

**NOTICE AND CALL OF SPECIAL MEETING
OF THE CITY COUNCIL
OF THE CITY OF MORENO VALLEY, CALIFORNIA**

FEBRUARY 3, 2009 - 6:00 PM

NOTICE IS HEREBY GIVEN that a special meeting of the City Council of the City of Moreno Valley, California will be held on February 3, 2009, commencing at 6:00 PM, in the City Council Chamber, City Hall, located at 14177 Frederick Street, Moreno Valley, California.

Said special meeting shall be for the purpose of:

AGENDA

CALL TO ORDER

ROLL CALL

E. PUBLIC HEARING

Questions or comments from the public on the Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a **GOLDENROD** speaker slip to the Bailiff.

- E. 1. A PHASED TENTATIVE PARCEL MAP (PA07-0090 AND P08-057) TO SUBDIVIDE A 158 GROSS ACRE SITE (265.3 ACRES INCLUDING OFFSITE IMPROVEMENTS AND DRAINAGE) INTO FOUR BUILDABLE PARCELS AND TWO PARCELS DEDICATED FOR FUTURE FREEWAY IMPROVEMENT PURPOSES (THIRTEEN PARCELS TOTAL INCLUDING PUBLIC ACCESS AND DEDICATION), AND FIRST PHASE PLOT PLAN (PA07-0091) FOR AN APPROXIMATELY 1,820,000 SQUARE FOOT WAREHOUSE INDUSTRIAL BUILDING ON APPROXIMATELY 83 ACRES (TOTAL OF 2,620,000 SQUARE FEET OF BUILDING FOR THE ALL PHASES OF DEVELOPMENT). THE PROJECT SITE CURRENTLY

LIES WITHIN THE BP (BUSINESS PARK) AND CC (COMMUNITY COMMERCIAL) LAND USE DISTRICTS AND INCLUDES A REQUEST A CHANGE OF ZONE (PA07-0088) TO LI (LIGHT INDUSTRIAL) FOR ALL PROPOSED INDUSTRIAL USES AND A GENERAL PLAN AMENDMENT (PA07-0089) TO ELIMINATE A PLANNED MULTI-USE TRAIL OVER HIGHWAY 60, TO ADJUST AND EXTEND A PLANNED MULTI-USE TRAIL FROM THE SOUTH TO THE NORTH SIDE OF FUTURE EUCALYPTUS AVENUE FROM QUINCY STREET TO THEODORE STREET, TO RE-DESIGNATE FUTURE EUCALYPTUS AVENUE FROM REDLANDS BOULEVARD TO THEODORE STREET FROM AN ARTERIAL TO A DIVIDED ARTERIAL TO ALLOW THE ADDITION OF MEDIANS, AND TO ADJUST PARCEL LINES AND LAND USE FOR TWO PARCELS LOCATED IN THE CC LAND USE DISTRICT (NARROW WIDTH 126 FEET ON THE EASTERN PORTION OF THE SITE AND WIDEN 87 FEET ON THE WESTERN PORTION OF THE SITE). THE PROPOSED PROJECT IS LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET. AN APPEAL HAS BEEN FILED BY THE PROJECT APPLICANT, HIGHLAND FAIRVIEW PROPERTIES, TO PROTECT THEIR RIGHTS (Report of: Community Development Department)

Recommendation: The Planning Commission recommends that the City Council conduct a public hearing to:

1. **DENY** PA07-0088 (Change of Zone) and a policy decision to change the zoning map on a 104.9 acre portion of a 158 acre project site from Business Park (BP), requiring a maximum of 50,000 square foot industrial/business park buildings, to Light Industrial (LI), allowing for industrial warehouse buildings greater than 50,000 square feet, thus denying the applicant's appeal and the project request as a whole. (If the Planning Commission's recommendation to deny the policy decision and change of zone is upheld, a resolution would be provided under separate cover at the meeting.)

If the applicant's appeal is upheld and a policy decision to change the zone from BP (Business Park) to LI (Light Industrial) can be justified by the City Council, the following alternative recommendation may be considered:

1. **APPROVE** Resolution No. 2009-08 to **CERTIFY** an Environmental Impact Report (P07-157), including approval of Statement of Overriding Considerations and a required

Mitigation Monitoring Program for a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089), Tentative Parcel Map (PA08-0090 and P08-057) and a Plot Plan (PA07-0091), pursuant to the California Environmental Quality Act (CEQA) Guidelines;

Resolution No. 2009-08

A Resolution of the City Council of the City of Moreno Valley, California, Certifying the Final Environmental Impact Report (P07-157), Adoption of the Findings and Statement of Overriding Considerations, and Approval of the Mitigation Monitoring Program for the Highland Fairview Corporate Park Project, Generally Located Adjacent to and South Of Highway 60 Along Future Eucalyptus Avenue (Fir Avenue) Between Redlands Boulevard and Theodore Street

2. **INTRODUCE** Ordinance No. 785 for a Change of Zone (PA07-0088), to change the zone on approximately 104.9 acres of a 158 acre site from BP (Business Park) to LI (Light Industrial) to allow for industrial warehouse buildings greater than 50,000 square feet, subject to the findings included in the resolution;

Ordinance No. 785

An Ordinance of the City Council of the City of Moreno Valley, California, Amending the Official Zoning Atlas of Said City, to Include a Change of Zone (PA07-0088) From BP (Business Park) To LI (Light Industrial) for an Approximate 104.9 Acre Portion of the Site, Including a Change of Zone for a 87 Foot Area Between Parcels 2 and 3 from BP (Business Park) to CC (Community Commercial) and Change of Zone for 126 Feet of Land Between Parcels 1 and 4 from CC (Community Commercial) to LI (Light Industrial), All Encompassed Within an Approximately 158 Acre Site (Including Relevant Offsite Improvements and Drainage) Commercial Land Uses on the Property Located South of and Adjacent to Highway 60 Between Redlands Boulevard and Theodore Street Along Future Eucalyptus (Fir Avenue)

3. **APPROVE** Resolution Nos. 2009-09, 2009-10, and 2009-11 for a General Plan Amendment (PA07-0089) to modify the Master Plan of Trails and Circulation Map of the General Plan, a plot plan (PA07-0090) and Tentative Parcel Map No. 35629 including phasing (PA07-0091 and P08-057) for the subdivision of a 158 acre site into four buildable parcels and additional

parcels for public access and dedication purposes and a 2,620,000 square foot industrial/commercial development, including a 1,800,000 square foot industrial warehouse building (Phase 1), two parcels for future freeway improvements and numerous lettered lots for maintenance and easement purposes, subject to all mitigation measures within the EIR, as well as findings included in the resolutions, and conditions of approval in the resolutions, attached as Exhibit A to two of the resolutions.

Resolution No. 2009-09

A Resolution of the City Council of the City of Moreno Valley, California, Approving A General Plan Amendment (PA07-0089) for the Elimination of a Portion of a General Plan Designated Multi-Use Trail, the Adjustment of a Planned Multi-Use Trail on Future Eucalyptus Avenue (Fir), the Upgrading from an Arterial to a Divided Arterial for Future Eucalyptus Avenue (Fir) and a Change in Land Use for a 87 Foot Area Between Parcel of Land Use for of 126 Feet of Land Between Parcels 1 and 4 From C (Commercial) To BP (Business Park), and a Plot Plan for an Approximately 1,820,000 Square Foot Warehouse Industrial Building (Total of 2,620,000 Square Feet for All Phases of Development Consisting of Industrial and Commercial Land Uses) on the Property Located South of and Adjacent to Highway 60 Between Redlands Boulevard and Theodore Street Along Future Eucalyptus (Fir Avenue)

Resolution No. 2009-10

A Resolution of the City Council of the City of Moreno Valley, California Recommending Approval of PA07-0090 (Tentative Parcel Map No. 35629) for Four Separate Buildable Parcels and Two Primary Parcels Dedicated for Freeway and Improvement Purposes (Thirteen Parcels Overall to Include Lettered Lots for Public Access and Dedication Purposes) and a Phased Subdivision of Land (P08-057) Consisting of a Proposed Industrial and Commercial Development (2,620,000 Square Feet) to Include Two Parcels for Industrial Warehouse Uses, Two Parcels for Commercial/Retail Uses and Two Parcels that will be Dedicated for Future Freeway Improvements on a 158 Acre Site (With Additional Off-Site Improvements and Drainage) Located Adjacent to and South of Highway 60 Along Future Eucalyptus Avenue (Fir Avenue) Between Redlands Boulevard and Theodore Street

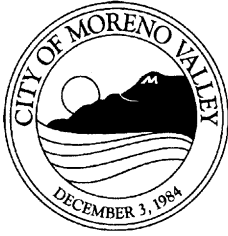
Resolution No. 2009-11

A Resolution of the City Council of the City of Moreno Valley, California Approving PA07-0091 (Plot Plan) for an Approximate 1,820,000 Square Foot Industrial Warehouse Building with Ancillary Commercial/Retail and Office Uses on an Approximately 83 Acre Parcel Generally Located Adjacent to and South of Highway 60 Along Future Eucalyptus Avenue (Fir Avenue) Between Redlands Boulevard and Theodore Street

ADJOURNMENT

***Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.**

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

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Community Development Director

AGENDA DATE: February 3, 2009

TITLE: A phased tentative parcel map (PA07-0090 and P08-057) to subdivide a 158 gross acre site (265.3 acres including offsite improvements and drainage) into four buildable parcels and two parcels dedicated for future freeway improvement purposes (thirteen parcels total including public access and dedication), and first phase plot plan (PA07-0091) for an approximately 1,820,000 square foot warehouse industrial building on approximately 83 acres (total of 2,620,000 square feet of building for the all phases of development). The project site currently lies within the BP (Business Park) and CC (Community Commercial) land use districts and includes a request a Change of Zone (PA07-0088) to LI (Light Industrial) for all proposed industrial uses and a General Plan Amendment (PA07-0089) to eliminate a planned multi-use trail over Highway 60, to adjust and extend a planned multi-use trail from the south to the north side of future Eucalyptus Avenue from Quincy Street to Theodore Street, to re-designate future Eucalyptus Avenue from Redlands Boulevard to Theodore Street from an Arterial to a Divided Arterial to allow the addition of medians, and to adjust parcel lines and land use for two parcels located in the CC land use district (narrow width 126 feet on the eastern portion of the site and widen 87 feet on the western portion of the site). The proposed project is located adjacent to and south of Highway 60 along future Eucalyptus Avenue (Fir Avenue) between Redlands Boulevard and Theodore Street. An appeal has been filed by the project applicant, Highland Fairview Properties, to protect their rights.

RECOMMENDED ACTION

The Planning Commission recommends that the City Council conduct a public hearing to:

1. **DENY** PA07-0088 (Change of Zone) and a policy decision to change the zoning map on a 104.9 acre portion of a 158 acre project site from Business Park (BP), requiring a maximum of 50,000 square foot industrial/business park buildings, to Light Industrial (LI), allowing for industrial warehouse buildings greater than 50,000 square feet, thus denying the applicant's appeal and the project request as a whole. (If the Planning Commission's recommendation to deny the policy decision and change of zone is upheld, a resolution would be provided under separate cover at the meeting.)

If the applicant's appeal is upheld and a policy decision to change the zone from BP (Business Park) to LI (Light Industrial) can be justified by the City Council, the following alternative recommendation may be considered:

1. **APPROVE** Resolution No. 2009-08 to **CERTIFY** an Environmental Impact Report (P07-157), including approval of Statement of Overriding Considerations and a required Mitigation Monitoring Program for a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089), Tentative Parcel Map (PA08-0090 and P08-057) and a Plot Plan (PA07-0091), pursuant to the California Environmental Quality Act (CEQA) Guidelines.
2. **INTRODUCE** Ordinance No. 785 for a Change of Zone (PA07-0088), to change the zone on approximately 104.9 acres of a 158 acre site from BP (Business Park) to LI (Light Industrial) to allow for industrial warehouse buildings greater than 50,000 square feet, subject to the findings included in the attached resolution.
3. **APPROVE** Resolution Nos. 2009-09, 2009-10, and 2009-11 for a General Plan Amendment (PA07-0089) to modify the Master Plan of Trails and Circulation Map of the General Plan, a plot plan (PA07-0090) and Tentative Parcel Map No. 35629 including phasing (PA07-0091 and P08-057) for the subdivision of a 158 acre site into four buildable parcels and additional parcels for public access and dedication purposes and a 2,620,000 square foot industrial/commercial development, including a 1,800,000 square foot industrial warehouse building (Phase 1), two parcels for future freeway improvements and numerous lettered lots for maintenance and easement purposes, subject to all mitigation measures within the EIR, as well as findings included in the attached resolutions, and conditions of approval, attached as Exhibit A to two of the resolutions.

ADVISORY BOARD/COMMISSION RECOMMENDATIONS

On January 23, 2008, the Recreational Trails Board reviewed and concurred with the applicant's request to remove a planned trail segment on Sinclair Street between future Eucalyptus Avenue and Highway 60 that was subject to the feasibility of a freeway bridge over Highway 60. In addition, the Board recommended an extension of a planned trail from future Eucalyptus Avenue from Sinclair Street to Theodore Street.

On July 23, 2008, The Recreational Trail Board met to reconsider its original recommendation. At said meeting, the Board reaffirmed its earlier recommendation with the added provision to move the planned future Eucalyptus Avenue trail from the south to the north side of the street as requested by the applicant.

On January 8, 2009, the Planning Commission conducted a public hearing on the proposed project. Based on public testimony from over 60 speakers testifying for or against the project, the Planning Commission closed the public hearing portion and continued the meeting to January 15, 2009, for the applicant's rebuttal to public comments and Planning Commission deliberation. Although the public hearing portion was closed at the conclusion of the meeting on January 8, 2009, the Planning Commission agreed to accept written public comments up to the continued meeting.

On January 15, 2009, the Planning Commission conducted the continued meeting on the proposal. At said meeting, the applicant provided a rebuttal presentation to the public testimony received at the prior meeting. Subsequently, the Planning Commission deliberated on the project and at the conclusion of its deliberation voted 4-2 to refer the project to the City Council with a policy recommendation not to change the property zoning on a 104.9-acre portion of the project site from Business Park to Light Industrial to allow warehouse buildings greater than 50,000 square feet. Reasons given for the recommendation included perceived inconsistency with the existing General Plan vision adopted in 2006 for the area, which was clarified by the subsequent zoning consistency study, additional truck traffic generated by a large warehousing project, and the proposed project being better suited for the planned industrial area in the southern portion of the City.

BACKGROUND

The applicant, Highland Fairview Properties, has proposed Tentative Parcel Map No. 35629 to subdivide a 158 gross acre site (265.3 acres with offsite improvements and drainage) into four buildable parcels and two parcels dedicated for future freeway improvement purposes (thirteen parcels total including common public access and dedication), and a first phase plot plan for a 1,820,000 square foot distribution warehouse on approximately 83 acres. The total project includes 2,620,000 square feet of industrial and commercial building area in three phases on four parcels. The project site is in the BP (Business Park) and CC (Community Commercial) land use districts.

The project also includes a request for a change of zone from BP (Business Park) to LI (Light Industrial) on approximately 104.9 acres of the project site. The primary purpose of the change of zone is to allow warehouse buildings larger than the 50,000 square foot maximum permitted under the current BP zoning. The project also includes a General Plan amendment covering three elements: 1) modification of the Trails Map to eliminate the planned Sinclair Street trail from future Eucalyptus Avenue to Highway 60 and extend a planned trail on future Eucalyptus Avenue from Sinclair Street to Theodore Street and move the entire Eucalyptus Avenue trail to the north side of the street; 2) modification of the Circulation Plan to allow landscape medians on future Eucalyptus Avenue from Redlands Boulevard to Theodore Street by re-designating the segment from an Arterial to a Divided Arterial; and 3) minor modification of land use between industrial and commercial districts.

The Planning Commission held hearings on January 8, 2009, and January 15, 2009, and, after consideration of considerable written and oral information and testimony, referred the project to the City Council with a recommendation that the proposed policy change re-zone an approximately 104.9 acre portion of the project site not be approved. On January 22, 2009, the Planning Commission officially approved a resolution to formalize the recommendation.

Although the project was forwarded to the City Council by the Planning Commission referral, the applicant filed an appeal of the decision of the Planning Commission's action on January 16, 2009, to protect their rights and ensure review by the City Council. A copy of the appeal letter is included as an attachment to this report.

DISCUSSION

Policy Decision

The proposed Highland Fairview Corporate Park project includes a Change of Zone on 104.9 acres of the project site from Business Park (BP) to Light Industrial (LI). The Change of Zone represents a material change to the land use pattern along Highway 60 and the direction provided by the City Council during the zoning consistency study approved in 2006 shortly after the adoption of the General Plan Update. A policy decision relative to the proposed Change of Zone is required to allow for the approval of warehouse industrial buildings larger than 50,000 square feet on the project site. Allowable land uses under the BP zoning district include office and technology uses, indoor custom and light manufacturing uses with a building size of 50,000 square feet or less containing light truck traffic and on-site wholesaling of goods produced, as well as indoor wholesale, storage and distribution buildings of 50,000 square feet or less. Land uses allowed under the LI zoning category include all of the above uses with building sizes of 50,000 square feet or greater and general manufacturing uses with frequent truck traffic as well as outdoor equipment or storage.

While the proposed project would be consistent with the current General Plan land use designation of Business Park/Industrial, a General Plan Amendment is required to eliminate the planned trail segment along Sinclair Street between future Eucalyptus Avenue and Highway 60. The planned trail bisects the proposed 1,820,000 square foot (Phase 1) warehouse industrial building.

Environmental Impact Report

Should the City Council want to consider approval of the applicant's appeal request and make a policy decision to approve the requested change of zone from Business Park (BP) to Light Industrial (LI), an Environmental Impact Report (EIR) would need to be considered and certified for the entire project. The EIR was prepared for the applicant by Michael Brandman and Associates, an approved City consultant, and thoroughly reviewed and accepted by City staff and a City-contracted peer consultant, the Chambers Group.

An EIR was required and completed for the proposed project pursuant to the California Environmental Quality Act (CEQA). Notice of completion and availability of EIR included a starting date of August 6, 2008, with the 45-day review period ending on September 19, 2008. The City accepted comments well past the 45-day review period. The document was sent to numerous state and local agencies and interested parties on August 5, 2008, as well as the Environmental and Historical Preservation Board. All interested parties and responsible agencies had the chance to review responses to their comments in the draft Final EIR that was mailed to all parties providing letters on December 18, 2008, twenty one days prior to the first Planning Commission hearing on the project. The transmittal was well before the minimum 10 day notice required by CEQA but less than the 30 day notice that has been the City's historical practice. Both the Draft EIR and EIR in its final form were provided for the public's review at City Hall, the City public library and on the City's website.

The EIR concludes that the proposed project will have certain aesthetics, agricultural, air quality, noise and climate change/greenhouse gas impacts that cannot be reduced to a less than significant level, even with proposed mitigation. As identified in the EIR, impacts for the five items are considered to be significant and unavoidable. The EIR also presents mitigation measures, which, to the extent feasible, will reduce project-specific and cumulative impacts. All mitigation measures have been included as conditions of approval and within a Mitigation Monitoring Program attached to the draft project resolutions. All other environmental effects evaluated in the EIR are considered to be less than significant, or can be successfully mitigated below significant thresholds.

Two key elements evaluated in the EIR are the applicant's proposed 24 hour grading operations and the buffer of existing and future sensitive receptors or land uses surrounding the project. In order to mitigate or lessen the ongoing grading operation of the proposed "around the clock" grading activities, a mitigation measure has been included to prohibit nighttime grading activities within 1,200 feet of existing residences and other sensitive receptors. In order to provide greater compatibility between the

project if built and current and proposed land uses, the EIR proposed a buffer zone of approximately 440 feet from the project's southern property line along future Eucalyptus Avenue. The proposed buffer area, zoned R3 (Residential – up to 3 units per acre), is currently owned by the applicant. Development with such uses as residential homes, schools or other sensitive receptors would not be permitted within this designated buffer area subject to deed restrictions placed on all affected properties.

Since all potential environmental impacts of the project could not be mitigated to less than significant levels, a Statement of Overriding Considerations was prepared. The California Environmental Quality Act (CEQA) requires the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the proposed project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable". The Statement of Overriding Consideration and corresponding findings are attached to the report for review and possible consideration.

ALTERNATIVES

1. Deny the policy decision for the Change of Zone or General Plan Amendment, thus denying the proposed project.
2. Deny the certification of the Environmental Impact Report, thus denying the proposed project.
3. Approve the policy decision for the Change of Zone and overall project proposal, including certification of an Environmental Impact Report with modifications to address City Council concerns.
4. Approve the policy decision for the Change of Zone and overall project proposal as submitted, including the certification of the Environmental Impact Report.
5. Refer the proposed project back to the Planning Commission for further review and analysis.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

SUMMARY

A phased industrial and future commercial project is being proposed for property bounded by Redlands Boulevard, Theodore Street, Highway 60, and future Eucalyptus Avenue. The applicant, Highland Fairview Properties, is proposing a General Plan Amendment for items relating to a multi-use trail, minor adjustment of land uses, the addition of center medians, and a Change of Zone for a proposed 83 acre Phase 1 1,820,000 square feet industrial warehouse project and future 600,000 square foot building on approximately 22 acres under Phase 2.

The vision provided by the Planning Commission and City Council during the 2006 General Plan Update and subsequent zoning consistency included zoning which restricted warehouse and industrial buildings to 50,000 square foot or smaller for the Business Park areas in the eastern portion of the City. A policy decision by the City Council would be needed to allow larger industrial buildings in this area. A proposed Change of Zone from BP or Business Park to LI or Light Industrial would allow industrial buildings larger than 50,000 square feet at the project site. The Planning Commission decision at their January 15, 2009 meeting was to recommend denial of the request to change existing land use policy and the current zone to LI (Light Industrial) for the project site.

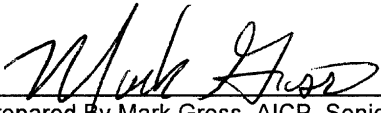
NOTIFICATION

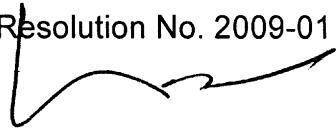
Notice of the project was provided to potentially affected agencies, adjacent property owners and the general public. This included notice to all responsible agencies, property owners of record within 300 feet of the project, and all interested parties that had asked to be included on the mailing list. The public hearing notice for this project was also posted on the project site and published in the local newspaper. Prior notification of the draft and final versions of the Environmental Impact Report was provided to all responsible agencies and interested parties.

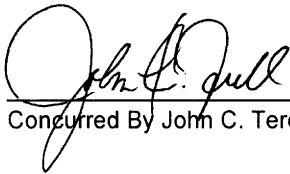
ATTACHMENTS

1. Public Hearing Notice
2. Appeal letter from Highland Fairview dated January 16, 2009
3. Environmental Impact Report Resolution, including Statement of Overriding Considerations and Mitigation Monitoring Program
4. Change of Zone Ordinance, including Exhibit A
5. General Plan Resolution, including three (3) individual exhibits, Exhibits A through C
6. Tentative Parcel Map Resolution, with attached conditions of approval
7. Plot Plan Resolution, with attached conditions of approval
8. Environmental Impact Report (Previously provided in disk format under separate cover)
9. Letter from Caltrans and Response to Comments
10. Letter from Mr. Mike Rios and Response to Comments

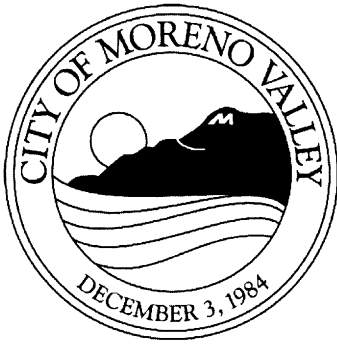
- 11. Planning Commission Report excluding exhibits
- 12. Planning Commission Minutes of January 8, 2009 and January 15, 2009
- 13. Aerial Map
- 14. Zoning Map
- 15. Reduced Tentative Parcel Map
- 16. Reduced Site Plan
- 17. Zoning and Land Use Boundary Change Map in EIR
- 18. Land Use Buffer Map in EIR
- 19. Planning Commission Denial Recommendation Resolution No. 2009-01


 Prepared By Mark Gross, AICP, Senior Planner


 Kyle Kollar, Community Development Director


 Concurred By John C. Terell, AICP, Planning Official

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



Notice of PUBLIC HEARING

This may affect your property. Please read. Notice is hereby given that a Public Hearing will be held at a special meeting of the City Council of the City of Moreno Valley on the following item(s):

CASE: PA07-0088 (Change of Zone), PA07-0089 (General Plan Amendment), PA07-0090 (Tentative Parcel Map No. 35629) to include P08-057 (Phasing Plan), PA07-0091 (Plot Plan) and P07-157(EIR)

APPLICANT: Highland Fairview Properties

OWNER: Highland Fairview Properties

REPRESENTATIVE: Wayne Peterson

LOCATION: North side of future Eucalyptus Ave. (Fir Ave.), east of Redlands Blvd., west of Theodore St. and south of Highway 60.

PROPOSAL: A tentative parcel map to subdivide a 158.4 gross acre portion of land (265.3 acres to include offsite improvements and drainage) into four (4) separate buildable parcels and two parcels dedicated for freeway improvement purposes (a total of 2,620,000 square feet of industrial and commercial development), with the first phase to include a plot plan for a 1,820,000 square foot distribution warehouse building on approximately 83 acres. The project site currently lies within the BP (Business Park) and CC (Community Commercial) land use districts and will require a change of zone to LI (Light Industrial) for all proposed industrial uses/parcels and a General Plan Amendment for the elimination of a required multi-use trail connection, adjustment of a multi-use trail to the north side of future Eucalyptus Avenue, re-designation of future Eucalyptus Avenue from Redlands Boulevard to Theodore Street from an Arterial to a Divided Arterial to allow the addition of medians as well as the adjustment of parcel lines and land use for two parcels located in the CC land use district (a deduction of 126 feet in width on the eastern portion and enlargement of 87 feet in width on the western portion). An Environmental Impact Report (EIR) has been prepared. An appeal of a Planning Commission recommendation not to recommend approval of a change of zone for a portion of the project site has been filed by the applicant, Highland Fairview Properties.

ENVIRONMENTAL DETERMINATION: An Environmental Impact Report (P07-157) including a Statement of Overriding Considerations and Mitigation Monitoring Program, has been prepared for this project (SCH#2007101132). The document was circulated in draft form to the public (including interested parties/responsible agencies) for review from August 5, 2008 to September 19, 2008. The Final EIR was distributed on December 19, 2008, and is included on the City's website at www.moval.org.

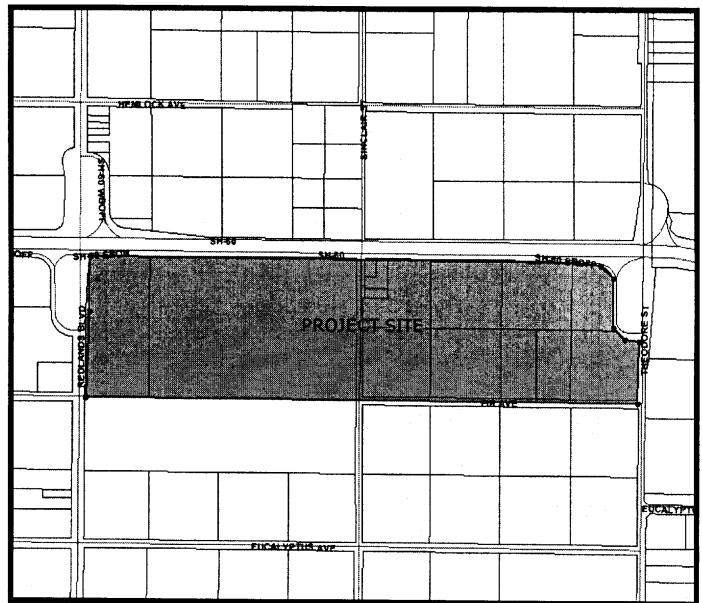
COUNCIL DISTRICT: 3

Any person interested in any listed proposal can contact the Community Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday; 8 a.m. to 5 p.m. on Friday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council or City Clerk at, or prior to, the Public Hearing.



LOCATION N ↑

CITY COUNCIL HEARING

City Council Chamber, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE AND TIME: February 3, 2009 at 6:00 PM

CONTACT PLANNER: Mark Gross

PHONE: (951) 413-3215

ATTACHMENT 1



HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

January 16, 2009

Mayor Richard A. Stewart, Mayor and
Members of the Moreno Valley City Council
City of Moreno Valley
14177 Frederick Avenue
Moreno Valley, California 92552

SUBJECT: Highland Fairview Corporate Park - PA07-0088 Zone Change, PA07-0089 General Plan Amendment, PA07-0090 TPM 35629 (including PA08-07 Phasing Plan), P07-157 Environmental Impact Report

Mr. Mayor and Members of the City Council:

On January 15, 2009, the Planning Commission voted to refer the above-referenced project applications being processed for the Highland Fairview Corporate Park project to the City Council with a recommendation that the Council deny the project. We have been advised by staff that these applications will be forwarded to the Council for review and final action.

However, because 1) sec. 9.02.040(E)(1)(c) of the Moreno Valley Municipal Code states that a decision by the Commission to recommend disapproval of a proposed General Plan Amendment is final unless appealed within 15 days of the Commission's action, 2) sec. 9.02.050 (C)(2)(a)(iii) contains similar appeal language relative to proposed zone change applications, 3) sec. 9.14.050 provides for the appeal of a Planning Commission action on a proposed tentative map and 4) sec. 9.02.240 states that any action by the Planning Commission may be appealed to the City Council (applicable to the certification of the EIR, the Plot Plan and the Phasing Plan), Highland Fairview hereby respectfully appeals the Commission's recommendation with respect to the certification of the EIR (P07-157), the approval of the general plan amendment (PA07-0089), the change of zone (PA07-0088), the tentative subdivision map (PA07-0090), the phasing plan (PA07-057), and the Plot Plan (PA07-0091).

This appeal is based on the Commission's error in not finding that the project will be consistent with existing goals, objectives, policies and programs of the General Plan, on its error in not finding that the project will be consistent with all applicable portions of the City's Municipal Code and its error in not finding the proposed project will not adversely affect the public, health, safety or general welfare.

Enclosed, per the City's Fee Table, is a check in the amount of \$750.00 for the appeal filing fee. If there is any additional material, or any added information required, please contact me directly.

Sincerely,

HIGHLAND FAIRVIEW

A handwritten signature in black ink, appearing to read 'Iddo Benzeevi', with a long horizontal flourish extending to the right.

Iddo Benzeevi

RESOLUTION NO. 2009-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (P07-157), ADOPTION OF THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVAL OF THE MITIGATION MONITORING PROGRAM FOR THE HIGHLAND FAIRVIEW CORPORATE PARK PROJECT, GENERALLY LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, on February 3, 2009, the City Council of the City of Moreno Valley held a public hearing to consider the proposed project, which includes a tentative parcel map to subdivide a 158 gross acre site (265.3 acres including offsite improvements and drainage) into four buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication) with a first phase plot plan for an approximately 1,820,000 square foot warehouse industrial building on approximately 83 acres, and a total of approximately 2,620,000 square foot of building for all phases of development. The project also includes related offsite improvements and drainage. The project site currently lies within the BP (Business Park) and CC (Community Commercial) land use districts and will require a change of zone to LI (Light Industrial) to allow the proposed industrial structures and a General Plan Amendment to move a planned multi-use trail from the south side to the north side of future Eucalyptus Avenue (Fir Avenue), eliminate a planned multi-use trail along the Sinclair Street alignment over Highway 60, and the adjustment of parcel lines and land use for two parcels located in the CC land use district, and to consider all environmental documentation;

WHEREAS, the project includes applications for a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089), phasing (P08-057) tentative parcel map (PA07-0090) and a plot plan (PA07-0091). All are related but will be included in separate resolutions with individual findings and shall not be approved unless the Environmental Impact Report (P07-157) is certified and approved.

WHEREAS, a Draft Environmental Impact Report (DEIR) was initially prepared for this project. Said DEIR was initially circulated for review on August 5, 2008, while the review period ended on September 19, 2008. A Final EIR, (including the Draft EIR dated August 4, 2008, and responses to comments), has been completed and is being recommended for certification, prior to the approval of discretionary permits related to the project.

WHEREAS, on January 8, 2009, the Planning Commission conducted a public hearing to consider the proposed project, or the Highland Fairview Corporate Park project

consisting of a tentative parcel map to subdivide a 158 gross acre portion of land into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.), and a first phase plot plan for an approximately 1,820,000 square foot warehouse industrial building on approximately 83 acres and a total of approximately 2,620,000 square foot of building for all phases of development, and a related Change of Zone and General Plan Amendment, and to consider environmental documentation in its final form;

WHEREAS, on January 15, 2009, the Planning Commission conducted a continued public meeting and forwarded the project to the City Council for consideration;

WHEREAS on February 3, 2009, the City Council reviewed in full the Final EIR, the Statement of Overriding Considerations and Mitigation Monitoring Program;

WHEREAS, the draft and final EIR concerning the proposed Highland Fairview Corporate Park Project were prepared in sufficient detail and duly circulated in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the City of Moreno Valley Rules and Procedures to Implement CEQA;

WHEREAS, the comment period for the draft Environmental Impact Report (EIR) for the Highland Fairview Corporate Park Project began on August 5, 2008, while said document was circulated for a 45 day period to the public and to responsible agencies for comments, concluding on September 19, 2008;

WHEREAS, on December 19, 2008, the City published a Notice of Availability in the local newspaper (Press Enterprise), posted the Notice of Availability at the Riverside County Clerk's office, and distributed copies of the draft Final EIR to the State Clearinghouse, local agencies and other interested parties;

WHEREAS, since August 5, 2008, copies of the draft EIR have been made available to the public at the City's offices, on the City's website and at the City's public library;

WHEREAS, the final public comment period closed on September 19, 2008, and the City has prepared responses, which have been included in the Final EIR, to all comments received by that date and through the month of October;

WHEREAS, the Final EIR recommended to the City Council includes all responses to comments thereon;

WHEREAS, the final EIR includes a review of potential impacts associated with the implementation of the Highland Fairview Corporate Park Project, including, but not limited to land use, traffic and circulation, air quality, noise and aesthetics, light and glare. A statement of overriding considerations is provided for environmental impacts related to aesthetics, agriculture, air quality, noise as well as climate change and greenhouse gas

emissions;

WHEREAS, a Mitigation Monitoring Program has been completed to ensure that all of the mitigation measures outlined in the final EIR are implemented, and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the City Council of the City of Moreno Valley does hereby resolve as follows:

1. The Planning Commission hereby recommends that the City Council certify that the final Environmental Impact Report (EIR) for the Highland Fairview Corporate Park Project on file with the Community and Development Department, incorporated herein by this reference, has been completed in compliance with the California Environmental Quality Act, that the Planning Commission reviewed and considered the information contained in the final EIR and that the final EIR reflects the City's independent judgment and analysis; and
2. The Planning Commission recommends that the City Council hereby adopt the Findings and Statement of Overriding Considerations regarding the final EIR for the Highland Fairview Corporate park Project, attached hereto as Exhibit A; and
3. The Planning Commission recommends that the City Council hereby approve the Mitigation Monitoring Program for the final EIR for the proposed Highland Fairview Corporate Park project, attached hereto as Exhibit B.

APPROVED AND ADOPTED this ____ day of _____, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

**Facts, Findings and Statement of Overriding Considerations
Regarding the Environmental Effects of the Approval of the
Highland Fairview Corporate Park Project
(State Clearinghouse No. 2007101132)**

I. INTRODUCTION

The City Council of Moreno Valley (the “Council”) in approving the Highland Fairview Corporate Park project (the “Project”), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Findings are based upon the entire record before the Council, as described in Section III below, including the Environmental Impact Report (“EIR”) prepared for the Project by the City, acting as the lead agency under the California Environmental Quality Act (“CEQA”).

II. PROJECT SUMMARY

A. PROJECT DESCRIPTION

The Project consists of the development of a corporate park in three phases comprising a 1,820,000 square foot (“sf”) logistics (i.e., warehouse and distribution) building, which will be leased to Skechers, and 80,000 sf of commercial facilities in Phase 1; a second 600,000 sf logistics building in Phase 2; and 120,000 sf of commercial facilities in Phase 3. The Project will affect three different areas which, together, will contain approximately 265 acres: the Project Site which will contain approximately 125 acres which will be developed and approximately 33 acres which will be dedicated or improved for various improvements and utility extensions; and approximately 23 acres, located south of the Project Site, which will be used for drainage purposes in connection with the development of the Project Site. The Project Site is bounded on the north by State Route 60 (“SR-60”), on the east by Theodore Street, on the south by future Eucalyptus Avenue (approximately on the current alignment of Fir Avenue) and on the west by Redlands Boulevard.

The eastern and western portions of the Project Site are currently designated for Commercial uses in the City’s General Plan and are zoned for Community Commercial uses. The center of the Project Site is designated for Business Park/Light Industrial use in the General Plan and is zoned for Business Park uses. The development of the Project requires a General Plan amendment to increase the commercial area on the western portion of the Project Site, to reduce the commercial area on the eastern portion of the Project Site, to amend the City’s Master Plan of Trails and to amend the Circulation Element of its General Plan to make future Eucalyptus Avenue a four lane divided arterial street with a median; a zone change to reflect the changes in the areas designated for Commercial and Business Park uses; a change in the zoning in the center of the

Project Site from Business Park to Light Industrial; a tentative parcel map to create four parcels on which development will occur, three parcels which will be used for SR-60 improvements and six parcels which will serve as common areas; the approval of the Plot Plan for the development planned for Parcel 1; the approval of alternate work hours during the construction period; and future discretionary approvals needed to complete the development of the Project.

B. PROJECT OBJECTIVES

The objectives for the Project are to:

1. Perform construction in an accelerated manner in order to meet Skechers' occupancy needs;
2. Provide additional employment opportunities;
3. Provide logistic facilities in a single building containing at least 1,800,000 sf to allow for the consolidation of several existing Skechers' logistics facilities into one;
4. Plan for, and entitle, the Project Site to allow for the possibility of adding another building containing up to 600,000 sf to account for future growth in the need for logistics facilities;
5. Provide logistics facilities on land with immediate access to State Route-60 to minimize the use of City streets;
6. Provide the City with new jobs and revenues from the construction and operation of the logistics facilities;
7. Construct the logistics facilities in a manner that maximizes the use of green technology; and
8. Develop the Project Site to ensure an adequate rate of return on the Project applicant's investment.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City has conducted an extensive environmental review of the Project to ensure that both the City's decision makers and the public are fully informed about potential significant environmental effects of the Project; to identify ways that environmental damage can be avoided or significantly reduced; to prevent significant, avoidable damage to the environment by requiring changes in the Project through the use of mitigation measures which have been found to be feasible; and to disclose to the public the reasons why the City has approved the Project in the manner chosen in light of the significant

environmental effects which have been identified in the EIR. In order to do this, the City, as the lead agency under CEQA, has done all of the following:

1. Prepared and distributed an Initial Study/Notice of Preparation, dated October 29, 2007, a copy of which was circulated the following day through the State Clearinghouse to various state agencies for their comments;
2. Sent the Initial Study/Notice of Preparation, which contained the notice of a scoping meeting to be held on November 26, 2007, to each of the governmental agencies, organizations and individuals shown on the distribution list for the Notice of Preparation/Initial Study, Appendix A to the Draft EIR, on October 29, 2007;
3. Held a public scoping meeting on November 26, 2007, to solicit comments from the public on what should be analyzed in the EIR;
4. Sent a Notice of Completion and a copy of the Draft EIR to the State Clearinghouse on August 4, 2008;
5. Filed a Notice of Availability with the Clerk of the Riverside County Board of Supervisors on August 4, 2008, informing the public that the Draft EIR was available for public review for a 45 day period beginning on August 6, 2008, and ending on September 19, 2008;
6. Mailed the Notice of Availability to all organizations and individuals who had previously requested the Notice on August 4, 2008;
7. Mailed the Notice of Availability to all residents and property owners within 300 feet of the Project Site on August 4, 2008;
8. Provided copies of the Draft EIR to 132 public agencies, organizations and individuals on August 4, 2008;
9. Placed copies of the Draft EIR on the City's website, at the City's Planning Department's public counter and at the public library located at 25480 Alessandro Boulevard on August 4, 2008;
10. Published the Notice of Availability on August 8, 2008, in the Press Enterprise, which is the newspaper of general circulation which has the largest circulation in the areas affected by the Project;
11. Prepared responses to comments on the Draft EIR received during and after the 45 day comment period on the Draft EIR, which have been included in the Final EIR;

12. Published a Notice on December 19, 2008, in the Press Enterprise, a newspaper of general circulation which has the largest circulation in the areas affected by the Project, that the City's Planning Commission would hold a public hearing on January 8, 2009, to consider the Final EIR and the Project in order to provide recommendations to the Council;
13. Sent copies of the Final EIR on December 19, 2008, to all public agencies, organizations and individuals who had submitted comments;
14. Held a public hearing of the City's Planning Commission to consider the adequacy of the Final EIR on January ___, 2009, and, at the conclusion of the hearing, recommended that the Council certify that the Final EIR had been prepared in full compliance with CEQA;
15. Published a notice on January ___, 2009, in the Press Enterprise, a newspaper of general circulation which has the largest circulation in the areas affected by the Project, that the Council would hold a public hearing on January ___, 2009, to consider certification of the Final EIR as having been prepared in compliance with CEQA and the approval of the Project;
16. Mailed notice of the Council's hearing to all residents and property owners within 300 feet of the Project Site on January ___, 2009;
17. Sent notice of the Council's hearing to all organizations and individuals who had previously requested notification of anything having to do with the Project on January ___, 2009; and
18. Held a public hearing of the Council on January ___, 2009, and, after full consideration of all comments, written and oral, certified that the Final EIR had been completed in compliance with CEQA and approval of the Project.

All of the documents identified above and all of the documents which are required to be part of the record pursuant to Public Resources Code § 21167.6(e) are on file with the City's Community Development Department, Planning Division, located at 14177 Frederick Street, Moreno Valley, CA 92552-0805. Questions should be directed to Mark Gross, AICP, Senior Planner, in the Division.

A. INDEPENDENT JUDGMENT FINDING

Finding: The Final EIR for the Project reflects the City's and the Council's independent judgment and analysis.

Factual Basis for the Finding: The EIR was prepared by Michael Brandman Associates, an independent consulting firm, under the supervision and direction of Planning Division staff of

the City's Community Development Department and was thoroughly reviewed by the Chambers Group, an expert consultant hired by the City to provide independent peer review and assure the exercise of thorough and independent review and judgment by the City. The Council, as the City's final decision making body for the Project, received and reviewed the Final EIR and the comments, both written and oral, provided by public agencies and members of the public prior to certifying that the Final EIR complied with CEQA. The participation of City Staff in selection and approval of Michael Brandman Associates as the EIR Consultant, the professional qualifications and reputation of the EIR Consultant, the supervision and direction of the EIR Consultant by the City Staff, the thorough and independent review of the Draft and Final EIRs, including comments and responses to comments, by both the City Staff and the Chambers Group and the review and careful consideration by the City Council of the Final EIR, comments and responses to comments all conclusively show that the Final EIR is the product of and reflects the independent judgment and analysis of the City as the Lead Agency, and of the City Council as its governing body.

B. FINDING OF THE ABSENCE OF ANY NEED TO RECIRCULATE THE FINAL EIR

Finding: The Council finds that the Final EIR does not add significant new information to the Draft EIR that would require recirculation of the Project EIR.

Factual Basis for the Finding: The Council recognizes that the Final EIR incorporates information obtained and produced after the Draft EIR was completed and that the Final EIR contains additions, clarifications and minor modifications to the Draft EIR. The Council has reviewed and considered the Final EIR and all of the information contained in it and has determined that the new information added to the Final EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact nor a feasible

mitigation measure or an alternative considerably different from others previously analyzed that the Project applicant declined to adopt and that would clearly lessen the significant environmental impacts of the Project. No information provided to the Council indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR.

C. GENERAL TREATMENT OF MITIGATION MEASURES

It is the Council's intention to adopt all mitigation measures recommended by the Final EIR. If a measure has been omitted from the Conditions of Approval, from the Findings or from the Mitigation Monitoring Program (the "MMP"), a copy of which is attached as Exhibit A and which is hereby adopted, that mitigation measure shall be deemed to be adopted pursuant to this paragraph.

In addition, all Conditions of Approval and the MMP repeating or rewording mitigation measures recommended in the Final EIR are intended to be substantially similar to the mitigation measures as stated in the Final EIR and are found to be equally effective in avoiding or lessening the identified environmental impact.

IV. ENVIRONMENTAL IMPACTS AND FINDINGS

Based on the Initial Study, Appendix A.2 to the Draft EIR, and the responses to the Notice of Preparation, the EIR analyzed 16 potential areas where significant environmental impacts could result from the development of the Project. Five of those, aesthetics, agricultural resources, air quality, noise and global climate change and greenhouse gases, were found to have significant and unavoidable environmental impacts after the imposition of all feasible mitigation measures. The remaining 11 areas, biology, cultural resources, geology, hazards and hazardous materials, hydrology, land use and planning, mineral resources, population, housing and employment, public services, transportation and traffic and utilities and service systems were found to have either no significant and unavoidable environmental impacts or that the environmental impacts could be mitigated into a level of insignificance. The description of each environmental area, the potential impacts and the feasible mitigation measures are set forth in Sections 5 and 6 of the Draft EIR together with the changes and additions set forth in Section 4 of the Final EIR.

A. IMPACTS IDENTIFIED IN THE EIR AS LESS THEN SIGNIFICANT REQUIRING NO MITIGATION

1. AESTHETICS

- a. Potential Significant Impact:** Damage to scenic resources (Impact 5.1-2)

Finding: The Project will not substantially damage scenic resources, including, but not limited to trees, rock outcroppings and historic buildings visible from a State scenic highway.

Factual Basis for the Finding: As discussed in Sections 5.1 and 5.2 of the Draft EIR and as shown in the Aesthetics Assessment, Appendix M.1 to the Draft EIR, the Project Site is flat, having been used for farming in the past and contains no trees, rock outcroppings or historic buildings within any State scenic highway.

- b. Potential Significant Impact:** Degradation of the existing visual character or quality of the Project Site and its surroundings (Impact 5.1-3)

Finding: The Project will not substantially degrade the existing visual character or quality of the Project Site or its surroundings.

Factual Basis for the Finding: As discussed on pages 5.1-25-26 of the Draft EIR, the development of the Project will introduce urban development into an area of the City that has historically been used for ranching and agricultural purposes. However, the City's General Plan has identified the Project Site for business park and commercial development with the recognition that the visual attributes of the Project Site will change. That change is a continuation of planned development that is visually compatible with the proposed future urbanization of the area surrounding the Project Site.

2. AGRICULTURAL RESOURCES

- a. Potential Significant Impact:** Conflict with existing zoning for agricultural use or a Williamson Act contract (Impact 5.2-2)

Finding: The Project does not conflict with existing zoning for agricultural use or a Williamson Act contract.

Factual Basis for the Finding: As discussed on page 5.2-5 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the Project Site is zoned as Business Park and Commercial and is not subject to a Williamson Act contract.

b. Potential Significant Impact: Conversion of other farmland to nonagricultural use (Impact 5.2-3)

Finding: The Project will cause changes in the existing environment which could result in the conversion of other farmland to nonagricultural use. However, such changes will not rise to a level of significance because the surrounding farmland is designated for development in the City's General Plan and is not suitable for farming in the long term in any event.

Factual Basis for the Finding: As discussed on page 5.2-6 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the Project Site and the area surrounding the Project Site are vacant and, in the past, have been used for dry land farming. However, the development of the Project would not, by itself, in any way limit the use of adjacent land for agricultural purposes. Moreover, the surrounding land is designated for urban use with the understanding that whatever limited agricultural use now exists will not continue to exist for much longer.

Moreover, as discussed on pages 5.2-1 and -6-7 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the City's General Plan recognizes that farming has become less economically viable because of the high cost of water, the cost of land and property taxes, conflicts with surrounding urban uses and the lack of agri-business support in the area. Although land near the Project Site does contain land which has been identified by the California Department of Conservation as suitable for farming, the absence of an agricultural "infrastructure" – crop managers, labor, farm implements and processing

facilities – in the vicinity, the cost of bringing suitable water to the Project Site, the cost of the water itself and the fact that the sale of the products which could be grown if water were available would not cover the costs of production means that the land near the Project Site cannot be realistically considered as an agricultural resource.

3. AIR QUALITY

- a. **Potential Significant Impact:** Conflict with, or obstruction of, implementation of the applicable air quality plan (Impact 5.3-1)

Finding: The Project will not conflict with, nor will it obstruct implementation of, the applicable air quality plan.

Factual Basis for the Finding: As discussed on pages 5.3-22-23 of the Draft EIR and in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, the Project is consistent with the Air Quality Management Plan prepared by the South Coast Air Quality Management District because, as set forth in Response 20-2 on page 3-94 of the Final EIR, the number of trips generated under the existing General Plan land use designation, which forms the basis for the Air Quality Management Plan, contemplates vehicle trips substantially in excess of those which will result once the Project is fully developed.

- b. **Potential Significant Impact:** Creation of objectionable odors (Impact 5.3-5)

Finding: The Project will not create objectionable odors affecting substantial numbers of people.

Factual Basis for the Finding: As discussed on page 5.3-54 of the Draft EIR and in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, the project will not contain land uses typically associated with emitting objectionable odors. Diesel exhaust and volatile organic compounds would be emitted during construction and operation of the project, which may be objectionable; however, emissions would disperse rapidly from the project site

and therefore will not be at a level that would induce any significant negative response.

4. BIOLOGICAL RESOURCES

- a. Potential Significant Impact:** Substantial adverse impact on habitat (Impact 5.4-2)

Finding: The Project will not have a substantial adverse affect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or the U.S.A. Fish and Wildlife Service.

Factual Basis for the Finding: As discussed on page 5.4-31 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site does not contain any riparian habitat nor does it contain any habitat for either sensitive plants or wildlife.

- b. Potential Significant Impact:** Substantial adverse effect on protected wetlands (Impact 5.4-3)

Finding: The Project will not have any effect on federally protected wetlands as defined by Section 404 of the Clean Water Act.

Factual Basis for the Finding: As discussed on page 5.4-31 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis and the Delineation of Jurisdictional Waters and Wetlands, Tentative Parcel Map No. 35629 and Associated Offsite Areas, Appendices C.1 and C.2 to the Draft EIR, there are no wetlands or wetland vegetation on the Project Site.

- c. Potential Significant Impact:** Interference with migratory wildlife corridors (Impact 5.4-4)

Finding: The Project will not interfere with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors nor impede the use of native wildlife nursery sites.

Factual Basis for the Finding: As discussed on pages 5.4-31-32 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, no wildlife movement corridors occur on, or directly adjacent to, the Project Site nor will there be any impact on native wildlife nursery sites because no such sites were observed on, or directly adjacent to, the Project Site.

4. GEOLOGY AND SOILS

- a. **Potential Significant Impact:** Exposure of people or structures to potential substantial adverse effects (Impact 5.6-1)

Finding: The Project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: (i) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the Project Site or based on other substantial evidence of a known fault; (ii) strong seismic ground shaking; (iii) seismic-related ground failure, including liquefaction; and (iv) landslides.

Factual Basis for the Finding: As discussed on pages 5.6-1-15 and Responses 15-1-5 on pages 3-137-138 of the Final EIR and in the geotechnical studies, Appendix F to the Draft EIR, the Project Site is not located in an area that is underlain by any active fault segments although there may be unnamed fault splays nearby. The Project Site is located in an area where there is a moderate potential for liquefaction. However, liquefaction occurs only when groundwater is present within 50 feet of the surface, something which exploratory wells have shown does not occur on the Project Site. The combination of required setbacks and adherence to the structural design requirements set forth in the California Building Code means that the chances of substantial adverse effects will be no greater on the Project Site than anywhere else in Southern California.

Although no mitigation is required to reduce any significant impact, Mitigation Measure GEO-1, set forth on page 4-52 of the Final EIR, has been imposed as a condition of Project approval to ensure that any fault features found on the Project Site will be suitably dealt with.

- b. Potential Significant Impact:** Substantial soil erosion or loss of top soil (Impact 5.6-2)

Finding: The Project will not result in substantial soil erosion or the loss of topsoil.

Factual Basis for the Finding: As discussed on page 5.6-15 of the Draft EIR, the Project Site has a gentle slope which does not have a high erosion potential. The fine sandy soil on the Site does have a potential for wind erosion but standard best management practices and air quality emission dust controls during grading will ensure that the soils are properly moistened during high wind conditions. Topsoil on the Site will be lost due to the construction of the Project. However, because the Project Site will ultimately be converted to urban uses and no longer available for agricultural production, the loss of the topsoil will not result in any significant impact.

- c. Potential Significant Impact:** Unstable geologic location (Impact 5.6-3)

Finding: The Project will not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the Project and will not potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse.

Factual Basis for the Finding: As discussed on pages 5.6-1-10 and -15 of the Draft EIR and in the geotechnical studies, Appendix F to the Draft EIR, and in subsection IV.4.a. above, no evidence of geologic instability underlying the Project Site has been identified as a result of the geotechnical investigations carried out on the Site. Moreover, the development of the Project will be subject to the City's Grading Ordinance and the California Building Code, both of which are designed to deal with potential problems of geologic instability.

- d. Potential Significant Impact:** Location of the Project on expansive soil (Impact 5.6-4)

Finding: The Project will not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), nor will it create substantial risk to life or property.

Factual Basis for the Finding: As discussed on page 5.6-16 of the Draft EIR and in the geotechnical studies, Appendix F to the Draft EIR, limited laboratory tests of the soils at the Project Site at shallow depth show that they have a low expansion potential. Moreover, the Project will be required to comply with the City's Grading Ordinance and the California Building Code, both of which are designed to deal with the potential of expansive soils.

e. Potential Significant Impact: Wastewater disposal systems (Impact 5.6-5)

Finding: Wastewater disposal will have no effect on the soils on the Project Site.

Factual Basis for the Finding: As discussed on page 5.6-16 of the Draft EIR, the Project will be connected to wastewater service provided by the Eastern Municipal Water District and no septic tanks will be used.

f. Potential Significant Impact: Cumulative impacts on geology and soils

Finding: Cumulative impacts on geology and soils caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on page 6-12 of the Draft EIR, the physical development of other land will be subject to the same strict safeguards applicable to the development of the Project Site. Further, impacts to geology and soils are site specific so that a problem on one site does not contribute to problems on other sites.

5. HAZARDS AND HAZARDOUS MATERIALS

a. Potential Significant Impact: Hazardous emissions within one-quarter mile of an existing or proposed school (Impact 5.7-2)

Finding: The Project will not emit hazardous emissions nor will it handle hazardous or acutely hazardous materials, substances or wastes within one-quarter mile of an existing or proposed school.

Factual Basis for the Finding: As discussed on page 5.7-9 of the Draft EIR and in the letter from Jeff Hoskinson dated April 21, 2008, Appendix L to the Draft EIR, the nearest school site, the Calvary Chapel Christian School, is located

approximately 1.3 miles northwest of the Project Site. Two school sites which had previously been considered by the Moreno Valley Unified School District within one-quarter mile of the Project Site have been abandoned.

b. Potential Significant Impact: Safety hazard due to proximity to an airport (Impact 5.7-3)

Finding: The Project will not result in a safety hazard for people residing or working in the area due to the proximity of an airport or private airstrip.

Factual Basis for the Finding: As discussed on page 5.7-19 of the Draft EIR, the nearest airport or private airstrip is March Air Force Base which is located approximately 7.3 miles southwest of the Project Site. The Site is not within any airport land use plan area.

c. Potential Significant Impact: Impairment or interference with an adopted emergency response plan (Impact 5.7-4)

Finding: The Project's implementation will not impair or physically interfere with any adopted emergency response plan or any emergency evacuation plan.

Factual Basis for the Finding: As discussed on pages 5.7-9-10 of the Draft EIR, the Project Site is located on the City's urban fringe and does not interfere with access to any other area. Emergency access to the Project Site will be available from both Redlands Boulevard and Theodore Street along future Eucalyptus Avenue for all three Phases of the Project.

d. Potential Significant Impact: Exposure to wildland fires (Impact 5.7-5)

Finding: The development of the Project will not expose people or structures to significant risk of loss, injury or death involving wildland fires.

Factual Basis for the Finding: As discussed on page 5.7-10 of the Draft EIR, the Project Site is located in an area which is currently undeveloped and actively dry farmed. No heavy natural vegetation exists in the area surrounding the Site, the surrounding areas cannot be characterized as wildlands nor is the Project Site located in an area identified as a high fire area by Riverside County. The

closest high fire area is approximately eight-tenths of a mile west of the Site.

6. HYDROLOGY AND WATER QUALITY

- a. **Potential Significant Impact:** Violation of water quality or waste discharge standards (Impact 5.8-1)

Finding: The Project will not violate any water quality standards nor any waste discharge standards nor will it otherwise degrade water quality.

Factual Basis for the Finding: As discussed on pages 5.8-11-15 of the Draft EIR, as modified on page 4-56-57 of the Final EIR, and in the Logistics Building Runoff Management Plan and the Project Specific Preliminary Water Quality Management Plan, Appendices H.1 and H.2 to the Draft EIR, the Project applicant will be required to prepare a Stormwater Pollution Prevention Plan (“SWPPP”) that conforms to the State Water Resources Control Board’s National Pollutant Discharge Elimination System permit prior to the issuance of grading or construction permits. The SWPPP will identify best management practices to prevent construction related pollutants from reaching stormwater and all products of erosion from moving off-site. Conformance with the mandatory requirements of the SWPPP will ensure that no substantial degradation of water quality associated with the short-term construction activities will occur.

Long-term operational stormwater quality concerns will be managed pursuant to a City approved Water Quality Management Plan for the Project Site. The Plan requires the construction of a stormwater conveyance system that will include a series of extended detention basins, which will also serve as infiltration basins, with catch basin inserts for the removal of trash. The result will be a significant reduction in pollutant loads in the stormwater runoff from the Project Site which might otherwise reach surface water bodies.

- b. Potential Significant Impact:** Depletion of groundwater supplies or interference with groundwater recharge (Impact 5.8-2)

Finding: The Project will not substantially deplete groundwater supplies nor will it interfere substantially with groundwater recharge.

Factual Basis for the Finding: As discussed on page 5.8-15 of the Draft EIR, and in the geotechnical studies, Appendix F to the Draft EIR, development of the Project Site will increase the amount of impervious area on the Site. However, because groundwater is located more than 110 feet below the existing ground surface, existing recharge is currently minimal. Stormwater runoff from the Project Site will be released into existing downstream drainage areas which will continue to allow runoff from the Site to percolate into the soil.

- c. Potential Significant Impact:** Alteration of existing drainage patterns resulting in substantial erosion, siltation or flooding on- or off-site (Impact 5.8-3)

Finding: The Project will not substantially alter the existing drainage pattern in a manner which would result in substantial erosion, siltation or flooding on- or off-site.

Factual Basis for the Finding: As discussed on pages 5.8-16-18 of the Draft EIR, as modified on page 4-58 of the Final EIR, and in the Logistics Building Runoff Management Plan and the Project Specific Preliminary Water Quality Management Plan, Appendices H.1 and H.2 to the Draft EIR, the best management practices requirement of the SWPPP will ensure that runoff from the Project Site, including siltation, will be cleaned and delivered into existing off-site drainage channels in an amount which will not exceed predevelopment flows.

The Project Site is located in an area which is subject to a 500-year flood or a 100-year flood with an average flooding depth of less than one foot. The Project's detention basins will be utilized to reduce the 100-year peak storm flows to levels at or below existing peak discharges for the Project Site. Thus, the

development of the Project will not add to the potential for flooding on- or off-site.

- d. Potential Significant Impact:** Creation or contribution of runoff waters exceeding the capacity of existing or planned drainage systems or resulting in substantial additional sources of polluted runoff (Impact 5.8-4)

Finding: The Project will not create, nor will it contribute to, runoff water which would exceed the capacity of existing or planned stormwater drainage systems nor will it provide substantial additional sources of polluted runoff.

Factual Basis for the Finding: As discussed on pages 5.8-17-18 of the Draft EIR, as modified on page 4-38 of the Final EIR, and in the Logistics Building Runoff Management Plan and the Project Specific Preliminary Water Quality Management Plan, Appendices H.1 and H.2 to the Draft EIR, development of the Project Site will increase the impervious surface and would, in the absence of suitable improvements, result in increased stormwater runoff. However, because of the drainage improvements discussed in Section 5.8 of the Draft EIR, stormwater runoff from the Project Site will be less than, or equal to, the peak discharges under existing conditions. Further, the Project's treatment of stormwater runoff, discussed in subsection IV.7.a. above, will ensure the absence of pollutants leaving the Project Site.

- e. Potential Significant Impact:** The location of housing within a 100-year flood hazard area (Impact 5.8-5)

Finding: The Project will not place housing or other structures within a 100-year flood hazard area.

Factual Basis for the Finding: As discussed on page 5.8-18 of the Draft EIR, the Project will not contain any housing and the Project Site is not located within a 100-year flood hazard area.

- f. Potential Significant Impact:** Exposure of people or structures to significant risk of loss, injury or death involving flooding (Impact 5.8-6)

Finding: The Project will not expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or a dam.

Factual Basis for the Finding: As discussed on page 5.8-18 of the Draft EIR, the nearest dam is approximately five miles downstream of the Project Site so that there is no risk from dam failure. Further, there are no levees located anywhere in the vicinity of the Project Site.

g. Potential Significant Impact: Inundation by seiche, tsunami or mud flow (Impact 5.8-7)

Finding: The Project Site will not be subject to inundation by seiche, tsunami or mud flow.

Factual Basis for the Finding: As discussed on pages 5.8-18-19 of the Draft EIR, the Project Site is not located near the Pacific Ocean nor any large body of water. Therefore, neither tsunamis nor seiches, which are defined as standing waves in a partially enclosed body of water, present any hazard to the Project Site. Further, the Site and its surrounding vicinity is relatively flat and the nearest foothills are more than a mile away so that the potential for a mud flow affecting the Site is remote.

h. Potential Significant Impact: Cumulative impacts on hydrology and water quality

Finding: Cumulative impacts on hydrology and water quality caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on page 6-14 of the Draft EIR, the EIR prepared for the City's General Plan found that the development of the Project Site and surrounding areas has the potential to increase flooding, erosion, stormwater pollutants. These impacts will be avoided through the implementation of required Best management Practices on a project by project basis in accordance with the national Pollutant Discharge Elimination Stormwater Permit and Water Quality Management Plans. All flood control measures and infrastructure maintenance will be required to comply

with either the Riverside County Flood Control and Water Conservation District's or the City's standard engineering practices. Additionally, all new development will be required to build master drainage plan facilities and/or pay fees which will be used to build them.

7. LAND USE AND PLANNING

- a. **Potential Significant Impact:** Physical division of an established community (Impact 5.9-1)

Finding: The Project will not physically divide an established community.

Factual Basis for the Finding: As discussed on page 5.9-16 of the Draft EIR, there is no established community in the Project area at the present time. Further, the existing General Plan designates the Project Site for nonresidential development.

- b. **Potential Significant Impact:** Cumulative impacts on land use and planning

Finding: Cumulative impacts on land use and planning caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-14-16 of the Draft EIR, the changes in land use for the Project Site will produce fewer jobs than currently projected based on the development contemplated by the existing General Plan designation and zoning but will still increase the City's job/housing ratio. Further, the impacts resulting from changes in land use are site specific so that a change of use on one site does not contribute to a change of use on other sites.

8. MINERAL RESOURCES

- a. **Potential Significant Impact:** Loss of a known valuable mineral resource (Impact 5.10-1)

Finding: The Project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

Factual Basis for the Finding: As discussed on page 5.10-3 of the Draft EIR, there are no known mineral resources on the Project Site.

- b. Potential Significant Impact:** Loss of availability of a locally-important mineral resource recovery site (Impact 5.10-2)

Finding: The Project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on the City's General Plan or any other land use plan.

Factual Basis for the Finding: As discussed on page 5.10-3 of the Draft EIR, the Project Site is not identified on any land use plan as containing any locally-important mineral resource recovery site.

- c. Potential Significant Impact:** Cumulative impacts on mineral resources

Finding: Cumulative impacts on mineral resources caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant

Factual Basis for the Finding: As discussed on pages 6-16-17 of the Draft EIR, there are no mineral resources located on the Project Site so the development of the Project will not have any impact on mineral resources. Further, impacts to mineral resources are site specific so that a problem on one site does not contribute to problems on other sites.

9. NOISE

- a. Potential Significant Impact:** Exposure of people to noise levels in excess of applicable standards or a substantial permanent noise increase in the vicinity of the Project (Impact 5.11-1)

Finding: The Project will not expose people to noise levels in excess of applicable standards. The Project will produce a permanent noise increase in the vicinity of the Project Site but will not result in any significant impact.

Factual Basis for the Finding: As discussed on pages 5.11-17-24 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, the Project will result in a permanent noise increase in the vicinity of the Project Site because the Site is currently vacant. Traffic servicing the Project Site will

add to the existing noise along Redlands Boulevard and Theodore Street between future Eucalyptus Avenue and SR-60. However, there are no sensitive receptors along either of these street segments which would be adversely affected by the increased noise. Any residential development on land south of future Eucalyptus Avenue will require a sound study, which will review the physical layout of the development, and, if noise problems are found, will require the imposition of appropriate noise reduction measures to ensure that the noise impacting future residents will not exceed that allowed by the City's Municipal Code.

The buildings housing the Project's logistics and commercial uses will be serviced by loading docks and other accessory equipment which will operate outside of the buildings. If adjacent to residential and other sensitive land uses, these activities could result in adverse noise impacts. However, all of the Project related activities will be separated from surrounding areas by surface streets or SR-60. The traffic generated noise on these roadways will be much greater than noise generated on the Project Site and will, therefore, completely mask any such noise. Further, noise generated on the Project Site will be under 65 CNEL, the City's noise standard for residential areas, for all areas zoned for residential development.

- b. Potential Significant Impact:** Exposure of people to excessive ground borne vibration or noise (Impact 5.11-2)

Finding: The Project will not expose people to, nor will it generate, excessive ground borne vibration or noise.

Factual Basis for the Finding: As discussed on page 5.11-24 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, the grading and construction associated with the development of the Project will not require pile drivers, blasting or other vibration causing equipment or events. Rubber tired vehicles, such as the trucks and cars which will be servicing the Project, generally do not cause significant vibration.

- c. **Potential Significant Impact:** Exposure of people to excessive noise levels from airports (Impact 5.11-4)

Finding: People working on the Project Site will not be subjected to excessive noise levels as a result of the Site being located within an airport land use plan area or within two miles of a public or public use airport.

Factual Basis for the Finding: As discussed on page 5.11-26 of the Draft EIR, the Project Site is not located within an airport land use plan area nor is it located within two miles of a public or public use airport.

- d. **Potential Significant Impact:** Excessive noise levels due to the proximity of a private airstrip (Impact 5.11-5)

Finding: People working on the Project Site will not be subjected to excessive noise levels as a result of the Site being located within the vicinity of a private airstrip.

Factual Basis for the Finding: As discussed on pages 5.7-9 and 5.11-26 of the Draft EIR, the nearest airport is more than seven miles away from the Project Site and there are no known private airstrips in the vicinity. Therefore, the Project Site will not be subject to excessive noise levels from aircraft.

10. POPULATION, HOUSING AND EMPLOYMENT

- a. **Potential Significant Impact:** The inducement of substantial population growth in the Project area (Impact 5.12-1)

Finding: The Project will not, directly or indirectly, induce substantial population growth in the Project area through the introduction of homes or businesses nor through the extension of roads or other infrastructure.

Factual Basis for the Finding: As discussed on page 5.12-3 of the Draft EIR, approximately 2,000 jobs will be generated by the development of the Project. It is expected that most of the workers will reside in the local area. There is a sufficient housing supply already in existence to accommodate those employees who will move into the City.

The construction of future Eucalyptus Avenue, as well as the extension of public services and utilities, will primarily serve the Project Site and will not lead,

directly or indirectly, to any substantial population growth in the Project area. Adjacent properties may use future Eucalyptus Avenue, which will run between Redlands Boulevard and Theodore Street, but adjacent properties already have access to these two roadways.

- b. Potential Significant Impact:** Displacement of existing housing (Impact 5.12-2)

Finding: The Project will not displace existing housing nor will it necessitate the construction of replacement housing elsewhere.

Factual Basis for the Finding: As discussed on pages 5.12-3-4 of the Draft EIR, the Project Site does not have any housing on it.

- c. Potential Significant Impact:** Displacement of people (Impact 5.12-3)

Finding: The Project will not displace people nor will it necessitate the construction of replacement housing elsewhere.

Factual Basis for the Finding: As discussed on page 5.12-4 of the Draft EIR, the Project Site is currently vacant so that the development of the Project will not result in the displacement of anyone.

- d. Potential Significant Impact:** Cumulative impacts on population, housing and employment

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-23-24 of the Draft EIR, the development of the Project will help improve the City's jobs/housing imbalance by adding jobs but not housing. Development of other land will be pursuant to the City's existing General Plan, which contemplates a substantial increase in jobs and homes, and will not be affected by the development of the Project.

11. PUBLIC SERVICES

- a. Potential Significant Impact:** The provision of new or physically altered police facilities (Impact 5.13-1)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered police facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police services.

Factual Basis for the Finding: As discussed on pages 5.13-1-2 of the Draft EIR and in the letter from Moreno Valley's Police Chief, in Appendix L to the Draft EIR, the development of the Project may require an incremental increase in the need for police services but no new facilities will have to be constructed to provide that service which will be in the form of personnel and equipment which will be paid for out of general City revenues.

- b. Potential Significant Impact:** Adverse physical impacts associated with the provision of new or physically altered school facilities (Impact 5.13-3)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for school services.

Factual Basis for the Finding: As discussed on page 5.13-4 of the Draft EIR, the Project will not contain any homes and therefore will not house any school-age children and will not, therefore, create the need for new or altered school facilities. Further, the payment of school fees authorized by Government Code § 65995 would constitute full mitigation even if any additional needs were created.

- c. Potential Significant Impact:** Substantial adverse physical impacts associated with the provision of new or physically altered park facilities (Impact 5.13-4)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for park services.

Factual Basis for the Finding: As discussed on pages 5.13-5-6 of the Draft EIR, the Project is not expected to generate more than a few new residents in the City. The satisfaction of the park needs of those new citizens has already been accounted for as part of the City's projected population and residential growth in the existing General Plan. There are currently no City recreational facilities near the Project Site that would be used by employees.

d. Potential Significant Impact: Substantial adverse physical impacts associated with the provision of other new or physically altered other facilities (Impact 5.13-6)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of other new or physically altered other facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other services.

Factual Basis for the Finding: As discussed on page 5.13-6 of the Draft EIR, the Project is not expected to generate more than a few new residents in the City. The satisfaction of the other needs of those new citizens has already been accounted for as part of the City's projected population and residential growth in the existing General Plan. There are currently no other City facilities near the Project Site that would be used by employees.

e. Potential Significant Impact: Cumulative impacts on public services

Finding: Cumulative impacts caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-24-25 of the Draft EIR, the impacts on public services caused by the development of the Project will be less than significant. Development of other land will be pursuant to the City's existing General Plan, which incorporates the need for, and the provision of, public services and will not be affected by the development of the Project.

12. TRANSPORTATION AND TRAFFIC

- a. **Potential Significant Impact:** Exceeding a level of service set by a congestion management agency (Impact 5.14-2)

Finding: No roadway or highway subject to Riverside County's Congestion Management Plan will be significantly affected by Project traffic.

Factual Basis for the Finding: As discussed on pages 5.14-4 and -29-34 of the Draft EIR, as modified on pages 4-64-65 of the Final EIR, and in Traffic Study, Appendix J to the Draft EIR and in the Traffic Topical response, pages 3-145-163 of the Final EIR, the Project traffic will account for approximately 2% of the traffic at SR 60/I-215 which is less than the 3% level of significance threshold contained in the Riverside County Congestion Management Plan.

SR-60 is the only roadway or highway affected by the Project which is also subject to the Riverside County Congestion Management Plan. Two segments just east of the SR-60/I-215 intersection are currently, and will remain, at level of service F with or without Project traffic. However, while this exceeds the Riverside County Congestion Management Plan's level of service requirement of E, it is less than significant because the Project's contribution of approximately 2% is less than the 3% level of significance threshold.

- b. **Potential Significant Impact:** Increase in hazards due to a design feature or an incompatible use (Impact 5.14-3)

Finding: The Project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or an incompatible use (e.g., farm equipment).

Factual Basis for the Finding: As discussed on pages 5.14-34-35 of the Draft EIR, the Project Site will be served by large trucks. All roadways and entryways associated with the Project Site have been designed in accordance with standards provided by the City. Moreover, a separate northbound left-turn lane at the Theodore Street/SR-60

eastbound ramp will improve safety for truck operations over that currently existing.

The normal hazards associated with blind spots created when people in vehicles are in close proximity to large trucks and trailers will be substantially reduced because a single driveway will serve as a primary entrance for truck traffic serving the Project Site and potential blind spots will be addressed through the design feature of the individual driveways.

Finally, a Construction Management Plan will be implemented to address traffic during the grading and construction phases of the Project to ensure that construction traffic will not result in any hazards to the traveling public.

- c. **Potential Significant Impact:** Inadequate emergency access (Impact 5.14-4)

Finding: The Project will not result in inadequate emergency access.

Factual Basis for the Finding: As discussed on page 5.14-35 of the Draft EIR, the Project does not create any barriers between roadways and any other land use. Emergency access to the Project Site will be available over future Eucalyptus Avenue from both Redlands Boulevard and Theodore Street for all three Phases of the Project even though access from Redlands Boulevard will not be available to the general public until Phase 3.

- d. **Potential Significant Impact:** Conflict with adopted policies, plans or programs supporting alternative transportation (Impact 5.14-5)

Finding: The Project will not conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks, etc.).

Factual Basis for the Finding: As discussed on pages 5.14-35-39 of the Draft EIR, future Eucalyptus Avenue will be improved adjacent to the Project Site and will be suitable for a bus route should one be extended to the Site by the Riverside County Transit Agency. Further, a multi-use trail, suitable for pedestrians and bicyclists, will be

constructed adjacent to the Project Site on the north side of future Eucalyptus Avenue.

13. UTILITIES AND SERVICE SYSTEMS

- a. **Potential Significant Impact:** Exceeding wastewater treatment requirements (Impact 5.15-1)

Finding: The Project will not exceed wastewater treatment requirements set by the Regional Water Quality Control Board.

Factual Basis for the Finding: As discussed on pages 5.15-1 and –9 of the Draft EIR, the Project’s wastewater flows will be typical of those from commercial/retail facilities and, for the logistics facilities, would consist of domestic waste from employees. No effluents are expected that would exceed the treatment requirements set by the Regional Water Quality Control Board.

- b. **Potential Significant Impact:** Construction of new water and wastewater treatment facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects (Impact 5.15-2)

Finding: The Project will not require, nor result in, the construction of new water and wastewater treatment facilities nor the expansion of existing facilities, the construction of which could cause significant environmental effects.

Factual Basis for the Finding: As discussed on pages 5.15-2-5 and –9 of the Draft EIR, as modified on pages 4-65-68 of the Final EIR, no expansion of existing water and wastewater treatment facilities will be required to serve the Project Site.

- c. **Potential Significant Impact:** Construction of new stormwater drainage facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects (Impact 5.15-3)

Finding: The Project will not require, nor will it result in, the construction of new stormwater drainage facilities nor will it require, nor result in, the expansion of existing facilities, the construction of which could cause significant environmental effects.

Factual Basis for the Finding: As discussed in Section 5.8 and page 5.15-9 of the Draft EIR, as modified by pages 4-55-58 of the Final EIR, the Project's new stormwater drainage facilities will decrease stormwater runoff from the Project Site compared to that which currently exists and will also significantly reduce the pollutant load of stormwater runoff over that which currently exists.

d. Potential Significant Impact: Adequacy of water supplies available to serve the Project (Impact 5.15-4)

Finding: Sufficient water supplies are available to serve the Project from existing resources so that neither new nor expanded entitlements are required.

Factual Basis for the Finding: As discussed on pages 5.15-2-5, 9-11 and 14-15 of the Draft EIR, as modified on pages 4-67-68 of the Final EIR, and the March 5, 2008, Water Supply Assessment prepared for the Project by the water provider, the Eastern Municipal Water District (the "EMWD") as corrected by the June 4, 2008, letter from the EMWD, Appendix K.2 to the Draft EIR, the Project, at build out, will use just over 140 acre feet of potable water per year. The Water Supply Assessment, which was prepared pursuant to SB610, took into consideration the October, 2007, reduction in water from Northern California through the State Water Project which substantially reduced the amount of water available to Southern California. After taking that information into consideration, the EMWD determined that "it will be able to provide adequate water supply to meet the potable water demand for Tentative Parcel Map 35629, in addition to existing and future uses." (Page 33 of the Water Supply Assessment.)

Further, existing water infrastructure currently exists which, with the addition of a 12 inch pipeline to the Project Site from an existing water line located south of and adjacent to SR-60, west of Redlands Boulevard, will allow water to be brought to the Project Site.

Although no mitigation is required to reduce any significant impact, Mitigation Measure W-1, set forth on pages 5.15-14-15 of the Draft EIR, which requires the preparation of a planting and irrigation for the

City's review and approval, has been imposed as a condition of Project approval to ensure further reduction of water used for landscaping.

- e. **Potential Significant Impact:** Adequacy of wastewater treatment capacity (Impact 5.15-5)

Finding: Adequate wastewater treatment capacity exists to serve the Project in addition to existing commitments.

Factual Basis for the Finding: As discussed on pages 5.15-1 and -11 of the Draft EIR, the Project will generate approximately 61,680 gallons of wastewater per day. The EMWD's Moreno Valley Regional Water Reclamation Facility has a capacity to treat 16,000,000 gallons of wastewater per day with the ability to expand to 41,000,000 gallons per day. The current utilization is approximately 11,200,000 gallons per day.

An existing sewer line will be extended along Redlands Boulevard and then easterly along future Eucalyptus Avenue to serve the Project Site.

- f. **Potential Significant Impact:** Insufficient landfill capacity to accommodate the Project's solid waste disposal needs (Impact 5.15-6)

Finding: Adequate landfill capacity exists to accommodate the Project's solid waste disposal needs.

Factual Basis for the Finding: As discussed on pages 5.15-6-7 and -11-12 of the Draft EIR, the Project, at build out, will generate just under 129 tons of solid waste per day. The City currently has available to it three landfills. The three landfills have a total capacity to accept solid waste of just under 14,600 tons per day, a minimum of 3,820 tons per day of which is not currently being used. The total remaining capacity in the three landfills is approximately 134,200,000 tons with sufficient capacity for the next 10 to 15 years with the ability to expand for another 15 years after that.

- g. Potential Significant Impact:** Compliance with federal, state and local statutes and regulations related to solid waste capacity (Impact 5.15-7)

Finding The Project will comply with federal, state and local statutes and regulations related to solid waste capacity.

Factual Basis for the Finding: As discussed on page 5.15-12 of the Draft EIR, the City has regulations which govern the disposal of solid waste. Skechers, the tenant for the building to be constructed on the Parcel 1, has instituted a significant recycling program at its current locations which will be continued upon relocation to the Project Site. Further, recycled material will be used to the greatest extent practicable in the construction of the Project.

- h. Potential Significant Impact:** Sufficiency of electrical service for the Project (Impact 5.15-8)

Finding: The Project will be provided with sufficient electrical service.

Factual Basis for the Finding: As discussed on pages 5.15-7-8, -12-14 and 5.16-11-13, as modified on pages 4-68-69 of the Final EIR, the Project will use approximately 3.7 megawatts of electricity which will be provided by the City of Moreno Valley Utilities. The substation which will serve the Project Site has a current capacity of 56 megawatts, expandable to 112 megawatts, with a current peak load of 15 megawatts.

Although no mitigation is required to reduce any significant impact, Mitigation Measure GCC-1 through GCC-4, set forth on page 5.16-11 of the Draft EIR, which require increased energy efficiency, the use of “cool” roofs and paints, the production of energy on-site through the use of alternate, renewable energy sources and the use of energy efficient appliances and systems, and GCC-9, set forth on page 5.15-13 of the Draft EIR, as modified on page 4.20 of the Final EIR, which requires LEED certification, have been imposed as conditions of Project approval to ensure greater reductions in energy used by the Project.

- i. **Potential Significant Impact:** Cumulative impacts on utilities and service systems

Finding: Cumulative impacts on utilities and service systems caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-32-33 of the Draft EIR and in subsections I.V.A.14.a-h above, the Project's impacts on water and wastewater treatment requirements and capacity, stormwater drainage facilities, water supply availability, solid waste disposal capacity and availability of electricity at build out will be less than significant. The Projects impacts on each of these utilities and public services has already been factored in to long term needs and requirements so that its cumulative impacts will also be less than significant.

B. IMPACTS IDENTIFIED IN THE EIR AS POTENTIALLY SIGNIFICANT THAT HAVE BEEN MITIGATED TO LESS THAN SIGNIFICANT

1. AESTHETICS

- a. **Potential Significant Impact:** Creation of a new source of substantial light or glare which would adversely affect day or nighttime views in the area (Impact 5.1-4)

Finding: The Project has the potential of creating a new source of substantial light or glare which would adversely affect day or nighttime views in the area. However, with the imposition of Mitigation Measure A-1, which requires limitations on night time lighting during construction, and compliance with existing City ordinances, standards and regulations, the impact will be less than significant.

Factual Basis for the Finding: As discussed on pages 5.1-26-35 of the Draft EIR, the lighting associated with the operation of the Project will be required to comply with all of the City's lighting regulations and will therefore result in a less than significant impact. Nighttime lighting during the Project's construction has the potential to create temporary new sources of light and glare that will emanate from the Project Site. Requiring the use of directional lighting, shielding and other similar measures will ensure that the impact will be less than

significant. Accordingly, Mitigation Measure A-1, set forth on page 5.1-35 of the Draft EIR, has been imposed as a condition of approval of the Project.

2. BIOLOGICAL RESOURCES

- a. **Potential Significant Impact:** Substantial adverse effect on federally and California protected and special-status plant and wildlife (Impact 5.4-1)

Finding: The Project Site contains moderately suitable habitat for the Stephens' kangaroo rat, the burrowing owl and for ground-, tree- and shrub-nesting birds, all of which could be adversely affected by the development of the Project. The imposition of Mitigation Measures BR-1 through BR-3, which require the protection of birds which might be found on the Project Site and the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-1-31 and -35-36 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site contains moderately suitable habitat for several federally and state protected plants and wildlife which would be affected directly, and through the loss of habitat, indirectly, as a result of the development of the Project. However, a pre-construction survey of the Project Site, avoidance of activities which would affect nesting sites and payment of the mitigation fee called for under the Stephens' Kangaroo Rat Habitat Conservation Plan will ensure that the impacts will be less than significant. Accordingly, Mitigation Measures BR-1, BR-2 and BR-3, set forth on pages 5.4-34-35 of the Draft EIR, have been imposed as conditions of approval of the Project.

- b. **Potential Significant Impact:** Conflict with local policies or ordinances protecting biological resources (Impact 5.4-5)

Finding: The Project Site is located within an area which is subject both to the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan so that the development of the Project has the potential to adversely affect biological resources. The imposition of

Mitigation Measures BR-2 through BR-4, which require the protection of birds which might be found on the Project Site and the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat and the species protected under the Multiple Species Habitat Conservation Plan, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-32-33 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site is located within an area which is subject both to the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan. However, with respect to both Plans, the Project Site is located in an area which calls for the payment of mitigation fees which have been determined to be full mitigation for the impacts which may occur. Accordingly, Mitigation Measures BR-2, BR-3 and BR-4, set forth on pages 5.4-34-35 of the Draft EIR, have been imposed as conditions of approval of the Project.

