zoning. See Attachment 2 Draft City Council Ordinance: Extending the Truck Intensive Use Moratorium which includes the description of the four areas and an aerial map of each location and Figure 7 below which shows the location of the four areas in the City.
The extension is needed to allow time for the City to process amending the land use changes, which are estimated to take one year to complete. This includes time to conduct public outreach for each area, refine the land use changes, and process the land use amendments through Planning Commission and City Council.

ENVIRONMENTAL REVIEW

The proposed Code Amendment and extension of the Urgency Ordinance are exempt from the requirements of the California Environmental Quality Act ("CEQA") and the City’s local 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 Code Amendment and Urgency Ordinance Extension, amending certain allowable uses within the Industrial Park (I-P), Manufacturing-Service Commercial (M-SC) and Manufacturing-Medium (M-M) Zones, and extension of the moratorium on new and expanded truck intensive uses will have a significant effect on the environment. The proposed Code Amendment and Urgency Ordinance are an administrative process of the City that will not result in direct or indirect physical changes in the environment. The City Council has reviewed the
administrative record concerning the proposed Code Amendment and the proposed CEQA determinations, and based on its own independent judgment, finds that the Code Amendment and extension of the Urgency Ordinance set forth in these Ordinances are not subject to, or exempt from, the requirements of the CEQA and the State CEQA Guidelines pursuant to CEQA Section 21080.17 and CEQA Guidelines Section 15061(b)(3).

CONCLUSION

It is recommended that the City Council adopt the proposed Truck Intensive Use Ordinance, initiate land use changes and an amendment to the Business Park (BP) Zone, and adopt an Interim Urgency Ordinance extending the moratorium on truck intensive uses in the land use amendment areas to January 22, 2023.

FINANCIAL IMPACT

Staff time will be covered by the Community Development Department budget for Advance Planning projects.

ALTERNATIVES

1. The recommended action: Adopt a Truck Intensive Use Ordinance, initiate land use changes and amendment to the Business Park (BP) and adopt an Interim Urgency Ordinance extending a moratorium on truck intensive uses for an additional 12 months to January 22, 2023.
2. Decline or amend any one or all of the recommended actions.
3. Defer actions and request additional information.

Prepared by:  

Joe Perez  
Community Development Director

Submitted by:  

Rod B. Butler  
City Manager

Reviewed by:  

Connie Cardenas  
Administrative Services Director

Reviewed by:  

Michael Flad  
Assistant City Manager
ATTACHMENTS:

1. Draft Truck Intensive Use Ordinance
2. Draft City Council Ordinance: Extending the Truck Intensive Use Moratorium
3. Draft Business Park (BP) Zone Amendments
4. Planning Commission Resolution
5. October 27, 2021, Planning Commission Minutes
ORDINANCE NO. 2021-29

AN ORDINANCE OF THE CITY OF JURUPA VALLEY AMENDING THE JURUPA VALLEY MUNICIPAL CODE ELIMINATING EXPANSION OR ESTABLISHMENT OF TRUCK INTENSIVE USES IN VARIOUS COMMERCIAL, INDUSTRIAL, AND MANUFACTURING ZONES, ADOPTING ADDITIONAL DEVELOPMENT STANDARDS FOR CERTAIN TRUCK INTENSIVE USES, AND FINDING AN EXEMPTION FROM CEQA UNDER SECTION 15061(B)(3) OF THE CEQA GUIDELINES

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

Section 1. Recitals.

(a) The City Council is concerned that under the City’s current zoning standards and current general plan policies, certain truck intensive uses that are allowed might cause a disproportionate public health, safety, and welfare impact to the community and to its residents without compensating benefits to the community.

(b) The City established a moratorium on the expansion or establishment of truck intensive uses in the Industrial Park (I-P), Manufacturing - Service Commercial (M-SC), Manufacturing - Medium (M-M), Manufacturing - Heavy (M-H), Mineral Resources (M-R), and Mineral Resources And Related Manufacturing (Mr-A) Zones pursuant to an Interim Urgency Ordinance adopted January 21, 2021, and extended February 18, 2021, in order to allow the City to analyze these issues.

(c) The City conducted studies to analyze how to address and mitigate potential burdens on the communities affected by truck intensive uses.

(d) The City has been forced to address some of these issues on a limited basis without the benefit of a comprehensive policy.

(e) The City has determined that revisions to the Jurupa Valley Municipal Code to amend certain zones to restrict truck intensive uses will support the City’s desire to address the effects of truck intensive uses on the community and support an appropriate mix of land uses, improved air quality, and traffic safety.

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

(a) At the January 21, 2021 regular City Council meeting, the City Council initiated amendments to Title 9 of the Jurupa Valley Municipal Code concerning certain allowable truck intensive uses in various commercial, industrial, and manufacturing zones (the “Code Amendment”), and requested that the Planning Commission study and report on the proposed Code Amendment, as set forth in this Ordinance.
(b) On October 27, 2021, the Planning Commission of the City of Jurupa Valley held a public hearing on the proposed Code Amendment set forth in this Ordinance, at which time all persons interested in the proposed Code Amendment 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 hearings and after due consideration of the testimony, the Planning Commission adopted Resolution No. 2021-10-27-01 recommending that the City Council approve the proposed Code Amendment.

(c) On December 2, 2021, the City Council of the City of Jurupa Valley held a duly noticed public hearing on the proposed Code Amendment, at which time all persons interested in the Code Amendment 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 and duly considered the written and oral testimony received.

(d) All legal preconditions to the adoption of this Ordinance have occurred.

Section 3. California Environmental Quality Act Findings. The proposed Code Amendment is exempt from the requirements of the California Environmental Quality Act ("CEQA") and the City’s local 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 Code Amendment, amending certain regulations, development standards, and permitted uses pertaining to truck intensive uses, will have a significant effect on the environment. The proposed Code Amendment is an administrative process of the City that will not result in direct or indirect physical changes in the environment. The City Council has reviewed the administrative record concerning the proposed Code Amendment and the proposed CEQA determinations, and based on its own independent judgment, finds that the Code Amendment set forth in this Ordinance is not subject to, or exempt from, the requirements of the CEQA and the State CEQA Guidelines pursuant to CEQA Section 21080.17 and CEQA Guidelines Section 15061(b)(3).

Section 4. Findings. The City Council hereby finds, as required by the Jurupa Valley Ordinances and applicable state law, that the proposed Code Amendment should be adopted because the proposed Code Amendment is consistent with the City of Jurupa Valley 2017 General Plan. The proposed Code Amendment will (1) establish the Manufacturing High (M-H) Zone as the sole zoning district in which truck intensive uses are permitted subject to approval of a conditional use permit, (2) establish more protective development standards applicable to truck intensive uses, and (3) prohibit truck intensive uses in all other zoning districts, which amendments will have the effect of greatly diminishing air quality, safety, noise, traffic and other the impacts these uses have on the community. Specifically, by reducing truck intensive use impacts, the Code Amendment fulfills the General Plan purpose of enhancing residents’ safety, convenience, and quality of life, and the Environmental Justice Element, which values the health, well-being, safety, and livability of our community through balancing land use with the need for healthy, safe neighborhoods. The proposed Code Amendment removes and helps prevent blight by removing truck intensive uses from all zoning districts other than M-H Zone. This also helps prevents incompatible truck intensive uses being located near residential and other sensitive uses. It also address the effects of commercial truck traffic on streets, neighborhoods, and public safety by limiting the location of these uses. The proposed Code Amendment is consistent with Policy LUE 3.13, Commercial Trucks, in that it allows truck traffic generating uses in the heavy industrial
areas of the City away from residential uses, which minimizes potential impacts on adjacent residential and commercial properties. The proposed Code Amendment is consistent with Policy LUE 11.19, Property Maintenance, in that the proposed development standards require maintenance of the grounds and structures on site. The proposed Code Amendment is consistent with LUE 5.42, Prohibited Uses, in that it prohibits truck intensive uses in areas designated Business Park on the General Plan land use map.

Section 5. Amendment to Section 9.10.400. Section 9.10.400., Draying, Freighting and Trucking Operations, of Chapter 9.10, Definitions, of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“Sec. 9.10.400. - Draying, freighting and trucking operations.

Business whose sole purpose is to move goods by truck. Trucking operations includes a site used for dispatching a fleet of trucks to pick up and deliver goods and storing the fleet on-site. Draying, freighting, and trucking operations do not include as opposed to businesses which produce, store and then distribute goods such as manufacturers with warehouses and distribution centers. (See Section 9.10.1290, Warehousing and distribution.)”

Section 6. Addition of Section 9.10.645. Section 9.10.645 is hereby added to Chapter 9.10, Definitions, of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

“Sec. 9.10.645. - Heavy duty trucks/vehicles.

Any vehicle exceeding twenty-six thousand one (26,001) pounds is considered heavy-duty. Examples include city transit buses, mobile cranes, cement mixers, dump trucks, refuse trucks, tractors designed to pull refrigerated trailers and other similar vehicles.”

Section 7. Addition of Section 9.10.1115. Section 9.10.1115 is hereby added to Chapter 9.10, Definitions, of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

“Sec. 9.10.1115. - Research and Development.

Uses engaged in the research, analysis, development, and/or testing of a product.”

Section 8. Addition of Section 9.10.1235. Section 9.10.1235 is hereby added to Chapter 9.10, Definitions, of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

“Sec. 9.10.1235. - Truck stop/travel center.

A site used primarily as a fueling or recharging station for trucks and often including truck parking, truck and trailer wash, service and repair of trucks, overnight accommodations, convenience stores, restaurants, and other services for trucks and truck drivers.”
Section 9. **Amendment to Section 9.10.1290.** Section 9.10.1290., Warehousing and Distribution, of Chapter 9.10, Definitions, of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

"Sec. 9.10.1290. - Warehousing and distribution.

Businesses whose sole purpose is to store and then distribute goods for sale as opposed to businesses whose sole purpose is to move goods by truck. This use generates a greater concentration of truck traffic and significant environmental impacts than other manufacturing uses or industrial uses."

Section 10. **Amendment to Section 9.85.020.** Section 9.85.020.D.(3) of Chapter 9.85, R-3A Zone (Village Tourist Residential), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

"(3) Automobile and truck repair and service stations, excluding truck stops/travel centers."

Section 11. **Amendment to Section 9.112.020.** Section 9.112.020.B.(3) of Chapter 9.112, B-P Zone (Business Park), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

"(3) Automobile service stations, not including the concurrent sale of beer and wine for off-premises consumption, excluding truck stops/travel centers."

Section 12. **Amendment to Section 9.115.020.** Section 9.115.020.A.(33) of Chapter 9.115, C-1 Zone/C-P Zone (General Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

"(33) Gasoline service stations, not including the concurrent sale of beer and wine for off-premises consumption, excluding truck stops/travel centers."

Section 13. **Amendment to Section 9.115.020.** Section 9.115.020.B.(9) of Chapter 9.115, C-1 Zone/C-P Zone (General Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

"(9) Liquid petroleum service stations, not including the concurrent sale of beer and wine, provided the total capacity of all tanks shall not exceed ten thousand (10,000) gallons, excluding truck stops/travel centers."

Section 14. **Amendment to Section 9.115.020.** Section 9.115.020.C.(15) of Chapter 9.115, C-1 Zone/C-P Zone (General Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

"(15) Gasoline service stations with the concurrent sale of beer and wine for off-premises consumption, excluding truck stops/travel centers."
Section 15. Amendment to Section 9.115.020. Section 9.115.020.C.(16) of Chapter 9.115, C-1 Zone/C-P Zone (General Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(16) Liquid petroleum service stations with the concurrent sale of beer and wine for off-premises consumption, provided the total capacity of all tanks shall not exceed ten thousand (10,000) gallons, excluding truck stops/travel centers.”

Section 16. Amendment to Section 9.120.010. Section 9.120.010.A.(1) of Chapter 9.120, C-T Zone (Tourist Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(1) Automobile service stations, truck service stations, not including the concurrent sale of beer and wine for off-premises consumption, excluding truck stops/travel centers.”

Section 17. Amendment to Section 9.125.020. Section 9.125.020.A.(95) of Chapter 9.125, C-P-S Zone (Scenic Highway Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(95) Gasoline service stations, not including the concurrent sale of beer and wine for off-premises consumption, excluding truck stops/travel centers.”

Section 18. Amendment to Section 9.125.020. Section 9.125.020.B.(8) of Chapter 9.125, C-P-S Zone (Scenic Highway Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(8) Liquid petroleum service stations, with or without the concurrent sale of beer and wine, provided the total capacity of all tanks shall not exceed ten thousand (10,000) gallons, excluding truck stops/travel centers.”

Section 19. Amendment to Section 9.125.020. Section 9.125.020.B.(21) of Chapter 9.125, C-P-S Zone (Scenic Highway Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(21) Gasoline service stations, with the concurrent sale of beer and wine for off-premises consumption, excluding truck stops/travel centers.”

Section 20. Amendment to Section 9.130.020. Section 9.130.020.A.(1) of Chapter 9.130, C-R Zone (Rural Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(1) Automobile service stations, not including the concurrent sale of beer and wine for off-premises consumption, excluding truck stops/travel centers.”

Section 21. Amendment to Section 9.130.020. Section 9.130.020.B.(4) of Chapter 9.130, C-R Zone (Rural Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:
“(4) Liquid petroleum service stations, with or without the concurrent sale of beer and wine, provided the total capacity of all tanks shall not exceed ten thousand (10,000) gallons, excluding truck stops/travel centers.”

Section 22. Amendment to Section 9.130.020. Section 9.130.020.B.(5) of Chapter 9.130, C-R Zone (Rural Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(5) Automobile service stations, with the concurrent sale of beer and wine for off-premises consumption, excluding truck stops/travel centers.”

Section 23. Amendment to Section 9.132.020. Section 9.132.020.B.(1) of Chapter 9.132, C-N Zone (Commercial-Neighborhood), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(1) Automobile service stations, not including the concurrent sale of beer and wine for off-premises consumption, excluding truck stops/travel centers.”

Section 24. Amendment to Section 9.140.020. Section 9.140.020.A.(41) of Chapter 9.140, R-VC Zone (Rubidoux-Village Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

<table>
<thead>
<tr>
<th>West Village</th>
<th>Village Center</th>
<th>East Village</th>
<th>No.</th>
<th>Uses Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>“X”</td>
<td></td>
<td>X</td>
<td>41</td>
<td>Gasoline service stations, not including the concurrent sale of beer and wine for off-premises consumption, excluding truck stops/travel centers.</td>
</tr>
</tbody>
</table>

Section 25. Amendment to Section 9.140.020. Section 9.140.020.B.(8) of Chapter 9.140, R-VC Zone (Rubidoux-Village Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

<table>
<thead>
<tr>
<th>West Village</th>
<th>Village Center</th>
<th>East Village</th>
<th>No.</th>
<th>Uses Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>“X”</td>
<td></td>
<td>X</td>
<td>8</td>
<td>Liquid petroleum service stations, not including the concurrent sale of beer and wine, provided the total capacity for all tanks shall not exceed 10,000 gallons, excluding truck stops/travel centers.</td>
</tr>
</tbody>
</table>

Section 26. Amendment to Section 9.140.020. Section 9.140.020.C.(6) of Chapter 9.140, R-VC Zone (Rubidoux-Village Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:
<table>
<thead>
<tr>
<th>West Village</th>
<th>Village Center</th>
<th>East Village</th>
<th>No.</th>
<th>Uses Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>“X”</td>
<td></td>
<td>X</td>
<td>6</td>
<td>Convenience stores, including the sale of motor vehicle fuel, excluding truck stops/travel centers.</td>
</tr>
</tbody>
</table>

Section 27. **Amendment to Section 9.140.020.** Section 9.140.020.C.(7) of Chapter 9.140, R-VC Zone (Rubidoux-Village Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

<table>
<thead>
<tr>
<th>West Village</th>
<th>Village Center</th>
<th>East Village</th>
<th>No.</th>
<th>Uses Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>“X”</td>
<td></td>
<td>X</td>
<td>7</td>
<td>Gasoline service stations with the concurrent sale of beer and wine for off-premises consumption, truck stops/travel centers.</td>
</tr>
</tbody>
</table>

Section 28. **Amendment to Section 9.140.020.** Section 9.140.020.C.(9) of Chapter 9.140, R-VC Zone (Rubidoux-Village Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

<table>
<thead>
<tr>
<th>West Village</th>
<th>Village Center</th>
<th>East Village</th>
<th>No.</th>
<th>Uses Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>“X”</td>
<td></td>
<td>X</td>
<td>9</td>
<td>Liquid petroleum service stations with the concurrent sale of beer and wine for off-premises consumption, provided the total capacity of all tanks shall not exceed 10,000 gallons, excluding truck stops/travel centers.</td>
</tr>
</tbody>
</table>

Section 29. **Amendment to Section 9.145.010.** Section 9.145.010., Scope, of Chapter 9.145, I-P Zone (Industrial Park), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“Sec. 9.145.010. - Intent and scope.

