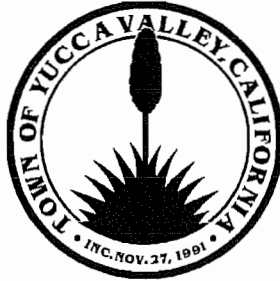


# TOWN OF YUCCA VALLEY TOWN COUNCIL MEETING



*The Mission of the Town of Yucca Valley is to  
provide a government that is responsive to its citizens  
to ensure a safe and secure environment  
while maintaining the highest quality of life.*

**TOWN COUNCIL: 6:00 p.m.  
TUESDAY, MAY 5, 2015  
YUCCA VALLEY COMMUNITY CENTER  
YUCCA ROOM  
57090 - 29 PALMS HIGHWAY  
YUCCA VALLEY, CALIFORNIA 92284**

**CLOSED SESSION: 6:00 p.m.  
(Immediately following regular meeting)  
YUCCA VALLEY TOWN HALL  
CONFERENCE ROOM  
57090 - 29 PALMS HIGHWAY  
YUCCA VALLEY, CALIFORNIA 92284**

\* \* \* \*

**TOWN COUNCIL**  
*George Huntington, Mayor*  
*Robert Leone, Mayor Pro Tem*  
*Merl Abel, Council Member*  
*Rick Denison, Council Member*  
*Robert Lombardo, Council Member*

\* \* \* \*

**TOWN ADMINISTRATIVE OFFICE:  
760-369-7207  
[www.yucca-valley.org](http://www.yucca-valley.org)**

**AGENDA  
MEETING OF THE  
TOWN OF YUCCA VALLEY COUNCIL  
TUESDAY, MAY 5, 2015  
6:00 P.M.**

*The Town of Yucca Valley complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call the Town Clerk's Office at 760-369-7209 at least 48 hours prior to the meeting.*

*An agenda packet for the meeting, and any additional documents submitted to the majority of the Town Council, are available for public view in the Town Hall lobby and with respect to the staff agenda packet, on the Town's website, [www.yucca-valley.org](http://www.yucca-valley.org), prior to the Council meeting. Any materials submitted to the Agency after distribution of the agenda packet will be available for public review in the Town Clerk's Office during normal business hours and will be available for review at the Town Council meeting. For more information on an agenda item or the agenda process, please contact the Town Clerk's office at 760-369-7209 ext. 226.*

*If you wish to comment on any subject on the agenda, or any subject not on the agenda during public comments, please fill out a card and give it to the Town Clerk. The Mayor/Chair will recognize you at the appropriate time. Comment time is limited to 3 minutes.*

**(WHERE APPROPRIATE OR DEEMED NECESSARY, ACTION MAY BE TAKEN ON ANY ITEM LISTED IN THE AGENDA)**

**OPENING CEREMONIES**

**CALL TO ORDER**

**ROLL CALL:** Council Members Abel, Denison, Leone, Lombardo and Mayor Huntington

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**APPROVAL OF AGENDA**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Vote \_\_\_\_\_.

**CONSENT AGENDA**

*All items listed on the consent calendar are considered to be routine matters or are considered formal documents covering previous Town Council instruction. The items listed on the consent calendar may be enacted by one motion and a second. There will be no separate discussion of the*

*consent calendar items unless a member of the Town Council or Town Staff requests discussion on specific consent calendar items at the beginning of the meeting. Public requests to comment on consent calendar items should be filed with the Town Clerk before the consent calendar is called.*

1. Waive further reading of all ordinances (if any in the agenda) and read by title only.

**Recommendation: Waive further reading of all ordinances and read by title only.**

- 1-9 2. Town Council Meeting Minutes of April 7, 2015

**Recommendation: Approve the Town Council Meeting Minutes of April 7, 2015 as approved**

- 10-68 3. Resolution No. 15-  
Annual Assessment Engineer's Report for Previously Formed Street &  
Drainage and Landscape & Lighting Maintenance Districts  
Confirming Annual Assessments in the Engineer's Reports upon Real Property within the  
Districts  
Set Public Hearing for June 16, 2015

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA CONFIRMING THE ASSESSMENTS AS SET FORTH IN THE ENGINEER'S REPORTS FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS AND STREET AND DRAINAGE MAINTENANCE DISTRICTS AND DECLARING ITS INTENT TO LEVY AND COLLECT ASSESSMENTS UPON REAL PROPERTY WITHIN SAID DISTRICTS FOR THE 2015-2016 TAX YEAR.**

**Recommendation:**

1. Preliminarily approving the engineering reports for the existing assessment districts and directing the filing of such reports with the Town Clerk.
2. Setting the date for conducting a public hearing at 6:00 PM on Tuesday, June 16, 2015, in the Yucca Valley Community Center, 57090 29 Palms Highway, Yucca Valley, CA 92284 pursuant to California Streets and Highways Code Sections 22552 and 22553 and Government Code Section 53753.5, to consider the levy of annual assessments upon real property.

- 69-190 4. Resolution No. 15-  
Tentative Tract Map, TTM-17862  
Planned Development, PD-01-07  
Construction Permits for TM 17862

Located at the northeast corner of Sage Avenue and Golden Bee Drive  
107 Lot Single Family Residential Project  
Authorization to Issue Grading and Improvement Permits

**A RESOLUTION OF THE TOWN COUNCIL, OF THE TOWN OF  
YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE ISSUANCE  
OF GRADING AND IMPROVEMENT PERMITS FOR THE  
PROJECT IDENTIFIED AS TENTATIVE TRACT MAP, TTM-17862  
AND PLANNED DEVELOPMENT, PD-01-07**

**Recommendation:**

- 1. Approves and adopts the attached Resolution, authorizing the issuance of grading and improvement permits for Tentative Tract Map, TTM 17862, as depicted in the attached engineered drawings.**
- 2. Authorizes the Town Manager and Town Attorney to enter into a grading bond agreement in the amount of \$170,000.**
- 3. Directs staff to return to the Town Council with the final map for Tentative Tract Map, TTM 17862, following the completion of grading and construction of improvements as identified in the engineered drawings attached to this Staff Report, and following the formation of maintenance districts in the form of landscape and lighting assessment districts, street and drainage assessments districts, or through a community facilities district.**

- 191-228 5. Active Transportation Program (ATP) – Cycle 2, Call For Projects  
June 1, 2015 Application Deadline  
Safe Routes to School Project  
Recreational and Multi-Purpose Trail Projects  
Trails and Bike Route Plan  
General Plan Policies  
Parks and Recreation Master Plan

**Recommendation: Authorize the Town Manager to submit applications for the Active Transportation Program grant cycle, including the identification of matching funds for project applications, based upon available resources and budget limitations, and based upon Town Council policy guidance and public input and participation.**

- 229-255 6. 2015/2016 Town Wide Slurry Seal Project – Town Project No.8340  
Award of Construction Contract  
All American Asphalt, Corona CA

**Recommendation: Award the construction contract to All American Asphalt, in the amount of \$449,400 and authorizes a construction contingency in the**

**amount of \$50,600, for a total contract amount of \$500,000, authorizing the Mayor, Town Manager and Town Attorney to sign all necessary documents, and authorizing the Town Manager to expend the contingency fund, if necessary, to complete the project.**

- 256-304 7. Amended and Restated Lease Agreement between the Town of Yucca Valley and Morongo Basin Unity Home, Inc.

**Recommendation: Approve the amended and restated lease agreement between the Town of Yucca Valley and Morongo Basin Unity Home, Inc. and authorize the Mayor and Town Manager to sign all necessary documents.**

- 305-311 8. Third Quarter Budget Report for the Nine Months Ending March 31, 2015

**Recommendation: Receive and file the Third Quarter Budget Report for FY 2014-15**

- 312-313 9. Treasurer's Report for the Quarter Ending March 31, 2015

**Recommendation: Receive and file the Treasurer's Report for the third quarter of FY 2014-15**

- 314-334 10. Warrant Register dated May 5, 2015

**Recommendation: Ratify the Warrant Registers totaling \$997,255.92 for checks dated April 2, 2015 to April 30, 2015. Ratify the Payroll Registers totaling \$567,457.50 dated March 13, 2015 to April 24, 2015**

**Recommendation: Adopt Consent Agenda (items 1-10)**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Vote \_\_\_\_\_

## DEPARTMENT REPORTS

- 335-348 11. Town Volunteer Program Policy

**Recommendation: Review and approve the proposed policy for the Town's volunteer program.**

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Vote \_\_\_\_\_

349-404 12. 2015 Legislative Update

**Recommendation:**

1. Receive and file the legislative update on issues and bills moving through the 2015 California legislative session.
2. Direct staff and the Council’s Ad Hoc Legislative Committee to develop a Legislative Policy Guidelines document to assist staff and Council in addressing ongoing legislative priorities and concerns.

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Vote \_\_\_\_\_

405-407 13. Initiative Process Update

**Recommendation:** Receive and file a status update on the initiative process and how it relates to a potential citizen initiative submitted to the Town concerning an increase of local sales tax rates.

Action: Move \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ Vote \_\_\_\_\_

**FUTURE AGENDA ITEMS**

**PUBLIC COMMENTS**

*In order to assist in the orderly and timely conduct of the meeting, the Council takes this time to consider your comments on items of concern which are on the Closed Session or not on the agenda. When you are called to speak, please state your name and community of residence. Notify the Mayor if you wish to be on or off the camera. Please limit your comments to three (3) minutes or less. Inappropriate behavior which disrupts, disturbs or otherwise impedes the orderly conduct of the meeting will result in forfeiture of your public comment privileges. The Town Council is prohibited by State law from taking action or discussing items not included on the printed agenda.*

**STAFF REPORTS AND COMMENTS**

**MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**

14. Council Member Abel
15. Council Member Denison
16. Council Member Lombardo

17. Mayor Pro Tem Leone
15. Mayor Huntington

## **ANNOUNCEMENTS**

### **Upcoming Meeting Schedule**

At this time, a meeting of the Yucca Valley Town Council is not scheduled for Tuesday, May 19, 2015 for lack of agenda items.

The next meeting of the Yucca Valley Town Council is scheduled for Tuesday, June 2, 2015 at 6:00 p.m. in the Yucca Valley Community Center Yucca Room.

*(Public Comments will be taken on Closed Session Items Prior to Adjourning to Closed Session)*

### **CLOSED SESSION (Town Hall Conference Room)**

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
A closed session will be held, pursuant to Government Code §54956.9(d)(1), to confer with legal counsel regarding pending litigation to which the Town is a party. The title of such litigation is as follows: Town of Yucca Valley vs. Yashraj Hospitality, Inc., dba Best Western Yucca Valley Hotel and Suites, Nathsons Hospitality, Inc., Venokumar Nathraj, Charmaine Nathraj et. al; CIVDS1415964; San Bernardino County Superior Court

### **CLOSED SESSION REPORT (Town Hall Lobby)**

## **ADJOURNMENT**

## Yucca Valley Town Council

### **Meeting Procedures**

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Town of Yucca Valley Town Council in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Yucca Valley Town Council, Commissions and Committees.

**Agendas** - All agendas are posted at Town Hall, 57090 Twentynine Palms Highway, Yucca Valley, at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed at the Town Hall offices located at 57090 Twentynine Palms Highway, Yucca Valley.

**Agenda Actions** - Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Town Council will generally consider items in the order listed on the agenda. However, items may be considered in any order. Under certain circumstances new agenda items can be added and action taken by two-thirds vote of the Town Council.

**Closed Session Agenda Items** - Consideration of closed session items, *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Mayor will announce the subject matter of the closed session. If final action is taken in closed session, the Mayor shall report the action to the public at the conclusion of the closed session.

**Public Testimony on any Item** - Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Town Council should complete a "Request to Speak" form, provided near the Town Clerk's desk at the meeting room, and present it to the Town Clerk prior to the Council's consideration of the item. A "Request to Speak" form must be completed for *each* item when an individual wishes to speak. When recognized by the Mayor, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Council, speakers are limited to up to three (3) minutes on each item. The Mayor or a majority of the Council may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Council member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

**Agenda Times** - The Council is concerned that discussion takes place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

**Public Comment** - At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject with Council's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. The time limits established in Rule #4 still apply.*

**Disruptive Conduct** - If any meeting of the Council is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Mayor may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Council without first being recognized, not addressing the subject before the Council, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Council from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for all Town of Yucca Valley meetings. Your cooperation is appreciated!*



## ACRONYM LIST

ADA	Americans with Disabilities Act
CAFR	Comprehensive Annual Financial Report
CALTRANS	California Department of Transportation
CEQA	California Environmental Quality Act
CCA	Community Center Authority
CDBG	Community Development Block Grant
CHP	California Highway Patrol
CIP	Capital Improvement Program
CMAQ	Congestion Mitigation and Air Quality
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COP	Certificates of Participation
CPI	Consumer Price Index
DOJ	Department of Justice
DOT	Department of Transportation
ED	Economic Development
EIR	Environmental Impact Report (pursuant to CEQA)
GAAP	Generally Accepted Accounting Procedures
GASB	Governmental Accounting Standards Board
HDWD	Hi Desert Water District
HUD	US Department of Housing and Urban Development
IIEP	Inland Empire Economic Partnership
IIPP	Injury and Illness Prevention Plan
IRC	Internal Revenue Code
LAIF	Local Agency Investment Fund
LLEBG	Local Law Enforcement Block Grant
LTF	Local Transportation Fund
MBTA	Morongo Basin Transit Authority
MBYSA	Morongo Basin Youth Soccer Association
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MUSD	Morongo Unified School District
PARSAC	Public Agency Risk Sharing Authority of California
PERS	California Public Employees Retirement System
PPA	Prior Period Adjustment
PVEA	Petroleum Violation Escrow Account
RDA	Redevelopment Agency
RSA	Regional Statistical Area
RTP	Regional Transportation Plan
SANBAG	San Bernardino Associated Governments
SCAG	Southern California Association of Governments
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TEA-21	Transportation Enhancement Act for the 21 <sup>st</sup> Century
TOT	Transient Occupancy Tax

## Town Council Committee Assignments

COMMITTEE	REPRESENTATIVE	MEETING SCHEDULE	LOCATION
CITY / COUNTY ANIMAL SERVICES JPA	Huntington Lombardo	12:00 pm. Last Thursday	Yucca Valley
DESERT SOLID WASTE JPA	Huntington Leone (Alt)	10:00 a.m. 2 <sup>nd</sup> Thursday Feb, May, Aug, Nov	Victorville
LEAGUE OF CALIFORNIA CITIES DESERT MOUNTAIN DIVISION	Lombardo Denison (Alt)	10:00 a.m. 4 <sup>th</sup> Friday- Quarterly	Varies
LEAGUE OF CALIFORNIA CITIES LEGISLATIVE DELEGATE	Mayor		
LEGISLATIVE TEAM	Huntington Denison	Proposed for Council Members to work with Town Manager meeting with legislators when necessary	
HOMELESS PARTNERSHIP (SBCO) AND INTERAGENCY COUNCIL ON HOMELESSNESS	Staff	9:00 a.m. 4 <sup>th</sup> Wednesday	San Bernardino
MEASURE I	Huntington Abel (Alt)	9:30 a.m. 3 <sup>rd</sup> Friday	Apple Valley
MORONGO BASIN TRANSIT AUTHORITY	Abel Leone Lombardo (Alt)	5:00 p.m. 4 <sup>th</sup> Thursday	Joshua Tree
MOJAVE AIR QUALITY DISTRICT	Leone Abel (Alt)	10:00 a.m. 4 <sup>th</sup> Monday	Victorville
SANBAG	Huntington Abel (Alt)	10:30 a.m. 1 <sup>st</sup> Wednesday	San Bernardino
SCAG VOTING DELEGATES	SANBAG APPOINTEES	Annual General Assembly	Varies
SPORTS COUNCIL	Denison	6:30 p.m. 2 <sup>nd</sup> Monday March, June, Sept	Yucca Valley

## Ad Hoc Committee Assignments

COMMITTEE	REPRESENTATIVES
AUDIT	Denison Huntington
BREHM PARK	Abel Lombardo
CLASS AND COMPENSATION REVIEW	Abel Huntington
MEDICAL MARIJUANA INITIATIVE	Lombardo Abel
ONLINE VIDEO	Huntington Evans (PRCC)
PUBLIC FACILITIES	Huntington Leone
RDA BONDS	Huntington Leone
SEWER FINANCING	Denison Leone
DIVISION	Huntington Leone

**TOWN OF YUCCA VALLEY  
TOWN COUNCIL MEETING MINUTES  
APRIL 7, 2015**

**OPENING CEREMONIES**

Mayor Huntington called the meeting to order at 6:00 p.m.

Council Members Present: Abel, Denison, Leone, Lombardo, and Mayor Huntington

Staff Members Present: Town Manager Yakimow, Deputy Town Manager Stueckle, Town Attorney Laymon, Police Chief Mondary, Finance Manager Cisneros, and Town Clerk Copeland

The Pledge of Allegiance was led by Council Member Denison.

With no member of the clergy present for the invocation, Mayor Huntington invited the public in a moment of silence.

**APPROVAL OF AGENDA**

Mayor Pro Tem Leone moved to approve the agenda for the Town Council meeting of April 7, 2015. Council Member Lombardo seconded. Motion carried 5-0 on a roll call vote.

**AYES:** Council Members Abel, Denison, Leone, Lombardo and Mayor  
Huntington  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**CONSENT AGENDA**

1. **Waive** further reading of all ordinances and read by title only
2. **Approve** the Town Council meeting minutes of March 17, 2015 as presented.
3. **Accept** the Community Center Infield Refurbishment project as substantially complete, authorizes staff to file the Notice of Completion, authorizes the reduction of the Faithful Performance Bond to 10%, and directs staff to retain the Labor and Material Bond for six (6) months for Community Center Infield Refurbishment Project.
4. **Approve** and adopt Resolution No. 15-06, directing the preparation of annual assessment engineer's reports describing any new improvements or any substantial changes to the existing improvements in the existing assessment districts.

**A RESOLUTION OF THE TOWN COUNCIL, OF THE TOWN OF  
YUCCA VALLEY, CALIFORNIA CAUSING AN ENGINEER'S  
REPORT TO BE PREPARED FOR ASSESSMENTS TO BE LEVIED**

**WITHIN EXISTING ASSESSMENT DISTRICTS DURING THE 2015-  
2016 TAX YEAR**

5. **Ratify** the Warrant Register total of \$211,711.08 for checks dated March 12, 2015

Mayor Huntington opened public comment on the Consent Agenda. With no members of the public wishing to speak, public comments were closed.

Council Member Abel moved to approve the Consent Agenda items 1-5. Mayor Pro Tem Leone seconded. Motion carried 5-0 on a roll call vote.

**AYES:** Council Members Abel, Denison, Leone, Lombardo and Mayor  
Huntington  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**PUBLIC HEARING**

6. **Public Facilities Development Impact Fees  
Annual Report & Public Hearing**

Deputy Town Manager Stueckle presented the staff report for the Public Facilities Development Impact Fee Annual Report and Public Hearing, giving background information on development impact fees. In October, 2005, the Town Council adopted the MuniFinancial Study giving guidance to future fee structure. In 2006, impact fees became effective for residential development at 1/3 of maximum. In 2008, impact fees were effective for non-residential development at \$1.00 per square foot. In October 2010, the residential and non-residential infill incentive program was established.

In 2011, the Town Council made modifications to the previously adopted schedule by establishing the subdivision single family residential public facility development impact fees at the maximum level of \$9,081 per unit; modified the development incentive program for infill single family residential, setting the fees at \$2,568 per unit with those fees dedicated to Park facilities; retained the multi-family residential fees at \$3,600 per unit; Modified the commercial, general office and industrial development projects in a tiered approach, up to 3,000 square feet- \$1.00 per square foot, 3,001 to 5,000 square feet- \$2.00 per square foot, 5,001 to 10,000 square feet- \$4.00 per square foot; 10,001 square feet or more- \$7.85 per square foot. There were no modifications to these fees in 2012, 2013, or 2014.

Mayor Huntington opened the public hearing.

Town Clerk Copeland reported that written communication was received on the item from William Shack, Yucca Valley, developer of Copper Hill Homes at Sage Estates, which the Town

Council received a copy prior to the hearing.

Vincent Shack, Copper Hills Homes at Stage Estates, spoke in opposition to the current level of residential subdivision fees, requesting they be reduced.

Bill Warner, Yucca Valley spoke of the validity of the rates currently in place and requested that the Town Council consider reducing the Impact Fees for subdivision housing. Warner also inquired on the reasoning behind the difference in fee levels between residential subdivision and residential infill.

With no other members of the public wishing to speak, Mayor Huntington closed the public hearing.

Deputy Town Manager Stueckle spoke of the challenge many municipalities face regarding infrastructure maintenance, and explained that the infill rates were lower than the subdivision rates as an incentive.

Mayor Pro Tem Leone inquired if square footage has any bearing on the residential subdivision unit rates. Stueckle replied that they do not. Leone suggested a review of this option.

Mayor Huntington commented on past conversations regarding the change in fee schedule in 2011.

Council Member Lombardo inquired if an impact study was conducted regarding the Copper Hills subdivision.

Council Member Abel spoke favorably on impact fees as a viable resource in making the town a better community and agrees with the lower rate for residential infill.

Council Member Lombardo moved to retain the current Public Facility Development Impact Fee structure. Council Member Denison seconded. Motion carried 5-0 on a roll call vote.

- AYES:** Council Members Abel, Denison, Leone, Lombardo and Mayor Huntington
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

**DEPARTMENT REPORTS**

- 7. **Resolution No. 15-07**  
**Hi-Desert Water District, Assessment District No. 2014-1**  
**Notice of Public Hearing and Proposed Assessment**  
**California Regional Water Quality Control Board**

**Septic Discharge Prohibition  
Town Assessments**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN  
OF YUCCA VALLEY CALIFORNIA APPROVING THE  
ASSESSMENTS OF AND SUPPORTING THE HI-DESERT  
WATER DISTRICT ASSESSMENT DISTRICT NO. 2014-1.**

Deputy Town Manager Stueckle presented the staff report or the Hi-Desert Water District Assessment District No. 2014-1 giving background for the purpose for the local assessment.

The California Regional Water Quality Control Board amended the Basin Plan prohibiting septic discharges beginning May 19, 2016, within Phase I, boundaries. Phases II and III prohibition dates as established by the CRWQCB are May 2019 and May 2022 respectively.

The Hi-Desert Water District (HDWD) assessment district voting process concludes on May 13, 2015. The Town has received property owner assessment ballots from HDWD for Assessment District No. 2014-1 for the Town-owned properties. The total assessment amount at this time for all phases of Town and former Redevelopment Agency owned properties, including potential financial liability for leased and pending purchases of property is \$ 648,821.35. Future assessment votes will be necessary for Phases II and III as they are implemented by HDWD.

Mayor Huntington opened public comment. With no members of the public wishing to speak, public comments were closed.

Council Member Abel moved to:

- Approve the assessments on the Town's thirty-one (31) properties currently owned as identified in Attachment A to this Staff Report.
- Authorize and Direct the Town Manager to Vote "Yes" on the Ballots received for the thirty-one (31) properties as identified in Attachment A to this Staff Report.
- Authorize and approve potential liability of assessments for leased properties and pending purchases properties, including Jacobs Park and the Boys and Girls Club of the Hi-Desert leased parks, and the pending purchase of the Brehm Youth Sports Park Facility.
- Approve Resolution 15-07 in support of the Hi-Desert Water District Assessment District No. 2014-1.
- Authorize the Town Manager to vote affirmatively for any verified subsequent ballots in the Assessment District received after April 7, 2015, up to the legal assessment or \$25,000.
- Direct staff to return to the Town Council with all necessary budget actions after successful formation of the Assessment District.

Council Member Lombardo seconded. Motion carried 5-0 on a roll call vote.

- AYES:** Council Members Abel, Denison, Leone, Lombardo and Mayor Huntington
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

**8. Overview of Town Wide Grant Process**

Management Analyst Rice presented the staff report giving an overview of the use of grants the Town participates in as well as potential opportunities. Town Manager Yakimow expressed that grant activities align with Town Council direction.

Management Analyst Rice explained the benefits of using a grant management software program. Rice informed the Council that Town staff has researched such software programs and intends to subscribe to eCivis with an annual fee of \$3,675.00 annually. The cost can be accommodated by the current 2014-16 budget.

Mayor Huntington opened public comment. With no members of the public wishing to speak, public comments were closed.

Council Member Abel inquired on the flexibility of eCivis and if the software can be designed to target the Town’s specific needs. Abel thanked staff for the amount of money the Town has gained by using available grant funding.

Mayor Pro Tem Leone spoke favorably of using local talent in seeking grant opportunities.

Council Member Denison and Mayor Huntington commented favorably of using software to target the Town’s funding needs.

Mayor Pro Tem Leone moved to receive and file the informational overview of the Town’s grant process. Council Member Abel seconded. Motion carried 5-0 on a roll call vote.

- AYES:** Council Members Abel, Denison, Leone, Lombardo and Mayor Huntington
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

**9. FY 2014-16 Investment Policy**

Finance Manager Cisneros presented the staff report, giving an overview of the Town’s current investment policy. Management of the Town’s investments is governed by the Prudent Investor

Standard as set forth in California Government Code Section 53600.3. An updated and revised investment policy was presented outlining principles and practices with guidelines incorporated into the policy that are in accordance with, or more stringent than the requirements set forth in the California Government Code. The underlying foundation of the proposed policy remains safety, liquidity, and yield with the respect to the investment of surplus funds.

Finance Manager Cisneros continued to explain that though most changes in the investment policy are minor, there are three changes that require noting. The three significant changes are: 1) to include required financial statements as part of the annual review of financial institutions, 2) to update the language related to “Negotiable Certificates of Deposit, and 3) to increase the maximum allowable investment amount per institution.

Mayor Huntington opened public comment. With no members of the public wishing to speak, public comments were closed.

Council Member Lombardo moved to review and approve the FY 2014-16 Investment Policy and to review and approve the town planned investment activities which includes moving funds from the Local Agency Investment Fund (LAIF) to Negotiable Certificates of Deposit as allowed by the Investment Policy. Mayor Pro Tem Leone seconded. Motion carried 5-0 on a roll call vote.

**AYES:** Council Members Abel, Denison, Leone, Lombardo and Mayor Huntington  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

#### **10. Gas Tax Fund Financial Model Forecast**

Finance Manager Cisneros presented the staff report with the presentation of the recently implemented financial forecasting tool by Muncast Forecasting and Trend Analysis software. The new software assists staff in long-term financial planning activities. The review of the Town’s gas Tax Fund is the initial rollout of the forecasting tool. Cisneros demonstrated the software capabilities, using various scenarios, using the gas tax fund information. It is anticipated that the Town Council will see similar projections with other funds in the near future.

With the given forecasting information, additional language is suggested to be added to the Town’s existing Reserve Policy. The new language states, “The Town’s gas tax fund balance shall be maintained between 20% and 25% of annual gas tax expenditures.”

Mayor Huntington opened public comments. With no members of the public wishing to speak, public comments were closed.

Council Member Abel thanked Finance Manager Cisneros for the product tour and useful information.



Council Member Lombardo inquired on the frequency of such financial projections. Cisneros explained that as the Town receives information that may affect the Town’s revenue or expense picture, staff can use this tool, to allow for educated projections for future business decisions.

Mayor Pro Tem Leone spoke favorably of the software.

Council Member Abel moved to receive and file the Gas Tax Fund 515 Analysis and Five-Year Forecast, and approve the proposed Gas Tax Fund Balance Reserve Policy. Council Member Denison seconded. Motion carried 5-0 on a roll call vote.

- AYES:** Council Members Abel, Denison, Leone, Lombardo and Mayor Huntington
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

**FUTURE AGENDA ITEMS**

Council Member Abel suggested looking at the Town’s water usage in light of the recent statewide action to control water usage during current drought conditions.

**PUBLIC COMMENTS**

Mayor Huntington opened public comments.

Town Clerk Copeland announced that written correspondence has been received by Mr. and Mrs. Harvey Legrone of Yucca Valley, and Mr. and Mrs. Miller, part time Yucca Valley residents, voicing opposition to Measure X.

Becki Vowles, Pioneertown addressed Council Member Leone in regards to a recent conversation.

Sarann Graham, Yucca Valley spoke as a HDWD board member, thanked the Town Council for their support of the assessment vote. Graham announced an upcoming golf event for Father’s Day in June 20<sup>th</sup>. The event is sponsored by the Soroptomist International of Yucca Valley.

With no other members of the public wishing to speak, Mayor Huntington closed public comments.

**STAFF REPORTS AND COMMENTS**

Deputy Town Manager Stueckle gave a brief update on the Dumosa signal project.

Town Manager Yakimow thanked Mayor Huntington for participating in the Town’s annual

Easter Egg Hunt and also thanked the Community Services staff for a fabulous event.

Yakimow announced that the Town website will be updated to include a page dedicated to information on Measure X and the election scheduled for June 2, 2015.

**MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS**

- 11. Council Member Abel thanked for public for attending the meeting and spoke favorably of the services provided by the San Bernardino County Sheriff's Department school resource officer. Abel also announced that there are a few vacancies at the Dumosa Senior Village, if anyone would like to live in a nice, downtown facility.
- 12. Council Member Denison reported that he attended a recent Vietnam Veterans' event and thanked all who participated. Denison spoke highly of the Sheriff's Department's OHV enforcement program.
- 13. Council Member Lombardo spoke of recent community outreach for young Abigail Snipes, and her battle with cancer.
- 14. Mayor Pro Tem Leone thanked Town staff for a very informative meeting this evening.
- 15. Mayor Huntington thanked Town staff for the Easter Egg Hunt and reported on recent SANBAG action on express lanes. Huntington reminded the public that the Earth Day Celebration is scheduled for Saturday, April 18<sup>th</sup> at the Yucca Valley Community Center.

**ANNOUNCEMENTS**

The next meeting of the Yucca Valley Town Council is scheduled for Tuesday, April 21, 2015 at 6:00 p.m.in the Yucca Valley Community Center Yucca Room

**CLOSED SESSION**

- 1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
A closed session will be held, pursuant to Government Code §54956.9(d)(1), to confer with legal counsel regarding pending litigation to which the Town is a party. The title of such litigation is as follows: Town of Yucca Valley vs. Yashraj Hospitality, Inc., dba Best Western Yucca Valley Hotel and Suites, Nathsons Hospitality, Inc., Venokumar Nathraj, Charmaine Nathraj et. al; CIVDS1415964; San Bernardino County Superior Court
- 2. **CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION**  
A closed session will be held, pursuant to Government Code §54956.9 (d)(2), significant exposure to litigation in one (1) case.
- 3. **CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION**

A closed session will be held, pursuant to Government Code §54956.9 (d)(4), for the Town Council to consider whether to initiate litigation in four (4) cases.

4. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

A closed session will be held, pursuant to Government Code §54956.8, to enable the Town Council to consider negotiations with:

Property: APN 0587-361-02, San Bernardino County, CA  
56711 Twentynine Palms Hwy, Yucca Valley  
Hi Desert Water District  
Curtis Yakimow, Real Property Negotiator  
Real Property Negotiations

Property: APN 586-101-07, San Bernardino County, CA  
SE Corner of Kickapoo Trail and Benecia  
Hi Desert Water District  
Curtis Yakimow, Real Property Negotiator  
Real Property Negotiations

Town Attorney Laymon announced the Closed Session items, and informed the public that the Report Out on Closed Session will be conducted at Town Hall immediately following Closed Session.

Mayor Huntington opened public comments. With no members of the public wishing to speak, public comments were closed.

Mayor Huntington adjourned the meeting to Closed Session at 7:52 p.m.

**CLOSED SESSION REPORT/ADJOURNMENT**

Town Attorney Laymon reported that Closed Session adjourned at 8:40 p.m. with no reportable action.

Respectfully Submitted,

Lesley Copeland, CMC  
Town Clerk

**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor and Town Council  
**From:** Shane Stueckle, Deputy Town Manager  
Alex Qishta, Project Manager  
**Date:** April 27, 2015  
**For Council Meeting:** May 5, 2015


**Subject:** Resolution No. 15-  
Annual Assessment Engineer's Report for Previously Formed Street &  
Drainage and Landscape & Lighting Maintenance Districts  
Confirming Annual Assessments in the Engineer's Reports upon Real Property  
within the Districts  
Set Public Hearing for June 16, 2015

**Prior Council Review:** The Town Council previously approved the formation of Landscape & Lighting Maintenance Districts and Street & Drainage Maintenance Districts which must be updated and approved by the Town Council annually pursuant to State law. On April 7, 2015 the Town Council approved Resolution No.15-06 directing the preparation of an Assessment Engineers Report describing any new improvements within the districts or any substantial changes in the existing improvements within the existing districts. That action also provided preliminarily approval of the assessment engineering reports and setting the date for the Public Hearing.

**Recommendation:** That the Town Council adopts the Resolution:

1. Preliminarily approving the engineering reports for the existing assessment districts and directing the filing of such reports with the Town Clerk.
2. Setting the date for conducting a public hearing at 6:00 PM on Tuesday, June 16, 2015, in the Yucca Valley Community Center, 57090 29 Palms Highway, Yucca Valley, CA 92284 pursuant to California Streets and Highways Code Sections 22552 and 22553 and Government Code Section 53753.5, to consider the levy of annual assessments upon real property.

---

Reviewed By:	 Town Manager	_____ Town Attorney	_____ Mgmt Services	SRS _____ Dept Head
--------------	-----------------------------------------------------------------------------------------------------	------------------------	------------------------	---------------------------

---

<input type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input checked="" type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

P. 10

**Executive Summary:** The Town Council previously formed Landscape & Lighting Maintenance Districts and Street & Drainage Maintenance Districts as a condition of private subdivision development project approvals. The Assessment Engineer’s Report(s), which establishes the annual assessment in each of the Districts, must be updated annually and approved by the Town Council, following a public hearing, in order to levy the annual assessment(s).

**Order of Procedure:**

- Request Staff Report
- Request Public Comment
- Council Discussion/ Council Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote, Consent Agenda)

**Discussion:** Development projects are approved subject to conditions of approval that require the formation of Landscape & Light Maintenance Assessment Districts and Street & Drainage Maintenance Districts. The assessment of an annual fee upon properties within the District provides the revenue to offset the cost of maintenance of the public improvements necessary to serve the development.

The California Streets and Highways Code §22620 et. seq., with respect to Landscape & Lighting Districts and Government Code §53750 et. seq., with respect to Street & Drainage Maintenance Districts require that the Assessment Engineer’s report for each of the Districts be updated and approved by the legislative body prior to the levy of any annual assessment on properties within the an assessment district.

The Town has formed nine (9) such assessment districts, which are described as follow:

**TM 16957:**

Location: 800 feet south of Joshua Drive on the east side of Acoma Trail

No. of Lots: 34 residential lots

Map Recorded: Yes

District type:

1. Benefit Assessment Act of 1982; Street and Drainage Maintenance District;
2. Landscape and Lighting Act of 1972; Landscape and Lighting Maintenance District;

**TM 16587:**

Location: Northeast corner of Acoma Trail and Zuni Trail

No. of Lots: 55 Residential lots

Map Recorded: Yes

District type:

1. Benefit Assessment Act of 1982; Street and Drainage Maintenance District;
2. Landscape and Lighting Act of 1972; Landscape and Lighting Maintenance District;

**TM 17328:**

Location: Southwest corner of Emerson Avenue and Yucca Trail.

No. of Lots: 17 residential lots.

Map Recorded: Yes

District type:

1. Benefit Assessment Act of 1982; Street and Drainage Maintenance District;
2. Landscape and Lighting Act of 1972; Landscape and Lighting Maintenance District;

**TM 17455:**

Location: East of the Avalon Avenue on the south side of SR62

No. of Lots: Four (4) commercial parcels.

Map Recorded: Yes

District Type:

1. Benefit Assessment Act of 1982; Street and Drainage Maintenance District;

**TM 17633:**

Location: Southwest corner of Palomar Avenue and Onaga Trail

No. of Lots: 61 total residential lots; Phase 1

Map Recorded: No

District Initiated and Levy Assessed: District initiated and levy approved by Town Council. Final map and supporting documents not yet submitted for approval and recording.

District type:

1. Benefit Assessment Act of 1982; Street and Drainage Maintenance District;
2. Landscape and Lighting Act of 1972; Landscape and Lighting Maintenance District;

The proposed maximum annual assessments, and the recommended annual assessments, are as follows.

**TOWN OF YUCCA VALLEY  
ASSESSMENT DISTRICTS**

PROJECT	DISTRICT NO. 1 BENEFIT ZONE 1	MAX 2014-15 ALLOWED ASSESSMENT PER EDU	MAX 2015-16 ALLOWED ASSESSMENT PER EDU	2015-2016 ANNUAL ASSESSMENT & LEVY PER EDU
TM #16957	Street & Drainage	832	845.96	61.76
TM #16957	Landscape & Lighting	212.24	215.8	61.76
<b>16957 TOTAL:</b>		<b>\$1,044.24</b>	<b>\$1,061.76</b>	<b>\$123.52</b>
TM #16587	Street & Drainage	478.8	486.83	378.18
TM #16587	Landscape & Lighting	241.08	245.11	187.72
<b>16587 TOTAL:</b>		<b>\$719.88</b>	<b>\$731.94</b>	<b>\$565.90</b>
TM #17328	Street & Drainage	725.14	737.30	114.70
TM #17328	Landscape & Lighting	417.2	424.2	111.76
<b>17328 TOTAL:</b>		<b>\$1,142.34</b>	<b>\$1,161.50</b>	<b>\$226.46</b>
TM #17633	Street & Drainage	496.97	505.31	36.06
TM #17633	Landscape & Lighting	205.92	209.38	36.88
<b>17633 TOTAL:</b>		<b>\$702.89</b>	<b>\$714.69</b>	<b>\$72.94</b>
PM #17455	Street & Drainage	1.9	2.24	\$7,907.80
	Parcel 1			\$2,283.80
	Parcel 2			\$630.80
	Parcel 3			\$2,827.20
	Parcel 4			
<b>17455 TOTAL:</b>		<b>\$1.90</b>	<b>\$2.24</b>	<b>\$13,649.60</b>

**Alternatives:** No alternatives are recommended. The recommended action is necessary for compliance with state law.

**Fiscal impact:** The assessment districts provide revenues to offset the cost of maintenance of public improvements to serve the development project(s). The Engineering Reports set forth the “Maximum Allowable Assessment” for each parcel (page 5 of the Engineering Report for Street and Drainage Maintenance Districts 1 through 5 and page 4 of the Engineering Report for Landscape and Lighting Maintenance Districts 1-4). These tables demonstrate the Maximum Allowable Assessment has increased only a few cents from the prior year’s assessment.

**Attachments:** Resolution No. 15-  
Notice of a Public Hearing  
Resolution No. 15-06  
Benefit Assessment District Engineering Reports  
Landscape and Lighting Assessment District Engineering Reports



**RESOLUTION NO. 15-**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA CONFIRMING THE ASSESSMENTS AS SET FORTH IN THE ENGINEER'S REPORTS FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS AND STREET AND DRAINAGE MAINTENANCE DISTRICTS AND DECLARING ITS INTENT TO LEVY AND COLLECT ASSESSMENTS UPON REAL PROPERTY WITHIN SAID DISTRICTS FOR THE 2015-2016 TAX YEAR.**

**WHEREAS**, the following Landscape and Lighting Maintenance Districts and Street and Drainage Maintenance Districts have previously been formed pursuant to California Streets and Highways Code Section 22565 et. seq. and Government Code Section 53753 and Section 4 of Article XIID of the Constitution of the State of California.

Street and Drainage Maintenance District No. 1 and Landscape and Lighting Maintenance District No. 1 both districts comprised of Tract Map 16957 (34 residential lots) located on the east side of Acoma Trail between Joshua Drive and Golden Bee Drive. Improvements in these Districts are not yet constructed.

Street and Drainage Maintenance District No. 1, Annexation No. 1, Zone 2 and Landscape and Lighting Maintenance District No. 1 Annexation No. 1, Zone 2 both districts comprised of Tract Map 16587 (55 residential lots) located at the northeast corner of Acoma Trail and Zuni Trail. Improvements in these districts are constructed.

Street and Drainage Maintenance District No. 1, Annexation No. 2, Zone 3 and Landscape and Lighting Maintenance District No. 1, Annexation No. 2, Zone 3 both districts comprised of Tract Map 17328 (17 residential lots) located at the southwest corner of Emerson Avenue and Yucca Trail. Improvements in these Districts are not yet constructed.

Street and Drainage Maintenance District No. 1, Annexation 3, Zone 4 and Landscape and Lighting Maintenance District No. 1, Annexation No. 3, Zone 4 both districts comprised of Tract Map 17633-Phase I (61 residential lots) located at the southwest corner of Palomar Avenue and Onaga Trail. Improvements in these Districts are not yet constructed.

Street and Drainage Maintenance District No. 1, Annexation No. 4, Zone 5 comprised of Parcel Map 17455 (4 commercial lots) located approximately 1000 feet east of the intersection of Avalon Avenue and State Route 62. Improvements in these Districts are constructed; and

**WHEREAS**, the improvements in the Landscape and Lighting Maintenance Districts are generally described as follows:

Regular maintenance, repair and replacement of all facilities within the public rights-of-ways or easements which shall include, but not be limited to, the landscaping, irrigation system, signage, perimeter wall, retaining walls, pedestrian path and erosion control plantings within or adjacent to the detention basins and drainage swale; operation, maintenance, repairs, replacement of and power for the street lighting; regular maintenance, repair and replacement of the landscape parkway strip and street trees; regular maintenance, repair and replacement of landscaping within public rights-of-ways or easements, and perimeter walls, including graffiti removal; regular maintenance, repair and replacement of pedestrian pathways, within the public rights-of-ways or easements and administrative services to operate the District including related administration, legal and contracted services costs; and

**WHEREAS**, the improvements in the Street and Drainage Maintenance Districts are generally described as follows:

Regular maintenance and operation of streets, roads and highways including but not limited to pavement rehabilitation, re-striping, slurry sealing, signing, street sweeping, traffic control devices and other repairs needed to keep the streets in a safe condition and to preserve the street network; maintenance and operation of drainage and flood control facilities, including but not limited to floodways, channels, percolation pond, storm drain systems including pipes and catch basins and appurtenant facilities, and administrative services to operate the District including related administration, legal and contracted services costs; and

**WHEREAS**, the assessment in the Districts is increased annually, as established at the time of initial formation of the District, by the change in the Consumer Price Index for all Urban Consumers for the Los Angeles Area (December – December); and

**WHEREAS**, no changes are proposed in the improvements in the Landscape and Lighting Maintenance District and the Street and Drainage Districts are proposed; and

**WHEREAS**, the Town Council approved Resolution No. 15-06 directing that an Engineer's Report be prepared for each the aforementioned Districts for purposes of determining the levy of assessments for the 2015-2016 tax year; and

**WHEREAS**, notice of this public hearing and Resolution of Intent has been given pursuant to Streets and Highways Code Sections 22626, 22552, and 22553 and Government Code Section 53753.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Yucca Valley does resolve as follows:

1. The assessments set forth in the Engineer's Reports attached hereto as Exhibit A and hereby incorporated in this Resolution for the following Districts are hereby confirmed:

**Street and Drainage Maintenance District No. 1 and Landscape and Lighting Maintenance District No. 1** both districts comprised of Tract Map 16957 (34 residential lots) located on the east side of Acoma Trail between Joshua Drive and Golden Bee Drive.

**Street and Drainage Maintenance District No. 1, Annexation No. 1, Zone 2 and Landscape and Lighting Maintenance District No. 1 Annexation No. 1, Zone 2** both districts comprised of Tract Map 16587 (55 residential lots) located at the northeast corner of Acoma Trail and Zuni Trail.

**Street and Drainage Maintenance District No. 1, Annexation No. 2, Zone 3 and Landscape and Lighting Maintenance District No. 1, Annexation No. 2, Zone 3** both districts comprised of Tract Map 17328 (17 residential lots) located at the southwest corner of Emerson Avenue and Yucca Trail.

**Street and Drainage Maintenance District No. 1, Annexation 3, Zone 4 and Landscape and Lighting Maintenance District No. 1, Annexation No. 3, Zone 4** both districts comprised of Tract Map 17633-Phase I (61 residential lots) located at the southwest corner of Palomar Avenue and Onaga Trail.

**Street and Drainage Maintenance District No. 1, Annexation No. 4, Zone 5** comprised of Parcel Map 17455 (4 commercial lots) located approximately 1000 feet east of the intersection of Avalon Avenue and State Route 62; and

2. The following assessments may be levied upon real property within the Town of Yucca Valley for fiscal year 2015-2016 at the rate not to exceed the maximum allowable assessment:

Street and Drainage Maintenance District No. 1: **\$61.76**  
Landscape and Lighting Maintenance District No. 1: **\$61.76**  
(Both districts comprised of Tract Map 16957 (34 residential lots)).

Street and Drainage Maintenance District No. 1,  
Annexation No. 1, Zone 2: **\$378.18**  
Landscape and Lighting Maintenance District No. 1,  
Annexation No. 1, Zone 2: **\$187.72**  
(Both districts comprised of Tract Map 16587 (55 residential lots)).

Street and Drainage Maintenance District No. 1,  
Annexation No. 2, Zone 3: **\$114.70**  
Landscape and Lighting Maintenance District No. 1,  
Annexation No. 2, Zone 3: **\$111.76**  
(Both districts comprised of Tract Map 17328 (17 residential lots)).

Street and Drainage Maintenance District No. 1,  
Annexation 3, Zone 4: **\$36.06**  
Landscape and Lighting Maintenance District No. 1,  
Annexation No. 3, Zone 4: **\$36.88**  
(Both districts comprised of Tract Map 17633-Phase I (61 residential lots)).

Street and Drainage Maintenance District No. 1, Annexation No. 4, Zone 5  
comprised of Parcel Map 17455 (4-commercial lots). The Maximum Annual  
Assessment per EDU shall be:

**Parcel 1: \$1.90 per Benefit Unit for a total annual assessment of \$7,907.80**  
**Parcel 2: \$1.90 per Benefit Unit for a total annual assessment of \$2,283.80**  
**Parcel 3: \$1.90 per Benefit Unit for a total annual assessment of \$630.80**  
**Parcel 4: \$1.90 per Benefit Unit for a total annual assessment of \$2,827.20**

APPROVED AND ADOPTED this 5th day of May, 2015.

Town of Yucca Valley

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
TOWN CLERK

Approved as to Form:

\_\_\_\_\_  
TOWN ATTORNEY

**TOWN COUNCIL  
TOWN OF YUCCA VALLEY  
NOTICE OF PUBLIC HEARING  
RESOLUTION OF INTENT TO LEVY AN ASSESSMENT  
ON REAL PROPERTY WITHIN EXISTING  
ASSESSMENT DISTRICTS  
FOR THE 2015-2016 TAX YEAR**

Notice is hereby given that the Town Council will conduct a public hearing at 6:00 PM on Tuesday, June 16, 2015 in the Yucca Valley Community Center, 57909 29 Palms Highway, Yucca Valley, CA 92284 pursuant to California Streets and Highways Code Sections 22552 and 22553 and Government Code Section 53753.5 to consider the following Resolution of Intent to levy annual assessments upon real property comprising the following Landscape and Lighting Maintenance Districts and Street and Drainage Maintenance Districts:

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA CONFIRMING THE ASSESSMENTS AS SET FORTH IN THE ENGINEER'S REPORTS FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS AND STREET AND DRAINAGE MAINTENANCE DISTRICTS AND DECLARING ITS INTENT LEVY AND COLLECT ASSESSMENTS UPON REAL PROPERTY WITHIN SAID DISTRICTS FOR THE 2015-2016 TAX YEAR.**

**WHEREAS**, the following Landscape and Lighting Maintenance Districts and Street and Drainage Maintenance Districts have previously been formed pursuant to California Streets and Highways Code Section 22565 et. seq. and Government Code Section 53753 and Section 4 of Article XIID of the Constitution of the State of California:

Street and Drainage Maintenance District No. 1 and Landscape and Lighting Maintenance District No. 1 both districts comprised of Tract Map 16957 (Living Space Subdivision-34 residential lots) located on the east side of Acoma Trail between Joshua Drive and Golden Bee Drive. Improvements in these Districts are not yet constructed.

Street and Drainage Maintenance District No. 1, Annexation No. 1, Zone 2 and Landscape and Lighting Maintenance District No. 1 Annexation No. 1, Zone 2 both districts comprised of Tract Map 16587 (Mesquite 55 Subdivision-55 residential lots) located at the northeast corner of Acoma Trail and Zuni Trail. Improvements in these Districts are not yet constructed.

Street and Drainage Maintenance District No. 1, Annexation No. 2, Zone 3 and Landscape and Lighting Maintenance District No. 1, Annexation No. 2, Zone 3 both districts comprised of Tract Map 17328 (Yucca Valley Estates Subdivision-17 residential

lots) located at the southwest corner of Emerson Avenue and Yucca Trail. Improvements in these Districts are not yet constructed.

Street and Drainage Maintenance District No. 1, Annexation 3, Zone 4 and Landscape and Lighting Maintenance District No. 1, Annexation No. 3, Zone 4 both districts comprised of Tract Map 17633-Phase I (Burnt Mountain Haciendas Subdivision-61 residential lots) located at the southwest corner of Palomar Avenue and Onaga Trail. Improvements in these Districts are not yet constructed.

Street and Drainage Maintenance District No. 1, Annexation No. 4, Zone 5 comprised of Parcel Map 17455 (Home Depot-4 commercial lots) located approximately 1000 feet east of the intersection of Avalon Avenue and State Route 62. Improvements in these Districts are constructed; and

**WHEREAS**, the improvements in the Landscape and Lighting Maintenance Districts are generally described as follows:

Regular maintenance, repair and replacement of all facilities within the public rights-of-ways or easements which shall include, but not be limited to, the landscaping, irrigation system, signage, perimeter wall, retaining walls, pedestrian path and erosion control plantings within or adjacent to the detention basins and drainage swale; operation, maintenance, repairs, replacement of and power for the street lighting; regular maintenance, repair and replacement of the landscape parkway strip and street trees; regular maintenance, repair and replacement of landscaping within public rights-of-ways or easements, and perimeter walls, including graffiti removal; regular maintenance, repair and replacement of pedestrian pathways, within the public rights-of-ways or easements and administrative services to operate the District including related administration, legal and contracted services costs; and

**WHEREAS**, the improvements in the Street and Drainage Maintenance Districts are generally described as follows:

Regular maintenance and operation of streets, roads and highways including but not limited to pavement rehabilitation, re-striping, slurry sealing, signing, street sweeping, traffic control devices and other repairs needed to keep the streets in a safe condition and to preserve the street network; maintenance and operation of drainage and flood control facilities, including but not limited to floodways, channels, percolation pond, storm drain systems including pipes and catch basins and appurtenant facilities, and administrative services to operate the District including related administration, legal and contracted services costs; and

**WHEREAS**, the assessment in the Districts is increased annually, as established at the time of initial formation of the District, by the change in the

Consumer Price Index for all Urban Consumers for the Los Angeles Area (December – December); and

**WHEREAS**, no changes are proposed in the improvements in the Landscape and Lighting Maintenance District and the Street and Drainage Districts are proposed; and

**WHEREAS**, the Town Council approved Resolution No. 14-08 directing that an Engineer's Report be prepared for each the aforementioned Districts for purposes of determining the levy of assessments for the 2014-2015 tax year; and

**WHEREAS**, notice of this public hearing and Resolution of Intent has been given pursuant to Streets and Highways Code Sections 22626, 22552, and 22553 and Government Code Section 53753.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Yucca Valley does resolve as follows:

1. The assessments set forth in the Engineer's Reports attached hereto as Exhibit A and hereby incorporated in this Resolution for the following Districts are hereby confirmed:

**Street and Drainage Maintenance District No. 1 and Landscape and Lighting Maintenance District No. 1** both districts comprised of Tract Map 16957 (Living Space Subdivision-34 residential lots) located on the east side of Acoma Trail between Joshua Drive and Golden Bee Drive.

**Street and Drainage Maintenance District No. 1, Annexation No. 1, Zone 2 and Landscape and Lighting Maintenance District No. 1 Annexation No. 1, Zone 2** both districts comprised of Tract Map 16587 (Mesquite 55 Subdivision-55 residential lots) located at the northeast corner of Acoma Trail and Zuni Trail.

**Street and Drainage Maintenance District No. 1, Annexation No. 2, Zone 3 and Landscape and Lighting Maintenance District No. 1, Annexation No. 2, Zone 3** both districts comprised of Tract Map 17328 (Yucca Valley Estates Subdivision-17 residential lots) located at the southwest corner of Emerson Avenue and Yucca Trail.

**Street and Drainage Maintenance District No. 1, Annexation 3, Zone 4 and Landscape and Lighting Maintenance District No. 1, Annexation No. 3, Zone 4** both districts comprised of Tract Map 17633-Phase I (Burnt Mountain Haciendas Subdivision-61 residential lots) located at the southwest corner of Palomar Avenue and Onaga Trail.

**Street and Drainage Maintenance District No. 1, Annexation No. 4, Zone 5** comprised of Parcel Map 17455 (Home Depot-4 commercial lots) located approximately 1000 feet east of the intersection of Avalon Avenue and State Route 62; and



2. The following assessments may be levied upon real property within the Town of Yucca Valley for fiscal year 2010-2011 at the rate not to exceed the maximum allowable assessment:

Street and Drainage Maintenance District No. 1: **\$61.76**

Landscape and Lighting Maintenance District No. 1: **\$61.76**

Both districts comprised of Tract Map 16957 (Living Space Subdivision-34 residential lots).

Street and Drainage Maintenance District No. 1, Annexation No. 1, Zone 2: **\$378.18**

Landscape and Lighting Maintenance District No. 1 Annexation No. 1, Zone 2: **\$187.72**

Both districts comprised of Tract Map 16587 (Mesquite 55 Subdivision-55 residential lots).

Street and Drainage Maintenance District No. 1, Annexation No. 2, Zone 3: **\$114.70**

Landscape and Lighting Maintenance District No. 1, Annexation No. 2, Zone 3: **\$111.76**

Both districts comprised of Tract Map 17328 (Yucca Valley Estates Subdivision-17 residential lots).

Street and Drainage Maintenance District No. 1, Annexation 3, Zone 4: **\$36.06**

Landscape and Lighting Maintenance District No. 1, Annexation No. 3, Zone 4: **\$36.88**

Both districts comprised of Tract Map 17633-Phase I (Burnt Mountain Haciendas Subdivision-61 residential lots).

Street and Drainage Maintenance District No. 1, Annexation No. 4, Zone 5 comprised of Parcel Map 17455 (Home Depot-4 commercial lots). The Maximum Annual Assessment per EDU shall be:

**Parcel 1: \$1.90 per Benefit Unit for a total annual assessment of \$7,907.80**

**Parcel 2: \$1.90 per Benefit Unit for a total annual assessment of \$2,283.80**

**Parcel 3: \$1.90 per Benefit Unit for a total annual assessment of \$630.80**

**Parcel 4: \$1.90 per Benefit Unit for a total annual assessment of \$2,827.20**

All interested persons are invited to attend and offer written or oral testimony in support of or opposition to the levy of annual assessments upon real property in said Districts.

**Publish: May 6, 2015, June 3, 2015**

Lesley Copeland  
Town Clerk

**RESOLUTION NO 15-06**

**A RESOLUTION OF THE TOWN COUNCIL, OF THE TOWN OF YUCCA VALLEY, CALIFORNIA CAUSING AN ENGINEER'S REPORT TO BE PREPARED FOR ASSESSMENTS TO BE LEVIED WITHIN EXISTING ASSESSMENT DISTRICTS DURING THE 2015-2016 TAX YEAR**

**WHEREAS**, the Town Council directs staff to prepare a preliminary engineer's report in the formation of the following assessment districts pursuant to Streets and Highways Code Section 22565 et.seq., and Government Code Section 54716 and Section 4(b) of Article 13D of the Constitution of the State of California:

Street and Drainage Maintenance District No. 1 and Landscape and Lighting Maintenance District No. 1, both districts comprised of Tract Map 16957;

Street and Drainage Maintenance District No. 1, Annexation No. 1, Zone 2 and Landscape and Lighting Maintenance District No. 1 Annexation No. 1, Zone 2, both districts comprised of Tract Map 16587;

Street and Drainage Maintenance District No. 1, Annexation No. 2, Zone 3 and Landscape and Lighting Maintenance District No. 1, Annexation No. 2, Zone 3, both districts comprised of Tract Map 17328;

Street and Drainage Maintenance District No. 1, Annexation 3, Zone 4 and Landscape and Lighting Maintenance District No. 1, Annexation No. 3, Zone 4, both districts comprised of Tract Map 17633-Phase I;

Street and Drainage Maintenance District No. 1, Annexation No. 4, Zone 5, comprised of Parcel Map 17455; and

**WHEREAS**, the improvements in the aforementioned Landscape and Lighting Maintenance Districts include regular maintenance, repair and replacement of all facilities within the public rights-of-ways or easements which shall include, but not be limited to, the landscaping, irrigation system, signage, perimeter wall, retaining walls, pedestrian path and erosion control plantings within or adjacent to the detention basins and drainage swale; operation, maintenance, repairs, replacement of and power for the street lighting; Regular maintenance, repair and replacement of the landscape parkway strip and street trees; regular maintenance, repair and replacement of landscaping within public rights-of-ways or easements, and perimeter walls, including graffiti removal; regular maintenance, repair and replacement of pedestrian pathways, within the public rights-of-ways or easements; and administrative services to operate the District; and

**WHEREAS**, the improvements, maintenance and operation of streets, roads and highways in the aforementioned Street and Maintenance Districts Maintenance shall include but not be limited to pavement rehabilitation, restriping, slurry sealing, signing,

street sweeping, traffic control devices and other repairs needed to keep the streets in a safe condition and to preserve the street network; and

**WHEREAS**, maintenance and operation of drainage and flood control facilities, including but not limited to floodways, channels, percolation pond, storm drain systems including pipes and catch basins and appurtenant facilities; and administrative services to operate the district; and

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA DOES RESOLVE AS FOLLOWS:**

The Town Council of the Town of Yucca Valley directs the preparation of the engineer's report to be prepared and filed with the Town Clerk for submission to the Town Council for the following assessment districts for the fiscal year commencing July 1, 2015 and ending June 30, 2016:

Street and Drainage Maintenance District No. 1 and Landscape and Lighting Maintenance District No. 1, both districts comprised of Tract Map 16957;

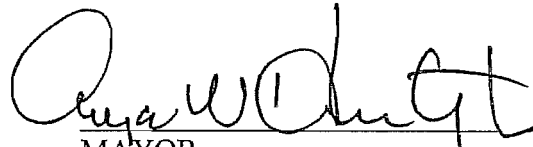
Street and Drainage Maintenance District No. 1, Annexation No. 1, Zone 2 and Landscape and Lighting Maintenance District No. 1 Annexation No. 1, Zone 2, both districts comprised of Tract Map 16587;

Street and Drainage Maintenance District No. 1, Annexation No. 2, Zone 3 and Landscape and Lighting Maintenance District No. 1, Annexation No. 2, Zone 3, both districts comprised of Tract Map 17328;

Street and Drainage Maintenance District No. 1, Annexation 3, Zone 4 and Landscape and Lighting Maintenance District No. 1, Annexation No. 3, Zone 4, both districts comprised of Tract Map 17633-Phase I;

Street and Drainage Maintenance District No. 1, Annexation No. 4, Zone 5, comprised of Parcel Map 17455.

APPROVED AND ADOPTED this 7<sup>th</sup> day of April, 2015.

  
MAYOR

ATTEST:

  
TOWN CLERK

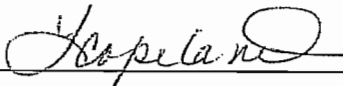
STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Lesley R. Copeland, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Resolution No. 15-06 as duly and regularly adopted at a meeting of the Town Council of the Town of Yucca Valley, California at a meeting thereof held on the 7<sup>th</sup> day of April, 2015, by the following vote:

Ayes:	Council Members Abel, Denison, Leone, Lombardo and Mayor Huntington
Noes:	None
Abstain:	None
Absent:	None



---

Lesley R. Copeland, CMC  
TOWN CLERK

**ENGINEER'S REPORT FOR**  
**STREET AND DRAINAGE**  
**MAINTENANCE DISTRICT NO. 1**  
**BENEFIT ZONES 1-5**

**Fiscal Year 2025-16**

*Prepared for:*

**TOWN OF YUCCA VALLEY**  
San Bernardino County, California

*Prepared by:*

***K. Dennis Klingelhofer***  
***Assessment Engineer***

**April, 2015**

**PRELIMINARY ENGINEER'S REPORT**  
**TOWN OF YUCCA VALLEY**  
**STREET AND DRAINAGE MAINTENANCE DISTRICT No. 1, BENEFIT ZONES 1-5**

**TABLE OF CONTENTS**

Section I - Introduction .....	1
Section II – Plans and Specifications.....	2
Section III – Estimate of Costs .....	4
Table 1: Cost Estimate .....	4
Section IV - Assessment Roll .....	6
Section V - Method of Apportionment of Assessment.....	7
Section VI - Property Owner List .....	10
Appendix A - Assessment Roll	

**PRELIMINARY ENGINEER'S REPORT**  
**TOWN OF YUCCA VALLEY**  
**STREET AND DRAINAGE MAINTENANCE DISTRICT No. 1**  
**BENEFIT ZONES 1-5**

The undersigned respectfully submits the enclosed Engineer's Report as directed by the Town Council.

Dated: April 10, 2015

\_\_\_\_\_  
By: K. Dennis Klingelhofer, P.E.  
Assessment Engineer

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Roll and Assessment Diagram thereto attached was filed with me on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Lesley Copeland, Town Clerk  
Town of Yucca Valley  
San Bernardino County, California

By \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Roll and Assessment Diagram thereto attached was approved and confirmed by the Council of the Town of Yucca Valley, San Bernardino County, California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Lesley Copeland, Town Clerk  
Town of Yucca Valley  
San Bernardino County, California

By \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Roll and Assessment Diagram thereto attached was filed with the County Auditor of the County of San Bernardino, on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Lesley Copeland, Town Clerk  
Town of Yucca Valley  
San Bernardino County, California

By \_\_\_\_\_



## **SECTION I - INTRODUCTION**

To ensure a flow of funds for the operation, maintenance and servicing of specified improvements within new development, the Town Council adopted Resolution No. 05-61 on October 27, 2005 to establish the Town of Yucca Valley Street Maintenance District No. 1 in accordance with the provisions of the Government Code and the provisions of Article XIID of the State Constitution (Proposition 218) and the Benefit Act of 1082 of the Government Code.

Since the formation of the District, additional benefit zones have been established as part of the conditions of property development and approved by the original property owner(s) and the proposed assessments are based upon the costs of maintenance, repair and servicing of the improvements that provide special benefit to properties within each benefit zone in the District. The annual levy includes all proposed expenditures, fund balances, revenues and reserves; and is set aside in a Special Fund by the Town. The assessment to be levied within each benefit zone upon the parcels within it are proportionate to the special benefit they receive as set forth in the method of apportionment established at the time the time each benefit was established.

Payment of the assessment for each parcel will be made in the same manner and at the same time as payments are made for property taxes. All funds collected through the assessment must be placed in a special fund and can only be used for the purposes stated within this report.

As required by the Benefit Assessment Act of 1982, the Engineer's Report prepared for the formation of the District described the improvements to be maintained and serviced by the District which included:

1. Maintenance and operation of streets, roads and highways including but not limited to pavement rehabilitation, restriping, slurry sealing, signing, street sweeping, traffic control devices and other repairs needed to keep the streets in a safe condition and to preserve the street network;
2. Maintenance and operation of drainage and flood control facilities, including but not limited to floodways, channels, percolation pond, storm drain systems including pipes and catch basins and appurtenant facilities.

This annual update provides an estimated budget for each benefit zone within the District for fiscal year 2015-16 and lists the proposed assessments to be levied upon each assessable lot or parcel within the District.

The Town Council may order amendments to the budget as presented herein or confirm the report as submitted. Following final approval of the report and confirmation of the assessments, the Town Council may order the levy and collection of the assessment for Fiscal Year 2015-16. Upon approval, the assessments will be submitted to the San Bernardino County Auditor-Controller's Office to be included on the FY 2015-16 tax roll.

**SECTION II - PLANS AND SPECIFICATIONS**

The facilities, which are to be constructed within the Street and Drainage Maintenance District No. 1, and those which maybe subsequently constructed, will be operated, maintained and serviced as generally described as follows:

**DESCRIPTION OF IMPROVEMENTS**  
**TOWN OF YUCCA VALLEY**  
**STREET AND DRAINAGE MAINTENANCE DISTRICT NO. 1**

**Zone 1(Tract 16957)** - Improvements within this zone consist of streets, roads and highways, public alleyways and the storm drain system within Tract No. 16957. The District may maintain and operate these improvements including but not limited to pavement repair and rehabilitation, restriping, slurry sealing, street sweeping, signing, concrete repair, maintenance of storm drain pipes, catch basins and percolation ponds within the subdivision, personnel, electrical energy, utilities such as water, materials, contractual services and other items necessary for the satisfactory operation of the improvements which shall also include; vandalism abatement.

**Zone 2 (Tract 16857)** - Improvements within this zone consist of streets, roads and highways, public alleyways and the storm drain system within Tract No. 16587. The District may maintain and operate these improvements including but not limited to pavement repair and rehabilitation, restriping, slurry sealing, street sweeping, signing, concrete repair, maintenance of storm drain pipes, catch basins and percolation ponds within the subdivision, personnel, electrical energy, utilities such as water, materials, contractual services and other items necessary for the satisfactory operation of the improvements which shall also include; vandalism abatement.

**Zone 3 (Tract 17328)** - Improvements within this zone consist of streets, roads and highways, public alleyways and the storm drain system within Tract No. 17328. The District may maintain and operate these improvements including but not limited to pavement repair and rehabilitation, restriping, slurry sealing, street sweeping, signing, concrete repair, maintenance of storm drain pipes, catch basins and percolation ponds within the subdivision, personnel, electrical energy, utilities such as water, materials, contractual services and other items necessary for the satisfactory operation of the improvements which shall also include; vandalism abatement.

**Zone 4 (Tract 17633)** - Improvements within this zone consist of streets, roads and highways, public alleyways and the storm drain system within Tract No. 17633. The District may maintain and operate these improvements including but not limited to pavement repair and rehabilitation, restriping, slurry sealing, street sweeping, signing, concrete repair, maintenance of storm drain pipes, catch basins and percolation ponds within the subdivision, personnel, electrical energy, utilities such as water, materials, contractual services and other items necessary for the satisfactory operation of the improvements which shall also include; vandalism abatement.

**Zone 5 (Tract 17328)** - Improvements within this zone consist of streets, roads and highways, public alleyways and the storm drain system within Tract No. 17328. The District may maintain and operate these improvements including but not limited to pavement repair and rehabilitation, restriping, slurry sealing, street sweeping, signing, concrete repair, maintenance of storm drain pipes, catch basins and percolation ponds within the subdivision, personnel, electrical energy, utilities such as water, materials, contractual services and other items necessary for the satisfactory operation of the improvements which shall also include; vandalism abatement.

The plans and specifications for the improvements within each benefit zone are on file in the Office of the Town Engineer, Community Development/Public Works Department of the Town of Yucca Valley.

**TOWN OF YUCCA VALLEY**  
**Street and Drainage Maintenance District No. 1**  
**Benefit Zones 1-5**

**SECTION III - ESTIMATE OF COST**

The 1982 Act provides that the total cost of maintenance and operation of the streets and drainage facilities can be recovered by the District including administration of the District, engineering fees, legal fees, printing, posting, and mailing of notices, and all other costs associated with the annual levy and collection of assessments can also be included.

The following operation, maintenance and servicing costs for Fiscal Year 2015-16 are proposed to be included in the Street and Drainage Maintenance District No.1, including contributions to reserves.

The 1982 Act requires that a special fund be set up for the revenues and expenditures of the District. Funds raised by assessment shall be used only for the purpose as stated herein. Any balance remaining on July 1 must be carried over to the next fiscal year.

Town of Yucca Valley Street and Drainage Maintenance District No. 1 Estimated Annual Costs					
Fiscal Year 2015-16	Benefit Zone 1 (Tract 16957)	Benefit Zone 2 (Tract 16587)	Benefit Zone 3 (Tract 17328)	Benefit Zone 4 (Tract 17633)	Benefit Zone 5 (PM 17455)
<b>Maintenance &amp; Servicing</b>					
Surfacing	\$ -	\$ 4,700.00	\$ -	\$ -	\$ 1,255.00
Street Sweeping	\$ -	\$ 300.00	\$ -	\$ -	\$ 100.00
Vandalism Abatement	\$ -	\$ 350.00	\$ -	\$ -	\$ 300.00
Storm Drain Maintenance	\$ -	\$ 2,600.00	\$ -	\$ -	\$ 4,600.00
Rehabilitation Reserve	\$ -	\$ 10,700.00	\$ -	\$ -	\$ 3,800.00
Subtotal	\$ -	\$ 18,650.00	\$ -	\$ -	\$ 10,055.00
<b>Incidental Expenses</b>					
City Administration	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Assessment Engineering	\$ 750.00	\$ 650.00	\$ 650.00	\$ 650.00	\$ 500.00
County Administration Fee	\$ 350.00	\$ 500.00	\$ 300.00	\$ 550.00	\$ 200.00
Operating Reserve	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ 2,100.00	\$ 2,150.00	\$ 1,950.00	\$ 2,200.00	\$ 1,700.00
<b>Annual Levy</b>					
Total Maintenance and Incidental Expenses	\$ 2,100.00	\$ 20,800.00	\$ 1,950.00	\$ 2,200.00	\$ 11,755.00
Less Contribution from Reserves					
Operating	\$ -	\$ -	\$ -	\$ -	\$ (2,000.00)
Capital Replacement	\$ -	\$ -	\$ -	\$ -	\$ -
Balance to Levy	\$ 2,100.00	\$ 20,800.00	\$ 1,950.00	\$ 2,200.00	\$ 13,755.00
Total EDU's /BU's	34	55	17	61	7,184
Proposed Levy per EDU	\$ 61.76	\$ 378.18	\$ 114.70	\$ 36.06	\$ 1.90
Maximum Allowable Levy per EDU	\$ 845.96	\$ 486.83	\$ 737.30	\$ 505.31	\$ 2.24
<b>Fund Balance Summary</b>					
Operating Reserve (Projected as of July 1, 2015)	\$ 4,186.43	\$ 4,186.43	\$ 4,186.43	\$ 4,186.43	\$ 6,442.04
Contribution to Operating Reserve	\$ -	\$ -	\$ -	\$ -	\$ 2,000.00
Projected Operating Reserve as of June 30, 2016	\$ 4,186.43	\$ 4,186.43	\$ 4,186.43	\$ 4,186.43	\$ 8,442.04
Capital Replacement Reserve (Projected as of July 1, 2015)	\$ -	\$ -	\$ -	\$ -	\$ 33,683.33
Contribution to Capital Replacement Reserve	\$ -	\$ 10,700.00	\$ -	\$ -	\$ 3,800.00
Projected Capital Replacement Reserve as of June 30, 2016	\$ -	\$ 10,700.00	\$ -	\$ -	\$ 37,483.33

**TOWN OF YUCCA VALLEY**  
**Street and Drainage Maintenance District No. 1**  
**Benefit Zones 1-5**

Since construction of the improvements in several of the benefit zones has not been completed, a reduced assessment is proposed to be levied in several of the benefit zones for 2015-16. However, the Maximum Annual Assessment per EDU will be increased as established at the time of formation by the change in Consumer Price Index for all Urban Consumers for the Los Angeles Area (December – December) to provide sufficient revenues for the maintenance of the improvements in future years. The Maximum Allowable Assessment by Benefit Zone for 2015-16 shall be as shown below:

Benefit Zone	Fiscal Year				
	2011-12	2012-13	2013-14	2014-15	2015-16
	% Change in CPI				
	<b>1.23%</b>	<b>2.29%</b>	<b>1.93%</b>	<b>1.14%</b>	<b>1.68%</b>
Zone 1 - Tract 16957	\$ 782.85	\$ 800.76	\$ 816.23	\$ 832.00	\$ 845.96
Zone 2 - Tract 16587	\$ 450.51	\$ 460.81	\$ 469.72	\$ 478.80	\$ 486.83
Zone 3 - Tract 17328	\$ 682.30	\$ 697.90	\$ 711.39	\$ 725.14	\$ 737.30
Zone 4 - Tract 17633	\$ 467.61	\$ 478.31	\$ 487.55	\$ 496.97	\$ 505.31
Zone 5 - Tract 17455	\$ 2.07	\$ 2.12	\$ 2.16	\$ 2.20	\$ 2.24

The Town shall have no obligation to commit funds in excess of the assessment revenues collected for the maintenance of the improvements within each benefit zone and the level of maintenance provided shall be adjusted to match the funds available. In addition, funds collected may be used to reimburse the Town for any funds advanced, including funds advanced for district administration.

The funds in the Rehabilitation Reserve for each Benefit Zone will be set aside annually and shall only be used for the replacement or rehabilitation of the improvements within that Benefit Zone unless the Town determines that there is a surplus based upon expected future replacement costs.

Funds raised by the assessments shall be used only for the purpose as stated herein. Any balance remaining on July 1 must be carried over to the next fiscal year unless the funds are being accumulated for future capital improvements and operating reserves. The District may accumulate an operating reserve which shall not exceed the annual estimated costs of maintenance and servicing.

The 1982 Act requires that a special fund be set up for the revenues and expenditures of the District. Funds raised by assessment shall be used only for the purpose as stated herein. Any balance remaining on July 1 must be carried over to the next fiscal year.

**SECTION IV - ASSESSMENT ROLL**

The proposed assessment for Fiscal Year 2015-16 apportioned to each lot or parcel, as shown on the latest roll at the Assessor's Office, is shown in Appendix A.

The description of each lot or parcel is part of the records of the Assessor of the County of San Bernardino and these records are, by reference, made part of this Report.

The total Assessment to be levied for 2015-16 Fiscal Year as approved by the Town Council per EDU/BU is shown below.

<b>Zone</b>	<b>Number of EDU's/Trips</b>	<b>Rate per EDU/BU's</b>	<b>Total FY14-15 Assessment</b>
<b>Benefit Zone 1 (Tract 16957)</b>	34	\$61.76	\$2,099.84
<b>Benefit Zone 2 (Tract 16587)</b>	55	\$378.18	\$20,799.90
<b>Benefit Zone 3 (Tract 17328)</b>	17	\$114.70	\$1,949.90
<b>Benefit Zone 4 (Tract 17633)</b>	61	\$36.06	\$2,199.66
<b>Benefit Zone 5 (PM 17455)</b>	7,184	\$1.90	\$13,649.60

## **SECTION V - METHOD OF APPORTIONMENT OF ASSESSMENT**

Chapter 6.4, Division 2, Title 5, of the Government Code, the Benefit Assessment Act of 1982, permits the establishment of assessment districts by Cities for the purpose of financing the maintenance and operation of certain public improvements including streets and drainage facilities.

Section 54711 of the Benefit Assessment Act of 1982 requires that maintenance assessments be levied according to benefit rather than according to assessed value. This Section states:

- (a) No benefit assessment shall be levied pursuant to this chapter unless it meets all of the following requirements:
  - (1) The amount of the assessment imposed on any parcel of property shall be related to the benefit to the parcel which will be derived from the provision of the service. Except as provided in subdivision (d) or (e) of Section 54715, in the case of a benefit assessment for flood control services, the benefit must be determined on the basis of the proportionate storm water runoff from each parcel. In the case of an assessment for the maintenance of streets, roads, or highways, the benefit shall be in proportion to the estimated traffic volume to be generated by each parcel assessed, or by any other reasonable basis as determined by the legislative body.
  - (2) The annual aggregate amount of the assessment shall not exceed the estimated annual cost of providing the service.
  - (3) The revenue derived from the assessment shall not be used to pay the cost of any service other than the service for which the assessment was levied.
- (b) This section does not limit or prohibit the levy or collection of any other fee, charge, or tax for the provision of services, except that a maintenance district formed pursuant to Chapter 7 (commencing with Section 1550) of Division 2 of the Streets and Highways Code shall impose an assessment pursuant to this chapter only as an alternative to imposing a property tax for the provision of street lighting services.

Excepted from the assessment would be the areas of all public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, all easements and rights-of-ways, all public parks, greenbelts and parkways, public school property and all other publicly owned property.

The costs for the operation, maintenance and servicing of the improvements maintained for each zone are apportioned in accordance with the methodology which was established by the Town Council upon formation of the District and is shown below:

### **Method of Assessment – Zones 1- 4**

Benefit Zones 1-4 were established to provide a funding source for the maintenance and servicing of streets, roads, highways and storm drain facilities within the boundaries of each Benefit Zone which consist of single family residential parcels. The services within each of

these Benefit Zones consist of the maintenance of public roads which provide access and drainage to those parcels of land within each Benefit Zone.

Parcels benefiting from the street and storm drainage maintenance within each of these Benefit Zones have been determined to be predominantly of the same land use type, specifically, single family detached home sites. Therefore, each home within each Benefit Zone receives the same benefit from the maintenance of the streets and drainage improvements and shall be treated equally in determining the method of spreading assessments.

The assessment costs for the operation; maintenance and servicing of the improvements are apportioned in accordance with the methodology as established by the Town Council upon formation of the District and the establishment of each benefit zone. It was determined at that time that the most equitable method for spreading the estimated benefit received by each parcel should be based on the Equivalent Dwelling Unit (EDU) method. Each residential parcel will be assessed on the basis of one EDU per parcel. The formula for each of the Benefit Zones 1-4 is as follows:

$$\text{Assessable budget} \div \text{total EDUs} = \text{rate per EDU}$$

Benefit Zone	Landuse	Parcels	Dwelling Units	EDU Factor	Total EDUs	Rate/EDU	Total Asmt.
1	Residential	34	34	1.00/DU	34	\$61.76	\$2,099.84
2	Residential	55	55	1.00/DU	55	\$378.18	\$20,799.90
3	Residential	17	17	1.00/DU	17	\$114.70	\$1,949.90
4	Residential	61	61	1.00/DU	61	\$36.06	\$2,199.66

**Method of Assessment - Zone 5**

Benefit Zone 5 was established to provide a funding source for the maintenance and servicing of streets, roads, highways and storm drain facilities within the boundaries of Benefit Zone 5. As a condition of development, the developer was required to construct Palisades Drive from the boundary of Parcel Map 17455 to Avalon Street. Palisades Drive is the primary access to the area within Parcel Map 17455. Parcel No. 0601-201-37-0000 located adjacent to Parcel Map 17455 takes primary access from Avalon Street, and therefore only receives an incidental benefit from the improvements to be maintained by the District.

The assessment costs for the operation; maintenance and servicing of the improvements are apportioned on the basis of the trips estimated to be generated by each parcel in accordance with the methodology as established by the Town Council upon formation of the Benefit Zone. The parcels will be assessed on the basis of one Benefit Unit (BU) per trip generated. Trip generation rates were based upon land use and the trip generation rates shown in the AGR Traffic Study prepared at the time of development approval. The formula is as follows:

$$\text{Assessable budget} \div \text{total BU's} = \text{rate per BU}$$



**TOWN OF YUCCA VALLEY**  
**Street and Drainage Maintenance District No. 1**  
**Benefit Zones 1-5**

Benefit Zone	Landuse	Building Sq Ft	Avg Daily Trips	Total BU's	Rate/BU	Total Asmt.
5	Parcel 1 - Home Depot	139,656	4,162	4,162	\$1.90	\$13,649.60
	Parcel 2 - Specialty Retail	27,110	1,202	1,202	\$1.90	
	Parcel 3 - Specialty Retail	7,500	332	332	\$1.90	
	Parcel 4 - Fast Food	3,000	1,488	1,488	\$1.90	

**SECTION VI - PROPERTY OWNER LIST**

A list of names and addresses of the owners of all parcels within the Street and Drainage Maintenance Districts shown on the last equalized Property Tax Roll of the Assessor of the County of San Bernardino, which by reference is hereby made a part of this report. This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll in Appendix A.

**APPENDIX A**

**TOWN OF YUCCA VALLEY**  
**STREET AND DRAINAGE MAINTENANCE DISTRICT No. 1**  
**ASSESSMENT ROLL**  
**Fiscal Year 2016-16**

Benefit Zone 1 - Tract 16957

APN	Maximum Allowable Assessment	Assessment to Levy
585621010000	\$845.96	\$61.76
585621020000	\$845.96	\$61.76
585621030000	\$845.96	\$61.76
585621040000	\$845.96	\$61.76
585621050000	\$845.96	\$61.76
585621060000	\$845.96	\$61.76
585621070000	\$845.96	\$61.76
585621080000	\$845.96	\$61.76
585621090000	\$845.96	\$61.76
585621100000	\$845.96	\$61.76
585621110000	\$845.96	\$61.76
585621120000	\$845.96	\$61.76
585621130000	\$845.96	\$61.76
585621140000	\$845.96	\$61.76
585621150000	\$845.96	\$61.76
585621160000	\$845.96	\$61.76
585621170000	\$845.96	\$61.76
585621180000	\$845.96	\$61.76
585621190000	\$845.96	\$61.76
585621200000	\$845.96	\$61.76
585621210000	\$845.96	\$61.76
585621220000	\$845.96	\$61.76
585621230000	\$845.96	\$61.76
585621240000	\$845.96	\$61.76
585621250000	\$845.96	\$61.76
585621260000	\$845.96	\$61.76
585621270000	\$845.96	\$61.76
585621280000	\$845.96	\$61.76
585621290000	\$845.96	\$61.76
585621300000	\$845.96	\$61.76
585621310000	\$845.96	\$61.76
585621320000	\$845.96	\$61.76
585621330000	\$845.96	\$61.76
585621340000	\$845.96	\$61.76
<b>Total:</b>	<b>\$28,762.64</b>	<b>\$2,099.84</b>

Benefit Zone 2 - Tract 16587

APN	Maximum Allowable Assessment	Assessment to Levy	APN	Maximum Allowable Assessment	Assessment to Levy
587441010000	\$486.83	\$378.18	587441290000	\$486.83	\$378.18
587441020000	\$486.83	\$378.18	587441300000	\$486.83	\$378.18
587441030000	\$486.83	\$378.18	587441310000	\$0.00	\$0.00
587441040000	\$486.83	\$378.18	587451040000	\$486.83	\$378.18
587441050000	\$486.83	\$378.18	587451050000	\$486.83	\$378.18
587441060000	\$486.83	\$378.18	587451060000	\$486.83	\$378.18
587441070000	\$486.83	\$378.18	587451070000	\$486.83	\$378.18
587441080000	\$486.83	\$378.18	587451080000	\$486.83	\$378.18
587441090000	\$486.83	\$378.18	587451090000	\$486.83	\$378.18
587441100000	\$486.83	\$378.18	587451100000	\$486.83	\$378.18
587441110000	\$486.83	\$378.18	587451110000	\$486.83	\$378.18
587441120000	\$486.83	\$378.18	587451120000	\$486.83	\$378.18
587441130000	\$486.83	\$378.18	587451130000	\$486.83	\$378.18
587441140000	\$486.83	\$378.18	587451140000	\$486.83	\$378.18
587441150000	\$486.83	\$378.18	587451150000	\$486.83	\$378.18
587441160000	\$486.83	\$378.18	587451160000	\$486.83	\$378.18
587441170000	\$486.83	\$378.18	587451170000	\$486.83	\$378.18
587441180000	\$486.83	\$378.18	587451180000	\$486.83	\$378.18
587441190000	\$486.83	\$378.18	587451190000	\$486.83	\$378.18
587441200000	\$486.83	\$378.18	587451200000	\$486.83	\$378.18
587441210000	\$486.83	\$378.18	587451210000	\$486.83	\$378.18
587441220000	\$486.83	\$378.18	587451220000	\$486.83	\$378.18
587441230000	\$486.83	\$378.18	587451230000	\$486.83	\$378.18
587441240000	\$486.83	\$378.18	587451240000	\$486.83	\$378.18
587441250000	\$486.83	\$378.18	587451250000	\$486.83	\$378.18
587441260000	\$486.83	\$378.18	587451260000	\$486.83	\$378.18
587441270000	\$486.83	\$378.18	587451270000	\$486.83	\$378.18
587441280000	\$486.83	\$378.18	587451280000	\$486.83	\$378.18
<b>TOTAL ASSEMENT</b>				<b>\$26,775.65</b>	<b>\$20,799.90</b>

Benefit Zone 3 - Tract 17328

APN	Maximum Allowable Assessment	Assessment to Levy
58831110000	\$737.30	\$114.70
58831111000	\$737.30	\$114.70
58831112000	\$737.30	\$114.70
58831113000	\$737.30	\$114.70
58831114000	\$737.30	\$114.70
58831115000	\$737.30	\$114.70
58831116000	\$737.30	\$114.70
58831117000	\$737.30	\$114.70
58831118000	\$737.30	\$114.70
58831119000	\$737.30	\$114.70
58831120000	\$737.30	\$114.70
58831121000	\$737.30	\$114.70
58831122000	\$737.30	\$114.70
58831123000	\$737.30	\$114.70
58831124000	\$737.30	\$114.70
58831125000	\$737.30	\$114.70
58831126000	\$737.30	\$114.70
<b>TOTAL ASSEMENT</b>	<b>\$12,534.10</b>	<b>\$1,949.90</b>

**Benefit Zone 4 - Tract 17633**

<b>Tract</b>	<b>Lot</b>	<b>Maximum Allowable Assessment</b>	<b>Assessment to Levy</b>	<b>Lot</b>	<b>Maximum Allowable Assessment</b>	<b>Assessment to Levy</b>
17633	1	\$505.31	\$36.06	32	\$505.31	\$36.06
17633	2	\$505.31	\$36.06	33	\$505.31	\$36.06
17633	3	\$505.31	\$36.06	34	\$505.31	\$36.06
17633	4	\$505.31	\$36.06	35	\$505.31	\$36.06
17633	5	\$505.31	\$36.06	36	\$505.31	\$36.06
17633	6	\$505.31	\$36.06	37	\$505.31	\$36.06
17633	7	\$505.31	\$36.06	38	\$505.31	\$36.06
17633	8	\$505.31	\$36.06	39	\$505.31	\$36.06
17633	9	\$505.31	\$36.06	40	\$505.31	\$36.06
17633	10	\$505.31	\$36.06	41	\$505.31	\$36.06
17633	11	\$505.31	\$36.06	42	\$505.31	\$36.06
17633	12	\$505.31	\$36.06	43	\$505.31	\$36.06
17633	13	\$505.31	\$36.06	44	\$505.31	\$36.06
17633	14	\$505.31	\$36.06	45	\$505.31	\$36.06
17633	15	\$505.31	\$36.06	46	\$505.31	\$36.06
17633	16	\$505.31	\$36.06	47	\$505.31	\$36.06
17633	17	\$505.31	\$36.06	48	\$505.31	\$36.06
17633	18	\$505.31	\$36.06	49	\$505.31	\$36.06
17633	19	\$505.31	\$36.06	50	\$505.31	\$36.06
17633	20	\$505.31	\$36.06	51	\$505.31	\$36.06
17633	21	\$505.31	\$36.06	52	\$505.31	\$36.06
17633	22	\$505.31	\$36.06	53	\$505.31	\$36.06
17633	23	\$505.31	\$36.06	54	\$505.31	\$36.06
17633	24	\$505.31	\$36.06	55	\$505.31	\$36.06
17633	25	\$505.31	\$36.06	56	\$505.31	\$36.06
17633	26	\$505.31	\$36.06	57	\$505.31	\$36.06
17633	27	\$505.31	\$36.06	58	\$505.31	\$36.06
17633	28	\$505.31	\$36.06	59	\$505.31	\$36.06
17633	29	\$505.31	\$36.06	60	\$505.31	\$36.06
17633	30	\$505.31	\$36.06	61	\$505.31	\$36.06
17633	31	\$505.31	\$36.06			
<b>TOTAL ASSEMENT</b>					<b>\$30,823.91</b>	<b>\$2,199.66</b>

**TOWN OF YUCCA VALLEY**  
**Street and Drainage Maintenance District No. 1**  
**Benefit Zones 1-5**

Benefit Zone 5 - Map 17455

Assessor Parcel Number	Landuse	Building Sq Ft	Avg Daily Trips	Total EDUs	Rate/EDU	Total Asmt.
601201450000	Parcel 1 - Home Depot	139,656	4,162	4,162	\$1.90	\$ 7,907.80
601201460000	Parcel 2 – Specialty Retail	27,110	1,202	1,202	\$1.90	\$ 2,283.80
601201470000	Parcel 3 – Specialty Retail	7,500	332	332	\$1.90	\$ 630.80
601201480000	Parcel 4 – Fast Food	3,000	1,488	1,488	\$1.90	\$ 2,827.20
<b>Total</b>						<b>\$13,649.60</b>



**ENGINEER'S REPORT FOR  
LANDSCAPE AND LIGHTING  
MAINTENANCE DISTRICT NO. 1  
BENEFIT ZONES 1-4**

**Fiscal Year 2015-16**

*Prepared for:*

**TOWN OF YUCCA VALLEY**  
San Bernardino County, California

*Prepared by:*

***K. Dennis Klingelhofer, P.E.***  
***Assessment Engineer***

**April, 2015**

**PRELIMINARY ENGINEER'S REPORT**  
**TOWN OF YUCCA VALLEY**  
**LANDSCAPE & LIGHTING MAINTENANCE DISTRICT No. 1, BENEFIT ZONES 1-4**

**TABLE OF CONTENTS**

Section I - Introduction .....	1
Section II – Plans and Specifications.....	2
Section III – Estimate of Costs .....	3
Table 1: Cost Estimate .....	3
Section IV - Assessment District Diagram .....	5
Section V - Method of Apportionment of Assessment.....	6
Section VI - Property Owner List & Assessment Roll.....	9
Appendix A – Assessment Diagrams	
Appendix B - FY 2015-16 Assessment Roll	

**TOWN OF YUCCA VALLEY  
LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1  
BENEFIT ZONES 1-4**

The undersigned respectfully submits the enclosed Engineer's Report as directed by the Town Council.