- c. **Potential Significant Impact:** Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan (Impact 5.4-6)

Finding: The Project Site lies within an area subject to the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan. The development of the Project could significantly affect the species and their habitats protected by the two Plans. However, the imposition of Mitigation Measures BR-2, which requires the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat, and BR-4, which requires the payment of mitigation fees which will be used to protect the species protected under the Multiple Species Habitat Conservation Plan, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-1-33-34 of the Draft EIR and the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site is located in an area subject to both Plans. However, both Plans identify the Project Site as an area where the payment of mitigation fees will fully mitigate any impact which might otherwise occur.

Accordingly, Mitigation Measures BR-2 and BR-4, set forth on pages 5.4-34-35 of the Draft EIR, have been imposed as conditions of approval of the Project.

- d. **Potential Significant Impact:** Cumulative impacts on biological resources

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, could result in significant and adverse impacts to biological resources. However, the imposition of Mitigation Measures BR-1 through BR-4, which require the protection of birds which might be found on the Project Site, the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat and the species protected under the Multiple Species Habitat Conservation Plan, and compliance by other projects with the requirements of the Multiple Species Habitat Conservation Plan and The Stephens' Kangaroo Rat Conservation Plan will reduce the impacts to less than cumulatively considerable and thus to less than significant.

Factual Basis for the Finding: As discussed on pages 6-10-11 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, substantial amounts of land in the vicinity of the Project contain habitat beneficial to various species. However, the land is also within the areas subject to the Multiple Species Habitat Conservation Plan and The Stephens' Kangaroo Rat Conservation Plan, both of which are designed to protect habitat and species. The imposition of Mitigation Measures BR-1 through BR-4, discussed in subsections IV.2.a-c above, on the Project and the compliance of other projects with the requirements of the two plans will ensure that the impacts on biological resources will be reduced to less than significant.

3. CULTURAL RESOURCES

- a. **Potential Significant Impact:** Substantial change in the significance of an historical or archeological resource pursuant to CEQA Guideline § 15064.5 (Impact 5.5-1)

Finding: Although no known cultural resources are located on the Project Site, 14 cultural resources have been identified within one mile of the Site so that

development of the Project could have a significant impact on cultural resources. However, the imposition of Mitigation Measures CR-1 through CR-4, which require a City approved archeologist to oversee cultural resource mitigation monitoring while earth moving activities are taking place on the Project Site and which set forth the procedures to be followed if archeological resources are encountered, including consultation with the appropriate culturally affiliated native American Tribe, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.5-1-7 of the Draft EIR and the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, the Project Site does not contain any prehistoric sites or isolated artifacts. However, a record search indicated that 14 cultural resources are located within one mile of the Site. The Project Site has been plowed for many years and it is possible that cultural resources might be found once grading begins. Requiring continuing archeological review and monitoring, in cooperation with the representative of a City designated Tribe, will reduce the impact to less than significant. Accordingly, Mitigation Measures CR-1, CR-2, CR-3 and CR-4, set forth on page 5.5-8 of the Draft EIR, as modified on pages 4-9-10 of the Final EIR, which will ensure adequate protection of any cultural resources which may be found during grading of the Project Site, have been imposed as conditions of approval of the Project.

- b. **Potential Significant Impact:** Destruction of a unique paleontological resource or site or unique geologic feature (Impact 5.5-2)

Finding: There are no unique paleontological resource or unique geologic features on the Project Site. However, the impact of the development of the Project on paleontological resources is considered significant because there is a moderate possibility that paleontological resources exist because the geological feature underlying the Project Site has a high potential to contain such resources. However, the imposition of Mitigation Measure CR-5, which require a City approved paleontologist to oversee paleontological resource mitigation monitoring while earth moving activities are taking place on the Project Site and which sets forth the procedures to be followed if paleontological resources are encountered, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.5-6-7 of the Draft EIR and in the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, a literature search indicated that no paleontological resources have been identified on the Project Site. However, the Project Site is situated upon a geologic feature which is highly sensitive for fossil resources. Accordingly, Mitigation Measure CR-5, set forth on page 5.5-9 of the Draft EIR, as modified on page 4-10 of the Final EIR, which will ensure adequate protection of any paleontological resources which may be found during grading of the Project Site, has been imposed as a condition of approval of the Project.

- c. **Potential Significant Impact:** Disturbance of human remains, including those interred outside of formal cemeteries (Impact 5.5-3)

Finding: The location of human remains within the Project Site would be a significant impact even though no human remains have been identified on the Site nor are any expected to be found. However, the imposition of Mitigation Measure CR-6, which requires compliance with the procedures set forth if human remains are encountered, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on page 5.5-7 of the Draft EIR and the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, no human remains have been located in or near the Project Site and none are expected. However, the Site is located in an area which has been inhabited by several Native American Tribes in the past and the possibility that human remains may be found on the Site cannot be rejected. Accordingly, Mitigation Measure CR-6, set forth on pages 5.5-9-10, as modified on pages 4-11-12 of the Final EIR, which will ensure adequate protection of any human remains which may be found during grading of the Project Site, have been imposed as conditions of approval of the Project.

- d. **Potential Significant Impact:** Cumulative impacts on cultural resources

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, could result in significant adverse impacts to

cultural resources. However, the imposition of Mitigation Measures CR-1 through CR-6, which require a City approved archeologist to oversee cultural resource mitigation monitoring, and a City approved paleontologist to oversee paleontological resources, while earth moving activities are taking place on the Project Site and which set forth the procedures to be followed if archeological or paleontological resources or human remains are encountered, including consultation with the appropriate culturally affiliated native American Tribe, will reduce the impacts to less than cumulatively considerable and thus to less than significant.

Factual Basis for the Finding: As set forth on pages 6-11-12 of the Draft EIR and in the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, no cultural resources have been found on or near the Project Site although cultural resources have been found within a mile of the Site and the Site itself lies within an area which has been historically used by several Native American Tribes. There therefore exists the possibility that cultural resources may be found on the Site once grading begins. However, Mitigation Measures CR-1 through CR-6, discussed in subsections IV.3.a-c above, which will ensure that the information associated with any cultural resources found on the Site will not be lost but will, instead, be available to be used in the context of cultural resources recovered from other, nearby sites, have been imposed as conditions of approval of the Project.

4. HAZARDS AND HAZARDOUS MATERIALS

- a. **Potential Significant Impact:** The creation of a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials (Impact 5.7-1)

Finding: Neither the construction nor the operation of the Project will create a significant hazard to the public or the environment through the routine transfer, use or disposal of hazardous materials. However, fire and smoke hazards and emissions from diesel powered trucks serving the Project can result in significant environmental and health hazards. However, the imposition of Mitigation Measures HH-1 through HH-4, which require compliance with fire safety design and construction standards, AQ-5, which requires the review and approval by the City of a construction travel plan, AQ-8, which requires the use of electrically powered equipment during

construction, AQ-10 through AQ-13, which require off-site construction to be limited to day light hours, posting signs prohibiting diesel idling for more than three minutes and prohibiting the establishment of sensitive receptors near the Project Site, and GCC-11, which prohibits heavy trucks from coming on to the Project Site if properly certified, will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 5.7-7-9 of the Draft EIR, the potentially hazardous materials that will be used in the construction and operation of the Project are all subject to substantial regulation in order to ensure that their use will not adversely affect the public health or safety.

Potential fire and smoke hazards associated with the Project, particularly given its size, could present a significant impact. However, the imposition of Mitigation Measures HH-1 through HH-4, set forth on page 5.7-11 of the Draft EIR, which will substantially minimize the chance of a major fire, have been imposed as conditions of approval of the Project.

As discussed on pages 5.3-49-53 and 5.7-8-9, emissions from diesel trucks serving the Project Site could have a substantial impact on the health of anyone living south of future Eucalyptus Avenue. Prohibiting idling of diesel trucks, providing electricity to trucks at the Project Site, requiring that only trucks in good operating condition be allowed to access the Project Site and requiring the applicant to record a land use restriction which will prohibit residential development south of future Eucalyptus Avenue will ensure that adverse health impacts will be mitigated into insignificance. Accordingly, Mitigation Measures AQ-11 through AQ-13, as set forth on page 5.3-52 of the Draft EIR, as modified on pages 4-5-6 of the Final EIR, and GCC-11, set forth on pages 4-5-6 of the Final EIR, have been imposed as conditions of approval of the Project.

- b. Potential Significant Impact:** Cumulative hazard and hazardous materials impacts

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, could result in significant adverse impacts resulting from hazards and hazardous materials. However, the imposition of Mitigation Measures HH-1 through HH-4, which require compliance with fire safety design and construction standards, and AQ-13 which prohibits the establishment of sensitive receptors near the Project Site, on the Project and similar mitigation measures on other projects will reduce the impact to less than cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6.12-13 of the Draft EIR, the potentially hazardous materials that will be used in the construction and operation of the Project are all subject to substantial regulation in order to ensure that their use will not adversely affect the public health or safety. Similar regulation will also apply to the development of other projects. The imposition of Mitigation Measures HH-1 through HH-4 and AQ-13, discussed in subsection IV.4.a above, on the Project and the imposition of similar mitigation measures on other projects will reduce the impacts to less than significant.

5. LAND USE AND PLANNING

- a. **Potential Significant Impact:** Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the Project adopted to avoid or mitigate environmental effects (Impact 5.9-2)

Finding: The Project would be technically inconsistent with the City's General Plan and Zoning Ordinance prior to approval of the proposed General Plan amendment and the change of zone. However, after the adoption of the General Plan amendment and the change of zone, the Project will be fully consistent with the goals and policies of the City's General Plan for this area of the City under the existing land use plan and will not conflict with any of the City's policies or regulations adopted to avoid or mitigate an environmental effect. The imposition of Mitigation Measure LU-1, which prohibits the establishment of sensitive receptors near the Project Site, will reduce the impacts to less than significant consistent with goals set by regional planning organizations.

Factual Basis for the Finding: As discussed on pages 5.9-16-27 of the Draft EIR and pages 4-58-59 of the Final EIR, with the adoption of

the required General Plan Amendment and Zone Change, the Project is consistent with all of the City's applicable land use, General Plan and Zoning Goals and Policies, including those designed to avoid or mitigate environmental effects. The Project will be consistent with all of the regional and County plans except that it will be inconsistent with the air quality goals of the South Coast Air Quality Management District, the Southern California Association of Governments' Regional Transportation Plan and the Western Riverside County Council of Governments' Comprehensive Plan but neither the Air Quality Management District nor the Associations have any permitting jurisdiction over the Project. Imposing a buffer immediately south of future Eucalyptus Avenue, which will prohibit the location of residences and other sensitive receptors through the recordation of a deed restriction, will ensure that no sensitive receptors near the Project Site will be affected by adverse air quality impacts emanating from the construction and operation of the Project. Accordingly, Mitigation Measure LU-1, set forth on page 4-13 of the Final EIR, has been imposed as a condition of approval of the Project.

- b. Potential Significant Impact:** Conflict with an applicable habitat conservation plan or natural communities conservation plan (Impact 5.9-3)

Finding: The Project could conflict with any applicable habitat conservation plan or natural communities conservation plan. However, the imposition of Mitigation Measures BR-2 through BR-4 which require the protection of birds which might be found on the Project Site and the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat and the species protected under the Multiple Species Habitat Conservation Plan, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-32-33 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C-1 to the Draft EIR, the Project Site is located within an area which is subject to both the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan. However, with respect to both Plans, the Project

Site is located in an area which calls for the payment of mitigation fees which have been determined to be full mitigation for the impacts which may occur. Accordingly, Mitigation Measures BR-2, BR-3 and BR-4, set forth on pages 5.4-34-35 of the Draft EIR, as modified on page 4-8 of the Final EIR, have been imposed as conditions of approval of the Project.

6. NOISE

- a. **Potential Significant Impact:** Temporary or periodic increases in ambient noise levels in the Project vicinity above levels existing without the Project (Impact 5.11-3)

Finding: Construction work on the Project Site could result in substantial temporary increases in ambient noise levels for existing residences located along Redlands Boulevard. However, the imposition of Mitigation Measures N-1 through N-5, which require that no construction vehicles use Redlands Boulevard south of future Eucalyptus Avenue, that there be no night time construction within 1200 feet of sensitive receptors, that temporary sound barriers be constructed to ensure that day time construction noise not exceed City standards, that all equipment be kept in good working order and that materials be stockpiled at least 1200 feet from residences south of future Eucalyptus Avenue along Redlands Boulevard and Theodore Street, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed in Section 5.11 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, off-site construction along Redlands Boulevard, Theodore Street, future Eucalyptus Avenue and the drainage facilities to the south of the Project Site will take place during daylight hours and, with the exception of noisy equipment which will be used for very limited periods of time, there will be no substantial exposure of residents to significant noise impacts. The grading and construction which will take place on the Project Site will take place around the clock for almost a year and would expose nearby residents to noise levels in excess of those allowed under the City's Municipal Code. However, prohibiting construction vehicles on Redlands Boulevard south of future Eucalyptus Avenue, prohibiting nighttime grading within 1,200 feet of

residences south of future Eucalyptus Avenue, the erection of temporary sound barriers, maintaining equipment in good working order and locating material stockpiles at least 1,200 feet from residences south of future Eucalyptus Avenue along Redlands Boulevard and Theodore Street will ensure that none of the residences will be exposed to noise levels in excess of those allowed by the City's Municipal Code. Accordingly, Mitigation Measures N-1 through N-5, as set forth on pages 5.11-29-30 of the Draft EIR, as modified on pages 4-14-15 of the Final EIR, have been imposed as conditions of approval of the Project.

7. TRANSPORTATION AND TRAFFIC

- a. **Potential Significant Impact:** Substantial increase on traffic load and street capacity (Impact 5.14-1)

Finding: As there is currently little traffic between Redlands Boulevard and Theodore Street between future Eucalyptus Avenue and SR-60 any additional traffic by comparison could be considered significant and would cause the intersection of Redlands Boulevard and the SR-60 westbound ramps to exceed the City's level of service during the AM peak hour. However, with the imposition of Mitigation Measures TT-1 through TT-3, which require the constructions of improvements on Redlands Boulevard, Theodore Street and at their intersections with SR-60 or the payment of fees for the construction of the improvements, the impacts will be less than significant.

Factual Basis for the Finding: As discussed on pages 5.14-15-28 and -39-40 of the Draft EIR, as modified on pages 4-64-65 of the Final EIR, and in the Traffic Study, Appendix J to the Draft EIR, a large number of trucks serving the Project Site will use Redlands Boulevard and Theodore Street between future Eucalyptus Avenue and SR-60. The City's level of service is D. Without improvements, the intersection of Redlands Boulevard and the SR-60 westbound ramps would be at level of service E in the AM peak hour. Requiring the improvement of the intersection will reduce the impact to less than significant. Accordingly, Mitigation Measure TT-2, set forth on page 5.14-39 of the Draft EIR, as modified on page 4-16 of the Final EIR, has been imposed as a condition of approval of the Project. Although no mitigation is required to reduce any other significant

impact, Mitigation Measures TT-1 and TT-3, set forth on pages 5.14-39-40 of the Draft EIR, as modified on page 4-16 of the Final EIR, have also been imposed as conditions of approval of the Project to ensure that any improvements needed at the intersections of future Eucalyptus Avenue and Redland Boulevard and Theodore Street and at the intersection of Theodore Street and SR-60 will also be constructed.

b. Potential Significant Impact: Cumulative traffic impacts

Finding: Cumulative impacts of the Project, in conjunction with other development, could result in significant adverse impacts on traffic. However, the imposition of Mitigation Measures TT-1 through TT-3, which require the constructions of improvements on Redlands Boulevard, Theodore Street and at their intersections with SR-60 or the payment of fees for the construction of the improvements, and TT(C)-1 through TT(C)-3, which require the constructions of improvements on Redlands Boulevard, Theodore Street and at their intersections with SR-60 or the payment of fees for the construction of the improvements, on the Project, together similar mitigation measures imposed on other projects, will reduce the impacts to less than cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-25-32 of the Draft EIR and in the Traffic Study, Appendix J to the Draft EIR, traffic impacts of other projects have the potential to cause a number of intersections to exceed the City's level of service D requirement. Requiring the Project to provide improvements to the intersections of future Eucalyptus Avenue with Redland Boulevards and Theodore Street and at the intersections of SR-60 and Redlands Boulevard and Theodore Street will ensure that the project's impacts will be less than significant. Accordingly, Mitigation measures TT-1 through TT-3, as set forth on pages 5.14-39-40 of the Draft EIR, as modified on page 4-16 of the Final EIR, and TT-1(C) through TT-3(C), set forth on pages 6-32 of the Draft EIR, have been imposed as condition of approval of the Project. The City's General Plan requires that new development mitigate their traffic impacts so that similar mitigation measures will be imposed on other projects.

C. IMPACTS IDENTIFIED IN THE EIR AS BEING SIGNIFICANT AND UNAVOIDABLE EVEN AFTER THE IMPOSITION OF ALL FEASIBLE MITIGATION MEASURES

1. AESTHETICS

- a. Significant Unavoidable Impact:** Substantial adverse effect on a scenic vista (Impact 5.1-1)

Finding: The development of the Project will have a substantial adverse effect on a significant scenic vista and there are no feasible mitigation measures which will reduce the impact to less than significant.

Factual Basis for the Finding: As shown and discussed on pages 5.1-4-25 of the Draft EIR and Appendix M to the Draft EIR, the Project Site is currently vacant except for a single structure and thus is part of a scenic open space vista. In addition, the Project Site as it now exists is somewhat obscured by existing trees and vegetation but does not completely interfere with the views of mountains and foothills to the north, east and south. The development of the Project will block views of these scenic vistas from SR-60, Redlands Boulevard, future Eucalyptus Avenue and Theodore Street along the full length of each of these roadways adjacent to the Project Site. Further, the buildings to be constructed on the Project Site will be visible from higher elevations to the north, the east and the south and will alter the expansive view of the undeveloped property now evidenced from these areas.

These impacts are significant and unavoidable and there are no feasible mitigation measures which will reduce the impact to less than significant which would feasibly attain most of the basic objectives of the Project.

- b. Significant Unavoidable Impact:** Cumulative aesthetic impacts

Finding: The development of the Project, in conjunction with related projects and that authorized by the Moreno Highlands Specific Plan, will result in significant and unavoidable cumulative impacts on scenic vistas and there are no feasible mitigation measures which will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 6-5-6 of the Draft EIR, the development of land in the vicinity of the Project Site will add to the loss of scenic vistas which will occur because of the development of the Project. There are no mitigation measures which will reduce the impacts to less than significant which would feasibly attain most of the basic objectives of the Project. Given the similarity of impacts of other likely uses for the Project Site, only prohibiting any development would mitigate the impacts to less than significant.

2. AGRICULTURAL RESOURCES

- a. **Significant Unavoidable Impact:** Conversion of farmland to non-agricultural use (Impact 5.2-1)

Finding: The development of the Project will have a significant and unavoidable impact on 24.1 acres of Prime Farmland, 98.8 acres of Farmland of Local Importance and 35.5 acres of Other Land which will be converted from agricultural uses into commercial and industrial uses. There are no feasible mitigation measures which will reduce the impact to less than significant which would feasibly attain most of the basic objectives of the Project. Given the similarity of impacts of other likely uses for the Project Site, only prohibiting any development would mitigate the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 5.2-1 and -6-7 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the City's General Plan recognizes that farming has become less economically viable because of the high cost of water, the cost of land and property taxes, conflicts with surrounding urban uses and the lack of agri-business support in the area. Although the Project Site does contain land which has been identified by the California Department of Conservation as suitable for farming, the absence of an agricultural "infrastructure" – crop managers, labor, farm implements and processing facilities – in the vicinity, the cost of bringing suitable water to the Project Site, the cost of the water itself and the fact that the sale of the products which could be grown if water were available would not cover the costs of

production means that the Project Site cannot be realistically considered as an agricultural resource.

There are no feasible mitigation measures which could reduce the loss of the farmland. There is a finite amount of land that is suitable for agricultural use. The purchase of fee title or of agricultural conservation easements over other parcels used for agriculture would not avoid, reduce or compensate for the impact of converting the Project Site from agricultural to commercial and industrial uses because it would not offset the loss of agricultural land caused by the development of the Project, i.e., there would still be a net reduction in the total amount of land suitable for agricultural use. Further, no City policy requires the acquisition of replacement agricultural land, either in fee or through the use of a conservation easement, and no program to oversee such acquisitions exist.

b. Significant Unavoidable Impact: Cumulative loss of farmland

Finding: The development of the Project, in conjunction with related projects and that authorized by the Moreno Highlands Specific Plan, will result in significant and unavoidable cumulative impacts on farming. There are no mitigation measures which will reduce the impact to less than significant other than prohibiting development on sites now used for agriculture.

Factual Basis for the Finding: As discussed on pages 5.2-5-7 and 6-6-7 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the City's General Plan recognizes that farming has become less economically viable because of the high cost of water, the cost of land and property taxes, conflicts with surrounding urban uses and the lack of agri-business support in the area. Although the Project Site does contain land which has been identified by the California Department of Conservation as suitable for farming, the absence of an agricultural "infrastructure" – crop managers, labor, farm implements and processing facilities – in the vicinity, the cost of bringing suitable water to the Project Site, the cost of the water itself and the fact that the sale of the products which could

be grown if water were available would not cover the costs of production means that the Project Site cannot be realistically considered as an agricultural resource.

There are no feasible mitigation measures which could reduce the loss of the farmland. There is a finite amount of land that is suitable for agricultural use. The purchase of fee title or of agricultural conservation easements over other parcels used for agriculture would not avoid, reduce or compensate for the impact of converting the Project Site from agricultural to commercial and industrial uses because it would not offset the loss of agricultural land caused by the development of the Project, i.e., there would still be a net reduction in the total amount of land suitable for agricultural use. Further, no City policy requires the acquisition of replacement agricultural land, either in fee or through the use of a conservation easement, and no program to oversee such acquisitions exist.

3. AIR QUALITY

- a. **Significant Unavoidable Impact:** Violation of an air quality standard or substantial contribution to an existing or projected air quality violation (Impact 5.3-2)

Finding: The construction and operation of the Project will not violate any air quality standards for localized impacts with two exceptions: those promulgated by the South Coast Air Quality Management District for the emission of coarse and fine particulate matter (“PM₁₀” and “PM_{2.5}”) during the construction of the Project. The imposition of Mitigation Measures AQ-1 through AQ-10, which require the control of fugitive dust, the acquisition of Tier II level construction equipment, to the extent available, the proper maintenance of construction equipment, the turning off of construction equipment when not in use and prohibiting idling for more than five minutes, the control of traffic around the Project Site, the use of low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, the encouragement of construction workers to carpool, the provision of on-site electrical hook-ups during construction, the reduction of the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will reduce the impact of the emission of PM₁₀, to less than significant. There are no mitigation measures which will reduce the emission of PM_{2.5} to less than

significant which would feasibly attain most of the basic objectives of the Project.

Factual Basis for the Finding: As discussed on pages 5.3-22-40 of the Draft EIR, as modified on pages 4-40-44 of the Final EIR, and in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, the grading of the Project Site and the operation of the Project will result in the emission of pollutants – nitrogen dioxide (“NO₂”), carbon monoxide (“CO”), PM₁₀ and PM_{2.5}. The South Coast Air Quality Management District has established localized significance thresholds to determine whether the emission of any of the pollutants will have a significant adverse effect on those nearby, both residents and workers. None of the thresholds will be exceeded after the construction of the buildings on the Project Site has been completed and operations begun. The same thing is true for NO₂ and CO during the construction Phases of the Project. However, without mitigation, the thresholds will be exceeded for both PM₁₀ and PM_{2.5}. Requiring the control of fugitive dust, acquiring Tier II level construction equipment, to the extent available, properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting idling for more than five minutes, controlling traffic around the Project Site, using low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, encouraging construction workers to carpool, providing on-site electrical hook-ups during construction, reducing the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will ensure that the emission of PM₁₀ will be mitigated into insignificance. Accordingly, Mitigation Measures AQ-1 through AQ-10, as set forth on pages 5.3-38-39 of the Draft EIR, as modified on pages 4-2-5 of the Final EIR, have been imposed as conditions of approval of the Project. However, there are no feasible mitigation measures which will reduce the emissions of PM_{2.5} to less than significant which would feasibly attain most of the basic objectives of the Project.

- b. **Significant Unavoidable Impact:** Cumulatively significant net increase of any criteria pollutant for which the Project area is non-attainment under an applicable federal or state ambient air quality standard (Impact 5.3-3)

Finding: The Project Site is located in a non-attainment area for ozone, PM₁₀ and PM_{2.5}. The grading of the Project Site and the construction of Phase 1 of the Project on the Site could result in emissions of volatile organic compounds (“VOC”), nitrogen oxides (“NO_x”), PM₁₀ and PM_{2.5} in excess of the thresholds promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-1 through AQ-10, which require the control of fugitive dust, the acquisition of Tier II level construction equipment, to the extent available, the proper maintenance of construction equipment, the turning off of construction equipment when not in use and prohibiting idling for more than five minutes, the control of traffic around the Project Site, the use of low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, the encouragement of construction workers to carpool, the provision of on-site electrical hook-ups during construction, the reduction of the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will reduce the impact of the emission of PM₁₀, will ensure that the daily amount of PM₁₀ and PM_{2.5} emitted during the grading and construction Phase 1 of the Project will reduce their impacts to less than significant and will reduce the daily amount of the emission of VOC and NO_x but not to less than significant.

The grading and construction associated with Phase 2 of the Project will result in the daily amount of emissions of VOC and NO_x in excess of the thresholds promulgated by the South Coast Air Quality Management District; the daily amount of emissions of PM₁₀ and PM_{2.5} will be less than those thresholds. The imposition of Mitigation Measures AQ-1 through AQ-10, described above, will reduce the daily amount of emissions of VOC and NO_x but not to less than significant.

The grading and construction associated with Phase 3 of the Project will result in the daily amount of emissions of VOC exceeding the threshold promulgated by the South Coast Air Quality Management District; the daily amount of emissions of NO_x, PM₁₀ and PM_{2.5} will not exceed those thresholds. The imposition of Mitigation Measures AQ-1 through AQ-10, described above, will reduce the daily amount of emissions of VOC but not to less than significant.

The daily amount of emissions of VOC, NO_x, PM₁₀ and PM_{2.5} associated with the operation of the Project during all Project Phases will exceed the thresholds promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-11 through AQ-21, which require off-site construction be limited to day light hours, signs be posted stating that diesel trucks not idle for more than three minutes, the provision of electricity and electrical hooks-ups for transportation refrigeration, the prohibition against trucks not using electrically powered refrigeration units the prohibition of the establishment of sensitive receptors near the Project Site, the encouragement of the use of “clean” trucks and vehicles, the design of the Project Site to diminish queuing of trucks, the provision of food service on-site, the provision of incentives for employees to carpool and the maximization of electrical electrically powered equipment for landscape maintenance, and GCC-5(a), which requires the provision of facilities designed to encourage the use of bicycles, GCC-5(e), which requires preferential parking for carpools, vanpools and alternatively fueled vehicles, GCC-9, which requires LEED credit in a number of areas, and GCC-11, which prohibits access of heavy trucks to the Project Site for heavy trucks which do not have an Engine Certification label, will reduce the daily amount of emissions slightly but in no case will they cause the emissions to be less than significant.

In no case will the daily amount of the emission of CO exceed the threshold promulgated by the South Coast Air Quality Management District during either the grading of the Project Site or the construction of buildings on the Site. The daily amount of emissions of CO will exceed the threshold for CO promulgated by the South Coast Air Quality Management District during all of the three operational Phases of the Project. The imposition of Mitigation Measures AQ-11 through AQ-21 and GCC-5(a), GCC-5(e), GCC-9 and GCC-11, all as described above, will reduce the daily amount of emissions slightly but not to less than significant.

There are no further mitigation measures which will reduce the foregoing impacts to insignificant which would feasibly attain most of the basic objectives of the Project.

The daily amount of emissions of SO_x will be less than the thresholds promulgated by the South Coast Air Quality Management District throughout the grading of the Project Site, the construction of buildings on the Site and the operation of the Project.

Factual Basis for the Finding: As discussed on Section 5.3 of the Draft EIR, as modified on pages 4.40-4.46 of the Final EIR, and in the Air Quality and Health Risk Report, Appendix D.1

to the Draft EIR, the development of the Project has the potential of emitting criteria pollutants, except for SO_x , in excess of the thresholds promulgated by the South Coast Air Quality Management District during the grading of the Project Site, construction of buildings on the Site and the operation of the Project. Requiring the control of fugitive dust, acquiring Tier II level construction equipment, to the extent available, properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting idling for more than five minutes, controlling traffic around the Project Site, using low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, encouraging construction workers to carpool, providing on-site electrical hook-ups during construction, reducing the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will ensure that the daily amount of emissions of PM_{10} and $\text{PM}_{2.5}$ during the grading and construction associated with Phase 1 of the Project will be mitigated into insignificance. Accordingly, Mitigation Measures AQ-1 through AQ-10, set forth on pages 5.3-38-39 of the Draft EIR, as modified on pages 4-2-5 of the Final EIR, have been imposed as conditions of approval of the Project. The same conditions will reduce the daily amount of emissions of NO_x during the grading and construction associated with Phase 2 of the Project to less than significant but will reduce the daily amount of emissions of VOC only slightly and not below the threshold promulgated by the South Coast Air Quality Management District. The daily amount of emissions of the other criteria pollutants will be below the thresholds promulgated by the South Coast Air Quality Management District.

The daily amount of emissions of VOC associated with the grading and construction of Phase 3 of the Project will exceed the threshold promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-1 through AQ-10, as described above, will reduce the daily amount of

emissions of VOC slightly but not to less than significant. The daily amount of emissions of the remaining criteria pollutants will all be below the thresholds promulgated by the South Coast Air Quality Management District.

The daily amount of emissions for all three operational phases of the Project, with the exception of SO_x, will exceed the thresholds promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-11 through AQ-13, as set forth on page 5.3-52 of the Draft EIR, as modified on pages 4-5-6 of the Final EIR, AQ-14 through AQ-21, set forth on pages 4-6-6 of the Final EIR, GCC-5(a), GCC-5(e) and GCC-9, set forth on pages 5.16-11-13, as modified on pages 4-19-20 of the Final EIR, and GCC-11, set forth on page 4-21 of the Final EIR, all as described above, will reduce the daily amount of emissions of each of the other five criteria pollutants slightly but not to less than significant.

There are no further mitigation measures which will reduce the emissions of the criteria pollutants to less than significant which would feasibly attain most of the basic objectives of the Project. The emissions of VOC and NO_x are associated with the grading of the Project Site and the asphalt, building and architectural coatings for those buildings. The operational emissions are due almost entirely to mobile sources – cars and trucks – over which the City has no control because the Legislature has vested all authority to deal with the emissions from cars and trucks in the California Air Resources Board.

- c. **Significant Unavoidable Impact:** Exposure of sensitive receptors to substantial pollutant concentrations (Impact 5.3-4)

Finding: The development of the Project has the potential to expose sensitive receptors to emissions of PM₁₀ and PM_{2.5} in excess of local significance thresholds promulgated by the South Coast Air Quality Management District and to the risk of cancer from the operation of the Project in excess of the significance threshold of 10 in 1,000,000. The imposition of Mitigation Measures AQ-1 through AQ-21, which require the control of fugitive dust, the acquisition of

Tier II level construction equipment, to the extent available, the proper maintenance of construction equipment, the turning off of construction equipment when not in use and prohibiting idling for more than five minutes, the control of traffic around the Project Site, the use of low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, the encouragement of construction workers to carpool, the provision of on-site electrical hook-ups during construction, the reduction of the amount of dust which will be tracked off-site, limiting off-site construction improvements to an eight hour day during daylight hours, off-site construction be limited to day light hours, signs be posted stating that diesel trucks not idle for more than three minutes, the provision of electricity and electrical hooks-ups for transportation refrigeration, the prohibition against trucks not using electrically powered refrigeration units the prohibition of the establishment of sensitive receptors near the Project Site, the encouragement of the use of “clean” trucks and vehicles, the design of the Project Site to diminish queuing of trucks, the provision of food service on-site, the provision of incentives for employees to carpool and the maximization of electrical electrically powered equipment for landscape maintenance, and GCC-5(a), which requires the provision of facilities designed to encourage the use of bicycles, GCC-5(e), which requires preferential parking for carpools, vanpools and alternatively fueled vehicles, GCC-9, which requires LEED credit in a number of areas, and GCC-11, which prohibits access of heavy trucks to the Project Site for heavy trucks which do not have an Engine Certification label will reduce the impacts of PM₁₀ and the risk of cancer to less than significant but the risk associated with the emissions of PM₁₀ during the grading and construction associated with Phase 1 of the Project will remain significant and unavoidable. There are no mitigation measures which will reduce the impacts to less than significant which would feasibly attain most of the basic objectives of the Project.

Factual Basis for the Finding: As discussed in Section 5.3 of the Draft EIR, as modified on pages 4-2-5 of the Final EIR, in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, as amplified and clarified in the Supplemental Health Risk Assessment Report, Appendix D.1 to the Final EIR, and in subsection IV.C.3.a above, the grading, construction and operation associated with the Project has the potential to exceed localized significance thresholds and cancer risks for sensitive receptors near the Project Site. Controlling fugitive dust, acquiring Tier II level construction equipment, to the extent available,

properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting idling for more than five minutes, controlling traffic around the Project Site, using low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, encouraging construction workers to carpool, providing on-site electrical hook-ups during construction, reducing the amount of dust which will be tracked off-site, limiting off-site construction improvements to an eight hour day during daylight hours, providing bicycle parking spaces and on-site showers, preferential parking for carpools and alternatively fueled vehicles, obtaining LEED, or if not available an approved program to achieve the same level of environmental benefit, certification for the Project, prohibiting access to trucks over 10,000 pounds which do not have an Engine Certification Label and establishing a buffer area on land immediately south of future Eucalyptus Avenue through a deed restriction will ensure that the risks associated with PM_{2.5} and cancer will be mitigated into insignificance. Accordingly, The imposition of Mitigation Measures AQ-1 through AQ-13, as set forth on pages 5.3-38-39 and -52 of the Draft EIR, as modified on pages 4-2-6 of the Final EIR, AQ-14 through AQ-21, set forth on pages 4-6-6 of the Final EIR, GCC-5(a), GCC-5(e) and GCC-9, set forth on pages 5.16-11-13, as modified on pages 4-19-20 of the Final EIR, Mitigation measures AQ-1 through AQ-21, GCC-5(a), GCC-5(e) and GCC-9, set forth on pages 5.3-38-39 and -52 of the Draft EIR, as modified on pages 4-2-5 and -19-20 of the Final EIR, have been imposed as conditions of approval of the Project. However, as set forth in the factual basis for the finding in subsection IV.C.3.a above, there are no feasible mitigation measures which will reduce the emissions of PM₁₀ associated with the grading and construction of Phase 1 of the Project to less than significant.

- d. Significant Unavoidable Impact:** Cumulative contribution to air quality impacts

Finding: The development of the Project, in conjunction with related projects and that authorized by the Moreno Highlands Specific Plan, will result in significant and unavoidable cumulative impacts on VOC, NO_x, CO, PM₁₀ and PM_{2.5}. There are no mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 6-8-10 of the Draft EIR, in the Air Quality and Health Risk Analysis Report, Appendix D.1 to the Draft EIR, Response 10-2, page 3-99 of the Final EIR and in subsections IV.C.3.a-c above, the air quality pollutants emitted during the operation of the Project, alone or in conjunction with those emitted by surrounding development, will be cumulatively significant. All feasible mitigation measures have been imposed as conditions of approval of the Project. The City will impose feasible mitigation measures on projects seeking approval within the future. However, the air quality problems that exist in the area of the Project are, in most cases, problems affecting the entirety of the South Coast air basin and, as such, are beyond the City's control.

4. NOISE

a. Significant Unavoidable Impact: Cumulative adverse noise impacts

Finding: The development of the Project, in conjunction with the development of related projects and that authorized by the Moreno Highlands Specific Plan will result in significant and unavoidable cumulative noise impacts on houses located near SR-60. There are no feasible mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 6-17-23 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, the increase in noise due to the operation of the Project will be small. However, when added to that which can be expected by the use of vehicles on SR-60 from both related projects and the development of the Moreno Highlands Specific Plan area, the result will be that at least one residence east of Theodore Street and several residences located west of Redlands Boulevard will experience a noise increase of more than 3 dB with a future noise level above 65 CNEL, the City's noise level for residential areas. There are no mitigation

measures which will reduce the impacts to less than significant.

5. GLOBAL CLIMATE CHANGE AND GREENHOUSE GASES

- a. **Significant Unavoidable Impact:** Hindrance or delay of California's ability to meet the climate reduction targets contained in AB32 (Impact GCC-1)

Finding: The grading and construction associated with the Project will, after the application of all feasible mitigation measures, result in approximately 6,500 metric tons of carbon dioxide equivalent ("CO_{2e}"). The operation of the Project, after the imposition of all feasible mitigation measures, will produce approximately 81,800 metric tons of CO_{2e} per year. In the absence of any quantitative or qualitative threshold of significance for the emissions of CO_{2e}, it must be assumed that the amount of the emissions of CO_{2e}, both during the grading and construction associated with the Project and the operation of the Project will, individually and cumulatively, be a significant and unavoidable impact. There are no feasible mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed in Section 5.16 and pages 6-40-41 of the Draft EIR and in the Climate Change Analysis, Appendix N to the Draft EIR, the grading and construction associated with the Project and the operation of the Project will generate substantial amounts of CO_{2e} emissions. There is, currently, neither a quantitative nor a qualitative threshold to be used to determine whether the amount of CO_{2e} emissions is significant. Various thresholds, ranging from no new contributions to over 40,000 metric tons per year, have been proposed. The staff of the South Coast Air Quality Management District has suggested a possible threshold of 10,000 tons of CO_{2e} per year for industrial projects but has not suggested a numerical threshold for non-industrial projects; the District has not yet acted on the proposal. However, the California Air Resources Board and the Office of Planning and Research are considering the adoption of a threshold of significance for CO_{2e} emissions but have not yet decided on that threshold. AB32 requires a reduction of approximately 30% in CO_{2e} emissions over business as usual by 2020 in order to reach the levels emitted in California in 1990. Irrespective of

when or what standards will be adopted by the California Air Resources Board all feasible measures have been implemented in this project in compliance with AB-32.

Incorporating water conservation requirements, properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting construction equipment from idling for more than five minutes, controlling traffic around the Project Site, encouraging construction workers to carpool, prohibiting truck idling for more than three minutes per day per truck, providing electricity in the loading area for transportation refrigeration units, designing the Project to meet 2008 Title 24 energy efficiency requirements, using “cool roofs” and “cool paints,” installing renewable energy generation on-site to meet the Project’s Phase 1 office electricity needs, using ENERGY STAR-qualified energy efficient appliances, providing bicycle storage parking and showers for employees, installing Light Emitting Diodes in any traffic lights which are a part of the Project, providing pedestrian and bicycle connections to surrounding areas, establishing a Transportation Management Association to encourage and coordinate carpooling by occupants of the Project, providing preferential parking for carpools, vanpools and alternatively fueled vehicles, obtaining LEED certification or, if not available, a similar program to achieve the same level of environmental benefit, designing loading docks which will accommodate trucks utilizing “SmartWay Truck Efficiency” emission reduction features, and prohibiting access to trucks over 10,000 pounds which do not have an Engine Certification Label will ensure reduction in the amount of emissions of CO_{2e}. Accordingly, Mitigation Measures AQ-1, AQ-3, AQ-4, AQ-5, AQ-7, AQ-11, AQ-12 and GCC-1through10, set forth on pages 5.16-9-13 of the Draft EIR, as modified on pages 4-2-6 and -18-21 of the Final EIR, and GCC-11, set forth on page 4-21 of the Final EIR, have been imposed as conditions of approval of the Project. However, there

are no additional feasible mitigation measures which would reduce the impact to less than significant.

- b. **Significant Unavoidable Impact:** Impacts of climate change on the Project (Impact GCC-2)

Finding: Potential impacts of climate change include the exacerbation of air quality problems, reduction in the quality and supply of water from the Sierra snow pack, damage to the natural environment, reduction of in-state electricity production, and an increase in wildfires, all of which could adversely affect the Project. The imposition of Mitigation Measures W-1, which requires the preparation of a planting and irrigation plan for the City's review and approval, GCC-1 through GCC-4, which require increased energy efficiency, the use of "cool" roofs and paints, the production of energy on-site through the use of alternate, renewable energy sources and the use of energy efficient appliances and systems, and GCC-9, which requires LEED credit in a number of areas, will reduce the Project's need for energy and water slightly but the impact of global climate change on the Project will continue to be significant and unavoidable. There are no mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 5.16-16-18 of the Draft EIR and the Climate Change Analysis, Appendix N to the Draft EIR, global climate change will affect the Project in various ways. Imposing the mitigation measures discussed in subsection IV.C.5 above will decrease the amounts of water and energy required by the Project after it is in operation but it, like all other projects in California, will be subject to the deleterious impacts of climate change.

V. PROJECT ALTERNATIVES

A. ALTERNATIVE SITES

Finding: There exists no reasonably feasible and available alternative site for the Project which would avoid or substantially lessen the significant impacts of the Project or to allow it to feasibly attain most of the Project's basic objectives.

Factual Basis for the Finding: As discussed on pages 9-2-3 and -33-34 of the Draft EIR and in the letters from Darla Longo dated January 18, 2008, and October 7, 2008, Appendices O to the Draft and Final EIRs, an extensive search for

reasonably feasible and available alternative sites was conducted. While eight potential sites were considered, six of the eight were found to be infeasible for failure to meet, at the initial threshold, one or more of Skechers's requirements for its business and logistics models, including, but not limited to, the ability to host a 1,800,000 sf facility together with the possibility of expansion later on a site immediately adjacent to a major freeway and within the geographic service area needed. One other potential site, in San Bernardino, met the threshold and was studied for feasibility, but it was concluded after study that the site could not be built in an efficient configuration for Skechers's operations. Therefore, no reasonably feasible and available alternative site in the Inland Empire could be found. Moreover, even if an alternative site could be found, the significant and unavoidable impacts, individually and cumulatively, on, at least, air quality and global climate change would not be reduced. Significant and unavoidable noise impacts, individually and cumulatively, are also unlikely to be reduced for any otherwise feasible site that would satisfy Skechers's needs.

B. NO PROJECT — NO DEVELOPMENT ALTERNATIVE

Finding: The No Project — No Development Alternative is environmentally superior to the Project but would not attain any of the objectives for the Project.

Factual Basis for the Finding: As discussed on pages 9-3-9 and -36 of the Draft EIR, leaving the Project Site in its current condition would result in no impacts to the environment with the exception that the existing General Plan's designation of the Project Site for development with commercial and industrial uses would not be satisfied. None of the Project's objectives would be met.

C. EXISTING GENERAL PLAN ALTERNATIVE

Finding: Developing the Project Site under the existing General Plan designation and zoning would allow for the development of 1,715,000 sf of business park and 410,000 sf of community commercial uses. The impacts on the environment of development pursuant to the existing General Plan designation and zoning would be roughly comparable to those which would result from the

development of the Project. However, it would not meet any of Skechers's needs nor would it allow Skechers to have the logistics facility available in the very near future at any other reasonably feasible and available site. In addition, due to market conditions, development under the existing General Plan designation and zoning would not currently be feasible and therefore would delay any benefits that development of the Project Site would bring to the City, such as jobs and revenues. Likewise, it would not provide the Project applicant with an adequate rate of return on its investment because there is no market available for development of the Project Site consistent with the existing General Plan designation and zoning.

Factual Basis for the Finding: As discussed on pages 9-9-19 and -36 of the Draft EIR and in the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, there is currently no market for the development of the Project Site consistent with the existing General Plan designation and zoning. The environmental impacts of development of the Project Site consistent with the existing General Plan designation and zoning are roughly comparable to those of the Project with the impacts on aesthetics, noise, public services and utilities being slightly less and those on air quality, geology and soils, hazards and hazardous materials and global climate change being slightly more. Developing the Project Site consistent with the existing General Plan designation and zoning would not allow the Project applicant to achieve its objectives. because it would not be able to provide logistics facilities to Skechers, resulting in delay or denial of providing the City with new jobs and revenues from the development of the Project Site and precluding an adequate rate of return on its investment because there is simply no existing market for development of the Project Site consistent with the General Plan designation and zoning.

D. REDUCED DENSITY ALTERNATIVE

Finding: Developing the Project Site with 1,000,000 sf of logistics use and 200,000 sf of community commercial uses would result in environmental impacts which would be slightly less than those which would result from the development of the Project. However, a reduced density alternative would not allow the Project to attain a number of its basic objectives and would not reduce any

significant unavoidable environmental impact of the Project to a level of insignificance or to a level capable of mitigation to a level of insignificance and is therefore not significantly environmentally superior to the Project.

Factual Basis for the Finding: As discussed on pages 9-19-26 and -36 of the Draft EIR, the environmental impacts of the reduced project would be marginally less than, or equal to, those of the Project. In particular, impacts on Agricultural Resources, Biological Resources, Cultural Resources Hydrology and Water Quality, Mineral Resources, and Population, Housing and Employment would be the same for the Reduced Density Alternative as for the Project, except that employment opportunities would be reduced. Reductions in most other impacts would be marginal to modest. Only reductions in impacts on Air Quality would be likely to be substantial. However, no significant unavoidable impact of the Project would be reduced to or made capable of mitigation to a level of insignificance. Also, the reduced density alternative would prevent achieving some of the Project's basic objectives. In particular, Skechers would not be provided the size and expandability required by its business objectives. Current market conditions would render the Reduced Density Alternative not reasonably feasible and therefore preclude the Project applicant from obtaining an adequate rate of return on its investment.

E. NORMAL CONSTRUCTION SCHEDULE ALTERNATIVE

Finding: The normal construction alternative would have moderately fewer environmental impacts than the Project. However, it would not allow the Project to attain a number of its basic objectives and would not reduce any significant unavoidable environmental impact of the Project to a level of insignificance or to a level capable of mitigation to a level of insignificance and is therefore not significantly environmentally superior to the Project.

Factual Basis for the Finding: As discussed on pages 9-27-33 and -36 of the Draft EIR, the normal construction schedule would have a moderately lesser environmental impact on aesthetics, air quality and noise during the construction phase but would otherwise be comparable to the impacts which would result from the development of the Project and make no difference in any impacts during the

operation of the Project. However, Skechers would be delayed in consolidating its operations in a single logistics facility and the City would also be delayed in obtaining the jobs and revenues which the construction and operation of the Project will generate. Therefore, development of the Project Site with a normal construction schedule would delay achievement of most of the basic objectives of the Project and would not be significantly environmentally superior to the Project.

F. ADEQUACY OF THE RANGE OF ALTERNATIVES

Finding: Alternatives consisting of development consistent with the existing General Plan designation and zoning, reduced density and a normal construction schedule represent a reasonable range of alternatives.

Factual Basis for the Finding: As discussed on pages 9-2-3 and -33-34 of the Draft EIR and in the letters from Darla Longo dated January 18, 2008, and October 7, 2008, Appendices O to the Draft and Final EIRs, an extensive search for reasonably feasible and available alternative sites was conducted. While eight potential sites were considered, six of the eight were found to be infeasible for failure to meet, at the initial threshold, one or more of Skechers requirements for its business and logistics models, including, but not limited to, the ability to host a 1,800,000 sf facility together with the possibility of expansion later on a site immediately adjacent to a major freeway and within the geographic service area needed. One other potential site, in San Bernardino, met the threshold and was studied for feasibility, but it was concluded after study that the site could not be built in an efficient configuration for Skechers's operations. Therefore, no reasonably feasible and available alternative site in the Inland Empire could be found. Moreover, even if an alternative site could be found, the significant and unavoidable impacts, individually and cumulatively, on, at least, air quality and global climate change would not be reduced. Significant and unavoidable noise impacts, individually and cumulatively, are also likely to not be

reduced for any site truly feasible for Skechers's objectives.

Because, there are no reasonably feasible and available alternative sites, development consistent with the existing General Plan designation and zoning, reduced density and a normal construction schedule represent a reasonable range of alternatives. The purpose of the Guidelines requirements of studying a reasonable range of alternatives would not be met by constructing additional alternatives that would not meet the basic objectives of the Project. Because Skechers needs are specific as to size, expandability, location and transport accessibility, and without alternative sites as an option, no other alternatives appear feasible which would not defeat at least one basic Project objective.

VI. LOGISTIC MODIFIED GENERAL PLAN CONCEPT

Section 8.3 of the Draft EIR discusses a modification of the Moreno Highlands Specific Plan which would substantially decrease the residential, commercial and business park/light industrial uses of the Specific Plan area and allow the development of substantial logistic facilities, a use not contemplated in the existing Specific Plan. No application for any modification of the Specific Plan has been submitted to the City and there is no guarantee that any application will be submitted. Any modification of the Specific Plan is independent of the development of the Project. Its only connection is that the Project applicant owns both the Project Site and the land which would be affected by a modification of the Specific Plan.

This information was provided solely because the project applicant, the owner of a substantial portion of the land subject to the Specific Plan, is considering the possibility of seeking an amendment of the Specific Plan so that, consistent with CEQA's purpose of providing full information to decision makers and the public, the discussion was included in the Draft EIR.

Specifically, any such amendment to the Specific Plan would require compliance with all of the City's approval process including, but not limited to, a development application, environmental review and new and separate Planning Commission and City Council public hearing. Nothing in the Draft or Final EIR nor in this set of Findings constitutes approval of, or any commitment to approve, any such future application.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in Section IV. above, most of the Project's impacts on the environment will either be insignificant or, through the imposition of mitigation measures as conditions of approval of the Project, can be reduced to less than significant. However, as set forth in subsection VI.C. above, impacts to aesthetics, agricultural resources, air quality, noise and climate change and greenhouse gases will remain significant and unavoidable even after the imposition of all feasible mitigation measures. Further, as set forth in Section V. above, there are no feasible alternatives to the Project which would mitigate or avoid those environmental impacts. Nevertheless, as set forth below, the Council has determined that the benefits which will accrue from the development of the Project outweigh the significant and unavoidable impacts which the Project will produce.

A. AESTHETICS

Finding: Notwithstanding the significant unavoidable impacts to aesthetics discussed in subsection IV.C.1 above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse environmental impacts to aesthetics. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on aesthetics which will result.

Factual Basis for the Finding: As set forth in the Project Objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help

adjust the unfavorable jobs/housing balance which currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over \$900,000 annually in net revenues to the City.

B. AGRICULTURAL RESOURCES

Finding: Notwithstanding the significant unavoidable impacts to agricultural resources discussed in subsection IV.C.2. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse environmental impacts to agricultural resources. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on agricultural resources which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help

adjust the unfavorable jobs/housing balance which currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over \$900,000 annually in net revenues to the City.

C. AIR QUALITY

Finding: Notwithstanding the significant unavoidable impacts to air quality discussed in subsection IV.C.3. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse environmental impacts to air quality. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on air quality which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help

adjust the unfavorable jobs/housing balance which currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over \$900,000 annually in net revenues to the City.

D. NOISE

Finding: Notwithstanding the significant unavoidable noise impacts discussed in subsection IV.C.4. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse noise impacts. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on noise which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help adjust the unfavorable jobs/housing balance which

currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over \$900,000 annually in net revenues to the City.

E. CLIMATE CHANGE AND GREENHOUSE GASES

Finding: Notwithstanding the significant unavoidable climate change and greenhouse gases impacts discussed in subsection IV.C.5. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse impact on global climate change. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on climate change and greenhouse gases which will result.

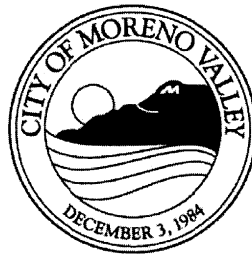
Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help adjust the unfavorable jobs/housing balance which

currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over \$900,000 annually in net revenues to the City.

**Mitigation Monitoring Program
Highland Fairview Corporate Park Project**

State Clearinghouse No. 2007101132

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December 23, 2008

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INTRODUCTION

CEQA Requirements

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document that includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a Mitigation Monitoring Program (MMP) for the changes to the project that it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The appropriate reporting or monitoring plan must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

The Planning Division would coordinate the project monitoring of the mitigation measures with each applicable department or division, while various City departments/divisions would be responsible for monitoring and verifying compliance of specific mitigation measures. (See Mitigation Monitoring and Reporting Summary Chart beginning on page 5.) The City of Moreno Valley Public Works Department (City) would coordinate monitoring of the implementation of all mitigation measures for the project. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation measure; and 3) retention of records in the project file.

Program Objectives

The objectives of the MMP for the Proposed Project include the following:

- To provide assurance and documentation that mitigation measures are implemented as planned;
- To collect analytical data to assist City administration in its determination of the effectiveness of the adopted mitigation measures;
- To report periodically regarding project compliance with mitigation measures, performance standards and/or other conditions; and
- To make available to the public, upon request, the City record of compliance with project mitigation measures.

Overview of the Project

The project site and relevant off-site areas encompass a total of approximately 265.3 acres, development of the site includes approximately 2,420,000 square feet devoted to light industrial logistics uses, and 200,000 square feet of commercial uses. The proposed project includes a Tentative Parcel Map (TPM), a Change of Zone (CZ), a Plot Plan (PP), and a General Plan Amendment (GPA). The Parcel Map would create parcels for two logistics buildings, two commercial projects, and future SR-60 right-of-way. The parcel map would also establish the dedications for required improvements. The Change of Zone would change 6.7 acres of Community Commercial to Light Industrial. The Plot Plan would provide the site plan for the logistics building. The GPA widens the commercial area on the west, reduces the commercial area on the east, and

eliminates a segment of a proposed trail alignment that was contingent upon its feasibility and replaces it with a connection to a planned trail to the east.

Organization of the Mitigation Monitoring Program

The following describes the various sections of the MMP:

- **Introduction** - Provides an overview of CEQA's monitoring and reporting requirements, program objectives, the project for which the program has been prepared, and the manner in which the mitigation monitoring program has been organized.
- **MMP** - Describes the City entities responsible for implementation of the mitigation monitoring plan, the plan scope, procedures for monitoring and reporting, public availability of documents, the process for making changes to the program, types of mitigation measures, and the manner in which monitoring will be coordinated to ensure implementation of mitigation measures.
- **Mitigation Monitoring and Reporting Summary** - Outlines the impacts and mitigation measures, responsible entities, and the timing for monitoring and reporting for each mitigation measure included in the plan.

DESCRIPTION OF PLAN

Mitigation Monitoring Procedures

This MMP delegates responsibilities for monitoring the project, and allows responsible City entities flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. The timing for monitoring and reporting is described in the monitoring and reporting summary table included as part of this program. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented.

In order to enhance the effectiveness of the monitoring program, the City will utilize existing systems where appropriate. For instance, with any major construction project, the administration generally has at least one inspector assigned to monitor project construction. These inspectors are familiar with a broad range of regulatory issues and will provide first line oversight for much of the monitoring program.

Responsibilities of City include identification of typical mitigation measure-related issues such as noisy equipment, dust, safety problems, etc. Any problems are generally corrected through directions to the contractors, or through other appropriate, established mechanisms. Internal reporting procedures are already in place to document any problems and to address broader implementation issues.

Reporting Procedures

The City would be responsible for monitoring and implementing the mitigation measures included in this monitoring plan.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate City Department (as indicated on the Mitigation Monitoring and Reporting forms) or employs the office’s existing reporting process for verification of compliance.
- Responsible entities verify compliance by signing the monitoring and reporting form and/or documenting compliance using their own internal procedures when monitoring is triggered.
- Responsible entities provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented.

The reporting forms prepared by the City would document the implementation status of mitigation measures of the project. The progress reports describe the monitoring status of all project mitigation measures. Project reporting forms and periodic status reports will be available at the City.

The City would also be responsible for assisting their contractor with reporting responsibilities to ensure that they understand their charge and complete their reporting procedures accurately and on schedule.

Public Availability

All monitoring reporting forms, summaries, data sheets, and correction instructions related to the Mitigation Monitoring Program for Highland Fairview Corporate Park would be available for public review upon request at the City of Moreno Valley Department of Public Works offices during normal business hours.

Program Changes

If minor changes are required to the MMP, they would be made in accordance with CEQA and would be permitted after further review by the City. Such changes could include reassignment of monitoring and reporting responsibilities and/or redesign to make any appropriate improvements. No change would be permitted unless the Mitigation Monitoring Program continues to satisfy the requirements of Public Resources Code Section 21081.6.

Types of Mitigation Measures Being Monitored

The Final Environmental Impact Report for the Highland Fairview Corporate Park Project is a “project specific” and “cumulative” evaluation as defined in the CEQA Guidelines.

The Final Environmental Impact Report recommends 63 project specific and cumulative mitigation measures to reduce impacts related to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, land use and planning, noise, transportation and traffic, utilities and service systems, and global climate change and greenhouse gases. Compliance with these mitigation measures will be accomplished through administrative controls over project planning and implementation, in this case, through incorporation of specific construction methods, and verification of construction in accordance with these special provisions. Monitoring would be accomplished as described previously under "Reporting Procedures" through verification and certification by personnel.

In general, implementation of the MMP will require the following actions:

- Appropriate mitigation measures would be included in construction documents.
- Departments with reporting responsibilities would review the Final Environmental Impact Report, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance would be addressed by the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance with mitigation measures.

Mitigation Monitoring and Reporting Summary

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
Aesthetics							
MM A-1. During project construction, the construction site manager or supervisor shall ensure that construction lighting shall be limited to lighting within the work area and light trespass shall be avoided through directional lighting, shielding, and other similar control measures.	Construction Supervisor	City of Moreno Valley Planning Division	During Construction				
MM A-2. Enhanced architectural and landscaping treatment shall be utilized along the building frontage with State Route (SR) 60 to minimize or soften views of long expanses of the upper elevations of buildings. Examples of alternative treatment measures may include, but not be limited to the following: <ul style="list-style-type: none"> • Use of color; or • Texture variation; or • Roof line variation. 	Applicant	City of Moreno Valley, Planning Division	Plot Plan Review/Approval				
Air Quality							
Construction							
MM AQ-1. Prior to construction of the project, the project applicant shall comply with SCAQMD Rule 403 by providing a Fugitive Dust Control Plan that describes the application of best management practices to control fugitive dust during construction. Best management practices shall include: <ul style="list-style-type: none"> • Application of water on disturbed soils a minimum of three times per day; • Covering haul vehicles; • Replanting disturbed areas as soon as practical; • Restricting vehicle speeds on unpaved roads to 15 mph; • Suspension of all grading activities during high wind 	Applicant	City of Moreno Valley Public Works, Land Development Division, and the South Coast Air Quality Management District	Prior to Issuance of Grading Permit				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
<p>speeds in excess of 25 mph.</p> <ul style="list-style-type: none"> • A Large Operation notification shall be submitted to the SCAQMD prior to construction. • Project applicant to designate a to designate a person(s) to monitor the dust control program and to order increased watering, as necessary. • Post a sign with the telephone number and person to contact regarding dust complaints. The person shall take corrective action within 24 hours. • Complete all roadways, driveways, sidewalks, etc. as soon as possible; building pads should be developed as soon as possible after grading unless seeding, polymer, water, landscaping, soil binders, or similar means are applied within five working days after grading completion to minimize fugitive dust. • Street sweeping shall be accomplished as needed to remove soil transport to adjacent areas; sweeping shall require use of equipment certified under SCAQMD Rule 1186.1. 							
<p>MM AQ-2. The project applicant shall meet CARB standards by assuring use of lowest emission construction equipment reasonably available for use on this project. The construction fleet average shall meet or exceed Tier II level and the applicant shall provide incentives in the bidding process in selecting construction contractors that propose the lowest-emission construction equipment (i.e., high pressure injectors; smaller engine sizes; electric equipment; gasoline powered equipment with catalytic converters; and alternatively fueled construction equipment).</p> <p>The applicant shall also provide incentives in the bidding process in selecting grading and construction contractors that propose the use of equipment using Level III diesel particulate filters.</p>	<p>Applicant, Construction Supervisor</p>	<p>City of Moreno Valley, Public Works, Land Development Division</p>	<p>Prior to Construction During Onsite/Offsite Construction (Provide evidence that this has been certified at occupancy)</p>				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
<p>MM AQ-3. During project construction, construction equipment shall be properly maintained in accordance with manufacturer's specifications; maintenance shall include proper tuning and timing of engines. During maintenance, precautions shall be taken to ensure that fuel is not leaked onto the ground. Equipment maintenance records and equipment design specification data sheets shall be kept onsite during construction and subject to inspection by the SCAQMD.</p>	Construction Supervisor	City of Moreno Valley Planning Division, Public Works, Land Development Division, and the South Coast Air Quality Management District	Onsite/Offsite Construction				
<p>MM AQ-4. During project construction, the project applicant shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of five (5) minutes.</p>	Construction Supervisor	City of Moreno Valley, Building and Safety Division	Onsite/Offsite Construction				
<p>MM AQ-5. Prior to issuance of a grading permit, the project applicant shall provide a traffic control plan to the City of Moreno Valley that will describe in detail safe detours around the project construction site with temporary traffic control (e.g., flag person) during construction-related truck hauling activities, as required by the City. Construction activities that affect traffic flow on the arterial system shall be minimized by scheduling such activities to off-peak hours. Construction truck travel shall be routed to minimize travel on congested streets and near to sensitive receptor areas. Construction traffic shall gain access to the project site via Theodore Street and Eucalyptus Avenue to the greatest extent possible to minimize traffic and dust along Redlands Boulevard. The traffic control plan is primarily intended as a safety measure but also can minimize traffic congestion and delays that increase idling and acceleration emissions. The traffic control plan shall be prepared in accordance with U.S. Department of Transportation Federal Highways Administration Rule on Work Zone Safety 23 CFR 630 Subpart J, Developing and Implementing</p>	Applicant	City of Moreno Valley, Transportation Engineering Division	Prior to issuance of a grading permit				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
Traffic Management Plans for Work Zones.							
MM AQ-6. All paints shall be low VOC paints and applied using either high volume low-pressure (HVLP) spray equipment or by hand application. For a list of low VOC paints, refer to the website www.aqmd.gov/prdas/brochures/paintguide.html .	Applicant, Construction Supervisor	City of Moreno Valley, Building and Safety Division	Construction				
MM AQ-7A. Construction Phases. Prior to the issuance of grading permits, the developer shall provide documentation to the City of Moreno Valley indicating that construction workers will be encouraged to carpool to the greatest extent practical, including providing information on park and ride programs available to workers. The project shall also provide for lunch services onsite during construction to minimize the need for offsite vehicle trips. Workers shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.	Applicant	City of Moreno Valley, Planning Division,	Prior to issuance of grading permits. Construction				
MM AQ-7B. Occupancy. Prior to the issuance of occupancy permits, the project applicant shall provide documentation to the City of Moreno Valley indicating that tenant workers will be encouraged to carpool to the greatest extent practical including providing information on park and ride programs available to employees. Employees shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.	Applicant	City of Moreno Valley, Planning Division	Prior to issuance of Certificate of Occupancy				
MM AQ-8. During project construction, onsite electrical hook-ups shall be provided for electric construction tools including saws, drills and compressors, to minimize the need for diesel powered electric generators.	Applicant, Construction Supervisor	City of Moreno Valley, Building and Safety Division	Construction				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
MM AQ-9. During construction, rumble or bumper strips or similar best management practices shall be provided where vehicles enter and exit the construction site onto paved roads, or wash off trucks or any equipment leaving the site with each trip.	Applicant, Construction Supervision	City of Moreno Valley, :Public Works Land Development Division	Construction				
MM-AQ-10. Offsite construction improvements shall be limited to an 8-hour day during daylight hours.	Construction Supervisor	City of Moreno Valley Public Works Land Development Division	Offsite Construction				
Operations	Applicant, Tenants	City of Moreno Valley, Planning Division and Building and Safety Division	Prior to issuance of occupancy permits/Operation				
MM AQ-11. All project entrances shall be posted with signs which state: a) Diesel trucks servicing the project shall not idle for more than 3 minutes; and b) Telephone numbers of the building facilities manager and the California Air Resources Board to report violations.	Applicant, Tenants	City of Moreno Valley, Planning Division and Building and Safety Division	Prior to Issuance of Certificate of Occupancy/ Operation				
MM AQ-12. Electricity shall be provided in the loading dock areas for transportation refrigeration units visiting the site, if any.	Applicant, Tenants	City of Moreno Valley, Planning Division and Building and Safety Division	Prior to Issuance of Certificate of Occupancy/ Operation				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
<p>MM AQ-13. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area.</p>	Applicant	City of Moreno Valley, Planning Division	<p>Submittal of Deed Restriction Documents Prior to Issuance of Building Permits</p> <p>Execution of Deed Restrictions Prior to Issuance of Certificate of Occupancy</p>				
<p>MM AQ-14. Electrical hookups shall be provided for transport refrigeration units within the Commercial component (Phases II and III) to eliminate the need for idling of diesel-powered transport refrigeration units.</p>	Applicant, Tenants	City of Moreno Valley, Planning Division and Building and Safety Division	Plot Plan Approval/Prior to Occupancy Permits				
<p>MM AQ-15. The project applicant shall include in all new lease documents the requirement that the tenants shall utilize only trucks using refrigeration units capable of utilizing electrical hook-ups for deliveries to the tenant.</p>	Applicant	City of Moreno Valley, Planning Division	Operation (Written Documentation shall be provided)				
<p>MM AQ-16. The project applicant shall encourage its tenants to do the following: have a compressed workweek schedule for its employees; include electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets; require or provide incentives to use California Air Resources Board certified particulate filters that meet level III requirements; use "clean" trucks, such as 2007 or newer model year or 2010 compliant; use electric yard trucks; use trucks with a SmartWay 1.25 rating; and electrify auxiliary power units. The applicant shall provide documentation of its efforts to the satisfaction of the City.</p>	Applicant, Tenants	City of Moreno Valley, Planning Division	Operation				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
MM AQ-17. The project shall be designed such that the check-in point for trucks is inside the facility property to ensure that there are no trucks queuing outside the facility.	Applicant	City of Moreno Valley, Planning Division, and Transportation Engineering Division	Plot Plan Review/ Approval				
MM AQ-18. Food services shall be provided onsite.	Applicant, Tenants	City of Moreno Valley, Planning Division	Onsite Construction, Operation				
MM AQ-19. Prior to the Issuance of Occupancy Permits, written evidence shall be provided to the Planning and Transportation Engineering Divisions that the project applicant shall include in all new lease documents the requirement that the tenant shall provide employees with incentives for carpooling or impose a parking fee.	Applicant, Tenant	City of Moreno Valley, Planning Division and Transportation Engineering Division	Written Evidence of Compliance Shall Be Provided at Occupancy/Operation				
MM AQ-20. The property owners association shall maximize use of electrical equipment for landscape maintenance.	Applicant, Tenants	City of Moreno Valley, Planning Division	Operation				
MM AQ-21. Prior to the issuance of a certificate of occupancy for Phase 3, traffic signals, including interconnect hardware installed, or paid for, in whole or in part, by the project applicant shall be synchronized by the applicant, to the satisfaction of the City Engineer.	City of Moreno Valley	City of Moreno Valley, Transportation Engineering Division	Prior to Certificate of Occupancy For Phase III.				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
Biological Resources							
<p>MM BR-1. To avoid impacts to nesting birds covered under the MBTA, vegetation removal activities involving established perennial vegetation located in the urban/developed plant community shall be avoided during avian nesting season (February 15 through August 31). If the nesting season cannot be avoided, a nesting bird survey shall be provided no more than thirty (30) days prior to vegetation removal activities. If no active nests are observed, construction activity may proceed with no further monitoring. If active nests are observed, a biological monitor shall be present during any construction activity within the vicinity of the nest. Construction activity may encroach within the vicinity of the nesting birds at the discretion of the biological monitor. Construction activity may proceed once the nestlings have fledged the nest.</p>	Applicant, Consulting Biologist	City of Moreno Valley Planning Division	Prior to Issuance of Grading Permits				
<p>MM BR-2. Prior to issuance of a grading permit, the applicant shall pay the mandatory mitigation fee for the SKRHCP. The mitigation fee is a per/acre fee based on the entire property footprint and is used to purchase land that contains occupied Stephens' kangaroo rat habitat for the purpose of conserving a large core population.</p>	Applicant	City of Moreno Valley Planning Division	Prior to Issuance of a Grading Permit				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
<p>MM BR-3. A pre-construction clearance survey for burrowing owl shall be provided. The pre-construction survey shall be conducted by a qualified biologist no more than thirty (30) days prior to any grading or ground disturbing activities.</p> <p>If construction is to be initiated during the breeding season (February 1 through August 31) and burrowing owl is determined to occupy any portion of the study area during the 30-day pre-construction survey, consultation with the CDFG and USFWS shall take place and no construction activity shall take place within 500 feet of an active nest/burrow until it has been determined that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow. No disturbance to active burrows shall occur without appropriate permitting through the MBTA and/or CDFG.</p> <p>If active burrowing owl burrows are detected outside the breeding season (September through January), or within the breeding season but owls are not nesting or in the process of nesting, passive relocation may be conducted following consultation with the CDFG and USFWS. Construction activity may occur within 500 feet of the active nests at the discretion of the biological monitor.</p>	Applicant, Consulting Biologist	City of Moreno Valley Planning Division	Prior to Issuance of Grading Permits				
<p>MM BR-4. Prior to issuance of a building permit, the applicant shall pay the mandatory mitigation fee for the MSHCP. The mitigation fee is a per unit fee based on the residential development and a per square feet fee based on commercial or industrial development. This will satisfy mitigation required for Impact 5.4-5 and 5.4-6.</p>	Applicant	City of Moreno Valley Planning Division	Prior to the Issuance of a Building Permit				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
<p>Cultural Resources</p> <p>MM CR-1. Prior to the issuance of a grading permit, a City-approved Project Archaeologist shall be retained to initiate and supervise cultural resource mitigation-monitoring during project-related earthmoving in all areas of the project, subject to certain constraints found in MM CR-2.</p> <p>MM CR-2. Project-related archaeological monitoring shall include the following constraints:</p> <ol style="list-style-type: none"> All construction-related earthmoving shall be monitored to a depth of ten (10) feet below grade by the Project Archaeologist or his/her designated representative; Once 50 percent of the earth to be moved has been examined by the Project Archaeologist, the Project Archaeologist may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected; If buried cultural resources are detected during monitoring, monitoring must continue until 100 percent of virgin earth within the study area has been disturbed and inspected by the Project Archaeologist or his/her designated representative. Grading shall cease in the area of a cultural artifact or potential cultural artifact as delineated by the Project Archaeologist or his/her designated representative. Grading should continue in other areas of the site while particular find are investigated; and If cultural artifacts are uncovered during grading, they shall be examined by a professional archaeologist subject to MM CR-3, and decisions shall be made as to mitigation, treatment and/or 	<p>Applicant, Construction Supervisor, Consulting Archaeologist</p> <p>Applicant, Consulting Archaeologist, Construction Supervisor</p>	<p>City of Moreno Valley, Planning Division</p> <p>City of Moreno Valley Planning Division</p>	<p>Prior to Issuance of a Grading Permit (Provide document for review prior to issuance of a Grading Permit)</p> <p>During Grading</p>				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
<p>disposition in consultation with the culturally affiliated Tribe(s), as determined by the City. A mitigation-monitoring report must accompany the artifacts.</p> <p>MM CR-3. Should buried prehistoric cultural resources be encountered during monitoring, the resources shall be evaluated for significance in consultation with the culturally affiliated Tribe(s), as determined by the City, following CEQA Guidelines prior to continuance of grading in the area.</p> <p>MM CR-4. The City of Moreno Valley shall designate culturally affiliated Tribe(s) to monitor the project. Qualified representatives of the Tribal Group(s) shall be granted access to the project site to monitor all activities monitored by the Project Archaeologist.</p> <p>MM CR-5. Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the project, subject to certain constraints found below:</p> <ol style="list-style-type: none"> Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. Monitors shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens, and, Monitoring may be reduced if the potentially 	<p>Applicant, Construction Supervisor, Consulting Archaeologist</p> <p>City of Moreno Valley, Construction Supervisor</p> <p>Applicant, Construction Supervisor, Consulting Paleontologist</p>	<p>City of Moreno Valley Planning Division</p> <p>City of Moreno Valley Planning Division</p> <p>City of Moreno Valley Planning Division, Land Development Division of the Public Works Department</p>	<p>During Grading</p> <p>Prior to Issuance of Grading Permits</p> <p>Prior to Issuance of Grading Permits, During Grading</p>				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
<p>fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.</p> <p>MM CR-6. Although considered unlikely, there is always the possibility that ground-disturbing activities may uncover previously unknown human remains. Should this occur, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed.</p> <p>In the event of an accidental discovery or recognition of any human remains, California Health & Safety Code 7050.5 and California Public Resource Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken:</p> <ol style="list-style-type: none"> 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until a determination as to disposition and treatment is made. The Riverside County Coroner shall be contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours to allow the NAHC to identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations and enter into consultation with the landowner, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. 	<p>Applicant/ Construction Supervisor</p>	<p>City of Moreno Valley, Planning Division</p>	<p>During Grading</p>				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
<p>Geology and Soils</p> <p>The project will be subject to the City's Grading Ordinance and all applicable California Building Codes.</p> <p>MM GEO-1. During excavation and grading activities a qualified engineering geologist shall observe the in-grading excavation to confirm the absence of any fault features within the building site. If any currently unknown fault features are observed, such features shall be evaluated by the geologist and, if determined necessary, remediation measures or other measures as appropriate shall be implemented to address such features in accordance with applicable City and State requirements. The geologist's record of observations shall be summarized in a final report to be submitted to the City at the conclusion of excavation/grading activities.</p>	Applicant, Consulting Geologist	City of Moreno Valley, Planning Division, Building and Safety Division, and Public Works Land Development Division	Onsite Construction During Grading				
<p>Hazards and Hazardous Materials</p> <p>MM HH-1. The fire protection system shall be designed per National Fire Protection Agency (NFPA) 13 to provide an Early Suppression Fast Response (ESFR) sprinkler system protection. Temperature rating of sprinkler heads to be per the Fire Department's requirements.</p> <p>MM HH-2. A complete on-site fire protection underground system shall be provided per NFPA 24 and specific requirements of the local authorities. This system shall include hydrants, sectional valves, backflow prevention, and Fire Department connections.</p>	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				
	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
<p>MM HH-3. Riser assemblies shall include mechanical alarm valves. System control valves shall either be riser mounted with wall post extensions or exterior post indicator valves as required by the local authority. All required devices for central station alarm system interface shall be provided.</p>	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				
<p>MM HH-4. System design, material, and installation shall comply with NFPA 13 and the other previous NFPA standards. It shall also comply with CBC and UFC standards. Approvals will also be obtained from the owner's insurance authority.</p>	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				
<p>Land Use and Planning</p>							
<p>MM LU-1. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area. (MM AQ-13)</p>	Applicant	City of Moreno Valley Planning Division	Submittal of Deed Restriction Documents Prior to Issuance of Building Permits Execution of Deed Restrictions Prior to Issuance of Certificate of Occupancy				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
Noise							
<p>Temporary Impacts Due to Construction Noise</p> <p>MM N-1. No Construction Vehicles on Redlands Boulevard south of Future Eucalyptus Avenue. Other than construction vehicles necessary for identified offsite improvements within Redlands Boulevard, no construction vehicles shall be allowed in the vicinity of any residences on Redlands Boulevard south of existing Fir/future Eucalyptus Avenue. The prohibition for construction traffic shall apply to all phases of the proposed project.</p>	Applicant, Construction Supervisor	City of Moreno Valley, Public Works, Land Development Division	Construction				
<p>MM N-2. No Nighttime Grading within 1,200 Feet of Residences south of Future Eucalyptus Avenue. City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. No grading activities shall occur at night (8 p.m. to 7 a.m.) within 1,200 feet from any noise-sensitive land uses (i.e. occupied residences including yard areas, schools, etc.) located south of SR-60 (Exhibit 5.11-6 shows the current location of occupied residences). Prior to the issuance of a grading permit, the project applicant shall submit a Noise Reduction Compliance Plan (NRCP) to the City as part of the grading permit submittal showing the limits of nighttime construction based on the location of occupied residential dwellings and their associated parcels, and other noise sensitive uses. The limits of nighttime grading shall be shown on the NRCP and grading plan submitted to the City.</p> <p>The limits of construction allowed at night shall be staked or posted on site, and contractors will be provided with a copy of the plan showing the limits of nighttime construction.</p> <p>In the event any new residential units or other noise sensitive land uses are built and occupied in the</p>	Applicant, Construction Supervisor	City of Moreno Valley, Planning Division and Public Works Land Development Division	Prior to Issuance of a Grading Permit, Pre-Construction and During Construction				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
<p>vicinity of the project site prior to completion of Phase 1 construction, nighttime construction and grading activities shall be prohibited within 1,200 feet of such residences. Compliance shall be demonstrated through a modification of the NRCP.</p> <p>With the implementation of this mitigation measure, the loudest noise level that would be experienced at any developed residential parcel would be less than 55 dBA (Leq) during the nighttime, and this level would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the Noise Reduction Compliance Plan (NRCP) and periodic monitoring of noise levels at developed residential parcels within 1,200 feet of the project site.</p>							

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
<p>MM N-3. Daytime Construction Noise. City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. If project site grading activities must occur within 560 feet of noise-sensitive land uses during the daytime (7 a.m. to 8 p.m.), then temporary sound barriers of sufficient height and density to reduce daytime noise levels to 60 dBA (Leq) or less shall be placed between the grading activities and the noise-sensitive land uses. Prior to the issuance of a grading permit, the developer shall submit a NRCP to the City as part of the grading permit submittal showing the limits of daytime construction based on the 560 foot setback in relation to the location of occupied residential dwellings and their associated parcels and other noises sensitive uses.</p> <p>In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase I construction, the NRCP shall be modified to show a the revised new 560 foot setback for day time construction and grading activities in relation to the new residences.</p> <p>With the implementation of this mitigation measure the loudest noise level that would be experienced at any developed residential parcel would be less than 60 dBA (Leq) during the daytime, and these levels would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase I construction of the project should be assured through the NRCP and periodic monitoring of noise levels at developed residential parcels within 560 feet of the project site. This mitigation measure does not apply to off-site construction.</p>	Applicant, Construction Supervisor	City of Moreno Valley, Planning Division and Public Works Land Development Division	Prior to Issuance of a Grading Permit, Pre-Construction and Construction				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
<p>MM N-4. Require Equipment Maintenance. All construction equipment shall be maintained in good working order and fitted with the appropriate silencers, mufflers or acoustic covers where applicable.</p> <p>MM N-5. Locate Material Stockpiles 1,200 Feet from Residences south of the Freeway. Material stockpiles shall be located at least 1,200 feet from residences south of future Eucalyptus Avenue along Theodore Street and Redlands Boulevard. Remotely locating the stockpiles reduces the noise at the residences from equipment traveling to and from the stockpiles and the noise that is sometimes associated with handling of material.</p>	<p>Applicant, Construction Supervisor</p> <p>Applicant, Construction Supervisor</p>	<p>City of Moreno Valley, Planning Division, Building and Safety Division</p> <p>City of Moreno Valley, Public Works, Land Development Division, and the Building and Safety Division</p>	<p>During Construction</p> <p>Pre-Construction and Construction</p>				
Transportation and Traffic							
<p>MM TT-1. Prior to issuance of Certificate of Occupancy for Phase 1, turn lanes shall be improved along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements. These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.</p> <p>MM TT-2. Concurrent with the submittal of the plot plan for Phase 3 of the proposed project, the project applicant shall submit a supplemental traffic study assessing the project's contribution to the traffic impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. Approval of the supplemental traffic study must occur prior to the approval of entitlements for the Phase 3 Plot Plan. The project applicant shall contribute to the costs of the interim intersection improvements required to provide adequate capacity for all phases of the</p>	<p>Applicant</p> <p>Applicant</p>	<p>City of Moreno Valley, Public Works, Transportation Engineering Division</p> <p>City of Moreno Valley, Public Works, Transportation Engineering Division</p>	<p>Prior to Issuance of Certificate of Occupancy for Phase I</p> <p>Phase 3 Plot Plan Review, Prior to Issuance of Building Permits for Phase 3</p>				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
<p>project. Said contribution shall be on a fair-share basis considering the buildout of adjacent areas. Payment of such costs shall be provided prior to the issuance of a building permit for Phase 3. If the timing of Phase 3 of the project precedes the planned interim improvements, the project shall be required to construct interim improvements needed to provide adequate capacity to serve the project.</p>							
<p>MM TT-3. The project applicant shall construct the easterly leg of the intersection located at Redlands Boulevard and Eucalyptus Avenue at the ultimate design required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. The design tentatively consists of a dedicated westbound left turn lane, two westbound through lanes and a dedicated westbound right turn lane. Final geometrics shall be determined after receiving the supplemental traffic study identified in MM TT 2. Construction of required improvements shall be completed prior to the issuance of occupancy permits for Phase 3 of the project.</p>	Applicant	City of Moreno Valley, Public Works, Transportation Engineering Division	Phase 3, Prior to Issuance of Occupancy Permits				
<p>MM TT(C)-1. Prior to issuance of certificate of occupancy for Phase 1 of the project, turn lanes shall be provided along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.</p>	Applicant, City of Moreno Valley	City of Moreno Valley, Public Works, Transportation Engineering Division, Riverside County Transportation Department	Prior to Issuance of Certificate of Occupancy for Phase I				
<p>MM TT(C)-2. The short-range analysis shows project impacts at the Redlands Boulevard interchange and at the Redlands Boulevard/Eucalyptus Avenue intersection. At the interchange, improvements are planned and the project shall participate on a fair share</p>	Applicant, City of Moreno Valley	City of Moreno Valley, Public Works, Transportation Engineering	Phase 3 Plot Plan Review (or As Determined By MM TT-2)				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
<p>basis if private funding is needed. If the timing of Phase 3 of the project precedes the planned interchange improvements, the project shall contribute to interim improvement to provide adequate capacity until the ultimate improvements are completed. These interim improvements include additions of left and right turn lanes at Redlands Boulevard, SR 60 Ramps, and Eucalyptus Avenue. The interim improvements would be the shared responsibility of the proposed project and cumulative projects. Fair share participation and/or contribution to interim improvements, as applicable, shall be required prior to the issuance of a building permit for Phase 3 of the project.</p>		Division, Riverside County Transportation Department					
<p>MM TT(C)-3. At the time of the submittal of the plot plan for Phase 3 of the proposed project, the applicant shall submit a supplemental traffic study assessing the project's contribution to the impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. The developer shall contribute to the costs on a fair share basis of the intersection improvements required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. If the timing of Phase 3 of the project precedes the planned improvements, the project shall be required to construct interim improvements to provide adequate capacity until the ultimate improvements are completed.</p>	Applicant, City of Moreno Valley	City of Moreno Valley, Public Works, Transportation Engineering Division, Riverside County Transportation Department	Phase 3 Plot Plan Review (or As Determined By MM TT-2)				
<p>Utilities and Service Systems</p>							
<p>MM W-1. Prior to issuance of a Precise Grading Permit, Planting and Irrigation Plans shall be submitted for review and prior to the issuance of a building permit, approved by the City. Such plans shall contain the following components:</p> <ul style="list-style-type: none"> The plans shall incorporate water conservation principles as detailed in the Moreno Valley 	Applicant	City of Moreno Valley Planning Division	Plan Check Review/Prior to Issuance of Building Permit				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
<p>Municipal Code § 9.17.030 Landscape and irrigation design standards.</p> <ul style="list-style-type: none"> Plant types shall be grouped together according to their water, soil, sun and shade requirements and in relationship to the buildings. Plants with different water needs shall be irrigated separately. Plans shall be designed in accordance with soil tests to determine appropriate specifications of soil amendments and to facilitate selection of water-efficient plant species suitable for the site. Soil amendments such as compost shall be provided to improve water-holding capacity of soil, where soil conditions warrant. All exposed surfaces of non-turf areas within the developed landscape area shall be mulched with a minimum three inch (3") layer of material, except in areas with groundcover planted from flats where mulch depth shall be one and one half inches (1.5"). Turf areas shall be limited to public gathering areas and used in compliance with City approved water budget formula(s) and specifications. All irrigation systems shall be designed to prevent runoff, over-spray, low head drainage (occurs where sprinkler systems are installed in sloped areas) and other similar conditions where water flows offsite on to adjacent property, non-irrigated areas, walk, roadways, or structures. Irrigation systems shall be designed, constructed, managed, and maintained to achieve as high an overall efficiency as possible. Landscaped areas shall be provided with a smart irrigation controllers which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions; b) rain-sensing devices to prevent irrigation during rainy weather; c) anti-drain check valves installed at strategic points to minimize or prevent low-head drainage; and d) pressure regulators when the static water pressure exceeds the maximum recommended 							

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
<p>operating pressure of the irrigation system.</p> <ul style="list-style-type: none"> The planting areas shall be grouped in relation to moisture control zones based on similarity of water requirements (i.e., turf separate from shrub and groundcover, full sun exposure areas separate from shade areas; top of slope separate from toe of slope). 							
Global Climate Change and Greenhouse Gases							
MM GCC-1. The project shall be designed to meet applicable 2008 Title 24 energy efficiency requirements, or any more stringent requirements that may be adopted prior to the issuance of building permits for the project.	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Plan Check Review/Prior to Issuance of Building Permits				
MM GCC-2. All buildings shall be designed with “cool roofs” using products certified by the Cool Roof Rating Council, and exposed roof surfaces shall use “cool paints.”	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Plan Check Review/Prior to Issuance of Building Permits				
MM GCC-3. The project shall install a photovoltaic array (solar panels) or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable sources, to meet the project’s Phase 1 office electricity needs.	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Prior to Certificate of Occupancy/Phase 1 Office Occupancy				
MM GCC-4. The design and operation of the project shall use ENERGY STAR-qualified energy efficient products for heating and cooling systems, and for built-in appliances and lighting.	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Plan Check Review/Prior to Issuance of Building Permits				
MM GCC-5. To reduce vehicle miles traveled and emissions associated with trucks and vehicles, the following measures shall be implemented to the satisfaction of the Community Development Director, Public Works Director, Building Official and Transportation Division Manager: a) Onsite secure, weather-protected bicycle storage	Applicant	City of Moreno Valley Planning Division, Building and Safety Division, Public Works, Transportation Engineering Division	Prior to Certificate of Occupancy, Operation				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
<p>parking shall be provided. Onsite showers (one for males and one for females) and lockers for employees shall be provided in each building. Onsite convenient bicycle parking shall be provided for retail customers.</p> <p>b) Any traffic lights installed as part of this project shall use Light Emitting Diodes.</p> <p>c) Pedestrian and bicycle connections shall be provided to surrounding areas consistent with the Existing General Plan.</p> <p>d) A Transportation Management Association (TMA) shall be established for the project by the applicant. The TMA shall coordinate its efforts with other TMAs in the City and encourage and coordinate carpooling by occupants of the project. The TMA shall advertise its services to the building occupants. The TMA shall offer transit or other incentives to the employees to reduce greenhouse gas emissions. A shuttle shall be provided during any one hour period where the number of employees using public transit exceeds 20 during the period. The TMA shall distribute public transportation information to its employees. The TMA shall provide electronic message board space for coordinating rides. Within two months after project completion, the TMA shall submit a plan to the City that outlines the measures the TMA has implemented and contact information.</p> <p>e) There shall be preferential parking for carpools, vanpools, and alternatively fueled vehicles.</p> <p>MM GCC-6. The project shall provide a minimum of two electric vehicle-charging stations.</p>	Applicant	City of Moreno Valley Planning Division and Building and Safety Division	Prior to Certificate of Occupancy				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
<p>MM GCC-7. During onsite construction phases of mass grading, fine grading, and building (excluding asphalt paving, trenching, and offsite improvements), off-road construction equipment shall use biodiesel fuel (a minimum of B20, or 20 percent of biodiesel). Construction equipment exempt from this measure include those with warranties that would be voided if B20 biodiesel fuel is used. Prior to issuance of grading permits, the applicant shall provide documentation to the City that verifies that certain equipment are exempt; that a biodiesel supply has been secured; and that the construction contractor is aware that the use of biodiesel is required.</p>	Applicant, Construction Supervisor	City of Moreno Valley Public Works, Land Development Division	Prior to Issuance of Grading Permits During Construction				
<p>MM GCC-8. Prior to issuance of a grading permit, the project shall have in place a City-approved Solid Waste Diversion and Recycling Plan that demonstrates the diversion and recycling of all salvageable and re-usable wood, metal, plastic and paper products used during project construction. A similar Plan shall be in place prior to occupancy that demonstrates the diversion and recycling of all wood, metal, plastic and paper products during on-going operation of the warehouse and office portions of the project. The Plans shall include the name of the waste hauler, their assumed destination for all waste and recycled materials, and the procedures that will be followed to ensure implementation of this measure.</p>	Applicant	City of Moreno Valley Planning Division and Public Works and Development Division	Prior to Issuance of Grading Permit Prior to Certificate of Occupancy				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
<p>MM GCC-9. The project shall be certifiable under Leadership in Energy and Environmental Design (LEED). The project shall obtain the following credits from the LEED for New Construction & Major Renovations, version 2.2 (or equivalent): Sustainable Sites Credit 7.1: Heat Island Effect, Non-Roof; LEED Energy & Atmosphere Credit 1, Optimize Energy Performance, in part through installing skylights and utilizing energy efficient lighting. Demonstration of certifiability shall be provided to the satisfaction of the City, prior to the issuance of building permits.</p>	Applicant	City of Moreno Valley Planning Division and Building and Safety Division	Submit Prior to Building Permits				
<p>MM GCC-10. The project shall be designed to accommodate trucks utilizing "SmartWay Truck Efficiency" emission reduction features. Trailer tails (extenders) are incompatible with loading docks and are exempt from this measure.</p>	Applicant	City of Moreno Valley Planning Division	Prior to Issuance of Building Permits/Prior to Construction (Provide Documentation)				
<p>MM GCC-11. Every truck that enters the site with a gross vehicle weight rating over 10,000 pounds shall have an Engine Certification Label. If it does not have the label, it shall be prohibited from entering the project site.</p>	Applicant, Tenant	City of Moreno Valley, Planning Division	Operation				

ORDINANCE NO. 785

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING THE OFFICIAL ZONING ATLAS OF SAID CITY, TO INCLUDE A CHANGE OF ZONE (PA07-0088) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 104.9 ACRE PORTION OF THE SITE, INCLUDING A CHANGE OF ZONE FOR A 87 FOOT AREA BETWEEN PARCELS 2 AND 3 FROM BP (BUSINESS PARK) TO CC (COMMUNITY COMMERCIAL) AND CHANGE OF ZONE FOR 126 FEET OF LAND BETWEEN PARCELS 1 AND 4 FROM CC (COMMUNITY COMMERCIAL) TO LI (LIGHT INDUSTRIAL), ALL ENCOMPASSED WITHIN AN APPROXIMATELY 158 ACRE SITE (INCLUDING RELEVANT OFFSITE IMPROVEMENTS AND DRAINAGE) COMMERCIAL LAND USES) ON THE PROPERTY LOCATED SOUTH OF AND ADJACENT TO HIGHWAY 60 BETWEEN REDLANDS BOULEVARD AND THEODORE STREET ALONG FUTURE EUCALYPTUS (FIR AVENUE)

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 GENERAL:

1.1 The applicant, Highland Fairview, has filed Application PA07-0088, requesting an amending of the City of Moreno Valley Municipal Code and Official Zoning Atlas as described in this ordinance.