It is the intent of this chapter to:

(1) Promote and attract a wide variety of industrial and manufacturing activities and encourage research and development uses that will attract highly skilled, well paid jobs;

(2) Provide the necessary improvements to support industrial growth;
(3) Ensure that new industry is compatible with uses on adjacent lands;

(4) Protect industrial areas from encroachment by incompatible uses that may jeopardize industry; and

(5) Strengthen the city’s economic base.

The provisions of this chapter shall apply in all I-P Zones.”

Section 30. Amendment to Section 9.145.020. Section 9.145.020., Uses permitted, of Chapter 9.145, I-P Zone (Industrial Park), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“Sec. 9.145.020. - Uses permitted.

A. The following uses are permitted, provided an industrial park site development permit has been approved pursuant to the provisions of Section 9.240.330:

(1) The following industrial and manufacturing uses:

(a) Food, lumber, wood, and paper products:

(i) Grain and bakery products.

(ii) Sugar and confectionary products.

(iii) Nonalcoholic beverages.

(iv) Ice.

(v) Manufacture of furniture and fixtures including cabinets, partitions, and similar items.

(vi) Printing and publishing or newspapers, periodicals, books, forms, cards, and similar items.

(vii) Binding of books and other publications.

(b) Textile and leather products:

(i) Wearing apparel and accessory products.

(ii) Manufacture of handbags, luggage, footwear, and other personal leather goods.

(c) Chemical and glass products:

(i) Pharmaceutical research and manufacture.

(ii) Glassblowing, pressing, cutting, and other glassware products.
(d) Metal, machinery, and electrical products:

(i) Jewelry manufacture and repair.

(ii) Manufacture, assembly, testing and repair of components, devices, equipment and systems of an electrical, electronic, or electro-mechanical nature, such as, but not limited to:

a. Television and radio equipment and systems.

b. Phonographs and audio units.

c. Metering instruments, equipment and systems.

d. Radar, infrared and ultraviolet equipment and systems.

e. Coils, tubes, semiconductors and similar components.

f. Scientific and mechanical instruments.

g. Data processing equipment and systems.

h. Communication, navigation control, transmission and reception equipment, control transmission and reception equipment, control equipment and systems, guidance equipment and systems.

i. Musical and recording equipment.

(iii) Office and computing machine manufacture, repair, and sales.

(iv) Control devices and gauges.

(v) Equipment sales, rental and storage, excluding heavy vehicles and equipment specially designed for executing construction tasks. Examples of heavy equipment include, but are not limited to, cranes, boom lifts, earth moving, dozers, loaders, excavators, scraper, grader and other similar equipment.

(vi) Appliance manufacture, and repair.

(vii) Manufacture of lighting fixtures, and supplies.

(e) Transportation and related industries (Reserved) Research and development.

(f) Engineering and scientific instruments: Manufacture and repair of engineering, scientific, and medical instrumentation, including, but not limited to

(i) Measuring devices, watches, clocks, and related items.

(ii) Optical goods.
(iii) Medical, and dental instruments.
(iv) Engineering, survey, and drafting instruments.
(v) Photographic equipment.

(g) Industrial uses:
   (i) Public utility substations and storage buildings.
   (ii) Communications and microwave installations.
   (iii) Telephone exchanges and switching equipment.
   (iv) Post offices.
   (v) Fire and police stations.
   (vi) Water and gas company service facilities.
   (vii) Parcel delivery services.
   (viii) Mini warehouses (self-storage facility) provided they satisfy the provisions of Section 9.240.470.

(2) The following service and commercial uses:
   (a) Banks and financial institutions.
   (b) Blueprint and duplicating services.
   (c) Laboratories, film, medical, research, or testing centers.
   (d) Office equipment sales and service.
   (e) Offices, professional sales and service, including business, law, medical, dental, chiropractic, architectural and engineering.
   (f) Parking lots and parking structures.
   (g) Restaurants and other eating establishments.
   (h) Barber and beauty shops.
   (i) Day care centers.
   (j) Health and exercise centers.
(k) Mobilehomes, provided they are kept mobile and licensed pursuant to state law, when used for construction offices and caretaker's quarters on construction sites for the duration of a valid building permit.

(l) One (1) family dwellings on the same parcel as the industrial or commercial use provided such dwellings are occupied exclusively by the proprietor or caretaker of the use and their immediate families.

(m) Signs, on-site advertising

(n) Automobile service stations, not including the concurrent sale of beer and wine for off-premises consumption, excluding truck stops/travel centers.

(o) Motels.

(p) Churches, temples, or other structures used primarily for religious worship.

B. The following uses are permitted provided a conditional use permit has been granted pursuant to Section 9.240.280:

(1) Airports.

(2) Heliports.

(3) Lumber yards.

(4) Vehicle storage. Towing and impoundment of vehicles that are stored entirely within an enclosed building, with no outdoor storage allowed.

(5) Trailer, recreational vehicle, and boat storage entirely within an enclosed building (no outdoor storage).

(6) Warehousing and distribution only within an approved General Plan Warehouse and Distribution Center Overlay, including the Mira Loma or Agua Mansa Warehouse and Distribution Overlays.

(7) Reserved. Mini-storage facilities for the general public.

(8) Reserved. Cold storage facilities.

(9) Recycling collection facilities.

(10) Recycling processing facilities.

(11) Vehicle storage entirely within an enclosed building (no outdoor storage).

(12) Contractor storage yards, equipment sales and storage, salvage yards, cold storage, and warehouses (storage only, not distribution warehouses) provided they also meet all of the following criteria.
(a) A project site of one (1) acre or less; 
(b) A total building area of thirty thousand (30,000) square feet or less; and 
(c) Located a minimum of five hundred (500) feet from residentially zoned property and sensitive uses, such as churches or schools.

C. A conditional use permit required for the uses listed in subsection (B)(3)—(102) of this section shall not be granted unless the applicant demonstrates that the proposed use meets the general welfare standard articulated in Section 9.240.280(4) and meets all of the following additional findings:

(1) The proposed use will not adversely affect any residential neighborhood or property in regards to aesthetics, solar access, privacy, noise, fumes, odors or lights.

(2) The proposed use will not impact traffic on local or collector streets.

(3) The proposed use is adequately buffered from sensitive uses in the vicinity that may include, but not be limited to, churches, child care facilities, schools, parks and recreation facilities.

(4) The proposed use does not pose a hazard or potential to subject other properties in the vicinity to potential blight or crime.

D. Development agreement. Notwithstanding any other provision, the requirement of a conditional use permit in subsection (B)(3)—(10) of this section shall not apply to any property for which a development agreement has been adopted by the City Council.

E. Prospective application. No conditional use permit shall be required for those uses which are being exercised and legally permitted on the effective date of Ordinance No. 2012-10, which have received discretionary or ministerial approvals issued by the County or City of Jurupa Valley are still in effect, as of the effective date of Ordinance No. 2012-10.

F. Sex-oriented businesses, subject to the provisions of Chapter 5.60. The uses listed in subsections (A) and (B) of this section do not include sex-oriented businesses.

G. Any use that is not specifically listed in subsections (A) and (B) of this section may be considered a permitted or conditionally permitted use provided that the Community Development Director finds that the proposed use is substantially the same in character and intensity as those listed in the designated subsections. Such a use is subject to the permit process which governs the category in which it falls.

H. Warehousing and shipping uses are prohibited as primary uses where they conflict with Mira Loma Warehouse policy identified as Planning Department Policy Directive 12-01 Reserved.

I. It 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. Any pre-existing use certified pursuant to [Section 9.240.080] that is not specifically listed in subsections A. and B. shall be considered a permitted or conditionally permitted use the same as provided for such use under the zoning classification of the subject property prior to the adoption of the new zoning classification concurrent with, or subsequent to, the effective date of City Council Resolution No. 2017-14[A5] adopting the 2017 General Plan. The expansion of significant modification of such a pre-existing use shall be subject to the approval process and zoning requirements that had governed the category of use in which it fell under the prior zoning classification. However, nothing in this subsection shall be construed to mean that a site development permit or conditional use permit is required to continue such pre-existing use.

J. Emergency shelters are permitted, subject to compliance with the development standards set forth in Section 9.145.050, and provided a building permit has been approved pursuant to the provisions of Title 8.”

Section 31. Amendment to Section 9.145.050. Sections 9.145.050,(15) and (16) of Chapter 9.145, I-P Zone (Industrial Park), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code are hereby renumbered as Sections 9.145.050.(16) and (17).

Section 32. Amendment to Section 9.145.050. A new Subsection (15) is hereby added to Section 9.145.050, Development Standards, of Chapter 9.145, I-P Zone (Industrial Park), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

“(15) All uses listed under Section 9.145.020(B)(12) shall comply with the following additional development standards:

(a) Accessory truck and trailer parking, loading, trash and service areas shall be completely on site and screened from public view with a combination of buildings, decorative masonry walls such as tan split face block, stucco block, cultured stone of equivalent, berms and/or landscaping.

(b) Outside storage as described in Section 9.10.950 shall be completely screened from public view with a combination of buildings, decorative masonry block walls, berms and/or landscaping. Outside storage areas shall be prohibited within twenty-five (25) feet of the front property line and street-side property line.

(c) Screen walls shall be located outside the required street side setback areas and be fully landscaped in front of a wall adjacent to any street. The minimum height of a screen wall shall be eight (8) feet. All screen walls shall include an anti-graffiti coating or equivalent measures to prevent graffiti.

(d) All vehicle parking lots, drive-aisles, storage areas shall be designed and constructed with paved asphalt, concrete or similar surface material approved by the Public Works Director.

(e) All heavy-duty truck/vehicles and similar heavy equipment shall not idle more than five (5) minutes.

(f) All site landscape shall be designed to reduce air pollution and include species such as Pinus elliottii (African Pine) or similar that reduce particulate matter.
(g) All properties, buildings, outdoor storage areas, landscaping, walls, trash enclosures, accessory structures, signs and overall grounds shall be maintained in good repair, in a clean, neat and orderly condition.”

Section 33. Amendment to Section 9.148.010. Section 9.148.010., Intent, of Chapter 9.148, M-SC Zone (Manufacturing- Service Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“Sec. 9.148.010. - Intent.

It is the intent of the City Council in amending this chapter to:

(1) Promote and attract a wide variety of industrial and manufacturing activities which will provide jobs to local residents and strengthen the city’s economic base and encourage research and development uses that will attract highly skilled, well paid jobs;

(2) Provide the necessary improvements to support industrial growth;

(3) Ensure that new industry is compatible with uses on adjacent lands; and

(4) Protect industrial areas from encroachment by incompatible uses that may jeopardize industry; and

(5) Strengthen the City’s economic base.

The provisions of this chapter apply to the M-SC Zone.”

Section 34. Amendment to Section 9.148.020. Section 9.148.020., Uses Permitted, of Chapter 9.148, M-SC Zone (Manufacturing- Service Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“Sec. 9.148.020. - Uses permitted.

The following uses shall be permitted in the M-SC Zone:

(1) Agricultural uses of the soils for crops, including the grazing of not more than two (2) mature farm animals per acre and their immature offspring.

(2) The following uses are permitted provided a site development permit is approved pursuant to the provisions of Section 9.240.330.

(a) The following industrial and manufacturing uses:

(i) Food products:

a. Meat and poultry products, not including meat packing or slaughtering.

b. Dairy products, not including dairies.
c. Canning and preserving fruits and vegetables.

d. Grain and bakery products.

e. Sugar and confectionery products.

f. Nonalcoholic beverages.

g. Ice.

(ii) Textile products:

a. Cotton, wood, and synthetic weaving and finishing mills.

b. Wearing apparel and accessory products.

c. Knitting mills.

d. Floor covering mills.

e. Yarn and thread mills.

(iii) Lumber and wood products:

a. Saw and planing mills.

b. Manufacture of containers and crates.

c. Fabrication of wood buildings and structures.

d. Manufacture of furniture and fixtures including cabinets, partitions and similar items.

(iv) Paper products:

a. Paper and paperboard mills.

b. Manufacture of containers and boxes.

c. Paper shredding.

d. Printing and publishing of newspapers, periodicals, books, forms, cards, and similar items.

e. Binding of books and other publications.

(v) Chemicals and related products:
a. Manufacture of organic and inorganic compounds, not including those of a hazardous nature.

b. Manufacture of drugs and pharmaceuticals.

c. Soaps, cleaners, and toiletries.

d. Manufacture of agricultural chemicals, not including pesticides and fertilizers.

(vi) Leather products:

a. Tanning and finishing of leather.

b. Manufacture of handbags, luggage, footwear, and other personal leather goods.

(vii) Stone, clay, glass, and concrete products:

a. Stone cutting and related activities.

b. Pottery and similar items.

c. Glass blowing, pressing and cutting.

d. Glassware products.

e. Manufacture of concrete, gypsum, plaster and mineral products.

(viii) Metal products:

a. Manufacture of cans and containers.

b. Cutlery, tableware, hand tools, and hardware.

c. Plumbing and heating items.

d. Wrought iron fabrication.

e. Manufacture and assembly of fencing.

f. Machine, welding, and blacksmith shops.

g. Metal stamps and forged metal products.

h. Manufacture of ordnance and firearms, not including explosives.

i. Jewelry.
(ix) Machinery:
   a. Engines, turbines, and parts.
   b. Farm, garden construction, and industrial machinery.
   c. Office and computing machines.
   d. Refrigeration and heating equipment.
   e. Equipment sales, rental, and storage.

(x) Electrical equipment:
   a. Electrical and electronic apparatus and components.
   b. Appliances.
   c. Lighting and wiring.
   d. Radio, television, and communications equipment.
   e. Musical and recording equipment.

(xi) Transportation and related industries:
   a. Motorcycles, bicycles, and parts manufacture.

(xii) Engineering and scientific instruments:
   a. Measuring devices, watches, clocks, and related items.
   b. Optical goods, medical instruments, supplies, and equipment and photography equipment.

(xiii) Industrial uses:
   a. Cotton ginning.
   b. Public utility substations and storage yards.
   c. Heliports.
   c. Communications and microwave installations.
   e. Mini warehouses (self-storage facility) provided they satisfy the provisions of Section 9.240.470.

(xiv) Research and development
(b) The following service and commercial uses:

(i) Banks and financial institutions.

(ii) Blueprint and duplicating services.

(iii) Gasoline and diesel service stations, not including the concurrent sale of beer and wine for off-premises consumption, excluding truck stops/travel centers.

(iv) Laboratories, film, medical, research, or testing centers.

(v) Office equipment sales and service.

(vi) Offices, professional sales and service, including business, law, medical, dental, chiropractic, architectural, and engineering.

(vii) Parking lots and parking structures.

(viii) Restaurants and other eating establishments.

(ix) Vehicle and motorcycle repair shops.

(x) Barber and beauty shops.

(xi) Body and fender shops, and spray painting.

(xii) Building materials sales yard.

(xiii) Day care centers.

(xiv) Health and exercise centers.

(xv) Hardware and home improvement center.

(xvi) Mobile homes, provided they are kept mobile and licensed pursuant to state law, when used for: construction offices and caretaker's quarters on construction sites for the duration of a valid building permit; agricultural worker employment offices for a maximum of ninety (90) days in any calendar year; caretaker's quarters and office, in lieu of any other one (1) family dwelling located on the same parcel as a permitted industrial use.

(xvii) One (1) family dwellings on the same parcel as the industrial or commercial use provided such dwellings are occupied exclusively by the proprietor or caretaker of the use and their immediate family.

(xviii) Nurseries and garden supply stores.

(xix) Car and truck washes.
(xx) Signs, on-site advertising.

(xxi) Feed and grain sales.

(xxii) Fortune telling, spiritualism, or similar activity.