Dated: April 10, 2015

By: \_\_\_\_\_  
K. Dennis Klingelhofer, P.E.  
Assessment Engineer

I HEREBY CERTIFY that the enclosed Preliminary Engineer's Report, together with Assessment Roll and Assessment Diagram thereto attached was filed with me on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Lesley Copeland, Town Clerk  
Town of Yucca Valley  
San Bernardino County, California

By \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Roll and Assessment Diagram thereto attached was approved and confirmed by the Council of the Town of Yucca Valley, San Bernardino County, California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Lesley Copeland, Town Clerk  
Town of Yucca Valley  
San Bernardino County, California

By \_\_\_\_\_

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment Roll and Assessment Diagram thereto attached was filed with the County Auditor of the County of San Bernardino, on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Lesley Copeland, Town Clerk  
Town of Yucca Valley  
San Bernardino County, California

By \_\_\_\_\_

**SECTION I - INTRODUCTION**

To insure a flow of funds for the maintenance, repair and servicing of specified improvements within Tract 16957; the Town Council adopted Resolution No. 05-60 on October 27, 2005 to establish the District in accordance with the provisions of Part 2 of Division 15 of the California Streets and Highways Code, Sections 22500 through 22679, and the provisions of Article XIID of the State Constitution (Proposition 218).

The District was established as part of the conditions of property development and approved by the original property owner(s) and the proposed assessments are based upon the costs of maintenance, repair and servicing of the improvements that provide special benefit to properties within the District. The annual levies includes all proposed expenditures, fund balances, revenues and reserves, and are set aside in a Special Fund by the Town. The assessment to be levied upon the parcels within each Benefit Zone are proportionate to the special benefit they receive as set forth in the method of apportionment established at the time the time the Benefit Zone was formed.

Payment of the assessment for each parcel will be made in the same manner and at the same time as payments are made for property taxes. All funds collected through the assessment must be placed in a special fund and can only be used for the purposes stated within this report.

As required by the Landscaping and Lighting Act of 1972, this Engineer's Report describes the improvements to be maintained by the District, provides an estimated budget for the District, sets the Maximum Allowable Assessment which may be levied upon each parcel and lists the proposed assessments to be levied upon each assessable lot or parcel within the District for 2015-16

The Town will hold a Public Hearing on \_\_\_\_\_, to provide an opportunity for any interested person to be heard. Following consideration of public comments and review of this report, the Town Council may order amendments to the Report or confirm the report as submitted. Following final approval of the report and confirmation of the assessments, the Town Council may order the levy and collection of the assessment for Fiscal Year 2015-16. Upon approval, the assessments will be submitted to the San Bernardino County Auditor-Controller's Office to be included on the FY 2015-16 tax roll.

## **SECTION II - PLANS AND SPECIFICATIONS**

The facilities, which will be constructed, maintained, repaired and serviced each Benefit Zone within Landscaping and Lighting Maintenance District No. 1 and which provide special benefits to parcels and properties within each Benefit Zone may include the following:

- Regular maintenance, repair and replacement of all facilities within the public rights-of-ways or easements which shall include, but not be limited to, the landscaping, irrigation system, signage, perimeter wall, retaining walls, pedestrian path and erosion control plantings within or adjacent to the detention basins and drainage swale.
- Operation, maintenance, repairs, replacement of and power for the street lighting.
- Regular maintenance, repair and replacement of the landscape parkway strip and street trees.
- Regular maintenance, repair and replacement of landscaping within public rights-of-ways or easements, and perimeter walls, including graffiti removal.
- Regular maintenance, repair and replacement of pedestrian pathways, within the public rights-of-ways or easements.
- Administrative services to operate the District.

Services include, but are not limited to: personnel; electrical energy; utilities such as water; materials; contractual services; grading; clearing; removal of debris; installation or construction of curbs, gutters, walls, sidewalks, paving, irrigation, drainage, hardscapes, trees, furnishings such as pots, bollards, tree grates, and appurtenant facilities as required to provide an aesthetically pleasing environment throughout the District; and other items necessary for the maintenance or servicing or both including the facilities described below.

Maintenance means the furnishing of services and materials for the ordinary and usual operations, maintenance and servicing of the landscaping, public park facilities and appurtenant facilities, including repair, removal or replacement of all or part of any of the landscaping, public park or appurtenant facilities; providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; and the removal of trimmings, rubbish, debris and other solid waste. Servicing means the furnishing of water for the irrigation of the landscaping, and recreational facilities or appurtenant facilities.

Plans and specifications for the improvements within each Benefit Zone shall be as approved by the Town of Yucca Valley and upon approval shall be placed on file in the Office of the Town Engineer, Community Development/Public Works Department, Town of Yucca Valley. Town staff will determine the frequency and specific maintenance activities required to maintain these improvements.

**SECTION III - ESTIMATE OF COST**

The 1972 Act provides that the total cost of installation, construction, operation, maintenance and servicing of landscaping and appurtenant facilities can be recovered by the District. Maintenance can include the repair and replacement of existing facilities. Servicing can include electrical and associated costs from a public utility. Incidental expenses, including administration of the District, engineering fees, legal fees, printing, posting, and mailing of notices, and all other costs associated with the annual collection process can also be included.

The projected costs for the maintenance, repair and servicing costs of the improvements within each Benefit including contributions to reserves for Fiscal Year 2015-16 are summarized below.

<b>Town of Yucca Valley</b>				
<b>Lighting and Landscape Maintenance District No. 1</b>				
<b>Estimated Annual Costs Fiscal Year 2015-16</b>				
<b>Fiscal Year 2015-16</b>	<b>Benefit Zone 1 (Tract 16957)</b>	<b>Benefit Zone 2 (Tract 16587)</b>	<b>Benefit Zone 3 (Tract 17328)</b>	<b>Benefit Zone 4 (Tract 17633)</b>
<b>Estimated Annual Maintenance Cost</b>				
Electricity for Street Lights	\$ -	\$ 1,300.00	\$ -	\$ -
Acoma Trail Parkway Maintenance	\$ -	\$ 1,875.00	\$ -	\$ -
Yucca Trail Parkway Maintenance	\$ -	\$ -	\$ -	\$ -
Irrigation Water	\$ -	\$ 900.00	\$ -	\$ -
Landscape Maintenance	\$ -	\$ -	\$ -	\$ -
Retention Basin Landscape & Irrigation	\$ -	\$ 3,350.00	\$ -	\$ -
Capital Replacements	\$ -	\$ 750.00	\$ -	\$ -
<b>Subtotal</b>	<b>\$ -</b>	<b>\$ 8,175.00</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Administration Costs</b>				
Town Administration	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Assessment Engineering	\$ 750.00	\$ 650.00	\$ 650.00	\$ 650.00
County Administration Fees	\$ 350.00	\$ 500.00	\$ 250.00	\$ 600.00
<b>Subtotal</b>	<b>\$ 2,100.00</b>	<b>\$ 2,150.00</b>	<b>\$ 1,900.00</b>	<b>\$ 2,250.00</b>
<b>Annual Levy</b>				
Total Direct and Administration Costs	\$ 2,100.00	\$ 10,325.00	\$ 1,900.00	\$ 2,250.00
Capital Replacement Reserve Contribution	\$ -	\$ -	\$ -	\$ -
Operating Reserve Contribution	\$ -	\$ -	\$ -	\$ -
Less Contribution from Reserves	\$ -	\$ -	\$ -	\$ -
Operating	\$ -	\$ -	\$ -	\$ -
Capital Replacement	\$ -	\$ -	\$ -	\$ -
Balance to Levy	\$ 2,100.00	\$ 10,325.00	\$ 1,900.00	\$ 2,250.00
Total EDU's	34	55	17	61
Proposed Levy per Edu	\$ 61.76	\$ 187.72	\$ 111.76	\$ 36.88
Maximum Allowable Levy	\$ 215.80	\$ 245.11	\$ 424.20	\$ 209.38
<b>Fund Balance Summary (Projected as of June 30, 2014)</b>				
Operating Reserve (Projected as of July 1, 2015)	\$ 3,998.00	\$ 3,998.00	\$ 3,998.00	\$ 3,998.00
Contribution to Operating Reserve	\$ -	\$ -	\$ -	\$ -
Projected Operating Reserve as of June 30, 2016	\$ 3,998.00	\$ 3,998.00	\$ 3,998.00	\$ 3,998.00
Capital Replacement Reserve (Projected as of July 1, 2015)	\$ -	\$ -	\$ -	\$ -
Contribution to Capital Replacement Reserve	\$ -	\$ -	\$ -	\$ -
Projected Capital Replacement Reserve as of June 30, 2016	\$ -	\$ -	\$ -	\$ -

Since construction of the improvements in Benefit Zones 1, 3 and 4 have not been completed, a reduced assessment is proposed to be levied for 2015-16. However, as established at the time of District Formation, the Maximum Allowable Annual Assessment per EDU which may be

levied in future years will be increased by the Consumer Price Index for all Urban Consumers for the Los Angeles Area (December – December) to provide sufficient revenues for the maintenance of the improvements in future years. The Maximum Allowable Annual Assessment for 2015-16 shall be as shown below:

Benefit Zone	Fiscal Year			
	2012-13	2013-14	2014-15	2015-16
	% Change in CPI			
	2.29%	1.93%	1.14%	1.68%
Zone 1 - Tract 16957	\$ 202.86	\$ 207.50	\$ 212.24	\$ 215.80
Zone 2 - Tract 16587	\$ 230.41	\$ 235.68	\$ 241.07	\$ 245.11
Zone 3 - Tract 17328	\$ 398.75	\$ 407.87	\$ 417.20	\$ 424.20
Zone 4 - Tract 17633	\$ 196.82	\$ 201.32	\$ 205.93	\$ 209.38

The Town shall have no obligation to commit funds in excess of the assessment revenues collected for the maintenance of the improvements and the level of maintenance provided shall be adjusted to match the funds available.

The funds in the Capital Replacement Reserve will be used for the replacement or rehabilitation of landscaping, irrigation systems, signage, perimeter walls, retaining walls, streetlights, pathways or other improvements maintained by the District. The funds will be set aside annually and shall only be used for the replacement or rehabilitation of the improvements unless the Town determines that there is a surplus based upon expected future replacement costs.

The 1972 Act requires that a special fund be set up for the revenues and expenditures of the District. Funds raised by the assessments shall be used only for the purpose as stated herein. Any balance remaining on July 1 must be carried over to the next fiscal year unless the funds are being accumulated for future capital improvements and operating reserves. The District may accumulate an operating reserve which shall not exceed the annual estimated costs of maintenance and servicing.

**SECTION IV - ASSESSMENT DISTRICT DIAGRAM**

The boundaries of each Benefit Zone within Landscape and Lighting Maintenance District No. 1 are on file in the Office of the Town Clerk and are incorporated in this Report by reference.

A detailed description of the lines and dimensions of each lot or parcel within the assessment District are those lines and dimensions shown on the maps of the Assessor of the County of San Bernardino for FY 2015-16.



## SECTION V - METHOD OF APPORTIONMENT OF ASSESSMENT

### GENERAL

Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, permits the establishment of assessment districts by Agencies for the purpose of providing certain public improvements which include the operation, maintenance and servicing of landscaping and street lighting improvements for the purpose of:

- improving the livability, appearance, and economic conditions within the boundaries of the District, and
- ensuring that improvements do not reach a state of deterioration or disrepair so as to cause the depreciation of surrounding property or be materially detrimental to nearby properties and improvements; and
- protecting the health, safety and general welfare of occupants and visitors to properties.

Section 22573 of the Landscape and Lighting Act of 1972 requires that maintenance assessments must be levied according to benefit rather than according to assessed value. This Section states:

*"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefit to be received by each such lot or parcel from the improvements."*

*The determination of whether or not a lot or parcel will benefit from the improvements shall be made pursuant to the Improvement Act of 1911 (Division 7 (commencing with Section 5000) [of the Streets and Highways Code, State of California]."*

In addition, Article XIID, Section 4(a) of the California Constitution limits the amount of any assessment to the proportional special benefit conferred on the property.

Because assessments are levied on the basis of benefit, they are considered a user's fee, not a tax, and, therefore, are not governed by Article IIIA of the California Constitution.

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvement" (Sec. 22547).

Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax." Article XIID provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts and public parkways.

As adopted at the time of formation of Landscape and Lighting Maintenance District No. 1 and confirmed by the City Council following the public hearing, the following benefits were determined to accrue to parcels within the District:

### **LANDSCAPING BENEFIT DETERMINATION**

Trees, landscaping, irrigation system, hardscaping and appurtenant facilities, if well maintained, provide beautification, shade and enhance the desirability of the surroundings, and therefore increase property values of the parcels within each Benefit Zone.

### **STREET LIGHTING BENEFIT DETERMINATION**

The proper functioning of street lighting is imperative for the welfare and safety of the property owners within the District. Proper operation, maintenance, and servicing of a street lighting system benefits properties with each Benefit Zone by providing increased illumination for ingress and egress, safety traveling at night, improved security, protection of property and the reduction of traffic accidents.

### **PARCEL CLASSIFICATIONS**

**Single Family Residential** - The single-family residential parcel classification will be per the *Town of Yucca Valley* land use designation and will be assessed on a per parcel basis. Each single family residential parcel will be assigned 1 Equivalent Dwelling Unit (EDU).

**Exempt** - Exempted from the assessment would be the areas of all public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, all easements and rights-of-ways, all public parks, greenbelts and parkways and all other public property designated open space.

Other parcel classifications will be included as necessary to accommodate future annexations.

### **ZONE CLASSIFICATION**

Benefit Zone No. 1 through 4 have been established to provide a funding source for the operation, maintenance and servicing of landscaping and lighting improvements within the boundaries of each benefit zone. Future benefit zones will be established in the future as development occurs and improvements are constructed in those benefit zone which will provide a specific and special benefit to the parcels within each benefit zone.

### **BENEFIT SPREAD METHODOLOGY**

The total operation, maintenance and servicing cost for the landscaping, street lighting, and open space improvements within each Benefit Zone are apportioned in accordance with a methodology that is consistent with standard assessment engineering practices.

Since the assessments are levied on the owners of properties as shown on the secured property tax rolls, the final charges must be assigned by Assessor's Parcel Number. If assessments were to be spread by parcel, not considering land use, this would not be equitable, because a single-family parcel would be paying the same as a 50-unit apartment parcel or a

large commercial establishment. Therefore, as previously stated, the total assessment costs are spread to each parcel of land based on the benefit received by each particular parcel.

**BENEFIT ZONES NO. 1-4**

The costs for the operation; maintenance and servicing of the improvements are apportioned in accordance with the methodology as established by the Town Council upon formation of the District and the establishment of each benefit zone. It was determined at that time that the most equitable method for spreading the estimated benefit received by each parcel should be based on the Equivalent Dwelling Unit (EDU) method. Each residential parcel will be assessed on the basis of one EDU per parcel. The formula for each of the Benefit Zones 1-4 is as follows:

$$\text{Assessable budget} \div \text{total EDUs} = \text{rate per EDU}$$

<b>Benefit Zone</b>	<b>Landuse</b>	<b>Parcels</b>	<b>Dwelling Units</b>	<b>EDU Factor</b>	<b>Total EDUs</b>	<b>Rate/EDU</b>	<b>Total Asmt.</b>
1	Residential	34	34	1.00/DU	34	\$61.76	\$2,100.00
2	Residential	55	55	1.00/DU	55	\$187.72	\$10,325.00
3	Residential	17	17	1.00/DU	17	\$111.76	\$1,900.00
4	Residential	61	61	1.00/DU	61	\$36.88	\$2,250.00

**SECTION VI- PROPERTY OWNER LIST & ASSESSMENT ROLL**

A list of names and addresses of the owners of all parcels within the Town of Yucca Valley's Landscape and Lighting Maintenance District No. 1 is shown on the last equalized Property Tax Roll of the Assessor of the County of San Bernardino, which is hereby made a part of this report. This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll on file in the Office of the Town Clerk

The proposed assessments and the amount of assessments for FY 2015-16 apportioned to each lot or parcel, as shown on the latest roll at the Assessor's Office, are on file in the Office of the Town Clerk. The description of each lot or parcel is part of the records of the Assessor of the County of San Bernardino and these records are, by reference, made part of this Report.

The Assessment Roll for FY 2015-16 is included in Appendix A of this Report and is on file in the Office of the Town Clerk.

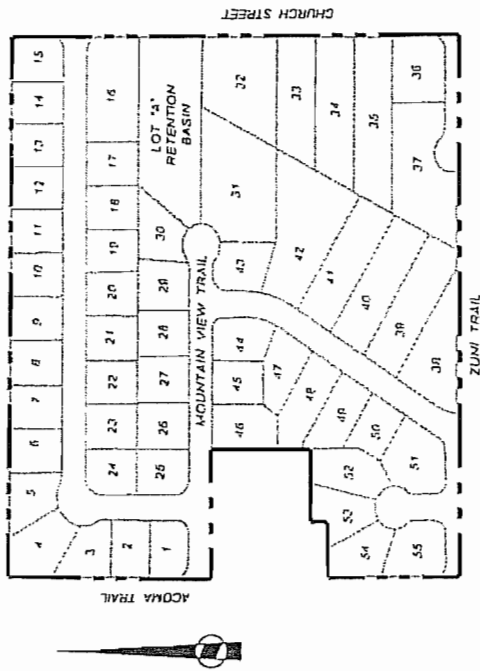
## APPENDIX A

### Assessment Diagrams



ASSESSMENT DIAGRAM  
 LANDSCAPE AND LIGHTING MAINTENANCE  
 DISTRICT NO. 1  
 ANNEXATION NO. 1  
 ZONE 2 - TENTATIVE TRACT NO. 16587  
 TOWN OF YUCCA VALLEY, COUNTY OF SAN BERNARDINO  
 STATE OF CALIFORNIA

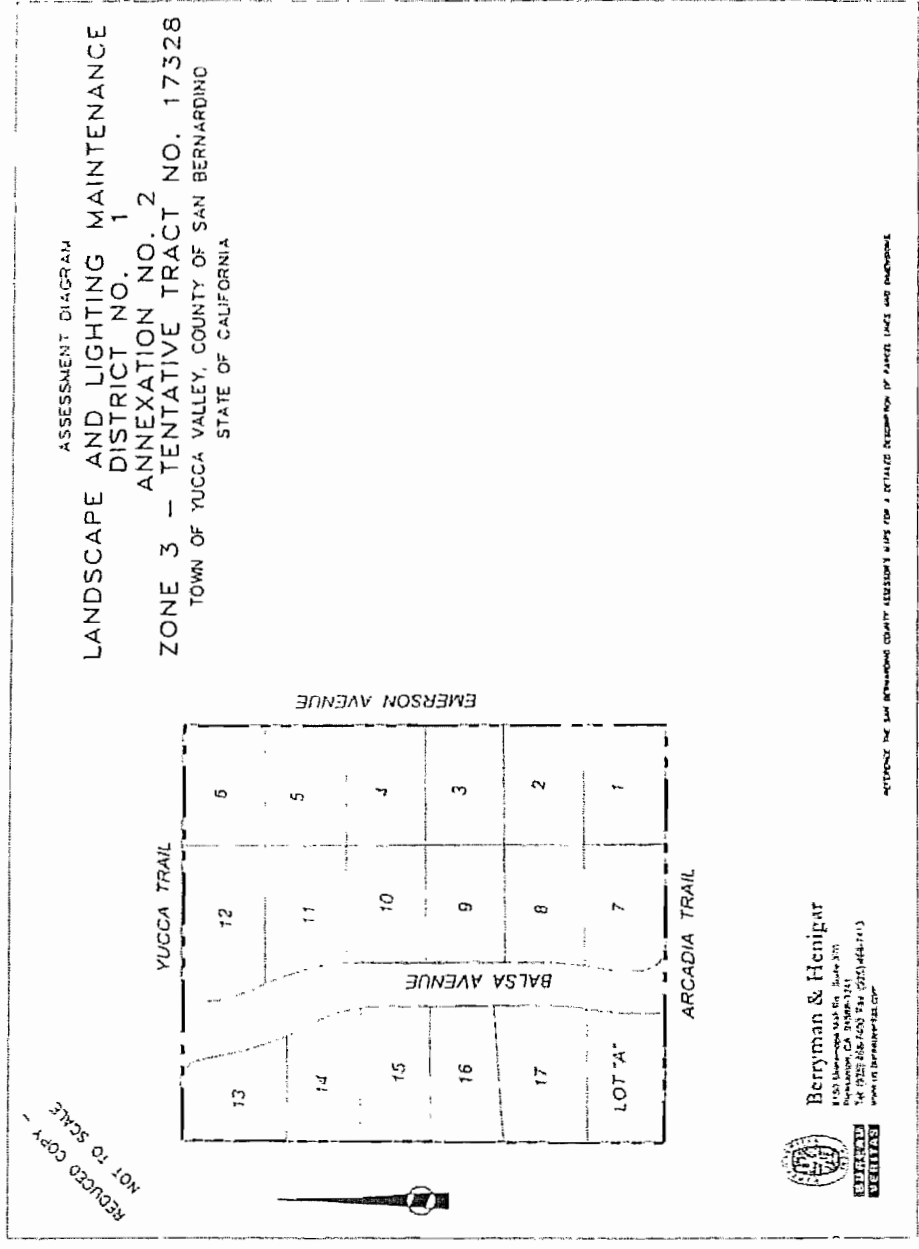
REDUCED COPY -  
 NOT TO SCALE



**Berryman & Henigar**  
 6350 Riverside Blvd. S.W., Suite 370  
 Phoenix, AZ 85042-3701  
 Tel: (602) 466-7400 Fax: (602) 466-7413  
 www.bh-engineers.com

REFERENCE THE SAN BERNARDINO COUNTY ASSESSOR'S MAPS FOR A DETAILED DESCRIPTION OF PARCEL LINES AND DIMENSIONS.

TOWN OF YUCCA VALLEY  
 Landscape & Lighting Maintenance District No. 1  
 Benefit Zones 1-4



**Berryman & Henigar**  
 1150 Silverado Way, Suite 200  
 Hemet, CA 93823-1211  
 Tel: (209) 486-1600 Fax: (209) 464-1113  
 www.berrymanhenigar.com

APPROVE THE SAN BERNARDINO COUNTY ASSESSOR'S MAP FOR A TENTATIVE TRACT NO. OF PLACET, LACE AND PARCELS





**APPENDIX B**  
**FY 2015-16**  
**ASSESSMENT ROLL**

Benefit Zone 1 - Tract 16957

APN	Maximum Allowable Assessment	Assessment to Levy
585621010000	\$215.80	\$61.76
585621020000	\$215.80	\$61.76
585621030000	\$215.80	\$61.76
585621040000	\$215.80	\$61.76
585621050000	\$215.80	\$61.76
585621060000	\$215.80	\$61.76
585621070000	\$215.80	\$61.76
585621080000	\$215.80	\$61.76
585621090000	\$215.80	\$61.76
585621100000	\$215.80	\$61.76
585621110000	\$215.80	\$61.76
585621120000	\$215.80	\$61.76
585621130000	\$215.80	\$61.76
585621140000	\$215.80	\$61.76
585621150000	\$215.80	\$61.76
585621160000	\$215.80	\$61.76
585621170000	\$215.80	\$61.76
585621180000	\$215.80	\$61.76
585621190000	\$215.80	\$61.76
585621200000	\$215.80	\$61.76
585621210000	\$215.80	\$61.76
585621220000	\$215.80	\$61.76
585621230000	\$215.80	\$61.76
585621240000	\$215.80	\$61.76
585621250000	\$215.80	\$61.76
585621260000	\$215.80	\$61.76
585621270000	\$215.80	\$61.76
585621280000	\$215.80	\$61.76
585621290000	\$215.80	\$61.76
585621300000	\$215.80	\$61.76
585621310000	\$215.80	\$61.76
585621320000	\$215.80	\$61.76
585621330000	\$215.80	\$61.76
585621340000	\$215.80	\$61.76
<b>Total:</b>	<b>\$7,337.20</b>	<b>\$2,099.84</b>

**TOWN OF YUCCA VALLEY**  
**Landscape & Lighting Maintenance District No. 1**  
**Benefit Zones 1-4**

Benefit Zone 2 - Tract 16587

APN	Maximum Allowable Assessment	Assessment to Levy
587441010000	\$245.11	\$187.72
587441020000	\$245.11	\$187.72
587441030000	\$245.11	\$187.72
587441040000	\$245.11	\$187.72
587441050000	\$245.11	\$187.72
587441060000	\$245.11	\$187.72
587441070000	\$245.11	\$187.72
587441080000	\$245.11	\$187.72
587441090000	\$245.11	\$187.72
587441100000	\$245.11	\$187.72
587441110000	\$245.11	\$187.72
587441120000	\$245.11	\$187.72
587441130000	\$245.11	\$187.72
587441140000	\$245.11	\$187.72
587441150000	\$245.11	\$187.72
587441160000	\$245.11	\$187.72
587441170000	\$245.11	\$187.72
587441180000	\$245.11	\$187.72
587441190000	\$245.11	\$187.72
587441200000	\$245.11	\$187.72
587441210000	\$245.11	\$187.72
587441220000	\$245.11	\$187.72
587441230000	\$245.11	\$187.72
587441240000	\$245.11	\$187.72
587441250000	\$245.11	\$187.72
587441260000	\$245.11	\$187.72
587441270000	\$245.11	\$187.72
587441280000	\$245.11	\$187.72
587441290000	\$245.11	\$187.72
587441300000	\$245.11	\$187.72
587441310000	\$0.00	\$0.00
587451040000	\$241.06	\$187.72
587451050000	\$245.11	\$187.72
587451060000	\$245.11	\$187.72
587451070000	\$245.11	\$187.72
587451080000	\$245.11	\$187.72
587451090000	\$245.11	\$187.72
587451100000	\$245.11	\$187.72
587451110000	\$245.11	\$187.72
587451120000	\$245.11	\$187.72
587451130000	\$245.11	\$187.72
587451140000	\$245.11	\$187.72
587451150000	\$245.11	\$187.72
587451160000	\$245.11	\$187.72
587451170000	\$245.11	\$187.72
587451180000	\$245.11	\$187.72
587451190000	\$245.11	\$187.72
587451200000	\$245.11	\$187.72
587451210000	\$245.11	\$187.72
587451220000	\$245.11	\$187.72
587451230000	\$245.11	\$187.72
587451240000	\$245.11	\$187.72
587451250000	\$245.11	\$187.72
587451260000	\$245.11	\$187.72
587451270000	\$245.11	\$187.72
587451280000	\$245.11	\$187.72
<b>TOTAL ASSEMENT</b>	<b>\$13,477.00</b>	<b>\$10,324.60</b>

**Benefit Zone 3 - Tract 17328**

APN	Maximum Allowable Assessment	Assessment to Levy
588311100000	\$424.20	\$111.76
588311110000	\$424.20	\$111.76
588311120000	\$424.20	\$111.76
588311130000	\$424.20	\$111.76
588311140000	\$424.20	\$111.76
588311150000	\$424.20	\$111.76
588311160000	\$424.20	\$111.76
588311170000	\$424.20	\$111.76
588311180000	\$424.20	\$111.76
588311190000	\$424.20	\$111.76
588311200000	\$424.20	\$111.76
588311210000	\$424.20	\$111.76
588311220000	\$424.20	\$111.76
588311230000	\$424.20	\$111.76
588311240000	\$424.20	\$111.76
588311250000	\$424.20	\$111.76
588311260000	\$424.20	\$111.76
<b>TOTAL ASSEMENT</b>	<b>\$7,211.40</b>	<b>\$1,899.92</b>

**Benefit Zone 4 - Tract 17633**

<b>Tract</b>	<b>Lot</b>	<b>Maximum Allowable Assessment</b>	<b>Assessment to Levy</b>	<b>Lot</b>	<b>Maximum Allowable Assessment</b>	<b>Assessment to Levy</b>
17633	1	\$209.38	\$36.88	32	\$209.38	\$36.88
17633	2	\$209.38	\$36.88	33	\$209.38	\$36.88
17633	3	\$209.38	\$36.88	34	\$209.38	\$36.88
17633	4	\$209.38	\$36.88	35	\$209.38	\$36.88
17633	5	\$209.38	\$36.88	36	\$209.38	\$36.88
17633	6	\$209.38	\$36.88	37	\$209.38	\$36.88
17633	7	\$209.38	\$36.88	38	\$209.38	\$36.88
17633	8	\$209.38	\$36.88	39	\$209.38	\$36.88
17633	9	\$209.38	\$36.88	40	\$209.38	\$36.88
17633	10	\$209.38	\$36.88	41	\$209.38	\$36.88
17633	11	\$209.38	\$36.88	42	\$209.38	\$36.88
17633	12	\$209.38	\$36.88	43	\$209.38	\$36.88
17633	13	\$209.38	\$36.88	44	\$209.38	\$36.88
17633	14	\$209.38	\$36.88	45	\$209.38	\$36.88
17633	15	\$209.38	\$36.88	46	\$209.38	\$36.88
17633	16	\$209.38	\$36.88	47	\$209.38	\$36.88
17633	17	\$209.38	\$36.88	48	\$209.38	\$36.88
17633	18	\$209.38	\$36.88	49	\$209.38	\$36.88
17633	19	\$209.38	\$36.88	50	\$209.38	\$36.88
17633	20	\$209.38	\$36.88	51	\$209.38	\$36.88
17633	21	\$209.38	\$36.88	52	\$209.38	\$36.88
17633	22	\$209.38	\$36.88	53	\$209.38	\$36.88
17633	23	\$209.38	\$36.88	54	\$209.38	\$36.88
17633	24	\$209.38	\$36.88	55	\$209.38	\$36.88
17633	25	\$209.38	\$36.88	56	\$209.38	\$36.88
17633	26	\$209.38	\$36.88	57	\$209.38	\$36.88
17633	27	\$209.38	\$36.88	58	\$209.38	\$36.88
17633	28	\$209.38	\$36.88	59	\$209.38	\$36.88
17633	29	\$209.38	\$36.88	60	\$209.38	\$36.88
17633	30	\$209.38	\$36.88	61	\$209.38	\$36.88
17633	31	\$209.38	\$36.88			
<b>TOTAL ASSEMENT</b>					<b>\$12,772.18</b>	<b>\$2,249.68</b>

**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor & Town Council  
**From:** Shane R. Stueckle, Deputy Town Manager  
**Date:** April 27, 2015  
**For Council Meeting:** May 5, 2015

**Subject:** Resolution No. 15-  
Tentative Tract Map, TTM-17862  
Planned Development, PD-01-07  
Construction Permits for TM 17862  
Located at the northeast corner of Sage Avenue and Golden Bee Drive  
107 Lot Single Family Residential Project  
Authorization to Issue Grading and Improvement Permits

**Prior Council Review:** The Town Council heard this item, following Planning Commission Public Hearings, on the following dates:

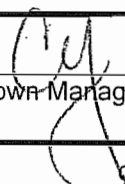
- May 8, 2008
- September 15, 2009

**Recommendation:** That the Town Council:

1. Approves and adopts the attached Resolution, authorizing the issuance of grading and improvement permits for Tentative Tract Map, TTM 17862, as depicted in the attached engineered drawings.
2. Authorizes the Town Manager and Town Attorney to enter into a grading bond agreement in the amount of \$170,000.
3. Directs staff to return to the Town Council with the final map for Tentative Tract Map, TTM 17862, following the completion of grading and construction of improvements as identified in the engineered drawings attached to this Staff Report, and following the formation of maintenance districts in the form of landscape and lighting assessment districts, street and drainage assessments districts, or through a community facilities district.

**Executive Summary:** Tentative Tract Map 17862 and Planned Development, PD-01-07, were approved by the Town Council on September 15, 2009, subject to conditions of approval.

---

Reviewed By:	 Town Manager	_____ Town Attorney	_____ Finance Manager	_____ Department
<input type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input checked="" type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing	
<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session	

The owner has processed grading and improvements plans through the Engineering Division and those plans have been approved by the Town Engineer. The applicant is requesting to proceed with the grading and construction of improvements for the project prior to recording the final map. The Subdivision Map Act and well as Town Ordinances allow this process without the standard or typical Subdivision Improvement Agreement which the Town Council sees with final maps, followed by Final Map approval after the grading and improvements have been completed.

Assembly Bill 208 and Assembly Bill 116 extended the tentative tract map effective date from September 15, 2012 to September 16, 2016.

**Order of Procedure:**

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Roll Call Vote (Roll Call Vote, Consent Agenda)

**Discussion:** Tentative Tract Map 17862 and Planned Development, PD-01-07, were approved by the Town Council on September 15, 2009. Rough grading, on and off-site street improvements, erosion control and Long Canyon Wash channel improvement plans have been approved by the Town Engineer. Landscaping plans and native plant plan approvals have been granted by the Planning Commission.

Government Code Section 66462 allows for the development of a subdivision site prior to recording of the final map without the requirement to post bonds or enter into an agreement with the approval agency. Development Code Chapter 9.96, Improvement Plans, Installation, and Security address the same topic.

The project has obtained its permits from the US Army Corp of Engineers, and biological resource management has been approved by US Fish & Wildlife Service/CA Fish & Wildlife Service. Assembly Bill 208 and Assembly Bill 116 extended the tentative tract map effective date from September 15, 2012 to September 16, 2016.

**Alternatives:** No alternative action is recommended.

**Fiscal impact:** Application, plan check and inspection fees are structured for one hundred percent cost recovery for private land development projects.



**Attachments:** Resolution No. 15-  
Subdivision Map Act/Government Code Section 66462  
Development Code Chapter 9.96  
Rough Grading Plans  
On & Off-Site Street Improvement Plans  
Erosion Control Plan  
Long Canyon Wash Channel Improvement Plans  
Planned Development, PD-01-07 Document  
Town Council Staff Report/Backup Material from September 15, 2009 meeting  
Town Council Minutes of May 8, 2008 and September 15, 2009

**RESOLUTION NO 15-**

**A RESOLUTION OF THE TOWN COUNCIL, OF THE TOWN  
OF YUCCA VALLEY, CALIFORNIA, AUTHORIZING THE ISSUANCE  
OF GRADING AND IMPROVEMENT PERMITS FOR THE PROJECT IDENTIFIED AS TENTATIVE  
TRACT MAP, TTM-17862 AND PLANNED DEVELOPMENT, PD-01-07**

WHEREAS, the Town Council approved Tentative Tract Map, TTM-17862 and Planned Development, PD-01-07, at the Town Council meeting of September 15, 2009; and

WHEREAS, the project plans, including rough grading, on and off-site street improvements, erosion control and Long Canyon Wash channel improvement plans have been approved by the Town Engineer; and

WHEREAS, Government Code Section 66462 allows for the development of a subdivision site prior to recording of the final map without the requirement to post bonds or enter into an agreement with the approval agency; and

WHEREAS, Development Code Chapter 9.96, Improvement Plans, Installation, and Security, only require a subdivision improvement agreement where the improvements have not been constructed prior to recordation of the final map.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, RESOLVES AS FOLLOWS.**

**Section 1:** The Town Council authorizes the issuance of grading and improvement permits for Tentative Tract Map, TTM 17862, as depicted in the attached engineered drawings, following written communication from Hi Desert Water District and the Colorado River Region Water Quality Control Board of pending permit issuance.

**Section 2:** The Town Council authorizes the Town Manager and Town Attorney to enter into a grading bond agreement in the amount of \$170,000.

**Section 3.** The Town Council directs staff to return to the Town Council with the final map for Tentative Tract Map, TTM 17862, following the completion of grading and construction of improvements as identified in the engineered drawings attached to this Staff Report, and following the formation of landscape and lighting assessment districts, street and drainage assessments districts, or through a community facilities district.

APPROVED AND ADOPTED THIS 5TH DAY OF May, 2015.

\_\_\_\_\_

MAYOR

ATTEST:

\_\_\_\_\_

TOWN CLERK

APPROVED AS TO FORM:

\_\_\_\_\_

TOWN ATTORNEY



California  
LEGISLATIVE INFORMATION

Code:  Section:  Search

[Up^](#) [<< Previous](#) [Next >>](#)

[cross-reference chaptered bills](#)

[Add To My Favorites](#)



[Highlight](#)

**GOVERNMENT CODE - GOV**

**TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]** (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.*)

**DIVISION 2. SUBDIVISIONS [66410 - 66499.38]** (*Division 2 added by Stats. 1974, Ch. 1536.*)

**CHAPTER 3. Procedure [66451 - 66472.1]** (*Chapter 3 added by Stats. 1974, Ch. 1536.*)

**ARTICLE 4. Final Maps [66456 - 66462.5]** (*Article 4 added by Stats. 1974, Ch. 1536.*)

**66462.** (a) If, at the time of approval of the final map by the legislative body, any public improvements required by the local agency pursuant to this division or local ordinance have not been completed and accepted in accordance with standards established by the local agency by ordinance applicable at the time of the approval or conditional approval of the tentative map, the legislative body, as a condition precedent to the approval of the final map, shall require the subdivider to enter into one of the following agreements specified by the local agency:

(1) An agreement with the local agency upon mutually agreeable terms to thereafter complete the improvements at the subdivider's expense.

(2) An agreement with the local agency to thereafter do either of the following:

(A) Initiate and consummate proceedings under an appropriate special assessment act or the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 for the financing and completion of all of the improvements.

(B) If the improvements are not completed under a special assessment act or the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5, to complete the improvements at the subdivider's expense.

(b) The standards may be adopted by reference, without posting or publishing them, if they have been printed in book or booklet form and three copies of the books or booklets have been filed for use and examination by the public in the office of the clerk of the legislative body.

(c) The local agency entering into any agreement pursuant to this section shall require that performance of the agreement be guaranteed by the security specified in Chapter 5 (commencing with Section 66499).

(d) The legislative body may provide, by ordinance, that the agreement entered into pursuant to this section may be entered into by a designated official, in accordance with standards adopted by the local agency. The designated official's action may be appealed to the legislative body for conformance with this chapter and any applicable local subdivision ordinance. Any ordinance adopted pursuant to this subdivision shall provide that the legislative body shall periodically review this delegation of authority to the designated official.

*(Amended by Stats. 1998, Ch. 604, Sec. 2. Effective January 1, 1999.)*

---

## Chapter 9.96 Improvement Plans, Installation, and Security

---

### Sections:

- 9.96.010 – Purpose
- 9.96.020 – Improvement Plans
- 9.96.030 – Installation of Improvements
- 9.96.040 – Improvement Agreement, Lien Agreements, and Securities

### 9.96.010 – Purpose

This Chapter provides standards for the preparation and review of improvement plans, the installation of improvements, and for security to guarantee improvement installation.

### 9.96.020 – Improvement Plans

After the approval of a Tentative Map and before the construction of any improvements, the subdivider shall submit plans to the Town as follows:

- A. **Preparation and Content.** Improvement plans shall be prepared by a California registered professional engineer. Improvement plan submittals shall include all of the following information:
  - 1. Any drawings, specifications, calculations, design reports, and other information required by the Director;
  - 2. Grading, drainage, Water Quality Management Plan, erosion and sediment control, and a storm water pollution prevention plan (SWPPP) , if and when required by the State of California, for the entire subdivision; and
  - 3. The improvement plan/specification checking and construction inspection fees required by the Town fee schedule.
- B. **Submittal of Plans.** Improvement plans shall be submitted to the Director and other appropriate reviewing agencies for review and approval. Upon the approval of improvement plans in compliance with Subsection (c) *Review and approval*, below, the subdivider shall also submit to the Director a detailed cost estimate of all improvements, based on guidelines provided by the Town.
  - 1. Street and drainage plans and profiles. Plans, profiles, and specifications of proposed street and drainage improvements shall be submitted to the Town Engineer, checked and approved before presentation of the Final Map to the Council for acceptance. These plans and profiles shall show full details of the proposed improvements in compliance with Town standards.

2. Water Systems Plans. Plans, specifications, and all necessary details of the proposed water system shall be submitted to the Director for review; provided that the supplier has certified that it is willing and able to supply water upon request. Approval of the water system plans shall be by High Desert Water District (HDWD).
- C. **Review and Approval.** Improvement plans shall be reviewed and approved by the applicable agency within the time limits provided by Map Act Section 66456.2.
- D. **Effect of Approval.** The final approval of improvement plans shall generally be required before approval of a Parcel or Final Map. The approval of improvement plans shall not bind the Town to accept the improvements nor waive any defects in the improvements as installed.

### 9.96.030 – Installation of Improvements

Subdivision improvements required as conditions of approval of a Tentative Map in compliance with this Chapter (see Section 9.91.070 shall be installed as provided by this Section.

- A. **Timing of Improvements.** Required improvements shall be constructed or otherwise installed only after the approval of improvement plans in compliance with Section 9.95.050 *Subdivision Improvement Requirements*, and before the approval of a Parcel or Final Map.
1. Improvements are deferred in compliance with Section 9.96.040 *Improvement Agreement, Lien Agreements and Security*; or
  2. Improvements are required as conditions on the approval of a subdivision of four or fewer parcels, in which case construction of the improvements shall be required:
    - a. When a Building Permit is issued for development of an affected parcel; or
    - b. At the time the construction of the improvements is required in compliance with an agreement between the subdivider and the Town, as identified in Section 9.96.040 *Improvement Agreement, Lien Agreements and Security*; or
    - c. The time identified in a condition of approval, when the review authority finds that fulfillment of the construction requirements by that time is necessary for public health and safety, or because the required construction is a necessary prerequisite to the orderly development of the surrounding area.
  3. To avoid breaking up street paving, underground utility or service lines required to be installed as part of a subdivision and which are planned to run across or underneath a street or alley right-of-way shall be installed before the preparation of subgrade and before the surfacing of any streets or alleys. In the event that the development of the subdivision requires the utility company to perform utility construction work, the developer shall pay a deposit satisfactory to the utility company within sufficient time to allow construction work to be performed before subgrade preparation. In no event shall subgrade preparation commence before installation of all necessary utilities and laterals.
- B. **Inspection of Improvements.** The inspection of the construction and installation of required subdivision improvements shall occur as follows.

1. Supervision. Before starting any work, the contractor engaged by the subdivider shall designate in writing an authorized representative who shall have the authority to represent and act for the contractor in contacts with the Town. The designated representative shall be present at the work site at all times while work is in progress. At times when work is suspended, arrangements acceptable to the Director shall be made for any emergency work that may be required.
2. Inspection procedures.
  - a. Inspections Required. The agency that has required a specific action shall make any inspections as it deems necessary to ensure that all construction complies with the approved improvement plans. Where required by the agency, the developer shall enter into an agreement with the Town to pay the full cost of any contract inspection services determined to be necessary by that agency.
  - b. Access to Site and Materials. The agency that has required a specific action shall have access to the work site at all times during construction, and shall be furnished with every reasonable facility for verifying that the materials and workmanship are in compliance with the approved improvement plans.
  - c. Authority for Approval. The work done and all materials furnished shall be subject to the inspection and approval of the agency that has required a specific action. The inspection of the work or materials shall not relieve the contractor of any obligations to fulfill the work as prescribed.
  - d. Improper Work or Materials. Work or materials not meeting the requirements of the approved plans and specifications may be rejected, regardless of whether the work or materials were previously inspected by the agency that has required a specific action. In the event that the agency determines that subdivision improvements are not being constructed as required by the approved plans and specifications, it shall order the work stopped and shall inform the contractor of the reasons for stopping work and the corrective measures necessary to resume the work. Any work done after issuance of a stop work order shall be a violation of this Chapter.
3. Notification. The subdivider shall notify the Director as part of condition compliance upon the completion of each stage of construction before recordation as outlined in this Chapter. Further construction may only be completed if all required actions included in the conditions of approval have been accomplished and signed off by the agency that has required the action(s).

#### **9.96.040 – Improvement Agreement, Lien Agreements, and Securities**

- A. **Improvement Agreements.** If all required improvements, and inspections are not satisfactorily completed before a Parcel or Final Map is approvedTC, the owner(s) of the subdivision shall, before the approval of the Parcel or Final Map, enter as contractor into an Improvement Agreement with the Council whereby in consideration of the acceptance by the Council of the streets, easements, and any other land offered for dedication, the contractor agrees to furnish the equipment, labor, and material necessary to complete the work within the time specified in the agreement. In order to work within the public right-of-way, one must be a licensed contractor in the State of California.

➤. **Amount of security required.** To ensure that the work will be completed, improvement security shall be furnished to guarantee the performance of any act or Improvement Agreement in the following amounts and for the following purposes:

1. An amount, not less than 100 percent of the total estimated cost of the improvement or of the act to be performed, conditioned upon the faithful performance of the required act or Improvement Agreement.
2. An additional amount, not less than 50 percent nor more than 100 percent of the total estimated cost of the improvement or the performance of the required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials, or equipment to them for the improvement or the performance of the required act.
3. Whenever an entity required to furnish security in compliance with this Section is a California nonprofit corporation, funded by the United States of America or one of its agencies, or funded by this State or one of its agencies, the entity shall not be required to comply with Subsections (a)(1) and (a)(2), above, if the following conditions are met:
  - a. The contractor installing the improvements has bonded to the nonprofit corporation and the Town as co-obligee the amount of 100 percent of the contract for the faithful performance of the work, and has further bonded to the nonprofit corporation and the Town as co-obligee an amount of not less than 50 percent of the contract for the payment of labor and materials, and those bonds comply with the provisions of this Section.
  - b. All monies payable to the contractor by the nonprofit corporation are deposited in a depository complying with the provisions of the Subdivision Map Act (Government Code Sections 66473 et seq.) and out of which progress payments are conditioned upon:
    - 1) The contractor's certification to the nonprofit corporation that all labor performed in the work and all materials furnished to and installed in the work, have been paid for in full to the date of the certification.
    - 2) The written approval of the nonprofit corporation.
    - 3) The review and approval of progress payment billings by Director. The term "progress payment" as used in this Section shall mean payment made in compliance with the schedule of partial payments agreed upon in the contract for the work. No less than ten percent of the total contract price shall be retained for the 60 days following the filing of the Notice of Completion.
    - 4) Final payment to the contractor not being made until 60 days shall have expired after the filing and recording of the Notice of Completion of the work and written acceptance of the work by the Town.
  - c. All certifications as to progress payments shall be delivered through the U.S. mail to the nonprofit corporation.



4. An amount as determined by the Director, but not more than 25 percent of the total estimated cost of improvements or performance of the required act necessary for the guarantee and warranty of the improvement for 12 months following the completion and acceptance, against any defective work or labor done, or defective materials furnished.
5. As part of the obligation guaranteed by the security and in addition to the face amount of the security, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees incurred by the Town in successfully enforcing the obligation secured.

**C. Type of Security Required**

1. The furnishing of security in connection with the performance of any act or Improvement Agreement shall be one of the following, at the option of and subject to the approval of the Town Council:
  - a. Bond or bonds by one or more duly authorized corporate sureties;
  - b. A deposit, either with the Town, responsible bank or trust company, at the option of the Town, of money or negotiable bonds of the kind approved for securing deposits of public monies; and
  - c. A letter or other instrument of credit from one or more financial institutions subject to regulation by the State or Federal government, and pledging that the funds necessary to carry out the act or Improvement Agreement are on deposit and guaranteed for payment.
2. Bonds to secure faithful performance and for the benefit of laborers and material of any agreement, shall be in substantially the forms as shown in the Subdivision Map Act (Government Code Sections 66473 et seq.). The money, negotiable bond, or instrument of credit shall be a trust fund to guarantee performance and shall not be subject to enforcement of a money judgment by any creditors of the depositor until the obligation secured thereby is performed to the satisfaction of the Town.







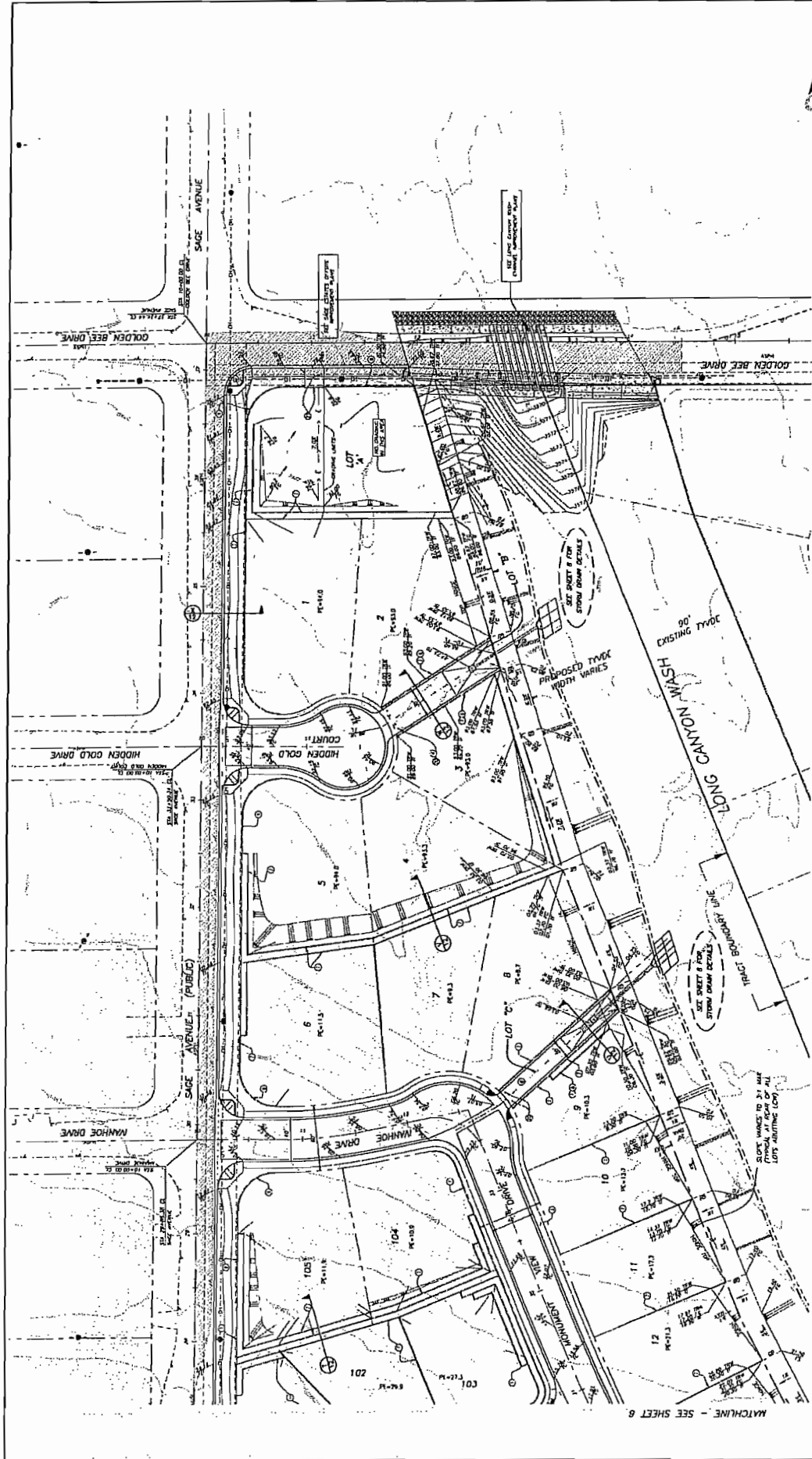












- CONSTRUCTION NOTES**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF YUCCA VALLEY ORDINANCES.
  2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CALIFORNIA CIVIL CODE.
  3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CALIFORNIA CONSTRUCTION CODE.
  4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CALIFORNIA ELECTRICAL CODE.
  5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CALIFORNIA MECHANICAL CODE.
  6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CALIFORNIA PLUMBING CODE.
  7. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CALIFORNIA FIRE CODE.
  8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL CODE.
  9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CALIFORNIA LAND USE CODE.
  10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CALIFORNIA ZONING CODE.
  11. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CALIFORNIA BUILDING CODE.
  12. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CALIFORNIA FIRE PREVENTION CODE.



**DIGALBERT**  
 CIVIL ENGINEER  
 1100 N. 27th Street, Suite 100  
 Yucca Valley, CA 92386  
 (760) 863-1111  
 www.digalbert.com

**REVISIONS**

NO.	DATE	DESCRIPTION

**BENCH MARK:**  
 1. 1100 N. 27th Street, Suite 100, Yucca Valley, CA 92386  
 2. 1100 N. 27th Street, Suite 100, Yucca Valley, CA 92386  
 3. 1100 N. 27th Street, Suite 100, Yucca Valley, CA 92386

**THIS PLAN PREPARED BY:**  
 NATE VERTICAL FIVE  
 1100 N. 27th Street, Suite 100, Yucca Valley, CA 92386  
 (760) 863-1111  
 www.nateverticalfive.com

**APPROVED BY:**  
 NATE VERTICAL FIVE  
 1100 N. 27th Street, Suite 100, Yucca Valley, CA 92386  
 (760) 863-1111  
 www.nateverticalfive.com

**RECOMMENDED BY:**  
 NATE VERTICAL FIVE  
 1100 N. 27th Street, Suite 100, Yucca Valley, CA 92386  
 (760) 863-1111  
 www.nateverticalfive.com

**DATE:** 3-4-15

**SCALE:** AS SHOWN

**PROJECT:** SAGE ESTATES - TTM 17862

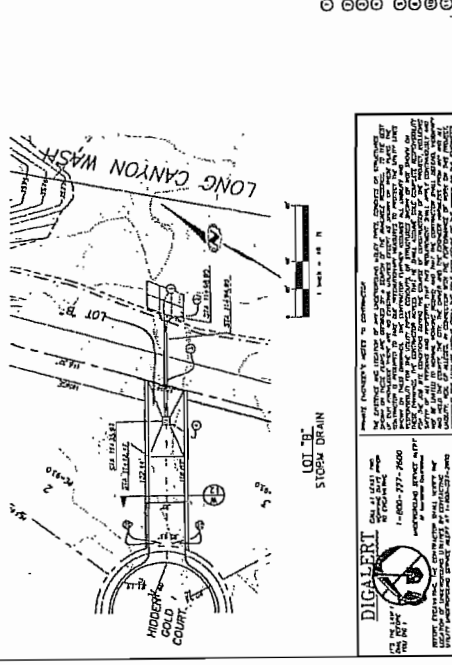
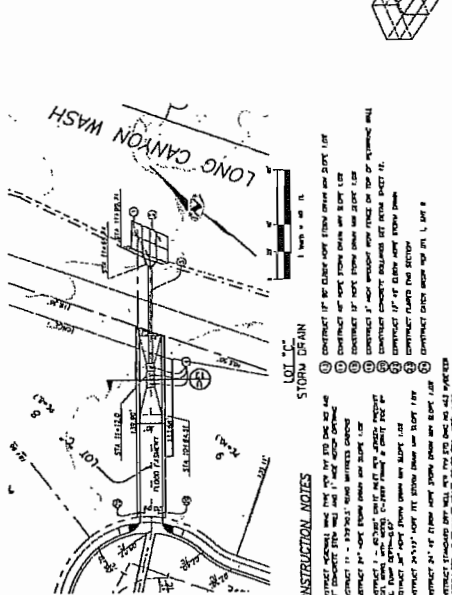
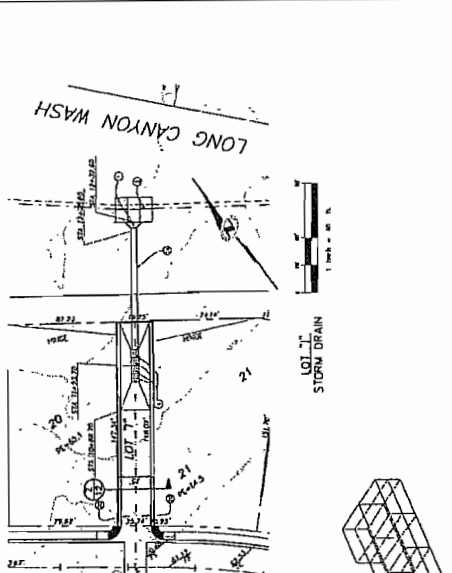
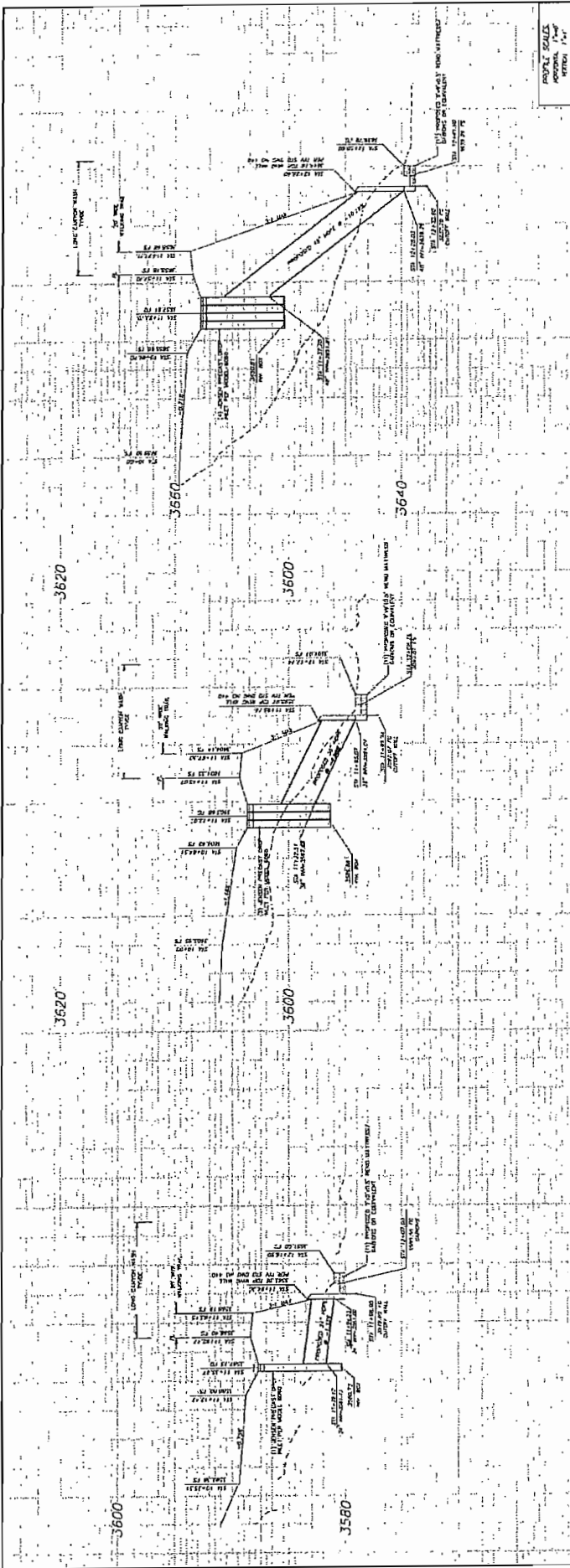
**LOCATION:** SE CORNER GOLDEN BEE & SAGE, YUCCA VALLEY, CA

**SHEET:** 7

**DATE:** 3-4-15

**PROJECT:** SAGE ESTATES - TTM 17862

**LOCATION:** SE CORNER GOLDEN BEE & SAGE, YUCCA VALLEY, CA



- CONSTRUCTION NOTES**
- CONTRACTOR SHALL... (Note 1)
  - CONTRACTOR SHALL... (Note 2)
  - CONTRACTOR SHALL... (Note 3)
  - CONTRACTOR SHALL... (Note 4)
  - CONTRACTOR SHALL... (Note 5)
  - CONTRACTOR SHALL... (Note 6)
  - CONTRACTOR SHALL... (Note 7)
  - CONTRACTOR SHALL... (Note 8)
  - CONTRACTOR SHALL... (Note 9)
  - CONTRACTOR SHALL... (Note 10)
  - CONTRACTOR SHALL... (Note 11)
  - CONTRACTOR SHALL... (Note 12)
  - CONTRACTOR SHALL... (Note 13)
  - CONTRACTOR SHALL... (Note 14)
  - CONTRACTOR SHALL... (Note 15)
  - CONTRACTOR SHALL... (Note 16)
  - CONTRACTOR SHALL... (Note 17)
  - CONTRACTOR SHALL... (Note 18)
  - CONTRACTOR SHALL... (Note 19)
  - CONTRACTOR SHALL... (Note 20)

**TOWN OF YUCCA VALLEY**  
**SAGE ESTATES - ITEM 17862**  
 SE CORNER GOLDEN BEE & SAGE, YUCCA VALLEY, CA

**SHEET 8**  
 OF 8 SHEETS  
 DRAWING NO. 17862-08

**APPROVED BY:** [Signature]

**DATE:** 11/15/15

**SCALE:** 1" = 10'

**REVISIONS:**

NO.	DATE	DESCRIPTION

**BENCH MARK:** [Details]

**DIGALERT:** [Details]

**ROUTE VERTICAL CURVE:** [Details]

**THIS PLAN PREPARED BY:** [Details]

**MOBILE VERTICAL CURVE:** [Details]

**SCALE:** 1" = 10'

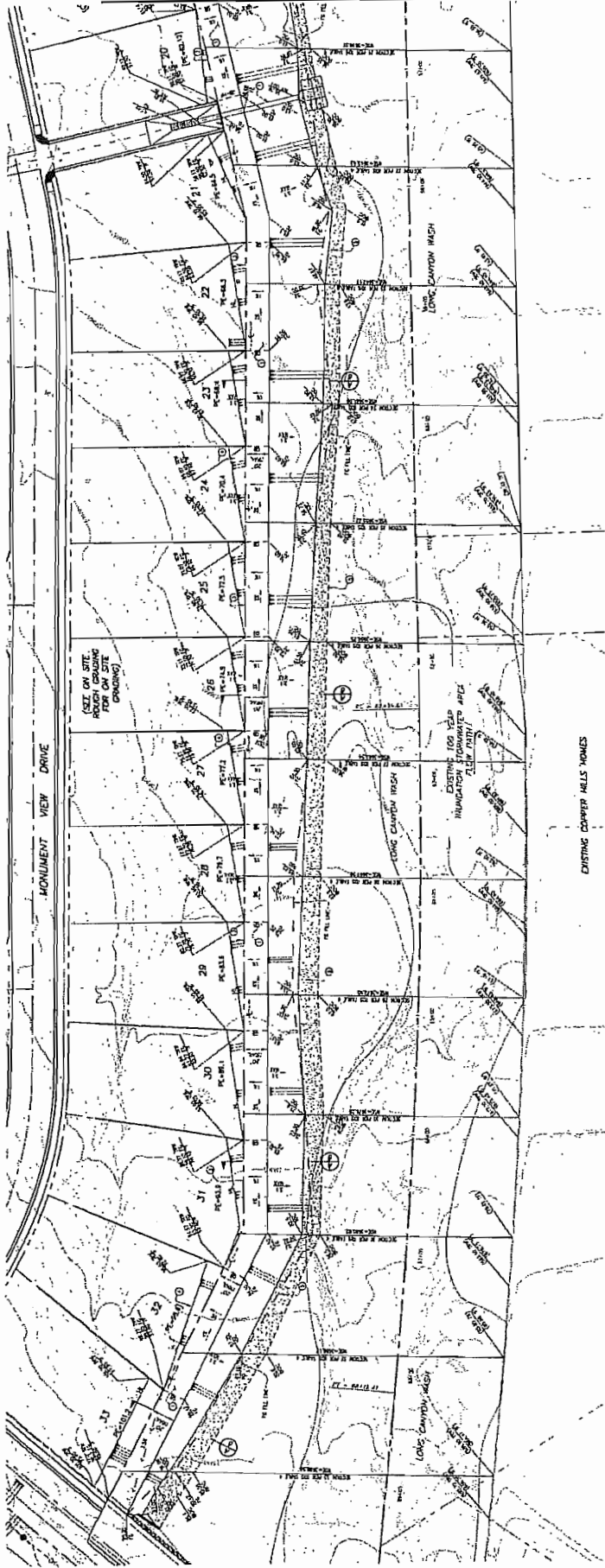




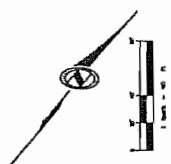






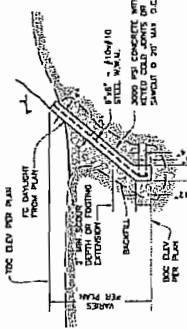


NOTE: CUT SHEETS FOR EROSION WALL TO BE PROVIDED TO TOWN INSPECTOR PRIOR TO WALL CONSTRUCTION.



LONG CANYON WASH  
STA 56+00 TO STA 69+00

EXISTING COPPER HILLS HOMES



CHANNEL SLOPE PAVING DETAIL  
17% SLOPE

- CONSTRUCTION NOTES**
1. CONSTRUCTION OF THIS EROSION CONTROL WALL SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS FOR EROSION CONTROL WALLS IN THE 2015 CALIFORNIA STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, SECTION 705.00.
  2. CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
  3. CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
  4. CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
  5. CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
  6. CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
  7. CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
  8. CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
  9. CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
  10. CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

**DIGALERT**  
CALL AT LEAST 48 HOURS BEFORE CONSTRUCTION OF ANY UTILITY WORK IN THE PUBLIC RIGHT-OF-WAY.  
1-800-337-3660  
www.digalert.com

DATE: 10/03/2015 TIME: 10:15 AM  
PROJECT: LONG CANYON WASH - CHANNEL IMPROVEMENT PLAN  
DRAWN BY: [Signature]  
CHECKED BY: [Signature]  
SCALE: AS SHOWN

DATE: 10/03/2015 TIME: 10:15 AM  
PROJECT: LONG CANYON WASH - CHANNEL IMPROVEMENT PLAN  
DRAWN BY: [Signature]  
CHECKED BY: [Signature]  
SCALE: AS SHOWN



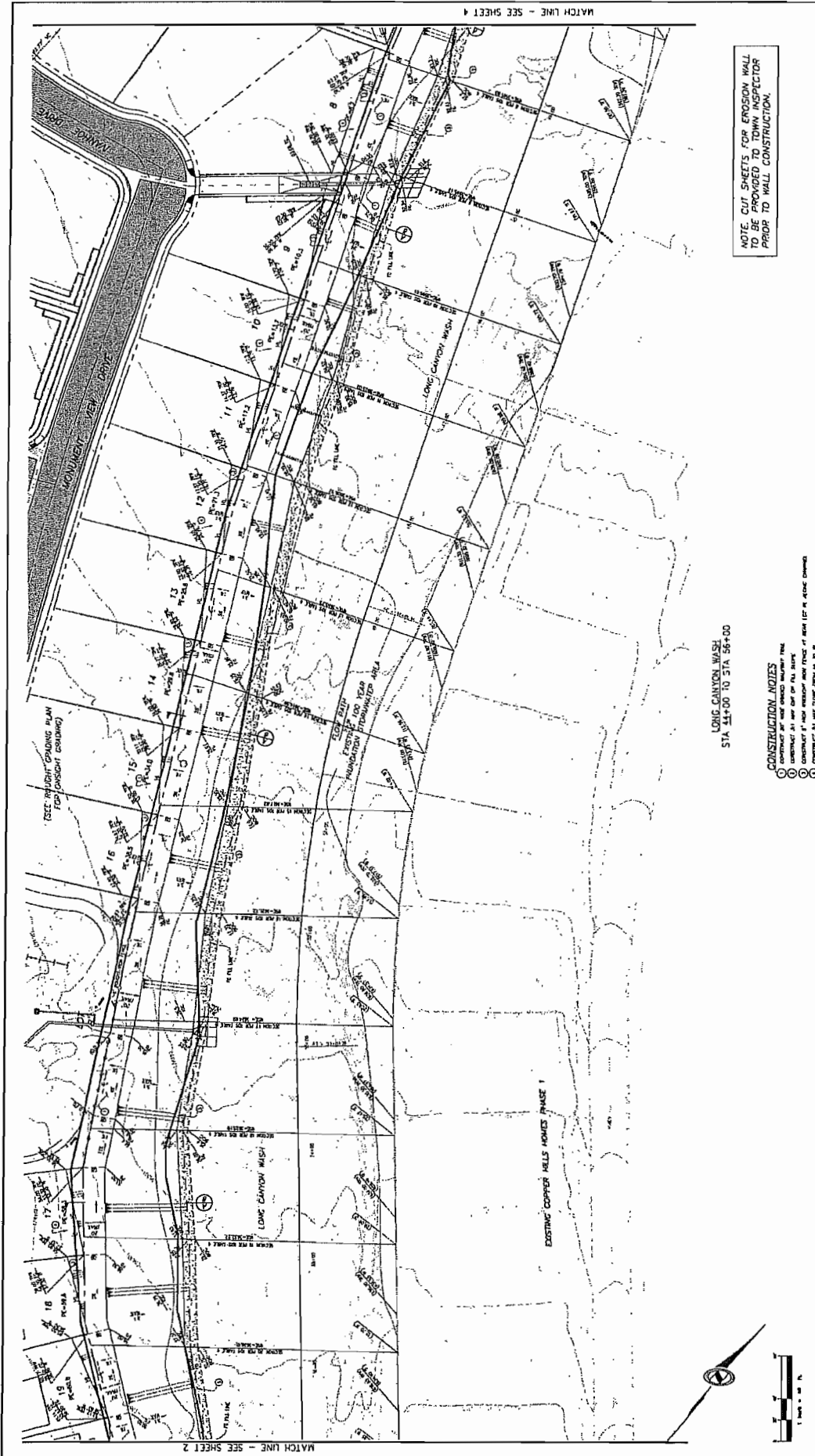
PREPARED UNDER THE SUPERVISION OF:  
**NW15**  
NO. 15 VERTICAL CURVE  
DATE: 3/6/15  
BY: [Signature]  
SCALE: AS SHOWN



APPROVED BY TOWN ENGINEER:  
[Signature]  
DATE: 10/03/2015

TOWN OF YUCCA VALLEY  
**SAGE ESTATES**  
LONG CANYON WASH - CHANNEL IMPROVEMENT PLAN  
STA 56+00 TO STA 69+00  
PREPARED FOR: COPPER HILLS HOMES DATE SUBMITTED: MARCH 2015  
PROJECT NO: YV021300





NOTE: CUT SHEETS FOR EROSION WALL TO BE PROVIDED TO TOWN INSPECTOR PRIOR TO WALL CONSTRUCTION.

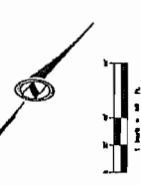
LONG CANYON WASH  
STA 54+00 TO STA 56+00

- CONSTRUCTION NOTES**
- 1. CONSTRUCT AS SHOWN ON ALL SHEETS
  - 2. CONSTRUCT AS SHOWN EXCEPT WHERE NOTED OTHERWISE
  - 3. CONSTRUCT AS SHOWN EXCEPT WHERE NOTED OTHERWISE
  - 4. CONSTRUCT AS SHOWN EXCEPT WHERE NOTED OTHERWISE
  - 5. CONSTRUCT AS SHOWN EXCEPT WHERE NOTED OTHERWISE
  - 6. CONSTRUCT AS SHOWN EXCEPT WHERE NOTED OTHERWISE
  - 7. CONSTRUCT AS SHOWN EXCEPT WHERE NOTED OTHERWISE
  - 8. CONSTRUCT AS SHOWN EXCEPT WHERE NOTED OTHERWISE
  - 9. CONSTRUCT AS SHOWN EXCEPT WHERE NOTED OTHERWISE
  - 10. CONSTRUCT AS SHOWN EXCEPT WHERE NOTED OTHERWISE

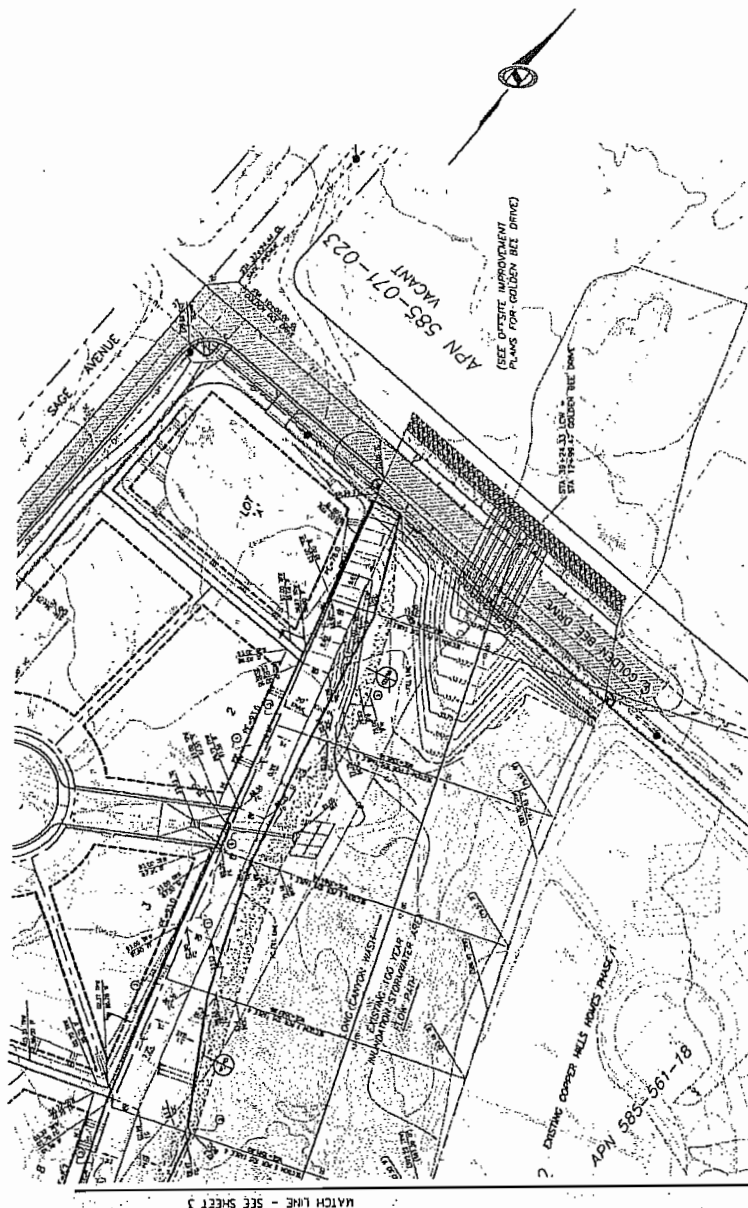
**DIGALBERT**  
INCORPORATED  
1800 S. 17th Street  
Tucson, AZ 85710  
Tel: 520-795-2400  
Fax: 520-795-2401  
www.digalbert.com

DATE: 03/29/15  
PROJECT: LONG CANYON WASH - CHANNEL IMPROVEMENT PLAN  
SHEET: 3 OF 3  
SCALE: AS SHOWN  
DRAWN BY: [Signature]  
CHECKED BY: [Signature]  
APPROVED BY: [Signature]

CAUTION: THE PROJECTING ENGINEER'S SEAL IS VALID ONLY FOR THE PROJECT AND SHEET INDICATED THEREON. IT IS VOID WHERE SHOWN OTHERWISE.



	APPROVED BY TOWN ENGINEER:  TITLE: TOWN ENGINEER DATE: 03/29/15	TOWN OF YUCCA VALLEY SAGE ESTATES LONG CANYON WASH - CHANNEL IMPROVEMENT PLAN STA 44+00 TO STA 56+00 PREPARED FOR: COPPER HILLS HOMES DATE: SUBMITTED MARCH 2015	SHEET NO. 3 OF 3 SHEETS SCALE: AS SHOWN DRAWING NO. 15-00000-03 PROJECT NO. 15-00000
	PREPARED UNDER THE SUPERVISION OF:  ENGINEER / ARCHITECT / SURVEYOR NIV5 1800 S. 17th Street, Suite 100 Tucson, AZ 85710 TEL: 520-795-2400 FAX: 520-795-2401 WWW.DIGALBERT.COM	NIV5 NOTE: VERTICAL FIVE PER STATE OF ARIZONA REGISTRATION NO. 12418-0001	TOWN OF YUCCA VALLEY SAGE ESTATES LONG CANYON WASH - CHANNEL IMPROVEMENT PLAN STA 44+00 TO STA 56+00 PREPARED FOR: COPPER HILLS HOMES DATE: SUBMITTED MARCH 2015



LONG CANYON WASH  
 STA 38+21.33 TO STA 44+00

- CONSTRUCTION NOTES**
- 1 CONTRACTOR TO FILL EXISTING EROSION WALL
  - 2 CONTRACTOR TO FILL SLOPE
  - 3 CONTRACTOR TO REPAIR EXISTING EROSION WALL
  - 4 CONTRACTOR TO REPAIR EXISTING EROSION WALL
  - 5 CONTRACTOR TO REPAIR EXISTING EROSION WALL
  - 6 CONTRACTOR TO REPAIR EXISTING EROSION WALL
  - 7 CONTRACTOR TO REPAIR EXISTING EROSION WALL

NOTE: CUT SHEETS FOR EROSION WALL TO BE PROVIDED TO TOWN INSPECTOR PRIOR TO WALL CONSTRUCTION.