1.2 The Planning Commission conducted a public hearing on January 8, 2009, and a continued meeting on January 15, 2009, with project forwarded to the City Council on said date.

1.3 Pursuant to the provisions of the law, public hearings were held before the City Council on February 3, 2009.

1.4 The matter was fully discussed, and the public and other agencies presented testimony and documentation.

1.5 An Environmental Impact Report is proposed for the project under California Environmental Quality Act (CEQA) guidelines.

SECTION 2 FINDINGS:

2.1 Based upon substantial evidence presented to this City Council on February 3, 2009, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The change of zone is consistent with the General Plan land use designation on the property of Business Park/Light Industrial. Although the General Plan designation of BP would allow the project as currently proposed, the current zoning designation of BP would not allow for the large industrial warehouse structure as proposed under Phase 1 of the plot plan. Therefore, the applicant has requested a change of zone from a business park land use designation (BP) to a light industrial designation (LI) to allow for large industrial warehouse buildings to occur. A change of zone from BP to LI would allow a 1,820,000 square foot building as well as an industrial warehouse operation with some ancillary retail sales of product to occur.

Land uses allowed under the proposed LI zoning category allow for indoor wholesale, storage and distribution buildings uses, but also allow building sizes of 50,000 square feet or greater that facilitate general manufacturing or warehouse uses with frequent truck traffic. In order to provide greater compatibility between current and proposed land uses, the applicant has proposed a buffer zone within approximately 440 feet south of the project's southern property fence line along future Eucalyptus Avenue. Development with such uses as residential homes, schools or hospitals would not occur within this buffer area based on deed restrictions placed on all properties within the zone. All other areas to the east (vacant BP or Business Park land), west (vacant CC or Community Commercial land) and north (Highway 60) would not contain sensitive receptors and so not include a land use buffer.

The project and proposed change of zone as a whole will include conditions and mitigation measures for the lessening of proposed environmental impacts including noise, air quality, traffic/transportation and climate change (however, not all below significant levels) based on the analysis and recommendations contained in the Final Environmental Impact Report (EIR) and corresponding Statement of Overriding Considerations. Said conditions of approval and mitigation measures have been included

to address specific requirements and assist in providing compatibility of land uses, including, but not limited to site improvements and aesthetic enhancements.

2. Conformance with Zoning Regulations – The proposed use complies with all applicable zoning and other regulations and is consistent with the purposes and intent of this title.

FACT:The proposed project, consisting of industrial and commercial land uses requires a change of zone from BP (Business Park) to LI (Light Industrial) on an approximate 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage), which is being proposed to allow for larger industrial buildings.

The second portion of the change of zoning designations includes a change of zone between proposed Parcels 2 and 3 (an enlargement of 87 feet in width in the CC land use district and subtractions of 87 feet of width included within the BP or Business Park zone) In addition, a change of zone will occur in Parcels 1 and 4 (a reduction of 126 feet in width of the CC land use district and an increase of 126 feet in width of LI or Light Industrial land use). The change of small land use areas between the four parcels will allow additional commercial development to occur on Parcel 3 and additional industrial development to occur on Parcel 4.

The project including proposed changes of zone, will include conditions, and mitigation measures for the lessening of proposed environmental impacts including aesthetics, agriculture, noise, air quality, climate change (however, not below significant levels) based on the analysis and recommendations contained in the Final Environmental Impact Report (EIR) and corresponding Statement of Overriding Considerations. Said conditions of approval and mitigation measures have been included to address specific requirements and assist in providing compatibility of land uses, including, but not limited to site improvements and aesthetic enhancements.

3. Health, Safety and Welfare – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT:An Environmental Impact report (EIR) has been prepared for the overall project, including the proposed Change of Zone. Findings and a Statement of Overriding Considerations have been

prepared for said project to deal with impacts related to aesthetics, agriculture, air quality, noise and climate change/greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said document is accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential and business park properties to the south, east and west.

Specific mitigation measures have been provided to lessen the impacts (but not all below significant levels) for public health, safety and the welfare of surrounding properties and improvements in the vicinity of the project. This includes, but is not limited to the limitation of project lighting and glare, and enhanced architectural and landscaping treatment to soften views and reduce visual character as well as light and glare to less than significant levels for aesthetics. Air quality mitigation measures include a fugitive dust control plan with application of best management practices to control fugitive dust during construction, emission control equipment with a minimum of Tier II diesel particulate filter emission controls resulting in a minimum reduction of 50 percent of particulate matter, proper maintenance of construction equipment, a traffic control plan to minimize operational truck traffic and dust during construction, as well as low VOC paints, and other best management practices. Noise mitigation measures include the restriction of construction vehicles on Redlands Boulevard, south of future Eucalyptus Avenue, the restriction of nighttime grading within 1,200 feet of residences south of future Eucalyptus Avenue, specific sound barriers in place to limit daytime construction noise, equipment maintenance to include silencers, mufflers and acoustic covers, and the restriction of material stockpiles within 1,200 feet of all residences south of Highway 60. It is also important to note that an approximate 440 foot land use buffer is included as a land use mitigation measure to buffer the proposed project from future sensitive receptors which could be constructed south of the site. Other mitigation measures throughout the EIR reduce the remaining environmental impacts noted in the EIR to less than significant levels.

With mitigation measures imposed for items including noise, air quality, climate/Greenhouse gases, aesthetics and agricultural, the environmental impacts from the proposed project and use will be significantly reduced but still considered as significant and unavoidable, thereby requiring a statement of overriding considerations. Said mitigation measures included with the project

will lessen environmental impacts on any existing or future properties within the general vicinity of the proposed development and project and reduce impacts to public health, safety and welfare.

SECTION 3 - AMENDMENT OF THE OFFICIAL ZONING ATLAS

3.1 The City of Moreno Valley Official Zoning Atlas, as adopted by Ordinance No. 359, on April 14, 1992, of the City of Moreno Valley, and as amended thereafter from time to time by the City Council of the City of Moreno Valley, is further amended by placing in effect the zone or zone classification as shown on the attached map (marked "Exhibit A" and included herein by reference and on file in the office of the City Clerk), PA06-0099.

SECTION 4 EFFECT OF ENACTMENT:

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5 NOTICE OF ADOPTION:

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6 EFFECTIVE DATE:

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this ____ day of _____, 2009.

Mayor

ATTEST:

City Clerk

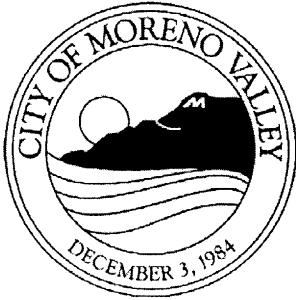
APPROVED AS TO FORM:

City Attorney

ORDINANCE JURAT

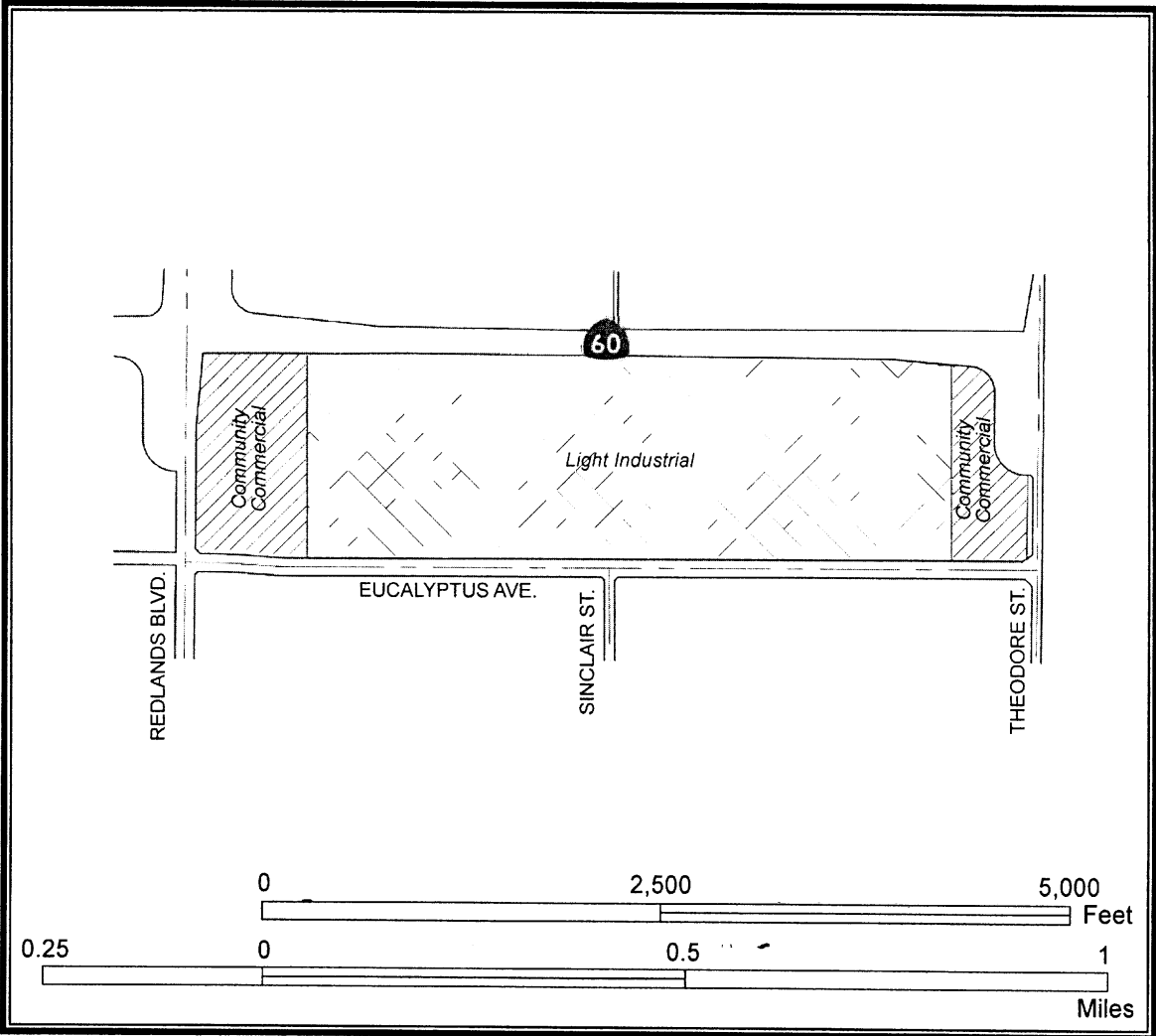
[Clerk's office will prepare]

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



CHANGE OF ZONE

Application No. PA07-0088



LEGEND



Light Industrial

Community Commercial



RESOLUTION NO. 2009-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT (PA07-0089) FOR THE ELIMINATION OF A PORTION OF A GENERAL PLAN DESIGNATED MULTI-USE TRAIL, THE ADJUSTMENT OF A PLANNED MULTI-USE TRAIL ON FUTURE EUCALYPTUS AVENUE (FIR), THE UPGRADING FROM AN ARTERIAL TO A DIVIDED ARTERIAL FOR FUTURE EUCALYPTUS AVENUE (FIR) AND A CHANGE IN LAND USE FOR A 87 FOOT AREA BETWEEN PARCELS 2 AND 3 FROM BP (BUSINESS PARK) TO C (COMMERCIAL) AND A CHANGE OF LAND USE FOR OF 126 FEET OF LAND BETWEEN PARCELS 1 AND 4 FROM C (COMMERCIAL) TO BP (BUSINESS PARK), AND A PLOT PLAN FOR AN APPROXIMATELY 1,820,000 SQUARE FOOT WAREHOUSE INDUSTRIAL BUILDING (TOTAL OF 2,620,000 SQUARE FEET FOR ALL PHASES OF DEVELOPMENT CONSISTING OF INDUSTRIAL AND COMMERCIAL LAND USES) ON THE PROPERTY LOCATED SOUTH OF AND ADJACENT TO HIGHWAY 60 BETWEEN REDLANDS BOULEVARD AND THEODORE STREET ALONG FUTURE EUCALYPTUS (FIR AVENUE)

WHEREAS, the applicant, Highland Fairview, has filed an application for the approval of a change of zone (PA07-0088) from BP (Business Park) to LI (Light Industrial) on an approximately 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage), a modification of zoning for a small portion of land between proposed Parcels 2 and 3 (an enlargement of 87 feet in width from LI to CC land use district) and Parcels 1 and 4 (a reduction of 126 feet in width from the CC land use district to the LI land use district), and a General Plan Amendment (PA07-0089) to eliminate a General Plan designated multi-use trail (Sinclair extension) through the center of the site, modify a General Plan designated multi-use trail from the south side of future Eucalyptus Avenue to the north side of the street with an extension from Quincy Street to Theodore Street, a change in the circulation plan designation from an arterial to a divided arterial for future Eucalyptus Avenue between Redlands Boulevard and Theodore Street, and a change in land use map for the areas between proposed Parcels 2 and 3 and proposed Parcels 1 and 4, for a proposed project site located adjacent to and south of Highway 60 and north of future Eucalyptus Avenue (Fir Avenue), between Redlands Boulevard and Theodore Street.

WHEREAS, application PA07-0089 was separately filed to modify the existing General Plan as discussed in the title of this resolution

WHEREAS, there is hereby imposed on the proposed project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

WHEREAS, there is hereby imposed on the subject development project(s) certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, an environmental assessment, including an Environmental Initial Study, has been prepared to address the environmental impacts associated with application as described above and an Environmental Impact Report (EIR) with mitigation measures has been certified pursuant to the California Environmental Quality Act (CEQA),

WHEREAS, on January 8, 2009, the Planning Commission of the City of Moreno Valley held a meeting and public hearing to consider a General Plan Amendment PA07-0089. At the conclusion of the meeting, the Planning Commission continued the item to January 15, 2009.

WHEREAS, on January 15, 2009, the Planning Commission forwarded the project to the City Council;

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred;

WHEREAS, all of the facts set forth in this Resolution are true and correct.

Section 1

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY FIND AND RESOLVE AS FOLLOWS WITH RESPECT TO PA07-0089:

- A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.
- B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on February 3, 2009, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:
 - 1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: A proposed General Plan amendment includes four items to be modified for consistency purposes as proposed by the applicant. The first includes the elimination of a General Plan designated multi-use trail (Sinclair extension) through the center of the property. The Sinclair trail would have included an overpass subject to the feasibility of a freeway bridge. Connections with a multi-use trail are required by the General Plan on both Redlands Boulevard and Theodore Street, with a third possible connection on Quincy Street subject to the feasibility of a freeway bridge. On two separate occasions, the Moreno Valley Trails Committee recommended that the Sinclair connection be eliminated and the trail along Fir/Eucalyptus be extended from Redlands to Theodore.

The second portion of the amendment includes an amendment of the proposed General Plan trail along future Eucalyptus Avenue (Fir) from the south side of the street to the north side of the street. This proposed change by the applicant would not be inconsistent with the intent of the General Plan to include multi-use trails in designated areas throughout the City. The revised multi-use trail will link Quincy Street to Theodore Street on the north side of Fir Avenue/Future Eucalyptus Avenue.

A third portion of the amendment includes the modification to the General Plan circulation plan to change the designation from arterial to divided arterial and to add landscaped medians along future Eucalyptus Avenue (Fir) between Redlands Boulevard and Theodore Street. This modification will be an improvement to the General Plan Circulation element and provide greater traffic safety and improve aesthetics along this roadway system.

The fourth and final portion of the amendment includes the adjustment of small portions of the land between proposed Parcels 2 and 3 (an enlargement of 87 feet in width in the CC land use district and decrease of the BP or Business Park land use designation) and Parcels 1 and 4 (a reduction of 126 feet in width of the CC land use district to BP or Business Park). The change in land use designation for these small portions of land will not cause an inconsistency of land use.

The project and proposed General Plan amendment as a whole will include conditions and mitigation measures for the lessening of proposed environmental impacts including noise, air quality, traffic/transportation and climate change (however, not all below significant levels) based on the analysis and recommendations contained in the Final Environmental Impact Report (EIR) and corresponding Statement of Overriding Considerations. Said

conditions of approval and mitigation measures have been included to address specific requirements and assist in providing compatibility of land uses, including, but not limited to site improvements and aesthetic enhancements.

2. Conformance with Zoning Regulations – The proposed use complies with all applicable zoning and other regulations.

FACT: The proposed project, consisting of industrial and commercial land uses requires a change of zone from BP (Business Park) to LI (Light Industrial) on an approximate 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage), which is being proposed to allow for larger industrial buildings.

The second portion of the change of zoning designations includes a change of zone between proposed Parcels 2 and 3 (an enlargement of 87 feet in width in the CC land use district and subtractions of 87 feet of width included within the BP or Business Park zone) In addition, a change of zone will occur in Parcels 1 and 4 (a reduction of 126 feet in width of the CC land use district and an increase of 126 feet in width of LI or Light Industrial land use). The change of small land use areas between the four parcels will allow additional commercial development to occur on Parcel 3 and additional industrial development to occur on Parcel 4.

The project including proposed changes of zone, will include conditions, and mitigation measures for the lessening of proposed environmental impacts including aesthetics, agriculture, noise, air quality, climate change (however, not below significant levels) based on the analysis and recommendations contained in the Final Environmental Impact Report (EIR) and corresponding Statement of Overriding Considerations. Said conditions of approval and mitigation measures have been included to address specific requirements and assist in providing compatibility of land uses, including, but not limited to site improvements and aesthetic enhancements.

3. Health, Safety and Welfare – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: An Environmental Impact report (EIR) has been prepared for the overall project, including the proposed Change of Zone. Findings and a Statement of Overriding Considerations have been prepared for said project to deal with impacts related to aesthetics,

agriculture, air quality, noise and climate change/greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said document is accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential and business park properties to the south, east and west.

Specific mitigation measures have been provided to lessen the impacts (but not all below significant levels) for public health, safety and the welfare of surrounding properties and improvements in the vicinity of the project. This includes, but is not limited to the limitation of project lighting and glare, and enhanced architectural and landscaping treatment to soften views and reduce visual character as well as light and glare to less than significant levels for aesthetics. Air quality mitigation measures include a fugitive dust control plan with application of best management practices to control fugitive dust during construction, emission control equipment with a minimum of Tier II diesel particulate filter emission controls resulting in a minimum reduction of 50 percent of particulate matter, proper maintenance of construction equipment, a traffic control plan to minimize operational truck traffic and dust during construction, as well as low VOC paints, and other best management practices. Noise mitigation measures include the restriction of construction vehicles on Redlands Boulevard, south of future Eucalyptus Avenue, the restriction of nighttime grading within 1,200 feet of residences south of future Eucalyptus Avenue, specific sound barriers in place to limit daytime construction noise, equipment maintenance to include silencers, mufflers and acoustic covers, and the restriction of material stockpiles within 1,200 feet of all residences south of Highway 60. It is also important to note that an approximate 440 foot land use buffer is included as a land use mitigation measure to buffer the proposed project from future sensitive receptors which could be constructed south of the site. Other mitigation measures throughout the EIR reduce the remaining environmental impacts noted in the EIR to less than significant levels.

With mitigation measures imposed for items including noise, air quality, climate/Greenhouse gases, aesthetics and agricultural, the environmental impacts from the proposed project and use will be significantly reduced but still considered as significant and unavoidable, thereby requiring a statement of overriding considerations. Said mitigation measures included with the project will lessen environmental impacts on any existing or future

properties within the general vicinity of the proposed development and project and reduce impacts to public health, safety and welfare.

BE IT FURTHER RESOLVED that the City Council of the City of Moreno Valley HEREBY APPROVES Resolution No. 2009-_____ approving PA08-0089, thereby establishing General Plan amendments as described in the Resolution, and the revised General Plan diagrams as attached to the Resolution as Exhibits A, B and C.

APPROVED AND ADOPTED this _____ day of _____ 2009.

Mayor

ATTEST:

City Clerk

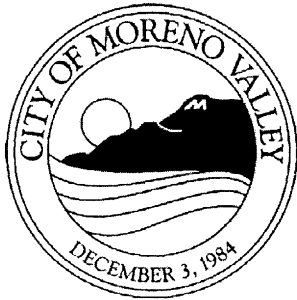
APPROVED AS TO FORM:

City Attorney

RESOLUTION JURAT

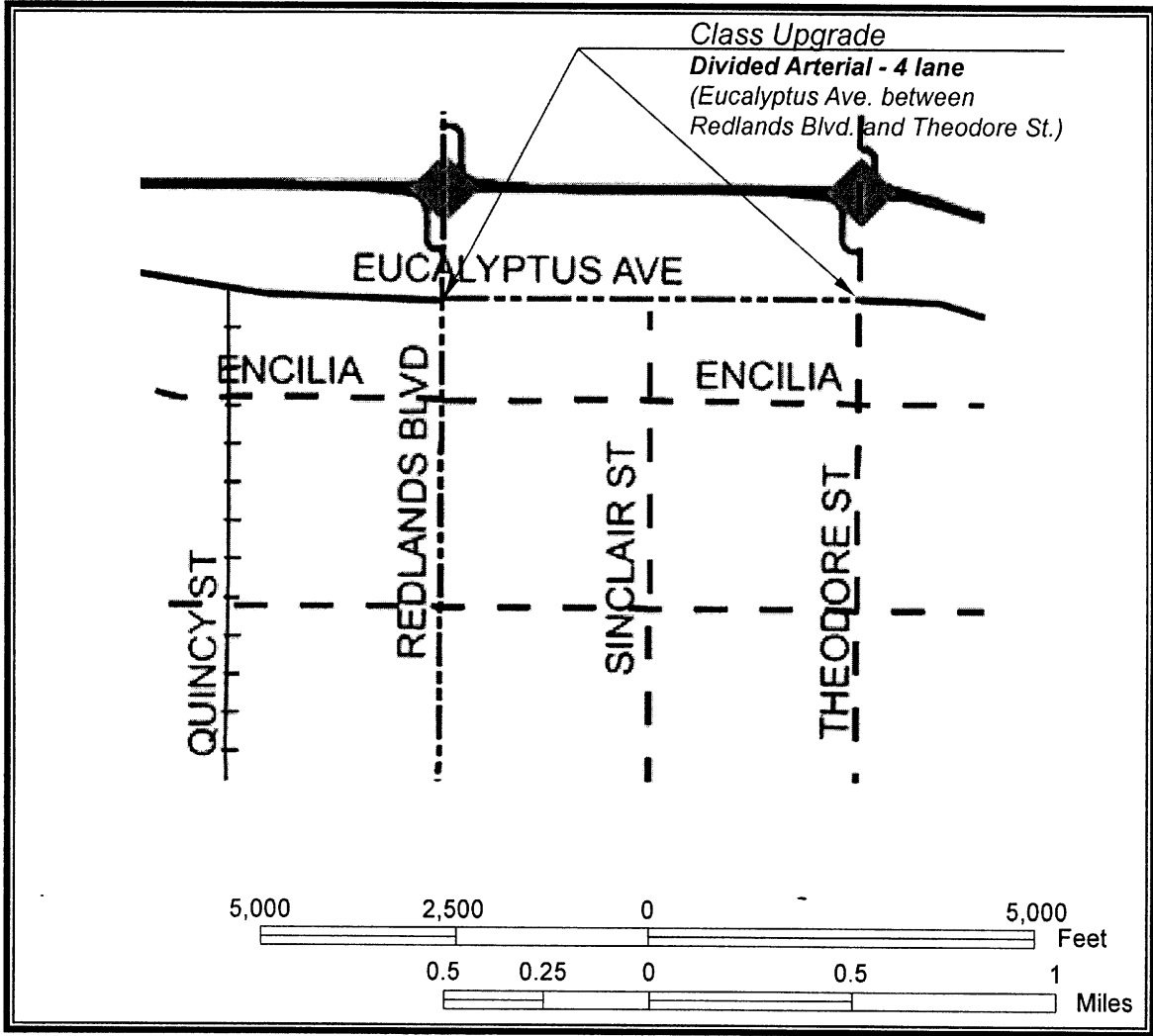
[Clerk's office will prepare]

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



**GENERAL PLAN AMENDMENT
FIGURE 9-1
CIRCULATION PLAN**

Application No. PA07-0089

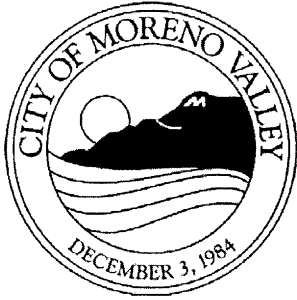


LEGEND

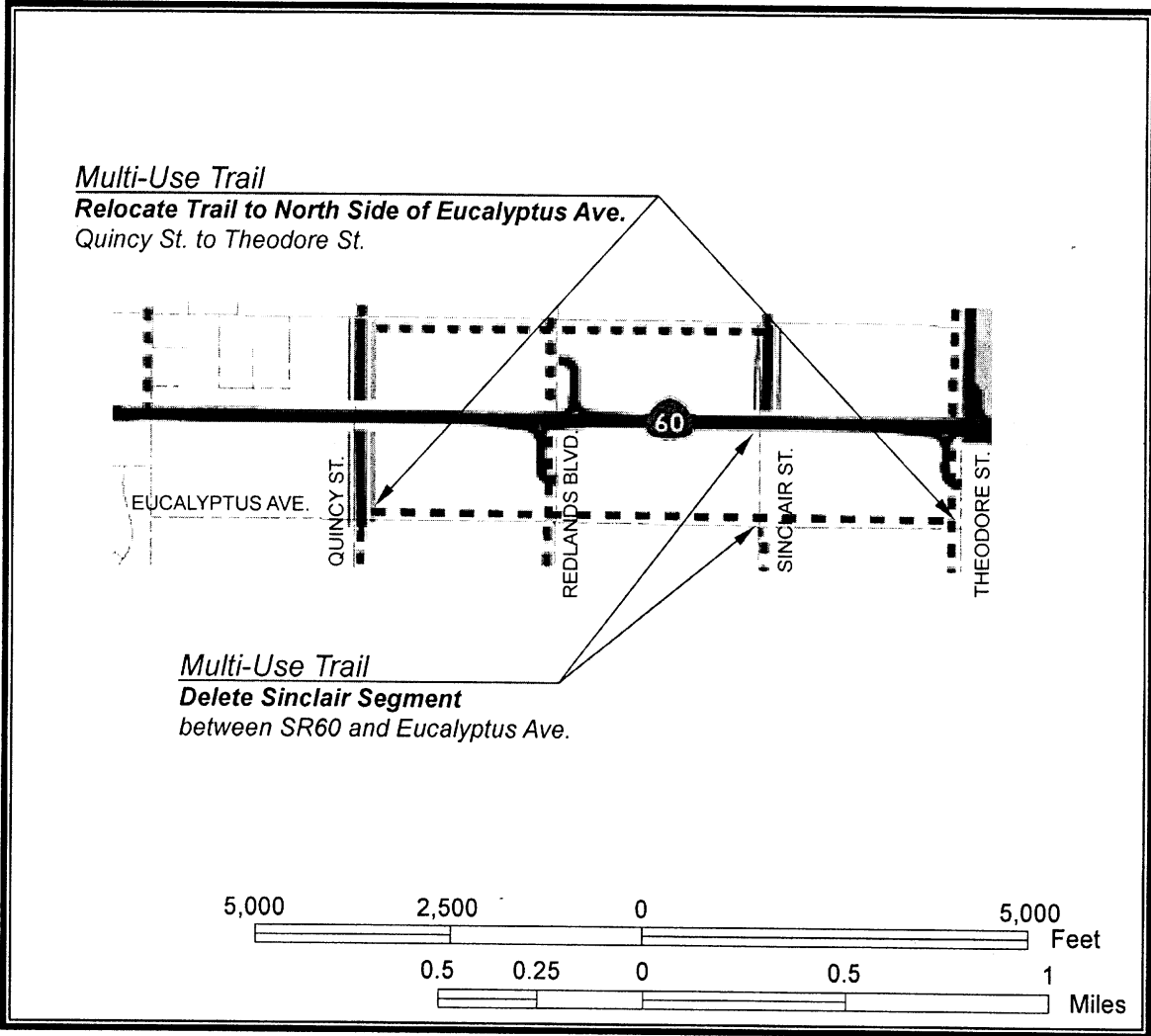


Street Classification

- | | |
|---|---|
| ==== Freeway | — Arterial |
| - - - Divided Major Arterial | - - - Minor Arterial |
| ... Divided Major Arterial -
Reduced Cross Section | — Minor Arterial - Pigeon
Pass Cross Section |
| ==== Divided Arterial - 6 lane | — Collector |
| ----- Divided Arterial - 4 lane | ! Freeway Overpass |
| | ◆ Freeway Interchange |



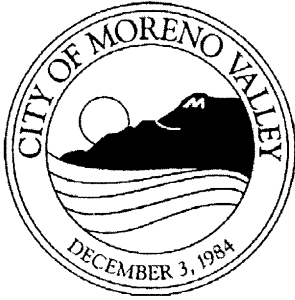
**GENERAL PLAN AMENDMENT
FIGURE 4-3
MASTER PLAN OF TRAILS**
Application No. PA07-0089



LEGEND

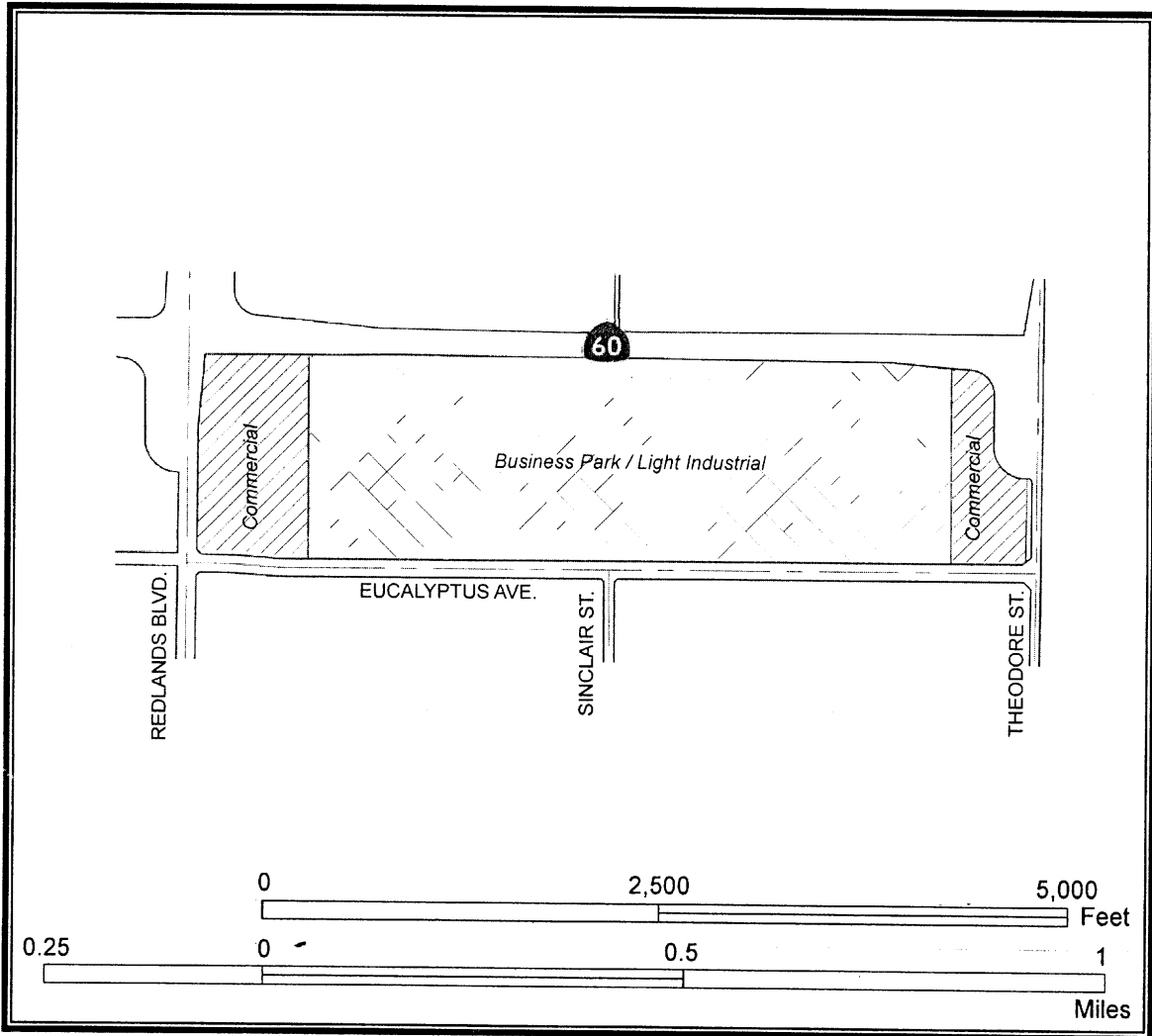


- | | |
|----------------------------|--|
| ⊗ Trail Staging - Existing | — Proposed Subject to Feasibility of Freeway Bridge or Underpass |
| ⊗ Trail Staging - Proposed | ▣ Badlands Landfill |
| — Streets | ▣ State and County Parks |
| — Highways | ▣ Moreno Valley |
| - - - Improved Trail | ▣ Moreno Valley Sphere |
| - · - · - Multiuse Trail | ▣ San Jacinto Wildlife Area |
| · · · · · Proposed Trail | ▣ Waterbodies |
| — Regional Trail | |
| — State Trail | |
- * Trail locations are approximate





GENERAL PLAN AMENDMENT/LAND USE ELEMENT

Application No. PA07-0089



LEGEND

-  Business Park / Light Industrial
-  Commercial



RESOLUTION NO. 2009-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA RECOMMENDING APPROVAL OF PA07-0090 (TENTATIVE PARCEL MAP NO. 35629) FOR FOUR SEPARATE BUILDABLE PARCELS AND TWO PRIMARY PARCELS DEDICATED FOR FREEWAY AND IMPROVEMENT PURPOSES (THIRTEEN PARCELS OVERALL TO INCLUDE LETTERED LOTS FOR PUBLIC ACCESS AND DEDICATION PURPOSES) AND A PHASED SUBDIVISION OF LAND (P08-057) CONSISTING OF A PROPOSED INDUSTRIAL AND COMMERCIAL DEVELOPMENT (2,620,000 SQUARE FEET) TO INCLUDE TWO PARCELS FOR INDUSTRIAL WAREHOUSE USES, TWO PARCELS FOR COMMERCIAL/RETAIL USES AND TWO PARCELS THAT WILL BE DEDICATED FOR FUTURE FREEWAY IMPROVEMENTS ON A 158 ACRE SITE (WITH ADDITIONAL OFF-SITE IMPROVEMENTS AND DRAINAGE) LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, the applicant, the Highland Fairview., has filed an application for Tentative Parcel Map No. 35629 consisting of three building phases and the subdivision of a 158 acre site (265.3 acres including offsite improvements and drainage), with a first phase (Parcel 1) of 1,820,000 square foot warehouse industrial building, a second phase (Parcels 2 and 4) to include a 600,000 square foot warehouse industrial building (Parcel 2) and an 80,000 square foot commercial/retail component (Parcel 4), and a third phase to include a 120,000 square foot retail/commercial component (Parcel 3).. The project will include four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (and thirteen parcels overall to include lettered lots for public access and dedication purposes.) The project site is located adjacent to and south of Highway 60 along future Eucalyptus Avenue (Fir Avenue), between Redlands Boulevard and Theodore Street;

The project also includes applications for an Environmental Impact Report (EIR) under P07-157, a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089) and a plot plan (PA07-0091). All are related but will be included in separate resolutions with individual findings;

WHEREAS, on January 8, 2009, the Planning Commission of the City of Moreno Valley held a meeting to consider and provide a recommendation on the

application. At the conclusion of said meeting and public hearing, the item was continued to January 15, 2009;

WHEREAS, on January 15, 2009, the Planning Commission conducted a continued public meeting and recommended that the project be forwarded to the City Council for consideration;

WHEREAS, on February 3, 2009, the City Council held a meeting to consider the application;

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred;

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the City Council of the City of Moreno Valley as follows:

- A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.
- B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on February 3, 2009, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:
 - 1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The applicant has proposed Tentative Parcel Map No. 35629 to subdivide a 158-acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.) for industrial and commercial/retail development. The map would be consistent with a proposed General Plan amendment to eliminate a General Plan designated multi-use trail (Sinclair extension) through the center of the property, move and extend the proposed General Plan trail along future

Eucalyptus Avenue (Fir Avenue) from the south side of the street to the north side of the street from Quincy Street to Theodore Street, modify the General Plan circulation plan to change the designation of future Eucalyptus Avenue (Fir), from an arterial to a divided arterial, and the adjustment of small portions of the land between proposed Parcels 2 and 3 (an enlargement of 93 feet in width in the CC land use district and decrease of the BP or Business Park land use designation) and Parcels 1 and 4 (a reduction of 126 feet in width of the CC land use district to BP or Business Park). The change in land use designation for these small portions of land will not cause an inconsistency of land use.

2. The site of the proposed land division is physically suitable for the type of development and proposed density of development.

FACT: The proposed subdivision has been designed in accordance with the City Zoning Ordinance and the State Subdivision Map Act. The proposed subdivision of vacant land complies with the Specific Plan and Map Act in that all lots meet the minimum buildable size, all lots upon which development will take place will provide access to and from dedicated public streets and all lots conform to development standards within the Municipal Code.

3. Health, Safety and Welfare – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: An Environmental Impact report (EIR) has been prepared for the overall project, including the proposed Change of Zone and General Plan amendment. Findings and a Statement of Overriding Considerations has been prepared for said project to deal with impacts related to aesthetics, agriculture, air quality, and noise as well as climate change and greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said EIR will also be accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential property to the south east and west.

Specific mitigation measures have been provided to lessen the impacts (but not all below significant levels) for public

health, safety and the welfare of surrounding properties and improvements in the vicinity of the project. This includes, but is not limited to the limitation of project lighting and glare, and enhanced architectural and landscaping treatment to soften views and reduce visual character as well as light and glare to less than significant levels for aesthetics. Air quality mitigation measures include a fugitive dust control plan with application of best management practices to control fugitive dust during construction, emission control equipment with a minimum of Tier II diesel particulate filter emission controls resulting in a minimum reduction in 50 percent in particulate matter, proper maintenance of construction equipment, a traffic control plan to minimize operational truck traffic and dust during construction, as well as low VOC paints, and other best management practices. Noise mitigation measures include the restriction of construction vehicles on Redlands Boulevard, south of future Eucalyptus Avenue, the restriction of nighttime grading within 1,200 feet of residences south of future Eucalyptus Avenue, specific sound barriers in place to limit daytime construction noise, equipment maintenance to include silencers, mufflers and acoustic covers, and the restriction of material stockpiles within 1,200 feet of all residences south of Highway 60. It is also important to note that an approximate 440 foot land use buffer is included as a land use mitigation measure to buffer or minimize environmental impacts of the project from future sensitive receptors which could be constructed south of the site. Other mitigation throughout the EIR document reduces the remaining environmental impacts noted in the document to less than significant levels.

With the above mitigation measures imposed for items including noise, air quality, climate change/greenhouse gases, aesthetics and agricultural impacts, any environmental impacts from the proposed project and use will be significantly reduced but are still considered as significant and unavoidable, thereby requiring a statement of overriding considerations. Said mitigation measures included with the project will lessen environmental impacts on any existing or future properties within the general vicinity of the proposed development and project and reduce impacts to public health, safety and welfare.

4. The design of the proposed land division 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 land division.

FACT: There are no conflicts with easements on the subject site. The City Engineer has appropriately placed conditions of approval for Tentative Parcel Map No. 35629 regarding various project improvements.

5. The design of the proposed land division or the type of improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat or cause serious health problems.

FACT: Pursuant to the California Environmental Quality Act (CEQA) guidelines, An Environmental Impact Report (EIR) has been prepared for the overall project, including the proposed Change of Zone and General Plan amendment. Findings and a Statement of Overriding Considerations has been prepared for said project to deal with impacts related to aesthetics, agriculture, air quality, noise as well as climate change and greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said document will also be accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential property to the south east and west.

With mitigation measures imposed for noise, air quality, climate, aesthetics and agricultural and traffic impacts, impacts from the proposed project and use will be significantly reduced but still considered as significant and unavoidable, thereby requiring a statement of overriding considerations and not mitigated to less than significant levels. Said mitigation measures included with the project will lessen environmental impacts on any existing or future properties within the general vicinity of the proposed development and project and reduce impacts to public health, safety and welfare.

6. The effect of the proposed housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

FACT: The proposed map meets the intent of the General Plan if the proposed general plan amendment (PA08-0089) is approved. The map will provide for a variety of industrial and commercial/retail land uses, supporting the economic base of the City. Proximity to existing residential and commercial land use allows for contiguous development and infrastructure. The project does not exceed the planned density or the associated public service demand as envisioned by the Moreno Valley General Plan. The project does not exceed a threshold, which would create potential significant impacts to fiscal resources. The project will supplement the City's fiscal resources by paying applicable impact fees for public facilities. Additionally, future development within the four buildable parcels will pay Community Services District fees, property tax, sales tax, utility tax and other taxes and fees that will be used to provide landscape maintenance as well as police, fire and other public services.

7. The design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

FACT: The size, configuration and orientation of the lots in this land division allow solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

8. The project conforms with any applicable provisions of the City's redevelopment plan.

FACT: The proposed project site is not located in a redevelopment area.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. **FEES**

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development impact fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the

applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA07-0090, and the phasing implementation mechanism (P08-057) incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

Your right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which you have been given a notice similar to this nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council **HEREBY APPROVES** Resolution No. 2009-03, **APPROVING** PA07-0090 (Tentative Tract Map No. 35629) for a phased subdivision (P08-057) of a 158 acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.) for warehouse industrial, retail, and freeway dedication purposes based on the affirmative recommendation of the Adoption

and Certification of the Environmental Impact Report Mitigation Monitoring Program and Statement of Overriding Considerations, subject to the attached conditions of approval included as Exhibit A.

APPROVED AND ADOPTED this ____ day of _____, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

**CITY OF MORENO VALLEY
 CONDITIONS OF APPROVAL
 FOR
 TENTATIVE PARCEL MAP No. 35629
 Case No: PA07-0090 - To include P08-057 (Phasing Plan)
 A.P.N.: 488-350-001 through 002 and 488-360-001 through 012.**

Approval Date:
Expiration Date:

The following conditions are attached for the following departments:

- Planning (P), including School District (S), Post Office (PO), Building (B)**
- Fire Prevention Bureau (F)**
- Public Works, Land Development (LD)**
- Public Works, Special Districts (SD)**
- Public Works – Transportation (TE)**
- Parks & Community Services (PCS)**
- Police (PD)**
- Moreno Valley Utilities**
- Other (Specify or Delete)**

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects. (Include only those that apply). All conditions identified as Advisory restate existing codes, ordinances, regulations or policies that apply to the project.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

P1. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code. (Advisory)

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation	GP - Grading Permits	CO - Certificate of Occupancy or building final
WP - Water Improvement Plans	BP - Building Permits	P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan	MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Development Guidelines and Specs
Res - Resolution	UFC - Uniform Fire Code	UBC - Uniform Building Code
	SBM - Subdivision Map Act	

**PLANNING DIVISION
CONDITIONS OF APPROVAL**

Page 2

- P2. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080) (Advisory)
- P3. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020) (Advisory)
- P4. A drought tolerant, low water using landscape palette shall be utilized throughout the site.
- P5. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030) (Advisory)
- P6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030) (Advisory)
- P7. All site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval. (Advisory)

PRIOR TO GRADING

- P8. (GP) Prior to approval of any grading permit, the developer shall submit a tree plan to the Planning Division for review and approval. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the landscape/irrigation plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director or designee. (GP Objective 4.4, 4.5, DG)
- P9. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord) (Advisory)

**PLANNING DIVISION
CONDITIONS OF APPROVAL**

Page 3

- P10. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG) (Advisory)
- P11. Prior to approval of a precise grading plan, landscape and irrigation plans shall be submitted to the Planning Division for review. The plans shall be prepared in accordance with the City's Municipal Code and landscape specifications, and include required street trees. (Advisory)
- P12. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area. (Advisory)

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented.

(GP Objective 23.3, DG, CEQA).

- P13. (GP) Prior to the issuance of grading permits, a pre-construction Burrowing Owl survey shall be completed with written documentation provided to the Planning Division. The survey shall be completed in accordance with the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Area.

- P14. (GP) Prior to issuance of grading permits, the developer shall submit final landscape and irrigation plans within the State Highway 60 right-of-way adjacent to the project site consistent with the State Highway 60 Corridor Design Manual. The plans shall be submitted to the Planning Division for review and approval. (MC 9.14.100)
- P15. A qualified archaeologist and or tribal monitors from any affected Native American Indian tribes shall be present during grading to evaluate and recommend appropriate actions for any archaeological deposits exposed by construction activity. The monitoring archaeologist shall be empowered to halt grading in the vicinity of an exposed archaeological deposit until that deposit can be fully evaluated. The consultant (i.e. archaeologist) shall consult with any and all affected Native American Indian tribes in the area on any Treatment Plan prepared for the project.
- P16. (GP) Prior to the issuance of precise grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.
- P17. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval for all fences and walls required or proposed on site, included, but not limited to the 11 foot screening wall along the perimeter of the site including pilasters and caps, or alternative design as approved by the Community Development Director. (MC 9.08.070)
- P18. (GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an Property Owners Association (POA) or other private entity shall be submitted to the Planning Division for review and approval for the sides and/or slopes. A hydroseed mix w/irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

PRIOR TO RECORDATION OF FINAL MAP

- P19. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080) (Advisory)
- P20. (R) Prior to recordation of the final map, final median enhancement/landscape/irrigation plans shall be reviewed and approved by the Planning Division, and Public Works Department - Special Districts Administration for review and approval by each division. (GP - Circulation Master Plan)
- P21. (R) Prior to final map recordation any required trail easements shall be provided. (Advisory)
- P22. (R) Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:
- a. The document to convey title
 - b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

In addition, the following deed restrictions and disclosures shall be included within the document and grant deed of the properties:

- The developer shall promote the use of native plants and trees and drought tolerant species to the extent feasible.

- **(R) All lots designated for open space and or detention basins, shall be included as an easement to or transfer title to; and maintained by a Property Owners Association (POA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite POA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.**
- **Maintenance of any and all common facilities.**

PRIOR TO BUILDING PERMIT

P23. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

P24. (BP) Prior to issuance of building permits for applicable lettered lots, landscape plans (trees, shrubs and groundcover) for basins maintained by an POA, or other private entity, shall be approved for the sides and or slopes of all water quality basins and drainage areas. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

OTHER CONDITIONS NOT TIED TO GRADING, BUILDING OR OCCUPANCY

P25. Three building phases are included under Tentative Parcel Map No. 35629, while a plot plan (PA07-0091) has been included for Phase 1. All development under Phases 2 and 3 (Parcels 2, 3 and 4) would require additional plot plan review and approval from the Planning Commission.

Building and Safety Division

B-1 The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal (Advisory)

CITY OF MORENO VALLEY

COMMENTS - MAP

Case No: PA07-0088 through PA07-0091 and P07-157

APN: 488-350-001 through 002 and 488-360-001 through 012

DATE: 12/19/08

FIRE PREVENTION BUREAU

1. The following Standard Conditions shall apply.

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

- F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.
- F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of building plan submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D). **The 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow, hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C.**
- F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super enhanced fire hydrants (6" x 4" x 4" x 2 1/2") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

**CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
PA07-0088 Change of Zone
PA07-0089 General Plan Amendment
PA07-0090 Tentative Parcel Map No. 35629
APN 488-350-001, 002 and APN 488360-001 thru -012**

Note: All Special Conditions are in **Bold** lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

- LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010) (Advisory)
- LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (Advisory)
- LD3. (G) It is understood that the tentative map correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040) (Advisory)
- LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a

good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition per the Subdivision Map Act. (GC 66462.5) (Advisory)

- LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit. (Advisory)
- LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
- a. Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
 - b. Observance of working hours as stipulated on permits issued by the Public Works Department.
 - c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
 - d. All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions. (Advisory)

- LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110) (Advisory)
- LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are

allowed.” In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer. (Advisory)

- LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110) (Advisory)
- LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction. (Advisory)
- LD11. (G) Upon approval of the tentative parcel map by the Planning Commission, the Developer shall submit the approved tentative parcel map on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

Prior to Grading Plan Approval or Grading Permit

- LD12. (GPA) The grading plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)
- LD13. (GPA) Grading plans shall comply with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
 - b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
 - c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.
 - d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)
 - e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

(Advisory)

- LD14. (GPA) Prior to grading plan approval, the developer shall select treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer. (Advisory)
- LD15. (GPA, IP) Prior to approval of the grading plans or improvement plans for project sites which are one acre or larger, the developer shall obtain the WQMP number from the City's Land Development Division, if a WQMP is required, and as a condition of the State Water Quality Control Board, a Notice of Intent (NOI) for an NPDES permit must be filed and a Waste Discharge Identification (W.D.I.D.) permit number obtained from the State Water Quality Control Board. (Clean Water Act) (Advisory)
- LD16. (GPA) Prior to the rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall:
- a. Submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that:
 - i. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - ii. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - iii. Incorporates Treatment Control BMPs and provides information regarding design considerations;
 - iv. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - v. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

- b. Record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP. A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.

(Advisory)

- LD17. (GPA) Prior to rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. (Advisory)
- LD18. (GPA) Prior to rough grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.
- LD19. (GPA) Prior to grading permit issuance, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the City's Storm Water Program Manager on compact disk(s) in Microsoft Word format. The developer is required to bring the SWPPP to the grading pre-construction meeting. (Advisory)
- LD20. (GPA) Prior to the approval of the grading plans, the developer shall pay any applicable remaining grading plan check fee. (Advisory)
- LD21. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer. (Advisory)
- LD22. (GP) Prior to the issuance of a grading permit, the developer shall submit a letter of permission to grade for a specific duration recorded against each offsite parcel and an easement for slope purposes at final map recordation. (Advisory)
- LD23. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)
- LD24. (GP) Prior to issuance of a grading permit, the following securities shall be submitted to the City:
- a. Security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project (MC 8.21.070)
 - b. Erosion control security as a guarantee of the completion and maintenance of the erosion control systems required as a condition of approval of the project. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the

erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available from the city and shall be subject to the review and approval of the city engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the city engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and City Attorney, and consist of one or more of the following:

- i. Cash deposit;
- ii. Bond
- iii. Certificate of Deposit
- iv. Letter of Credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government. (MC 8.21.150)

(Advisory)

LD25. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees. (Advisory)

Prior to Map Approval or Recordation

LD26. (MA) Prior to approval of the final map, the developer shall submit a copy of the Covenants, Conditions and Restrictions (CC&Rs) to the Land Development Division for review and approval. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. (Advisory)

LD27. (MA) Prior to approval of the final map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer. (Advisory)

LD28. (MA) Prior to approval of the final map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A Public Improvement Agreement (PIA) will be required to be executed. (Advisory)

LD29. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System (**NPDES**) as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

- a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.

- i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
 - ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
- b. Notify the Special Districts Division of the intent to record the final map prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)
(Advisory)

LD30. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public works Department. (Advisory)

Prior to Improvement Plan Approval or Construction Permit

LD31. (IPA) Improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD32. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210) (Advisory)

LD33. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. Securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements. (Advisory)

LD34. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

- a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.
- b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)
- c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)
- d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees or as approved by the City Engineer per City Standard No. 706A. (MC 9.14.020)

- e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.
(Advisory)
- LD35. (IPA) Improvement plans, including design plan and profile information, shall be based upon a centerline profile, extending beyond the project boundaries approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries. (Advisory)
- LD36. (IPA) Improvement plans, shall reflect the City's moratorium on trench repair pavement cuts on any streets less than three years old or on slurry sealed streets less than one year old unless specifically approved by the City Engineer. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved by the City Engineer. (Advisory)
- LD37. (IPA) Drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110) (Advisory)
- LD38. (IPA) If the project's hydrology study proposes to use any portion of a public street right-of-way to accommodate storm flows, said study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow will be contained within the street right-of-way. On major streets (Minor Arterial or larger), at least one lane in each direction shall remain open and not be used to carry surface flows. When any of these criteria is exceeded, additional drainage facilities shall be installed as approved by the Public Works Department Land Development Division. (MC 9.14.110) (Advisory)
- LD39. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. (Advisory)
- LD40. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100) (Advisory)
- LD41. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. (Advisory)
- LD42. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

LD43. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees. (Advisory)

Prior to Building Permit

LD44. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) per City code and Land Development Division requirements. (AB939, MC 8.80) (Advisory)

Prior to Certificate of Occupancy

LD45. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees. (Advisory)

LD46. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, unless otherwise approved by the City Engineer, including but not limited to the following applicable improvements:

- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.
 - b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - c. City-owned utilities.
 - d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
 - e. Under grounding of existing and proposed utility lines less than 115,000 volts.
 - f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
- (Advisory)

LD47. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130) (Advisory)

LD48. (CO) Prior to issuance of a certificate of occupancy or building final, the Developer must comply with the following:

- a. Any required water quality basins, associated treatment control BMPs, and associated hardware per the approved civil drawing must be

constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack.

b. An Engineer's Line and Grade Certification shall be provided to the City.

c. Said facilities shall pass a flow test per City test procedures.
(Advisory)

LD49. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board. (Advisory)

Prior to Acceptance of Streets into the City Maintained Road System

LD50. (AOS) Aggregate slurry, per Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of street(s) into the City maintained road system at the discretion of the City Engineer.
(Advisory)

SPECIAL CONDITIONS

Phase 1 – Development Associated with Parcel 1 of PM 35629

LD51. (RGPA) Prior to rough grading plan approval, the developer shall obtain written concurrence from Riverside County Flood Control and Water Conservation District (RCFC&WCD) for any proposed modifications to the Moreno Area Drainage Plan as well as for the acceptance of a small new additional tributary area resulting from the project's proposed grading.

LD52. (RGPA) Prior to rough grading plan approval, it shall be clearly demonstrated on the final drainage study that the potential increased rate of runoff resulting from the development of this site is mitigated. During identified storm events peak flow rates and velocity leaving the site in the developed condition shall be no larger than that of the pre-developed condition. The following shall be analyzed in the final drainage study: 1, 3, 6 and 24-hour storm duration for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures or other mitigation, beyond those shown on the tentative parcel map and preliminary drainage study, may be required and shall include those into the design and construction of appropriate drainage facilities.

LD53. (RGPA) Prior to rough grading plan approval, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. Emergency overflow area elevations shall be a minimum of 1' below the proposed building pad elevation in close proximity. This may include, but not be limited to, an emergency spillway in the basin and an emergency

overflow at any sump catch basin location. The developer is responsible for securing any necessary on-site or off-site drainage easements as required for emergency overflow.

- LD54. (RGPA) Prior to rough grading plan approval, all easements, existing, proposed, temporary, and those to be quitclaimed shall be shown on the plan complete with type of easement, easement width, as applicable, instrument number and date of recordation. Copies of the existing easement documents shall be submitted to the City (upon request) for review and approval. Those easements to be quitclaimed shall be coordinated with the appropriate easement holder, including but not limited to, those associated with the electrical utility lines traversing Parcel 1 and the water line running along the entire map's north boundary adjacent to SR-60 and its on-/off-ramps, as shown and labeled on the tentative parcel map. The above referenced water line shall be relocated outside the existing and ultimate SR-60 right-of-way and preferably within Eucalyptus Avenue.
- LD55. (RGPA) Notwithstanding what is shown on the tentative parcel map and grading plan, no grading on Caltrans property shall be permitted without an encroachment permit.
- LD56. (RGPA) Prior to rough grading plan approval, the plan shall show a minimum 15-foot wide maintenance access road from a public street to Parcels G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) to provide maintenance access to these parcels until such time that the City accepts the dedication. Surrounding grading shall not prohibit runoff from leaving these parcels.
- LD57. (PGPA) Prior to precise grading plan approval, the precise grading plan shall be consistent with the rough grading plan and approved plot plan, in terms of, but not limited to, pad and grade elevations, proposed water quality treatment control best management practices and locations including detention and infiltration basins, proposed building, parking lot, landscape area, slope, and project entrance locations. (Advisory)
- LD58. (PGPA) Prior to precise grading plan or improvement plan approval, as applicable, the plans shall show any driveway approach up to 40' in width to be constructed per City Standard Plan 118C, Option 2, modified. The driveways shall have a minimum radius of 50' if the entrance is to accommodate truck traffic, 35' otherwise, and transition from an 8" curb height to a 0" curb height at the conventional right-of-way 12' behind the curb line, or as approved by the City Engineer. There shall be a 4-foot wide pedestrian sidewalk area at 2% maximum cross slope behind the conventional right-of-way. A 4-foot pedestrian right-of-way dedication shall be made on PM 35629. Any entrance greater than 40' in width shall be designed as a street intersection. (Advisory)
- LD59. (IPA) If it is necessary to adjust the boundary of Parcel G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) resulting in the need for additional right-of-way for highway and

road purposes, it shall be dedicated to the City at no cost to the City. If it is necessary to adjust the boundary resulting in excess right-of-way not needed for highway and road purposes, the City and the developer shall pursue the appropriate mechanism to transfer or convey public property back to the developer.

- LD60. (IPA) Prior to improvement plan approval, the plans shall show redwood headers, or other pavement edge treatment as approved by the City Engineer, at all edge-of-pavement locations in the public right-of-way. If redwood header board is approved, the redwood header shall be installed per the City Standard, using a nominal minimum of 2" wide by 6" deep board. This shall include, but not be limited to, the following locations:**
- a. Along the frontage of Parcels 1, 2 and 4 of PM 35629, south side of Eucalyptus Avenue, south edge of the east bound travel lane to be constructed in Phase 1.**
 - b. Along the frontage of Parcel 4 of PM 35629, east side of Theodore Street, east edge of the northbound travel lane to be constructed in Phase 2.**
 - c. Along the frontage of Parcel 3 of PM 35629, west side of Redlands Boulevard, west edge of the southbound travel lane to be constructed in Phase 3.**
 - d. Along the frontage of Parcel 3 of PM 35629, south side of Eucalyptus Avenue, south edge of the eastbound travel lane to be constructed in Phase 3.**
 - e. At proposed pavement transitions at edge of pavement.**
 - f. As required by the City Public Works Inspector(s).**
- LD61. (IPA) Storm drain improvement plans shall show the connection of the proposed private storm drain system to the proposed public storm drain system at the public street right-of-way. A storm drain manhole shall be placed at the right-of-way to mark the beginning of the publicly maintained portion of this storm drain.**
- LD62. (IPA) Prior to commencing any work within Caltrans right-of-way, the developer shall obtain an encroachment permit from Caltrans. Work within Caltrans right-of-way may include that work associated with storm drain connections to existing freeway culverts, water line removal, water line extension from north of the freeway including jack and bore operation, power pole relocation and/or undergrounding, and any grading.**
- LD63. (IPA) Prior to approval of improvement plans, the developer shall secure any off-site easements from the off-site property owner(s). This includes but is not limited to the drainage easement for the proposed spreading basin south of the project, the slope easement along the south side of Eucalyptus Avenue, the drainage easement for the culvert outlet across**

Eucalyptus Avenue near Theodore Street, the utility easement for the temporary overhead electrical lines, and any others that may be necessary for the construction and maintenance of offsite utility and infrastructure improvements.

- LD64. (IPA) Prior to approval of improvement plans for any master drainage plan facilities, a right-of-entry agreement shall be executed with Riverside County Flood Control and Water Conservation District (RCFC&WCD) for said facilities.
- LD65. (MA) Prior to parcel map approval, the map shall show a varying width lettered parcel along the project's north boundary and adjacent to SR-60, shown as Parcel G on the tentative parcel map, to be irrevocably offered for dedication to the City for highway and road purposes. Until such time the City accepts the irrevocable offer of dedication for the lettered parcel, the developer shall keep the parcel clear of permanent and/or temporary improvements, features, and obstructions, including but not limited to, those resulting from grading or water quality treatment. Minimal level of landscaping sufficient to achieve adequate erosion and sediment control consisting of native plants or other plant material as approved by the Planning Division shall be planted and maintained by the developer. Existing utilities shall be relocated outside of the dedicated parcel as conditioned hereon. New utilities shall not be placed within the dedicated parcel without City Engineer approval except for extension of existing storm drain culverts and proposed water line from north of the SR-60 in the Sinclair Street alignment. If permanent or temporary improvements, features, plant material, hardscape, or obstructions are placed within the dedicated parcel, without prior City approval, the developer shall pay any and all costs associated with the removal and restoration to conform to the approved grading plans.
- LD66. (MA) Prior to parcel map approval, the map shall show an irrevocable offer of dedication to the City for highway and road purposes, identified as Parcel 5 and Parcel 6 on the tentative parcel map (Parcels 5 and 6 to be shown as lettered parcels on the final parcel map) for an eastbound on-ramp at the Redlands Boulevard interchange and an eastbound off-ramp at the Theodore Street interchange, respectively. The map shall reflect Parcels 5 and 6 as lettered parcels prior to map approval. Until such time the City accepts the irrevocable offer of dedication for the lettered parcel, the parcel shall be kept clear of permanent and temporary improvements, features, and obstructions, including but not limited to, those resulting from grading or water quality treatment, other than those needed to conform to the grades and improvements shown on the approved tentative parcel map. Minimal level of landscaping sufficient to achieve adequate erosion and sediment control consisting of native plants or other plant material as approved by the Planning Division shall be planted and maintained by the developer as conditioned hereon. Existing utilities shall be relocated outside of the dedicated parcel. New utilities shall not be placed within the dedicated parcel without prior City Engineer approval. If permanent or temporary improvements, features, plant material, hardscape, or obstructions are placed within the dedicated

parcel, the developer shall pay any and all costs associated with the removal and restoration to conform to the approved grading plan.

- LD67. (MA)** Prior to parcel map approval, if the developer proposes to grade the site such that a slope is created for future freeway on- and/or off-ramp improvements within Parcels G, 5 and/or 6 (Parcels 5 and 6 to be shown as lettered parcels on the final parcel map), the developer shall obtain City approval such that the slope will coordinate closely with the future ramp improvements. It may be required that the developer grant a construction easement to the City, ultimately to Caltrans, at no cost to the City or Caltrans, in the future to facilitate the interchange improvements in order to make any necessary adjustments to the slope, drainage, and related features located within and/or outside of Parcels G, 5 and/or 6. In no event shall the exercise of this easement disrupt any existing development or damage any site improvements.
- LD68. (MA)** Prior to parcel map approval, the map shall show the appropriate right-of-way to be dedicated as well as all existing and proposed easements.
- a. The map shall show a right-of-way dedication on Eucalyptus Avenue to secure a full width right-of-way distance of 110' for a Divided Arterial, City Standard 103A, modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. Additional right-of-way shall be dedicated at the intersection of Eucalyptus Avenue and Redlands Boulevard to accommodate southbound dual left turn lanes and a dedicated northbound right-turn lane as well as at the intersection of Eucalyptus Avenue and Theodore Street to accommodate dual left turn lanes.
 - b. The map shall show a minimum 20-foot wide multi-use trail and pedestrian access easement along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way.
 - c. The map shall show 37-foot wide open space parcels, Parcels A through E as shown on the tentative parcel map, along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way. The proposed multi-use trail and pedestrian access easement is to be located within the 37-foot wide open space parcels. The City will not maintain landscaping located within said 37-foot wide open space parcels.
 - d. The map shall show an additional 10-foot street right-of-way dedication on the east side of Redlands Boulevard along the map west boundary to secure a centerline to east right-of-way distance of 70 feet for a Divided Arterial, City Standard 103A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

- e. The map shall show an 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Redlands Boulevard east right-of-way.
 - f. The map shall show an additional 31-foot street right-of-way dedication on the west side of Theodore Street along the map east boundary to secure a centerline to west right-of-way distance of 61 feet for a Minor Arterial, City Standard 105A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.
 - g. The map shall show a minimum 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Theodore Street west right-of-way.
 - h. The map shall show a varying width lettered parcel, shown as Parcel G on the tentative parcel map, for highway and road purposes.
 - i. The map shall show a 4-foot pedestrian right-of-way dedication behind the driveway approach at any project entrance with a width up to 40 feet to be constructed per City Standard 118C.
 - j. The map shall show additional right-of-way at intersections to accommodate additional turning movements required by the Transportation Division, in conformance with the final traffic report.
 - k. The map shall demonstrate, to the satisfaction of the City Engineer, adequate right-of-way is being dedicated at the eastbound off-ramp at Theodore Street and the eastbound on-ramp at Redlands Boulevard to cover its ultimate alignment, consistent with the final traffic report and Caltrans standards.
 - l. The map shall show additional right-of-way at corner cutbacks per City Standard 208.
- LD69. (MA) Prior to parcel map approval, a reciprocal access agreement between adjacent development parcels shall be submitted to the City for review and approval processing for concurrent recording with the final parcel map. Alternatively, the reciprocal access among parcels can be established in the covenants, conditions, and restrictions (CCRs) if any, and recorded concurrent with the map.
- LD70. (MA) Prior to parcel map approval, the Developer shall guarantee the construction of all improvements for all phases of development by entering into a public improvement agreement and posting security. The improvements required during each phase of development are described under that phase heading. The developer is required to complete those improvements listed under each phase by the occupancy of the first building of each phase, or as otherwise determined by the City Engineer. The improvements for Phase 1 are described below and shall be

completed prior to occupancy of the building for Phase 1, or as otherwise determined by the City Engineer.

- a. **Eucalyptus Avenue, Divided Arterial, City Standard 103A (110' RW / 86' CC) modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. The full 110-foot right-of-way dedication shall occur as part of Phase 1. The following shall be constructed with the development of Phase 1.**
 - i. **Street improvements to half-width, including the full-width median, plus an additional 18 feet south of the street median curb from the proposed interim cul-de-sac to Theodore Street. Improvements shall consist of, but not be limited to, pavement, base, redwood header, raised landscape median, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities, including sewer and water main line construction, reclaimed water line construction, and electrical utility lines.**
 - ii. **A minimum 24-foot wide emergency access, paved to City Standard 108E, or better, from Redlands Boulevard to just west of the west property line of Parcel 2 of PM 35629. The emergency access road shall be constructed on the north side of Eucalyptus Avenue with a cross fall to one side at 2%.**
 - iii. **An interim cul-de-sac, if needed, to allow for truck turn-around movements located just west of the west property line of Parcel 2 of PM 35629. Full 86-foot curb-to-curb paved width in lieu of a cul-de-sac may suffice, as approved by the City Engineer.**
 - iv. **Intersection improvements at Eucalyptus Avenue and Theodore Street to allow for truck turning movements required in the Traffic Study for Phase 1 of the project.**
 - v. **Relocation of an existing water line that runs along the north map boundary adjacent to the SR-60 existing right-of-way to within Eucalyptus Avenue.**
 - vi. **A 6-foot wide curb-separated sidewalk to be located directly behind the 12-foot wide parkway landscape area adjacent to and outside of the street right-of-way.**
 - vii. **A 4-foot wide landscape area adjacent to and behind the curb-separated sidewalk.**

- viii. **A 10-foot wide multi-use trail adjacent to and behind the 4-foot wide landscape area mentioned above.**
 - ix. **A 17-foot wide landscape area adjacent to and behind the 10-foot trail. All improvements and landscaping beyond the street right-of-way shall be located within a 37-foot wide open space area designated as lettered Parcels A through E, as shown on the tentative parcel map, along the north side of Eucalyptus Avenue. The 6-foot wide sidewalk, the 10-foot trail, and the 4-foot landscape area between the sidewalk and trail, shall be within a proposed minimum 20-foot wide multi-use trail and pedestrian access easement. The easement may be dedicated over the entire open space parcel width (37 feet) of Parcels A through E, as approved by the City Engineer. The City will not maintain landscaping located within said 37-foot wide open space parcels.**
- b. **Theodore Street, Minor Arterial, City Standard 105A (131' RW / 107' CC Modified) to accommodate additional lanes required for vehicular turning movements per the project's approved Traffic Study. An additional 31-foot right-of-way dedication on the west side of the street, along the map's east property line, shall be shown on the parcel map. Phase 1 limits of improvements consist of the following improvements:**
 - i. **Intersection improvements at Eucalyptus Avenue to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project.**
 - ii. **30-foot wide paved access which meets current City standards or as otherwise approved by the City Engineer, from Eucalyptus Avenue to the SR-60 overpass. Improvements shall consist of, but not be limited to, pavement, base, asphalt concrete berm, any necessary offsite improvement transition/joins to existing.**
- c. **Additional pavement for Theodore Street interchange on-and off-ramps as may be required to accommodate truck traffic turning movements in accordance with the Final Traffic Report and Transportation Division approval.**
- d. **Project entrances up to 40-foot wide shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way. Any entrance greater than 40 feet in width shall be designed as a street intersection.**
- e. **Restoration of pavement per City trench standards resulting from bringing water line and sewer service lines to the project.**

- f. Pavement core samples of existing pavement on Theodore Street may be taken and findings submitted to the City for review and consideration of using an existing structural section of a lesser thickness of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement section is found to be adequate, then a lesser thickness than that specified above for street pavement improvements may be allowed, as approved by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall construct the streets to the limits as listed above.
- LD71. (BP) The developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer.
- LD72. (BP) Prior to issuance of a building permit, final line and grade certification shall be provided by the licensed engineer of record stating the building pad is in substantial conformance with the approved grading plan. For Parcel 1, the developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer. The relocation and/or abandonment of existing utilities and quitclaim of existing easements shall be coordinated with the sequencing of the Parcel 1 development such that these do not interfere or encumber the particular building area being developed at any given time.
- LD73. (BP) Prior to building permit issuance this project shall cause the quitclaim of all existing easements, especially those easements underneath proposed building footprints shall be quitclaimed. This shall include, but not be limited to, the water line easement and power line easement. All utilities shall be relocated, as necessary, prior to quitclaiming the easements. All new easements shall be granted prior to utility relocations and quitclaims of existing easements.
- LD74. (BP) Prior to building permit issuance, the developer shall remove, or cause the removal, of any sign or other structure, as applicable, on the project site, including that portion within Parcels G, 5 and 6, as shown on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered parcels on the final parcel map), to be dedicated to the City for the future freeway expansion, unless other arrangements are made with and approved by the City Engineer. The developer shall record easements for, provide access to, etc. any sign or structure that might remain, as approved by the City Engineer.
- LD75. (BP) Prior to building permit issuance, the developer shall submit to the City a recorded agreement pertaining to the maintenance of and access to the temporary spreading basin to be constructed on the land south and adjacent to this project map, identified as APN# 488-350-002.
- LD76. (BP) Prior to building permit issuance of the proposed building in Phase 1, the developer shall submit to the City for review and approval all

required off-site (outside of the map boundary) easements, including but not limited to, a roadway slope easement along the south side of Eucalyptus Avenue, drainage easements at low points along the south side of Eucalyptus Avenue where rip rap and other drainage improvements are proposed, a drainage easement for the culvert headwall, rip rap and grading on the south side of Eucalyptus Avenue, just west of Theodore Street, an easement for any work outside of the Sinclair Street right-of-way north of SR-60 for work associated with the construction of the water line. These easements shall record prior to occupancy, after the City has reviewed and approved them prior to building permit issuance.

- LD77. (CO) Prior to occupancy for the proposed building in Phase 1, the developer shall obtain an encroachment permit from Caltrans and complete the following jack and bore operation for the installation of a proposed water line underneath SR-60 to be located within Sinclair Street right-of-way north of the freeway. The developer shall apply Caltrans crossing requirements to the portion of the water line that will lie within Parcel G of the tentative parcel map.
- LD78. (CO) Prior to occupancy of the proposed building in Phase 1, the parcel map shall record along with all the offers of dedication for right-of-way and easements made on the map.
- LD79. (CO) Prior to occupancy of the proposed building in Phase 1, all overhead utility lines less than 115,000 volts fronting or within the entire map boundary shall be placed underground per Section 9.14.030C of the City Municipal Code except those along the west side of Theodore Street, the terminus of the facility over SR-60 at Sinclair Street, and the interim service from Redlands Boulevard and Dracaea Avenue northerly to the project site.
- LD80. (CO) Prior to occupancy of the proposed building in Phase 1, existing utilities shall be relocated outside of Parcels G, 5, and 6, as identified on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered lots on the final parcel map), being offered for dedication for highway and road purposes.
- LD81. (CO) Prior to occupancy of the proposed building in Phase 1, the developer shall bring overhead electrical service to the building from the nearest source identified by the developer to be located on the west side of Redlands Boulevard near Dracaea Avenue. This will require the developer to bore under Redlands Boulevard to the east side of Redlands Boulevard.
- LD82. (CO) Prior to occupancy of any buildings, a cooperative (tri-party) agreement among the developer, the City and RCFC&WCD regarding the operation and maintenance of said facilities shall be executed.
- LD83. (RGPA) In accordance with the City of Moreno Valley standards, the Double Ring Infiltrometer field testing method per ASTM D3385 shall be

utilized to perform in-situ percolation testing in the location of proposed infiltration area treatment control Best Management Practice (BMP) and the results included as an amendment to the Final WQMP prior to issuance of the first occupancy. (Advisory)

- LD84.** (RGPA) The Applicant shall prepare and submit for approval a Project Specific Final Water Quality Management Plan (F-WQMP) for PA07-0090 - Highlands -Parcel 1 of TPM 35629 Logistics Building. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to rough grading plan approval. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs; Treatment Control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation. (Advisory)
- LD85.** (RGPA) The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project pollutants of concern include: sediment/turbidity, nutrients, organic compounds, oxygen demanding substances, and pathogens. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs. (Advisory)
- LD86.** (RGPA) Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The Applicant has proposed to incorporate the use of combined detention and infiltration basins with underdrain systems. Final design details of these detention and infiltration systems must be provided in the first submittal of the F-WQMP. The size of the treatment control BMP is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP Guidance Document. (Advisory)
- LD87.** (RGPA) The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition C; therefore, the condition must be addressed in the F-WQMP.
- LD88.** (GP) The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:
- a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
 - b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;

- c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
 - d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.
- (Advisory)

Phase 2 – Development Associated with Parcels 2 and 4 of PM 35629

In the future, when planning applications for development of Parcels 2 and 4 are submitted to the City, additional conditions of approval for on-site development of those parcels will be added to these special conditions of approval associated with off-site and perimeter infrastructure improvements that apply to the development of Parcels 2 and 4.

- LD89. (PPA) Prior to approval of a plot plan for any project on Parcel 4 of PM 35629, proposed pad and site elevations shall be coordinated with the most current design available for the Theodore Street interchange improvement plans. The plot plan shall show the proposed relocation corridor within the future right-of-way of Theodore Street for the overhead electrical power poles along Theodore Street for overhead utility lines larger than 115,000 volts.
- LD90. (CO) Theodore Street improvements shall be coordinated with the City's Capital Project Theodore/SR60 Interchange Project. Interim improvements shall be at the discretion of the City Engineer and shall be constructed prior to the occupancy of any building in Phase 2. The project design shall accommodate the future ultimate improvements on Theodore Street which include half-width plus an additional 30 feet east of the centerline, along Parcel 4 of PM 35629 east frontage. Future ultimate improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities. In addition, the following improvements shall be provided within the 20-foot wide open space Parcel F shown on the tentative parcel map: a 2-foot wide portion of sidewalk located outside of the proposed sidewalk, a 4-foot wide landscaped area behind sidewalk, a 10-foot wide bike trail behind the 4-foot wide landscaped area, and a 2-foot wide flat landscape area. Ultimate improvements shall be coordinated with the City's Capital Project Theodore Street/SR-60 Interchange Project and/or interim improvements shall be at the discretion of the City Engineer.
- LD91. (CO) Prior to occupancy of any building in Phase 2, ultimate street improvements shall be constructed on Eucalyptus Avenue along project frontage, connecting to those improvements constructed in Phase 1. Improvements shall consist of, but not be limited to, pavement, base, raised landscape median, trail, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities. In addition, the following improvements shall be constructed

within a minimum 20-foot wide multi-use trail and pedestrian access easement: a 6-foot wide sidewalk directly behind the proposed right-of-way, followed by a 4-foot wide landscaped area behind sidewalk, and then a 10-foot wide multi-use trail.

Phase 3 – Development Associated with Parcel 3 of PM 35629

In the future, when a planning application for development of Parcel 3 is submitted to the City, additional conditions of approval for on-site development of that parcel will be added to these special conditions of approval associated with off-site and perimeter infrastructure improvements that apply to the development of Parcel 3.