(xxii:) Churches, temples, or other structures used primarily for religious worship

(3) The following uses are permitted provided a conditional use permit has been granted pursuant to Section 9.240.280:

(a) Meat packing plants, not including slaughtering or rendering of animals.

(b) Cemeteries, crematories, and mausoleums.

(c) Brewery, distillery, or winery.

(d) Acid and abrasives manufacturing.

(e) Fertilizer production, organic or inorganic.

(f) Paints and varnishes manufacturing and incidental storage.

(g) Airports.

(h) Poultry and egg processing.

(i) Drive-in theaters.

(j) Lumber yards.

(k) Fabrication of manufactured housing and mobilehomes.

(l) Fabrication of metal buildings.

(m) Vehicles, aircraft, boats and parts manufacture.

(n) Railroad equipment.

(o) Travel trailers and recreational vehicles manufacture.

(p) Vehicle storage, Towing and impoundment of vehicles that are stored entirely within an enclosed building, with no outdoor storage allowed.

(q) Trailer and boat storage.

(r) Railroad yards and stations.

(s) Building movers storage yard.
(t) Reserved. Mini-storage facilities for the general public.

(u) Warehousing and distribution, only within an approved General Plan Warehouse and Distribution Overlay, including the Mira Loma or Agua Mansa Warehouse and Distribution Overlays.

(v) Reserved. Cold-storage plant.

(w) Reserved. Contractor storage yards.

(x) Truck and trailer sales and rental.

(y) Mobile home sales lots.

(z) Recycling collection facilities.

(aa) Paper storage and recycling, not within a building.

(bb) Concrete batch plants and asphalt plants.

(cc) Recycling processing facilities.

(dd) Recycling of wood, metal and construction wastes.

(ee) Disposal service operations, not including transfer stations.

(ff) Reserved. Draying, freighting and trucking operations.

(gg) Natural gas storage, above-ground.

.hh) Petroleum and bulk fuel storage, above-ground, pursuant to Chapter 5.65.

(ii) Any mining operation that is subject to the California Surface Mining and Reclamation Act of 1975 (Pub. Resources Code Section 2710 et seq.) provided a valid surface mining permit has been granted pursuant to Chapter 5.65.

(jj) Vehicle storage entirely within an enclosed building, with no outdoor storage allowed.

(kk) For the following list of truck trip generation uses with a project site one (1) acre or less, the total building area is thirty thousand (30,000) square feet or less and when located five hundred (500) feet or more from residentially zoned property or other sensitive uses such as churches and schools:

(i) Contractor storage yards.
(ii) Equipment sales and storage.
(iii) Salvage yards.
(iv) Cold storage.
(v) Warehouse (storage only not distribution warehouses).
(4) A conditional use permit required for the uses listed in subsection (3)(i)—(ii) of this section shall not be granted unless the applicant demonstrates that the proposed use meets the general welfare standard articulated in Section 9.240.280(4) and meets all of the following additional findings:

(a) The proposed use will not adversely affect any residential neighborhood or property in regards to aesthetics, solar access, privacy, noise, fumes, odors or lights.

(b) The proposed use will not impact traffic on local or collector streets.

(c) The proposed use is adequately buffered from sensitive uses in the vicinity that may include, but not be limited to, churches, child care facilities, schools, parks and recreation facilities.

(d) The proposed use does not pose a hazard or potential to subject other properties in the vicinity to potential blight or crime.

(5) Development agreement. Notwithstanding any other provision, the requirement of a conditional use permit in subsection (3)(i)—(ii) of this section shall not apply to any property for which a development agreement has been adopted by the City Council.

(6) Prospective application. No conditional use permit shall be required for those uses which are being exercised and legally permitted on the effective date of Ordinance No. 2012-10, including properties which have received discretionary or ministerial approvals issued by the County of Riverside or City of Jurupa Valley which are still in effect, as of the effective date of Ordinance No. 2012-10.

(7) Kennels and catteries are permitted provided they are approved pursuant to the provisions of Section 9.240.460.

(8) Sex-oriented businesses, subject to the provisions of Chapter 5.60. The uses listed in subsections (1), (2) and (3) of this section do not include sex-oriented businesses.

(9) Any use that is not specifically listed in subsections (2) and (3) of this section may be considered a permitted or conditionally permitted use provided that the Community Development Director finds that the proposed use is substantially the same in character and intensity as those listed in the designated subsections. Such a use is subject to the permit process which governs the category in which it falls.

(10) Warehousing and shipping uses are prohibited as primary uses where they conflict with the Mira Loma Warehouse policy identified as Planning Department Policy Directive 12-01."

Section 35. Amendment to Section 9.148.040. A new Subsection (12) is hereby added to Section 9.148.040, Development Standards, of Chapter 9.148, M-SC Zone (Manufacturing-Service Commercial), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:
“(12) All uses listed under Section 9.148.020(3)(kk) shall comply with the following additional development standards:

(a) Accessory truck and trailer parking, loading, trash and service areas shall be completely on site and screened from public view with a combination of buildings, decorative masonry walls such as tan split face block, stucco block, cultured stone of equivalent, berms and/or landscaping.

(b) Outside storage as described in Section 9.10.095 shall be completely screened from public view with a combination of buildings, decorative masonry block walls, berms and/or landscaping. Outside storage areas shall be prohibited within twenty-five (25) feet of the front property line and street-side property line.

(c) Screen walls shall be located outside the required street side setback areas and be fully landscaped in front of a wall adjacent to any street. The minimum height of a screen wall shall be eight (8) feet. All screen walls shall include an anti-graffiti coating or equivalent measures to prevent graffiti.

(d) All vehicle parking lots, drive-aisles, storage areas shall be designed and constructed with paved asphalt, concrete or similar surface material approved by the Public Works Director.

(e) All heavy-duty truck/vehicles and similar heavy equipment shall not idle more than five (5) minutes.

(f) All site landscape shall be designed to reduce air pollution and include species such as Pignus eldarica (Afghan Pine) or similar that reduce particulate matter.

(g) All properties, buildings, outdoor storage areas, landscaping, walls, trash enclosures, accessory structures, signs and overall grounds shall be maintained in good repair, in a clean, neat and orderly condition.”

Section 36. Amendment to Section 9.150.010 Section 9.150.010., Intent, of Chapter 9.150, M-M Zone (Manufacturing- Medium), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“Sec. 9.150.010. - Intent.

It is the intent of the City Council in amending this chapter to:

(1) Promote and attract industrial and manufacturing activities which will provide jobs to local residents and strengthen the city's economic base;

(2) Provide the necessary improvements to support industrial growth;

(3) Ensure the new industry is compatible with uses on adjacent lands; and

(4) Protect industrial areas from encroachment by incompatible uses that may jeopardize industry.
The provisions of this chapter apply to the M-M Zone.

Section 37. Amendment to Section 9.150.020. Section 9.150.020., Uses Permitted, of Chapter 9.150, M-M Zone (Manufacturing- Medium), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“Sec. 9.150.020. - Uses permitted.

The following uses shall be permitted:

(1) Agricultural uses of the soils for crops including the grazing of not more than two (2) mature farm animals per acre and their immature offspring.

(2) The following uses are permitted provided a site development permit is approved pursuant to the provisions of Section 9.240.330.

(a) The following industrial and manufacturing areas:

(i) Food products:

a. Meat and poultry products, including meat packing but not including slaughtering.

b. Dairy products, not including dairies.

c. Canning and preserving fruits and vegetables.

d. Grain and bakery products.

e. Sugar and confectionery products.

f. Beverages.

g. Ice.

h. Wineries, distilleries and breweries.

(ii) Textile products:

a. Cotton, wool, and synthetic weaving and finishing mills.

b. Wearing apparel and accessory products.

c. Knitting mills.

d. Floor covering mills.

e. Yarn and thread mills.
(iii) Lumber and wood products:
   a. Saw and planing mills.
   b. Manufacture of containers and crates.
   c. Fabricated wood buildings and structures.
   d. Manufacture of furniture and fixtures including cabinets, partitions and similar items.
   e. Paper shredding.

(iv) Paper products:
   a. Paper and paperboard mills.
   b. Manufacture of containers and boxes.
   c. Paper shredding.
   d. Printing and publishing of newspapers, periodicals, books, forms, cards, and similar items.
   e. Binding of books and other publications.

(v) Chemicals and related products:
   a. Manufacture of organic and inorganic compounds, not including those of a hazardous nature.
   b. Manufacture of drugs and pharmaceuticals.
   c. Soaps, cleaners, and toiletries.
   d. Manufacture of agricultural chemicals, not including pesticides and fertilizers.

(vi) Rubber, plastic and synthetic products:
   a. Manufacture of tires and tubes.
   b. Fabrication of rubber, plastic, and synthetic products.

(vii) Leather products:
   a. Tanning and finishing of leather.
b. Manufacture of handbags, luggage, footwear, and other personal leather goods.

(viii) Stone, clay, glass, and concrete products:

a. Stone cutting and related activities.
b. Pottery and similar items.
c. Glass blowing, pressing and cutting.
d. Glassware products.
e. Manufacture of concrete, gypsum, plaster and mineral products.

(ix) Metal products, fabricated:

a. Manufacture of cans and containers.
b. Cutlery, tableware, hand tools, and hardware.
c. Plumbing and heating items.
d. Wrought iron fabrication.
e. Manufacture and assembly of fencing.
f. Machine, welding, and blacksmith shops.
g. Metal stamps and forged metal products.
h. Manufacture of ordnance and firearms, not including explosives.
i. Jewelry.

(x) Machinery:

a. Engines, turbines, and parts.
b. Farm, garden, construction, and industrial machinery.
c. Office and computing machines.
d. Refrigeration and heating equipment.
e. Equipment sales, rental, and storage, excluding heavy vehicles and equipment specially designed for executing construction tasks. Examples of heavy equipment include, but are not limited to, cranes, boom lifts, earth
moving, dozers, loaders, excavators, scraper, grader and other similar equipment.

(xi) Electrical equipment:
   a. Electrical and electronic apparatus and components.
   b. Appliances.
   c. Lighting and wiring.
   d. Radio, television, and communications equipment.
   e. Musical and recording equipment.

(xii) Transportation and related industries: Motorcycles, bicycles, and parts manufacture.

(xiii) Engineering and scientific instruments:
   a. Measuring device, watches, clocks, and related items.
   b. Optical goods.
   c. Medical instruments, supplies, and equipment and photography equipment.

(xiv) Industrial uses:
   a. Laboratories and research centers.
   b. Cotton ginning.
   c. Public utility substations and storage yards.
   d. Heliports.
   e. Animal training.
   f. Communications and microwave installations.
   g. Breweries, distilleries, and wineries.
   h. Mini warehouses (self-storage facility) provided they satisfy the provisions of Section 9.240.470.

(b) The following service and commercial uses:

   (i) Banks and financial institutions.
(ii) Blueprint and duplicating services.

(iii) Gasoline and diesel service stations, not including the concurrent sale of beer and wine for off-premises consumption, excluding truck stops/travel centers.

(iv) Laboratories, film, medical, research, or testing.

(v) Office equipment sales and service.

(vi) Offices, professional sales and service, including business, law, medical, dental, chiropractic, architectural, and engineering.

(vii) Parking lots and parking structures.

(viii) Restaurants and other eating establishments.

(ix) Vehicle and motorcycle repair shops.

(x) Barber and beauty shops.

(xi) Body and fender shops, and spray painting.

(xii) Building materials sales yard.

(xiii) Day care centers.

(xiv) Health and exercise centers.

(xv) Hardware and home improvement centers.

(xvi) Mobile homes, provided they are kept mobile and licensed pursuant to state law, when used for: construction offices and caretaker's quarters on construction sites for the duration of a valid building permit; agricultural worker employment offices for a maximum of ninety (90) days in any calendar year; caretaker's quarters and office, in lieu of any other one (1) family dwelling, located on the same parcel as a permitted industrial use.

(xvii) One (1) family dwellings on the same parcel as the industrial or commercial use provided such dwellings are occupied exclusively by the proprietor or caretaker of the use and their immediate family.

(xviii) Nurseries and garden supply.

(xix) Care and truck washes.

(xx) Feed and grain sales.

(XXI) Signs, on-site advertising.
Churches, temples and other places of religious worship.

(3) The following uses are permitted, provided a conditional use permit has been granted pursuant to Section 9.240.280:

(a) Abattoirs.

(b) Cemeteries, crematories and mausoleums.

(c) Cotton ginning.

(d) Acid and abrasives manufacturing.

(e) Fertilizer production, and processing organic or inorganic.

(f) Paints and varnishes manufacturing and incidental storage.

(g) Drive-in theaters.

(h) Airports.

(i) Sand blasting.

(j) Gas, steam, and oil drilling operations.

(k) Swap meets.

(l) Smelting metal and foundries.

(m) Lumber yards.

(n) Fabrication of manufactured housing and mobile homes.

(o) Fabrication of metal buildings.

(p) Vehicles, aircraft, boats and parts manufacture.

(q) Railroad equipment.

(r) Travel trailers and recreational vehicles manufacture.

(s) Reserved. Draying, freighting and trucking operations.

(t) Railroad yards and stations.

(u) Vehicle storage. Towing and impoundment of vehicles that are stored entirely within an enclosed building, with no outdoor storage allowed.

(v) Trailer and boat storage.
(w) Building movers storage yard.

(x) Reserved Mini storage facilities for the general public.

(y) Warehousing and distribution only within an approved General Plan Warehouse and Distribution Center Overlay, including the Mira Loma or Agua Mansa Warehouse and Distribution Overlays.

(z) Reserved Cold storage plant

(aa) Reserved Contractor storage yards.

(bb) Truck and trailer sales and rental.

(cc) Mobilehome sales lots.

(dd) Recycling collection facilities.

(ee) Reserved Auto wrecking and junk yards.

(ff) Paper storage and recycling, not within a building.

(gg) Concrete batch plants and asphalt plants.

(hh) Recycling processing facilities.

(ii) Recycling of wood, metal and construction wastes.

(jj) Disposal service operations.

(kk) Sewerage treatment plants.

(ll) Dump sites.

(mm) Natural gas, above-ground storage.

(nn) Petroleum and bulk fuel storage, above-ground, pursuant to Chapter 5.65.

(oo) Any mining operation that is subject to the California Surface Mining and Reclamation Act of 1975 (Pub. Resources Code Section 2710 et seq.) provided a valid surface mining permit has been granted pursuant to Chapter 5.65.

(pp) Vehicle storage entirely within an enclosed building (no outdoor storage).

(qq) For the following list of truck trip generation uses with a project site one (1) acre or less, the total building area is thirty thousand (30,000) square feet or less and when located five hundred (500) feet or more from residentially zoned property or other sensitive uses such as churches and schools:
(i) Contractor storage yards.
(ii) Equipment sales and storage.
(iii) Salvage yards.
(iv) Cold storage.
(v) Warehouses (storage only not distribution warehouses).

(4) A conditional use permit required for the uses listed in subsection (3)(m)—(oo)—of this section shall not be granted unless the applicant demonstrates that the proposed uses meet the general welfare standard articulated in Section 9.240.280(4) and meets all of the following additional findings:

(a) The proposed use will not adversely affect any residential neighborhood or property in regards to aesthetics, solar access, privacy, noise, fumes, odors or lights.

(b) The proposed use will not impact traffic on local or collector streets.

(c) The proposed use is adequately buffered from sensitive uses in the vicinity that may include, but not be limited to, churches, child care facilities, schools, parks and recreation facilities.

(d) The proposed use does not pose a hazard or potential to subject other properties in the vicinity to potential blight or crime.

(5) Development agreement. Notwithstanding any other provision, the requirements of a conditional use permit in subsection (3)(m)—(oo)—of this section shall not apply to any property for which a development agreement has been adopted by the City Council.

(6) Prospective application. No conditional use permit shall be required for those uses which are being exercised and legally permitted on the effective date of Ordinance No. 2012-10, including properties which have received discretionary or ministerial approvals issued by the County or City of Jurupa Valley are still in effect, as of the effective date of Ordinance No. 2012-10.

(7) Kennels and catteries are permitted provided they are approved pursuant to the provisions of Section 9.240.460.

(8) Sex-oriented businesses, subject to the provisions of Chapter 5.60. The uses listed in subsections (1), (2) and (3) of this section do not include sex-oriented businesses.