**DIGALERT**  
 1-800-277-2600  
 1-800-277-2600  
 1-800-277-2600

DATE: 3/2/2015  
 TIME: 10:00 AM  
 PROJECT: LONG CANYON WASH  
 DRAWING NO.: 15-0000-0000  
 SHEET NO.: 15-0000-0000

APPROVED BY: [Signature]  
 DATE: 3/2/2015

SCALE: 1" = 40'

DATE: 3/2/2015

TOWN OF YUGGA VALLEY  
 SAGE ESTATES  
 LONG CANYON WASH - CHANNEL IMPROVEMENT PLAN  
 STA 38+24.33 TO STA 44+00  
 PREPARED FOR: COPPER HILLS HOMES DATE SUBMITTED: MARCH 2015

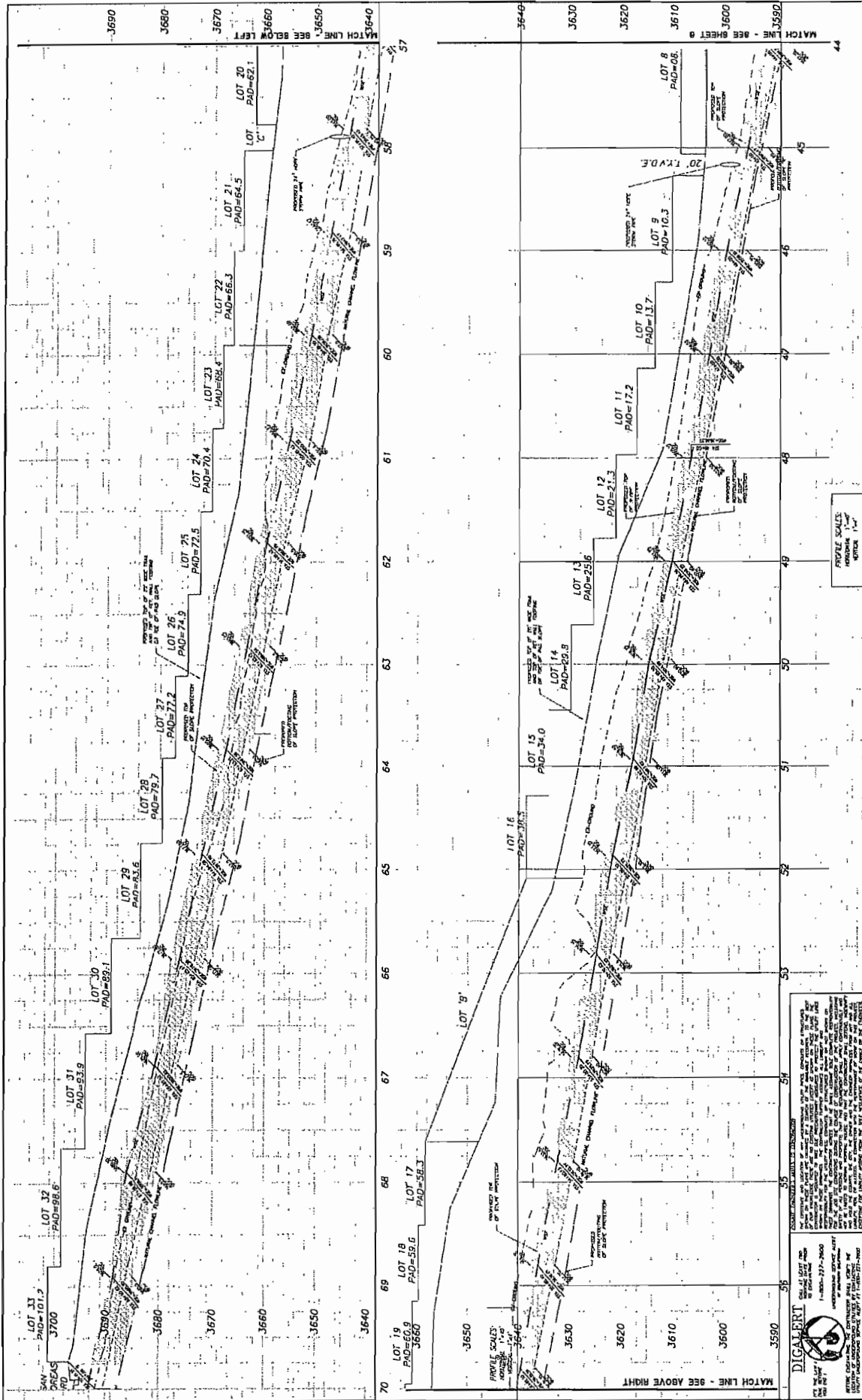
APPROVED BY: [Signature]  
 DATE: 3/2/2015



**NW15**  
 MOISTURE VERTICALITY  
 1/8" = 1' VERTICALITY



NO.	DATE	DESCRIPTION
1	3/2/2015	ISSUED FOR PERMIT
2		
3		
4		
5		
6		
7		
8		
9		
10		



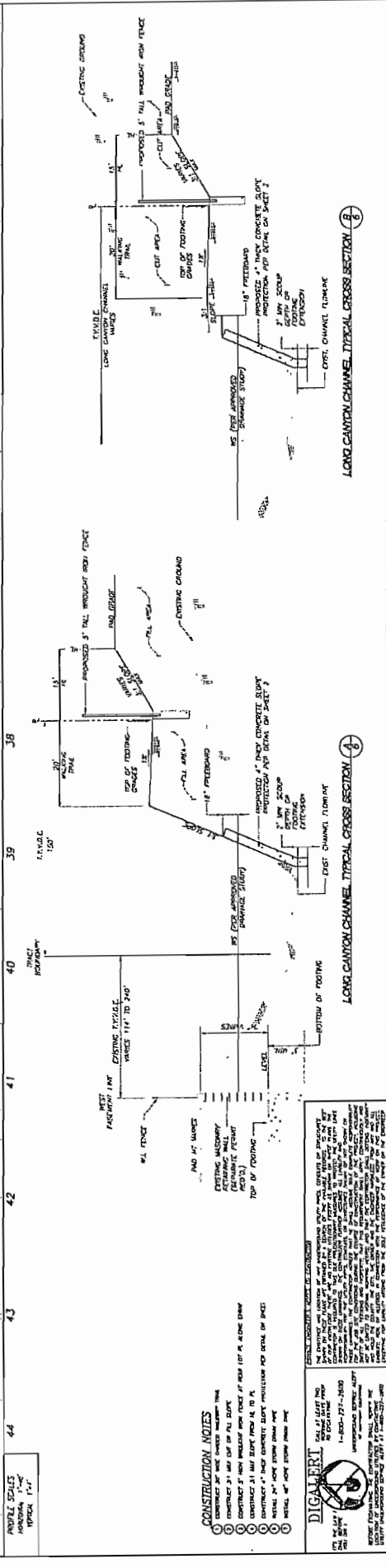
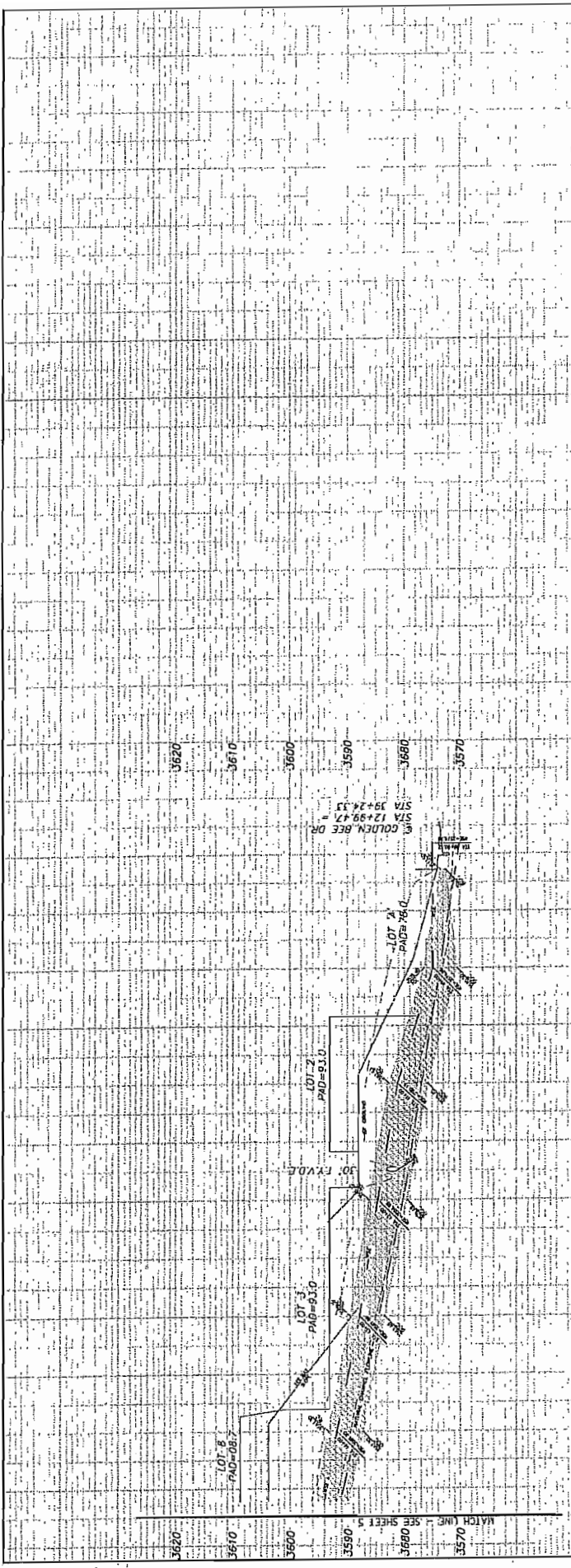
**TOWN OF YUGCA VALLEY**  
**SAGE ESTATES**  
 LONG CANYON WASH - CHANNEL IMPROVEMENT PROFILE  
 STA 44+00 TO STA 70+00  
 PREPARED FOR: COPPER HILLS HOMES DATE SUBMIT: MARCH 2016

APPROVED BY TOWN ENGINEER:  
  
 ALEX G. HILL  
 A.S.T. CIVIL ENGINEER LICENSE NO. 38111  
 S.C.E. NO. 38787, D.P. 05/20/13

**NIVIS**  
 ROUTE VERTICALS  
 PREPARED UNDER THE SUPERVISION OF:  
  
 STEVE A. HILL  
 S.E. CIVIL ENGINEER LICENSE NO. 64-15  
 S.C.E. NO. 38778, D.P. 04/20/13

**DIGALERT**  
 CALL 811 BEFORE YOU DIG  
 1-800-277-7000  
 www.digalert.com

DATE: 3/15/16  
 DRAWN BY: J. HILL  
 CHECKED BY: J. HILL  
 IN CHARGE: J. HILL  
 SCALE: AS SHOWN  
 SHEET NO.: 5  
 TOTAL SHEETS: 8  
 PROJECT NO.: YV020300



**CONSTRUCTION NOTES**

1. REFER TO SHEET 44 FOR CHANNEL PROFILE.
2. REFER TO SHEET 45 FOR CHANNEL PROFILE.
3. REFER TO SHEET 46 FOR CHANNEL PROFILE.
4. REFER TO SHEET 47 FOR CHANNEL PROFILE.
5. REFER TO SHEET 48 FOR CHANNEL PROFILE.
6. REFER TO SHEET 49 FOR CHANNEL PROFILE.
7. REFER TO SHEET 50 FOR CHANNEL PROFILE.
8. REFER TO SHEET 51 FOR CHANNEL PROFILE.
9. REFER TO SHEET 52 FOR CHANNEL PROFILE.
10. REFER TO SHEET 53 FOR CHANNEL PROFILE.
11. REFER TO SHEET 54 FOR CHANNEL PROFILE.
12. REFER TO SHEET 55 FOR CHANNEL PROFILE.
13. REFER TO SHEET 56 FOR CHANNEL PROFILE.
14. REFER TO SHEET 57 FOR CHANNEL PROFILE.
15. REFER TO SHEET 58 FOR CHANNEL PROFILE.
16. REFER TO SHEET 59 FOR CHANNEL PROFILE.
17. REFER TO SHEET 60 FOR CHANNEL PROFILE.
18. REFER TO SHEET 61 FOR CHANNEL PROFILE.
19. REFER TO SHEET 62 FOR CHANNEL PROFILE.
20. REFER TO SHEET 63 FOR CHANNEL PROFILE.
21. REFER TO SHEET 64 FOR CHANNEL PROFILE.
22. REFER TO SHEET 65 FOR CHANNEL PROFILE.
23. REFER TO SHEET 66 FOR CHANNEL PROFILE.
24. REFER TO SHEET 67 FOR CHANNEL PROFILE.
25. REFER TO SHEET 68 FOR CHANNEL PROFILE.
26. REFER TO SHEET 69 FOR CHANNEL PROFILE.
27. REFER TO SHEET 70 FOR CHANNEL PROFILE.
28. REFER TO SHEET 71 FOR CHANNEL PROFILE.
29. REFER TO SHEET 72 FOR CHANNEL PROFILE.
30. REFER TO SHEET 73 FOR CHANNEL PROFILE.
31. REFER TO SHEET 74 FOR CHANNEL PROFILE.
32. REFER TO SHEET 75 FOR CHANNEL PROFILE.
33. REFER TO SHEET 76 FOR CHANNEL PROFILE.
34. REFER TO SHEET 77 FOR CHANNEL PROFILE.
35. REFER TO SHEET 78 FOR CHANNEL PROFILE.
36. REFER TO SHEET 79 FOR CHANNEL PROFILE.
37. REFER TO SHEET 80 FOR CHANNEL PROFILE.
38. REFER TO SHEET 81 FOR CHANNEL PROFILE.
39. REFER TO SHEET 82 FOR CHANNEL PROFILE.
40. REFER TO SHEET 83 FOR CHANNEL PROFILE.
41. REFER TO SHEET 84 FOR CHANNEL PROFILE.
42. REFER TO SHEET 85 FOR CHANNEL PROFILE.
43. REFER TO SHEET 86 FOR CHANNEL PROFILE.
44. REFER TO SHEET 87 FOR CHANNEL PROFILE.
45. REFER TO SHEET 88 FOR CHANNEL PROFILE.
46. REFER TO SHEET 89 FOR CHANNEL PROFILE.
47. REFER TO SHEET 90 FOR CHANNEL PROFILE.
48. REFER TO SHEET 91 FOR CHANNEL PROFILE.
49. REFER TO SHEET 92 FOR CHANNEL PROFILE.
50. REFER TO SHEET 93 FOR CHANNEL PROFILE.
51. REFER TO SHEET 94 FOR CHANNEL PROFILE.
52. REFER TO SHEET 95 FOR CHANNEL PROFILE.
53. REFER TO SHEET 96 FOR CHANNEL PROFILE.
54. REFER TO SHEET 97 FOR CHANNEL PROFILE.
55. REFER TO SHEET 98 FOR CHANNEL PROFILE.
56. REFER TO SHEET 99 FOR CHANNEL PROFILE.
57. REFER TO SHEET 100 FOR CHANNEL PROFILE.

**DIGALERT**

DATE: 1/17/14  
 DRAWN BY: JRM  
 CHECKED BY: JRM  
 SCALE: AS SHOWN  
 SHEET NO.: 44 OF 100

PREPARED UNDER THE SUPERVISION OF:  
 NIVIS  
 NIVIS VERTICALIVE  
 427 2ND AVE SE, SUITE 100  
 BELLINGHAM, WA 98225  
 PHONE: 360-738-1111  
 FAX: 360-738-1112  
 WWW.NIVIS.COM

UNAPPROVED BY TOWN ENGINEER  
 NIVIS  
 NIVIS VERTICALIVE  
 427 2ND AVE SE, SUITE 100  
 BELLINGHAM, WA 98225  
 PHONE: 360-738-1111  
 FAX: 360-738-1112  
 WWW.NIVIS.COM

TOWN OF YUCCA VALLEY  
 SAGE ESTATES  
 LONG CANYON WASH - CHANNEL PROFILE & DETAILS  
 STA 39+24.33 TO STA 44+00 & DETAILS  
 PREPARED FOR: COPPER HILLS HOMES DATE SUBMITTED: MARCH 2015

DATE: 1/17/14  
 DRAWN BY: JRM  
 CHECKED BY: JRM  
 SCALE: AS SHOWN  
 SHEET NO.: 44 OF 100











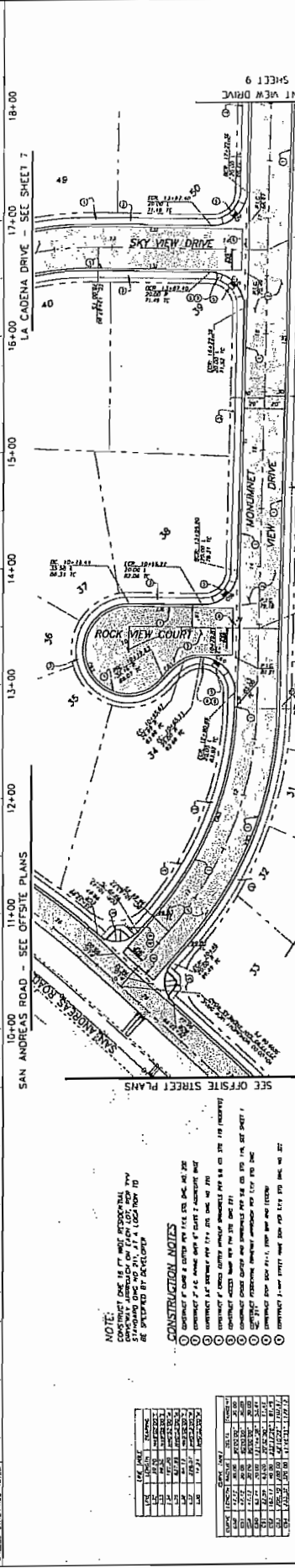
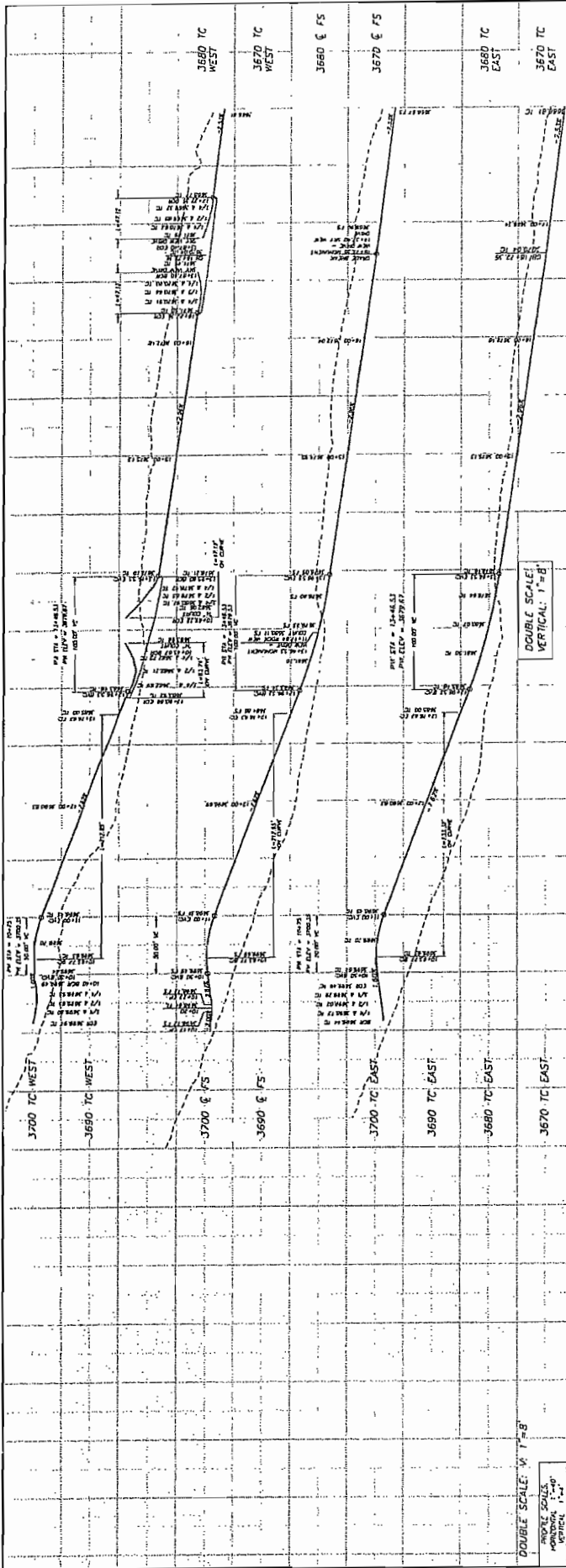












**NOTE:**  
 CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AGENCIES.  
 CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AGENCIES.  
 CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AGENCIES.

**CONSTRUCTION NOTES:**  
 1. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AGENCIES.  
 2. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AGENCIES.  
 3. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AGENCIES.

**DIGALERT**  
 800-452-4343  
 www.digalert.com

**PROPOSED UNDER THE SUPERVISION OF:**  
 NIVS  
 NIVS ENGINEERING & ARCHITECTURE  
 1000 S. GARDEN ST. SUITE 100  
 DENVER, CO 80202  
 DATE: 5-2-15

**PREPARED FOR:** SAGE ESTATES  
 TRACT 17882  
 ONSITE EROSION CONTROL PLANS  
 MONUMENT NEW DRIVE

**PREPARED FOR:** COPPER HILLS HOMES DATE SUBMITTED: MAR 2015

**SCALE:** 1" = 40'

**DATE:** 5-2-15

**PROJECT NO.:** 15-001

**PROJECT NAME:** SAGE ESTATES TRACT 17882 ONSITE EROSION CONTROL PLANS MONUMENT NEW DRIVE

**PROJECT LOCATION:** COPPER HILLS, CO

**PROJECT OWNER:** COPPER HILLS HOMES

**PROJECT NO.:** 15-001

**PROJECT NAME:** SAGE ESTATES TRACT 17882 ONSITE EROSION CONTROL PLANS MONUMENT NEW DRIVE

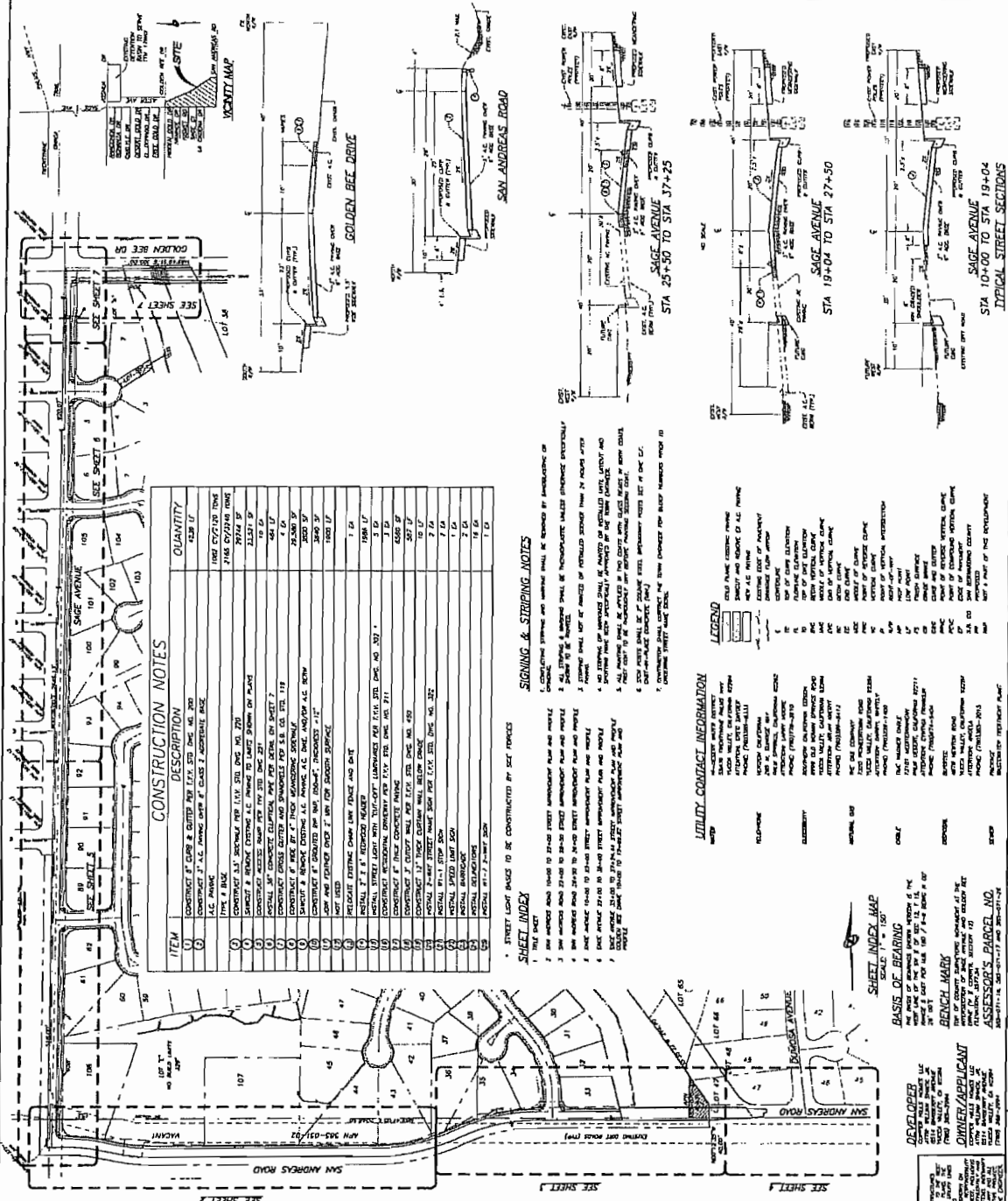
**PROJECT LOCATION:** COPPER HILLS, CO

**PROJECT OWNER:** COPPER HILLS HOMES









**GENERAL STREET NOTES**

1. ALL STREETS SHALL BE CONSTRUCTED WITH THE STANDARD 20' WIDE SIDEWALKS AND 12' WIDE CURBS.
2. ALL STREETS SHALL BE CONSTRUCTED WITH THE STANDARD 12' WIDE SIDEWALKS AND 12' WIDE CURBS.
3. ALL STREETS SHALL BE CONSTRUCTED WITH THE STANDARD 12' WIDE SIDEWALKS AND 12' WIDE CURBS.
4. ALL STREETS SHALL BE CONSTRUCTED WITH THE STANDARD 12' WIDE SIDEWALKS AND 12' WIDE CURBS.
5. ALL STREETS SHALL BE CONSTRUCTED WITH THE STANDARD 12' WIDE SIDEWALKS AND 12' WIDE CURBS.
6. ALL STREETS SHALL BE CONSTRUCTED WITH THE STANDARD 12' WIDE SIDEWALKS AND 12' WIDE CURBS.
7. ALL STREETS SHALL BE CONSTRUCTED WITH THE STANDARD 12' WIDE SIDEWALKS AND 12' WIDE CURBS.
8. ALL STREETS SHALL BE CONSTRUCTED WITH THE STANDARD 12' WIDE SIDEWALKS AND 12' WIDE CURBS.
9. ALL STREETS SHALL BE CONSTRUCTED WITH THE STANDARD 12' WIDE SIDEWALKS AND 12' WIDE CURBS.
10. ALL STREETS SHALL BE CONSTRUCTED WITH THE STANDARD 12' WIDE SIDEWALKS AND 12' WIDE CURBS.

**CONSTRUCTION NOTES**

ITEM	DESCRIPTION	QUANTITY
1	CONTRACTOR TO CLEAR & BUMP UP EXISTING DRIVE TO 12' WIDE SIDEWALK	1800' 0" 0" 0"
2	CONTRACTOR TO CLEAR & BUMP UP EXISTING DRIVE TO 12' WIDE SIDEWALK	1800' 0" 0" 0"
3	CONTRACTOR TO CLEAR & BUMP UP EXISTING DRIVE TO 12' WIDE SIDEWALK	1800' 0" 0" 0"
4	CONTRACTOR TO CLEAR & BUMP UP EXISTING DRIVE TO 12' WIDE SIDEWALK	1800' 0" 0" 0"
5	CONTRACTOR TO CLEAR & BUMP UP EXISTING DRIVE TO 12' WIDE SIDEWALK	1800' 0" 0" 0"
6	CONTRACTOR TO CLEAR & BUMP UP EXISTING DRIVE TO 12' WIDE SIDEWALK	1800' 0" 0" 0"
7	CONTRACTOR TO CLEAR & BUMP UP EXISTING DRIVE TO 12' WIDE SIDEWALK	1800' 0" 0" 0"
8	CONTRACTOR TO CLEAR & BUMP UP EXISTING DRIVE TO 12' WIDE SIDEWALK	1800' 0" 0" 0"
9	CONTRACTOR TO CLEAR & BUMP UP EXISTING DRIVE TO 12' WIDE SIDEWALK	1800' 0" 0" 0"
10	CONTRACTOR TO CLEAR & BUMP UP EXISTING DRIVE TO 12' WIDE SIDEWALK	1800' 0" 0" 0"

**SIGNING & STRIPING NOTES**

1. ALL SIGNING & STRIPING SHALL BE INSTALLED BY THE CONTRACTOR.
2. ALL SIGNING & STRIPING SHALL BE INSTALLED BY THE CONTRACTOR.
3. ALL SIGNING & STRIPING SHALL BE INSTALLED BY THE CONTRACTOR.
4. ALL SIGNING & STRIPING SHALL BE INSTALLED BY THE CONTRACTOR.
5. ALL SIGNING & STRIPING SHALL BE INSTALLED BY THE CONTRACTOR.
6. ALL SIGNING & STRIPING SHALL BE INSTALLED BY THE CONTRACTOR.
7. ALL SIGNING & STRIPING SHALL BE INSTALLED BY THE CONTRACTOR.
8. ALL SIGNING & STRIPING SHALL BE INSTALLED BY THE CONTRACTOR.
9. ALL SIGNING & STRIPING SHALL BE INSTALLED BY THE CONTRACTOR.
10. ALL SIGNING & STRIPING SHALL BE INSTALLED BY THE CONTRACTOR.

**UTILITY CONTACT INFORMATION**

ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED BY THE CONTRACTOR.

ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED BY THE CONTRACTOR.

ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED BY THE CONTRACTOR.

**LEGEND**

1. 12" WIDE SIDEWALK

2. 12" WIDE CURB

3. 12" WIDE SIDEWALK

4. 12" WIDE CURB

5. 12" WIDE SIDEWALK

6. 12" WIDE CURB

7. 12" WIDE SIDEWALK

8. 12" WIDE CURB

9. 12" WIDE SIDEWALK

10. 12" WIDE CURB

**STREET INDEX MAP**

SCALE: 1" = 100'

DATE: 12/15/2015

BY: [Signature]

**TRAFFIC NOTES**

1. ALL TRAFFIC CONTROL SHALL BE MAINTAINED BY THE CONTRACTOR.
2. ALL TRAFFIC CONTROL SHALL BE MAINTAINED BY THE CONTRACTOR.
3. ALL TRAFFIC CONTROL SHALL BE MAINTAINED BY THE CONTRACTOR.
4. ALL TRAFFIC CONTROL SHALL BE MAINTAINED BY THE CONTRACTOR.
5. ALL TRAFFIC CONTROL SHALL BE MAINTAINED BY THE CONTRACTOR.
6. ALL TRAFFIC CONTROL SHALL BE MAINTAINED BY THE CONTRACTOR.
7. ALL TRAFFIC CONTROL SHALL BE MAINTAINED BY THE CONTRACTOR.
8. ALL TRAFFIC CONTROL SHALL BE MAINTAINED BY THE CONTRACTOR.
9. ALL TRAFFIC CONTROL SHALL BE MAINTAINED BY THE CONTRACTOR.
10. ALL TRAFFIC CONTROL SHALL BE MAINTAINED BY THE CONTRACTOR.

**INSPECTION/MATERIAL NOTES**

1. ALL MATERIALS SHALL BE INSPECTED BY THE CONTRACTOR.
2. ALL MATERIALS SHALL BE INSPECTED BY THE CONTRACTOR.
3. ALL MATERIALS SHALL BE INSPECTED BY THE CONTRACTOR.
4. ALL MATERIALS SHALL BE INSPECTED BY THE CONTRACTOR.
5. ALL MATERIALS SHALL BE INSPECTED BY THE CONTRACTOR.
6. ALL MATERIALS SHALL BE INSPECTED BY THE CONTRACTOR.
7. ALL MATERIALS SHALL BE INSPECTED BY THE CONTRACTOR.
8. ALL MATERIALS SHALL BE INSPECTED BY THE CONTRACTOR.
9. ALL MATERIALS SHALL BE INSPECTED BY THE CONTRACTOR.
10. ALL MATERIALS SHALL BE INSPECTED BY THE CONTRACTOR.

**GRADING NOTES**

1. ALL GRADING SHALL BE DONE BY THE CONTRACTOR.
2. ALL GRADING SHALL BE DONE BY THE CONTRACTOR.
3. ALL GRADING SHALL BE DONE BY THE CONTRACTOR.
4. ALL GRADING SHALL BE DONE BY THE CONTRACTOR.
5. ALL GRADING SHALL BE DONE BY THE CONTRACTOR.
6. ALL GRADING SHALL BE DONE BY THE CONTRACTOR.
7. ALL GRADING SHALL BE DONE BY THE CONTRACTOR.
8. ALL GRADING SHALL BE DONE BY THE CONTRACTOR.
9. ALL GRADING SHALL BE DONE BY THE CONTRACTOR.
10. ALL GRADING SHALL BE DONE BY THE CONTRACTOR.

**DEVELOPER**

**DIMKEL/APPLICANT**

**ASSESSOR'S OFFICE**

**APPROVED BY TOWN ENGINEER**

**APPROVED BY TOWN ENGINEER**

**APPROVED BY TOWN ENGINEER**

**TOWN OF YUCCA VALLEY**

**SAGE ESTATES**

**TRACT 17862**

**OFFSITE STREET IMPROVEMENT PLANS**

**TITLE SHEET**

**PREPARED FOR: COPPER HILLS HOMES DATE SUBMITTED: MARCH 2015**

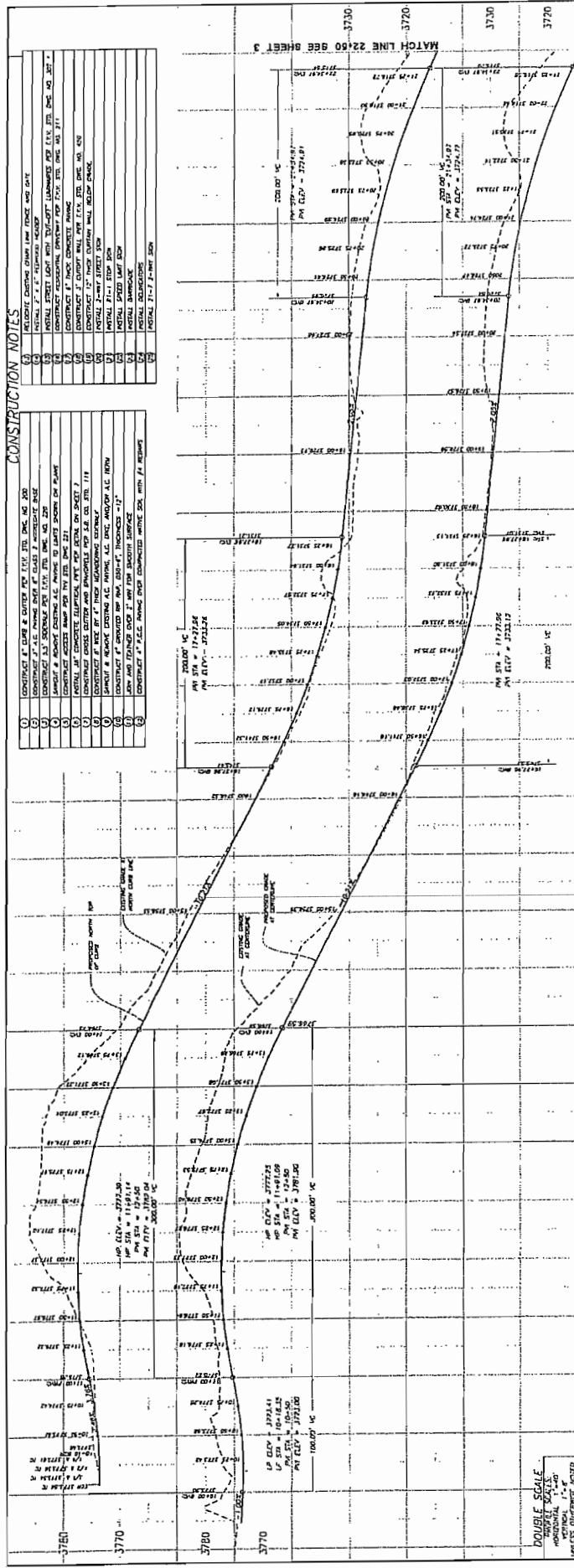
**SCALE: 1" = 100'**

**DATE: 12/15/2015**

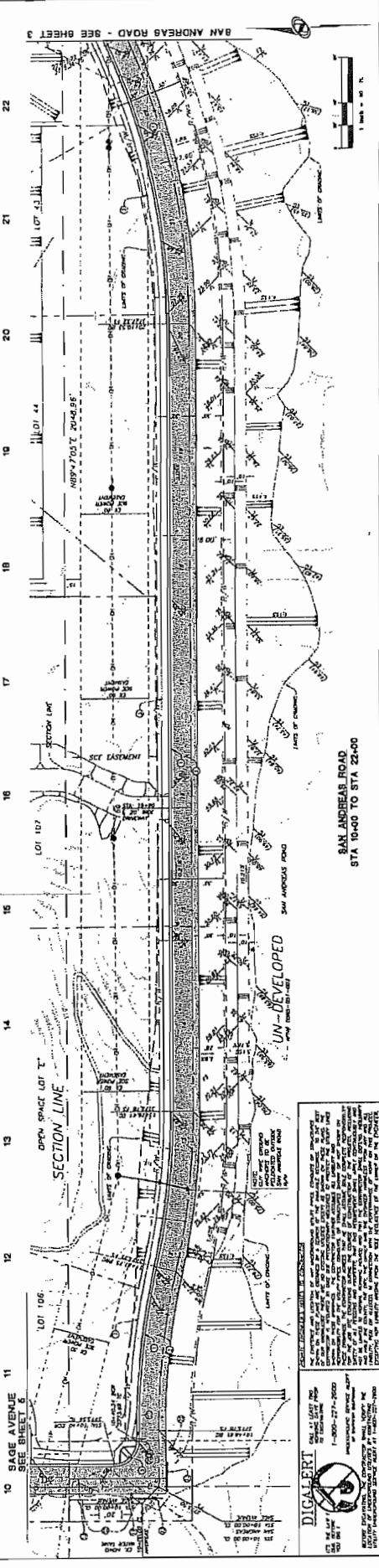
**BY: [Signature]**

**CONSTRUCTION NOTES**

- 1) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 2) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 3) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 4) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 5) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 6) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 7) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 8) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 9) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 10) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 11) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 12) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 13) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 14) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 15) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 16) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 17) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 18) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 19) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 20) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 21) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 22) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 23) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 24) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.
- 25) CONTRACTOR TO OBTAIN & SUBMIT TO THE CITY ENGINEER AND THE DISTRICT ENGINEER ALL NECESSARY PERMITS AND APPROVALS FOR THE PROPOSED IMPROVEMENTS.



DOUBLE SCALE  
 HORIZONTAL SCALE: 1" = 40'  
 VERTICAL SCALE: 1" = 10'  
 UNLESS OTHERWISE NOTED



**TOWN OF YUCCA VALLEY**  
**SAGE ESTATES**  
**TRACT 17862**  
**OFFSITE STREET IMPROVEMENT PLANS**  
**BAN ANDREAS ROAD STA 10+00 TO STA 22+00**

APPROVED BY TOWN COUNCIL: [Signature]  
 DATE: 02/01/2013

APPROVED BY DISTRICT ENGINEER: [Signature]  
 DATE: 02/01/2013

APPROVED BY COUNTY ENGINEER: [Signature]  
 DATE: 02/01/2013

APPROVED BY STATE ENGINEER: [Signature]  
 DATE: 02/01/2013

PREPARED FOR: COPPER HILLS HOMES DATE SUBMITTED: MARCH 2012

PROJECT NO.: 17862-001

SCALE: AS SHOWN

DATE: 02/01/2013

BY: [Signature]

CHECKED: [Signature]

DESIGNED: [Signature]

DRAWN: [Signature]

PROJECT MANAGER: [Signature]

PROJECT ENGINEER: [Signature]

PROJECT SUPERVISOR: [Signature]

PROJECT ASSISTANT: [Signature]

PROJECT CLERK: [Signature]

PROJECT OFFICE: [Signature]

PROJECT ADDRESS: [Signature]

PROJECT PHONE: [Signature]

PROJECT FAX: [Signature]

PROJECT EMAIL: [Signature]

PROJECT WEBSITE: [Signature]

PROJECT SOCIAL MEDIA: [Signature]

PROJECT CONTACT: [Signature]

PROJECT INFORMATION: [Signature]

PROJECT DOCUMENTATION: [Signature]

PROJECT RECORDS: [Signature]

PROJECT ARCHIVES: [Signature]

PROJECT BACKUP: [Signature]

PROJECT RESTORE: [Signature]

PROJECT RECOVERY: [Signature]

PROJECT DISASTER: [Signature]

PROJECT SECURITY: [Signature]

PROJECT COMPLIANCE: [Signature]

PROJECT LEGAL: [Signature]

PROJECT FINANCIAL: [Signature]

PROJECT OPERATIONAL: [Signature]

PROJECT MAINTENANCE: [Signature]

PROJECT SUPPORT: [Signature]

PROJECT TRAINING: [Signature]

PROJECT DEVELOPMENT: [Signature]

PROJECT INNOVATION: [Signature]

PROJECT SUSTAINABILITY: [Signature]

PROJECT RESILIENCE: [Signature]

PROJECT ADAPTABILITY: [Signature]

PROJECT FLEXIBILITY: [Signature]

PROJECT SCALABILITY: [Signature]

PROJECT SECURITY: [Signature]

PROJECT COMPLIANCE: [Signature]

PROJECT LEGAL: [Signature]

PROJECT FINANCIAL: [Signature]

PROJECT OPERATIONAL: [Signature]

PROJECT MAINTENANCE: [Signature]

PROJECT SUPPORT: [Signature]

PROJECT TRAINING: [Signature]

PROJECT DEVELOPMENT: [Signature]

PROJECT INNOVATION: [Signature]

PROJECT SUSTAINABILITY: [Signature]

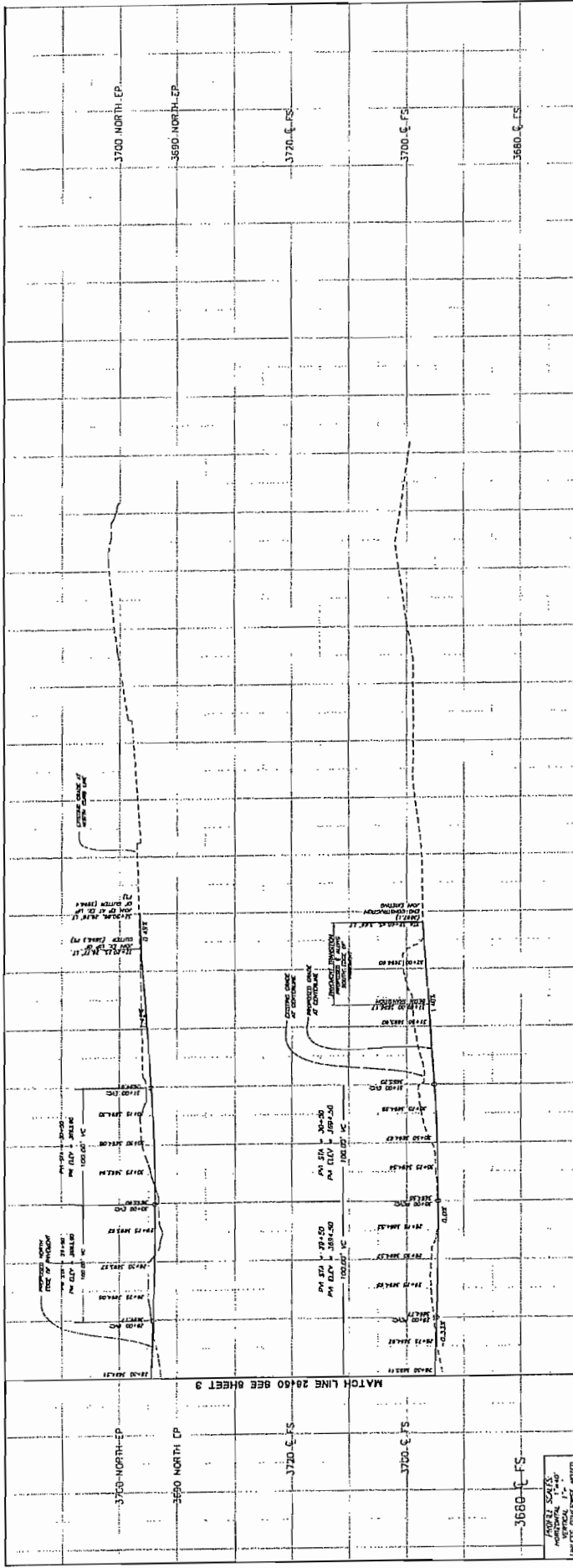
PROJECT RESILIENCE: [Signature]

PROJECT ADAPTABILITY: [Signature]

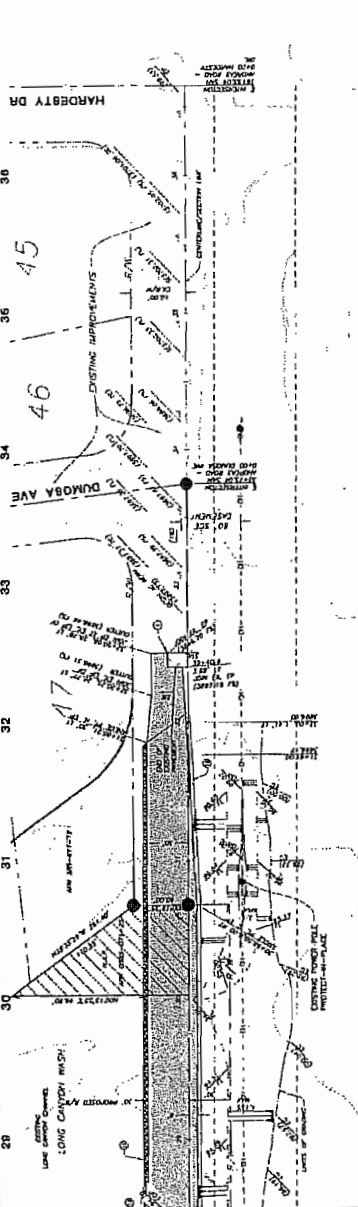
PROJECT FLEXIBILITY: [Signature]

PROJECT SCALABILITY: [Signature]





ITEM	DESCRIPTION
01	CONTRACTOR TO CLEAR & GRUB FOR 12" DIA. STS. 100' LONG
02	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
03	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
04	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
05	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
06	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
07	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
08	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
09	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
10	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
11	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
12	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
13	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
14	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
15	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
16	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
17	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
18	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
19	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
20	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
21	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
22	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
23	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
24	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
25	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
26	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
27	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
28	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
29	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
30	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
31	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
32	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
33	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
34	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
35	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
36	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
37	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
38	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
39	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
40	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
41	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
42	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
43	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
44	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
45	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
46	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
47	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
48	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
49	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG
50	CONTRACTOR TO CONCRETE 12" DIA. STS. 100' LONG



**DIGALERT**  
CALL 48 HOURS BEFORE ANY EXCAVATION OR DRILLING OPERATIONS.  
1-800-277-7622  
www.digalert.com

DATE: 08/02/03  
SCALE: 1" = 10'  
PROJECT: SAGE ESTATES TRACT 17862  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
DATE: 08/02/03

**TOWN OF YUCCA VALLEY**  
**SAGE ESTATES**  
TRACT 17862  
OSWINE STREET IMPROVEMENT PLANS  
SAN ANDRAS ROAD STA 28+00 TO STA 38+00  
PREPARED FOR: COPPER HILLS HOMES DATE SUBMITTED: MARCH 2018

APPROVED BY: [Signature]  
DATE: 08/02/03

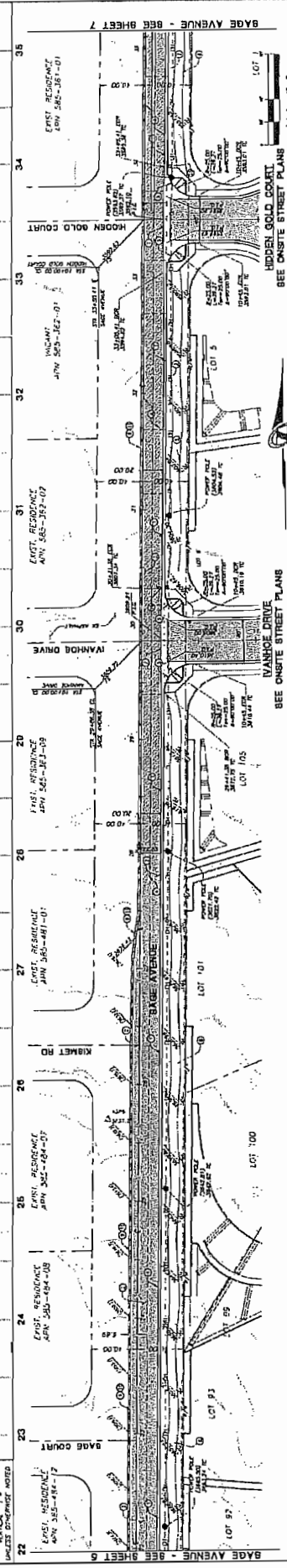
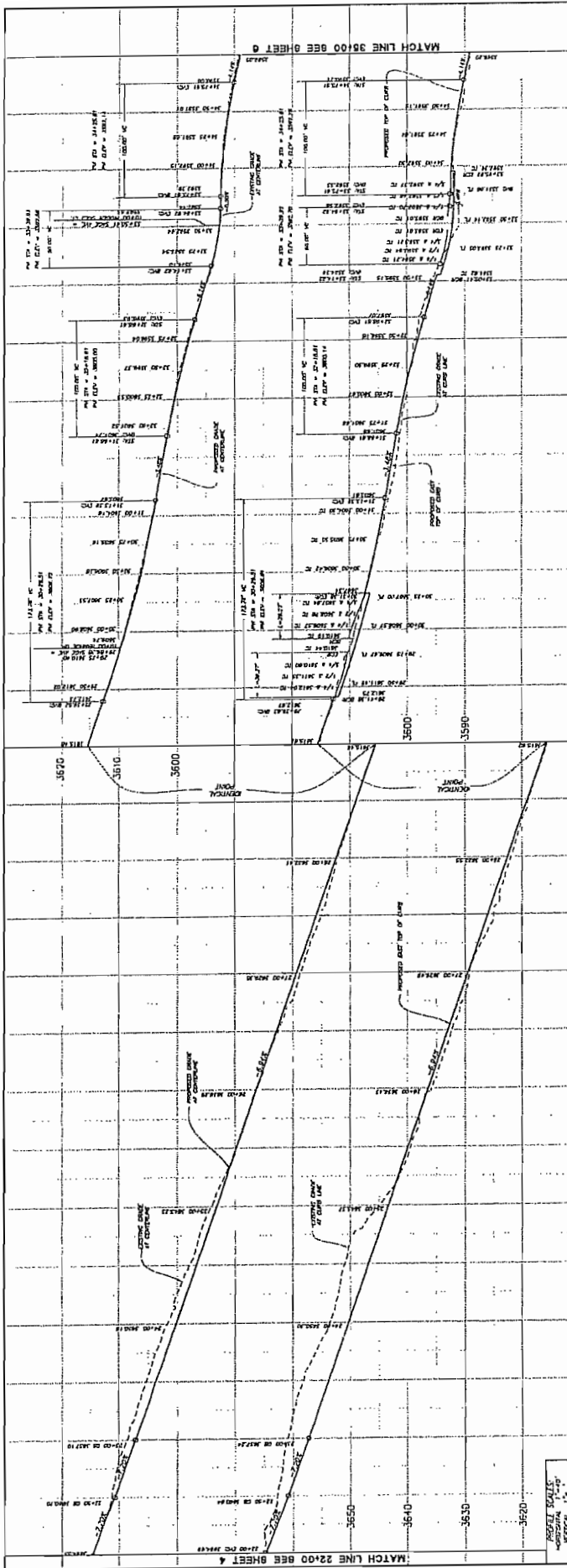
APPROVED BY: [Signature]  
DATE: 08/02/03

APPROVED BY: [Signature]  
DATE: 08/02/03

**NV15**  
MOLE VERTICAL FIVE  
SCALE: 1" = 10'  
DATE: 08/02/03

**SEAL**  
STATE OF NEVADA  
REGISTERED PROFESSIONAL ENGINEER  
NO. 11111  
DATE: 08/02/03






**CONSTRUCTION NOTES**


- EXISTING & PROPOSED CURBS & GUTTERS TO BE CONSTRUCTED TO THE CENTERLINE OF THE ROAD.
- EXISTING & PROPOSED SIDEWALKS TO BE CONSTRUCTED TO THE CENTERLINE OF THE ROAD.
- EXISTING & PROPOSED DRIVEWAYS TO BE CONSTRUCTED TO THE CENTERLINE OF THE ROAD.
- EXISTING & PROPOSED UTILITY LINES TO BE CONSTRUCTED TO THE CENTERLINE OF THE ROAD.
- EXISTING & PROPOSED EASEMENTS TO BE CONSTRUCTED TO THE CENTERLINE OF THE ROAD.
- EXISTING & PROPOSED EROSION CONTROL MEASURES TO BE CONSTRUCTED TO THE CENTERLINE OF THE ROAD.
- EXISTING & PROPOSED DRAINAGE SYSTEMS TO BE CONSTRUCTED TO THE CENTERLINE OF THE ROAD.
- EXISTING & PROPOSED LIGHTING FIXTURES TO BE CONSTRUCTED TO THE CENTERLINE OF THE ROAD.
- EXISTING & PROPOSED SIGNAGE TO BE CONSTRUCTED TO THE CENTERLINE OF THE ROAD.
- EXISTING & PROPOSED LANDSCAPING TO BE CONSTRUCTED TO THE CENTERLINE OF THE ROAD.

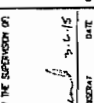
**PROFESSIONAL SEAL**

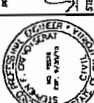
**DIGALBERT**  
 CIVIL ENGINEER  
 1-800-277-3500  
 1-800-277-3500  
 1-800-277-3500


**DATE:** JUL 15, 2016  
**SCALE:** AS SHOWN  
**PROJECT:** SAGE AVENUE IMPROVEMENT PLANS  
**LOCATION:** SAGE AVENUE STA 22+00 TO STA 36+00  
**DATE:** PREPARED FOR COPPER HILLS HOMES DATE SUBMITTED: MARCH 2016


**APPROVED BY TOWN ENGINEER:**  
  
**DATE:** 7/15/16

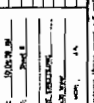
**APPROVED BY TOWN ENGINEER:**  
  
**DATE:** 7/15/16

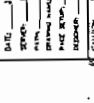
**APPROVED BY TOWN ENGINEER:**  
  
**DATE:** 7/15/16

**APPROVED BY TOWN ENGINEER:**  
  
**DATE:** 7/15/16

**APPROVED BY TOWN ENGINEER:**  
  
**DATE:** 7/15/16

**APPROVED BY TOWN ENGINEER:**  
  
**DATE:** 7/15/16

**APPROVED BY TOWN ENGINEER:**  
  
**DATE:** 7/15/16

**APPROVED BY TOWN ENGINEER:**  
  
**DATE:** 7/15/16

**TOWN OF YUCCA VALLEY**  
**SAGE ESATES**  
**TRACT 17662**  
**OFFSITE STREET IMPROVEMENT PLANS**  
**SAGE AVENUE STA 22+00 TO STA 36+00**

**PREPARED FOR COPPER HILLS HOMES DATE SUBMITTED: MARCH 2016**

**PROJECT NO:** 17662  
**DATE:** 7/15/16  
**SCALE:** AS SHOWN  
**PROJECT:** SAGE AVENUE IMPROVEMENT PLANS  
**LOCATION:** SAGE AVENUE STA 22+00 TO STA 36+00  
**DATE:** PREPARED FOR COPPER HILLS HOMES DATE SUBMITTED: MARCH 2016



# **Planned Development Description**

**For**

**Tentative Tract No. 17862**

**Town of Yucca Valley, California**

**San Bernardino County**

**Prepared for:**

**Copper Hill Homes, LLC**

56889 Golden Bee Drive

Yucca Valley, CA 92284

PH: 760.365.0649

**Project Number: YV0402014**

**Prepared by:**

**NOLTE**

BEYOND ENGINEERING

7245 Joshua Lane

Yucca Valley, California 92284

Phone 760.365.7638

Fax 760.365.2146

*Revised December 2008*



# Copper Hill Homes, LLC Planned Development

Town of Yucca Valley, APN's 585-071-16, 17, 25 & 26

REVISED December, 2008

## Table of Contents

1. List of Exhibits
2. Executive Summary
3. Planned Development Description
4. Project Amenities
5. Environmental Project Constraints
6. Public Facilities
7. Circulation

# Copper Hill Homes, LLC Planned Development

Town of Yucca Valley, APN's 585-071-16, 17, 25 & 26

REVISED December, 2008

## List of Exhibits

1. Location Map
2. Aerial Map
3. Zoning map
4. Development Standards Table
5. Tentative Tract Map 17862
6. Planned Development Site Plan
7. Conceptual Grading Plan
8. Open Space Exhibit
9. Typical Conceptual Landscape Plan
10. Building Elevations & Floor Plans (7 Models)

# Copper Hill Homes, LLC Planned Development

Town of Yucca Valley, APN's 585-071-16, 17, 25 & 26  
REVISED December, 2008

## Executive Summary

Copper Hill Homes proposes to develop this 63.4 AC± parcel adjacent to the previously developed Copper Hill subdivision, into a Planned Development encompassing 109 single-family homes ranging in size from 1,456 square feet to 2,900 square feet. The subject property is located on the north side of San Andreas Road, east side of Sage Avenue, south side of Golden Bee Drive, in the Town of Yucca Valley, California. (See location map). Development of this project is proposed in up to two phases. Phase one consists of 47 lots located on the northwestern side of the project adjacent to Golden Bee Drive and Sage Avenue. Phase two contains the remaining 60 lots adjacent to Long Canyon Wash and San Andreas Road. The current zoning designation for this parcel is RS-2 (See zoning Exhibit "A").

Article 2, Section 83.030205 of the Town of Yucca Valley Development Code states the intended purpose for utilizing the Planned Development Process is to "*facilitate development of properties where greater flexibility in design is desired to provide a more efficient use of land than would be possible through strict application of land use district regulations.*" Clearly, Copper Hill Homes embodies the intent of this article with its walking trails, children's play area, volleyball court and numerous picnic areas. A Property Owner's Association will be responsible for the maintenance of the common area amenities; retention basin and package septic treatment facility.

The Town of Yucca Valley Development Code (Title 8) is the governing document for minimum design standards pertaining to this project. Division 3. PROCEDURES; Chapter 3. Land Use Design Procedures; Article 2. Planned Developments; Division 8. SPECIFIC USE DESIGN STANDARDS; Chapter 5. Planned Developments have been used extensively for the design and preparation of this project.

This text will provide guidance to the project developer, the Town and project property owners in the design, maintenance, and enhancement of the residential community. It is supplemented by the drawings titled "Planned Development, "Open Space Exhibit", "Conceptual Landscape Plan" and "Tentative Tract 17862".

# Copper Hill Homes, LLC Planned Development

Town of Yucca Valley, APN's 585-071-16, 17, 25 & 26

REVISED December, 2008

## Project Description

This is a single-family, residential subdivision consisting of 107 homes, to be accessed via public streets designed to complement the natural features of the site. Currently this vacant site is zoned RS-2. Utilizing the Planned Development policies of the Town of Yucca Valley Development Code, the developer is able to alter the individual lot sizes and incorporate public and private "open space" that will provide amenities such as rest areas and walking/running trails for the local residents while remaining beneath the total number of homes allowed by the RS-2 designation of 127. Additionally, the section of Long Canyon wash adjacent to this site will be undisturbed and will provide a natural feature for the residents of the development and the community to enjoy. The overall average density ratio will be approximately 1.7 dwelling units per acre, the minimum lot size proposed is 10,244 s.f. and the average lot size is over 15,246 s.f. No off-site density transfer or density bonus is being requested for this project.

### Project Amenities

Numerous amenities are included within the 5.52 +/- acres of Open Space and 1.33 +/- acres of Park area with this development. Visitors and residents alike are greeted with an entry monument located at the north eastern access point of the project. This consists of relocated Joshua trees and a concrete bench bordering the monument signage. Long Canyon Wash will be both utilized and protected by installing aluminum pipe fencing at each end with a small opening allowing only pedestrian and equestrian access to the trails located throughout this scenic wash. There will also be a locked gate at each end of the wash for maintenance vehicle access.

A "Community Use Area" is identified on the Conceptual Landscape Plan prepared by RHA landscape Architects, Inc. This area is strategically located at the center of the project and will provide a children's play sand box area, two picnic areas with stabilized soil base, concrete benches and a sand volley ball court with removable net.

In addition to the above amenities, there are both stabilized and non-stabilized walking trails traversing the site providing a circuit for exercise opportunities, as well as more direct access for pedestrians crossing the development.

### Environmental Project Constraints

In 1990, the U.S. Fish and Wildlife Service (USFWS) listed the desert tortoise, *Gopherus agassizii*, as "Threatened". For this reason, a Focused Desert Tortoise and Biological Assessment Survey was completed by Circle Mountain Biological Consultants in 2004, and resurveyed in November, 2005 (complete study on file with the town). No tortoises were found on site, however, one tortoise scat was found. If it is deemed necessary upon resurvey results, mitigation measures will be taken in accordance with US Fish & Game and California Fish & Wildlife agencies regulations. A total of 85 species of common flora were identified on-site during the present survey. The dominant perennial plants (alphabetized by genus) included

## Copper Hill Homes, LLC Planned Development

Town of Yucca Valley, APN's 585-071-16, 17, 25 & 26

REVISED December, 2008

desert tea (*Ephedra californica*), Cooper's goldenbush (*Ericamerica cooperi* var. *cooperi*), brittlebush (*Encelia farinosa*), California buckwheat (*Eriogonum fasciculatum*), cheesebush (*Hymenoclea salsola*), white rhatany (*Krameria grayi*), creosote bush (*Larrea tridentate*), Anderson's box-thorn (*Lycium andersonii*), peach thorn (*Lycium cooperi*), paper-bag bush (*Salazaria mexicana*), Joshua tree (*Yucca brevifolia*), and Mojave yucca (*Yucca schidigera*).

A Native Plant Permit Form will be completed that identifies the number of trees and plants that will be affected by grading. Copper Hill Homes, LLC anticipates re-locating many of the Joshua Trees from graded areas to undisturbed areas on site and will also coordinate with town staff for possible adoption programs to offer Joshua Trees to the public. This will provide *off site* relocation opportunities for Joshua Trees that will not be replanted on site. Warner Engineering prepared a Preliminary Drainage report dated August, 2005. The conclusion of the report states "*Development of tract 17862 is proposed in a manner that is consistent with the findings presented within the previously approved drainage studies for tract numbers 11209 & 12225. The incremental increase in onsite runoff volume associated with this Tentative Tract was anticipated and accounted for with the design of the detention basin that was constructed as with Tract No. 11209*". Please note that said Tract 11209 is located north of this site and was originally designed to accept the incremental increased runoff from this site.

All grading is to be in conformance with the Town of Yucca Valley Development Code (Title 8) DIVISION 10. SOIL AND WATER CONSERVATION; Chapter 2. Erosion and Sedimentation Control; Chapter 4. Wind-Borne Soil Erosion-Desert; and Chapter 5. Dust Control-Desert Area. A Storm Water Pollution Prevention Plan (SWPPP) will need to be prepared prior to earth disturbing activities.

This site has been studied by Archaeogroup as an archeologically sensitive area.

### Public Facilities

Water will be provided by the Hi-Desert Water District. The applicant has discussed water service with the Hi-Desert Water District and has a letter of "Water Availability". A main line extension will be necessary. Power will be supplied by Southern California Edison. Cable television service will be provided by Time Warner. All utilities will be installed underground. It is the applicant's intent to bring natural gas service to the site. A community package treatment system will be necessary in order to comply with the California Regional Water Quality Control Board and the San Bernardino County Department of Environmental Health Services requirements.

### Circulation

Potential impacts to local traffic flow have been addressed in a "Traffic Assessment" prepared by Weston Pringle & Associates. The assessment summarizes that...

## Copper Hill Homes, LLC Planned Development

Town of Yucca Valley, APN's 585-071-16, 17, 25 & 26

REVISED December, 2008

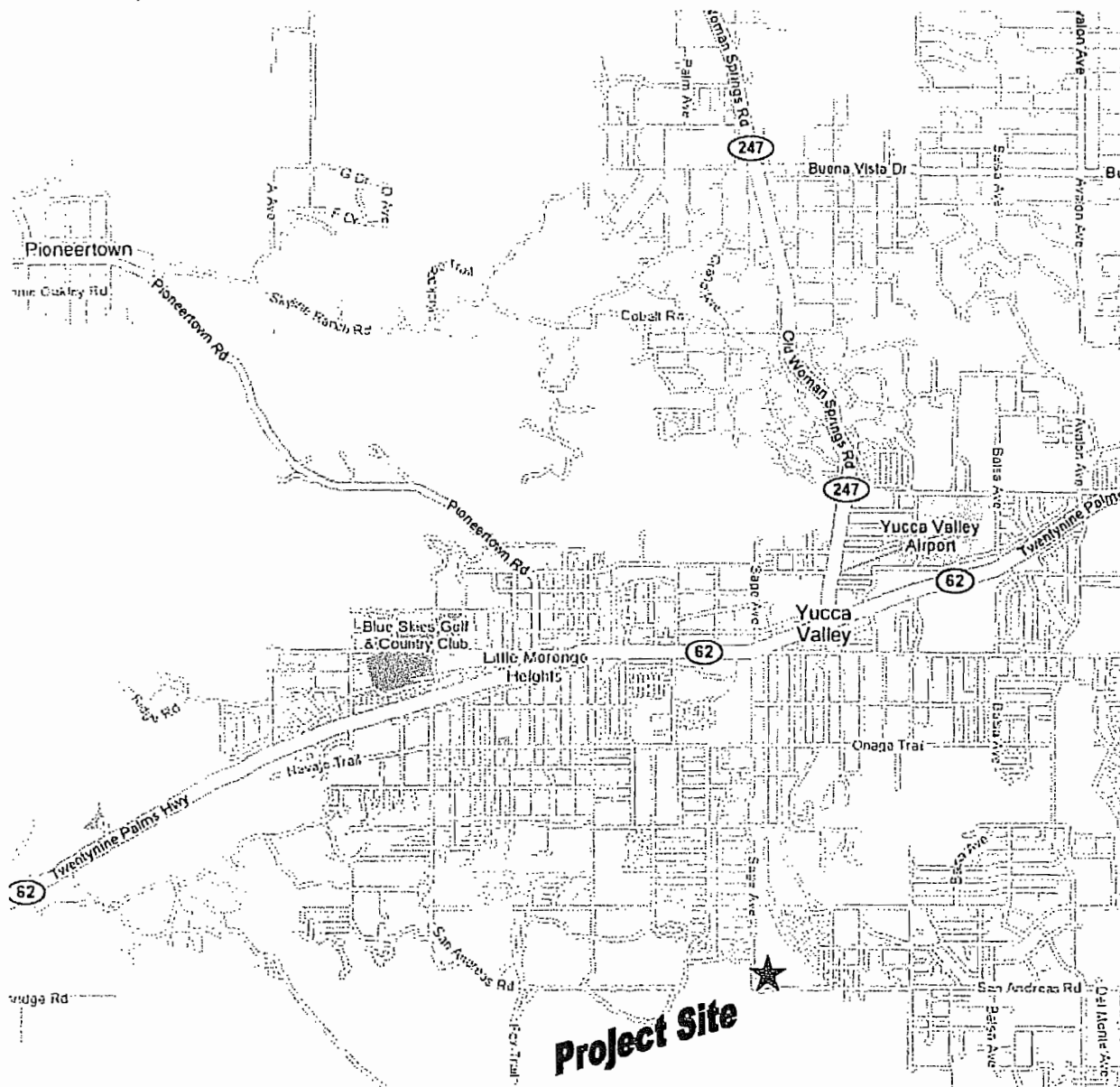
*"with respect to the geometric needs of Sage Avenue, southerly of Golden Bee Drive, in the Town of Yucca Valley. Estimates have been made of future traffic based upon a conservative or high assumptions. Since the intersection is the critical point in the ability of a roadway to accommodate traffic demands the intersection of Sage Avenue and Golden Bee Drive was analyzed. These analyses indicated acceptable Levels of Service with no improvements to the intersection. With the addition of left turn lanes on all approaches, Level of Service C is projected with a doubling of known volumes on all approaches. These analyses would support a two-lane facility for Sage Avenue, southerly of Golden Bee Drive. This configuration also conforms to a plan obtained from the Town of Yucca Valley." The complete report can be found on file with the town of Yucca Valley.*

The Town Circulation element calls for Sage Ave. to be constructed as a two lane collector (minor), 33 foot half width right-of-way, 46 feet curb face to curb face, south of Golden Bee Drive. The developer proposes to exceed the town right of way requirement in an effort to accommodate the existing power poles along Sage Avenue and the proposed meandering sidewalk adjacent to the development. The street cross section shown on the Tentative Tract Map depicts constructing Sage Avenue with a 40 foot half width right-of-way and 46 feet of pavement curb face to curb face adjacent to the project. A wider "parkway" along the east side of Sage Avenue will be the result of the centerline of the 46 foot wide pavement being offset approximately 3 feet west of the centerline of the 80 foot wide right-of-way.

# Copper Hill Homes, LLC Planned Development

Town of Yucca Valley, APN's 585-071-16, 17, 25 & 26

REVISED December, 2008



©2007 Google - Map data ©2007 NAVTEQ™ - Terms of Use

## Location Map

Copper Hill Homes, LLC Planned Development

Town of Yucca Valley, APN's 585-071-16, 17, 25 & 26

REVISED December, 2008



**Aerial Photo**



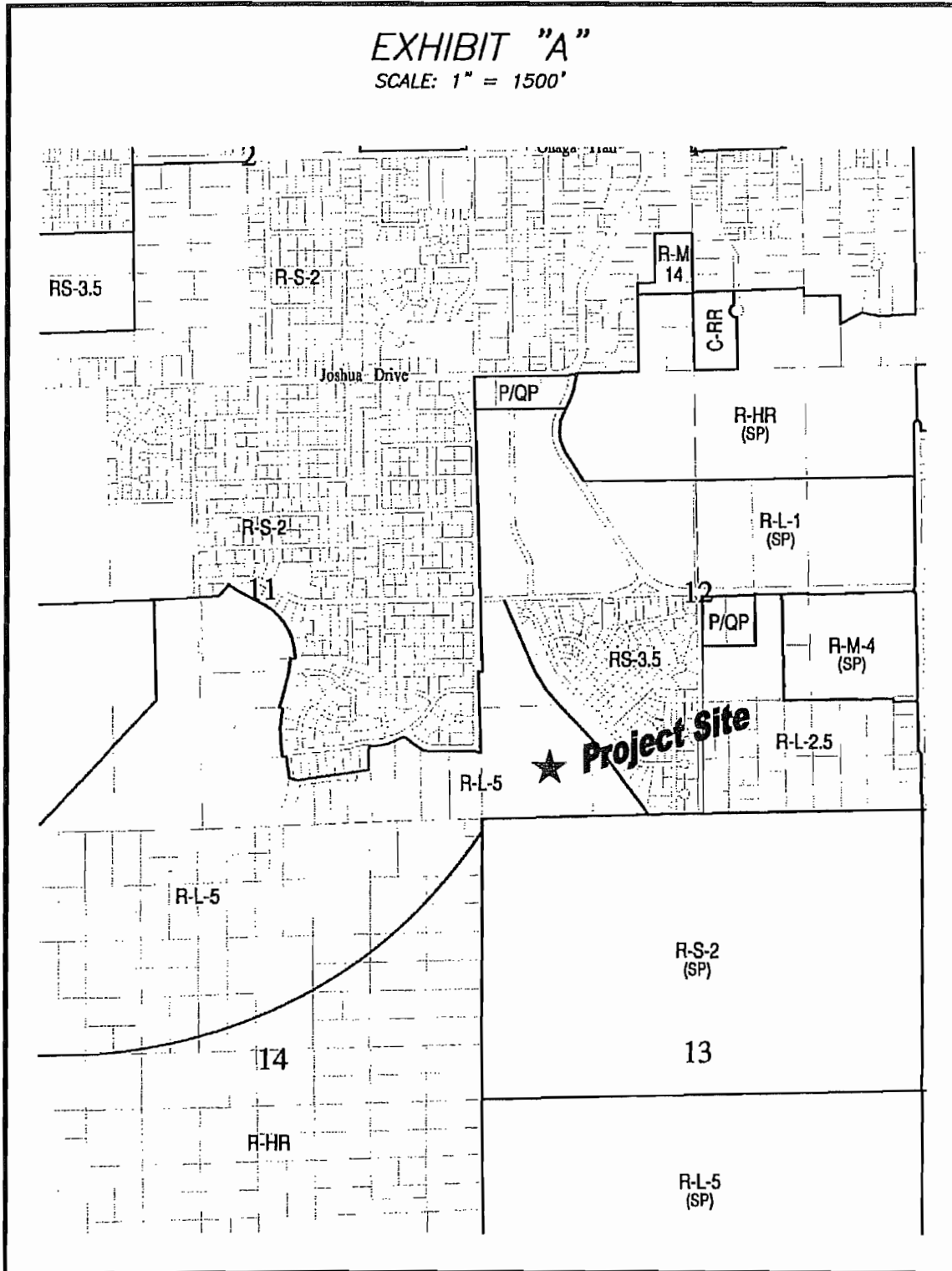
# Copper Hill Homes, LLC Planned Development

Town of Yucca Valley, APN's 585-071-16, 17, 25 & 26

REVISED December, 2008

## EXHIBIT "A"

SCALE: 1" = 1500'



### Zoning Map

# Copper Hill Homes, LLC Planned Development

Town of Yucca Valley, APN's 585-071-16, 17, 25 & 26

REVISED December, 2008

## Copper Hills Phase II Development Table

Minimum Lot Size	10,244 square feet	Net area
Minimum Lot Dimensions	60 Frontage	100 foot depth
Maximum Lot width to depth ratio	1:4	
Yard Setbacks ( <i>See note 1</i> )		
Front	Min.22 feet, (25 feet Ave.)	
Side	5 feet & 10 feet	
Rear	15 feet	
Local Collector Street	25 feet	
Local Street	15 feet	
Maximum lot coverage	40%	
Notes:		
1. Setbacks apply to accessory structures including garages, greenhouses storage sheds studios barns workshops etc.		

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Nicole Sauviat Criste, Consulting Planner
Date: July 31, 2009
For Council Meeting: September 15, 2009

Subject: Resolution No.

Planned Development 01-07
Tentative Tract Map 17862
Environmental Assessment 05-06

Planned Development Permit to establish development standards which vary from the Development Code for the 63.4 acres; and a Tentative Tract Map to subdivide the 63.4 acres into 107 single family lots, as well as lots for streets, a sewage treatment facility, private parks, open space and a retention basin.

The project is located at the south east corner of Golden Bee and Sage Avenue.

Prior Council Review: The Town Council reviewed these applications, along with a General Plan Amendment and Zone Change to Residential Single Family, 3.5 units per acre, at their meeting of May 8, 2008. At that meeting, the Council approved the General Plan Amendment and Zone Change, but tabled the Planned Development and Tentative Tract Map, pending revisions to the project consistent with the Council's concerns. Please see below for an elaboration of these issues.

Recommendation: That the Town Council review the changes and determine if the applicant has responded to its concerns. Based on the Town Council's review, action on the Environmental Assessment, Planned Development and Tentative Tract Map would be appropriate, as follows:

- 1. Approve or Deny Environmental Assessment 05-06, and direct the Planning Department to file a Notice of Determination for a Mitigated Negative Declaration with the County Clerk; and
2. Approve or Deny Planned Development Permit 01-07, based on the findings in the staff report.
3. Approve or Deny Tentative Tract Map 17862, based on the findings in the staff report.

Reviewed By: [Signatures]
Town Manager, Town Attorney, Mgmt Services, SRS Dept Head

Department Report, Consent, Ordinance Action, Minute Action, Resolution Action, Receive and File, Public Hearing, Study Session

**Executive Summary:** The applications submitted include a Planned Development permit and a Tentative Tract Map. The Planned Development establishes development standards for the project, particularly as they apply to variations from the Development Code. The Map is required to subdivide the 63.4 acre site into 107 single family lots as well as streets, a wastewater treatment plant, private parks, open space areas and a detention basin.

**Order of Procedure:**

- Request Staff Report
- Open Public Hearing
- Request Public Comment
- Close Public Hearing
- Council Discussion/ Council Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote)

**Discussion:** The project site is bordered on the north and south by vacant desert lands. Residential development occurs on the northern two thirds of the western boundary of the site, and vacant desert lands occur on the southern one third. A water tank occurs immediately adjacent to the site's southwestern corner. The existing Copper Hills development occurs to the east of the site.

The site is currently vacant desert lands. The site slopes approximately 220 feet, with highest elevations occurring on the southern boundary, at 3825 feet above sea level, and lowest elevations of 3600 feet above sea level occurring at Golden Bee, on the northern boundary.

The Planned Development includes open space amenities totaling 4.68 acres, including a 1.3 acre park in the middle of the project, adjacent to the Wash (Lot B). The private park will include picnic tables, sand volleyball court and sandbox, as well as access to trails in the Long Canyon Wash. 3.28 acres (Lot D) located at the southern end of the project are proposed as natural open space, with a switch-back trail. A trail is proposed through the wash. These amenities remain consistent with the previous application.

Please note that the detailed description of the project has not been repeated below. Background on the project application can be found in Attachments 3, 4 and 5. This staff report focuses on the changes which have been made to the application since the May 2008 Town Council hearing.

Table 1 below shows the changes that were made to the Planned Development and the Tract Map since the May 2008 submittal.

<b>Table 1 Comparison of May 2008 and Current Proposal</b>		
<b>Item</b>	<b>May 2008</b>	<b>Current</b>
Number of Lots	109	107
Minimum Lot Size	9,000 s.f.	10,244 s.f.
Lot Size Along Sage Ave.	10,000 s.f.	18,000 s.f.
Pad height differential		
Lots 63-66 from Lots 73-75	24 to 37 feet	16 to 33 feet
Lots 93-95 from Lots 97-100	21 to 27 feet	20 to 29 feet
Phased Map	No	Yes, 2 phases

As depicted in Table 1, the project remains essentially as previously submitted. Slopes have been reduced by 5 feet in the center of the site, but increase by 2 feet on the western edge of the site. The increased size of the lots along Sage Avenue will make them more compatible in size to the existing lots on the west side of Sage.

The applicant has submitted a native plant inventory which shows that 859 Joshua trees and 517 Mojave yuccas occur on site. The applicant proposes to transplant 724 Joshua trees and 396 Mojave yuccas, as well as 13 of the 14 California junipers on the site. As the Council is aware, the project site will be mass graded to achieve the topographic changes required to yield the finished lots. The applicant will be required to comply with the Town's Native Plant Ordinance in effect at the time that grading permits are submitted.

The applicant has also submitted a letter report from Sladden Engineering (Attachment 13) which states that the slopes proposed within the project can be engineered at a 2:1 gradient for heights up to 30 feet. The Town Council had expressed a concern about the slopes at their May 2008 meeting. It should also be noted that the revised grading plan (Attachment 7) depicts terraced slopes, with an intermediate retaining wall in addition to the retaining wall at the base of the slope. Conditions of Approval have been included in Attachment 1 which require that the slopes of 10 feet or more within the project be maintained by a homeowners' association, in order to assure that they be properly landscaped irrigated, and maintained.

The Council (and the Planning Commission in its deliberations) expressed a concern regarding storm water flows on the site. The applicant's engineer stated in public hearings that storm water would drain from the lots to the streets, and be conveyed through the streets to Golden Bee. The attached conditions of approval require that storm water be channeled under Golden Bee, where they will be piped under the roadway and continue on to an existing regional retention basin to the north. Staff has added conditions of approval relating to drainage which require that conveyances that are constructed at the back of lots to convey storm water to the streets be located in an easement dedicated to the

homeowners' association, and that the association be responsible for their long term maintenance, to assure that the internal storm water system remains functional.

### Environmental Review

The project was reviewed under the California Environmental Quality Act (CEQA) and the Town's Guidelines to implement the same. The Town determined that the proposed project could have significant impacts on the environment, but that these impacts can be reduced to less than significant levels through the mitigation measures included in the Initial Study. A Mitigated Negative Declaration is proposed. The Initial Study distributed in July 2009 is attachment 14 of this staff report. The Town received one written response to the Initial Study, from the US Department of the Interior, National Park Service (attachment 16). The concerns described in the letter were:

- a. The letter identified concerns regarding night lighting enforcement. The Town does respond to night lighting violations through both Code Compliance and Planning staff. Violators are notified and required to correct the violation.
- b. The letter identified concerns regarding air quality and the requirement for chemical stabilization or hydroseeding. The chemical stabilization product is an inert material which is used throughout southern California by both municipalities and developers. It forms a bond which creates a crust over the ground surface. Stabilization does not need to be repeated if the area is not disturbed. The Town Engineer conducts inspections during the grading process, and throughout construction, to assure that stabilization has been undertaken if necessary. The desert wildflower mix can be obtained from nurseries or from construction management operators. The mix is tailored to the environment in which it is to be located. There is no requirement for a botanist's assistance in its development or application.
- c. The commentor expressed a concern that the project will impact wildlife movement. The project site is bordered on the west and north by existing Town streets (Sage and Golden Bee), and on the east by existing residential development. The project area is not conducive to wildlife movement, as it is isolated currently.

The comments provided on the IS do not change the project's impacts or mitigation measures. The findings of the environmental review are not changed by the comments provided.

### PLANNED DEVELOPMENT FINDINGS FOR APPROVAL:

1. The proposed development is consistent with the General Plan, insofar as the overall density does not exceed the allowable density in the RS-2 land use designation.
2. The physical characteristics of the site have been adequately assessed and the site for the proposed development is adequate in size and shape to accommodate the

use and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features required.

3. The site has adequate access, meaning that the site design and development plan conditions consider the limitations of existing streets and highways and provides improvements to accommodate the anticipated requirements of the proposed project.
4. Adequate public services and facilities exist, or will be provided to serve the proposed project and the proposed project will not result in a reduction of public services to properties in the vicinity or a detriment to the public health, safety and welfare.
5. The proposed project will not have a substantial adverse effect on surrounding property or the permitted use thereof, and will be compatible with the existing and planned land use character of the surrounding area, insofar as the proposed project has been amended to include 18,000 square foot lots on its western boundary.
6. The improvements required and the manner of development adequately address all natural and man-made hazards associated with the proposed project, and the project site, including but not limited to flood, seismic and slope hazards.
7. The proposed project carries out the intent of the planned development provisions because it provides a more efficient use of the land and an excellence of design greater than that which would be achieved through the application of conventional development standards.

**TENTATIVE TRACT MAP FINDINGS FOR APPROVAL:**

1. The proposed subdivision is consistent with the General Plan insofar as the project will be consistent with the RS-2 land use designations, with approval of Planned Development 01-07.
2. The site is physically suitable for the type and proposed density of development, insofar as all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features required can be accommodated.
3. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat. No desert tortoise was identified on the project site, and native plants will be protected consistent with Town requirements.

4. The design of the subdivision or type of improvements are not likely to cause serious public health problems, insofar as the on site sewer system will be regulated by the CA Regional Water Quality Control Board to ensure safe implementation.
5. The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
6. The design of the subdivision provides to the extent feasible, passive or natural heating and cooling opportunities.

**Alternatives:** The Town Council may, at its discretion:

1. Continue the Planned Development and Tentative Tract Map to its meeting of \_\_\_\_\_, and request additional information as deemed necessary;
2. Refer the Planned Development and Tentative Tract Map back to the Planning Commission, and provide staff with direction.

**Fiscal impact:** None.

**Attachments:**

1. Conditions of Approval
2. Standard Exhibits
3. Minutes of May 8, 2008 Town Council meeting
4. Minutes of March 4, 2008 Planning Commission meeting
5. Planning Commission Staff Report of March 4, 2008
6. Revised Tentative Tract Map showing 107 lots
7. Revised Preliminary Grading Plan.
8. Revised Planned Development Site Plan showing the house locations on each lot.
9. Revised Preliminary Landscape Plan.
10. Visual simulations showing project site from three off-site locations (11" by 17" color aeriels)
11. Topographic models of the post-construction condition (11" by 17" black background)
12. Modeled drawings showing locations A through F of the post-construction condition at 6 locations (11" by 17" topo and simulations)
13. Letter from Sladden Engineering dated December 23, 2008 and picture of Hospital slope.
14. Initial Study 2009
15. Native Plant Inventory and Management Plan
16. Letter from US Department of the Interior, National Park Service, dated August 11, 2009
17. July 2007 Conceptual Grading Plan
18. Letter from US Department of the Interior, National Park Service, dated January 4, 2008
19. Letter from Robert Schoenleber dated January 4, 2008



20. December 27, 2007 petition
21. December 4, 2007 PC minutes
22. December 4, 2007 PC staff report
23. November 30, 2007 Robert Schoenleber correspondence
24. July 20, 2007 Planned Development Application
25. Minutes of February 6, 2007 Planning Commission meeting
26. February 6, 2007 staff report
27. Original application materials

RESOLUTION NO 09-

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING PLANNED DEVELOPMENT 01-07, TO ALLOW THE DEVELOPMENT OF 107 SINGLE FAMILY LOTS AND ASSOCIATED FACILITIES ON A 63.4 ACRE LOT LOCATED AT THE SOUTHEAST CORNER OF GOLDEN BEEN AND SAGE AVENUE (ASSESSOR'S PARCEL NUMBERS 585-071-16, -17, -25 & -26)**

WHEREAS, on May 8, 2008 the Town Council tabled Planned Development 01-07, and requested that the applicant consider their concerns and return with an amended application; and

WHEREAS, The Community Development Department has completed Environmental Assessment 05-06 in accordance with the requirements of "The Rules to Implement the California Environmental Quality Act of 1970" as amended. Based upon this Assessment, there may be a significant adverse effect on the environment; however, mitigation measures have been imposed on the project that will reduce the impacts to less than a significant level; therefore, a Mitigated Negative Declaration is recommended for approval; and

WHEREAS, the Town Council conducted a duly noticed public hearing on August 18, 2009 and heard all testimony of any persons wishing to speak on the issue.

**Section 1.** The Town Council hereby approves Planned Development 01-07, and finds that:

1. The proposed development is consistent with the General Plan, insofar as the overall density does not exceed the allowable density in the RS-2 land use designation.
2. The physical characteristics of the site have been adequately assessed and the site for the proposed development is adequate in size and shape to accommodate the use and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features required.
3. The site has adequate access, meaning that the site design and development plan conditions consider the limitations of existing streets and highways and provides improvements to accommodate the anticipated requirements of the proposed project.
4. Adequate public services and facilities exist, or will be provided to serve the proposed project and the proposed project will not result in a reduction of public services to properties in the vicinity or a detriment to the public health, safety and welfare.

5. The proposed project will not have a substantial adverse effect on surrounding property or the permitted use thereof, and will be compatible with the existing and planned land use character of the surrounding area, insofar as the proposed project has been amended to include 18,000 square foot lots on its western boundary.
6. The improvements required and the manner of development adequately address all natural and man-made hazards associated with the proposed project, and the project site, including but not limited to flood, seismic and slope hazards.
7. The proposed project carries out the intent of the planned development provisions because it provides a more efficient use of the land and an excellence of design greater than that which would be achieved through the application of conventional development standards.

**Section 2:** The Town Council directs staff to add "PD-01-07" to Assessor's Parcels 585-071-16, -17, -25 & -26 on the official Town Zoning Map.

**Section 3:** This Resolution shall become effective immediately.

APPROVED AND ADOPTED this 15<sup>th</sup> day of September, 2009.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
TOWN CLERK

**CONDITIONS OF APPROVAL  
PLANNED DEVELOPMENT 01-07  
TENTATIVE TRACT MAP 17862**

**I. GENERAL CONDITIONS**

1. Planned Development 01-07 and Tentative Tract Map 17862 facilitate the development of 107 single family lots on a 63.4 acre parcel. The project also includes 4.68 acres of private parks and open space, a sewer treatment plant, and public streets. The proposed project is located at the southeast corner of Golden Bee and Sage Avenue, and is identified as assessors parcel numbers 585-071-16, -17, -25 and -26.
2. The Applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The Applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve Applicant of his obligations under this condition. The Town may require the Applicant to post a deposit to pay for costs incurred by Town in action.
3. This approval shall become null and void if the occupancy or use of the land has not taken place within three (3) years of the Town of Yucca Valley date of approval. Extensions of time may be granted *as authorized by state or local authority, and approved by the Town*. The Applicant is responsible for the initiation of an extension request.  
  
Approval Date: September 15, 2009  
~~Expiration Date: September 15, 2012~~
4. The Applicant/owner shall ascertain and comply with requirements of all State, Federal, County, Town and local agencies as are applicable to the project.
5. All conditions are continuing conditions. Failure of the Applicant and/or operator to comply with any or all of said conditions at any time shall result in the revocation of the permit granted to use the property.
6. All exterior lighting shall comply with the Town's Outdoor Lighting Ordinance.
7. The Applicant shall pay all fees charged by the Town as required for application processing, plan checking, construction and/or electrical inspection. The fee amounts shall be those which are applicable and in effect at the time work is undertaken and accomplished. Fees for entitlement prior to construction permits are based on estimated costs for similar projects. Additional fees may be incurred, depending upon the specific project. If additional fees for services are

incurred, they must be paid prior to any further processing, consideration, or approval(s).

8. All improvements shall be inspected by the Town as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
9. Any and all graffiti shall be removed within twenty-four (24) hours of discovery or notification by the Town.
10. All refuse shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.
11. Handicapped site access improvements shall be in conformance with the requirement of Title 24 of the California Building Code.
12. Utility under-grounding shall be required to comply with Ordinance #169 relating to utility under-grounding for all new Service and Distribution lines that provide direct service to the property being developed; existing Service and Distribution lines that provide direct service to the property being developed; existing Service and Distribution lines between the street frontage property line and the centerline of the adjacent streets of the property being developed; existing Service and Distribution lines located along or within 10 feet of the lot lines of the property being developed; or existing Service and Distribution lines being relocated as a result of a project. ***Undergrounding of existing facilities along Sage Avenue is not required pursuant to Ordinance 169***
13. During construction, the Applicant shall be responsible to sweep public paved roads adjacent to the project as necessary and as requested by the Town staff to eliminate any site related dirt and debris within the roadways. During his business activities, the Applicant shall keep the public right-of-way adjacent to his property in a clean and sanitary condition.
14. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way that is part of the Towns maintained road system.
15. No signs are approved with this Permit. Sign application(s) shall be made separately for all signage on the property, and all signage, shall comply with Ordinance No. 156.
16. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the Applicant shall retain a qualified licensed land surveyor or civil Engineer to reset those monuments per Town Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).
17. No on-site or off-site work shall commence without obtaining the appropriate permits for the work involved from the Town. The approved permits shall be readily available on the job-site for inspection by the Town personnel.

18. *All sewer lines to the on-site sewer treatment plant shall be located within public right of way. Cross-lot easements shall not be allowed except across the lot labeled "B".*
19. *Any development to blue line streams shall obtain all necessary approvals, including Federal and State.*
20. *If the project is to be phased, then each shall function independently of the other phases.*
21. Prior to the delivery of combustible materials, the following items shall be accepted as complete:
  - a) The water system is functional from the source of water past the lots on which permits are being requested (i.e. All services are installed, valves are functional and accessible, etc.); and
  - b) Fire hydrants are accepted by the County Fire Marshal.

### **Prior to Final Map Recordation**

22. *Prior to recordation of the Final Map the applicant shall pay Park in-lieu fees based upon the fair market of the amount of land which would otherwise be required for dedication, as provided in Section 811.0302(F) of Ordinance 175. The applicant shall be eligible for a twenty-five (25%) percent reduction in in-lieu fees, provided the amenities suggested for Lot "B" are supplemented to include a swing set with multiple swings, and a basket ball hoop with a substantial hard surfaced area as required by the Parks and Recreation Cultural Commission at their January 8, 2008 meeting.*
23. *Prior to recordation of the Final Map, the applicant shall form a homeowners' association and record CC&Rs, on a form approved by the Town Attorney, which includes, among other conditions, maintenance of the sewer treatment plant by a state licensed wastewater treatment plant operator, maintenance of all open space areas in perpetuity, all drainage areas occurring behind individual lots in perpetuity, and all slopes in excess of 10 feet in height in perpetuity, as part of the CC&Rs.*
24. *Prior to recordation of the Final Map, the applicant shall obtain an access easement for San Andreas Road across parcel APN 585-051-02.*

### **PRIOR TO ISSUANCE OF GRADING / STREET IMPROVEMENTS**

25. Prior to the issuance of any permits the applicant/owner shall provide three (3) copies of a landscape and irrigation plan showing the size, type and location of all plant and irrigation systems **for all common areas, slopes 10 feet in height and landscaped parkways**. Said irrigation system shall incorporate a permanent automatic irrigation system, and all landscaping and irrigation systems shall be maintained in good condition at all times. All ground within proposed landscape planter areas shall be provided with approved ground cover. All trees shall be a

minimum of 24" boxes. This shall include but not be limited to drought-tolerant plant materials or colored desert rock. The Landscape Plan shall be approved by Hi-Desert Water District prior to submitting to the Towns Planning Department. The Landscape and Irrigation review requires a separate application and a current Town fee of \$685.