- LD92. (PPA) Prior to approval of a plot plan for any project on Parcel 3 of PM 35629, proposed pad and site elevations shall be coordinated with the most current available Redlands Boulevard interchange improvement plans.
- LD93. (CO) Redlands Boulevard improvements shall be coordinated with the City's Capital Project Redlands Boulevard/SR60 Interchange Project. Interim improvements shall be at the discretion of the City Engineer and shall be constructed prior to the occupancy of any building in Phase 3. The project design shall accommodate the future ultimate improvements on Redlands Boulevard Divided Arterial, City Standard 103A (131' RW / 107' CC Modified) to half-width plus an additional 21 feet west of the centerline, along the entire project's east frontage. Future ultimate improvements shall consist of, but not be limited to, pavement, base, redwood header, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities. In addition, the following improvements shall be provided within an 18-foot wide bike trail and pedestrian access easement: a 2-foot wide portion of sidewalk located outside of the proposed sidewalk, a 4-foot wide landscaped area behind sidewalk, a 10-foot wide bike trail behind the 4-foot wide landscaped area, and a 2-foot wide flat landscape area. In addition, intersection improvements at Eucalyptus Avenue shall be made to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project. Additional improvements will be identified within the supplemental traffic study required for Phases 2 and 3 planning application development plans. Ultimate improvements shall be coordinated with the City's Capital Project Theodore Street/SR-60 Interchange Project and/or interim improvements shall be at the discretion of the City Engineer.

**CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Case No: PA07-0090 (TPM 35629)
APNs: 488-350-001, 488-350-002, and 488-360-001 through 488-360-012
12.12.08 Revised**

PUBLIC WORKS DEPARTMENT

Special Districts Division

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA07-0090**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

- SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

- SD-2 Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

- SD-3 The Developer, or the Developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

- SD-4 Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the Developer, or Developer's

successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Recordation of Final Map

SD-5 (R) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the Developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to record final map prior to City Council action authorizing recordation of the map. (California Government Code) **This condition would no longer apply if the final map is recorded prior to the formation of the Public Safety Community Facilities District.**

SD-6 (R) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the **Eucalyptus Ave.** median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

- a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District **Zone M** (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
- b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The Developer must notify Special Districts of intent to record final map prior to City Council action authorizing recordation of the map and the financial option selected to fund the continued maintenance.

SD-7 *Commercial* (R) Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the Developer must notify Special Districts of intent to record final map prior to City Council action authorizing recordation of the map and the financial

option selected to fund the continued maintenance. (California Government Code)

- SD-8 (R) Prior to recordation of the final map, the Developer, or the Developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the Developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

**For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

Prior to Building Permit Issuance

- SD-9 (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100) **Once the Transportation Uniform Mitigation Fee (TUMF) is paid, the requirement to annex into the Special District would no longer be applicable.**

- SD-10 (BP) Final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

- SD-11 (CO) Prior to issuance of a Certificate of Occupancy or building final, the Developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.
- SD-12 (CO) All median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed pursuant to the project phasing plan dated December 10, 2008.
- SD-13 (CO) Prior to issuance of a Certificate of Occupancy or building final, the Developer shall submit, in a form acceptable to Special Districts, the current list of all Assessor's Parcel Numbers assigned to the recorded map. Please forward to:

City of Moreno Valley
Special Districts
14325 Frederick Street – Suite 9
P. O. Box 88005
Moreno Valley, CA 92552-0805

- SD-14 (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the Developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The Developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
PA07-0090

Tentative Parcel Map for four parcels located on the north side of future Eucalyptus Avenue, east of Redlands Boulevard.

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

Transportation Engineering Division – Conditions of Approval

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

GENERAL CONDITIONS

- TE1. Install Citywide Communication System (Traffic Signal Interconnect) per City Standards along Eucalyptus Avenue and Theodore Street.**
- TE2. A Class I Bikeway is planned for the east side of Redlands Boulevard that shall require additional right-of-way and/or easements.**
- TE3. The project applicant shall submit supplemental traffic studies at the time of entitlement of Phase 2 (Parcels 2 and 3) and again at Phase 3 (Parcel 4). The supplemental traffic studies shall address improvements necessary for the two phases that could include but not be limited to traffic signals, additional turn lanes, traffic signal synchronization/timing, interchange improvements, fair share contributions, median construction, and traffic control at project driveways. Conditions of approval for Phase 2 and Phase 3 plot plans shall be based upon the findings of the supplemental traffic studies, and conditioned improvements shall be required prior to issuance of a certificate of occupancy for the respective phases.**

PRIOR TO GRADING PERMIT

- TE4. (GP) Prior to issuance of a grading permit for Phase 1, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Theodore Street.**

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

- TE5. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards (Advisory).**

- TE6. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'44' and wider (Advisory).
- TE7. Prior to final approval of the street improvement plans, the developer shall submit to the City a contract between the developer and a street sweeping company for sweeping the streets during the warranty period, for the day shown on the posted street sweeping signage. The contract shall include a contact person and phone number for said contact person (Advisory).
- TE8. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required (Advisory).
- TE9. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements (Advisory).
- TE10. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE11. Prior to the final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and Eucalyptus Avenue to provide the following geometrics:

- Northbound: One left turn lane, one through lane**
- Southbound: One through lane, one right turn lane**
- Eastbound: One left turn lane, one right turn lane**
- Westbound: N/A**

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and SR-60 Eastbound Ramp to provide the following geometrics:

- Northbound: One left turn lane, one through lane**
- Southbound: One shared through/right turn lane**
- Eastbound: One left turn lane, one right turn lane**
- Westbound: N/A**

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One through lane, pavement widening to accommodate turning trucks

Southbound: One shared left turn/through lane

Eastbound: N/A

Westbound: One shared left turn/right turn lane

TE14. Prior to final approval of the street improvement plans for Phase 3, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue for its ultimate cross-section to include the following:

Northbound: Two left turn lanes, two through lanes, one right turn lane

Southbound: Two left turn lanes, two through lanes, one right turn lane

Eastbound: Two left turn lanes, two through lanes, one right turn lane

Westbound: Two left turn lanes, two through lanes, one right turn lane

NOTE: All curb return radii shall be 50 feet.

TE15. Prior to final approval of the street improvement plans, the project applicant shall design bus bays per City Standard Plan No. 121 at the following locations:

- **Northbound Redlands Boulevard, north of Eucalyptus Avenue (Phase 3)**
- **Eastbound Eucalyptus Avenue, east of Redlands Boulevard (Phase 3)**
- **Westbound Eucalyptus Avenue, west of Theodore Street (Phase 2)**
- **Westbound Eucalyptus Avenue, west of project driveway aligned with Sinclair Street (Phase 2)**

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE16. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans (Advisory).

TE17. (CO) Prior to issuance of a certificate of occupancy for Phase 1, the project applicant shall construct the intersection/roadway improvements identified in TE11, TE12, and TE13 per the approved plans.

TE18. (CO) Prior to issuance of a certificate of occupancy for Phase 3, the project applicant shall construct the east leg of the Redlands Boulevard/Eucalyptus Avenue intersection per TE14. Necessary improvements to the other legs of the intersection shall be identified in the supplemental traffic study per TE3.

TE19. (CO) Prior to the issuance of a certificate of occupancy for the project, driveway access at the following locations will be installed as follows:

- **The easternmost driveway: full access.**

- **The second driveway from the east: right-in, right-out access by means of a raised median.**
- **The third driveway from the east (employee parking lot): full access.**
- **The second driveway from the west: right-in, right-out by means of a raised median.**
- **The westernmost driveway: full access.**
- **Additional driveways for Phases 2 and 3 shall be reviewed at the time of their entitlement, and conditions of approval shall be prepared as necessary regarding access.**

NOTE: All truck driveways shall have curb return radii of 50 feet.

PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM

TE20. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans (Advisory).

**CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
Case No. PA07-0091 Plot Plan**

PARKS AND COMMUNITY SERVICES DEPARTMENT

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project **PA07-0091 Plot Plan** this project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

A multi-use trail and Class-I bikeway shall be designated for TPM 35629.

As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the Community Services district (CSD) shall be located along the west side of Theodore Street. The construction of the multi-use trail on Theodore Street along the frontage of the property shall be completed with the future widening of said Street. The developer shall make financial arrangements with the City to fund the multi-use trail construction prior to the issuance of any Certificate of Occupancy on Parcel 1. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued will be returned to the developer.

As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the CSD shall be located along the north side of Eucalyptus Street (currently Fir Avenue), within the development. Development of multi-use trail segments shall occur when Eucalyptus Street is constructed connecting Redlands Boulevard and Theodore Street or at the discretion of the Parks and Community Services Director, an in-lieu fee or acceptable financial arrangement will be provided to the City in an amount equal to the cost of constructing the improvements. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued or fee imposed will be returned to the developer. The Final Map and Grading Plans shall show each segment as well as the overall multi-use trail plan. The developer shall make financial arrangements with the City to fund the multi-use trail construction for the segment along the frontage of Parcel 1 prior to the issuance of any Certificate of Occupancy on Parcel 1. Each multi-use trail segment will follow the same requirement for the remaining parcels.

As approved on TPM 35629, a Class-I bikeway shall be provided on the east side of Redlands Boulevard. The bikeway shall be constructed with the future reconstruction of the Redlands Boulevard/State Route 60 Interchange. Prior to recordation of the Final Map, the developer shall make financial arrangements with the City to fund the bikeway construction.

Per endorsement of the Trails Board on July 23, 2008, the trail was eliminated from Sinclair Street (north of Eucalyptus Ave. to S.R. 60), and the trail along Eucalyptus Ave. (previously Fir Ave.) was relocated to the north side of the street. With the elimination of the Sinclair Street trail, additional trail was located along the north side of Eucalyptus Ave., between Sinclair Street and Theodore Street. Therefore, the trail on the north side of Eucalyptus Ave. shall now be located from Redlands Blvd. to Theodore Street. A General Plan Amendment (GPA) and

modification of the Master Plan of Trails will be required to show modified trail alignments. The Eucalyptus Ave trail shall be dedicated as an easement to the CSD from the industrial project. The Eucalyptus Ave. trail easement segment shall be approximately 11' in width. The planter behind the trail may exceed 3' in width.

PA07-0091

**Parks and Community Services Department
Standard Trail Conditions:**

- a. Trail and bikeway construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide. (Advisory Condition)
- b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project. (Advisory Condition)
- c. Trails and bikeways shall not be shared with any above ground utilities, blocking total width access. (Advisory)
- d. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans. (Advisory)
- e. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Parks and Community Services Director or his/her designee prior to the issuance of grading permits. (Advisory)
- f. Grading certification and compaction tests for trails and bikeways are required, prior to any trail or bikeway improvements being installed. (Advisory)
- g. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas. (Advisory)
- h. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the trail or bikeway shall be designed to prevent water on the trail or bikeway. (Advisory)
- i. Two sets of complete trail and bikeway improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails and bikeways have the same requirements as final plan submittals. (Advisory)
- j. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have 6' high mounted push buttons. These shall be coordinated through the Transportation Division. (Advisory)
- k. CSD Zone 'A' plan check fees shall be paid prior to the second plan check. (Advisory)
- l. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars. (Advisory)
- m. The trail and bikeway shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Parks and Community Services Director or his/her designee prior to the commencement of related work. (Advisory)

- n. Any damage to bikeways, trails, or fencing during construction shall be repaired by the developer and inspected by the Parks and Community Services Director or his/her designee; prior to Certificate of Occupancy. (Advisory)
- o. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically trowel finish). The access shall extend to the main trail flat surface. (Advisory)
- p. In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Parks and Community Services Director or his/her designee and approved in writing 60-days prior to the commencement of trail construction. (Advisory)
- q. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Final Certificate of Occupancy of the project conditioned for improvements. (Advisory)
- r. Where required, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Parks and Community Services Director or his/her designee. (Advisory)
- s. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District. (Advisory)
- t. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection. (Advisory)

**POLICE DEPARTMENT
CONDITIONS OF APPROVAL
PA07-0090 (Map)
APN: 488-350-001 through 002 and 488-360-001 through 012.**

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

- PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (DC 9.08.080) (Advisory)
- PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number. (DC 9.08.080) (Advisory)

MVU Map Conditions of Approval Highland Fairview 12-18-08

MVU-1 (R) If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

MVU-2 (BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution:** Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City’s designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and “bring-up” facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as “utility system” (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all “utility services” to each lot and unit within the Tentative Map. For purposes of this condition, “utility services” shall mean electric service and utility-related telecommunication only. “Utility services” shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

MVU-2A

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property. The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

The installation of any proposed temporary overhead electric distribution lines to be constructed to serve the subject project will be installed/executed pursuant to a temporary utility service agreement. The service agreement will address such things as the necessary electrical circuit protection, as well as the requirement to permanently relocate any temporary overhead to a permanent underground system in a timely manner (not greater than 36 months) consistent with the requirements of the service agreement and pursuant to applicable state law.

An electrical protection coordination study shall be performed and stamped by a registered professional electrical engineer in the State of California and submitted to the utility for review and approval prior to construction of the temporary overhead line consistent with the service agreement.

Once the protection settings are approved and test reports performed, a certified apparatus technician shall be submitted to the utility for review. Any protection studies shall be stamped by the applicant's registered professional electrical engineer.

A specific easement will be required for the entire overhead line extension constructed outside of the public right-of-way consistent with the service agreement.

MVU-3

This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

RESOLUTION NO. 2009-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA APPROVING PA07-0091 (PLOT PLAN) FOR AN APPROXIMATE 1,820,000 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING WITH ANCILLARY COMMERCIAL/RETAIL AND OFFICE USES ON AN APPROXIMATELY 83 ACRE PARCEL GENERALLY LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, the applicant, Highland Fairview, has filed an application for the approval of PA07-0091 (Plot Plan) consisting of an approximately 1,820,000 square foot warehouse industrial building, with ancillary commercial/retail and office uses, on an approximately 83 acre parcel located adjacent to and south of Highway 60 between Redlands Boulevard and Theodore Street, and along future Eucalyptus Avenue (Fir Avenue);

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) under P07-157, a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089) and a tentative parcel map (PA07-0090). All of the discretionary applications are related but will be included in separate resolutions with individual findings;

WHEREAS, on January 8, 2009, the Planning Commission of the City of Moreno Valley held a meeting to consider and provide a recommendation on the application. At the conclusion of said meeting and public hearing, the item was continued to January 15, 2009;

WHEREAS, on January 15, 2009, the Planning Commission conducted a continued public meeting and forwarded the project to the City Council for consideration;

WHEREAS, on February 3, 2009, the City Council held a meeting to consider the application;

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred;

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT HEREBY FOUND, DETERMINED AND RESOLVED by the City Council of the City of Moreno Valley as follows:

- A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

- B. Based upon substantial evidence presented to the City Council during the meeting on February 3, 2009, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:
 - 1. **Conformance with General Plan Policies** – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The project proposes an approximately 1,820,000 square foot warehouse industrial building on Parcel 1 (Phase 1) with related commercial/retail and office uses. The proposal conforms with the Business Park or BP General Plan designation, which allows for a variety of industrial related land uses from office and business park uses to heavier industrial land uses.

Greater compatibility of the proposed land use with surrounding land uses in the general vicinity of the project will be achieved by project design, mitigation and conditions of approval. For example, dense landscape and proposed 11 foot screen walls used for screening purposes will allow for necessary compatibility of the intended industrial warehouse use with any surrounding commercial, business park or residential properties in the general vicinity that would be developed in the future.

- 2. **Conformance with Zoning Regulations** – The proposed use complies with all applicable zoning and other regulations.

FACT: The proposed project does not currently conform with zoning regulations of Business Park (BP), which would only allow for industrial buildings of 50,000 square feet or less from being developed. With a proposed 1,820,000 square foot warehouse industrial building, the applicant is requesting a change of zone to Light Industrial or LI. A 1,820,000 square foot warehouse building is

a permitted use within the LI land use designation. Various conditions of approval have also been included to address specific requirements, including but not limited to site improvements and aesthetic enhancements.

3. **Health, Safety and Welfare** – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: An Environmental Impact report (EIR) has been prepared for the overall project, including the proposed Change of Zone and General Plan amendment. Findings and a Statement of Overriding Considerations has been prepared for said project to deal with impacts related to aesthetics, agriculture, air quality, noise as well as climate change and greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said document will also be accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential property to the south east and west.

Specific mitigation measures have been provided to lessen the impacts (but not all below significant levels) for public health, safety and the welfare of surrounding properties and improvements in the vicinity of the project. This includes, but is not limited to the limitation of project lighting and glare, and enhanced architectural and landscaping treatment to soften views and reduce visual character as well as light and glare to less than significant levels for aesthetics. Air quality mitigation measures include a fugitive dust control plan with application of best management practices to control fugitive dust during construction, emission control equipment with a minimum of Tier II diesel particulate filter emission controls resulting in a minimum 50 percent particulate matter control, proper maintenance of construction equipment, a traffic control plan to minimize operational truck traffic and dust during construction, as well as low VOC paints, and other best management practices. Noise mitigation measures include the restriction of construction vehicles on Redlands Boulevard, south of future Eucalyptus Avenue, the restriction of nighttime grading within 1,200 feet of residences south of future Eucalyptus Avenue, specific sound barriers in place to limit daytime construction noise, equipment maintenance to include silencers, mufflers and acoustic covers, and the restriction of material stockpiles within 1,200 feet of all residences south of Highway 60. It is also important to note that

an approximate 440 foot land use buffer is included as a land use mitigation measure to buffer the proposed project from future sensitive receptors which could be built south of the site. Other mitigation measures throughout the EIR reduce the remaining environmental impacts noted in the EIR to less than significant levels.

With the above mitigation measures imposed for noise, air quality, climate change and greenhouse gas emissions, aesthetics and agricultural and traffic impacts, any environmental impacts from the proposed project and use will be significantly reduced but are still considered as significant and unavoidable, thereby requiring a statement of overriding considerations. Said mitigation measures included with the project will lessen environmental impacts on any existing or future properties within the general vicinity on the proposed development and project and reduce impacts to public health, safety and welfare.

4. **Location, Design and Operation** – The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

FACT: Surrounding land uses include Highway 60 to the north, vacant commercial land uses to the west, vacant business park uses to the east and vacant R-3 (Residential 3) single-family residential properties to the south of the site. The location, design and operation of the proposed project will be compatible with existing and planned land uses in the general vicinity with proposed mitigation measures, conditions of approval and design of the plot plan and architecture of the buildings. For example, dense landscape and proposed 11 foot screen walls provided for screening purposes will allow for necessary compatibility of the use with any surrounding properties in the general vicinity that would be developed in the future.

With the mitigation measures imposed for noise, air quality, climate change and greenhouse gas emissions, aesthetics and agricultural and traffic impacts, including an approximate 440 foot buffer from the property line of the proposed property preventing development to occur on any of the land planned and zoned for residential development immediately to the south of the subject site, any environmental impacts from the proposed project and use will be significantly reduced. Said mitigation measures included with the project will lessen environmental impacts on any existing or future properties within the general vicinity of the proposed development

and project, reduce impacts to public health, safety and welfare, and provide greater compatibility of land uses between the proposed project and surrounding properties in the general vicinity.

5. The project conforms with any applicable provisions of the City's redevelopment plan.

FACT:The project site does not reside in a redevelopment area or within the plan.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development impact fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA07-0091 (Master Plot Plan) incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and

failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

Your right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which you have been given a notice similar to this nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council **HEREBY APPROVES** Resolution No. 2009-____, **APPROVING** PA07-0091 (Plot Plan) for a 1,820,000 square foot industrial warehouse building with minor interior ancillary commercial/retail and office uses based on the affirmative recommendation of the Adoption and Certification of the Environmental Impact Report Mitigation Monitoring Program and Statement of Overriding Considerations, subject to the attached conditions of approval included as Exhibit A.

APPROVED AND ADOPTED this ____ day of _____, 2009.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

**CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
PLOT PLAN (PA07-0091)**

APN: 488-350-001 through 002 and 488-360-001 through 012.

**APPROVAL DATE:
EXPIRATION DATE:**

- Planning (P), including School District (S), Post Office (PO), Building (B)**
- Fire Prevention Bureau (F)**
- Public Works, Land Development (LD)**
- Public Works, Special Districts (SD)**
- Public Works – Transportation Engineering (TE)**
- Parks & Community Services (PCS)**
- Police (PD)**
- Moreno Valley Utilities**
- Other (Specify or Delete)**

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects. All conditions identified as Advisory restate existing codes, ordinances, regulations or policies that apply to the project.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

- P1. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230) (Advisory)

- P2. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation	GP - Grading Permits	CO - Certificate of Occupancy or building final
WP - Water Improvement Plans	BP - Building Permits	P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan	MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Development Guidelines and Specs
Res - Resolution	UFC - Uniform Fire Code	UBC - Uniform Building Code
	SBM - Subdivision Map Act	

PLANNING DIVISION
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PAGE 2

Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020) (Advisory)

- P3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030) (Advisory)
- P4. **A drought tolerant, low water using landscape palette shall be utilized throughout the project.**
- P5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030) (Advisory)
- P6. **Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Development Code or approved sign program, if applicable, and shall require separate application and approval by the Community Development Department - Planning Division. (MC 9.12.020)**
- P7. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be consistent with this approval. (Advisory)

Prior to Issuance of Grading Permits

- P8. (GP) Prior to issuance of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the landscape/irrigation plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director. (GP Objective 4.4, 4.5, DG)
- P9. **(GP) Prior to approval of any precise grading permits, plans for any security gate system shall be submitted to the Community Development Department - Planning Division for review and approval.**
- P10. **(GP) Prior to approval of any grading permits, the developer shall submit final landscape and irrigation plans within the State Highway 60 right-of-way adjacent to the project site consistent with the State Highway 60 Corridor**

Design Manual. The plans shall be submitted to the Community Development Department - Planning Division for review and approval. (MC 9.14.100)

- P11. **(GP) Prior to the issuance of any grading permits and prior to any physical disturbance of any natural drainage course, for any area determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division. (CEQA, State and Federal codes)**
- P12. **(GP) Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA) (Advisory)**
- P13. **(GP) Decorative pedestrian pathways shall be shown on the precise grading plan. (Advisory) (GP Objective 46.8, DG)**
- P14. **(GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval for all fences and walls required or proposed on site, included, but not limited to the 11 foot screening wall along the perimeter of the site including pilasters and caps or alternative design as approved by the Community Development Director. (MC 9.08.070)**
- P15. (GP) Prior to approval of a precise grading plan, final landscaping and irrigation plans shall be submitted to the Community Development Department - Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:
- A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along all public rights-of-way.
 - B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)
 - C. All diamond planters shall be included at an interval of one per 3 parking stalls.
 - D. Drought tolerant landscape shall be provided.

- E. Trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.
- F. **Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.**
- G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).
- H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)
- I. Landscaping on three sides of all trash enclosures shall be provided.
- J. **Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.**
- K. **A minimum size of 36" box mature trees shall be placed along the freeway or northern elevations of the building.**
- L. **Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be required for areas outside of the line of sight. A preferred alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas alternating at 80 foot spacing to achieve the overall 40 foot spacing requirement .**
- M. **Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.**

PRIOR TO BUILDING PERMITS

- P16. (BP) Prior to issuance of building permits, the Community Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from

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public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG) (Advisory)

- P17. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community Development Department - Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG) (Advisory)
- P18. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Community Development Department - Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG) (Advisory)
- P19. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord) (Advisory)
- P20. (P) Prior to issuance of building permits, final landscaping and irrigation plans shall be approved by the Planning Division prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:
- A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along all public rights-of-way.
 - B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs

and 6" curbing. (MC9.08.230, City's Landscape Standards)

C. All diamond planters shall be included at an interval of one per 3 parking stalls.

D. Drought tolerant landscape shall be provided.

E. Trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.

F. Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.

G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)

I. Landscaping on three sides of all trash enclosures shall be provided.

J. Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.

K. A minimum size of 36" box mature trees shall be placed along the freeway or northern elevations of the building.

L. Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be possible for areas outside of the line of sight. An alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas.

M. Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.

P21. Prior to the issuance of building permits, landscape and irrigation plans for common areas maintained by the Property Owner's Association shall be submitted to the Community Development Department – Planning Division. All landscape plans shall be approved prior to the release of any building permits for the site. The plans shall be prepared in accordance with the City's Landscape Development Guidelines. Landscaping is required for the sides

and or slopes of all water quality basin and drainage areas, while a hydroseed mix w/irrigation is acceptable for the bottom of the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins.

- P22. (BP) Prior to the issuance of building permits, the landscape plans shall include landscape treatment for trash enclosures to include landscape on three sides, and trash enclosures shall include decorative enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of the proposed commercial buildings on the site, subject to the approval of the Community Development Director.
- P23. (BP) Prior to the issuance of building permits, all fences and walls required or proposed on site, shall be approved by the Community Development Director. (MC 9.08.070)
- P24. (BP) Prior to issuance of a building permit for Phase 1, proof of a driveway reciprocal access easement between Parcels 1 and 4 shall be provided to the Public Works and Community Development Department.
- P25. (BP) Downspouts will be interior to the building, or if exterior, integrated into the architecture of the building to include compatible colors and materials to the satisfaction of the Community Development Director. This item shall be noted on the final plot plan drawings.
- P26. (BP) Prior to the issuance of building permits, evidence of a reciprocal access easement agreement for Parcel 4, including the maintenance of trees and other landscape materials would be required .
- P27. (BP) Prior to the issuance of building permits, a full elevation set, including the northeast focal point of the building adjacent to Highway 60 and Theodore Street, shall be submitted. Said elevations shall be reviewed and approved by the Planning Commission prior to the release of any building permits.
- P28. (BP) Prior to the issuance of building permits, the precise grade or final landscape plans shall include decorative paving at all driveway locations.

PRIOR TO CERTIFICATE OF OCCUPANCY

- P29. (CO) Prior to issuance of Certificates of Occupancy or building final, all required landscaping, buildings, lighting, parking lot improvements including, but limited to paving and striping, and irrigation shall be installed for the required phase. (DC 9.03.040) (Advisory)
- P30. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed and installed for the required phase according to the approved plans on file in the Community Development Department – Planning Division. (MC 9.080.070) (Advisory).
- P31. (BP/CO) Prior to issuance of Certificate of Occupancy or building final, all required landscaping and irrigation, including basins, shall be reviewed by the Community Development Department - Planning Division. The landscaping shall be installed for the required phase in accordance with the City's Landscape Standards the approved landscape plans, and conditions of approval included in the grading and building sections above. (Advisory)
- P32. (CO) All rooftop equipment shall be appropriately screened and not visible from the Highway 60 right of way.**

OTHER CONDITIONS NOT TIED TO GRADING, BUILDING OR OCCUPANCY

- P33. Loading or unloading activities shall be conducted from the truck bays or designated loading areas only. (MC 9.10.140, CEQA) (Advisory)
- P34. Three building phases are included under Tentative Parcel Map No. 35629, while a plot plan (PA07-0091) has been included for Phase 1. All development under Phases 2 and 3 (Parcels 2, 3 and 4) would require submittal of separate plot plans and review and approval from the Planning Commission.

MITIGATION MEASURES

- P35. MM A-1 - During project construction, the construction site manager or supervisor shall ensure that construction lighting shall be limited to lighting within the work area and light trespass shall be avoided though directional lighting, shielding, and other similar control measures.
- P36. MM A-2. Enhanced architectural and landscaping treatment shall be utilized along the building frontage with State Route (SR) 60 to minimize or soften views of long expanses of the upper elevations of buildings. Examples of

alternative treatment measures may include, but not be limited to the following:

- Use of color; or
- Texture variation; or
- Roof line variation.

P37. MM AQ-1. Prior to construction of the project, the project applicant shall comply with SCAQMD Rule 403 by providing a Fugitive Dust Control Plan that describes the application of best management practices to control fugitive dust during construction. Best management practices shall include:

- Application of water on disturbed soils a minimum of three times per day;
- Covering haul vehicles;
- Replanting disturbed areas as soon as practical;
- Restricting vehicle speeds on unpaved roads to 15 mph;
- Suspension of all grading activities during high wind speeds in excess of 25 mph.
- A Large Operation notification shall be submitted to the SCAQMD prior to construction.
- Project applicant to designate a person(s) to monitor the dust control program and to order increased watering, as necessary.
- Post a sign with the telephone number and person to contact regarding dust complaints. The person shall take corrective action within 24 hours.
- Complete all roadways, driveways, sidewalks, etc. as soon as possible; building pads should be developed as soon as possible after grading unless seeding, polymer, water, landscaping, soil binders, or similar means are applied within five working days after grading completion to minimize fugitive dust.
- Street sweeping shall be accomplished as needed to remove soil transport to adjacent areas; sweeping shall require use of equipment certified under SCAQMD Rule 1186.1.

P38. MM AQ-2. The project applicant shall meet CARB standards by assuring use of lowest emission construction equipment reasonably available for use on this project. The construction fleet average shall meet or exceed Tier II level and the applicant shall provide incentives in the bidding process in selecting construction contractors that propose the lowest-emission construction equipment (i.e., high pressure injectors; smaller engine sizes; electric equipment; gasoline powered equipment with catalytic converters; and alternatively fueled construction equipment).

The applicant shall also provide incentives in the bidding process in selecting grading and construction contractors that propose the use of equipment

using Level III diesel particulate filters.

- P39. **MM AQ-3.** During project construction, construction equipment shall be properly maintained in accordance with manufacturer's specifications; maintenance shall include proper tuning and timing of engines. During maintenance, precautions shall be taken to ensure that fuel is not leaked onto the ground. Equipment maintenance records and equipment design specification data sheets shall be kept onsite during construction and subject to inspection by the SCAQMD.
- P40. **MM AQ-4.** During project construction, the project applicant shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of five (5) minutes.
- P41. **MM AQ-5.** Prior to issuance of a grading permit, the project applicant shall provide a traffic control plan to the City of Moreno Valley that will describe in detail safe detours around the project construction site with temporary traffic control (e.g., flag person) during construction-related truck hauling activities, as required by the City. Construction activities that affect traffic flow on the arterial system shall be minimized by scheduling such activities to off-peak hours. Construction truck travel shall be routed to minimize travel on congested streets and near to sensitive receptor areas. Construction traffic shall gain access to the project site via Theodore Street and Eucalyptus Avenue to the greatest extent possible to minimize traffic and dust along Redlands Boulevard. The traffic control plan is primarily intended as a safety measure but also can minimize traffic congestion and delays that increase idling and acceleration emissions. The traffic control plan shall be prepared in accordance with U.S. Department of Transportation Federal Highways Administration Rule on Work Zone Safety 23 CFR 630 Subpart J, Developing and Implementing Traffic Management Plans for Work Zones.
- P42. **MM AQ-6.** All paints shall be low VOC paints and applied using either high volume low-pressure (HVLPP) spray equipment or by hand application. For a list of low VOC paints, refer to the website www.aqmd.gov/prdas/brochures/paintguide.html.
- P43. **MM AQ-7A.** Construction Phases. Prior to the issuance of grading permits, the developer shall provide documentation to the City of Moreno Valley indicating that construction workers will be encouraged to carpool to the greatest extent practical, including providing information on park and ride programs available to workers. The project shall also provide for lunch services onsite during construction to minimize the need for offsite vehicle

- trips. Workers shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.
- P44. MM AQ-7B. Occupancy. Prior to the issuance of occupancy permits, the project applicant shall provide documentation to the City of Moreno Valley indicating that tenant workers will be encouraged to carpool to the greatest extent practical including providing information on park and ride programs available to employees. Employees shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.
- P45. MM AQ-8. During project construction, onsite electrical hook-ups shall be provided for electric construction tools including saws, drills and compressors, to minimize the need for diesel powered electric generators.
- P46. MM AQ-9. During construction, rumble or bumper strips or similar best management practices shall be provided where vehicles enter and exit the construction site onto paved roads, or wash off trucks or any equipment leaving the site with each trip.
- P47. MM-AQ-10. Offsite construction improvements shall be limited to an 8-hour day during daylight hours.
- P48. Operations- MM AQ-11. All project entrances shall be posted with signs which state:
- a) Diesel trucks servicing the project shall not idle for more than 3 minutes; and
 - b) Telephone numbers of the building facilities manager and the California Air Resources Board to report violations.
- P49. MM AQ-12. Electricity shall be provided in the loading dock areas for transportation refrigeration units visiting the site, if any.
- P50. MM AQ-13. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area.

- P51. **MM AQ-14.** Electrical hookups shall be provided for transport refrigeration units within the Commercial component (Phases II and III) to eliminate the need for idling of diesel-powered transport refrigeration units.
- P52. **MM AQ-15.** The project applicant shall include in all new lease documents the requirement that the tenants shall utilize only trucks using refrigeration units capable of utilizing electrical hook-ups for deliveries to the tenant.
- P53. **MM AQ-16.** The project applicant shall encourage its tenants to do the following: have a compressed workweek schedule for its employees; include electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets; require or provide incentives to use California Air Resources Board certified particulate filters that meet level III requirements; use “clean” trucks, such as 2007 or newer model year or 2010 compliant; use electric yard trucks; use trucks with a SmartWay 1.25 rating; and electrify auxiliary power units. The applicant shall provide documentation of its efforts to the satisfaction of the City.
- P54. **MM AQ-17.** The project shall be designed such that the check-in point for trucks is inside the facility property to ensure that there are no trucks queuing outside the facility.
- P55. **MM AQ-18.** Food services shall be provided onsite.
- P56. **MM AQ-19.** Prior to the Issuance of Occupancy Permits, written evidence shall be provided to the Planning and Transportation Engineering Divisions that the project applicant shall include in all new lease documents the requirement that the tenant shall provide employees with incentives for carpooling or impose a parking fee.
- P57. **MM AQ-20.** The property owners association shall maximize use of electrical equipment for landscape maintenance .
- P58. **MM AQ-21.** Prior to the issuance of a certificate of occupancy for Phase 3, traffic signals, including interconnect hardware installed, or paid for, in whole or in part, by the project applicant shall be synchronized by the applicant, to the satisfaction of the City Engineer.
- P59. **MM BR-1.** To avoid impacts to nesting birds covered under the MBTA, vegetation removal activities involving established perennial vegetation located in the urban/developed plant community shall be avoided during avian

nesting season (February 15 through August 31). If the nesting season cannot be avoided, a nesting bird survey shall be provided no more than thirty (30) days prior to vegetation removal activities. If no active nests are observed, construction activity may proceed with no further monitoring. If active nests are observed, a biological monitor shall be present during any construction activity within the vicinity of the nest. Construction activity may encroach within the vicinity of the nesting birds at the discretion of the biological monitor. Construction activity may proceed once the nestlings have fledged the nest.

- P60. MM BR-2. (GP) Prior to issuance of a grading permit, the applicant shall pay the mandatory mitigation fee for the SKRHCP. The mitigation fee is a per/acre fee based on the entire property footprint and is used to purchase land that contains occupied Stephens' kangaroo rat habitat for the purpose of conserving a large core population.
- P61. MM BR-3. (GP) A pre-construction clearance survey for burrowing owl shall be provided. The pre-construction survey shall be conducted by a qualified biologist no more than thirty (30) days prior to any grading or ground disturbing activities.

If construction is to be initiated during the breeding season (February 1 through August 31) and burrowing owl is determined to occupy any portion of the study area during the 30-day pre-construction survey, consultation with the CDFG and USFWS shall take place and no construction activity shall take place within 500 feet of an active nest/burrow until it has been determined that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow. No disturbance to active burrows shall occur without appropriate permitting through the MBTA and/or CDFG.

If active burrowing owl burrows are detected outside the breeding season (September through January), or within the breeding season but owls are not nesting or in the process of nesting, passive relocation may be conducted following consultation with the CDFG and USFWS. Construction activity may occur within 500 feet of the active nests at the discretion of the biological monitor.

- P62. MM BR-4. (GP) Prior to issuance of a building permit, the applicant shall pay the mandatory mitigation fee for the MSHCP. The mitigation fee is a per unit fee based on the residential development and a per square feet fee based on commercial or industrial development. This will satisfy mitigation required for Impact 5.4-5 and 5.4-6.

- P63. MM CR-1. (GP) Prior to the issuance of a grading permit, a City-approved Project Archaeologist shall be retained to initiate and supervise cultural resource mitigation-monitoring during project-related earthmoving in all areas of the project, subject to certain constraints found in MM CR-2.**
- P64. MM CR-2. Project-related archaeological monitoring shall include the following constraints:**
- 1. All construction-related earthmoving shall be monitored to a depth of ten (10) feet below grade by the Project Archaeologist or his/her designated representative;**
 - 2. Once 50 percent of the earth to be moved has been examined by the Project Archaeologist, the Project Archaeologist may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected;**
 - 3. If buried cultural resources are detected during monitoring, monitoring must continue until 100 percent of virgin earth within the study area has been disturbed and inspected by the Project Archaeologist or his/her designated representative.**
 - 4. Grading shall cease in the area of a cultural artifact or potential cultural artifact as delineated by the Project Archaeologist or his/her designated representative. Grading should continue in other areas of the site while particular find are investigated; and**
 - 5. If cultural artifacts are uncovered during grading, they shall be examined by a professional archaeologist subject to MM CR-3, and decisions shall be made as to mitigation, treatment and/or disposition in consultation with the culturally affiliated Tribe(s), as determined by the City. A mitigation-monitoring report must accompany the artifacts.**
- P65. MM CR-3. Should buried prehistoric cultural resources be encountered during monitoring, the resources shall be evaluated for significance in consultation with the culturally affiliated Tribe(s), as determined by the City, following CEQA Guidelines prior to continuance of grading in the area.**
- P66. MM CR-4. The City of Moreno Valley shall designate culturally affiliated Tribe(s) to monitor the project. Qualified representatives of the Tribal Group(s) shall be granted access to the project site to monitor all activities monitored by the Project Archaeologist.**

P67. MM CR-5. (GP) Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the project, subject to certain constraints found below:

- 1. Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place.**
- 2. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates.**
- 3. Monitors shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens, and,**
- 4. Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.**

P68. MM CR-6. Although considered unlikely, there is always the possibility that ground-disturbing activities may uncover previously unknown human remains. Should this occur, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed.

In the event of an accidental discovery or recognition of any human remains, California Health & Safety Code 7050.5 and California Public Resource Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken:

- 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until a determination as to disposition and treatment is made. The Riverside County Coroner shall be contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours to allow the NAHC to identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations and enter into consultation with the landowner, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as**

provided in PRC Section 5097.98.

- P69. The project will be subject to the City's Grading Ordinance and all applicable California Building Codes. MM GEO-1. During excavation and grading activities a qualified engineering geologist shall observe the in-grading excavation to confirm the absence of any fault features within the building site. If any currently unknown fault features are observed, such features shall be evaluated by the geologist and, if determined necessary, remediation measures or other measures as appropriate shall be implemented to address such features in accordance with applicable City and State requirements. The geologist's record of observations shall be summarized in a final report to be submitted to the City at the conclusion of excavation/grading activities.
- P70. MM HH-1. The fire protection system shall be designed per National Fire Protection Agency (NFPA) 13 to provide an Early Suppression Fast Response (ESFR) sprinkler system protection. Temperature rating of sprinkler heads to be per the Fire Department's requirements.
- P71. MM HH-2. A complete on-site fire protection underground system shall be provided per NFPA 24 and specific requirements of the local authorities. This system shall include hydrants, sectional valves, backflow prevention, and Fire Department connections.
- P72. MM HH-3. Riser assemblies shall include mechanical alarm valves. System control valves shall either be riser mounted with wall post extensions or exterior post indicator valves as required by the local authority. All required devices for central station alarm system interface shall be provided.
- P73. MM HH-4. System design, material, and installation shall comply with NFPA 13 and the other previous NFPA standards. It shall also comply with CBC and UFC standards. Approvals will also be obtained from the owner's insurance authority.
- P74. MM LU-1. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-

care centers, and schools within this area. (MM AQ-13)

- P75. **MM N-1. No Construction Vehicles on Redlands Boulevard south of Future Eucalyptus Avenue.** Other than construction vehicles necessary for identified offsite improvements within Redlands Boulevard, no construction vehicles shall be allowed in the vicinity of any residences on Redlands Boulevard south of existing Fir/future Eucalyptus Avenue. The prohibition for construction traffic shall apply to all phases of the proposed project.
- P76. **MM N-2. No Nighttime Grading within 1,200 Feet of Residences south of Future Eucalyptus Avenue.** City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. No grading activities shall occur at night (8 p.m. to 7 a.m.) within 1,200 feet from any noise-sensitive land uses (i.e. occupied residences including yard areas, schools, etc.) located south of SR-60 (Exhibit 5.11-6 shows the current location of occupied residences). Prior to the issuance of a grading permit, the project applicant shall submit a Noise Reduction Compliance Plan (NRCP) to the City as part of the grading permit submittal showing the limits of nighttime construction based on the location of occupied residential dwellings and their associated parcels, and other noise sensitive uses. The limits of nighttime grading shall be shown on the NRCP and grading plan submitted to the City.

The limits of construction allowed at night shall be staked or posted on site, and contractors will be provided with a copy of the plan showing the limits of nighttime construction.

In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase 1 construction, nighttime construction and grading activities shall be prohibited within 1,200 feet of such residences. Compliance shall be demonstrated through a modification of the NRCP.

With the implementation of this mitigation measure, the loudest noise level that would be experienced at any developed residential parcel would be less than 55 dBA (Leq) during the nighttime, and this level would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the Noise Reduction Compliance Plan (NRCP) and periodic monitoring of noise levels at developed residential parcels within 1,200 feet of the project site.

P77. MM N-3. Daytime Construction Noise. City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. If project site grading activities must occur within 560 feet of noise-sensitive land uses during the daytime (7 a.m. to 8 p.m.), then temporary sound barriers of sufficient height and density to reduce daytime noise levels to 60 dBA (Leq) or less shall be placed between the grading activities and the noise-sensitive land uses. Prior to the issuance of a grading permit, the developer shall submit a NRCP to the City as part of the grading permit submittal showing the limits of daytime construction based on the 560 foot setback in relation to the location of occupied residential dwellings and their associated parcels and other noises sensitive uses.

In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase 1 construction, the NRCP shall be modified to show a the revised new 560 foot setback for day time construction and grading activities in relation to the new residences.

With the implementation of this mitigation measure the loudest noise level that would be experienced at any developed residential parcel would be less than 60 dBA (Leq) during the daytime, and these levels would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the NRCP and periodic monitoring of noise levels at developed residential parcels within 560 feet of the project site. This mitigation measure does not apply to off-site construction.

P78. MM N-4. Require Equipment Maintenance. All construction equipment shall be maintained in good working order and fitted with the appropriate silencers, mufflers or acoustic covers where applicable.

P79. MM N-5. Locate Material Stockpiles 1,200 Feet from Residences south of the Freeway. Material stockpiles shall be located at least 1,200 feet from residences south of future Eucalyptus Avenue along Theodore Street and Redlands Boulevard. Remotely locating the stockpiles reduces the noise at the residences from equipment traveling to and from the stockpiles and the noise that is sometimes associated with handling of material.

P80. MM TT-1. (CO)Prior to issuance of Certificate of Occupancy for Phase 1, turn lanes shall be improved along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements. These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.

- P81. MM TT-2.** Concurrent with the submittal of the plot plan for Phase 3 of the proposed project, the project applicant shall submit a supplemental traffic study assessing the project's contribution to the traffic impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. Approval of the supplemental traffic study must occur prior to the approval of entitlements for the Phase 3 Plot Plan. The project applicant shall contribute to the costs of the interim intersection improvements required to provide adequate capacity for all phases of the project. Said contribution shall be on a fair-share basis considering the buildout of adjacent areas. Payment of such costs shall be provided prior to the issuance of a building permit for Phase 3. If the timing of Phase 3 of the project precedes the planned interim improvements, the project shall be required to construct interim improvements needed to provide adequate capacity to serve the project.
- P82. MM TT-3.** The project applicant shall construct the easterly leg of the intersection located at Redlands Boulevard and Eucalyptus Avenue at the ultimate design required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. The design tentatively consists of a dedicated westbound left turn lane, two westbound through lanes and a dedicated westbound right turn lane. Final geometrics shall be determined after receiving the supplemental traffic study identified in MM TT 2. Construction of required improvements shall be completed prior to the issuance of occupancy permits for Phase 3 of the project.
- P83. MM TT(C)-1. (CO)** Prior to issuance of certificate of occupancy for Phase 1 of the project, turn lanes shall be provided along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.
- P84. MM TT(C)-2.** The short-range analysis shows project impacts at the Redlands Boulevard interchange and at the Redlands Boulevard/Eucalyptus Avenue intersection. At the interchange, improvements are planned and the project shall participate on a fair share basis if private funding is needed. If the timing of Phase 3 of the project precedes the planned interchange improvements, the project shall contribute to interim improvement to provide adequate capacity until the ultimate improvements are completed. These interim improvements include additions of left and right turn lanes at

Redlands Boulevard, SR 60 Ramps, and Eucalyptus Avenue. The interim improvements would be the shared responsibility of the proposed project and cumulative projects. Fair share participation and/or contribution to interim improvements, as applicable, shall be required prior to the issuance of a building permit for Phase 3 of the project

- P85. **MM TT(C)-3.** At the time of the submittal of the plot plan for Phase 3 of the proposed project, the applicant shall submit a supplemental traffic study assessing the project's contribution to the impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. The developer shall contribute to the costs on a fair share basis of the intersection improvements required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. If the timing of Phase 3 of the project precedes the planned improvements, the project shall be required to construct interim improvements to provide adequate capacity until the ultimate improvements are completed.
- P86. **MM W-1.** Prior to issuance of a Precise Grading Permit, Planting and Irrigation Plans shall be submitted for review and prior to the issuance of a building permit, approved by the City. Such plans shall contain the following components:
- The plans shall incorporate water conservation principles as detailed in the Moreno Valley Municipal Code § 9.17.030 Landscape and irrigation design standards.
 - Plant types shall be grouped together according to their water, soil, sun and shade requirements and in relationship to the buildings. Plants with different water needs shall be irrigated separately.
 - Plans shall be designed in accordance with soil tests to determine appropriate specifications of soil amendments and to facilitate selection of water-efficient plant species suitable for the site. Soil amendments such as compost shall be provided to improve water-holding capacity of soil, where soil conditions warrant.
 - All exposed surfaces of non-turf areas within the developed landscape area shall be mulched with a minimum three inch (3") layer of material, except in areas with groundcover planted from flats where mulch depth shall be one and one half inches (1.5").
 - Turf areas shall be limited to public gathering areas and used in compliance with City approved water budget formula(s) and specifications.
 - All irrigation systems shall be designed to prevent runoff, over-spray, low head drainage (occurs where sprinkler systems are installed in sloped areas) and other similar conditions where water flows offsite on to adjacent property, non-irrigated areas, walk, roadways, or structures.

- Irrigation systems shall be designed, constructed, managed, and maintained to achieve as high an overall efficiency as possible.
- Landscaped areas shall be provided with a) smart irrigation controllers which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions; b) rain-sensing devices to prevent irrigation during rainy weather; c) anti-drain check valves installed at strategic points to minimize or prevent low-head drainage; and d) pressure regulators when the static water pressure exceeds the maximum recommended operating pressure of the irrigation system.
 - The planting areas shall be grouped in relation to moisture control zones based on similarity of water requirements (i.e., turf separate from shrub and groundcover, full sun exposure areas separate from shade areas; top of slope separate from toe of slope).
- P87. MM GCC-1. The project shall be designed to meet applicable 2008 Title 24 energy efficiency requirements, or any more stringent requirements that may be adopted prior to the issuance of building permits for the project.
- P88. MM GCC-2. All buildings shall be designed with “cool roofs” using products certified by the Cool Roof Rating Council, and exposed roof surfaces shall use “cool paints.”
- P89. MM GCC-3. The project shall install a photovoltaic array (solar panels) or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable sources, to meet the project’s Phase 1 office electricity needs.
- P90. MM GCC-4. The design and operation of the project shall use ENERGY STAR-qualified energy efficient products for heating and cooling systems, and for built-in appliances and lighting.
- P91. MM GCC-5. To reduce vehicle miles traveled and emissions associated with trucks and vehicles, the following measures shall be implemented to the satisfaction of the Community Development Director, Public Works Director, Building Official and Transportation Division Manager:
- a) Onsite secure, weather-protected bicycle storage parking shall be provided. Onsite showers (one for males and one for females) and lockers for employees shall be provided in each building. Onsite convenient bicycle parking shall be provided for retail customers.

- b) Any traffic lights installed as part of this project shall use Light Emitting Diodes.
 - c) Pedestrian and bicycle connections shall be provided to surrounding areas consistent with the Existing General Plan.
 - d) A Transportation Management Association (TMA) shall be established for the project by the applicant. The TMA shall coordinate its efforts with other TMAs in the City and encourage and coordinate carpooling by occupants of the project. The TMA shall advertise its services to the building occupants. The TMA shall offer transit or other incentives to the employees to reduce greenhouse gas emissions. A shuttle shall be provided during any one hour period where the number of employees using public transit exceeds 20 during the period. The TMA shall distribute public transportation information to its employees. The TMA shall provide electronic message board space for coordinating rides. Within two months after project completion, the TMA shall submit a plan to the City that outlines the measures the TMA has implemented and contact information.
 - e) There shall be preferential parking for carpools, vanpools, and alternatively fueled vehicles.
- P92. MM GCC-6. The project shall provide a minimum of two electric vehicle-charging stations.
- P93. MM GCC-7. During onsite construction phases of mass grading, fine grading, and building (excluding asphalt paving, trenching, and offsite improvements), off-road construction equipment shall use biodiesel fuel (a minimum of B20, or 20 percent of biodiesel). Construction equipment exempt from this measure include those with warranties that would be voided if B20 biodiesel fuel is used. Prior to issuance of grading permits, the applicant shall provide documentation to the City that verifies that certain equipment are exempt; that a biodiesel supply has been secured; and that the construction contractor is aware that the use of biodiesel is required.
- P94 .MM GCC-8. Prior to issuance of a grading permit, the project shall have in place a City-approved Solid Waste Diversion and Recycling Plan that demonstrates the diversion and recycling of all salvageable and re-useable wood, metal, plastic and paper products used during project construction. A similar Plan shall be in place prior to occupancy that demonstrates the diversion and recycling of all wood, metal, plastic and paper products during on-going operation of the warehouse and office portions of the project. The Plans shall include the name of the waste hauler, their assumed destination

for all waste and recycled materials, and the procedures that will be followed to ensure implementation of this measure.

- P95. **MM GCC-9.** The project shall be certifiable under Leadership in Energy and Environmental Design (LEED). The project shall obtain the following credits from the LEED for New Construction & Major Renovations, version 2.2 (or equivalent): Sustainable Sites Credit 7.1: Heat Island Effect, Non-Roof; LEED Energy & Atmosphere Credit 1, Optimize Energy Performance, in part through installing skylights and utilizing energy efficient lighting. Demonstration of certifiability shall be provided to the satisfaction of the City, prior to the issuance of building permits.
- P96. **MM GCC-10.** The project shall be designed to accommodate trucks utilizing “SmartWay Truck Efficiency” emission reduction features. Trailer tails (extenders) are incompatible with loading docks and are exempt from this measure.
- P97. **MM GCC-11.** Every truck that enters the site with a gross vehicle weight rating over 10,000 pounds shall have an Engine Certification Label. If it does not have the label, it shall be prohibited from entering the project site.

Building and Safety Division

- B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING.

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include “as built” plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.
(Advisory)

**PLANNING DIVISION
CONDITIONS OF APPROVAL
PAGE 24**

- B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.
(Advisory)

SCHOOL DISTRICT

- S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.
(Advisory)

UNITED STATES POSTAL SERVICE

- PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.
(Advisory)

Markg/2007/PA07-0088 thorough PA07-0091

CITY OF MORENO VALLEY

COMMENTS – PLOT PLAN

Case No: PA07-0088 through PA07-0091 and P07-157

APN: 488-350-001 through 002 and 488-360-001 through 012

DATE: 12/19/08

FIRE PREVENTION BUREAU

1. The following Standard Conditions shall apply.

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

- F4. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5) (ADVISORY)
- F5. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3) (ADVISORY)
- F6. Prior to building construction, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A) (ADVISORY)
- F7. Prior to building construction, fire lanes and fire apparatus access roads shall have an unobstructed width of not less the twenty-four (24) or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050) (ADVISORY)
- F8. All roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050) (ADVISORY)
- F9. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A) (ADVISORY)
- F10. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050) (ADVISORY)
- F11. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050) (ADVISORY)

- F12. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F13. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:
- a) Be signed by a registered civil engineer or a certified fire protection engineer;
 - b) Contain a Fire Prevention Bureau approval signature block; and
 - c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to Certificate of occupancy. They shall be maintained accessible. The interim Fire Master Plan (invasion line) will provide temporary fire protection during construction.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100) (ADVISORY)

- F14. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1) (ADVISORY)
- F15. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1) (ADVISORY)
- F16. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9) (ADVISORY)
- F17. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be

accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070) (ADVISORY)

- F18. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1) (ADVISORY)
- F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5) (ADVISORY)
- F20. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 2701.5) (ADVISORY)
- F21. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.
- F22. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I) (ADVISORY)
- F23. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050) (ADVISORY)
- F24. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards. (ADVISORY)
- F25. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install

equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100. (ADVISORY)

- F26. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14) (ADVISORY)
- F27. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:
- a) Storage and use areas;
 - b) Maximum amount of each material stored or used in each area;
 - c) Range of container sizes;
 - d) Locations of emergency isolation and mitigation valves and devices;
 - e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
 - f) On and off positions of valves for valves which are of the self-indicating type;
 - g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
 - h) Site plan showing all adjacent/neighborhood structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS). (ADVISORY)

- F28. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H) (ADVISORY)
- F29. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106) (ADVISORY)

- F30. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106) (ADVISORY)
- F31. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104) (ADVISORY)
- F32. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7) (ADVISORY)
- F33. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1) (ADVISORY)
- F34. Prior to installation, Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105) (ADVISORY)
- F35. Prior to Certificate of Occupancy all locations where medians are constructed and prohibit vehicular ingress/egress into or away from the site, provisions must be made to construct a median-crossover at all locations determined by the Fire Marshal and the City Engineer. Prior to the construction, design plans will be submitted for review and approval by the City Engineer and all applicable inspections conducted by Land Development Division.
- F36. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

**CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
PA07-0088 Change of Zone
PA07-0089 General Plan Amendment
PA07-0091 Plot Plan
APN 488-350-001, 002 and APN 488360-001 thru -012**

Note: All Special Conditions are in **Bold** lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

- LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010) (Advisory)
- LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (Advisory)
- LD3. (G) It is understood that the plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040) (Advisory)
- LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a

good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition per the Subdivision Map Act. (GC 66462.5) (Advisory)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit. (Advisory)

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

- a. Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.
- b. Observance of working hours as stipulated on permits issued by the Public Works Department.
- c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
- d. All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
(Advisory)

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110) (Advisory)

LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are

allowed.” In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer. (Advisory)

- LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110) (Advisory)
- LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction. (Advisory)
- LD11. (G) Upon approval of the plot plan by the Planning Commission, the Developer shall submit the approved plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

Prior to Grading Plan Approval or Grading Permit

- LD12. (GPA) The grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)
- LD13. (GPA) Grading plans shall comply with the City Grading ordinance, these Conditions of Approval and the following criteria:
- a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
 - b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
 - c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.
 - d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)
 - e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil’s stability and geological conditions of the site. (Advisory)

- LD14. (GPA) Prior to grading plan approval, the developer shall select treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer. (Advisory)
- LD15. (GPA, IP) Prior to approval of the grading plans or improvement plans for project sites which are one acre or larger, the developer shall obtain the WQMP number from the City's Land Development Division, if a WQMP is required, and as a condition of the State Water Quality Control Board, a Notice of Intent (NOI) for an NPDES permit must be filed and a Waste Discharge Identification (W.D.I.D.) permit number obtained from the State Water Quality Control Board. (Clean Water Act) (Advisory)
- LD16. (GPA) Prior to the rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall:
- a. Submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that:
 - i. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - ii. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - iii. Incorporates Treatment Control BMPs and provides information regarding design considerations;
 - iv. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - v. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

- b. Record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP. A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department. (Advisory)

- LD17. (GPA) Prior to rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. (Advisory)
- LD18. (GPA) Prior to rough grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan. (Advisory)
- LD19. (GPA) Prior to grading permit issuance, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the City's Storm Water Program Manager on compact disk(s) in Microsoft Word format. The developer is required to bring the SWPPP to the grading pre-construction meeting. (Advisory)
- LD20. (GPA) Prior to the approval of the grading plans, the developer shall pay any applicable remaining grading plan check fee. (Advisory)
- LD21. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer. (Advisory)
- LD22. (GP) Prior to the issuance of a grading permit, the developer shall submit a letter of permission to grade for a specific duration recorded against each offsite parcel and an easement for slope purposes at final map recordation. (Advisory)
- LD23. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)
- LD24. (GP) Prior to issuance of a grading permit, the following securities shall be submitted to the City:
- a. Security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project (MC 8.21.070)
 - b. Erosion control security as a guarantee of the completion and maintenance of the erosion control systems required as a condition of approval of the project. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the

erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available from the city and shall be subject to the review and approval of the city engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the city engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and City Attorney, and consist of one or more of the following:

- i. Cash deposit;
- ii. Bond
- iii. Certificate of Deposit
- iv. Letter of Credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government. (MC 8.21.150)

(Advisory)

LD25. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees. (Advisory)

Prior to Improvement Plan Approval or Construction Permit

LD26. (IPA) Improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD27. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210) (Advisory)

LD28. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. Securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements. (Advisory)

LD29. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

- a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.
- b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)
- c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

- d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees or as approved by the City Engineer per City Standard No. 706A. (MC 9.14.020)
 - e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.
(Advisory)
- LD30. (IPA) Improvement plans, including design plan and profile information, shall be based upon a centerline profile, extending beyond the project boundaries approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries. (Advisory)
- LD31. (IPA) Improvement plans, shall reflect the City's moratorium on trench repair pavement cuts on any streets less than three years old or on slurry sealed streets less than one year old unless specifically approved by the City Engineer. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved by the City Engineer. (Advisory)
- LD32. (IPA) Drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110) (Advisory)
- LD33. (IPA) If the project's hydrology study proposes to use any portion of a public street right-of-way to accommodate storm flows, said study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow will be contained within the street right-of-way. On major streets (Minor Arterial or larger), at least one lane in each direction shall remain open and not be used to carry surface flows. When any of these criteria is exceeded, additional drainage facilities shall be installed as approved by the Public Works Department Land Development Division. (MC 9.14.110) (Advisory)
- LD34. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. (Advisory)
- LD35. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100) (Advisory)
- LD36. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. (Advisory)

- LD37. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)
- LD38. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees. (Advisory)

Prior to Building Permit

- LD39. (BP) The developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer. (Advisory)
- LD40. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) per City code and Land Development Division requirements. (AB939, MC 8.80) (Advisory)
- LD41. (BP) Prior to issuance of a building permit, Parcel Map 35629 shall record.

Prior to Certificate of Occupancy

- LD42. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall pay all outstanding fees.
- LD43. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, unless otherwise approved by the City Engineer, including but not limited to the following applicable improvements:
- a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.
 - b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.
 - c. City-owned utilities.
 - d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
 - e. Under grounding of existing and proposed utility lines less than 115,000 volts.
 - f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.
- (Advisory)

- LD44. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130) (Advisory)
- LD45. (CO) Prior to issuance of a certificate of occupancy or building final, the Developer must comply with the following:
- a. Any required water quality basins, associated treatment control BMPs, and associated hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack.
 - b. An Engineer's Line and Grade Certification shall be provided to the City.
 - c. Said facilities shall pass a flow test per City test procedures. (Advisory)
- LD46. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board. (Advisory)

Prior to Acceptance of Streets into the City Maintained Road System

- LD47. (AOS) Aggregate slurry, per Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance street(s) into the City maintained road system at the discretion of the City Engineer. (Advisory)

SPECIAL CONDITIONS

Phase 1 – Development Associated with Parcel 1 of PM 35629

- LD48. (RGPA) Prior to rough grading plan approval, the developer shall obtain written concurrence from Riverside County Flood Control and Water Conservation District (RCFC&WCD) for any proposed modifications to the Moreno Area Drainage Plan as well as for the acceptance of a small new additional tributary area resulting from the project's proposed grading.
- LD49. (RGPA) Prior to rough grading plan approval, it shall be clearly demonstrated on the final drainage study that the potential increased rate of runoff resulting from the development of this site is mitigated. During identified storm events peak flow rates and velocity leaving the site in the developed condition shall be no larger than that of the pre-developed condition. The following shall be analyzed in the final drainage study: 1, 3, 6 and 24-hour storm duration for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures or other

mitigation, beyond those shown on the tentative parcel map and preliminary drainage study, may be required and shall include those into the design and construction of appropriate drainage facilities.

- LD50.** (RGPA) Prior to rough grading plan approval, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. Emergency overflow area elevations shall be a minimum of 1' below the proposed building pad elevation in close proximity. This may include, but not be limited to, an emergency spillway in the basin and an emergency overflow at any sump catch basin location. The developer is responsible for securing any necessary on-site or off-site drainage easements as required for emergency overflow.
- LD51.** (RGPA) Prior to rough grading plan approval, all easements, existing, proposed, temporary, and those to be quitclaimed shall be shown on the plan complete with type of easement, easement width, as applicable, instrument number and date of recordation. Copies of the existing easement documents shall be submitted to the City (upon request) for review. Those easements to be quitclaimed shall be coordinated with the appropriate easement holder, including but not limited to, those associated with the electrical utility lines traversing Parcel 1 and the water line running along the entire map's north boundary adjacent to SR-60 and its on-/off-ramps, as shown and labeled on the tentative parcel map. The above referenced water line shall be relocated outside the existing and ultimate SR-60 right-of-way and preferably within Eucalyptus Avenue.
- LD52.** (RGPA) Notwithstanding what is shown on the tentative parcel map and grading plan, no grading on Caltrans property shall be permitted without an encroachment permit.
- LD53.** (RGPA) Prior to rough grading plan approval, the plan shall show a minimum 15-foot wide maintenance access road from a public street to all graded areas resulting from the grading associated with the project.
- LD54.** (PGPA) Prior to precise grading plan approval, the precise grading plan shall be consistent with the rough grading plan and approved plot plan, in terms of, but not limited to, pad and grade elevations, proposed water quality treatment control best management practices and locations including detention and infiltration basins, proposed building, parking lot, landscape area, slope, and project entrance locations. (Advisory)
- LD55.** (PGPA) Prior to precise grading plan or improvement plan approval, as applicable, the plans shall show any driveway approach up to 40' in width to be constructed per City Standard Plan 118C, Option 2, modified. The driveways shall have a minimum radius of 50' if the entrance is to accommodate truck traffic, 35' otherwise, and transition from an 8" curb height to a 0" curb height at the conventional right-of-way 12' behind the curb line, or as approved by the City Engineer. There shall be a 4-foot wide pedestrian sidewalk area at 2% maximum cross slope behind the conventional right-of-way. A 4-foot pedestrian right-of-way dedication

shall be made on PM 35629. Any entrance greater than 40' in width shall be designed as a street intersection. (Advisory)

- LD56. (IPA) If it is necessary to adjust the boundary of Parcel G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) resulting in the need for additional right-of-way for highway and road purposes, it shall be dedicated to the City at no cost to the City. If it is necessary to adjust the boundary resulting in excess right-of-way not needed for highway and road purposes, the City and the developer shall pursue the appropriate mechanism to transfer or convey public property back to the developer.
- LD57. (IPA) Prior to improvement plan approval, the plans shall show redwood headers, or other pavement edge treatment as approved by the City Engineer, at all edge-of-pavement locations in the public right-of-way. If redwood header board is approved, the redwood header shall be installed per the City Standard, using a nominal minimum of 2" wide by 6" deep board. This shall include, but not be limited to, the following locations:
- a. Along the frontage of Parcels 1, 2 and 4 of PM 35629, south side of Eucalyptus Avenue, south edge of the east bound travel lane to be constructed in Phase 1.
- LD58. (IPA) Storm drain improvement plans shall show the connection of the proposed private storm drain system to the proposed public storm drain system at the public street right-of-way. A storm drain manhole shall be placed at the right-of-way to mark the beginning of the publicly maintained portion of this storm drain.
- LD59. (IP) Prior to commencing any work within Caltrans right-of-way, the developer shall obtain an encroachment permit from Caltrans. Work within Caltrans right-of-way may include that work associated with storm drain connections to existing freeway culverts, water line removal, water line extension from north of the freeway including jack and bore operation, power pole relocation and/or undergrounding, and any grading.
- LD60. (IP) Prior to approval of improvement plans, the developer shall secure any off-site easements from the off-site property owner(s). This includes but is not limited to the drainage easement for the proposed spreading basin south of the project, the slope easement along the south side of Eucalyptus Avenue, the drainage easement for the culvert outlet across Eucalyptus Avenue near Theodore Street, the utility easement for the temporary overhead electrical lines, and any others that may be necessary for the construction and maintenance of offsite utility and infrastructure improvements.
- LD61. (BP) Prior to issuance of a building permit, final line and grade certification shall be provided by the licensed engineer of record stating the building pad is in substantial conformance with the approved grading plan. For Parcel 1, the developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction

sequencing as approved by the City Engineer. The relocation and/or abandonment of existing utilities and quitclaim of existing easements shall be coordinated with the sequencing of the Parcel 1 development such that these do not interfere or encumber the particular building area being developed at any given time.

- LD62. (BP) Prior to building permit issuance this project shall cause the quitclaim of all existing easements, especially those easements underneath proposed building footprints shall be quitclaimed. This shall include, but not be limited to, the water line easement and power line easement. All utilities shall be relocated, as necessary, prior to quitclaiming the easements. All new easements shall be granted prior to utility relocations and quitclaims of existing easements.
- LD63. (BP) Prior to building permit issuance, the developer shall remove, or cause the removal, of any sign or other structure, as applicable, on the project site, including that portion within Parcels G, 5 and 6, as shown on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered parcels on the final parcel map), to be dedicated to the City for the future freeway expansion, unless other arrangements are made with and approved by the City Engineer. The developer shall record easements for, provide access to, etc. any sign or structure that might remain, as approved by the City Engineer.
- LD64. (BP) Prior to building permit issuance, the developer shall submit to the City a recorded agreement pertaining to the maintenance of and access to the temporary spreading basin to be constructed on the land south and adjacent to this project map, identified as APN# 488-350-002.
- LD65. (BP) Prior to building permit issuance of the proposed building in Phase 1, the developer shall submit to the City for review and approval all required off-site (outside of the map boundary) easements, including but not limited to, a roadway slope easement along the south side of Eucalyptus Avenue, drainage easements at low points along the south side of Eucalyptus Avenue where rip rap and other drainage improvements are proposed, a drainage easement for the culvert headwall, rip rap and grading on the south side of Eucalyptus Avenue, just west of Theodore Street, an easement for any work outside of the Sinclair Street right-of-way north of SR-60 for work associated with the construction of the water line. These easements shall record prior to occupancy, after the City has reviewed and approved them prior to building permit issuance.
- LD66. (BP) Prior to issuance of a building permit, PM 35629 shall record along with all the offers of dedication for right-of-way and easements made on the map. Alternatively, offers of dedication for right-of-way and easements may record by separate instrument.
- LD67. (CO) Prior to occupancy for the proposed building in Phase 1, the developer shall obtain an encroachment permit from Caltrans and complete the following jack and bore operation for the installation of a

proposed water line underneath SR-60 to be located within Sinclair Street right-of-way north of the freeway. The developer shall apply Caltrans crossing requirements to the portion of the water line that will lie within Parcel G of the tentative parcel map.

- LD68. (CO) Prior to occupancy of the proposed building in Phase 1, all overhead utility lines less than 115,000 volts fronting or within the entire map boundary shall be placed underground per Section 9.14.030C of the City Municipal Code except those along the west side of Theodore Street, the terminus of the facility over SR-60 at Sinclair Street, and the interim service from Redlands Boulevard and Dracaea Avenue northerly to the project site.
- LD69. (CO) Prior to occupancy of the proposed building in Phase 1, existing utilities shall be relocated outside of Parcels G, 5, and 6, as identified on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered lots on the final parcel map), being offered for dedication for highway and road purposes.
- LD70. (CO) Prior to occupancy of the proposed building in Phase 1, the developer shall bring overhead electrical service to the building from the nearest source identified by the developer to be located on the west side of Redlands Boulevard near Dracaea Avenue. This will require the developer to bore under Redlands Boulevard to the east side of Redlands Boulevard.
- LD71. (RGPA) In accordance with the City of Moreno Valley standards, the Double Ring Infiltrometer field testing method per ASTM D3385 shall be utilized to perform in-situ percolation testing in the location of proposed infiltration area treatment control Best Management Practice (BMP) and the results included as an amendment to the Final WQMP prior to issuance of the first occupancy. (Advisory)
- LD72. (RGPA) The Applicant shall prepare and submit for approval a Project Specific Final Water Quality Management Plan (F-WQMP) for PA07-0090 - Highlands -Parcel 1 of TPM 35629 Logistics Building. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to rough grading plan approval. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs; Treatment Control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation. (Advisory)
- LD73. (RGPA) The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project pollutants of concern include: sediment/turbidity, nutrients,

organic compounds, oxygen demanding substances, and pathogens. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs. (Advisory)

- LD74. (RGPA) Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The Applicant has proposed to incorporate the use of combined detention and infiltration basins with underdrain systems. Final design details of these detention and infiltration systems must be provided in the first submittal of the F-WQMP. The size of the treatment control BMP is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP Guidance Document. (Advisory)
- LD75. (RGPA) The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition C; therefore, the condition must be addressed in the F-WQMP.
- LD76. (GP) The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:
- a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
 - b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;
 - c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
 - d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.
- (Advisory)

**CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Case No: PA07-0091 (PP for a Warehouse Building),
PA07-0089 (GPA), and PA07-0088 (Zone Change)
APNs: 488-350-001, 488-350-002, and 488-360-001 through 488-360-012
12.12.08 Revised**

PUBLIC WORKS DEPARTMENT

Special Districts Division

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA07-0091**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

- SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.
- SD-2 Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.
- SD-3 The Developer, or the Developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.
- SD-4 Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the Developer, or Developer's

successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Building Permit Issuance

- SD-5 (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100) **Once the Transportation Uniform Mitigation Fee (TUMF) is paid, the requirement to annex into the Special District would no longer be applicable.**
- SD-6 (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the Developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts prior to the City's issuance of a building permit. (California Government Code) **This condition would no longer apply if the building permit is issued prior to the formation of the Public Safety Community Facilities District.**
- SD-7 (BP) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the **Eucalyptus Ave.** median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:
- a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District **Zone M** (Commercial, Industrial and Multifamily Improved

- Median Maintenance), and pay all associated costs with the ballot process; or
- b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The Developer must notify Special Districts prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance.

SD-8 *Commercial* (BP) Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the Developer must notify Special Districts prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance. (California Government Code)

SD-9 (BP) Prior to release of building permit, the Developer, or the Developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the Developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

**For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

SD-10 (BP) Final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

Special Districts Division

Conditions of Approval

Case No: PA07-0091 (PP for a Warehouse Building),

PA07-0089 (GPA), and PA07-0088 (Zone Change)

APNs: 488-350-001, 488-350-002, and 488-360-001 through 488-360-012

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- SD-11 (CO) Prior to issuance of a Certificate of Occupancy or building final, the Developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.
- SD-12 (CO) All median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed pursuant to the project phasing plan dated December 10, 2008.
- SD-13 (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the Developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The Developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
PA07-0091

Plot Plan for approximately 1.8 million square feet of warehousing uses located on the north side of future Eucalyptus Avenue, east of Redlands Boulevard.

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

Transportation Engineering Division – Conditions of Approval

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

GENERAL CONDITIONS

- TE1. Install Citywide Communication System (Traffic Signal Interconnect) per City Standards along Eucalyptus Avenue and Theodore Street.**
- TE2. A Class I Bikeway is planned for the east side of Redlands Boulevard that shall require additional right-of-way and/or easements.**
- TE3. The project applicant shall submit supplemental traffic studies at the time of entitlement of Phase 2 (Parcels 2 and 3) and again at Phase 3 (Parcel 4). The supplemental traffic studies shall address improvements necessary for the two phases that could include but not be limited to traffic signals, additional turn lanes, traffic signal synchronization/timing, interchange improvements, fair share contributions, median construction, and traffic control at project driveways. Conditions of approval for Phase 2 and Phase 3 plot plans shall be based upon the findings of the supplemental traffic studies, and conditioned improvements shall be required prior to issuance of a certificate of occupancy for the respective phases.**

PRIOR TO GRADING PERMIT

- TE4. (GP) Prior to issuance of a grading permit for Phase 1, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Theodore Street.**

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

- TE5. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards (Advisory).**

- TE6. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'44' and wider (Advisory).
- TE7. Prior to final approval of the street improvement plans, the developer shall submit to the City a contract between the developer and a street sweeping company for sweeping the streets during the warranty period, for the day shown on the posted street sweeping signage. The contract shall include a contact person and phone number for said contact person (Advisory).
- TE8. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required (Advisory).
- TE9. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements (Advisory).
- TE10. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE11. Prior to the final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and Eucalyptus Avenue to provide the following geometrics:

- Northbound: One left turn lane, one through lane**
- Southbound: One through lane, one right turn lane**
- Eastbound: One left turn lane, one right turn lane**
- Westbound: N/A**

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and SR-60 Eastbound Ramp to provide the following geometrics:

- Northbound: One left turn lane, one through lane**
- Southbound: One shared through/right turn lane**
- Eastbound: One left turn lane, one right turn lane**
- Westbound: N/A**

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One through lane, pavement widening to accommodate turning trucks

Southbound: One shared left turn/through lane

Eastbound: N/A

Westbound: One shared left turn/right turn lane

TE14. Prior to final approval of the street improvement plans for Phase 3, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue for its ultimate cross-section to include the following:

Northbound: Two left turn lanes, two through lanes, one right turn lane

Southbound: Two left turn lanes, two through lanes, one right turn lane

Eastbound: Two left turn lanes, two through lanes, one right turn lane

Westbound: Two left turn lanes, two through lanes, one right turn lane

NOTE: All curb return radii shall be 50 feet.

TE15. Prior to final approval of the street improvement plans, the project applicant shall design bus bays per City Standard Plan No. 121 at the following locations:

- Northbound Redlands Boulevard, north of Eucalyptus Avenue (Phase 3)**
- Eastbound Eucalyptus Avenue, east of Redlands Boulevard (Phase 3)**
- Westbound Eucalyptus Avenue, west of Theodore Street (Phase 2)**
- Westbound Eucalyptus Avenue, west of project driveway aligned with Sinclair Street (Phase 2)**

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE16. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans (Advisory).

TE17. (CO) Each gated entrance shall be provided with the following, or as approved by the City Traffic Engineer:

- a) A storage lane with a minimum of 75 feet queuing length for entering traffic.**
- b) Appropriate signing and striping.**
- c) The employee gated entrance along Eucalyptus Avenue shall remain open for a half hour prior to and a half hour after a shift change.**

All of these features must be kept in working order.

TE18. (CO) Prior to issuance of a certificate of occupancy for Phase 1, the project applicant shall construct the intersection/roadway improvements identified in TE11, TE12, and TE13 per the approved plans.

TE19. (CO) Prior to issuance of a certificate of occupancy for Phase 3, the project applicant shall construct the east leg of the Redlands Boulevard/Eucalyptus Avenue intersection per TE14. Necessary improvements to the other legs of the intersection shall be identified in the supplemental traffic study per TE3.

TE20. (CO) Prior to the issuance of a certificate of occupancy for the project, driveway access at the following locations will be installed as follows:

- **The easternmost driveway: full access.**
- **The second driveway from the east: right-in, right-out access by means of a raised median.**
- **The third driveway from the east (employee parking lot): full access.**
- **The second driveway from the west: right-in, right-out by means of a raised median.**
- **The westernmost driveway: full access.**
- **Additional driveways for Phases 2 and 3 shall be reviewed at the time of their entitlement, and conditions of approval shall be prepared as necessary regarding access.**

NOTE: All truck driveways shall have curb return radii of 50 feet.

PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM

TE21. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans (Advisory).

**CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
Case No. PA07-0091 Plot Plan**

PARKS AND COMMUNITY SERVICES DEPARTMENT

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project **PA07-0091 Plot Plan** this project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

A multi-use trail and Class-I bikeway shall be designated for TPM 35629.

As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the Community Services district (CSD) shall be located along the west side of Theodore Street. The construction of the multi-use trail on Theodore Street along the frontage of the property shall be completed with the future widening of said Street. The developer shall make financial arrangements with the City to fund the multi-use trail construction prior to the issuance of any Certificate of Occupancy on Parcel 1. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued will be returned to the developer.

As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the CSD shall be located along the north side of Eucalyptus Street (currently Fir Avenue), within the development. Development of multi-use trail segments shall occur when Eucalyptus Street is constructed connecting Redlands Boulevard and Theodore Street or at the discretion of the Parks and Community Services Director, an in-lieu fee or acceptable financial arrangement will be provided to the City in an amount equal to the cost of constructing the improvements. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued or fee imposed will be returned to the developer. The Final Map and Grading Plans shall show each segment as well as the overall multi-use trail plan. The developer shall make financial arrangements with the City to fund the multi-use trail construction for the segment along the frontage of Parcel 1 prior to the issuance of any Certificate of Occupancy on Parcel 1. Each multi-use trail segment will follow the same requirement for the remaining parcels.

As approved on TPM 35629, a Class-I bikeway shall be provided on the east side of Redlands Boulevard. The bikeway shall be constructed with the future reconstruction of the Redlands Boulevard/State Route 60 Interchange. Prior to recordation of the Final Map, the developer shall make financial arrangements with the City to fund the bikeway construction.

Per endorsement of the Trails Board on July 23, 2008, the trail was eliminated from Sinclair Street (north of Eucalyptus Ave. to S.R. 60), and the trail along Eucalyptus Ave. (previously Fir Ave.) was relocated to the north side of the street. With the elimination of the Sinclair Street trail, additional trail was located along the north side of Eucalyptus Ave., between Sinclair Street and Theodore Street. Therefore, the trail on the north side of Eucalyptus Ave. shall now be located from Redlands Blvd. to Theodore Street. A General Plan Amendment (GPA) and

modification of the Master Plan of Trails will be required to show modified trail alignments. The Eucalyptus Ave trail shall be dedicated as an easement to the CSD from the industrial project. The Eucalyptus Ave. trail easement segment shall be approximately 11' in width. The planter behind the trail may exceed 3' in width.

PA07-0091

**Parks and Community Services Department
Standard Trail Conditions:**

- a. Trail and bikeway construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide. (Advisory Condition)
- b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project. (Advisory Condition)
- c. Trails and bikeways shall not be shared with any above ground utilities, blocking total width access. (Advisory)
- d. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans. (Advisory)
- e. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Parks and Community Services Director or his/her designee prior to the issuance of grading permits. (Advisory)
- f. Grading certification and compaction tests for trails and bikeways are required, prior to any trail or bikeway improvements being installed. (Advisory)
- g. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas. (Advisory)
- h. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the trail or bikeway shall be designed to prevent water on the trail or bikeway. (Advisory)
- i. Two sets of complete trail and bikeway improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails and bikeways have the same requirements as final plan submittals. (Advisory)
- j. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have 6' high mounted push buttons. These shall be coordinated through the Transportation Division. (Advisory)
- k. CSD Zone 'A' plan check fees shall be paid prior to the second plan check. (Advisory)
- l. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars. (Advisory)
- m. The trail and bikeway shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Parks and Community Services Director or his/her designee prior to the commencement of related work. (Advisory)

- n. Any damage to bikeways, trails, or fencing during construction shall be repaired by the developer and inspected by the Parks and Community Services Director or his/her designee; prior to Certificate of Occupancy. (Advisory)
- o. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically tine finish). The access shall extend to the main trail flat surface. (Advisory)
- p. In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Parks and Community Services Director or his/her designee and approved in writing 60-days prior to the commencement of trail construction. (Advisory)
- q. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements. (Advisory)
- r. Where required, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Parks and Community Services Director or his/her designee. (Advisory)
- s. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District. (Advisory)
- t. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection. (Advisory)

**POLICE DEPARTMENT
CONDITIONS OF APPROVAL
PA07-0091 (Plot Plan)
APN: 488-350-001 through 002 and 488-360-001 through 012.**

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

- PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (DC 9.08.080) (Advisory)
- PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:
- a. The name (if applicable) and address of the development.
 - b. The developer's name, address, and a 24-hour emergency telephone number. (DC 9.08.080) (Advisory)
- PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact information Form for the project shall be completed at the permit counter of the Community and Economic Development Department - Building Division for routing to the Police Department. (DC 9.08.080) (Advisory)
- PD4. Addresses needs to be in plain view visible from the street and visible at night. It needs to have a backlight, so the address will reflect at night or a lighted address will be sufficient. (Advisory)
- PD5. All exterior doors in the rear and the front of the buildings need an address or suite number on them. (Advisory)

- PD6. All rear exterior doors should have an overhead low sodium light or a light comparable to the same. (Advisory)
- PD7. The exterior of the building should have high-pressure sodium lights and or Metal halide lights installed and strategically placed throughout the exterior of the building. The parking lots should have adequate lighting to insure a safe environment for customers and or employees. (Advisory)
- PD8. All landscape cover should not exceed over 3' from the ground in the parking lot.
- PD9. Bushes that are near the exterior of the building should not exceed 4' and should not be planted directly in front of the buildings or walkways.
- PD10. Trees, which exceed 20', should have a 7' visibility from the ground to the bottom half of the tree. This is so that patrons or employees can view the whole parking lot while parking their vehicles in the parking lot.
- PD11. Cash registers shall be placed near the front entrance of any retail portion of the establishment or as approved by the Police Chief.
- PD12. Window coverings shall comply with the city ordinance.
- PD13. No loitering signs shall be posted in plain view throughout the building, or as approved by the Police Chief.

ENVIRONMENTAL IMPACT REPORT (EIR)

Under Separate Cover

DEPARTMENT OF TRANSPORTATION

DISTRICT 8

PLANNING AND LOCAL ASSISTANCE (MS 722)

464 WEST 4th STREET, 6th FLOOR

SAN BERNARDINO, CA 92401-1400

PHONE (909) 383-4557

FAX (909) 383-5936

TTY (909) 383-6300



*Flex your power!
Be energy efficient!*

RECEIVED
DEC - 1 2008
CITY OF MORENO VALLEY

November 25, 2008

Mr. Mark Gross, Senior Planner
City of Moreno Valley
Community Development Dept.
14177 Frederick Street.
P.O. Box 88005
Moreno Valley, CA 92552-0805

Dear Mr. Gross:

Highland Fairview Corporate Park Draft Environmental Impact Review, TPM 35629, SCH #2007101132. Riv-60 PM 20.4/22.227

We have completed our initial review of the Draft Environmental Impact Review (DEIR) for the Highland Fairview Corporate Park, located in the City of Moreno Valley. The project is located in the eastern area of the city, bounded by State Route 60 (SR-60) to the north, the future Eucalyptus Avenue on the south, Redlands Boulevard on the west, and Theodore Street on the east. The project site and relevant offsite areas studied in this DEIR encompass approximately 265.3 acres.

It is difficult for us to comprehend that the 35 million square feet of warehousing planned for this part of Moreno Valley will have a less than significant impact on SR-60. It appears from the low numbers during the peak period that most of the traffic generated will be during non-peak hours. We believe the truck traffic will not only impact the Redlands and Theodore interchanges with SR-60, as noted in the DEIR, but also the mainline. Specifically, we recommend the following:

- An ultimate right of way dedication to accommodate 4 through lanes, a High Occupancy Vehicle (HOV) lane, and an auxiliary lane in each direction through Moreno Valley.
- Auxiliary lanes in both directions between Redlands and Theodore and between Theodore and Gilman Springs.
- Traffic analysis of the impact at the SR-60/Interstate 215 (I-215) interchange, at the SR-60 between Gilman Springs and I-10, and at the I-10/SR-79 interchange.
- A mitigation agreement between the City and Caltrans to provide a method for implementing this mitigation.