(9) Any use that is not specifically listed in subsections (1) and (2) of this section may be considered a permitted or conditionally permitted use provided that the Community Development Director finds that the proposed use is substantially the same in character and intensity as those listed in the designated subsections. Such a use is subject to the permit process which governs the category in which it falls.

(10) Warehousing and shipping uses are prohibited as primary uses where they conflict with the Mira Loma Warehouse policy identified as Planning Department Policy Directive 12-01.”
Section 38. Amendment to Section 9.150.040. A new Subsection (12) is hereby added to Section 9.150.040, Development Standards, of Chapter 9.150, M-M Zone (Manufacturing-Medium), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:

“(12) All uses listed under Section 9.150.020(3)(qq) shall comply with the following additional development standards:

(a) Accessory truck and trailer parking, loading, trash and service areas shall be completely on site and screened from public view with a combination of buildings, decorative masonry walls such as tan split face block, stucco block, cultured stone of equivalent, berms and/or landscaping.

(b) Outside storage as described in Section 9.10.950 shall be completely screened from public view with a combination of buildings, decorative masonry block walls, berms and/or landscaping. Outside storage areas shall be prohibited within twenty-five (25) feet of the front property line and street-side property line.

(c) Screen walls shall be located outside the required street side setback areas and be fully landscaped in front of a wall adjacent to any street. The minimum height of a screen wall shall be eight (8) feet. All screen walls shall include an anti-graffiti coating or equivalent measures to prevent graffiti.

(d) All vehicle parking lots, drive-aisles, storage areas shall be designed and constructed with paved asphalt, concrete or similar surface material approved by the Public Works Director.

(e) All heavy-duty truck/vehicles and similar heavy equipment shall not idle more than five minutes.

(f) All site landscape shall be designed to reduce air pollution and include species such as *Pinus sylvestris* (Scotch Pine) or similar that reduce particulate matter.

(g) All properties, buildings, outdoor storage areas, landscaping, walls, trash enclosures, accessory structures, signs and overall grounds shall be maintained in good repair, in a clean, neat and orderly condition.”

Section 39. Amendment to Section 9.155.010. Section 9.155.010., Intent, of Chapter 9.155, M-H Zone (Manufacturing-Heavy), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“Sec. 9.155.010. - Intent.

It is the intent of the City Council in amending this chapter to:

(1) Promote and attract industrial and manufacturing activities which will provide jobs to local residents and strengthen the city’s economic base;

(2) Provide the necessary improvements to support industrial growth;
(3) Ensure that new industry is compatible with uses on adjacent lands; and

(4) Protect industrial areas from encroachment by incompatible uses that may jeopardize industry.

The provisions of this chapter apply to the M-H Zone.”

Section 40. Amendment to Section 9.155.020. Section 9.155.020.(2)(a)(xv)(h) of Chapter 9.155, M-H Zone (Manufacturing-Heavy), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“h. Mini warehouses (self-storage facility) subject to the provisions of Section 9.240.470.”

Section 41. Amendment to Section 9.155.020. Section 9.155.020.(2)(b)(iii) of Chapter 9.155, M-H Zone (Manufacturing-Heavy), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(iii) Gasoline and diesel service stations, not including the concurrent sale of beer and wine for off-premises consumption, excluding truck stops/travel centers.”

Section 42. Amendment to Section 9.155.020. Section 9.155.020.(3)(u) of Chapter 9.155, M-H Zone (Manufacturing-Heavy), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(u) Reserved: Mini storage facilities for the general public.”

Section 43. Amendment to Section 9.155.020. Section 9.155.020.(3)(v) of Chapter 9.155, M-H Zone (Manufacturing-Heavy), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(v) Warehousing and distribution within an approved General Plan Warehouse and Distribution Center Overlay, including Mira Loma and Agua Mansa.”

Section 44. Amendment to Section 9.155.020. Section 9.155.020.(10) of Chapter 9.155, M-H Zone (Manufacturing-Heavy), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code is hereby amended to read as follows:

“(10) Reserved: Warehousing and shipping uses are prohibited as primary uses where they conflict with the Mira Loma Warehouse policy identified as Planning Department Policy Directive 12-01.”

Section 45. Amendment to Section 9.155.030. A new Subsection l. is hereby added to Section 9.155.030, Development Standards, of Chapter 9.155, M-H Zone (Manufacturing-Heavy), of Title 9, Planning and Zoning, of the Jurupa Valley Municipal Code to read as follows:
"1. All uses listed under Sections 9.155.020(3)(p), (r), (s), (t), (w), (x), (z), (cc), (dd), (ee), (ff), (ii), (kk), and (nn) shall comply with the following additional development standards:

(a) Accessory truck and trailer parking, loading, trash and service areas shall be completely on site and screened from public view with a combination of buildings, decorative masonry walls such as tan split face block, stucco block, cultured stone of equivalent, berms and/or landscaping.

(b) Outside storage as described in Section 9.10.950 shall be completely screened from public view with a combination of buildings, decorative masonry block walls, berms and/or landscaping. Outside storage areas shall be prohibited within twenty-five (25) feet of the front property line and street-side property line.

(c) Screen walls shall be located outside the required street side setback areas and be fully landscaped in front of a wall adjacent to any street. The minimum height of a screen wall shall be eight (8) feet. All screen walls shall include an anti-graffiti coating or equivalent measures to prevent graffiti.

(d) All vehicle parking lots, drive-aisles, storage areas shall be designed and constructed with paved asphalt, concrete or similar surface material approved by the Public Works Director.

(e) All heavy-duty truck/vehicles and similar heavy equipment shall not idle more than five minutes.

(f) All site landscape shall be designed to reduce air pollution and include species such as Pinus edulis (Afghan Pine) or similar that reduce particulate matter.

(g) All properties, buildings, outdoor storage areas, landscaping, walls, trash enclosures, accessory structures, signs and overall grounds shall be maintained in good repair, in a clean, neat and orderly condition."

Section 46. 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 47. 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 48. Certification. The City Clerk 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 49. 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 16th day of December, 2021.

Lorena Barajas
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. 2021-29 was introduced at a meeting of the City Council of the City of Jurupa Valley on the 2nd day of December, 2021 and thereafter at a regular meeting held on the 16th day of December, 2021, 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 16th day of December, 2021.

Victoria Wasko, City Clerk
City of Jurupa Valley
ATTACHMENT NO. 2

City Council Interim Urgency Ordinance
ORDINANCE NO. 2021-30


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

SECTION 1. Prior Ordinances. On January 21, 2021, the City Council adopted Interim Urgency Ordinance No. 2021-05 imposing a temporary moratorium pursuant to Government Code Section 65858 on the expansion or establishment of truck intensive uses in the Industrial Park (I-P), Manufacturing-Service Commercial (M-SC), Manufacturing-Medium (M-M), Manufacturing-Heavy (M-H), Mineral Resources (M-R), and Mineral Resources and Related Manufacturing (M-R-A) Zones. That ordinance had a term of forty-five (45) days. On February 18, 2021, the City Council adopted Interim Urgency Ordinance No. 2021-06, extending Urgency Ordinance No. 2021-05 by ten (10) months and fifteen (15) days, through and including January 22, 2022.

SECTION 2. Legislative Findings. The City Council of the City of Jurupa Valley does find, determine, and declare that:

A. California state law allows a City to adopt an interim ordinance that imposes a temporary moratorium on the approval of land use entitlements that may be in conflict with a contemplated general plan, specific plan or zoning proposal that the legislative body or planning commission intends to study within a reasonable time. Pursuant to California Government Code Section 65858, an interim urgency zoning ordinance must be adopted by not less than a four-fifths vote of the City Council and is effective for forty-five (45) days from the date of its adoption.

B. The City Council may consider up to two (2) extensions of Interim Urgency Ordinance No. 2021-05 pursuant to the legal requirements provided in Government Code Section 65858. The City Council may initially extend Interim Urgency Ordinance No. 2021-05 by up to ten (10) months and fifteen (15) days. Then, City Council may extend Interim Urgency Ordinance No. 2021-05 for one (1) subsequent year. Both extensions require a four-fifths vote of the City Council.

C. The City Council is concerned that under the City’s current zoning standards and current General Plan policies, certain truck intensive uses that are allowed might
cause a disproportionate public health, safety, and welfare impact to the City of Jurupa Valley community and to its residents without compensating benefits to the community.

D. On January 21, 2021, the City Council found that studies needed to be conducted to determine the proper location, regulations, and other land use regulatory controls that need to be in place in order to ensure that truck intensive uses do not burden the City and its residents, and that the procedures for allowing such uses need to be studied to enable the City to address and mitigate potential burdens on the communities affected. To accomplish this, the City Council imposed, on an urgency basis, a temporary moratorium on new or expanded truck intensive uses in the Industrial Park (I-P), Manufacturing-Service Commercial (M-SC), Manufacturing-Medium (M-M), Manufacturing-Heavy (M-H), Mineral Resources (M-R), and Mineral Resources and Related Manufacturing (M-R-A) Zones by adoption of Interim Urgency Ordinance No. 2021-05. “Truck intensive uses” are defined as the following uses: (1) trucking and transport; (2) truck or semi-trailer storage yard; (3) heavy equipment sales, rental, and storage; (4) auto auctions, including all vehicle types; (5) salvage yards; (6) contractor storage yards; and (7) any other use reasonably determined by the Community Development Director to be similar to these types of uses. Additionally, the City Council referred the issue to the Planning Commission to study, conduct hearings, and make recommendations to the Council.

E. Interim Urgency Ordinance No. 2021-05 had a term of forty-five (45) days. On February 18, 2021, to allow for additional time for the City staff, the City Council, property owners, and the people of the City of Jurupa Valley to analyze the burdens truck intensive uses impose on the City so that appropriate land use regulatory controls and zone changes could be adopted, the City Council found it necessary to extend the moratorium and adopted Interim Urgency Ordinance No. 2021-06, extending Urgency Ordinance No. 2021-05 by ten (10) months and (fifteen) days, through and including January 22, 2022.

F. On October 27, 2021, the Planning Commission of the City of Jurupa Valley held a public hearing on a proposed Zoning Code Amendment (ZCA No. 21008) (1) eliminating the expansion or establishment of truck intensive uses in various commercial, industrial, and manufacturing zones, (2) establishing the Manufacturing-Heavy (M-H) Zone as the sole zoning district in which truck intensive uses are permitted subject to approval of a conditional use permit, and (3) adopting additional, more protective, development standards for certain truck intensive uses. During the hearing, all persons interested in the proposed Zoning Code Amendment 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. 2021-10-27-01 recommending that the City Council approve the proposed Zoning Code Amendment.

G. At its meeting on December 2, 2021, the City Council will address some of the issues presented by truck intensive uses by considering the proposed Zoning Code Amendment, which, if adopted, will have the effect of greatly diminishing air quality, safety, noise, traffic and other the impacts these uses have on the community.

H. Although the proposed Zoning Code Amendment, if adopted, will limit truck intensive uses to premises within the Manufacturing High (M-H) Zone subject to approval
of a conditional use permit, Community Development staff have determined that additional studies should be conducted concerning the appropriate mix of land uses and development standards as they relate to truck intensive uses on certain premises within the M-H Zone identified as APNs 174-040-017, -018, -019, and -020; 175-080-007; 178-330-001, -002, and -003; 163-400-004, -008, and -046; and 181-119-01 and -010, as described and depicted in Exhibit “A” attached to this Interim Urgency Ordinance and incorporated herein by this reference.

I. The City Council now finds that it is necessary to extend the moratorium only as it relates to certain premises in the M-H Zone described and depicted in Exhibit “A” which, after additional study, may be determined to be unsuitable for improvement with truck intensive uses.

J. This temporary moratorium extension will allow City staff, the City Council, property owners, and the people of the City of Jurupa Valley sufficient time to analyze the burdens truck intensive uses have on those M-H zoned parcels described and depicted in Exhibit “A” so that the appropriate land use regulatory controls and zone changes can be adopted.

K. The City Council finds that it is necessary that this Interim Urgency Ordinance take effect immediately as there is a current and immediate threat to the public health, safety, and welfare. Without this Interim Urgency Ordinance, new or expanded truck intensive uses may be established on premises in the M-H Zone described and depicted in Exhibit “A” that may be in conflict with regulations ultimately adopted. Without this Interim Urgency Ordinance, truck intensive uses may be established or expanded and such uses would: (1) create or exacerbate poor air quality conditions impacting the public health and preventing General Plan designations and policies, zoning measures or development standards that might be developed to mitigate such impacts; (2) create or exacerbate land use conflicts and health risks from truck intensive uses being established or expanded in close proximity to residential uses, thereby impacting the public health and welfare and preventing General Plan designations and policies, zoning measures or development standards that might be developed to mitigate such impacts; (3) create or exacerbate traffic safety conditions in the Jurupa Valley community through increased truck traffic related to new or expanded truck intensive uses, thereby impacting public safety and preventing General Plan designations and policies, zoning measures or development standards that might be developed to mitigate such impacts; and (4) create or exacerbate such impacts without City Council review of such projects.

L. For the reasons specified in this Section 2 of this Interim Urgency Ordinance and all the evidence in the record, the City Council finds that there is a current and immediate threat to the public health, safety, and welfare caused by the establishment or expansion of truck intensive uses on the M-H zoned parcels described and depicted in Exhibit “A,” and that the approval of any entitlement to allow such type of use would constitute a current and immediate threat to the public health, safety, and welfare of the residents of the City.

SECTION 3. Adoption as an Interim Urgency Zoning Ordinance. This Ordinance is adopted as an interim urgency zoning ordinance pursuant to the provisions of Government Code Section 65858(a), and shall be effective immediately upon its adoption. Based upon the findings set forth in Section 2 of this Interim Urgency Ordinance, the City Council finds and determines that the adoption of this Interim Urgency Ordinance as an urgency ordinance is necessary for the
immediate preservation of public health, safety, and welfare pursuant to the requirements of Government Code Sections 65858(a) and 36937(b).

SECTION 4. Temporary Moratorium Limited in Scope and Extended. The moratorium enacted by the City of Jurupa Valley pursuant to Interim Urgency Ordinance No. 2021-05 and extended pursuant to Interim Urgency Ordinance No. 2021-06 is hereby extended pursuant to Government Code Section 65858 for one (1) year from the expiration of the previous extension, so as to extend the moratorium through January 22, 2023. This Interim Urgency Ordinance hereby limits the scope of any extension of a temporary moratorium on the approval and issuance of any type of entitlement necessary to allow truck intensive uses on the following premises in the M-II Zone identified as APNs: 174-040-017, -018, -019, and -020, 175-080-007, 178-330-001, -002, and -003, 163-400-004, -008, and -046, and 181-119-001 and -010, as described and depicted in Exhibit "A." "Truck intensive uses" shall be defined as the following uses: (1) trucking and transport; (2) truck or semi-trailer storage yard; (3) heavy equipment sales, rental, and storage; (4) auto auctions, including all vehicle types; (5) salvage yards; (6) contractor storage yards; and (7) any other use reasonably determined by the Community Development Director to be similar to these types of truck intensive uses. This temporary moratorium shall not apply to the following uses: (1) manufacturing, processing, fabrication, or assembly; and (2) public agency operations, including private services under contract to a public agency.

SECTION 5. Temporary Moratorium Defined. Notwithstanding any other ordinance or provision of the Jurupa Valley Municipal Code, no application for an entitlement for the establishment of a truck intensive use as defined in Section 4 above, shall be accepted or approved during the term of this temporary moratorium, specified in Section 6 of this Interim Urgency Ordinance.

SECTION 6. Temporary Moratorium Term. This Interim Urgency Ordinance shall take effect immediately upon adoption, and this Interim Urgency Ordinance shall expire, and the temporary moratorium established hereby shall terminate, one (1) year after the ten (10) month and fifteen (15) day expiration date of Interim Urgency Ordinance No. 2021-06. The City Council shall retain the authority to terminate or to limit the scope of the temporary moratorium at any time.