26. The landscape plan shall include permanent landscaping and irrigation along Golden Bee Drive and Sage Avenue to be submitted to and approved by the Town.
27. The Applicant shall cause to be formed or shall not protest the formation of a maintenance district(s) for landscape, lighting, streets, drainage facilities or other infrastructure as required by the Town.
28. The Applicant shall agree to the terms of and record a non-opposition agreement to the future formation of a public safety assessment district on the property.
29. The proposed retaining walls adjacent to the Long Canyon Wash shall be designed to have a top of footing elevation no higher than the top of footing on corresponding wall along the easterly edge of the wash.
30. A final plan identifying all protected plants as well as a Native Plant Relocation Plan with any area proposed to be disturbed in accordance with the Town's Native Plant Protection Ordinance shall be submitted for approval prior to issuance of grading permits for the project. ***The applicant shall make every effort to relocate the native plants back onsite. Should the site be unable to accommodate the native plants then a minimum 60 day adoption period shall be required.***
31. Prior to the issuance of a Grading Permit, an engineered Grading Plan prepared by a registered civil engineer shall be submitted by the applicant for Town review and approval for the entire project. ***Design of all retaining walls shall be detailed on the grading plan including top of footing and top of wall elevations on all lots.*** No clearing or grading shall commence without issuance of a Grading Permit by the Town. The prepared Grading Plan shall conform to the approved site plan. The final Grading Plan shall be reviewed and approved by the Engineering Division prior to issuance of Grading Permits. No grading on the property may begin without an approved Grading Plan and Grading Permit. The applicant/owner is responsible for all fees incurred by the Town for review and inspection. Prior to Certificate of Occupancy, the Engineer-of-Record shall survey and certify that the site grading was completed in substantial conformance with the approved Grading Plans.
32. Prior to the issuance of Permits, the Applicant shall comply with the recommendations of a site-specific Geotechnical and Soils Report which shall be reviewed and subject to Town approval. The report shall include recommendations for any onsite and offsite grading, foundations, compaction, structures, drainage, and existence of fault zones. It shall include recommendations for retention basins, slope stability and erosion control.

33. All recommended approved measures identified in the Soils Report shall be incorporated into the project design.
34. Applicant shall comply with NPDES requirements as applicable. The Applicant shall install devices on his property to keep erodible material, rocks, and gravel on the site. To eliminate any site related dirt and debris within the roadways, the Applicant shall be responsible to sweep public paved roads adjacent to the project as necessary and as requested by the Town Staff.
35. The development of the property shall be in conformance with FEMA and the Town's Floodplain Management Ordinance requirements. Adequate provision shall be made to intercept and conduct the existing tributary drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed.
36. The applicant shall submit a final Hydrology/Drainage Report with the submittal of the engineered Grading Plan. The report shall address the following:
  - a) ***Impact to on-site streets from Sage Avenue storm water diversion through the development. Ensure that on-site streets have adequate capacity to carry the anticipated flows.***
  - b) ***Design all channels and storm-water conveyances within the development for non-erosive velocities.***
  - c) ***Design all pads on which conveyance occurs to be above flood elevation should the conveyance become clogged or non-functional.***
41. ***Rear lot drainage on slopes shall be collected in required conveyances such as benches and down-drains designed to carry the storm-water flow meeting the requirements of the Town Engineer. The flow shall be carried in drainage conduits to the point of discharge.***
42. ***There is a significant elevation difference between many of the lots within the development. Protection must be provided to the lower lots from drainage off the upper lots. No runoff shall be allowed to flow directly from a high lot to a lower lot.***
43. ***The drainage from the bench drains across lots 73 through 76 and lots 96, 97, 99 and 100 shall drain via a closed conduit to the street. All conduits shall be within a drainage easement dedicated on the tract map and shall be maintained by the Homeowner's Association. The slopes and bench drains shall be maintained by the Homeowner's Association.***
44. The applicant shall accept and properly dispose of all offsite drainage flowing onto or through the site.
45. No cross-lot drainage shall be permitted. ***All lots must drain to the street frontage adjacent to the individual lot with the exception of lots 73 through 76 and lots 96, 97, 99 and 100 as mentioned above.***
46. Any grading or drainage onto private off-site or adjacent property shall require written permission to grade and/or permission to drain letter from the affected



landowner. The project shall detain the incremental increase in runoff generated by the improvements.

47. The Applicant shall establish a mechanism to maintain the unimpeded drainage flows within the drainage easements. No structures shall be allowed to be constructed within the easements including fences, sheds, trees, etc.
48. Drainage conveyances within drainage easements shall be designed and constructed to reduce the momentum of run-off to non-erosive levels upon entering the Long Canyon Wash.
49. No on-site or off-site work shall commence without obtaining the appropriate permits for the work required by the Town and the appropriate utilities. The approved permits shall be readily available on the job site for inspection by Town personnel.
50. Prior to any work being performed within the public right-of-way, the Applicant shall pay the required fees and obtain an encroachment permit from the Department of Community Development. The applicant shall apply for an encroachment permit from the Town for utility trenching, utility connection, or any other encroachment onto public right-of-way. The applicant shall be responsible for the associated costs and arrangements with each public utility.
51. Prior to any work being performed within the public right-of-way, the applicant shall provide the name, address, telephone, facsimile number, and e-mail address of the contractor to perform the work. A description of the location, purpose, method of construction, and surface and subsurface area of the proposed work shall be supplied. A plat showing the proposed location and dimensions of the excavation and the facilities to be installed, maintained, or repaired in connection with the excavation, shall be provided and such other details as may be required by the Town Engineer.
52. For any import or export of material, the developer's contractor shall provide for review by the Town Engineer, the route of travel, number of trucks, daily schedule, and length of time required. No hauling of material shall begin without the Town Engineer's approval.
53. Any off-site stockpile location shall require the approval of the Town Engineer. Any stockpile in excess of 200 cubic yards shall require a Grading Plan and permit.
54. Water spraying or other approved methods shall be used during any grading operations to control fugitive dust. A Dust Mitigation Plan shall be submitted in conjunction with the grading plan. Dust control shall be in conformance with MDAQMD requirements. Graded, undeveloped and other open area shall be treated with a dust polymer as approved by the Town.
55. The developer shall comply with NPDES requirements as applicable. The applicant shall develop and submit for review and approval a SWPPP to the Town and appropriate agencies prior to Grading Plan issuance. Erosion control devices shall be included on the Grading Plan and installed and maintained by the contractor to the satisfaction of the Town Engineer. Prior to rough grading,

erosion control devices shall be installed at all perimeter openings and slopes. No sediments are to leave the job site. This information shall be provided as part of the grading plan subject to approval by the Town Engineer.

56. ***The hydrology study for Tentative Tract 18381 (Sky Harbor) indicates a blue line stream entering tract 17862 at the approximate location of Lot 33. Adequate protection for Lot 33 to ensure no scouring or flooding shall be provided to the satisfaction of the Town Engineer to ensure against flood damage.***

### **PRIOR TO BUILDING PERMIT ISSUANCE**

57. The Applicant shall retain a qualified Civil Engineer to design and prepare construction plans and specifications for the improvements to Sage Avenue, San Andreas Road, Golden Bee Drive, interior streets, street lighting, and drainage improvements that comply with Town ordinances and standard drawings. A final tract map shall be prepared and approved for the project. The plans shall include a block for the Town Engineer's approval.
58. The Applicant shall restore any pavement cuts required for installation or extension of utilities for his project within the public right-of-way. In all cases where cuts are allowed, the applicant is required to patch the cuts to City standards and the approval of the Town Engineer. The patching shall include a grinding of the pavement to a width 5 feet beyond the edge of the trench on each side, or as determined by the Town Engineer, and replacement with a full-depth asphalt concrete recommended by the Soils Engineer.
59. The Engineer-of-Record shall survey and certify that the rough grading was completed in substantial conformance with the approved Grading Plans. Prior to the issuance of any building permits the project Engineer shall certify the finished lot was graded in conformance to approved plans.
60. A Traffic Control Plan for the construction of Sage Avenue and Golden Bee Drive improvements shall be designed and stamped by an Engineer and submitted for review and approval by the Town Engineer.
61. All required improvements not constructed and accepted by the Town prior to approval and recordation of the Final Map shall be bonded in accordance with Town Development Code.
62. The Applicant shall retain the services of a recognized soils engineering firm to analyze the soils and base materials within all the following streets to provide recommendations for the asphalt pavement structural section (AC/Base and full depth), pavement mix design, overlay design, and requirements for any base material beneath the concrete improvements. ***The Soils Engineer's report, including a narrative with project recommendations, backup material, and stamped by the Civil Engineer in responsible charge, shall be submitted to the Town Engineer for review with the submittal of the engineered Grading Plan.*** The developer's contractor shall not begin work on the street improvements prior

to the Town Engineer's approval of the report. The developer shall construct the following:

- a) *The Applicant shall construct 33 feet (half street) of Sage Avenue from the centerline of Golden Bee to San Andreas Road. The pavement section shall be constructed to 23 feet from the curb and gutter as recommended by the Soils Engineer and approved by the Town Engineer.*
  - b) *The Applicant shall construct to 38 feet of San Andreas Road from the centerline of Sage Avenue to the easterly tract boundary. The required street section shall be 10 feet of parkway and 26 feet of pavement. The pavement section shall be constructed to 26 feet from the curb and gutter as recommended by the Soils Engineer and approved by the Town Engineer. The contractor shall install a 2"X6" redwood header at the edge of pavement to protect it from wheel loads.*
  - c) *The Applicant shall construct the Golden Bee Drive parkway improvements, including concrete curb and gutter (monolithic) and sidewalk as required by Town Standard Drawing #102. This improvement will relocate the curb from 8 feet to 10 feet from the right-of-way line. The curb return radius at Sage Avenue shall be 35 feet, and a wheelchair ramp conforming to ADA requirements shall be installed.*
  - d) *The Tract's interior streets shall be constructed to Town Standard Drawings Numbers 101, 111 and 112, including 6-inch concrete curb and gutter and sidewalk.*
  - e) *The Applicant shall cause the design and construction of the intersection of Sage Avenue and San Andreas Road for both half streets continuing the prolongation of the edge of pavement. The parkway shall include concrete curb and gutter, sidewalk, wheelchair ramp, and a 35-foot radius curb return. Construction outside right-of-way line shall require slope easements and or construction easements.*
67. *The Applicant shall install street lights with "cut-off" luminaires at all five street intersections on Sage Avenue. Street lights shall meet Town Standard Drawing #302.*
  68. *A concrete "Arizona" type crossing of the Long Canyon Channel within the channel easements, or as required to safely pass the required storm water, shall be constructed on Golden Bee Dr. At a minimum the crossing shall be designed to pass a 5-year storm without overflowing.*
  69. The Applicant shall install all water and sewer systems required to serve the project.
  70. Prior to final inspection, all required improvements shall be constructed and finalized and accepted by the appropriate agency prior to the issuance of a Certificate of Occupancy.

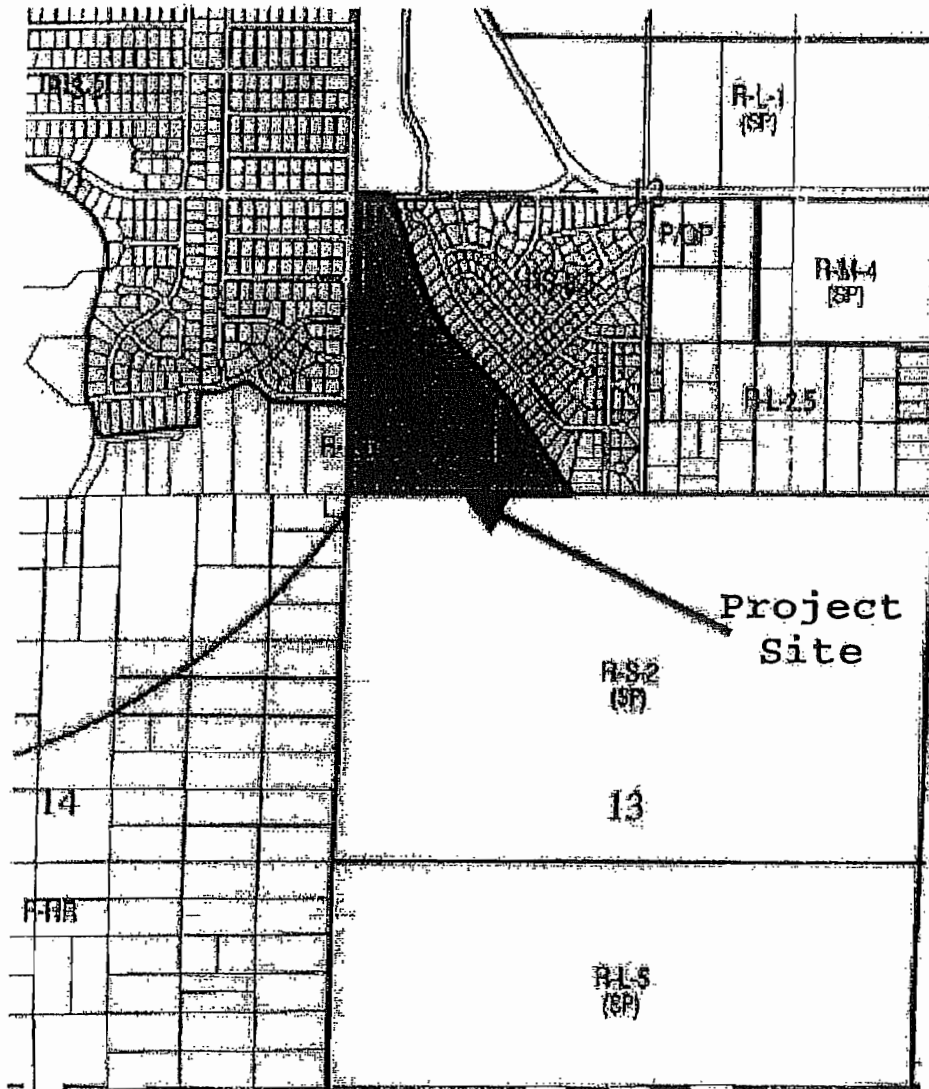
71. The sanitary sewer system shall be maintained so as not to create a public nuisance and shall be serviced by a maintenance company approved by the Regional Water Quality Control Board. The sewer system shall be approved by the Regional Water Quality Control Board and functional prior to the issuance of any building permits for the project.
72. The Applicant shall observe the construction of this project to make certain that no damage or potential for damage occurs to adjacent roadway, existing improvements, adjacent property, and other infrastructure. The developer shall be responsible for the repair of any damage occurring to offsite infrastructure as determined by the Town Engineer. The developer shall repair any such damage prior to certificate of occupancy. If the damage is such that it cannot be repaired within a reasonable amount of time as determined by the Town Engineer, the developer may petition the Town Engineer for additional conditions that may allow the time, amount of surety, or other requirements to repair the damage.
73. The Applicant shall be responsible for all improvements that have been constructed within the public right-of-way as required by the conditions of approval. The improvements shall be constructed to the standards and requirements as determined and approved by the Town Engineer. Any improvements not considered to be to the required standards shall be replaced by the developer. The developer shall be required to maintain and repair those improvements prior to and after acceptance by the Town Council for the length of time required by the applicable conditions, standards, and ordinances.
74. Any on-site signage and street curvature shall comply with required sight distance standards.
75. At the time of permit issuance the applicant shall be responsible for the payment of fees associated with electronic file storage of documents.
76. The applicant shall pay Development Impact Fees in place at the time of issuance of Building Permits.

I HEREBY CERTIFY THAT THE APPROVED CONDITIONS OF APPROVAL WILL BE SATISFIED PRIOR TO OR AT THE TIMEFRAMES SPECIFIED AS SHOWN ABOVE. I UNDERSTAND THAT FAILURE TO SATISFY ANY ONE OF THESE CONDITIONS WILL PROHIBIT THE ISSUANCE OF ANY PERMIT OR ANY FINAL MAP APPROVAL.

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

# TOWN OF YUCCA VALLEY

PROJECT NO.: GPA 01-06 REZONE 01-06, TTM17862



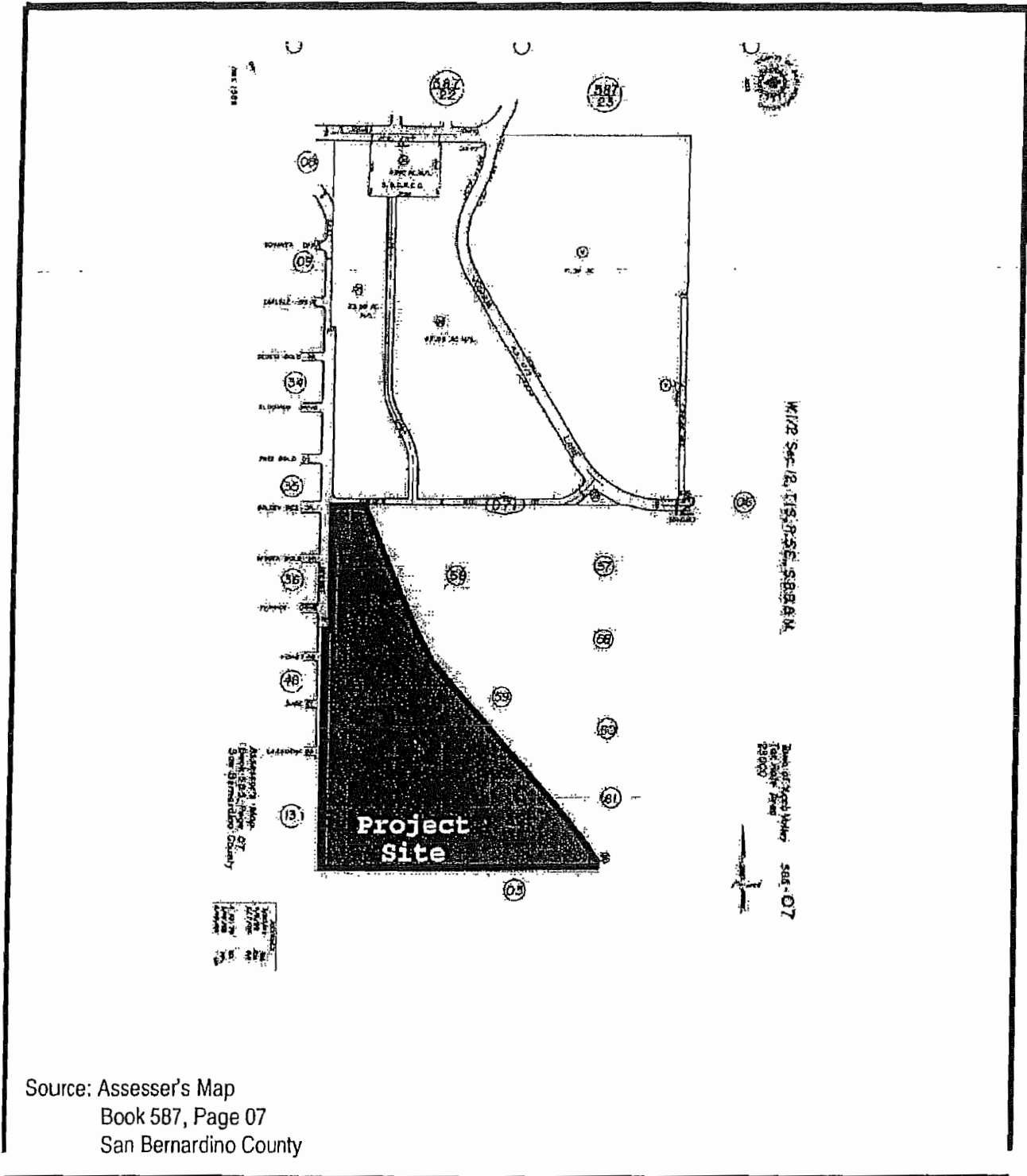
Source: OFFICIAL ZONING DISTRICT MAP  
Town of Yucca Valley  
Adopted by Town Council: March 6, 1997  
Revised March 10, 2005 Per Resolution No. 05-18



## EXISTING ZONING AND GENERAL PLAN LAND USE MAP

# TOWN OF YUCCA VALLEY

PROJECT NO.: GPA 01-06 REZONE 01-06, TTM17862



Source: Assessor's Map  
Book 587, Page 07  
San Bernardino County

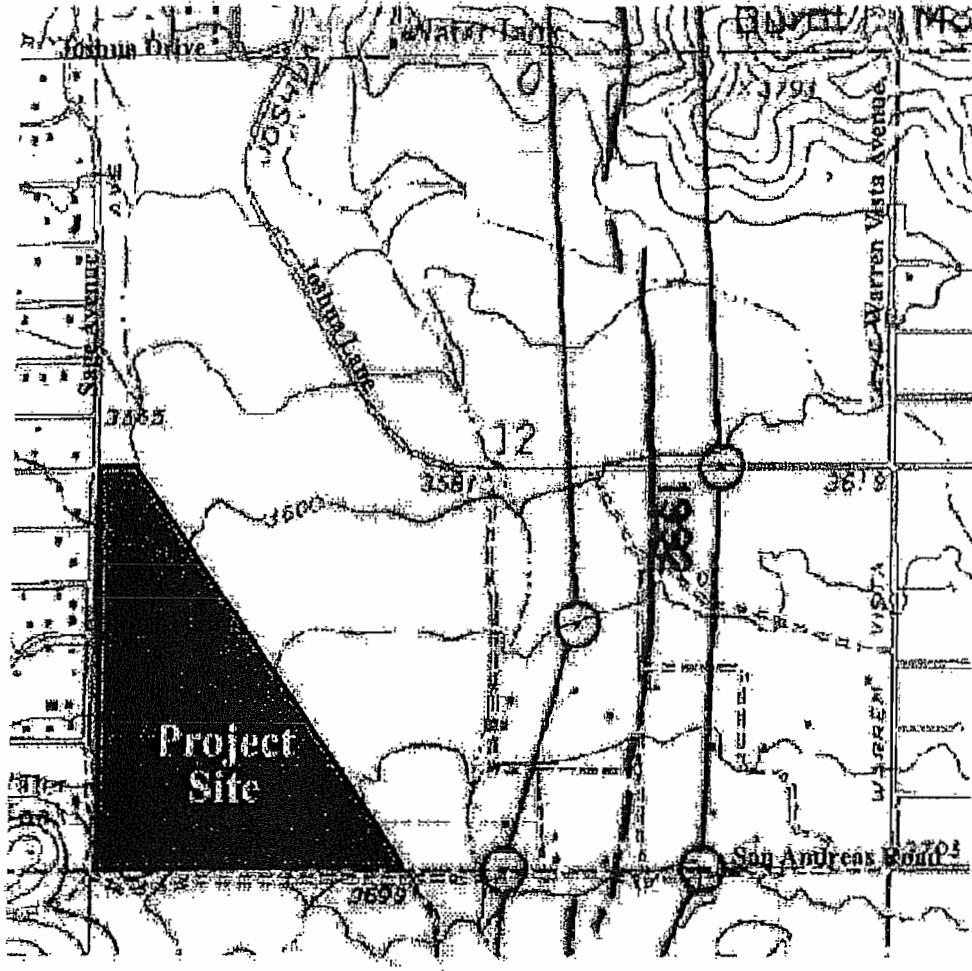
## ASSESSOR'S PARCEL MAP

P.217

P.148

# TOWN OF YUCCA VALLEY

PROJECT NO.: GPA 01-06 REZONE 01-06, TTM17862



Source: USGS 7.5 Minute Quad Map  
Special Studies, Yucca Valley South, CA 1993



## TOPOGRAPHICAL MAP

P.218

P.149

# TOWN OF YUCCA VALLEY

PROJECT NO.:GPA 01-06 REZONE 01-06, TTM17862



Source: Google Image 2007 DigitalGlobe

## AERIAL PHOTO

P.219

P.150



TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Nicole Sauviat Criste, Consulting Planner
Date: July 31, 2009
For Council Meeting: September 15, 2009

Subject: Resolution No.

Planned Development 01-07
Tentative Tract Map 17862
Environmental Assessment 05-06

Planned Development Permit to establish development standards which vary from the Development Code for the 63.4 acres; and a Tentative Tract Map to subdivide the 63.4 acres into 107 single family lots, as well as lots for streets, a sewage treatment facility, private parks, open space and a retention basin.

The project is located at the south east corner of Golden Bee and Sage Avenue.

Prior Council Review: The Town Council reviewed these applications, along with a General Plan Amendment and Zone Change to Residential Single Family, 3.5 units per acre, at their meeting of May 8, 2008. At that meeting, the Council approved the General Plan Amendment and Zone Change, but tabled the Planned Development and Tentative Tract Map, pending revisions to the project consistent with the Council's concerns. Please see below for an elaboration of these issues.

Recommendation: That the Town Council review the changes and determine if the applicant has responded to its concerns. Based on the Town Council's review, action on the Environmental Assessment, Planned Development and Tentative Tract Map would be appropriate, as follows:

- 1. Approve or Deny Environmental Assessment 05-06, and direct the Planning Department to file a Notice of Determination for a Mitigated Negative Declaration with the County Clerk; and
2. Approve or Deny Planned Development Permit 01-07, based on the findings in the staff report.
3. Approve or Deny Tentative Tract Map 17862, based on the findings in the staff report.

Reviewed By: [Signatures]
Town Manager, Town Attorney, Mgmt Services, SRS Dept Head

Department Report, Ordinance Action, Resolution Action, Public Hearing, Consent, Minute Action, Receive and File, Study Session

**Executive Summary:** The applications submitted include a Planned Development permit and a Tentative Tract Map. The Planned Development establishes development standards for the project, particularly as they apply to variations from the Development Code. The Map is required to subdivide the 63.4 acre site into 107 single family lots as well as streets, a wastewater treatment plant, private parks, open space areas and a detention basin.

**Order of Procedure:**

- Request Staff Report
- Open Public Hearing
- Request Public Comment
- Close Public Hearing
- Council Discussion/ Council Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote)

**Discussion:** The project site is bordered on the north and south by vacant desert lands. Residential development occurs on the northern two thirds of the western boundary of the site, and vacant desert lands occur on the southern one third. A water tank occurs immediately adjacent to the site's southwestern corner. The existing Copper Hills development occurs to the east of the site.

The site is currently vacant desert lands. The site slopes approximately 220 feet, with highest elevations occurring on the southern boundary, at 3825 feet above sea level, and lowest elevations of 3600 feet above sea level occurring at Golden Bee, on the northern boundary.

The Planned Development includes open space amenities totaling 4.68 acres, including a 1.3 acre park in the middle of the project, adjacent to the Wash (Lot B). The private park will include picnic tables, sand volleyball court and sandbox, as well as access to trails in the Long Canyon Wash. 3.28 acres (Lot D) located at the southern end of the project are proposed as natural open space, with a switch-back trail. A trail is proposed through the wash. These amenities remain consistent with the previous application.

Please note that the detailed description of the project has not been repeated below. Background on the project application can be found in Attachments 3, 4 and 5. This staff report focuses on the changes which have been made to the application since the May 2008 Town Council hearing.

Table 1 below shows the changes that were made to the Planned Development and the Tract Map since the May 2008 submittal.

<b>Table 1 Comparison of May 2008 and Current Proposal</b>		
<b>Item</b>	<b>May 2008</b>	<b>Current</b>
Number of Lots	109	107
Minimum Lot Size	9,000 s.f.	10,244 s.f.
Lot Size Along Sage Ave.	10,000 s.f.	18,000 s.f.
Pad height differential		
Lots 63-66 from Lots 73-75	24 to 37 feet	16 to 33 feet
Lots 93-95 from Lots 97-100	21 to 27 feet	20 to 29 feet
Phased Map	No	Yes, 2 phases

As depicted in Table 1, the project remains essentially as previously submitted. Slopes have been reduced by 5 feet in the center of the site, but increase by 2 feet on the western edge of the site. The increased size of the lots along Sage Avenue will make them more compatible in size to the existing lots on the west side of Sage.

The applicant has submitted a native plant inventory which shows that 859 Joshua trees and 517 Mojave yuccas occur on site. The applicant proposes to transplant 724 Joshua trees and 396 Mojave yuccas, as well as 13 of the 14 California junipers on the site. As the Council is aware, the project site will be mass graded to achieve the topographic changes required to yield the finished lots. The applicant will be required to comply with the Town's Native Plant Ordinance in effect at the time that grading permits are submitted.

The applicant has also submitted a letter report from Sladden Engineering (Attachment 13) which states that the slopes proposed within the project can be engineered at a 2:1 gradient for heights up to 30 feet. The Town Council had expressed a concern about the slopes at their May 2008 meeting. It should also be noted that the revised grading plan (Attachment 7) depicts terraced slopes, with an intermediate retaining wall in addition to the retaining wall at the base of the slope. Conditions of Approval have been included in Attachment 1 which require that the slopes of 10 feet or more within the project be maintained by a homeowners' association, in order to assure that they be properly landscaped irrigated, and maintained.

The Council (and the Planning Commission in its deliberations) expressed a concern regarding storm water flows on the site. The applicant's engineer stated in public hearings that storm water would drain from the lots to the streets, and be conveyed through the streets to Golden Bee. The attached conditions of approval require that storm water be channeled under Golden Bee, where they will be piped under the roadway and continue on to an existing regional retention basin to the north. Staff has added conditions of approval relating to drainage which require that conveyances that are constructed at the back of lots to convey storm water to the streets be located in an easement dedicated to the

homeowners' association, and that the association be responsible for their long term maintenance, to assure that the internal storm water system remains functional.

### Environmental Review

The project was reviewed under the California Environmental Quality Act (CEQA) and the Town's Guidelines to implement the same. The Town determined that the proposed project could have significant impacts on the environment, but that these impacts can be reduced to less than significant levels through the mitigation measures included in the Initial Study. A Mitigated Negative Declaration is proposed. The Initial Study distributed in July 2009 is attachment 14 of this staff report. The Town received one written response to the Initial Study, from the US Department of the Interior, National Park Service (attachment 16). The concerns described in the letter were:

- a. The letter identified concerns regarding night lighting enforcement. The Town does respond to night lighting violations through both Code Compliance and Planning staff. Violators are notified and required to correct the violation.
- b. The letter identified concerns regarding air quality and the requirement for chemical stabilization or hydroseeding. The chemical stabilization product is an inert material which is used throughout southern California by both municipalities and developers. It forms a bond which creates a crust over the ground surface. Stabilization does not need to be repeated if the area is not disturbed. The Town Engineer conducts inspections during the grading process, and throughout construction, to assure that stabilization has been undertaken if necessary. The desert wildflower mix can be obtained from nurseries or from construction management operators. The mix is tailored to the environment in which it is to be located. There is no requirement for a botanist's assistance in its development or application.
- c. The commentor expressed a concern that the project will impact wildlife movement. The project site is bordered on the west and north by existing Town streets (Sage and Golden Bee), and on the east by existing residential development. The project area is not conducive to wildlife movement, as it is isolated currently.

The comments provided on the IS do not change the project's impacts or mitigation measures. The findings of the environmental review are not changed by the comments provided.

### **PLANNED DEVELOPMENT FINDINGS FOR APPROVAL:**

1. The proposed development is consistent with the General Plan, insofar as the overall density does not exceed the allowable density in the RS-2 land use designation.
2. The physical characteristics of the site have been adequately assessed and the site for the proposed development is adequate in size and shape to accommodate the

use and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features required.

3. The site has adequate access, meaning that the site design and development plan conditions consider the limitations of existing streets and highways and provides improvements to accommodate the anticipated requirements of the proposed project.
4. Adequate public services and facilities exist, or will be provided to serve the proposed project and the proposed project will not result in a reduction of public services to properties in the vicinity or a detriment to the public health, safety and welfare.
5. The proposed project will not have a substantial adverse effect on surrounding property or the permitted use thereof, and will be compatible with the existing and planned land use character of the surrounding area, insofar as the proposed project has been amended to include 18,000 square foot lots on its western boundary.
6. The improvements required and the manner of development adequately address all natural and man-made hazards associated with the proposed project, and the project site, including but not limited to flood, seismic and slope hazards.
7. The proposed project carries out the intent of the planned development provisions because it provides a more efficient use of the land and an excellence of design greater than that which would be achieved through the application of conventional development standards.

**TENTATIVE TRACT MAP FINDINGS FOR APPROVAL:**

1. The proposed subdivision is consistent with the General Plan insofar as the project will be consistent with the RS-2 land use designations, with approval of Planned Development 01-07.
2. The site is physically suitable for the type and proposed density of development, insofar as all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features required can be accommodated.
3. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat. No desert tortoise was identified on the project site, and native plants will be protected consistent with Town requirements.

4. The design of the subdivision or type of improvements are not likely to cause serious public health problems, insofar as the on site sewer system will be regulated by the CA Regional Water Quality Control Board to ensure safe implementation.
5. The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
6. The design of the subdivision provides to the extent feasible, passive or natural heating and cooling opportunities.

**Alternatives:** The Town Council may, at its discretion:

1. Continue the Planned Development and Tentative Tract Map to its meeting of \_\_\_\_\_, and request additional information as deemed necessary;
2. Refer the Planned Development and Tentative Tract Map back to the Planning Commission, and provide staff with direction.

**Fiscal impact:** None.

**Attachments:**

1. Conditions of Approval
2. Standard Exhibits
3. Minutes of May 8, 2008 Town Council meeting
4. Minutes of March 4, 2008 Planning Commission meeting
5. Planning Commission Staff Report of March 4, 2008
6. Revised Tentative Tract Map showing 107 lots
7. Revised Preliminary Grading Plan.
8. Revised Planned Development Site Plan showing the house locations on each lot.
9. Revised Preliminary Landscape Plan.
10. Visual simulations showing project site from three off-site locations (11" by 17" color aerials)
11. Topographic models of the post-construction condition (11" by 17" black background)
12. Modeled drawings showing locations A through F of the post-construction condition at 6 locations (11" by 17" topo and simulations)
13. Letter from Sladden Engineering dated December 23, 2008 and picture of Hospital slope.
14. Initial Study 2009
15. Native Plant Inventory and Management Plan
16. Letter from US Department of the Interior, National Park Service, dated August 11, 2009
17. July 2007 Conceptual Grading Plan
18. Letter from US Department of the Interior, National Park Service, dated January 4, 2008
19. Letter from Robert Schoenleber dated January 4, 2008

20. December 27, 2007 petition
21. December 4, 2007 PC minutes
22. December 4, 2007 PC staff report
23. November 30, 2007 Robert Schoenleber correspondence
24. July 20, 2007 Planned Development Application
25. Minutes of February 6, 2007 Planning Commission meeting
26. February 6, 2007 staff report
27. Original application materials

**RESOLUTION NO 09-**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING PLANNED DEVELOPMENT 01-07, TO ALLOW THE DEVELOPMENT OF 107 SINGLE FAMILY LOTS AND ASSOCIATED FACILITIES ON A 63.4 ACRE LOT LOCATED AT THE SOUTHEAST CORNER OF GOLDEN BEEN AND SAGE AVENUE (ASSESSOR'S PARCEL NUMBERS 585-071-16, -17, -25 & -26)**

WHEREAS, on May 8, 2008 the Town Council tabled Planned Development 01-07, and requested that the applicant consider their concerns and return with an amended application; and

WHEREAS, The Community Development Department has completed Environmental Assessment 05-06 in accordance with the requirements of "The Rules to Implement the California Environmental Quality Act of 1970" as amended. Based upon this Assessment, there may be a significant adverse effect on the environment; however, mitigation measures have been imposed on the project that will reduce the impacts to less than a significant level; therefore, a Mitigated Negative Declaration is recommended for approval; and

WHEREAS, the Town Council conducted a duly noticed public hearing on August 18, 2009 and heard all testimony of any persons wishing to speak on the issue.

**Section 1.** The Town Council hereby approves Planned Development 01-07, and finds that:

1. The proposed development is consistent with the General Plan, insofar as the overall density does not exceed the allowable density in the RS-2 land use designation.
2. The physical characteristics of the site have been adequately assessed and the site for the proposed development is adequate in size and shape to accommodate the use and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features required.
3. The site has adequate access, meaning that the site design and development plan conditions consider the limitations of existing streets and highways and provides improvements to accommodate the anticipated requirements of the proposed project.
4. Adequate public services and facilities exist, or will be provided to serve the proposed project and the proposed project will not result in a reduction of public services to properties in the vicinity or a detriment to the public health, safety and welfare.



5. The proposed project will not have a substantial adverse effect on surrounding property or the permitted use thereof, and will be compatible with the existing and planned land use character of the surrounding area, insofar as the proposed project has been amended to include 18,000 square foot lots on its western boundary.
6. The improvements required and the manner of development adequately address all natural and man-made hazards associated with the proposed project, and the project site, including but not limited to flood, seismic and slope hazards.
7. The proposed project carries out the intent of the planned development provisions because it provides a more efficient use of the land and an excellence of design greater than that which would be achieved through the application of conventional development standards.

**Section 2:** The Town Council directs staff to add "PD-01-07" to Assessor's Parcels 585-071-16, -17, -25 & -26 on the official Town Zoning Map.

**Section 3:** This Resolution shall become effective immediately.

APPROVED AND ADOPTED this 15<sup>th</sup> day of September, 2009.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
TOWN CLERK

**CONDITIONS OF APPROVAL  
PLANNED DEVELOPMENT 01-07  
TENTATIVE TRACT MAP 17862**

**I. GENERAL CONDITIONS**

1. Planned Development 01-07 and Tentative Tract Map 17862 facilitate the development of 107 single family lots on a 63.4 acre parcel. The project also includes 4.68 acres of private parks and open space, a sewer treatment plant, and public streets. The proposed project is located at the southeast corner of Golden Bee and Sage Avenue, and is identified as assessors parcel numbers 585-071-16, -17, -25 and -26.
2. The Applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The Applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve Applicant of his obligations under this condition. The Town may require the Applicant to post a deposit to pay for costs incurred by Town in action.
3. This approval shall become null and void if the occupancy or use of the land has not taken place within three (3) years of the Town of Yucca Valley date of approval. Extensions of time may be granted *as authorized by state or local authority, and approved by the Town*. The Applicant is responsible for the initiation of an extension request.  
  
Approval Date: September 15, 2009  
~~Expiration Date: September 15, 2012~~
4. The Applicant/owner shall ascertain and comply with requirements of all State, Federal, County, Town and local agencies as are applicable to the project.
5. All conditions are continuing conditions. Failure of the Applicant and/or operator to comply with any or all of said conditions at any time shall result in the revocation of the permit granted to use the property.
6. All exterior lighting shall comply with the Town's Outdoor Lighting Ordinance.
7. The Applicant shall pay all fees charged by the Town as required for application processing, plan checking, construction and/or electrical inspection. The fee amounts shall be those which are applicable and in effect at the time work is undertaken and accomplished. Fees for entitlement prior to construction permits are based on estimated costs for similar projects. Additional fees may be incurred, depending upon the specific project. If additional fees for services are

- incurred, they must be paid prior to any further processing, consideration, or approval(s).
8. All improvements shall be inspected by the Town as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
  9. Any and all graffiti shall be removed within twenty-four (24) hours of discovery or notification by the Town.
  10. All refuse shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.
  11. Handicapped site access improvements shall be in conformance with the requirement of Title 24 of the California Building Code.
  12. Utility under-grounding shall be required to comply with Ordinance #169 relating to utility under-grounding for all new Service and Distribution lines that provide direct service to the property being developed; existing Service and Distribution lines that provide direct service to the property being developed; existing Service and Distribution lines between the street frontage property line and the centerline of the adjacent streets of the property being developed; existing Service and Distribution lines located along or within 10 feet of the lot lines of the property being developed; or existing Service and Distribution lines being relocated as a result of a project. ***Undergrounding of existing facilities along Sage Avenue is not required pursuant to Ordinance 169***
  13. During construction, the Applicant shall be responsible to sweep public paved roads adjacent to the project as necessary and as requested by the Town staff to eliminate any site related dirt and debris within the roadways. During his business activities, the Applicant shall keep the public right-of-way adjacent to his property in a clean and sanitary condition.
  14. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way that is part of the Towns maintained road system.
  15. No signs are approved with this Permit. Sign application(s) shall be made separately for all signage on the property, and all signage, shall comply with Ordinance No. 156.
  16. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the Applicant shall retain a qualified licensed land surveyor or civil Engineer to reset those monuments per Town Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).
  17. No on-site or off-site work shall commence without obtaining the appropriate permits for the work involved from the Town. The approved permits shall be readily available on the job-site for inspection by the Town personnel.

18. *All sewer lines to the on-site sewer treatment plant shall be located within public right of way. Cross-lot easements shall not be allowed except across the lot labeled "B".*
19. *Any development to blue line streams shall obtain all necessary approvals, including Federal and State.*
20. *If the project is to be phased, then each shall function independently of the other phases.*
21. Prior to the delivery of combustible materials, the following items shall be accepted as complete:
  - a) The water system is functional from the source of water past the lots on which permits are being requested (i.e. All services are installed, valves are functional and accessible, etc.); and
  - b) Fire hydrants are accepted by the County Fire Marshal.

### **Prior to Final Map Recordation**

22. *Prior to recordation of the Final Map the applicant shall pay Park in-lieu fees based upon the fair market of the amount of land which would otherwise be required for dedication, as provided in Section 811.0302(F) of Ordinance 175. The applicant shall be eligible for a twenty-five (25%) percent reduction in in-lieu fees, provided the amenities suggested for Lot "B" are supplemented to include a swing set with multiple swings, and a basket ball hoop with a substantial hard surfaced area as required by the Parks and Recreation Cultural Commission at their January 8, 2008 meeting.*
23. *Prior to recordation of the Final Map, the applicant shall form a homeowners' association and record CC&Rs, on a form approved by the Town Attorney, which includes, among other conditions, maintenance of the sewer treatment plant by a state licensed wastewater treatment plant operator, maintenance of all open space areas in perpetuity, all drainage areas occurring behind individual lots in perpetuity, and all slopes in excess of 10 feet in height in perpetuity, as part of the CC&Rs.*
24. *Prior to recordation of the Final Map, the applicant shall obtain an access easement for San Andreas Road across parcel APN 585-051-02.*

### **PRIOR TO ISSUANCE OF GRADING / STREET IMPROVEMENTS**

25. Prior to the issuance of any permits the applicant/owner shall provide three (3) copies of a landscape and irrigation plan showing the size, type and location of all plant and irrigation systems *for all common areas, slopes 10 feet in height and landscaped parkways*. Said irrigation system shall incorporate a permanent automatic irrigation system, and all landscaping and irrigation systems shall be maintained in good condition at all times. All ground within proposed landscape planter areas shall be provided with approved ground cover. All trees shall be a

minimum of 24" boxes. This shall include but not be limited to drought-tolerant plant materials or colored desert rock. The Landscape Plan shall be approved by Hi-Desert Water District prior to submitting to the Towns Planning Department. The Landscape and Irrigation review requires a separate application and a current Town fee of \$685.

26. The landscape plan shall include permanent landscaping and irrigation along Golden Bee Drive and Sage Avenue to be submitted to and approved by the Town.
27. The Applicant shall cause to be formed or shall not protest the formation of a maintenance district(s) for landscape, lighting, streets, drainage facilities or other infrastructure as required by the Town.
28. The Applicant shall agree to the terms of and record a non-opposition agreement to the future formation of a public safety assessment district on the property.
29. The proposed retaining walls adjacent to the Long Canyon Wash shall be designed to have a top of footing elevation no higher than the top of footing on corresponding wall along the easterly edge of the wash.
30. A final plan identifying all protected plants as well as a Native Plant Relocation Plan with any area proposed to be disturbed in accordance with the Town's Native Plant Protection Ordinance shall be submitted for approval prior to issuance of grading permits for the project. ***The applicant shall make every effort to relocate the native plants back onsite. Should the site be unable to accommodate the native plants then a minimum 60 day adoption period shall be required.***
31. Prior to the issuance of a Grading Permit, an engineered Grading Plan prepared by a registered civil engineer shall be submitted by the applicant for Town review and approval for the entire project. ***Design of all retaining walls shall be detailed on the grading plan including top of footing and top of wall elevations on all lots.*** No clearing or grading shall commence without issuance of a Grading Permit by the Town. The prepared Grading Plan shall conform to the approved site plan. The final Grading Plan shall be reviewed and approved by the Engineering Division prior to issuance of Grading Permits. No grading on the property may begin without an approved Grading Plan and Grading Permit. The applicant/owner is responsible for all fees incurred by the Town for review and inspection. Prior to Certificate of Occupancy, the Engineer-of-Record shall survey and certify that the site grading was completed in substantial conformance with the approved Grading Plans.
32. Prior to the issuance of Permits, the Applicant shall comply with the recommendations of a site-specific Geotechnical and Soils Report which shall be reviewed and subject to Town approval. The report shall include recommendations for any onsite and offsite grading, foundations, compaction, structures, drainage, and existence of fault zones. It shall include recommendations for retention basins, slope stability and erosion control.

33. All recommended approved measures identified in the Soils Report shall be incorporated into the project design.
34. Applicant shall comply with NPDES requirements as applicable. The Applicant shall install devices on his property to keep erodible material, rocks, and gravel on the site. To eliminate any site related dirt and debris within the roadways, the Applicant shall be responsible to sweep public paved roads adjacent to the project as necessary and as requested by the Town Staff.
35. The development of the property shall be in conformance with FEMA and the Town's Floodplain Management Ordinance requirements. Adequate provision shall be made to intercept and conduct the existing tributary drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed.
36. The applicant shall submit a final Hydrology/Drainage Report with the submittal of the engineered Grading Plan. The report shall address the following:
  - a) *Impact to on-site streets from Sage Avenue storm water diversion through the development. Ensure that on-site streets have adequate capacity to carry the anticipated flows.*
  - b) *Design all channels and storm-water conveyances within the development for non-erosive velocities.*
  - c) *Design all pads on which conveyance occurs to be above flood elevation should the conveyance become clogged or non-functional.*
41. *Rear lot drainage on slopes shall be collected in required conveyances such as benches and down-drains designed to carry the storm-water flow meeting the requirements of the Town Engineer. The flow shall be carried in drainage conduits to the point of discharge.*
42. *There is a significant elevation difference between many of the lots within the development. Protection must be provided to the lower lots from drainage off the upper lots. No runoff shall be allowed to flow directly from a high lot to a lower lot.*
43. *The drainage from the bench drains across lots 73 through 76 and lots 96, 97, 99 and 100 shall drain via a closed conduit to the street. All conduits shall be within a drainage easement dedicated on the tract map and shall be maintained by the Homeowner's Association. The slopes and bench drains shall be maintained by the Homeowner's Association.*
44. The applicant shall accept and properly dispose of all offsite drainage flowing onto or through the site.
45. No cross-lot drainage shall be permitted. *All lots must drain to the street frontage adjacent to the individual lot with the exception of lots 73 through 76 and lots 96, 97, 99 and 100 as mentioned above.*
46. Any grading or drainage onto private off-site or adjacent property shall require written permission to grade and/or permission to drain letter from the affected

landowner. The project shall detain the incremental increase in runoff generated by the improvements.

47. The Applicant shall establish a mechanism to maintain the unimpeded drainage flows within the drainage easements. No structures shall be allowed to be constructed within the easements including fences, sheds, trees, etc.
48. Drainage conveyances within drainage easements shall be designed and constructed to reduce the momentum of run-off to non-erosive levels upon entering the Long Canyon Wash.
49. No on-site or off-site work shall commence without obtaining the appropriate permits for the work required by the Town and the appropriate utilities. The approved permits shall be readily available on the job site for inspection by Town personnel.
50. Prior to any work being performed within the public right-of-way, the Applicant shall pay the required fees and obtain an encroachment permit from the Department of Community Development. The applicant shall apply for an encroachment permit from the Town for utility trenching, utility connection, or any other encroachment onto public right-of-way. The applicant shall be responsible for the associated costs and arrangements with each public utility.
51. Prior to any work being performed within the public right-of-way, the applicant shall provide the name, address, telephone, facsimile number, and e-mail address of the contractor to perform the work. A description of the location, purpose, method of construction, and surface and subsurface area of the proposed work shall be supplied. A plat showing the proposed location and dimensions of the excavation and the facilities to be installed, maintained, or repaired in connection with the excavation, shall be provided and such other details as may be required by the Town Engineer.
52. For any import or export of material, the developer's contractor shall provide for review by the Town Engineer, the route of travel, number of trucks, daily schedule, and length of time required. No hauling of material shall begin without the Town Engineer's approval.
53. Any off-site stockpile location shall require the approval of the Town Engineer. Any stockpile in excess of 200 cubic yards shall require a Grading Plan and permit.
54. Water spraying or other approved methods shall be used during any grading operations to control fugitive dust. A Dust Mitigation Plan shall be submitted in conjunction with the grading plan. Dust control shall be in conformance with MDAQMD requirements. Graded, undeveloped and other open area shall be treated with a dust polymer as approved by the Town.
55. The developer shall comply with NPDES requirements as applicable. The applicant shall develop and submit for review and approval a SWPPP to the Town and appropriate agencies prior to Grading Plan issuance. Erosion control devices shall be included on the Grading Plan and installed and maintained by the contractor to the satisfaction of the Town Engineer. Prior to rough grading,

erosion control devices shall be installed at all perimeter openings and slopes. No sediments are to leave the job site. This information shall be provided as part of the grading plan subject to approval by the Town Engineer.

56. ***The hydrology study for Tentative Tract 18381 (Sky Harbor) indicates a blue line stream entering tract 17862 at the approximate location of Lot 33. Adequate protection for Lot 33 to ensure no scouring or flooding shall be provided to the satisfaction of the Town Engineer to ensure against flood damage.***

### **PRIOR TO BUILDING PERMIT ISSUANCE**

57. The Applicant shall retain a qualified Civil Engineer to design and prepare construction plans and specifications for the improvements to Sage Avenue, San Andreas Road, Golden Bee Drive, interior streets, street lighting, and drainage improvements that comply with Town ordinances and standard drawings. A final tract map shall be prepared and approved for the project. The plans shall include a block for the Town Engineer's approval.
58. The Applicant shall restore any pavement cuts required for installation or extension of utilities for his project within the public right-of-way. In all cases where cuts are allowed, the applicant is required to patch the cuts to City standards and the approval of the Town Engineer. The patching shall include a grinding of the pavement to a width 5 feet beyond the edge of the trench on each side, or as determined by the Town Engineer, and replacement with a full-depth asphalt concrete recommended by the Soils Engineer.
59. The Engineer-of-Record shall survey and certify that the rough grading was completed in substantial conformance with the approved Grading Plans. Prior to the issuance of any building permits the project Engineer shall certify the finished lot was graded in conformance to approved plans.
60. A Traffic Control Plan for the construction of Sage Avenue and Golden Bee Drive improvements shall be designed and stamped by an Engineer and submitted for review and approval by the Town Engineer.
61. All required improvements not constructed and accepted by the Town prior to approval and recordation of the Final Map shall be bonded in accordance with Town Development Code.
62. The Applicant shall retain the services of a recognized soils engineering firm to analyze the soils and base materials within all the following streets to provide recommendations for the asphalt pavement structural section (AC/Base and full depth), pavement mix design, overlay design, and requirements for any base material beneath the concrete improvements. ***The Soils Engineer's report, including a narrative with project recommendations, backup material, and stamped by the Civil Engineer in responsible charge, shall be submitted to the Town Engineer for review with the submittal of the engineered Grading Plan.*** The developer's contractor shall not begin work on the street improvements prior



to the Town Engineer's approval of the report. The developer shall construct the following:

- a) *The Applicant shall construct 33 feet (half street) of Sage Avenue from the centerline of Golden Bee to San Andreas Road. The pavement section shall be constructed to 23 feet from the curb and gutter as recommended by the Soils Engineer and approved by the Town Engineer.*
  - b) *The Applicant shall construct to 38 feet of San Andreas Road from the centerline of Sage Avenue to the easterly tract boundary. The required street section shall be 10 feet of parkway and 26 feet of pavement. The pavement section shall be constructed to 26 feet from the curb and gutter as recommended by the Soils Engineer and approved by the Town Engineer. The contractor shall install a 2"X6" redwood header at the edge of pavement to protect it from wheel loads.*
  - c) *The Applicant shall construct the Golden Bee Drive parkway improvements, including concrete curb and gutter (monolithic) and sidewalk as required by Town Standard Drawing #102. This improvement will relocate the curb from 8 feet to 10 feet from the right-of-way line. The curb return radius at Sage Avenue shall be 35 feet, and a wheelchair ramp conforming to ADA requirements shall be installed.*
  - d) *The Tract's interior streets shall be constructed to Town Standard Drawings Numbers 101, 111 and 112, including 6-inch concrete curb and gutter and sidewalk.*
  - e) *The Applicant shall cause the design and construction of the intersection of Sage Avenue and San Andreas Road for both half streets continuing the prolongation of the edge of pavement. The parkway shall include concrete curb and gutter, sidewalk, wheelchair ramp, and a 35-foot radius curb return. Construction outside right-of-way line shall require slope easements and or construction easements.*
67. *The Applicant shall install street lights with "cut-off" luminaires at all five street intersections on Sage Avenue. Street lights shall meet Town Standard Drawing #302.*
68. *A concrete "Arizona" type crossing of the Long Canyon Channel within the channel easements, or as required to safely pass the required storm water, shall be constructed on Golden Bee Dr. At a minimum the crossing shall be designed to pass a 5-year storm without overflowing.*
69. The Applicant shall install all water and sewer systems required to serve the project.
70. Prior to final inspection, all required improvements shall be constructed and finalized and accepted by the appropriate agency prior to the issuance of a Certificate of Occupancy.

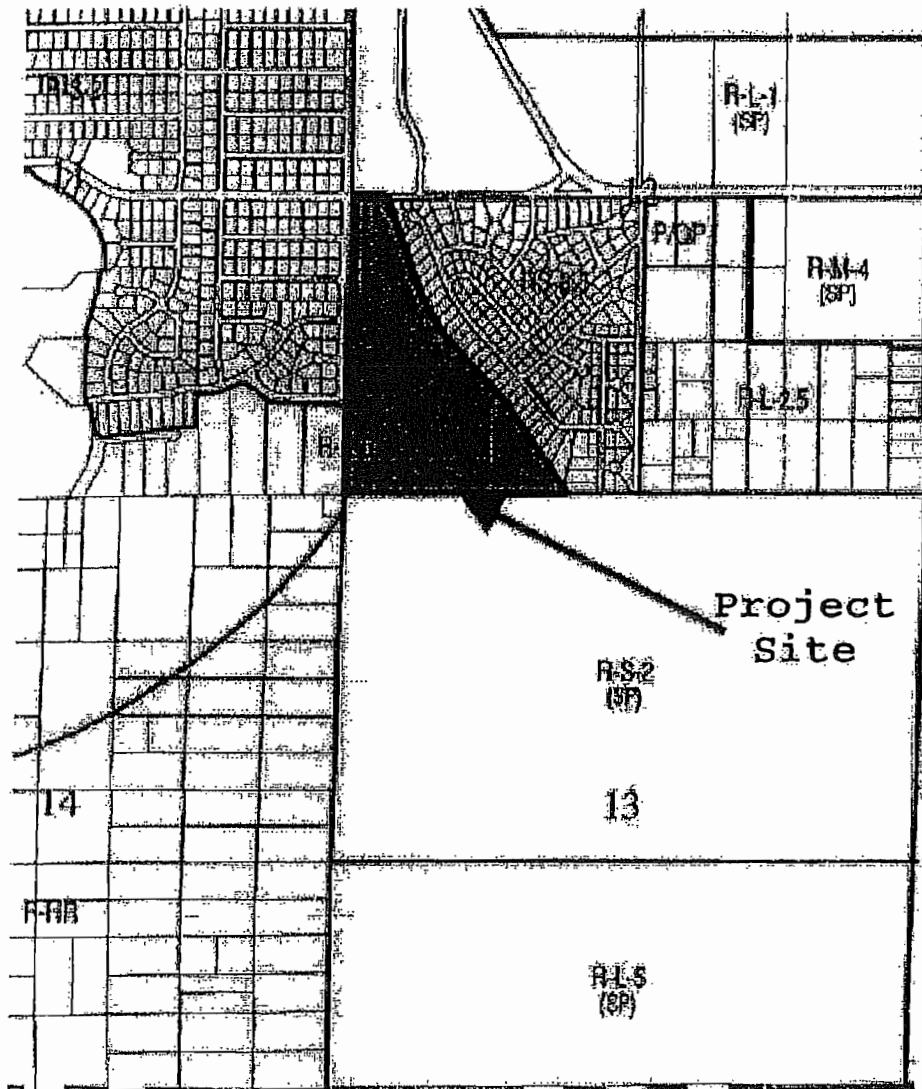
71. The sanitary sewer system shall be maintained so as not to create a public nuisance and shall be serviced by a maintenance company approved by the Regional Water Quality Control Board. The sewer system shall be approved by the Regional Water Quality Control Board and functional prior to the issuance of any building permits for the project.
72. The Applicant shall observe the construction of this project to make certain that no damage or potential for damage occurs to adjacent roadway, existing improvements, adjacent property, and other infrastructure. The developer shall be responsible for the repair of any damage occurring to offsite infrastructure as determined by the Town Engineer. The developer shall repair any such damage prior to certificate of occupancy. If the damage is such that it cannot be repaired within a reasonable amount of time as determined by the Town Engineer, the developer may petition the Town Engineer for additional conditions that may allow the time, amount of surety, or other requirements to repair the damage.
73. The Applicant shall be responsible for all improvements that have been constructed within the public right-of-way as required by the conditions of approval. The improvements shall be constructed to the standards and requirements as determined and approved by the Town Engineer. Any improvements not considered to be to the required standards shall be replaced by the developer. The developer shall be required to maintain and repair those improvements prior to and after acceptance by the Town Council for the length of time required by the applicable conditions, standards, and ordinances.
74. Any on-site signage and street curvature shall comply with required sight distance standards.
75. At the time of permit issuance the applicant shall be responsible for the payment of fees associated with electronic file storage of documents.
76. The applicant shall pay Development Impact Fees in place at the time of issuance of Building Permits.

I HEREBY CERTIFY THAT THE APPROVED CONDITIONS OF APPROVAL WILL BE SATISFIED PRIOR TO OR AT THE TIMEFRAMES SPECIFIED AS SHOWN ABOVE. I UNDERSTAND THAT FAILURE TO SATISFY ANY ONE OF THESE CONDITIONS WILL PROHIBIT THE ISSUANCE OF ANY PERMIT OR ANY FINAL MAP APPROVAL.

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

# TOWN OF YUCCA VALLEY

PROJECT NO.: GPA 01-06 REZONE 01-06, TTM17862



Source: OFFICAL ZONING DISTRICT MAP

Town of Yucca Valley

Adopted by Town Council: March 6, 1997

Revised March 10, 2005 Per Resolution No. 05-18



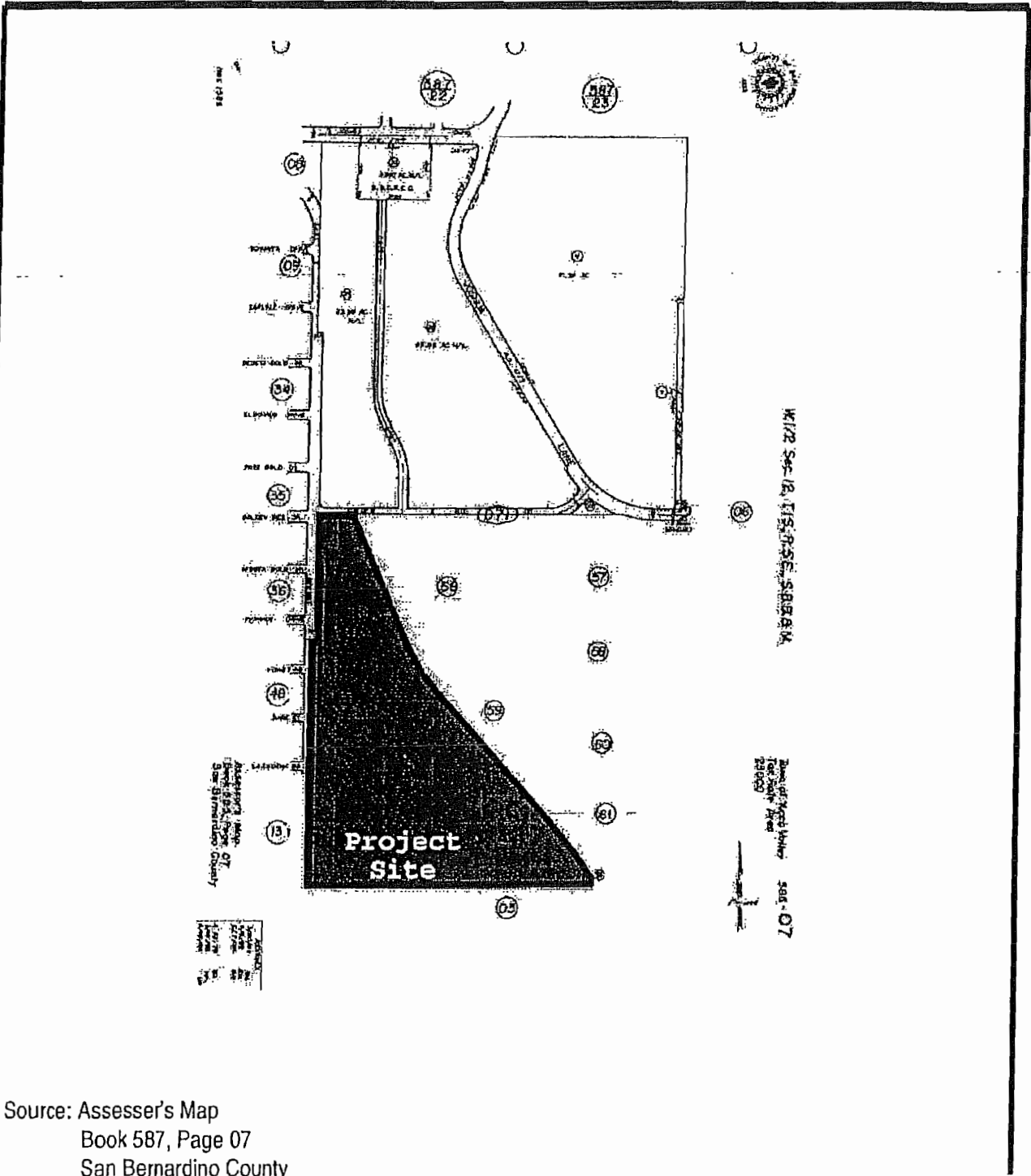
## EXISTING ZONING AND GENERAL PLAN LAND USE MAP

P.216

P.169

# TOWN OF YUCCA VALLEY

PROJECT NO.: GPA 01-06 REZONE 01-06, TTM17862



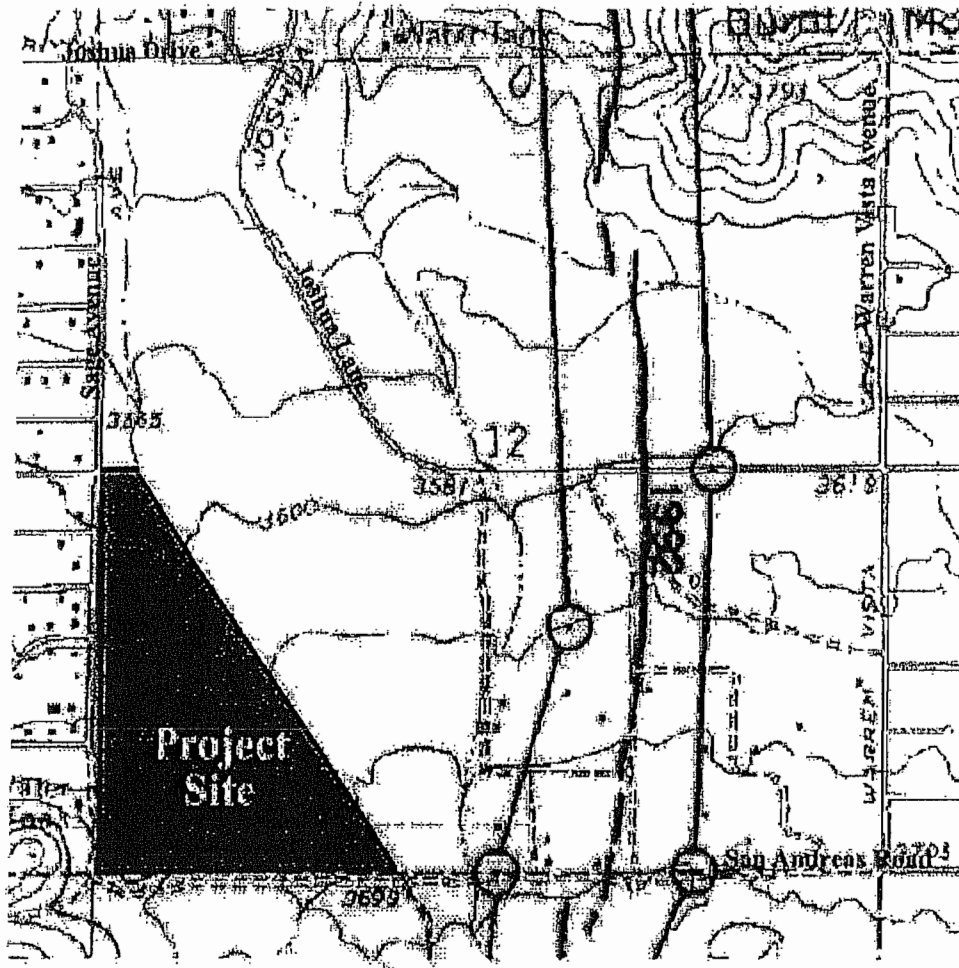
## ASSESSOR'S PARCEL MAP

P.217

P.170

# TOWN OF YUCCA VALLEY

PROJECT NO.: GPA 01-06 REZONE 01-06, TTM17862



Source: USGS 7.5 Minute Quad Map  
Special Studies, Yucca Valley South, CA 1993



## TOPOGRAPHICAL MAP

P.218

P.171

# TOWN OF YUCCA VALLEY

PROJECT NO.:GPA 01-06 REZONE 01-06, TTM17862



Source: Google Image 2007 DigitalGlobe

## AERIAL PHOTO

P.219

P.172

With no one else wishing to speak, Mayor Luckino closed the Public Hearing.

Council Member Herbel questioned the 11 acres owned by the Housing Authority as stated in Program 3.E noting she was not aware of the acreage. Planner Criste stated the property is in the core of the Town noting the Authority has owned the land for 3 cycles and not yet built on it. Council Member Herbel questioned how soon the funds listed in the Mortgage Assistance Program in Program 4.B will be coming back to the Town. Staff advised that the Town received a limited amount of funds and did not join the program. Administrative Services Director Yakimow advised the County did receive neighborhood stabilization funds and will have a program in town limits. It is up and running and can be found on the County’s Community Development website. Council Member Herbel commented she was not aware that residential projects are required to provide bicycle and pedestrian paths and open space areas. Planner Criste advised that new projects are conditioned to include those items.

Council Member Huntington moved to approve Environmental Assessment 01-09, and direct the Planning Division to file a Notice of Determination for a Negative Declaration with the County Clerk; approve General Plan Amendment 01-09, and adopt Resolution 09-33 approving the Housing Element of the General Plan for the 2006-2014 planning period. Council Member Neeb seconded. Motion carried 5-0 on a voice vote.

**13. Planned Development 01-07, Tentative Tract Map 17862, Environmental Assessment 05-06, Resolution.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING PLANNED DEVELOPMENT 01-07, TO ALLOW THE DEVELOPMENT OF 107 SINGLE FAMILY LOTS AND ASSOCIATED FACILITIES ON A 63.4 ACRE LOT LOCATED AT THE SOUTHEAST CORNER OF GOLDEN BEE AND SAGE AVENUE (ASSESSOR’S PARCEL NUMBERS 585-071-16, 17, 25 & 26)

Council Member Huntington advised he must recuse himself from both Agenda Items 13 and 14 because he heard both projects as a Planning Commissioner. He left the dais.

Contract Planner Criste advised the Town Council reviewed these applications, along with a General Plan Amendment and Zone Change to Residential Single Family, 3.5 units per acre, at their meeting of May 8, 2008. At that meeting the Council approved the General Plan Amendment and Zone Change, but tabled the Planned Development and Tentative Tract May, pending revisions to the project consistent with the Council’s concerns. The Planned Development establishes development standards for the project, particularly as they apply to variations from the Development Code. The Map is required to subdivide the 63.4 acre site into 107 single family lots as well as streets, a wastewater treatment plant, private parks, open space areas and a detention basin. The minimum lot

size has gone from 9,000 sf. To 10,244 sf. and the lot sizes along Sage have increased from 10,000 sf. to 18,000 sf. to be consistent with lots across street to the west. The map has been phased to 2 phases, and the applicant has completed an updated biological resource survey and native plant inventory. Due to concerns expressed regarding storm water flows on the site, the applicants engineer stated in public hearings that storm water would drain from the lots to the streets, and be conveyed through the streets to Golden Bee. The conditions of approval require that storm water be channeled under Golden Bee, where it will be piped under the roadway and continue on to an existing regional retention basin to the north. Staff has added conditions of approval relating to drainage which require that conveyances that are constructed at the back of lots to convey storm water to the streets be located in an easement dedicated to the homeowner's association, and that the association be responsible for their long term maintenance, to assure that the internal storm water system remains functional.

Mayor Luckino opened the Public Hearing

**Bill Warner**, Nolte Associates, applicant's representative, advised the number of lots have been reduced resulting in lower density than surrounding neighborhoods, and the lots on Sage have increased in size. With reference to a concern stated at the last hearing regarding slopes, he presented photographs showing slopes in other existing neighborhoods that exceed the proposed slopes in this project. If all the lots were required to be 18,000, it would only allow for 83 homes with no amenities. The Planned Development in front of Council has 40% open space and incorporates a number of green building strategies for efficient use of water and energy. He noted that the Conditions of Approval required of this developer are much more than exist in the tract shown in the exhibits.

**Bill Shack**, applicant, advised of his business history in the Town, noting everything he has done has been very successful, but has been an uphill fight. He has never asked the Town for anything and has done everything with his own money. All but 8 of the homes in his existing project have been sold, and less than 10 homes in the development are in foreclosure. Most of the homes were sold way below their value. He is a family owned business, and uses all local contractors.

**Timothy Woods**, Chino, spoke in favor of the project noting he has bought several homes from Copper Hill Development for his daughter and son, and is looking forward to seeing additional development.

**Charles McHenry**, Yucca Valley, spoke in opposition to the project noting that drainage and traffic will be a problem. He also noted that some of the lots are going to be significantly smaller than 18,000 sf. and he does not think it will be a good project

**Bill Boyce**, Yucca Valley, spoke in opposition to the project and questioned where the sewage treatment facility going to be wind wise from those homes on the west side.



**Bret Anderson**, Sladden Engineering, advised his firm was contacted last year regarding the stability of the slopes and issued an opinion regarding those proposed slopes. He encouraged the Town Council to understand that typical 2/1 slopes are common in California, and he has a number of examples of slopes that are still stable have been for 20 years.

**David Fick**, Joshua Tree, spoke in opposition to the project commenting regarding the slopes and the fact that a reduction from 109 lots to 107 is less than a 2% reduction in density. He also expressed concern regarding water and assumes the developer has a will serve letter from the Water District, but doesn't think the Town has the water for the project. The project should go back to the Planning Commission and should be reduced by 15 to 20%.

**Vincent Shack**, Desert Hot Springs, spoke in favor of the project, noting he was a property owner in the first two phases of homes.

**Scott Cannady**, Nevada, spoke in favor of the project, noting he would like to see it go through so that he can become resident of Yucca Valley. He noted that the previous project used all local contractors.

**Frank Delzompo**, Murrieta, spoke in favor of the project, noting he is currently making his living as real estate broker from the sea to desert, and served in the Marine Corps prior to becoming a broker. He commented there is a shortage of quality housing for the military and urged the Council to approve the project.

**David North**, Yucca Valley, spoke in favor of the project noting he has been coming to meetings over 2 years regarding this project and that it is the second project the developer has had to run through the Town Council to get approval.

**Bob Schoenleber**, Yucca Valley, spoke in opposition to the project noting he feels the development should be zoned to coincide with developments in the past. He added that the lots will not be of sufficient size to slope down the elevation, and will require retaining walls that will be a problem in the future. He is opposed to a sewage treatment plant in the middle of a residential area. This area is more or less a retirement area and people need space to store their toys. Mr. Shack's lots will not provide sufficient space to accommodate these toys.

**Paul Wesley**, speaking for his mother Laura Wilson, Yucca Valley, commented the Town should have a moratorium on any more building until the sewer system is completed, noting that now is the time to float the bonds for a new sewage plant. In addition, there are too many vacant homes now so why build more and put a further strain on the water, public services, schools etc. The potential for flash flooding is great.

**Mike Kelliher**, Yucca Valley, President of Yucca Valley Chamber of Commerce, read a letter from the Chamber of Commerce recommending approval of the Tentative Tract Map and Planned Development.

**Isaac Hagerman**, Yucca Valley, spoke in favor of the project noting his facility employs 216 people with about 60 of them living in Copper Hills Homes.

**Sarann Graham**, Yucca Valley, spoke in favor of the project, noting the Planned Development doesn't mean you lose your rural designation, and there is a need to have quality housing here.

Those not wishing to speak, but in opposition to the project are Nancy McHenry, Marian Tabor, and Walt and Joyce Metcalf.

Those not wishing to speak, but in favor of the project are Alec Destry, Gwen Shack and Bill Shack III.

**Mark Vikdal**, Yucca Valley, spoke in favor of the project, noting the developers past projects have turned out to be very nice housing with curb, gutter and sidewalks, and they don't have many empty houses in the existing project.

**Ron Coricchio**, Yucca Valley, spoke in favor of the project noting that responsible projects need to be a part of the community.

Mayor Luckino read a statement from Pastor Jerel Hagerman and Joshua Springs Calvary Chapel in favor of the project.

There being no one else wishing to speak, Mayor Luckino closed the Public Hearing.

Council Member Herbel commented the project originally came to the Council as an appeal when the Planning Commission denied it. It has now been amended and does have variations from the Development Code. She advised she would like to see it go back to the Commission to view the amendments.

Council Member Mayes commented regarding one of the pictures distributed earlier showing Bob Hope Drive in Rancho Mirage and questioned if there is going to be a similar block wall around this project. Mr. Warner advised there is going to be a wall, noting that the location of power poles necessitates a 20' parkway, and is in the conditions of approval. Council Member Mayes questioned if the houses will front on sage. Mr. Warner advised they will not.

Council Member Neeb questioned how Quimby Fees and parks are going to be addressed. Planner Criste advised the project will receive a 25% credit for the parks within the project and Condition of Approval No. 22 spells out the requirement for the payment of

Park in-lieu fees. Council Member Neeb questioned if the package plant will be able to be converted and connected to the sewer when it is constructed. Planner Criste advised that it will, through the main line in the project.

Mayor Luckino asked about Mr. Anderson's experience. Brad Anderson advised he is a civil and geotechnical engineer. Mayor Luckino commented regarding the slopes and drainage, and questioned if anything can be built before the hydrology is completed, accepted and stamped. Deputy Town Manager Stueckle explained the process and Noel Owsley added that the grading plan will provide the hydrology study. As far as the master drainage for the area, overall the water will flow into the wash. He noted the basin at Joshua Drive was over size when built.

Mr. Warner commented that most roof tops do create additional runoff down stream because the older projects had no mitigation. The runoff from this project gets to the basin by conveyance already built and supplemented at the expense of the developer, not by way of the wash. Regarding the previous comment regarding the small reduction in the number of lots, he noted the reduction may be small in numbers but it is large in cost of about \$1,000,000 to the developer. The infrastructure costs will not go down at all but there will be two less lots. He noted that there are 24 lots that are larger than 18,000 sf. the median size is 13,400 sf. and the average is 15,200 sf.

Council Member Herbel moved to send the item back to the Planning Commission. Motion died for lack of a second.

Council Member Mayes questioned what the Planning Commission would be asked to look at if the project goes back to them, and whether or not the project meets all of the Town's rules. Planner Criste advised that the project does meet the Town's rules based on development requirements for planned developments. Deputy Town Manager Stueckle added if it is sent back to the Commission the project would be re-advertised and will go through the same review the Council was giving that night.

Mayor Luckino commented that currently the Town is behind the curve as far as parks, and questioned if the proposed private parks add to the Town's inventory. Deputy Town Manager Stueckle advised that they are not public parks that are owned and operated by the Town, they are private, but they are open for use by the general public. Planner Criste added that the Quimby Act is not particular regarding the allocation of parks as public or private in terms of the amount of space allocated, therefore they will help meet the Quimby need for parks. Mayor Luckino questioned if the suggestion that the development should go down the planned development course came from staff. Planner Criste advised that staff advised the applicant he could process either a specific plan or planned development.

Council Member Mayes questioned how many lots would be allowed on the property with the RS 2 zoning designation. Planner Criste advised that the project would be

allowed 126 units, but it is not physically possible to place that many lots on this land.

Mayor Luckino commented regarding the proposed amenities and the green building techniques and questioned if this is the first development to propose some of these techniques. Planner Criste stated that it is.

Council Member Herbel questioned if only 35 acres of the land are useable. Planner Criste stated that it has been calculated at somewhere between 38 and 40 acres. Council Member Herbel commented that RS 2 is acreage and 40 acres would allow 80 houses. She noted that people come to Town because they want acreage and open space. When you start putting up block walls and making small lots, you lose a lot of that. She commented there have been previous conversations about drainage and questioned how the water is going to be retained on the lots. Mr. Warner advised that, in general, a certain percentage of drainage has to stay on the lot so there is no additional water down stream, but it doesn't matter if that water is retained on the lot or in a basin, as long as the end result is that there is no additional run off down stream. Council Member Herbel commented that someone brought up a concern about the package treatment plan having odor. Mr. Warner commented there are treatment options where the system is predominately below grade and not open to the atmosphere, and added that any package sewage treatment plant that has been used, if properly functioning and maintained, has minimal odor. Council Member Herbel expressed concern about the block wall, noting there are none to the west of the development, and her concern is graffiti and that the wildlife can't come through. She questioned who is going to be responsible if there is graffiti on the walls. Mr. Warner advised that the Conditions of Approval require a maintenance assessment district, and noted that the wall may be articulated, with varying linear aspects such as sections of wrought iron to break it up.

Council Member Mayes stated the issue is approval, denial or send it back to the Planning Commission, and questioned if staff sees any reason that the Council should send the item back. Planner Criste advised that returning to the Planning Commission is always at the Council's discretion, but the project hasn't changed significantly from what they saw originally. She noted that the issues the Commission expressed were also expressed by Council.

Council Member Neeb moved to approve Environmental Assessment 05-06, and direct the Planning Department to file a Notice of Determination for a Mitigated Negative Declaration with the County Clerk; approve, by adopting Resolution No. 09-34, Planned Development Permit 01-07, based on the findings in the staff report; and approve Tentative Tract Map 17862, based on the findings in the staff report. Council Member Mayes seconded. Motion carried 3-1-1 on a roll call vote.

**AYES:** Council Member Mayes Neeb and Mayor Luckino.  
**NOES:** Council Member Herbel  
**ABSTAIN:** None

**ABSENT:** Council Member Huntington

**14. Appeal 04-08 of Site Plan Review 04-08, Car Quest**

Senior Planner Kirschmann reported the applicant is requesting that the Council remove Conditions of Approval 28 and 29. Condition 28 states "Pay an in-lieu fee of \$30,320 for future widening of SR 62 along the project's frontage", and 29 states "Pay an in-lieu fee of \$27,190 for future construction of a median island along the project frontage." Staff is requesting that the fees be changed to \$19,638 for condition 28 and \$18,955 for condition 29. These new amounts reflect the reduced cost of materials and corrections to the quantities contained in the original estimate. In accordance with the General Plan, staff recommended the payment of fees instead of actual construction due to the small amount of frontage on SR 62 and existing surrounding improvements. The Planning Commission concurred with staff and approved the conditions. The Town's Economic Development Element of the General Plan identifies goals, policies and programs. Program 5.B states "residential, commercial and industrial development proponents shall be responsible for their fair share of on and off-site improvements required to support the development proposal. Improvements required may include, but are not limited to, street construction and signalization, utility extensions, drainage facilities, parks and other facilities. The Council has discussed not requiring developers to construct or pay the estimated construction costs for the median islands. One option could be to adopt an interim policy not requiring costs or construction by the applicant and requiring that the Town's RDA constructs the project. Exceptions would be projects with CEQA mitigation measures requiring construction, and projects in which Caltrans is requiring the construction. There is an option for the Town and the Applicant to enter into an agreement requiring future payment, however, if the applicant or future property owner fails to comply with the conditions of the agreement the Town may be required to take additional action to enforce the agreement and collect the funds. The recommendation is to affirm the Planning Commission's approval of the project and deny the applicant's appeal.

Mayor Luckino opened the Public Hearing

**Robert Doremes**, Applicant, advised he has been before the Council twice and he doesn't think the conditions are fair. He would like to go back to a previous suggestion to off set the cost of the improvement with the land.

There being no one else wishing to speak, Mayor Luckino closed the Public Hearing

Council Member Neeb commented he is still hoping for some local stimulus funds to help support a project like this. The widening should be required, but this is a good project and the Town should be able to give it some help.

Council Member Herbel stated she had suggested getting an appraisal for the property that will be required to be dedicated to the Town. Town Attorney Haubert recommended

the Governor. She was invited to go by the Attorney General. The Town is going to have to be productive in the mitigation of green house gas and has to look at being part of the solution.

Council Member Neeb advised he was present when Council Member Herbel got the invitation and questioned if this is a one time expense. Town Manager Takata advised that it is.

Council Member Mayes commented that there is a general Council travel budget that is adopted by Council, and all of us together decide how it is going to be spent. The reality is that there are different policy ideas with different educational needs that go with those ideas. He questioned if there is a way to allocate a certain amount of money for each individual Council Member. Town Manager Takata advised Council’s present policy is to bring individual requests to the Council. Council Member Mayes agreed that there should be a policy for things that are out of ordinary but questioned if there is another way of doing it.

Council Member Mayes moved to approve the request of Council Member Herbel to attend the “CEQA and Climate Change: Partnering with Local Agencies to Combat Global Warming” workshop in Los Angeles on May 15<sup>th</sup>. Council Member Neeb seconded. Motion carried 4-1 on a roll call vote.

- AYES: Council Member Herbel, Mayes, Neeb and Mayor Leone.
- NOES: Council Member Luckino
- ABSTAIN: None
- ABSENT: None

**PUBLIC HEARING**

**14. General Plan Amendment 01-06, Rezone 01-06, Planned Development 01-07, Tentative Tract Map 17862, Environmental Assessment 05-06, Ordinance, Resolution.**

*General Plan Amendment and Rezone to change the designation of 63.4 acres located at the southeast corner of Golden Bee and Sage Avenue from Rural Living, 5 acre minimum to RS-2, 2 units per acre; Planned Development Permit to establish development standards which vary from the Development Code for the 63.4 acres; and a Tentative Tract Map to subdivide the 63.4 acres into 109 single family lots, as well as lots for streets, a sewage treatment facility, parks and a retention basin.*

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT GPA-01-06 AMENDING THE LAND USE MAP FROM RURAL LIVING 5 ACRE MINIMUM (RL-5) TO RESIDENTIAL SINGLE FAMILY 2 UNITS PER ACRE (RS-2)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING THE ZONING MAP FOR LANDS LOCATED AT THE SOUTHEAST CORNER OF GOLDEN BEE AND SAGE AVENUE, AND IS IDENTIFIED AS ASSESSOR PARCEL NUMBERS 585-071-16, 17, 25 & 26, FROM RURAL LIVING 5 ACRE MINIMUM TO RS 2

Contract Planner Nicole Criste reported the applications submitted include a General Plan Amendment (GPA) and rezone request for 63.4 acres, to change the land use designation from its current Rural Living, 5 acre minimum to Residential Single Family 2 units per acre. In conjunction with the GPA and Rezone, a Planned Development permit and a Tentative Tract Map have been submitted. The Planned Development establishes development standards for the project, particularly as they apply to variations from the Development Code. The project site is bordered on the north and south by vacant desert lands and is adjacent to single family development on the east and west. Surrounding land use designations vary. The project proposes 109 lots and the Tentative Tract Map and Planned Development are required because the applicant would be varying from the Town's development standards for the RS 2 land use designation. An application was submitted in February of 2007 requesting a General Plan Amendment and Rezone to RL 2.5 and proposing approximately 12,000 lots. The applicant modified his request to a Residential Single Family, two units per acre, RS 2 and the issue was last considered by the Planning Commission in March. The Applicant has revised the application to include 109 lots as well as open space and a park, and allowing some lots as small as 9,000 square feet. The change would allow up to 127 units on the parcel. General Plan Amendments and rezoning can not be conditioned and tied to specific properties. Staff recommended that the RS 2 did seem to be an appropriate stepping down of density, and the Planning Commission supported the GPA and rezone, felt that the RS 2 designation was appropriate for the site and recommended the item be forwarded to the Council this evening. The Planned Development and Tract Map underwent revision because of concern for the grade differential between lots. The Commission expressed concern about the grade differential between particular lots in the south end of property. Significant concern to the Commission was how the project relates to surrounding development, particularly on west side of Sage which is consistently at ½ acre lots. The Commission ultimately recommended approval of the GPA and rezone but denial of the Planned Development and tract map based on the findings in the staff report. Staff has also provided alternatives if the Council wishes to consider them including denial of the GPA since none of the project can proceed without approval of the amendment.

Mayor Leone opened the Public Hearing

**Bill Warner**, Applicant's Representative, Nolte Associates, stated that the surrounding property to the west zoned RS 2 and to the southwest is RL 5 which is appropriate for the steep terrain. They do feel the zone change recommendation the Planning Commission

made is appropriate and does facilitate proceeding with the project as proposed. At issue is the merit of the Planned Development Permit. The average of slope is a 6% grade differential and the gradient between the lots along Sage Avenue would be consistent with the gradient of the lots on the west side of Sage. The Planned Development was included in the application tonight at the request of the Commission, and is an alternative which enables the development to be sensitive to the site and to contain the amenities including a park, and 3 miles of trails. He noted the average lot size is just under 15,000 square feet with the median lot size being just under 12,000 square feet. The project has nearly 42% open space and the entire development meets the Town's Development Code except as justified by the findings relating to the Planned Development. The only deviation would be a reduction from 18,000 s.f. lots. Commented that Page 76 of the agenda packet mentions that "the applicant proposes a modified cross section for Sage Avenue, which is inconsistent with the Planned Development cross section shown on the landscape plan", noting that the Applicant can not see inconsistencies. The last line on that page calls for a reduced lot size to 9,000 s.f. The text is correct that the Planned Development does provide for lots as small as 9,000 but that is inconsistent with the site plan with a minimum of a 10,000 s.f. They would expect to adhere to the site plan document. Regarding the point staff made about difference in lot sizes between the existing development on the west side of Sage Avenue and the proposed development, the PD has 11 lots proposed along the distance of Sage Avenue where there are 9 lots existing on the West side. With regard to the concern stated about the soils and the steep slopes, it was noted that 2-1 or 3-1 slopes will be constructed and only the Town approves the slopes that are designed by an engineer. It is proposed that the higher slopes would be maintained by the Home Owners Association. As for the concept of mass grading, it was noted that whether there were 18,000 s.f. lots or 15,000 s.f. lots, mass grading would be required in order to meet the codes. The lots are designed to drain to the streets and the streets designed to convey the water. It was noted that approximately 49 areas of the site were destroyed in a fire in the 1970's. A major feature of the site is the maintenance of the Long Canyon Channel in a natural condition and there would be walls on the side abutting the project and a majority would be below grade. There is a trail proposed up the Long Canyon Wash. At this time there is a lot of motorcycle traffic on the site and a lot of trash in the area. The area would be gated to keep out the motorcycles but allow pedestrian traffic. There will also be a meandering bike path with enhanced landscaping along Sage, and they want to place a nice wall along Sage. There are also onsite parks and amenities maintained by the Home Owners Association and access will be by public roads, covered by an assessment district. They are requesting no deviation from the Development Code, Building Code or Grading Code, except for some assistance with the lot sizes to accommodate the plan. There will be a sewer system that would be designed to go into the Hi Desert Water District sewer when it is constructed, and the package treatment plant would be maintained by the Home Owners Association and the Long Canyon Channel will remain accessible to critters and people. The Applicant feels the project is compatible with the land use, zoning and recommended mitigated negative declaration. He requested that the Council approve the zone change,



General Plan Amendment, Planned Development and approve the Tentative Tract Map.