We also have the following comments based on the submittals received with a date of August 7, 2008:

"Caltrans improves mobility across California"

Traffic Operations:

The following four comments are in reference to Appendix J of the DEIR, which is the Traffic Study Report:

- We recommend the inclusion of Traffic Signal Warrants for SR-60 EB/Redlands and SR-60 WB/Redlands Boulevard ramp termini intersections in Appendix H.
- We recommend all freeway mainline analysis sheets be provided for review
- We recommend that a Peak Hour Factor (PHF) of 0.92 be applied to all studied scenarios.
- Appendix A of the Traffic Study, Delay Worksheets, Existing + Ambient + Project (Phase 3) at Redlands/Eucalyptus, page A-99: Verify if the WB lane geometries that were shown in this scenario should be under "mitigation" on page A-144. Otherwise, lane geometries under the "without improvements" scenario should be used for analysis.

The following comments refer directly to the DEIR:

- We recommend the verification of the traffic volumes on SR-60 on page 5.14-32 in Table 5.14-14. Currently it shows lower volumes for Phase 3 than it shows for Phase 2 of the project.
- It is stated on page 5.14-29 that Caltrans LOS criterion is Level of Service (LOS) "E." However, Caltrans LOS standard is the transition between LOS "C" and "D." Please see the Caltrans Guide for the Preparation of Traffic Impact Studies, December 2002. The guide is available online at: www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf
- Page 4.14-34 currently states that Facilities will be designed according to City of Moreno Valley standards. Facilities within State Right-of-Way (R/W) should be designed in accordance with Caltrans Manuals, Standards and Specifications. We recommend that a similar statement be included in the final DEIR.

Electrical Operations (Synchro Analysis)

- Many intersections contain unbalanced and/or unacceptable LOS. Each phase within an intersection should fall within the standard transition between LOS "C" and LOS "D." Currently, there are intersections with an overall LOS within acceptable range, but a single phase is LOS "E" or "F."
- We recommend that all cycle lengths be optimized in the future-year analysis scenarios in order to achieve acceptable LOS results.

- A 3.5 second yellow time is used throughout the analysis. The yellow time should be calculated based upon the speeds on the roadway.
- A 0.5 all-red time is used throughout the analysis. The all-red time should be calculated based on the width of the intersection for safety.

Hydraulics and Storm Water Quality

- Appendix H.1, Runoff Management Plan, page 1-7 states, "It is assumed that Caltrans will construct and maintain debris control devices within the northern right-of-way of State Highway 60." However, there are no such debris control devices planned along this segment of SR-60 in the Caltrans District 8 Project Management Database. The conveyances under the highway conduct off-site runoff. Most sediment is from the undeveloped area to the north, not from roadway runoff. We recommend that this issue be addressed.
- Draft EIR, page 5.8-15, Erosion and Siltation states "However, sediment conveyed through the culverts may be deposited on the project site..." Appendix H.1 Runoff Management Plan, page 1-14 states, "Once Caltrans constructs sediment control devices to allow proper functioning of the culvert, only "clear" flows will be passed through to the site. Once the Sinclair Detention Basin is constructed, upstream..." Before the Sinclair Detention Basin is constructed, large amounts of sediment may flow into the project's proposed storm drains; clear flows should not be assumed. We recommend that the incoming sediment be addressed in the scenario before the construction of the Sinclair Detention Basin.

Thank you for providing us this opportunity to review this proposal and for your consideration of these, previous, and future comments. If you have questions about this letter, please contact me at (909) 383-4557.

Sincerely,



DANIEL KOPULSKY
Office Chief, IGR/Community Planning

- c: Brian Hixson, Highland Fairview
Bobby Kohltfarber, RBF Consulting
Richard Goh, Caltrans D8
George Hague

12/19/08

Letter CT. State Department of Transportation, District 8 (Received 12/1/08)

Response CT-1.

This comment (1st through 4th Bullets) does not appear to relate specifically to the proposed Project. CalTrans has mistakenly identified the Project currently being considered by the City. That Project consists of 2,400,000 square feet of logistics facilities and 200,000 sq.ft. of commercial facilities. The 35,000,000 square feet mentioned in the letter is apparently a reference to the Logistics Modified General Plan Concept discussed in Section 8.3 of the Draft EIR. As pointed out on page 8-2 of the Draft EIR, the discussion is included in the Draft EIR because Highland Fairview is the owner of both the Project Site and a substantial portion of nearby land which may be the subject of an application to change the applicable planning and zoning to allow development of logistic facilities. The information is provided only in the interest of full disclosure. It is not part of the Project currently being considered by the City. Moreover, no application for such a change has been filed with the City and there is no guarantee that one will be filed. Therefore, to the extent that the recommendations on page one of the letter refer to the Logistic Modified General Plan Concept, when, and if, such an application is submitted to the City, it will be subject to review under CEQA and appropriate mitigation measures will be identified and imposed.

As documented in the EIR Traffic Study (Appendix J), and discussed in Draft EIR Section 5.14 Transportation and Traffic, and the Traffic Topical Response in Section 3 of the Final EIR Response to Comments document, the traffic impacts of the Highland Fairview Corporate Park project encompassing a total of 2.62 million square feet of building area do not warrant or justify the improvements or actions listed in this comment. The Traffic Topical Response - SR-60, pages 3-268-286 of the Final EIR, determined that the Project will not cause substantial impacts, individually or cumulatively, on SR-60 and, therefore, the nexus, discussed in CEQA Guidelines Sec. 15126.4(a)(4), required to impose exactions, whether through the dedication of land or through the payment of in-lieu fees, is absent. Nevertheless, the HFCP project right of way dedication on the south side of SR 60 along the project frontage does in fact accommodate the ultimate lane configuration that CalTrans is requesting in this comment (1st Bullet). Also, please see the referenced Traffic Topical Response for discussion of mainline SR 60 impacts from Interstate 215 to east of Gilman Springs Road.

Response CT-2.

The following responses correspond to bullets under the 'Traffic Operations' comments referring to the Traffic Study Report in Appendix J of the Draft EIR:

- (5th Bullet) Peak hour traffic signal warrants for the intersections of Redlands Boulevard at the SR-60 eastbound and westbound ramps (traffic study intersections #4 and #5) can be found in Table 6-9 on page 60 of the traffic study, the location for all off-site signal warrants. Appendix H contains only the signal warrants for project driveways.
- (6th Bullet) The SR-60 freeway mainline analysis sheets are included in Chapter 6 of the traffic study (pages 6-1 through 6-5) and in the "Highland Fairview Corporate Park Traffic Study, Topical Response-to-Comments Addressing Highway Volumes and Project Impacts on SR-60" located in Section 3.3 of the Response to Comments on the Draft Environmental Impact Report.

- (7th Bullet) In peak hour delay calculation methodology, a peak hour factor (PHF) adjusts a given volume by addressing the fluctuation in demand within the peak hour. A PHF can be derived from a traffic count, or a standard factor can be utilized (.92 is the default factor in the HCM software). When deriving a PHF from a traffic count, the total hourly volume is divided by the highest of four 15 minute interval volumes multiplied by four, and the result is the PHF. An example of the derivation of a PHF from a traffic count is described in the following paragraph.

Peak hour counts collected over a two-hour time period are summarized in 15-minute intervals, with the highest consecutive four intervals determining the actual peak hour. A peak hour factor (PHF) can be calculated utilizing those four volumes (i.e., volumes of 15,18,8,5 for each of the four 15-minute intervals resulting in a total hourly count of 46) by dividing the total volume (46), by the highest interval multiplied by four ($18 \times 4 = 72$), for a PHF of .64. The PHF is lower when there is a higher disparity in the four interval volumes than when the volumes are similar.

In the traffic study, peak hour factors were derived from existing traffic count data (see Appendix G of the traffic study) and are used in the short-range analyses. The derived factors are lower than the standard default factor of .92 and, as discussed above, utilization of these factors *is a more conservative approach* than using the standard default factor. For example, when a .64 PHF is then applied to a volume of 150, the result is a higher adjusted volume (234) than when using a PHF of .92 (adjusted volume of 163). Thus, the lower the PHF, the higher the adjusted volume used in the delay calculation. A peak hour factor of 1.00 is used in the General Plan analyses, standard practice when calculating intersection delay for long-range time periods.

- (8th Bullet) The westbound leg of the intersection is a feature of the project and will be constructed with a separate left turn lane, through lane and right turn lane. This configuration is assumed under each scenario that includes the project, as indicated on page A-99 for Exist + Ambient + Project (Phase 3), on page A-137 for Exist + Ambient + Related Project + Project (Phase 3), and page A-144 for Exist + Ambient + Related Project + Project (Phase 3) with Mitigation.

Response CT-3.

The following responses correspond to bullets under the 'Traffic Operations' comments referring directly to the Draft EIR:

- (9th Bullet) Traffic volumes given on page 5.14-32 in Table 5.14-14 are for the Existing + Ambient + Project (Phase 3) scenario, and the corresponding volumes for Phase 2 are given in Table 5.14-13. (It should be noted that Table 5.14-14 was updated as part of the "Highland Fairview Corporate Park Traffic Study, Topical Response-to-Comments Addressing Highway Volumes and Project Impacts on SR-60" and these volumes are given in the table below.) The update did not change any of the project impacts or findings in the traffic analysis or Draft EIR and does not affect the response given below).

Table 1
FREEWAY IMPACT ANALYSIS
 - Existing + Ambient + Project

Component	SR-60 West of Redlands			
	Phase 2		Phase 3*	
	Westbound	Eastbound	Westbound	Eastbound
Total Project Vehicles ¹ – AM	119	170	150	236
Project Trucks ² – AM	45	44	50	56
Project pce ³ - AM	209	258	250	348
Total Project Vehicles ¹ – PM	234	162	327	231
Project Trucks ² – PM	56	47	71	59
Project pce ³ - PM	346	256	469	349
Component	SR-60 West of Theodore (Between Redlands and Theodore Interchanges)			
	Phase 2		Phase 3*	
	Westbound	Eastbound	Westbound	Eastbound
Total Project Vehicles ¹ – AM	119	170	55	68
Project Trucks ² – AM	45	44	14	16
Project pce ³ - AM	209	258	83	100
Total Project Vehicles ¹ – PM	234	162	106	99
Project Trucks ² – PM	56	47	19	20
Project pce ³ - PM	346	256	144	139

¹The total number of project vehicles including both light vehicles and trucks.
²Project trucks only.
³The project's passenger car equivalent (pce) volume (see Topical Response to Comments for full discussion on pce).
 *The volumes given for Phase 3 are the updated volumes presented in the Topical Response to Comments – Section 3.3 of the Final EIR Response to Comments.

During each phase of the project, project traffic volumes increase but have access to different travel routes since Eucalyptus Avenue will not be connected to Redlands Boulevard until Phase 3. In Phase 3 the SR-60 volumes west of Theodore Street are lower than in Phase 2, however the volumes west of Redlands Boulevard are higher. The increase west of Redlands is due to the increased land use intensity in Phase 3 of the project. West of Theodore Street, a reduction occurs due to the redistribution of project traffic volumes with the opening of Eucalyptus Street to Redlands Boulevard. In Phases 1 and 2, Eucalyptus Avenue is only constructed to Theodore Street and all freeway-oriented project traffic must use the Theodore Street interchange. In Phase 3, Eucalyptus Avenue is connected westward to Redlands Boulevard and some project traffic that used the Theodore Street interchange in Phases 1 and 2 will redistribute to the Redlands Boulevard interchange, thus reducing the project volumes on the freeway segment between the two interchanges.

- (10th Bullet) The traffic analysis utilized Riverside County Transportation Commission's (RCTC) adopted minimum level of service threshold of "E" for state highways from the Congestion Management Program (CMP) (see page 4-2 of the "2007 Congestion Management Program for Riverside County" which can be found at www.rctc.org/downloads/congestionmanagementprogram.pdf).

Page 5.14-29 (last paragraph) of the Draft EIR has been corrected to reflect this in the Final EIR (Response to Comments Section 4).

- (11th Bullet) The City of Moreno Valley concurs that facilities within the jurisdiction of CalTrans be designed in accordance with CalTrans Manuals, Standards and Specifications.

Response CT-4.

(12th through 15th Bullets) As recommended in Caltrans Comment CT-2, the delay calculations in the traffic analysis do assume optimal signal cycle lengths (and optimal splits), and standard defaults were used to calculate the yellow and red times. As stated in the comment, some individual signal cycles (at a particular leg of the intersection) operate at an unacceptable LOS while the overall LOS is acceptable. When the actual signal design is carried out, the timing inputs can be established in a manner that differs from the optimization derived here.

Response CT-5.

(16th and 17th Bullets) Section 1.5.5 of the Runoff Management Plan (ROMP) inappropriately assumes an obligation for CalTrans to provide sediment control devices upstream of their culverts that pass under SR60. The text within the ROMP has been corrected (see attached revisions - TO BE PROVIDED) to remove the implication that CalTrans has any greater responsibility other than routine maintenance of their existing facilities.

Removing the assumption that upstream sediment control devices will be constructed has no impact on the adequacy of the currently proposed drainage facilities for the project. The details supporting this statement can be found in Section 5.8 "Regional Facilities" of the Draft EIR. In short, the existing culverts under SR60 are under-sized (based on Q_{100} - the flow that can be expected during a 100 year storm) causing flows to be detained north of SR60. The proposed project drainage facilities have been sized to accept the maximum flows that can pass through the Caltrans culverts. Therefore, an assumption of "clear flow" (all debris removed) or "bulked flow" (water and debris) does not alter the sizing of the project drainage facilities from a hydraulic capacity perspective. It should be noted that the proposed drainage facilities on the project site have been sized to accommodate maintenance equipment to properly deal with debris laden flows. Upon completion of the master planned facilities north of SR60, including Sinclair Detention Basin, which have been planned for, and which will be constructed by, RCFC&WCD, the peak storm flows will be reduced to 65% of the design flows utilized for the proposed project.

Thus, the Project's drainage facilities have been sized, and will be able to handle, all water and debris which can reach the Project Site through the existing culverts, with or without upstream sediment control devices.

RECEIVED

Mark Gross
Senior Planner
City of Moreno Valley

DEC 18 2008

17, December 2008

PLANNING
CITY OF MORENO VALLEY

Dear Mr. Gross,

Re: Highland Fairview Corporate Park's failure to test for the presence of *Coccidioides Immitis*, and *Coccidioides Posadasii* fungi.

I strongly believe that the health of Moreno Valley residents must be protected. I have not seen where soil testing has been done on the project site for the fungi known to cause Coccidioidomycosis, better known as Valley Fever.

The fungi which cause this serious illness is known to exist in the Inland Empire, and can be stirred into the air by anything which disrupts the soil such as construction. Once airborne these spores can be carried by the wind for distances of over one hundred miles. It medically reported that only one *Coccidioides* fungi spore need to be inhaled to cause this illness, and that the severity of the illness increases with the number of spores inhaled.

Coccidioidomycosis is a condition that is often misdiagnosed as other illnesses and diseases such as cancer, tuberculosis, and the common flue or pneumonia. As results of such, most cases are not diagnosed and treated in a timely manner, causing the need for more invasive testing such as lung biopsies.

Those more susceptible to the disease are those who have a lowered immune system, diabetics, the elderly and women who are in their third trimester of pregnancy, and immediately following the birth of their child (at this time there is not enough information as to the effects on the unborn).

Person with whom have been infected have been known to receive initial diagnosis of lung cancer based on chest X-rays which tend to show the presence of nodules much like that of cancer. Receiving this kind of news alone can cause great emotional pain and hardship to the person and family of such an infected person.

The State of California reports an infection rate of at least 35,000 new cases per year, with that number growing with time, and at one point was at epidemic levels in the Bakersfield area.

The testing of the project site's soil needs to be performed by an agency that is independent of the developer, and the result of such report sent directly to you without the developer knowing of its contents first. Upon your review of the report it should be made available for public review by means of postings in accordance with current law, and should also be made available review on the city's web site.

The main responsibility of The Planning Commission and the City Council members is to "protect the health, safety and welfare" of the city's residents. Failure to conduct these tests shows they are not fulfilling their official duties.

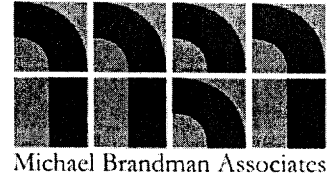
If needed members of my staff can be made available to assist you with any questions you may have regarding this condition.

Please enter my comments into the public records on The Highland Fairview Corporate Park project and make sure each Planning Commissioner and City Council Member receive a copy of this request for soil testing as soon as possible. I would also appreciate you notifying me of all future documents and meetings related to this project. I also need the final copy of the EIR sent to me and I hope all Moreno Valley citizens will have the full 30 days to read this massive document which has always been our City's practice.

Sincerely,

Mike Rios
29034 Cantabrria Ct.
Moreno Valley, CA. 92555
(951) 581-3132

A handwritten signature in black ink, appearing to read 'Mike Rios', is written over a horizontal line. The signature is stylized and cursive.



December 23, 2008

Subject: **Response to December 17, 2008 Letter from Mike Rios Regarding Valley Fever Spore Testing**

Fresno
559.497.0310

Irvine
714.508.4100

Palm Springs
760.322.8847

Sacramento
916.447.1100

San Bernardino
909.884.2255

San Ramon
925.830.2733

The author of this letter expressed concern that the Highland Fairview Corporate Park project EIR did not propose to conduct soil testing to determine the presence of *Coccidioides Immitis*, and *Coccidioidis fungi* (Valley Fever spores).

Michael Brandman Associates (MBA) air quality staff frequently addresses this issue in connection with projects in the San Joaquin Valley and other areas of California where Valley Fever spores have been identified as a concern. The key factor in determining whether Valley Fever is a potential concern for a particular project site is the existing conditions of the soil. Soils that have been disturbed by agricultural activity and plowing are not conducive to the life cycle of the Valley Fever spores. The spores are found in the top 20 centimeters of the soil (8 inches) which would typically be disturbed by plowing and irrigation. Alkali soils, still in the natural state with natural vegetation, have a much higher potential to be a source of the spores.

Soil Conditions on the Project Site are Not Conducive to Valley Fever. According to the Draft EIR Section 5.2 – Agricultural Resources, the predominant soils on the project site are San Emigdio series that are well-drained soils on alluvial fans and the Metz series, excessively drained soils on alluvial plains. The San Emigdio series soils are used for dryland grain, pasture, and irrigated citrus, walnut, alfalfa, apricot, and truck crops. Large portions of the site were used to grow grain and grapes during the early part of the century. The majority of the westerly section of the site starting at Redlands Boulevard at the west and Sinclair Street on the east has been used for boarding and raising horses since the 1940s. Approximately 20-acres immediately east of Sinclair Street contained a cluster of homes. The remainder of the site has been intermittently used for dry farming for a number of years. The type of soil and crops grown indicate that the soils would not be alkali and not conducive to the presence of Valley Fever spores. Since the project has been farmed and a part of the site previously developed, the probability of the soil harboring Valley Fever spores is very low.

The Incidence of Reported Valley Fever Cases is Very Low. It should be noted that cases of Valley Fever have been reported within western Riverside County and Moreno Valley within the past 2-3 years. According to the County of Riverside Department of Health¹, there have been a total of 48 cases reported in western Riverside County during the period January 2006 through September 2008. This represents 0.67% of the total 7,199 cases reported statewide during the same period². A total of 7 cases were reported in Moreno Valley during this period, with only one of these reported within 2008. The reported Moreno Valley cases represent less than 0.01% of all reported cases statewide. The location of the

¹ Source: County of Riverside Department of Health-Epidemiology, Diagnosed Cases of Valley Fever in Western Riverside County, January 2006-September 2008 (12/22/08).

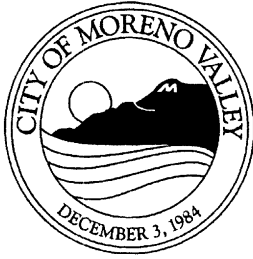
² Source: State Data Summaries of Communicable Diseases
[\[http://www.cdph.ca.gov/data/statistics/Documents/CM-SEP2008.pdf\]](http://www.cdph.ca.gov/data/statistics/Documents/CM-SEP2008.pdf)
[\[http://www.cdph.ca.gov/data/statistics/Documents/CM-DEC2007.pdf\]](http://www.cdph.ca.gov/data/statistics/Documents/CM-DEC2007.pdf)

reporting does not necessarily determine the origin or geographic source of fungus, however, as the Valley Fever spores can be transported by winds over significant distances.

Pre-Grading Testing for Valley Fever is Unreliable. Since the existence of the fungus in most soil areas is temporary to fleeting, extensive soil sampling and testing for the fungus to determine infectivity is not highly reliable³. Michael Brandman Associates is aware of no agency in California that requires pre-grading testing for the Valley Fever fungus.

Conclusions. Based on MBA's experience and analysis of the foregoing information, with significant weight given to the historic disturbances to the project site soils through previous agriculture activities, Valley Fever is not an issue at the Project site, and therefore, soil testing is not necessary. In any event, the mitigation measures that are typically applied in areas that have a high potential of Valley Fever spores are also uniformly applied throughout our region in compliance with South Coast Air Quality Management District fugitive dust regulations (Rule 403). As described in the Draft EIR Section 5.3 Air Quality, Mitigation Measure AQ-1 of the EIR already requires implementation of these measures. The rigorous application of these measures, which include watering, soil stabilization and soil trackout prevention, during construction will prevent fugitive dust and would reduce the possibility of Valley Fever occurring to insignificance even if the possibility of soils conditions harboring Valley Fever were not already very low.

³ Conclusions of the Valley Fever Task Force Report on the Control of *Coccidioides immitis*, Kern County Department of Public Health. (August 1995); page 3.



**PLANNING COMMISSION
STAFF REPORT**

Case: PA07-0088 (Change of Zone)
PA07-0089 (General Plan Amendment)
PA07-0090 (Tentative Parcel Map No. 35629),
to include PA08-057 (Phasing Plan)
PA07-0091 (Plot Plan)
P07-157 (Environmental Impact Report)

Date: January 8, 2009

Applicant: Highland Fairview Inc.

Representative: Same as above

Location: On the north side of Eucalyptus Ave., east of
Redlands Blvd., west of Theodore Street and
south of Highway 60

Proposal: Tentative parcel map for a 158 gross acre site
(265.3 acres with offsite improvements and
drainage) into four (4) separate buildable
parcels and two primary parcels dedicated for
freeway improvement purposes (thirteen
parcels overall to include common public
access and dedication), and a first phase plot
plan for a 1,820,000 square foot distribution
warehouse on approximately 83 acres. The
total project includes 2,620,000 square feet of
building area. The project site, now in the BP
(Business Park) and CC (Community
Commercial) land use districts, proposes a
change of zone to LI (Light Industrial) for
proposed industrial uses and a General Plan
Amendment to eliminate a planned multi-use
trail along the Sinclair Street alignment, the
adjustment land use for 2 CC land use district

parcels (126 foot width reduction on the east parcel and 87 foot width increase on the west parcel).

Redevelopment Area:

No

Recommendation:

1. Provide a policy recommendation to the City Council regarding the requested change in property zoning from BP (Business Park) to LI (Light Industrial) to allow industrial warehouse buildings greater than 50,000 square feet; and
2. Based upon that policy recommendation, recommend approval or denial of the proposed project to City Council. An approval recommendation will be subject to the conditions of approval and mitigation measures imposed by and certification of an Environmental Impact Report (EIR)

SUMMARY

The applicant, Highland Fairview Inc., is proposing a project with warehouse industrial and future commercial land uses on a block of property bounded by Redlands Boulevard, future Eucalyptus Avenue, Theodore Street, and the Moreno Valley Freeway (Highway 60). The project site encompasses 158 gross acres of land. The project applications include a tentative parcel map to subdivide into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include common public access and dedication), and a plot plan for a 1,820,000 square foot warehouse industrial building under Phase 1, with 2 additional phases for a total of 2,620,000 square feet of building at project buildout. The identified tenant for the first phase warehouse is Sketchers.

Before considering the proposal, a policy decision will need to be made regarding the proposed General Plan Amendment and Change of Zone. The proposed Change of Zone from BP (Business Park) to LI (Light Industrial) would allow warehouse/industrial buildings larger than 50,000 square feet at the project site. The current zoning arose from discussions during the update of General Plan and zoning consistency in 2006, which envisioned the preclusion of large warehouses in favor of smaller business park uses.

The proposed General Plan Amendment includes four items, two of which are related to modification of the Master Plan of Trails, including the elimination of the Sinclair Street alignment from new Eucalyptus to Highway 60 and extending and moving a planned trail from the south to the north side of future Eucalyptus from Quincy Street to Theodore Street, another to modify the Circulation Plan and allow landscaped medians on future Eucalyptus Avenue and finally a minor modification between industrial and commercial land uses.

PROJECT DESCRIPTION

Project

The proposed project creates four buildable parcels and approximately 2,620,000 square feet of building area, consisting of a 1,820,000 square foot logistics warehouse building on Parcel 1 (Phase 1), a 600,000 square foot building on Parcel 2 (Phase 2), 80,000 square feet of retail on Parcel 4 (Phase 2) and 120,000 square feet of retail on Parcel 3 (Phase 3). The project includes a plot plan for Phase 1. Future phases would require the submittal of additional plot plans. The project site includes an area of approximately 158 acres, located just south of Highway 60 between Redlands Boulevard and Theodore Street. Offsite infrastructure including street improvements, downstream drainage, overhead utilities and other improvements raise the total study area for the EIR to a total of 265.3 acres.

In order to recommend approval of the proposed project stated above by the Planning Commission and then to ultimately consider approval at the City Council level, a policy decision would need to be made regarding the proposed change of zone from Business Park (BP) to Light Industrial (LI) to allow for larger warehouse industrial buildings. The General Plan land use designation of Business Park/Industrial would allow the project as currently proposed, and does not need to be amended. The applicant's request for a change of zone from BP to LI includes a material change to the land use pattern along Highway 60 from the direction provided by the City Council from the last zoning consistency study performed in 2006 after the General Plan Update. Land uses allowed under the BP zoning district include office and technology uses, indoor custom and light manufacturing uses with a building size of 50,000 square feet or less containing light truck traffic and on-site wholesaling of goods produced, as well as indoor wholesale, storage and distribution buildings of 50,000 square feet or less. Land uses allowed under the LI zoning category allow for all of the above uses along with warehouse industrial building sizes 50,000 square feet or greater and general manufacturing uses with frequent truck traffic as well as outdoor equipment or storage.

Two additional large warehouse industrial projects that have been submitted to the west of the subject project would require similar changes in zoning to proceed. Both are currently progressing through the City review process and therefore have been included in the environmental review document cumulative project analysis. The projects are the proposed Prologis warehouse industrial project consisting of approximately 2,268,000 square feet located on the south side of State Route 60 and east of Moreno Valley Auto Mall, along Eucalyptus Avenue, between Pettit Street and Quincy Street and the proposed Ridge Property Trust industrial warehousing project totaling approximately 944,000 square feet on the south side of Highway 60, between Quincy Street and Redlands Boulevard.

If the Planning Commission recommends approval of a policy decision to allow more intensive land uses on the east end of the City along Highway 60, the remaining components of the project may be evaluated and recommended to the City Council for approval. The applicant, Highland Fairview, is requesting the following discretionary permits for the proposed project:

1. General Plan Amendment (PA07-0089)

The General Plan land use designation on Parcel 1 is BP or Business Park/Industrial. This designation allows for a wide variety of industrial land uses such as office/technology, manufacturing uses, small industrial warehouse buildings (50,000 square feet or less) and large industrial warehouse buildings (greater than 50,000 square feet). A General Plan amendment is not necessary to change the underlying General Plan designation for Parcel 1, as the proposed large industrial warehouse use is permitted under the current General Plan designation of BP.

The General Plan amendment covers four proposed changes, with two modifying the Master Plan of Trails, one modifying the Land Use Map, and one modifying the Circulation Plan. The following summarizes each of the applicant's proposals:

A. Proposed Changes to the Master Plan of Trails

Two specific changes are being proposed to the Master Plan of Trails. The first includes the elimination of a multi-use trail over Highway 60 that was contingent on the feasibility of a freeway bridge. This trail link was originally designated to run along the Sinclair Street alignment, which was proposed to link to a required trail on the south side of Fir Avenue (future Eucalyptus Street) between Sinclair Street and Redlands Boulevard. As Sinclair is not anticipated to carry significant vehicular traffic, the feasibility of financing a future freeway bridge would be difficult to accomplish.

The second change in the General Plan Master Plan of Trails is the applicant's request to move a planned multi-use trail from the south to the north side of future Eucalyptus.

The Recreational Trails Board reviewed the proposed changes on two separate occasions. On January 23, 2008, the Board reviewed and concurred with the applicant's request to remove the trail extension over Highway 60. To mitigate the trail elimination, the Board recommended an extension of the planned trail from Sinclair to connect to a planned trail on Theodore Street. On July 23, 2008, The Recreational Trail Board brought the item back for reconsideration of the original recommendation in January. At that meeting, the Board recommended that the trail be removed from the General Plan over State Highway 60, with the trail shifted to the north side of the future Eucalyptus extending from Redlands Boulevard to Theodore Street. With this recommendation and concurrence from the applicant, the General Plan amendment was expanded to include the trail extension. Although the applicant will only be responsible for a portion of this trail from Redlands Boulevard to Theodore Street, the change of trail location to Quincy will provide consistency within the trail system to provide one continuous trail on the north side of Eucalyptus from Quincy Street to Theodore Street.

B. Proposed Changes to the Land Use Map

The project will require a General Plan for a proposed change in land use for the areas between proposed Parcels 2 and 3 and Parcels 1 and 4. The area between Parcels 1 and 4 would widen by 126 feet the CC (Community Commercial) land use district and narrow by 126 feet the BP land use district. The area between Parcels 2 and 3 would narrow the CC land use district by 87 feet and widen by 87 feet the BP land use district.

C. Proposed changes to the Circulation Plan

The applicant, Highland Fairview, is requesting the addition of landscaped medians along future Eucalyptus Avenue in front of their project which would require a change in the Circulation Plan to from an arterial to a divided arterial between Redlands Boulevard and Theodore Street. Both street classifications include four lanes. Landscaped medians would increase the street capacity by limiting potential turning movement conflicts and will improve the aesthetics along the streetscape.

2. Change of Zone (PA07-0088)

In addition to the adjustment of the commercial land use lines between the three parcels, the applicant is requesting that the existing zoning classification on Parcels 1 and 2 to change from Business Park (BP) to Light Industrial (LI). This includes the approximate 82 acre parcel that is proposed to house the Skechers warehouse industrial building.

Although the General Plan designation of BP/I would allow the project as currently proposed, the current zoning designation of BP would not allow for the large warehouse industrial uses proposed under the Phase 1 plot plan or Phase 2. Therefore, the applicant has requested a change of zone from Business Park (BP) to Light Industrial (LI) to allow for larger warehouse industrial buildings. A change of zone from BP to LI would allow a 1,820,000 square foot building as well as an industrial warehouse operation with some ancillary retail sales of product to occur. The applicant's request for a change of zone from BP to LI includes a material change to the land use pattern along Highway 60 from the direction provided by the City Council from the last zoning consistency study performed in 2006 after the General Plan Update. Land uses allowed under the BP zoning district include office and technology uses, indoor custom and light manufacturing uses with a building size of 50,000 square feet or less containing light truck traffic and on-site wholesaling of goods produced, as well as indoor wholesale, storage and distribution buildings of 50,000 square feet or less. Land uses allowed under the LI zoning category allow for all of the above uses along with warehouse industrial building sizes 50,000 square feet or greater and general manufacturing uses with frequent truck traffic as well as outdoor equipment or storage.

Land uses to the south across future Eucalyptus are residential. Buffering of the industrial land use from the residentially zoned properties to the south was a concern raised and reviewed in the project Environmental Impact Report. Future Eucalyptus Avenue will separate the proposed project from the residentially zoned properties to the south. Although there is no current residential development immediately to the south of the project site, the area has been reviewed as a sensitive receptor for possible future residential development.

In order to provide greater compatibility between current and proposed land uses, the EIR proposes a buffer zone of approximately 440 feet from the project's southern property line along future Eucalyptus Avenue. Development with such uses as residential homes, schools or similar sensitive receptors would not be permitted within this buffer area subject to deed restrictions placed on all properties within the buffer zone. Without a change to the affected residential properties, the remaining uses permitted on those properties will be very limited.

3. Tentative Parcel Map (PA07-0090) – To include PA08-0057 (Phasing Plan)

Tentative Parcel Map No. 35629 proposes to subdivide an approximate 158 acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include public access and dedication). Pursuant to Municipal Code requirements, all buildable parcels have direct access to a right of way.

Proposed land uses vary for the four buildable parcels. The applicant proposes to include a phasing plan as an implementation mechanism to approve three individual phases of the project. The first phase of the project will include all on-site and off-site infrastructure associated with that development and a 1,820,000 square foot warehouse industrial building on Parcel 1, except for the planned multi-use trail. The Parks and Community Services conditions require the multi-use trail along Eucalyptus Street and Theodore Street to be completed when Eucalyptus Street connects to Redlands Boulevard and Theodore Street (Phase 3) or at the discretion of the Parks and Community Services Director and allows for a cash payment in lieu of construction of the improvements. The second phase of the proposed project includes all on-site and off-site infrastructure associated with that development of a 600,000 square foot expansion to the Phase 1 warehouse industrial building onto Parcel 2 and an 80,000 square foot retail/commercial use on Parcel 4. The third phase consists of all remaining on and off-site improvements associated with Parcel 3 and an approximate 120,000 square foot retail/commercial use and building. Parcels 5 and 6 will be designated primarily for State Highway 60 dedication purposes for future freeway interchange improvements.

The proposed design of the map conforms to all development standards of the Municipal Code. All proposed lots either meet or exceed the minimum standards for the land use districts, including lot size, lot width and lot depth. In addition the proposed tract conforms to the provisions of State Law, including requirements within the Subdivision Map Act.

4. Plot Plan

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A plot plan is required to look at specific building and site improvements that are proposed to be constructed. The plot plan covers the Phase 1 building, including detailed parking lot design and elevation drawings of the development.

The proposed tenant for Parcel 1 is Sketchers, which proposes to relocate from their smaller Inland Empire location to this site. Parcels 2 through 4 will be developed in the future, and conditioned to file discretionary plot plan reviews. The scale and location of the future phases would require Planning Commission review.

The proposed industrial warehouse use located on Parcel 1 will include a 1,820,000 square foot logistics use with approximately 10,000 square feet designated for retail uses. The plot plan includes requirements consistent with the Municipal Code for building elevations, parking, access, landscape, and other development components. Each will be discussed later in this report.

Site

The site is currently vacant, with limited weedy vegetation. Based on an inspection conducted on the site, there was no standing water or riparian vegetation evident.

Although various structures were included on the site as part of the Kerr Stock Farm or Kerr Ranch in operation from the 1920's to the late 1990's, including a single family home and other structures for the farm/ranch and the boarding or race horses, all have been cleared from the site. In 2007, a demolition permit was issued to remove all structures from the site.

The applicant and their consultant, Michael Brandman Associates, conducted a Historic Resources Assessment dated December 7, 2006 for review by City staff. The historic evaluation determined that none of the buildings or structures located on the site were eligible in terms of the California Environmental Quality Act (CEQA) guidelines or listed on the cultural resources list of the state. Therefore, no further investigations or mitigation measures were required prior to removing the buildings and structures located on the parcel. The Environmental and Cultural Advisory Committee concurred with conclusions of the report in 2007.

Surrounding Area

The project site is surrounded by State Highway 60, Office (O), and Residential 1 (R1) parcels and scattered development to the north, a vacant Community Commercial (CC) parcel and RA2 (Residential Agricultural-2) parcels with some scattered residential development to the west and southwest, vacant Business Park (BP) and Residential 5 (R5) to the east and southeast and vacant Residential 3 (R3) to the south.

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Based on the applicant's project and proposed buffer area just south of Eucalyptus Avenue, residential land use totaling 21 acres and the potential to develop approximately 63 units would be precluded. If residential density was to be transferred to other areas of the City or adjacent property that the applicant owns to replace the housing units, both General Plan amendments and Change of Zones may be required.

Although the site is in close proximity to the Moreno Highlands Specific Plan (just south of the subject site), the project does not include or change land uses anywhere within the Specific Plan area. The Environmental Impact Report refers to a possible future project by the Highland Fairview (owners of property to the south of the site including a large portion of the Moreno Highlands Specific Plan). No applications have been filed with the City for any such project. If a project of this nature is proposed by the applicant in the future, it would be subject to a completely separate review process, including a separate environmental impact report. No land use changes beyond the current 158-acre site are included in the current applications.

Access/Parking

There will be a total of five (5) access points off of Fir/future Eucalyptus Avenue provided for Phase 1 and the proposed 1,820,000 square foot Skechers building. The easternmost driveway between Parcels 1 and 4 would be shared with a reciprocal access agreement required. All points of access have been reviewed in the traffic study and approved by the Transportation Division. Access points for future phases would be determined in conjunction with future applications for those sites.

Access from the Phase 1 project would be entirely from Theodore Street and the Theodore Street interchange. New Eucalyptus Avenue would not extend to Redlands Boulevard until Phase 3 of the project.

Truck loading is provided on both sides of the Phase 1 warehouse industrial building, adjacent to Highway 60 (north elevation) and future Eucalyptus Avenue (south elevation). All loading areas will include a decorative screen wall and/or dense landscape to screen all truck activity from public view. As the proposed site grading varies between approximately 20 and 30 feet below the freeway grade, the limited view from Highway 60 along with a low decorative wall and dense landscaping would screen loading activity away from the freeway.

According to the plot plan submitted for Phase 1, parking would include 715 total vehicular stalls, including accessible parking stalls. This exactly meets the 715 vehicular stalls required by City code for the 1,820,000 square foot warehouse industrial building, including parking necessary for the ancillary office and retail uses.

Truck parking is included on site, with 306 trailer parking stalls provided. This is well above the 254 dock doors that are proposed on the building. A minimum one to one ratio is recommended.

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Bicycle parking is also provided at the required amount of five (5) percent of the required parking. Therefore, spaces for 36 bicycles have been proposed for the site and will be scattered among the designated office areas and the portion provided as commercial/retail.

Access and parking for all other parcels not included in Phase 1 will be reviewed and approved under future plot plan reviews.

Design/Landscaping

As indicated previously, the site will sit approximately 20 to 30 feet below the current elevation of Highway 60. Therefore, the mass of the building will be greatly diminished compared to a structure at grade with the freeway. A Site Line Distance analysis has been included in plan form on the plot plan and within the EIR for the project.

Site design of the proposed warehouse industrial building is consistent with that required within the Municipal Code. All proposed industrial buildings will include a pleasing visual treatment along public right of ways where streetscape plant materials and architectural treatments provide visual character. Loading bays and storage areas will be screened to minimize visual impacts. Dense landscape will be provided along future Eucalyptus Avenue for Phase 1 and along Highway 60 with tree rows that would screen out truck activity and break up the massing of the large building. The building will meet setback requirements established within the Municipal Code, with primarily landscape, multi-use trail and parking areas visible from the streetscape.

The architectural design of the proposed building includes a modern architecture with a "fish-scale" panel design with individual tilt-up panels that angle out and up to provide shadowing and visual interest. The building is proposed for a monochromatic color scheme broken up by the shadowing and metal louvers. Tree rows will be strategically placed along the freeway elevation (one row of palms and two rows of pines) to allow for view corridors to the upper half of the building. Primary elevations on the east and west ends of the building and along the southern elevations will include reflective glass, metal features (louvers, panels and screens), as well as decorative pop-out windows and recessed glass. Roof top equipment will be screened from public view by the building parapet walls.

A variety of screening mechanisms (i.e. decorative screen walls) will be placed around the loading and employee parking areas. Eleven (11) foot high solid decorative block perimeter walls with pilasters or design elements to break up the wall will be provided for screening of truck activity from all public right of ways for industrial related uses. In addition, dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall. Mature trees with a size minimum of 36 inch box will be included along the Highway 60 elevation to provide further break-up of the architecture.

Landscaping for Parcel 1 would exceed the amount of typically provided for industrial facilities. Typically, landscaping is provided on roughly 15 percent of an industrial site. In this case, landscape is being proposed on roughly 22 percent of the parcel. The differential is primarily due to the lowering of the site resulting in extensive slope areas. Landscaping for the site will be drought tolerant in nature with primarily low water using species. A landscape and irrigation plan will be required to be submitted prior to the approval of a grading permit and approved by the Planning Division prior to approval of a building permit. Landscaping will be required along all front yard areas and adjacent to designated parking lots, with additional screening provided adjacent to loading areas and enhanced landscaping at entryways to the site along the Eucalyptus frontage.

All proposed detention basins included on the plan shall be maintained by a property owners association. Landscape (trees, groundcover and shrubs) and irrigation shall be placed along the sides of all proposed detention basins. A minimum of a hydroseed mix and irrigation shall be included at the bottom of the basins. Design for all other parcels, not including Parcel 1, will be provided for review when future plot and elevations plans are provided. Any proposed wall or monument signs that may be shown on any plans will be reviewed and approved at a later date, as signs are not a part of this approval and under separate administrative permit.

The developer proposes to include overhead electrical service from the nearest source to the building for approximately one mile along Redlands Boulevard due to property obstructions. All other utility lines for the project will be established underground. Overhead lines along Redlands Boulevard would be placed underground in conjunction with future adjacent projects.

To date, building elevations plans have not been provided by the applicant for the northeast portion of the building adjacent to Highway 60 and Theodore Street. As this is the focal point of the building, a condition of approval has been added to provide this detailed elevation to the Planning Commission for review and approval.

REVIEW PROCESS

On August 14, 2007, the proposed project was submitted and deemed incomplete due to a number of missing submittal requirements. The project was deemed complete on May 8, 2008 after the submittal of additional documents, most notably building elevations. To assist in the timely processing of the project, it was first reviewed by the Project Review Staff Committee (PRSC) on September 12, 2007, while still in an incomplete status. During the above meeting, specific items were required to be submitted or revised prior to submitting for subsequent reviews. Most notably, staff comments included, but were not limited to the completion of various studies by the applicant, including water, traffic, noise, biological assessment, drainage and air quality, the completion of an Environmental Impact Report (EIR), the completion and approval of a Water Quality Management Plan (WQMP), drought tolerant landscape in all planter areas, the modification of vehicular parking, including diamond and finger planters, modification of loading design and driveways on some of the buildings, and the submittal of elevation plans to include four sided architecture for all buildings. At

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the conclusion of said review, written comments were provided to the applicant in order to make the necessary corrections and submittals.

On two subsequent occasions, the project was reviewed by PRSC with the applicant present, including meetings on May 20, 2008 after the project was deemed complete and October 8, 2008. At those times, follow up and/or repeated comments were made regarding landscape, project design and architecture of the proposed industrial buildings.

To date, the applicant has submitted revised plans to address a majority of the PRSC's initial concerns. With the inclusion of specific conditions of approval, all of the concerns of the PRSC have been addressed.

After reviewing the draft conditions of approval, the applicant identified a number of concerns. In response to these concerns, staff made a number of revisions/refinements to conditions of approval where it appeared both reasonable on technical grounds and within the administrative discretion of staff to do so.

However, there is a particular condition of approval proposed by staff - requiring the developer to provide landscaping within the Caltrans right-of-way adjacent to the project - from which the applicant seeks relief. In this case though, staff does not have the authority to eliminate/modify the condition because it derives from an adopted City policy document, the "Highway 60 Corridor Specific Plan". Thus, staff is seeking policy direction from the Planning Commission as to whether to retain/modify this condition of approval.

By way of background, in the early 1990's, the City adopted the Highway 60 Corridor Specific Plan which included design criteria for landscaping and other improvements in the freeway right-of-way. While the land use portion of that Plan was later rescinded by the City, the freeway design criteria were retained. The Moreno Valley Mall and a few other commercial projects were required to install freeway landscaping in advance of the adoption of the 60 Corridor Plan; a few residential projects have been conditioned to install or participate in freeway landscaping with varying levels of implementation. Freeway landscaping was installed by Caltrans in the mid-1990's consistent with the Plan - some of this landscaping has thrived while some has suffered over the intervening years. Notably, the recent Moreno Beach Plaza and Stoneridge Centre projects were not conditioned to provide freeway landscaping given the existence of City directed/funded interchange projects covering their frontage areas. Also of note is that the two adjacent warehouse industrial projects - Prologis and Ridge Realty - have been advised of the likely imposition of a requirement to participate in freeway landscaping. The three projects represent two miles of the City's freeway frontage.

ENVIRONMENTAL IMPACT REPORT

An Initial Study was completed after all discretionary applications were deemed complete. (Attachment No. 5). Based on the information within the Initial Study, an Environmental Impact Report (EIR) was recommended to be prepared. A Notice of Preparation for the EIR was issued October 29, 2007, and a public meeting to receive

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input on the issues to be covered by the EIR was held at City Hall on November 26, 2007. Subsequent to that meeting, draft environmental documents were prepared by the applicant's consultant Michael Brandman and Associates and submitted to the City and its peer consultant for review. After City review of the draft environmental documents and revisions to address City questions and concerns, per California Environmental Quality Act (CEQA) Guidelines, the Draft EIR was circulated for a 45-day public review period. Notice of completion and availability of the Draft EIR was documented with a starting date of August 6, 2008, with the 45-day review period ending on September 19, 2008. To facilitate increased input, the City accepted comments well past the 45-day review period. The Draft EIR was sent to numerous State and local agencies and interested parties on August 5, 2008, as well as to the City's Environmental and Historical Preservation Board. Thirty-one comment letters were provided during the 45-day review period. An additional two letters were received subsequent to the review period and included in the EIR process. Responses to all of these comments are included in the Response to Comments. A comment letter was received from the State Department of Transportation on December 1, 2008, 73 days after the end of the 45-day review period. A letter from a local resident was received on December 18, 2008, 90 days after the end of the comment period. Due to the lateness of the letters, they were not included in the Response to Comments and instead have been addressed in a separate attachment to this staff report. The Response to Comments and related documents were mailed to all interested parties and responsible agencies on December 19, 2008, to allow for their review prior to Planning Commission hearing. This notice period exceeds the minimum notice period of 10 days as provided for in CEQA. As was the case with the Draft EIR, the draft Final EIR was provided for public review at City Hall, the City Library and posted on the City's website.

In briefly summarizing the key points of the document, analysis presented in the Draft EIR indicates that the proposed project will have a number of potentially significant impacts, either individually or cumulatively on aesthetics, agricultural lands, air quality, noise and climate change/greenhouse gas impacts, as described in detail in Draft EIR that cannot be reduced to a less than significant level even with proposed mitigation. As identified in the document, cumulative impacts for these noted impacts above are considered to be significant and unavoidable. The Draft EIR also presents mitigation measures, which, to the extent feasible, will reduce project-specific and cumulative impacts for Aesthetics and Air Quality. All other environmental effects evaluated in the Draft EIR are considered to be less than significant, or can be adequately mitigated below significant thresholds.

Mitigation measures are included to reduce the environmental impacts where possible, even where the impacts could not be reduced to less than significant levels. All mitigation measures have also been included as conditions of approval under the Planning Division.

Although traffic and transportation would be considered a less than significant impact with mitigation measures imposed, the project will produce vehicular and truck related traffic materially different from the current BP zoning, and therefore a traffic impact analysis was prepared. The Transportation Engineering Division (TED) staff reviewed the revised traffic impact analysis dated July 14, 2008 for the proposed

warehouses/commercial project. Project build-out is assumed to be in the Year 2012 and is projected to produce 769 AM peak hour trips, 1,157 PM peak hour trips, and 15,339 daily trips. These trips are inclusive of both cars and trucks and do not include any adjustments to convert truck traffic to their equivalent in passenger cars (commonly abbreviated as PCE's or "passenger car equivalency factors"). The percentage of trucks during the peak AM periods is 19 percent and during the peak PM periods is 15 percent, and the total daily truck percentage for the project is 14 percent. The level of service analyses contained within the study accounted for the disproportionate traffic impacts of trucks directly, through truck percentages as opposed to the use of PCE factors. The study assumes that Eucalyptus Avenue will only connect to Theodore Street for Phases 1 and 2, while Eucalyptus Avenue would connect to Redlands Boulevard at the time of Phase 3. In this case, all project traffic for Phase 1 and 2 travels through the intersection of Theodore Street and Eucalyptus Avenue.

The EIR includes specific mitigation measures related to traffic and transportation related impacts. Due to limited existing pavement at the SR-60 ramps at Theodore Street and Eucalyptus Avenue not existing at this time, pavement widening would be required at the ramps and the Theodore Street/Eucalyptus Avenue intersection to accommodate turning trucks. Other mitigation measures addressed in the EIR include turn lanes provided along Theodore Street at State Route 60 and Eucalyptus Avenue and the construction of the easterly leg of the intersection located at Redlands Boulevard and Eucalyptus Avenue and a dedicated westbound left turn lane, two westbound through lanes and a dedicated westbound right turn lane. In addition, various improvements are planned for the Redlands Boulevard interchange, in which the applicant would participate in fair share funding and specific interim improvements.

Another key environmental issue that the EIR analyzes is the applicant's request for 24 hour grading operations, which would include environmental air quality and noise impacts associated with the use. The applicant has requested the "around the clock" grading to meet the timeframe specified by Skechers to occupy the Phase 1 building. In order to mitigate or lessen these ongoing grading operation activities required to produce a building, a mitigation measure has been included to prohibit nighttime grading activities within 1,200 feet of existing residences and sensitive receptors.

Although impacts to aesthetics, agricultural lands, air quality, noise and climate change/greenhouse gases cannot be reduced to less than significant levels, the California Environmental Quality Act (CEQA) allows for statement of overriding considerations and findings to be considered. CEQA requires the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the proposed project. This would include project benefits such as the creation of jobs or other beneficial project features versus project impacts that cannot be mitigated to less than significant levels. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable". The Statement of Overriding Consideration and corresponding findings are attached to the report as Attachment 2 for review and consideration.

The Planning Commission will have the opportunity to take public testimony on the EIR and project and forward a recommendation to City Council. Before the proposed project can be approved, the City Council will have the opportunity to review the final environmental document, receive public testimony and either certify or reject the Environmental Impact Report (EIR) and subsequent Mitigation Monitoring Program.

NOTIFICATION

All responsible agencies, interested parties and property owners of record within 300 feet of the project were provided a notice of the project public hearing. In addition, the copy of the Draft Environmental Impact Report was sent out to all responsible agencies, and interested parties that had asked to be included on a mailing list. The public hearing notice for this project was also posted on the project site and published in the local newspaper.

REVIEW AGENCY COMMENTS

Staff received approximately 33 responses to the notice of preparation of an Environmental Impact Report; which was sent to all potentially affected reviewing agencies. Comments on environmental issues included and discussed within the Draft EIR were provided specific environmental responses within the Final EIR.

All comment letters and required response to comments are included in the final Environmental Impact Report (See attached). Two additional comments were provided well after 45 day comment period. This includes comments from Caltrans and a local resident. Attachments 7 and 8 include the letters and responses to comments.

STAFF RECOMMENDATION

That the Planning Commission:

1. **PROVIDE** a policy recommendation to the City Council regarding the requested change in property zoning on a 104.9 acre portion of the project from BP (Business Park) to LI (Light Industrial) to allow industrial warehouse buildings greater than 50,000 square feet; and


If a change in policy is recommended by the Planning Commission:

2. **APPROVE** Resolution Nos. 2009-01, 2009-02, 2009-03, and 2009-04 **RECOMMENDING** that the City Council **CERTIFY** the Environmental Impact Report (EIR), and **APPROVE** PA07-0088 (Change of Zone), PA07-0089 (General Plan Amendment), PA07-0090 (Plot Plan) and PA07-0091 (Tentative Parcel Map No. 35629) including phasing (P08-057) for the subdivision of a 158 acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include public access and dedication) for a 2,620,000 square foot industrial/commercial development, including a plot plan for a 1,820,000 square foot warehouse industrial building (Phase 1), subject to all mitigation measures within the EIR, as well as findings included in the attached resolutions and conditions of approval, attached as Exhibit A to the resolutions.

Prepared by:


Mark Gross, AICP
Senior Planner

Approved by:


John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No.2009-01 with Statement of Overriding Considerations and Mitigation Monitoring Program.
3. Planning Commission Resolution No.2009-02
4. Planning Commission Resolution No. 2009-03, including conditions of approval
5. Planning Commission Resolution No. 2009-04, including conditions of approval
6. Environmental Impact Report (Previously provided to the Planning Commission in disk format)
7. Caltrans Letter and Response to Comments
8. Letter from Mr. Mike Rios and Response to Comments
9. Aerial Map
10. Zoning Map
11. Reduced Map
12. Reduced Site Plan
13. Zoning and Land Use Boundary Change Map from EIR

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**CITY OF MORENO VALLEY
PLANNING COMMISSION
REGULAR MEETING
JANUARY 8TH, 2009**

100 CALL TO ORDER

Chair De Jong convened the Regular Meeting of the City of Moreno Valley Planning Commission on the above date in the City Council Chambers located at 14177 Frederick Street.

200 ROLL CALL

Commissioners Present:

Chair De Jong
Vice Chair Merkt
Commissioner Dozier
Commissioner Geller
Commissioner Marzoeke
Commissioner Riechers

Staff Present:

John Terell, Planning Official
Mark Gross, Senior Planner
Jane Halstead, City Clerk
Michael Lloyd, Senior Transportation Engineer
Mark Sambito, Principal Land Development Engineer
Clement Jimenez, Senior Land Development Engineer
Carlos Rodriguez, Fire Safety Specialist, Fire Prevention
Rick Hartman, Deputy City Director for Development Services
Kyle Kollar, Community Development Director
Bob Herrick, City Attorney
Paul Early, Deputy City Attorney
Jennifer Terry, Special Districts Management Analyst
George Hansen, Electric Utility Division Manger
Ralph Scharffenberg, Special Districts Landscape Development Coordinator
Marshall Eyerman, Special Districts Program Manager

300 PLEDGE OF ALLEGIANCE

400 APPROVAL OF AGENDA

1 **CHAIR DE JONG** – Item 400 is the approval of the Agenda

2
3 **COMMISSIONER RIECHERS** – So moved

4
5 **COMMISSIONER GELLER** – Second

6
7 **CHAIR DE JONG** – Okay, I a motion and a second. Is there any discussion? All
8 those in favor

9
10 Opposed – 0

11
12 **Motion carries 6 – 0, with one Absent (Commissioner Springer)**

13
14
15 **500 PUBLIC HEARING ITEMS**

16
17 **CHAIR DE JONG** – Item 500 is to advise the public of the procedures to be
18 followed in this meeting and those are on display at the side of the room there.

19
20
21 **600 PUBLIC COMMENTS**

22
23 **CHAIR DE JONG** – Item 600 is an opportunity for comments from any member
24 of the public to speak on any matter which is not on the Agenda, but which is
25 within the subject matter of the Commission and I have three Speaker Slips. I'll
26 call you up... two names please. There is a three minute limit to your speaking...
27 Gordon Tucker followed by Mike Rios. Would the second speaker please be
28 ready to speak when the first speaker is done? Your name and address for the
29 record please...

30
31 **SPEAKER TUCKER** – Good evening Commission, I would just like to make a
32 simple comment that I'm not 100 percent behind this warehouse nor am I one
33 hundred percent against the warehouse, but I am one hundred percent against
34 the tactics in which we've gotten to this point. That's it.

35
36 **CHAIR DE JONG** – Thank you... Mike Rios followed by George Hague

37
38 **SPEAKER RIOS** – Good evening Commission, my name is Mike Rios. I'd like to
39 start by saying that I want to thank everybody who showed up tonight whether
40 you are for or against the project. It shows that you care about your community
41 and that you want to do the right thing and hear what is going on. Basically this
42 has been a hot issue during the campaign and remains to be as of today.
43 Whether you are for or against the warehouse, this is one of the biggest
44 decisions that Moreno Valley has had to face in decades and we need to very
45 much pay attention to what the people have to say because the people should be
46 the ones that decide what really happens in their City. Now I'm for jobs and I see

1 a lot of people with job shirts. Unfortunately this project is going to be fully
2 automated and the public has to understand that.

3 **CHAIR DE JONG** – Excuse me Mr. Rios, this really is regarding the subject
4 matter... This section is for items that are not on the Agenda
5

6 **SPEAKER RIOS** – Okay, well... yeah okay... What I just want to say is basically
7 I want all the people to pay attention to what's going on and this City right now in
8 a crisis. The whole State is in a crisis and a recession and these jobs that will be
9 created will help our community but we need to really study what's going on with
10 the EIR and everything that's happening and again the people should be the
11 ones who decide what happens for their City. If the majority of the people want
12 this project, I will back it. If the majority of the people don't want the project, I
13 won't back it. It's up to the people to decide and I just want their voice to be
14 heard. This is why I started my campaign to make sure that the people's voice is
15 heard and their decisions are respected. I will address this issue on matters of
16 the Agenda and I want to thank you very much for having this and hopefully the
17 people on the other end have a chance to speak in the Rec Center. I hope that
18 you make that available to them because not everybody was available to fit in
19 this building. Okay thank you.
20

21 **CHAIR DE JONG** – Thank you... George Hague
22

23 **SPEAKER HAGUE** – I'll give you just a few minutes to look at this handout. I
24 brought it because our Mayor today said we need to be looking for jobs like we
25 always do and I think one of our benefits that we have here as a City is that we're
26 not in the dark plumes that you see there in the upper right-hand corner map and
27 that is a selling point to bring businesses to our City. The cancer risk from diesel
28 has not really quite reached us; the highest point. It would be really nice if were
29 like we were down in the lower right-hand corner where if you eliminate diesel
30 pollution, a lot of Southern California would be wonderful, but right now that is a
31 excellent selling point for us to get jobs, is to let people know that we're not in the
32 very dark plumes of this. The other thing that I'd like to mention and to thank is
33 two or three nights ago, a family member was robbed at gunpoint in one of our
34 newer shopping centers in the parking lot. It happened about 8 o'clock at night
35 and two of our City's finest, Deputy Kennedy and Deputy Leone responded and
36 while the people did get away at the time of this armed robbery, it was not until
37 1:30 that very same morning that they brought forward a picture lineup for my
38 family member and by 6:30 they had actually caught the person; at least
39 according to the picture from lineup that my family member went to and so I
40 would definitely like to thank Deputy Kennedy and Leone, both who did an
41 excellent job in very quickly responding and to say I'm sure a representative
42 sample of our Department. Thank you very much.
43

44 **CHAIR DE JONG** – Thank you. Our next Item on the Agenda is Item 700.
45
46

1 **700 PUBLIC HEARING ITEMS**

2
3 **710**

- 4
- 5 **PA07-0088 Change of Zone**
- 6 **PA07-0089 General Plan Amendment**
- 7 **PA07-0090 Tentative Tract Map No. 35629**
- 8 **P08-057 Phasing Map**
- 9 **PA07-0091 Plot Plan**
- 10 **P07-157 Environmental Impact Report**

11
12 **CHAIR DE JONG** – Staff Report please

13

14 **PLANNING OFFICIAL TERELL** – Yeah, before we do that, just a couple of
 15 announcements. Many of you probably haven't been to a Planning Commission
 16 Meeting before so I wanted to go briefly process tonight. The first item is the
 17 Staff member assigned to this project will give a brief report about the project and
 18 then we'll open it for questions of the Planning Commission of Staff. After that
 19 the Applicant will give his presentation and then there is a period of time when
 20 the Commission can ask questions of the Applicant. After that we open the
 21 Public Hearing and the Chair will call people up to the dais over here to my right
 22 and the Speakers have three minutes to speak and I believe I'm not sure whether
 23 you announced this already, but at 10:30 the TV machine runs out of tape, so we
 24 will be taking a break at that time, but before that the Commission will have a
 25 discussion as to how long they will continue the meeting tonight; if that's an
 26 issue; if we're still here at 10:30 and make a decision on that and then we'll have
 27 a short break and either come back or do as the Planning Commission sees fit at
 28 that time. For those of you that are over at the Conference Center, there are
 29 Speaker Slips over there and if you fill those out and give those to I believe
 30 Michelle Dawson who is there in the room with you and after we are finished with
 31 the Speakers who have handed in slips in this room, we'll have a short break if
 32 necessary to bring over folks from the other building. If you've handed in a slip
 33 here and you are in the other building, we'll call your name but if you are not
 34 here, we'll place that at the end of the list of names and call you up at the
 35 appropriate time. So I don't know if the Commission had any questions, but I just
 36 wanted to kind of establish a few ground rules before we moved in.

37
38 **CHAIR DE JONG** – Fair enough... Actually we go to a Staff Report I think the
39 Deputy City Attorney has a comment to make.

40
41 **DEPUTY CITY ATTORNEY ERLY** – Thank you Chair. The City Attorney's been
42 advised that there is several legal allegations that have been made by members
43 of the public with respect to tonight's Hearing. We just wanted to address a
44 couple of those briefly before we got started. The first allegation involved the
45 ability of four of the sitting Commissioners that they are actually still
46 Commissioners. The allegation is that on January 1st, 2005 those four were

1 appointed to a four year term that was set to expire on January 1st, 2009. While
2 that is true, subsequent to the January 1st, 2005 appointment on or about August
3 23rd, 2005. The City Council amended the Ordinance and changed the term to
4 expire on March 31st, 2009, so those four Commissioners are still acting
5 Commissioners until March 31st, 2009 and so everybody up there is able to make
6 this decision tonight. The second allegation involves conflicts of interest,
7 specifically it's been alleged that Commissioner Geller's role as the Treasurer of
8 the Moreno Valley Taxpayer's Association should be a disqualifying event not
9 allowing him to sit on this Hearing. Additionally, both Commissioner Geller and
10 Commissioner Dozier involvement with the Rancho Belago Economic
11 Development Committee has been raised as a possible conflict of interest as
12 well. Our office has researched the issue. We have consulted with Steve
13 Dorsey with Richard Watson and Garcon Gershon(?) the expert and conflicts in
14 this area and have also spoken with the Fair Political Practices Commission
15 today. All three Agencies and Attorneys reached the same conclusion and
16 concur that with the evidence that we've been provided, that there is no direct
17 economic benefit to the Commissioners in question and the Political Action
18 Commissions and the Economic Development Committee; the money being
19 spend there is constitutionally protected, both under State and Federal
20 Constitution and without any evidence of any individual personal gain to the
21 Commissioners, this office can't opine in any way that they should be disqualified
22 from serving on this Hearing. Thank you.

23
24 **CHAIR DE JONG** – Thank you. I think we're ready for the Staff Report now.

25
26 **SENIOR PLANNER GROSS** – Good evening Chair De Jong and members of
27 the Planning Commission. I'm Mark Gross from the Planning Division here to
28 provide a report on the project before you this evening. Before I get into the
29 project or the report that I want to provide, I wanted to turn your attention... there
30 a few items to read into the record and since these are legal documents, we
31 wanted to make sure that they were correct. If you turn to page 122 of your Staff
32 Report you'll see and this is pretty much an ongoing theme that you'll see as a
33 change and once you get there I'll kind of give you an idea of what that is. Again
34 that is page 122 of the Staff Report. If you go down to the fourth paragraph
35 down, there is a reference of and this is the third sentence in that fourth
36 paragraph of "93 feet"... that changes to "87 feet" is the correct number and
37 again you'll see this recurring theme a couple to times as I'm providing. There
38 was also one very minor change just below that under the fifth paragraph and
39 this would be the fifth sentence of that paragraph where it states "not below
40 significant levels"; we would say "not all below significant levels". We just wanted
41 to add the word all. And again page 123; again there is two; second paragraph
42 under Conformance with Zoning Regulations, where it states "93", which
43 changes to "87". The same can be said on page 125 of the Staff Report, there is
44 the recommendation there and some of the areas down below; this is the last
45 paragraph of that page where again "93" is changed to "87" and the same would
46 be for page number 131 and this is on the last paragraph; actually the fourth

1 sentence from the bottom... again "93" changes to "87". With that, let me go
2 ahead and provide a Staff Report here on the Item.

3
4 The Applicant, Highland Fairview is proposing a project tonight that includes
5 industrial warehouses, future commercial parcels and these are bounded by
6 Redlands Boulevard, future Eucalyptus Avenue, Theodore Street and Highway
7 60. Again this is south of Highway 60. The project site includes 158 acres and
8 includes a Tentative Parcel Map to subdivide four buildable parcels and two
9 primary parcels dedicated to freeway improvement purposes. There is a total of
10 13 parcels, although a good majority of those parcels are for public access and
11 the Plot Plan that is before you this evening includes a 1,820,000 square foot
12 warehouse industrial building which it is identified as the occupant of Sketcher's
13 under Phase One and with two additional phases for a total project area or
14 square footage of 2,620,000 square feet. The Applicant is also requesting this
15 evening a General Plan Amendment for four items, including the modification of a
16 Master Plan of Trails, including elimination of the Sinclair Trail alignment from
17 new Eucalyptus to Highway 60 and extension and adjustment of a planned trail
18 from south to north side of the future Eucalyptus from Quincy Street to Theodore
19 Street and also includes the modification of the Circulation Plan to allow
20 landscaped medians on future Eucalyptus Avenue and a minor modification of lot
21 lines between four parcels.

22
23 Now before considering the proposal and providing a recommendation to
24 Council, the Planning Commission this evening is reviewing the project and there
25 is what is considered a policy decision that would need to be made regarding the
26 Applicant's request for a Change of Zone from Business Park, which is classified
27 as BP to Light Industrial which is LI, which includes a material change to land use
28 patterns along Highway 60. The proposed Change of Zone from again BP to LI
29 would allow warehouse industrial buildings larger than 50,000 square feet on the
30 project site. The current zoning of BP and the limitation that comes along with
31 this zoning designation of less than 50,000 square foot buildings arose during the
32 discussions back in 2006 with the Zoning Consistency Study that was part of the
33 General Plan, which at that point there was discussion that it would envision the
34 preclusion of large warehouses in favor of smaller Business Park uses on this
35 particular site.

36
37 I do want direct your attention over to the far wall because we will go into a little
38 bit of the Site Plan and a little bit of the architecture of what is being proposed
39 this evening. From a Site Plan perspective there is going to be a proposal of
40 roughly five access points off of Fir, future Eucalyptus Avenue provided again for
41 Phase One. A Site Line Distance Analysis was conducted indicating that the site
42 was between approximately 20 to 30 feet below the freeway grade and the mass
43 of the building would be greatly diminished compared to structures at grade with
44 the freeway. Now screening mechanisms will be placed around the loading and
45 parking areas, including dense landscape and eleven foot high solid decorative
46 block perimeter walls that would go around the site.

1 Now from an elevation perspective, we have elevations again on the wall. You
2 can see here towards the right hand side of the wall here and from that you will
3 see that the architecture is primarily a modern architectural theme. There is quite
4 a bit of; there is metal louvers, tilt-up panels, reflective glass, recessed glass and
5 decorative pop-out windows and I did want to mention there is going to be some
6 very mature tree rows that will be strategically placed along the freeway elevation
7 to allow for view corridors to the upper half of the building and although a
8 Condition to be reviewed by the Planning Commission at a later date; I think we
9 did Condition at least a portion of that building; we do have a portion of that
10 building shown here and it was related to one of the Conditions and that is
11 something for the Planning Commission to consider. We can address that once
12 we get that once we to that point in time.

13
14 I do want to go over the EIR part of it just briefly. Again there was an
15 Environmental Impact Report completed for this project and it indicated that there
16 were a number of potentially significant impacts. This was either individually or
17 cumulatively that was aesthetics which was one of them, agriculture lands, air
18 quality, noise, climate change, greenhouse gas impacts that could not be
19 reduced to a less than significant level with proposed mitigation would occur with
20 this project. Now one such mitigation measure that is proposed includes a buffer
21 area prohibiting sensitive receptors just south of Fir and future Eucalyptus
22 Avenue. As identified in the document itself; the EIR; accumulative impacts for
23 these particular impacts that we talked about are considered to be significant and
24 unavoidable although all other aspects of the Environmental Impact Report
25 basically indicate that certain environmental aspects of the project can be
26 mitigated to below significant threshold levels.

27
28 And it is important to note and I did want to make this, this is an important part of
29 the EIR and of this report. There is a request for a 24-hour grading operations to
30 occur. The Applicant has requested this to meet the timeframe specified by the
31 Phase One tenant that is going proposed to go in. Now in order to lessen
32 ongoing grading operation activities, a mitigation measure has been included to
33 prohibit nighttime grading activities within 1,200 feet of existing residences and
34 sensitive receptors.

35
36 Now CEQA; the California Environmental Quality Act allows statement of
37 overriding considerations and finding to be considered and requires the decision
38 making body to balance the economic, social, technological and other benefits of
39 the proposed project against it's unavoidable environmental risks and you'll have
40 a chance as you're reviewing the document to review this.

41
42 Staff has received approximately 33 letters on the Draft EIR that was provided for
43 the required 45 day review period and they were included into the Final EIR.
44 There were a couple of additional letters both from Cal Trans and a local resident
45 that were provided quite a bit of time after the 45 day comment period, which
46 were not able to be included in the Final EIR document, but we did include them

1 as attachments to the Staff Report and they are available for the public record.
2 As well, in addition to these two late responses, there were other numerous Draft
3 EIR's and letters I should say and general public correspondence provided to the
4 Planning Commission tonight as part of the public record and I did want to
5 mention as well that the Applicant has provided a letter that you will see dated
6 January 7th, that does go into addressing some concerns with the Conditions and
7 other aspects of the project. I believe there are about three issues that are
8 provided within that particular letter.

9
10 And I did want to mention that all responsible agencies, interested parties,
11 property owners within 300 feet of the project were provided notice of this
12 Hearing, in addition to posting on site and publishing in the newspaper. A copy
13 of the Draft EIR was also located on the City's website; both the Draft and the
14 Final, at City Hall and at the Public Library and sent to all responsible agencies,
15 commenting agencies and organizations and interested parties that asked to be
16 included on a mailing list. Staff did receive approximately 30 telephone calls.
17 This was probably from the time that we had that everything went out for our
18 Public Hearing Notice on the project and some of those calls just kind of briefly
19 explain from the Public; they were asking to... again first of all to be provided on
20 Public Notice lists; that was quite a bit of calls that I got originally and then there
21 were some other general concerns of the project, just basically again looking at
22 the environmental aspects of the project, primarily traffic and transportation was
23 an issue that was brought up quite a bit and land use related items.

24
25 And that pretty much concludes my aspect; the Staff's aspect of the report. I do
26 want to say that we have quite a bit of in-house Staff with us tonight from various
27 departments along with representatives of the City's Peer Consultant Chambers
28 Group and this would be on left, which is both Michael Hendricks and Andy Minor
29 who are here. They actually had a chance to assist the City as a peer consultant
30 in reviewing the EIR that was prepared and they are available of course to
31 answer any questions that you may have. We also have representatives in the
32 audience tonight from MBA; Michael Brahma Associates in the audience to
33 answer questions on the EIR that has been prepared and we have
34 representatives from the Applicant, Highland Fairview that are also here tonight
35 to answer questions regarding their project requests this evening. Thank you.

36
37 **CHAIR DE JONG** – Thank you very much... a very complete report. Are there
38 any Commissioner questions of Staff?

39
40 **COMMISSIONER GELLER** – Yeah I just want to verify what we're being asked
41 to approve separate from the Zone Change, but in terms of actual buildings, the
42 only thing we're if we approve tonight would be up to 2.6 million square feet as to
43 the Plot Plan and if they want to build any more buildings they have to come back
44 to the Planning Commission or is that not correct?

1 **SENIOR PLANNER GROSS** – Well the building that you’re looking at this
2 evening is really under Phase One and as you look over on the far wall you can
3 see that’s the 1,820,000 square foot building. Now there are other parcels
4 associated with the project and if you combine all those together it’s 2,620,000.
5 Now when other parcels come in; when the Applicant comes in with other
6 possible users, then what we would do is take a look at that and bring those back
7 to the Planning Commission so you would have a chance to look at the
8 architecture and some of those type of items.

9
10 **COMMISSIONER GELLER** – Okay, so again though... so we’re only approving
11 the 1.8 million square foot building?

12
13 **SENIOR PLANNER GROSS** – Yes

14
15 **COMMISSIONER GELLER** – So the next phase to bring it to 2.6 would have
16 come back to the Planning Commission?

17
18 **SENIOR PLANNER GROSS** – Yes, but as far as the Environmental Impact
19 Report goes of course, we had to look at everything, but yes this is the only
20 proposal as far as a building before you this evening.

21
22 **COMMISSIONER GELLER** – Okay, thank you

23
24 **CHAIR DE JONG** – Other Commissioner questions...

25
26 **VICE CHAIR MERKT** – I was curious, are we going to have an opportunity to
27 question you later on?

28
29 **PLANNING OFFICIAL TEREEL** – You can ask questions at any time

30
31 **VICE CHAIR MERKT** – Okay fine, because I think I’ll hold my questions until
32 further into the Hearing. Thank you.

33
34 **CHAIR DE JONG** – Are there any questions down this way? Okay seeing none,
35 I’m going to open Public Testimony and call the Applicant forward. Please state
36 your name and address for the record.

37
38 **APPLICANT BENZEEVI** – Good evening Planning Commissioners. My name is
39 Iddo Benzeevi, 14225 Corporate Way, Moreno Valley. First of all, I had an
40 interesting thing that occurred to me. I went over to the other room; the other
41 conference facility; there is obviously a lot of people that are interested which is
42 good; community involvement which is always good and a few people
43 approached me there and upon entering on discussion with me and they said we
44 have reached a really low point in Moreno Valley; the economy the way it is; you
45 know thousands of foreclosures; a few people there just recently lost their jobs
46 and some were even worried about losing their job and some announcements

1 made in their firms and they really felt we have reached a low point. One even
2 mentioned he brought a LA Times article that said that when they surveyed
3 California and the nation, the one location that lost the highest value in property
4 values; homes in Moreno Valley were 53.2 percent and we thought we really
5 reached a low point in Moreno Valley, but I think we really reached a turning
6 point. In this economy to be able to attract and to have the commitment of a
7 major global company for the first time; a global brand commit to Moreno Valley
8 and a major employer, I think it's significant, especially in today's economy. But
9 the project itself are not here, as was mentioned as several Sketcher's is a tenant
10 in the corporate park in this development, so really the issue here is the project
11 itself. The project itself, we're actually very proud of it. It's the next generation of
12 logistics buildings. Most people relate to logistics as maybe some warehouse
13 with some boxes that are put into some trucks, but it's really a lot more than that
14 as you will see and can see. The logistics industry is really a convergence of
15 communications technology, material handling technologies, supply chain
16 management and a lot of other IT and communications developments that have
17 to go into operating a global business and this will be for the tenant the major
18 North American operations center. We've never had that in Moreno Valley
19 before. The building is also and will be probably the largest LEAD certified
20 building in the United States. We have designed the building to achieve LEAD
21 Certification so it will be one of the largest green developments, which I think we
22 can be part of in Moreno Valley. The architecture is also unique. We have
23 retained two architectural firms; one that specializes in actually the mechanics of
24 this type of buildings and one that is world renowned architect that has received
25 numerous awards as well as designed many corporate headquarters. His name
26 is Jose Pelasios and he has designed such buildings as the Hewlett Packard
27 Headquarters, the American Airlines Headquarters and many other global
28 companies, so I think we have significance in terms of architecture for this type of
29 building. There are several issues in terms of the design itself. One of the things
30 that was mentioned and are always a concern as well as us were Moreno Valley
31 companies so that health and wellness of our community is in our hearts; that
32 we're healthy; we work here; our offices are here and we develop out here.
33 Some of you know us from other developments in our City here that are also on a
34 significant scale. We were able in terms of the use to reduce the traffic impacts
35 from the City's General Plan uses by about 58 percent, so the traffic generated
36 from this building is actually 58 percent less than if we have developed out the
37 proposed General Plan uses. The issue in front of you today is also the 50,000
38 square foot building limitation. We think it's somewhat arbitrary. It's almost
39 unique. We've never seen it anywhere else we have developed literally around
40 the world. It's almost tantamount to saying if you are a company and you do well
41 like us in Moreno Valley, should I go out to 51,000 square feet, I'd have to move
42 out of town. I'd have to take my business and jobs and move somewhere else.
43 If a company does well and starts even with 10,000 square feet and goes up to
44 50 and becomes 51,000, we'll have to tell them to leave to another town. The
45 issue is not really building sizes, the issue is quality development and quality
46 projects is really what it's about We also have to be responsive to the local

1 original economy. There are really no businesses any more and we've seen
2 even during the boom years of the last five, six, seven years that the small
3 buildings actually have not been able to fill up. Just across from City Hall here
4 there is a small industrial project with smaller buildings. There has been
5 vacancies there continuously throughout the boom area. There have been some
6 developments of smaller scales along the freeway. There have also been
7 buildings there that are brand new that in fact they are on the verge of
8 bankruptcy and cannot attract any tenants. They are just not responsive to
9 today's market and regional and global economy that we are part of. What I'd
10 like to do if I may is approach the desk. We have prepared a presentation that
11 actually help us understand the project better but in order to operate it I have to
12 step up over to that computer area there if I may.

13
14 **CHAIR DE JONG** – Fair enough

15
16 **SPEAKER BENZEEVI** – Just to locate the project, this is the Moreno Valley
17 Freeway Highway 60. This project area is bounded to the north by Highway 60,
18 to the south by the future Eucalyptus Avenue. It's in now but Eucalyptus would
19 be here. The western boundary would be Redlands Boulevard and the eastern
20 boundary is Theodore. So again there has been some confusion in the
21 community that I've heard people think the project is much larger. The project
22 that's in front of tonight is actually within this area and we can see it's within the
23 Business Park zoning in the General Plan today. There are a few things here
24 that I would like to share with you. One is just some of the views of what the
25 building looks like around it and we've taken different angles and different areas
26 of the buildings and depicted them for computerized rendering that is accurate to
27 the architecture. It's actually based on CAD. If we look at the building itself as
28 you can see, this is the main building. This is where the office operations will be
29 as well and also for the headquarters facility will be at the building. There is a
30 building in here. It hard to see this angle, but these are very large reflective
31 ponds. There is a fountain element in front of the building and there is another
32 bigger reflective pond on this side and a bridge. This is actually the structure that
33 sits almost floating within those big reflecting ponds. At this angle is hard to see
34 but it's a stand alone structure that's connected to the building as an architectural
35 feature as well. As we move along around the building, it's sort of like a campus.
36 From a different angle there is also some more offices but a big retail facility that
37 will also be there selling some of their products. As we move around the facility
38 itself, I'll go around it this way. This is actually the view from the 60 freeway
39 looking west; southwest coming in from the badlands heading west into town.
40 Looking at this view is actually again further down the building looking west
41 again; west and south of the building. And this is the rear of the building and as
42 you can see, Highway 60 is up at this elevation. The building is down here, so
43 from the freeway itself you only see the very top element of the building. There is
44 also a very large setback from the freeway to where the building is which is way
45 over here; several hundred feet. Moving along, there is another area which is the
46 transportation hub and facilities. Most truck traffic is concealed behind gates, so

1 unless the truck comes out of the facility it won't be visible to the community.
2 There is also an area; this is the wall treatment along the property. There is an
3 area here that's been reserved for a future trail. The sidewalks of course; this is
4 Eucalyptus over here and that's the wall treatment... highly landscaped, perhaps
5 the most landscaped facility that we have in the region; definitely in our town
6 here. This is just looking at the treatment from a different direction. It has
7 different pop-out elements. It's actually sitting on a berm so the water itself is
8 about eleven feet, but from a pedestrian level it's probably around 14 to 15 feet in
9 terms of the height and it's heavily landscaped in that area. There is also
10 another element. This is a broader view of the same treatment which you see by
11 driving along Eucalyptus Street and part of the General Plan Amendment was us
12 requesting to introduce a median on Eucalyptus Street which is currently not
13 called for in the General Plan. This is again looking east now towards the
14 badlands from Eucalyptus and Theodore will be right along this area, so this is in
15 front of the facility itself. This is some of the horse trails. We also what we did
16 which is interesting is we actually created a simulation; a drive simulation; where
17 we're actually sitting in a car. It's done with GPS so it's accurate to which you
18 will see sitting in a car and we took it from several directions so we can see what
19 we will actually experience driving by the facility when it's built. This is heading
20 east. This is the Redlands Bridge and we're going pass the site from the
21 Redlands Bridge and the project will be down on the south side to right in the
22 photo. That landscaped corridor is the landscape that we are proposing for the
23 project. The landscaping has actually being approved by Staff to be installed on
24 the project. Essentially the building is almost not visible at all. It is a beautiful
25 building and it's done with unique features, so we purposely opened some areas
26 so you can actually see the building. We felt it silly that instead of being proud of
27 a building with level of architecture we're actually going to hide it altogether, so
28 we have actually opened some areas so you can have a peak into the building
29 itself. As we go to the corner, that's the Theodore exit. I know it goes by quickly.
30 Is there a way to show it again or do we have to... Again this is headed east the
31 bridge you see first is Redlands and the project is to the right; to the south. The
32 views are also preserved. This is Mount San Jacinto, so the significant views in
33 the community have been preserved. Actually they are more obscured by the
34 landscaping than the building itself. The building is much lower as you can see
35 with some of the openings there. And this of course is the Theodore exit that you
36 will see. If anyone wants to see it again, we can run it again. No, okay.
37 Eucalyptus; this is the south street and this will now be driving into Eucalyptus
38 from Theodore and this will be the entry into Eucalyptus. There they will set up
39 the gateway and the project of course will be north of Eucalyptus and it will be on
40 your right; north side of the photo. Here we are driving by the facility. If you look
41 to your right where there are entry points; there are gates, so most of the activity
42 is actually shielded behind these walls and berms. This area of course is the
43 commercial area within the plant. Those are just the depictions. There is no
44 building to be approved on those at this point. There are just stand-ins. And this
45 will be now Redlands Boulevard. This is my kind of driving. If you would like to
46 see it again, I'll run it again. There has also been some issues and concerns

1 about what you would see as you come in from the north side of the freeway
2 heading south on Redlands Boulevard and over the 60 Freeway, so we've
3 simulated that as well. This is now headed south on Redlands coming over.
4 This is Ironwood; now we're coming over the 60 Freeway and the project will be
5 over on the left and this will be of course the Redlands Bridge from the high point
6 that we'll see here. The point here is that the significant views of the community;
7 the ridgelines; the mountains are all going to be visible and preserved by the
8 design of the project. As you can see we dropped it down so it's below eye level
9 at the freeway. Of course this gate area is Eucalyptus and you will turn left to go
10 into the project. This is headed now from the badlands into Moreno Valley
11 headed west. This will be the Theodore Bridge you cross under and of course
12 the project is over on the left. And the bridge out there will be the Redlands
13 Bridge; Redlands crossing. I want to point out one more thing as we're driving
14 east that in the future this area that is setback is for future Cal Trans and highway
15 expansion and there is also an issue in front of you and that became the issue of
16 what to do with this area today. We are taking the position that the landscaping
17 that we are installing around the project that we will maintain is much upgraded
18 that what Cal Trans freeway landscaping is and by installing that landscaping it
19 will actually obscure and take away from the landscape design that is actually
20 installed by the project itself and of course later on will have to be torn up as the
21 freeway gets expanded and widened, so we think it's also a waste of money to
22 try and install landscaping that you'll tear up. But again the permanent
23 landscaping on the project as you saw, that is landscaping that we're installing
24 and we would be maintaining as well, which is a good point if you drive around
25 Moreno Valley and look at the way companies maintains their landscaping,
26 makes you wonder if it's maintained at all at some points. So, there is one other
27 thing that was raised as an issue and the EIR and the community and I wanted to
28 address it and that is you know what do you see from Ironwood looking south.
29 This is Mount Russell, Lake Perris will be just behind this knoll here and Highway
30 60 is here and this is the projects landscaping, so from Ironwood Boulevard, this
31 is the view that you will see. It is calibrated, obviously with GPS and so it's
32 accurate to exactly to what you will see at that point and of course the ridgelines
33 are preserved and views of the east end and character of the east end will be
34 preserved in that way. There is one more thing that I'd like to share with you and
35 that is traffic. People are very concerned about traffic. What will traffic look like
36 on the freeway and for most people including myself, reading traffic reports is
37 quite different than how you would experience it on a human level, so what we
38 did is we took the actual Traffic Study that was done for the EIR by the City and
39 converted it to a digital format where you can actually animate the traffic. What
40 we've done; all the traffic that will be depicted is traffic at project build-out, which
41 means everything is built out; every building is occupied and the project is fully
42 operational including all the ambient which mean everything else that gets in the
43 City along with it and so you'll houses are painted sort of white or gray. This the
44 traffic that's on the freeway irrespective of whether or not this project comes
45 along and the tracks of the cars or the traffic... the traffic that we're placing on
46 the freeway or the additional traffic that is project generated are sort of in

1 red/orange colors, so when you see a orange car or a red truck that's traffic that's
2 generated by the traffic. This is now sitting on the Redlands Bridge looking east
3 at traffic that's moving west; so all the white traffic; this is traffic not today; that's
4 the projected future load of traffic and when you see a orange car or a red truck
5 again that's project generated traffic. In other words if the project never existed,
6 the red cars would not be there as part of the traffic. Now this is also done at
7 peak time, which means this is at the worst case... This for example would be
8 am morning time at peak rush hour, so clearly if you are in Moreno Valley after
9 ten or eleven o'clock those hours of the day, there is hardly anybody on the
10 freeway. This is depicted at the peak worst condition. We can actually see the
11 traffic now headed west and this standing on the Theodore Bridge looking west
12 into town and again same thing. This is probably the pm at the 5 o'clock in the
13 summer rush hour time; loads of traffic and again the red cars are project related.
14 I think watching traffic can be boring, but I think you get the point. The amount of
15 traffic that the project loads onto the freeway is really very low and ... There is
16 also a depiction here of looking at Redlands Boulevard. This is Redlands
17 Boulevard and the project is on the right. Actually because along Redlands; this
18 is the future; just a stand-in building; that doesn't exist; it's not up for
19 consideration. The building we're talking is past it, but this is again at peak
20 hours. This is the load on Redlands Boulevard again; red cars are project related
21 and the white cars are traffic that will be at build out here in any event. I won't
22 bore you with watching traffic, it's like watching paint dry, but we'll... There are a
23 few other issues that were raised within the project that we'd like to share with
24 you. One is air quality and in terms of air quality everybody knows that you know
25 when you have trucks or any equipment at all, if we put a moped on the freeway
26 it adds to pollution and that's a serious business and we need to do everything
27 we can to mitigate those kind of issues down to a minimum and obviously within
28 the law to the extent possible. This is essentially a graph that depicts the profile
29 as you know; a seventy year lifetime span and the propensity for either lung
30 disease or lung cancer as a result of being exposed to a diesel source and
31 clearly as you are further and further away from the sources it goes below what
32 the SCQMD designates as the threshold. As you can see as you get to within
33 after about 100 to 140 meters, which is about 440 feet, it crosses the line where it
34 meets the threshold and anywhere further and further away it starts to diminish to
35 the ambient level. This is where the project lies. We have mitigated. We have
36 created setbacks and buffers that will actually get all the air around the project
37 and the surrounding... no sensitive receptors will actually be affected the
38 significant setback. There is no current homes that are in immediately adjacent
39 to the property; to the north it's the freeway; to the west is the Business Park
40 zoning; north also has Office zoning and of course to the right or east is also
41 Business Park zoning surrounding the property. There was also an issue raised
42 in the community and some people spoke to it about where is the most logical
43 place to put it and some of them said maybe on the west side of town is more
44 appropriate and we looked at it and we studied it as well and we realized that if
45 you take a two mile radius of impact the project might have; if you placed it out
46 here in the east end you can see most of the area is either the badlands or open

1 space of part of the Mount Russell area and of course this is our property here.
2 Most of this is already zoned Business Park and there is some area in here
3 which is residential, so about this area is what could potentially be affected as
4 residential areas. Compared to for example the area that's right here by City
5 Hall, take a two mile radius and you pretty much encompass almost everything
6 out to Perris Boulevard. This is where we are right now and if you do a two mile
7 circle here you'll be all the way clear of the entire major population of Moreno
8 Valley would be within that sphere. If you go down south of where we have the
9 industrial area by March, you can see it takes in a big part of the Moreno Valley
10 Ranch and a lot of the area of this district, so if you compare the amount of
11 housing area that can potentially be affected, even though two miles is way
12 beyond any buffer the reality would have been that we are probably better off
13 having it out here than having it out here where most of the population is here,
14 where most of the housing is, where most of the schools are and everything else.
15 This is just looking at the project more closely. This is where the project area is
16 and this is General Plan zoning for Business Park, Office and Commercial. The
17 project is well within the Business Park and Commercial zoned area in the City.
18 It is surrounded by Business Park; a major Business Park that is currently part of
19 the General Plan on the east end. This is the boundary; this is the State Fish
20 and Game property down here; the badlands over here and this is Moreno Beach
21 Drive, Redlands and of course we are familiar with the Target and Wal Mart
22 Center, the Auto Mall and of course the Business Park zoning that goes here, so
23 we're within the band of the Business Park and Commercial zoned area of the
24 City. Looking at the project, this is the area that is impacted. There is currently
25 vacant land and most of it is ours and over to east and west is all Business Park
26 or Commercial. I think we talked about some of this... just to compare the traffic
27 relationships; the Moreno Valley Mall is a project that generates 60,000 trips a
28 day, so when you experience it; if you go to the mall you are experiencing
29 basically traffic levels that are at 60,000 trips a day. If you are over at the
30 Stoneridge Wal Mart Center, that traffic gets 36,000 trips a day levels, so that's
31 how you experience 36,000 trips if you go to the Wal Mart, Stoneridge Target
32 Center that's 36,000 trips a day. This project at completion would be 15,000 trips
33 a day, so as you can see it's actually almost less than half of what the Target Wal
34 Mart Center is in terms of what the traffic values are and how you would
35 experience traffic there. There are a lot of other economic benefits that are also
36 important. The job creation, but I think maybe that's better said in a different
37 form, but the bottom line is there will be 2,500 jobs that will be created at project
38 build-out. In addition to that they'll be construction jobs and you'll have the
39 multiplier effect of people who service those facilities you know and so forth and
40 of course the revenues to the City; the tax base that will be generated to the City
41 is about 1.4 million dollars a year that will go to the benefit of the City itself and
42 we have essentially the impact to the economy; the Moreno Valley economy as a
43 result of the project is 156-157 million dollars annually. So that shows a
44 significant, positive economic impact to the community as a whole and I will
45 conclude with that. If I have any questions, obviously I will be here to answer
46 them. There is a lot of data. The EIR on this project is about four feet tall...