SECTION 7. CEQA Finding. The City Council hereby finds, in the exercise of its independent judgment and analysis, that this Interim Urgency Ordinance is exempt from the California Environmental Quality Act (CEQA) because it can be seen with certainty that this Interim Urgency Ordinance has no likelihood of causing a significant negative effect on the environment and accordingly both the City Council’s action of adopting this Interim Urgency Ordinance and the effects derivative from that adoption are exempt from the application of CEQA pursuant to State CEQA Guidelines Section 15061(b)(3) (14 Cal. Code Regs. § 15061(b)(3)). The limitation of the scope, and extension, of this temporary moratorium will impose restrictions on allowing truck intensive uses on certain parcels as depicted in Exhibit “A” to this Interim Urgency Ordinance. Thus, by limiting the scope of certain uses in the City, this Interim Urgency Ordinance will limit environmental impacts. The Community Development Director shall prepare and file a Notice of Exemption for this Interim Urgency Ordinance.
SECTION 8. Planning Studies. City staff shall continue the studies commenced pursuant to Interim Urgency Ordinance No. 2021-05 that they deem necessary and appropriate to make a recommendation to this City Council regarding the structuring of the General Plan, zoning, and other necessary regulatory controls over truck intensive uses on the parcels described and depicted in Exhibit "A" to this Interim Urgency Ordinance. Pursuant to Government Code Section 65858(d), City staff shall prepare and submit for City Council adoption, at least ten (10) days prior to the expiration of this Interim Urgency Ordinance, a written report describing the measures taken to alleviate the conditions which led to the adoption of this Interim Urgency Ordinance limiting the scope of the moratorium and extending the moratorium term, including any proposals to rezone parcels to which this Interim Urgency Ordinance applies to zoning districts in which truck intensive uses are prohibited.

SECTION 9. Effect of Ordinance. This Interim Urgency Ordinance is intended to supersede any ordinance or resolution of the City of Jurupa Valley in conflict with the terms of this Interim Urgency Ordinance; provided, however, that nothing contained in this Interim Urgency Ordinance is intended to nor shall be construed to impair the prosecution or other enforcement action for violations of such ordinances.

SECTION 10. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Interim Urgency Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Interim Urgency Ordinance. The City Council hereby declares that it would have adopted this Interim Urgency Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 11. Effective Date. This Interim Urgency Ordinance shall take effect immediately upon passage. It shall be of no further force or effect one (1) year from the ten (10) month and fifteen (15) day expiration date of Interim Urgency Ordinance No. 2021-06 (i.e., January 22, 2023), unless earlier terminated by the City Council.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 2nd day of December, 2021.

Lorena Barajas
Mayor
DRAFT: November 19, 2021

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 Urgency Ordinance No. 2021-30 was adopted at a meeting of the City Council of the City of Jurupa Valley on the 2nd day of December, 2021, 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 2nd day of December, 2021.

Victoria Wasko, City Clerk  
City of Jurupa Valley
Exhibit A
ATTACHMENT NO. 3
Draft Business Park (BP) Zone Amendments
CHAPTER 9.112. B-P ZONE (BUSINESS PARK)

Sec. 9.112.010. Purpose and application.

The B-P Zone allows for employee intensive uses and is intended to provide for research and development, light manufacturing, business sales and services and other business-supporting commercial uses. It is not intended to include general warehousing, shipping, or logistics. The B-P Zone implements and is consistent with the Business Park land use designation of the General Plan.

A. Sec. 9.112.020. Uses permitted

The following uses are permitted:

2. Banks, financial services, ATMs.
3. Business support services.
4. Catering services.
5. Copying and quick printer services.
6. Laboratory—Medical, analytical, research, testing.
7. Manufacturing—Light.
8. Media production—Broadcast studio.
9. Printing and publishing.
10. Offices, professional sales and services, including business, law, medical, dental, chiropractic, architectural and engineering, public utilities.
11. Restaurant.
12. School—College, university, vocational, specialized training.
13. Social service organization.
14. Transit stop, station or terminal.
15. Veterinary clinic/hospital, boarding (indoor).

The following uses are permitted provided approval of a site development permit shall first have been obtained pursuant to the provisions of Section [9.240.330]:

1. Airport related business
2. Ambulance, taxi, and/or limousine dispatch facility.
3. Antennas and telecommunications facilities.
4. Automobile service stations, not including the concurrent sale of beer and wine for off-premises consumption.
5. Vehicle—Automobile services—Repair and maintenance.
7. Catering services.
(6) Childcare

(7) Civic Uses.

(8) Commercial food kitchen, commissary.

(9) Commercial recreation, health, and fitness facility—Indoor only.

(10) Computer and Electronic Product manufacturing

(11) Conference, Convention, or Banquet facilities.

(12) Contractor business (plumbing, electrician etc.) entirely within a building

(13) Copying, printing, and publishing—Quick printer services

(14) Convenience market.

(14) Equipment sales and rental—excluding heavy vehicles and equipment specially designed for executing construction tasks. Examples of heavy equipment include, but are not limited to, cranes, boom lifts, earth moving, dozers, loaders, excavators, scrapers, graders, and other similar equipment.

(15) Financial Institutions

(16) Food Manufacturing (but excluding animal slaughtering and processing, and seafood product preparation and packaging)

(16) Fitness/health facility.

(17) Laboratory—Medical, analytical, research, testing.

(18) Maintenance services for infrastructure, road, sewer, water etc.

(19) Manufacturing—Light, processing, fabricating, assembly, or disassembly of items takes places wholly within an enclosed building.

(20) Media production—Broadcast studio.

(21) Medical services—Clinic, urgent care, outpatient services.

(22) Microbrewery/winery—Brewpub, craft brewery, craft distillery, wine tasting

(22) Office—Supporting retail. Offices, administrative, corporate, professional, and support office use

(23) Parking lots and structures.

(24) Personal services—Nails, beauty salon, barber.

(25) Printing and publishing.

(25) Repair services—Electronic equipment, large appliances, etc.

(26) Research and Development.

(27) Restaurant or Food Establishments (no drive-thru restaurants) - Full-service restaurants, food halls, or other food establishments such as coffee, sandwich, ice cream or similar food shops.

(28) School—College, university, vocational, specialized training.

(29) Social service organization.

(30) Social service organization.

(31) Studio—Art, dance, martial arts, music, etc.
(32) Technology Centers

(33) Transit stop, station or terminal.

(34) Utilities - Electrical, gas, sewer, water, etc.

(35) Veterinary clinic/hospital, many include ancillary indoor boarding (indoors).

(36) Warehouse stores—Forty-five thousand (45,000) square feet or less gross floor area.

(37) Work/live units.

B. The following uses are permitted provided a conditional use permit has been granted pursuant to Section 9.240.280:

(1) Auto, motorcycle, boat and RV sales, rental and repair.

(2) Bar/tavern.

(3) Furniture and fixtures manufacturing, cabinet shop.

(2) Alcoholic beverage sales for on/off-premises consumption with convenience stores and automobile service stations and restaurants, microbrewery, brewpub, craft brewery, hotels, extended stay hotels and conference facilities with alcohol beverage sales for on-premises consumption pursuant to 9.240.490.

(3) Hotel, motel, extended stay hotel.

(4) Hospital, emergency services.

(5) Microbrewery, brewpub, craft brewery pursuant to Section 9.240.490

(6) Mortuary, funeral home.

(7) Public safety facilities (police, fire, EMT, etc.)

(7) Utility/Small commercial trucks – maintenance and repair (excludes tractor trailer and other heavy duty vehicles).

(8) Warehouse stores—Greater than forty-five thousand (45,000) square feet gross floor area.

De. Uses not listed. Any use that is not specifically listed in Subsections A., B., and C. may be considered a permitted or conditionally permitted use provided that the Planning Community Development Director finds that the proposed use is substantially the same in character and intensity as those listed in the designated subsections. Such a use is subject to the permit process which governs the category in which it falls.

Ed. Legally established uses. It 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. Any pre-existing use certified pursuant to Section 9.240.080 that is not specifically listed in subsections A., B., and C. shall be considered a permitted or conditionally permitted use the same as provided for such use under the zoning classification of the subject property prior to the adoption of the new zoning classification concurrent with, or subsequent to, the effective date of City Council Resolution No. 2017-14 adopting the 2017 General Plan. The expansion of significant modification of such a pre-existing use shall be subject to the approval process and zoning requirements that had governed the category of use in which it fell under the prior zoning classification. However, nothing in this subsection shall be construed to mean that a site development permit or conditional use permit is required to continue such pre-existing use.

(Ord. No. 2017-09, § 5, 9-21-2017)
Sec. 9.112.030. Development standards.

The following shall be the standards of development in the B-P Zone:

1. **Lot size.** The minimum lot size shall be one-half (0.5) acre (twenty-one thousand seven hundred eighty (21,780)) square feet with a minimum average lot width of one hundred (100) feet, minimum average lot depth of one hundred (100) feet and minimum lot frontage width of fifty (50) feet.

2. **Height.** The maximum height of all structures, including buildings, shall be thirty-five (35) feet at the yard setback line. Any portion of a structure that exceeds thirty-five (35) feet in height shall be set back from each yard setback line not less than two (2) feet for each one (1) foot in height that is in excess of thirty-five (35) feet. All buildings and structures shall not exceed fifty (50) feet in height.

3. **Lanscaping.** A minimum fifteen (15) percent of the net area of the site (exclusive of right-of-way) shall be landscaped and maintained, and automatic irrigation shall be installed.

4. **Street setbacks.** A minimum twenty-five (25) foot setback shall be required on any street. A minimum ten (10) feet strip adjacent to the street line shall be appropriately fully landscaped and maintained, except for designated pedestrian and vehicular accessways. The remainder of the setback may be used for off-street automobile parking, driveways, or landscaping.

5. **Side yard setbacks.** The minimum side yard setback shall equal not less than ten (10) feet for the two (2) side lot areas combined.

6. **Rear yard setback.** The minimum rear yard setback shall be fifteen (15) feet.

7. **Other setbacks.** A minimum one hundred (100) foot setback shall be required on any boundary where the business park property abuts a residential or commercially zoned property. A minimum of twenty (20) feet of the setback shall be landscaped. The other setback area may also be used for trails, bicycle, motorcycle and automobile parking, trash/recycling enclosure, driveways or landscaping. Block walls or other fencing may be required. Barbed wire or concertina wire shall not be allowed.

8. **Screening.** Parking, loading, trash and service areas shall be screened from public view by structures, berms or landscaping. They shall be located in such a manner as to minimize noise or odor nuisance. Block walls or other fencing may be required.

9. **Screen walls.** Screen walls shall be located outside the required front yard and street side setback areas and be fully landscaped in front of a wall adjacent to any street. The minimum height of a screen wall shall be eight (8) feet. All screen walls shall include an anti-graffiti coating or equivalent measures to prevent grafitti.

10. **Outside storage.** Outdoor storage may not exceed 20% of the site. Outside storage shall be screened with structures or landscaping. Landscaping shall be placed in a manner adjacent to the exterior boundaries of the area so that materials stored are screened from view. If a non-screened exhibit of products is proposed, it shall be part of the industrial park site development permit approved pursuant to Section 9.145.040, and shall be set back at least ten (10) feet from the street line. Outside storage as described in Section 9.10.950 shall be completely screened from public view with a combination of buildings, decorative masonry block walls, berms and/or landscaping. Outside storage areas shall be prohibited within twenty-five (25) feet of the front property line and street-side property line.

11. **Parking.** Parking shall be provided as required by [Section 9.240.120].

12. **Utilities.** All new utilities shall be underground.

13. **Roof-mounted equipment.** All roof mounted mechanical equipment shall be screened from the ground elevation public view to a minimum sight distance of one thousand three hundred twenty (1,320) feet.
(14) *Signs.* All signs shall be in conformance with [Chapter 9.245].

(15) *Site lighting.* All lighting, including spotlights, floodlights, electrical reflectors, and other means of illumination for signs, structures, landscaping, parking, loading, unloading, and similar areas shall be focused, directed, and arranged to prevent glare or direct illumination on streets or adjoining property.

(16) *Maintenance.* All properties, buildings, outdoor storage areas, landscaping, walls, trash enclosures, accessory structures, signs and overall grounds shall be maintained in good repair, in a clean, neat and orderly condition.

(17) *Architecture.* Business park development shall be high-quality architecture designed to enhance and be architecturally compatible with its surroundings and within designated scenic highways or public view corridors provide exemplary architecture, landscaping, sign and site plan design.
ATTACHMENT NO. 4
Planning Commission Resolution
RESOLUTION NO. 2021-10-27-01


THE PLANNING COMMISSION OF THE CITY OF JURUPA VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. Zoning Code Amendment.

(a) At the January 21, 2021 regular City Council meeting, the City Council initiated amendments to Title 9 of the Jurupa Valley Municipal Code concerning certain allowable truck intensive uses in various commercial, industrial, and manufacturing zones (the “Code Amendment”), and requested that the Planning Commission study and report on the proposed Code Amendment, as set forth in this Ordinance.

(b) Section 9.285.010 of the Jurupa Valley Municipal Code provides that amendments to Title 9 may be initiated by either the Planning Commission or the City Council.

(c) Section 9.285.010 of the Jurupa Valley Municipal Code provides that amendments to Title 9 shall be made in accordance with the procedure set forth in Government Code Section 65800 et seq., as now enacted and hereafter amended, and the requirements of Chapter 9.285.

(d) Section 9.285.030 of the Jurupa Valley Municipal Code provides that amendments to Title 9 that propose to regulate the use of buildings, structures, and land as between industry, business, residents, open space, and other purposes, and that propose to regulate the use of lots, yards, courts, and other open spaces, shall be adopted in the manner set forth in Section 9.285.040. Further, Government Code Section 65853 provides that an amendment to a zoning ordinance, which amendment proposes to impose any regulations listed in Government Code Section 65850 not heretofore imposed, must be adopted in the manner set forth in Government Code Sections 65854 to 65857, inclusive.

(e) Section 9.285.040 of the Jurupa Valley Municipal Code provides that the Planning Commission must hold a public hearing on the proposed amendment. 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 must contain the reasons for the recommendation. If the Planning Commission does not reach a decision due to
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 amendment.

(f) Government Code Section 65853 provides that when the legislative body has requested the planning commission to study and report upon an amendment to the zoning ordinance and the planning commission fails to act upon such request within a reasonable time, the legislative body may, by written notice, require the planning commission to render its report within 40 days. Upon receipt of the written notice, the planning commission, if it has not done so, shall conduct the public hearing as required by Section 65854. Failure to so report to the legislative body within the above time period shall be deemed to be approval of the proposed amendment to the zoning ordinance.

(g) Government Code Section 65854 provides that the planning commission shall hold a public hearing on the proposed amendment to a zoning ordinance. Notice of the hearing shall be given pursuant to Government Code Section 65090.

(h) Government Code Section 65855 provides that after the hearing, the planning commission shall render its decision in the form of a written recommendation to the legislative body. Such recommendation shall include the reasons for the recommendation, the relationship of the proposed amendment to the general plan, and shall be transmitted to the legislative body in such form and manner as may be specified by the legislative body.

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

(a) ZCA No. 21008 (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.

(b) On October 27, 2021, the Planning Commission of the City of Jurupa Valley held a public hearing on ZCA No. 21008, 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 3. California Environmental Quality Act Findings. 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 ZCA No. 21008:

(a) The proposed Code Amendment is exempt from the requirements of the California Environmental Quality Act (“CEQA”) and the City’s local 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 Code Amendment, amending certain regulations, development standards, and permitted uses pertaining to truck intensive uses, will have a significant effect on the environment. The proposed Code Amendment is an administrative process of the City that will not result in direct or indirect physical changes in the environment. The City Council has reviewed the administrative record concerning the proposed Code Amendment and the proposed
CEQA determinations, and based on its own independent judgment, finds that the Code Amendment set forth in this Ordinance is not subject to, or exempt from, the requirements of the CEQA and the State CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3).