**William Shack**, Applicant, advised he has been a business man here for 32 years, and this is his 3<sup>rd</sup> development venture. He advised he does not understand the process because he started over two years ago to come up with what would be workable on the site. The Planned Development is the result of 3 different meetings with the Planning Commission, and it was the Commission's request for the Planned Development not theirs. The actual density is 1.76 houses per acre. All plans are consistent with all the zoning codes, and all regulations as they relate to slopes. The objections from the Planning Commission have little to do with legal aspects, and involves personal preferences. He noted they reduced the number of houses in order to reduce the slopes. At the 3<sup>rd</sup> meeting he came back with the Planned Development requiring 31% open space and they came back with 41%. He noted he thought they were there after two years of working on the plan; then it came down the Planning Commission not liking the slopes, which will be in conformity with code. He has attempted to give the Town what it has asked for in all meetings, all at considerable expense. All of his subcontractors are people who live, work and vote in Yucca Valley, and they use all local businesses. Additionally the other Copper Hills Home projects have been successful and have a less than 3% vacancy. People want and desire the development.

**Bill Souder**, Yucca Valley, spoke in opposition to the project because of the zoning change request.

**Vincent Shack**, Yucca Valley, spoke in favor of the project to give people choices.

**Devon Carson**, Twentynine Palms, spoke in favor of the project, due to the amount of work it would generate for local contractors.

**George Hoagland**, Yucca Valley, spoke in opposition due to the rezoning, and disruption to the plant and wildlife from grading.

**Bill Boyce**, Yucca Valley, spoke in opposition to the project.

**David North**, Yucca Valley, spoke in favor of the project and in favor of economic growth in the Town.

**Cherlyn**, Joshua Tree, spoke in opposition to the zone change.

**David Flick**, Joshua Tree, spoke in opposition to the project due to the increased zoning.

**Jim Locurto**, Yucca Valley, spoke in favor of the project due to the choices it provides people.

**Robert Schoenliebre**, Yucca Valley, spoke in opposition to the project, due to zoning, proposed sewer plant, and flood control run off.

**Robert. Sturges**, Yucca Valley, spoke in opposition to the project due to the potential flood control problems.

Bill Warner, Nolte Engineering, made himself available to answer questions.

Council Member Luckino asked questions regarding open space. Mr. Warner advised the plan has 3 categories of open space totaling 42%, including a park, a corner parcel that will have the sewage treatment facility and the rear yards are also considered open space.

Council Member Luckino questioned if the difference in grade of the lots is as it looks, noting it looks like a flooding hole. Mr. Warner advised that the upper lots would drain to the street not to the lower lots. No water from the top flows to the lower lots, because there are interceptor swales at the top. He noted that the total area of lots probably is in the neighborhood of 12,000 to 15,000 s. f. Council Member Luckino questioned how many homes could be built if there was a straight tract rather than a planned development.

Mr. Warner advised there is an estimate of 70 to 80 lots, but there will be the same total disturbed area on the site. It would come to the serious question of feasibility of the project because the infrastructure costs would be same. Costs per lot sky rockets.

Council Member Luckino questioned if there would be other amenities outside of the infrastructure within a straight tract. Mr. Warner advised there would only be a Home Owners Association for the sewage plant. Council Member Luckino questioned how many parks are proposed. Contract Planner Criste advised there is one park, access to the wash and open space with the switchback train in the hilly portion, and an onsite waste treatment facility with a portion of open space. Council Member Luckino questioned if the parks would be lost if the Planning Commission recommended that a project of 70 to 80 lots could be accomplished. Mr. Warner advised the parks and trails would not be there. Council Member Luckino questioned if the Home Owners Association would maintain all the slopes within the development. Mr. Warner explained that the three higher slopes are different than the slopes that might be in the yards of the individual lots, and it has been discussed to have the Home Owners Association maintain those three slopes for irrigation and erosion control because it is a community expense rather than that of individual property owners.

Mayor Leone asked for an explanation of the comment that the "lot size has been increased on the map to a minimum of 10,081 square feet although the Planned Development document still allows lots as small as 9,000 s.f. Mr. Warner advised that the smallest lot is 10081 sf. The Planned Development Plan in the beginning did say, and does still say, 9,000 s.f., however there is no reason for it to say 9,000 s.f. and that is an easy change to make if so conditioned by the Council. Mayor Leone questioned the use of pipe rail fencing on the trail to allow only pedestrian access, noting that historically washes are used for equestrian trails. Mr. Warner advised there is no reason the trail

couldn't have equestrian access noting the main goal of the fence is to curb mechanical use such as motorcycles.

Council Member Mayes questioned the Planning Commission's concern with the lot size and what it would take to get the size back up to the 18,000 s.f. Contract Planner Criste advised the concern was that the lot size at 10,000 or 11,000 s.f. would preclude the ability of the lots to absorb the slope to a greater degree. Council Member Mayes questioned if the issue is then slope rather than lot size. Deputy Town Manager Stueckle read an excerpt from the Planning Commission minutes where Commissioner Huntington comments specifically on lot size. Council Member Mayes questioned the applicant's feelings on that issue. Mr. Warner advised the tool the Town has at hand is the Town's Development Code, noting the Planned Development mechanism deals with site constraints to come up with a decent pad area. The Plan proposes lots from 10,000 s.f. with a median lot size of 12,900, but the average is 14,800 s.f. It was noted that there is only one 10,000 s.f. lot. Smaller lots don't have to accommodate large slopes.

Council Member Herbel questioned where the water will drain from the streets. Mr. Warner displayed the path on the map, and noted that the Town has requested that the applicant put pipes under Golden Bee to take the water. Council Member Herbel questioned whose responsibility it will be if there is damage to Joshua Drive or people below the development. Mr. Warner advised that there are conditions of approval attached to the project, and one is that there will be no increase in run off from new development, and that there has to be sufficient onsite retention so the impacts of the project downstream are mitigated. Council Member Herbel questioned how Sage will be widened to its ultimate width above Golden Bee. Mr. Warner explained that the conditions of approval require the applicant to obtain any additional right of way as required to meet the conditions, noting they will also have to deal with the geology of the area. Council Member Herbel stated that Commissioner Huntington and the National Park both stated that there is only about 35 acres that are buildable. Mr. Warner stated that is probably about right, which is the reason for the planned development mechanism. Council Member Herbel commented regarding the difference between the lots west of Sage above Golden Bee and those of the planned development and regarding grading of the development to the west of Sage, noting there are other methodologies besides mass grading. Mr. Warner advised that he does not disagree with that noting there are other ways that are driven by the development. The standards today and the Town's code require lots to drain to the street, and when lots are small they have to end up doing more mass grading to achieve that drainage.

Council Member Luckino commented regarding the existing problems with drainage on Golden Bee, and what this project is going to do. Mr. Warner advised that is why the project has been conditioned to put pipes under Golden Bee which will improve that condition.

Mayor Leone commented regarding a previous presentation and meeting on the native plant ordinance and expressed concern about stripping a large parcel of land like this and removing the very far reaching root systems on the plants that are holding the soil in place. He suggested there should be specialists at the location and that maybe some of the plants don't need to be removed. Whatever plants are removed need to be relocated.

In rebuttal to comments made by some of the speakers, Mr. Warner commented that the Development Code indicates that 2 residences per acre is classified as low density and the density proposed for this project is actually 1.7 units per acre. Regarding the comment made about wildlife habitat, he noted that Long Canyon Channel will remain untouched. Concern about nitrates will be dealt with by the required Sewage Treatment Plant and effluent will be used for onsite irrigation. He noted that children have to have a future and have to houses to live in.

There being no one else wishing to speak, Mayor Leone closed the public hearing.

Council Member Neeb questioned if the amount of park property indicated in the plan fits in with the guidelines of the Parks Master Plan. Contract Planner Criste advised that the Parks, Recreation and Cultural Commission did review the project and included a recommended condition into the Conditions of Approval for both the onsite park and payment of Quimby Fees. It was noted that the proposed park is 1.3 acres and the Town's requirement of 5 acres per thousand would actually require a park of .88 of an acre. Council Member Neeb questioned the level of improvements required for a park. Contract Planner Criste advised the project includes a proposal for a play field, picnic benches and several amenities.

Council Member Luckino questioned the request for Quimby Fees in addition to the park. Contract Planner Criste explained that it was felt the general public would have limited accessibility to the park because it is in the interior of the tract. Council Member Luckino questioned if the Park is open to the public. Planner Criste advised it is and that there will be a maintenance district for all the public facilities. Council Member Luckino questioned if the Planned Development meets all the requirements. Planner Criste stated that it does for content and the standards provided. Council Member Luckino commended the Planning Commission, noting he thinks they are doing their job by trying to get the best for our community. He noted that this Planned Development would provide a park, while a straight Tract would not. The negative is looking at the slope. He noted that the Town's professional staff has reservations, and he would like to see more information relating to the drainage so that the staff can be in agreement with the drainage suggested on the project. He questioned if the zoning change is consistent with, and conforming to, the surrounding properties. Planner Criste advised it would be equivalent with lands to the south and west, more intensive than lands to the southwest, and less intense than lands to the southeast. Council Member Luckino questioned if the use of gray water is incorporated into the project for use on the public facilities. Planner Criste

advised that all the homes will be connected to a wastewater treatment plant but the project is not conditioned to have tertiary water for irrigation.

Council Member Neeb commented regarding the number of times the Council is asked to change zoning on a property noting it is his hope that the Town can get to the point that the General Plan shows what the Town can live with without needing amendments. He noted that properties are becoming much harder to develop, and maybe the General Plan needs to be redone so that developers know what they have and what the guidelines are.

Council Member Herbel commented that the recommendation from the Planning Commission is to deny the Planned Development and Tentative Tract Map and advised she would like to make a motion to do that and then go on to whether or not the property should be rezoned. Planner Criste explained that the actions must be taken in the order listed and explained the reasons why.

Council Member Herbel moved to approve Environmental Assessment 05-06, and direct the Planning Department to file a Notice of Determination for a Mitigated Negative Declaration with the County Clerk. Council Member Mayes seconded.

Council Member Mayes questioned if there has to be 5 separate motions. Planner Criste requested that recommendation No. 1 can be acted on separately and that Recommendation 2 and 3 can be acted on together and so on. Motion carried 5-0 on a roll call vote.

- AYES:** Council Member Herbel, Luckino, Mayes, Neeb and Mayor Leone.
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

Council Member Luckino moved to approve the General Plan Amendment 01-06, based on the findings contained in the staff report and adopt Resolution No. 08-18, and approve Rezone 01-06, based on the findings contained in the staff report and introduce the Ordinance. Council Member Mayes seconded.

Town Clerk Anderson read the title of the ordinance.

Council Member Herbel expressed concern that the property was zoned RL 5 when the applicant purchased it and he knew what the zoning was. She noted that Yucca Valley is a rural community and wants to continue to keep that character. On Page 79 of the staff report Item 4 states that the proposed land use district change will not have a substantial adverse effect on surrounding property, in so far that the character of the area will be similar to that of the lots to the west; however, she stated it is not going to be similar, it is going to be mass graded. She read sections of the General Plan regarding the requirement

for proposals for development to be consistent with the General Plan, and advised there is a petition with 49 signatures from people who live in the Alta Loma project to the West who are very concerned about their quality of life, and the Council also needs to be concerned about their quality of life and the Town’s rural character and wanting to preserve that. If the property is rezoned RL 1 it would be more desirable, but should stay RL 5. In addition mass grading compacts soil and it can not absorb the water, then you get rills down the slopes, then gullies, and erosion and sediment down stream, so that people’s homes and property values are affected. She stated that it is appropriate that the Town grows, but needs to grow in a way that is true to our General Plan and the people who have come to the community to live in our rural community.. It is not about development but about the way we develop.

Council Member Mayes specifically talking about recommendation No. 2 in regard to the General Plan Amendment, as a general rule he does think that the Council doesn’t want to rezone property with a greater density, noting that a few months ago a project was denied that met all the rules, but the zoning was incorrect in the area. He noted that a zoning of RL 5 is likely incorrect for this area. If it was at one point and time zoned RS 4 but when it came to the General Plan it was rezoned to RL 5 that was a taking of land use for the property. This property shouldn’t have been RL 5, it should be RL 1 or RS 2.

Council Member Luckino commented when the Town incorporated it inherited a lot of zoning from the County and in time has tried to correct some of those zoning errors. The General Plan is a fluid document allowing the Town to look at projects on their individual merits. He noted that the term “quality of life” is subjective, and it would be very difficult to get a consensus on rural or quality of life.

Council Member Herbel commented regarding the General Plan Amendment noting there are only 35 buildable acres. RS 2 at 35 acres would be 70 lots, but this is a General Plan Amendment and would allow 127 on the gross acreage. In addition the Town is not requiring a minimum lot size of 18,000 s.f. which would fit in with the development to the west, which are all 17,000 s.f. plus. This project is looking at lots that may be only 10,000 s.f. and does not fit in with our rural character. The Town needs to require a minimum lot size of 18,000 s.f. Planner Criste advised that the Council is acting on the General Plan Amendment and rezone, which would require 18,000 s.f.

Motion carried 4-0 on a roll call vote.

- AYES:** Council Member Luckino, Mayes, Neeb and Mayor Leone.
- NOES:** Council Member Herbel
- ABSTAIN:** None
- ABSENT:** None

Council Member Neeb commented regarding Commissioner Huntington's comments at the Planning Commission meeting, noting only 18 parcels out of the 109 meet the 18,000 s.f. standard. As a result the project is not compatible with one to the west. He stated he hates to see the Town drop below the 18,000 s.f. standard, and does not think that is what the people who wrote the General Plan were looking for.

Council Member Luckino commented that the Town needs parks and places to walk, ride their horses and recreate with their children. This development is going to provide that. In every negotiation there is compromise, and they are going to get something and so is the Town. As far as smaller lots, many elderly people don't like to take care of large lots and the smaller lots appeal to them. He requested that the issue of the slopes come back with proof that they will or will not hold up.

Council Member Neeb commented that in the end the Council has to come back to staff, who looks at the issues in light of any liability attached to some of these things.

Council Member Herbel stated that by rezoning the property to RS 2 the Town has not taken into consideration the concerns of the National Park Superintendent into or the people in the Alta Loma project. The Planned Development and Tentative Tract Map need to be denied as the Planning Commission recommends.

Council Member Luckino moved to bring the item back to the meeting of June 12<sup>th</sup>. Planner Criste questioned if the intent is just to get information on the slope issue, noting that the level of detail required from the applicant's perspective would be similar to final engineering. Motion died for lack of a second.

Mayor Leone commented that the builder, who has been in Town for 32 years, has put a lot of effort into making the project work, but the problem he has is completely stripping the land. He noted he has reservations about the Planned Development because of the topography of the land and the possible liabilities.

Council Member Mayes agreed with Council Member Neeb noting this is a good project, but it just came up short. He moved to approve the Planning Commission recommendation and deny Planned Development Permit 01-07, based on the findings in the staff report; and deny Tentative Tract Map 17862, based on the findings in the staff report. Council Member Herbel seconded.

Mr. Warner requested that the item be continued rather than denied so that the Applicant can consider the Council's concerns and amend the plan rather than having to start over again. Council Member Mayes rescinded the motion.

Council Member Herbel moved the Planning Commission recommendation. Motion died for lack of a second.

Council Member Luckino moved to continue the item to come back with revisions.

Deputy Town Manager Stueckle advised the Council has taken the first step by approving the General Plan Amendment and rezoning. There had been a motion and a second to deny the Planned Development and Tract Map, but the applicant has requested additional time to evaluate the Council’s comments and requested additional time to make changes and come back to you. Planner Criste advised that, unless the applicant can give a date specific, the Council would have to table the issue. Unless the Council wants to take action as recommended, the appropriate motion would be to table the matter until the applicant has submitted revised materials to the Town. Deputy Town Manager Stueckle advised that Staff would have to re-advertise the public hearing, and does not anticipate that the item would be back to the Council before August. In addition, depending upon the degree of changes, if any of those changes were never considered by the Planning Commission, the item will have to, by law, return to the Commission.

Council Member Neeb moved to table the matter. Council Member Mayes seconded. Motion carried 4-1 on a roll call vote.

- AYES: Council Member Luckino, Mayes, Neeb and Mayor Leone.
- NOES: Council Member Herbel
- ABSTAIN: None
- ABSENT: None

**FUTURE AGENDA ITEMS**

None presented

**PUBLIC COMMENT**

**Margo Sturges**, Yucca Valley, asked questions regarding park dedication and responsibility in developments.

**David Fick**, Joshua Tree, advised of a pre-application for 520 homes adjacent to the golf course noting there are benefits and considerations for the Town to be aware of if it is considering buying the golf course.

**STAFF REPORTS AND COMMENTS**

Administrative Services Director Yakimow advised that he and Town Manager Takata were in San Francisco this morning closing the RDA Bond Issue, funds have been banked and will be included in the Redevelopment Agency Budget to be presented at the last meeting in June.



**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor & Town Council  
**From:** Shane Stueckle, Deputy Town Manager  
Alex Qishta, Project Engineer  
**Date:** April 28, 2015  
**For Council Meeting:** May 5, 2015

**Subject:** Active Transportation Program (ATP) – Cycle 2, Call For Projects  
June 1, 2015 Application Deadline  
Safe Routes to School Project  
Recreational and Multi-Purpose Trail Projects  
Trails and Bike Route Plan  
General Plan Policies  
Parks and Recreation Master Plan

**Prior Council Review:** The Town Council reviewed this matter and provided policy guidance to staff at its meeting of April 21, 2015.

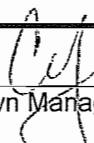
**Recommendation:** That the Town Council authorizes the Town Manager to submit applications for the Active Transportation Program grant cycle, including the identification of matching funds for project applications, based upon available resources and budget limitations, and based upon Town Council policy guidance and public input and participation.

**Executive Summary:** Over the past several months, the Town Council has identified the need to continue with Safe Routes to School access improvement projects and has requested staff continue searching for funding sources to continue those improvement projects. The Town Council also requested an update on the Town’s recreational trails plans.

Governor Brown signed Senate Bill 99 and Assembly Bill 101 to create the Active Transportation Program (ATP) which consolidated Federal and State transportation programs. A call for projects for both Safe Routes to School, as well as recreational trails, is currently open. The submittal deadline is June 1, 2015.

**Order of Procedure:**  
Request Staff Report  
Request Public Comment  
Council Discussion/Questions of Staff  
Motion/Second

---

Reviewed By:	 Town Manager	Town Attorney	Finance Manager	Department
--------------	-----------------------------------------------------------------------------------------------------	---------------	-----------------	------------

---

<input type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input checked="" type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

## Discussion on Motion

### Call the Question Voice Vote (Roll Call Vote, Consent Agenda)

**Discussion:** The current ATP call for projects concludes on June 1, 2015. The minimum request for ATP funds is \$250,000. While non-infrastructure projects are eligible for funding, staff believes infrastructure projects are the priority. Although matching funds are not required, an agency may elect to provide a match and will be awarded up to 5 additional scoring points. There is \$360 million available in this funding cycle. There is no maximum number of applications that an agency may submit. This is a highly competitive call for projects. Funding is estimated to be available by approximately July 2016.

Eligible Projects are Infrastructure Projects, Non-Infrastructure Projects, Infrastructure Projects with Non-Infrastructure Components, and Plans for a community wide Bicycle, Pedestrian, Safe Routes to School or ATP.

The program goals of the Active Transportation Program (ATP) are to:

- Increase the proportion of trips accomplished by biking and walking;
- Increase the safety and mobility of non-motorized users;
- Advance the active transportation efforts of regional agencies to achieve greenhouse gas reduction goals as established pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) and Senate Bill 391(Chapter 585, Statutes of 2009);
- Enhance public health, including reduction of childhood obesity through the use of programs including, but not limited to, projects eligible for Safe Routes to School Program funding;
- Ensure that disadvantaged communities fully share in the benefits of the program;
- Provide a broad spectrum of projects to benefit many types of active transportation users.

The application has many components that need to be addressed and scoring is based upon both technical and non-technical information, such as the following (summarized).

- How will the project result in increased walking and bicycling to and from school? (30 points);
- How will the project reduce the number and/or rate of pedestrian and bicyclist fatalities? (25 points);

- How did the submitting agency maximize public participation for the project? (15 points);
- How will the project improve public health? (10 points);
- Does the project benefit a disadvantage community? (10 points);
- What is the cost effectiveness of the project? (5 points);
- Is the agency providing a match to be used? ((20% match to achieve full points (5 points));
- Will the resulting project utilize a certified community conservative corps?(5 points)
- What is the agency's success and performance on past grants and deliverability of projects? (10 points).

The following schedule lists the major milestones for the development and adoption of the 2015 Active Transportation Program (ATP):

- June 1, 2015 - Project application to Caltrans (postmark date)
- September 15, 2015 – CTC Draft List
- October 22, 2015 – Final List
- July 1, 2016 – Funds Available

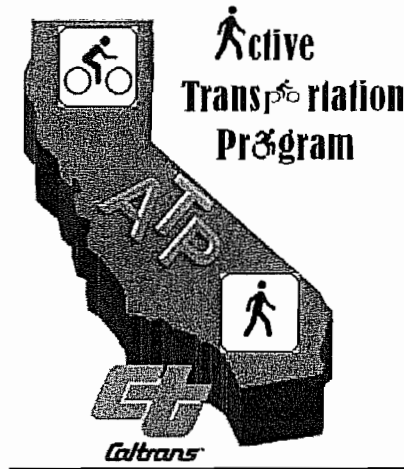
Staff is preparing a public participation and outreach program, which will include but not be limited to a joint meeting of the Planning Commission/Parks Recreational & Cultural Commission on May 12, 2015. Radio and newspaper advertisements are being prepared, as well as consultation and invitations to the local public school principals and recreation service organizations.

**Alternatives:** NA

**Fiscal impact:** The minimum ATP grant application is \$250,000. No match is required, but a match by the local agency provides additional points. It is anticipated that many agencies will provide matching funds for their projects in order to improve scoring and to illustrate project commitment.

**Attachments:** ATP Application Materials

# APPLICATION INSTRUCTIONS & GUIDANCE FOR ACTIVE TRANSPORTATION PROGRAM (ATP) CYCLE 2



These instructions are expected to be used on step-by-step basis for the preparation of ATP Cycle 2 Applications. Failure to follow these instructions may result in incomplete applications, which could result in a loss of points, ineligible project elements, and/or disqualification.

## APPLICATION INSTRUCTIONS & GUIDANCE

General Instructions	Page 2
Part A Instructions	Page 5
Part B Instructions	Page 12
Part C Instructions	Page 29
Additional References	Page 35

## **GENERAL - INSTRUCTIONS**

**Final Filing Date:** Applications must be postmarked by June 1, 2015. **NO EXCEPTIONS**  
 (All applications postmarked after this date will not be scored)

### **QUESTIONS CONCERNING THE APPLICATION**

If you have questions on how to fill out the application, please contact your Caltrans Local Assistance ATP coordinator or District Local Assistance Engineer (DLAE). A list of the DLAEs is available at:  
<http://www.dot.ca.gov/hq/LocalPrograms/dlae.htm>

### **SUBMISSION REQUIREMENTS**

#### **1. To Caltrans:**

- a. **Submit five (5) hard copies: 1 original and 4 copies.** All copies shall be securely bound, e.g. spiral or comb bound (no clips, clamps, ringed binders, or rubber bands).
  - The original application must be marked "ORIGINAL COPY". All documents contained in the original application package must have original signatures.
  - The 4 copies of the application may contain photocopies of the original package (so long as the maps, photographs and other detailed exhibits are in color and/or high resolution that clearly depict of all relevant information.)
- ❖ APPLICATIONS SHALL BE MAILED TO CALTRANS AT THE FOLLOWING ADDRESS:
  - CALTRANS
  - Division of Local Assistance, MS 1
  - Attn: Office of Active Transportation and Special Programs
  - P.O. Box 942874
  - Sacramento, CA 94274-0001
- b. **Submit two (2) electronic files:** Both electronic files must be submitted on a single disk or portable hard drive and must be included with the submittal of the 5 hard copies of the application. Each application shall have its own separate disk/portable drive. Applicants must adhere to the following steps to ensure the required electronic file-formats and file-contents are included in their submittal:

#### **First Electronic File:**

1. Download the "Part A" of the Cycle 2 Application from the Caltrans ATP website at:  
<http://www.dot.ca.gov/hq/LocalPrograms/atp/cycle-2.html>
2. Complete Part A (following the instructions outlined in this document and in the applications form) and save the file as follows:
  - Using the **original file format** of "Part A" of the Cycle 2 Application. The file-format must allow for Caltrans to extract the application data from the file. ***The file-format cannot be a scanned-copy. Applications will not be accepted, evaluated or scored without Part A of the application submitted in its original file format.***
  - Name the file with the word "PART A\_" followed by the Unique Application Number: "##-Agency Name-## ". In this number, the first two "#" symbols correspond to the Caltrans District and the last two "#" symbols correspond to the agency's application number (The Unique Application Number is shown in a auto-populated box on the top of the first page of Part A of the application).

**Second Electronic File:**

1. Complete, printout, and obtain all required signatures for the entire application and attachments (following the instructions outlined in this document and the Application Form). Once this is complete, save the second electronic file as follows:
  - Convert the entire application into a PDF file. Applicant can have the entire document (Parts A, B and C) scanned using a color/and or high resolution copier or print application elements directly to PDF files. If the entire document does not initially save into a single PDF file, the applicant must combine the files into **one PDF file that shows all pages in the same order as the hard copies**. All relevant information included in the original application must be clearly readable in this electronic copy, including but not limited to: signatures, color-coding, and oversized documents.
  - Name this file with the word “SCANNED\_” followed by the Unique Application Number: “##-Agency Name-##”. The Unique Application Number must exactly match the one used in the first electronic file discussed above.
- ❖ NOTE: DUE TO THE LARGE NUMBER OF EXPECTED APPLICATIONS AND SUBMISSION SIZE, NO E-MAIL SUBMISSIONS WILL BE ACCEPTED.

**2. To Regional Transportation Planning Agency (RTPA) or County Transportation Commission:**

- a. The California Transportation Commission – Guidelines for ATP require that the applicant submit an additional application copy to the Regional Transportation Planning Agency (RTPA) or County Transportation Commission and to the Metropolitan Planning Organization (MPO) within which the project is located by the final filing date. (An MPO contact list can be found at [www.dot.ca.gov/hq/tpp/offices/orip/](http://www.dot.ca.gov/hq/tpp/offices/orip/)) The copy may be hard copy or electronic – check with your regional agency and/or county commission for their preference.

**GENERAL ATP GUIDANCE**

Prior to filling out the application, applicants are encouraged to review the information and guidance provided on the CTC and Caltrans ATP websites at:

- CTC Website: <http://www.catc.ca.gov/programs/ATP.htm>
- Caltrans Website: <http://www.dot.ca.gov/hq/LocalPrograms/atp/index.html>

Applicants must download the “Part A” (PDF “fillable” form) and “Part B & C” (Microsoft Word form) elements of the application-form from the Division of Local Assistance ATP website at: <http://www.dot.ca.gov/hq/LocalPrograms/atp/cycle-2.html>. Applicants must prepare their electronic and hard-copy applications as defined in these instructions above.

**Part A of the application form must be completed on a computer with Adobe Acrobat Reader 8.0 or later.** Adobe Reader 8.0 can be downloaded for free at: <https://get.adobe.com/reader/>

Applicants are encouraged to read the entire Application Instructions and Guidance before attempting to prepare and submit the application. Applicants are expected to utilize and follow these instructions in a step-by-step process as they complete their application(s). Completing an application without adhering to these instructions may result in an incomplete application or an application with fatal flaws that will be excluded from the ranking and selection process. If an applicant has questions relating to their application, they should seek assistance from their Caltrans DLAE before submitting their application.

**APPLICATION ORGANIZATION****The hard copies of each application must be submitted using the following format:**

- Part A: After all project data is entered into “Part A”, a printout must be included
- Part B: After all the Screening Criteria and Narrative answers are entered into “Part B”, a printout must be included.
- Part C: Applicants are expected to build “Part C” of their application as needed based on the attachments to be included in their application. Part C must begin with the List of Application Attachments page. All attachments must be in the order designated in these instructions, including the “Signature Page” as Attachment A.

❖ “Step-by-Step” instructions are included for each of these sections of the application.

**Using a Cover Sheet is not allowed:** Applications shall not include a cover sheet to assist with application consistency, reviewing and filing.

**Using TABS in the application:** All applications must provide separation “tabs” in the hard-copies of the applications to identify the beginning location of each of the following application sections: Part A, Part B, Part C and each separate Attachment under Part C.

**Headers:** The project unique application number shall be included in the header of each page.

**Footers:** All pages of the application shall include page numbers in the footer section of the page. Attachments should either be numbered in the lower right hand corner or each page of the attachment should show the attachment letter (e.g. Attachment A).

**Paper Size and formatting:** In general, the hard-copies of the applications are to be on 8 ½” x 11” paper, single-sided, line spacing at 1.5, with minimum of 12 point font. Attachments are not required to be 8 ½” x 11”. If attachments are larger than a standard page, they should be folded to 8 ½” x 11”.

## **PART A - INSTRUCTIONS “General Project Information”**

### **AUTO-FILL INFORMATION:**

The first page of the application starts with two locked input fields that are auto-populated as the application is completed. As stated above in the “Submission Requirement”, applicants are required to use this exact “**Project Unique Application No.**” for their electronic file names.

### **IMPLEMENTING AGENCY AND PARTNERING AGENCY:**

**Implementing Agency:** This agency must enter into a Master Agreement (MA) with Caltrans and will be responsible for all requirements under the MA, including but not limited to, the use and expenditure of the program funds, delivery of the project within all pertinent Federal and State funding requirements and future operational and maintenance needs. (i.e. city, county, tribal government, public health department, transit agency, school district, natural resources agency, public lands agency, Metropolitan Planning Organization (MPO), or Regional Transit Planning Agency (RTPA).)

Note: Private nonprofit tax exempt organizations may apply for eligible Recreational Trails Projects that facilitate trail linkages or connectivity to non-motorized corridors, and conversion of abandoned railroad corridors trails. The project must benefit the general public and not only a private entity. For all other project types, private nonprofit organizations may **ONLY** take on the role of Partnering Agency, as described below.

### **Throughout the ATP application and application instructions, “Applicant” may be used to refer to the “Implementing Agency.”**

Enter the name, address and contact information for the Implementing Agency. For consistent naming conventions between cities and counties; Counties are expected to include “County” at the end of their name (e.g. Sacramento County) and cities should just enter their name (e.g. Sacramento).

**Partnering Agency:** Entities that are unable to apply for Active Transportation Program funds or that are unable to enter into a Master Agreement with the State must partner with an eligible applicant that can implement the project. **In addition, entities that are unfamiliar with the requirements to administer a Federal-Aid Highway Program project are encouraged to partner with an eligible applicant that can implement the project. For these projects and partnering agencies, the partner is not required to sign application on the signature page.**

If another entity (different from the Implementing Agency) agrees to assume responsibility for the ongoing operations and maintenance of the facility, documentation of the agreement (e.g., letter of intent) must be submitted with the project application, and a copy of the Memorandum of Understanding or Interagency Agreement between the parties must be submitted with the first request for allocation. **For these projects, the Partnering Agency responsible for the operation and maintenance of the completed projects must sign the application (Attachment A) and provide contact information in Part A.**

This partnering role is **not** required for ATP projects/applications and no points will be allocated on the basis of projects identifying a Project Partnering Agency.

The Partnering Agency will **not** enter into a Master Agreement with Caltrans and will **not** be financially and contractually responsible.

If there is a Partnering Agency for the project, as defined above, enter the name, address and contact information for the Partnering Agency.



**MASTER AGREEMENTS (MAs):**

Successful applicants must be able to meet the requirements of and enter into a Master Agreement (MA) with Caltrans if their application is awarded funding. Caltrans encourages applicants to submit their applications through Implementing Agencies with existing approved MAs. Agencies that do not currently have a MA with Caltrans must be able to enter into an MA with Caltrans prior to funds allocation.

For more information on the requirements to enter into a Master Agreement with Caltrans visit the links listed below:

General policies and procedures are discussed in the Caltrans Local Assistance Procedures Manual (LAPM) Chapter 4 at: [http://www.dot.ca.gov/hq/LocalPrograms/lam/prog\\_p/ch04-2011-04-08.pdf](http://www.dot.ca.gov/hq/LocalPrograms/lam/prog_p/ch04-2011-04-08.pdf). A sample Master Agreement is also located at this site.

Information concerning the auditing and accounting requirements can be found at: <http://www.dot.ca.gov/hq/audits/documents/auditbrochure.pdf>

For those agencies that are not familiar with the local Federal Aid process, Caltrans strongly encourages seeking an “Implementing Agency” such as a City, County, or regional transportation agency to act as the applicant for their application. These agencies should note: The MA approval process can take 6 to 12 months to complete and there is no guarantee the agency will meet the requirements necessary for the State to enter into a MA with the agency. Delays could result in a failure to meet the CTC Allocation timeline requirements and the loss of ATP funding.

The application must confirm if the Implementing Agency currently has a MA and if so, must include the Federal and/or State MA number.

**PROJECT NAME, DISCRPTION, AND OTHER GENERAL INFORMATION:**

**Project Name:** Enter a very brief project name. If funded, this name will be used in the CTC project listing.

*Good Example: City of Lakeside – Grand Avenue Bike Route Improvements*

*Bad Example: Bike Route Improvements*

**Application Number:** For tracking purposes, Caltrans needs every application to have a statewide unique application ID number. An element of this larger number is requiring applicants assign a numerical number to each of their applications (1, 2, 3, etc). Applicants must ensure that each of their applications has a different application number. **These numbers will not be considered to have any correlation to the agency’s priority of the project.**

**Project Description:** Enter a brief project description – no more than 250 characters. The project description should convey the types of work and/or the major elements that are proposed – without going into details like construction quantities. If the application is an infrastructure project that is only requesting preconstruction (PA&ED, PS&E and/or ROW) funds, this must be stated in the Project Description. If funded, this description will be used in the FSTIP programming document.

*Example: “Install Rectangular Rapid Flashing Beacons, pavement markings and signing” or “PS&E and ROW funding for the eventual construction of curb, gutter, sidewalk, and curb ramps”*

**Project Location:** Enter a brief project location – no more than 250 characters. The project location should convey the road names, intersection cross street names, and/or geographical references of where the project is located – without defining the limits of work in terms of “feet” offsets. For projects with multiple locations, it may be appropriate to list each location or simply state “Various locations . . .” If funded, this location will be used in the FSTIP programming document.

*Example: “On Elm St. between Oak Ave. and Cherry Blvd.” or “The intersection of Elm St. with Oak Ave.” or “Various locations along Oak Ave” or “Various locations throughout the County.”*

**Encroachments on the State right-of-way:** If the applicant’s project proposes improvements within a freeway or state highway right-of-way, whether it affects the safety or operations of the facility or not, it is required that the proposed improvements be reviewed by the district traffic operations office and either a letter of support or acknowledgement from the traffic operations office be attached or the signature of the traffic manager be secured in the application. **The Caltrans letter and/or signature does not imply approval of the project**, but merely acknowledges that Caltrans District staff is aware of the proposed project, and that, upon initial review, the project appears to be acceptable.

These applications must also include narrative text and maps clearly defining the proposed encroachments on state right-of-way. These maps (in their final form) and text must be available to the Caltrans District staff at the time of their review prior to the submittal of the application.

**Project Coordinates:** All applications are required to include one set of GPS latitude and longitude coordinates for the approximate central location of the project. These coordinates are expected to be used on a statewide basis (i.e. a statewide heat-map showing number of projects). *For further assistance search online for “Get the coordinates of a location”*. The numbers should be entered in decimal degrees. Negative latitude numbers means “South” and negative longitude numbers means “West”

**Congressional and State Districts:** For reporting purposes, all applications are required to include each of the Congressional, State Senate and State Assembly Districts where the project work is taking place. If more than 3 districts are impacted, only list the 3 where the majority of the work will occur.

**Caltrans District:** Use the drop down menu to select the Caltrans district in which the project will occur. If more than one district is impacted, select the district where the majority of the work will occur. See <http://www.dot.ca.gov/localoffice.htm> to determine which district your project is in.

**County:** Enter the county in which the project will occur. If the project covers multiple counties, select the county where the majority of the work will occur.

**MPO/RTPA:** Input the MPO (Metropolitan Planning Organization) that will be involved with the programming of the project in the FTIP. Input “Caltrans” for Small Urban and Rural projects. For information about MPOs, visit [http://www.dot.ca.gov/hq/transprog/federal/mpo\\_ftip\\_links.htm](http://www.dot.ca.gov/hq/transprog/federal/mpo_ftip_links.htm).

**RTPA:** From the drop down menu select the RTPA in which the project occurs.

**Urbanized Zone Area (UZA) Population:** From the drop down menu select the population size of the community in which the project occurs.

**ADDITIONAL PROJECT GENERAL DETAILS:**

The information in this section of the application **must exactly match** the information in the corresponding Narrative Questions in Part B of the applicant. *This information is included in Part A of the application so it can be extracted and included in future Caltrans and CTC databases.*

**ESTIMATION OF ACTIVE TRANSPORTATION USERS**

This information must match the information provide in Narrative Question Number 1.

**BICYCLE AND/OR PEDESTRIAN INFRASTRUCTURE**

This information must match the information provide in Narrative Question Number 1.

**DISADVANTAGED COMMUNITIES**

This information must match the information provide in Narrative Question Number 5.

**CORPS**

This information must match the information provide in Narrative Question Number 8.

Answering “Yes” means the project includes scope elements that the Corps can participate in AND the applicant intends to utilize them.

**PROJECT TYPE:**

The ATP encompasses three distinct project types: Infrastructure (I), Non-Infrastructure (NI) and Plans. These projects types are defined in the CTC Guidelines in Chapter 11. The CTC Guidelines can be found at: <http://www.catc.ca.gov/programs/ATP.htm>

- **Infrastructure (I):** See the CTC Guidelines referenced above.
- **Non-Infrastructure (NI):** See the CTC Guidelines referenced above. Non-Infrastructure projects and/or project components are eligible for all ATP applications and are not limited to those only benefiting school students. **The ATP program will focus funding for non-infrastructure projects on pilot and start-up projects that can demonstrate funding for ongoing efforts.** The ATP program funds are not intended to fund ongoing program operations. Non-infrastructure project applications must include a workplan (Form 22-R) with distinct tasks and deliverables that define the scope of the project. This information will be utilized in the evaluation process. See Part C for more information on Form 22-R.
- **Combination (I/NI):** Projects that include Infrastructure and Non-Infrastructure elements.
- ❖ *Note: In this section of Part A, applicants are expected to identify which of the above three project classifications represents their proposed project. In making this selection, applicants for ‘Plans’ are to select ‘Non-Infrastructure’*

**Plans:** All Active Transportation Plan projects must be within and for the express benefit of a disadvantaged community. The expectations and requirements of Active Transportation Plans are defined in the CTC Guidelines in Sections 7 and 13-E. An active transportation plan must include, but not limited to, the components listed in Section 13-E of the CTC guidelines or explain why the component is not applicable.

Agencies must also document all of the existing plans they have previously approved relating to active modes of transportation.

**PROJECT SUB-TYPE:**

**All Projects:** Projects need to define the ‘rough approximation’ for the percentage of the **project-costs** that is Bicycle Transportation focused and Pedestrian Transportation focused – with the total percentage usually equaling 100%. Projects where all elements of the scope **ONLY** benefit one mode (either bicycle or pedestrian) of transportation should mark the appropriate box and input

100% for that mode. Projects with elements of the scope that benefit both bicycle and pedestrian modes of transportation should mark both boxes.

**Safe Routes to School Projects:** (Only safe routes to school projects should fill out this section.)

Projects that only benefit one school should provide all requested school-related information requested in Part A. If the project involves more than one school: 1) Insert “Multiple Schools” in the School Name, School Address, and distance from school fields; 2) Fill in the student information based on the total project; and 3) Include an attachment to the application which clearly summarizes the school information, the school official signature, and person to contact for each school. The following are additional instructions for Safe Routes to School projects:

- School Information: enter the Full School name(s) and Address(s) for the school(s) that will benefit from the project.
- School District Information: enter the School District Name(s) and School District Address(s) for the schools.
- The ‘distance’ from school should be inputted in terms of ‘miles’ to the nearest tenth.

**Trails (Recreational and Multi-Purpose Trails):** (Only trails projects should fill out this section.)

Trails Projects constructing multi-purpose trails and are generally eligible in the Active Transportation Program. (See the CTC guidelines for more information.) If the applicant believes all or part of their project meets the federal requirements of the Recreational Trails Program they are encouraged to seek a determination from the California Department of Parks and Recreation on the eligibility of their project to compete for this funding. This is optional, but recommended because some trails projects may compete well under this program. The federal requirements can be found at:

[http://www.fhwa.dot.gov/environment/recreational\\_trails/](http://www.fhwa.dot.gov/environment/recreational_trails/)

NOTE: Recreational Trails funded projects are the only ATP project type that Non-Profit agencies may apply for as an implementing agency.

The estimations shown in this section are expected to be rough approximations.

**Applicants intending to pursue “Recreational Trails Program funding” must submit the information noted below to the California Department of Parks and Recreation prior to the ATP application submissions deadline.** The following information must be included in the submittal:

- ❖ Project Name, Project Scope, Location Map, Cost Estimate, & Photos

The submittal must be addressed to:

To: California Department of Parks and Recreation  
Attention: Richard Rendón  
Office of Grants and Local Services  
1416 9<sup>th</sup> Street  
Sacramento, CA 95814

**PROJECT STATUS and EXPECTED DELIVERY SCHEDULE:**

This section of the application documents the current delivery phase of a project and the applicant’s proposed schedule for the project, including proposed CTC allocation dates.

For each of the standard project “Milestones”, applicants need to enter either the date the milestone was completed (for all milestones already complete prior to submitting the application) or the date the applicant anticipates completing the milestone. Applicants should enter “N/A” for all CTC allocations that will not be requested as part of the project.

The agency is responsible for including all standard project delivery timeframes for the development and completion of the project, including but not limited to: Program Supplemental Agreement, CTC Allocations, FHWA E76 Approvals, and Caltrans processing of delivery documentation and approvals, consultant selection, environmental studies, right-of-way certification. Agencies not familiar with the federal and state delivery requirements are strongly encouraged to review the appropriate chapters of the Local Assistance Procedures Manual (LAPM) at <http://www.dot.ca.gov/hq/LocalPrograms/lam/forms/lapmforms.htm> or contact their Caltrans DLAE for assistance.

**When completing the expected delivery schedule remember the following special instructions:**

- Per CTC Guidelines, all project applications must be submitted with the expectation of receiving federal funding. Therefore, all project schedules must account for the extra time needed for federal project delivery requirements and approvals, including but not limited to: a 2 month duration between each CTC allocation and FHWA Authorization; federal contracting requirements; federal environmental requirements (NEPA); federal right-of-way condemnation process; and the fact that all milestones after CEQA Environmental Clearance must occur after the NEPA Environmental Clearance date.
- If the “Implementing Agency” designated in the beginning of this application does not have an existing federal Master Agreement (MA) with Caltrans, this schedule must include an additional 9 to 12 months to execute the MA prior to their first CTC allocation.
- The agency is responsible for meeting all CTC delivery requirements or their ATP funding will be forfeited. Caltrans will be reviewing the schedule during the ‘deliverability evaluation’ of the application as part of Narrative Question number 9 in Part B of this application.
- For projects consisting of entirely non-infrastructure elements, not all of the milestones will be required. These NI projects only have to provide dates for the milestones identified with a “ \* ”.
- All Infrastructure projects require an environmental certification and Right-of-way (ROW) certification. The efforts may be minimal but the time and milestone need to be accounted for in the schedule and PPR.
- All CTC Allocation dates need to fall within the available ATP programming years for this call for projects, which are: 16/17, 17/18, and 18/19
- If you are unsure about the amount of time Caltrans will take to issue these documents, you should contact your DLAE for assistance.

**PROJECT FUNDING:**

Per the ATP Guidelines, the minimum request for ATP funds is \$250,000. This minimum does not apply to non-infrastructure projects, Safe Routes to Schools projects, Recreational Trails projects, or Plans.

All funding amounts in these sections of the application are expected to be for all phases of the project and are to be shown in thousands of dollars (e.g. a one million dollar project would be shown as \$1,000)

The applicant must ensure that the funding shown in this section EXACTLY matches the funding shown in the ATP Project Programming Request (ATP-PPR). The PPR must be included in Part C of the application as Attachment B.

For infrastructure projects, the applicant must ensure they are following the LAPM relating to Preliminary Engineer and Construction Engineer levels in relation to the total construction costs (25% and 15% respectively)

**ATP funds being requested this cycle:** Applicants are required to document the ATP funding needed for each phase of their project.

**Local funds leveraging or matching the ATP funds:** Per CTC Guidelines, local matching funds are not required for any ATP Cycle 2 projects, but local leveraging funds are strongly encouraged. For local funding to be considered leveraging, it must be for ATP eligible activities and costs. (i.e. Local funding going towards paying the landscaping costs over the maximum % set by the Caltrans ATP guidelines cannot be considered leveraging funds)

The federal programming of projects, where the agency shows no match, will utilize toll credits, state funds, and/or another mechanism to do cover the federal match requirement. To assist with the streamlining the programming of new ATP projects, Caltrans encourages agencies proposing leveraging funds on their project to apply the match (leveraging funds) to the project in a way that each federal-phase of will have a match greater than 11.47% - or – no match at all (this is not a requirement).

**Additional Local funds that are ‘non-participating’ for ATP:** These are local funds required to complete the overall project, but not are eligible for ATP funding based on the CTC and Caltrans guidelines.

**TOTAL PROJECT FUNDS:** This must represent the total funding required to complete all activities and improvements of all phases of the project. This amount is the sum of the three preceding numbers.

#### **ATP - FUNDING TYPE REQUESTED:**

Per the CTC Guidelines, All ATP projects must be eligible to receive federal funding. Most ATP projects will receive federal funding, however, some projects may be granted State-only funding (SOF) for all or part of the project. This section of the application provides the applicant the opportunity to explain why they believe their project (if funded) requires a specific type(s) of ATP funding or document why they believe their project is a good candidate to receive a specific type of funding.

All applicants requesting State Only Funding must attach an “Exhibit 22-f.” Exhibit 22-f can be found on the Caltrans ATP website with the application attachments for Cycle 2.

All applicants requesting special funding must briefly explain their reason(s) in 250 characters or less. If they feel a longer explanation is needed, they can attach their explanation in Part C – Attachment K and include a reference to this attachment in the box provided in Part A.

**ATP PROJECT PROGRAMMING REQUEST (PPR):** In addition to the project funding information provided in Part A of the application, all applicants must complete the ATP Project Programming Request form and include it in Part C as Attachment B. More information and guidance on the completion and submittal of this form is located in this document under Part C – Attachment B. Failure to follow these instructions and complete and submit the form as required may result in disqualification of the application.

## **PART B - INSTRUCTIONS AND GUIDANCE**

### **GENERAL GUIDANCE FOR PART B**

All applications are required to include a “Part B: Narrative Questions”. Part B is to be combined with Part A and C to make a complete ATP-Cycle 2 Application.

It is the applicant’s responsibility to ensure all information included in each part of the application is fully consistent with the corresponding sections in the other parts. Failure to provide consistent data may result in a lower score/ranking, a lower level of ATP funding, or disqualification.

All applications must respond to all questions in the order in which they appear.

#### **The instructions for Part B are included in two places:**

- They are included in this document (below), and
- They are included in a separate document that only includes instructions & guidance for Part B

The intent is that applicants can utilize either format based on their personal preference.

Applicants must adjust the header of their application form to show the correct unique application Number – as shown in Part A.

### **TABLE OF CONTENTS**

A table of contents for Part B must be included in the application as the first page of Part B. A draft Table of Contents page is included in the Application Form and is expected to be updated by the applicant.

### **SPECIAL INSTRUCTIONS FOR THE NARRATIVE QUESTIONS AND SCREENING CRITERIA**

Applicants are expected to give special attention to the following overall instructions and guidance for Part B:

1. Applicants are encouraged to answer the questions as concisely as possible.
2. Answers to all Screening Criteria and Narrative Questions in Part B are limited to a total of 5,000 words or less, not including text already provided
  - Including the preset-text of the Narrative Questions, page-titles, and Headers/Footers; the total word count of the application form that contains Part B, shall not exceed **7,000** words.
  - The applicants of combined I and NI projects will be given an extra 2000 words for Part B of their applications (**9,000** words maximum) to allow for the combined I and NI responses.
3. Combined Infrastructure (I) and Non-Infrastructure (NI) projects: For I projects with NI components, the answers to each of the questions/sub-questions should clearly document the I & NI components of the projects.
4. In addition to the text in the Part B narrative answers, applicants are encouraged to include maps in Part B directly in each sub-question, as requested in the question-instructions. Applicants are also encouraged to include 1 or 2 photographs in the text of each narrative sub-question as appropriate.
5. If applicants desire to provide additional supporting maps, photographs, and excerpts from relevant documents/reports in the appropriate Part C Attachment as needed. Each attachment should be clearly referenced in the narrative answers. Full copies of supporting documents and reports should not be included. Provide only the relevant page(s) of larger documents and highlight/underline the applicable information.

6. Applicants shall ensure their representation of their proposed project's purpose, goals, improvements, and/or impacts are reasonable and probable.
7. The answers to the Narrative Questions must be consistent with and fully support the project's scope, cost, and schedule as shown project plans, estimate and PPR.

### **SCREENING CRITERIA**

The California Transportation Commission – Guidelines for the Active Transportation Program require applications for projects to meet two screening criteria. These criteria and corresponding instructions and guidance are as follows (*Note: Each Screening Criteria is shown in black text followed by the corresponding instructions and guidance shown in red text*):

NOTE: Caltrans and/or the CTC will score this question separately. Evaluators/reviewers will not score this question

#### **1. Demonstrated fiscal needs of the applicant:**

- *Applicant must explain the fiscal need for ATP funds for this project. If the project is fully funded prior to ATP funding award then the project is not eligible to compete for ATP funding. Subvention of funds is not permitted.*
- *Applicants must explain any elements of the proposed project that are directly or indirectly related to past or future environmental mitigation resulting from a separate development or capital improvement project. If the project is or can be considered environmental mitigation resulting from a development or capital improvement project, then project is not eligible to compete for ATP funding.*

#### **2. Consistency with Regional Plan.**

- *All projects submitted must be consistent with the relevant adapted regional transportation plan that has been developed and updated pursuant to Government Code Section 65080.*
- *Applicant must provide that portion of Regional Transportation Plan showing that the proposed project is consistent (site and attach the specific relevant pages). The copied and highlighted portion of the Plan will need to be attached to the application in "Part C - Attachments". Projects not providing proof will be disqualified and not be evaluated.*

**In addition to the 2 screening criteria defined in the CTC guidelines, Caltrans will also be screening the applications to ensure they are complete, have fully-eligible scopes of work, are consistent with the CTC and Caltrans Guidelines, and are deliverable and constructible.** Where inconsistencies are found (i.e. ineligible items/costs), Caltrans will document and make recommendations to the CTC relating to the removal of ineligible project costs or projects prior to final selection and programming of the Statewide ATP projects. In addition, Caltrans will present their recommendations to the corresponding MPO for their consideration and action prior to their selection and programming of their projects. At a minimum, the following application elements are expected to be confirmed by Caltrans:

- All applications submitted must follow the CTC Guidelines and must be completed using the latest version of the Caltrans ATP application, the application instructions, and Chapter 22 of the Local Assistance Program Guidelines. All applications must include all required attachments and signatures as required by these guidance documents.
- Application must demonstrate that the primary purpose of the project matches the defined purpose of the Active Transportation Program of "encouraging increased use of active modes of transportation, such as biking and walking." Applications that appear to have a primary focus on



- vehicular capacity increases, vehicular operational improvements, urban forestry, or environmental mitigation will be identified.
- The scope of work shown in the application must be eligible and be constructible per accepted design standards; the LAPM Chapter 11, NACTO design guidance, or approved design exceptions.
  - A Civil Engineer must sign and stamp the application for all infrastructure projects per the CTC's PSR-equivalent requirements. See Attachment C.
  - Applications must demonstrate they meet the NI eligibility guidelines. See additional instructions under Form 22-R NI Workplan. See Attachment H.

### **NARRATIVE QUESTIONS**

The California Transportation Commission – Guidelines for the Active Transportation Program identify Narrative Questions that each application is expected to answer and the overall scoring points that each question shall be worth. These represent the nine (9) Narrative Questions in Part B of the application.

*(NOTE: The following section of this document consists of each Narrative Question and sub-questions shown in black text followed by the corresponding instructions and guidance shown in red text):*

#### **QUESTION #1**

**POTENTIAL FOR INCREASED WALKING AND BICYCLING, ESPECIALLY AMONG STUDENTS, INCLUDING THE IDENTIFICATION OF WALKING AND BICYCLING ROUTES TO AND FROM SCHOOLS, TRANSIT FACILITIES, COMMUNITY CENTERS, EMPLOYMENT CENTERS, AND OTHER DESTINATIONS; AND INCLUDING INCREASING AND IMPROVING CONNECTIVITY AND MOBILITY OF NON-MOTORIZED USERS. (0-30 POINTS)**

##### **A. Describe the following:**

**-Current and projected types and numbers/rates of users. (12 points max.)**

*Document how the user types are broken down between: students, bikes, pedestrians, commuters, recreational users, seniors, etc.*

*Quantify how many bicyclists and pedestrians currently use the project/plan area/corridor. Include data source, date collection methods, and year of data collection. Recent bicycle and pedestrian counts collected in the field are preferred. The Federal Highway Administration (FHWA) 2013 Traffic Monitoring Guide, the NCHRP Report No. 797, Guidebook on Pedestrian and Bicycle Volume Data Collection, and the NCHRP Report No. 770, Estimating Bicycling and Walking for Planning and Project Development: A Guidebook all have details on bicycle and pedestrian count methodologies listed at the following links respectively:*

- [http://www.fhwa.dot.gov/policyinformation/tmqguide/tmq\\_2013/traffic-monitoring-for-non-motorized.cfm](http://www.fhwa.dot.gov/policyinformation/tmqguide/tmq_2013/traffic-monitoring-for-non-motorized.cfm)
- <http://www.trb.org/PedestriansAndBicyclists/Blurbs/171973.aspx>
- [http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp\\_rpt\\_770.pdf](http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rpt_770.pdf)

*Discuss how many bicyclists and pedestrians are expected to use the project/plan area/corridor or participate in the program after completion or implementation. Describe methodology for determining future use. Stated preference surveys, estimates based on before-after data from comparable local projects or programs, and other project-specific estimates are preferred. Must include methodology for timeframe use for the future estimates (Use a 5 year timeframe for future estimates or provide detailed methodology for a different time horizon.)*

*The U.S. Census American Community Survey has information on mode share to work. The website is: <https://www.census.gov/acs/www/>*

*For Safe Routes to School projects and programs: 1) The total student enrollment and participation rate in the program, 2) Estimated # of students living within reasonable walking/bicycling distance from school or along the route proposed for improvement (for infrastructure projects), 3) Percentage of students that currently walk or bike to school if known, 4) Projected percent of students that will walk or bike to school following project completion or program implementation.*

*Non-infrastructure programs should have a sound plan for increasing and documenting active transportation mode share. Where possible, programs should document past successes of similar programs.*

*Points will be awarded based on the types and expected increase in number/rates of users resulting from the project. Points will be applied on a holistic basis as opposed to specific numbers/rates.*

- B. Describe how the project links or connects, or encourages use of existing routes (for non-infrastructure applications) to transportation-related and community identified destinations where an increase in active transportation modes can be realized, including but not limited to: schools, school facilities, transit facilities, community, social service or medical centers, employment centers, high density or affordable housing, regional, State or national trail system, recreational and visitor destinations or other community identified destinations via:**  
(12 points max.)

- a. creation of new routes
- b. removal of barrier to mobility
- c. closure of gaps
- d. other improvements to routes
- e. educates or encourages use of existing routes

#### Infrastructure and Plans

*List the destinations that will be served by this project/program/plan, and provide a general measure of size for each destination. Include a scaled-map that clearly shows the limits of the project's improvements, existing barriers/gaps, each of the activity centers, existing bicycle/pedestrian infrastructure within the projects' active transportation routes, and the expected routes to be improved/created, and how the barriers/gaps will be effectively addressed.*

*Describe how the plan will improve walking and bicycling routes to and from employment, schools, transit, public buildings, parks, high-density residential areas. Plans should have a systematic method for identifying and prioritizing walking/bicycling routes to and from these activity centers.*

*Be specific when describing how each element of your project/program/plan will contribute to the encouragement of users to walk and bike. As appropriate, describe how the comfort level will be increased amongst potential users.*

*As needed, document the methodologies used to calculate the reasonable project service area if the project assumes walking distances over ½ mile and biking distances over 3 miles.*

#### Non-infrastructure

*Describe how the program identifies and promotes walking and bicycling to and from activity centers such as employment, schools, transit, public buildings, parks, and residential areas. Include references to the tasks, activities and deliverables documented Non-Infrastructure workplan (Form 22-R). See Part C for more information on Form 22-R.*

*Points will be awarded based on the overall effectiveness of the project or method of the plan for the community with regard to improving links, removing barriers, encouraging increase use, and connecting to transportation-related and community identified destinations.*

**C. Referencing the answers to A and B above, describe how the proposed project represents one of the Implementing Agencies (and/or project Partnering Agency's) highest unfunded non-motorized active transportation priorities. (6 points max.)**

*When the project's Partnering Agency is not the Implementing Agency, the relative priority of the project can be described in terms of the project Partnering Agency's priorities with references to larger regional transportation priorities as appropriate.*

*Infrastructure: Be specific when describing how the project represents one of the agency's highest active transportation priorities relating to encouraging increased use of active modes of transportation. Provide project-specific ties to the agency's and regional planning documents.*

*Plans: Describe purpose, need, and goals of developing a plan. If applicable, how does the proposed plan relate to other adopted plans? Plan should build on past planning efforts, and not duplicate efforts conducted by the applicant or other entities.*

*Non-infrastructure Programs: Describe purpose, need, and goals of implementing the program. How does the proposed program relate to other prior or ongoing programs implemented by the applicant or other entities? Program should build on prior programs, and not duplicate efforts conducted by the applicant or other entities.*

*As appropriate, include a letter of support from the RTPA and/or MPO which documents their understanding of the project's relative ATP-priority.*

*Points will be awarded based on demonstrating the project's potential role for the agency in achieving its goal for "encouraging increased use of active modes of transportation, such as walking or biking". More points will be given to projects deemed to be a key element of an agency's active transportation plan element or goal.*

**QUESTION #2**

**POTENTIAL FOR REDUCING THE NUMBER AND/OR RATE OF PEDESTRIAN AND BICYCLIST FATALITIES AND INJURIES, INCLUDING THE IDENTIFICATION OF SAFETY HAZARDS FOR PEDESTRIANS AND BICYCLISTS. (0-25 POINTS)**

**A. Describe the plan/program influence area or project location's history of collisions resulting in fatalities and injuries to non-motorized users and the source(s) of data used (e.g. collision reports, community observation, surveys, audits). (10 points max.)**

*Specific counts must be provided in an easily understood format. Collision/incident descriptions, date of collision/incident, severity of injuries and victim type (pedestrian/bicyclist) should be provided. The most recent 5 years of data should be provided (if other than 5 years of data or not the most recent data is used, applicant must explain their reasoning). Some possible sources for safety data can be found at:*

- Local Agency Crash Database
- Statewide Integrated Traffic Record System (SWITERS):

<http://iswitrs.chp.ca.gov/Reports/jsp/userLogin.jsp>

- UC Berkley SafeTREC Transportation Injury Mapping System (TIMS):

<http://tims.berkeley.edu/>

Note: TIMS has detailed crash data preformatted and tied to individual schools.

Agencies pursuing Safe Routes to School projects are encouraged to consider this data.

*In addition to the number of crashes, applicants have the option to present their collision history in the form of “rates” to better convey the exposure/risk to potential non-motorized users. If a discussion on “rates” is included, the applicant must provide their methodology for how the rates are defined and how their project-rates compare to other rates across the state, region and/or neighboring areas.*

*Plans should have a systematic method for identifying safety hazards, including, but not limited to collision history, field observations, collaboration with community members, police reports, and/or academic research.*

*When plan/program influence area or project locations do not have a significant number of past crashes or access to collision reports and other formal crash data, then community observations, community surveys, community audits, research reports, photos, and other data can be documented to help describe the safety needs within the project limits.*

*A scaled-map must be included which shows that all document collisions/incidents are within the area of influence of the proposed plan, program, or project safety improvements.*

*This data and map should demonstrate how the data illustrates a non-motorized vs. vehicular safety issue and illustrate a roadway ‘crossing’ vs. roadway ‘segment’ issue.*

*If the facility/route is new and there is no past crash and safety data available within the limits of the proposed improvements, the applicant should consider the potential for the project to eliminate or reduce existing conflict points on parallel routes. Crash data from parallel routes can be included where the new facility/route can be reasonably expected to reduce the likelihood of past crashes from reoccurring. The overall applicant data provided in the Narrative Questions and various attachments must support the use of parallel crash data.*

*Points will be awarded based on overall quality of data provided, clear demonstration that the crash and safety data are related to non-motorized travel and within the safety-influence area of the proposed project improvements, plan area, or program influence area, and the clear demonstration that the project area represents a high risk area for non-motorized users.*

**B. Describe how the project/program/plan will remedy (one or more) potential safety hazards that contribute to pedestrian and/or bicyclist injuries or fatalities; including but not limited to the following possible areas:**

**(15 points max.)**

- Reduces speed or volume of motor vehicles in the proximity of non-motorized users.
- Improves sight distance and visibility between motorized and non-motorized users.
- Eliminates potential conflict points between motorized and non-motorized users, including creating physical separation between motorized and non-motorized users.
- Improves compliance with local traffic laws for both motorized and non-motorized users.
- Addresses inadequate traffic control devices.
- Eliminates or reduces behaviors that lead to collisions involving non-motorized users.
- Addresses inadequate or unsafe traffic control devices, bicycle facilities, trails, crosswalks and/or sidewalks.

*As appropriate, applicants should use a map to show how these hazards relate to the crashes documented in sub-questions "A". The map from sub-question "A" can be used or a new map can be created.*

#### **Infrastructure and Plans**

*Describe how the project has identified and how it will address the major hazards. Describe how the project, plan, or program will address the past; and likelihood for future bicyclist and pedestrian injuries and fatalities. Discuss what alternative measures were considered to address the safety hazards, and why was the project the preferred alternative.*

*For plans, describe how the plan will identify and plan to address hazards identified in the plan area, including the potential for mitigating safety hazards as a prioritization criterion, and/or including countermeasures that address safety hazards.*

*Projects should include countermeasures to address specific collision types occurring at the location. Plans and programs should address a) specific types of collisions reported in the plan/program location and/or b) common types of collisions identified through academic research. Applicants are encouraged to include the results from any studies completed that use the past crashes, proposed countermeasures, and expected crash reduction factors to calculation the expected overall safety benefit for a project. these are federally-approved guides that compile information on safety countermeasures and represent latest research and best practices*

*Applicants should discuss the safety countermeasures utilized by the project. More information and examples of safety countermeasures and how to select the appropriate countermeasure, including low-cost countermeasures, applicants are encouraged to review one or more of the following national, state, or regional safety websites:*

- *FHWA website provides guidance and design information on countermeasures::*
  - [http://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/guidance/design\\_guidance/design\\_flexibility.cfm](http://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/design_guidance/design_flexibility.cfm)
  - [http://safety.fhwa.dot.gov/ped\\_bike/](http://safety.fhwa.dot.gov/ped_bike/)
  - <http://www.pedbikesafe.org/PEDSAFE/>
  - <http://www.pedbikesafe.org/BIKESAFE/>
- *Caltrans' Local Highway Safety Improvement Program has detailed guidance on how to identify and use appropriate countermeasures, including the Local Roadway Safety Manual. It can be found at:*  
[http://www.dot.ca.gov/hq/LocalPrograms/HSIP/prepare\\_now.htm](http://www.dot.ca.gov/hq/LocalPrograms/HSIP/prepare_now.htm)
- *The Metropolitan Transportation Commission has a list of crash types and countermeasures in their Safety Toolbox which may be helpful. It can be found at:*  
<http://mtc.ca.gov/planning/bicyclespedestrians/safety/physical-crash.htm>

#### **Non-infrastructure**

*Describe how the program educates bicyclists, pedestrians, and/or drivers about safety hazards for pedestrians and bicyclists. Describe how the program encourages this safe behavior. If available, include documentation of effectiveness of similar programs in encouraging safe behavior.*

*Include, if applicable, a map identifying safety hazards and/or photos of safety hazards. Programs should address safety hazards that have been identified through police reports, collision history, field observations, and/or other verifiable source.*

*Points will be awarded for plans/programs/projects based on the magnitude and number of existing hazards, and the for plans/programs/projects' expected relative-effectiveness in eliminating the identified hazards*

### **QUESTION #3**

#### **PUBLIC PARTICIPATION and PLANNING (0-15 POINTS)**

- NOTE: Applicants applying for the disadvantaged community set aside must clearly articulate how stakeholders from the disadvantaged communities were engaged. Failure to respond to the below questions with specific details about stakeholders from disadvantaged communities will result in lost points.

**Describe the community based public participation process that culminated in the project/program proposal or will be utilized as part of the development of a plan.**

**A. Who: Describe who was engaged in the identification and development of this project/program/plan (for plans: who will be engaged). (5 points max)**

*List the public stakeholders involved. Public stakeholders can include, but are not limited to, residents, targeted end users, community leaders, elected officials, advocacy organizations, local businesses, and members of vulnerable or underserved populations (i.e. elderly, youth, physically and/or mentally disabled, members from disadvantaged communities).*

*List the governmental stakeholders involved (i.e. other departments, agencies, jurisdictions, etc. impacted by the proposed that are NOT the applicant), these can include, but are not limited to law enforcement, transportation, local health department, schools/school districts, emergency services, metropolitan planning organization, etc.).*

*In the narrative, provide additional context describing the relative level of community engagement. For example, for many smaller and rural communities, participation of three public stakeholders groups with a total of fifteen people may be a significant level of engagement for that community. However, in a larger, more urban community, this some level of engagement would be insufficient relative to the total population.*

*Letters of support (10 letters maximum) from key public and governmental stakeholders are encouraged. In particular, letters of support should emphasize that the project represents the top or one of the top active transportation priorities for the community, targeted end users, or public stakeholders. When the implementing agency is not the governmental agency responsible for operating and maintaining any portion of the proposed project scope, letters of support are required from these agencies. For SRTS program, letters of support are required for participating schools and/or districts if they are not the implementing agency or project Partnering Agency.*

*Meeting sign-in sheets, meeting notes, letters of support, etc. should be attached as they support the above.*

*Points will be awarded based on the extent that the relevant stakeholders were engaged in the development of the project.*

**B. How: Describe how stakeholders were engaged (or will be for a plan). (4 points max)**

*Consider the following questions:*

- *What types of meetings or events and how many were held to engage stakeholders (e.g. open houses, community charrettes, city council meetings, planning commission meetings, etc.)?*
- *How were meetings or events noticed (e.g. local newspaper, county website, on the radio, at school parents group meetings, etc.)*

- *Where did meetings or events take place (e.g. school, community center, city council hall, etc.)?*
- *Were meetings or events accessible by public transportation?*
- *Were translational services provided at the meetings or events? If so, in what language?*
- *When during the day were meetings or events held (e.g. morning, afternoon, evening, etc.)?*
- *Was childcare provided during the meetings or events?*
- *Were stakeholders part of a decision-making body (i.e. technical advisory committee, citizens advisory committee, etc.) that identified this project/plan? If so, what body?*

*Attach any applicable public outreach process/proposal/plan, meeting minutes, links to websites, meeting agenda, meeting sign-in sheet, public service announcements, or Facebook pages as they support the narrative above.*

*Points will be awarded based on the level of community outreach and meeting/event accessibility (i.e. time of day, languages provided, location, etc.).*

**C. What: Describe the feedback received during the stakeholder engagement process and describe how the public participation and planning process has improved the project’s overall effectiveness at meeting the purpose and goals of the ATP. (5 points max)**

*Describe the stakeholder feedback, include any new alternatives or major revisions that were identified through the stakeholder participation process. If there was conflict between stakeholder feedback (e.g. X stakeholder group wanted protected bike lanes, Y stakeholder group wanted unprotected bike lanes and parking), please describe the differences in feedback and how a decision was reached to move forward with the proposed.*

*Describe how projects/programs/plans were modified and developed to “increase use of active modes of transportation” and support one or more of the corresponding ATP goals. Describe how the highest community wide/regional active transportation priorities were identified and addressed in the proposed project as a result of the public participation and planning process.*

*Points will be awarded based on the extent that the public participation and planning process was utilized to identify the highest community/regional active transportation priorities and to ensure the effectiveness of the project at meeting the purpose for the ATP.*

**D. Describe how stakeholders will continue to be engaged in the implementation of the project/program/plan. (1 points max)**

*Include descriptions or plans that demonstrate ongoing stakeholder engagement. These can include, but are not limited to, ongoing communication or stakeholder engagement plan, project evaluation plan, intended commitments in letters of support, etc.*

**QUESTION #4**

**IMPROVED PUBLIC HEALTH (0-10 points)**

- **NOTE: Applicants applying for the disadvantaged community set aside must respond to the below questions with health data specific to the disadvantaged communities. Failure to do so will result in lost points.**

**A. Describe the health status of the targeted users of the project/program/plan. (3 points max)**

*Provide at least 2 health statistics or data points with citations to describe the health status of the targeted users of the project/program/plan. Attach relevant maps, data, or references to academic articles.*

- *Health status can include, but is not limited to, information about chronic disease rates (i.e. obesity/overweight, asthma, type II diabetes, etc.), other health statistics (i.e. physical activity/inactivity levels, life expectancy, etc.), or other local conditions that may impact health (i.e. air pollution, access to parks, etc.).*
- *In describing the health status of the targeted users, provide as granular a level of data that is available. Providing nationwide or statewide health statistics will not be sufficient to receive points.*
- *If quantitative health data is not available for the targeted users, describe the targeted user's health needs based on other information, including qualitative data, published reports, relevant news articles, etc. and describe how this information was gathered.*

*Include who you worked with from the local health department or other local health organization (i.e. local health non-profit, hospital, community health clinic, school based health provider, etc.).*

*For a project/program/plan that is multi-jurisdictional, but predominately in one jurisdiction, data may be provided for that one jurisdiction. For a project/program/plan that crosses multiple city lines, consider describing the health status of targeted users by utilizing county level data.*

*Points will be awarded for providing health statistics/data points and for identifying who from the local health department or other health organization was contacted.*

**Additional data sources include:**

- **The California Health Interview Survey (CHIS):**  
<http://healthpolicy.ucla.edu/chis/Pages/default.aspx>  
The online tool is call AskCHIS and registration is required. Information can be queried related to physical inactivity, walking for transportation and leisure, park use and health conditions. CHIS data is available at multiples levels including zip code, legislative district, and city level. AskCHIS Neighborhood Edition, is a new tool sponsored by AskCHIS, that allows users to get even more granular a level of data, including census tract level data However, please note, there are some limitations due to population size.
- **County Health Rankings and Roadmaps, Robert Wood Johnson Foundation**  
<http://www.countyhealthrankings.org/>  
The annual County Health Rankings measure vital health factors, including high school graduation rates, obesity, smoking, unemployment, access to healthy foods, the quality of air and water, income, and teen births in nearly every county in America.
- **Epi-Center, California Department of Public Health**  
<http://epicenter.cdph.ca.gov/>  
The California Department of Public Health's EpiCenter is the most versatile and comprehensive source of California injury data. It includes all types of injuries that result in death, hospitalization, or an emergency department visit.
- **Healthy Community Indicators (HCI), California Department of Public Health**  
<http://www.cdph.ca.gov/programs/Pages/HealthyCommunityIndicators.aspx>  
The Healthy Community Indicators provides data and narratives about indicators related to public health (e.g. percent of residents mode of transportation to work, miles per capita by car, public transit, and walk/bike, percent of residents by time walking and bicycling, etc.).
- **Physical Fitness Testing (PFT), California Department of Education**



<http://www.cde.ca.gov/ta/tg/pf/>

The PFT for students in California schools is the annual FITNESSGRAM®. Students in grades five, seven, and nine take the fitness test. The test has six parts that show a level of fitness that offer a degree of defense against diseases that come from inactivity.

- **Kidsdata.org, Lucile Packard Foundation for Children's Health**  
Kidsdata.org is a program of the Lucile Packard Foundation for Children's Health. It allows users to easily find, customize, and use data on more than 500 measures of child health and well-being. Data are available for every county, city, school district, and legislative district in California.
- **Local community surveys and needs assessments:**  
Local health departments and other health organization may have local health needs assessments that may provide additional health data. For example, under the Affordable Care Act, non-profit hospitals are required to conduct a health needs assessment for the community they serve. For those communities in the catchment area of a non-profit hospital, the health needs assessment may provide a rich source of health data. If a health needs assessment has been completed, the local hospital and/or local health department should be able to direct you to the assessment.

**B. Describe how you expect your project/proposal/plan to enhance public health. (7 points max.)**

*Identify and discuss the intended health outcomes (e.g. increased physical activity, decreased rates of obesity/overweight, etc.) of fully implementing the project/program/plan. Include why you expect intended health outcomes. Provide additional data and/or reference scientific literature as it supports your discussion.*

*Additionally, for those project/programs/plans that are consistent with and fulfill a portion of an existing local health plan, goal, or initiative include the name of the health plan, goal, or initiative and describe how the intended health outcomes align with or enhance the plan, goal, or initiative.*

*Points will be awarded based on the identification of intended health outcomes and the discussion of why the intended health outcomes are expected.*

**QUESTION #5**

**BENEFIT TO DISADVANTAGED COMMUNITIES (0-10 points)**

**A. Identification of disadvantaged communities: (0 points – SCREENING ONLY)**

To receive disadvantaged communities points, projects/programs/plans must be located within a disadvantaged community (as defined by one of the four options below) AND/OR provide a direct, meaningful, and assured benefit to individuals from a disadvantaged community.

1. The median household income of the census tract(s) is 80% of the statewide median household income
2. Census tract(s) is in the top 25% of overall scores from CalEnviroScreen 2.0
3. At least 75% of public school students in the project area are eligible for the Free or Reduced Priced Meals Program under the National School Lunch Program
4. Alternative criteria for identifying disadvantage communities (see below)

Provide a map showing the boundaries of the proposed project/program/plan and the geographic boundaries of the disadvantaged community that the project/program/plan is located within and/or benefiting.

**Option 1:** Median household income, by census tract for the community(ies) benefited by the project: \$\_\_\_\_\_

- Provide all census tract numbers
- Provide the median income for each census track listed
- Provide the population for each census track listed

Data is available at <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml> (Use the 5 year data for all areas).

**Option 2:** California Communities Environmental Health Screening Tool 2.0 (CalEnviroScreen) score for the community benefited by the project: \_\_\_\_\_

- Provide all census tract numbers
- Provide the CalEnviroScreen 2.0 score for each census track listed
- Provide the population for each census track listed

Scores are available at <http://aehha.ca.gov/ej/ces11.html>.

**Option 3:** Percentage of students eligible for the Free or Reduced Price Meals Programs: \_\_\_\_\_ %

- Provide percentage of students eligible for the Free or Reduced Meals Program for each and all schools included in the proposal

Safe Routes to School proposals applying for disadvantaged communities funds MUST provide this information.

All other applicants can choose to provide this information, but need to include how the project/program/plan benefits students eligible for the Free or Reduced Price Meals Program, or for projects that do not directly benefit students of Free and Reduced Meal Programs, why this measure is representative of the larger community.

Data is available at <http://www.cde.ca.gov/ds/sd/sd/files.asp>

**Option 4:** Alternative criteria for identifying disadvantaged communities:

- Provide median household income (option 1), the CalEnviroScreen 2.0 score (option 2), and if applicable, the percentage of students eligible for Free and Reduced Meal Programs (option 3)
- Provide ADDITIONAL data that demonstrates that the community benefiting from the project/program/plan is disadvantaged
- Provide an explanation for why this additional data demonstrates that the community is disadvantaged

If a project applicant believes a project benefits a disadvantaged community but the project does not meet the aforementioned criteria, the applicant must submit additional data and provide an explanation for consideration of why the community should be considered disadvantaged.

Option 4 allows applicants to provide additional community-level data to demonstrate how the project is in fact located within and/or benefits a disadvantaged community. This fourth option is intended for those communities where census tract level data may not exist or may not reflect the diversity of individual communities within the census tract. For example, in some rural areas, census tracts represent a geographic area with a number of varied individual communities; the census tract level data is inadequate to highlight the needs of those smaller communities.

**B. For proposals located within disadvantage community: (5 points max)**

**What percent of the funds requested will be expended in the disadvantaged community?  
 \_\_\_\_\_% Explain how this percent was calculated.**

*As needed, applicants should provide map(s) and cost estimates to demonstrate their methodology.*

*Points will be awarded based on the approximate percent of the project/program/plan costs that correlate to improvements/expenditures that are within limits of the disadvantaged communities.*

- 1 to 25% => 1 point
- 26 to 50% => 2 point
- 51 to 75% => 3 point
- 76 to 99% => 4 point
- 100% => 5 point

*For example, a proposed 8 mile bike lane passes through 5 census tracts; one of which is a disadvantaged community. The per mile cost of the bike lane is the same for all segments of the bike lane. Five miles of the bike lane are within the disadvantaged census tract; therefore approximately 5/8 or 62.5% of the costs will be expended in the disadvantaged community. 3 points would be awarded.*

*Note: It is not sufficient for a project to simply be located in the limits of a disadvantage community. The applicant must also show the project/program/plan will directly benefit the community. Therefore, points will not be awarded to this sub-question unless the applicant can provide reasonable substantiation of the direct benefit in part "C" below.*

**C. Describe how the project/program/plan provides (for plans: will provide) a direct, meaningful, and assured benefit to members of the disadvantaged community. (5 points max)**

**Define what direct, meaningful, and assured benefit means for your proposed project/program/plan, how this benefit will be achieved, and who will receive this benefit.**

*All proposals may respond to this question: whether or not they are located within a disadvantaged community, as long as they provide benefits to members of a disadvantaged community.*

*For proposals that are located within a disadvantaged community, it is not enough to state that your project/program/plan is in a disadvantaged community and therefore will automatically benefit the disadvantaged community.*

*This is your opportunity to make a compelling argument for why the proposed project/program/plan should receive the points set aside for active transportation benefits to disadvantaged community. As appropriate, discuss how disadvantaged community residents are or will be targeted. For Safe Routes to School projects, also discuss how the school students from the disadvantaged community are specifically targeted and benefit from the project.*

*Applicants can refer to earlier sections of the application, but need to ensure that the answers are specific to the members of the disadvantaged communities. In particular, consider the current infrastructure, safety, and/or public health challenges that contribute to the need for the proposed and how residents of disadvantaged communities are prioritized within the project.*

*Points will be awarded based on a holistic evaluation of the project's/plan's/program's direct, meaningful, and assured benefit to members of the disadvantaged community.*

**QUESTION #6****COST EFFECTIVENESS (0-5 POINTS)**

- A. Describe the alternatives that were considered and how the ATP-related benefits vs. project-costs varied between them. Explain why the final proposed alternative is considered to have the highest Benefit to Cost Ratio (B/C) with respect to the ATP purpose of “increased use of active modes of transportation”. (3 points max.)**

*For Cycle 2: Applicants are not expected to calculate an actual “Benefit” value in terms of dollars and a corresponding B/C ratio. Instead, applicants should discuss how “Cost Effectiveness” played a role in how the project’s final scope was determined, including but not limited to:*

- *Discuss how the proposed improvements represent cost efficient and/or low-cost improvements. The project costs can be related to the expected benefits of the project, including but not limited to: the number of non-motorized users impacted, magnitude of mode shift, length of overall trips, size of the existing barriers, etc.*
- *If appropriate, discuss how low-cost and/or proven safety countermeasures were utilized. More information and examples of safety countermeasures are provided above in the guidance for Question 2B.*

*For applications to develop a plan: describe to what extent the plan will incorporate all non-motorized modes, evaluate the potential use of proven low-cost safety countermeasures, and encourage shift to active modes of transportation. Based on the long-term value plans have in identifying and prioritizing future cost effective projects, all plan-projects are expected to receive full points on this sub-question.*

*Points will be awarded based on the demonstration that the proposed project scope represents the most cost effective alternative for meeting the needs of the project and/or for furthering the purpose of the Active Transportation Program.*

- B. Use the ATP Benefit/Cost Tool, provided by Caltrans Planning Division, to calculate the ratio of the benefits of the project relative to both the total project cost and ATP funds requested. The Tool is located on the CTC’s website at: <http://www.dot.ca.gov/hq/tpp/offices/eab/atp.html>. After calculating the B/C ratios for the project, provide constructive feedback on the tool (2 points max.)**

$$\left( \frac{\text{Benefit}}{\text{Total Project Cost}} \text{ and } \frac{\text{Benefit}}{\text{Funds Requested}} \right).$$

*All tabs of the tool need to be completed as appropriate for the type of project being proposed. For I or NI only projects, both tabs will not be used. For ‘plan’ projects, the applicant can input values appropriate for the overall plan or for any future element envisioned as part of the plan.*

*Caltrans and the CTC consider this a Beta-Test version of the B/C Tool. Receiving constructive and honest feedback will be critical for the eventual development of the final Tool to be used in Cycle 3 and beyond. With this goal in mind, applicants are highly encouraged to provide feedback on: The user interface, Tool Instructions, Types of Inputs, Calculation Methodologies/Logic, Inputs vs. Results, and recommended use in the future (including point valued assigned to results).*

*Points will be awarded based on the applicant’s: 1) demonstration that the values inputted into Tool are appropriate as compared to this application, 2) documentation of the output B/C value calculated by the Tool (no points will be awarded based on the reported B/C value), and 3) attempt to provide some constructive feedback for CTC’s and Caltrans’ consideration.*

**QUESTION #7****LEVERAGING OF NON-ATP FUNDS (0-5 points)**

- A. The application funding plan will show all federal, state and local funding for the project: (5 points max.)**

*Describe the Leveraging funding the applicant is committing to invest in the project if it is awarded ATP funding (total value in dollars).*

*Only direct funding and the direct expenses for completing project delivery milestones can be used. Provide detailed information on actual costs for past milestones and estimated costs for future milestones.*

Points will be awarded based on the amount of the non-ATP funding pledged to the project, as follows:

- 1 point: For committing the leveraging funds to a phase(s) of the project where the applicant is requesting new ATP funding. (i.e. not for the completion of a prior phase.) The committed funding must be at least 1% of the total ATP funding requested for the project.

Plus:

- 1 point: 1% to 11.4% of total project cost  
 2 points: 11.5% to 14.9% of total project cost  
 3 points: 15% to 19.9% of total project cost  
 4 points: 20% or more of total project cost

**QUESTION #8****USE OF CALIFORNIA CONSERVATION CORPS (CCC) OR A CERTIFIED COMMUNITY CONSERVATION CORPS (0 or -5 points)**

**Step 1:** Is this an application requesting funds for a Plan (Bike, Pedestrian, SRTS, or ATP Plan)?

- Yes (If this application is for a Plan, there is no need to submit information to the corps and there will be no penalty to applicant: 0 points)  
 No (If this application is NOT for a Plan, proceed to Step #2)

**Step 2:** The applicant must submit the following information via email concurrently to **both** the CCC **AND** certified community conservation corps prior to application submittal to Caltrans. The CCC and certified community conservation corps will respond within five (5) business days from receipt of the information.

- Project Title
- Project Description
- Detailed Estimate
- Project Schedule
- Project Map
- Preliminary Plan

California Conservation Corps representative:  
representative:

Name: Wei Hsieh  
Email: [atp@ccc.ca.gov](mailto:atp@ccc.ca.gov)  
Phone: (916) 341-3154

Community Conservation Corps

Name: Danielle Lynch  
Email: [inquiry@atpcommunitycorps.org](mailto:inquiry@atpcommunitycorps.org)  
Phone: (916) 426-9170

Step 3: The applicant has coordinated with Wei Hsieh with the CCC **AND** Danielle Lynch with the certified community conservation corps and determined the following (check appropriate box):

- Neither corps can participate in the project (0 points)
- Applicant intends to utilize the CCC or a certified community conservation corps on the following items listed below (0 points).  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Applicant has contacted the corps but intends not to use the corps on a project in which either corps has indicated it can participate (-5 points)
- Applicant has not coordinated with both corps (-5 points)

The CCC and certified community conservation corps will provide a list to Caltrans of all projects submitted to them and indicating which projects they are available to participate on. The applicant must also attach any email correspondence from the CCC and certified community conservation corps to the application verifying communication/participation.