1 **VICE CHAIR MERKT** – Could you possibly go back to the tax...
2
3 **APPLICANT BENZEEVI** – Tax... sure
4
5 **CHAIR DE JONG** – Do you want to make a comment?
6
7 **VICE CHAIR MERKT** – I just wanted to take a look at it. He went through it
8 rather quickly and I wanted to see where the different aspects were coming in.
9
10 **CHAIR DE JONG** – Thank you.
11
12 **COMMISSIONER GELLER** – When you are doing the car sequences through
13 the park, there were these low bridges. What are those for?
14
15 **APPLICANT BENZEEVI** – Low bridges?
16
17 **COMMISSIONER GELLER** – Yeah, you know they went all the way across the
18 road and they had a bar underneath them...
19
20 **APPLICANT BENZEEVI** – Oh yeah, let me show it, because some may not
21 have... On the Redlands side, we came up with a concept that we are driving all
22 the traffic onto the 60 freeway on Theodore. This is where our major artery is.
23 This is where traffic is designed to go, but Eucalyptus goes all the way out to
24 Redlands Boulevard, so what we are proposing to do; although it's not in front of
25 you today, is to actually to have a bar that will be lowered that will restrict truck
26 traffic; higher vehicles from crossing, therefore eliminating the ability of trucks to
27 enter Redlands Boulevard and only go out to Theodore. And we can see through
28 that through the animation...is when we go down Redlands again you'll see on
29 the left side.
30
31 **PLANNING OFFICIAL TERELL** – Just to point out as Mr. Benzeevi said, that is
32 a concept. It's not part of the project at this point in time, so Staff has not done
33 any particular review of that. I think it's a concept that might be considered for
34 the future.
35
36 **APPLICANT BENZEEVI** – I wanted to interrupt you before it goes away, you see
37 the bar here, that will be sort of the mechanism where emergency vehicles can
38 get in and out and you can get through, but truck traffic on daily basis cannot get
39 into Redlands Boulevard or get into the project from Redlands Boulevard
40 therefore focusing all that activity onto Theodore, which where we think it's
41 appropriate and away from any neighborhoods or the community itself.
42
43 **CHAIR DE JONG** – So you're saying that bar would raise or lower to allow a fire
44 truck in; is that it?
45

1 **APPLICANT BENZEEVI** – There is a mechanism to do that, but only the Fire
2 Department or Emergency or Police to do that; the general public doesn't have
3 the ability to lower or raise it.

4
5 **PLANNING OFFICIAL TEREEL** – And again, it really hasn't been... It's in your
6 Staff Report but just so the audience has... This is proposed as a three phase
7 project. The first phase is before you tonight. As part of the first and second
8 phase, there would be no connection to Redlands Boulevard. All of the traffic in
9 Phase One and Two will be directed towards Theodore except for emergency
10 vehicles, which will have an area which they can get through. I mean, you've
11 seen that pretty often again on say apartment projects where they have an
12 emergency access only. That would be the Condition should this project be
13 approved for Phase One and Two. Phase Three is when Redlands would be the
14 connection to Redlands would be completed, so any discussion of I guess
15 restricting truck traffic or even car traffic is relevant to the build-out condition, but
16 not to Phase One or Two.

17
18 **APPLICANT BENZEEVI** – The Phase One Site Plan and what will be approved
19 now actually has Eucalyptus starting at Theodore going towards Redlands, but
20 actually a cul-de-sac before it reaches Redlands. There is no connection from
21 Eucalyptus into Redlands until project build-out at which point by then as we
22 bring in the phases, would like to propose that mechanism to restrict the traffic
23 should the City consider having access and Eucalyptus and Redlands in general,
24 that would be one way that we can restrict and direct the heavy traffic away from
25 Redlands Boulevard.

26
27 **CHAIR DE JONG** – Okay, any Commissioner questions of the Applicant?

28
29 **COMMISSIONER MARZOEKI** – You talked about this building being LEAD
30 certified. What level are you looking for?

31
32 **APPLICANT BENZEEVI** – We are currently in the process; we're going to reach
33 at least the first level. We added more solar now and so I see you're familiar with
34 LEAD, you have to (inaudible) your other points; we're trying to reach the
35 maximum. We are trying on achieving LEAD's and then how far up the ladder
36 we're going to go will depend on our features. We've actually had some
37 meetings today relating to adding additional solar capacity. This building also
38 has very extensive solar system, so all of the power will be generated through
39 solar means and panels, but there will be through the building process.

40
41 **COMMISSIONER MARZOEKI** – At least a silver rating?

42
43 **APPLICANT BENZEEVI** – We're hoping to get as high as possible. We don't
44 know exactly how we're going to end up...

1 **COMMISSIONER MARZOEKI** – And then during your animation you talked a
2 little bit about the landscaping. Was that shown at full growth?

3
4 **APPLICANT BENZEEVI** – That’s shown at some of maturity. We are starting
5 with somewhat mature trees, but you know I would say five to seven years into
6 maturity.

7
8 **COMMISSIONER MARZOEKI** – Five to seven years, okay...

9
10 **CHAIR DE JONG** – Anything else?

11
12 **COMMISSIONER MARZOEKI** – That’s all I have right now

13
14 **COMMISSIONER RIECHERS** - I note in the materials that we have; well I guess
15 it was in the EIR; that to get your water for this project you... I don’t know exactly
16 how to phrase it, but you made an agreement with EMWD to reduce your water
17 requirements for Aquabella. That’s correct?

18
19 **APPLICANT BENZEEVI** – Well not the water. We haven’t reduced the water
20 requirements for Aquabella. What has happened is Aquabella got allocated way
21 more water than we actually need because we implemented water conservation
22 in our design and drought resistant planting; where the allocation we got was in
23 the old days; basically based on the old standards where we got way more water
24 than we actually are consuming in Aquabella. We felt that rather than to hold in a
25 way that capacity that we will never use, we’ll turn it back to the District and the
26 District has devaluated the water sources; recognized that there is sufficient
27 water coming out of Aquabella that could service several other projects including
28 this one.

29
30 **COMMISSIONER RIECHERS** – Okay, so that change is going to have no impact
31 on any of your design or landscaping in the Aquabella project?

32
33 **APPLICANT BENZEEVI** – Not at all, not at all

34
35 **COMMISSIONER RIECHERS** – Okay, that’s all I have right now

36
37 **CHAIR DE JONG** – Thank you

38
39 **VICE CHAIR MERKT** – When we say the visuals from the freeway, it raised a
40 question. I don’t recall exactly the height of this building; you know what the
41 maximum is and the average height of the building. Could you refresh my
42 memory?

43
44 **APPLICANT BENZEEVI** – It’s about 45. Some areas go taller. The building sits
45 between 20 and 30 feet below. You are probably seeing between I would say on
46 average 20 feet of the building, but don’t forget that you are seeing 20 feet, but

1 20 feet probably about 300 to 400 feet away from you, so you are seeing a 20
2 foot element that's probably 350 feet at least away from your line of sight.
3
4 **VICE CHAIR MERKT** – Also, off the top of your head do you know how this
5 compares to other warehouses in Moreno Valley in terms of size? Is this by far
6 the largest? Is this...
7
8 **APPLICANT BENZEEVI** – It's probably I would tend to think that it is the largest,
9 although I know there is a 1.7 million square foot building and I know there is
10 several 1 million square foot buildings, but it's probably inching everybody else.
11 It's probably the largest and I hesitate to say it because I don't know what
12 everybody's plan out there, but it probably is the largest.
13
14 **VICE CHAIR MERKT** – Well maybe I'll just ask John if he could add to that...
15
16 **PLANNING OFFICIAL TEREELL** – Yeah in Moreno Valley the largest, other than
17 the mall, which the mall is about 1.3 million...
18
19 **VICE CHAIR MERKT** – No I'm talking about warehouses
20
21 **PLANNING OFFICIAL TEREELL** – The Ross warehouse on Perris Boulevard as
22 you are entering the City and my recollection is that's about 1 ½ million square
23 feet.
24
25 **VICE CHAIR MERKT** – Yeah that's what I was thinking it was. Okay, fine, thank
26 you very much
27
28 **CHAIR DE JONG** – Are there any other Commissioner questions of the
29 Applicant?
30
31 **COMMISSIONER DOZIER** – What's the capital investment to do this at full build-
32 out? How much will it cost to build this whole thing?
33
34 **APPLICANT BENZEEVI** – As far as we know it; things cost today; because if I
35 had to estimate a year and a half ago, they went up like 50 percent, but it's
36 probably between 250 and 300 million dollars depending on ultimate build-out
37 and exactly what goes on there. I would safely say it's about 250 million
38 dollars... that would be a reasonable number.
39
40 **COMMISSIONER DOZIER** – Thank you
41
42 **VICE CHAIR MERKT** – Yes, we obviously see that you are here tonight, but are
43 there representatives here of Sketchers as well tonight?
44

1 **APPLICANT BENZEEVI** – No representatives of Sketchers, although the project
2 is being called and everybody first heard it as the Sketchers building, but
3 Sketchers is the tenant.

4
5 **VICE CHAIR MERKT** – No I understand that, but sometimes there are questions
6 we might be interested in asking them and I was curious if there was someone
7 who could answer those

8
9 **APPLICANT BENZEEVI** – No, I'm sure in the audience there might be some
10 folks there, but there is no one here that came to represent them

11
12 **VICE CHAIR MERKT** – Okay, fine, thank you

13
14 **COMMISSIONER RIECHERS** – I believe you said the project would generate
15 15,000 vehicle trips a day

16
17 **APPLICANT BENZEEVI** – At entire build-out

18
19 **COMMISSIONER RIECHERS** – At build-out... How many of those will be truck
20 trips?

21
22 **APPLICANT BENZEEVI** – I think it's about 30 percent.... Fifteen percent of it is
23 truck traffic

24
25 **COMMISSIONER RIECHERS** – Okay, thank you

26
27 **CHAIR DE JONG** – Any other questions of the Applicant? Okay I see none; we
28 have some Speaker Slips of course, so you'll get a chance to rebut at the end.

29
30 **APPLICANT BENZEEVI** – Okay, thank you

31
32 **CHAIR DE JONG** – Okay, before I call speakers up for tonight's Public Hearing,
33 let me read a few points pertinent to tonight's meeting. Let me remind you
34 please that speakers are limited to three minutes max. Our time clock is working
35 tonight, so please observe the time clock up here. We encourage everyone who
36 wishes to speak to come up and voice their opinion once you fill out the
37 appropriate Speaker Slip of course. Please do not repeat information that has
38 already been voiced. If you have nothing new to add, just say that I support or
39 that I don't support the project or words to that effect of course. I am going to call
40 speakers up in two's. The second person called should make their way to be
41 positioned near the speaker or behind the speaker and be ready to go when the
42 speaker is completed. Please be courteous to all speakers and I'm sure we're
43 not going to have a problem tonight, but I'd like to repeat that. Please be
44 courteous to all speakers. No call outs, cat calls or loud comments will be
45 tolerated from the audience and all speakers are asked to please address the
46 Commission as a whole body. Do not direct comments to individual

1 Commissioners and please do not address comments to the audience. Okay,
2 thank you, so that being said, please give your address; your name and your
3 address... Gwendolyn Cross followed by Dolorise Anderson-Reid...

4
5 **SPEAKER CROSS** – Good evening. I’m Gwendolyn Cross. I live in 4th District
6 at 14570 Agave Street and I’m here to say that I do support this Sketchers
7 project. I do think it will be good for the City of Moreno Valley. It will bring jobs
8 into our City and also our schools will benefit from it. Also I know that there was
9 concern from a lot of people of the traffic and the trucks coming into the City. I
10 just want to remind everybody that we do have trucks that come in to bring our
11 fuel and also our food and all of the other things that we have to have in this City.
12 That’s all I have to say. I just think it’s a good project. Thank you

13
14 **CHAIR DE JONG** – Thank you... Dolores Anderson-Reed followed by Mike Rios

15
16 **SPEAKER ANDERSON – REED** – My name is Dolores Anderson-Reed. I live at
17 10111 Lake Summit Drive, Moreno Valley and based on what you said I have to
18 say ditto to Gwen, but also I’d like to add one thing. I’d like to know if we are
19 going to negotiate a certain amount of the residents hired when it comes in and
20 rents the facility because we are guaranteed that the citizens will be benefited in
21 this community. Thank you

22
23 **CHAIR DE JONG** – Thank you... Mike Rios followed by Debra Craig...

24
25 **SPEAKER REOS** – Mike Rios, 29034 Cansa Maria Court. I just want to give out
26 the facts. I’ve spoken with Mr. Iddo Benzeevi several times regarding this
27 project. It’s a Class One “A” project that I will say. It’s a beautiful building. Will it
28 cause traffic – very minimal. Will it cause smog – probably not too much? Will it
29 cause environmental impacts – not significant enough, but let’s look at the big
30 picture. Once this is built it’s a Pandora’s Box. You are going to start having
31 more and more and more of them. We’re going to end up with 30 of them out
32 there and then we have traffic; then we will have smog; then we will have
33 environmental impacts. Now I’ve spoken to Mr. Benzeevi myself with these
34 concerns. He has a “A” Class building, which is really nice and I told him what is
35 going to prevent other builders from coming in and building “D” class buildings
36 after yours is done. We’re going to have a really nice building and then lower
37 class buildings around. What can we do? Well there is really nothing we can do,
38 but I asked Iddo will you help me fight to make sure that all the buildings out
39 there are going to look as nice as yours. He gave me his word that he will and I
40 just want to make sure that these are “A” Class buildings. I know this project is
41 going to go through. It doesn’t matter. This City is controlled by him, so it
42 doesn’t matter what it is, it’s going to go through no matter what I say; no matter
43 what anybody says and I told him that too; I told him himself, so it’s not like I’m
44 making something up. If you don’t agree with him, you end up like Charles White
45 and Frank West; plain and simple; that’s the bottom line and what’s amazing to
46 me is I think Moreno Valley is doing very well because I see a lot of new

1 residents and I've been walking the streets all over Moreno Valley, so we must
2 be selling a lot of houses. I mean seriously, you need to make this decision; if
3 we're going to make this project happen, which it's going to, we need to make
4 sure all the buildings look as good as this one. Whether you are for or against it,
5 we need to do the best thing to make this project the best and everyone after that
6 follow in that footsteps. That's all I'm asking because it's going to happen, plain
7 and simple. Thank you.

8
9 **CHAIR DE JONG** – Thank you...Debra Craig followed by Charles White

10
11 **SPEAKER CRAIG** – Good evening. My name is Debra Craig. I live at 10792
12 Cloud Haven Drive and I have lived in Moreno Valley for 18 years. For the
13 record I live in Sunnymead Ranch and not near the area affected by this zoning
14 change, but I have an interest in this project because as teacher who works for
15 the Moreno Valley Unified School District, I understand that a huge step in
16 improving student learning is improving the family life that students come from
17 and that means having parents in a good income in the City they live, so they no
18 longer have to commute. This is why I wanted to know more about this
19 development. After researching both sides, this is what I have concluded. The
20 people against this zoning change are correct in saying it might not be a perfect
21 development. Yes the project might cause more traffic and air pollution and it
22 might not employ the number of people that they say. Will it put us all at risk for
23 valley fever? Well even the Riverside County Health Officer has been quoted as
24 saying valley fever is very uncommon in Riverside County. We all agree that
25 nobody likes air pollution, traffic and getting sick, but if warehouses are so
26 destructive to a community why in 2006 did our affluent neighbor to the north; the
27 City of Redlands allow Payless Shoes to build a 400,000 square foot shoe
28 distribution warehouse and Laps Plus to build a 784,000 square foot distribution
29 center right next door. Did these developments result like many here fear a
30 change in air quality and traffic that diminished the citizen's quality of life? I
31 haven't heard that this is the case. We all know our Country is in tough
32 economic times, however do the citizen's of Moreno Valley realize how lucky we
33 are to have a developer who is willing to invest millions of dollars in our
34 community right now, that will immediately bring new construction jobs to the
35 area and boost our own economy. Yes, he is doing it to make money, but he is a
36 businessman and Moreno Valley will make money in the process as well. More
37 money for our City means more parks, more Police, more services and a better
38 quality of life and if you don't believe me just drive to Temecula or Irvine. This
39 Sketchers development isn't just about creating some warehouse jobs; Highland
40 Fairview President Iddo Benzeevi is also bringing to Moreno Valley a new vision
41 that our City can be successful. He spent extra time and money making sure this
42 development was environmentally friendly as well as beautiful. What more can
43 we all ask for. I ask this, yet that I am amazed that they are people in our
44 community who would still rather have us continue on a path of fear meaning we
45 will continue on a path of declining home values and more businesses closing.
46 We must all remember that this isn't the same Moreno Valley from 40 years ago

1 or when the Master Plan was developed. Times have changed and it's time our
2 City changes too. The job of the Planning Commission is to decide what's in the
3 best interest for the majority of our citizens, not just a few. In closing, our City
4 needs to attract companies that can offer high paying jobs. Our City needs to
5 find families to fill the hundreds of vacant homes. Our City needs to thrive. This
6 project I see will accomplish all of these things. This is why this Zoning Change
7 should be approved. It's time to bring Moreno Valley's transportation from being
8 a dysfunctional bedroom community into a prosperous 21st century City that we
9 are all proud to call home. Thank you very much.

10
11 **CHAIR DE JONG** – Charles White followed by Ricardo Olalde

12
13 **SPEAKER WHITE** – Good evening Planning Commissioners and Staff. It's nice
14 to see you again. My name is Charles White and my residence is 11833 Indian
15 Street in the City of Moreno Valley. My purpose this evening is not that of
16 confrontation but that of understanding. I would like to understand how and why
17 a subject of such importance as changing our General Plan and thereby
18 changing the direction of how this community will be affected for the next 30 to
19 50 years is not allowing the citizens of Moreno Valley the same amount of time
20 for review and comments that has past policy of the City Council. Our current
21 General Plan took members of this community 10 years to develop and was
22 recently approved by this Commission and the City Council. Why is this
23 Sketchers project being rushed to judgment? Would greed be the answer? It
24 appears that Highland Fairview developer Iddo Benzeevi was premature in
25 guaranteeing General Plan and Zone Changes before any such approval was
26 made by this Commission and certainly before the approval of the City Council.
27 Why would he think he has such approval so far in advance of submitting an
28 Application for approval? It also appears that Highland Fairview properties
29 developer Iddo Benzeevi is looking for the City to bail him out of an expensive
30 situation to the detriment of the health, safety and welfare of the people of the
31 City of Moreno Valley. As I indicated earlier, I do not understand how or why the
32 normal process is being circumvented. In past years it has been the policy of the
33 City to provide the community a 30 day review and comment period on all EIR's.
34 As you know the law provides a minimum of 10 days for public review, however
35 the community has the right to expect and should receive the same review and
36 comment period time that has been provided in the past 12 or more years. All
37 other developers have had to honor standing Council policy whether they be
38 pistols or cannons. It is nice to be business friendly but how about the citizen
39 friendly end of it. I do not recall the City's review policy being agendized for open
40 discussion and then being voted on by the City Council to reduce the public's
41 time in this matter, however it appears that the time has been reduced.
42 Apparently there is a magnanimous gesture by someone to give the citizens a
43 break and has allowed a 20 day review of this project. Can you believe the
44 extended time goes right through the Christmas and New Year's holidays; talk
45 about outfoxing the public? I'll be through in just a minute Chairman. Changes
46 of such enormity are such that they will dismantle the envisioned controlled

1 growth of our City as approved by the citizens. Warehouses or distribution
2 centers are allowed by the current General Plan in the southern portion of our
3 City close to the 215 Freeway; why not build there.

4
5 **CHAIR DE JONG** – Can you wrap it up please?

6
7 **SPEAKER WHITE** – I respectfully ask this Commission of the people
8 recommend to the City Council denial of any General Plan or Zone Change as
9 regards to this project and to also recommend to the City Council that the
10 developer look elsewhere to the south for his development project. Thank you
11 very much for the opportunity to speak on this issue.

12
13 **CHAIR DE JONG** – Thank you... Ricardo Olalde following Daryl Terrell

14
15 **SPEAKER OLALDE** – Mr. Chairman and members of this Commission. Thank
16 you for allowing me to speak. My name is Rick Olalde. I live in the City of Perris
17 and I wish I had a warehouse like that in my City. I am here to speak on behalf
18 of Riverside County Workforce Development Board of which I Chair. I applaud
19 the developer in bringing this type of a product to your City. Site locators work
20 long and hard to find a prime location for their facilities and apparently they
21 thought your City was one of those. In that vein, this project has already created
22 jobs in coming to this point in professional job; high paying jobs and that's we
23 need in this County is those types of jobs, along with the many construction jobs.
24 On this project you will have continuing operations out there that will bring a tax
25 increment that will repeat itself throughout the City through those several million
26 dollars that the City will realize that will only benefit the City and its residents.
27 These types of facilities are not your father's warehouse. Those jobs are high
28 tech jobs and in a time when we have an unemployment rate hovering around 10
29 percent in our County and nearing that in our nation. To have somebody put
30 their private dollars to work in your City should be a privilege. Aside from
31 everything else that I've heard from others on the positive side, I thank you very
32 much.

33
34 **CHAIR DE JONG** – Thank you... Daryl Terrell followed by Deana Reeder

35
36 **SPEAKER TERELL** – Hi my name is Daryl Terrell and I live at 13689 Moreno
37 Way here in Moreno Valley. Moreno Valley has the potential of being a world
38 class city. One of the key foundations in building a world class city is having high
39 paying, high quality jobs closer to home. Another component is to attract a world
40 class company and in a global economy you shouldn't have to leave your own
41 city to find a high quality, high paying world class job. Tonight before the
42 Planning Commission we have an opportunity to lay down the key foundations in
43 becoming a world class city by bringing a global company; the new Sketchers
44 North American Operational Headquarters into our community. Bringing this
45 global company into our community is important to our community and to our
46 local economy. To bring this point closer to home, according to the latest

1 unemployment figures for Moreno Valley, 10,200 of our fellow residents are out
2 of work. Having Sketchers in our community will put “Joe Six-Pack” back to work
3 and mom or dad off the freeway and closer to home. What do I mean? It means
4 2,500 jobs from entry level to skilled jobs, supervisory position and upper
5 management and it means 1,000 local construction jobs but most importantly it
6 means bringing 1,507,000 dollars in economic benefit to our City to maintain or
7 enhance our quality of life through our City services like public safety, after
8 school programs and infrastructure improvements. In closing this project is not
9 about one individual or one developer or about our past election. It’s about that
10 10,200 of our fellow residents who lost their jobs; lost hope; had their American
11 dream foreclosed; it’s about Mary the commuter who is frustrated because she
12 can’t find a job closer to home and my final comments; we will have people that
13 will come here and they will say they the developers are taking over the City;
14 they got all this power and things, but it was their special interests that have
15 already taken over this City. What do I mean? The General Plan has
16 approximately proposed over one hundred million dollars worth of improvements.
17 They have approximately one fourth of this City zoned for low density, minimum
18 half acre lots to large lots for this special interest. They only represent only
19 approximately maybe less than one percent and they receive most of the
20 benefits. How can we be against a project that is going to put our people back to
21 work that is going benefit the whole mass instead of a few, so I hope go for it on
22 this. Thank you.

23

24 **CHAIR DE JONG** – Thank you... Deane Reeder followed by Carl Rowe...

25

26 **SPEAKER REEDER** – I’ve been living in this City for over 20 years and this is
27 one of your promises; the City’s promises of another rose garden and generally
28 when this City promises a rose garden what we get is thorns and barbed wire. I
29 remember how much the mall is supposed to make us. It isn’t even close. INCO
30 our utility was supposed to make us a bunch of money; well that’s not going to
31 happen because that is so far in the deficit because nobody here thought through
32 the plan, so we are now paying Southern California Edison about three million
33 dollars a year in what is supposed to be our profits because nobody thought
34 through the process. Now as far as it being a solid developer, Mr. Benzeevi by
35 his own words has been a developer his entire adult life; that would be 30 years
36 and in 30 years Mr. Benzeevi has not developed one single, solitary thing, so
37 what his solid score is zero. He has done nothing in the way of development and
38 the entire time he has been a developer he has had a contractor’s license for a
39 year and a half and it is currently suspended. Now that’s my idea of a solid
40 character. Now he does shell out a lot of money that he didn’t make from
41 developing, so I’m not sure where he gets it or how he makes it, but he does not
42 make his money as a developer, but he does make a lot money doing something.
43 He also bought this property for by the way 2.4 million dollars for almost 500
44 acres. Well those 500 acres are all going to end up being warehouses. This one
45 is going to look pretty, I’ll give you that. It’s going to look gorgeous. It’s the only
46 one that is going to look gorgeous. The whole point is for him to get his foot in

1 the door and then it will start looking like everybody has been telling it. This is
2 one of those things where you've gotten promised stuff and there is a reason that
3 Sketchers will not comment on how many jobs there is going to be. This is a
4 state of the art, fully automated facility. Everyone that works there other than the
5 bookkeeper, manager and the assistant manager; they're going to be minimum
6 wage. Sketchers people; they actually get them from temporary agencies. They
7 don't even get benefits. They don't even know how long they are going to be
8 there. That is what this will bring. Thank you.

9
10 **CHAIR DE JONG** – Carl Rowe followed by Margie Breitkruez...

11
12 **SPEAKER ROWE** – Good evening Commissioner, Planning Agents and the
13 general public. My name is Carl Rowe. I live at 23633 Marguerite Circle. I've
14 been a resident of Moreno Valley since 1992. I've seen a couple busts, one
15 boom; we're in the middle of a pretty significant bust right now. The Los Angeles
16 Times quotes that Riverside County and the Inland Empire lead the nation in
17 unemployment. As the previous speaker indicated, we have a great number of
18 foreclosures and our property values have diminished significantly in this most
19 recent bust, therefore I can't think of a project whose timing is better than this
20 one in terms of it's impact on the overall economy of the City; on the number of
21 jobs that it will create; both permanent and temporary in the construction
22 industry, which has more than a 30 percent unemployment rate right now. I think
23 we can truly say that this is an earth-shaking project and I urge your support.

24
25 **CHAIR DE JONG** – Margie Breitkruez followed by Victoria Baca...

26
27 **SPEAKER BREITKRUEZ** – Margie Breitkruez, Moreno Valley, California. The
28 citizens of Moreno Valley worked diligently with the City for years to develop a
29 General Plan that addressed our future needs. During this lengthy process,
30 areas of the City were set aside for business, industrial including warehouses,
31 housing, residential, etc. Now a change in zoning is being requested. This
32 project and its overwhelming negative impact is being shoved down our throats
33 even by some of our own elected and appointed City officials. This site isn't
34 being selected because it's the optimum place for the warehouse; it's being
35 selected because it's owned by Highland Fairview. Case in point as far as it
36 shoved down our throats. On September 11th, Press Enterprise article regarding
37 former Mayor Batey stated in the City address, he said, these challenges have
38 sometimes made our journey towards excellence but we've made it through and
39 we'll make it through now. There are reasons to be optimistic... 22 million
40 square feet of office and logistics buildings. That sounds like a pre-endorsement
41 to me. An article in the November 5th, 2008 Press Enterprise is another example.
42 The Moreno Valley Taxpayer's Association, whose leader is Planning
43 Commissioner Michael Geller, spent more than 350 thousand this year primarily
44 on a barrage of campaign mailers touting Molina and Hastings.

1 **CHAIR DE JONG** – Excuse me... Do not address particular Planning
2 Commissioners.

3
4 **SPEAKER BREITKRUEZ** – I'm reading what was in the newspapers... No?

5
6 **CHAIR DE JONG** – Please don't...

7
8 **SPEAKER BREITKRUEZ** – Okay, it's in the September 5th, Press Enterprise.
9 Our nation and State is currently in a financial crisis, but there are long term
10 trade-offs of 35 million square feet of warehouses. Are they worth the quality of
11 life and health toll to our community and children? Do those here tonight realize
12 the health hazards of working in warehouses; no air conditioning except in the
13 offices; diesel pollution? Most warehouse jobs provide no long term employment
14 let alone offer benefits. Sketchers wants to consolidate its three Ontario,
15 California warehouses into one modernized automated facility. To say that this
16 project will bring Moreno Valley residents 2,500 jobs is insulting to our
17 intelligence. Sketchers have 2,157 employees nationwide. How could they bring
18 2,500 jobs to Moreno Valley? What about all their employees from their Ontario
19 operation. There are no guarantees that the rest of the project area will be
20 occupied anytime soon, so job projections there can't be counted either. If this
21 project is approved, their existing employees will have to commute to Moreno
22 Valley, incurring more traffic. Just as likely overall jobs will be lost not added if
23 this Zone Change is approved. I've got more, but I'll do it next time.

24
25 **CHAIR DE JONG** – Thank you... Victoria Baca followed by Art Alcaraz...

26
27 **SPEAKER BACA** – Good evening Commissioners, ladies and gentlemen in the
28 audience and those of you at the Rec Center. Thank you for coming out to
29 support the project. I understand that there are about 500 supporters outside
30 and I hope that this meeting accommodates them and gives them the opportunity
31 to address the Planning Commission tonight. I'm an elected member. I'm a
32 member of the Moreno Valley Unified School District Board of Education and our
33 children's future is always my first priority and that's why I'm here. If this project
34 indeed was detrimental to health of our families and our children, I would not be
35 here before you tonight supporting the project. The students of Moreno Valley;
36 when they graduate, where can they go to get jobs? If they don't go away to
37 college and they decide to stay here in Moreno Valley, where can they get jobs?
38 Yes it's true that this City has brought better restaurants to the City, however how
39 many people can those restaurants give jobs to... very few. In fact, it's limited to
40 those who understand the restaurant business. The children of Moreno Valley;
41 the students deserve to have companies such as Sketchers come to Moreno
42 Valley and it should not be detrimental to businesses that want to come to
43 Moreno Valley. For example, you have the businesses in Towngate; the Ralph's
44 Market; Circuit City; Mervyn's; Gottschalk's, Lane Bryant and the Mall; other
45 businesses that have left Moreno Valley, yet you have a company such as
46 Sketcher's that wants to come to Moreno Valley and it just confuses and it upsets

1 me that we have people that are opposed to bringing a company such as
2 Sketchers to Moreno Valley. Our students; they ask for Work Permits from the
3 School District, so we issue Work Permits but there are no jobs. That's an insult
4 to our families in Moreno Valley. We have families that commute to LA County,
5 Orange County, some to San Bernadino County and San Diego County for jobs.
6 These families can have jobs here in this City and they should, so that they can
7 spend more time with their families and I'm appalled that we don't have the vision
8 to embrace this company to come to Moreno Valley and be part of the
9 community. We have to start doing things differently. We are not business
10 friendly. We have the land. We have someone; a tenant that wants to come in;
11 we have empty warehouses; we have empty buildings. When I moved in here,
12 we had Home Base on Hemlock. That building has been empty since and no
13 one has taken the time to occupy it, so I hope that you support the project and
14 that you vote to bring Sketchers to Moreno Valley. Thank you very much.

15
16 **CHAIR DE JONG** – Thank you...Art Alcaraz followed by Paul Rosso...

17
18 **SPEAKER ALCARAZ** –. Thank you for the opportunity Planning Commissioner
19 members. I don't live in Moreno Valley but I'm active in Moreno Valley and I've
20 been active with Chamber and am out and about quite a bit in the community and
21 during the last two years; if there was an issue that was frequently brought up in
22 meetings wherever I was, it was the need to attract businesses that would create
23 jobs for the residents of Moreno Valley and/or bring persons to work in Moreno
24 Valley who would have a positive impact on the local economy. The support to
25 the community that a Sketcher's Operations Center could provide does both. It
26 brings numerous jobs at various levels, brings positive impact as these people
27 begin Moreno Valley at all levels from retail purchases, to home purchases and
28 everything in between. The boom to the local economy I envision will be
29 significant. The project is a viable project to support. It does take into account
30 the need to preserve local air quality; takes into account water preservation
31 measures; it does create green efficient processes in it's development; it's
32 strongly weighing the impact of traffic flow as you saw earlier; it's cognizant of it's
33 truck fleet and it's need to impose standards that preserve air quality and they've
34 also integrated solar efficient processes in their development plans. As a Human
35 Resources Director in the local area for 28 years, I can tell you that given the
36 current economy, the numbers of candidates for even the lowest paying
37 employment opportunities is reaching proportions that I haven't seen for quite a
38 while. The potential to bring jobs to Moreno Valley which can provide
39 competitive opportunities for local residents is an awesome opportunity. The
40 potential to bring jobs requiring some technical savvy and information technology
41 is important. The potential to provide employment for those skilled in logistics
42 and distribution processes is valuable and the potential and opportunity to
43 partner with local learning institutions to help develop skills of the workforce
44 positively impacts our local economy. The benefits derived from this project and
45 the positive impact to the City seems to be benefits that the Planning
46 Commission should not pass up at this time. As a citizen interested in the future

1 of this great City, I encourage the Commission to do what it can to support the
2 project. Thank you very much.

3
4 **CHAIR DE JONG** – Thank you... Paul Rosso followed by Stan Stosel

5
6 **SPEAKER ROSSO** – Good evening honorable Commission members and ladies
7 and gentlemen in attendance. My name is Paul Rosso and I'm a resident in
8 Moreno Valley and reside at 23426 Woodlander Way. I am also involved in our
9 City and local politics; State and National. Currently I'm a board member with the
10 community health systems. We just opened the Innovative Health Care Center
11 here in our City and I also serve as President of one of the two Democratic clubs
12 here in Moreno Valley. I'm here this evening because after reviewing the
13 presentation which we have all seen this evening with the innovative
14 environmental design of the structure, including the tax revenue that it would
15 generate to our City and the thousands of jobs, I support this project and I urge
16 you to support it. With that said; during this past election, I want to talk a little bit
17 about this. You know that our candidates were out there proposing that you
18 know they were going to make changes to the City. They want to fight crime in
19 our City, but the problem is that when you ask them what is your plan to fight
20 crime, they had no plan; no plan at all and we know how do we fight crime that's
21 in the City. Well fight crime by hiring more Police Officers; more Fireman and I
22 believe that with the tax revenue generated by bringing Sketchers into our City,
23 we can do just that. We can fight crime and provide jobs to the community.
24 Thank you.

25
26 **CHAIR DE JONG** – Thank you.... Stan Stosel followed by Norma Cortez...

27
28 **SPEAKER STOSELL** – Good evening, my name is Stan Stosel and I'm an
29 Assistant Business Manager with IBW Local No. 47; that's Electrical Workers No.
30 47. I live in Riverside at 782 South University Drive. Our Local alone represents
31 more than 125 families in this community. Our sister, IBW Local's represents
32 several hundred more. I am also a 20 year member of the Sierra Club, although
33 I'm not speaking for them tonight, I mentioned that just to show my long term
34 commitment to the environment. Demagoguery is easy. Solutions are difficult.
35 Balancing community interests is the role and an appropriate role of government.
36 Schools, quality of life, jobs, the environment, all are bona fide concerns of the
37 government and then the government needs to figure out how to finance these
38 issues. There has been some talk about jobs. What the magic number is, I don't
39 know; 500; 600; 1000; any number is better than zero and that number is
40 increasing and when people talk about the Sketchers jobs, there are going to be
41 ancillary services that result from that hub, so there will be jobs around the area.
42 It will be a magnet for future jobs. On November 4th last year, most of the
43 country recognized the need for change. Tonight you have the opportunity to
44 embrace change yourselves. Instead of exporting jobs overseas, let's change;
45 create jobs here in America. Instead of other cities getting tax revenues; your tax
46 revenues; let's change; let's bring that revenue to Moreno Valley. Instead of

1 starving our schools, let's change; let's help fund our schools. Instead of
2 commuting hours to work; let's change; let's commute minutes to work. Instead
3 of polluting the environment with greenhouse gases creating electricity; let's
4 change; let's use clean green solar power. This one project alone will be enough
5 to power 3,000 homes. Think of the pollution that we're saving there. On behalf
6 of IBW 47 and the working people in the community, I ask you to support this
7 project. Thank you very much.

8
9 **CHAIR DE JONG** – Norma Cortez following by Elena Santa Cruz...

10
11 **SPEAKER CORTEZ** – Good evening, it's Norma Cortez. I'm Normal Cortez, a
12 15 year resident in Moreno Valley and wow and now I voted the way I did. This
13 is not only about Highland Fairview; this is not only about Sketchers, this is about
14 our community and this is about jobs. And Iddo just set the bar pretty high for
15 new developers coming in and I applaud him for that. Yes, I agree foreclosures
16 are the result of some bad choices, but foreclosures are also the result of people
17 losing their homes due to losing their jobs or there are no jobs. That's a fact that
18 we don't talk about and by the way I'm actually a senior partner in staffing agency
19 a temp to hire; which temps get a foot in the door with some of these companies
20 such as Ross, which has over 3,000 employees. They are fully automated, but
21 they need 3,000 people help them run all their different machines and all their
22 different warehouses. So it's quite simple; Moreno Valley needs jobs. What do
23 we want – jobs and when do we want them – now. Thank you, that's all I have to
24 say.

25
26 **CHAIR DE JONG** – Can we take a moment to remind everybody to please
27 address us and not the audience. Elena Santa Cruz followed by Hector Reza...

28
29 **SPEAKER SANTA CRUZ** – Good evening, my name is Elena Santa Cruz. I live
30 at 23192 Sonnet Drive, Moreno Valley, California. I want to read you some very
31 important numbers tonight. The current unemployment rate in our country is 6.7
32 percent. The unemployment rate in California is 8.4 percent, yet the
33 unemployment rate in Riverside County is 9.8 percent and here in Moreno
34 Valley, our unemployment rate is 11.4. That means whenever you come in
35 contact with any ten working age Moreno Valley residents at least one of them is
36 unemployed. Moreno Valley's unemployment rate is large amount greater than
37 the country is as a whole and it's about a third higher than the State's rate and
38 we have almost twice the amount of people out of work as compared in the rest
39 of the country. Corona's unemployment rate is 7.3 and Rancho Cucamonga's is
40 only 5.9. That's because those cities are not afraid of locating businesses in their
41 backyards; businesses that put their residents to work, even during one of the
42 worst recessions ever. Moreno Valley needs to follow their example and not be
43 swayed by the unjustified claims of a few people that may have a personal
44 grudge against someone who wants to build business in Moreno Valley. Iddo
45 Benzeevi; he seems to be more of a visionary and a leader that we would all be
46 wise is listen to. Moreno Valley needs jobs and with your approval of the

1 Sketcher's, followed by its approval by our City Council we can bring those jobs
2 here to Moreno Valley. There's over a thousand construction workers; many of
3 whom have not worked this entire year who will immediately be put work on this
4 building; this incredible building that will be the most environmentally green
5 building in the entire country. I urge you to get behind Sketchers and get behind
6 job creation and vote yes tonight. Thank you very much.

7
8 **CHAIR DE JONG** – Hector Reza followed by Louise Palomarez

9
10 **SPEAKER REZA** – Good evening, my name is Hector Reza and I live 11521
11 Davis Street here in Moreno Valley. First off I'd like to say that I appreciate the
12 Planning Commission's valuable time and I simply ask that you vote for the
13 Sketchers project. As you have heard, I am in favor of the project. We must face
14 the facts. Moreno Valley needs the money that Sketchers will bring. That's clear
15 to see and those who oppose or way otherwise are not in touch the facts or
16 reality. The fact is that Moreno Valley is in bad financial shape. If we don't do
17 something about it now, things will only get worse. In the past two years, the City
18 of Moreno Valley's revenue has decreased approximately 15 million dollars and
19 that's due to all of the businesses moving out of town. Yes, the City Commission
20 has enacted some deficit reduction plans; however that has not been enough for
21 the City to avoid major cuts in services and massive layoffs, possibly in areas we
22 need most. The City may have to raise sales tax or even the utility tax again or
23 even both. This year Moreno Valley could face another deficit. The only way to
24 avoid layoffs, cuts in City services and tax increases, is for the City to extend an
25 open hand to job creating businesses like Sketchers and others that want to
26 invest their money here in Moreno Valley. Not only will Sketchers help put
27 Moreno Valley residents to work; the taxes and fees that Sketchers will pay to the
28 City will help balance the budget. I hope you will approve Sketchers. Moreno
29 Valley residents need tax relief. I say let Sketchers carry some of that burden.
30 Thank you.

31
32 **CHAIR DE JONG** – Louise Palomarez followed by Librada Murillo

33
34 **SPEAKER MURILLO** – (Speaker speaks in Spanish)

35
36 **SPEAKER PALOMAREZ** – You need a translator and I can do that for you if you
37 wish unless you have your own translator.

38
39 **COMMISSIONER RIECHERS** – That's fine with me.

40
41 **CHAIR DE JONG** – That's fine, okay, go ahead

42
43 **PLANNING OFFICIAL TERELL** – Yeah, that's fine

44
45 **SPEAKER PALOMAREZ TRANSLATING FOR LIBRADA MURILLO** – My
46 name is Librada Murillo and I live at 12379 Kitching Street, Moreno Valley,

1 California, 92557. As a resident of Moreno Valley and the President of the
2 Moreno Valley Parents Association, I'm here to ask you to vote for Sketchers
3 tonight. Year after year politicians campaign for office telling us that the best way
4 to reduce traffic on our freeways is bring jobs to our City. They tell us the more
5 jobs we have here; the less cars will be on the freeways going to and from Los
6 Angeles and Orange Counties. We all know this makes sense and we cast our
7 votes for these politicians, but something happens after they get sworn in; the
8 jobs never show up. Finally, after all these years of empty promises a company
9 wants to come to Moreno Valley and bring jobs. We should all be welcoming
10 Sketchers will open arms, but instead we come here tonight to find various
11 people, some from our community, others that have never been here before
12 telling us we can't have these jobs because Sketchers will create too much
13 traffic. That's just bull. The jobs Sketchers creates, will take cars off of our
14 freeways. The activists say Sketchers will put too many trucks on the road.
15 They say it will create an additional 40,000 but that number is unsubstantiated.
16 That phony number comes from Frank West's last failed campaign that even the
17 voters of his District didn't buy into. The number of additional vehicle trips is
18 actually closer to 3,000, which is the same as the traffic created by Wal Mart, but
19 the activists here tonight didn't come to the Planning Commission to complain
20 about that traffic or about the minimum wage jobs Wal Mart brought to our town.
21 The opponents to Sketchers don't care about these facts and they don't care
22 about the jobs they are trying to chase away. They do not speak for the majority
23 of Moreno Valley. They speak for their narrow selfish interests. Don't be fooled
24 by their tricks and their lies. Moreno Valley needs jobs and it needs Sketchers. I
25 am here tonight to ask you to approve this project.

26
27 **CHAIR DE JONG** – I'm going to read one more and that's Librada Murillo and
28 then we're going to take a break.

29
30 **COMMISSIONER MARZOEKI** – That was here

31
32 **SPEAKER PALOMAREZ** – That was her.

33
34 **CHAIR DE JONG** – Oh I'm sorry, excuse me...

35
36 **SPEAKER PALOMAREZ** - My name is Louisa Palomarez. I'm a resident here
37 for 20 years. My address is 24766 Thornbury Circle, Moreno Valley. I've been
38 here 20 years in this community and this is a blessing in disguise. We need to
39 get on board here. We need this for our City. I'm an activist here in the
40 community and an advocate for kids in the schools. Now this is going to be good
41 for our students when they get out of school and they graduate because a lot of
42 them aren't ready to go into the Colleges; a lot of them aren't ready to go into the
43 trade schools and we don't have any jobs. A lot of them have to take a year and
44 work, but where are the jobs; there's no jobs. A lot of them; I've seen a lot of the
45 students go into the Colleges; RTC and they drop out because they're not ready
46 for that. A lot of them are still immature. This is something to say to them okay,

1 let me go get a job; let me work and then I will think what I want to do from there.
2 We need these jobs here. I have 20 children; I mean I have 6 children and 20
3 grandchildren and most of them live in this community and go to school here and
4 we need these jobs, so I hope; I support... there's a lot of things that were
5 already said that I want to say so I don't to say them, but I hope you support this
6 project and we go forward with it because this is a blessing and it's a God send,
7 so thank you so much.

8
9 **CHAIR DE JONG** – Thank you for your comments so far. We're going take a
10 short break; about a 10 minute break. Let's reconvene at 9:15.

11
12
13 ***(TEN MINUTE RECESS)***

14
15
16 **CHAIR DE JONG** – And we have reconvened our meeting. We are in the middle
17 of Public Hearing. Let me please remind you before I continue. I've been asked
18 to remind the audience to please turn off your cell phones and please keep
19 talking amongst yourselves to an absolute minimum as it's hard for other to hear.
20 Thank you. Our next two Speakers would be Robert Palomarez followed by
21 Mary Anne Gonzalez.

22
23 **SPEAKER PALOMAREZ** – Good evening Planning Commission. My name is
24 Robert Palomarez. I live at 24766 Thornbury Circle, Moreno Valley and I'm here
25 to support the Sketchers and I've been over at the Elder Center and I've seen all
26 the support that people want that help with this project and it's overwhelming and
27 I wonder why people would not want it. I mean right now, you know it's getting
28 pretty thin. There are a lot of people losing jobs and a lot of businesses going
29 under and as for me I'd rather collect a pay check than an unemployment check
30 and I know you people have a lot of wisdom. I've looked a couple of your
31 Planning Meetings and you're pretty thorough about things and I know you won't
32 let this one get by you because it's hard times and we need it and I hope you
33 make the right decision. Thank you.

34
35 **CHAIR DE JONG** – Maryanne Gonzalez followed by Jack Shierner...

36
37 **SPEAKER GONZALES** – Good evening Commission. Yes it's Mary Anna Maria
38 Gonzalez and I do live in Riverside and may be asked why I'm here in Moreno
39 Valley; well because to me I think that anything good that happens in Moreno
40 Valley has a direct impact on us in Riverside and they've cited the statistics over
41 and over again how dismal the picture is as far as unemployment and it's getting
42 worse by the day. Macy's is now going to close eleven more stores in the nine
43 states. Every single day between the automotive industry and every corporation
44 that you can think of are finding new ways of out sourcing our jobs to other
45 countries and so to me I find it commendable that these individuals want to bring
46 business to this City. Instead of me having to worry that I'm buying Nike and

1 having to worry that some child in exploitive labor conditions or some women
2 chained to that machine is having to produce that tennis shoe, there is going to
3 be a body that will be able to oversee that the conditions in that worksite maintain
4 good, healthy, humane conditions for these individuals and if there is a tax base
5 that is ensured that's reinvested into this community. I know I heard a couple of
6 speakers say that it's a shoe in and that these people are going to get this
7 business because... I don't think so. I'm assuming that you have that
8 responsibility to determine whether or not that business comes into this area and
9 that you are going to make sure that they have dotted all the "I's" and crossed all
10 the "T's" and it sounds like they have bent over backwards to make sure that they
11 answer all the issues and concerns that are being raised and I can only wonder if
12 all of those individuals who against this project are employed or retired, because
13 I can't think that if you lost your job in the last few months, you would not
14 welcome gladly the opportunity to work at job in such a nice environment. I worry
15 every single day that people are going to be coming more and more apt to go to
16 crime because of the fact that they don't have enough to eat and I get sick and
17 tired of seeing every single day more and more men on the side of freeway
18 asking for dollars and now women and young kids. Why... Because there's
19 nothing else for them to hold on to. This is an opportunity and I commend you for
20 addressing this you and I commend this company for doing such good homework
21 and I can only hope that my City of Riverside also doesn't get blinded by stupidity
22 and greed on their own because of the fact that they have a job and they are in a
23 cushy environment and make sure that when someone has offered the
24 opportunity to give someone else a helping hand by way of a job that we ensure
25 that opportunity to someone else. I have listened to some of the rumblings in the
26 back that it's a front for another organization that's coming in. I don't even know.
27 I listened to one individual make a presentation as far as almost totally calling
28 this person a crook. Well give me a break. Prove it. Thank you very much.

29
30 **CHAIR DE JONG** – Jack Shierner ... Are you Jack Shierner?

31
32 **SPEAKER CARRILLO** – My name is Norma Carrillo. You called me earlier.
33 Can I present now?

34
35 **CHAIR DE JONG** – Yes go ahead

36
37 **SPEAKER CARRILLO**– Okay, good evening my name is Norma Carrillo. I grew
38 up in Moreno Valley. I respect the Planning Commissioner's valuable time. As a
39 resident of Moreno Valley and credentialed teacher, I am here to ask you to vote
40 for Sketchers tonight. President Elect Obama gave a speech yesterday stressing
41 the need for Congress to pass an 800 billion dollar economic stimulus package,
42 even as the nation faces a 1.2 trillion deficit. He said doing nothing was not an
43 option and if Congress failed to act, that the consequences could be horrible.
44 With the recession lingering for years and unemployment going up into the
45 double digits and in Moreno Valley we've already hit double digit unemployment.
46 Over 11 percent of the workers living here cannot find work and why; because

1 this City has done nothing year after year to attract job creating businesses. Now
2 we have Sketchers that wants to come here with 1,000 construction jobs. There
3 are people badly in need and over 2,000 jobs that Sketchers will create here at
4 its North American Headquarters. I ask everyone in Moreno Valley to welcome
5 Sketchers with open arms; to thank them for seeing more potential in our City
6 than our City leaders have for two decades and I ask you to approve Sketchers
7 tonight because doing nothing is not an option and a no vote will have dire
8 consequences on the future of our City. Thank you.

9
10 **CHAIR DE JONG** – Okay I called Jack Shierner. Is Jack Shierner available?
11 Okay I'll set Jack's aside... Raul Wilson followed by James Dudley.

12
13 **SPEAKER WILSON** – Good evening members of the Planning Commission. My
14 name is Raul Wilson and make no mistake, I support the Sketchers project. Now
15 what's happening tonight appears to be a fight for Sketchers and against it by
16 what is really on is more important. This is a fight between the rich and the poor.
17 This is a fight between the haves and have nots. This is a fight about whether
18 Moreno Valley should remain a house divided or if we should come together and
19 do something beneficial for all the people. We are divided City based on social
20 class and income. There are a few rich people; there are a few rich people in
21 Moreno Valley; probably less than 100 families that always get their way in what
22 happens in Moreno Valley while the rest of us struggle for the bread crumbs we
23 get in order to survive and provide for our families. If these 100 rich families that
24 have organized the fight against Sketchers and the jobs that it will bring here,
25 that doesn't make sense to me. Sketchers will be a distribution center of shoes.
26 What's the big deal? They should be concerned if the company we are talking
27 about bombs or even cigarettes, but it doesn't; Sketchers makes shoes and we
28 all wear them. Why are they fighting Sketchers? It's not like we all marched on
29 City Hall and fought against the 100 million of our tax dollars that have gone to
30 pay for the horse trails and those 100 families that have the Equestrian down
31 there. We never complained about the cost we had to pick up for their horses
32 even though the money they got would pay many times over for us to have a real
33 Library. We never asked them to pay a special tax on each horse they own.
34 They pay for the damage the manure causes to our water supply when it gets
35 into the ground water. Now there's a real risk to the health of our children that
36 should be examined. So why are these rich people living high in the hills fighting
37 against Sketchers? Simple... because they don't care about the poor. They
38 always look down their noses at us. They don't care that our families don't have
39 jobs, just as long as their families have their houses away from us where they
40 can toast champagne on New Year's Day while we in our houses are not high by
41 gunfire from those that think that shooting bullets into the air is an appropriate
42 celebration. We live in different worlds and the people fighting Sketchers don't
43 care about us and they use their scare tactics and act like they care about our
44 children, but they don't fool us. We know that they don't care about us. They
45 never have and they never will. Can we really hold that against them... not
46 really? It's just who they are; they are snobs, but tonight I am representing the

1 working class people in Moreno Valley. We've had enough of the rich always
2 getting their way. We want Sketchers. We want jobs and we want them now and
3 I would like to say in closing, what will history record of this Planning
4 Commission? Would it say that you heard the pleas of the poor and you acted
5 on their behalf and remember justice delayed is justice denied?
6

7 **CHAIR DE JONG** – James Dudley followed by Oscar Valdepina
8

9 **SPEAKER DUDLEY** – Hello my name is James Dudley and I live on the east
10 end of Moreno Valley, 15857 Oliver Street. I'm here in support of this project.
11 Earlier when I had taken the first look in the newspapers and you know they
12 talked about a warehouse and what have you, the first thing that comes to mind
13 is awe geez, another warehouse and we have some that are vacant right now
14 and so forth and so on, but you know I'm the type of individual that I just don't
15 take things for face value and take what I read in the newspaper as accurate and
16 concise and so I made the attempt to address my concerns and I found out about
17 this project and I'm very impressed with what they are going to build and
18 aesthetically it will look very nice out there in that area. They answered a lot of
19 the questions when it comes down to the environmental issues. I think if you
20 stop and think about this for a minute a lot of people you know you always us
21 about the mere fact that they are outsourcing work; not only outsourcing out of
22 the State of California, but the other States; not only are they outsourcing work to
23 other countries, but you know what manufacturing plants have closed down
24 throughout the whole United States and you know when the elections were going
25 on and they talked about Iowa and the many manufacturing jobs that they lost
26 there, that was pretty disappointing and to stop and think today and we look at an
27 opportunity here, we're going to have an opportunity to bring in a major business,
28 this might be and somebody used this term, priming the pump to get other
29 businesses to come into the City of Moreno Valley as well. You know this City
30 stands on people, pride and progress. I think I remember that since I moved
31 here in 1987. I ultimately watched a lot of people vacate and leave this City and
32 go down to Temecula or they thought it was brighter on the other side out in
33 Rancho Cucamonga but I stayed here in this City because I do believe in the
34 people, pride an the progress that we can make. Thank you.
35

36 **CHAIR DE JONG** – Oscar Valdepina following Francisco Sanchez
37

38 **SPEAKER VALDEPINA** – Good evening Commissioners; Oscar Val Pena,
39 Executive Director, Moreno Valley Chamber, 22500 Town Circle, 2090 Moreno
40 Valley and resident 98292 Tamarpais Place, Moreno Valley. Moreno Valley was
41 the sixth fastest City growing in the nation just not too long ago; about two years
42 ago. Moreno Valley had many goals and aspirations as we grew. Moreno Valley
43 had a lot of success stories and has a lot off success stories. We had a lot of
44 businesses that were number one in their chains; in the industry; in the country.
45 When stores opened up in Moreno Valley people were either hesitant to either
46 support or see what they can do. When stores opened up in Moreno Valley, not

1 only did it bring jobs, but they hit national sales and goals that no other company
2 did in the country. Now is the time when we are falling behind in the economy;
3 what's happening in our community, we see the businesses closing; we see
4 what's happening in our local community. We see people leaving out to go find
5 those jobs. This is the time when we need to support this. We need to make
6 sure that this zoning plan is changed. We need to make sure that this project
7 comes to life. We need to make sure that not only the jobs that are going to be
8 at this site that they will bring, but we need to think about the jobs outside of
9 there. We need to think about Joe the plumber; Mary the maid and Tom the
10 taxpayer. We need to think about the parents that will stay closer to their kids for
11 the schools. We need to think about that it's a known fact that if you're not
12 working in the community you live in, you will buy your gas, you will eat your
13 lunch and you will shop where you work and we cannot grow and we cannot
14 provide those services that everybody calls the Chamber for; why don't we get
15 this; why can't we have that. This is why; because we don't have a project like
16 this that will help us go to the next level. We need it. It's more than the jobs
17 here; yes it will provide the jobs there, but it's going to provide a great
18 community; it's going to provide a resource; it's going to provide a future. Like I
19 said, I am resident and I have twin boys and I love this City. This City has been
20 great. We have been through its ups and downs. We have wonderful people
21 here and we have people out in this business industry that need to survive and
22 this is going to help them and they give back, so please think about more than
23 just the project; what the positive impact this is going to do to our community; to
24 our businesses. They are going to benefit; Sketchers is going to benefit; the City
25 of Moreno Valley is going to benefit. This is a young City but we can be a rich
26 City, more than money, but a value to others as well. When people go and they
27 see where the Sketchers project is; where their corporation is... When you're in
28 New York, you're going to see Moreno Valley on the map. When you're in Paris
29 and they're talking in their Corporate Headquarters, let's fly to Moreno Valley.
30 Let's go talk about and see what's happening there; let's go eat out; let's go have
31 our meetings; let's support the community that support us. We need to support
32 them, so please this zoning change needs to happen. This project is beneficial
33 for everyone, not just their employees, but to the whole community. Thank you.

34
35 **CHAIR DE JONG** – Thank you... Francisco Sanchez followed by Donni
36 Borchard...

37
38 **SPEAKER SANCHEZ** – Okay, Buenos noches; Good evening Commission, my
39 name is Francisco Sanchez, 25387 Renoir Avenue and I am a proud resident of
40 Moreno Valley. We hear it all over the news; internationally; nationally and I hear
41 it everyday locally at my worksite that we are in economical crisis and we need
42 jobs. I work for an agency that helps people with job training and placement; that
43 is when there is money for training and when there are jobs to place them in. It's
44 heartbreaking to see so many people coming into our office with a dream of
45 finding a job so that they can feed their family, but there are not enough jobs. I
46 encourage them and tell the job seekers that it will get better and that jobs are

1 coming our way, but all they do is respond that's great but my children need to
2 eat something besides promises of a job. These are Moreno Valley families; the
3 working class and we need jobs. I'm here tonight to emphasize the need of jobs
4 here in our wonderful City of Moreno Valley. Less jobs mean more crime. It's a
5 no-brainer. A couple of months ago my home was burglarized. My family and I
6 were victims of a crime. It's not the value of the stolen property that matters it's
7 the violation of our privacy; it's my children's lost innocence. I constantly have to
8 reassure my children that the bad people will not come again because now we
9 have invested in a guard dog; we have system and we have a glock pistol. Last I
10 checked our City model that was not where crime soars. Wouldn't it be nice if we
11 could have local jobs to reduce the number of residents that commute? It would
12 be nice to have parents work locally so we could spend more quality time with
13 our children; attend school functions and be actively in their education. Parental
14 involvement in the educational system has been proven to reduce juvenile
15 delinquency; that's another reason that we need local jobs. Let's take our City
16 back and make it a prosperous City that it was meant to be with jobs and quality
17 of life for every resident; even the working class. Let's make Moreno Valley our
18 home; the place where dreams soar. Let's support this project. Thank you.

19
20 **CHAIR DE JONG** – Thank you... Donni Borchard followed by Melody Lardner...

21
22 **SPEAKER BORCHARD** – Good evening, my name is Donni Borchard. I live at
23 13780 Roderick Drive in Moreno Valley. I live on the far end east side of Moreno
24 Valley not too far from where the warehouses are to be built. I have several
25 concerns about this project, but my most concern is the fact that the trucks are
26 going to be coming through my neighborhood. I know that you say that they are
27 not going too, but we see it going on every single day now as it is. The City has
28 failed to put up speed limit signs in my neighborhood. You have failed to put in
29 road blocks. You have failed to put in speed bumps. All I am going to see is
30 more and more and traffic and trash and the environmental impact on this project
31 in my neighborhood will be detrimental. The 24 hour proposal to build is going to
32 have a direct impact on my quietness at night and it's just not working. I think
33 that there are other places where that this project could be put and maybe they
34 need to be explored. I do believe this City needs jobs, but not where you are
35 going to put this. It's just not the right place for it. Thank you.

36
37 **CHAIR DE JONG** – Thank you... Melody Lardner followed by Meli Van Natta

38
39 **SPEAKER LARDNER** – My name is Melody Lardner. I live at 28201 War
40 Admiral Street in Moreno Valley. My biggest concern with this project is the truck
41 traffic and the lack of improvements to Highway 60. Cal Trans is always way
42 behind the eightball as we know. This project in the EIR said it will generate
43 15,339 trips; that are not all trucks but its cars and trucks just from this project
44 alone and of those trucks, 330 of those trucks would be going eastbound through
45 the badlands, which we also know is badly in need of improvements. My
46 concern is the on-ramps and off-ramps at Theodore and Redlands. I heard that

1 they proposed maybe something stopping the trucks getting through on
2 Eucalyptus from Redlands, but that's not a for sure thing and I worry that the
3 trucks will get off, see that barrier and then they'll go wondering through the
4 neighborhoods trying to figure out how to get to Sketchers. Maybe the developer
5 should have to help Cal Trans with these improvements. We know the State is in
6 trouble and I worry when that will come because even Nason and Moreno Beach
7 aren't going to be improved until at least 2011; it could be a lot further into the
8 future. The EIR explained away the traffic saying that Cal Trans monitors the
9 situation and deals with it but we know with the State budget crisis that might be
10 a long ways off. I'm also concerned that they didn't analyze trucks perhaps using
11 San Timateo Canyon. I've seen trucks do it when there are problems with traffic
12 on Highway 60. Some of the things they mentioned; putting solar on the roof of
13 the building. It was only enough to generate for righting the offices. I'd like to
14 see them go full blown solar and run the whole operation and contribute some
15 electricity back to the grid. The utility companies are under pressure to go more
16 green. Let's have them go completely green and contribute some power back to
17 the grid. The job statistics I keep hearing thrown around. I read the EIR and the
18 response to comments said this project would create 1,986 jobs, but 1,000
19 people currently work in Ontario. In this economy I don't think they'll quit and just
20 not commute. I think they'll commute over here. Under the current General Plan
21 the EIR said they'll be 4,250 jobs created. The landscaping; they said they were
22 going to put some openings along the freeway. I'm not sure why I'd rather see
23 more landscaping to help mitigate the pollution. I'd like see watering the
24 landscaping used recycled water. I don't know whether they are going to do that,
25 that wasn't clear to me and I'm concerned the ponds will create evaporation of
26 water and create impacts to the downstream Mystic Lake. Thank you.

27
28 **CHAIR DE JONG** – Thank you... Meli Van Natta followed by Steven Crews...

29
30 **SPEAKER VAN NATTA** – Commissioners, my name is Meli Van Natta, Rancho
31 Belago Realty. I live at 12099 Franklin Street here in Moreno Valley and I speak
32 in support of this project and I'm not going to go back through all of the statistics
33 and all of the reasons why we all know that jobs are great to have in town. I just
34 want to talk to you about what I know about and that is in the real estate
35 business, which has been my career for 30 years and I've sold property here in
36 Moreno Valley for about the last 20 years. When people first started coming and
37 when first started bringing clients out and selling them property in Moreno Valley
38 it was basically because it was the cheapest place to live and it usually wasn't
39 the first choice. They wanted to live somewhere else and ended up in Moreno
40 Valley because they could afford it Now I'm finding more and more people
41 moving to Moreno Valley because they have friends and relatives here because
42 they like the lifestyle, because they find it an attractive place to live, but more
43 often than not, the people who are buying homes are working outside of the City
44 and one of the things that I hear over and over again is well I know that we are
45 going to have to commute for now, but Moreno Valley is growing and we're
46 hoping that sooner or later they'll be jobs that we can work at here in Moreno

1 Valley so that we don't have to commute and that becomes the biggest lifestyle
2 improvement that we can do for our residents and that is to provide jobs for them
3 locally to where they don't have to commute. The other thing that I wanted to
4 mention was there has been a lot of scare talk about all the pollution and we're
5 going to end up looking like Mira Loma and all the problems that they have with
6 air quality there and so forth and I just want to debunk that a little bit. I lived in
7 Mira Loma for about five years back in the 80's. The air quality was poor then
8 even before warehouses were moved in and it was because of the topography of
9 the area there. We have a different topography. We have nice breezes come
10 through in the afternoons and so forth and we're not going to turn into another
11 Mira Loma and I'm not too concerned about whether or not this is opening a
12 Pandora's Box and this is going to bring more warehouses and distribution
13 centers. If it does I say bring them on. I'm not concerned about what they are
14 going to look like because I know that we have a hard working Planning
15 Commission that's going to make sure that any other projects that are approved
16 for the area will be attractive projects that will benefit the community and what
17 benefits the east side of Moreno Valley will benefit all of Moreno Valley, so I urge
18 you to go ahead and approve this project. Thank you.

19
20 **CHAIR DE JONG** – Thank you... Steven Crews followed by Joanne Stephen...

21
22 **SPEAKER CREWS** – My name is Steven Crews. I live at 14828 Stephenson
23 Street in District 3. I'm directly affected by this proposal. I live in what would
24 have been known as the land of lakes and ranches and will not be any longer. I
25 respect that an individual sat at this dais as a councilman who once said that we
26 really don't care whether or not what is developed, all we care about is good
27 development and however just merely because a development is beautiful does
28 not mean that's appropriate for the citizens of that area. May I make analogy? A
29 goose honks like a duck, smells like a duck and defecates like a duck and a duck
30 is a duck, is a duck. It is about the trucks stupid. It is about their smell. It is
31 about their pollution and it is about their noise and for those of us who live in
32 eastern Moreno Valley, this is of great concern to us. There was a lady who was
33 here. Here letter will be read to you recently, but I remind you that this project
34 has flunked the EIR and let me quote to you the American Lung Association
35 already has given the Riverside area an F grade in its state of the air report. An
36 Association official wrote that the County cannot afford more pollution and meet
37 Federal air quality standards. The issue of how much business these new
38 warehouses would bring to the community is clearly overshadowed by the health
39 costs which would arise from this heavy source of pollution; the Association's
40 Paula Gonzales wrote in a letter included in the report. There are other concerns
41 of mine I'll read from something that I sent to the City Council... time is running
42 out. The traffic congestion should be apparently obvious to anyone especially
43 the dangerous interplay between autos and trucks. Access and egress on
44 Theodore and Redlands where crumbling freeway ramps are not expected to be
45 modernized and even Moreno Beach which has its own traffic concerns as
46 motorists gravitate to that route for relief will be difficult. Furthermore Moreno

1 Beach and Iris will become corridors for truck traffic seeking relief. I'm running
2 out of time, but I just wanted to say to you here is a map of the current General
3 Plan with residences, parks, development for business. This was to have been
4 Mission Viejo East. There is the new development. Here is Easter Market with
5 nothing but land devoted for warehousing all around it. The people in that area
6 of the City will have nothing but warehouses and they were expecting to have
7 open space and a very grand plan for the development of their community where
8 they live.

9
10 **CHAIR DE JONG** – Joanne Stephan followed by Jack Shierner...

11
12 **SPEAKER STEPHAN** – Hello Commissioners and Staff, my name is Joanne
13 Stephan and I have lived here for 25 years. I moved here when we were an
14 unincorporated area and we became a City and then we were a bedroom
15 community. There were no jobs here, so people had to commute back and forth
16 to work and I'm hoping that we become a regional global hub. When I came here
17 tonight I was given a t-shirt. I was given this flyer which I don't know who or what
18 these people belong to, but I actually didn't know whether I'd be for or against the
19 project. I am for it. I've seen a lot of changes in the City since I've been here. I
20 still see a lot of changes. I just went down Cactus the other day to Wisteria. I
21 saw warehouses there that were built empty and I couldn't imagine why anybody
22 would build something without having a tenant there. I did ask Mr. Benzeevi; the
23 tenant that he does have has signed on for 15 years. I think that as a business
24 man like they say he is in business and I think him getting to go on for 15 years, I
25 commend him for that because I've seen too many building that are vacant here
26 in the City. I've listened to a lot of the proponents on this. I've recorded four that
27 are against and one that is iffy and the rest seem to be all for the project. We've
28 got over 500 people seated in the next room that are for the project, so I think it's
29 a no-brainer, I really do and I know I have children and grandchildren in the
30 community. I have a son right now that is going into an apprenticeship program
31 and has to go all the way to Anaheim for it because there isn't any out here. I
32 own homes in Orange County. I was almost going to move back to Orange
33 County because there is really nothing out here. When I moved out here I did
34 have a lot of big aspirations. I live at 23311 Western Ridge Ranch. I live on a
35 half acre. I have a beautiful home but I'm willing to go back to a home that I own
36 in Anaheim and I hope that you guys will have the foresight that Anaheim did
37 years ago in the 50's when they almost lost one of their biggest investments to
38 Santa Ana, so I hope you guys up there think about this because it's a beautiful
39 building. I think it will really attract other people to come here and give jobs for
40 our children, because like some of the people have said, some of our kids... I
41 have five boys; some have gone on to College and some haven't and I'm hoping
42 that maybe that the one that didn't will be afforded an opportunity to maybe to get
43 training or maybe even get an apprenticeship program or something you know.
44 That's up to Sketchers, but I think the zoning should be approved for this project.
45 Thank you.

1 **CHAIR DE JONG** – Thank you... Jack Shierner followed by Debra Coggins-
2 Ortiz...

3
4 **SPEAKER SHIERNER** – Hello, my name is Jack Shierner. I live at 11780
5 Steeplechase Drive. I have been a citizen in this community now in my 19th
6 year... a business owner in this town for over 7 years; former Executive
7 Chairman of Boy Scouts in the Moreno Valley area and current President of the
8 Moreno Valley Hispanic Chamber of Commerce. Honorable Planning
9 Commissioner members I'd like to thank you for spending in giving the voice to
10 the people. Our job as Chamber Presidents, both me and Oscar and our Past
11 Presidents who have spent many hours in looking over this proposal celebrate
12 the wisdom of what we're about ready to vote on. It's not very often that you
13 have this level of willing investment into this community and we celebrate the
14 idea of further growth along these lines will truly benefit Moreno Valley and turn it
15 into the gem that many City Council's past have promised. Several Presidents,
16 along with me who have spent many hours reviewing this program; these plans
17 that are up for vote tonight and in our interest; in businesses interest, we wholly
18 endorse them. Thank you for your time.

19
20 **CHAIR DE JONG** – Debra Coggins-Ortiz followed by Lucy Starr...

21
22 **SPEAKER COGGINS-ORTIZ** – Good evening my name is Debra Coggins-Ortiz;
23 29060 Juniper Avenue. I live actually walking distance from the proposed
24 project. My family and I have lived in Moreno Valley since 1984. We moved out
25 to the east end to enjoy the scenic rural community. We are not rich. I grew up
26 poor, okay. I resent the fact that we were not notified of this project and that I
27 had to find out by a flyer on my mailbox the night before last. My front property
28 span is 300 feet. I did not get notified and I would have appreciated the time to
29 review the project more thoroughly, however the information that I did obtain was
30 easily obtainable online through research through the Press-Enterprise, stories
31 on Sketchers that have been done here and from the California Air Resource
32 Board and also from your General Plan; our General Plan that was approved and
33 you are trying to now change. According to the California Air Resources Board,
34 quote, fine particulate matter in diesel exhaust can bypass the body's natural
35 defenses penetrating deep into the lungs where it may cause or exacerbate
36 respiratory and cardiovascular illnesses and even premature death. California
37 has identified diesel pm as a toxic air contaminant and estimates 70 percent of
38 the cancer is from the air we breathe is attributable to diesel pm fuel. The ARB
39 estimates that diesel pollution from trucks alone was responsible for 4,500
40 premature deaths in California in 2005. When combined with estimates for
41 hospitalizations, asthmas attacks, missed work and school days from exposure
42 to particulate matter and smog, the total economic cost to Californians in 2005 is
43 estimated at 40 million dollars, one reason Sketchers should not be at that
44 location. I am not opposed to jobs. Yes we need jobs. My husband has a
45 contractor's license. Yes he travels out of town to work but that is not the right
46 location for it. It should not be around residential homes. According to the

1 General Plan, scenic resources.... You have shown this area right here. Okay
2 the view from the 60 freeway; the scenic resources have value. You are taking
3 away that value by putting that there and I have so much more to say but my
4 time is up. I would appreciate if there is way that people can contact me, so we
5 can organize to fight this because we will fight this. Thank you.

6
7 **CHAIR DE JONG** – Lucy Starr followed by George Hague...

8
9 **SPEAKER STARR** – Hi, good evening, this is Lucy Starr and I live on Shasta;
10 12321 Shasta Place in Moreno Valley on the north side. I like the proposal. I
11 think it's really good. We need jobs and we need them now. We have kids and
12 they are traveling far to get to work and it is too much for them, so please I ask
13 the Planning Commission to please say yes to this Sketchers company. Thank
14 you.

15
16 **CHAIR DE JONG** – George Hague followed by Gordon Tucker

17
18 **SPEAKER HAGUE** – George Hague, 26711 Ironwood Avenue here in Moreno
19 Valley speaking on behalf of the Sierra Club and the Community Alliance for
20 Riverside's Economy and Environment. I've actually been an AFLCL member
21 longer than I have been a Sierra Club Member. This meeting should be
22 continued to a second meeting so both the public and yourselves can do justice
23 to the 2,000 plus pages; 1,200 of those have come since December 19th. The
24 developer has shown us his pretty pictures; however he has to give an overriding
25 consideration for aesthetics. That means he is making the City uglier and you
26 have do an overriding consideration on that fact. You must vote overriding
27 considerations on air quality. That means it is going to produce bad air for us; all
28 of the warehouse workers and this is what the supporters need to realize. All of
29 the warehouses will be subjected to significant health problems for the thousands
30 of daily truck trips; one every 40 seconds in every 24 hours. The massive area
31 where the workers labor is not air conditioned or filtered, thus they must
32 continually breathe in the toxic diesel pollutions we just heard about which will
33 eventually affect most with health problems. They will have more than 100 open
34 bays pulling that stuff into the workers. There are two other projects that are
35 adjacent to this one which will add 3 million more square feet of warehousing and
36 logistics centers. If you approve this project you are in reality are probably
37 approving all three for a total of 5 million. The Sierra Club and CAREE do not
38 believe the cumulative growth inducing impacts have been thoroughly analyzed
39 with the environmental impacts to our community. The logistics modified General
40 Plan proposed by the developer; this concept is something that must be
41 incorporated into this document that is now before you. Just saying the
42 developer has not submitted paperwork for this does not justify not having this
43 foreseeable project information prior to your vote. Noise; another one that has to
44 be overridden is substantially increased and you are telling hundreds if not
45 thousands of residents to grin and bear it so you can improve this unhealthy
46 project. State Route 60 through Moreno Valley has few trucks compared to

1 Interstate 10. This project in its growth inducing impacts will change our
2 commuter freeway into one that makes those who close to it suffer significant
3 noise and pollution impacts from this all noisy polluting diesel trucks. This raises
4 a question as to where the environmental justice analysis is in this document. It
5 is totally lacking and needs to be before you prior to a vote. Traffic; another
6 issue that has not been resolved prior to your vote. The developer does not
7 factor in and in fact he totally kept it off of his pictures that there are 6,000 homes
8 already approved on the Moreno Highlands project and 20,000 jobs. The final
9 EIR states that there are two lanes that allow you to continue west from 60 to the
10 215. In reality State Route 60 has one lane; the one to the far left that allows you
11 to continue west while the other lane forces drivers to exist Central Avenue. Until
12 the traffic analysis deals with this issue, you cannot vote to certify the EIR
13 because it's inadequate. You must realize that while 2,200 diesel truck trips may
14 not sound overwhelming, they represent 1 every 40 seconds for 24 hours every
15 day. If the two adjacent ones are approved then you are looking at 1 every 10 to
16 15 seconds; every truck; every 10 to 15 seconds. Anyway I hope you read the
17 other materials I gave you prior to your vote. They will add to your understanding
18 of the people who are impacted by these projects. Thank you very much.
19

20 **CHAIR DE JONG** – Thank you...Gordon Tucker followed by Joe Zmudosky

21
22 **SPEAKER TUCKER** – Good evening and thank you for letting me speak again.
23 I've heard a lot about green this evening and how this project is going green and
24 I'd like to draw your attention to this picture. This is called green. In the EIR this
25 was supposed to be taken care of in accordance with California laws, the Federal
26 laws local laws, however as found also in the EIR, this substance you see on the
27 ground was merely plowed under the soil; not a good way to start a relationship
28 with the community. Another thing Mr. Benzeevi talks about it's not the size of
29 the building, it's the quality. Well someone mentioned our new President not too
30 long ago; well I'd like to quote him too; if you put lipstick on a pig, it's still a pig.
31 Further more we heard a lot about children this evening. I want to stop and think
32 about children; not just our children, but how about the children around the world;
33 the ones that Sketchers employs for less than 50 cents a day in third world
34 countries. Do we really want them here? Secondly, I want to say something that
35 is really important to think about. This City when it was first built had a General
36 Plan that said that warehouses are not very good for our community. They
37 occupy large spaces of land and they employ very little people. Now we've got
38 one we want to build here that is equal to basically little more than 30 fifty square
39 foot businesses. I wonder how many 30 fifty square foot businesses could
40 employ over Sketchers. Sketchers have 2,114 employees nationwide. You are
41 telling me closing five warehouses in Ontario who are one given time have 120
42 employees is somehow going to increase their employment needs to 2,150.
43 Someone is pulling over the wool over everybody's eyes around here and this
44 City needs to wake up. Thank you.
45

46 **CHAIR DE JONG** – Joe Zmudosky followed Suzanne Potter

1
2 **SPEAKER ZMUDOSKY** – Good evening, my name is Joe Zmudosky, 28131
3 Bethany Circle, Moreno Valley. As you asked not to repeat everything that has
4 been said tonight, the project at Highland Fairview as presented here tonight is
5 one of a kind and I've been behind the project since the last several months and I
6 think the Commission here should look at it on the basis of what it is going to
7 bring to this City. We talk about jobs; we talk about pollution and we talk about
8 all these other things that these trucks are going to bring in. If you listen to some
9 of these proponents, just one iota to think about; 40,000 trucks; if you put them
10 end to end, it is 862 miles end to end. There is no way you could pass that many
11 trucks through here in a day; a week; a year. Iddo has come up with a pretty
12 sizable project here that needs you as Commissioners to look at and understand
13 the value that is going to bring to this City and the value is (a) jobs, tax base and
14 money to the General Fund and a couple of million dollars that it is going to put
15 into the school budget because we're not going to get anything from Sacramento
16 or Washington and the scope of the project is massive. It's going to bring other
17 corporate businesses to the City and I think you should look at it, talk amongst
18 yourselves and give it the thumbs up because this is as our City motto goes, you
19 know where dreams soar and you guys have an opportunity to put Moreno Valley
20 a little bit higher up on the map than we've been in the past and I appreciate your
21 time. Thank you.