Section 4. **Findings for Recommendation of Approval of Code Amendment.** 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 the proposed Code Amendment (ZCA No. 21008) should be adopted because the proposed Code Amendment is consistent with the City of Jurupa Valley 2017 General Plan. The proposed Code Amendment will (1) establish the Manufacturing-Heavy (M-H) Zone as the sole zoning district in which truck intensive uses are permitted subject to approval of a conditional use permit, (2) establish more protective development standards applicable to truck intensive uses, and (3) prohibit truck intensive uses in all other zoning districts, which amendments will have the effect of greatly diminishing air quality, safety, noise, traffic and other the impacts these uses have on the community. Specifically, by reducing truck intensive use impacts, the proposed Code Amendment fulfills the General Plan purpose of enhancing residents’ safety, convenience, and quality of life, and the Environmental Justice Element, which values the health, well-being, safety, and livability of our community through balancing land use with the need for healthy, safe neighborhoods. The proposed Code Amendment removes and helps prevent blight by removing truck intensive uses from all zoning districts other than M-H Zone. This also helps to prevent incompatible truck intensive uses from being located near residential and other sensitive uses. It also addresses the effects of commercial truck traffic on streets, neighborhoods, and public safety by limiting the location of these uses. The proposed Code Amendment is consistent with Policy LUE 3.13, Commercial Trucks, in that it allows truck traffic generating uses in the heavy industrial areas of the City away from residential uses, which minimizes potential impacts on adjacent residential and commercial properties. The proposed Code Amendment is consistent with Policy LUE 11.19, Property Maintenance, in that the proposed development standards require maintenance of the grounds and structures on site. The proposed Code Amendment is consistent with LUE 5.42, Prohibited Uses, in that it prohibits truck intensive uses in areas designated Business Park on the General Plan land use map.

Section 5. **Recommendation of Approval of Code Amendment.** 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 adopt the proposed Code Amendment attached hereto as Exhibit “A.”

Section 6. **Certification.** The Community Development 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 27th day of October, 2021.

\[Signature\]
Penny Newman
Chair of Jurupa Valley Planning Commission
ATTEST:

Joe Perez
Community Development Director/Secretary to the Planning Commission

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

I, Joe Perez, Community Development Director of the City of Jurupa Valley, do hereby certify that the foregoing Resolution No. 2021-10-27-01 was duly adopted and passed at a meeting of the Planning Commission of the City of Jurupa Valley on the 27th day of October, 2021, by the following vote, to wit:

AYES: COMMISSION MEMBERS:

Newnan, Pruitt, Carmona, Jackson, Shultz

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ABSTAIN: COMMISSION MEMBERS:

Joe Perez
COMMUNITY DEVELOPMENT DIRECTOR
ATTACHMENT NO. 5

October 27, 2021 Planning Commission Minutes (Excerpt)
6.1 PROPOSED AMENDMENTS TO THE JURUPA VALLEY MUNICIPAL CODE ELIMINATING EXPANSION OR ESTABLISHMENT OF TRUCK INTENSIVE USES IN VARIOUS COMMERCIAL, INDUSTRIAL, AND MANUFACTURING ZONES, AND RECOMMENDATION OF INITIATION OF GENERAL PLAN LAND USES REDESIGNATIONS TO REDUCE EXPANSION OF TRUCK INTENSIVE USES AND ACHIEVE CONSISTENCY WITH THE GENERAL PLAN

Mr. Jim Pechous, Principal Planner, presented this staff report by PowerPoint presentation which included a background of the past meetings and actions on this item: adoption of the Moratorium on Truck Intensive uses and Initiation of a General Plan and Zoning Amendment by the City Council on January 21, 2021; extension of the moratorium to January 22, 2022; Stakeholder Session was conducted on September 23, 2021; and a Joint Session with City Council and Planning Commission was held on October 7, 2021. Mr. Pechous noted the Project scope includes (1) a Draft Ordinance that identifies uses and regulations that minimize impacts of truck intensive use and (2) land use recommendations in the City's industrial areas to implement the goals of the General Plan. Ms. Serita Young, Deputy City Attorney, clarified the recommendation for Item 6.1: 1) recommending to the City Council the approval of a Truck Intensive Use Ordinance and 2) recommending the City Council initiate a General Plan and Zoning amendment.

COMMISSIONER QUESTIONS

- Regarding the noticing, it was clarified that specific outreach and notification was conducted for existing non-conforming uses, applicants with projects delayed by the moratorium and land owners. A meeting was held for these stakeholders to review both the Truck Intensive Use Ordinance and proposed land use changes.

PUBLIC HEARING OPENED

Mr. Bill Blankenship, National Association for Industrial and Office Parks (NAIOP) representative, voiced concern for the proposed Ordinance. He introduced Ms. Jayaram, Ramboll representative, to present an overview of evaluating scientific data for sensitive receptors near warehouses.

Ms. Ana Gonzalez, Rosstavi Transport representative, expressed concerns for the proposed ordinance affecting the livelihood of local workforce.
Mr. Henry Escalera, resident, stated his concerns regarding traffic through Rubidoux Blvd.

Mr. Tom Searles, business owner, requested clarification on the relationship between the Truck Intensive Use Ordinance, North Pyrite Master Plan, and the initiation of proposed land use changes.

Mr. George Ruiz, Resident, supports the ordinance proposal with options to have users use or transfer to fuel efficient vehicles.

PUBLIC HEARING CLOSED

COMMISSIONER DISCUSSION

- Clarification regarding truck stops and travel centers under the proposed ordinance clarified.
- Zero emission vehicles encouraged.
- Scientific data presented by Ramboll Institute, related to distancing of truck uses from sensitive receptors, cannot be considered by the Planning Commission until it is first accepted by the California Air Resources Board.
- Due to a concern with a potential conflict for three Planning Commissioners, the Planning Commission deferred the recommendation to the City Council to initiate the proposed land use amendment to five industrial areas in the City to the Community Development Director.

Commissioner Shultz moved and Commissioner Jackson seconded a motion to adopt Resolution No. 2021-10-27-01 recommending that the City Council adopt Ordinance amending the Zoning Code eliminating the expansion or establishment of truck intensive uses in various commercial, industrial, and manufacturing zones. The motion was approved 5-0.

Ayes: Newman, Pruitt, Carmona, Jackson, Shultz
Noes: None
Abstained: None
Absent: None

PUBLIC HEARING OPENED

Chair Newman re-opened public hearing for item for the second portion of the General Plan Amendment and Zoning Code Amendment.

PUBLIC HEARING CLOSED
STAFF REPORT

DATE: DECEMBER 2, 2021

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ROD BUTLER, CITY MANAGER

BY: VICTORIA WASKO, CMC, CITY CLERK

SUBJECT: AGENDA ITEM NO. 14.A

INTRODUCTION OF AN ORDINANCE, AMENDING SECTION 2.05.100 OF THE JURUPA VALLEY MUNICIPAL CODE RELATING TO THE PROCEDURES TO ADJUST COUNCIL DISTRICT BOUNDARIES FOLLOWING THE FEDERAL DECENNIAL CENSUS IN ACCORDANCE WITH ELECTIONS CODE SECTION 61000 TO 61009

RECOMMENDATION

1) That the City Council conduct a first reading and introduce Ordinance No. 2021-31, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY AMENDING SECTION 2.05.100 OF THE JURUPA VALLEY MUNICIPAL CODE RELATING TO THE ADJUSTMENT OF COUNCIL DISTRICT BOUNDARIES PURSUANT TO THE REQUIREMENTS OF ELECTIONS CODE SECTIONS 21600 TO 21609

ANALYSIS

In August 2017, the City Council adopted Ordinance No. 2017-12 that changed the City’s election of Council Members from at-large elections to by-district elections with five Council Districts. This Ordinance added Section 2.05.100 to the Jurupa Valley Municipal Code to provide for the adjustment of Council district boundaries after each federal decennial census based on the provisions of Elections Code Sections 21600 - 21609 as they existed at that time.

In 2020, the Legislature adopted several bills effective January 1, 2021 amending Elections Code Sections 21600 to 21609 to revise the procedures for cities to adjust Council district boundaries following the federal decennial census. Specifically, this legislation requires at least four public hearings before the City Council on the redistricting process, two prior to the posting of the proposed Council district maps being prepared and two following posting of the proposed Council district maps. The Legislation also
requires outreach to interested community groups in the City to comment on the proposed Council district maps. The Legislation also allows the City to approve the new Council district maps by either ordinance or resolution. A copy of Elections Code Sections 21600 to 21609 is attached to this Report.

The City has begun the process of adjusting Council districts boundaries following the late release of the 2020 federal decennial census following all of the requirements of Elections Code Sections 21600 to 21609. Two public hearings before the City Council have already been held to receive public comment on the redistricting process.

Approval of the proposed ordinance is a clean-up item that makes the provisions of the City's Municipal Code consistent with Elections Code Sections 21600 to 21609. No changes in standards or procedures for the adjustment of Council district boundaries process beyond those of Elections Code Sections 21600 to 21609 are proposed.

**Fiscal Impact**

There is no fiscal impact to the City from the proposed ordinance. The redistricting process for 2021-22 has proceeded under Elections Code Sections 21600 to 21609 and will continue to proceed in this manner.

Prepared by:  
Victoria Wasko, CMC  
City Clerk

Submitted by:  
Rod B. Butler  
City Manager

Reviewed by:  
Peter M. Thorson  
City Attorney

Reviewed by:  
Michael Flaad  
Assistant City Manager

**Attachments:**

1) Proposed Ordinance
2) Election Code Sections 21600 to 21609
ORDINANCE NO. 2021-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AMENDING SECTION 2.05.100 OF THE JURUPA VALLEY MUNICIPAL CODE RELATING TO THE ADJUSTMENT OF COUNCIL DISTRICT BOUNDARIES PURSUANT TO THE REQUIREMENTS OF ELECTIONS CODE SECTIONS 21600 TO 21609

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

SECTION 1. Section 2.05.100 of the Jurupa Valley Municipal Code is hereby amended to read as follows:

2.05.100 Adjustment of council district boundaries.

A. Pursuant to Elections Code Section 21601 the city council shall adjust the boundaries of any or all of the districts following each decennial federal census. Using the census as a basis, the city council shall adjust the boundaries in accordance with the standards and provisions of Elections Code Sections 21600 to 21609, as they now exist or may hereafter be amended, and in compliance with all applicable provisions of law. Any adjustment of district boundaries shall be made by ordinance or resolution adopted by the city council. The city council shall hold a public hearing and comply with the procedures for adoption of the proposed district boundaries as required by Elections Code Sections 21607 and 21607.1, as those sections now exist or may hereafter be amended.

B. At the time of any annexation of territory to the city, the city council shall designate, by resolution adopted by a vote of at least a majority of the city council, the contiguous district to which the annexed territory shall be a part and shall amend the district boundaries if necessary in accordance with Elections Code Section 21603.

C. Pursuant to Elections Code Section 21606 the term of office of any council member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he or she was elected.

D. At the first election for council following adjustment of the boundaries of the districts, a person meeting the requirements of Government Code Section 34882 shall be elected to the city council for each district under the readjusted district plan that has the same district number as a district whose incumbent’s term on the council is due to expire.

SECTION 2. The City Clerk shall certify to the adoption of this ordinance and cause the same to be published as required by law.

SECTION 3. If any provision of this Urgency Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of
the chapter which can be given effect without the invalid provision or application, and to this end
the provisions of this Urgency Ordinance are severable.

SECTION 4. 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. 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 16th day of December, 2021.

____________________________________
Lorena Barajas
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. 2021-31 was introduced at a meeting of the City Council of the City of Jurupa Valley on the 2nd day of December, 2021, and thereafter at a regular meeting held on the 16th day of December, 2021, 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 16th day of December, 2021.

______________________________
Victoria Wasko, City Clerk
City of Jurupa Valley
ARTICLE 1. General Law Cities [21600 - 21609]

(a) This article applies to a general law city that elects members of the city's legislative body by districts or from districts, as defined in Section 34871 of the Government Code.

(b) This article shall not be interpreted to limit the discretionary remedial authority of any federal or state court. (Amended by Stats. 2020, Ch. 90, Sec. 9. (AB 1276) Effective January 1, 2021.)

21600. (a) Following a city's decision to elect its council using district-based elections, or following each federal decennial census for a city whose council is already elected using district-based elections, the council shall, by ordinance or resolution, adopt boundaries for all of the council districts of the city so that the council districts shall be substantially equal in population as required by the United States Constitution.

(1) Population equality shall be based on the total population of residents of the city as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(2) Notwithstanding paragraph (1), an incarcerated person as that term is used in Section 21003, shall not be counted towards a city's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the city, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(b) The council shall adopt council district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).

(c) The council shall adopt district boundaries using the following criteria as set forth in the following order of priority:

(1) To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

(2) To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

(3) Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.

(4) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

(d) The council shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.
(e) For purposes of this article, "adopt" or "adoption" in regard to council district boundaries means the passage of an ordinance or resolution specifying those boundaries.

(Amended by Stats. 2021, Ch. 320, Sec. 3. (SB 594) Effective September 27, 2021.)

21602. (a) (1) For redistricting occurring in 2031 and thereafter, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city’s next regular election occurring after January 1 in each year ending in the number two.

(2) For redistricting occurring before 2031 and where a city has a regular election occurring after January 1, 2022, and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 174 days before that election.

(3) For redistricting occurring before 2031 and where a city does not have a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city’s next regular election occurring on or after July 1, 2022.

(b) This section does not apply when a city transitions from at-large to district-based elections.

(Amended by Stats. 2020, Ch. 90, Sec. 11. (AB 1276) Effective January 1, 2021.)

21603. (a) If the boundaries of a city expand by the addition of new territory, including through annexation of unincorporated territory or consolidation with another city, the council shall add that new territory to the nearest existing council district without changing the boundaries of other council district boundaries.

(b) Notwithstanding subdivision (a), the council may adopt new boundaries for each council district under the circumstances described in subdivision (a) if both of the following conditions are met:

(1) There are more than four years until the council is next required to redistrict pursuant to Section 21601.

(2) The population of the new territory being annexed or consolidated is greater than 25 percent of the city’s population, as determined by the most recent federal decennial census.

(Repealed and added by Stats. 2019, Ch. 557, Sec. 19. (AB 849) Effective January 1, 2020.)

21605. (a) After redistricting or districting pursuant to Section 21601 or 21603, a council shall not adopt new council district boundaries until after the next federal decennial census, except under the following circumstances:

(1) A court orders the council to redistrict.

(2) The council is settling a legal claim that its council district boundaries violate the United States Constitution, the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), or this article.

(3) The boundaries of the city change by the addition of territory pursuant to Section 21603 or by the subtraction of territory.

(b) This section does not prohibit a council from adopting council districts between federal decennial censuses if the council is adopting council districts for the first time, including when a city adopts council districts for the purpose of transitioning from electing its council members in at-large elections to elections by districts or from districts.

(Amended by Stats. 2020, Ch. 90, Sec. 12. (AB 1276) Effective January 1, 2021.)

21606. (a) The term of office of any council member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the council member was elected.

(b) At the first election for council members in each city following adoption of the boundaries of council districts, excluding a special election to fill a vacancy or a recall election, a council member shall be elected for each district under the new district plan that has the same district number as a district whose incumbent’s term is due to expire. This subdivision does not apply when a city transitions from at-large to district-based elections.

(c) Except as provided in subdivision (a), a person is not eligible to hold office as a member of a city council unless that person meets the requirements of Section 201 of the Elections Code and Section 34882 of the Government Code.

(Amended by Stats. 2020, Ch. 90, Sec. 13. (AB 1276) Effective January 1, 2021.)

21607. Before adopting the boundaries of a council district pursuant to Section 21601 or 21603, or for any other reason, the council shall hold public hearings on the proposal in accordance with Section 21607.1. This section does not apply when a city transitions from at-large to district-based elections.
(Amended by Stats. 2020, Ch. 90, Sec. 14. (AB 1276) Effective January 1, 2021.)

21607. (a) Before adopting a final map, the council shall hold at least four public hearings at which the public is invited to provide input regarding the composition of one or more council districts.

(1) At least one public hearing shall be held before the council draws a draft map or maps of the proposed council boundaries.

(2) At least two public hearings shall be held after the council has drawn a draft map or maps of the proposed council boundaries.

(b) At least one public hearing or public workshop shall be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday through Friday.

(c) Public hearing buildings shall be accessible to persons with disabilities.

(d) If a public hearing is consolidated with a regular or special meeting of the council that includes other substantive agenda items, the public hearing shall begin at a fixed time regardless of its order on the agenda, except that the council may first conclude any item being discussed or acted upon, including any associated public comment, when that time occurs. The time of the public hearing shall be noticed to the public.

(e) The council may have city staff or a consultant conduct one or more public workshops in lieu of holding one of the public hearings required by paragraph (1) of subdivision (a).

(f) The council may establish an advisory redistricting commission pursuant to Section 23002 to hold the public hearings required by paragraph (1) of subdivision (a).