Scoring:

*Caltrans, with assistance from the corps, will score this question separately for all points. Evaluators/reviewers will not score this question.*

**0 Points:**

- Application is for a Plan
- Applicant has coordinated with both corps and intends to use one or both of the corps
- Applicant has coordinated with both corps and neither corps can participate in the project

**-5 Points:**

- Applicant has not coordinated with both corps
- Applicant has contacted the corps but intends not to use the corps on a project in which either corps has indicated it can participate

**QUESTION #9**

**APPLICANT’S PERFORMANCE ON PAST GRANTS AND DELIVERABILITY OF PROJECTS**

**( 0 to-10 points OR disqualification)**

**A. Applicant: Provide short explanation of the Implementing Agency’s project delivery history for all projects that include project funding through Caltrans Local Assistance administered programs (ATP, Safe Routes to School, BTA, HSIP, etc.) for the last five (5) years.**

Provide information on:

*Implementing agency must list all projects that have experienced delivery failure and the reason for the failure. Explain how future failures will be avoided due to process changes following failure. Failures include missed milestone deadlines, inactive projects, and federal/state regulation compliance issues.*

*Awardees who agreed to use a Corps on a past ATP project from a previous cycle but completed project without use the Corps to the level mutually agreed will be deducted points.*

*Applicants can contact their District Local Assistance Office staff to discuss their delivery history.*

*Caltrans Local Assistance will confirm information provided by the applicant and recommend score of 0 to minus 10 points based on actual history and applicant explanations.*

*Implementing agency with no history or no detrimental project delivery history will not have points deducted under this section.*

**B. Caltrans response only:**

**Caltrans to recommend score for deliverability of scope, cost, and schedule based on the overall application.**

*Applications with reasonable scope, cost, and schedule will not have points deducted under this section.*

## **PART C - INSTRUCTIONS**

### **GENERAL GUIDANCE FOR PART C**

All applications are required to include a “Part C: Application Attachments.” Applicants must ensure all data in this part of the application is fully consistent with the other parts of the application.

The attachment names and order must be maintained for all applications as shows in Part C of the Application form and in these instructions. Depending on the Project Type (I, NI or Plans) some attachments will be intentionally left blank. All non-blank attachments must be identified in hard-copy applications using “tabs” with appropriate letter designations.

Many of the required attachments in Part C must follow Caltrans’ documents and formats. These include, but may not be limited to: The Signature Page, Engineer’s Checklist, Engineer’s Estimate, and NI Workplan (Form 22-R). These forms/documents can be found on the ATP website at: <http://www.dot.ca.gov/hq/LocalPrograms/atp/cycle-2.html>

Page numbers are not required for attachments; but either page numbers or the attachment letter should be provided in the footer of all attachments. For convenience, clear hand-written numbers/letters are acceptable.

If an attachment is not “required” and it is more than 10 pages, do not attach it to the application. Make it available via a link, place it on the electronic submittal, or place only the relevant pages (10 maximum) in the application attachment.

The maps, photographs and other detailed exhibits must be in color and/or a high enough resolution to clearly depict all relevant information.

### **TABLE OF CONTENTS / LIST OF APPLICATION ATTACHMENTS**

Part C of all applications must use the “List of Application Attachments” as the first page. This page is provided at the end of the “Part B and C” application form.

### **ATTACHMENT A: APPLICATION SIGNATURE PAGE**

**Applicants must use Caltrans template at <http://www.dot.ca.gov/hq/LocalPrograms/atp/cycle-2.html>**

Per the CTC Guidelines: “A project application must include the signature of the Chief Executive Officer or other officer authorized by the applicant’s governing board. Where the project is to be implemented by an agency other than the applicant, documentation of the agreement between the project applicant and implementing agency must be submitted with the project application.”

Some applications will require multiple approving signatures prior to submittal of the application to Caltrans. Read each signature statement carefully and obtain all required signatures for your project application. Failure to obtain signatures from all required parties prior to application submittal to Caltrans will cause your application to be rejected as incomplete.

**For all Projects:** The Chief Executive Officer, Public Works Director, or other officer authorized by the governing board for the Implementing agency must affirm that they are authorized by their governing board with the authority to commit the agency’s resources and funds and that the



statements contained in this application package are true and complete to the best of their knowledge.

**For Infrastructure Projects:** For these projects, the agency officer signing the application must also affirm that they are the manager of the public right-of-way facilities (responsible for their maintenance and operation) or they have authority over this position.

**For projects where the Implementing Agency will not be the agency responsible for operation of maintenance of the proposed project improvements:** For these projects, the agency officer signing the application must affirm that their agency is committed to partner with the “Implementing Agency” and agrees to assume the responsibility for the ongoing operations and maintenance of the facility upon completion by the implementing agency and they intend to document such agreement per the CTC guidelines. The undersigned also affirms that they are the Chief Executive Officer or other officer authorized by their governing board with the authority to commit the agency’s resources and funds. They are also affirming that the statements contained in this application package are true and complete to the best of their knowledge.

**For Safe Routes to School projects and/or projects presented as benefiting a school:** For these types of projects, a school or school district official is required to sign and affirm that the school(s) benefited by this application is not on a school closure list.

**Encroachments on the State right-of-way:** If the application’s project proposes improvements within a freeway or state highway right-of-way, whether it affects the safety or operations of the facility or not, it is required that the proposed improvements be reviewed by the district traffic operations office and either a letter of support/acknowledgement from the traffic operations office be attached or the signature of the traffic manager be secured in the application. The Caltrans letter and/or signature does not imply approval of the project, but instead only acknowledges that Caltrans District staff is aware of the proposed project, and, upon initial review, the project appears to be acceptable.

#### **ATTACHMENT B: ATP - PROJECT PROGRAMMING REQUEST (ATP-PPR)**

All applicants must complete the ATP Project Programming Request form and return the completed form with the application as Attachment B. **This is a required attachment.** The ATP-PPR can be found at: <http://www.dot.ca.gov/hq/LocalPrograms/atp/cycle-2.html>

**In addition to the detailed instructions included in the ATP-PPR form, applicants need to consider the following special instructions when completing the form:**

- PPR Fiscal years (FYs) begin July 1.
- The PPR is requesting Allocation information, not Expenditure information, i.e. show all funding for any single component in the first fiscal year only.
- Enter ATP Cycle 2 funding in the first 3 tables (Infrastructure, Non-Infrastructure, Plan) for program years 16/17, 17/18 and/or 18/19 only.
- If ATP funds will be requested in future ATP cycles, enter that information the 4<sup>th</sup> table.
- Non-infrastructure and Plan project funding must be identified as “Con”.
- Match funds are optional, but if they are proposed as part of the total project funding, they must be identified as such in the Proposed Funding tables.
- Non-ATP funds must be shown separately in the Proposed Funding tables (fund nos. 2 or 3 etc.), and the fund source should be identified.

**ATTACHMENT C: ENGINEERS CHECKLIST FOR INFRASTRUCTURE PROJECTS (only)**

Applicants must use Caltrans template at <http://www.dot.ca.gov/hq/LocalPrograms/atp/cycle-2.html>.

The Engineer's Checklist is to be used by the engineer in "responsible charge" of the preparation of this ATP application to ensure all of the primary elements of the application are included as necessary to meet the CTC's requirements for a PSR-Equivalent document (per CTC's ATP Guidelines and CTC's Adoption of PSR Guidelines - Resolution G-99-33) and to ensure the application is free of critical errors and omissions; allowing the application to be accurately ranked in the statewide ATP selection process. Resolution G-99-33 is available at the following link:

<http://www.dot.ca.gov/hq/LocalPrograms/lam/forms/acrobat/LAPG23J.pdf>

**ATTACHMENT D: PROJECT LOCATION MAP**

The application reviewers and the Program Managers must be able to quickly pinpoint the project's location in the California and local community. This map needs to show where the project is located within the agency's overall jurisdiction. At a minimum, it needs to include/show:

- North Arrow
- Label all relevant street names and highway route numbers
- Project location in relationship to the applicants overall jurisdictional boundary.

**ATTACHMENT E: Project Map/Plans showing existing and proposed conditions**

Preliminary Plans or scaled aerial maps are required for all Infrastructure projects. These plans/maps need to show the limits of the proposed improvements and sufficient detail to show that the proposed improvements are technically feasible using generally accepted design standards.

The application reviewers must be able to confirm whether the proposed improvements fall within the Implementing Agency's existing right-of-way or if they require new right-of-way acquisition. If the project encroaches on Caltrans', Railroad, or other agencies' right-of-way, include a copy of an email or letter of support from the owner.

As part of a PSR-Equivalent document, these maps/plans are not intended to represent 60% plans or final plans, but at a minimum they need to include the following:

- North Arrow and Scale
- High resolution and/or color - as needed to convey project details
- Layout sheet(s) or scaled aerial photo(s) depicting the complete length of the project & improvements. The scale must allow for a visual depiction of all of the primary project elements, including their intended final widths.
- Typical cross-section(s) showing changes to vehicular lane widths, active transportation facilities widths, right-of-way widths, new facilities, etc. These cross sections must be to scale and must include each of the controlling locations.
- Label relevant street names and highway route numbers.
- Label right-of-way lines – as appropriate. At the PSR-Equivalent level, these lines can be approximated on aerial photos by physical features. Projects that have no reasonable expectation of encroaching past the implementing agency's right-of-way do not need to show these lines.
- Plans/maps should be no larger than 11" x 17", and must be folded to 8 ½" x 11"
- Final Plans (Title, Layout Plans, Cross-sections and only other sheets as needed to document the general scope of the project) are ONLY expected for projects being presented in the application as "Shovel Ready."

'Non-Infrastructure' and 'Plan' applications are not required to attach engineering maps/plans. However, if they propose education, enforcement or other programs on specific corridors or locations, these locations should be identified on maps.

#### **ATTACHMENT F: PHOTOS OF EXISTING CONDITIONS**

All applications must include pictures showing the existing conditions, including a general representation of the project area, safety issues, barriers, public outreach, etc. that are identified in the narrative answers. Applicants are encouraged to insert photos in the appropriate narrative answers. Extra photos can be included in this attachment.

At a minimum, the overall application photos need to include:

- one or more photos of the existing project location(s)
- one or more photos for each of the major types of existing safety, barriers or other active transportation related issues within the project limits and presented in the application.
- high resolution and/or color - as needed to convey project details
- Label all photos with details on the specific locations/hazards/needs being depicted

Non-Infrastructure and Plan project photos are not required and are only recommended to be included as they relate to the project elements, activities and deliverables as presented in the narrative questions.

#### **ATTACHMENT G: PROJECT ESTIMATE**

Project estimates are required for ALL projects and must define the project's overall costs. The project estimate must allow application evaluators to easily review how the total costs are split, including but not limited to: project delivery (soft) cost, construction cost, eligible item costs, and ineligible costs (non-participating).

The required type and format for project estimates vary based on the project type, as follows:

##### **Infrastructure Projects:**

Applicants are encouraged to use Caltrans' cost estimate template for estimating the cost of construction items and the overall project costs. If they chose to use another form(s) to estimate these costs, they must ensure they convey the same level of detail and overall scope of information. The Caltrans' template can be found at:

<http://www.dot.ca.gov/hq/LocalPrograms/atp/cycle-2.html>

Instructions for completing the estimate, including the details required for ATP applications, are included in the Caltrans template.

The detailed Engineer's Estimate must meet the following expectations:

- Identify all items that the ATP will be funding; broken down by bid items and unit cost. *Lump Sum may only be used per industry standards.*
- Construction contingency can be used - as appropriate at the level expected for a PSR-Equivalent.
- Estimate must be true and accurate – as appropriate at the level expected for a PSR-Equivalent.

- If appropriate, designate which items (or percentage of items) the applicant expects to be completed by the Corps. This information must be consistent with the applicant's answers to Narrative Question number 8.
- Designate any non-participating items (or percentage of items) that are being included on the project.

**Non-Infrastructure Projects:**

Attachment G is not required for NI projects. See Attachment H for NI projects.

**Plans:**

For Plan projects, applications must provide an estimate with a cost breakdown for the major elements of the work necessary to complete the "Plan" as defined in this application. The estimate must define the scope, cost and deliverables the agency is committing to complete if their application receives funded. This is needed to meet the CTC's expectation that ATP applications are to be considered PSR Equivalents.

**ATTACHMENT H: NON-INFRASTRUCTURE WORK PLAN (22-R FORM)**

Applicants must refer to eligibility guidelines "Active Transportation Program Eligible Non-Infrastructure (NI) Activities" found at <http://www.dot.ca.gov/hq/LocalPrograms/atp/cycle-2.html>. This NI Work Plan is a critical element of NI applications as it defines the scope, cost and schedule, and deliverables. The program details in the NI Work Plans allow applications to be considered PSR Equivalents and define the scope deliverables the agency is committing to if their application receives funded.

**ATTACHMENT I: NARRATIVE QUESTIONS BACKUP INFORMATION**

This attachment is optional for applicants who desire to provide additional information relating to their Narrative Answers. All documents included in this attachment must conform to the following:

- Correspond to a specific reference in a Narrative Question
- Labeled individually with "I-#" based on the # of the Narrative Question
- Should not include individual documents over 10 pages. For larger documents, only include key pages (10 pages or less) and include a link to where it can be located on the web.

**ATTACHMENT J: LETTERS OF SUPPORT**

ONLY LETTERS OF SUPPORT ATTACHED TO THE APPLICATION WILL BE CONSIDERED. Letters of support must **not** be mailed directly to Caltrans or the CTC.

All projects are encouraged to provide letters of support. See Narrative Question #3 for more details.

**ATTACHMENT K: ADDITIONAL ATTACHMENTS**

The following list represents some of the additional application attachments that are required, recommended, or optional, based on the type of project and its individual project elements.

- Additional School data: For projects impacting more than one school, appropriate school details for each school need to be attached. ***(Required when applicable)***
- Exhibit 22-F “Request for State-Only ATP Funding” ***(Required if State-only funds are being requested)***. The Commission will determine projects with State funds at time of program adoption. For those not designated state-only at time of program adoption, the department will have discretion in recommending allocation.
- If an entity other than the Implementing Agency is going to assume responsibility for the operation and maintenance of the facility, provide documentation of the partnering maintenance agreement. ***(Required when applicable)*** Must have at least a letter of intent attached to the application and a copy of the Memorandum of Understanding or Interagency Agreement between the parties must be submitted with the request for allocation.
- Warrant studies: ***(Required when applicable)*** Required when the project includes an improvement that requires an engineering study to warrant the installation of certain traffic control devices (e.g. traffic signals). When applications include traffic control features like these, it is the applicants’ responsibility to ensure all requirements of the latest California MUTCD are met. Failure to include required warrants completed per California MUTCD will result in the project or project elements being disqualified.
- If applicable, portions of a plan or report that support the proposed project. i.e., illustrating barriers, safety concerns and other ATP project elements within the project limits. (Copy of cover page and pages with the relevant text highlighted/underlined).

## **ADDITIONAL REFERENCES**

The following references are provided as additional information and guidance related to complete streets, Context Sensitive Solutions, Main Streets, and pedestrians and bicyclists safety:

**Federal Safe Routes to School information can be found at:**

[http://www.fhwa.dot.gov/environment/safe\\_routes\\_to\\_school/guidance/](http://www.fhwa.dot.gov/environment/safe_routes_to_school/guidance/)

- a. **Complete Streets Intersections Guidelines:**  
<http://www.dot.ca.gov/hq/traffops/survey/pedestrian/Complete-Intersections-A-Guide-to-Reconstructing-Intersections-and-Interchanges-for-Bicyclists-and-Pedestrians.pdf>
- b. **Main Street, California: A Guide for Improving Community and Transportation Vitality:**  
[http://www.dot.ca.gov/hq/LandArch/mainstreet/main\\_street\\_3rd\\_edition.pdf](http://www.dot.ca.gov/hq/LandArch/mainstreet/main_street_3rd_edition.pdf)
- c. **NCHRP Report 480 A Guide for Best Practices for Achieving CSS:**  
[http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp\\_rpt\\_480a.pdf](http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rpt_480a.pdf)
- d. **Pedestrian Safety Guide and Countermeasure Selection System:**  
[http://www.pedbikesafe.org/PEDSAFE/guide\\_background.cfm](http://www.pedbikesafe.org/PEDSAFE/guide_background.cfm)
- e. **Smart Mobility 2010: A Call to Action for the New Decade:**  
[http://www.dot.ca.gov/hq/tpp/offices/ocp/documents/smf\\_files/SMF\\_handbook\\_062210.pdf](http://www.dot.ca.gov/hq/tpp/offices/ocp/documents/smf_files/SMF_handbook_062210.pdf)
- f. **California Safe Routes to School Technical Assistance Resource Center (TARC)**  
<http://www.casaferoutestoschool.org/>
- g. **The following example sources of work for quantifying project benefits may be of assistance to applicants:**
  - “Economic Analysis Primer” by U.S. Department of Transportation  
<http://www.fhwa.dot.gov/infrastructure/asstmgmt/primer.pdf>
  - “Evaluating Active Transport Benefits and Costs” by Todd Litman  
<http://vtpi.org/nmt-tdm.pdf>

**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor & Town Council  
**From:** Shane Stueckle, Deputy Town Manager  
Alex Qishta, Project Engineer  
**Date:** April 28, 2015  
**For Council Meeting:** May 5, 2015

**Subject:** 2015/2016 Town Wide Slurry Seal Project – Town Project No.8340  
Award of Construction Contract  
All American Asphalt, Corona CA

**Prior Council Review:** The Town Council approved the Plans and Specifications, and authorized project bidding at its meeting of February 17, 2015. The Town Council approved the Measure I 5 Year Plan on June 23, 2014.

**Recommendation:** That the Town Council awards the construction contract to All American Asphalt in the amount of \$449,400 and authorizes a construction contingency in the amount of \$50,600, for a total contract amount of \$500,000, authorizing the Mayor, Town Manager and Town Attorney to sign all necessary documents, and authorizing the Town Manager to expend the contingency fund, if necessary, to complete the project.


**Executive Summary:** Project No. 8340 involves the application of a cape and a slurry seal on designated streets throughout the Town of Yucca Valley specifically set forth in the Bid Documents and includes but is not limited to mobilization, traffic control, removal of pavement striping, markings and legends, application of slurry and cape seal, and all appurtenant labor, materials and equipment.

Town Council action is required to award public works construction contracts.

**Order of Procedure:**

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote, Consent Agenda)

---

Reviewed By:	 Town Manager	_____ Town Attorney	_____ Mgmt Services	SRS _____ Dept Head
--------------	-----------------------------------------------------------------------------------------------------	------------------------	------------------------	---------------------------

---

<input type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input checked="" type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

**Discussion:** The Town Wide Slurry Seal Project is an annual maintenance effort that is a part of the Town’s overall pavement maintenance program. The annual maintenance effort is implemented to extend the lifetime of the roadway pavement throughout the Town prior to roads deteriorating to the degree where road reconstruction is necessary. The annual slurry seal project generally consists of applying a Type II Slurry Seal to the roadway, as well as replacement of obliterated traffic striping and damaged Raised Pavement Markers (RPM’s).

The specific streets for this year are listed in an attachment to this staff report. Engineering staff selected locations for cape seals for the annual maintenance effort in conjunction with the annual review of the Pavement Management Program, field inspections, and the adopted Measure I 5 Year Plan.

The Town Council approved the Plans and Specifications, and authorized project bidding, at its meeting of February 17, 2015. On April 23, 2015, the Town received four bids for Project No. 8340 as follows:

BIDDER	TOTAL
All American Asphalt	\$449,400.00
Roy Allen, Inc.	\$506,461.67
American Asphalt South	\$523,777.00
Pavement Coatings Company	\$547,775.00

The lowest apparent bidder is All America Asphalt of Jurupa Corona, California, with a base bid of \$449,400. The Town has reviewed all 4 bid packages and confirmed that All American Asphalt is the lowest responsible and responsive bidder. If awarded by the Town Council, construction is anticipated to begin in June 2015, and to be substantially complete by August 2015.

**Alternatives:** Staff recommends no alternative actions. Town Council action is required to award public works construction contracts.

**Fiscal impact:** The estimated project costs, as well as available funding in the 2015-2016 Capital Projects Budget, are summarized below.



**Estimated Project Cost**

Base Bid Amount	\$449,400
Construction Contingency	\$50,600
<b>Total Contract Work</b>	<b>\$500,000</b>

**Funding**

Fund 524 – Measure I Unrestricted	\$525,000
<b>Total Project Funding</b>	<b>\$525,000</b>

**Attachments:**

- Bidders Summary List
- All American Asphalt Bid
- Street Listings
- Street Map/CIP Pages
- February 17, 2015 meeting minutes
- 2015/16 Budget pages

TOWN OF YUCCA VALLEY  
BID OPENING LOG SHEET

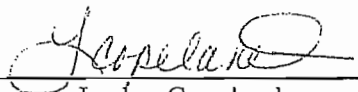


BID OPENING DATE: April 16, 2015, 3:00 p.m.

PROJECT DESCRIPTION:

2015/2016 Town-Wide Slurry Project No.8340

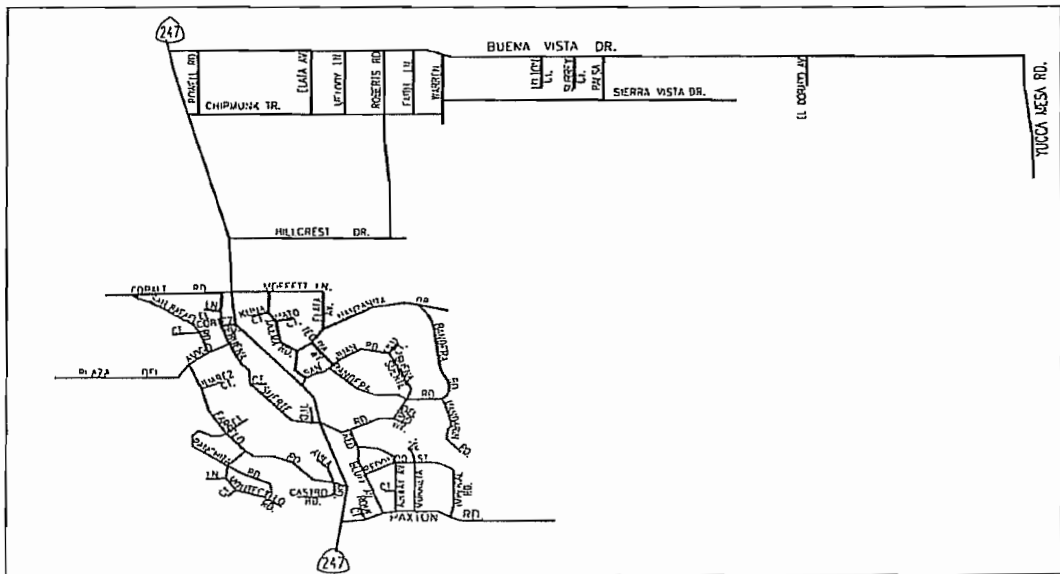
<u>BIDDER</u>	<u>BID AMOUNT</u>	<u>BID BOND</u>
1. <u>All American Asphalt</u>	<u>449,400.00</u>	<u>10%</u>
2. <u>Pavement Coatings Co</u>	<u>547,775.00</u>	<u>10%</u>
3. <u>Roy Allen, Inc.</u>	<u>506,461.67</u>	<u>10%</u>
4. <u>American Asphalt South</u>	<u>593,777.00</u>	<u>10%</u>
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____

  
\_\_\_\_\_  
Lesley Copeland  
Town Clerk

<b>2015-2016 SLURRY SEAL</b>																																
Fiscal Year 2015/2016																																
<b>Project No:</b>	8340																															
<b>Category:</b>	Streets & Highways																															
<b>Description:</b>	Installation of slurry seal/cape seal, hot mix asphalt repairs and replace street striping, markings and legends on designated streets.																															
<b>Limit:</b>	<table border="0" style="width: 100%;"> <tr> <td style="width: 33%;">Airway Ave: Paxton/Redbluff</td> <td style="width: 33%;">Castro Rd : Avila/End</td> <td style="width: 33%;">Montecello Ln: Montecello Rd/End</td> </tr> <tr> <td>Airway Ct: Airway Ave/End</td> <td>Del Rio Wy: Buena Suerte/End</td> <td>Montecello Rd: Farello Rd/End</td> </tr> <tr> <td>Avila Rd: Castro/End</td> <td>El Cortez Rd : Buena Suerte/SR247</td> <td>Murrietta Av: Paxton/End</td> </tr> <tr> <td>Avila Rd: Farello/End</td> <td>Farello Ct : Farello Rd /End</td> <td>Panchita Rd: Farello/Montecello</td> </tr> <tr> <td>Bandera Rd: San Juan/End</td> <td>Farello Rd : Plaza del Amigo/SR247</td> <td>Plaza del Amigo: Buena Suerta/End</td> </tr> <tr> <td>Buena Suerte Ct: Buena Suerte Rd/End</td> <td>247 OH: Buena Suerte/End</td> <td>Red Bluff Av: Paxton/Buena Suerta</td> </tr> <tr> <td>Buena Suerte Ln: Buena Suerte Rd/End</td> <td>Imperial Rd: Paxton/Palo Alto</td> <td>Rome Ct: Paxton/End</td> </tr> <tr> <td>Buena Suerte Rd: E. SR247/Bandera</td> <td>Juarez Ct: Farello/End</td> <td>San Juan Rd: SR247/End</td> </tr> <tr> <td>Buena Suerte Rd: W. SR247/N. End</td> <td>Mandarin Rd: Bandera/End</td> <td>San Rafael Ct: San Rafael Rd/End</td> </tr> <tr> <td>Buena Vista Dr: SR247/Yucca Mesa Rd.</td> <td>Montecello Ct: Montecello Rd/End</td> <td>San Rafael Rd: Plaza del Amigo/End</td> </tr> </table>		Airway Ave: Paxton/Redbluff	Castro Rd : Avila/End	Montecello Ln: Montecello Rd/End	Airway Ct: Airway Ave/End	Del Rio Wy: Buena Suerte/End	Montecello Rd: Farello Rd/End	Avila Rd: Castro/End	El Cortez Rd : Buena Suerte/SR247	Murrietta Av: Paxton/End	Avila Rd: Farello/End	Farello Ct : Farello Rd /End	Panchita Rd: Farello/Montecello	Bandera Rd: San Juan/End	Farello Rd : Plaza del Amigo/SR247	Plaza del Amigo: Buena Suerta/End	Buena Suerte Ct: Buena Suerte Rd/End	247 OH: Buena Suerte/End	Red Bluff Av: Paxton/Buena Suerta	Buena Suerte Ln: Buena Suerte Rd/End	Imperial Rd: Paxton/Palo Alto	Rome Ct: Paxton/End	Buena Suerte Rd: E. SR247/Bandera	Juarez Ct: Farello/End	San Juan Rd: SR247/End	Buena Suerte Rd: W. SR247/N. End	Mandarin Rd: Bandera/End	San Rafael Ct: San Rafael Rd/End	Buena Vista Dr: SR247/Yucca Mesa Rd.	Montecello Ct: Montecello Rd/End	San Rafael Rd: Plaza del Amigo/End
Airway Ave: Paxton/Redbluff	Castro Rd : Avila/End	Montecello Ln: Montecello Rd/End																														
Airway Ct: Airway Ave/End	Del Rio Wy: Buena Suerte/End	Montecello Rd: Farello Rd/End																														
Avila Rd: Castro/End	El Cortez Rd : Buena Suerte/SR247	Murrietta Av: Paxton/End																														
Avila Rd: Farello/End	Farello Ct : Farello Rd /End	Panchita Rd: Farello/Montecello																														
Bandera Rd: San Juan/End	Farello Rd : Plaza del Amigo/SR247	Plaza del Amigo: Buena Suerta/End																														
Buena Suerte Ct: Buena Suerte Rd/End	247 OH: Buena Suerte/End	Red Bluff Av: Paxton/Buena Suerta																														
Buena Suerte Ln: Buena Suerte Rd/End	Imperial Rd: Paxton/Palo Alto	Rome Ct: Paxton/End																														
Buena Suerte Rd: E. SR247/Bandera	Juarez Ct: Farello/End	San Juan Rd: SR247/End																														
Buena Suerte Rd: W. SR247/N. End	Mandarin Rd: Bandera/End	San Rafael Ct: San Rafael Rd/End																														
Buena Vista Dr: SR247/Yucca Mesa Rd.	Montecello Ct: Montecello Rd/End	San Rafael Rd: Plaza del Amigo/End																														
<b>Status:</b>	Last Improvements 2006/07																															
<b>Schedule:</b>	Construction to start July 2015																															

<b>Project Cost Estimate</b>	
PA/ED	N/A
PS&E	N/A
ROW/Property Acquisition	N/A
Construction	467,835
<b>Total</b>	<b>467,835</b>

Fund Source	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
Local Meas I – Unrestricted 524		467,835			
<b>Total</b>		<b>467,835</b>			



Town of Yucca Valley, California  
Capital Improvement Program

Airway Av: Paxton/Red Bluff	Slurry
Airway Ct: Arway Ave/End	Slurry
Avila Rd: Castro/Farello	Slurry
Avila Rd: Farello/Cul-de-sac	Cape
Bandera Rd: San Juan/End	Slurry
Buena Suerte Ct: Buena Suerta Rd/End	Cape
Buena Suerte Ln: Buena Suerte Rd/End	Cape
Buena Suerte Rd: SR247E/Bandera	Slurry
Buena Suerte Rd: SR247W/End	Cape
Buena Vista Dr: SR247/Yucca Mesa Rd.	Slurry
Castro Rd: Avila/Cul-de-sac	Slurry
Del Rio Way: Buena Suerte/End	Slurry
El Cortez Rd: Buena Suerte/SR247	Slurry
Farello Ct: Farello Rd/End	Cape
Farello Rd: Plaza Del Amigo/SR247	Cape
247OH: Buena Suerte/End	Cape
Imperial Rd: Paxton/Palo Alto	Slurry
Juarez Ct: Farello/Cul-de-sa	Cape
Mandarin Rd: Bandera/End	Slurry
Montecello Ct: Montecello Rd/End	Cape
Montecello Ln: Montecello Rd/End	Cape
Montecello Rd: Panchita/Cul-de-sac	Cape
Murrietta Ave: Paxton/Cul-de-sac	Slurry
Panchita Rd: Farello/Montecello	Cape
Plaza Del Amigo Rd: Buena Suerta/End	Slurry
Red Bluff Ave: Paxton/Buena Suerte	Slurry
Rome Ct: Paxton/Cul-de-sac	Slurry
San Juan Rd: SR247/End	Slurry
San Rafael Ct: San Rafeal Rd/End	Cape
San Rafael Rd: Plaza Del Amigo/End	Cape

CONTRACTOR'S PROPOSAL

All American Asphalt  
Company

PO Box 2229  
Address

Cornucopia, CA 92878

(951) 730-7000  
Telephone Number

267073, A.C-12  
State License Number

Town of Yucca Valley  
57090 29 Palms Highway  
Yucca Valley, California 92284

Ladies and Gentleman:

Pursuant to the Public Notice inviting bids or proposals, the undersigned declares that he has carefully examined the location of the proposed work, that he has examined plans, profiles, and specifications for **Project 8340: 2015/2016 Town Wide Slurry Seal**, and read the accompanying proposal requirement, and hereby proposes to furnish all materials and do all work required to complete the said work in accordance with said plans, profiles, specifications, and special provisions for the unit or lump sum price set forth in the Schedule of Work Items.

Unless otherwise specified by the Contractor, the listing of an Item No. of Work shall be conclusive evidence that the subcontractor proposed to perform the Item of Work and shall perform the entirety of the work for that Item No. of Work.

All persons or parties submitting a bid proposal on the project shall complete the following form setting forth the Item Number (as specified in the "Schedule of Work Items"), the name, location, and place of business of each subcontractor who will perform work or labor or render services to the prime Contractor in or about the construction of the work of improvements, or a subcontractor licensed by the State of California, who, under subcontract to the prime Contractor, specially fabricates and installs a portion of the work or improvements according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of one percent (1/2%) of the prime Contractor's total bid, or, if the bid is for the construction of streets or highways, including bridges, in excess of one-half of one percent (1/2%) of the prime Contractor's total bid or ten thousand dollars (\$10,000.00), whichever is greater.

It is noted that if a Contractor fails to specify a subcontract for any portion of the work to be performed under the Contract, he shall be deemed to have agreed to perform such portion himself, and he shall not be permitted to subcontract that portion of the work except by written consent of the awarding authority. The requirement of the submission of this list, the legal consequences for failure of the Contractor to do so, and other particular details concerning the same shall be as set forth in the "Subletting and Subcontracting Fair Practices Act", California Public Contract Code (§ 4100, *et seq.*) to which the bidder is hereby referred.

Item No. of Work	Name of Firm or Contractor	Location of Mill, Shop or Office	Contractor Classification (if applicable)	Town of Yucca Valley Business License No. *
3 portion	American Pavement Systems: DIR: 1000000207	Modesto, CA.	A	
4	superior Pavement markings: DIR: 1000001476	Beaumont, CA.	G32, G31	004142

\* All Subcontractors are required to obtain a Town of Yucca Valley Business License before a Notice to Proceed may be issued.

The undersigned further agrees that in case of default in executing the required contract with necessary bonds within **ten (10) calendar days** after the notice of award of contract has been mailed, the proceeds of the check or bond accompanying his bid shall become the property of the Town. If the Town awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the Town to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder. The undersigned further agrees to complete the work within **Sixty (60) calendar days** from the execution of the first contract. **Project must be completed by August 20, 2015.**

Contractor, and any subcontractors utilized, shall be licensed in accordance with the provisions of the Contractor's License Law, Chapter 9 of Division 3 of the State Business and Professions Code. Additionally, the Contractor must have at the time of bid opening for this project the following classification(s) of Contractor's license and experience:

**Classification A: General Engineering Contractor**

**Classification C-12: Earth Work and Paving Contractor.**

BIDDING FORM

2015/2106 TOWN WIDE SLURRY SEAL

Name of Bidder All American Asphalt

The undersigned, having examined the proposed Contracts and having visited the site and examined the conditions affecting the work, hereby and agrees to furnish all labor, materials, equipment, and appliances, and perform operations necessary to complete the work as required by said proposed Contract Documents, excluding work of alternates for.

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	AMOUNT	SUBTOTAL
----------	-------------	----------	------	--------	----------

**BASIC BID (Items 1-4)**

**MOBILIZATION, DEMOLITION, GRADING AND CONSTRUCTION SURVEY**

1	Traffic Control	1	LS	8000 -	8000 -
2	Type II Slurry Seal	1,100,000	SF	.14	154,000 -
3	Cape Seal	600,000	SF	.45	270,000 -
5	Pavement Markers, Markings, Legends, Striping, and Signage's	1	LS	17400 -	17400 -

**TOTAL BASIC BID ITEMS 1 - 4 (In Figures)** \$ 449,400.00

**TOTAL BASIC BID ITEMS 1 - 4 (In Words)**  
 four hundred forty nine thousand four hundred dollars and <sup>00</sup>/<sub>100</sub>

Contractor's License Number 267073

Date of Expiration 1-31-14

( Seal - if Bid is by a Corporation)

[Signature]

Attest Michael Farkey, Secretary

10% Total Bid  
 Amount of Certified Check or Bid Bond

Fidelity and Deposit Company of Maryland  
 Name of Bidding Company



DECLARATION OF ELIGIBILITY TO CONTRACT  
[Labor Code Section 1777.1; Public Contract Code Section 6109]

The undersigned contractor, certifies and declares that:

1. The undersigned contractor is aware of Sections 1771.1 and 1777.7 of the California Labor Code, which prohibit a contractor or subcontractor who has been found by the Labor Commissioner or the Director of Industrial Relations to be in violation of certain provisions of the Labor Code, from bidding on, or being awarded, or performing work as a subcontractor on a public works project for specified periods of time.

2. The undersigned contractor is not ineligible to bid on, be awarded or perform work as a subcontractor on a public works project by virtue of the foregoing provisions of Sections 1771.1 or 1777.7 of the California Labor Code or any other provision of law.


3. The undersigned contractor is aware of California Public Contract Code Section 6109, which states:

“(a) A public entity, as defined in Section 1100 [of the Public Contract Code], may not permit a contractor or subcontractor who is ineligible to bid or work on, or be awarded, a public works project pursuant to Section 1771.1 or 1777.7 of the Labor Code to bid on, be awarded, or perform work as a subcontractor on, a public works project. Every public works project shall contain a provision prohibiting a contractor from performing work on a public works project with a subcontractor who is ineligible to perform work on the public works project pursuant to Section 1777.1 or 1777.7 of the Labor Code.

(b) Any contract on a public works project entered into between a contractor and a debarred subcontractor is void as a matter of law. A debarred subcontractor may not receive any public money for performing work as a subcontractor on a public works contract, and any public money that may have been paid to a debarred subcontractor by a contractor on the project shall be returned to the awarding body. The contractor shall be responsible for the payment of wages to workers of a debarred subcontractor who has been allowed to work on the project.”

4. The undersigned contractor has investigated the eligibility of each and every subcontractor the undersigned contractor intends to use on this public works project, and determined that none of them is ineligible to perform work as a subcontractor on a public works project by virtue of the foregoing provisions of the Public Contract Code, Sections 1771.1 or 1777.7 of the Labor Code, or any other provision of law.

The undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 14<sup>th</sup> day of April, 2014, at CORONA, California.  
(place of execution)

  
Signature

Michael Farkas  
Name (print or type)

Secretary  
Title

AA American Asphalt  
Name of company

TOWN of YUCCA VALLEY

NON-DEBARMENT CERTIFICATION

1. Instructions for Certification.

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why they cannot provide the certification set out below. The certification or explanation will be considered in connection with the Town's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the Town determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the Town to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the Town or agency entering into this transaction.
6. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this

covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals.

8. Nothing contained in the foregoing shall be construed to require establishment of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower Tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies to the Federal Government, the Town may terminate this transaction for cause or default.

11. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion.

STATE OF California ]

STATE OF \_\_\_\_\_ ]

Michael Farkas

(President or duly authorized Company official)

being first

duly sworn deposes and says that he is

Secretary

of

All American

(official capacity)

Asphalt

(name of company)

with the intention of becoming

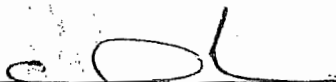
a primary participant on Town of Yucca Valley Construction.

Project 8340  
(Project Number)

and that he certifies to the best of his knowledge and belief that said company and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (b) of this certification: and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

Further affiant sayeth not.

  
\_\_\_\_\_  
(Signature)

Michael Farkas, Secretary  
\_\_\_\_\_  
(Print Name)

SUBSCRIBED AND SWORN to before me a notary public this \_\_\_\_\_

Day of \_\_\_\_\_, 20\_\_\_\_

He attached California jurat  
\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**CALIFORNIA JURAT**

**GOV CODE § 8202**

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

Subscribed and sworn to (or affirmed) before me on this 14<sup>th</sup> day of April, 2015,  
Date Month

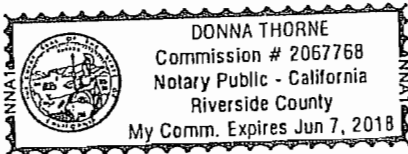
By (1) Michael Farkas,  
Name of Signer

Proved to me on the basis of satisfactory evidence be the person who appeared before me (.) (,)

{and

(2) \_\_\_\_\_  
Name of Signer

~~Proved to me on the basis of satisfactory evidence be the person who appeared before me.)~~



Place Notary Seal Above

Signature Donna Thorne  
Signature of Notary Public

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to person relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Further Description of Any Attached Document**

Title or Type of Document Non-Debarment Certification

Document Date: none Number of Pages: 3

Signer(s) Other Than Named Above: None

RIGHT THUMBPRINT OF SIGNER	RIGHT THUMBPRINT OF SIGNER
Top of thumb here	Top of thumb here

NON-COLLUSION AFFIDAVIT

To: The Town of Yucca Valley:

State of California

County of Riverside ) ss.

Michael Farkas, being first duly sworn, deposes and says that he or she is secretary of All American Asphalt the party making the foregoing bid that the bid is not made in the interest of or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder of any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

  
\_\_\_\_\_  
Michael Farkas Signature Secretary

STATE OF CALIFORNIA )

COUNTY OF ) ss.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*see attached California jurat*

Notary Public in and for the County  
of \_\_\_\_\_, State of California.

My Commission expires \_\_\_\_\_, 20\_\_.

**CALIFORNIA JURAT**

**GOV CODE § 8202**

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

Subscribed and sworn to (or affirmed) before me on this 14<sup>th</sup> day of April, 2015,  
Date Month

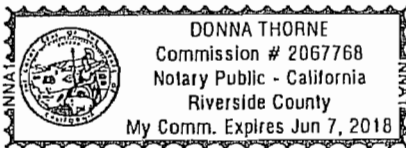
By (1) Michael Farkas  
Name of Signer

Proved to me on the basis of satisfactory evidence be the person who appeared before me (.) (.)

{and

(2) \_\_\_\_\_  
Name of Signer

~~Proved to me on the basis of satisfactory evidence be the person who appeared before me.)~~



Place Notary Seal Above

Signature Donna Thorne  
Signature of Notary Public

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to person relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Further Description of Any Attached Document**

Title or Type of Document Non-Collusion Affidavit

Document Date: none Number of Pages: 1

Signer(s) Other Than Named Above: None

RIGHT THUMBPRINT OF SIGNER	RIGHT THUMBPRINT OF SIGNER
Top of thumb here	Top of thumb here





Fidelity and Deposit Company of Maryland

Home Office: P.O. Box 1227, Baltimore, MD 21203-1227

BID BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, ALL AMERICAN ASPHALT BOND NO. 085 97 423

as Principal, (hereinafter called the "Principal"), and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, P.O. Box 1227, Baltimore, Maryland 21203, a corporation duly organized under the laws of the State of Maryland, as Surety, (hereinafter called the "Surety"), are held and firmly bound unto Town of Yucca Valley

as Obligee, (hereinafter called the "Obligee"), in the sum of TEN PERCENT OF THE TOTAL BID PRICE IN----- Dollars (\$ 10% OF TOTAL BID PRICE ), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for 2015-2016 Townwide Slurry Seal Project, Town Project No. 8340

Bid Date: April 16, 2015

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a contract with the Obligee in accordance with the terms of such bid and give such bond or bonds as may be specified in the bidding or contract documents with good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter into such contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 6th day of April A.D., 2015

Donna Thorne, Notary Public
DONNA THORNE Witness

ALL AMERICAN ASPHALT (SEAL)
Principal
Michael Furkas Title Secretary

FIDELITY AND DEPOSIT COMPANY OF MARYLAND
Surety

By Rebecca Haas-Bates (SEAL)
Rebecca Haas-Bates, Attorney-in-Fact

Printed in cooperation with the American Institute of Architects (AIA) by Fidelity and Deposit Company of Maryland. Fidelity and Deposit Company of Maryland vouches that the language in the document conforms exactly to the language used in AIA Document A-310, February 1970 Edition.

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT**

**CIVIL CODE § 1189**

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

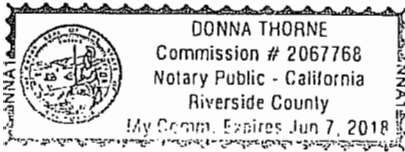
On 4/14/2015 before me, Donna Thorne, Notary Public,  
Date Here Insert name and Title of the Officer

personally appeared Michael Farkas  
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.



Place Notary Seal Above

Signature Donna Thorne  
Signature of Notary Public

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to person relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: Bid Bond

Document Date: 4/06/15 Number of Pages One (1)

Signer(s) Other Than Named Above: Fidelity and Deposit Company of Maryland  
Capacity(ies) Claimed by Signer(s)

Signer's Name: Michael Farkas

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): Secretary
- Partner  Limited  General
- Attorney in Fact
- Trustee
- Other: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner  Limited  General
- Attorney in Fact
- Trustee
- Other: \_\_\_\_\_

RIGHT THUMBPRINT OF SIGNER	
Top of thumb here	

RIGHT THUMBPRINT OF SIGNER	
Top of thumb here	

Signer is Representing:  
All American Asphalt

Signer is Representing:  
\_\_\_\_\_  
\_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

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 Orange )

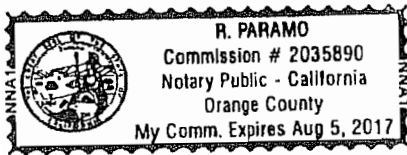
On 04/06/2015 before me, R. Paramo, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Rebecca Haas-Bates  
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.



Signature [Handwritten Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Bid Bond Document Date: 04/06/2015  
Number of Pages: One (1) Signer(s) Other Than Named Above: All American Asphalt

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Rebecca Haas-Bates  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_  
Fidelity and Deposit Company of Maryland

Signer Is Representing: \_\_\_\_\_

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 6th day of April, 2015.



*Geoffrey Delisio*

Geoffrey Delisio, Vice President

ADDENDUM NO. 1

TO THE  
BID DOCUMENTS  
FOR

PROJECT 8340

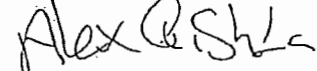
2015/2016 TOWNWIDE SLURRY SEAL PROJECT

To: ALL BID DOCUMENT HOLDERS

The bid documents for this bid have been amended as follows:

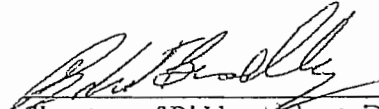
*Please see attached street limits and type of pavement rehabilitation method requested.*

TOWN OF YUCCA VALLEY  
ENGINEERING DIVISION



Alex Qishta  
Project Engineer

Acknowledgment of Receipt  
ADDENDUM NO. 1



Signature of Bidder Robert Bizally, VP

Airway Av: Paxton/Red Bluff	Slurry
Airway Ct: Arway Ave/End	Slurry
Avila Rd: Castro/Farello	Slurry
Avila Rd: Farello/Cul-de-sac	Cape
Bandera Rd: San Juan/End	Slurry
Buena Suerte Ct: Buena Suerta Rd/End	Cape
Buena Suerte Ln: Buena Suerte Rd/End	Cape
Buena Suerte Rd: SR247E/Bandera	Slurry
Buena Suerte Rd: SR247W/End	Cape
Buena Vista Dr: SR247/Yucca Mesa Rd.	Slurry
Castro Rd: Avila/Cul-de-sac	Slurry
Del Rio Way: Buena Suerte/End	Slurry
El Cortez Rd: Buena Suerte/SR247	Slurry
Farello Ct: Farello Rd/End	Cape
Farello Rd: Plaza Del Amigo/SR247	Cape
247OH: Buena Suerte/End	Cape
Imperial Rd: Paxton/Palo Alto	Slurry
Juarez Ct: Farello/Cul-de-sa	Cape
Mandarin Rd: Bandera/End	Slurry
Montecello Ct: Montecello Rd/End	Cape
Montecello Ln: Montecello Rd/End	Cape
Montecello Rd: Panchita/Cul-de-sac	Cape
Murrietta Ave: Paxton/Cul-de-sac	Slurry
Panchita Rd: Farello/Montecello	Cape
Plaza Del Amigo Rd: Buena Suerta/End	Slurry
Red Bluff Ave: Paxton/Buena Suerte	Slurry
Rome Ct: Paxton/Cul-de-sac	Slurry
San Juan Rd: SR247/End	Slurry
San Rafael Ct: San Rafeal Rd/End	Cape
San Rafael Rd: Plaza Del Amigo/End	Cape

Community Services Manager Earnest introduced Megan Stueckle as the recipient of the Employee of the Quarter for the 4<sup>th</sup> quarter 2014. Mayor Huntington presented a plaque to Stueckle in recognition.

**APPROVAL OF AGENDA**

Council Member Lombardo moved to approve the agenda for the Town Council meeting of February 17, 2015. Council Member Denison seconded. Motion carried 5-0 on a roll call vote.

- AYES:** Council Members Abel, Denison, Leone, Lombardo and Mayor Huntington
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

**CONSENT AGENDA**

- 3. **Waive** further reading of all ordinances and read by title only
- 4. **Approve** the Town Council meeting minutes of February 3, 2015 as presented
- 5. **Adopt** Resolution No. 15-01, approve the plans and specifications for the Town-Wide Slurry Seal Project- Town Project No. 8340 and authorize the Town Clerk to advertise and received bids

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE 2015/2016 TOWN WIDE SLURRY SEAL IN SAID TOWN AND AUTHORIZING AND DIRECTING THE TOWN CLERK TO ADVERTISE AND RECEIVE BIDS.**

- 6. **Award** a construction contract for the Community Center Infield Refurbishment project to Athletic Field Specialists, in the amount of \$18,500, and authorizes a construction contingency in the amount of \$1,500, for a total contract amount of \$20,000, authorizing the Mayor, Town Manager and Town Attorney to sign all necessary documents, and authorizing the Town Manager to expend the contingency fund, if necessary, to complete the project.
- 7. **Award** the construction contract for Town Project No. 8948, Jacobs park Playground Improvements, to R.E. Schultz Construction, in the amount of \$89,405, and authorizes a construction contingency in the amount of \$8,595, for a total contract amount not to exceed \$98,000, authorizing the Mayor, Town Manager and Town Attorney to sign all necessary documents, and authorizing the Town Manager to expend the contingency fund, if necessary, to complete project.
- 8. **Amend** the FY 2014-16 Adopted Budget, transferring \$20,000 from Fund 800- Capital

Projects Reserve Contingency for routine equipment and fixture replacement

- 9. **Approve** Resolution No. 15-02 for the FY2014-2015 Off-Highway Vehicle grant application

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING THE APPLICANT TO APPLY FOR GRANT FUNDS FOR THE STATE OF CALIFORNIA, DEPARTMENT OF PARKS AND RECREATION, OFF-HIGHWAY VEHICLE GRANT FUNDS**

- 10. **Receive and File** the FY 2013-14 Single Audit Report on Federal Awards
- 11. **Receive and File** the AB 1234 Reporting Requirement Schedule for the month of January 2015.
- 12. **Ratify** the Payroll Register total of \$113,198.08 for checks dated January 30, 2015 and **Ratify** the Warrant Register total of \$444,721.08 for checks dated February 5, 2015

Mayor Huntington opened public comment on the Consent Agenda.

Susan Simmons, Yucca Valley spoke of the slurry seal schedule and inquired on the determination of what roads are included.

With no other members of the public wishing to speak, Mayor Huntington closed public comments.

Council Member Abel moved to approve Consent Agenda items 3-12. Mayor Pro Tem Leone seconded. Motion carried 5-0 on a roll call vote.

- AYES:** Council Members Abel, Denison, Leone, Lombardo and Mayor Huntington
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

**DEPARTMENT REPORTS**

- 13. **Brehm Youth Sports Park- Acquisition Agreement and Resolution**

**A RESOLUTION OF THE TOWN OF YUCCA VALLEY, CALIFORNIA MAKING THE NECESSARY FINDINGS AS REQUIRED BY HSC 33445**



Town of Yucca Valley  
 FY 2014-16 Amended Budget  
 Special Revenue Funds

Amended CM 10/7/14

		2013-14		2014-15		2015-16
		Amended Budget	Actual	Adopted Budget	Amended Budget	Adopted Budget
<b>524 - Measure I - 2010 Unrestricted</b>						
Annual Traffic Census	524 55-59 8310 8097	7,435	8,169	7,500	7,500	7,500
SANBAG STP	524 55-59 8310 8098	5,000	-	5,000	5,000	5,000
Street Lights	524 55-59 8310 8103-000	50,000	48,190	50,000	51,810	50,000
Traffic Studies	524 55-59 8310 8105	8,565	6,941	9,000	10,624	9,000
Town Wide Slurry Seal	524 55-59 8310 8340	276,069	275,756	500,000	500,000	525,000
SHOPP, proj applic thru CT	524 55-59 8310 8347	5,000	-	5,000	5,000	5,000
Palomar, Yucca Tr to Juarez	524 55-59 8310 8457	158,839	94,983	-	63,856	-
Natoma, Del Monte to East Enc	524 55-59 8310 8458	30,000	-	-	30,000	-
Free Gold, Amador to West En	524 55-59 8310 8459	30,000	-	-	30,000	-
Desert Gold, Amador to Grand	524 55-59 8310 8460	40,000	-	-	40,000	-
Apache, SR 62 to Sante Fe	524 55-59 8310 8461	13,800	-	-	13,800	-
Yuma, Cibola to Church	524 55-59 8310 8462	30,000	-	-	30,000	-
Pueblo, Condalía to Valley Vist	524 55-59 8310 8463	45,000	-	-	45,000	-
Deer, SR 62 to Pueblo	524 55-59 8310 8464	50,000	-	-	50,000	-
Lucerne Vista, Onaga to Puebl	524 55-59 8310 8465	50,000	-	-	50,000	-
Signal Maintenance Contract	524 55-59 8310 8466	50,000	1,575	50,000	98,425	50,000
Acoma: Golden Bee to Onaga	524 55-59 8310 8422	-	-	-	-	-
Amador: Kismet to Joshua Dr	524 55-59 8310 8423	-	-	-	-	-
Grand: Kismet to Joshua Dr.	524 55-59 8310 8424	-	-	-	-	-
Hidden Gold: Amador to W Ent	524 55-59 8310 8467	-	-	-	-	-
Joshua Dr: Church to Joshua L	524 55-59 8310 8468	-	-	-	-	-
Congestion Management Plan	524 55-59 8310 8507	3,500	779	3,500	6,221	3,500
		<b>853,208</b>	<b>436,393</b>	<b>630,000</b>	<b>1,037,236</b>	<b>655,000</b>

**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor & Town Council  
**From:** Curtis Yakimow, Town Manager  
Jessica Rice, Management Analyst  
**Date:** April 28, 2015  
**For Council Meeting:** May 5, 2015

**Subject:** Amended and Restated Lease Agreement between the Town of Yucca Valley and Morongo Basin Unity Home, Inc.

**Prior Council Review:** The Former Redevelopment Agency entered into a lease agreement with Morongo Basin Unity Home, Inc. effective October 6, 1994, and was amended on January 20, 2000 and April 5, 2001.

**Recommendation:** That the Town Council approve the amended and restated lease agreement between the Town of Yucca Valley and Morongo Basin Unity Home, Inc. and authorize the Mayor and Town Manager to sign all necessary documents.


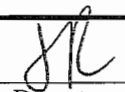
**Order of Procedure:**

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Consent Agenda - Roll Call Vote)

**Discussion:** In October 1994, the Former Redevelopment Agency entered into a lease agreement with Unity Home, Inc. to utilize three duplexes for the purposes of transitional-emergency housing for victims of domestic violence and their children. In January 2000, the lease was amended to include a fourth duplex structure, and in April 2001, the lease was amended for the second time to include a fifth duplex structure.

As of February 1, 2012, all Redevelopment Agencies in California became subject to dissolution proceedings. As part of the dissolution, the Town of Yucca Valley accepted the role of Housing Successor to continue the low and moderate income housing programs that were previously accounted for in the Low and Moderate Income Housing Funds of the Redevelopment Agency. With the Redevelopment Agency dissolution process complete, the Town took full ownership of

---

Reviewed By:	 Town Manager	_____ Town Attorney	_____ Finance	 Department
--------------	-----------------------------------------------------------------------------------------------------	------------------------	------------------	-----------------------------------------------------------------------------------------------------

---

____ Department Report	____ Ordinance Action	____ Resolution Action	____ Public Hearing
<input checked="" type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	____ Receive and File	____ Study Session

the five duplexes. As a result, the lease agreement must be restated to reflect the new Lessor and at the same time be updated due to the fact the original lease was signed over twenty years ago.

The attached lease agreement outlines that the Town will lease five duplex structures to Unity Home for \$1.00 annually. The lease agreement is for a two year time period that will automatically be renewed unless either party gives notice. Unity Home is responsible for utility costs and general maintenance/upkeep of the units excluding roofing, exterior walls, structural foundation, exterior painting and landscape maintenance.

A new provision included in the lease is the Town's reimbursement of Possessory Taxes. The original lease was silent with regards to Possessory Taxes, so it has been addressed, as requested by Unity Home, in this lease agreement. A taxable Possessory Tax Interest can exist whenever there is a private, beneficial use of publicly-owned, non-taxable real property. Since Unity Home is a non-profit agency leasing duplexes owned by the Town, they are subject to Possessory Tax payments on each parcel. The total amount of Possessory Tax that the Town has agreed to reimburse Unity Home is approximately \$1000 per year.

**Alternatives:** None recommended.

**Fiscal impact:** The reimbursement of Possessory Taxes in the amount of approximately \$1000 per year can be accommodated by the FY 14 – 16 budget.

**Attachments:** Amended and Restated Lease Agreement  
Original Lease dated October 6, 1994, along with the First & Second Amendments

Recording Requested by and  
When Recorded Return to:

Town of Yucca Valley  
57090 Twentynine Palms Highway  
Yucca Valley, CA 92284

Attn: Town Manager

---

(Space Above This Line for Recorder's Office Use Only)  
(Exempt from Recording Fee per Gov. Code § 6103)

**AMENDED & RESTATED LEASE AGREEMENT**

**By And Between**

**THE TOWN OF YUCCA VALLEY**

**and**

**MORONGO BASIN UNITY HOME, INC.**

UNITY HOME LEASE

## AMENDED & RESTATED LEASE AGREEMENT

THIS AMENDED & RESTATED LEASE AGREEMENT (the "Lease" herein) is executed this \_\_\_\_ day of \_\_\_\_, 2015, by and between the TOWN OF YUCCA VALLEY, a public body, corporate and politic ("Town" or "Lessor") and the MORONGO BASIN UNITY HOME, INC. ("Lessee").

### R E C I T A L S

A. The Town owns that improved real property at 6403 Goleta Avenue; 6413 Goleta Avenue; 6405 Avalon Avenue; 6411 Avalon Avenue; and 6414 Hermosa Avenue, all in the Town of Yucca Valley, State of California 92284 ("Premises").

B. Lessee is a non profit organization that provides transitional housing to women and their children who are the survivors of domestic violence. Lessee's representative for purpose of administering this Lease in coordination with the Town is the Executive Director.

C. Lessee and Town originally entered into a tenancy arrangement on October 6, 1994, by which Lessee currently occupies the Premises as tenant (the "Original Lease"). The Original Lease provided for a two year term with an automatic "evergreen" renewal provision absent express termination by either party.

D. Lessee's services constitute a substantial public service in that Lessee provides invaluable transitional shelter and related services to women and children who are the survivors of domestic violence, and provides them the opportunity to build new, independent lives. Since entering the Original Lease, Lessee has provided these services in a professional and diligent manner.

E. It is the intent of the parties to continue Lessee's tenancy at the Premises under terms substantially similar to those contained in the Original Lease. However, the Original Lease, through the passage of time and changes in various circumstances, has become outdated. For example, the Original Lease was between the Lessee and the Town of Yucca Valley Redevelopment Agency, which Agency no longer exists by operation of law. The Premises is now owned by the Town of Yucca Valley, and thus the Town must be substituted into the tenancy as Lessor. Further, the Original Lease fails to reflect the parties' actual practices with respect to the payment of possessory taxes.

F. By this Agreement, the parties intend to fully restate the Original Lease in its entirety and replace it with this Lease. This Lease creates a relationship between them during this period of exclusive possession by Lessee and it specifies the rights and duties of the respective parties with reference to the Premises and Lessee's use of the Premises thereon.

### L E A S E P R O V I S I O N S

In consideration of the covenants and agreements contained herein, and incorporating the foregoing recitals and all exhibits hereto, Lessor and Lessee hereby restate and replace the Original Lease in its entirety with the following terms:

**1.00 LEASE OF PREMISES.**

**1.01 Premises.**

Lessor hereby grants, demises and lets unto Lessee the Premises, and Lessee hereby leases the Premises from Lessor. Lessee agrees that it accepts the Premises "As-Is" and "Where-is" without any representations or warranties of any nature or kind whatsoever from Lessor.

**1.02 Term.**

The term of this Lease is for one (2) years ("Lease Term") commencing on \_\_\_\_\_, 2015 ("Commencement Date"), and terminating on \_\_\_\_\_, 2017 (which, with each successive two-year period, is referred to herein as a "Termination Date"). The Lease Term shall automatically renew for successive two (2) year terms following each Termination Date unless either party gives the other party written notice of a decision to not renew, which notice must be provided at least sixty (60) days prior to a Termination Date. Any holding over by Lessee after the expiration of the Lease Term shall be deemed a month-to-month tenancy upon the same terms and conditions of this Lease.

Notwithstanding the foregoing, either party may terminate this Lease with or without cause, upon sixty (60) days written notice to the other party.

**1.03 Quiet Possession.**

Lessor covenants and agrees with Lessee that Lessee may occupy and enjoy the Premises for the full Lease Term, subject to the provisions of this Lease.

**1.04 Rent.**

During the Lease Term, Lessee shall pay to Lessor and Lessor shall accept from Lessee rent in the amount of One Dollar (\$1.00) per year ("Rent"). By execution of this Lease, Lessor hereby acknowledges receipt of the rent for the entire Lease Term.

**1.05 Utilities, Assessments, Taxes.**

It is the intent of the parties that the Rent paid hereunder shall be absolutely net to the Lessor, and Lessee shall pay all costs, charges, assessments, taxes and obligations of every kind or nature against or relating to the Premises or the use, occupancy, operation, management, maintenance, ownership, or repair thereof which may arise or become due during the term. Without limiting the generality of the foregoing, Lessee shall pay all charges for utilities and services furnished to the Premises during the term, including but not limited to gas, electricity, heat, power, sewer, water, telephone, refuse collection, internet, all associated connection charges, and all similar utility bills taxed, levied, or charged upon the Premises. To the extent another Lessee operates on the Premises, utilities to the Premises shall be prorated based on hours of operation by the lessee's use of the Premises. Lessee's initial hours of operation shall be 24 hours per day; 7 days per week. Lessee shall notify Lessor immediately with respect to any

change in hours of operation. Lessor hereby notifies Lessee that Lessee may be required to pay property taxes with respect to the Premises.

Notwithstanding the above paragraph, with respect specifically to possessory taxes, Lessee shall pay such possessory taxes directly to the County and provide written notice to the Town following each such payment. Within 30 (thirty) days of receiving Lessee's notice of payment of possessory taxes to the County, the Town shall reimburse such costs in-full to Lessee via check made payable to Morongo Basin Unity Home.

## **2.00 DEVELOPMENT OF THE PREMISES.**

### **2.01 Construction of Improvements.**

Lessor is not obligated to, and shall not, provide any additional improvements to the Premises. Lessee shall not construct any improvements on the Premises without Lessor's prior written consent, in Lessor's sole and absolute discretion.

### **2.02 Ownership of Improvements.**

During the term of this Lease, title to all improvements constructed or placed on the Premises by Lessee, including buildings, structures, and other tenant improvements are and shall be vested in Lessee, but shall automatically become the property of Lessor upon the expiration or sooner termination of this Lease. Lessee shall have the right to retain any furniture or equipment or any personal property of Lessee not affixed to the buildings constructed on the Premises, all of which property (whether classified as real or personal property) shall be the property of Lessee.

### **2.03 Mechanics' Liens.**

Lessee shall not permit any mechanic's, materialman's, contractor's, subcontractor's or other lien arising from any work or improvement, for any labor done, services performed, or materials, appliances, transportation, or power used or furnished, however it may arise, to stand against the Premises or any improvement thereon.

## **3.00 USE OF THE PREMISES.**

### **3.01 Uses.**

The Premises shall be used for transitional-emergency housing for the victims of domestic violence and their children and for no other purposes. Lessee specifically is aware of, and agrees to adhere to, all the terms and conditions of that certain Land Use Restriction Agreement burdening the Premises entered into between Lessor and Resolution Trust Corporation, a copy of which is attached hereto as Exhibit "A" and incorporated as though fully set forth herein.

### **3.02 Compliance with Law.**

Lessee agrees that all operations and activities by or under Lessee on the Premises shall be conducted in compliance with all applicable statutes, ordinances, orders, laws, rules and

regulations, and the requirements of all federal, state and municipal governments and appropriate departments, commissions, boards and offices thereof, which may be applicable to the Premises or to the use or manner of use of the Premises. Lessee shall indemnify and hold the Lessor harmless against all actions, claims and damages by reason of (i) Lessee's failure to perform the terms hereof; or (ii) Lessee's non-observance or non-performance of any statute, ordinance, order, law, rule, regulation and/or governmental requirement related to Lessee's use and occupancy of the Premises or the condition thereof.

### **3.03 Miscellaneous Restrictions.**

Lessee agrees in using the Premises:

(a) Not to commit any waste or suffer any waste to be committed upon the Premises.

(b) Not to perform any acts or carry on any practices that may injure adjoining buildings or property or be a nuisance or menace to other persons or businesses in the area or disturb the quiet enjoyment of any person, nor to conduct or permit to be conducted any public or private nuisance on the Premises.

(c) Not to engage in any activity on or about the Premises that violates any "Environmental Law" (as defined below), and to promptly, at Lessee's sole cost and expense, take all investigatory and/or remedial action required or ordered by any governmental agency or Environmental Law for clean-up and removal of any contamination involving any "Hazardous Material" (as defined below) created or caused by or under Lessee. The term "Environmental Law" shall mean any federal, state or local law, statute, ordinance or regulation pertaining to health, industrial hygiene or the environmental conditions on, under or about the Premises including, without limitation, (i) the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. Sections 9601 *et seq.*; (ii) the Resource Conservation and Recovery Act of 1976 ("RCRA"), 42 U.S.C. Sections 6901 *et seq.*; (iii) California Health and Safety Code Sections 25100 *et seq.*; (iv) the Safe Drinking Water and Toxic Enforcement Act of 1986, California Health and Safety Code Section 25249.5 *et seq.*; (v) the Federal Water Pollution Control Act, 33 U.S.C. Sections 1317 *et seq.*; (vi) California Water Code Section 1300 *et seq.*; and (vii) California Civil Code Section 3479 *et seq.*, as such laws are amended and the regulations and administrative codes applicable thereto. The term "Hazardous Material" includes, without limitation, any material or substance which is (i) defined or listed as a "hazardous waste", "extremely hazardous waste", "restrictive hazardous waste" or "hazardous substance" or considered a waste, condition or pollution or nuisance under the Environmental Laws; (ii) petroleum or a petroleum product or fraction thereof; (iii) asbestos; and/or (iv) substances known by the State of California to cause cancer and/or reproductive toxicity. It is the intent of the parties hereto to construe the terms "Hazardous Materials" and "Environmental Laws" in their broadest sense. Lessee shall provide all notices required pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, California Health and Safety Code Section 25249.5 *et seq.* Lessee shall provide prompt written notice to Agency of the existence of Hazardous Substances on the Site and all notices of violation of the Environmental Laws received by Lessee. Lessee's obligations pursuant to this Section shall be referred to in this Lease as "Environmental Compliance".



### **3.04 Maintenance of Premises.**

#### **(a) Duty of Lessee to Maintain.**

Lessee covenants and agrees for itself, its successors and assigns, and every successor in interest to the Premises or any part thereof, that Lessee shall be responsible for the maintenance of all interior improvements in a neat, clean, and sanitary condition, free from any accumulation of debris or waste materials. Lessee shall place all rubbish in authorized containers. Lessee shall also, together with other tenants of the Premises, maintain common areas, if any, in a neat, clean, and sanitary condition, free from any accumulation of debris or waste materials.

Lessee shall be responsible for all repairs required except the roof, exterior walls, structural foundation, exterior painting and landscaping (with the exception of irrigation) which shall be maintained by the Lessor.

#### **(b) Right of Lessor to Maintain and Repair.**

If Lessee refuses, neglects, or fails to maintain and repair the Premises or any common areas as required hereunder to the reasonable satisfaction of Lessor as soon as reasonably possible after written demand, Lessor may enter the Premises and common areas at all reasonable times during normal business hours and perform said maintenance or make such repairs or perform any other act required to be performed by Lessee hereunder, without liability to Lessee for any loss or damage that may accrue to Lessee's merchandise, fixtures, or other property or to Lessee's business by reason thereof. In the event Lessor makes any repair or maintenance which Lessee has failed to do, then, within ten (10) days following Lessor's written demand therefor, Lessee shall pay Lessor's costs in performing such maintenance and making such repairs plus an amount equal to twenty percent (20%) of such cost for Lessor's overhead. If Lessee fails to make such payment when due, the same shall accrue interest as provided in Section 6.03 and shall be a material breach of this Lease, subject to all rights and remedies herein.

#### **(c) Duty of Lessor to Maintain.**

Lessor covenants that Lessor shall be responsible for the maintenance of the roof, exterior walls, structural foundation, exterior painting and landscaping (with the exception of irrigation) on the Premises, and that Lessee shall be responsible for all other repairs as stipulated in Section 3.04 (a). Lessor shall make all necessary replacements, repairs, and alterations to the Premises, except Lessee shall be responsible for any damage arising out of Lessee's use of the Premises.

### **3.05 Rights of Access.**

#### **(a) Generally.**

Lessor or the authorized representatives of Lessor will provide at least forty-eight (48) hours notice prior to entering the Premises for the purposes of inspecting the same. In addition, as provided in Section 3.04, Lessor or its representatives may enter the Premises to make such repairs or reconstruction required or permitted pursuant to this Lease or to perform any work therein that may be necessary by reason of Lessee's default under the terms of this Lease.

(b) Public Improvements.

Lessor, for itself and for the Town of Yucca Valley and other public agencies, at their sole risk and expense, reserves the right to enter the Premises or any part thereof at all reasonable times during normal business hours with as little interference as possible for the purpose of construction, reconstruction, relocation, maintenance, repair or service of any public improvements or public facilities located on the Premises. Any damage or injury to the Premises or to the improvements constructed thereon resulting from such entry shall be promptly repaired at the sole expense of the public agency responsible for the entry.

**4.00 INDEMNIFICATION AND INSURANCE.**

**4.01 Insurance.**

(a) Casualty.

If during the Lease Term, any improvement that may be constructed or placed on the Premises by Lessee or any trade fixtures shall be damaged or destroyed by fire or other insured casualty, Lessee shall, with all reasonable diligence, repair, reconstruct or replace such improvement. Any such repair, reconstruction or replacement shall be at the sole cost and expense of Lessee and, upon the completion thereof, shall be free and clear of all liens and encumbrances of any nature whatsoever, including mechanics' and material men's liens. If Lessee fails to commence such repair, reconstruction or replacement with all due speed and diligence, but in no event later than six (6) months following such casualty, Lessor shall have the right, without limitation, to collect all insurance proceeds subject to the rights of any leasehold mortgagee.

(b) Fire and Extended Coverage Insurance.

Throughout the Lease Term, Lessor shall, at its sole cost and expense, keep or cause to be kept insured for the mutual benefit of Lessor and Lessee all improvements located on or appurtenant to the Premises against loss or damage by fire and such other risks as are now or hereafter included. The amount of the insurance shall be sufficient to prevent either Lessee or Lessor from becoming a coinsurer under the provisions of the policy, but in no event shall the amount be less than eighty percent (80%) of the then actual replacement cost, excluding costs of replacing excavations and foundations, but without deduction for depreciation.

(c) Public Liability Insurance.

Beginning on the Effective Date hereof and throughout the Lease Term, Lessee shall at its sole cost and expense keep or cause to be kept in force for the mutual benefit of Lessor and Lessee comprehensive broad form general public liability insurance against claims and liability for personal injury or death arising from the use, occupancy, disuse or condition of the Premises, improvements or adjoining areas or ways, or for property damage, in an amount not less than no less than \$1,000,00.00 per occurrence for all covered losses, including bodily injury, death and property damage, and no less than \$2,000,000.00 general aggregate. Defense costs must be paid in addition to limits.

(d) Other Insurance.

Lessee may procure and maintain any insurance not required by this Lease, but all such insurance shall be subject to all of the provisions hereof pertaining to insurance and shall be for the benefit of Lessor and Lessee.

(e) Insurance Policy Form, Content and Insurer.

All insurance required to be provided by Lessee by the express provisions hereof shall be carried only by responsible insurance companies licensed to do business by California, and with a minimum policy holder rating of "A" or "A+" and of financial category Class XI status or better in the most recent edition of Best's Insurance Guide or similar rating system acceptable to Lessor. All such policies shall contain language, to the extent obtainable, to the effect that (i) any loss shall be payable notwithstanding any act of negligence of Lessor that might otherwise result in the forfeiture of the insurance, (ii) the insurer waives the right of subrogation against Lessor and against Lessor's agents and representatives; (iii) the policies are primary and noncontributing with any insurance that may be carried by Lessor; and (iv) the policies cannot be cancelled or materially changed except after thirty (30) days notice in writing by the insurer to Lessor or Lessor's designated representative. The general liability policy shall name Lessor, its officers, employees and agents ("Town Parties") as additional insureds. Lessee shall furnish Lessor with copies of all such policies promptly on receipt of them, or with certificates evidencing the insurance. Lessor shall be named as an additional insured on all policies of insurance required to be procured by the terms of this Lease.

(f) Failure to Maintain Insurance and Proof of Compliance.

Lessee shall deliver to Lessor, in the manner required for notices, copies of certificates of all insurance policies required hereunder together with evidence satisfactory to Lessor of payment required for procurement and maintenance of each policy within the following time limits:

1. For insurance required at the commencement of this Lease, within thirty (30) days after commencement; and
2. For any renewal or replacement of a policy already in existence, at least ten (10) days before expiration or termination of the existing policy.

If Lessee fails or refuses to procure or maintain insurance as required hereby or fails or refuses to furnish Lessor with required proof that the insurance, has been procured and is in force and paid for, Lessor shall have the right, at Lessor's election and on five (5) days notice to Lessee, to procure and maintain such insurance. The premiums paid by Lessor shall be treated as added rent due from Lessee, with interest at the rate specified in Section 6.03, to be paid within ten (10) days after demand therefore by Lessor. Lessor shall give Lessee prompt notice of the payment of premiums, stating the amount paid and the names of the insurer or insurers.

(g) The Town Manager, by written consent, may waive or adjust the Lessee's insurance requirements herein following consultation with the Town's Risk Manager.

#### 4.02 Indemnification.

##### (a) General.

Lessee shall indemnify Lessor, its officers, employees, and agents against, and will hold and save them and each of them harmless from, any and all actions, suits, claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions, or liabilities (herein "claims or liabilities") that may be asserted or claimed by any person, firm, or entity arising out of or in connection with the work, operations, or activities of Lessee, its agents, employees, subcontractors, or invitees, hereunder, upon the Premises, whether or not there is current passive, or active negligence on the part of Lessor, its officers, agents, or employees and in connection therewith:

1. Lessee will defend any action or actions filed in connection with any of said claims or liabilities and will pay all costs and expenses, including legal costs and attorneys' fees incurred in connection therewith;

2. Lessee will promptly pay any judgment rendered against Lessor, its officers, agents, or employees for any such claims or liabilities arising out of or in connection with such work, operations, or activities of Lessee hereunder; and Lessee agrees to save and hold Lessor, its officers, agents, and employees harmless therefrom;

3. In the event Lessor, its officers, agents, or employees is made a party to any action or proceeding filed or prosecuted against Lessee for such damages or other claims arising out of or in connection with the work operation or activities of Lessee hereunder, Lessee agrees to pay to Lessor, its officers, agents, or employees, any and all costs and expenses incurred by Lessor, its officers, agents, or employees in such action or proceeding, including but not limited to legal costs and attorneys' fees.

##### (b) Exceptions.

The foregoing indemnity shall not include the following claims or liabilities:

1. Those arising from the sole or gross negligence or willful misconduct of the Lessor, its officers, agents, or employees, who are directly responsible to Lessor.

2. Any arising from acts or omissions of the Town, or those of its officers, agents or employees when acting in their governmental or public capacity or under color of such authority in fulfilling the duties of such offices, as distinct from their duties as Lessor hereunder, whether said acts or omissions occur on the Premises or within the public right of way or on public property.

##### (c) Additional Coverage.

Without limiting the generality of the foregoing, said indemnity shall include any liability arising by reason of:

1. Any claim made by any occupant, subtenant, assignee, employee, agent, visitor, invitee, or user of any portion of the Premises.
2. Any accident or other occurrence in or on the Premises or on any adjoining sidewalk causing injury to any person or property whatsoever;
3. Any failure of Lessee to comply with performance of all of the provisions of this Lease;
4. Lessee's failure to prevent any employee or any invitee or any other person from entering upon or remaining in any place upon the Premises which is not safe and does not comply with all laws pertaining thereto as they may now or hereafter exist.

(d) Loss and Damage.

All property of Lessee kept or stored on the Premises shall be so kept or stored at the risk of Lessee. In the event that any subsurface soils condition, including environmental or soil contamination or hazard, results in loss or damage to Lessee, Lessor may subrogate to Lessee any rights which it may have to recover such losses or damages against any third parties who may have legal liability, but only to the extent of the actual losses or damages of Lessee.

(e) Waiver of Subrogation.

Lessee agrees that Lessee shall not make any claim against, or seek to recover from Lessor or its agents, servants, or employees, for any loss or damage to Lessee, or to any person or property, including without limitation, the property of others under the control of Lessee, and Lessee shall give notice to any insurance carrier of the foregoing waiver of subrogation, and obtain from such carrier, a waiver of right to recovery against Lessor, its agents and employees. In furtherance of the foregoing, Lessee agrees that in the event of a sale of the Premises by Lessor, the hereinabove waiver of subrogation shall continue in favor of the original Lessor hereunder, and any subsequent Lessor, and their respective successors and assigns.

## **5.00 REMOVAL OF PREMISES.**

### **5.01 Destruction of Premises.**

Should any of the buildings on the Premises be totally or substantially destroyed by an uninsured peril, so that all or a substantial portion of the Premises are unfit for the conduct of Lessee's business, Lessee and Lessor each shall have the right, giving thirty (30) days' prior notice to Lessor, to terminate this Lease with respect to the portion of the Premises so affected, and all rent and other charges with respect to such portion of the Premises shall be adjusted to the date of such destruction. This Lease shall remain in full force and effect with respect to the unaffected portion of the Premises. If Lessee and/or Lessor elects not to terminate this Lease as to any portion of the Premises affected by such destruction, the Lessor shall, within six (6) months, commence and diligently prosecute to completion the restoration of the destroyed buildings or improvements to a condition which will continue to fulfill the conditions, covenants, and requirements contained herein and Lessee shall continue operations in accordance with the terms hereof. Should the Premises, any part thereof, or any improvement thereon be totally or

partially destroyed by an insured peril, the Lessor shall promptly cause the restoration of the destroyed improvements to their original condition and shall continue operations in accordance with the terms hereof if Lessor elects not to terminate the Lease.

## **6.00 ENFORCEMENT.**

### **6.01 Default and Grounds For Termination Prior to Expiration of Term.**

Lessor shall be entitled to declare a default of this Lease and terminate the Lease prior to the expiration of the term where Lessee fails to:

- (a) Pay rent to Lessor, as rent is defined in Section 1.04;
- (b) Procure or maintain insurance pursuant to Section 4.01 hereof;
- (c) Discharge any mechanic's, materialman's, contractor's, subcontractor's or other lien as required by Section 2.03;
- (d) Reimburse Lessor for any other loss, fee or charge which is responsibility of Lessee pursuant to this Lease;
- (e) Pay charges for utilities and services as provided in Section 1.06;
- (f) Comply with all applicable governmental statutes, ordinances, rules, regulations, orders and prior covenants and restrictions of record; provided that failure to so comply shall not be a default so long as Lessee is exercising any legal rights to protest or appeal such statute, rule, regulation, order or covenant and restriction, or so long as no official enforcement action has been commenced by the appropriate agency; or
- (g) Perform any other material obligation of Lessee contained in this Lease.

Lessor shall also be entitled to declare a default of this Lease and terminate this Lease prior to the expiration of the Term where Lessee:

- (1) Makes an unauthorized transfer of this Lease without the consent of Lessor; or
- (2) Vacates or abandons the Premises.

## **6.02 Procedure For Termination and Opportunity to Cure.**

Lessor may terminate the Lease by reason of the foregoing defaults where Lessor has given notice in writing to Lessee specifying the nature of the default and the corrective action required to be taken, and Lessee has not cured such default within thirty (30) days after receipt by Lessee of such notice, or, where the nature of the default is such that it cannot reasonably be cured within such thirty (30) days, then Lessee shall not be in default so long as Lessee commences the actions necessary for cure within such thirty (30) days and diligently prosecutes the same to completion.

Lessor may waive any default hereunder, but such waiver shall not be construed as a waiver of any other default. No acceptance of rent by Lessor or delay in enforcing any obligation shall be construed as a waiver of any default by Lessee. Except as required to protect against further damages, the injured party may not institute legal proceedings against the party in default until after giving the notice required in this Section.

## **6.03 Interest.**

Lessee acknowledges that late payment by Lessee of rent or any sums due hereunder will cause Lessor to incur costs not contemplated by this Lease, the exact amount of which will be extremely difficult to ascertain. Any rent or sums due hereunder paid after the due date shall accrue interest commencing ten (10) days following the due date at the rate of one percent (1%) per month or the legal rate, whichever is more, compounded monthly. The parties agree that the foregoing amounts represent a reasonable interest rate, and a fair and reasonable estimate of the cost that Lessor will incur by reason of such late payment. Acceptance of any late payment charge shall not constitute a waiver of any default nor prevent Lessor from exercising any other rights or remedies granted hereunder.

## **6.04 Surrender of Premises.**

### **(a) General.**

In the event of any termination of the Lease, whether by lapse of time, cancellation, forfeiture, default, or otherwise, Lessee shall immediately surrender and deliver the Premises to Lessor, and all rights and claims of Lessee in and to use and enjoyment of such Premises shall cease. Such termination shall not release the Lessee from any liability which accrued under this Lease to Lessor prior to such termination.

### **(b) Condition of Premises.**

Except as otherwise provided in Section 5.01, upon said termination, Lessee shall surrender the Premises neat and clean, in good and tenable condition, reasonable wear and tear excepted. Lessee shall do all work and make all repairs necessary to place the Premises in said condition at Lessee's sole expense, and should Lessee fail to do such work and make such repairs after receipt of Lessor's demand to do so, Lessor may perform such work, and Lessee shall reimburse Lessor for the expense thereof within ten (10) days after being invoiced therefor by Lessor.

(c) Removal of Property.

Upon termination, and provided Lessee is not in default hereunder, Lessee shall have the right to remove from the Premises all furniture, furnishings, fixtures, and equipment placed in the Premises, provided that Lessee shall make all repairs to the Premises required because of such removal. If any of such property shall remain in the Premises after the end of the term hereof, such property shall be and become, at the option of Lessor, the property of Lessor without any claim therein of Lessee; provided that Lessor may direct Lessee to remove such property and if Lessee fails to remove such when directed to do so by Lessor, then Lessor may remove such property and Lessee shall reimburse Lessor for the expense thereof within ten (10) days after being invoiced therefor by Lessor.

(d) Holding Over.

This Lease shall terminate and become null and void without further notice upon expiration of the term herein specified, and any holding over by Lessee after such expiration shall not constitute a renewal hereof or give Lessee any rights under this Lease. If Lessee fails to surrender the Premises, Lessee shall indemnify and hold Lessor harmless from all loss or liability, including any claims made by any succeeding tenant.

**6.05 Legal Actions.**

(a) Institution of Legal Actions.

In addition to any other rights or remedies, either party may institute legal action to cure, correct or remedy any default, to recover damages for any default, or to obtain any other remedy consistent with the purpose of this Lease. Legal actions must be instituted and maintained in the Superior Court of the County of San Bernardino, State of California.

(b) Applicable Law and Forum.

The laws of the State of California shall govern the interpretation and enforcement of this Lease.

**6.06 Rights and Remedies are Cumulative.**

Except as otherwise expressly stated in this Lease, the rights and remedies of the parties are cumulative, and the exercise by either party of one or more of its rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other party.

**6.07 Waiver.**

Except as otherwise provided in this Lease, waiver by either party of the performance of any covenant, condition, or promise, shall not invalidate this Lease, nor shall it be considered a waiver of any other covenant, condition, or promise. Waiver by either party of the time for performing any act shall not constitute a waiver of time for performing any other act or an identical act required to be performed at a later time. The delay or forbearance by either party in



exercising any remedy or right as to any default shall not operate as a waiver of any default or of any rights or remedies or to deprive such party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert, or enforce any such rights or remedies.

**6.08 Attorney's Fees.**

If either party to this Lease is required to initiate or defend any action or proceeding in any way connected with this Lease, the prevailing party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to receive reasonable attorney's fees from the other party. Attorney's fees shall include attorney's fees on any appeal, and in addition a party entitled to attorney's fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment.

**6.09 General Provisions.**

(a) Independent Contractor.

Neither the Town nor any of its employees shall have any control over the manner, mode, or means by which Lessee's agents or employees perform the services required herein, except as otherwise set forth herein. Town shall have no voice in the selection, discharge, supervision, or control of Lessee's employees, servants, representatives, or agents, or in fixing their number, compensation, or hours of service. Lessee shall perform all services required herein as an independent contractor of Town and shall remain at all times as to Town a wholly independent contract with only such obligations as are consistent with that role. Lessee shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of Town. Town shall not in any way or for any purpose become or be deemed to be a partner of Lessee in its business or otherwise or a joint venturer or a member of any joint enterprise with Lessee.

(b) Anti-Discrimination.

Lessee agrees that this Agreement is made and accepted on and subject to the following conditions: That there will be no discrimination against or segregation of any person or group of persons, on account of race, color, sex, age, handicap, marital status, sexual orientation, religion, national origin or ancestry in the use, occupancy, tenure or enjoyment of the Premises, nor will Lessee or any person claiming under or through it establish or permit any practice or practices of discrimination or segregation with references to the Premises.

(c) Waiver.

The failure or omission of the Town to terminate or otherwise enforce this Agreement for any violation of any of its terms, conditions, or covenants, shall not be deemed to be a consent by the Town to such violation and shall not bar, stop or prevent the Town from terminating or otherwise enforcing this Agreement thereafter, either for such or for any subsequent violation of

any such term condition or covenant. The acceptance of rent under this Agreement shall not be or be construed to be a waiver of any breach of any term, covenant or condition of this Agreement. Nothing contained in this Agreement shall be construed as limiting the Town from performing all acts required by the Town in connection with the relocation of occupants of the Premises, or taking such steps as it may deemed necessary to remove occupants of the Premises at any time.

(d) Severability.

If any paragraph, section, sentence, clause, or phrase contained in this Agreement shall become illegal, null or void, against public policy, or otherwise unenforceable, for any reason, or held by any court of competent jurisdiction to be illegal, null or void, against public policy, or otherwise unenforceable, the remaining paragraphs, sections, sentences, clauses or phrases contained in the Agreement shall not be affected thereby.

(e) Notices.

Any notice, consent, report, demand, or document or other such item to be given, delivered, furnished or received hereunder shall be deemed given, delivered, furnished, and received when given in writing and personally delivered to an authorized agent of the applicable party, or upon delivery by the United States Postal Service, first-class registered or certified mail, postage prepaid, return receipt requested, or by a national "overnight courier" such as Federal Express, at the time of delivery shown upon such receipt; in either case, delivered to the address, addresses and persons as each party may from time to time by written notice designate to the other and who initially are:

If to Lessee: Morongo Basin Unity Home, Inc.  
61607 Twentynine Palms Highway, Suite F  
P.O. Box 1662  
Joshua Tree, CA 92252  
Tel: (760) 366-1247  
Fax: (760) 366-2643  
Attention: Executive Director

If to Lessor: TOWN OF YUCCA VALLEY  
57090 Twentynine Palms Highway  
Yucca Valley, CA 92284  
Attention: Town Manager  
Tel: (760) 369-7207  
Fax: (760) 369-0626

A copy to: ALESHIRE & WYNDER, LLP  
18881 Von Karman Avenue, Suite 1700  
Irvine, California 92612  
Attention: Lona N. Laymon, Town Attorney  
Tel: (949) 223-1170  
Fax: (949) 223-1180

(f) Integration Clause.