22
23 **CHAIR DE JONG** – Suzanne Potter followed by James Hutchinson
24

25 **SPEAKER POTTER** – Good evening members of the Planning Commission. My
26 name is Suzanne Potter-Smodowski. I live at 28131 Bethany Circle in Moreno
27 Valley. As citizens I believe it is our responsibility to look at the big picture rather
28 than our own personal concerns. Now I realize the big picture is different
29 depending on your perception. I believe we can either look at things as the
30 glass half full as somebody who is saying that this would be another Mira Loma
31 or a Pandora's Box or you can look at it as the glass half full by saying this is
32 priming the pump, this is start of world class City, this is another Irvine. The
33 choice is really ours and how you view it, but the reality in the big picture is that
34 we have warehouses around here and if we look to every side of us we have
35 warehouse and distribution centers but they are not in Moreno Valley, so we can
36 either be in the driver's seat and be the ones to mitigate and control the impact;
37 the negative impact that such a project might consider and then on the other
38 hand reap the financial benefits or we can just feel the impact and reap no
39 benefits if it's not here in Moreno Valley. As an educator I support the change in
40 the General Plan for two reasons. First it brings a favorable and measurable
41 financial impact to our school system. Second it means this project in it's vision
42 means more time for families to spend with their children and to be involved in
43 their education and you've heard that this a very important factor in a child's
44 education. Now that might be time is immeasurable but it's not just
45 immeasurable, that's priceless. Thank you.
46

1 **CHAIR DE JONG** – James Hutchinson followed by Steve Clute. Is Steve Clute
2 ready to go after this? Are you Steve Clute... is James Hutchinson here?

3
4 **SPEAKER CLUTE** – Thank you Mr. Chairman, members and for all your time
5 and consideration tonight. I'm at 600 Central, Riverside. I'm Business Director
6 for Electrical Workers IBW and NECO, National Electrical Contractors. Bob Frost
7 is our Business Manager and I have a history in Moreno Valley. I was married in
8 Sunnymead in 1977. My mother in law lives here. I used to fly in the Navy; I'd
9 come into March Air Force Base when we couldn't find the ship and later I had
10 the privilege to serve the area in the Assembly and I remember I think it was right
11 about the time; the year of incorporation; yeah '84, so '83, '84, '85 was right at
12 that time when of course the housing was really taking off and good and rightfully
13 so and you could see back then the beginnings of the imbalance of housing to
14 jobs and I think to have a project like this that we certainly strongly support
15 means a lot to try help even that kind of balance and I know you and City leader
16 have been dealing with that for years and have done some good things to
17 address that, but here is I think an outstanding project to help address that. I
18 commute on the 60 or go through it at least several times a week. I've stayed
19 somewhat current with the area and I appreciate the potential also in renewable
20 energy, which we think is huge, and particularly could be with this project and
21 could possibly have positive benefits for rate payers in this area. We think it's the
22 right project at the right time. I appreciate all your consideration tonight. Thank
23 you very much.

24
25 **CHAIR DE JONG** – Thank you... Patricia Gonzalez followed by Derek Stephens

26
27 **SPEAKER MERRILL FOR PATRICIA CONZALEZ** – Hi, I was asked to read
28 Patricia Gonzalez's letter because she had to leave. Is that okay?

29
30 **CHAIR DE JONG** – That's fine

31
32 **SPEAKER MERRILL** – My name is Laura Merrill and I live in Moreno Valley at
33 28115 Gerald Lane. Patricia Gonzalez's letter reads as follows: Dear
34 Commissioners; the American Lung Association is very concerned about adding
35 a major air pollution source from thousands of heavy duty trucks to a community
36 that may already be burdened by multiple sources of pollution and subsequently
37 suffer from multiple health problems. Additionally it is important to note that
38 pollution from East Moreno Valley can easily spread to other parts of the polluted
39 County of Riverside. The connection between pollution and negative health
40 effects impacts from heavy duty diesel trucks has been documented in numerous
41 research studies. Recent studies from USC Medical Schools indicate that
42 pollution from trucks and cars have stunted lung development in children in
43 nearby Mira Loma, never to be regained and can even be reasonable for actually
44 causing asthma and aggravating asthma. According to the American Lung
45 Association's State of the Air Report, Riverside received an F grade for having a
46 very high number of days with unhealthy air pollution both for smog and soot.

1 According to the same report in Riverside County, currently over 160,000 people
2 suffer from asthma; almost 25,000 from emphysema and over 60,000 from
3 chronic bronchitis. Additionally, approximately 458,324 residents suffer from
4 heart disease. Riverside County cannot afford more air pollution in terms of
5 meeting health based Federal air quality standards for both ozone and particle
6 pollution especially since the standards are now more stringent than before.
7 There are remedies that the new warehouses can adopt... buffer zones and
8 cleaner trucks, either retrofitted with particular pollution filters or new trucks. The
9 issue of how much businesses these new warehouses would bring to the
10 community is clearly overshadowed by the health costs which would rise from
11 this heavy source of pollution and Ms. Gonzalez is writing on behalf of the
12 American Lung Association of California. Thank you.

13
14 **CHAIR DE JONG** – Derek Stephens followed by Dr. Regina Brockmueller

15
16 **SPEAKER STEPHENS** – Good evening, my name is Derek Stephens. I live at
17 11370 Moreno Beach Drive and I'd like to say that I support this project and as a
18 future college graduate I'd like to see Moreno Valley for once bring some real
19 jobs into the City. For years and years I've seen the same old Wal Mart, Target,
20 Stater Bros., Mac Donald's jobs in here every single year and for once I think we
21 have the opportunity to bring some credible jobs into the City and I think it is
22 something that Moreno Valley really should do and it will provide such benefit to
23 our City and I only hope that we support this project. Thank you.

24
25 **CHAIR DE JONG** – Dr Regina Brockmueller followed by Duncan Bush

26
27 **SPEAKER BROCKMUELLER** – Good evening wonderful Planning Commission
28 and all of our audience; citizen's of Moreno Valley. I've been a resident here for
29 23 plus years and I really am in favor of this distribution center being brought
30 forth to do a lot of various things that it can create for our City. We need to have
31 a change; we need to see change and we need to give our citizen's hope.
32 Moreno Valley can no longer afford to have status quo. We have a township of
33 over 180,000 plus population. We are no longer a bedroom community. We
34 need to welcome change, create jobs for our citizen's and their children and not
35 just minimum wage jobs. As an educator this project represents dollars to our
36 school. I think that someone has mentioned 1.2 million and it also creates time.
37 So many parents I see commuting to jobs outside our own townships; Orange
38 County, Los Angeles; San Bernadino; Riverside and we're not even able to
39 support our own business communities here. We have watched a massive
40 amount of businesses close up unnecessarily because the parents are
41 commuting. With that being said as an educator, I'm expected to teach these
42 children so much and give them assignments and homework and I do this
43 diligently and watch the parents come home late at night after a long commute
44 that was not necessary if we're allowed to create more jobs that are higher paid
45 and well established jobs. I've watched this City go through five transitions of
46 watching our home values plummet. We've watched our values go down, some

1 of our investments go down and I think that if we take this job and this distribution
2 center and put it forth that we will see that it is the start of something new; the
3 start of change and a creation of hope for our members in society. Thank you.

4
5 **CHAIR DE JONG** – Duncan Bush followed by Patricia Korzec

6
7 **SPEAKER BUSH** – Thank you for the opportunity. My name is Duncan Bush. I
8 live at 29307 Highland Boulevard. It's within a two mile radius of the outline that
9 the presenter showed us earlier. I live between the badlands and the dump, so if
10 anybody knows where that is. I'm not rich. I still work. I'm well beyond the age
11 of retirement. I do live out in that area. I do like it out there. I've been an
12 appraiser. I've topped sugar beets. I'm a licensed general contractor; real estate
13 agent; a lot of different jobs in order to be able to keep a job. I've been in the
14 community well over 20 years. I remember quite a few years ago there was a
15 new warehouse built I think five or eight hundred thousand square feet. It was
16 touted to bring jobs here; manufacturing jobs for intra-manufacturing jobs down
17 near Perris Boulevard; I think it was BHF or something like that I can't
18 remember the name... PDF; anyway it never opened. They built the warehouse
19 and it never opened up. There are no guarantees that we are going to have jobs
20 if this opens up. To me the big question is not jobs; it is this project in the right
21 location? We just went through about 8 to 10 years of a General Plan and
22 Zoning Change out in the east end. Throughout the entire community the east
23 end particularly got an awful lot of attention. Highland Fairview was part of that.
24 They were definitely against warehousing out there. Part of the biggest problem
25 with warehousing at that end; if you follow the step which is the State
26 Transportation Improvement Program, there are no provisions to widen the 60
27 Freeway through Moreno Valley. On the 215 down where we have several
28 million square feet of warehousing that's just recently been built in Moreno Valley
29 they are planning on widening the 215. They have wider overpasses and better
30 transportation facilities to put warehousing down in that direction. That's where
31 the City chose to put it; that's where they should put it. The other issues are the
32 bridges. I go over Theodore every day; that's my commute to and from work;
33 down the 60 freeway. If you go over Theodore bridge and you take a look at the
34 bridge, it's just torn up dramatically because you get several hundred or
35 thousand trucks comes through there every single day over that bridge to that
36 dump. Half the railing on that bridge is gone. The on and off ramps not only on
37 that intersection but also on Redlands Boulevard are trashed and they are going
38 to put all this trucking on Theodore. I would like you to vote against this project.
39 I think it's a beautiful project. It's an appraisal. It's a misplaced improvement.
40 It's not the highest and best use for the location. Thank you.

41
42 **CHAIR DE JONG** – Thank you... Patricia Korzec followed by James Hutchinson

43
44 **SPEAKER KORZEC** – Hello I'm Patricia Korzec. I live at 27439 Laurel Court in
45 Moreno Valley. I live and work in the City. I truly believe this is a visionary
46 project for a City that needs some vision in very bad times. It's so well designed;

1 the architecture is exquisite. I believe it will be one of the finest buildings in the
2 City. The fact that it will be a LEAD certified building shows the proper use of
3 environmental materials. I think that it's a time when the City needs to look at
4 this and we need to reap the benefits of the potential 1.4 million in tax revenues
5 and 157 million in annual other types of revenues affiliated with this. It's
6 important for us to have this project here and not have it move down the freeway
7 to another City which we would reap none of these tax benefits and the traffic
8 would still come through and go up the freeway, so I really ask you to vote in
9 favor of this and I really think it's an important project for us in a very troubling
10 time. Thank you.

11
12 **CHAIR DE JONG** – Thank you... James Hutchinson... Is James Hutchinson
13 here? Okay, Diana Kurr and I am only calling one name because we are almost
14 at 10:30, which is the end of our tape.

15
16 **SPEAKER KURR** – Thank you for hearing me. My name is Diana Kurr and I'm a
17 resident of Moreno Valley at 14885 San Jacinto Drive. I live within the radius that
18 we are speaking about within this plant. I just basically have the major objection
19 that has just been spoken by another person so I'll say it briefly. I think that the
20 precedent for changing this plan and moving to this location is a silly thing to do
21 when we already have a plan that you've spent a long time developing. When I
22 first moved here I was very pleased and felt secure that the plan was a place
23 where I wanted to be and now I feel a little bit concerned that this might go out
24 from underneath me and not be the one that I had hoped it would be. I think
25 there is a tremendous amount of naiveté tonight that this one project is just going
26 to change everything that needs to be changed in the world; the jobs will be
27 wonderful; everything is going to be just wonderful as a result of this one plant.
28 Coming down to a very personal level and I know a lot of other people spoke
29 about the big picture but I sat there as I watched the presentation and I thought
30 to myself on a personal level I don't even exit at Nason anymore. It's just totally
31 impossible. Occasionally I go down Moreno Beach, but generally I go down
32 Redlands and if you take Redlands away from me I don't know how I plan to get
33 home because that's going to be really congested. I've looked at that beautiful
34 lush landscaping and that I remember just recently I was given a notice from the
35 water company that my tiered things were go into effect because I needed to be
36 very conservative with my water and that the prices and everything were going
37 up and that we were in an water crisis and I looked at that forest around that
38 beautiful building and I think oh my gosh, that looks like a really poor use of
39 water. You're talking about dropping property values. I personally think that my
40 property value will be of less value if I have to tell people oh yes there is a
41 warehouse right down the street, but the big precedent; the problem for me is the
42 precedent that once anything is modified you leave the door open so that every
43 other person that comes in here, the precedent has been set and that whole
44 entire area I fear will be turned into warehouses. The one warehouse sounds
45 pretty sound pretty innocuous but I think when that whole area turns into

1 warehouses we would have a serious problem in that end of town and I ask you
2 to seriously consider your decision tonight against the warehouse. Thank you.

3
4 **CHAIR DE JONG** – Thank you... As I noted at the beginning of the meeting we
5 need to take a break at this point to at least to change the tape and then we are
6 going to discuss what we are going to do further, so are we going to do that after;
7 how does that work?

8
9 **PLANNING OFFICIAL TERELL** – I suggest that you might want to have a
10 discussion now before you break. You've got a few minutes to do that.

11
12 **CHAIR DE JONG** – We have 15 Speaker Slips left.

13
14 **COMMISSIONER GELLER** - I'd like to finish tonight. I don't want to have to drag
15 everyone back and I don't it's fair to even the residents. They're here; they're
16 waiting; let them speak and let's get it done.

17
18 **CHAIR DE JONG** – Do we have more Speaker Slips?

19
20 **PLANNING OFFICIAL TERELL** – My understanding is there are more Speaker
21 Slips from people in the other building than you have in front of you.

22
23 **CHAIR DE JONG** – Let's bring them on. What's the rest think?

24
25 **VICE CHAIR MERKT** – There is a lot more to cover and I think that we're all
26 going to get exhausted and we're going to drag these people out till after
27 midnight... well after midnight if we keep going and I think that we should stick
28 with what we thought about last time which is simply we go to 11 o'clock and
29 adjourn this and then come back; continue it because it's just you know... it
30 would give people more time to look at it because that's been a common
31 complaint that they haven't enough time to review it and it will give them more
32 time to review and it will give us a change to review even further and review the
33 material that's been given to us by several people. I just see many, many
34 benefits by calling it at a reasonable hour and not keeping people out in the
35 middle of the night over this. There is no need to rush this. It doesn't deserve
36 that.

37
38 **CHAIR DE JONG** – Can you give us an estimation of how many other slips there
39 are?

40
41 **PLANNING OFFICIAL TERELL** – My understanding is I think I gave you about
42 20 and there is another 20 beyond that.

43
44 **CHAIR DE JONG** – So that's another two hours minimum?

45
46 **PLANNING OFFICIAL TERELL** – Potentially yes...

1
2 **VICE CHAIR MERKT** – Too late
3
4 **COMMISSIONER MARZOEKI** – Way too late
5
6 **COMMISSIONER DOZIER** – Well I would like to get as much done as we can
7 tonight. I got a nap before I came here. I'm good to go. I'd like to really get...
8 It's hard to get people out. I'm happy to see them out and I'm happy they've
9 taken the time to come and express themselves and I think they've already
10 waited 3 ½ hours to speak, so I would like to just continue with this as long as we
11 feel we can go.
12
13 **PLANNING OFFICIAL TERELL** – Just for clarification, I've got a clarification...
14 There were originally more people in the other building but other than the ones
15 that you have, the other people left, so what you have before you; I think it's
16 about 20 is it.
17
18 **CHAIR DE JONG** – So there are no additional Speaker Slips...
19
20 **PLANNING OFFICIAL TERELL** – That's correct
21
22 **CHAIR DE JONG** – Okay so let's... Does that change your opinion?
23
24 **COMMISSIONER RIECHERS** – Yes
25
26 **COMMISSIONER MARZOEKI** – Twenty more is how many?
27
28 **CHAIR DE JONG** – We have 15 here...
29
30 **VICE CHAIR MERKT** - But that doesn't include our questions or comments or
31 nothing else or Commissioner Debate. We can go forever...
32
33 **COMMISSIONER MARZOEKI** – But we can get this portion done
34
35 **PLANNING OFFICIAL TERELL** – Yeah you have two issues. Obviously one is
36 completing the Public Testimony and the other is whether or not you want to
37 have any discussion tonight; that would be a separate decision.
38
39 **CHAIR DE JONG** – Well we can reach another discussion point after we finish
40 the Public Testimony...
41
42 **COMMISSIONER GELLER** – Yeah let's at least finish the Public Testimony and
43 get through that.
44
45 **CHAIR DE JONG** – We'll at least finish that
46

1 **COMMISSIONER GELLER** – So at least the people don't have to come back
2 unless they really want to.

3
4 **CHAIR DE JONG** – Let's go to break then and allow the tape to be changed and
5 we will continue public discussion when we come back from the break change...
6 10 minutes, is that appropriate... Thank you, 10 minutes.

7
8
9 ***(10 MINUTE RECESS)***

10
11
12 **CHAIR DE JONG** – And we're back to our Public Hearing. We are continuing
13 our Public Testimony. I'd like to hear from Rachel Lopez now followed by Terri
14 Hall. Ms Hall if you could would for a minute please; hold on... Let's have a
15 quick discussion amongst ourselves before so we can determine what we're
16 going to at the end of the Speaker Slips here.

17
18 **VICE CHAIR MERKT** – Yes just briefly, we've covered some of possibilities of for
19 what we're going to do with this meeting. As it now looks we'll probably have
20 another hour's worth of public testimony and we felt that as Commissioners that
21 we wanted to review some of the material that had been given to us tonight;
22 perhaps review some of the original material and some of us have early morning
23 operations that we need to do. In addition the public shouldn't have to stay here
24 until 12 or 1 or 2 o'clock, so we thought we'd continue the Public Comments and
25 at the conclusion of the Public Comments we would continue this Hearing to
26 another meeting and then we would hear the rebuttal and subsequent
27 information that meted from these meetings.

28
29 **CHAIR DE JONG** – I think that wraps it up. Does everybody concur?

30
31 **COMMISSIONER DOZIER** – I just wanted to clarify that we would; we've got
32 15...

33
34 **COMMISSIONER MARZOEKI** – 15 Speaker Slips...

35
36 **COMMISSIONER DOZIER** – 15 Speaker Slips and we're going to get through
37 those and we're going close Public Testimony and that'll be pretty late and the
38 next thing that comes after that is rebuttal by the Applicant and then after that
39 Commissioner Debate. Those are the things that we're going to do during the
40 continuation that we have agreed that would be after we Public Testimony there
41 will not be another opportunity for the Public to give a Speaker Slip.

42
43 **COMMISSIONER GELLER** – Right, but they can submit comments in writing for
44 our next meeting and we'll certainly read them...

45
46 **CHAIR DE JONG** – Right, absolutely...

1
2 **COMMISSIONER DOZIER** – If you're still away and you had to leave early for
3 whatever and you still want to have your comments read by us before we
4 deliberate, they can be submitted in writing to the City and we will get them and
5 we will read them before we have to enter into Commissioner Debate on the
6 issue.

7
8 **COMMISSIONER MARZOEKI** – And when would that meeting be? I'm just
9 questioning when that would be...

10
11 **PLANNING OFFICIAL TEREEL** – Well we've reserved a couple of dates... We
12 do have this room reserved for next Thursday the 15th and that may fit into what
13 you're talking about because it doesn't appear you are asking for any Staff work
14 to be done between now and your next meeting. The other date that we do have
15 reserved is the 29th, but that was in anticipation that you might want some data
16 generated and that doesn't appear to be the case at least from what I've heard.
17 We haven't got that far yet.

18
19 **COMMISSIONER GELLER** – I would like to do it on the 15th

20
21 **COMMISSIONER MARZOEKI** – Yeah the 15th is fine with me

22
23 **CHAIR DE JONG** – I would agree with that. I concur

24
25 **COMMISSIONER RIECHERS** – Yup

26
27 **VICE CHAIR MERKT** – If we're taking a straw poll, yes the 15th sounds fine for
28 me as well

29
30 **CHAIR DE JONG** – Okay, so that's it. Tonight if you want to get your Speaker
31 Slips in tonight; tonight is the last opportunity. Thank you... Rachel Lopez
32 followed by Terri Hall

33
34 **SPEAKER LOPEZ** – Thank and good evening. My name is Rachel Lopez and I
35 do not live in Moreno Valley. I work with the Center for Community Action
36 Environmental Justice in Riverside, but I am a resident of Mira Loma and Mira
37 Loma has been mentioned quite a few times. It is known as the warehouse
38 capitol of the Inland Empire. We're number one in worst fine particulate pollution
39 in the south coast basin according to a recent study in June of 2008 indicating we
40 have the highest levels of particulate pollution; air pollution; pm 10 and also fine
41 particulate pollution. Fine particulate pollution is the worst kind that gets down
42 into the lungs and really causes cancer. It has even been known to cause or
43 create DNA issues. We have children in our community; our children in Mira
44 Loma have the weakest lung capacity of all children in the south coast basin.
45 Inland air pollution not only can steal people's health but as the recent study
46 indicates it also brings a huge financial burden to everybody. The smog the

1 shroud Southern California costs the region an estimated 21.6 billion dollars a
2 year in health care expenses, sick days and deaths according to the authors of
3 the study by California State Fullerton's Institute for Economic and Environmental
4 Studies. The total includes 6.3 billion in estimated costs in Riverside and San
5 Bernadino Counties. We pay for loss of life and sickness and for the kids who
6 don't get to school or we pay for the clean up of pollution. There is a price either
7 way. The researchers calculated that that the highest costs were in the Inland
8 area; an average of 1,500 to 1,600 per person particularly in Riverside County
9 because of high levels of fine particulate pollution. Past research has linked such
10 pollution to heart attacks, asthma episodes and increased hospitalizations and
11 death. Using statistical studies that link increased air pollution and increased
12 illness, the estimated health effects that included nearly 900 early deaths in the
13 Inland counties; 785 non-fatal heart attacks and 97,530 missed work days. Many
14 studies have shown that death rates increase along with air pollution. Scientists
15 call those premature deaths. Now I've heard all evening about and I've seen the
16 pictures of this beautiful warehouse. It is beautiful, the landscaping is great, but
17 remember this landscaping is not going to be up right away. The warehouses we
18 have in Mira Loma, we have over 100 of them; over 100 warehouses in our
19 community. Even if they were this beautiful, they would be still causing the air
20 pollution that they are causing now. I want to; the last little piece that I want to do
21 is I want to urge the decision makers here tonight to sit back and take a long hard
22 look at what you are asking these residents of Moreno Valley and the health risk
23 that you are putting them in; the type of health risks that you are asking them to
24 endure. This developer is going to come in, do his development and will not be
25 here to feel any of these impacts. Thank you.

26
27 **CHAIR DE JONG** – Thank you... Terri Hall followed by Susan Siegle

28
29 **SPEAKER HALL** – Good evening. I'm Terri Hall. I live at 29177 Stephens
30 Avenue. I've been a resident of Moreno Valley for 31 years. Prior to that I was
31 born and raised in Pedley which is right next to Mira Loma and I'm very glad to
32 be a speaker right after this woman because I am testimony to the air pollution
33 problems that developed from Mira Loma. Pedley was a wonderful community to
34 be raised in. Air quality was not a problem, but once all the warehouses started
35 to be developed in Mira Loma, my mother in particular developed asthma so bad,
36 we moved her from Pedley finally after living there for 50 plus years to Moreno
37 Valley where the air quality was better. Her asthma disappeared. Her breathing
38 was much better. Now you are bringing the same environment that we escaped
39 from Pedley out here to our community. I love the east end of Moreno Valley; the
40 beautiful vistas that we have out there. I don't want the warehouses and I think
41 the people that think this is going to bring jobs to us; it's not. The people who
42 already work for Sketchers in Ontario; they are the ones that are coming to come
43 and take these jobs. I think it's going to be such a disappointment to them and I
44 really feel bad for them because I realize the necessity for jobs, but this
45 Sketchers is such a bad project and it's not going to be what it is proposed to be.
46 Thank you.

1
2 **CHAIR DE JONG** – Thank you... Susan Siegle followed by Thomas Thornsley

3
4 **SPEAKER SIEGLE** – Good evening. My name is Susan Siegle. I live at 28910
5 Bay Avenue. I'm within a half mile of the project. I have lived there for 27 years.
6 Terri is my sister and so of course I've seen the difference in my mother from
7 moving from the pollution up to where we live now. The building is beautiful, but I
8 see a lot of things that need to be watered and I too have been notified by the
9 water district that I need to probably need to pay a higher rate. I do have an
10 acre. I have a huge garden that I do every year, so I know that water is going to
11 be scarce and I planned on removing some of my grass so that I could still water
12 my garden, but my main concern is the pollution. Are 120 jobs worth the life and
13 the health of the people that live in Moreno Valley? How many people that
14 commute are going to get a job there? How many people from Moreno Valley
15 are going to get a job there? If there are so many jobs, why isn't Sketchers here
16 to tell us how many jobs it's going to create? Now I understand it is going to
17 create construction jobs, but then those jobs are going to be gone and we're left
18 with a beautiful warehouse that's still a warehouse and that beautiful one is going
19 to make another one over here and then we're going to have another one over
20 here and it's all going to move into our beautiful east side and yes we have
21 horses. That's why we moved... I don't have a horse but there are horses all
22 around me. I'm not rich. I did not drink champagne New Year's Eve and I find
23 that the gentleman needs work; we all need work, but I just thought that he
24 wasn't very eloquent in describing the people that live out there. We're just
25 normal, everyday, hardworking people; some of us are out of work; some of us
26 have lost our homes, but I don't think this is the answer. What we're bringing is a
27 beautiful building that's going to pollute. I can walk out at 4 in the morning, which
28 is when I get up to get my paper and I actually can see the stars. Is that still
29 going to be the way when we have 1,400 trucks coming in every single day? I'm
30 just really concerned with the health issues and the chance that this is just going
31 to spread and that this whole beautiful area is just going to become on big giant
32 warehouse. Thank you very much.

33
34 **CHAIR DE JONG** – Thank you... Thomas Thornsley followed by I believe its
35 Kenneth Engi...

36
37 **SPEAKER THORNSLEY** – Good evening Commissioners; Thomas Thornsley,
38 29177 Stevens Street in Moreno Valley. We're within a view's distance of
39 looking up to the project site. I've been involved with City Planning for 18 years.
40 It's been my career. I've done environmental documents, specific plans and
41 been in Mike's position before in other cities, so to see what's coming you before
42 now is nothing new, but after spending 10 years updating your General Plan and
43 only two and half years ago finally finishing it, you are now coming forward and
44 wanting to change this. The City arranged where they wanted land uses to be
45 and I think you need to keep them that way; keep the types of businesses where
46 they need to be. This project obviously needs to go somewhere. From what I've

1 read and I spend days reading through the EIR, this needs to be off of a rail spur,
2 so that the volumes of stuff that comes in from the port of Long Beach and LA
3 can come out by train to the site as opposed to all the trucks that will bring it to it,
4 so for location it's not right; for the jobs per square foot is definitely is not right
5 because a warehouse is one of the lowest job generators per square foot of all
6 of the businesses you can have. Your number of about 2,400 jobs; a lot of that is
7 going to be part of the commercial components, so you'll have to look at that. I
8 have no idea what Sketchers will ultimately have when they have their state of
9 the art facility. It probably won't be the same level as it is now. For LEAD
10 certification, the building proposed; they haven't established a standard. They
11 don't tell you that they want to be silver, gold or platinum. If they are silver, which
12 is the bottom, they'll just barely be above the building code standards. If they
13 want to go to gold or platinum, that may be something to talk about. The
14 generation power on there; the responses to my comments; it says right in there
15 that they will not provide any more solar panels on there that what would facilitate
16 the office portion of the building and that anything beyond that was too costly, so
17 they've said it right there, they are not going to go very far on that part of it.
18 There was mention here about the school district. The school abandoned this
19 site for a high school just catty-corner from this site within the last year because
20 of this kind of a project that's in the works in the City and that the City officials are
21 considering. The district doesn't want to have their students which are the
22 sensitive receptors next to this kind of facility. My biggest fear is that the entire
23 area out there which comprises of over 800 acres is going to convert all the way
24 into warehouses as opposed to the residential, which we knew we were getting
25 into when we bought our house. As a Planner I went there and found that out. If
26 you're going to change it out there and you're going to get around to it, we all
27 need to work at coming up with a whole new vision for that whole area so that it's
28 not just one piece at a time until we diminish our way of life. Thank you very
29 much.

30

31 **CHAIR DE JONG** – Thank you... Kenneth Engi followed by David Serrano

32

33 **SPEAKER ENGI** – Good evening, my name is Kenneth Engel and I live at 10680
34 Harry Keith Drive. I represent a small community of 13 homeowners and we are
35 not incorporated by the City of Moreno Valley, however we do drive through it
36 and hope to be incorporated one day and I'm sure we will be, but I would like to
37 bring up as a point to you all is I represent the future of Moreno Valley. My wife
38 and I moved here three years ago. We bought land here. We built our home
39 here. We are solar. We are off the grid completely. We have family members
40 who moved to Moreno Valley. We have our dearest friends who moved to
41 Moreno Valley; bought property; built homes. Out in the east end we are in
42 92555, which is now called Rancho Belago. As I recall a year ago we were
43 renamed because we were being touted as the new Beverley Hills. Well I've
44 never seen a warehouse and I've never seen a warehouse of this magnitude
45 anywhere near Beverley Hills, so what direction are you driving this City? We
46 already have an area in the southwest that is designated as being warehouse.

1 It's close to the airport; there is railroad nearby; easy access off the freeway and
2 the freeway will take anyone where they want to be. I drive on that 60 freeway
3 everyday. My wife and I both work for the County of Riverside. We are in Social
4 Services. We are not wealthy people. We have worked hard to get where we
5 are and we like where we are. We like the rural community. We loved the
6 equestrian trail. Do I have horses; no; I can't afford them, but my neighbors that
7 do, more power to them. Do they want to be riding through an area of
8 warehouses; no. We have an entire area that is to the east of our property and I
9 don't know how many acres it is; it's been sold and re-sold and re-sold so many
10 times just in the last four years that's it's in incredible. The County of Riverside
11 has recently purchased all of that land. All of that land is now a preserve for the
12 Kangaroo Rats and the Burrowing Owls that everyone was so concerned about
13 some 10 years ago for the east end of the valley and now there is no concern for
14 these animals that are natural to the area and have no other place to go to. We
15 have different groups of individuals; private parties who have gathered together
16 to buy up land in the badlands to preserve that. We have the area around Mystic
17 Lake, which no one will be able to see from the 60 freeway any more because
18 there is going to be a huge warehouse there, with lots of pretty landscape that
19 only the workers who work there will see and how many of those workers will
20 there be and is Sketchers going to be around in five years? How many banks
21 have gone under recently, but we're counting on a nation or a worldwide
22 corporation to provide a handful of jobs, destroy east end valley...

23

24 **CHAIR DE JONG** – Time is up sir

25

26 **SPEAKER ENGI** – Well thank you very much

27

28 **CHAIR DE JONG** – David Serrano followed by William Arsenault

29

30 **SPEAKER SERRANO** – I'm David Serrano and I've lived in Moreno Valley for 34
31 years; my current address for 30 years. My wife and I are both retired and
32 currently we both drive both the 60 and the canyon route to babysit our
33 grandchildren. We drive that in the morning and then in the afternoon and they
34 are both very dangerous roads because of the number of trucks that are on there
35 and this project is going to add even more trucks to that. It's going to make it
36 more dangerous. My daughter drives that 60 freeway to go to work in Riverside
37 and you know she can't... I don't want her to be driving under those conditions.
38 It would be easier for her to drive from Beaumont than for her to drive on the 10
39 than to drive the 60. I also wanted to point out that the presentation that was
40 made earlier showed very clearly two lane roads around that property and the 60
41 is two lanes each way with slow trucks and faster trucks trying to pass those
42 trucks, so that congestion is just going to increase. In the presentation they also
43 conceded that there are many, many small warehouses empty in the Inland
44 Empire. We're just bringing businesses that are in one place; there's no jobs
45 being created, they are just coming from one place to another. They're playing
46 musical chairs. His solution is to build an even bigger warehouse and there is no

1 guarantee that that warehouse in a couple of years is going to be sitting empty.
2 He also pointed out that there were three and I don't know where that analysis
3 came from but there are three alternative sites. It's clear that the other two sites
4 on the 215 corridor are better situated. They would not create the congestion.
5 The only reason that site has been chosen is because they own the property.
6 There was no analysis made as to where to situate it, they bought the property
7 and then they decided to built it there and he's not going to build one building,
8 he's going to build two or more, so I think you need to really look at the quality of
9 life in Moreno Valley. I don't apologize for being retired. I don't apologize for
10 having lived here and wanting to keep it the way it is.

11

12 **CHAIR DE JONG** – Thank you... William Arsenault followed by Vivian Galvan

13

14 **SPEAKER ARSENAULT** – Hi my name is William Arsenault. I live at 12020
15 Fennimore Drive in Moreno Valley; the east side of Moreno Valley. One of the
16 penalties of being one of the last Speakers is that everybody has pretty much
17 covered everything you've got to say, so I'll try to keep it short, but the big issue
18 for me and my family is that we were pretty active in the east side. We've been
19 there for 20 years. People remember maybe the Fun Zone that was going to be
20 built out in Moreno Beach; that was an inappropriate development and
21 fortunately it wasn't done. We can look at Pharaoh's Lost Kingdom and what it's
22 done to Redlands and that area and now we've got another one. We've worked
23 hard to get the General Plan to fit everybody's needs. There was talk about
24 commercial. There was talk about warehousing way back when and we had a lot
25 of input from the east side to find something that everybody could adapt to and
26 everybody could accept and it was agreed that Business Parks would be
27 acceptable. Now the ink is barely dry and here we are talking about... we're not
28 talking about changing a little piece of it; we're not talking about taking one little
29 Business Park out and putting a little biddy warehouse in; we're taking about
30 changing the entire scope of the east side of town. You put in a 1.8 million
31 square foot warehouse; the template is set; it's done, so we can't sit here and
32 say we'll we're only making a five percent or 10 percent change to the General
33 Plan, we all have to be realists and say we're changing the entire scope of that
34 side of the City, so we've got to be very, very careful about this decision. There
35 is a lot of talk about jobs. This isn't about Sketchers in Moreno Valley. I think
36 Sketchers being in Moreno Valley is a great thing. I don't know that anybody is
37 going to fly from Paris to Moreno Valley to visit, but it would be nice to have
38 Sketchers in town, but Sketchers needs to be where the City has already agreed
39 to have commercial distribution facilities and that's over by March Air Force Base
40 in that whole area. That area was designated for it. We've got a great tenant.
41 This City ought to work with the developer; they do it every day to try and find
42 ways to get landowners to sell so you can get a large enough parcel and do
43 whatever it is you've got to do and in the end this is non-scientific, but that the
44 video of the 60 freeway had to have been shot simulation at 2 in the morning.
45 There is just no way... I don't forget red cars; forget red trucks... It has nothing to
46 do with more trucks less... there is no way that that traffic... I came home tonight

1 at about 4:30 dead stopped at Pigeon Pass to Heacock. There is no way it's
2 nice, easy, on-ramp/off-ramp. Thank very much. Please do not approve this
3 project.

4
5 **CHAIR DE JONG** – Thank you... Vivian Galvan followed by Kia J. Kerr.

6
7 **SPEAKER GALVAN** – Hi my name is Vivian Galvan and I am Moreno Valley
8 resident. I have been living here now for about 4 years. I was enticed to come
9 out here by the promise of Rancho Belago. It was supposed to be the beautiful
10 part of Moreno Valley. I came out from the Rancho Cucamonga area. I am a
11 Registered Nurse. I have a Masters in Nursing and in Public Health. I am very,
12 very, extremely concerned about what the pollution will do to our children, the
13 elderly in the community and what the long term implications will be. I think that
14 we're looking at this currently. I know that we are in a financial deficit and I know
15 that we need money and that we need jobs and I know that everybody looks and
16 needs a quick fix, but the money; the revenues that we're going to be acquiring
17 will not, and I repeat will not outlast the long term health benefits and we're
18 talking about bronchitis; somebody talked about moms who have lung problems.
19 Yes it does affect the elderly more. It affects children because under seven
20 years of age, their lungs aren't developed. There are brand new families out
21 there. Everyday I run the trails out there. I take my dogs out for a walk out there
22 just as Maureen, I was out there and I encourage the members here to go out
23 there and drive in the early morning and at nights it's true. I have family that
24 come from the Rancho area to my home so that we can have picnics and do
25 camping out in the backyards. You know we can see the stars. You can really,
26 really see the stars... why; because the pollution is not as great as it is in the
27 inner part of the valley, so we have to think; we have to realize is this really
28 something that really is going to benefit us as community. I know that we need
29 the jobs, but really consider the fact that this may not be the best solution for us
30 and it's not in the proper place. When I bought my home in this area I was
31 promised Rancho Belago; a beautiful community. I have evidence here; a
32 brochure that was given to me about how I going to be able to ride my horse. I
33 was going to be able to run on the trails.

34
35 **CHAIR DE JONG** – Please limit the outbursts from the audience...

36
37 **SPEAKER GALVAN** - I was going to be able to walk at any time of the day or
38 night without problems and now we come before... this is not the Rancho;
39 beautiful, educational and I'm talking beautiful area. It's really; it's sad to me that
40 a lot of other communities don't know how beautiful because that's what I can
41 really tell you, it's a beautiful area. Please do not destroy it. There are kangaroo
42 rats out there. I have seen them. There are rabbits out there. Yesterday we
43 saw coyotes. There is a whole array of different animals and species that still
44 live in that area and I urge you to please save our area. There is an array of
45 different areas where you can put this and this not the right location. Please
46 save my Rancho Belago or Moreno Valley or whatever you want to call it, but

1 think of our brochure and think of why we bought there. I didn't just buy my
2 house there. I did my homework and this is what was promised. There was no
3 light industrial zoning. There were no big diesel trucks coming by. I ride my bike
4 to work; I mean... Thank you.

5
6 **CHAIR DE JONG** – Thank you... Kia J. Kerr followed by Jerry Schatz

7
8 **SPEAKER KERR** – Good evening Honorable Chairman and fellow
9 Commissioners. My name is Kia J. Kerr. I live at 13161 Mozart Way, which yes
10 is out on the east end. I work for a nearby jurisdiction and I understand the
11 process for this type of a project and of this; you know a little bit. Generally
12 projects of this size and money once they have made it to this stage are pretty
13 much; they have a high percentage of approval, but I feel as in voting that if you
14 don't voice your opinion, you have no reason to gripe about it later, so I do have
15 some concerns that could possibly be muted if certain conditions were put on this
16 project and future projects going out there. Some of those concerns are of
17 course the traffic, which you guys have heard about. Who is going to be paying
18 for the roads and the repairs of the roads? I don't know if you guys have been
19 out on Redlands Boulevard lately. Basically half the street looks like it's been
20 pummeled covered and that's just going to get worse with heavier trucks, so is
21 the City going to be paying for that; the developer. Is the City able to pay for that
22 if that's the case? Parking and travel of the trucks in residential neighborhoods...
23 it looks like everything is going to come off of Theodore but the only problem is
24 some of those truckers they don't get that message. They'll get off at Redlands
25 thinking that's the shortest route in and see that there is no access or if that bar is
26 there and they still can't get access, they are going to go through those
27 neighborhoods to either turnaround to go back out or they are mandated to sleep
28 a certain amount of time everyday; they might end up in those neighborhoods.
29 Does the City have the ability to pay for the expenses for the extra Police,
30 parking enforcement and the Fire Department that is going to have to go out
31 there? Is the City able to cover all these expenses? You guys have already
32 heard about the actual jobs. I had one gentleman that come in to pull an
33 electrical permit; he said he worked in the Sketchers warehouse over in Ontario
34 and they had 30 people; that was it and like he said, they're planning on shutting
35 down three warehouses down there and those people are going to move over
36 here. They are going to take their experienced people and move them over if
37 they are willing to drive, so there is more traffic coming from other places on that
38 freeway. I'd like to see if there are guarantees of occupancy. I've heard that
39 there is a 15 year lease; that's great. What if something happens? Are we going
40 to see that empty warehouse for years and years to come? Are the funds
41 secured to even build it? We have projects, plan checks done, permits ready
42 and the banks won't fund it. Do they have the funds to actually build this project
43 and the renderings are great, I love them; beautiful. Is there any guarantee that
44 those will be done and how far into the future? Those trees probably look like
45 they are 20 or 30 years old and I don't think they are going to be planting that
46 type of tree right there.

1
2 **CHAIR DE JONG** – Time is up

3
4 **SPEAKER KERR** – Thank you very much and have a good evening.

5
6 **CHAIR DE JONG** – Thank you... Jerry Schatz followed by James Bryant

7
8 **SPEAKER SCHATZ** – Hi my name is Jerry Schatz and I live 28689 Manzanita
9 Avenue. I too live on the east end of town. I can't give much more information
10 that what the past ten or fifteen people have already told you. Traffic will be a
11 problem. Pollution will be a problem. Those trucks coming down the 60 freeway
12 to the 215 interchange is just going to make a traffic nightmare for Moreno
13 Valley. People that want it now for the jobs, there is no job guarantee like people
14 said. How many of the jobs are actually going to be Moreno Valley residents?
15 Are we not just going to get Sketchers out here with people commuting from
16 Pomona, Ontario up to Moreno Valley causing us more problems and having no
17 jobs for Moreno Valley? That's all I wanted to say... just that all these people
18 have already said it, but I would ask that you vote no for this project. The east
19 end of town has been a designated rural area. It's been kept that way. We need to
20 keep it that way. There are plenty of places for this type of development over by
21 March Air Force Base. Thank you.

22
23 **CHAIR DE JONG** – Thank you... James Bryant followed by June Louedy

24
25 **SPEAKER BRYANT** – Okay my name is Jim Bryant. I also live in the east end.
26 We're finally getting up here after on the west end talking all night long. I live
27 29124 Alessandro; that's south of this project. I've been there for 40 years. I'm
28 not like these new kids been here for 10 and 15 years. I've seen the east end as
29 being a dumping place for everything through the years. Most people don't know
30 about it, but they wanted to put an acid pit out there. That was voted out. That
31 was by the same guy that by made Stringfellow. He learned his mistakes that
32 Stringfellow. They wanted to put a prison out there on the end of Alessandro.
33 They wanted to put a tire burning plant out there on the end of Alessandro and
34 an airport that was going to be right in the corridor where Rionerkak (?) comes
35 through and there is supposed to be crippled aircraft; maybe without radios or
36 whatever and well that one also got all shot down. The reason I'm here again;
37 like they said about traffic congestion. That was a really cute picture that he
38 showed, but then like then he said it was probably about 2 o'clock in the morning.
39 It's always jammed up. You go down any day and talk to Mr. West about it. I
40 said have you every gone to Riverside at 8 o'clock in the morning... ah no... well
41 try it. You get stopped at Day Street and you're stuck. I was going to Court and
42 it took me two hours to get into Riverside. The roads that are there aren't made
43 for heavy traffic. Like the gentleman was saying they're all busting up. Rancho
44 Belago was supposedly in the master plan as acreage and lakes and all kinds of
45 nifty stuff out there like the lady showed you. That's kind of gone down in the
46 deal. About six months ago I was in a deal where they are putting R6 housing in

1 that area. R6 six is high. My wife got run over by a truck. She is now
2 permanently disabled. That's why a few more trucks out there would be hitting
3 cars. There is no way we should have that out there. Like I said, it's going ruin
4 the whole rural area out there. Like I said, I've been out there in that particular
5 area for about 35 years and it's been nice. We don't get all the amenities they
6 have in town, but the people like it and we want to be left alone and keep your
7 warehouse out of there and put it back in down by March Air Force Base. Like
8 the other gentleman said, they got railroad spurs; they got the airport; they can
9 get their stuff in, instead of trucking everything up the roads. Thank you.

10
11 **CHAIR DE JONG** – Okay, June Lowedy followed by Don Krasniak

12
13 **SPEAKER LOWDEY** – Good evening. My name is June Lowdey. I live at
14 25890 Jumano Drive, Moreno Valley at the Moreno Valley Ranch. Now I am
15 from London and London is a big city and in London they have a lot of Fortune
16 500 there and this is going to be a Fortune 500 that is coming to Moreno Valley
17 and that's terrific because this is exactly what we need. We need those great
18 Fortune 500 companies to come here in Moreno Valley because it will make it a
19 big city where we will have lots of lovely visitors; just like we have in London. We
20 have lots of great visitors from all over the world and lots of jobs. Maybe it might
21 not be as much as what people are hoping for from the Sketchers Company but
22 at least it's a start. Thank you.

23
24 **CHAIR DE JONG** – Thank you... Don Krasniak followed by... I can't read that,
25 please go ahead...

26
27 **SPEAKER KRASNIAK** – Good evening. My name is Don Krasniak. I'm a
28 resident in Moreno Valley for 24 years and I've lived for 15 years on the east side
29 at 11663 Via Colina and I'm within about a mile of the proposed development. It
30 seems we've been front loaded with supporters of the development project by
31 Highland Fairview and finally some of the residents from the area are speaking.
32 Now I'd like to speak from the position of living just across the freeway from the
33 proposed warehouses. I believe I speak for many residents in asking the Council
34 to consider voting against the change in zoning and allow an appropriate period
35 of time to review and assess the environmental impact of this proposed plan with
36 consideration of the future beyond this project. I am an educator in Moreno
37 Valley and I teach science. We haven't had any real scientific person come up
38 and speak and I can't really say that I'm an expert in any area, but I do have
39 several degrees in biology and a Master's and I think I can reason through some
40 of the concerns that people have already stated and I'm a realist when I consider
41 the impacts of large scale projects like this and the developer briefly stated there
42 are air quality concerns that cannot be mitigated and tried to prove the low level
43 of impact with the graph showing this during his presentation. But a project of
44 this size involving diesel truck traffic with what I call no limits on what numbers
45 will result in 10 to 20 years must be studied further before proceeding.
46 Unforeseen impact nearly always involves impact to human health. Now I'm not

1 a tree hugger; as I said I'm a realist and about the future and the current benefits
2 of the employment and the tax revenues for the City, they cannot outweigh the
3 potential benefits I want say... they cannot outweigh the health of our future five
4 warehouses down the road. When I bought my home in east Moreno Valley 16
5 years ago I did so with the intention and desire to retire there and I have only 12
6 years left to pay on my house. Now I'm worried that my beautiful home will be
7 devalued because of a nearby warehouse district. Contrary to some people's
8 understanding east side Moreno Valley home values will take a hit with
9 warehouses. I bought my home there because of the rural plan and I'd like to
10 see it stay that way knowing that the houses are supposed to be on half acre lots
11 and so on, but the pinch of economic times should not bring poor decisions and
12 we need to reason through those decisions, even though the warehouse is going
13 to be a "A" Class warehouse. As stated before, much worse can come down the
14 road and I just want to mention one more thing. It's very easy mathematically to
15 figure out what truck traffic does at 15 percent of the proposed increase of
16 15,000 vehicles per day, that yields 32 miles of semi's bumper to bumper with no
17 spaces inbetween, so if you space that out; 32 miles worth of trucks in a 12 hour
18 period, that's two trucks every minute if that's all they worked was 12 hours. If
19 it's 24 hours, it's one every 40 seconds, but that's too much diesel and too much
20 of a health impact. Thank you.

21
22 **CHAIR DE JONG** – Thank you... Laura Covanrubio followed by James
23 Hutchinson. Did I get that name close? Here she is... is James Hutchinson
24 available?

25
26 **SPEAKER COVANRUBIO** – My name is Laura Covanrubio. I've lived in Moreno
27 Valley since 1990 and at first I'd like to read a card that my dad had written. For
28 many years Moreno Valley has been known for anti-business and in these
29 difficult economic times Moreno Valley needs to consider opportunities for it's
30 residents over the objections of a few. He has worked in the warehouse in
31 Ontario at Vietta for about 14 years almost and I've worked there for about five
32 summers, so I know that air quality is not nearly bad as you would say it is. I had
33 about asked about how many big rigs go in and out daily and he said that at
34 maximum capacity it's usually... for maximum capacity it would be about maybe
35 120; normally less. In fact a big day is usually about 100, so that would not
36 actually create as much traffic as they had said it would be for a comparable
37 sized building. As that said, I believe what we need to do is just make it more
38 open to any business. Frankly I can't think of a more pressing issue at this point.
39 The fact that we are being targeted for a warehouse is both a good thing and a
40 bad thing. While I had heard about Business Parks being in this area, we haven't
41 really been that open to them either. I haven't heard of anything more than
42 kicking out DHL because of noise pollution but at the same time the keep saying
43 if you want more noisy vehicles to go somewhere they want you to go down to
44 March Air Force Base but every time there is more objections. Every where you
45 go there is going to be objections, but in the end we just need to make it more

1 open to having more businesses; maybe not in this place, but somewhere.
2 Thank you.

3
4 **CHAIR DE JONG** – Thank you... Murdoch Wilson...

5
6 **PLANNING OFFICIAL TERELL** – He left

7
8 **CHAIR DE JONG** – Okay, so James Hutchinson I've called a couple of times
9 and he's not here either. That's the end of our Speaker Slips. Is there anybody
10 else that wants to speak?

11
12 **SPEAKER NAROG** – I submitted Speaker Slips and other people did too in the
13 other room and you didn't call my name.

14
15 **CHAIR DE JONG** – I don't have it up here; John... Okay, come on up, say your
16 name... state your name please... just get in line

17
18 **PLANNING OFFICIAL TERELL** – Fill out a Speaker Slip after you leave

19
20 **COMMISSIONER GELLER** – When you're done

21
22 **CHAIR DE JONG** – When you are done...

23
24 **SPEAKER NAROG** – Okay I think this is conducive... I mean in the other room
25 we couldn't find Speaker Slips; we couldn't find the person for the Speaker Slips
26 and I don't want my time to start yet and people left without having Speaker Slips
27 and I think you guys should postpone the Public Speaking thing so the people
28 that were not given the opportunity have the opportunity to speak. I think it's
29 outrageous that it wasn't available for us and that we were going to be missed
30 and that people were missed. On to the concern at hand... I'm very upset that
31 there a gross discrimination against visions of different lifestyle.

32
33 **COMMISSIONER GELLER** – What is your name?

34
35 **SPEAKER NAROG** – My name is Marsha Narog. I live at 11475 Kerry Lane in
36 the east end or Morningside or whatever you want to call it. I will not call it
37 Rancho Belago because it's a grand takeover of everything we hold dear out
38 there, but the majority of the people in our zip code; the 92555 zip code; that's
39 12,000 out of 15,000 voters voted for candidates that were against the
40 warehouses because we don't want our lifestyle changed. We worked long and
41 hard for the General Plan to have a Business Park there. We wanted to have an
42 overpass where people could walk or ride their bikes to work to the Business
43 Parks. We had a vision. We have a dream too. Our dream did not include
44 warehouses. Our dream did not include extra semi-trucks. Our dream did not
45 include a lot of what Iddo Benzeevi's dream is. One of the things I see missing
46 here is that the Sketchers representatives aren't here. I think because there is so

1 much confusion on how many jobs it would create that a Sketchers
2 representative should be at one of the meetings before any vote is taken. I think
3 it would be credible for them to show up so that people will not be saying this,
4 that or the other thing in making numbers up. People that are wanting these
5 jobs, do not necessarily live or appreciate the values that we appreciate in the
6 92555 zip code area and I think condemning us to a lifestyle that we don't want is
7 irresponsible and the Planning Commission is supposed to be full of people that
8 do planning. I have been a resident of Moreno Valley since 1977. When we
9 incorporated I was hoping that Planning would be paramount and that people
10 would follow the plans. This is one more indication of plans not being followed.
11 It is not appropriate for the plan to be so grossly changed. I walked the
12 neighborhoods putting out flyers for people to come to this meeting tonight. Not
13 one person; not one person supported the warehouses that I talked to. Twelve
14 thousand people voted for people for no warehouses in this area. I want to
15 emphasize that. We do not want that kind of lifestyle in our area. On a more
16 personal note, I am super chemically sensitive. I moved to the northeast end
17 because the air was cleaner. I have lived in five other sections of Moreno Valley.
18 I had problems with pollution in every single one of them. I work in Riverside. I
19 have an air filter in my office. I have air filters that I travel with and I have air
20 filters in my home. I was on Moreno Beach one day when they were developing
21 the condominiums there and a truck sitting next to me was gross polluting so bad
22 that I was going into anaphylactic shock. I sped up to get a way from him and I
23 got a ticket for speeding. If one truck causes that much problem for me and Iddo
24 Benzeevi also said that it's a two mile radius around his place that causes health
25 problems, I'm within that two mile radius and I will not be able to breathe, so I
26 beseech each and every one of you to consider our personal values and desires
27 and vote no for this Sketchers; put the jobs somewhere else for this kind of
28 construction.

29
30 **CHAIR DE JONG** – Thank you... Please state your name and address...

31
32 **SPEAKER MCKEE** – Good evening. Susan McKee, 11577 Knoll Vista and a 29
33 year resident of Moreno Valley. Thank you to all of you for allowing us to speak
34 tonight. I know it's been a long evening and everybody wants to go home, so I'll
35 be brief. I do want to applaud the developers for taking a lot of opportunity to
36 consider the changes and the requests that were made. My objection is only in
37 terms of the location, not the looks or the warehouse itself. I think we have an
38 opportunity with the Business Park perspective; we have a School of Medicine
39 going into UC Riverside. We have the Allied Health Program at RCC along with
40 Kaiser now going into the Hospital and one of the things that the Planning
41 Commission should be looking at or considering are those businesses that look
42 to professionals in building and educating a high quality workforce. And with
43 that, I just thank you for your consideration. Thank you.

44
45 **CHAIR DE JONG** – Thank you...
46

1 **SPEAKER BAYER** – Hi my name is Beverly Bayer. I live at 11719 Via Colina,
2 zip code 92555. I am also in the neighborhood of some of these other people
3 that have spoken recently. I am for this and I am for it because of jobs. We need
4 jobs. The latest unemployment in our region is almost 10 percent; it's 9 ½
5 percent. Two years ago; this is November numbers; that's before the December
6 January and February job loses that we are going to see. Most of those are in
7 retail. Two years ago in November of 2006 the unemployment in our area was at
8 5 percent. Now it's almost 10 percent and it's going to go higher than 10, so we
9 need to consider that jobs are important. I am real estate appraiser. I have
10 watched home values in our area skyrocket through the last few years and
11 dropped starting the summer of 2006. We have lost probably on average 60
12 percent of our values from the summer of 2006 in our homes. We are going to
13 continue to see home values drop because we still have a boat load of
14 foreclosures coming our way. The last recession that was in the 90's was
15 caused by job losses. This recession is caused by irresponsible mortgage and
16 lending. It's being followed by job losses. I think that is going to snowball into
17 more people losing their jobs and more people losing their homes. We do not
18 need that in our community. We do not need more people to lose their homes. It
19 will drop values faster if we have houses that don't have families moving into
20 them. The Inland Empire has been very lucky. In the recession of the 1990's we
21 gained jobs while Orange County and Los Angeles County lost jobs. We have
22 not seen this kind of disaster in our region; in the Inland Empire forever. I mean
23 it really goes back a long, long time. This is really serious and the only way we
24 are going to pull us these tough times that are ahead of us are with jobs. If
25 people have jobs they can afford houses. If people have jobs they can buy stuff.
26 If people have jobs they can pay their taxes. We have to do whatever we can to
27 preserve and provide jobs for our population and that is the bottom line. It is all
28 about trying to preserve our community and it's going to only happen if people
29 have jobs. Thank you very much.

30
31 **CHAIR DE JONG** – Thank you and it appears to be our last Speaker.

32
33 **SPEAKER HOPPER** – Good evening. My name is Joseph Hopper. I live at
34 27400 Walther Way, so I'm almost across the freeway from this development
35 myself. I'm a proud member of IBW Local 440 the Electrical Union and I want to
36 say that I helped build these warehouses that you are all complaining about and
37 the jobs coming out; yeah they're going to be construction jobs for us and you're
38 right, they're going to be short term, but what do need in this area? We need to
39 bring developers into this area to help improve our quality of life. No one has
40 spoken about quality of life here. All you spoke about is we don't want this
41 warehouse. Well let's talk about the west side. Everybody says move it out by
42 March Air Force Base. What happened to DHL? The same people who have
43 come here talking about the negatives of what is going to happen are the same
44 ones that complained about DHL Warehouse out there. They wanted the jobs;
45 they got it; then they complained and they said well the airplanes keep us up, so
46 that now DHL is leaving, so based on those negative feelings about DHL and

1 let's build out in the west end; now you don't want building on the east end either.
2 I live in east end. I live in the nice rural atmosphere too. Change has to come.
3 Change is good. Development is good as long as development is for the right
4 reasons and I think this is the right reason. I think this is a positive move for this
5 City. We do need this development. It will bring jobs. To paraphrase from Field
6 of Dreams, "if you build it, they will come". Thank you.

7
8 **CHAIR DE JONG** – Thank you... Are there any other potential speakers in the
9 audience because this will be the last opportunity? Okay I see none... going
10 once... I'm going to close Public Testimony. Thank you. Alright, true to our
11 word...

12
13 **COMMISSIONER GELLER** – Do we need to make a motion to continue the
14 meeting?

15
16 **PLANNING OFFICIAL TERELL** – Yes

17
18 **COMMISSIONER GELLER** – Mr. Chairman I'd like to make a motion that we
19 continue this meeting until next Thursday which is ...

20
21 **COMMISSIONER MARZOEKI** – The 15th...

22
23 **PLANNING OFFICIAL TERELL** – The 15th ...

24
25 **CHAIR DE JONG** – Before we do that, we have a comment...

26
27 **VICE CHAIR MERKT** – Well just a request... John, some of the people have
28 asked and I also would appreciate if we have a meeting next Thursday that there
29 could be a representative from Sketchers here to ask certain questions, because
30 I have a number that probably cannot be answered without a representative from
31 Sketchers.

32
33 **PLANNING OFFICIAL TERELL** – Okay, we're not in direct contact with them but
34 certainly the question has gone to the Applicant and they are aware of it and
35 hopefully they can take care of that.

36
37 **VICE CHAIR MERKT** – We're seeing Sketchers and its being referred to
38 constantly so it's not like it's in a vacuum. I'd like to be able to ask them some
39 questions.

40
41 **PLANNING OFFICIAL TERELL** – Understood

42
43 **CHAIR DE JONG** – It would be appropriate, thank you... continue...

44
45 **COMMISSIONER GELLER** – Okay, anyway I'd like to make a motion that we
46 continue this meeting to Thursday, January 15th, 2009 at 7 o'clock.

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CHAIR DE JONG – Thank you

COMMISSIONER MARZOEKI – I’ll second that...

CHAIR DE JONG – Hold on...

COMMISSIONER RIECHERS – I think we’re continuing the Public Hearing and I think (inaudible)

COMMISSIONER GELLER – I guess... we’re continuing this Public Hearing Item. Thank you for the correction. It is late for all of us, so yes let me change the motion that we continue the Public Hearing until that same date and time.

CHAIR DE JONG – Very good

COMMISSIONER MARZOEKI – And I’ll second it

CHAIR DE JONG – I have a second... Is there any discussion?

Opposed – 0

Motion carries 6 – 0, with one absent (Commissioner Springer)

CHAIR DE JONG – Alright we’ll reconvene this Public hearing on January 15th at 7:00 pm. Is there a wrap up that we need?

PLANNING OFFICIAL TEREELL – No the only thing I think left on your Agenda is to adjourn the meeting.

1000 ADJOURNMENT

COMMISSIONER GELLER – Motion to adjourn

CHAIR DE JONG – Do I have a second?

VICE CHAIR MERKT – Second

CHAIR DE JONG – Okay, all those in favor? Good night

SIGNATURE PAGE FOLLOWS:

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John C. Terell
Planning Official
Approved

Date

Rick De Jong
Chair

Date

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**CITY OF MORENO VALLEY
PLANNING COMMISSION
REGULAR MEETING
JANUARY 15TH, 2009**

100 CALL TO ORDER

Chair De Jong convened the Regular Meeting of the City of Moreno Valley Planning Commission on the above date in the City Council Chambers located at 14177 Frederick Street.

200 ROLL CALL

Commissioners Present:

Chair De Jong
Vice Chair Merkt
Commissioner Dozier
Commissioner Geller
Commissioner Marzoeke
Commissioner Riechers

Staff Present:

John Terrell, Planning Official
Mark Gross, Senior Planner
Michael Lloyd, Senior Transportation Engineer
Mark Sambito, Land Development – Principal Engineer
Clement Jimenez, Land Development – Senior Engineer
Randy Metz, Fire Prevention – Fire Marshall
Rick Hartman, Deputy Assistant City Manager
Kyle Kollar, Community Development Director
Bob Herrick, City Attorney
Paul Early, Deputy City Attorney
Gerald McAllister, Senior Electrical Engineer
Jennifer Terry, Special Districts Management Analyst
Marshall Eyerman, Special Districts Program Manager
Jane Halstead, City Clerk
Andy Minor, Consultant
Michael Hendricks, Consultant

300 PLEDGE OF ALLEGIANCE

400 APPROVAL OF AGENDA

1 **CHAIR DE JONG** – Item 400 is the approval of the Agenda

2 .
3 **COMMISSIONER GELLER** – Move approval

4
5 **CHAIR DE JONG** – Is there a second?

6
7 **COMMISSIONER RIECHERS** – Second

8
9 **CHAIR DE JONG** – Is there any discussion? All those in favor

10
11 Opposed – 0

12
13 **Motion carries 6 – 0**

14
15
16 **500 PUBLIC HEARING ITEMS**

17
18 **CHAIR DE JONG** – Item 500 is to advise the public of the procedures to be
19 followed in this meeting and those are posted on the table by the entrance door
20 there.

21
22
23 **600 PUBLIC COMMENTS**

24
25 **CHAIR DE JONG** – Item 600 is an opportunity for comments from any member
26 of the public to speak on any matter which is not on the Agenda, but which is
27 within the subject matter of the Commission. I do have Speaker Slips tonight. I'll
28 call you up in groups of two. The second person be ready to speak when the first
29 one is done. You have three minutes to speak. Please don't take any more. Let
30 me please remind you this for items not on the Agenda. If you are speaking on
31 the Sketchers project; the warehouse project, you will be cut-off. Okay, the first
32 Speaker is Jamil Dada followed by Carol Avila.

33
34 **SPEAKER DADA** – Good evening; thank you. My name is Jamil Dada and I'm
35 here representing the Moreno Valley Chamber of Commerce. I am a member of
36 the Governor's Workforce Investment Board in Sacramento and I am also the
37 incoming Chair of the National Association of Workforce Boards in Washington
38 DC. My office is at 12460 Heacock in Moreno Valley and my other location is at
39 16110 Perris Boulevard. This evening I want to just highlight a couple facts
40 about Moreno Valley. There are four cities in Riverside County that are half the
41 size of Moreno Valley that have DMV offices, yet the DMV refuses to open an
42 office in Moreno Valley. Moreno Valley has the highest percentage of youth of
43 any city in this two county area, yet several other cities have gotten State Library
44 funding and not Moreno Valley. Three years ago I attended the Yucaipa State of
45 the City Address and the then Mayor mentioned in his State of the City Address
46 how they needed to manage the growth properly because they did not want to

1 become another Moreno Valley. Economist John Hughsing just this past
2 summer in July of 2008, as he was delivering his contractual business plan to the
3 Lake Elsinore City Council showed them how to avoid becoming another Moreno
4 Valley. I think you get the picture. We don't get any respect in this region.
5 Instead we are mostly known for the high utility turn-offs, the highest foreclosure
6 of starter homes and cheap dirt. We're getting tired of being treated like that and
7 we're not going to take it anymore. So I'm asking you to please take into
8 consideration the land use planning that you do that would provide jobs and I
9 know people complain about low paying jobs, but you've got to take baby steps
10 first. Any kind of jobs are better than no jobs at all, so if you care about Moreno
11 Valley, please take care of the job issue. Thank you.

12
13 **CHAIR DE JONG** – Thank you... Carol Avila followed by Norma Carillo. Is Carol
14 Avila here? Okay then Norma Carillo? Alright Robert Palomarez? Louise
15 Palomarez? Okay, we're running through this list pretty quickly. Joanne
16 Stephens followed by Lori Nichol.

17
18 **SPEAKER STEPHENS** – I just wanted to reiterate the fact that we do need jobs
19 in the City and that anything that would... you know I'm not a factual person but I
20 believe Mr. Dada is and I believe that he has more facts than anybody else and
21 due to that every toher rhetoric that is going around should actually... you know I
22 mean whatever is best for the City of Moreno Valley and not the masses. That's
23 all I have to say.

24
25 **CHAIR DE JONG** – Thank you... Lori Nichol followed by Victoria Baca

26
27 **SPEAKER NICHOL** – I'm part of the old guard. The old guard meaning that I sat
28 through the very first General Plan with all the input with the original Council. I
29 am really concerned that the direction that the City is taking is going to desperate
30 acts, grasping at things with the promise of new jobs that can't be guaranteed in
31 today's economic climate, but I think in view of our Presidential election that we
32 had and that our new President-Elect's theme is change. We have to be really
33 careful of the type of change that we inflict on this community and what brought
34 many of us to this community particularly in the east end. Having the designed
35 the first bike-way map through the City, I was very sensitive to the east end and
36 their need for the people that use horses and what all their dreams and
37 everything were and a lot of those people were here long before the I came in '84
38 and we still owe it to maintain a healthy, wonderful community instead of just
39 grabbing at whatever plan change that comes through and I remember a long
40 time ago when the City first started that there was a lot of land grabs with taking
41 like R1 designated areas and seeking General Plan changes so that that
42 property owner could turn around and sell it for a highly inflated price. One such
43 example; when the developer bought the property at about 400 thousand dollars;
44 got his zoning changed to scenic highway 1; was able to turn around and within
45 three months, sell it for 1.3 million dollars. That was the early days in Moreno
46 Valley. I'm hoping we're not seeing us going in that direction again. We really

1 need to maintain quality in our development and give serious consideration to
2 any changes in this economic climate and be sure that everybody has their
3 money to really this structure and to provide jobs they promise. Thank you.
4

5 **CHAIR DE JONG** – Thank you... The next Speaker on items not on the Agenda
6 is Victoria Baca followed by Mary Palomarez...
7

8 **SPEAKER BACA** – Good evening and thank you Commissioners for the
9 opportunity to speak to you again tonight. My name is Victoria Baca. I'm a
10 member of the School Board and I'm also an activist in the community and the
11 reason that I'm here again tonight is to talk about a City-wide issue. We have all
12 the industry and all of the commercial on the west side of town. We have
13 Costco; we have the mall; we have the theaters; we even have City Hall and we
14 also have the sewage treatment plant. We have the congestion on our side of
15 town. Now let's even it out. Let's move some of the industry to the east end.
16

17 **CHAIR DE JONG** – Remember, this is for items not on the Agenda
18

19 **SPEAKER BACA** – Okay it's not on the Agenda. I'm talking about being fair to
20 the City. Okay we hear let's keep the east end pristine. It's only for horses or
21 people with horses; you know we don't want them or those people on our side of
22 town; child labor... they had someone holding up a paper out there. I mean
23 that's not a city issue; that's a national issue. I'm against NAFTA, but I bet
24 everyone here is wearing something or has bought something that has been
25 made in another country, so it's time that we move in the right direction. Our City
26 motto is people, pride and progress. We've got the people. Let's give them the
27 pride and progress and let's even out the inequities. Okay we can't just use the
28 same thing that been happening over and over; its nimbi; not in my backyard.
29 The people on the east end; they say well some have even resigned themselves
30 to say well it's a good project but not on my side of town. Keep it on that side.
31 Well we could also say, then don't come to our theaters; don't come to the mall;
32 don't use our freeway; don't come to City Hall; you're congesting; you're
33 polluting; we can say that too.
34

35 **CHAIR DE JONG** – Ms. Baca, I believe you are referring to the project...
36

37 **SPEAKER BACA** – Okay, let me just finish by saying that this map that was put
38 out. It doesn't reflect the speakers. I know that one of those dots is not any
39 members of my family or any of the speakers that I know. They are not on here,
40 so this is not a fair representation of who is a supporter and who is opposing the
41 project, so let's be fair and let's move in the right direction. Thank you very
42 much.
43

44 **CHAIR DE JONG** – Mary Palomarez followed by Vincent Ortiz. Vincent Ortiz
45 appears to be here... followed by Dr. Monte Perez. Again these are items not on
46 the Agenda.

1 **SPEAKER ORTIZ** – Vincent Ortiz, 29060 Juniper Avenue. Yes we need jobs to
2 support our families and our loved ones when we get out of College, but how is a
3 warehouse going to support us. It's not. Tell me how an almost fully automated
4 warehouse...

5
6 **CHAIR DE JONG** – Excuse me... that is an item on the Agenda. I believe you
7 are referring directly to the Sketchers warehouse. Am I not making that clear?
8 Are you going to continue on the item on the Agenda sir?

9
10 **SPEAKER ORTIZ** – Yes

11
12 **CHAIR DE JONG** – Well I'll have to call the next speaker sir...

13
14 **SPEAKER ORTIZ** – Me and my friends have dreams and careers that we would
15 like to occupy when we become adults and I know none of ...

16
17 **CHAIR DE JONG** – Okay, I think we're ready for the next speaker. Okay,
18 speakers you were told you'd be cut off if you are going to speak about the
19 warehouse. This is not the time to speak about the warehouse. Thank you... Dr.
20 Monte Perez.

21
22 **SPEAKER PEREZ** – Thank you very much. Good evening ladies and gentlemen
23 and members of the audience. My name is Dr. Monte Perez. I am a resident of
24 Moreno Valley and currently the President of Moreno Valley Campus. Tonight I
25 want to speak as a resident. I'm not speaking for the Riverside Community
26 College District or the Moreno Valley Campus; I'm speaking as a citizen of this
27 great community. Education is very important and our College is committed to
28 that and we want every single young person and returning adults to be re-trained
29 to get the best possible training education available. Education doesn't start
30 necessarily from any one particular occupation. It can start from the lowest
31 levels of occupation. They key is for people to be motivated and interested in
32 fulfilling their lives. Our College is committed to whatever decision this Planning
33 Council or City Council make with regard to any future development. We are
34 committed to assist this community to realize its goals and to make sure that
35 people have jobs; to make sure that people can serve in this community and pay
36 taxes, so I wanted to make that available to you to know that that is our core
37 mission as a College. We're here to serve whatever is decided by the
38 community, but beyond that I want to say that youth in this community and this
39 young man who just spoke was speaking from the heart about his future and
40 there are many youth in this community that deserve a bright future. Our College
41 is committed to make sure that that happens as I'm sure you are committed to
42 that and whatever avenues can be made available to young people to work and
43 get an education should be made available. The bottom line is that we have
44 10,000 students now. This is and will be a sustainable community and we're
45 planning to have 13 to 16,000 students over the next five years and that's going
46 to happen because this community will have jobs; this community will have the

1 ability to send their children to our College, UCR, Loma Linda or wherever else
2 they want to go. Thank you very much.

3
4 **CHAIR DE JONG** – Thank you... Debra Coggins-Ortiz followed by Raul Wilson.
5 This is for items not on the Agenda.

6
7 **SPEAKER COGGINS-ORTIZ** – Good evening, Debra Coggins-Ortiz, 29060
8 Juniper Avenue in Moreno Valley, 92555. I'm here to request that the Planning
9 Commission and the City Council consider some kind of campaigns to bring real
10 jobs to the community. I'm talking about manufacturing jobs that Americans;
11 maybe entrepreneurs can start businesses where we as a City can help them to
12 start the businesses so that we can have real American jobs for our youth and for
13 our City's future. I would like to... my son actually wrote this for himself; he's not
14 a public speaker; he's never done this before; but I would like to read his last bit
15 that he on here if I may...

16
17 **CHAIR DE JONG** – Remember the rules...

18
19 **SPEAKER COGGINS-ORTIZ** – What are the rules?

20
21 **CHAIR DE JONG** – They rules are it cannot pertain to the Sketchers warehouse

22
23 **SPEAKER COGGINS-ORTIZ** – No, this... he wrote; let's see... I would like a
24 good job that I can have that I can help support my family when I grow up. My
25 friends and I have dreams and careers that we would like to occupy when we
26 become adults and I know none of our dreams is to work at lower paying jobs.
27 We want careers. If we want jobs, why can't we have manufacturing jobs in
28 America? I do not want to work for China. That's what he wrote. Thank you.

29
30 **CHAIR DE JONG** – Thank you... Raul Wilson followed by Steve Clute

31
32 **SPEAKER WILSON** – My name is Raul Wilson. I live at 23595 Court and I'm not
33 on this paper either, so don't use it for any type of guide. We're not supposed to
34 talk about Sketchers right?

35
36 **CHAIR DE JONG** – Absolutely correct

37
38 **SPEAKER WILSON** – But I want to talk about empty stomachs. I want to talk
39 about people who are hungry; hungry to eat; hungry to have education. Those
40 are the things the City is supposed to be thinking about. We have a lot of people
41 out there who are hungry. I've been a student advocate for almost 50 years. I
42 do things for young people; get them into Colleges; get them into good
43 employment, but you know that young man who stood here last time and said I'd
44 rather have a job than an unemployment check and you know that a lot of poor
45 paying jobs are at the casinos and the people work there because you know
46 what hunger is world-wide; not just Moreno Valley; its everywhere and we have

1 to start looking out for our young people. Believe me they need the help or we're
2 going to continue to fill up the prisons State-wide. A city becomes a prison of
3 dejection when it doesn't provide for its citizens that it has. Gracias
4

5 **CHAIR DE JONG** – Thank you... Steve Clute followed by Steven Bennett
6

7 **SPEAKER CLUTE** – Good evening Mr. Chairman and members. Steve Clute,
8 Riverside, 600 Central; business development with the Electrical Workers IBW
9 and National Electrical Contractors NECA and I'd just like to share that our
10 training center in San Bernadino three or four a nights a week trains
11 apprenticeship electricians and they do that for four years and then in their fifth
12 year they are journeyman and many of these members; some 800 are in
13 Riverside County and no doubt many in the Greater Moreno Valley area and
14 certainly others around the Inland Empire; men and women, although we are
15 always recruiting more women; I think probably that they are the best trained
16 electricians there are and many also or some come out of the military and they
17 mean a lot to their communities and they mean a lot to business in quality
18 workmanship and their skills are top notch and they'd love to work more in
19 Moreno Valley. We appreciate everything you are doing to bring more business
20 to Moreno Valley. Thank you very much.
21

22 **CHAIR DE JONG** – Thank you... Steven Bennett followed by Mike Rios
23

24 **SPEAKER BENNETT** – Hello, my name is Steven Bennett. I live at 25800
25 Margarita Street and I just wanted to you about providing more jobs in the
26 community. I have been a resident here just shy of ten years. In that short
27 period of time I've seen some changes being made. I just think we should all
28 welcome the opportunity to have more jobs for people who live in the City to
29 work; some local jobs. I'm sure it's like 90 percent of the residents have to leave
30 the City to go to work and we need to have more jobs in the City beyond retail.
31 Retail doesn't pay enough to have a decent living. Organized labor has a history
32 with Moreno Valley for some time and they have access to the technologies we
33 need for energy saving projects and we need to bring some more projects in
34 where they can participate and you know they have a great apprenticeship
35 program so you can get the quality work, energy saving technologies and the
36 City comes out ahead, so you know I urge the City to think about these things
37 when they decide how they are going to use different land projects and I urge
38 everyone to approve the project. Thank you very much.
39

40 **CHAIR DE JONG** – Very creative... creative at the end there. Mike Rios
41 followed by Joe Zmudosky
42

43 **SPEAKER RIOS** – Good evening Commissioners, I'd like to talk about a couple
44 of myths about the east end. When I moved out here in Moreno Valley in 2003 I
45 wasn't rich and I bought my first house on the north side and as time went by and
46 me and my family bought here it was economically okay for us to do so and then

1 we bought our second house on the east end in 2006 and I will tell you no one in
2 my tract owns a horse. I mean I don't own a horse, but I wish I did when gas
3 prices were expensive, but I will say that our City needs jobs; it really does. For
4 that matter our whole country needs jobs at this time. We're all hurting at this
5 time. Families are hurting because it would be mom and dad working and now
6 all of a sudden one of them has lost their job and they are trying to figure out how
7 to pay the mortgage; how to make that car payment; how to pay their children's
8 health insurance. A lot of families are forced now to make drastic cut backs in
9 their livelihood. A lot of families used to go out and eat on weekends; you know
10 to the restaurants around here. Now they are cutting that out because they just
11 can't afford it. My thing here is yes, I'm for jobs. We do need jobs, but we need
12 jobs that can pay the mortgage. We need jobs that can pay our card note. We
13 need jobs that we can put money in our 401-k for our retirement. We need jobs
14 that will help support us instead of having more foreclosures as time goes by and
15 we are leading in Riverside County in foreclosures and we need to change that
16 and yes we do need jobs, but we do need jobs that can make those payments so
17 we don't lose our homes and I just want you guys when; because you guys are
18 going to talk about a lot of projects in the future and keep that in mind when you
19 are making your decisions on what jobs we are bringing in. It's very important
20 that we get Moreno Valley back on track and we could be the leading City in
21 Riverside in California and all United States if we get the right jobs in our City,
22 when our children when they go out to College and they come back; they could
23 come back to us and work in our City. That's what I'd love. I'd love my children;
24 I don't want them going somewhere else in LA or in Orange County to get a job.
25 I want them to work in Moreno Valley so I could have them near me and that's I'd
26 like to say. Thank you.

27
28 **CHAIR DE JONG** – Thank you... Joe Zmudosky followed by Deana Reeder

29
30 **SPEAKER ZMUDOSKY** – Good evening, Joe Zmudosky, 28131 Bethany Circle
31 here in Moreno Valley. A couple notes about the jobs. In the LA Times today,
32 160,000 businesses closed in 2008 and they are predicting 200,000 more
33 businesses to fail this year. A job is a job whether it's 10 dollars an hour or 20
34 dollars an hour; it's a job and you guys sit up there listening to everything that's
35 going on and you know somebody said a long time ago in a movie that logic
36 clearly dictates that the needs of the many outweigh the needs of the few and
37 with the jobs; how many it brings, nobody really knows; 1000, 2000 or 3000 but
38 it's a step. In this City; you guys up there tonight; you need to look at opening the
39 door so that we can move forward and bring jobs and prosperity back to Moreno
40 Valley. I thank you for you time and wish you well.

41
42 **CHAIR DE JONG** – Thank you... Deana Reeder followed by Vicki Watson

43
44 **SPEAKER REEDER** – Hello, my name is Deana Reeder and he said a job is a
45 job. Well I'm here to you that a lie is a lie. When things are advertised, they
46 should be what they're advertised. For example I was here in the building, in the

1 City Clerk's Office and asked what time those doors were going to open last
2 Thursday. The Clerk called the Deputy that opens the door and while I was
3 standing there listening to her the Deputy told her 6:45 and absolutely not before
4 and we all know that is not what happened. Now you know maybe that was an
5 accident, but these accidents keep happening and they keep happening to the
6 benefit of some groups and the detriment of others and that makes what
7 happened inequitable. Now let's get to some other lies. We're not going to talk
8 about the 1.8 million, but let me talk about the other 33 million square feet of
9 proposed warehouses from this developer; not that part... see the whole total
10 package is 35 million square feet; that is the total package. That is the
11 anticipated amount. That's where the 2,500 jobs come from; if you do all 35
12 million square feet. If you don't that's not how many jobs that are going to be
13 there. There is only going to be 50 if you only do this project. That's it. So you
14 guys can lie all you want; people back there can believe BS, just like Madiff got
15 his 15 billion because believed in though someone for almost 10 years said ah
16 this ain't making sense. On 9-11, the day before hand, the guy called the FBI
17 and said this is going to happen and they're like ah... and they did nothing. So
18 you guys can do nothing; you don't have to believe me and that's okay. When it
19 comes about, that's when it will be proved and I can live with that. Thank you.
20

21 **CHAIR DE JONG** – Thank you... Vicki Watson followed by Lorena Santa Cruz
22

23 **SPEAKER WATSON** – Vicki Watson, 11109 Night Shadow Drive, Moreno
24 Valley. I'd like to ask some questions before the Commission as they consider
25 our future and some of the issues that face. No one has been untouched by our
26 economy. Its hit us as individuals; as businesses; as city States to the Federal
27 Government. As the Commission is reviewing proposed changes, is the current
28 economic environment being considered such as what if the company suffers
29 financial hardship and they need to close their doors and leave? Currently our
30 supply is exceeding demand and the balance of supply and demand is
31 fundamental. We've experienced severe rainfall shortages and we may face
32 mandatory water rationing. We have been forced to ration before and
33 Sunnymead Ranch almost became a dry lake. When we are considering these
34 proposals are we considering the impact of projects that are large water
35 consuming proposals and what this would mean to projects currently under
36 developed or proposed for the future. Also in reviewing large projects are we
37 considering AB32 and the City's potential exposure to litigation by the State for
38 not complying with these mandates? There are the green valley initiatives and
39 are we considering projects that have us working with the green valley initiatives?
40 Are we a partner or are we an outcast? There is also law regarding withholding
41 gas taxes if we don't have proper traffic circulation. Have these issues been
42 considered? When considering projects we have to consider the local impacts.
43 Traffic is like water. What are the benefits and the risks to our City? We have to
44 be reviewing the benefit versus the consequence. We need to weight the two
45 against each other and ensure that the benefit is to the City over the long term.
46 Each of the items above has direct bearing on property values and the City

1 revenue stream and we must be developing areas that protect our property
2 values and attract people to our community. We have vacant residential
3 properties. We need to put development around them that encourages people to
4 come to our City and want to reside here. We should not be putting things in
5 place that prevent the City from people wanting to come to our City and how is
6 existing land use measured against proposed projects? Do they compete with
7 each other or do they support each other. We can all exist together. We can
8 have residential properties and we can have business, but we've got to do it
9 through good planning.

10
11 **CHAIR DE JONG** – Thank you... Lorena Santa Cruz followed by Elena Santa
12 Cruz

13
14 **SPEAKER LORETTA SANTA CRUZ** – My name is Lorena Santa Cruz and I'm
15 in the 5th grade. I hope that by the time I graduate from High School and College
16 there will be a job waiting for me here in Moreno Valley. I love this City. I've
17 grown up here and I hope that this City will grow with me and be able to support
18 my own family some day. Thank you.

19
20 **CHAIR DE JONG** – Thank you... Elena Santa Cruz followed by George Hague

21
22 **SPEAKER ELENA SANTA CRUZ** – Members of the Planning Commission. I'm
23 very concerned that there is a very strong undercurrent of racism running through
24 your proceedings and possibly those of every City Commission and even City
25 Council meetings. Last week I overheard comments by those in the audience
26 that were very racist against many Hispanic residents of Moreno Valley that had
27 interest in the item on your Agenda. They used unfriendly language in reference
28 to the ethnicity and very rudely said that Moreno Valley doesn't need to attract
29 any more of those people. As one of those people, let me make it very clear to
30 you, I am an American citizen and I am very proud of that fact. I love this
31 Country and I love this City and I think that anyone who hates America does not
32 know anything about this great nation. Because of my skin tone and the fact that
33 I am fluent in both English and Spanish, I am looked down upon as a second
34 class citizen by my neighbors who have fairer skin. This type of prejudice has to
35 stop in our City. We cannot let the bigots of this City continue to deny a voice to
36 American citizens and residents of Moreno Valley because of their last name.
37 Perhaps it is Baca; perhaps it is Rodriguez; Santa Cruz, Pacheco or even Molina.
38 The woman who addressed you in Spanish last week also spoke to the City
39 Council on Tuesday. The City did not provide her with an interpreter at either
40 meeting. Someone had to translate for her to the officials and Councilwoman
41 Flickinger said the City could not afford an interpreter and that Mr. Wilson would
42 be cheaper. That is ridiculous and that is racist. If Moreno Valley can afford to
43 pay a City Manager who takes every Friday off, over half a million dollars they
44 can afford a part-time interpreter. Roughly half of Moreno Valley's population is
45 Hispanic. Many still have difficulty with English because it is not their first
46 language. This City needs to include them in public process. Anything less is

1 taxpayer, subsidized, racism. Thank you... oh I spoke last week on Sketchers
2 and I am not on this map.