(Added by Stats. 2019, Ch. 557, Sec. 24. (AB 849) Effective January 1, 2020.)

21608. (a) The council shall take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. These steps shall include a good faith effort to do all of the following:

(1) Providing information to media organizations that provide city news coverage, including media organizations that serve language minority communities.

(2) Providing information through good government, civil rights, civic engagement, and community groups or organizations that are active in the city, including those active in language minority communities, and those that have requested to be notified concerning city redistricting.

(b) The council shall arrange for the live translation in an applicable language of a public hearing or workshop held pursuant to this article if a request for translation is made at least 72 hours before the hearing or workshop, unless less than five days’ notice are provided for the hearing or workshop, in which case the request shall be made at least 48 hours before the hearing or workshop.

(c) Notwithstanding Section 54954.2 of the Government Code, the council shall publish the date, time, and location for any public hearing or workshop on the internet at least five days before the hearing or workshop. However, if there are fewer than 28 days until the deadline to adopt boundaries, the council may publish the agenda on the internet for at least three days before the hearing or workshop.

(d) (1) A draft map shall be published on the internet for at least seven days before being adopted as a final map by the council provided that, if there are fewer than 28 days until the deadline to adopt boundaries, the draft map may instead be published on the internet for at least three days.

(2) Each draft map prepared by a member of the council or by employees or contractors of the city shall be accompanied by information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed council district, to the extent the city has that data.

(3) (A) The council and employees or contractors of the city shall not release draft maps of council districts earlier than three weeks after the block-level redistricting database required by subdivision (b) of Section 8253 of the Government Code is first made publicly available. This subparagraph does not prohibit the council from holding public hearings or workshops on the placement of council district boundaries before the earliest date that draft maps of council districts may be released.

(B) If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 90 days and more than 59 days, the waiting period required by subparagraph (A) is reduced to one week. If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 60 days, then the waiting period required by subparagraph (A) is waived.
(e) The council shall allow the public to submit testimony or draft maps in writing and electronically.

(f) The city shall either record or prepare a written summary of each public comment and council deliberation made at every public hearing or workshop held pursuant to this article. The city shall make the recording or written summary available to the public within two weeks after the public hearing or workshop.

(g) The council shall establish, and maintain for at least 10 years after the adoption of new council district boundaries, an internet web page dedicated to redistricting. The web page may be hosted on the city’s existing internet website or another internet website maintained by the city. The web page shall include, or link to, all of the following information:

1. A general explanation of the redistricting process for the city in English and applicable languages.
2. The procedures for a member of the public to testify during a public hearing or to submit written testimony directly to the council in English and any applicable language.
3. A calendar of all public hearing and workshop dates. A calendar listing that includes the time and location of the public hearing or workshop satisfies the notice required by subdivision (c).
4. The notice and agenda for each public hearing and workshop.
5. The recording or written summary of each public hearing and workshop.
6. Each draft map considered by the council at a public hearing.
7. The adopted final map of council district boundaries.

(h) For purposes of this section, “applicable language” means any language that is spoken by a group of city residents with limited English proficiency who constitute 3 percent or more of the city’s total population over four years of age for whom language can be determined. Before January 1, 2021, and before January 1 in every year ending in the number one thereafter, the Secretary of State shall post the applicable languages for each city in a conspicuous location on the Secretary of State’s internet website. To determine the applicable languages for each city, in 2020 and in each year ending in the number zero thereafter, the Secretary of State, in consultation with the Statewide Database, shall request a special tabulation from the United States Bureau of the Census of the most recent data on limited English proficiency from the bureau’s American Community Survey that satisfies this subdivision. If the bureau is unable to produce that data, the Secretary of State shall base the Secretary of State’s determination on the table from the American Community Survey enumerating the number of residents with limited English proficiency that has the largest number of languages included, that is publicly available, and that was produced within the previous ten years.

(i) This section does not apply when a city transitions from at-large to district-based elections.

(j) Before January 1, 2021, and before January in each year ending in the number one thereafter, the Secretary of State shall publish on the internet a template explaining the city redistricting process that meets the requirements of paragraphs (1) and (2), inclusive, of subdivision (g). The Secretary of State shall publish the template in all of the languages into which ballots are required to be translated in the state pursuant to subdivision (h). The template shall be published in the same conspicuous location on the Secretary of State’s internet website that is described in subdivision (h).

(Amended by Stats. 2020, Ch. 90, Sec. 15. (AB 1276) Effective January 1, 2021.)

21609. (a) If the council does not adopt council district boundaries by the deadlines set forth in Section 21602, the council shall immediately petition the superior court in the county in which the city is located for an order adopting council district boundaries. If the council does not petition the superior court within five days after the deadline, any resident of the city may file that petition and shall be entitled to recover the resident’s reasonable attorney’s fees and costs from the city for doing so.

(b) (1) Upon finding that a petition filed pursuant to subdivision (a) is valid, the superior court shall adopt council district boundaries in accordance with the criteria set forth in Section 21601, which shall be used in the city’s next regular election. The superior court may also order the adjustment of electoral deadlines as necessary to implement the new council district boundaries in the next regular election.

2. The superior court may appoint a special master to assist the court with adopting the council district boundaries. The city shall pay the cost for the special master and associated costs.

3. The superior court or the special master shall hold one or more public hearings before the superior court adopts the council district boundaries.

4. Subject to the approval of the superior court, the special master may employ redistricting experts or other consultants or counsel, independent experts in the field of redistricting and computer technology, and other necessary personnel to assist them in their work. In addition, the special master may seek the full cooperation of
the city in producing and using whatever data, computer models and programs, and technical assistance that was
made available to the council and city personnel who are knowledgeable in the mechanics of drafting redistricting
legislation. The superior court may assist the special master in securing the necessary personnel and the physical
facilities required for their work, and to prepare for the prompt submission to the city of a request for city funding
for the necessary expenses of the special master and the special master’s staff.

(5) The council district boundaries adopted by the superior court shall be immediately effective in the same manner
as if the court’s order were an enacted resolution or ordinance of the city council.

(Amended by Stats. 2020, Ch. 90, Sec. 16. (AB 1276) Effective January 1, 2021.)
STAFF REPORT

DATE: DECEMBER 2, 2021

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ROD BUTLER, CITY MANAGER

BY: PETER M. THORSON, CITY ATTORNEY

SUBJECT: AGENDA ITEM NO. 14.B

SETTLEMENT OF NATIONAL OPIOID LITIGATION

RECOMMENDATION

1) That the City Council adopt Resolution No. 2021-100, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY AUTHORIZING THE CITY TO ENTER INTO THE SETTLEMENT AGREEMENTS WITH MCKESSON CORPORATION, CARDINAL HEALTH, INC., AMERISOURCEBERGEN CORPORATION, JOHNSON & JOHNSON, JANSSEN PHARMACEUTICALS, INC., ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC., AND JANSSEN PHARMACEUTICA, INC., AGREE TO THE TERMS OF THE STATE-SUBDIVISION AGREEMENTS, AND AUTHORIZE ENTRY INTO THE STATE-SUBDIVISION AGREEMENTS WITH THE ATTORNEY GENERAL

ANALYSIS

National Opioid Litigation

Between 2017 and 2020, the State of California, 51 of 58 California counties and approximately 28 California cities filed lawsuits against opioid manufactures and distributors seeking to abate the opioid crisis. Similar lawsuits were filed by almost all states and many cities and local governments within those states. These lawsuits were consolidated into one lawsuit in the Federal Court for the Northern District of Ohio. The Court converted the consolidated lawsuits into a class action lawsuit with the Plaintiff’s Class consisting of all states and local governments in the United States. As a result, the City of Jurupa Valley is a Plaintiff in these lawsuits although the City is not required to pay any attorney fees or litigation costs.
The Court appointed a group of 30 attorneys representing state, county and city governments to serve as the Plaintiffs’ Executive Committee to control the litigation on behalf of the Plaintiffs and, if possible, negotiate a settlement.

Settlements

Nationwide settlements have been proposed to resolve all Opioids Litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors: McKesson, Cardinal Health and AmerisourceBergen (“Distributors”), and manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, “J&J”).

These settlements will provide substantial funds to states and local political subdivisions for abatement of the opioid epidemic across the country and will impose transformative changes in the way the settling defendants conduct their business.

Settlement Basic Terms:

- Distributors will pay a maximum of $21 billion over 18 years.
- J&J will pay a maximum of $5 billion over no more than nine years.
- Of this potential $26 billion- approximately $22.8 billion in settlement proceeds payable to state and local subdivisions.
- Based on the allocations formula for the states, the maximum amount California will receive will be approximately $2,263,923,602 with $339,538,340 being retained by the State and $1,924,335,342 being allocated to counties and cities within the State.
- Based on the allocation formula for counties, the maximum amount Riverside County will receive is $90,690,632 with an additional $20,218,741 allocated to cities within Riverside County that can be transferred to the County for a total of $110,909,373.
- Based on the allocation formula for cities, Jurupa Valley will receive $17,500.
- The settlement proceeds to be paid to the states and local political subdivision will be in proportion to the number of states and local political subdivisions that approve the Settlements.
- Of the funds going directly to participating states and subdivisions, at least 85% must be used for abatement of the opioid epidemic.
- The settlements allow for a broad range of approved uses by state and local governments to abate the opioid epidemic. A list of approved uses is found at
Exhibit E of the Master Settlement Agreements, attached as an exhibit to this Report.

- Agreements also provide for injunctive relief that requires important changes to the Distributors and J&J's conduct to better protect our nation’s health and welfare.

  - Creation of a groundbreaking clearinghouse through which the Distributors will be required to account not only for their own shipments, but also the shipments of the other distributors, in order to detect, stop, and report suspicious Opioids orders.

  - J&J (which ceased marketing Opioids in 2015 and ceased selling Opioids in 2020) will not market or sell any Opioid products in the next ten years and has agreed to cease lobbying concerning prescription opioids for ten years.

  - J&J also has agreed to make the clinical trial data for its discontinued Opioids available for medical research.

**California Allocation Terms:**

- The National Settlements allot a certain amount of money to California to be allocated between the State and local governments. That amount is divided between State and CA local governments by agreement (the "Allocation Agreements"). The Allocation Agreements split the dollars coming into California as follows:

  1. 15% to a State Fund;
  2. 70% to local governments in an Abatement Accounts Fund; and
  3. 15% to litigating local governments in a Subdivision Fund.

Cities and counties must be aware that the Settlement Agreements and the Allocation Agreements require that the money in the Abatement Accounts Fund must be spent on remediation with no less than 50% of each local government’s allocation in each calendar year spent on one or more of the following High Impact Abatement Activities:

  1. The provision of matching funds or operating costs for substance use disorder facilities within the Behavioral Health Continuum Infrastructure Program;
  2. Creating new or expanded Substance Use Disorder (“SUD”) treatment infrastructure;
3. Addressing the needs of communities of color and vulnerable populations (including sheltered and unsheltered homeless populations) that are disproportionately impacted by SUD;

4. Diversion of people with SUD from the justice system into treatment, including by providing training and resources to first and early responders (sworn and non-sworn) and implementing best practices for outreach, diversion and deflection, employability, restorative justice, and harm reduction; and/or

5. Interventions to prevent drug addiction in vulnerable youth.

- The funds in the CA Abatement Accounts Fund will be divided according to an allocation model developed in connection with the proposed negotiating class in the National Prescription Opiate Litigation (MDL No. 2804). The percentage from the CA Abatement Accounts Fund allocated to each eligible local government (any county or city above 10,000 in population) is set forth in Appendix 1 to each Allocation Agreement.

- Eligible Local Government’s share of the CA Abatement Accounts Fund is a product of the total in the CA Abatement Accounts Fund multiplied by the City’s percentage set forth in Appendix 1 (the “Local Allocation”).

A City that is an Eligible Local Government will be allocated its Local Allocation only when it becomes a Participating Subdivision by signing the Participation Agreements to the Settlements.

- The Local Allocation for a city that is a Participating Subdivision will be paid to the county in which the city is located, rather than to the city, so long as: (a) the county is a Participating Subdivision, and (b) the city has not advised the Settlement Fund Administrator that it requests direct payment at least 60 days prior to a Payment Date as defined in the Settlement Agreements.

- If the City wishes, it can elect a direct payment. It must then follow the use and reporting requirements in the Allocation Agreements and Settlement Agreements.

- The State agreements are available on-line at https://oag.ca.gov/opioids.
Why Should City Sign On?

- This proposal is a product of years of litigation and years of settlement negotiations.
- Negotiators have put forward this deal because they believe it is the best deal to be had.
- Money is critical to addressing the opioid epidemic at this time.
- Litigation has real risk.
- Further insolvencies and bankruptcies of defendants are a real risk.
- Even if a city does not want to handle the reporting requirements or the use requirements in the settlement, by signing on the County in which they reside gets money to combat the opioid epidemic.

When is the Deadline for Participating?

January 2, 2022.

FISCAL IMPACT

There will be no fiscal impact on the City.

Prepared by: 

[Signature]
Peter M. Thorson
City Attorney

Submitted by: 

[Signature]
Rod B. Butler
City Manager

Reviewed by: 

[Signature]
Connie Cardenas
Administrative Services Director

Reviewed by: 

[Signature]
Michael Flad
Assistant City Manager
Attachments:

1) Proposed Resolution No. 2021-100
2) Exhibit E
3) Riverside County’s Proposed Expansion of Services for Opioid Abusers
RESOLUTION NO. 2021-100

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, AUTHORIZING THE CITY TO ENTER INTO THE SETTLEMENT AGREEMENTS WITH MCKESSON CORPORATION, CARDINAL HEALTH, INC., AMERISOURCEBERGEN CORPORATION, JOHNSON & JOHNSON, JANSSEN PHARMACEUTICALS, INC., ORTHOMCNEIL-JANSSEN PHARMACEUTICALS, INC., AND JANSSEN PHARMACEUTICA, INC., AGREE TO THE TERMS OF THE MEMORANDUM OF UNDERSTANDING ALLOCATING SETTLEMENT PROCEEDS, AND AUTHORIZE ENTRY INTO THE MEMORANDUM OF UNDERSTANDING WITH THE ATTORNEY GENERAL

WHEREAS, the United States is facing an ongoing public health crisis of opioid abuse, addiction, overdose, and death. The State of California and California local governments spend billions of dollars each year to address the direct consequences of this crisis.

WHEREAS, since 2017, state and local governments in California and around the United States have been pursuing litigation against certain manufacturers, distributors, and retailers of opioid pharmaceuticals (the “Opioid Defendants”) in an effort to hold the Opioid Defendants financially responsible for the impact of the Opioid Epidemic on the City of Jurupa Valley (“the City”) and resources necessary to combat the opioid epidemic;

WHEREAS, negotiations to settle claims against several of the Opioid Defendants, specifically McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceuticals, Inc. (the “Settling Defendants”) have been ongoing for several years;

WHEREAS, negotiations with the Settling Defendants have resulted in proposed nationwide settlements of state and local government claims to settle the Litigation;

WHEREAS, the proposed terms of those proposed nationwide settlements have been set forth in the Distributors Master Settlement Agreement and the J&J Master Settlement Agreement (collectively “Settlement Agreements”) available for review on-line at https://nationalopioidsettlement.com/;

WHEREAS, copies of the Settlement Agreements as well as summary of the main terms of the Settlement Agreements, the deadlines for submitting the Participation Agreements to the Settlement Agreements and the MDL Court’s Order setting deadlines for any Plaintiff who declines to enter into the Settlement Agreements;

WHEREAS, the Settlement Agreements provide, among other things, for the payment of a certain sum to settling government entities in California including to the State of California and Participating Subdivisions upon occurrence of certain events as defined in the Settlement Agreements (“California Opioid Funds”);

-1-
WHEREAS, California local governments as well as the attorneys representing those local
governments have engaged in extensive discussions with the State Attorney General’s Office
(“AGO”) as to how the California Opioid Funds will be allocated, which has resulted in the
Proposed California State-Subdivision Agreement Regarding Distribution and Use of Settlement
Funds- Distributor Settlement and the Proposed California State-Subdivision Agreement
Regarding Distribution and Use of Settlement Funds- Janssen Settlement (collectively the
“Allocation Agreements,”) which are agreements between all of the entities identified in the
Allocation Agreements;

WHEREAS, copies of the State Allocation Agreements are available on-line at
https://oag.ca.gov/opioids;

WHEREAS, the Allocation Agreements propose to allocate the California Opioid Funds
15% to a State Fund; 70% to local governments in an Abatement Accounts Fund; and 15% to
litigating local governments in a Subdivision Fund. For the avoidance of doubt, all funds allocated
to California from the Settlements will be combined pursuant to Allocation Agreements, and 15%
of that total shall be allocated to the State of California (the “State of California Allocation”), 70%
to the California Abatement Accounts Fund (“CA Abatement Accounts Fund Allocation”), and
15% to the California Subdivision Fund (“CA Subdivision Fund Allocation”);

WHEREAS, the funds in the CA Abatement Accounts Fund (the California Abatement
Accounts Fund Allocation) will be allocated based on an allocation model developed in connection
with the proposed negotiating class in the National Prescription Opiate Litigation (MDL No. 2804). The percentage from the CA Abatement Accounts Fund allocated to each eligible local
government (any county or city above 10,000 in population) “Eligible Local Government”) is set
forth in Appendix 1 to each Allocation Agreement and provided to the Council with this
Resolution. The City’s share of the CA Abatement Accounts Fund is a product of the total in the
CA Abatement Accounts Fund multiplied by the City’s percentage set forth in Appendix 1 (the
“Local Allocation”).