It is understood that there are no oral agreements between the parties hereto affecting this Lease and this Lease supersedes any and all previous negotiations, arrangements, brochures, agreements, and understandings, if any, between the parties hereto or displayed by Lessor to Lessee with respect to the subject matter thereof, and none shall be used to interpret or construe this Lease.

IN WITNESS WHEREOF, Lessor and Lessee have executed this Amended and Restated Lease as of the date first written above.

**“LESSOR”**

TOWN OF YUCCA VALLEY

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
George Huntington, Mayor

ATTEST:

By: \_\_\_\_\_  
Lesley Copeland, Town Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

By: \_\_\_\_\_  
Lona N. Laymon, Town Attorney

**“LESSEE”**

MORONGO BASIN UNITY HOME, INC., a  
California corporation

By: \_\_\_\_\_  
Name:  
Title:

Dated: \_\_\_\_\_

LAND USE RESTRICTION AGREEMENT  
(SALES OF SINGLE FAMILY PROPERTIES  
TO PUBLIC AGENCIES AND NONPROFIT ORGANIZATIONS)

BY AND BETWEEN

Resolution Trust Corporation

AND

The Yucca Valley Redevelopment Agency

NOTE: THIS DOCUMENT MUST BE REFERENCED IN THE DEED AND RECORDED  
AND TIME STAMPED IMMEDIATELY AFTER THE DEED

PLEASE INITIAL
_____
_____

TABLE OF CONTENTS

Page

ARTICLE I

Definitions . . . . . 1  
Section 1.1. General. . . . . 1  
Section 1.2. Generic Terms. . . . . 4

ARTICLE II

Rental, Occupancy and Sale of Single Family Property. . . . . 5  
Section 2.1 Rental, Occupancy and Sale of Single Family  
Property . . . . . 5

ARTICLE III

Rent. . . . . . 6  
Section 3.1 Rent Limitations for Qualified Tenants . . . . 6

ARTICLE IV

Administration. . . . . . 7  
Section 4.1. Lease Provisions . . . . . 7  
Section 4.2. Examination and Reexamination of Incomes . . . . 7  
Section 4.3. Certification by Owner . . . . . 8  
Section 4.4. Maintenance of Documents . . . . . 8  
Section 4.5. Compliance Review . . . . . 8  
Section 4.6. Administrative Fee . . . . . 8  
Section 4.7. Releases . . . . . 9

ARTICLE V

Representations and Warranties of Owner . . . . . 10  
Section 5.1. Representations and Warranties . . . . . 10  
Section 5.2. Indemnification. . . . . 11

PLEASE INITIAL  
\_\_\_\_\_  
\_\_\_\_\_

ARTICLE VI

<u>Enforcement and Remedies</u> . . . . .	11
Section 6.1. Remedies of RTC or the Agency . . . . .	11
Section 6.2. Remedies of Other Parties. . . . .	12
Section 6.3. Avoidance of Sale. . . . .	12
Section 6.4. Reliance Upon Information. . . . .	12

ARTICLE VII

<u>Miscellaneous</u> . . . . .	13
Section 7.1. Amendments . . . . .	13
Section 7.2. Notices. . . . .	13
Section 7.3. Entire Agreement . . . . .	14
Section 7.4. Governing Law. . . . .	14
Section 7.5. Severability . . . . .	14
Section 7.6. Binding Effect; Covenants Running with the Land. . . . .	14
Section 7.7. Counterparts . . . . .	15
Section 7.8. Section Titles . . . . .	15

Exhibit A - Legal Description  
Single Family Properties

Exhibit B - Family Size and Income Adjustments

Exhibit- C - Land Use Restriction Agreement --  
Recapture of Proceeds Upon Resale  
Within 12 Months

PLEASE INITIAL
_____
_____
_____

LAND USE RESTRICTION AGREEMENT  
(SALES OF SINGLE FAMILY PROPERTIES  
TO PUBLIC AGENCIES AND NONPROFIT ORGANIZATIONS)

THIS LAND USE RESTRICTION AGREEMENT (this "Agreement") is made and entered into this 11th day of August, 1994, by and between Resolution Trust Corporation, established pursuant to Section 501(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("RTC"), acting in its capacity as receiver [~~conservator~~] for Home Fed Bank, F.A. [if more than one institution, list] ("Seller"), and the Town of Yucca Valley, a public agency ("Owner").  
Redevelopment Agency

Recitals

Owner is a public agency or a nonprofit organization which has purchased from Seller one or more eligible single family properties in a single transaction located on the parcel(s) of land described on Exhibit A attached hereto and incorporated herein by reference, together with the improvements located thereon (said land and improvements are hereinafter collectively referred to as the "Property"), each of which either constitutes an "eligible single family property" as defined in Section 21A(c)(9)(G) of the Federal Home Loan Bank Act (12 U.S.C. §1441a(c)(9)(G)), as amended, or a property sold pursuant to RTC policy as set forth in Memorandum 93-AMSD-0009, Executive Committee Case #92-690 adopted February 3, 1993.

Pursuant to Section 21A(c) of the Federal Home Loan Bank Act (12 U.S.C. §1441a(c)), as amended, and as provided under applicable RTC policy guidelines, rules and regulation, Owner must agree to comply with certain occupancy, rental and resale restrictions with respect to the Property, and the parties hereto have entered into this Agreement to evidence Owner's agreement to comply with such restrictions.

NOW THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto do hereby agree as follows.

ARTICLE I

Definitions

Section 1.1. General. Capitalized terms used in this Agreement shall have, unless the context clearly requires ...

otherwise, the meanings specified in this Article I. Certain additional terms may be defined elsewhere in this Agreement.

(a) "Act" means Section 21A of the Federal Home Loan Bank Act (12 U.S.C. §1441a), as amended, or any corresponding provision or provisions of succeeding law as it or they may be amended from time to time.

(b) "Agency" means the State Housing Finance Agency or any agency, corporation or authority of the United States government that normally engages in activities related to the preservation of affordable housing and which is a successor to or assignee of RTC with respect to its powers and responsibilities hereunder.

(c) "Annual Income" means "income" as defined in Section 3(b)(4) of the United States Housing Act of 1937 and as determined in accordance with the regulations thereunder promulgated by the Secretary.

(d) "Agreement" means this Land Use Restriction Agreement, as it may from time to time be amended.

(e) "Lower-Income Families" means families and individuals whose Annual Incomes do not exceed 80 percent of area median income in the area in which the Property is located, as determined by the Secretary under Section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. §1437a(b)(2)), with adjustment for family size.

(f) "Owner" means Yucca Valley RDA, as set forth at the beginning of this Agreement, or any successor in title to any portion of the Property, except households which are Lower-Income purchasers of individual Single Family Properties.

(g) "Qualified Tenant" means a family or individual tenant of a Single Family Property which tenant is or was, upon commencing occupancy of such Single Family Property, a Lower-Income Family.

(h) "Qualifying Lower-Income Purchaser" means a Lower-Income Family which agrees to occupy, and certifies in writing that it intends to occupy, the Single Family Property as a principal residence for at least 12 months, and which enters into an agreement, in the form set forth at Exhibit C hereto or as otherwise provided by RTC or the Agency, with RTC or the Agency, upon purchase of a Single Family Property, providing for the recapture of seventy-five percent (75%) of the profits from the resale of such property, if such resale takes place within 12 months after such purchase, in the absence of such particular circumstances as may be specified in such agreement.



(i) "Regulations" means the regulations promulgated pursuant to the Act by RTC or any successor agency, as amended from time to time.

(j) "Related Entity" means, with respect to any party which has been an Owner hereunder: (i) any spouse, parent, child, grandchild, brother or sister of such Owner; or (ii) any person or entity (A) that directly or indirectly controls or is controlled by or is under common control with such Owner, (B) that is an officer of, partner in or trustee of, or serves in a similar capacity with respect to, such Owner or of which such Owner is an officer, partner or trustee, or with respect to which such Owner serves in a similar capacity, or (C) that is the beneficial owner, directly or indirectly, of 10% or more of any class of equity securities of such Owner or of which such Owner is directly or indirectly the owner of 10% or more of any class of equity securities.

(k) "RTC" means the Resolution Trust Corporation, established pursuant to Section 501(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended.

(l) "Secretary" means the Secretary of Housing and Urban Development.

(m) "Single Family Property" means an "eligible single family property" under Section 21A(c)(9)(G) of the Act (12 U.S.C. § 1441a(c)(9)(G)) or a property sold subject to RTC policy Memorandum 93-AMSD-0009 adopted by Executive Committee Case #92-690 dated February 3, 1993, which is part of the Property identified at Exhibit A.

(n) "State" means the state(s) in which the Property is located; provided, however, that if the Property is located in more than one state, "State" shall mean the state of location of that portion of the Property which is the subject of inquiry or dispute.

(o) "State Housing Finance Agency" means the public agency, authority, corporation, or other instrumentality of the State that has the authority to provide residential mortgage loan financing throughout the State.

(p) "Term" means, with respect to each Single Family Property governed by this Agreement, the period commencing on the date hereof and continuing until the earliest to occur of the following:

(1) the date upon which there is an involuntary loss of the particular Single Family Property by Owner caused by seizure, condemnation, foreclosure, deed in lieu of foreclosure or a..

change in federal law which prevents RTC or the Agency from enforcing this Agreement; provided, however, that in the event of loss of the property caused by foreclosure or deed in lieu of foreclosure, and if at any time thereafter, the party which was Owner at the time of or immediately prior to such foreclosure or deed in lieu of foreclosure, or a Related Entity of such party, acquires an ownership interest in such property, then the covenants and restrictions set forth in this Agreement shall be revived and shall remain in force until the further occurrence of an event described in this subsection;

(2) the date upon which there is a total involuntary loss of the use of the particular Single Family Property for residential housing purposes by Owner caused by fire or other casualty;

(3) the date upon which RTC or the Agency determines, in accordance with the Regulations, (i) that a particular Single Family Property is obsolete as to physical condition, location or other factors, making it unusable for housing purposes, and (ii) that no reasonable program of modifications is financially feasible to return the Single Family Property to useful life; or

(4) the date which is the later of (i) forty (40) years from the date of this Agreement or (ii) fifty (50) years from the date the particular Single Family Property was initially occupied as housing; or

(5) the date on which title to such property is conveyed to a Qualifying Lower-Income Purchaser.

Notwithstanding the foregoing, the termination of the Term with respect to any individual Single Family Property shall in no way affect the Term for the remainder of the Property.

(g) "Very Low-Income Families" means families and individuals whose Annual Incomes do not exceed 50 percent of area median income in the area in which the Property is located, as determined by the Secretary under Section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. §1437a(b)(2)), with adjustment for family size.

Section 1.2. Generic Terms. Unless the context clearly indicates otherwise, where appropriate the singular shall include the plural and the masculine shall include the feminine or neuter, and vice versa, to the extent necessary to give the terms defined in this Article I and/or the terms otherwise used in this Agreement their proper meanings.

## ARTICLE II

### Rental, Occupancy and Sale of Single Family Property

Section 2.1. Rental, Occupancy and Sale of Single Family Property.

(a) During the Term, Owner will either --

(i) sell each Single Family Property to a Qualifying Lower-Income Purchaser; or

(ii) maintain each Single Family Property as single family rental housing and hold such housing available for rental to Lower-Income Families on a continuous basis until it shall --

(I) sell one or more of such Single Family Properties to a public agency or nonprofit organization that agrees to abide by the restrictions set forth in this Agreement and assumes the obligations of Owner hereunder with respect to such Single Family Properties; or

(II) sell such Single Family Property to a Qualifying Lower-Income Purchaser.

(b) The determination of whether the tenant of a Single Family Property is a Lower-Income Family or a Very Low-Income Family shall be made prior to admission of such family or individual to occupancy in such Single Family Property; provided, however, that with respect to families or individuals occupying a Single Family Property on the date hereof, such determination shall not be required; provided, further, that if any family or individual occupying a Single Family Property on the date hereof shall demonstrate to Owner that it is a Lower-Income Family, that tenant shall be a Qualified Tenant. Thereafter such determinations shall be made at least annually on the basis of an examination or reexamination of the current income of the family or individual. If the Annual Income of a Qualified Tenant exceeds the applicable income limit for Lower-Income Families, the Owner shall not be required to terminate the tenancy of such tenant, but when such Single Family Property becomes vacant, it must be once again held available for rental to Lower-Income Families. If the Annual Income of a Qualified Tenant exceeds 140 percent of the applicable income limit for Lower-Income Families, that tenant shall cease to be a Qualified Tenant.

(c) Prior to making any Single Family Property available for sale (other than a sale pursuant to subsection (a)(ii) of this Section), Owner shall notify RTC or the Agency of its intent to sell such property. Owner shall use its best efforts to provide the tenant of such Single Family Property a reasonable opportunity to purchase it if such tenant is otherwise eligible to purchase the Single Family Property hereunder.

ARTICLE III

Rent

Section 3.1 Rent Limitations for Qualified Tenants.

(a) (i) The rent charged by Owner for Single Family Properties occupied by Very Low-Income Families shall not exceed the maximum rent for Qualified Tenants who are Very Low-Income Families for dwellings of the applicable size in the area, as established by RTC or the Agency or the Secretary. Such maximum rent shall be not greater than 30% of the adjusted income of a family whose income equals 50% of area median income, with adjustment for family size based upon dwelling type.

(ii) The rent charged by Owner for Single Family Properties occupied by Lower-Income Families other than Very Low-Income Families shall not exceed the maximum rent for Qualified Tenants who are Lower-Income Families other than Very Low-Income Families for dwellings of the applicable size in the area, as established by RTC or the Agency or the Secretary. Such maximum rent shall be not greater than 30% of the adjusted income of a family whose income equals 65% of area median income, with adjustment for family size based upon dwelling type.

(iii) For purposes of calculating maximum rents under this section, (x) the adjustment for family size based upon dwelling type shall be calculated on the basis of the number of bedrooms in such dwelling as set forth at Exhibit B hereto and (y) the adjusted income of a family shall be calculated by subtracting from the annual income of a family at the applicable maximum income level the specific adjustments set forth at Exhibit B hereto.

(b) Owner may make a written request to RTC for the schedule of maximum rents applicable to the Property as of the date hereof, and RTC shall provide such schedule within thirty days after (i) the date hereof or (ii) the date RTC receives such request, whichever is later. Such rents shall be subject to annual adjustment upon publication by the U.S. Department of Housing and Urban Development of revised income limits for area lower-income and very low-income families, which adjustment shall be based upon changes in the applicable area median income limits.

(c) If a Qualified Tenant ceases to be considered a Qualified Tenant in accordance with Section 2.1(b), Owner shall, subject to the terms of the lease and applicable law, be free to condition such family's or individual's continued occupancy in the Property upon its payment of a rental charge not subject to the limitations of this Article III.

\_\_\_\_\_  
.....

ARTICLE IV

Administration

Section 4.1. Lease Provisions. All tenant leases entered into with Qualified Tenants during the Term shall contain provisions wherein each individual lessee (i) certifies the accuracy of the information provided in connection with the examination or reexamination of Annual Income of the household of such lessee, and (ii) agrees that the Annual Income and other eligibility requirements shall be deemed substantial and material obligations of his or her tenancy, that he or she will comply promptly with all requests for information with respect thereto from Owner or RTC or the Agency, and that his or her failure to provide accurate information regarding such requirements (regardless of whether such inaccuracy is intentional or unintentional) or refusal to comply with a request for information with respect thereto shall be deemed a violation of a substantial obligation of his or her tenancy and constitute cause for immediate termination thereof.

Section 4.2. Examination and Reexamination of Incomes.

(a) Owner shall be responsible for determination of the Annual Income and family composition of Qualified Tenants, and for reexamination of Annual Income and family composition of such tenants at least annually, in accordance with procedures prescribed by RTC or the Agency.

(b) As a condition of admission to occupancy of a Single Family Property, Owner shall require the household head and such other household members as it designates to execute an RTC or Agency approved release and consent authorizing any depository or private source of income, or any Federal, State or local agency, to furnish or release to Owner and to RTC or the Agency such information as Owner or RTC or the Agency determines to be necessary. Owner shall also require the household to submit directly documentation determined to be necessary. Information or documentation shall be determined to be necessary if it is required for purposes of determining or auditing a household's eligibility as a Qualified Tenant, or for verifying related information. The use or disclosure of information obtained from a household or from another source pursuant to this release and consent shall be limited to purposes directly connected with administration of this Agreement.

(c) Owner shall not be deemed to be in violation of Article III of this Agreement if, in determining Annual Income and family composition of a Qualified Tenant, (i) Owner has relied in good faith upon information which is supplied to Owner by the tenant, (ii) Owner has no reason to believe such information is false, and (iii) Owner shall have complied with all requirements of RTC

\_\_\_\_\_  
\_\_\_\_\_

or the Agency with respect to verification of household income and family composition.

Section 4.3. Certification by Owner. During the Term, on each anniversary of the date upon which this Agreement was first recorded in the land records of the jurisdiction in which the Particular Single Family Property is located, or upon such other annual date as RTC or the Agency, in its discretion, upon reasonable notice to the Owner, shall establish, Owner shall submit to RTC or the Agency a certification, in a form prescribed by RTC or the Agency, as to Owner's compliance with all of the terms and provisions of this Agreement.

Section 4.4. Maintenance of Documents. All tenant lists, applications, leases, waiting lists, income examinations and reexaminations relating to the Property shall at all times be kept separate and identifiable from any other business of Owner which is unrelated to the Property, and shall be maintained, as required by RTC or the Agency, in a reasonable condition for proper audit and subject to examination and photocopying during business hours by representatives of RTC or the Agency.

Section 4.5. Compliance Review. RTC or the Agency periodically will monitor Owner's compliance with the requirements of this Agreement. In conducting its compliance review, RTC or the Agency will rely primarily on information obtained from Owner's records and reports, findings from on-site monitoring, and audit reports. RTC or the Agency may also consider relevant information gained from other sources, including litigation and citizen complaints. Owner shall cooperate with RTC or the Agency in any such compliance review and shall furnish all notices, information and reports reasonably required by RTC or the Agency for such purpose.

Section 4.6. Administrative Fee.

(a) In order to compensate RTC or the Agency for the review performed pursuant to Section 4.5, Owner shall pay to RTC (in its corporate capacity and not as receiver or conservator for the savings institution(s) identified in this Agreement) or the Agency, as applicable, an annual administrative fee for the first twelve month period of this Agreement in the amount of \$50 per Single Family Property, but in no event less than \$250.

(b) If RTC or the Agency shall find the Property not to be in compliance with the terms hereof (including the requirements of this Article IV), Owner shall pay to RTC or the Agency, as applicable, an additional administrative fee in an amount prescribed from time to time by RTC or the Agency, which amount, for the first twelve month period of this Agreement, shall be \$50 per Single Family Property, for additional monitoring and enforcement activities undertaken with respect to the Property.

\_\_\_\_\_  
\_\_\_\_\_

The annual fee payable in the event of noncompliance shall be in addition to, and distinct from, the amount due pursuant to Section 4.6(a), as well as any reimbursements of costs and legal fees to which RTC or the Agency may be entitled as a result of judicial enforcement action, and such fee shall be payable without respect to whether RTC or the Agency undertakes or succeeds in judicial enforcement action. RTC or the Agency shall be entitled to undertake additional monitoring and enforcement activities, and to be compensated therefor, for a period of up to three years following its most recent finding of noncompliance with respect to the Property.

(c) For each twelve month period after the first twelve month period of this Agreement, the administrative fees payable hereunder shall be the amounts set forth in subsections (a) and (b) of this Section 4.6, as applicable, multiplied by the increase in the Consumer Price Index for All Urban Consumers (CPI-U) published by the Bureau of Labor Statistics of the United States Department of Labor (or any generally recognized successor to such Index) between the date hereof and the latest publication of such Index immediately preceding the applicable anniversary date of this Agreement.

Section 4.7. Releases.

(a) RTC shall --

(i) execute such documents as may be required to evidence release of the Property, or any portion thereof, from the covenants and restrictions set forth in this Agreement based upon the expiration of the Term as provided in Section 1.1(p) hereof (subject, in the event of foreclosure or deed in lieu of foreclosure, to revival as set forth in Section 1.1(p)(1)), upon receipt from Owner of a certification as to the occurrence of the event giving rise to such expiration and such other evidence as RTC or the Agency may reasonably require, and

(ii) upon request of the Owner, execute a release with respect to any Single Family Property from the terms of this Agreement upon execution by the Qualifying Lower-Income Purchaser of such property of an agreement with respect to recapture of profits in the form set forth at Exhibit C hereto or any revised version thereof as provided by RTC or the Agency. Such agreement shall be referenced in the deed to the particular Single Family Property and recorded immediately following the deed in the land records of the jurisdiction in which the property is located. The recapture requirement shall not apply in the event that a portion of the Qualifying Lower-Income Purchaser's sale proceeds or any subsidy provided in connection with the acquisition of the property by such purchaser is required to be recaptured or repaid under any Federal, State or local law or regulation or under another sale agreement, in which event RTC may determine that no

PLEASE INITIAL
_____
_____

agreement with respect to recapture shall be required with the purchaser or that any such agreement shall provide for the inapplicability of the recapture requirement under the specified circumstances.

(b) If RTC shall have contracted with the Agency for the performance of its responsibilities hereunder, the Agency shall execute the appropriate release and/or modification to this Agreement in the name of RTC in accordance with the terms of subsection (a) of this Section 4.7, and shall provide appropriate evidence to Owner of its authorization so to act in the name of RTC.

ARTICLE V

Representations and Warranties of Owner

Section 5.1. Representations and Warranties. Owner represents and warrants to RTC that:

(a) Nonprofit/Public Agency Status. Owner is a Public Agency [public agency OR nonprofit organization] within the meaning of the Regulations.

(b) Valid Execution. Owner has validly executed this Agreement and the same constitutes the binding obligation of the Owner. Owner has full power, authority and capacity (i) to enter into this Agreement, (ii) to carry out Owner's obligations as described in this Agreement and (iii) to assume responsibility for compliance with all applicable federal rules and regulations, including, without limitation, the Regulations.

(c) No Conflict or Contractual Violation. To the best of Owner's knowledge, the making of this Agreement and Owner's obligations hereunder:

(i) will not violate any contractual covenants or restrictions (A) between Owner or any third party or (B) affecting the Property;

(ii) will not conflict with any of the instruments that create or establish Owner's authority;

(iii) will not conflict with any applicable public or private restrictions;

(iv) do not require any consent or approval of any public or private authority which has not already been obtained; and

PLEASE INITIAL  
\_\_\_\_\_  
\_\_\_\_\_



(v) are not threatened with invalidity or unenforceability by any action, proceeding or investigation pending or threatened, by or against (A) Owner, without regard to capacity, (B) any person with whom Owner may be jointly or severally liable, or (C) the Property or any part thereof.

(d) No Litigation. No litigation or proceedings are pending or, to the best of Owner's knowledge, threatened against Owner which if adversely determined could individually or in the aggregate have an adverse effect on title to or the use and enjoyment or value of the Property, or any portion thereof, or which could in any way interfere with the consummation of this Agreement.

(e) No Bankruptcy. There is not pending or, to Owner's best knowledge, threatened against Owner any case or proceeding or other action in bankruptcy, whether voluntary or otherwise, any assignment for the benefit of creditors, or any petition seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief for Owner under any present or future federal, state or other statute, law, regulation relating to bankruptcy, insolvency or relief for debtors.

Section 5.2. Indemnification. Owner agrees to indemnify and hold harmless RTC or the Agency from and against all liabilities, losses, claims, damages, judgments, costs and expenses (including, without limitation, reasonable attorneys' fees) incurred by RTC or the Agency as a result of any material inaccuracy in any of the representations and warranties contained in Section 5.1.

## ARTICLE VI .

### Enforcement and Remedies

#### Section 6.1. Remedies of RTC or the Agency.

(a) If Owner defaults in the performance of any of its obligations under this Agreement or breaches any covenant, agreement or restriction set forth herein, and if such default remains uncured for a period of sixty (60) days after notice thereof shall have been given by RTC or the Agency (or for an extended period approved in writing by RTC or the Agency if the default or breach stated in such notice can be corrected, but not within such 60-day period, unless Owner does not commence such correction or commences such correction within such 60-day period but thereafter does not diligently pursue the same to completion within such extended period), RTC or the Agency shall be entitled to apply to any court having jurisdiction of the subject matter for specific performance of this Agreement, for an injunction

against any violation of this Agreement, for the appointment of a receiver to take over and operate the Property in accordance with the terms of this Agreement, or for such other relief as may be appropriate, it being acknowledged that the beneficiaries of Owner's obligations hereunder cannot be adequately compensated by monetary damages in the event of Owner's default. RTC or the Agency shall be entitled to its reasonable attorneys' fees in any such judicial action in which RTC or the Agency shall prevail.

(b) Each right, power and remedy of RTC or the Agency provided for in this Agreement now or hereafter existing at law or in equity or by statute or otherwise shall be cumulative and concurrent and shall be in addition to every other right, power or remedy provided for in this Agreement or now or hereafter existing at law or in equity or by statute or otherwise, and the exercise or beginning of the exercise by RTC or the Agency of any one or more of the rights, powers or remedies provided for in this Agreement or now or hereafter existing at law or in equity or by statute or otherwise shall not preclude the simultaneous or later exercise by RTC or the Agency of any or all such other rights, powers or remedies.

Section 6.2. Remedies of Other Parties. The occupancy requirements set forth in Section 2.1 of this Agreement also shall inure to the benefit of, and may be judicially enforced against Owner by, affected Lower-Income Families and Very Low-Income Families. Any such party that prevails in any such judicial action shall be entitled to its reasonable attorneys' fees.

Section 6.3. Avoidance of Sale. Any purported sale of a Single Family Property which is not carried out fully in compliance with the requirements of Section 2.1 hereof shall be void and without effect, and RTC or the Agency shall be empowered to seek a judicial declaration to such effect. Upon a determination by RTC or the Agency that any such purported sale is void, if the prior Owner of such Single Family Property shall fail to occupy or operate such property, RTC or the Agency may rent or dispose of such Single Family Property for the benefit of the Owner thereof, in accordance with the terms of this Agreement.

Section 6.4. Reliance Upon Information. In carrying out its obligations hereunder, Owner shall be entitled to rely upon information provided by RTC or the Agency with respect to (i) income limits applicable to Lower-Income Families and Very-Low Income Families, (ii) the method for calculating the incomes of such families and (iii) the maximum rents which may be charged to such families pursuant to Section 3.1 hereof.

ARTICLE VII

Miscellaneous

Section 7.1. Amendments. This Agreement may not be amended or modified except by written instrument signed by each party hereto.

Section 7.2. Notices. All notices required or permitted to be given under this Agreement must be in writing and will be deemed to have been duly given if delivered personally or mailed, postage prepaid, by registered or certified United States mail, return receipt requested, addressed to the parties at the following addresses:

If to RTC: Resolution Trust Corporation  
801 17th Street, N.W.  
Washington, DC 20434-0001  
Attention: Director, Affordable Housing  
Disposition Program

with copies to: Resolution Trust Corporation  
801 17th Street, N.W.  
Washington, DC 20434-0001  
Attention: Senior Vice President,  
Assets/Real Estate

Resolution Trust Corporation  
801 17th Street, N.W.  
Washington, DC 20434-0001  
Attention: Assistant General Counsel, Real  
Estate

Resolution Trust Corporation  
[Appropriate Field Office]  
Attention: Affordable Housing Disposition  
Specialist

If to Owner:

Any party may change its address for notice purposes by giving notice to the other parties in accordance with this Section 7.2.

Section 7.3. Entire Agreement. This Agreement contains the entire understanding between the parties hereto with respect to the subject matter hereof.

Section 7.4. Governing Law. This Agreement, as it may affect the rights, remedies and obligations of RTC or the Agency, shall be governed by and construed in accordance with federal law. Insofar as federal law does not apply, the provisions of this Agreement shall be governed by and construed in accordance with the laws of the State.

Section 7.5. Severability. This Agreement is intended to be performed in accordance with, and only to the extent permitted by, all applicable laws, ordinances, rules and regulations. If any provision of this Agreement or the application thereof to any person or circumstance shall be held invalid or unenforceable, the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby, but rather shall be enforced to the greatest extent permitted by law.

Section 7.6. Binding Effect; Covenants Running with the Land. During the Term, this Agreement and the covenants, reservations and restrictions contained herein shall be deemed covenants running with the land and shall pass to and be binding upon Owner's heirs, assigns and successors in title to the Property or any portion thereof, or if the Property shall not include title to land, but shall include a leasehold interest in land, this Agreement and the covenants, reservations and restrictions contained herein shall bind the leasehold interest as well as the Property and shall pass to and be binding upon all heirs, assigns and successors to such interests; provided, however, that upon expiration of the Term in accordance with the terms hereof said covenants, reservations and restrictions shall expire. Each and every contract, deed or other instrument hereafter executed covering or conveying the Property or any portion thereof shall conclusively be held to have been executed, delivered and accepted subject to such covenants, reservations and restrictions, regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instruments. If a portion or portions of the Property are conveyed, all of such covenants, reservations and restrictions shall run to each portion of the Property. Owner, at its cost and expense, shall cause this Agreement to be duly recorded or filed and re-recorded or refiled in such places, and shall pay or cause to be paid all recording, filing, or other taxes, fees and charges, and shall comply with all such statutes and regulations as may be required by law, in the opinion of qualified counsel, in order to establish, preserve and protect the ability of RTC or the Agency to enforce this Agreement. Any conveyance of all or any portion of the Property in contravention of the terms of this Agreement shall be null and void and of no force or effect.

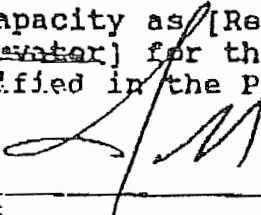
Section 7.7. Counterparts. This Agreement and any amendments hereto may be executed in several counterparts, each

of which shall be deemed to be an original copy, and all of which together shall constitute one agreement binding on all parties hereto, notwithstanding that all the parties shall not have signed the same counterpart.

Section 7.8. Section Titles. Section titles and the table of contents are for descriptive purposes only and shall not control or limit the meaning of this Agreement as set forth in the text.

IN WITNESS WHEREOF, the undersigned have hereunto affixed their signatures and seals as of the date first above written.

RESOLUTION TRUST CORPORATION in its capacity as [Receiver OR ~~Conservator~~] for the institution(s) identified in the Preamble hereto

By:   
Title: \_\_\_\_\_  
JEFFREY B. RIVAS  
SECTION CHIEF  
REAL ESTATE SALES

OWNER:

By:   
Title: Executive Director

PLEASE INITIAL  
\_\_\_\_\_  
\_\_\_\_\_

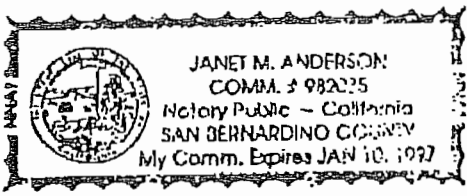
State of California  
County of San Bernardino

On Aug 11, 1994 before me, Janet M. Anderson  
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Sue Louder  
NAME(S) OF SIGNER(S)

personally known to me - OR -  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.



WITNESS my hand and official seal.

Janet M. Anderson  
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL
- CORPORATE OFFICER  
Sue Louder  
TITLE(S)
- PARTNER(S)       LIMITED
- GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: \_\_\_\_\_

DESCRIPTION OF ATTACHED DOCUMENT

Offshore Trust Agreement  
TITLE OR TYPE OF DOCUMENT

71  
NUMBER OF PAGES

August 11, 1994  
DATE OF DOCUMENT

SIGNER IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(IES)  
Trust of Susan Louder

SIGNER(S) OTHER THAN NAMED ABOVE

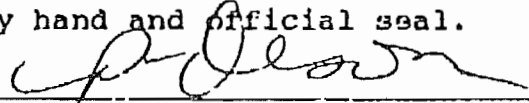
PLEASE INITIAL  
\_\_\_\_\_  
\_\_\_\_\_

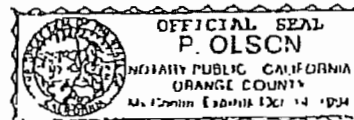
State of California

County of Orange

On August 23, 1994 before me, P. Olson, Notary Public, personally appeared Jeffrey B. Rivas, personally known to me (or 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.

WITNESS my hand and official seal.

Signature  (Seal)  
P. Olson



PLEASE INITIAL  
\_\_\_\_\_  
\_\_\_\_\_

EXHIBIT "A"

LEGAL DESCRIPTION

LOT 115, TRACT NO. 4121, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 53 OF MAPS, PAGE(S) 36 TO 38, INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM 50% OF ALL MINERALS, OIL AND GAS WHICH LIE MORE THAN 100 FEET BELOW THE SURFACE OF SAID LAND, BUT WITHOUT THE RIGHT OF SURFACE ENTRY AS RESERVED IN THE DEED FROM KRANSHIRE REALTY AND INVESTMENT COMPANY, RECORDED MAY 28, 1958, IN BOOK 4519, PAGE 135, OFFICIAL RECORDS.

APN 0601-161-12

PI.FASE INITIAL
_____
_____



EXHIBIT "A"

LEGAL DESCRIPTION

LOT 126, TRACT NO. 4121, PARADISE VALLEY UNIT NO. 2, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 53 OF MAPS, PAGES 36 TO 38, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING ONE-HALF OF ALL MINERALS, OIL AND GAS WITHOUT THE RIGHT OF SURFACE ENTRY AS RESERVED IN THE DEED FROM KRANSHIRE REALTY AND INVESTMENT COMPANY RECORDED MARCH 11, 1958, in book 4458, PAGE 202, OFFICIAL RECORDS.

PARCEL NO. 0601-161-27

PLEASE INITIAL  
\_\_\_\_\_  
\_\_\_\_\_

EXHIBIT "A"

LEGAL DESCRIPTION

LOT 127, TRACT NO. 4121 PARADISE VALLEY UNIT NO. 2, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 53 OF MAPS, PAGES 36 TO 38, INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING ONE-HALF OF ALL MINERALS, OIL AND GAS WITHOUT THE RIGHT OF SURFACE ENTRY AS RESERVED IN THE DEED FROM KRANSHIRE REALTY AND INVESTMENT COMPANY RECORDED JULY 16, 1965, IN BOOK 6432, PAGE 813, OFFICIAL RECORDS.

PARCEL NO. 0601-161-28

PLEASE INITIAL

_____
_____

EXHIBIT "A"

LEGAL DESCRIPTION

LOT 285, TRACT NO. 4121, PARADISE VALLEY UNIT NO. 2, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 53 OF MAPS, PAGE(S) 36 TO 38, INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING ONE-HALF OF ALL MINERALS, OIL AND GAS THEREON WITHOUT THE RIGHT OF SURFACE ENTRY AS RESERVED IN THE DEED FROM KRANSHIRE REALTY AND INVESTMENT COMPANY, RECORDED NOVEMBER 10, 1959, IN BOOK 4973, PAGE 558, OFFICIAL RECORDS.

APN 0601-193-20

EXHIBIT "A"

LEGAL DESCRIPTION

LOT 286, TRACT NO. 4121, PARADISE VALLEY, UNIT NO. 2, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 53 OF MAPS, PAGE(S) 36 TO 38, INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING ONE-HALF OF ALL MINERALS, OIL AND GAS THEREON WITHOUT THE RIGHT OF SURFACE ENTRY A RESERVED IN THE DEED FROM KRANSHIRE REALTY AND INVESTMENT COMPANY, RECORDED MAY 16, 1957, IN BOOK 4232, PAGE 582, OFFICIAL RECORDS.

APN 0601-193-21

PLEASE INITIAL
_____
_____

EXHIBIT A

LEGAL DESCRIPTION

SINGLE FAMILY PROPERTIES.

1. Property Number 1

Address: .

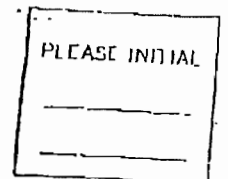
Legal Description:

2. Property Number 2

Address:

Legal Description:

[et al]



LEASE

This Lease dated October 6, 1994 for reference purposes only is entered into by and between the Yucca Valley Redevelopment Agency, a Public Agency ("Lessor"), and Unity Home, Inc., a California not for profit corporation ("Lessor"), whose mailing address is P.O. Box 1662, Joshua Tree, California 92252-0851, upon the following terms and conditions:

1. DESCRIPTION OF PREMISES: Real property and improvements thereon commonly known as 6405 Avalon Avenue, 6413 Goleta, and 6403 Goleta, all in the Town of Yucca Valley, County of San Bernardino, State of California.

2. TERM: Two years commencing on completion of tenant improvements (date to be inserted) March 31, 1995 and terminating on March 31, 1997. This Lease shall be automatically renewed for two year terms, unless either party gives to the other party written notice of its intention not to renew at least sixty days prior to the extension of each two year term.

3. RENT: The rental amount shall be Two Dollars (\$2.00) for each two year term payable on the first day of each term to Lessor at the address given for notice.

4. SECURITY DEPOSIT: N/A

5. USE: The premises are to be used for transitional-emergency housing for the victims of domestic violence and their children and for no other purposes. Lessee specifically is aware of and agrees to adhere to all the terms and conditions of that certain Land Use Restriction Agreement burdening said property entered into between Lessor and Resolution Trust Corporation. A copy of said agreement is attached as "Exhibit A" to this agreement and incorporated as though fully set forth. Lessee shall provide to Lessor a copy of the agreement including rules and regulations entered into between Lessee and prospective residents of the premises prior to the occupancy of the premises.

6. ORDINANCES AND STATUTES: Lessee shall comply with all statutes, ordinances and requirements of all municipal, state and federal authorities now in force, or which may hereafter be in force, pertaining to the use of the premises.

7. ASSIGNMENT AND SUBLETTING: Lessee shall not assign this agreement or sublet any portion of the premises without prior written consent of the Lessor.

8. UTILITIES: Lessee shall be responsible for the payment of all utilities including water, gas, electricity, and trash removal.

9. MAINTENANCE, REPAIRS, OR ALTERATIONS: Lessee acknowledges that the premises are in good order and repair, unless otherwise indicated herein. Lessee shall, at its own expense, and at all times,

maintain the premises in a clean and sanitary manner and shall surrender the same, at termination hereof, in as good condition as received, normal wear and tear excepted. Lessee shall be responsible for damages caused by its negligence and that of its invitees or guests. Lessee shall not make alterations to the premises without the prior written consent of the Lessor. Lessee shall irrigate, including lawns and shrubbery, and keep the same clear of rubbish, if such grounds are a part of the premises and are exclusively for the use of the Lessee. Lessee shall be responsible for all repairs required except the roof, exterior walls, structural foundation, exterior painting and landscaping (with the exception of irrigation) which shall be maintained by Lessor.

10. **DAMAGES TO PREMISES:** If the premises are so damaged by fire or from any other cause as to render them untenable, then either party shall have the right to terminate this Lease as of the date on which such damage occurs, through written notice to the other party, to be given within fifteen (15) days after occurrence of such damage; except that should such damage or destruction occur as the result of the abuse or negligence of Lessee, or its invitees, then Lessor only shall have the right to termination.

11. **ENTRY AND INSPECTION:** Lessor shall have the right to enter the premises: (a) in case of emergency; (b) to make necessary or agreed repairs, decorations, alterations, improvements, supply necessary or agreed services, exhibit the premises to prospective or actual purchasers, mortgagees, workmen, or contractors; (c) when Lessee has abandoned or surrendered the premises. Except under (a) and (c), entry may not be made other than during normal business hours, and without not less than 24 hours prior notice to Lessee.

12. **INDEMNIFICATION OF LESSOR:** Lessor shall not be liable for any damage or injury to Lessee, or any other person, or to any property, occurring on the demised premises or any part thereof, and Lessee agrees to hold Lessor harmless from any claims for damages, no matter how caused.

13. **INSURANCE:** Lessee, at its expense, shall maintain public liability insurance including bodily injury and property damage insuring Lessee and Lessor with minimum coverage of not less than \$1,000.000 per occurrence. Lessee shall provide Lessor with a Certificate of Insurance showing Lessor as additional insured. The Certificate shall provide for a ten-day written notice to Lessor in the event of cancellation or material change of coverage.

To the maximum extent permitted by insurance policies which may be owned by Lessor or Lessee, Lessee and Lessor, for the benefit of each other, waive any and all rights of subrogation which might otherwise exist.

14. **HAZARDOUS MATERIALS:** Lessee shall not use, store, or dispose of any hazardous substances upon the premises, except if they are customarily used in residential housing and such use and storage complies with all environmental laws. Hazardous substances means any

hazardous waste, substance or toxic materials regulated under any environmental laws or regulations applicable to the property.

15. **ATTORNEY'S FEES:** In the event that Lessor is required to employ an attorney to enforce the terms and conditions of this agreement, or to recover possession of the premises from Lessee, Lessor shall pay to Lessor reasonable attorney's fee whether or not a legal action is filed or a judgment is obtained.

16. **WAIVER:** No failure of Lessor to enforce any term hereof shall be deemed a waiver.

17. **NOTICES:** Any notice which either party may give or is required to give, may be given by mailing the same, certified mail, to Lessee at P.O. Box 1662, Joshua Tree, California 92252-0851, or to Lessor at 57090 - 29 Palms Highway, Yucca Valley, California 92284, or to such other places as may be designated by either party.

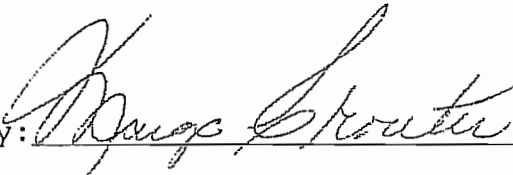
18. **DEFAULT:** If Lessee fails to perform any term or condition required under this Lease, after not less than three (3) days written notice of such default given in the manner required by law, Lessor, at its option, may terminate all rights of Lessee under said agreement.

**ENTIRE AGREEMENT:** The foregoing constitutes the entire agreement between the parties and may be modified only by a writing signed by both parties. The following Exhibits, if any, have been made part of this agreement before the parties' execution hereof:

Exhibit "A" LAND USE RESTRICTION AGREEMENT


DATED: 10/6/94

Lessor Yucca Valley  
Redevelopment Agency, a  
Public Agency

BY: 

DATED: 10/4/94

Lessee Unity Home, Inc., a  
California not for  
profit corporation

BY: 



**FIRST AMENDMENT TO LEASE  
DATED OCTOBER 6, 1994**

Between Yucca Valley Redevelopment Agency,  
a Public Agency (Lessor), and Unity Home, Inc., a  
California not for profit corporation

That certain Lease referenced above dated October 6, 1994 and attached herein as Exhibit  
"A" is amended in the following respects only:

Section 1. DESCRIPTION OF PREMISES: is amended to read in its entirety as follows:

"1. DESCRIPTION OF PREMISES: Real property and improvements thereon  
commonly known as 6405 Avalon Avenue, 6411 Avalon Avenue, 6403 Goleta,  
and 6413 Goleta, all in the Town of Yucca Valley, County of San Bernardino,  
State of California."

Except as amended, all of the terms and conditions of the original Lease are incorporated  
as though fully set forth within.

Dated: \_\_\_\_\_

Lessor Yucca Valley  
Redevelopment Agency, a  
Public Agency

By: \_\_\_\_\_  
Chairman of the Redevelopment  
Agency of the Town of Yucca  
Valley

Dated: \_\_\_\_\_

Lessee Unity Home, Inc. a  
California not for profit  
corporation

By: \_\_\_\_\_

Attest:  
\_\_\_\_\_

SECOND AMENDMENT TO LEASE  
DATED OCTOBER 6, 1994

Between Yucca Valley Redevelopment Agency,  
A Public Agency ("Lessor"), and Unity Home, Inc.,  
A California Not For Profit Corporation

That certain Lease referenced above dated October 6, 1994, amended January 20, 2000, and attached herein as Exhibit A is further amended in the following respects only:

Section 1. DESCRIPTION OF PREMISES is amended to read in its entirety as follows:

"1. DESCRIPTION OF PREMISES: Real property and improvements thereon commonly known as 6403 Avalon Avenue, 6411 Avalon Avenue, 6403 Goleta, 6413 Goleta, and 6414 Hermosa Avenue, all in the Town of Yucca Valley, County of San Bernardino, State of California."

Except as amended, all of the terms and conditions of the original Lease as amended are incorporated as though fully set forth within.

Dated: 4/5/01

Lessor: Yucca Valley Redevelopment Agency  
A Public Agency

By Tom Scott  
Chairman of the Redevelopment Agency of  
The Town of Yucca Valley

Dated: 4/3/01

Lessee: Unity Home, Inc.  
A California Not For Profit Corporation

By Linda Carmack

Attest:

[Signature]



**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor & Town Council

**From:** Sharon Cisneros, Finance Manager

**Date:** April 29, 2015

**For Council Meeting:** May 5, 2015

**Subject:** Third Quarter Budget Report for the Nine Months Ending March 31, 2015

**Recommendation:** Receive and file the Third Quarter Budget Report for FY2014-15

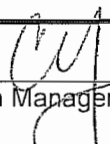
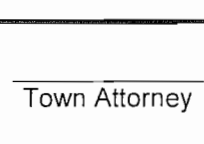
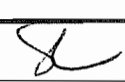

**Order of Procedure:**

- Request Staff Report
- Request Public Comment
- Council Discussion / Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote, Consent Agenda)

**Discussion:** The attached report summarizes the Town's General Fund fiscal performance through the first nine months of the current fiscal year. As indicated in the report, the Town's overall fiscal performance for the first nine months is in line with the levels included in the FY 2014-15 budget as amended on June 23, and October 7, 2014. Total revenue and total expenditures are tracking in line with the FY 2014-15 amended budget, however there are expenditures related to recent election and legal activities of the Town for which invoices have not been received. Staff anticipates that these invoices for the remainder of the year will be significant and may require amendments to the current year budget.

Staff will present a comprehensive report on both fiscal years of the adopted budget and request budget amendments, if needed, at the meeting of June 2, 2015. This allows for more information on anticipated expenditures to be received and the impact on the overall general fund budget to be determined when netted against the savings in unspent budgeted expenditures.

Reviewed By:

Town Manager

Town Attorney

Finance Manager

Department

Department Report

Ordinance Action

Resolution Action

Public Hearing

Consent

Minute Action

Receive and File

Study Session

**Alternatives:** None

**Fiscal impact:** The Town's first nine months results are currently generally aligned with the financial plan incorporated in the FY 2014-15 amended budget.

**Attachments:**

Third Quarter Budget Report FY 2014-15



*Town of Yucca Valley*  
Third Quarter Budget Report  
Fiscal Year 2014-15

March 31, 2015

**Town of Yucca Valley**  
 Third Quarter Budget Report  
 Fiscal Year 2014-15

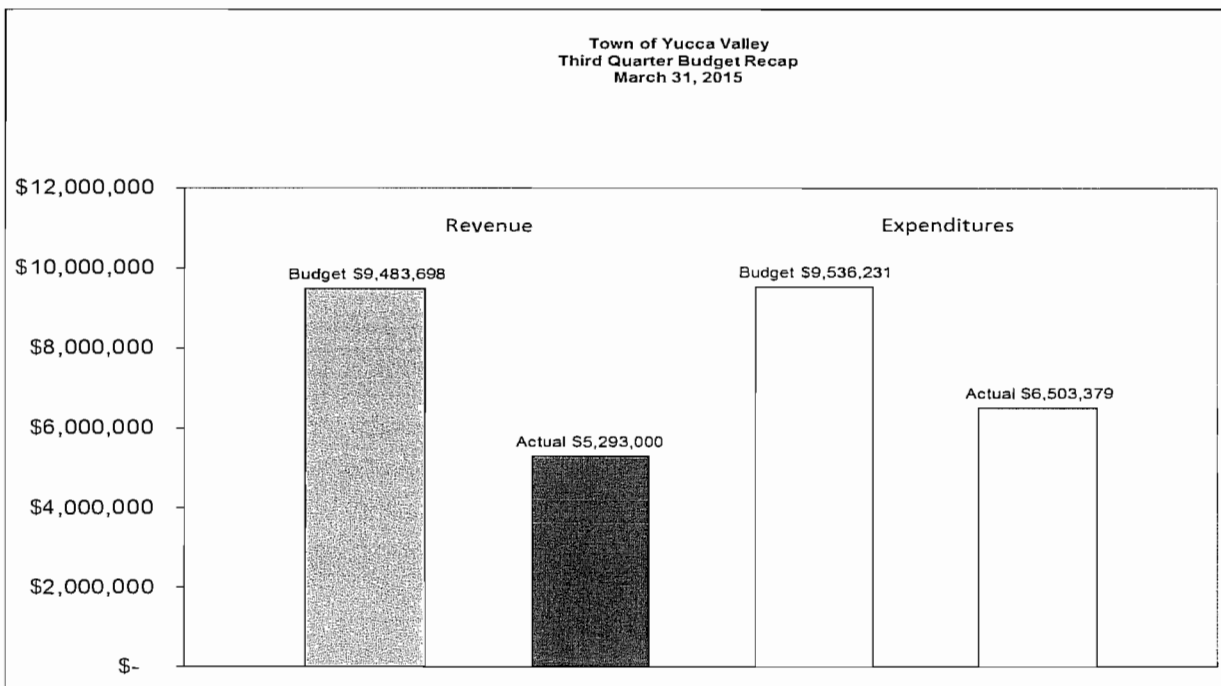
***Financial Highlights***

**Revenues**

- Sales and Use tax increased 1.5% in FY2014-15 over the prior year. This continues the gradual increase due to recently opened businesses offset by lower fuel prices.
- Property tax revenues increased over the same period last year due to increased property assessments and supplemental property taxes. The receipt of \$82,000 of prior RDA property taxes brings the increase over the prior year to 9%.
- The decrease in Franchise Fees is due to the timing of the receipt of the Franchise Fees being paid later than the current fiscal year.

**Expenditures**

- Salaries and benefits decreased from prior year by less than 2% reflecting the staff changes in Administrative positions offset by new positions filled in public work.
- Major non-personnel expenditures remain Contract safety, accounting for 44% of expenditures for the three quarters, or \$2,809,808.
- Other expenditure categories remain in line for the first three quarters reflecting typical even expenditure patterns throughout the fiscal year. One remaining area of concern is legal expenses related to unanticipated recent town activities.



**Town of Yucca Valley**

**General Fund Revenues and Expenditures  
Mid-Year Budget Report**

**March 31, 2015**

REVENUES	Prior Year FY 2013-14			Current Year FY 2014-15		
	Amended Budget	Revenue Year to Date	% of Budget	Amended Budget	Revenue Year to Date	% of Budget
Sales and Use Tax	\$ 3,010,000	\$ 1,692,455	56.23%	3,145,450	\$ 1,717,740	54.61%
Property Tax	4,143,500	2,202,411	53.15%	4,280,881	2,406,412	56.21%
Franchise/TOT/Interest	970,000	598,949	61.75%	975,000	435,945	44.71%
Animal Services	520,500	231,896	44.55%	366,900	286,631	78.12%
Community Development	262,250	219,282	83.62%	289,750	205,714	71.00%
Administrative/Other	219,717	125,155	56.96%	267,717	140,438	52.46%
Community Services	114,620	124,479	108.60%	158,000	100,120	63.37%
<b>Total Revenues</b>	<b>\$ 9,240,587</b>	<b>\$ 5,194,627</b>	<b>56.22%</b>	<b>\$ 9,483,698</b>	<b>\$ 5,293,000</b>	<b>55.81%</b>

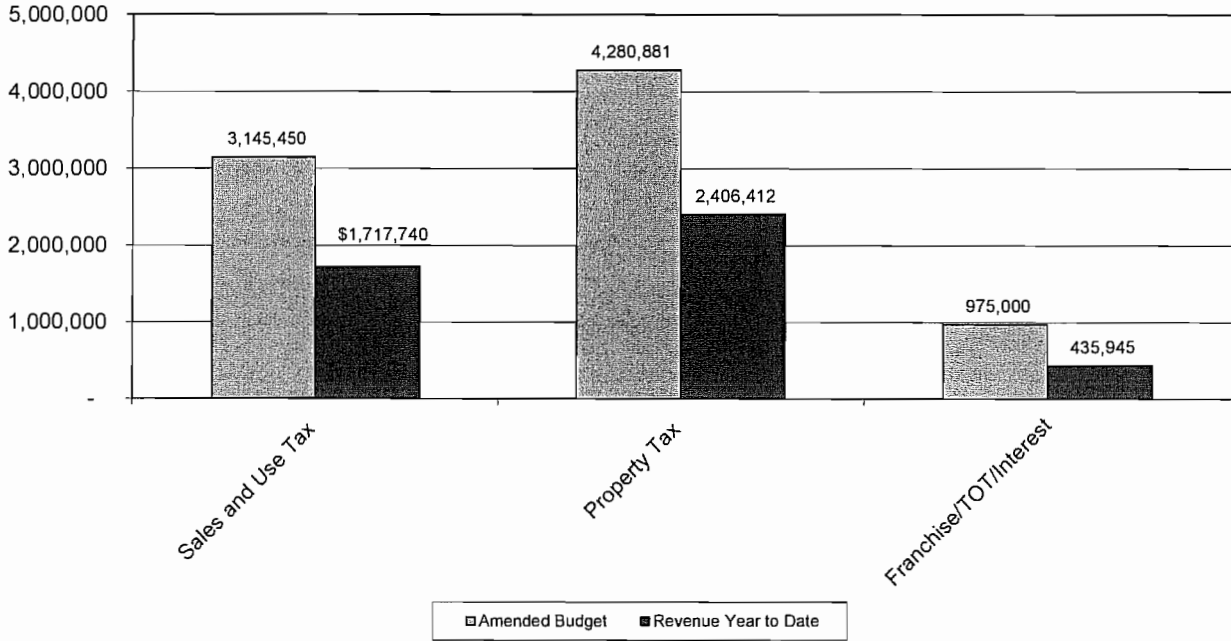
  

EXPENDITURES	Prior Year FY 2013-14			Current Year FY 2014-15		
	Amended Budget	Expenditures Year to Date	% of Budget	Amended Budget	Expenditures Year to Date	% of Budget
Personnel Services	\$ 2,845,587	\$ 2,196,009	77.17%	\$ 3,062,725	\$ 2,159,421	70.51%
Contract Safety	3,738,000	2,744,059	73.41%	3,953,473	2,809,808	71.07%
Operating Supplies and Services	2,159,703	1,235,879	57.22%	2,335,557	1,436,564	61.51%
Partnerships	80,500	51,105	63.48%	88,000	70,604	80.23%
Capital Projects	413,303	160,008	38.71%	96,476	26,982	27.97%
<b>Total Expenditures</b>	<b>\$ 9,237,093</b>	<b>\$ 6,387,060</b>	<b>69.15%</b>	<b>\$ 9,536,231</b>	<b>\$ 6,503,379</b>	<b>68.20%</b>

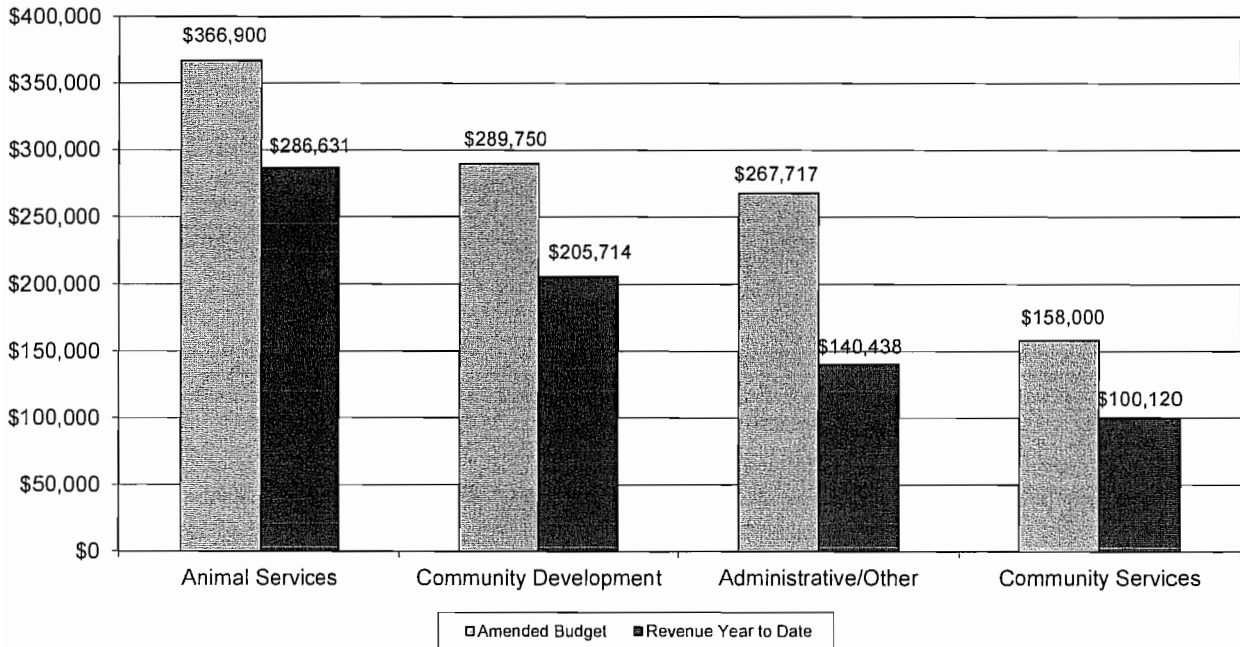
Notes

1. Property tax Revenue in FY2014-15 includes receipt of taxes from former RDA properties of \$82,000.
2. Administrative Services revenue in FY2013-14 includes grants not received in FY2014-15 of \$15,000
3. Community Services Revenue in FY2013-14 includes donations recognized in the Museum of \$13,000

**Town of Yucca Valley  
Major Revenue Sources  
March 31, 2015**

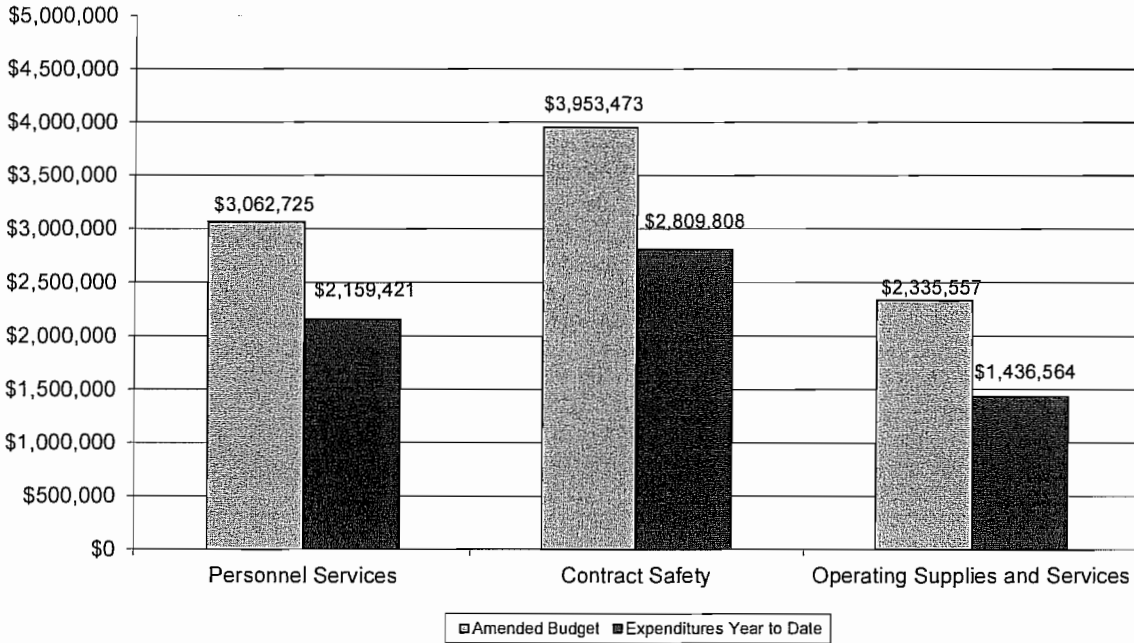


**Town of Yucca Valley  
Other Revenue Sources  
March 31, 2015**

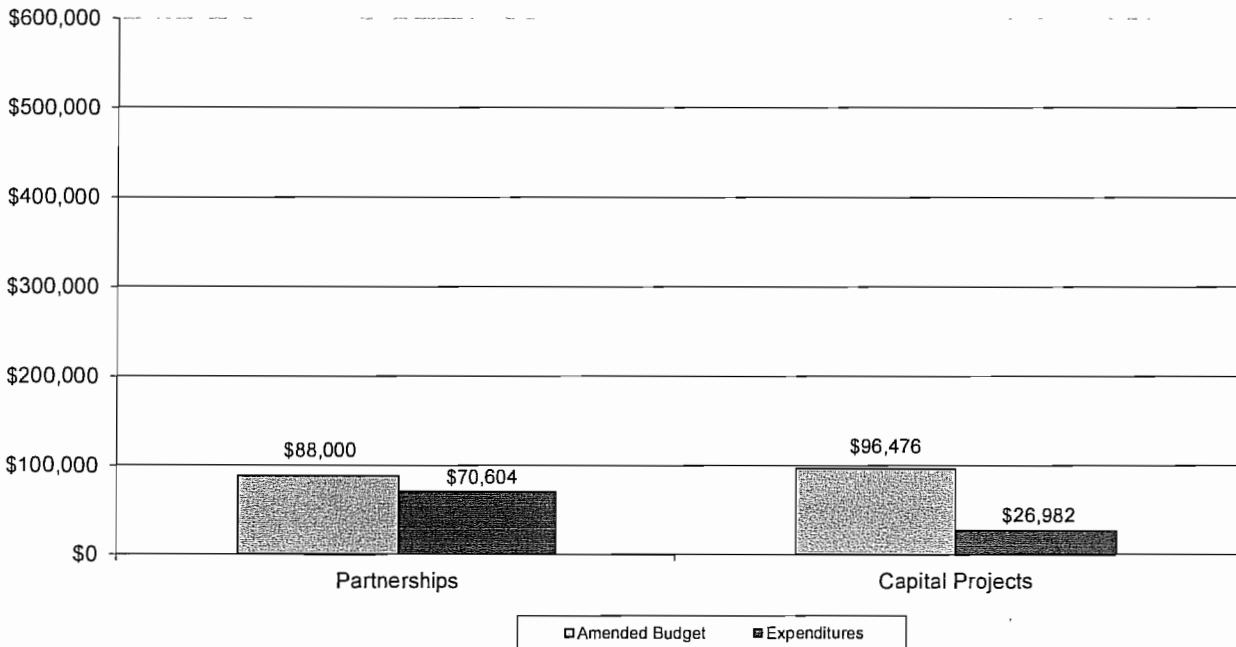




**Town of Yucca Valley  
Major Expenditure Categories  
March 31, 2015**



**Town of Yucca Valley  
Other Expenditure Categories  
March 31, 2015**





## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Sharon Cisneros, Finance Manager  
**Date:** April 20, 2015  
**For Council Meeting:** May 5, 2015  
**Subject:** Treasurer's Report for the Quarter Ending March 31, 2015  
**Recommendation:** Receive and file the Treasurer's Report for the third quarter of FY 2014-15.

**Order of Procedure:**

Request Staff Report  
Request Public Comment  
Council Discussion / Questions of Staff  
Motion/Second  
Discussion on Motion  
Call the Question (Roll Call Vote, Consent Agenda)

**Discussion:** The investment policy and Town Code of the Town of Yucca Valley requires that quarterly Treasurer's reports be filed with the Town Council. The attached Treasurer's Report is for the 3rd Quarter of FY 2014-15.

**Attachments:** Treasurer's report 3rd quarter FY2014-15

Reviewed By:

  
Town Manager

\_\_\_\_\_  
Town Attorney

  
Finance Manager

  
Department

\_\_\_\_ Department Report  
 Consent

\_\_\_\_ Ordinance Action  
\_\_\_\_ Minute Action

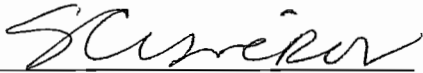
\_\_\_\_ Resolution Action  
 Receive and File

\_\_\_\_ Public Hearing  
\_\_\_\_ Study Session

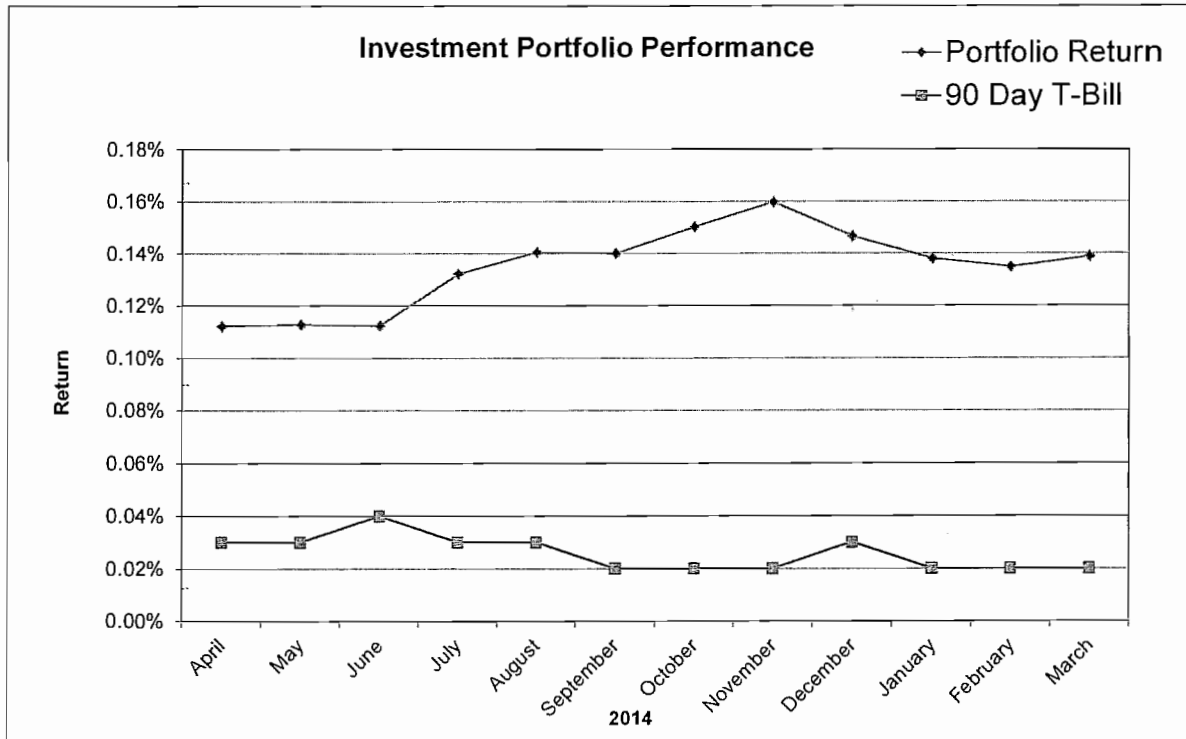
**Town of Yucca Valley**  
**Treasurer's Report**  
As of March 31, 2015

Institution/Investment	Market Value	Percent of Portfolio	Yield	Maturity Date
Pacific Western-Checking Acct	\$ 2,887,940	16.99%	0.00%	Liquid
Local Agency Investment Fund (LAIF)	9,451,144	55.60%	0.26%	Liquid
Pac Western-Successor Agency	4,655,982	27.39%	0.00%	Liquid
Petty Cash	3,390	0.02%	0.00%	Liquid
<b>Total Cash &amp; Investments</b>	<b>\$ 16,998,456</b>	<b>100.00%</b>	<b>0.14%</b>	<b>Fully Liquid</b>

I certify that to the best of my knowledge, this report accurately reflects all pooled investments, and is in conformity with the Town's investment policy revised on April 7, 2015, which complies with the California Government Code. A copy of this investment policy, along with the supporting banking and investment statements, is available in the office of the Town Clerk. This investment program provides sufficient cash flow liquidity to meet the next six months of budgeted expenditures.



Sharon Cisneros  
Finance Manager





### TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Sharon Cisneros, Finance Manager  
**Date:** April 21, 2015  
**Council Meeting:** May 5, 2015

**Subject:** Warrant Register dated May 5, 2015

**Recommendation:**

Ratify the Warrant Registers totaling \$ 977,255.92 for checks dated April 2, 2015 to April 30, 2015. Ratify the Payroll Registers totaling \$ 567,457.50 dated March 13, 2015 to April 24, 2015.

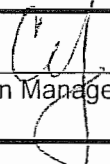
**Order of Procedure:**

- Department Report
- Request Staff Report
- Request Public Comment
- Council Discussion
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote, Consent Agenda Item)

**Attachments:**

- Payroll Register No. 36 dated March 13, 2015 total of \$133,911.42
- Payroll Register No. 38 dated March 27, 2015 total of \$161,676.89
- Payroll Register No. 40 dated April 10, 2015 total of \$132,796.60
- Payroll Register No. 42 dated April 24, 2015 total of \$ 139,072.59
- Warrant Register No. 41 dated April 02, 2015 total of \$ 753,119.81
- Warrant Register No. 43 dated April 16, 2015 total of \$126,823.86
- Warrant Register No. 45 dated April 30, 2015 total of \$ 97,312.25

Reviewed By:

  
Town Manager

\_\_\_\_\_  
Town Attorney

  
Finance Manager

  
Department

- |                                             |                                                   |                                            |                                         |
|---------------------------------------------|---------------------------------------------------|--------------------------------------------|-----------------------------------------|
| <input type="checkbox"/> Department Report  | <input type="checkbox"/> Ordinance Action         | <input type="checkbox"/> Resolution Action | <input type="checkbox"/> Public Hearing |
| <input checked="" type="checkbox"/> Consent | <input checked="" type="checkbox"/> Minute Action | <input type="checkbox"/> Receive and File  | <input type="checkbox"/> Study Item     |

**TOWN OF YUCCA VALLEY**  
**PAYROLL REGISTER #36**  
**CHECK DATE - March 13, 2015**

Fund Distribution Breakdown

**Fund Distribution**

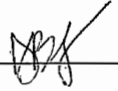
General Fund	\$122,220.83
Gas Tax Fund	11,690.59

<b>Grand Total Payroll</b>	<u><u>\$133,911.42</u></u>
----------------------------	----------------------------


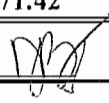
Prepared by P/R & Financial Specialist:



Reviewed by H/R & Risk Mgr.:



**Town of Yucca Valley**  
**Payroll Net Pay & Net Liability Breakdown**  
 Pay Period 36 - Paid 03/13/2015  
 (February 21, 2015 - March 06, 2015)  
 Checks: 5037 - 5041

	Employee	Employer	Total
<b><u>Net Employee Pay</u></b>			
Payroll Checks	\$3,307.18		\$3,307.18
Direct Deposit	66,520.23	-	66,520.23
Sub-total	69,827.41		69,827.41
<b><u>Employee Tax Withholding</u></b>			
Federal	11,503.67		11,503.67
Medicare	1,308.79	1,308.75	2,617.54
SDI - EE	-	-	-
State	3,359.12		3,359.12
Sub-total	16,171.58	1,308.75	17,480.33
<b><u>Employee Benefit &amp; Other Withholding</u></b>			
Misc. Payroll Adjustment Credit's	-	-	-
Deferred Compensation	2,927.89	1,258.01	4,185.90
PERS Survivor Benefit	38.00		38.00
Health Café Plan	1,201.41	11,516.00	12,717.41
American Fidelity Pre-Tax	165.09		165.09
American Fidelity After-Tax	-		-
American Fidelity-FSA	414.53		414.53
PERS EE - Contribution 6.25 %	599.41		599.41
PERS EE - Contribution 7%	997.22		997.22
PERS EE - Contribution 8%	4,693.03		4,693.03
PERS Retirement - Employer 6.25 %	-	599.41	599.41
PERS Retirement - Employer 7.846 %	-	1,140.40	1,140.40
PERS Retirement - Employer 18.586 %	-	12,169.59	12,169.59
Wage Garnishment - Employee	35.85		35.85
Life & Disability Insurance		1,090.69	1,090.69
Other Post Employee Benefit's		2,515.83	2,515.83
Unemployment Insurance		1,595.17	1,595.17
Workers' Compensation		3,646.15	3,646.15
Sub-total	11,072.43	35,531.25	46,603.68
<b>Gross Payroll</b>	<b>\$97,071.42</b>	<b>\$36,840.00</b>	<b>\$133,911.42</b>
Prepared by P/R & Financial Specialist:  Reviewed by H/R & Risk Mgr.: 			


TOWN OF YUCCA VALLEY  
PAYROLL REGISTER #38  
CHECK DATE - March 27, 2015

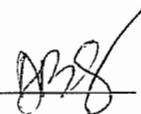
Fund Distribution Breakdown

**Fund Distribution**

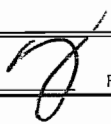
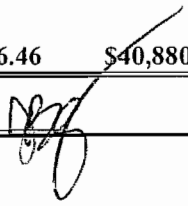
General Fund	\$149,290.05
Gas Tax Fund	12,386.84

**Grand Total Payroll** \$161,676.89

Prepared by P/R & Financial Specialist: 

Reviewed by H/R & Risk Mgr.: 

**Town of Yucca Valley**  
**Payroll Net Pay & Net Liability Breakdown**  
 Pay Period 38 - Paid 03/27/2015  
 (March 07, 2015 - March 20, 2015)  
 Checks: 5042 - 5046

	Employee	Employer	Total
<b><u>Net Employee Pay</u></b>			
Payroll Checks	\$3,304.93		\$3,304.93
Direct Deposit	82,478.67	-	82,478.67
Sub-total	85,783.60		85,783.60
<b><u>Employee Tax Withholding</u></b>			
Federal	15,745.39		15,745.39
Medicare	1,683.82	1,683.84	3,367.66
SDI - EE	-	-	-
State	5,328.42		5,328.42
Sub-total	22,757.63	1,683.84	24,441.47
<b><u>Employee Benefit &amp; Other Withholding</u></b>			
Misc. Payroll Adjustment Credit's	-	-	-
Deferred Compensation	3,701.62	3,716.52	7,418.14
PERS Survivor Benefit	48.00		48.00
Health Café Plan	1,201.41	11,638.56	12,839.97
American Fidelity Pre-Tax	165.09		165.09
American Fidelity After-Tax	-		-
American Fidelity-FSA	414.53		414.53
PERS EE - Contribution 6.25 %	629.95		629.95
PERS EE - Contribution 7%	1,032.11		1,032.11
PERS EE - Contribution 8%	4,943.00		4,943.00
PERS Retirement - Employer 6.25 %	-	629.95	629.95
PERS Retirement - Employer 7.846 %	-	1,180.30	1,180.30
PERS Retirement - Employer 18.586 %	-	12,817.80	12,817.80
Wage Garnishment - Employee	119.52		119.52
Life & Disability Insurance		1,086.79	1,086.79
Other Post Employee Benefit's		2,668.41	2,668.41
Unemployment Insurance		1,661.20	1,661.20
Workers' Compensation		3,797.06	3,797.06
Sub-total	12,255.23	39,196.59	51,451.82
<b>Gross Payroll</b>	<b>\$120,796.46</b>	<b>\$40,880.43</b>	<b>\$161,676.89</b>
Prepared by P/R & Financial Specialist: 	Reviewed by H/R & Risk Mgr.: 		




TOWN OF YUCCA VALLEY  
PAYROLL REGISTER #40  
CHECK DATE - April 10, 2015

Fund Distribution Breakdown

**Fund Distribution**

General Fund	\$121,346.24
Gas Tax Fund	11,450.36

**Grand Total Payroll** \$132,796.60

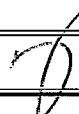
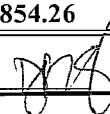
Prepared by P/R & Financial Specialist: 

Reviewed by H/R & Risk Mgr.: 

**Town of Yucca Valley**  
**Payroll Net Pay & Net Liability Breakdown**

Pay Period 40 - Paid 04/10/2015  
(March 21, 2015 - April 03, 2015)

Checks: 5047 - 5051

	Employee	Employer	Total
<b><u>Net Employee Pay</u></b>			
Payroll Checks	\$3,177.49		\$3,177.49
Direct Deposit	65,545.85	-	65,545.85
Sub-total	68,723.34		68,723.34
<b><u>Employee Tax Withholding</u></b>			
Federal	11,432.15		11,432.15
Medicare	1,292.96	1,292.96	2,585.92
SDI - EE	-	-	-
State	3,377.73		3,377.73
Sub-total	16,102.84	1,292.96	17,395.80
<b><u>Employee Benefit &amp; Other Withholding</u></b>			
Misc. Payroll Credit's	-	136.56	136.56
Deferred Compensation	2,854.77	1,258.01	4,112.78
PERS Survivor Benefit	38.00		38.00
Health Café Plan	1,201.41	11,516.00	12,717.41
American Fidelity Pre-Tax	165.09		165.09
American Fidelity After-Tax	-		-
American Fidelity-FSA	414.53		414.53
PERS EE - Contribution 6.25 %	599.41		599.41
PERS EE - Contribution 7%	996.06		996.06
PERS EE - Contribution 8%	4,702.88		4,702.88
PERS Retirement - Employer 6.25 %	-	599.41	599.41
PERS Retirement - Employer 7.846 %	-	1,139.07	1,139.07
PERS Retirement - Employer 18.586 %	-	12,195.11	12,195.11
Wage Garnishment - Employee	55.93		55.93
Life & Disability Insurance		1,109.13	1,109.13
Other Post Employee Benefit's		2,519.81	2,519.81
Unemployment Insurance		1,575.40	1,575.40
Workers' Compensation		3,600.88	3,600.88
Sub-total	11,028.08	35,649.38	46,677.46
<b>Gross Payroll</b>	<b>\$95,854.26</b>	<b>\$36,942.34</b>	<b>\$132,796.60</b>
Prepared by P/R & Financial Specialist:  Reviewed by H/R & Risk Mgr.: 			

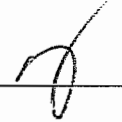
TOWN OF YUCCA VALLEY  
PAYROLL REGISTER #42  
CHECK DATE - April 24, 2015

Fund Distribution Breakdown

**Fund Distribution**

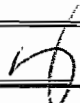
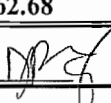
General Fund	\$127,481.86
Gas Tax Fund	11,590.73

<b>Grand Total Payroll</b>	<b><u><u>\$139,072.59</u></u></b>
----------------------------	-----------------------------------

Prepared by P/R & Financial Specialist: 

Reviewed by H/R & Risk Mgr.: 

**Town of Yucca Valley**  
**Payroll Net Pay & Net Liability Breakdown**  
Pay Period 42 - Paid 04/24/2015  
(April 04, 2015 - April 17, 2015)  
Checks: 5052 - 5056


	Employee	Employer	Total
<b><u>Net Employee Pay</u></b>			
Payroll Checks	\$3,165.00		\$3,165.00
Direct Deposit	68,242.03	-	68,242.03
Sub-total	71,407.03		71,407.03
<b><u>Employee Tax Withholding</u></b>			
Federal	10,930.78		10,930.78
Medicare	1,369.33	1,369.31	2,738.64
SDI - EE	-	-	-
State	3,349.83		3,349.83
Sub-total	15,649.94	1,369.31	17,019.25
<b><u>Employee Benefit &amp; Other Withholding</u></b>			
Misc. Payroll Adjustment Credit's	-	-	-
Deferred Compensation	3,599.31	3,731.13	7,330.44
PERS Survivor Benefit	48.00		48.00
Health Café Plan	1,201.41	11,638.56	12,839.97
American Fidelity Pre-Tax	165.09		165.09
American Fidelity After-Tax	-		-
American Fidelity-FSA	414.53		414.53
PERS EE - Contribution 6.25 %	629.95		629.95
PERS EE - Contribution 7%	1,032.58		1,032.58
PERS EE - Contribution 8%	4,814.84		4,814.84
PERS Retirement - Employer 6.25 %	-	629.95	629.95
PERS Retirement - Employer 7.846 %	-	1,180.83	1,180.83
PERS Retirement - Employer 18.586 %	-	12,485.50	12,485.50
Wage Garnishment - Employee	-		-
Life & Disability Insurance		1,088.46	1,088.46
Other Post Employee Benefit's		2,647.12	2,647.12
Unemployment Insurance		1,624.89	1,624.89
Workers' Compensation		3,714.16	3,714.16
Sub-total	11,905.71	38,740.60	50,646.31
<b>Gross Payroll</b>	<b>\$98,962.68</b>	<b>\$40,109.91</b>	<b>\$139,072.59</b>
Prepared by P/R & Financial Specialist:  Reviewed by H/R & Risk Mgr.: 			

**WARRANT REGISTER # 41  
CHECK DATE - APRIL 2, 2015**

**FUND DISTRIBUTION BREAKDOWN**

Checks # 46443 to # 46527 are valid

GENERAL FUND # 001	\$406,387.00
CENTRAL SUPPLIES FUND # 100	\$3,329.08
DEPOSITS ACCOUNT FUND # 200	\$12,869.53
COPS-LLESA FUND # 511	\$64.99
GAS TAX FUND # 515	\$38,828.34
LTF FUND # 516	\$250.00
MEASURE I 2010-2040 FUND # 520	\$273,404.68
MEASURE I LOCAL ROADS FUND # 523	\$240.00
MEASURE I 2010-2040 FUND # 524	\$146.95
CDBG FUND # 560	\$24.24
CAPITAL PROJECTS FUND # 800	\$17,575.00
<b>GRAND TOTAL</b>	<b><u><u>\$753,119.81</u></u></b>

Prepared by Shirlene Doten, Accounting Technician III 

Reviewed by Sharon Cisneros, Finance Manager 

**Town of Yucca Valley**

**Warrant Register**

April 2, 2015

Fund	Check #	Vendor	Description	Amount
001	GENERAL FUND			
	46443	Ace Alternators	Fleet Vehicle Maintenance	\$ 118.75
	46444	Action Pumping, Inc.	Septic Maintenance Service	610.00
	46445	Aleshire & Wynder, LLC	02/15 Professional Services	21,886.24
	46446	Alsco/American Linen, Inc.	Parks Uniform Service	349.41
	46447	Janet Anderson	04/15 Medical Ins. Premium	1,203.46
	46448	Animal Action League	Spay/Neuter Voucher Program	825.00
	46449	Arrowhead Mountain Water	Office Supplies	98.98
	46450	AT & T Mobility	Cell Phone Service	438.93
	46452	Avalon Urgent Care	Medical Screening Services	270.00
	46453	Ayers Distributing Co.	Program Supplies	834.00
	46455	Bose Construction	Deposit Account Refund	650.00
	46456	Debra Breidenbach-Sterling	Seminar Expense	164.98
	46457	Brian's Lockshop	Key Service	178.88
	46458	Builders Supply-Yucca Valley	Maintenance Supplies	96.60
	46460	C & S Electric	Yucca Room Internet Wiring	575.00
	46461	CDW Government, Inc.	Technology Equipment	75.75
	46462	Charles Abbott & Assoc, Inc.	Plan Check Services	7,588.09
	46463	Checkered Flag Auto Spa	Vehicle Maintenance	73.80
	46465	Chevron & Texaco Card Services	Vehicle Fuel	131.67
	46466	Sharon Cisneros	Mileage Expense	301.25
	46467	Companion Animal Clinic	Veterinary Supplies & Services	952.90
	46468	Corelogics Information Solutions	Property Search Information	165.00
	46473	Department of Fish & Game	Filing Fee	75.00
	46474	Desert Pacific Exterminators, LLC	Facilities Maintenance	311.00
	46475	Desert Arc	Park Maintenance Service	4,217.83
	46476	Farmer Bros. Co.	Office Supplies	121.62
	46478	Fred's Tires	Vehicle Maintenance	757.88
	46482	Graphic Penguin	Website Maintenance	400.00
	46483	Maria Hernandez	Facility Rental Refund	200.00
	46484	Hi-Desert Glass	Facilities Maintenance	73.50
	46485	Hi-Desert Water	Water Service	578.44
	46486	Hi-Desert Publishing	Program Advertising	861.00
	46488	Knorr Systems, Inc.	YVHS Pool Maintenance	3,564.00
	46489	Kevin Lesko	Sports Referee	24.00
	46490	Morongo Unified School District	Fleet Fuel	5,420.94
	46491	Navitas Lease Corp.	Shelter Phone Lease	527.19
	46493	nfp Accounting Technologies	6/1/15-5/31/16 Software Support	2,131.50
	46494	NRO Engineering	Engineering Services	1,500.00
	46495	Oasis Office Supply, Inc.	Office Supplies	874.42
	46496	Carl Otteson	Equipment Repair	1,460.00
	46497	Public Agency Retirement Services	Post Retirement Services	16.53
	46498	Petty Cash	Miscellaneous Supplies	551.27

**Town of Yucca Valley**

**Warrant Register**

April 2, 2015

Fund	Check #	Vendor	Description	Amount
	46499	Phone Solutions	Telephone Maintenance Svs.	95.00
	46502	Rotary Club of Yucca Valley	FY 14/15 Fireworks Partnership	8,000.00
	46503	Safety Training Zone	Safety Training Course	700.00
	46504	SBCO - Information Services	02/15 Radio Access	2,144.37
	46505	SBCO Sheriff's Dept	04/15 Professional Services	308,539.00
	46506	SBCO-Registrar of Voters	11/14 Election Expense	7,586.00
	46507	SCE	Electric Service	3,298.35
	46508	Simplot Partners, Inc.	Park Maintenance Supplies	820.80
	46509	So. Cal. Gas Co.	Natural Gas Service	2,350.67
	46510	Southwest Networks, Inc.	Technology Equipment	74.52
	46511	Star2Star Communications, LLC	Animal Shelter Internet Phone	395.00
	46512	Stater Bros	Program Supplies	202.08
	46513	Tease Shirts	Recreation Program Supplies	4,101.84
	46516	Trophy Express	Engraving Service	101.99
	46517	Unisource Worldwide, Inc.	Facilities Maintenance Supplies	1,570.44
	46518	VCA Yucca Valley Animal Hospital	Veterinary Services	161.78
	46519	Valley Independent	Printing Expense	439.86
	46520	Walmart Community	Program Supplies	1,122.05
	46521	Willdan Financial Services	Continuing Disclosure	2,250.00
	46524	Yucca Rentals	Equipment Rental	199.00
	46525	Yucca Valley Quick Lube, LLC	Fleet Oil Change Service	153.25
	46526	YV Chamber of Commerce	Tournament Team Sponsorship	400.00
	46527	Yucca Valley Auto Parts, Inc.	Parks Maintenance	76.01
<b>Total 001 GENERAL FUND</b>				<b>\$ 406,387.00</b>
100 INTERNAL SERVICES FUND				
	46479	GE Capital Corporation	Copier Leases	\$ 3,329.08
<b>Total 100 INTERNAL SERVICES FUND</b>				<b>\$ 3,329.08</b>
200 DEPOSITS				
	46464	Cherng Family Trust	Deposit Account Refund	\$ 1,636.46
	46471	Cutting Edge Builders, Inc.	Deposit Account Refund	308.50
	46477	FedEx	Delivery Service	58.10
	46481	Go Green Recycling	Deposit Account Refund	3,623.19
	46487	J & R Hock Enterprises, Inc.	Deposit Account Refund	2,024.85
	46492	Near-Cal Corp	Deposit Account Refund	35.75
	46494	NRO Engineering	Engineering Services	2,872.50
	46523	Yucca Retail 5, LLC	Deposit Account Refund	2,310.18
<b>Total 200 DEPOSITS FUND</b>				<b>\$ 12,869.53</b>
511 COPS-LLESA FUND				
	46514	Time Warner Cable	Sheriff's Office Internet Svs.	\$ 64.99
<b>Total 511 COPS-LLESA FUND</b>				<b>\$ 64.99</b>

**Town of Yucca Valley**

**Warrant Register**

April 2, 2015

Fund	Check #	Vendor	Description	Amount
515 GAS TAX FUND				
	46446	AlSCO/American Linen, Inc.	Streets Uniform Service	\$ 100.24
	46454	BeCARBcompliant	Streets Vehicle Maintenance	155.00
	46457	Brian's Lockshop	Key Service	8.10
	46458	Builders Supply-Yucca Valley	Streets Supplies	162.93
	46470	Crafco, Inc.	Asphalt Supplies	24,055.41
	46480	Gemini Specialized Machining	Vehicle #38 Repair	1,734.05
	46500	Quality Street Services, Inc.	Street Sweeping Service	11,234.00
	46501	Right of Way, Inc.	Street Name Sign Hardware	688.80
	46515	Tops n Barricades, Inc.	Streets Signs & Supplies	542.59
	46522	Woods Auto Repair	Street Vehicle Maintenance	147.22
<b>Total 515 GAS TAX FUND</b>				<b>\$ 38,828.34</b>
516 LTF FUND				
	46494	NRO Engineering	Engineering Services	\$ 250.00
<b>Total 516 LTF FUND</b>				<b>\$ 250.00</b>
520 MEASURE I-2010-2040 FUND				
	46472	DBX, Inc.	Dumosa Signal Project	\$ 273,404.68
<b>Total 520 MEASURE I-2010-2040 FUND</b>				<b>\$ 273,404.68</b>
523 MEASURE I-LOCAL ROADS FUND				
	46469	Counts Unlimited	Traffic Census Services	\$ 240.00
<b>Total 523 MEASURE I-LOCAL ROADS FUND</b>				<b>\$ 240.00</b>
524 MEASURE I-2010-2040 FUND				
	46477	FedEx	Delivery Service	\$ 146.95
<b>Total 524 MEASURE I-2010-2040 FUND</b>				<b>\$ 146.95</b>
560 CDBG FUND				
	46477	FedEx	Delivery Service	\$ 24.24
<b>Total 560 CDBG FUND</b>				<b>\$ 24.24</b>
800 CAPITAL PROJECTS RESERVE FUND				
	46451	Athletic Field Specialists	Com Ctr Infield Refurbishment	\$ 17,575.00
<b>Total 800 CAPITAL PROJECTS RESERVE FUND</b>				<b>\$ 17,575.00</b>
<b>***</b>	<b>Report Total</b>			<b>\$ 753,119.81</b>



**WARRANT REGISTER # 43**  
**CHECK DATE - APRIL 16, 2015**

**FUND DISTRIBUTION BREAKDOWN**

Checks # 46528 to # 46615 are valid  
Check # 46601 is void

GENERAL FUND # 001	\$70,571.42
CENTRAL SUPPLIES FUND # 100	\$0.00
CUP DEPOSITS FUND # 200	\$16,924.83
COPS-LLESA FUND # 511	\$38.01
GAS TAX FUND # 515	\$1,562.35
LTF FUND # 516	\$15,700.00
MEASURE I 2010-2040 FUND # 524	\$4,183.70
RECYCLING ACTIVITIES FUND # 570	\$2,575.00
TOWN HOUSING FUND # 632	\$1,250.00
CAPITAL PROJECTS FUND # 800	\$14,018.55
 <b>GRAND TOTAL</b>	 <b><u>\$126,823.86</u></b>

Prepared by Shirlene Doten, Accounting Technician III

Reviewed by Sharon Cisneros, Finance Manager

# Town of Yucca Valley

## Warrant Register

April 16, 2015

Fund	Check #	Vendor	Description	Amount
001	GENERAL FUND			
	46528	AASLH	Membership Renewal	\$ 115.00
	46529	Merl Abel	City County Conference Expense	54.52
	46530	Animal Care Equip. & Svs.	Animal Shelter Equipment	352.07
	46532	Ruth Alkire	Contract Instructor	75.60
	46533	Janet Anderson	Dental Reimbursement	64.00
	46534	Animal Action League	Veterinary Services	1,090.00
	46535	Suzanne Bartz	Contract Instructor	87.50
	46536	Basin Wide Foundation	BWF 03/27/15 Sponsorship	400.00
	46537	Big 5 Corp.	Recreation Program Supplies	53.89
	46538	Carol Boyer	Contract Instructor	86.80
	46539	Vickie Bridenstine	Planning Commissioners Academy	313.35
	46540	BSN Sports	Recreation Program Equipment	185.76
	46541	Calvary Christian Fellowship	Facility Rental Refund	700.00
	46542	Kim Casey	Seminar Expense	161.51
	46544	Janine Cleveland	Contact Instructor	147.00
	46546	Rick Denison	City County Conference Expense	54.52
	46547	Desert Pacific Exterminators, LLC	Pest Control Services	49.00
	46548	Desert Cycle Works	Sheriff's Office OHV Riding Gear	1,259.19
	46549	Desert Green Landscape	Abatement Services	740.00
	46550	Dept of Justice	Livescan Services	62.00
	46551	ECS Imaging Incorporated	04/15-04/16 Laserfiche Support	5,996.00
	46552	Exhibit Envoy	Museum Exhibit Rental	450.00
	46553	Farmer Bros. Co.	Office Supplies	166.69
	46555	Catherine Fletcher	Contract Instructor	58.10
	46557	Fulton Distributing Co.	Animal Shelter Janitorial Supplies	588.88
	46559	Duane Griffin	Contract Instructor	114.80
	46560	Joy Groves	Contract Instructor	274.40
	46561	Totalfunds by Hasler	Postage	333.88
	46562	HdL Software, LLC	Business License Software	4,286.50
	46563	Hi-Desert Water	Water Service	1,251.11
	46564	Hi-Desert Publishing	Legal Advertising	132.00
	46567	Johnson Lift/Hyster	Vehicle # 62 Repair	123.33
	46568	Susan Jordan	Contract Instructor	147.00
	46569	Heather Kaczmarczk	Contract Instructor	945.00
	46570	Melissa Krause	Sports Referee	75.00
	46572	Bob Lombardo	City County Conference Expense	54.52
	46574	Pat Lumbattis	Contract Instructor	75.60
	46575	David Luse	Contract Instructor	44.80
	46576	Charles McHenry	Planning Commissioners Academy	188.00
	46577	Mojave Desert & Mtn. Integ. Wst JPA	FY 14/15 Contribution	4,796.00
	46579	NRO Engineering	Engineering Services	1,500.00
	46580	Oasis Office Supply, Inc.	Office Supplies	294.94

**Town of Yucca Valley**

**Warrant Register**

April 16, 2015

Fund	Check #	Vendor	Description	Amount
	46581	The Oregon Museum Science/Industry	Exhibit Rental & Shipping	3,680.00
	46582	Pacific Telemanagement Svcs.	Public Phone Service	82.64
	46583	Public Agency Retirement Services	Post Retirement Health Care	16.58
	46584	Phone Solutions	Telephone Support Service	95.00
	46585	Alex Qishta	Engineer Training Expense	481.04
	46586	Quick Scores	Recreation Program Supplies	120.00
	46587	Regan Johnson Memorial Schlorship	Employee Recognition	150.00
	46588	Jessica Rice	Mileage Expense	85.10
	46590	Linda Sande	Contract Instructor	94.50
	46591	SBCO-Recorder	Filing Fees	112.00
	46592	SBCO - Hazardous Material Division	04-06/15 Hazardous Waste Fees	6,920.00
	46593	SBCO - Information Services	03/15 Radio Access	2,144.37
	46594	SCE	Electric Service	6,298.38
	46595	Beverly Schmuckle	Contract Instructor	68.60
	46598	Specialized Transportation, Inc,	Museum Exhibit Shipping	742.38
	46599	Sprint	Phone Service	4.77
	46600	Stater Bros	Program Supplies	176.14
	46602	Tease Shirts	Recreation Program Supplies	1,392.12
	46603	TelePacific	Phone & Internet Service	3,754.21
	46604	Tractor Supply	Safety Equipment	107.99
	46605	Angelique Trent	Contract Instructor	122.50
	46606	Trophy Express	Engraving Service	147.47
	46607	U.S. Fish & Wildlife Service	New Application Filing Fee	75.00
	46610	Valley Independent	Printing Expense	187.33
	46611	Steve Whitten	Planning Commissioners Academy	313.35
	46612	Guy Wulf	Sports Referee	625.00
	46613	Curtis Yakimow	Meeting Expense	97.75
	EFT	First Bankcard	Meetings & Operating Expense	13,193.75
	EFT	Home Depot	Facilities Maintenance	1,335.19
<b>Total 001 GENERAL FUND</b>				<b>\$ 70,571.42</b>
200 DEPOSITS FUND				
	46554	Dora Felix	Deposit Account Refund	\$ 493.15
	46556	Larry Fluet	Deposit Account Refund	282.53
	46565	Frank Hubbard	Deposit Account Refund	560.66
	46566	J T C Architects, Inc.	Deposit Account Refund	9,096.34
	46579	NRO Engineering	Engineering Services	1,149.50
	46596	Shamrock Millco-Aztec, LLC	Deposit Account Refund	2,164.92
	46609	Veteran Built Contracting Svcs.	Deposit Account Refund	2,064.00
	46614	Yucca Retail 5, LLC	Deposit Account Refund	934.96
	46615	Stanley Zarakov, Trustee	Deposit Account Refund	178.77
<b>Total 200 DEPOSITS FUND</b>				<b>\$ 16,924.83</b>

**Town of Yucca Valley**

**Warrant Register**

April 16, 2015


Fund	Check #	Vendor	Description	Amount
511 COPS-LLESA FUND				
	46608	Verizon Wireless	Sheriff's Office Phone Svs.	\$ 38.01
<b>Total 511</b>	<b>COPS-LLESA FUND</b>			<b>\$ 38.01</b>
515 GAS TAX FUND				
	46563	Hi-Desert Water	Water Service	\$ 232.52
	46589	ROW Traffic Safety, Inc.	Street Name Sign Hardware	688.80
	46594	SCE	Electric Service	641.03
<b>Total 515</b>	<b>GAS TAX FUND</b>			<b>\$ 1,562.35</b>
516 LTF FUND				
	46543	Clark Construc/Hal Scott Clark	Pima Trail Grading	\$ 14,650.00
	46579	NRO Engineering	Engineering Services	1,050.00
<b>Total 516</b>	<b>LTF FUND</b>			<b>\$ 15,700.00</b>
524 MEASURE I - 2010-2040 FUND				
	46594	SCE	Electric Service	\$ 3,933.70
	46597	Siemens Industry, Inc.	Signal Maintenance	250.00
<b>Total 524</b>	<b>MEASURE I -2010-2040 FUND</b>			<b>\$ 4,183.70</b>
570 RECYCLING ACTIVITIES FUND				
	46571	Stephen Lester	Earth Day Talent	\$ 2,000.00
	46573	Elizabeth Lujan	Earth Day Event	100.00
	46578	Virginia Neal	Earth Day Event	375.00
	46605	Angelique Trent	Earth Day Event	100.00
<b>Total 570</b>	<b>RECYCLING ACTIVITIES FUND</b>			<b>\$ 2,575.00</b>
632 TOWN HOUSING FUND				
	46531	Affordable Housing Group, Inc.	Affordable Housing Monitoring	\$ 1,250.00
<b>Total 632</b>	<b>TOWN HOUSING FUND</b>			<b>\$ 1,250.00</b>
800 CAPITAL PROJECTS RESERVE FUND				
	46545	Bill Dahl	Town Hall Office Art	\$ 360.00
	46558	GM Business Interiors	Town Hall Office Furniture	13,658.55
<b>Total 800</b>	<b>CAPITAL PROJECTS RESERVE FUND</b>			<b>\$ 14,018.55</b>
<b>***</b>	<b>Report Total</b>			<b><u>\$ 126,823.86</u></b>


**WARRANT REGISTER # 45  
CHECK DATE - APRIL 30, 2015**

**FUND DISTRIBUTION BREAKDOWN**

Checks # 46616 to # 46693 are valid

GENERAL FUND # 001	\$87,410.02
CENTRAL SUPPLIES FUND # 100	\$2,625.14
CUP DEPOSITS FUND # 200	\$471.80
COPS-LLESA FUND # 511	\$64.99
STREET MAINTENANCE FUND # 515	\$1,831.17
MEASURE I 2010 - 2040 REGIONAL FUND # 520	\$2,028.00
MEASURE I 2010 - 2040 FUND # 524	\$434.39
TOWN HOUSING FUND # 632	\$616.74
CAPITAL PROJECTS FUND # 800	\$1,830.00
<b>GRAND TOTAL</b>	<b><u>\$97,312.25</u></b>

Prepared by Shirlene Doten, Accounting Technician III 

Reviewed by Sharon Cisneros, Finance Manager 

**Town of Yucca Valley**

**Warrant Register**

April 30, 2015

Fund	Check #	Vendor	Description	Amount
001	GENERAL FUND			
	46617	Action Pumping, Inc.	Septic Maintenance Service	\$ 610.00
	46618	AlSCO/American Linen, Inc.	Facilities Uniform Service	141.30
	46619	American Alliance of Museums	Membership Renewal	210.00
	46620	Arrowhead Mountain Water	Office Supplies	96.12
	46621	AT & T Mobility	Cell Phone Service	466.23
	46622	Avalon Urgent Care	Employment Physicals	120.00
	46623	Brian's Lockshop	Key Service	101.50
	46624	Allison Brucker	CSTI Emergency Mgmt Training	868.88
	46625	BSN Sports	Safety Equipment	649.81
	46626	Builders Supply-Yucca Valley	Parks Maintenance	80.93
	46627	C & S Electric	Facilities Maintenance	352.22
	46628	C & S Electric	Facilities Maintenance	220.00
	46629	C & S Electric	Facilities Maintenance	52.70
	46630	California Building Standards Com.	01-03/15 SB1473 Fees	12.60
	46631	Governor's Office of Emergency Svcs.	SEMS/NIMS All Staff Training	11,000.00
	46632	Kim Casey	Safety Equipment	166.99
	46633	CDW Government, Inc.	Technology Equipment	594.02
	46634	Charles Abbott & Assoc, Inc.	Plan Check Fees	11,499.12
	46635	Chevron & Texaco Card Services	Vehicle Fuel	135.15
	46636	Sharon Cisneros	Mileage Expense	74.57
	46637	Lesley Copeland	Mileage Expense	61.60
	46638	Corelogics Information Solutions	Property Search Information	165.00
	46639	Cost Tree, LLC	Cost Allocation Software	5,000.00
	46641	Data Ticket	Citation Processing	546.50
	46642	Department of Conservation	01-03/15 SMIP Fees	31.22
	46643	Desert Pacific Exterminators, LLC	Shelter Exterminator Svcs.	49.00
	46644	Desert Arc	Park Maintenance Service	4,217.83
	46645	Ed Escalante	Sports Referee	30.00
	46646	Farmer Bros. Co.	Office Supplies	318.36
	46647	FedEx	Delivery Service	110.59
	46648	Fred's Tires	Fleet Tire Replacement	300.00
	46650	Georgia Southern University	Museum Exhibit Rental	750.00
	46651	Rose Goetz	Seminar Expense	32.55
	46652	Hi-Desert Glass	Facilities Maintenance	240.57
	46653	Hi-Desert Water	Water Service	631.74
	46654	Hi-Desert Publishing	Printing & Advertising	6,192.15
	46655	Jacobsen West	Equipment # 77 Repair	989.99
	46657	KCDZ-FM	Special Events Advertising	400.00
	46659	Bob Lombardo	Desert Mountain Div. Meeting	89.13
	46662	Bill McClay	Sports Referee	30.00
	46663	Navitas Lease Corp.	05-06/15 Shelter Internet Phone	1,133.46
	46664	Oasis Office Supply, Inc.	Office Supplies	318.06

**Town of Yucca Valley**

**Warrant Register**

April 30, 2015

<b>Fund</b>	<b>Check #</b>	<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
	46665	Public Agency Retirement Services	Retirement Services	18,053.59
	46666	Pool & Spa Center	YVHS Pool Maintenance	89.42
	46667	Pro Video	Town Council Taping	200.00
	46668	Jessica Rice	Mileage Expense	77.05
	46669	Ron's Automotive	Vehicle Maintenance	48.53
	46671	Sargent Communications	Phone Technology Support	118.75
	46672	SBCO Animal Care & Control	FY 14/15 3rd Qtr License Pass-Thru	3,119.00
	46673	SCE	Electric Service	4,487.74
	46674	Simplot Partners, Inc.	Park Maintenance Supplies	2,210.77
	46675	So. Cal. Gas Co.	Natural Gas Service	1,189.95
	46676	Southwest Networks, Inc.	Technology Support	1,529.89
	46677	Star2Star Communications, LLC	Shelter Phone Service	395.26
	46678	Stater Bros	Program Expense	25.94
	46680	The Sun Runner	Museum Advertising	100.00
	46682	Time Warner Cable	4/6-5/5/15 Cable/Internet Svs.	467.78
	46684	Trophy Express	Engraving Service	117.29
	46685	Vagabond Welding Supply	YVHS Pool Maintenance	68.04
	46686	VCA Yucca Valley Animal Hospital	Veterinary Services	2,251.15
	46687	Valley Independent	Recreation Program Printing	323.95
	46688	US Bank Voyager Fleet Systems	Natural Gas Vehicle Fuel	129.22
	46689	Walmart Community	Operating Supplies	1,253.72
	46690	Woods Auto Repair	Fleet Vehicle Repairs & Smog	95.00
	46691	Guy Wulf	Sports Referee	1,400.00
	46692	Yucca Valley Quick Lube, LLC	Fleet Oil Change Service	323.85
	46693	Yucca Valley Auto Parts, Inc.	Maintenance Supplies	244.24
<b>Total 001</b>	<b>GENERAL FUND</b>			<b>\$87,410.02</b>
100 INTERNAL SERVICE FUND				
	46649	GE Capital Corporation	Animal Shelter Copier Lease	\$ 653.67
	46660	Mail Finance	Postage Meter Leases	1,625.98
	46664	Oasis Office Supply, Inc.	Copy Paper	345.49
<b>Total 100</b>	<b>INTERNAL SERVICE FUND</b>			<b>\$ 2,625.14</b>
Total 200 DEPOSITS FUND				
	46647	FedEx	Delivery Service	\$ 31.80
	46654	Hi-Desert Publishing	Advertising	440.00
<b>Total 200</b>	<b>DEPOSITS FUND</b>			<b>\$ 471.80</b>
511 COPS-LLESA FUND				
	46681	Time Warner Cable	Sheriff's Office Internet Svs.	\$ 64.99
<b>Total 511</b>	<b>COPS-LLESA FUND</b>			<b>\$ 64.99</b>

**Town of Yucca Valley**

**Warrant Register**

April 30, 2015

Fund	Check #	Vendor	Description	Amount
515 GAS TAX FUND				
	46618	AlSCO/American Linen, Inc.	Streets Uniform Service	\$ 50.12
	46640	Crafco, Inc.	Facilities Maintenance Equipment	39.90
	46656	J J Keller	Safety Newsletter Renewal	977.00
	46683	Tops n Barricades, Inc.	Streets Signs & Supplies	664.20
	46690	Woods Auto Repair	Street Vehicle Maintenance	95.00
	46693	Yucca Valley Auto Parts, Inc.	Maintenance Supplies	4.95
<b>Total 515</b>	<b>GAS TAX FUND</b>			<b>\$ 1,831.17</b>
520 MEASURE I-2010-2040 REGIONAL FUND				
	46658	LandMark	Testing Service	\$ 2,028.00
<b>Total 520</b>	<b>MEASURE I-2010-2040 REGIONAL FUND</b>			<b>\$ 2,028.00</b>
524 MEASURE I - 2010-2040 FUND				
	46647	FedEx	Delivery Service	\$ 47.80
	46670	SANBAG	Congestion Management Plan	386.59
<b>Total 524</b>	<b>MEASURE I - 2010-2040 FUND</b>			<b>\$ 434.39</b>
632 TOWN HOUSING FUND				
	46661	Morongo Basin Unity Home	2015 Possessory Taxes	\$ 616.74
<b>Total 632</b>	<b>TOWN HOUSING FUND</b>			<b>\$ 616.74</b>
800 CAPITAL PROJECTS RESERVE FUND				
	46616	Accela, Inc.	03/15 Monthly Subscription	\$ 980.00
	46679	Michael Summers	Town Hall Furnishings	850.00
<b>Total 800</b>	<b>CAPITAL PROJECTS RESERVE FUND</b>			<b>\$ 1,830.00</b>
<b>***</b>	<b>Report Total</b>			<b><u>\$97,312.25</u></b>



**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor & Town Council  
**From:** Debra Breidenbach-Sterling, Human Resources Manager  
**Date:** April 24, 2015  
**For Council Meeting:** May 5, 2015

**Subject:** Town Volunteer Program Policy

**Recommendation:** That the Town Council review and approve the proposed policy for the Town's volunteer program.

**Order of Procedure:**

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote)

**Background:**

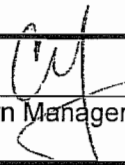
Volunteers are a key resource for the Town of Yucca Valley. These individuals bring a broad spectrum of skills and knowledge in a variety of areas. Volunteers expand and improve services provided to the community, enable the Town of Yucca Valley to stretch tax dollars to improve the lives of its citizens, and encourage participation in Town government.

The Town of Yucca Valley Volunteer Program is designed to coordinate and manage all volunteer efforts which support Town services provided to the community. The program addresses community service needs, while placing special emphasis on the Town of Yucca Valley's priorities. The Program is designed to effectively match individuals to departments that have volunteer opportunities. There are a number of programs and functions which not only need, but require a significant level of participation from the community in order to be successful.

Here are some of the areas that volunteers are utilized:

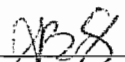
<u>Area within the Town</u>	<u>Number</u>	<u>Duration</u>
Youth Basketball Coaches	60-70	Seasonal
Special events (e.g. runs, parades)	5-15	Annual
Museum events	5-15	Annual
Animal Shelter Adoption events	5-10	As needed

Reviewed By:

  
Town Manager

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Finance Manager

  
Department

Department Report

Ordinance Action

Resolution Action

Public Hearing

Consent

Minute Action

Receive and File

Study Session

## Proposed Policy Highlights

The Town has utilized volunteers in various departments since incorporation and values their contributions to the organization. Although there have been no issues of concern to date, the desire is to have a formalized policy that provides a standardized program. This policy establishes procedures for an effective Volunteer Program that encourages citizens to contribute their time and talents to public service while minimizing associated risks to the Town. The Town of Yucca Valley Volunteer Program is designed to coordinate and manage all volunteer efforts which support Town services provided to the community. The program addresses community service needs, while placing special emphasis on the Town of Yucca Valley's priorities. The Program is designed to effectively match individuals to departments that have volunteer opportunities. All volunteers must complete a standard Town volunteer application form. The form shall be used to identify special skills, interests, background and qualifications. It is important for the agency to know of any medical conditions which may affect the individual's ability to perform certain tasks. Other highlights of the proposed policy include the following:

- The Town of Yucca Valley shall obtain the volunteer's authorization to conduct appropriate screening and background check. The scope of these activities will vary depending on the volunteer position. For example, the requirement for a seasonal volunteer to coach during the Town's Basketball program, may be more inclusive than a volunteer to maintain the rose garden. No one may volunteer until cleared through the Human Resources department which will entail all necessary forms completed and submitted, background results received and any other designated requirements.
- Each volunteer must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor shall be responsible for day-to-day management and guidance of the work of the volunteer, and shall be available to the volunteer for consultation and assistance. Volunteers under the age of (18) eighteen must be supervised by an adult.
- On July 2, 1992, the Town of Yucca Valley adopted Resolution No. 92-33 which designates an unsalaried person who performs volunteer services for the Town shall be provided Workers' Compensation Insurance coverage while acting in the course and scope of the authorized services of the Town, under direction and control of the Town.
- A volunteer may be dismissed at any time, at the complete discretion of the Town. Volunteers who do not adhere to the rules, policies and regulations of the Town of Yucca Valley fail to perform their assignments satisfactorily, are subject to dismissal. The Town of Yucca Valley reserves the right to request that a volunteer leave immediately. No prior notification is necessary to release a volunteer of their services.

**Alternatives:** Not approve the proposed policy and ask Staff to return with another option.

**Fiscal impact:** None directly with this item. While volunteers provide a significant benefit to the Town, a potential negative fiscal impact could occur if there was an increase in workers' compensation and third party liability claims.

**Attachments:** Proposed Volunteer Policy

**TOWN OF YUCCA VALLEY  
VOLUNTEER POLICY STATEMENT**

General Subject:

Volunteer Program and Guidelines

Policy Number: 7.1.1

Date Issued: 4/2/2015

Effective Date: 5/5/2015

---

Town Manager Signature

Resolution No. N/A

---

**INTRODUCTION:**

Volunteers are a key resource for the Town of Yucca Valley. These individuals bring a broad spectrum of skills and knowledge in a variety of areas. Volunteers expand and improve services provided to the community, enable the Town of Yucca Valley to stretch tax dollars to improve the lives of its citizens, and encourage participation in Town government.

**PURPOSE:**

This policy establishes procedures for an effective Volunteer Program that encourages citizens to contribute their time and talents to public service while minimizing associated risks to the Town.

The Town of Yucca Valley Volunteer Program is designed to coordinate and manage all volunteer efforts which support Town services provided to the community. The program addresses community service needs, while placing special emphasis on the Town of Yucca Valley's priorities. The Program is designed to effectively match individuals to departments that have volunteer opportunities.

**ASSIGNMENT OF RESPONSIBILITY:**

- 1) **Volunteer Coordinator:** Plans the effective use of volunteers including: conduct and/or coordinate training, ensure appropriate supervision, assess risk exposures, assign volunteer to departments based on skills, experience and need. The Coordinator will be assigned based on current staffing levels.
- 2) **Human Resources:** Manages the Volunteer Program, providing oversight for the recruitment, selection, screening, and orientation of volunteers. Also responsible for maintaining records and developing/enforcing volunteer policies and procedures to ensure a successful program.
- 3) **Department Heads/Supervisors:** Educates the volunteer on safe work practices as required for all employees, identifies requirements of each task, develops works schedules, monitors use of equipment, and provides necessary

training. All Department Heads are responsible for supervising volunteers, ensuring that policies and procedures are followed, and reporting all incidents which may expose the Town to liability in accordance with existing policy.

**RESOLUTION:**

Workers' Compensation shall be the exclusive remedy for all volunteer injuries and illness. The Town of Yucca Valley has adopted Resolution 92-33 naming volunteers as employees for the purpose of providing workers' compensation benefits while acting in the course and scope of the authorized services of the Town under the direction and control of the Town.

**DEFINITIONS:**

An individual is a volunteer when:

- 1) The Town of Yucca Valley has control and direct supervisory responsibility over the manner and the result of the services rendered AND;
- 2) The volunteer receives no remuneration for such services.

An individual is **NOT** a volunteer when:

- 1) The individual is sponsored by an outside agency and provides services through that sponsoring agency (i.e. Red Cross volunteer).
- 2) The individual is acting as a registered Disaster Service Worker Volunteer, (i.e. registered volunteer villing sandbags in preparation for a flood).

**PROCEDURE:**

**Recruitment:**

Volunteers shall be recruited without regard to race, color, religion, gender, age, sex, marital status, gender identity, national origin, veteran status, disability, medical condition, pregnancy, childbirth and related medical conditions, military service, genetic information or testing, sexual orientation or any other classification protected by federal, state and local law and ordinances. Volunteers may be recruited either through an interest in specific functions or through general interest in volunteering which the agency will try to match with their experience or interests. Methods for recruiting volunteers may include public notice in local newspapers, agency website or newsletter.

**Application:**

All volunteers must complete a standard Town volunteer application form. The form shall be used to identify special skills, interests, background and qualifications. It is important for the agency to know of any medical conditions which may affect the individual's ability to perform certain tasks. All parents or guardians must sign the application for minors (Exhibit A).

No one may volunteer until cleared through the Human Resources department which will entail all necessary forms completed and submitted, background results received and any other designated requirements.

**SCREENING:**

The Town of Yucca Valley shall obtain the volunteer's authorization to conduct appropriate screening and background check. The scope of these activities will vary depending on the volunteer position. For example, the requirement for a seasonal volunteer to coach during the Town's Basketball program, may be more inclusive than a volunteer to maintain the rose garden. Depending on the nature of the position, use of any or all of the following screening techniques may be appropriate:

- Criminal background check, including use of information from the National Crime Information Center and state/local sex offender registries;
- Motor vehicle record check;
- Contacting personal and employment references;
- Verification of education, training, certifications and licenses

Positions that require criminal background check include those involving children, youth or the elderly. Potential volunteers have the right to refuse to have a criminal background conducted. In doing so, such individuals **will not be eligible to volunteer**. Human Resources is to provide a Fingerprint Scan Request (Live Scan) to volunteers for which fingerprinting is required. The individual will be directed to the San Bernardino County Sheriff's Department in Joshua Tree, CA to have their fingerprints completed. Volunteers **may not begin** his/her position until the results from the Department of Justice and/or FBI has been received and the Human Resources Department has given the Department Head and the individual the clearance to begin.

**Protection of Privacy:**

The Town of Yucca Valley recognizes that it may collect and maintain birth dates and Social Security number (SSN) as part of the volunteer selection process. This information is legally protected data and is highly confidential. The Town of Yucca Valley is dedicated to ensuring the privacy and proper handling of this information in accordance with State and Federal Regulations.

The volunteer's SSN and other private information shall be used for the purpose of verifying the identity of the volunteer during the screening process and may not be used for any other purpose.

**Position Description and Risk Evaluation:**

Each department shall complete a job description for the volunteer position(s) offered within their department. The position description shall identify the duties and responsibilities as well as the qualifications, skills and other requirements of the position (Exhibit B). Each department shall also complete a position risk assessment to identify potential hazards, training and the use of personal protective equipment, if applicable for each position (Exhibit C).

Once a volunteer has been cleared, he/she will receive a copy of the volunteer position description and risk evaluation. The signed original forms will be forwarded to Human Resources to be kept in their volunteer file.

**SELECTION AND APPOINTMENT:**

The Volunteer Coordinator shall best match the interests, skills and qualifications of the volunteer to the departments with the existing opportunities. The Division supervisor shall interview the volunteer and may choose to accept or decline the volunteer service.

If a volunteer wishes to work in a different department, the volunteer shall be referred to the Volunteer Coordinator. The Coordinator shall identify opportunities within the agency and refer the volunteer to the new department for an interview. If accepted, the volunteer will be subject to additional screening requirements (if applicable) and trained on any new risks, policies, and/or procedures associated with the new position. If another position is not available, the volunteer will be informed.

**ORIENTATION AND TRAINING:**

Each volunteer shall receive an orientation with Human Resources or the Department supervisor on or before the first day of service. This orientation session shall assist the volunteers in their new roles with the agency. The orientation shall include:

- Agency policies, such as those addressing safety, customer service, accident reporting, non-discrimination, sexual harassment, drug and alcohol, code of conduct, etc.
- Information procedures and responsibilities, when, how and to whom issues should be reported.

Training shall be specific to the type of work the volunteer will be performing. The Volunteer Coordinator or Department Supervisor will review each volunteer position and position risk assessment to determine the type of training needed and who will conduct it. Under no circumstance will a volunteer begin their assignment before proper training.

**VEHICLE OPERATION:**

Should vehicle use be required to perform volunteer duties, the volunteer will be required to participate in the Pull Notice Program. An authorization form for the volunteers driving records will be required to be completed. If information is received that the volunteer's drivers license has been revoked or suspended, or if there is activity that warrants concern, the volunteer's supervisor and the volunteer will be notified immediately by the Human Resources Department that the volunteer is no longer able to drive in the course of volunteering.

**SUPERVISION:**

Each volunteer must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor shall be responsible for day-to-day management and guidance of the work of the volunteer, and shall be available to the

volunteer for consultation and assistance. Volunteers under the age of (18) eighteen must be supervised by an adult.

**COMPENSATION AND BENEFITS:**

Fair Labor Standards Act, 29 C.F.R. §553.106, allow volunteers to be paid expenses, reasonable benefits, a nominal fee, or any combination thereof for their service without losing their volunteer status. An example of payments that may be made to volunteers without jeopardizing their status include:

- Uniform allowance, reasonable cleaning expenses, reimbursement for out of pocket expenses such as meals and transportation (authorized).

**VOLUNTEER RECOGNITION:**

The Town of Yucca Valley views volunteers as a valuable resource and integral part of the Town of Yucca Valley's ability to provide and enhance community services. The Town of Yucca Valley appreciates volunteer contributions. Recognition of volunteers may include awards, activities or a simple "Thank You" for their efforts in helping make our community a better place to live.

**VOLUNTEER LIABILITY:**

The Volunteer Protection Act of 1997 provides that no volunteer of a public entity is liable for harm caused by the volunteer on behalf of the entity when certain requirements are satisfied. The Town of Yucca Valley will ensure all the requirements are satisfied to limit the volunteer's and agency's liability.

**YOUTH VOLUNTEERS**

The Town of Yucca Valley shall comply with all applicable Federal and State laws governing work by minors. Where there is a discrepancy between the Federal and State laws, the more restrictive of the two shall be applied. No minor shall be permitted to perform activities determined to be hazardous under the Fair Labor Standards Act (FLSA), nor should any minor exceed the number of hours worked permitted by law.

**INJURY TO VOLUNTEERS:**

The policy and procedures for reporting employee work related injuries shall be applied to volunteers as well. The supervisor shall follow the Town's standard workers' compensation process. The agency will attempt to immediately notify the parent or guardian of an injured minor.

The supervisor will inform Human Resources of the injury. Human Resources will conduct an initial investigation, determine cause, recommendations to prevent future occurrences, and document all findings.

**RELEASE OF VOLUNTEER:**

A volunteer may be dismissed at any time, at the complete discretion of the Town. Volunteers who do not adhere to the rules, policies and regulations of the Town of Yucca Valley fail to perform their assignments satisfactorily, are subject to dismissal. The



Town of Yucca Valley reserves the right to request that a volunteer leave immediately. No prior notification is necessary to release a volunteer of their services.

**APPROVAL, REVISION & CANCELLATION:**

All revision requests will be forwarded to the Town Manager via your supervisor.



Exhibit A

**KNOWLEDGE AND SKILLS**

What experience/knowledge do you have in the area you are requesting to volunteer?

---

---

---

Volunteer Experience: \_\_\_\_\_

---

---

Special training (CPR/First Aid, computer programs, etc.) \_\_\_\_\_

---

Other information beneficial in determining where your skillset can benefit the Town:

---

---

**REFERENCES**

*Please list two people (not related to you) whom we could call for a reference.*

Name: _____	Telephone: _____ <i>home</i>
	_____ <i>work</i>
Relationship to applicant: _____	Years Known: _____
<hr/>	
Name: _____	Telephone: _____ <i>home</i>
	_____ <i>work</i>
Relationship to applicant: _____	Years Known: _____

**EMERGENCY CONTACTS**

*In case of emergency please list two people to notify*

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

Address: \_\_\_\_\_ City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: (*home*) \_\_\_\_\_ Telephone: (*work*) \_\_\_\_\_

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

*TEENS: Please list parent/guardian as ONE of the two people to contact*

**PLEASE REVIEW AND ACKNOWLEDGE**

\_\_\_\_\_ I understand all volunteers are subject to a screening process that may include but is not limited to fingerprinting, background check, tuberculosis test, driving record review, interview contacting references. I understand I have the right to refuse any of these screening processes, but in doing so, may become ineligible for volunteer opportunities.

\_\_\_\_\_ I understand that as a volunteer, I will not be paid for my services.

\_\_\_\_\_ I understand that my selection as a volunteer is dependent on my review of the job description and ability to perform the essential functions, duties, and responsibilities of the assignment.

\_\_\_\_\_ I understand that I may not begin an assignment until I have completed orientation and all requested documentation has been submitted.

\_\_\_\_\_ I understand that I am voluntarily participating in the services that are assigned and that the Town's policy is to cover volunteers as employees of the Town for purposes of Workers Compensation benefits. I also understand that under Workers' Compensation laws, Workers' Compensation benefits will be my sole and exclusive remedy in the event that I am injured participating in volunteer services.

\_\_\_\_\_ I understand that if using my personal vehicle, the Town is not liable for any damage unless caused by the Town's sole negligence. IN the event of an accident, it is my responsibility to immediately notify my volunteer supervisor.

\_\_\_\_\_ I understand as a volunteer, that I am subject to all the rules, policies, and regulations of the Town. I further understand that as a volunteer, I may be dismissed at any time at the discretion of the Town, with or without notice or cause.

**I certify that all statements made in this application are true and complete to the best of my knowledge. I understand that any false statements of material fact will subject me to disqualification or dismissal from any volunteer program.**

\_\_\_\_\_  
**Volunteer Applicant Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Parent/Guardian Signature (if applicant is a minor)**

\_\_\_\_\_  
**Date**

**Exhibit B  
VOLUNTEER POSITION DESCRIPTION**

Position:

Reports to:

Job skills, qualifications, certifications required:

Primary duties and responsibilities:

Essential functions of the position:

Please indicate the essential job functions of this assignment:

		Frequency (N, R, O, F, C)	Describe/Provide Examples
<input type="checkbox"/>	Driving		
<input type="checkbox"/>	Standing		
<input type="checkbox"/>	Sitting		
<input type="checkbox"/>	Walking		
<input type="checkbox"/>	Repetitive Motion		
<input type="checkbox"/>	Lifting/Carrying		Up to ____ lbs
<input type="checkbox"/>	Bending/Twisting		
<input type="checkbox"/>	Reaching		
<input type="checkbox"/>	Climbing		
<input type="checkbox"/>	Kneeling/Crawling		
<input type="checkbox"/>	Pushing/Pulling		
<input type="checkbox"/>	Squatting		
<input type="checkbox"/>	Vision		
<input type="checkbox"/>	Hearing		
<input type="checkbox"/>	Speaking		

Frequency refers to the average amount of time spent on each task during a shift:

Never (N): Not Required  
 Rare (R): Less than 10%  
 Occasional (O): Up to 33%  
 Frequent (F): Up to 66%  
 Constant (C): Over 66%

The essential functions of this assignment will be reviewed periodically as duties and responsibilities change and are subject to modification. Nothing in this job description restricts management's right to assign or reassign duties and responsibilities for this assignment. By signing below, you acknowledge that you have reviewed and understand the above position description. You further acknowledge you are qualified and capable to perform the requirements of this assignment.

\_\_\_\_\_  
Volunteer

Date: \_\_\_\_\_

\_\_\_\_\_  
Supervisor

Date: \_\_\_\_\_



## VOLUNTEER JOB RISK ASSESSMENT

Volunteer Job/Task: \_\_\_\_\_ Department: \_\_\_\_\_

Work Location: \_\_\_\_\_ Assessment Date: \_\_\_\_\_

Driver License Required? Yes  No  Ability to Lift 25 lbs Repeatedly? Yes  No

Minimum Age (specify): \_\_\_\_\_

**Check left column to show potential hazards of this volunteer position**

Outdoor Hazard Source	Personal Protective Measures Required	Necessary Training
<b>Bites:</b> snakes, dogs, insects	Protective clothing, footwear, gloves	Hazard specific training
<b>Heat Stress:</b> heat stroke, exhaustion, or dehydration	Ventilation, heat resistant clothing, water to replenish lost fluids	Recognition of heat stress signs
<b>Sun Exposure:</b> skin cancer or vision damage	Sunscreen, brimmed hat, ultraviolet eye protection and protective clothing	Sun hazard awareness
<b>Driving:</b> injury to vehicle occupants from collision	Seat belts	Defensive driving
<b>Traffic:</b> injury to workers from motor vehicle traffic or heavy equipment	Proper footwear, hard hat or eye protection, orange safety vest, traffic cones, signs and flares	Traffic control, working around heavy equipment
Indoor Hazard Source	Personal Protective Measures Required	Necessary Training
<b>Office Equipment:</b> paper cutters, shredders, file cabinets, computer screens or keyboards	Proper footwear and clothing for office	Safe operations specific to equipment, RMI prevention
Indoor or Outdoor Hazard Source	Personal Protective Measures Required	Necessary Training
<b>Hand Tools:</b> powered or unpowered	Proper footwear, clothing and eye protection	Safe hand tool use, RMI prevention
<b>Footing Traction:</b> slippery, uneven or unstable walking surfaces/terrain	Proper footwear	Slips, trips and falls protection
<b>Ladders:</b> freestanding or fixed	Proper footwear, safety tie offs, bracing	Ladder safety
<b>Elevated work surfaces:</b> falls from height	Fall protection, proper footwear	Slips, trips and falls
<b>Noise:</b> noise from machinery/equipment	Hearing protection	Hearing conservation
<b>Body Position/Leverage:</b> strenuous or repetitive lifting, carrying or pulling	Back brace, lifting and carrying aids such as hand trucks, dollies or slings	Safe lifting and carrying, back safety awareness
Regulated Hazard Source	Personal Protective Measures Required	Necessary Training
<b>Chemicals:</b> gases, vapors or liquids which when inhaled, ingested or touched can cause injury of illness	Protective clothing, gloves, glasses/goggles, if indicated, appropriate respirator	MSDS, fire extinguisher, chemical specific handling, hazardous materials training
<b>Biowaste:</b> bodily fluids or OPIM	Gloves, face and eye protection	Bloodborne pathogen training

Additional Hazards: \_\_\_\_\_

\_\_\_\_\_  
(Volunteer Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Supervisor Signature)

\_\_\_\_\_  
(Date)

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor & Town Council  
**From:** Curtis Yakimow, Town Manager  
**Date:** April 27, 2015  
**For Council Meeting:** May 5, 2015  
**Subject:** 2015 Legislative Update

**Recommendation:** That the Town Council:

1. Receive and file the legislative update on issues and bills moving through the 2015 California legislative session.
2. Direct staff and the Council's Ad Hoc Legislative Committee to develop a Legislative Policy Guidelines document to assist staff and Council in addressing ongoing legislative priorities and concerns.

**Order of Procedure:**

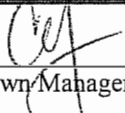

Request Staff Report  
Request Public Comment  
Council Discussion/Questions of Staff  
Motion/Second  
Discussion on Motion  
Roll Call Vote

**Discussion:**

The 2015 legislative session is in full swing with hundreds of bills moving their way through the legislative process in Sacramento. After introduction, the bills go through a number of various hearings and procedural votes which determines the failure or success of the draft legislation. In coordination with the League of California Cities, staff follows and reviews the bills that would have the most significant impact on Town operations. Attached for the Council's review is a reprint of the League's latest briefing on priority issues and bills. While there are numerous bills moving forward, staff is closing monitoring the following issues and bills:

Department of Finance (DOF) Dissolution Proposal – While the Town Council, acting as Successor Agency, has completed the majority of required actions related to RDA dissolution, Town staff remains concerned with the DOF's comprehensive changes to RDA dissolution law as many aspects undo efforts already completed, and apply those changes retroactively. While there are some positive aspects of the proposed changes, the majority of the changes

---

Reviewed By:	 Town Manager	_____ Town Attorney	_____ Finance	 Dept
--------------	-----------------------------------------------------------------------------------------------------	------------------------	------------------	-----------------------------------------------------------------------------------------------

---

<input checked="" type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input checked="" type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

are designed to increase the standing authority of the DOF, and provide less recourse for cities and towns to successfully challenge the Department in its findings. Staff will continue to watch this legislation as it develops and would possibly support if substantially amended.

SB 16 (Beall) Transportation Funding – Through increased excise taxes on gasoline and diesel fuels, along with increased Vehicle Registration Fees, this bill would generate \$2.8-\$3.6 billion annually for the purposes of preservation and maintenance of existing transportation systems. Specifically the funds would be utilized for both highway maintenance (SHOPP) funds and for local streets and roads. Additional funding would also be provided to trade corridors. Town staff understands the need for additional infrastructure revenue sources as dedicated Gas Tax revenues have continued to decline due to elevated fuel prices as well as fuel efficiency. This measure seems to be gaining widespread bipartisan support. The League supports the bill as currently drafted.

ACA 4 (Frazier) Voter Approval: Transportation Projects – This proposal would lower the voter threshold requirements for special taxes by a local government for the purpose of providing funding for local transportation projects from 2/3<sup>rds</sup> approval to 55% approval. This would significantly reduce the threshold for voter approval related to specific transportation funding efforts, and the bill is supported by the League. Should the Town ever move forward with a special revenue measure for transportation projects, the current threshold of 2/3<sup>rds</sup> requirement would be reduced by this legislation, if passed.

AB 266 (Cooley) Medical Marijuana – The Town Council reviewed this legislation in March of this year, choosing to delay any affirmative action until after June 2. Staff will continue to monitor the progress of the bill along with any potential changes. The League is currently a sponsor of the bill.

AB 34 (Bonta) Med Marijuana – This bill would reate a statewide regulatory scheme for medical marijuana with the Department of Alcoholic Beverage Control at its head. In many cases, it will pre-empt local control measures. The League is opposing, unless amended.

AB 1335 (Atkins) Building Homes & Jobs Act – The bill as drafted would provide an ongoing source of funding for affordable housing by placing a \$75 fee on real estate transaction documents, excluding home sales. It is intended to act as replacement funding for former RDA funding that was previously set aside for low income housing activities. The League currently supports this bill, although staff is concerned on the potential impact on the real estate market.



## **Establishment of Legislative Policy Guidelines**

The Town of Yucca Valley is a member of both the League of California Cities and the National League of Cities. These organizations advocate on behalf of cities at the state and federal levels. Frequently, these organizations request immediate action by member cities to send letters of support or opposition on pending legislation. The timing and urgency of the requests often require expedited action that does not coincide with the Town Council's meeting schedule. Additionally, there may be legislation that the Town staff has analyzed and decided to sponsor or support, consistent with established guiding principles as adopted by the Town Council. Adopting standing legislative guidelines and priorities will enable the Town to actively participate in State and federal processes on behalf of the Town in a timely and efficient manner.

By formally adopting a Legislative Policies and Funding Priorities policy, the Town will have a framework in place to guide Council and staff advocacy efforts during the year. This policy will form the foundation of the Town's efforts to work with local, regional, state and federal partners on issues of concern and interest to the Town. Additionally, the Town's local, state and federal legislators will receive an approved copy of these policies and priorities so that they know the Town's position on a broad range of important issues.

Pending legislation or regulatory issues that do not clearly fall within the adopted Town's legislative policies would be brought back for Council consideration and action on a case by case basis. Additionally, it is expected that this policy will be reviewed annually in conjunction with the legislative session to accommodate any necessary updates or changes in existing priorities.

Upon direction from the Town Council, staff will work with the Town's ad hoc Legislative Committee to develop an initial Legislative Policy Guidelines document and return the policy to the full Council for discussion and consideration.

**Alternatives:** None recommended.

**Fiscal impact:** None with this item.

**Attachments:** League Legislative Briefing Presentation

# Legislative Action Day Preview: Briefing on Priority Issues & Bills

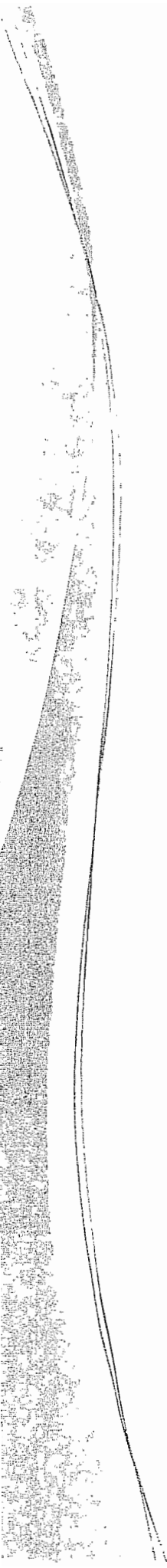
Thursday, April 23, 2015  
1:30 p.m. – 3:00 p.m.

P.352



# Overview

- State Budget Mostly Positive: Cap and Trade Funding, Repayment of Local Mandates, etc.
- **Major Concern:** *DOF RDA Dissolution Proposal*
- Other Major Positives:
  - Transportation funding proposal.
  - Affordable housing funding proposals.
  - Additional local economic development bills.
- Usual Mix of Bills.



# RDA Dissolution

Dan Carrigg, Legislative Director  
[dcarrigg@cacities.org](mailto:dcarrigg@cacities.org)

# RDA Dissolution - Status

- Difficult, but progress being made.
- 338 findings of completion.
- 305 Long range property management plans submitted, of which 203 approved by DOF.
- DOF estimates state budget has benefited by \$5.375 billion through from FY 2011-12 through FY 2015-16, with \$1 billion per year ongoing.

# Redevelopment Dissolution

- Last year:
  - Legislators carry helpful legislation.
  - Governor vetoes three major bills, and signs two minor ones.
- This year:
  - DOF unveils comprehensive changes to RDA dissolution law in a budget proposal—Many changes harmful to cities.
  - Overturns court decisions on reentered agreements.
  - Overturns recent *Glendale* case on interest rates on repaid loans.
  - Undoes existing ability to recover legal costs for exercising due process rights.
  - Retroactively repeals authority to recover city-RDA reimbursement agreements.
  - Exempts DOF actions from Administrative Procedure’s Act.
  - Retroactively prohibits recovery of costs associated with project-related expenses and “winding down” former RDAs.

# Redevelopment Dissolution

***Key Message to Legislators: Reject the DOF Proposal. Cities have been harmed enough!***

## ***Next Steps:***

- DOF is expected to unveil a revised proposal in early May.
- Cities should avoid falling for a DOF “divide and conquer” tactic that seeks to offer carrots to some communities in an attempt to entice them to support proposals that harm other cities.



# Housing, Community & Economic Development

Dan Carrigg, Legislative Director  
[dcarrigg@cacities.org](mailto:dcarrigg@cacities.org)



# New Tools Proposals

## Affordable Housing Funding Package:

With the loss of redevelopment and the exhaustion of past state affordable housing bond funds, California has virtually no resources to construct affordable housing.

AB 35 and AB 1335, supported by the League, propose to fill that void with up to \$1 billion per year in affordable housing funds.

P. 359

**AB 35 (Chiu/Atkins)**, proposes to increase the state's Low Income Housing Tax Credit from \$70 to \$370 million annually, providing a \$300 million boost to this popular program that is always heavily oversubscribed.

• **AB 1335 (Atkins)**, the Building Homes and Jobs Act, would establish a permanent source of funding for affordable housing by placing a \$75 fee on real estate transaction documents, excluding home sales. This proposal is similar to SB 391 (DeSaulnier) of the 2013-14 Legislative Session, which the League also supported, and is projected to generate up to \$700 million annually while leveraging billions more in federal, local, and bank investments.



# New Tools Proposals

## League-Supported Economic Development and Infrastructure Proposals:

- **Re-establishing a redevelopment tool.** AB 2 by Assembly Member Luis Alejo (D-Watsonville) represents the latest effort to restore redevelopment authority to cities. This version is redrafted to address Governor's office concerns. Objective is to get the bill back to the Governor's desk.
- **Clean up of SB 628:** Last year's SB 628 (Beall), which created the new EIFD tool, requires some clean up to facilitate implementation. The League drafted amendments to the law and they are contained within AB 313 (Atkins), which the League is supporting.
- **Tax incentives to stimulate private sector investment.**
  - AB 185 (E. Garcia and Medina) establishes a California New Markets Tax Credit.
  - AB 771 (Atkins) provides state income tax credit of up to 25 percent to rehabilitate historic properties.
  - AB 428 (Nazarian) offers a 30 percent tax credit for seismic rehabilitation of endangered properties.



# Transportation & Public Works

Jennifer Whiting, Assistant Legislative Director  
[jwhiting@cacities.org](mailto:jwhiting@cacities.org)



# Transportation and Public Works

## SB 16 (Beall) Transportation Funding

- League Position: Support
- Increases transportation revenues for 5 years
- \$2.8-3.6 billion annually
- Focus on preservation and maintenance of existing system

# Transportation and Public Works

## SB 16 (Beall) Transportation Funding (cont.)

### Allocations:

P.363

- 5% off the top to incentivize local measures in counties that do not currently have a local measure
- Remainder split 50/50 between the SHOFP (highway maintenance) and Local Streets and Roads
- Two cents of Diesel tax increase to go to trade corridors

# Transportation and Public Works

## SB 16 (Beall) Transportation Funding (cont.)

### Revenues raised from following sources:

- 10 cent increase in excise tax on fuel
- 12 cent increase in excise tax on diesel
- \$35 VRF increase for all vehicles
- \$100 VRF increase for electric vehicles
- Payback of outstanding loans over a 3-year period
- Return truck weight fees to transportation programs (20% annually over five years). The general fund would be backfilled by a 0.35 percent increase in the VLF (0.07 percent annual increase for five years).

# Transportation and Public Works

## SB 16 (Beall) Transportation Funding (cont.)

- Performance Criteria will be included
- Cities should expect reporting requirements similar to Prop 1B
- Bill includes Maintenance of Effort requirement

# Transportation and Public Works

## Assembly Transportation Funding Proposal

- Speaker Atkins Proposal to increase revenues by \$2 billion annually for 5 years
- Revenues raised from an unspecified Road User Fee (\$1/week)
- Assembly has been holding stakeholder meetings, and will likely bring issue up as a budget proposal – may revise initial proposal



# Transportation and Public Works

## SB 321 (Beall) Variable Gas Tax Rates

- League Position: Support
- Provides stability for Section 2103 revenues (Prop 42 replacement)
- “Smooths” rate for 5 years (4 preceding years and current year estimates )



# Transportation and Public Works

## ACA 4 (Frazier) Voter Approval: Transportation Projects

P.368

- League Position: Support
- Lowers voter threshold for local transportation measures from 2/3rds to 55%

# Transportation and Public Works

## AB 327 (Gordon) Public Works: Volunteers

P.369

- League Position: Support
- Permanently allows local governments to use volunteers for public works projects.
- Current sunset date is January 1, 2017



# Environmental Quality

Jason Rhine, Legislative Representative  
[jrhine@cacities.org](mailto:jrhine@cacities.org)

# Environmental Quality

## SB 122 (Jackson, Hill) CEQA

- League Position: Concerns
- Requires the lead agency, at the request of a project applicant and consent of the lead agency, to prepare a record of proceedings concurrently with the preparation of environmental document.
- Requires the lead agency to submit to the State Clearinghouse environmental documents in an electronic format.
- Requires OPR to establish and maintain a database of environmental documents and to make the database available online to the public.
- Provides intent language to establish a comment period on the final EIR.

# Environmental Quality

## **AB 45 (Mullin) Household Hazardous Waste**

- League Position: Pending
- Requires each jurisdiction that provides for residential collection and disposal of solid waste to increase the collection and diversion of household hazardous waste (HHW).

P.372

## **AB 1236 (Chiu, Low) EV Charging Stations**

- League Position: Pending
- Requires cities and counties to streamline and expedite the permitting and inspection process for electric vehicle charging stations.





# Environmental Quality

## AB 1362 (Gordon) Stormwater

- League Position: Support
- Defines “stormwater” in the Prop 218 Implementation Act.



# Environmental Quality

## Drought Update

- Executive Order 8-29-15
  - Mandatory statewide 25% water conservation.
  - Increased water use reporting.
  - Increased enforcement.
- State Water Board Actions
  - Draft regulations – April 17<sup>th</sup>
    - 9 tiered water conservation standard
    - Reductions in potable water use at commercial, industrial, and institutional properties.
    - Prohibition on using potable water for irrigation of turf on street medians.
  - Board adoption – May 5<sup>th</sup>- 6<sup>th</sup>





# Community Services

Jason Rhine, Legislative Representative  
[jrhine@cacities.org](mailto:jrhine@cacities.org)

# Community Services

## AB 988 (Stone, Atkins) Outdoor Environmental Education and Recreation Grants Program

- League Position: Support
- Requires the Department of Parks and Recreation to establish an Outdoor Environmental Education and Recreation Grants Program with the purpose of increasing the ability of underserved and at-risk populations to participate in outdoor recreation and educational experiences.
- Requires grants to be awarded to public organizations, nonprofit organizations, or both.



## Community Services

### **AB 1146 (Jones) Skateboard Parks**

- League Position: Support
- Expands existing liability protections at public skateboard parks to include the use of all wheeled recreational devices.

P.377

# Community Services

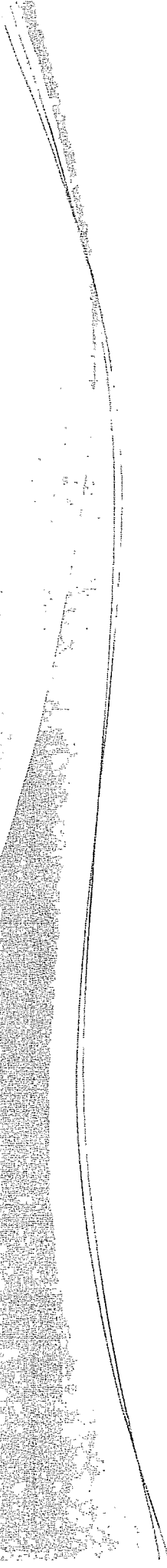
## **SB 140 (Leno) Electronic cigarettes**

- League Position: Pending
- Defines “smoking” and broadens the definition of “tobacco product” to include electronic cigarettes.
- Extends current restrictions and prohibitions against the use of tobacco products to electronic cigarettes.

## Community Services

### **SB 317 (De Leon) The Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act of 2016 - \$2.45 billion**

- League Position: Pending
- Includes \$200 million for grants for local park rehabilitation and improvements to local governments on a per capita basis.
- Includes \$800 million for the creation and expansion of parks in “park-poor” neighborhoods.
- Extends current restrictions and prohibitions against the use of tobacco products to electronic cigarettes.



# Public Safety

Tim Cromartie, Legislative Representative  
[tcromartie@cacities.org](mailto:tcromartie@cacities.org)

# Public Safety

## AB 22 (Rodriguez) Office of Emergency Services: Oil Spills: Firefighters

- League Position: Support
- Requires the state Office of Emergency Services (OES) to establish a program to reimburse local fire departments for costs incurred in sending firefighters to such training courses identified by the Curriculum Development Advisory Committee and OES, using funds received from grants or the OES General Fund.
- Removes an impediment to systematic firefighter training in responding to oil spills.

# Public Safety

## AB 34 (Bonta) Medical Marijuana

- League Position: Oppose Unless Amended
- Creates statewide regulatory scheme for medical marijuana with the Department of Alcoholic Beverage Control (ABC) at its head.
- State will have exclusive power to issue and revoke licenses for marijuana businesses.
- Contains language stating that “actions of licensees are not unlawful under local ordinances.”
- Conflicting provisions on local control will lead to more litigation.
- Amendments sought would remove ABC from bill, along with all pre-emption language.



# Public Safety

## AB 36 (Campos) Local Government: Federal Surplus Property

● League Position: Oppose

P.383

Prohibit local agencies from receiving surplus military equipment under the federal 1033 program unless the legislative body of the local agency has first voted to approve the acquisition at a public meeting that is compliant with the Brown Act.

# Public Safety

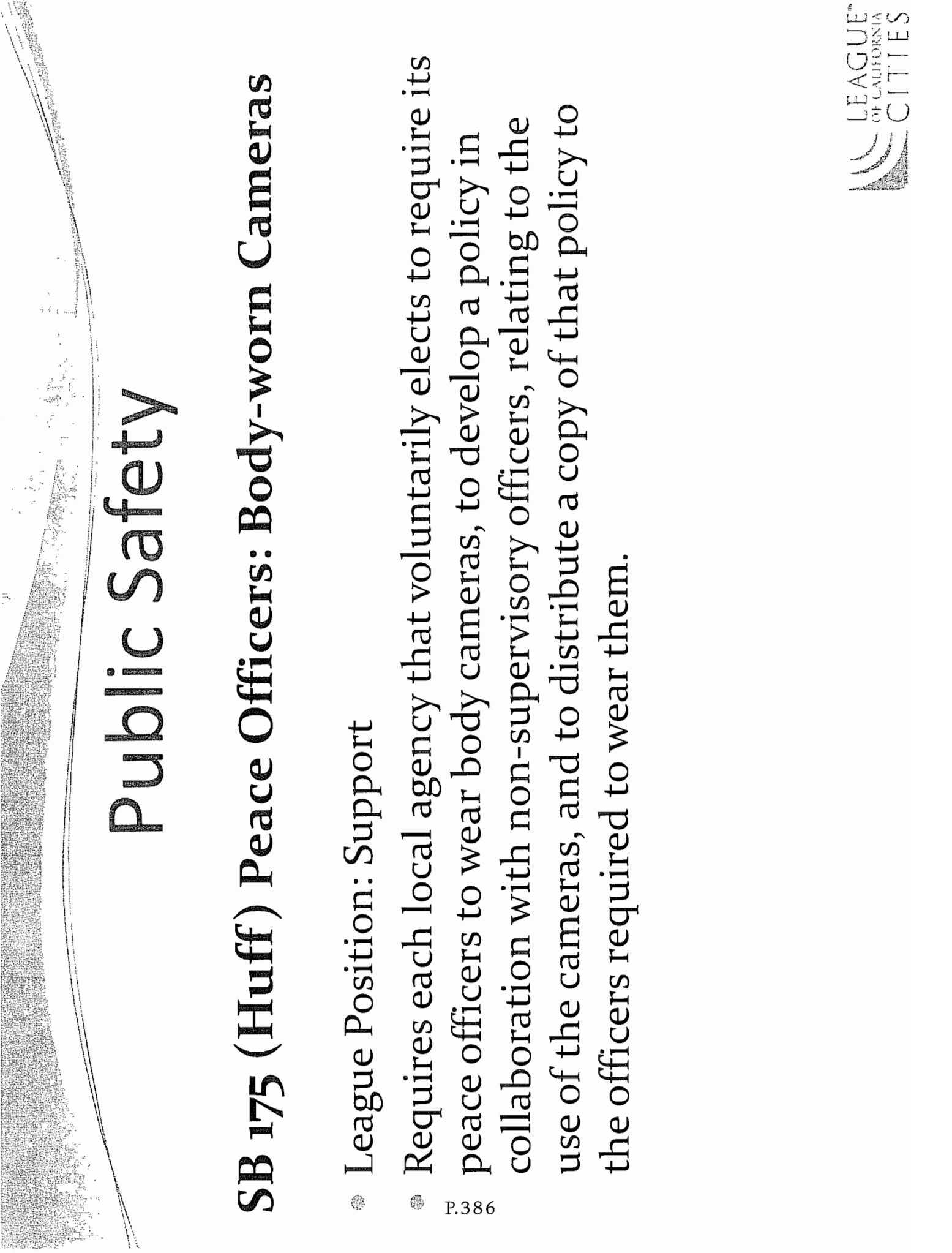
## AB 150 (Melendez and Gray) Theft: Firearms

- League Position: Support
- This measure specifies that the theft of a firearm valued at \$950 or less is a felony offense, notwithstanding the provisions of Proposition 47.
- Clears up a point of controversy about the legal effect of Prop. 47 with respect to this particular offense.

# Public Safety

## AB 266 (Cooley) Medical Marijuana

- League Position: Sponsor
- Protects local control as it establishes statewide regulatory scheme, by requiring dual licensing for all medical marijuana businesses. The Department of Consumer Affairs would issue a conditional license only; local governments would issue the actual permits or licenses to operate such businesses, according to local ordinances.
- Requires establishment of uniform health and safety standards, testing standards, and security requirements at dispensaries and during transport of the product.



# Public Safety

## **SB 175 (Huff) Peace Officers: Body-worn Cameras**

- League Position: Support
- Requires each local agency that voluntarily elects to require its peace officers to wear body cameras, to develop a policy in collaboration with non-supervisory officers, relating to the use of the cameras, and to distribute a copy of that policy to the officers required to wear them.



# Administrative Services

Alicia Lewis, Legislative Representative  
[alewis@cacities.org](mailto:alewis@cacities.org)

# Administrative Services

## Open-Data

**SB 201 (Hertzberg) CA Public Records Act: Local Agency Inventory**

P.388

● League Position: \*Watch

**AB 169 (Maienschein) Open-Data**

● League Position: Watch

**SB 201 (Pan) CA Public Records Act**

● League Position: Watch

# Administrative Services

## California Voting Rights Act

### **AB 182 (Alejo) CVRA: Existing By-District Systems**

- League Position: Watch

P.389

### **AB 278 (Hernandez) By-District Elections**

- League Position: Oppose

### **AB 1301 (Jones-Sawyer) Pre-Clearance**

- League Position: Oppose

### **SB 493 (Canella) CVRA**

- League Position: \*Watch



# Employee Relations

Alicia Lewis, Legislative Representative  
[alewis@cacities.org](mailto:alewis@cacities.org)





# Employee Relations

## **AB 67 (Gonzalez) Double-Pay: Holiday Act of 2015**

League Position: \*Oppose

## **AB 305 (Gonzalez) Workers' Compensation**

● League Position: Oppose

## **AB 883 (Low) Public Employee Status**

● League Position: \*Oppose

# Revenue and Taxation

Dan Carrigg, Legislative Director  
dcarrigg@cacities.org



# Revenue and Taxation

## AB 341 (Achadjian) Local Financial Reports

- League Position: Support
- Establishes more workable timelines for local financial reports to be submitted to the Controller.

# Revenue and Taxation

## SB 533 (Pan) Sales Tax Rebate Agreements

League Position: Pending, Support

- Amends existing law to remove several exceptions which enable sales tax rebate agreements that result in shifts of local Bradley-Burns sales taxes.
- Requires notification of affected agencies prior to enacting future agreements that would result in reduced sales tax allocations to the affected agencies.

# Revenue and Taxation

## **SB 25 (Roth) Incorporations**

- League Position: Support
- Assists, through a property tax adjustment, four recently incorporated cities harmed by prior VLF takeaway.

P.395

## **AB 448 (Brown) Annexations**

- League Position: Support
- Assists through a property tax adjustment, cities that had annexed land depending on prior VLF funding to provide needed services. Re-establishes this beneficial state policy for future annexations.

# Revenue and Taxation

## **SB 593 (McGuire) Temporary Rentals**

- League Position: Pending, Support, If Amended
- Adds several provisions to law aimed at supporting local ordinances that regulate residential short-term vacation rentals affecting both how such units are advertised as well as imposing duties on the operators of “hosting platforms” to collect and remit TOT to local agencies and publish quarterly reports

P.396

## **AB 464 (Mullin) Transaction and Use Tax: Maximum Rate**

- League Position: Pending, Support, If Amended
- This measure would increase the authorized cap on the local transaction and use tax from 2% to 3% percent.

# Revenue and Taxation

## AB 185 (Garcia) California New Markets Tax Credit

- League Position: Support
- Creates the California New Markets Tax Credit (NMTC) Program, to stimulate private sector investment in low-income communities by providing a tax incentive to qualified entities.
- This will mirror the federal program in existence since 2001.
- The program will be administered by the Governor's Office of Business and Economic Development, and will stimulate job creation.

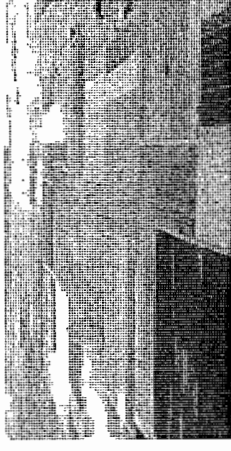


# Land Use & Zoning

Dan Carrigg, Legislative Director  
[dcarrigg@cacities.org](mailto:dcarrigg@cacities.org)



# Zoning/Land Use



## **AB 1344 (Jones) Charter Schools siting.**

- League Position: Oppose

## **AB 74 (Calderon) Increased Inspection of DSS- Licensed Facilities.**

- League Position: Support

## **SB 608 (Liu) Homeless Rights in Public Space.**

- League Position: Oppose

## **AB 744 (Chau) Density Bonus-Parking.**

- League Position: Pending, Oppose, Unless Amended

## 2015 Legislative Action Days

**Background:** There are two “hot” bills moving through the Legislature at the moment, one of which the League is sponsoring, the other, we oppose unless amended. On the critical issue of local control, the two bills could not be more different.

### AB 266 (Cooley) – Medical Marijuana

#### League Position: SPONSOR

- Jointly sponsored by the League of Cities and the California Police Chiefs Association
- Health-based regulatory model, consistent with Proposition 215 (implementing agency is the Department of Consumer Affairs).
- **Protects local control** with a dual-licensing scheme where the state issues a conditional license only. Locals issue the license or permit to operate in their jurisdiction, and have primary role of enforcement.
- **Promotes public safety** by requiring minimum security standards at dispensaries, and establishing transportation and inventorying requirements for marijuana before and after shipment, to prevent diversion.
- **Imposes health and safety standards** by requiring establishment of health and safety standards and mandatory, uniform testing standards for marijuana.
- Requires a physician recommending marijuana to a patient for medical purposes to be that patient’s attending physician, as defined in the Health and Safety Code.

### AB 34 (Bonta) Medical Cannabis: State Regulation

#### League Position: OPPOSE UNLESS AMENDED

- Sends mixed messages on local control: references local police power, but also provides that the state has the “exclusive right” to issue – or revoke – licenses of marijuana businesses.
- Local governments will have no role in licensing.
- Department of Alcoholic Beverage Control (ABC) is the lead agency. This is a major concern because ABC has spotty enforcement record re: licensees who sell to minors.
- Bill further undermines local control by providing that *actions of state licensees are “not unlawful” under state law or local ordinance = State Pre-emption.*
- Conflicting provisions on local control will lead to more litigation.
- Authorizes locals to temporarily suspend a license, but that authorization is granted by ABC, which can attach conditions to or curtail it. Under current law, locals can unilaterally shut down a non-compliant medical marijuana business, so this temporary suspension power is actually a step backwards.

#### Key Messages:

- AB 266 (Cooley) provides the reasonable health-based regulatory structure that California has lacked since the passage of Prop. 215.
- AB 34 (Bonta) is the wrong approach. This measure has flawed and conflicting local control provisions that lean toward state pre-emption, and will likely lead to more litigation on the same issues that the California Supreme Court settled in the *Riverside v. Inland Empire* case.

#### Additional Measures:

### SB 643 (McGuire) Medical Marijuana

#### League Position: WATCH

- Based on AB 266 (Cooley), SB 643 is intended to be comprehensive, but has more extensive regulations on cultivation. The League is working with the author to amend the local control language.

### AB 243 (Wood) Medical Marijuana Cultivation

#### League Position: WATCH

- Provides counties overall authority for licensing all cultivation, and appears to conflict with AB 266. The League is working with the author to resolve conflicts and amend the local control language.

**More Information:** Tim Cromartie, Legislative Representative, [tcromartie@cacities.org](mailto:tcromartie@cacities.org) (916) 658-8252

### 2015 Legislative Action Days

---

---

The League has joined a coalition in support of an effort led by Assembly Speaker Toni Atkins (D-San Diego) to dramatically expand state resources for affordable housing. Other coalition members include the California Building Industry Association, the California Housing Consortium and the Western Center on Law and Poverty.

With the loss of redevelopment and the exhaustion of past state affordable housing bond funds, California has virtually no resources to construct affordable housing. AB 35 and AB 1335 propose to fill that void with up to \$1 billion per year in affordable housing funds. AB 35 (Chiu and Atkins) would increase available affordable housing tax credits by \$300 million and AB 1335 (Atkins) would provide a permanent source of funding for affordable housing generating up to \$700 million per year.

AB 35 (Chiu/Atkins), proposes to increase the state's Low Income Housing Tax Credit from \$70 to \$370 million annually, providing a \$300 million boost to this popular program that is always heavily oversubscribed.

AB 1335 (Atkins), the Building Homes and Jobs Act, would establish a permanent source of funding for affordable housing by placing a \$75 fee on real estate transaction documents, excluding home sales. This proposal is similar to SB 391 (DeSaulnier) of the 2013-14 Legislative Session, which the League also supported, and is projected to generate up to \$700 million annually while leveraging billions more in federal, local, and bank investments.

The Building Homes and Jobs Act makes legislative findings about the need for permanent, ongoing funding for affordable housing. Total fees on any transaction are capped at \$225. Revenues from this fee, less county administrative costs, would be sent quarterly to the Department of Housing and Community Development for deposit in the new Building Homes and Jobs Fund and spent for affordable housing, home ownership opportunities, and other housing-related programs. The bill imposes additional auditing and reporting requirements.

AB 35 recently passed the Assembly Housing and Community Development Committee with a 7-0 vote. The bill has been referred to the Assembly Revenue and Taxation Committee. AB 1335 will be heard in the Assembly Housing and Community Development Committee on April 29.

#### Key Points:

- California needs to restore funding streams for affordable housing.
- This funding has evaporated with the loss of redevelopment and exhaustion of state housing bonds.
- AB 35 and AB 1335 provide funding that will begin to rebuild the state's affordable housing resources.

### 2015 Legislative Action Days

---

---

**Background:** The League continues to advocate for additional economic development tools, building on last year's successful effort resulting in the enactment of two measures that authorized the use of tax increment authority: SB 628 (Beall), "Enhanced Infrastructure Financing District Law" (EIFD), authorizes local agencies to use tax increment to finance a wide variety of infrastructure, affordable housing, industrial and sustainable development, and SB 614 (Wolk) authorizes a Local Agency Formation Commission to approve a plan to finance infrastructure upgrades in conjunction with the annexation of "disadvantaged unincorporated communities."

In 2015, the League continues to support more tools to help cities address economic development and infrastructure issues, while also opposing a very harmful Department of Finance led redevelopment dissolution budget proposal.

#### League-Supported Economic Development and Infrastructure Proposals:

- **Re-establishing a redevelopment tool.** AB 2 by Assembly Member Luis Alejo (D-Watsonville) represents the latest effort to restore redevelopment authority to cities. The League has been working with Assembly Member Alejo for the past three years on this effort. Although Gov. Brown vetoed last year's bill, AB 2280, his office indicated an interest in it if it was redrafted into a separate statute outside of former redevelopment law. AB 2 accomplishes that goal, so the objective is to get the bill back to the governor's desk.
- **Clean up of SB 628:** Last year's SB 628 (Beall), which created the new EIFD tool, requires some clean up to facilitate implementation. The League drafted amendments to the law and they are contained within AB 313 (Atkins), which the League is supporting.
- **Expanding funding for affordable housing.** This is a top priority for Assembly Speaker Toni Atkins (D-San Diego), author of AB 1335, which seeks to provide a permanent source of funding for affordable housing generating up to \$700 million per year. Another bill, AB 35 (Chiu), would boost affordable housing tax credits by \$300 million.
- **Tax incentives to stimulate private sector investment.** Ensuring there are sufficient incentives to expand private investment in urban areas is the focus of three bills. AB 185 (E. Garcia and Medina) would establish a California New Markets Tax Credit to help attract private capital and matching federal funds to spur investment in low-income communities. AB 771 (Atkins) would provide state income tax credit of up to 25 percent to rehabilitate historic properties, and AB 428 (Nazarian) offers a 30 percent tax credit for seismic rehabilitation of endangered properties.

**Oppose DOF Redevelopment Dissolution Proposal:** In January, the Department of Finance unveiled proposed changes to redevelopment dissolution laws, which include overturning court cases and inserting retroactive provisions which are very harmful to existing cities; this is an effort to turn back the clock and change the rules. The League has led the effort to oppose this proposal and many individual cities have submitted letters of opposition.

#### Key Messages:

- The DOF redevelopment dissolution proposal should be rejected. Enough harm has been done to cities.
- While the passage of last year's tax increment authority was helpful, cities still need a redevelopment tool, affordable housing funding, and incentives to encourage private investment in urban core areas.

**More information:** Dan Carrigg, Legislative Director, [dcarrigg@cacities.org](mailto:dcarrigg@cacities.org) (916) 658-8222.

### 2015 Legislative Action Days

---

---

**Background:** While there has been talk about increasing revenues for transportation, this year, the tone of the discussion has become more focused. There is an effort underway at the California Transportation Commission to test the viability of a road charge using a vehicle-miles-traveled model. But any implementation of such a long-term solution is years away. California can't wait that long. The League has joined many other stakeholders in encouraging the Legislature to act quickly on a revenue package with a focus on preserving the current system. At the same time, the League continues to advocate for lowering the voter threshold for local transportation measures and efforts to decrease the cost of public works projects.

**Support Increased Transportation Revenues:** The League encourages ongoing efforts by both the Assembly and Senate to increase investment in the transportation system. In the Senate, SB 16 (Beall) would provide between \$2.8 and 3.6 billion annually in new transportation revenues for five years. Nearly 50% of the revenues would be allocated to cities and counties for local streets and roads maintenance and preservation. These revenues would be continuously appropriated using existing gas tax formulas.

SB 16 also includes maintenance of effort and performance requirements to ensure that the funding is used appropriately. Revenues would be raised from the following sources:

- 10 cent increase in excise tax on fuel
- 12 cent increase in excise tax on diesel
- \$35 VRF increase for all vehicles
- \$100 VRF increase for electric vehicles
- Payback of outstanding loans over a 3-year period
- Return truck weight fees to transportation programs (20% each year over five years). The general fund would be backfilled by a 0.35 percent increase in the VLF (0.07 percent annual increase for five years).

The revenues would be allocated as follows:

- Two cents of diesel tax increase will be dedicated to trade corridors
- 5% off the top to incentivize local measures in counties that do not currently have a local measure
- Remainder split:
  - 50% to the SHOPP (highway maintenance)
  - 50% to Local Streets and Roads (\$1.33-1.71 billion annually)

#### Key Messages:

- The local roads we all rely on are literally crumbling beneath our feet ... and the tires of our cars, buses, trucks and bicycles. The conditions are getting so bad that if Californians don't commit to prioritizing funding to fix them, we could be facing a catastrophe.
- Bad roads cost California drivers \$44 billion annually – as high as nearly \$2,500 per driver.
- Without further investment, 25% of local roads will be in "failed" condition in 10 years.
- If we wait any longer to fix this problem we are putting everyone at risk because we all use our local road system. If California waits five years to act, the gas tax would have to increase 10 cents more just to make up the additional deterioration in those five years. (\$11 billion cost).

#### Other League-Supported Transportation Proposals:

- **Lowering the Voter Threshold:** ACA 4 by Assembly Member Frazier would lower the voter threshold requirements for special taxes by a local government for the purpose of providing funding for local

transportation projects from 2/3rds approval to 55% approval. Local transportation measures benefit the entire transportation system and support California's statewide policy goals of lower greenhouse gas emissions, supporting goods movements, and being accountable for how taxpayer dollars are spent. Revenues from current sales tax measures support capital programs on the state and local system, local streets and roads, transit, bicycle and pedestrians, and transit-oriented development.

- **CEQA Exemption for Safety Projects:** AB 323 by Assembly Member Olsen would extend the sunset date in current law that exempts city roadway improvement projects from California Environmental Quality Act (CEQA) requirements if the project is within the existing right-of-way, improves safety, and is within a jurisdiction with a population of less than 100,000 people.
- **Preserve the Ability to Use Volunteers:** AB 327 by Assembly Member Gordon would permanently extend the authorization for local agencies to use volunteers for public works projects. With greater community involvement opportunities, the local agency not only gains more value for tax dollars but the community also benefits from residents who take greater ownership and pride in those things they help create.
- **Stabilize the Variable Gas Tax:** SB 321 by Senator Beall would insert more stability into the variable gas tax (Prop. 42 replacement revenues). These revenues have been extremely unstable since the gas tax swap in 2010. SB 321 would allow the rate to be "smoothed" over a five year period, decreasing the rate swings the state and local agencies have experienced and allowing for better project planning.

**More information:** Jennifer Whiting, Assistant Legislative Director, [jwhiting@cacities.org](mailto:jwhiting@cacities.org) (916) 658-8249

**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor & Town Council  
**From:** Lesley Copeland, Town Clerk  
**Date:** April 30, 2015  
**For Council Meeting:** May 5, 2015

**Subject:** Initiative Process Update

**Prior Council Review:** There has been no prior review of this item.

**Recommendation:** That the Town Council:

- Receives and files a status update on the initiative process and how it relates to a potential citizen initiative submitted to the Town concerning an increase of local sales tax rates.

**Order of Procedure:**

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote)



**Discussion:**

As the local Elections Official, the Town Clerk has received a Notice of Intent to circulate a petition to the voters for a proposed initiative to increase the local sales tax rate by ½% “to assist funding and lower related assessment fees for Phase 1 of the Town of Yucca Valley municipal sewer system.”

Initiative Process Background

A proposed ordinance may be submitted by petition (California Elections Code Section 9201.) The first step of this process is to file a Notice of Intent to circulate an initiative petition to the Elections Official, including the written text of the proposed initiative. The Notice of Intent must be signed by at least one, but not more than three proponents. At this time, the proponents must also submit a request for a ballot title and summary to be prepared by the Town Attorney. The Town Attorney must provide a ballot title and summary of the proposed measure within 15 days from the time the Notice of Intent was filed. The ballot title and summary shall be a true and impartial statement of the purpose of the proposed measure.

---

Reviewed By:	 _____ Town Manager	_____ Town Attorney	_____ Finance	 _____ Department
--------------	--------------------------------------------------------------------------------------------------------------	------------------------	------------------	--------------------------------------------------------------------------------------------------------------

---

<input checked="" type="checkbox"/> Department Report	<input checked="" type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input type="checkbox"/> Study Session

The proponents are required to publically notice the Notice of Intent and the ballot title and summary in a newspaper of general circulation within the local jurisdiction. Within 10 days after the date of the notice of publication, the proponents must provide the Elections Official with the Publication Affidavit issued by the newspaper representative.

Once the proof of posting has been delivered to the Elections Official, the proponents may begin circulating petitions among the voters. The petition forms must adhere to requirements stated in the California Elections Code. The proponents will have 180 days from the date the ballot title and summary was provided, to collect signatures and return the completed petition sections to the Elections Official. The number of qualified signatures is based on a percentage of the number of registered voters within the jurisdiction as reported by the Elections Official to the Secretary of State pursuant to Section 2187, effective at the time the Notice of Intent to circulate was received.

Upon submittal of the initiative petition to the Town Clerk, the Town Clerk will conduct a cursory examination of the signatures. The Town Clerk may then forward the initiative petition to the County for additional examination.

#### Recent Petition Received

On April 29, 2015, the Town Clerk received a Notice of Intent as follows:

NOTICE OF INTENT TO CIRCULATE PETITION FOR  
LOWER SEWER COST-SALES TAX INITIATIVE

The Notice of Intent also included the formal request for a Ballot Title and Summary. The Town Attorney has until May 13, 2015 to provide the Ballot Title and Summary to the initiative proponents or reject the proposed initiative based on non-conformance with state election code.

**Fiscal impact:** There is no fiscal impact associated with this item at this time.

**Alternatives:** None recommended.

**Attachments:** Petition to Circulate Lower Sewer Cost – Sales Tax Initiative



PETITION TO CIRCULATE LOWER SEWER COST – SALES TAX INITIATIVE

TO THE HONORABLE Town Council of the Town of Yucca Valley,

Pursuant to the California Constitution and California election laws, we the undersigned registered and qualified electors of the Town of Yucca Valley, County of San Bernardino, State of California, respectfully state that we seek to have the Lower Sewer Cost- Sales Tax Initiative submitted directly to the voters of the Town of Yucca Valley, and request the Town of Yucca Valley, Town Clerk provide a ballot title and summary.

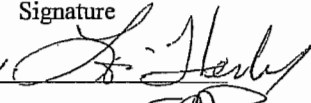
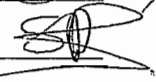
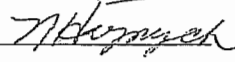
The following Notice of Intention to Circulate Petition for Lower Sewer Cost-Sales Tax Initiative was served on April 29, 2015, on the Town of Yucca Valley, Town Clerk.

NOTICE OF INTENT TO CIRCULATE PETITION FOR LOWER SEWER COST-SALES TAX INITIATIVE

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the Town of Yucca Valley for the purpose of enacting a 30 year 1/2% sales tax to assist funding and lower related assessment fees for Phase 1 of the Town of Yucca Valley municipal sewer system. The written text of the initiative is as follows:

Lower Sewer Cost-Sales Tax Initiative proposes a 1/2% sales tax to secure a thirty-year stream of additional revenue needed to comply with requirements imposed on the Town of Yucca Valley by the California Regional Water Quality Control Board Colorado River Basin Region (RWQCB). If approved, the 1/2% proposed sales tax is expected to generate \$80 million dollars to offset the \$142 million dollars associated with Phase 1's installation, construction and completion of the Town of Yucca Valley proposed municipal sewer and wastewater treatment systems. The RWQCB ordered the Town of Yucca Valley to cease septic tank use and eliminate septic tank discharge beginning May of 2016, with final compliance not later than May of 2022. Failure to comply could subject the Town and individual property owners to civil liability and/or fines totaling \$5,000 per day. It is understood that compliance requires millions of dollars. The proposed 1/2% sales tax directly addresses this fiscal crisis. All resulting sales tax revenue would be deposited into a Municipal Sewer Tax Fund, in accordance with existing law, limiting use of funds to sewer system construction, installation, and income dependent financial connection assistance. Use of Municipal Sewer Tax Fund revenue would be barred from use by the Town of Yucca Valley for capital improvement projects, salaries, benefits or other expenses. However, customary and reasonable administration fees associated with the proposed tax may be collected by the Town of Yucca Valley based on number of hours worked. The proposed revenue would solely be used to: (1) reduce sewer assessment levies for property owners that have received assessment levies for Phase 1, this includes assessment levies in Phase 1 charged to Phase 2 and 3. (2) Provide a 5% reserve to assist low and moderate income families with sewer connection costs; and (3) ensure clean drinking water for the community. Proposed sales tax dollars are to be released to the Hi-Desert Water District on a continual basis starting at implementation of the proposed tax until the end of 30 years at which time the 1/2% sales tax will cease from being collected in the Town of Yucca Valley. The sales tax revenue will have an independent audit once a year and must be available for public viewing.

Each of the undersigned states for himself/herself that he or she is a registered and qualified elector of the Town of Yucca Valley, California.

Name	Address	Signature
1. <u>LORI HERBEL</u>	<u>[REDACTED]</u>	<u>YUCCA VALLEY</u> 
2. <u>SARINA PERKENT</u>	<u>[REDACTED]</u>	<u>YUCCA VALLEY</u> 
3. <u>Nancy Haynych</u>	<u>[REDACTED]</u>	<u>Yucca Valley CA</u> 

RECEIVED

APR 29 2015

TOWN OF YUCCA VALLEY  
TOWN CLERKS OFFICE