WHEREAS, any city that is an Eligible Local Government will be allocated its Local
Allocation share only when it becomes a Participating Subdivision by signing the Participation
Agreements to the Settlements. The Local Allocation share for a city that is a Participating
Subdivision will be paid to the county in which the city is located, rather than to the city, so long
as: (a) the county is a Participating Subdivision, and (b) the city has not advised the Settlement
Fund Administrator that it requests direct payment at least 60 days prior to a Payment Date as
defined in the Settlement Agreements.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council hereby approves and authorizes the City Manager to settle and
release the City’s claims against the Settling Defendants in exchange for the consideration set forth
in the Settlement Agreements, Allocation Agreements including taking the following measures:
A. The execution on behalf of the City of the Participation Agreement to the Distributors Settlement Agreement and any and all documents ancillary thereto.

B. The execution on behalf of the City of the Participation Agreement to the Janssen Settlement Agreement and any and all documents ancillary thereto.

C. The execution on behalf of the City of the Proposed California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds- Distributor Settlement by executing the signature pages to that Allocation Agreement.

D. The execution on behalf of the City of the Proposed California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds- Janssen Settlement Allocation Agreements by executing the signature pages to that Allocation Agreement.

2. The City Manager shall have authority to, and is directed to, take all actions necessary or convenient on behalf of the City to implement and effectuate the agreements approved by this Resolution.

3. All actions heretofore taken by the Council and other appropriate public officers and agents of the City with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and approved.

4. 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 2nd day of December, 2021.

___________________________________________
Lorena Barajas
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. 2021-100 was duly adopted and passed at a meeting of the City Council of the City of Jurupa Valley on the 2nd day of December, 2021, 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 2nd day of December, 2021.

______________________________
Victoria Wasko, CMC, City Clerk
City of Jurupa Valley
EXHIBIT E

List of Opioid Remediation Uses

Schedule A
Core Strategies

States and Qualifying Block Grantees shall choose from among the abatement strategies listed in Schedule B. However, priority shall be given to the following core abatement strategies ("Core Strategies").

A. **NALOXONE OR OTHER FDA-APPROVED DRUG TO REVERSE OPIOID OVERDOSES**
   1. Expand training for first responders, schools, community support groups and families; and
   2. Increase distribution to individuals who are uninsured or whose insurance does not cover the needed service.

B. **MEDICATION-ASSISTED TREATMENT ("MAT") DISTRIBUTION AND OTHER OPIOID-RELATED TREATMENT**
   1. Increase distribution of MAT to individuals who are uninsured or whose insurance does not cover the needed service;
   2. Provide education to school-based and youth-focused programs that discourage or prevent misuse;
   3. Provide MAT education and awareness training to healthcare providers, EMTs, law enforcement, and other first responders; and
   4. Provide treatment and recovery support services such as residential and inpatient treatment, intensive outpatient treatment, outpatient therapy or counseling, and recovery housing that allow or integrate medication and with other support services.

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14 As used in this Schedule A, words like "expand," "fund," "provide" or the like shall not indicate a preference for new or existing programs.
C. **PREGNANT & POSTPARTUM WOMEN**

1. Expand Screening, Brief Intervention, and Referral to Treatment ("SBIRT") services to non-Medicaid eligible or uninsured pregnant women;

2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for women with co-occurring Opioid Use Disorder ("OUD") and other Substance Use Disorder ("SUD")/Mental Health disorders for uninsured individuals for up to 12 months postpartum; and

3. Provide comprehensive wrap-around services to individuals with OUD, including housing, transportation, job placement/training, and childcare.

D. **EXPANDING TREATMENT FOR NEONATAL ABSTINENCE SYNDROME ("NAS")**

1. Expand comprehensive evidence-based and recovery support for NAS babies;

2. Expand services for better continuum of care with infant-need dyad; and

3. Expand long-term treatment and services for medical monitoring of NAS babies and their families.

E. **EXPANSION OF WARM HAND-OFF PROGRAMS AND RECOVERY SERVICES**

1. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments;

2. Expand warm hand-off services to transition to recovery services;

3. Broaden scope of recovery services to include co-occurring SUD or mental health conditions;

4. Provide comprehensive wrap-around services to individuals in recovery, including housing, transportation, job placement/training, and childcare; and

5. Hire additional social workers or other behavioral health workers to facilitate expansions above.
F. TREATMENT FOR INCARCERATED POPULATION

1. Provide evidence-based treatment and recovery support, including MAT for persons with OUD and co-occurring SUD/MH disorders within and transitioning out of the criminal justice system; and

2. Increase funding for jails to provide treatment to inmates with OUD.

G. PREVENTION PROGRAMS

1. Funding for media campaigns to prevent opioid use (similar to the FDA’s “Real Cost” campaign to prevent youth from misusing tobacco);

2. Funding for evidence-based prevention programs in schools;

3. Funding for medical provider education and outreach regarding best prescribing practices for opioids consistent with the 2016 CDC guidelines, including providers at hospitals (academic detailing);

4. Funding for community drug disposal programs; and

5. Funding and training for first responders to participate in pre-arrest diversion programs, post-overdose response teams, or similar strategies that connect at-risk individuals to behavioral health services and supports.

H. EXPANDING SYRINGE SERVICE PROGRAMS

1. Provide comprehensive syringe services programs with more wrap-around services, including linkage to OUD treatment, access to sterile syringes and linkage to care and treatment of infectious diseases.

I. EVIDENCE-BASED DATA COLLECTION AND RESEARCH ANALYZING THE EFFECTIVENESS OF THE ABATEMENT STRATEGIES WITHIN THE STATE
Schedule B
Approved Uses

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

PART ONE: TREATMENT

A. TREAT OPIOID USE DISORDER (OUD)

Support treatment of Opioid Use Disorder ("OUD") and any co-occurring Substance Use Disorder or Mental Health ("SUD/MH") conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that: 15

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment ("MAT") approved by the U.S. Food and Drug Administration.

2. Support and reimburse evidence-based services that adhere to the American Society of Addiction Medicine ("ASAM") continuum of care for OUD and any co-occurring SUD/MH conditions.

3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.

4. Improve oversight of Opioid Treatment Programs ("OTPs") to assure evidence-based or evidence-informed practices such as adequate methadone dosing and low threshold approaches to treatment.

5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.

6. Provide treatment of trauma for individuals with OUD (e.g., violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (e.g., surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.

7. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.

15 As used in this Schedule B, words like "expand," "fund," "provide" or the like shall not indicate a preference for new or existing programs.
8. Provide training on MAT for health care providers, first responders, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.

9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.

10. Offer fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.

11. Offer scholarships and supports for behavioral health practitioners or workers involved in addressing OUD and any co-occurring SUD/MH or mental health conditions, including, but not limited to, training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.

12. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 ("DATA 2000") to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.

13. Disseminate of web-based training curricula, such as the American Academy of Addiction Psychiatry’s Provider Clinical Support Service–Opioids web-based training curriculum and motivational interviewing.

14. Develop and disseminate new curricula, such as the American Academy of Addiction Psychiatry’s Provider Clinical Support Service for Medication–Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in recovery from OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the programs or strategies that:

1. Provide comprehensive wrap-around services to individuals with OUD and any co-occurring SUD/MH conditions, including housing, transportation, education, job placement, job training, or childcare.

2. Provide the full continuum of care of treatment and recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, peer support services and counseling, community navigators, case management, and connections to community-based services.

3. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.
4. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, training for housing providers, or recovery housing programs that allow or integrate FDA-approved medication with other support services.

5. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.

6. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.

7. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.

8. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.

9. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.

10. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.

11. Provide training and development of procedures for government staff to appropriately interact and provide social and other services to individuals with or in recovery from OUD, including reducing stigma.

12. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.

13. Create or support culturally appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions, including new Americans.

14. Create and/or support recovery high schools.

15. Hire or train behavioral health workers to provide or expand any of the services or supports listed above.

C. **CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED (CONNECTIONS TO CARE)**

Provide connections to care for people who have—or are at risk of developing—OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:
1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.

2. Fund SBIRT programs to reduce the transition from use to disorders, including SBIRT services to pregnant women who are uninsured or not eligible for Medicaid.

3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.

4. Purchase automated versions of SBIRT and support ongoing costs of the technology.

5. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments.

6. Provide training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.

7. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into clinically appropriate follow-up care through a bridge clinic or similar approach.

8. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.

9. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.

10. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.

11. Expand warm hand-off services to transition to recovery services.

12. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.

13. Develop and support best practices on addressing OUD in the workplace.
14. Support assistance programs for health care providers with OUD.

15. Engage non-profits and the faith community as a system to support outreach for treatment.

16. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

D. ADDRESS THE NEEDS OF CRIMINAL JUSTICE-INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice system through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support pre-arrest or pre-arrainment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:
   
   1. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (“PAARI”);
   
   2. Active outreach strategies such as the Drug Abuse Response Team (“DART”) model;
   
   3. “Naloxone Plus” strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
   
   4. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (“LEAD”) model;
   
   5. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or
   
   6. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise.

2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.

3. Support treatment and recovery courts that provide evidence-based options for persons with OUD and any co-occurring SUD/MH conditions.
4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.

5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison or have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.

6. Support critical time interventions ("CTT"), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.

7. Provide training on best practices for addressing the needs of criminal justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section.

E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome ("NAS"), through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support evidence-based or evidence-informed treatment, including MAT, recovery services and supports, and prevention services for pregnant women—or women who could become pregnant—who have OUD and any co-occurring SUD/MH conditions, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.

2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for uninsured women with OUD and any co-occurring SUD/MH conditions for up to 12 months postpartum.

3. Provide training for obstetricians or other healthcare personnel who work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions.

4. Expand comprehensive evidence-based treatment and recovery support for NAS babies; expand services for better continuum of care with infant-need dyad; and expand long-term treatment and services for medical monitoring of NAS babies and their families.

E-9
5. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with NAS get referred to appropriate services and receive a plan of safe care.

6. Provide child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.

7. Provide enhanced family support and child care services for parents with OUD and any co-occurring SUD/MH conditions.

8. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.

9. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including, but not limited to, parent skills training.

10. Provide support for Children’s Services—Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION

F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding medical provider education and outreach regarding best prescribing practices for opioids consistent with the Guidelines for Prescribing Opioids for Chronic Pain from the U.S. Centers for Disease Control and Prevention, including providers at hospitals (academic detailing).

2. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.

3. Continuing Medical Education (CME) on appropriate prescribing of opioids.

4. Providing Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.

5. Supporting enhancements or improvements to Prescription Drug Monitoring Programs (“PDMPs”), including, but not limited to, improvements that:
1. Increase the number of prescribers using PDMPs;

2. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or

3. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD in a manner that complies with all relevant privacy and security laws and rules.

6. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation’s Emergency Medical Technician overdose database in a manner that complies with all relevant privacy and security laws and rules.

7. Increasing electronic prescribing to prevent diversion or forgery.

8. Educating dispensers on appropriate opioid dispensing.

G. **PREVENT MISUSE OF OPIOIDS**

Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding media campaigns to prevent opioid misuse.

2. Corrective advertising or affirmative public education campaigns based on evidence.

3. Public education relating to drug disposal.

4. Drug take-back disposal or destruction programs.

5. Funding community anti-drug coalitions that engage in drug prevention efforts.

6. Supporting community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction—including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration ("SAMHSA").

7. Engaging non-profits and faith-based communities as systems to support prevention.
8. Funding evidence-based prevention programs in schools or evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.

9. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.

10. Create or support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.

11. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.

12. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses, behavioral health workers or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or another drug misuse.

H. PREVENT OVERDOSE DEATHS AND OTHER HARMs (HARM REDUCTION)

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Increased availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, schools, community navigators and outreach workers, persons being released from jail or prison, or other members of the general public.

2. Public health entities providing free naloxone to anyone in the community.

3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, community support groups, and other members of the general public.

4. Enabling school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.

5. Expanding, improving, or developing data tracking software and applications for overdoses/naloxone revivals.

6. Public education relating to emergency responses to overdoses.
7. Public education relating to immunity and Good Samaritan laws.

8. Educating first responders regarding the existence and operation of immunity and Good Samaritan laws.

9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.

10. Expanding access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.

11. Supporting mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.

12. Providing training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.

13. Supporting screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES

I. FIRST RESPONDERS

In addition to items in section C, D and H relating to first responders, support the following:

1. Education of law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.

2. Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, coordination, facilitations, training and technical assistance to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Statewide, regional, local or community regional planning to identify root causes of addiction and overdose, goals for reducing harms related to the opioid epidemic, and areas and populations with the greatest needs for treatment
intervention services, and to support training and technical assistance and other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

2. A dashboard to (a) share reports, recommendations, or plans to spend opioid settlement funds; (b) to show how opioid settlement funds have been spent; (c) to report program or strategy outcomes; or (d) to track, share or visualize key opioid- or health-related indicators and supports as identified through collaborative statewide, regional, local or community processes.

3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

4. Provide resources to staff government oversight and management of opioid abatement programs.

K. TRAINING

In addition to the training referred to throughout this document, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, those that:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.

2. Support infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (e.g., health care, primary care, pharmacies, PDMPs, etc.).

L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, data collection and evaluation of programs and strategies described in this opioid abatement strategy list.


3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.
4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.

5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.

6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (e.g., Hawaii HOPE and Dakota 24/7).

7. Epidemiological surveillance of OUD-related behaviors in critical populations, including individuals entering the criminal justice system, including, but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring ("ADAM") system.

8. Qualitative and quantitative research regarding public health risks and harm reduction opportunities within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.

9. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.
### Substance Abuse Prevention and Treatment: 2015 vs 2020

#### Increase in Consumers

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<thead>
<tr>
<th></th>
<th>2015</th>
<th>2020</th>
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</thead>
<tbody>
<tr>
<td>Ages 12-20 IOT</td>
<td>147%</td>
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<tr>
<td>Outpatient</td>
<td>-3%</td>
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<tr>
<td>Residential</td>
<td>198%</td>
<td>52%</td>
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<tr>
<td>OT WM 1.0 &amp; 2.0</td>
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<td>47%</td>
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Adult services increased by a total of 813% between 2015 and 2020.

#### Increase in Services

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2020</th>
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</thead>
<tbody>
<tr>
<td>Ages 12-20 IOT</td>
<td>405%</td>
<td>361%</td>
</tr>
<tr>
<td>Outpatient</td>
<td>80%</td>
<td>1220%</td>
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<tr>
<td>Residential</td>
<td>631%</td>
<td>416%</td>
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<tr>
<td>OT WM 1.0 &amp; 2.0</td>
<td>287%</td>
<td>198%</td>
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</table>

Youth services increased by a total of 179% between 2015 and 2020.

#### 8 Levels of Care Added

- Individual Prevention
- Early Intervention
- Outpatient
- OT WM 1.0 & 2.0
- Intensive Outpatient (IOT) women and children only
- Partial Hospitalization 2.5
- Residential 3.1, 3.3, & 3.5
- Inpatient WM 3.2 & 3.7

2015: levels of care in place

2020: added levels of care in place