3
4 **CHAIR DE JONG** – George Hague followed by Librada Murillo

5
6 **SPEAKER HAGUE** – What you are looking at... George Hague, 26711 Ironwood
7 Avenue, here in Moreno Valley speaking as a Sierra Club person and in fact I
8 gave you a newspaper and to Staff also. It should be in front of you from the
9 Sierra Club. One of the main areas that we do try to protect is the San Jacinto
10 Wildlife area, part of which is in the City of Moreno Valley. You're looking not a
11 painting but an actual photograph of the San Jacinto Wildlife area and it's an
12 area that is very wonderful. In fact the newspaper on page 8; there is a walk this
13 Sunday out there starting at 9 o'clock and lasts for two or three hours. You are
14 more than welcome to join in. The San Jacinto Wildlife area is mitigation for
15 many other projects. There is a project north of this called Moreno Highlands.
16 That project already is in our General Plan; was already approved in the early
17 1990's. It already has that on the east end; 21,000 jobs approved, so the east
18 end does have jobs approved and it was part of the General Plan for these
19 21,000 jobs and hopefully you realize this and there will be a wide variety of jobs
20 in the Moreno Highlands project, especially if they continue with the plan as it is.
21 If the plan does change, then we may not have the variety of jobs that was
22 envisioned in our General Plan and hopefully that will not happen, but what is
23 needed in our City besides just saying we want jobs now, is saying we want
24 healthy jobs now. Ideally they would be jobs where people would not have to
25 suffer from various pollutions that are around and that's what a lot of people are
26 asking for; for this City is to have an image that we provide healthy jobs for
27 individuals and hopefully you will proceed and try to find those types of jobs. But
28 again, going back to the San Jacinto Wildlife area, just for your history about it; it
29 was actually mitigation for the State water project; when they brought the water
30 down from the delta, they destroyed habitat along the way. They started with
31 4,200 acres out there and with those 4,200 acres, different parties; Sierra Club;
32 Audubon Society; different hunting groups because hunting is allowed out there,
33 all worked together and that 4,200 acres now is more than 19,000 acres. It's in
34 two different parcels. There are 10,000 in one and 10,000 in another. I invite
35 you to come out there this Sunday or anytime it's open to the public. Thank you
36 very much.

37
38 **CHAIR DE JONG** – Thank you... Librado Murillo followed by Margie Breitkruez.
39 Remember these are items no on the Agenda

40
41 **SPEAKER MURRILLO** – (Speaker speaks in Spanish)

42
43 **INTERPRETER FOR SPEAKER MURILLO** – Good evening ladies and
44 gentleman of the Planning Commission. My name is Librado Murillo and my
45 address is 12379 Kitching Street in Moreno Valley. I was here and I am the
46 President of the Moreno Valley Parents Association. I was here at the meeting

1 that took place last week where the Sketchers project was discussed. Today I
2 am here before you to speak on issues or things that are not on today's Agenda.
3 First of all I want to say that where my house is located and where I live it's not
4 on this map (and she showed this map). Please do not use this map to make an
5 informed decision. I depend on the wisdom of the City Council who has
6 appointed you to this position on this Commission under certain criteria. For that
7 reason I hope that you will see that this document does not reflect actual data or
8 facts and I ask you who made this map and what is it based upon? Secondly,
9 please understand that I and several of my friends, neighbors and parishioners
10 felt intimidated and discriminated by persons that are here today opposing the
11 Sketchers project. Although we do not speak very good English we do
12 understand dirty looks and profanities made towards us and in our face. Finally, I
13 want you to know that the majority of persons that were here in front of you last
14 week are in favor of the project. I know that you could not hear the applause
15 from the people who were at the Rec Center applauding the project, but that is all
16 you could hear. The opponents are very few. I do not know who they are,
17 however I know that they are here today and in my opinion they are a bunch of
18 racist people. Thank you very much.

19
20 **CHAIR DE JONG** – Margie Breitkruez followed by Gordie Tucker

21
22 **SPEAKER BREITKRUEZ** – Margie Breitkruez, Moreno Valley, California. Multi-
23 use trails are the gem of our community. In our City they are for the benefit of
24 walkers, joggers, riders and equestrians. Communities that don't have
25 equestrian properties have the same type of pathways for residents to enjoy.
26 There is little pleasure or physical comfort or benefit on walking on concrete or
27 asphalt. Multi-use trails are available for use by everyone. The City of Moreno
28 Valley has opened its arms to multi-use trails through the adoption of the Master
29 Plan for trails. As residents we're blessed with an excellent and growing multi-
30 use trail system. Our trails take us through the beautiful paseos of Hidden
31 Springs, do or will connect us to Regional and State Parks and provide vistas of
32 the City that are just breathtaking, provide inter-city connections. They are also
33 importantly another mode of transportation rather than vehicular. Multi-use trail
34 users enjoy all trails. In other communities the multi-use trails meander through
35 a variety of settings. In Palm Springs the multi-use trail system takes you around
36 a beautiful member's only golf course. To reach the Palm Canyon trail system
37 you pass directly alongside condominiums. In Pedley and Mira Loma you ride
38 through the beautiful riverbed. In San Dimas you traverse by a small airport. In
39 Walnut Creek the trail is just as it sounds; a watershed area behind homes. In
40 Daneda you pass residential, business, corporate areas and cross a bridge that
41 spans a major freeway. All of these are beautiful; all the more enjoyable for
42 variety. Multi-use trail users enjoy any type of trail especially when it provides
43 continuous connections and diversity. In Moreno Valley we are a relatively
44 young City. All of our multi-use trail connections have not been finished. Each
45 time when development is on a downward spiral it delays the completion of the
46 system, however trail connections will eventually be reached. Our Master Plan of

1 Trails is there to do that and is our vision for the future of our City. As a Trails
2 Board Member, I am pleased to report the positive response we have had from
3 our multi-use trails and offer our quarterly hike events. These hikes are open to
4 all children and adults in the community and from outside the community. They
5 are just amazed when they see things in Moreno Valley on the trails that they
6 haven't seen before. I agree with the Moreno Valley Chamber Newsletter that
7 stated that Moreno Valley trails are the hidden gem of our community. Thank
8 you.

9
10 **CHAIR DE JONG** – Thank you... Gordie Tucker followed by Thomas Thornsley

11
12 **SPEAKER TUCKER** – Good evening, my name is Lil' Gordie Tucker from
13 Moreno Valley. I'd just like to make some statements here towards these union
14 brothers and sisters that are here tonight. It goes a long way in showing strong
15 lack of union brotherhood among unions in America. It wasn't that long ago
16 these same warehouses in Ontario and around California undertook actions
17 against unions by forcing them out. The union was the International
18 Longshoreman's and Warehousemen's Union. They chased them out of their
19 facilities in an effort to seek lower wagger and no benefits. As an ex-ILWU
20 representative at time, based out of Los Angeles Harbor, I didn't see or hear of
21 any of these unions standing up for their brothers then and I see nothing has
22 changed. These jobs that warehouses will bring to the City of Moreno Valley will
23 not be offered to union members at union wages and union benefits. The ILWU
24 has members of all trades; electricians, crane operators, stevedore operators,
25 truck drivers, maintenance workers, pipe fitters, boiler makers, welders,
26 carpenters, heavy equipment operators and yes warehouse workers. They and
27 their families wish the same as everybody else; to earn a decent wage and get
28 benefits. Think about that tonight and how you as union brother and sisters
29 would feel if the ILWU supported projects which are now off limits to you and
30 your fellow members. After all the members of the ILWU can fill each and every
31 aspect of your unions trades and in the event that you for some reason need to
32 walk off those jobs in order to keep your wages and benefits at the level that you
33 need to support you and your families. Thank you.

34
35 **CHAIR DE JONG** – Thank you... Thomas Thornsley followed by Alex Ortiz

36
37 **SPEAKER THORNSLEY** – Hi Thomas Thornsley, 29177 Steven Street in
38 Moreno Valley. I'm not here to talk about jobs. I'd like to talk about some
39 unfinished road improvements knowing that we've got another project that's
40 going to be right at two major intersections at Redlands and Theodore; I've been
41 concerned for three years with the unfinished access points near the Wal Mart
42 Center. We have a four lane roadway that comes from the Auto Malls along the
43 south side of the Wal Mart Center and dead ends at a block wall. From all my
44 years in Planning in the past you wouldn't have put a four lane highway or a
45 roadway if you hadn't intended it to go through and connect somewhere else. It
46 doesn't make much sense to dead end there. You also have a four lane roadway

1 that comes from the Target Center at Nason and terminates right up against
2 Moreno Beach and does not go through either. Now the only way to go from the
3 east side off of Moreno Beach to the Target Center is drive through the Wal Mart
4 Center which from all my years in planning and studying with Transportation
5 circulation, that's very poor circulation planning. I know Cal Trans is very slow to
6 deal with to get improvements made and that improvement I think should have
7 been done at least by the time the Target Center opened and then I think
8 everybody who gets off at Nason will totally agree that that intersection is so far
9 from being adequate that it's at Level of Service "F" most of the time that I've
10 ever been there. During the Christmas holidays it was insane. It was so much
11 easier for me to go from Cottonwood and meander through there in order to even
12 try get up to that Center. I hope with any future projects that are along the
13 freeway long before the projects are open for business we don't let them develop
14 and have that same kind of infrastructure or lack of infrastructure that's critically
15 needed. I would like to hear an addressing of when those improvements will be
16 would, whether it would be tonight, which I don't think we have the time for it, but
17 I do tune into you guys, so if it's talked about another night, I'd like it to be talked
18 publicly. I know if I would go in and ask John or he would probably discuss it with
19 me, but I think it's something the community needs to have addressed at this
20 time because it's been a long time for the Wal Mart Center to be in and operating
21 and not have the through access that should be there and at this point if there
22 were ever any problems on the freeways, typically you would have an alternative
23 frontage type access from one area to another and it does not exist right now and
24 I hope in the near future that those are taken care of. Thank you.

25
26 **CHAIR DE JONG** – Okay I have four more Speaker Slips. I want to tell you now,
27 if you wish to speak, fill out a slip and turn it in now. We're going to hear these
28 four more; if we get no more in the next minute or so that will be it. Thank you...
29 Alex Ortiz followed by Jim Koch

30
31 **SPEAKER ORTIZ** – Hello good evening. My name is Alex Ortiz, 29060 Juniper
32 Avenue, Moreno Valley, California. I would like to suggest the forming of a
33 volunteer group that will work to bring real manufacturing jobs to our community;
34 not the ones that pollute our cities and our communities or destroy our
35 environment. Maybe those that need jobs could get together and start a
36 business and entrepreneurships. This is the American dream isn't it? For those
37 Hispanics that come here tonight to use the racial card, maybe they need to get
38 together with the Hispanics; they can tell them; guide them and tell them what to
39 do and how to do it so that their families can benefit in the future. And one more
40 thing I want to let you know that I don't need an interpreter, so therefore I won't
41 become a City program or the government and remember one more thing;
42 Government is not the solution to our problems, Government is the problem.

43
44 **CHAIR DE JONG** – Jim Koch followed by Michael Greco... Excuse me; we're
45 taking no more Speaker Slips at this time.

46

1 **SPEAKER KOCH** – Members of the Commission, my name is Jim Koch. I live at
2 28283 Keaton Drive, on the east end of Moreno Valley. I want to build on what
3 Mr. Dada presented here earlier; the first speaker here regarding the image of
4 Moreno Valley. Yes jobs are very important, but I think we need to look at the big
5 picture. We have an opportunity here to provide a business education nurturing
6 place here in the plan that provides locations and an opportunity for businesses
7 to work together with the Colleges and UCR to provide a place for the graduates
8 in conjunction with the businesses to provide good jobs and high end jobs like
9 tech complexes and so forth. I was involved in the business education nurturing
10 program at Cal Poly. It has been very successful in attracting the businesses
11 that would help Moreno Valley enhance the image of Moreno Valley and yet you
12 do also have places now that have the whole gamut of the other types of jobs in
13 addition to these jobs that would provide the image and the jobs here for Moreno
14 Valley and that means the business parks set aside in a plan to provide this
15 opportunity. Thank you.

16
17 **CHAIR DE JONG** – Michael Greco followed by Ken Gilbert

18
19 **SPEAKER GRECO** – Good evening; Michael Greco. I've been a resident of
20 Moreno Valley for almost five years. I live down in the Rancho Belago district. I
21 was under the impression before I came here when I saw the baby killing and
22 child labor signs that there was going to be a big debate tonight about
23 development, but since it's off that I've been listening to the comments by
24 everybody and it seems like the common theme is jobs and what really has been
25 resonating with me as I've been listened to everybody is your jobs right, because
26 all of you up there are paid by us and I think that from what I've seen in the time
27 that I've been here and a lot of it's legacy that pre-dates probably you know a lot
28 of you, but when you talk about things how the roads don't make sense, it's
29 almost like somebody wasn't doing their job right with planning or when you see
30 large chains come in and build stores and then they go out of business and then
31 it just sits there. When you see millions of dollars commissioned to do things you
32 know whatever; horse trails or different things, but you don't see millions of
33 dollars commissioned to do things for children. I mean I know my own children
34 when we've done sports; local sports; we had to fight to get a lighted area for our
35 teams to practice, so what I really hope that you go away with tonight when you
36 are making decisions on some of the developments that are to come, that you
37 really think about not just the name; like if it's a Circuit City or you know... it's
38 easy sign up a Jack-in-the-Box and give us another fast food. It's easy to you
39 know to put down roads that don't really have a purpose that just cause more
40 congestion. I think that one of the things that you need to consider that all of you
41 that have jobs in this City, you don't have to drive in and out of the City; right
42 you're not faced with that kind of pressures that the people live here are and I
43 really hope that when you make your decisions going forward that you hold
44 accountable whatever developers; whatever companies that come in and solicit
45 your you know acceptance... you know there's economic viability and then
46 there's you know environmental impacts, but I think what you really ought to

1 consider is who is going to do things for the City for the long term and when we
2 talk about jobs, we need to talk about your jobs and then the things that the
3 people that are here like myself that have come here that are educated; that
4 understand business; that know to read and that really are going to motivate and
5 get a ground swell to make things that are better for everybody, mainly for our
6 children and that's one of things that I hope we go away with is, that everybody is
7 looking for jobs, that you've got jobs that don't require you to drive in and out of
8 the City and I really you want to consider some of things going forward from
9 people that want to come to this City than want to spend money on things like
10 parks; things for our children; okay. Thank you.

11
12 **CHAIR DE JONG** – Thank you... Ken Gilbert followed by Susan Siegle

13
14 **SPEAKER GILBERT** – My name is Ken Gilbert and I live 23507 Woodlander
15 Way in Moreno Valley. I've been living in this City for 20 years. Ever since I
16 came to the City or since I had kids I kept them busy. Yeah we're all talking
17 about jobs but I think the more important thing is the future for our kids, because
18 kids are our future. Whether you have a job or not; I know people that have jobs
19 that don't have jobs... even if you get a job a lot of people don't even spend time
20 with their kids, they would rather buy a twelve pack of beer. There are millions of
21 kids out there that are spending time on the streets not knowing what to do.
22 Their parents have jobs; they just don't spend the time with them. Okay I spend
23 every dime I have on my kids; keeping them busy; keeping out of trouble; trying
24 to keep gangs away from our neighborhoods and what not; trying to get involved.
25 There are a lot more people in Moreno Valley than this hundred people here and
26 I'm talking to everybody watching TV right now that's going the City needs to do
27 something; they need to do something... you need to do something Moreno
28 Valley... watching TV and going this guy ought to do something; this guy ought to
29 do something. I've coached kids that are black, Mexican, white, Asian; every
30 nationality and it doesn't matter and I'm sitting here being labeled a racist and
31 what not. Get off your butt; do something for your kids; that's an investment in
32 our City; our State and our Country and I'm tired of people going oh well need
33 jobs... yeah we need jobs. You need to take care of your kids first. It doesn't
34 matter. You need to take care of your kids' man.

35
36 **CHAIR DE JONG** – Thank you... Manual Topete...

37
38 **SPEAKER SIEGLE** – Good evening, I've come here in good faith twice. I'm
39 really sad that some of the speakers are a little demeaning last week because
40 I'm against something. I was labeled a snob and grouped together like we're just
41 one big group because we aren't pro and be that as it may that's neither here or
42 there. What I really resent and think is just terrible is that someone would stand
43 up here and label one whole group of people that they have never met; never
44 spoken with; do not know personally as racist. To me racism is the ugliest word
45 in the English language or any language and I think when you label a group of
46 people racist for their beliefs just because they are not the same as yours, you

1 then become a racist because you're grouping people together by whether it's
2 their color; their beliefs or what they want to fight for. I don't think anyone has a
3 right to group any people, whether they are blonde, black, Hispanic, white or
4 whatever as a racist and I feel sorry for them that they are narrow minded
5 enough to do that and I apologize for using this, but twice I've been called
6 something I am not and I just really think it's sad. Thank you.

7
8 **CHAIR DE JONG** – Thank you...Manual Topete

9
10 **SPEAKER TOPETE** – Good evening. I kind of came here last minute you know;
11 I didn't think I was going to come up here to speak, so I kind of snuck in one of
12 those Speaker lists, but the reason I'm here is because I was raised in Moreno
13 Valley since '82. I've been here all my life. I'm 38 years old now. I've been here
14 36 years. I've been in the same corner for now 36 years; where I work now;
15 where I own business is where I rode my bike. In the last week I think I've finally
16 go the straw thrown on my back. Is 20 years of owning a business here in
17 Moreno Valley an expiration date, because they're really making it very hard for
18 me to stay in business? Just like the sign behind you that states this is the City
19 of Moreno Valley; I need signs in front of my business that say who I am.
20 They're telling me I need to take down my signs; take down my neon; why?
21 That's what attracts people to my business. True we need jobs. You know how I
22 guarantee my job, I made my manager; my boss; my best friend myself. I've only
23 had one job besides my business. A week after graduation from High School I
24 opened my shop and it's been there for 20 years; well September it will be 20
25 years if Code Enforcement allows it. They are making it very hard. I'm losing
26 money in closing in coming over here trying to get things done, only to get I'll call
27 you back; I'll call you back and I don't get calls back. I've got two folders already
28 of messages already of messages where nobody is calling me back. What do I
29 have to do? I am being harassed by Code Enforcement. They are trying to
30 make me do something that's illegal. They are threatening me. I need some
31 help. No Councilmember is helping me. I've got people that are not even on the
32 City Council coming to my rescue. I've got Mike Rios who is doing more for me
33 than anybody that is getting paid to do their jobs. People that are doing this
34 because they've known my business. Some of you are familiar with my business
35 and you know I apologize if I'm getting a little loud but this is coming from my
36 heart. I don't have anything written. I want to be left alone to run my business;
37 that way I can secure at least 10 to 15 jobs on my corner. It's just a little corner;
38 it's not a lot, but 20 years of not collecting unemployment checks; of keeping the
39 same employees. I've got employees that have been with me for 15 years.
40 What does that say for my business? I want to run my business the way I feel I
41 should run it. It's been good to me. I've had a good life here. I've raised four
42 kids. I want my kids to do the same thing I'm doing right now. I don't want them
43 to go to school and then leave Moreno Valley. I want them to start a business
44 here; make some money here and stay in the City that they grew up in. That's all
45 I'm asking for. I wish somebody would come to my rescue. This week I'm going
46 to go and find out how many other people I feel are victims of what Code

1 Enforcement is doing. I just want to make my money and not ask anything from
2 you guys. I don't even call the Police when I need them. I do not get my Police
3 services. I've been burglarized over 30 times; armed robbery twice and nobody
4 has been arrested. I need some help. Thank you.

5
6 **CHAIR DE JONG** – Thank you. Okay, that's the last of the Speaker Slips. I
7 understand that a gentleman came up to one of the Officers and said that I had
8 called his name earlier and now he's here. Can that gentleman come forward or
9 woman; I'm sorry. We've already cut off Speaker Slips at this point. What is
10 your name?

11
12 **SPEAKER PALOMARES** – Louise Palomares, I've lived here in the City for 20
13 years. Okay I'm not on this map and I support this project and I'm not on this
14 map.

15
16 **CHAIR DE JONG** – Remember this is not items not on the Agenda.

17
18 **SPEAKER PALOMARES** – Okay, well there is a lot of people I heard at the last
19 meeting that were speaking about the east end and they don't speak for
20 everybody in the east end because I have rentals in the east end and when my
21 tenants heard that a project might be coming to Moreno Valley they were
22 ecstatic. We need these jobs here. We really need them and that's as much as
23 I've got to say because everybody has already said quite a lot already. Thank
24 you so much.

25
26
27 **700 PUBLIC HEARING ITEMS**

28
29 **710**

30
31 **PA07-0088 Change of Zone**
32 **PA07-0089 General Plan Amendment**
33 **PA07-0090 Tentative Tract Map No. 35629**
34 **P08-057 Phasing Map**
35 **PA07-0091 Plot Plan**
36 **P07-157 Environmental Impact Report**

37
38 ***(CONTINUED FROM PLANNING COMMISSION OF JANUARY 8TH, 2009)***

39
40 **CHAIR DE JONG** – Thank you. Alright at this point we've reached a point where
41 our Applicant is going to present a rebuttal to the Speakers both tonight and last
42 week, but I understand that he has a powerpoint presentation and City Staff
43 needs to set that up, so prior to the presentation we're going to take a 10 minute
44 break at this point. Thank you.

45
46 ***(10 minute recess)***

1 **CHAIR DE JONG** – Hi we're back. As promised we're going to open the portion
2 of the meeting where the applicant has a chance to rebut what he has heard this
3 evening and the previous evening. It is now the Applicant's turn... Mr. Benzeevi.
4

5 **APPLICANT BENZEEVI** – Thank you. Good evening again. Is the sound on?
6

7 **CHAIR DE JONG** – I'm not sure...
8

9 **APPLICANT BENZEEVI** – Tell me if it's fine... I know between the accent and
10 the acoustics, it doesn't quite work well. This is fine?
11

12 **CHAIR DE JONG** – I can hear you
13

14 **COMMISSIONER MARZOEKI** – I can hear you
15

16 **APPLICANT BENZEEVI** – Okay great... In any event thank you for giving us an
17 opportunity to come back and I'm not sure if it's a rebuttal but I would like to
18 respond to all the issues that were raised. We were amazed and actually
19 pleased to see a lot of the community has come out and had a lot of things to
20 say; some were legitimate concerns and I think are issues that should be
21 addressed; others I would say that you know to some you know the truth is just a
22 more elaborate form of fiction. I'm not sure exactly where things came from but
23 you know I want to address those things that I think are far beyond what the
24 realm of the project is. I thought I would address my remarks to the project itself,
25 but a lot of things were said and I'm really not going to respond or rebut to all of
26 those other issues. I think all of your time is valuable and I think it's probably
27 proper for a different forum, not the Planning Commission. Just to get up to
28 speed and sort of reiterate where we were last time, I'll just briefly and quickly go
29 over what the parameters of the project is. We're talking about a project that is
30 located between Redlands Boulevard and Theodore Street, bounded on the
31 north by Highway 60 and the south by future Eucalyptus. It incorporates
32 essentially four parcels; two commercial parcels; two investor parcels that are
33 sort of center to the project. The two outer pieces are actually commercially
34 zoned, all of which are within the Business Park zoning designation; Commercial
35 designation within the current General Plan. There is no General Plan
36 Amendment required for that; that's a point I will elaborate on and describe. Very
37 quickly, to understand what we're talking about in terms of the building; this is the
38 main building facility and it incorporates the logistics operation as well as an
39 office and management operations. I've recently spoken with some of the
40 Sketcher's representatives and asking them generally what the make-up of the
41 operation will be and I was told that the head of the global logistics operation will
42 actually have an office right here in this building as well as four Senior Vice
43 Presidents in their divisions, as well as all of the IT both hardware and software
44 compliance; you know customs; purchasing, management, marketing, finance
45 and a lot of other functions. Approximately 100 to 150 executive type positions
46 will be hired on the first Phase of the operation. They are expanding and

1 planning to stay here for a long time and expand within our community, so that
2 was generally what the numbers were. Again what the project looks like to
3 remind everybody, I showed last time sort of... I'm going to show what the project
4 looks like. This is again heading east. We are now going to cross the Redlands
5 Boulevard Bridge and the project will be on the right as you are watching the
6 video. It is highly landscaped. We'll also talk about that space between the
7 pavement, the freeway and the actual landscape that belongs to the project.
8 That is one of the issues that were raised and we will look at that as well, but
9 generally speaking this is what we'll be seeing as we drive on our freeway; the
10 Moreno Valley freeway; Highway 60 heading east. It's heavily landscaped with
11 some areas which will remain open to expose the building. We think it's a
12 tremendous building; sort of an iconic building and we think the community as
13 well as the general public should have the opportunity to have a glimpse of the
14 architecture, which is unique. Eucalyptus, which is the southern boundary; again
15 this is turning from Theodore into Eucalyptus heading west towards Redlands
16 Boulevard and this is sort of the entry. We will also talk about the median you
17 see here. This median here is part of our General Plan Amendment. Currently
18 Eucalyptus does not have a median and we are requesting the General Plan to
19 allow us to install a median on Eucalyptus, which we will also be maintaining.
20 Again, the project is on your right; again heavily landscaped with drought
21 resistant type of planting. Anywhere there where there are posts or gates are
22 essentially concealed from the public view and it's really a nice boulevard that
23 you can get... If you didn't know there was that type of an operation behind it; it
24 could be anything; it could be a hotel; it could be a high-end residential
25 community; it could be anything at all really. The enhanced landscaping along
26 the boulevard coupled with the median, obviously just creates a whole different
27 experience. We're hoping that the City will continue with the median throughout
28 Eucalyptus; again we're just proposing it for this segment that we have which is
29 between Redlands and Theodore. Anyway this is heading to Redlands
30 Boulevard now. Here we are going by the commercial area that will be on the
31 right. It's zoned Commercial in the General Plan. It is still zoned Commercial
32 and proposed to be Commercial in our plan here. Okay, in terms of traffic and
33 traffic was an issue that was raised and exactly how heavy the traffic will be,
34 we've had the simulation again and some folks said, well gee there is so many
35 trucks; there is so much traffic and so on and I just want to remind you that how
36 we looked at traffic or how we look at traffic as individuals and how we
37 experience it on a human scale is entirely different. Some folks said, well gee
38 there will be a truck every 42 seconds and things of that nature and we actually
39 have a simulation of the traffic and we can actually... again this is looking in; if
40 anybody has a stop watch or wants to count every red truck again; is every red
41 car or truck is actual traffic that we are contributing to the ambient level of traffic
42 at build-out, which means what you are seeing here is a simulation of traffic as it
43 will be when it will be built-out and the red trucks and red cars are actually project
44 related traffic. As you will see and you can count the interval between trucks and
45 it may be 48 or 49 seconds; 50 seconds; you know it's intermittent, but on
46 average it's about a minute, but this is how you know a car or a truck every 40

1 some seconds looks like. It is not the kind of congestions that we all think about
2 when we hear these kinds of numbers. It's easy to get scared by thousands of
3 anything, but how we experience it is entirely different and when you compare it
4 to the fact that we are running so many over a 24 hour period; well the freeway
5 capacity is several thousand cars; 70 to 80 to 90 depending on many thousand
6 cars an hour going through the freeway at normal times so you can actually clock
7 those trucks and you can see they might be those red trucks; it might be every 40
8 something seconds, so it's not accurate what people were trying to say that there
9 are trucks on the freeway, but the reality is that it does not generate congestion;
10 not at the level we're talking about. On average around the here, we represent
11 about; according to the Traffic Study and the EIR analysis, about two percent of
12 the traffic as we are going down west to the 60 Freeway, so traffic is really not a
13 concern and everybody is welcome to clock it if you want to, but it exactly depicts
14 the Traffic Study that was done for the project. Again it's not different when we
15 head the other way. The same thing can be done. This is now traffic coming
16 towards us. This is standing on Redlands Boulevard and looking east and the
17 traffic coming west. Again the red cars and trucks are project related traffic...
18 very low level compared to the freeway and this is at build-out. I mean it's almost
19 kind of boring to watch traffic, it's just not that exciting, but it's also is not terrible,
20 it's actually very well moving and fairly freely moving and this is taken at peak
21 hours. This is the worst case during the traffic cycle of a day. We've tried to
22 summarize all the issues raised and consolidated it into a presentation so we can
23 go through some of the issues and one issue that was raised is the commitment
24 to the City. Some people said; when our former Councilman said that somehow
25 the City is betting us out one way or the other... A lot of nonsense in the sense;
26 we haven't taken a dime from the City. We actually have no debt. All the
27 properties were purchased for cash. It's in the tens of millions of dollars for that
28 particular project alone; not the rest of our holdings here. For somebody in
29 Moreno Valley that has a mortgage on their home; they are actually more in debt
30 than we are. We have no debt and we own everything as they say on the street;
31 free and clear, so we're certainly are not looking for (inaudible) thinking, actually
32 we'll be helping the City with millions of dollars of improvements and in this
33 particular project, approximately 45 million dollars between street improvements
34 and other things. In terms of how much time did the public have to review this
35 process? We heard people say it was rushed through. Actually the process
36 started in August of 2007. We've been through the notice of preparation. It was
37 published in October of 2007. There was a Public Hearing; EIR scoping meeting
38 and a NOP (Notice of Preparation) and a Hearing that was conducted out in
39 August of 2008 where the public brought in their input. A Draft EIR was prepared
40 and circulated for 45 days. That 45 day circulation period terminated September
41 19th of 2008 and since that time we've continuously to receive, even though it
42 was the deadline, we've accepted all requests and all input and data that was
43 sent to us, reviewed it and responded to it. The City did that as well as part of
44 the EIR process which culminated in the drafting and the publishing of the Final
45 EIR, which was really adding on the comments to the Draft. The Draft was really
46 the complete document and the Final EIR is that draft document; the complete

1 EIR plus the comments that were received after that period. We answered to all
2 of them. There is also part of the process that has been occurring here that I
3 think was somewhat; every meeting we come in and you are handed another
4 stack of 300, 100, 200, 300, 1000 pages and ask how could you possibly make a
5 decision before you read these extra 1,000 pages. Well in today's day and age
6 of the internet, anybody can push print and regurgitate thousands of pages on
7 any subject at all. We have to have a process in place and we have to make
8 sure that whatever is presented is actually the relevant information or new
9 information otherwise it will never end and we'll keep on hearing the same thing
10 or we get handed another 300 pages of the same information again and ask that
11 you couldn't possibly make a decision because you have so much new
12 information now. Well we've looked at all this new information; the City has
13 looked at it as well and there wasn't any new information in all those stacks of
14 papers. It's the same thing repeating itself, so we're hoping that if you review the
15 EIR which is almost a four foot high document. It's very detailed and almost has
16 an answer to any issue that exists. In general context with what you have here...
17 Sorry...Okay, this is essentially an overlay of the General Plan designation on
18 top of where the project is. If you notice where it says project area is where the
19 project site is. It is within the Business Park zoning. As you remember there
20 were two commercial areas at Theodore and Redlands. Those remain
21 commercial areas and it's within the General Plan Business Park designation.
22 Well in any event, I want to clarify one important thing. We've heard a lot about
23 the General Plan; we're amending the General Plan; we're changing the General
24 Plan in the east end; we worked so hard on it for 10 years. I've been around and
25 I understand how long it took to put this General Plan together, but the reality is
26 we're not talking about changing the General Plan. The only General Plan
27 Amendment that's in front of you actually relates to the realignment of trails and
28 the placing of a median in future Eucalyptus. This is the only General Plan
29 Amendment that is front of you. It isn't to change what the east end was like. It
30 isn't to change the uses out there. The simple General Plan Amendment that's in
31 front of you is to amend the General Plan as it relates to trails and the trail issue
32 is simply this: There was a trail designated to go from Theodore to Sinclair,
33 which is not there today and I hope we have that exhibit. I don't know if it's easy
34 to see with the lights on? Are the lights on, on purpose are can see the slide this
35 way? So the General Plan Amendment; what are we asking the Commission to
36 evaluate and to amend? The only General Plan Amendment in front of you is to
37 look at the multi-use trails that were crossing Highway 60. There was a bridge
38 designated; simply a horse bridge; a bridge to cross Freeway 60; not for cars or
39 anything else, simply for this trail and it's totally invisible; it's 20 million dollars,
40 plus if you come south of the 60 Freeway the segment of Sinclair between the 60
41 Freeway and Eucalyptus has been abandoned by the City; not by us; it's been
42 abandoned by the City. There is no connection from Sinclair to cross over the 60
43 Freeway and get to the north side, so that bridge or if you remember the bridge
44 to nowhere; that's kind of the same thing; it's a bridge to nowhere, it wasn't going
45 anywhere; there wasn't a street to receive it on the other end. So what we've
46 done instead is to take the trail segment from Theodore and instead of going up

1 to Sinclair and going over the freeway, we're taking it from Theodore all the way
2 out; actually extending it to Redlands Boulevard; so actually lengthening this trail
3 and so we're asking the amendment is to actually extend the trail. But there is a
4 bigger issue with the trail. We call it multi-purpose trail, but in reality we're asked
5 to put this trail in next to a sidewalk; next to a bike trail and so what is the
6 purpose of... if it's truly multi-purpose let's just have one trail that's for
7 pedestrians, horses and bicyclists and not have a multi-purpose trail; a sidewalk
8 and then have a bike trail. The reality of the fact is that it's really a horse trail and
9 I understand why because no one will let his three year old kid on a tricycle be on
10 that trail, followed by a ten year old kid on a two thousand pound horse galloping
11 behind it, only to be followed by a senior citizen with a walker. It's just an
12 impossible situation and bounded by the fences. You can even escape the
13 place, so we questioned the whole issue of what it actually means, but that's a
14 separate discussion. The General Plan Amendment simply is not to amend the
15 allowable uses or anything else; it's simply to amend the realignment of the trail
16 from Redlands to Theodore instead of from Redlands up across the freeway;
17 over the 60 Freeway. By the way a bridge like this we estimate will cost about 20
18 million dollars and we thought that if 20 million dollars are spent in the City, there
19 are better uses today than a bridge; in fact we can fix some of our roads with
20 those 20 million dollars before we built those kinds of bridges. The second thing
21 is the median. That is the second General Plan Amendment which is to amend
22 the Circulation Plan of Eucalyptus Boulevard to accommodate a median and
23 maybe we can take a look at Eucalyptus Street. Yeah you can see this is the
24 median we're talking about. This is Eucalyptus. Eucalyptus as it exists today in
25 the General Plan does not have a median, so we're proposing this median on
26 Eucalyptus Street, so that's one of the issues with the General Plan Amendment
27 and the second issue of the General Plan Amendment is the realignment of the
28 trail that used to start at Redlands, come approximately half way to Sinclair and
29 go over the freeway. It doesn't exist today and the bridge doesn't exist today, but
30 that's how it was laid out. We're talking about taking the trail; potentially the
31 alignment out to Redlands as a straight line. Okay we also think that... again you
32 can see the alignment here and you'll take it all the way to Theodore Boulevard.
33 This will be the entry to the Sketchers building. There was a lot of discussion
34 about air quality and the buffer... Maybe I can just describe it... Well the project
35 is here; there is... Well I'll just describe it... Generally speaking the air quality
36 analysis indicates that the air quality surrounding the project preserved. The
37 distance in which we get down to below the threshold of acceptable; the ambient
38 air quality is about 440 feet and as you can see from the project site itself there is
39 no one anywhere the vicinity; any residential units; any other units and in fact it is
40 surrounded on three sides entirely by Commercial, Industrial and Business Park
41 developments. Hopefully we'll have the slide that's more accurate and we can
42 show that. There is another issue which we need to understand. A lot of things
43 have been discussed about air quality and the context in which it's played out.
44 The risk of being impacted by being close to a diesel source takes explanation a
45 little bit. According to the way it is evaluated, it looks at incidents in the
46 population per million, so the ambient level of air quality out in our environment

1 and the threshold is about 10 incidents per million people. The project itself with
2 the 400 foot buffer gets us to that level, which means the air quality in the general
3 area is preserved and air quality in general is an original issue; it isn't project
4 specific or a building specific. You put the building anywhere and the ambient
5 quality is affected by everything that is surrounding us. This was just a
6 comparison of the risk rate, so for example if in Moreno Valley the risk of having
7 any respiratory disease is one per a hundred thousand and murder is about six,
8 so you know you are actually six times more likely to lose your life here because
9 of homicide or murder than ever from inhaling any diesel fuel. Theft is about
10 3,200, so you a 3,200 or three thousand times chance more of actually being
11 robbed today in your house while you are here at the Planning Commission
12 Hearing because of the likelihood of propensity. But anyways, traffic again just
13 very quickly; the traffic is diverted into the 60 Freeway. It goes along Eucalyptus
14 and up Theodore and Redlands Boulevard. We are actually proposing in the first
15 phase that Eucalyptus is actually a cul-de-sac and I think it's shown on the plan
16 as a cul-de-sac such that the only way to enter in and out of the project is
17 through Theodore. Later on we have that mechanism that we'll discuss with the
18 City to limit truck access into Redlands Boulevard. As far as the project is
19 concerned it's designed to work from Theodore. We're not looking really for
20 access to Redlands Boulevard but none the less it goes north of Theodore and
21 doesn't down to any of our communities. Just in terms of comparison, the
22 General Plan uses that are allocated right now will produce about 36,000 trips a
23 day. Our proposal actually is at 15, which is a 58 percent reduction from the
24 proposed plan. The actual numbers of cars... if by comparison to look at the
25 comparison of the weight; Moreno Valley Mall is at about 60,000 trips a day.
26 That's what 60,000 trips a day looks like. The Stoneridge Wal Mart Center off of
27 Moreno Beach Drive is at about 36,000 trips a day. The entire Highland Fairview
28 Corporate Park; this entire project including Sketchers is at 15 and the Sketcher
29 building itself is at 3,300, so by comparison we are about a tenth of what the
30 Stoneridge Wal Mart Center at Moreno Beach Drive is in terms of traffic. The
31 actual operational characteristics of Sketchers itself though is about 50 inbound
32 trucks and 50 outgoing trucks; 50 usually coming in from the ports, which is at
33 night time and not during daylight hours and the 50 outbound trucks go out after
34 peak hours, which means they leave the capacity wide open on the freeway.
35 That's their particular operational characteristics is about 100 trucks a day. The
36 reason this says 3,000 is because this is not about Sketchers and their
37 operational characteristics; is this... if you call it the typical or the typical such
38 operation based on City guidelines and standards; it is not the actual operation,
39 but the actual operation is about 100 movements a day for Sketchers. Okay I'd
40 just like to summarize one point about jobs. There has been a lot of discussion
41 about jobs and all this discussion if we just zone it a certain way they will come.
42 Well as we all know you can't just zone something and they will come, otherwise
43 why stop at a 50,000 square foot building or any building. We can zone it a bio-
44 tech center; capitol of the world and bio-tech center of the world. We can zone it
45 Manhattan be the financial capitol of the world; it doesn't quite work that way.
46 We have to be responsive to our local original, even global economy to have real

1 jobs and because we have those designations that don't respond to the market;
2 is we've been empty all this time. We are the second largest City in Riverside
3 County and do not have any major employers here and it's not by happenstance.
4 It's the type of decision we've been making all along that brought us here. There
5 is no science to it. Other cities have been able to during the boom years attract a
6 lot of businesses and that's because we cannot be arbitrary in terms of building
7 size. It's like saying if you are a Moreno Valley company and you grow to be
8 50,000 square feet and you need 51,000 square feet we say take your business
9 and your jobs and take it somewhere else because we are only limited to 50,000.
10 In terms of the jobs generated in the park, there are already many jobs
11 generating here. We are a Moreno Valley company. Our payroll is equivalent
12 average median pay in Moreno Valley to about 60 people. That's part of what we
13 do; that already jobs in Moreno Valley. There are about 1,000 construction jobs.
14 The entire Business Park as it builds out is projected and this is according to
15 analysis based on types of uses is about 2,500. People asked about Sketchers.
16 They range today between 800 to 1,000 jobs with about 150 or 10 to 20 percent
17 executive level type people there. So that's essentially the project. I'll just
18 conclude with taking your around the project once again so we can see what...
19 so in summary the General Plan Amendment; it is not to change the entire east
20 end of Moreno Valley. It is simply the amendment that you're looking at is to
21 amend the trail alignment and extend it. It is also to place a median on
22 Eucalyptus Street. That is the entirety of the General Plan Amendment. The
23 second part is the design of the building. This is a green building. We're trying
24 to achieve the highest LEAD Certification possible. The solar system on this
25 building already will be the largest in the region; several million dollars by far.
26 The design of the project in terms of the freeway; we are proposing to put in our
27 own landscaping and maintain our own landscaping and not do Cal Trans
28 landscaping. Cal Trans landscaping and I wonder if we have those slides... If
29 you look at comparison between what Cal Trans and actually the City standard
30 and what we are proposing, you can compare to see... this is if we can go
31 through slides... This is our 60 freeway. No, this is not the 60 freeway. This is
32 estate areas in the rural east end... I guess this is not the day for slides or for
33 computers... In any event as you know, obviously all of you drive the freeways
34 and you know exactly what Cal Trans landscaping is. It is very sparse; it's very
35 minimal; there's not a lot with it and if you compare it to the landscaping that
36 we're proposing it's much, much more extensive than the Cal Trans landscaping,
37 plus we control and maintain that landscaping. Unlike Cal Trans you'd have to
38 ask permission from them to enter Cal Tran's property and then again it would
39 have to be torn up when the freeway makes any improvements at all at some
40 point. Okay I guess I'll open it up for questions because I guess the technology
41 is going haywire here this evening.

42
43 **CHAIR DE JONG** – Okay, thank you. Commissioner questions of the Applicant?
44

1 **VICE CHAIR MERKT** – Yes, good evening, thank you for being here. For my
2 own personal interest I understand you have been a developer for some period
3 of time. Would you mind telling us how long you've been a developer.
4

5 **APPLICANT BENZEEVI** – I've been a businessman and a developer; sort of a
6 generic term; doing real estate. I've been in real estate probably 27 years.
7

8 **VICE CHAIR MERKT** – Good, that's a lot of experience. Can you tell us a brief
9 history of any of the projects you have completed in Moreno Valley or that
10 Highland Fairview...?
11

12 **COMMISSIONER GELLER** – Mr. Chairman, this is absolutely improper. We
13 have never grilled a developer like this. This is out of the scope of our
14 responsibility. We are reviewing a project...
15

16 **CHAIR DE JONG** – I think that it's... Let's let him finish. I think it's relevant.
17

18 **VICE CHAIR MERKT** – You know, I'm just asking a question. If you object to it,
19 please tell me, but I think it's a fair question.
20

21 **APPLICANT BENZEEVI** – It's fine. You can ask me those kinds of questions.
22 I've never been asked that in a Planning Commission Hearing of forum but that's
23 fine. I've invested a lot of Moreno Valley. We have spent a couple of 100 to 150
24 million dollars in Moreno Valley in cash buying property. We've owned a lot of
25 property. We have started Aquabella as you know. We have done all the
26 grading already in Aquabella. We have dug up all the lakes; about 20 million
27 dollars of grading has been completed in Aquabella. Those Specific Plans have
28 been completed for that. The plan check is in process for the club house. We
29 currently shutdown for the winter and are waiting to see what the economy will do
30 and as you know home prices in Moreno Valley has down by more than half;
31 thousands of foreclosures and it becomes a question of whether or not you
32 should start new housing when the market is in this state but we're certainly
33 anxious to do it. We've bought all the remaining properties that you see here and
34 again they are owned by us. They are owned for; as they say there is no
35 financing involved there. We have done all of our plans. These plans have been
36 checked by the City, so what you see here is exactly what is intended to be built
37 and we're interested in pulling the building permits.
38

39 **VICE CHAIR MERKT** – Well I'm aware of what projects have in work and I
40 understand you've been in this area since around 1990 or perhaps before that I
41 just wanted to know if you had completed any projects in that period of time. I
42 know you have started some. I know...
43

44 **COMMISSIONER GELLER** – You know Mr. Chairman this is absurd... What
45 does this have to do with anything? It is not right. It is unfair.
46

1 **APPLICANT BENZEEVI** – Okay, let me just say that we're trying very, very hard
2 for years to get to a point where we can pull the permits so we can get to the
3 business of building. You know we are trying very hard. We've spent a lot of
4 time with City Staff; literally years going through plans; spending millions of
5 dollars in plans; asking this Commission to move on with approval so we can
6 actually get started with building the project.

7
8 **VICE CHAIR MERKT** – Okay...

9
10 **CHAIR DE JONG** – Do you have another question?

11
12 **VICE CHAIR MERKT** – No I'll leave it at that..

13
14 **CHAIR DE JONG** – Are there any other questions of the Applicant? Well I have
15 one. I am curious Mr. Benzeevi, why you didn't mention the zone change as part
16 of what we are voting on tonight?

17
18 **APPLICANT BENZEEVI** – I was again; there are a lot of technical issues here. I
19 was referring to the General Plan Amendment. The General Plan Amendment
20 relates to the issues that I talked about. There are other things that you are
21 approving here. There is a Parcel Map, there is also the Zone Change to allow
22 buildings larger than the 50,000 foot limitation, but that is not a General Plan
23 Amendment.

24
25 **CHAIR DE JONG** – No it's not. Are there any other questions of the Applicant?
26 Okay, thank you. I see none. Thank you for your time. I'm going to close Public
27 Testimony and open Commissioner Debate.

28
29 **COMMISSIONER GELLER** – I'd like to start.

30
31 **CHAIR DE JONG** – Go ahead

32
33 **COMMISSIONER GELLER** – First off, what we are here to do tonight; we're
34 approving a 2.6 million square foot project. We've heard all of these things about
35 35 million feet and I don't know millions of numbers have come out. I think the
36 only thing in front of us tonight is 2.6 million square feet. I think the number one
37 issue that I think that came up was pollution. First of all nobody bothered to bring
38 up that I think the new trucks that are being produced today are far cleaner.
39 They are not the kinds of trucks that are belching all these fumes. Also what
40 hasn't been brought up is the State of California Air Resources Board passed the
41 strictest retrofitting rules I believe anywhere in the nation that's going to require
42 the entire diesel fleet that travels in the State of California to upgrade and
43 basically to remove most of this particulate matter and yes it's going to take a
44 number of years, but everything is going to take a number of years, but the fact is
45 that no one bothered to mention it. It was just like well... but the State has taken
46 action. Air quality is a regional issue; it's a statewide issue; it's not a block by

1 block issue. As a matter of fact we had people up here that said that yeah Mira
2 Loma air it's so bad that it's moved to other cities. Well the point is air quality is
3 not within a 300 foot range. If there is bad air, there is bad air, if there isn't; there
4 isn't and I think first of all the reality is the number of trucks is going to be
5 relatively, virtually none. You know we have lots of warehouses in this City and
6 there are warehouses around us. There is the Mattress Factory; I mean there
7 are warehouses all over the place and you know what, maybe I'm unique and
8 again but no one here complained, I have never seen a Serta Mattress truck on
9 our streets. I have never seen any of these warehouses; any body with trucks
10 going in and out of them except for the UPS truck. I have a client near the Big 5
11 warehouse and I have been by there all the time during daylight hours. I see
12 hundreds of cars in the parking lot. I have never seen a truck go or enter or
13 leave that distribution center and no one here in all of Moreno Valley; no one has
14 complained about one warehouse that's here and all of the trucks that are
15 coming and going, because it doesn't happen. The trucks come and go in the
16 middle of the night when no one is on the roads. That's the way it is. If the traffic
17 of trucks in the City was such a big problem everybody would be complaining
18 about it. I challenge anyone to find actual trucks delivering goods to one of these
19 so called warehouses. What you see on the road during the day are trucks that
20 have to go during the day. The trucks that bring us fuel; the trucks that bring
21 groceries to the grocery stores; some of them have to be during the day; the
22 construction trucks; concrete trucks and I mean those are who is out during the
23 day and yeah there is some long haul truckers that might through up the 60 or
24 somewhere else in Moreno Valley on their to somewhere else, but the core
25 distribution centers do not have trucks going in and out during the day. It is not
26 cost effective; they don't do it and that's why no one and of all the people that
27 have testified in front of us and the three or four dozen letters and I have read
28 every single letter that anyone gave us and anyone emailed and there is nothing
29 in there to complain about any warehouse in this City and the so-called all the
30 traffic and all of the fumes and all of this. We've approved several 1.5 or at least
31 one 1.5 million square foot warehouse and I don't think anybody came to the
32 public hearing. It hasn't been built, but if air quality was such a concern, there
33 should have been hundreds of people there complaining about the air quality.
34 No one came. I think it was just the Applicant or maybe a couple of people but
35 we've approved lots of warehouses; none have been built because none of them
36 have tenants, but the fact is the air quality is just a red herring really for the
37 people that don't want this warehouse in the so called east end, although it's
38 already been zoned for warehouses. Actually the number of trucks is relatively
39 small. You know what no one... belching diesel fumes and my apologies to the
40 School District; those darn school buses are worse than any truck I've ever been
41 near. I drive behind those buses and you do start coughing and they are
42 belching black smoke. The fact is the schools have no money to upgrade their
43 fleet. I don't even know if they are called to upgrade their fleet over a period of
44 time, but no one has complained about the school buses. All the people that
45 complained about all these trucks, they still go to the market and they really like
46 having a supermarket full of food. How do you think that it gets here? It doesn't

1 get here on a horse and buggy. They like going to Target or any of these other
2 stores; how do think they get goods. They come on a truck; a diesel truck; that's
3 the only practical means of fuel that there is and the State recognizes the
4 problem and they are trying to make it better and they have made it better. You
5 know there is also a new diesel fuel formulation that also was blissfully ignored
6 by everybody again to try to create cleaner diesel vehicles. It isn't a situation
7 that's been ignored. The jobs are an interesting thing. I have had heard all these
8 people saying these don't create jobs; these warehouses are all fake. Well in
9 Inland Empire Magazine the top 100 private companies in the Inland Empire.
10 The largest one listed is the Moreno Valley Mall, but they are not a real employer
11 because they are full of different stores that employ people. The largest single
12 employer in the City of Moreno Valley is the Walgreen's Distribution Center listing
13 2,240 workers. Now where are these five workers that run the whole
14 warehouse? I have been in their warehouse. It is as automated as anything I've
15 ever seen in my life. They've got... they've built that large... the reason that it
16 stands so high is that they have a vertical crane or a vertical robotic system that
17 needed height to move around. They got these little automated trolleys running
18 over the building; 2,240 workers. Where is thing that nobody thing about nobody
19 works there. You know my Uncle Fred has seen this warehouse and they only
20 have five people. That's just utter nonsense. The Big 5 Warehouse; I don't have
21 any reason to believe that it's not state of the art. It was just built a couple of
22 years ago. They're parking lot is full of cars every single day. Drive by it; drive
23 by any of these warehouses; drive by Walgreen's and see how many cars are in
24 the parking lot and tell me they don't hire anybody. I mean it's just simply
25 absurd. The other thing is let's assume we don't build this project; okay, we're
26 not going to get those jobs ever. Some people said, well you know they're going
27 to build the warehouse and they're going to bring all their employees from these
28 other warehouses. Maybe that's true and maybe it's not. Some will come; some
29 won't. I know lots of companies and you know I heard antidotes from a lot of the
30 owners of businesses that have moved to Moreno Valley; some of their
31 employees come and some don't and over time people quite; people retire;
32 people move away; companies expand. If we don't get the jobs here now we're
33 never going to get them. Whether it generates 100 new jobs or 10 new jobs, so
34 what; sooner or later the Moreno Valley people are going to have all the
35 advantages of getting those jobs. Number two is there are all the support
36 services. You know they have warehouses in Ontario or wherever and you know
37 when their plumbing breaks they're not going to call a plumber in Ontario; they
38 are going to call one in Moreno Valley or someone in the general area and
39 you've got all the services that these companies need to keep everything going.
40 The practical side is that it is going to create a lot of ancillary jobs and again oh,
41 they're not the jobs we want. Let me tell you... there was an article in the paper;
42 In and Out Burger and I think it was in Banning; I might be wrong, but they had
43 three or four hundred applicants for an eight dollar an hour burger flipping jobs,
44 so don't tell me that people don't want ten dollar an hour jobs. I have a client
45 who makes ten dollars an hour at a manufacturing company somewhere out here
46 locally, they're going to close; they can't afford to stay in business and they're

1 going to move to Covina and it's not going to be practical for ten dollars an hour
2 for him to go to Covina, but to say; for anyone to sit here and say well ten dollar
3 an hour jobs are just no good, if that's even the case and I don't know how much
4 they pay. You know that's just outrageous to say that. Ten dollar an hour jobs
5 are fine for a lot of people. I know there are a lot of people here that are retired
6 that have nice government pensions and that's fine, you don't need a ten dollar
7 an hour job and there also that that's a heck of a lot of money and you know
8 maybe both of them in family have to work, but they can make a living and not
9 having to drive to Covina for ten dollar an hour jobs a heck of a lot better and
10 clearly in this center there is going to be a lot more than ten dollar an hour jobs.
11 The schools... people say what's the impact? The fact is they're going to pay all
12 of this money to the School District with zero impact on the schools. They're not
13 going to generate one new student and there was some talk about the School
14 District wasn't going to build schools. Well that's old news; it's done. The School
15 District has pulled out. Whatever happens, they're not building there, but this
16 project will create zero students for the School District and yet they'll pay all the
17 school fees that everybody else pays. Now if they build 8,000 homes what's the
18 impact to the School District? There were some issues of infrastructure. Let's
19 talk about crime and fire. Well who is going to pay for it? You know what; do you
20 really think there is much crime in these warehouse distribution centers? Do you
21 think there are a lot of family squabbles that the Police have to come to and
22 break up? Do you think there are a lot of burglaries? They have high security;
23 they have full time guards; all places are gated; fully monitored with high end
24 security; they don't have burglaries for the most part and robberies; they don't
25 have anything. The Police don't come out to these centers except on very, very,
26 rare occasions. The parking lots are secure; their cars aren't broken into and
27 they have roving guards and they have cameras; they can afford it with the
28 economies of scale. The Fire Department; they are all sprinklered; they have
29 state of the art fire prevention; fire suppression systems. How many articles of
30 paper have you read about you know; a modern state of the art industrial building
31 having a big fire? Oh yeah, you get some of these old ones and some that have
32 illegal materials on them, but mostly we read about house fires; that's what the
33 City goes and responds to; either they are house fires or medical emergencies
34 and again, even these buildings they have medical personnel; I mean they have
35 everything. There's very, very low impact for the public. Number two is what
36 people don't realize and for every house that's built, the taxes that homeowner
37 pays; sad but true in this City due to the Prop 13 restrictions; the fact is the City
38 loses ground with every house that is built. Rarely do the houses pay enough
39 property taxes to cover the support of those extra Police created by the
40 population; the extra Fire Department. I mean you can go to the City budget and
41 look it up. The fact is that every house that is built; everybody's quality of life in
42 some way comes down slightly because they can't afford to provide Police and
43 enough Fire for all these people; whereas the fact is the businesses that get
44 added add very little overhead to the City's operation. People say, oh if we do
45 this it will open this Pandora's Box. I don't know of what. The zoning is the
46 zoning. It was already zoned for Industrial type buildings. Somebody said, wow

1 50,000 square foot buildings are fine. Well nobody wants 50,000 foot buildings.
2 You know we can pretend; you know we can pretend about everything, but the
3 fact is if all you had to do was zone and get people to build you know every city in
4 the world would have all these high tech businesses and industries. It's just not
5 there. You know if we compare the environmental impact of this project to
6 homes, how much pollution does like 8,000 homes create. How much water
7 does 8,000 homes use really... electrical; traffic, how many cars are there and
8 really what is the health hazard? People just ignore like cars; well you know
9 close the garage door with your car running and see how long you live. I mean in
10 reality, cars are dangerous too. It's not just like diesel vehicles too that create
11 pollution. People keep saying this General Plan took 10 years. Yeah it's true.
12 On a calendar it took 10 years. It's not like every week we met for 10 years to
13 resolve these issues. There is a whole array of reasons it took 10 years. One of
14 the problems of taking 10 years is by the time it was done it was obsolete to a
15 degree and also the General Plan is a dynamic document. It's not cast in stone;
16 changes are made all the time. It just is what it is. You do the best you can, but
17 it did take 10 years and like I say part of the result of that is the world we live in
18 today is not the world that was in 10 years ago when we started it. I was there
19 for the whole process. You know it is not the same world today. We can pretend
20 that it is and put our head in the sand, but it's not. And again, mostly what's
21 being requested is a Change of Zone. As discussed, the General Plan Update is
22 trivial and yet you know oh don't change the General Plan. I know there one of
23 the... and I took careful notes. I know one of the Speakers last week said, oh Mr.
24 Benzeevi is just going to build and leave this town. I'll tell you something, nobody
25 in this City has invested more in their personal residence than Mr. Benzeevi;
26 nobody. He has made this his home and is spending millions of dollars on
27 personal residence in this town and he is going to see this building from his
28 house. We've have housing cycles in this City. I've moved here in 1983.
29 Nothing was selling because interest rates for houses were at 15 percent. We
30 made that crazy decision to do it because we knew they'd go down. We've had
31 this huge flip flop of housing prices; skyrocketing, crashing, skyrocketing,
32 crashing, foreclosures galore; you know one day we are the fastest growing City
33 in the nation and the next day we are the foreclosure capital. Why does that
34 happen? What is different here and the difference here; one of the big ones is
35 we have no jobs in this City really. The jobs to housing ratio are way out of
36 whack. The towns with little fluctuation in their housing prices have lots of jobs
37 nearby of all different kinds and if we don't break that cycle and increase the jobs
38 to housing ratio, in eight or ten more years we going to have another crash of
39 housing prices. It's inevitable and it is not going to change. You look at Northern
40 California cities or even Los Angeles; a lot of these cities where they had a much
41 smaller decline in prices and a much lower foreclosure rate are that they've got
42 jobs in their community. We basically have none to speak of and the only way
43 we're going to break that cycle is to do that. People talk about all these trucks
44 wandering around residential neighborhoods. Of all the warehouses put in this
45 City, this one is the only one right next to the freeway. I mean I don't know how
46 much closer you could get short of getting put in their own offering. All the other

1 warehouses... some of them are miles from the warehouses and yet still again
2 nobody complained about all the trucks on our City streets and yet we have
3 warehouses all throughout the City. The fact is that it is isn't a problem and yeah
4 it is possible; some trucker is going to illegally you know leave their deviated
5 path; you know it happens. Yeah and some trucker illegally parks on the side of
6 the road to take a nap. I know it happens, but the fact is it isn't going to be
7 because or in spite of this project. One way or the other, the same things are still
8 going to happen. You know I wish it was sort of in our power to you know end all
9 air pollution and end this problem and end that problem but it's not. The impact
10 of this proposed project is so trivial in the scheme of things in terms of air
11 pollution and air quality and these other traffic issues; yeah I know people
12 laughed at the graphics... oh that's not the way traffic is. You know I know, I've
13 lived here for a lot of years and I've seen the traffic get worse, but again traffic
14 modeling is traffic modeling; that's how it's done for better or for worse; it's not
15 necessarily looking at the freeway in the real world, but the fact is the numbers of
16 trips. Wal Mart generates far more trips than this project ever will. Is that good or
17 bad and I thought that traffic would be much worse getting off at the Wal Mart
18 and it's actually better than I had thought. You know I don't know what the right
19 job is. I don't know. For the moment I have a job you know. It might change
20 someday but for the moment I have a job, but you know one of the speakers
21 talked about rich and poor and I think some of the residents really didn't
22 understand that. You know what's rich and what's poor? The median income in
23 this town is about 50 or 60 thousand dollars. I think that someone that makes
24 120, you know I think that's pretty rich by this City's standards. You know all the
25 people on the east end aren't rolling in money and believe me I'm one of them. I
26 couldn't that house... well maybe I could afford it today but four years ago I could
27 have never afforded it and I've lived there in the same years for 25 or 26 years,
28 but we have all types of people here and we need all types of jobs. There is
29 nothing wrong with a warehouse job. I don't know what it is and the only people
30 that are going to say that there is something wrong with it is someone that has a
31 job. People that are unemployed aren't going to thumb their nose at either a
32 warehouse job or flipping burgers at In and Out. I mean it's just... I don't know
33 where that comes from, but again it comes from having a secure pension and a
34 government pension plan; having a nice government job or whatever. I mean
35 most of the people that spoke that didn't want it; that didn't like this project, most
36 of them seemed to have pretty decent jobs or secure incomes. I don't think there
37 are many people whose house is being foreclosed and they still said we don't
38 need any jobs here. I don't think there many of those and if there were, they
39 didn't say anything during their testimony. Water was an issue... look we don't
40 run the water district. Eastern Municipal Water District; they are a government
41 agency; they have their own Board of Directors. They said they will provide
42 water to this project. It's their responsibility; that's it, I don't know. If they say
43 they'll supply the water, they'll supply the water. We can sit and second guess
44 well maybe there won't be enough; the fact is they said they will supply the water.
45 That's all we can go on. Every single project that is built in this City they have to
46 get a letter from the District that says we provide them water. They got their

1 letter and that's the end of it. Property values... I don't know how much more
2 property values can go down. I don't know how this project can make property
3 values much worse than they've been in this City. I mean it's just not even
4 possible. The fact is I have heard that mantra. When we had an apartments
5 going up; well property values will plummet. You know what, they didn't plummet
6 they actually went up. Having jobs and having you know a full service City that
7 can provide jobs, entertainment and all the other things, that is what is going to
8 keep housing values up. The fact is this project whether this project is built or not
9 built; I can guarantee your house values are not going to up if this project is not
10 built. If you think that then I don't know. No credible information was ever
11 provided that that would be the case and my own experience; being here a long
12 time; knowing lots of construction projects, it just doesn't happen. Yeah, if there
13 were 20 houses right next to it, yeah there might be a problem for those 20
14 houses, but that's not the case here. You know people said we should provide
15 healthy jobs. I don't know what that is. You know we have all these government
16 agencies that are responsible for keeping people healthy and safe in their jobs. If
17 these warehouse jobs were so dangerous why doesn't Cal OCEA shut down
18 every warehouse in the State of California? Well the fact is apparently it's not as
19 dangerous as some people like to say. I mean apparently it must work out okay
20 because otherwise every warehouse would be shut down because they are
21 dangerous. The fact is idling is illegal... diesel trucks they have to park and shut
22 off and again the model of the modern logistics plants; again you go look at any
23 of them; the trucks come in once a day, they back up, they turn off and they're
24 done. They open the little loading dock doors and everyone does their thing,
25 then the next day when they are ready to leave, they close the loading dock
26 doors, they start their truck and they leave. People that are at neighbors running
27 their trucks for 20 minutes in a residential neighborhood, they ought to call Code
28 Enforcement. I think it's illegal and it's dead wrong. If my neighbor were idling
29 his stupid truck for 20 or 30 minutes in my backyard, I'd be complaining, but that
30 has nothing to do with this project and that isn't really an issue that is going to be
31 there; that's the reality... they park, they unload and they leave. You know all we
32 can do as Planning Commissioners; we can do kind of the best we can. There is
33 no magic solution. There is nothing we could do; there is nothing the City
34 Council could do and I don't think there is anything that anybody can do per say
35 that's going to magically create these great jobs; if so every City in the nation
36 would do it. My wife travels a lot for work out of the City and out of the State and
37 she is in Oregon and she's been in the Mid-west in these little tiny towns where a
38 lot of these factories have been built; these factory jobs that everybody wants.
39 They ain't coming. I can guarantee you that they are not coming to California.
40 They are in the Mid-west where wages are lower and you know they are where
41 they are. They are in rural areas where they have a wide work force. There is
42 virtually no manufacturing in California left of any size. The last car plant that
43 was in Van Nuys I think closed about 20 or 30 years ago. It's just wishful thinking
44 and again there is nothing we can do that would get General Motors... I don't
45 know if we want General Motors, but you know there is nothing we can do. You
46 can even look at aviation. I mean Long Beach is a hare's breath from closing;

1 the now Boeing Plant, formerly Douglas. It's a hare's breath from closing and the
2 only reason that it's still open is the government extended one of their contracts.
3 It's sad and I'd love to see high paying manufacturing jobs here. Again we do the
4 best we can. All we can hope is that if this project is approved you know that
5 something good will come of it and maybe some manufacturers will come here;
6 small manufacturers, but I had a lot of clients and most of the manufacturing;
7 they have left this State. I mean there is just too much nonsense going on here;
8 too many people against everything and you know what I think if the proposal
9 was to build a manufacturing plant, the same people would come up with the
10 same environmental issues and the same this issue and the same that issue and
11 they'd find a reason to kill that project too. You know I live on the east end and
12 you know I say I've been there all this time and there is no doubt in my mind that
13 anyone that came up here and said it's a great project but it would be better if it
14 was moved. Again, not in my backyard has been a mantra that I have heard with
15 apartments; I heard with every project practically that we have approved that
16 somebody doesn't want it because it's close to them and it's not in their
17 perception of what they think. I have a simple test that I use and I've used it on
18 this project and I've used it on every project... if I were in the same relationship
19 as the effected homeowners would I vote for it. If I wouldn't vote for it for me, I
20 wouldn't vote for it for anybody else and I am going to tell you the opportunity to
21 get a Fortune 500 Headquarters is absolutely unbelievable. The reason the
22 Press-Enterprise hasn't run a positive article is they don't want Moreno Valley to
23 succeed. They want us to flunk. They want to knock us to the ground. They
24 have published letter after letter of anti-Moreno Valley and all the anti-people
25 they published their letters and I know that's not the only letters they got. They
26 haven't published I don't think one pro-letter in a long time. The Editor of the
27 Press-Enterprise is clearly against Sketchers or anything else that might bring
28 Moreno Valley out of its current situation. Maybe it makes Riverside feel great;
29 maybe they are hoping it will go to Riverside, but the fact is enough is enough.
30 You know the headlines in the Press-Enterprise today is... you know people
31 have said well what guarantee is this going to happen or that going to happen?
32 Look, every project we approve; half of them get built and half of them don't and
33 it's the way it is. Lots and lots of projects get approved and then don't get built
34 for lots of reasons. The biggest reason these projects don't get built is the
35 builders don't have any money. There is no financing now. It is unbelievable
36 and anyone who knows anything about economics, it is unbelievable for a
37 developer to have paid for all of their land in cash and have no encumbrances.
38 You have no idea; there is nobody that is in that position that I'm aware of. All of
39 the big industrial developers are maybe on the teetering of bankruptcy because
40 of their huge leveraged debt. Debt is... you know a lot of these companies are
41 going under; housing companies; retailers; their going under because of a huge
42 amount of debt. It's absolutely incredible that any developer has paid cash for
43 everything and again if you can find another company with that kind of you know,
44 I'd sure love to hear about them because I'm not aware of any. It just doesn't
45 exist in the real world companies of that and they talk about finishing projects or
46 not finishing projects. The bottom line is our how one looks at it; Highland

1 Fairview has invested millions and millions and millions of dollars. If they don't
2 finish it; we approve and they never build it, well they never build it. I mean we
3 don't have any control over that, but the fact that they have no debt and they
4 have a tenant, makes it pretty likely. This idea of we are bailing them out of
5 something, I have no clue where that comes from. You know most cities would
6 pay money to have this kind of project in their town, and it isn't just another
7 warehouse... if you compare this building to any other building in the City and tell
8 me that's not the best looking thing you've ever seen... I mean there is nothing
9 that even comes close and I thought we had raised the bar on industrial
10 development. I mean I think most of the stuff built is pretty nice, but nothing in
11 this City and I don't think anything in the City of Riverside or any of the other
12 surrounding cities architecturally is going to come close to this building
13 regardless of its size. You know the headline in the Press-Enterprise today really
14 says it all; grim gets grimmer on economy. Who the heck would turn down a
15 project like this...? I have no clue. That's all I have for this portion. I have some
16 issues with the Conditions but we can wait on that. Let's the other
17 Commissioners speak on this project and then I'd like to come back and talk
18 about some of the Conditions.

19
20 **CHAIR DE JONG** – Okay

21
22 **COMMISSIONER RIECHERS** – Yes I have a number of points I would like to
23 make. I don't have a particularly well organized order in which I'd like to make
24 them. Some of them are comments related to points which were made last
25 week; some points which were made this week; some points made by
26 Commissioner Geller who spoke just before me. I will try to keep them
27 reasonably well organized, but there will be a bit of rambling here I fear. I guess
28 I'll start with a point just made by the Applicant who stated that there will
29 approximately 50 trucks coming and going per day. A quick back of the envelope
30 calculation here is that 50 trucks going into 1.8 million square feet... if you park
31 the whole trailer inside that one 1.8 million square feet, it would take 40 days to
32 fill that sucker up if you never took anything back out, so that doesn't quite seem
33 to add up me. It seems to me that this warehouse is going to require a lot more
34 traffic than that. I may be wrong; I may not understand warehousing at all, but it
35 seems to me that there has to be a lot more turnover in that warehouse than that
36 and it doesn't seem to me that 50 trucks a day is enough traffic for warehouse of
37 that size. A point was made that 50,000 square feet is a ridiculous size for a limit
38 on building size and that that's not what the market wants so that is not what we
39 should require. I made the point scores, if not hundreds of times over my tenure
40 here on the Planning Commission that it is not our job to create areas or change
41 areas to meet the current demand of the City. We are a Planning Commission.
42 It is our job to plan the City and design the City for the best future for the City, not
43 to meet the needs and desires of the Applicants as they see fit at the current
44 time. If we don't plan for the future, we will not be able to meet and design a
45 future which we desire. It is our job to put together a plan and wait for conditions
46 to come around to meet that plan. When I joined this Commission some 12

1 years ago, many, many people told us that we were completely pie in the sky to
2 put all of that land there in the southwest part of the City for an industrial area;
3 that we were ridiculous; we were never going to get industrial development here
4 in Moreno Valley; it was never going to come out here; it was far too much land;
5 much closer to the ports in LA and Long Beach and we would never get industrial
6 development here in Moreno Valley and several of us on the Commission said
7 we need it; we have to wait for it and over the past several years we've had
8 significant development down in our current industrial area; the former Oleander
9 Specific Plan. I believe when we most recently reviewed and revised the Specific
10 Plan we came up with a good plan for the 60 corridor, with offices on the north,
11 Business Park on the south. Certainly nothing is knocking on our door to fill
12 those spaces today, especially in our market right now, but I think it's a very good
13 plan. I think is something that will greatly benefit the City in the years down the
14 road, but I think we have to bite the bullet and wait for what we want and not to
15 succumb to the temptation to accept something which is expedient at this point
16 and frankly from standpoints would be beneficial to the City from a tax and
17 revenue standpoint, at least short term, but to wait for what we really want and
18 which would be far more beneficial to the City in the long term. It was stated that
19 the traffic count is going to be far lower with this development than it would be
20 under the existing General Plan. I couldn't agree more. That is simply because
21 there would many, many, many more jobs under the existing General Plan than
22 there will be under the proposed plan. If we put Business Park in there in 50,000
23 square foot buildings as opposed to an almost 2 million square foot building on
24 half a mile frontage we're going to have a lot more jobs than we're going to have
25 in that warehouse and in the long term I have no doubt that those are going to be
26 and pardon me if I'm snobbish, but those are going to be more upscale jobs than
27 what we're going to have in that warehouse notwithstanding the fact that we're
28 going to have some technical jobs in the warehouse and I would remind
29 everyone that this is the logistics center for this company; this is logistics
30 headquarters for this company. This is not the corporate headquarters for this
31 company in North America. We're not going to have the CEO; North American...
32 I don't know what the title would be for the head honcho in North American, but I
33 don't believe he is going to be moving to Moreno Valley. The distribution head
34 for North America will be operating out of North America, but Sketchers will not
35 be operating out of Moreno Valley; their distribution function will be but the
36 corporate headquarters for Moreno Valley I doubt will be moving to and operating
37 out of Moreno Valley. And furthermore I have no doubt that everyone; nearly
38 everyone who is currently employed by Sketchers in their various buildings as
39 they now exist will be offered jobs in the new facility here should it be built and I
40 have very little doubt that anyone will turn down any one of those jobs in our
41 current economy. There are not that far away and with the current economy I
42 don't think any of them are going to see the commute from the current location to
43 Moreno Valley as something they can turn down. They're not going to give up
44 the change for any kind of job because of that commute. That's not going to
45 leave a whole lot of jobs open for people of our community. Let's see... air
46 quality has been kicked around a lot from both sides. Yeah the State is trying to

1 do a lot to try to clean up diesel trucks, but if you read the detailed analysis of
2 that, it's going to take at least 10 or 15 or 20 years to get all the trucks; all the
3 dirty trucks off the roads. Nobody is going to be able to force the guys with the
4 older trucks to scrap them or buy new trucks and nobody has got the money to
5 buy them out or buy them new trucks. We have cleaned up the diesel fuel; we've
6 taken the sulfur out of it, but that's largely so they can put cleaner engines in the
7 newer trucks; that doesn't have a lot to do with the emissions that come out the
8 older trucks and if air quality were not bad around concentrations of warehouses,
9 why is Mira Loma moving way, way, way up the list very fast as a center of very
10 toxic pollution and of concentrations of various medical problems including lung
11 diseases and cancers and premature deaths. Mr. Geller spoke of the housing
12 crash. The housing crash is certainly nothing unique to Moreno Valley or specific
13 to policies of Moreno Valley. It's to say the least a national phenomenon. The
14 previous time around we got clobbered particularly hard because of the Base
15 realignment. We do perhaps get hit a little bit harder because of our lack of jobs,
16 but the fact of the matter is Moreno Valley has always been in a boom bust cycle.
17 Any place where you are going to periodically be the fastest growing City in the
18 nation or in the State, when things slow down or turn down, you are going to get
19 hit hard, if not hardest when things turn around, so that's a simple matter of fact.
20 The faster things go up, the faster they go down, but by the same token the
21 faster and the farther they go down, the faster and the farther they come back up,
22 so our cycles just swing a little more widely than they do most other places. I
23 remember very shortly after we moved into our house and I mean very shortly;
24 within about 2 months, we were 40 percent upside down. It took a few years; we
25 stayed down there, but within 10 years we were about double where we started,
26 so the fact of the matter is Moreno Valley is a place where market values on
27 single family houses swing wildly. I have not yet stated that I, like Mr. Geller very
28 much commend the Applicant on his architecture for this facility. I find it
29 outstanding and I'll come back to that in just a moment. I do want to say that I
30 don't believe that I've stated it yet, and if I have I apologize, this project is pure
31 and simply not what I personally and I don't; well I won't speak for anyone else;
32 it's not what I personally envisioned for the 60 corridor while we were doing the
33 Specific Plan. It's not even close. While we were doing the Specific Plan this
34 would not have even been under consideration. I would not have voted for this
35 Specific Plan if there was any way that anything like this could have come in
36 there. I heard on the news either last night or it must have been earlier this
37 evening that the water Gods were declaring and this is a direct quote, a
38 prediction that this year releases from the delta were predicted to be 15 percent
39 of normal. Now I'm believing that might have been a mis-statement and it might
40 have been a 15 percent reduction from normal, which seems more reasonable,
41 but if it is indeed 15 percent of normal our water supply is going to be in crisis
42 mode and given that this project had to give up water from... this Applicant had
43 to give up water from another of his projects, I have to have to severe concerns
44 about the degree of rationing which will be implied and what that means to the
45 land... the potential for what that means to the landscaping which is required of
46 this project, which is very extensive. I don't know how much of that we can really

1 consider tonight, but it is a concern of mine and I guess my last point would be
2 that in fact this City wholeheartedly welcomes projects exactly like this and
3 exactly of this size and we would and I would; I won't speak for my fellow
4 Commissioners again, but I would love to see this project presented to us, but I
5 need to see it presented to us down in our already industrial zoned area before I
6 can support it. We have an industrial zone. We have facilities there already
7 designed to handle it; to handle the traffic ready for this kind of development and
8 the 215 corridor is ready to handle it and the 60 corridor frankly is not. The
9 overpasses which have to be used to get to and from this project are not
10 designed to handle the traffic which will be required to get to this project. Down
11 in our industrial area, this would be the star project of that industrial area and I
12 would wholeheartedly support this project without even blinking; without even
13 thinking were it proposed for down there, but where it is proposed, I can't even
14 think about supporting it. I cannot make the findings required for the statement of
15 overriding considerations and I cannot support the project for where and how it is
16 proposed.

17
18 **CHAIR DE JONG** – Thank you Commissioner Riechers

19
20 **COMMISSIONER MARZOEKI** – I'm not as eloquent a speaker as my other
21 Commissioners here, so I did write some notes. First I'd like to thank everybody
22 for coming out; everybody in the community here that was for or against the
23 project. I really do appreciate all of your time; all our your comments that you
24 have provided us and it did help me in rendering my decision tonight and I think
25 you all deserve a round of applause, so if you would give yourself a round of
26 applause for coming out and sharing in this with us. I just wish that when we did
27 the General Plan Amendment, that we had as many people come out and let us
28 know what their vision was for the City was at that time. Bringing jobs to Moreno
29 Valley has always been an important endeavor for this Commission for many
30 years and this project in front of us tonight promises to do just that. The positives
31 of the project are a large well designed warehouse facility that will be built to
32 LEAD standards. It is state of the art. It is beautiful and has plush landscaping
33 you know to make the building and the surrounding area visibly pleasing and
34 detracts from the massiveness of the project because it is a large project. But
35 before I go any farther with my comments, just bear with me for a moment while I
36 reflect. In April of 2006 you know the Planning Commission finished the review
37 of the General Plan Update at that time. Several members of the community did
38 come out and once again I said not as many as that are here tonight, but they
39 spoke about what they liked about the Draft General Plan Amendment and what
40 they did not like about it. We listened to their concerns and these were from
41 community members from all over the City and with their comments we were
42 able to put together a shared vision of what we the community members; not the
43 City Staff wanted our City to look like in the future and one of the primary
44 changes to the original General Plan included changes to the land uses to
45 provide a more balanced community and at that time I felt that is what we did.
46 But to coming back to today, I feel we need to consider that same mindset and

1 be smart about our growth here in Moreno Valley. This is an amazing project...
2 yes it is and it would be wonderful to have a company like Sketchers in our
3 community, but just based on something the Applicant said in the previous
4 meeting, this project is not about Sketchers; it really isn't, they are only a tenant
5 of this facility, so it's not about Sketchers, so we have to look at the building itself
6 and what it is in the area. Though a great project, I have several concerns about
7 the traffic impacts to the City. Where is the infrastructure to support this? As
8 Commissioner Riechers said, you know Cal Trans has no immediate plans to
9 actually improve the 60 freeway or Redlands Boulevard or Theodore
10 interchanges and with the development of a 1.8 million square foot warehouse
11 facility generating over 15 thousand and that's the number that I got and I see
12 you changed that number to 3,000 for this facility; vehicle trips a day with our
13 already crowded freeways, it's not going to be able to handle that extra
14 congestion. I don't know if you are like me, but somebody said that we all have
15 jobs here in Moreno Valley. I work in Ontario every day and I drive that 60
16 freeway every day and the traffic just gets worse, so the Planning Commission is
17 my second job and this is something that I am pleased to do for this City that has
18 done a lot for me. I've been here in this City for 23 years, so this is not just
19 something that I take lightly, it really isn't. Okay it was quite interesting; the video
20 simulations that you provided from Redlands Boulevard to Theodore but I would
21 have much seen the impacts to the interchange from the 60/215 to the project
22 and then vice versa. You know that would've really I'm sure grabbed a lot of
23 peoples attention with that. I work for an engineering firm and I've worked for an
24 engineering firm for over 20 years and this has provided me with enough insight
25 on projects like this that I thoroughly understand the type of facilities these are
26 and how much traffic it can generate. There is also a visual impact. While
27 watching the video simulation again, the building and how it would look from the
28 freeway; I counted 15 seconds to drive by it at normal speeds. Now that's a big
29 building, now I don't know how long that is but to me it seemed like a mile. It just
30 seemed to me like a very long building. I'm also concerned about the air quality
31 issues because I read in the documentation that was provided that the School
32 District was looking to develop a school in close proximity to this project and this
33 worries me and I know Michael Bremen and Associates who actually who put
34 together the EIR, that was one of their concerns as well. I know on another
35 project that was here in the City that was in the industrial area, I had some similar
36 concerns and was assured by the experts that it was not a problem for our
37 children. I voted yes on the project, only to find out that I was not provided all the
38 information at that time and as parents and grandparents in Moreno Valley our
39 children's health and safety need to be a priority. I am not against development
40 and I'm certainly not against Sketchers. The site is zoned Business Park and the
41 Planning Commission did that for a reason and one of them is to have less
42 intensity in the east end of the City. Looking back at my notes for the General
43 Plan Update which I did last night, the east end was to remain rural on the north
44 side of the 60 freeway; and executive style living on the south and this project
45 does not fit that model. So furthermore, though I know that some of my fellow
46 Commissioners will disagree with me, to rezone this site could possibly set

1 precedence and I personally don't believe we need an additional industrial area
2 in the City when the southwest portion is already zoned that way. So in closing,
3 though this is an incredible project and I do agree with Commissioner Riechers
4 that if it was in the industrial area, I would have no problem saying yes to it. In
5 good conscience I cannot say yes to this project.

6
7 **CHAIR DE JONG** – Thank you

8
9 **COMMISSIONER DOZIER** – You know it's been almost a year since we've had
10 to think about this project. We've seen newspaper articles. We've heard
11 testimony from... I've had a year to talk to my Historical Society members who
12 are some of the oldest families in this town about what it means to them and
13 what the project would mean to them and so I've gotten a lot more feedback than
14 just the public testimony that we've heard over the last couple of Thursdays and
15 I'm just going to share some of those thoughts with you so you'll kind of get to
16 how I'm thinking about the project. I'm in economic development. It's my job
17 every day for the County of Riverside to find companies that might want to invest
18 here in Riverside County. We run a business attraction program for the County
19 and we on a daily basis talk to companies about what they look for and why they
20 would chose a location to bring their company and so I have a different
21 perspective on how difficult it is to do that. These are multi-million dollar
22 decisions being made by companies to decide where they are going to put their
23 businesses. I'll just share a couple of thoughts with you that manufacturing... if
24 we think that we're going to fill the south section of our City with a lot of
25 manufacturing... manufacturing for you environmentalists out there is an
26 endangered species. We're not going to get that car manufacturer here. They
27 don't come here. They go out to Georgia and they go to Alabama and that's
28 where all of the plants have been going. It used to be that a small town could
29 count on one major manufacturer coming into town and employ half the
30 population. That is not going to happen in our Country much any more. It's
31 happening in those sections of the Country that I just mentioned. There is a new
32 animal for us. Our manufacturing has gone off-shore and our companies are
33 American companies that are doing business here in the United States have
34 found labor pools that will allow them to produce a different kind of sneaker or a
35 different kind of a pair of pants that can be marketed here. What we're getting is
36 we're getting ships coming into our ports; delivering those manufactured goods.
37 We have two of the largest ports in the world to receive these goods from Asia
38 and points west and what that does for us here in Southern California is it makes
39 us an opportunity to warehouse and somehow distribute those goods throughout
40 the United States for all our citizens to consume. So in the past in the 1950's
41 and 60's when steel companies or auto manufacturers or airplane manufacturers
42 could come into a town and make that economy; we don't have that. We don't
43 have that opportunity here any more; it's very rare. The companies that we are
44 getting to manufacture here are a lot smaller and in their industries we're
45 probably going to get a company called Primary Steel that might go off of the I-
46 215 and they are going to provide 200 jobs. It's very rare to get a steel

1 manufacturer anywhere these days as they are an endangered species, so we
2 get distribution and we happen to be near the 60, the I-215 freeways and
3 because of those corridors, we are the next... there is a progression. They bring
4 it into the ports; they fill up all the warehouses and we're it because we've got the
5 amount of land where we can build larger distribution projects, so whether we like
6 it or not, the fact that we geographically are prime for distribution; we're getting it.
7 Look along the I-215. We had some people from the State come down. They do
8 economic development for the State and they asked us to give them a tour of just
9 our area here and their comments were God; geez; the size of these buildings.
10 They were just shocked at the size of the buildings. Well that's the market; that's
11 the market. These companies don't need 50,000 square foot warehouses.
12 Tesco would not be here... I don't know if you know who Tesco is but they've got
13 a warehouse on the other side of the I-215. They supply all of the Fresh N
14 Easy's in the area. I think they are in and I want to 800,000 square feet. I don't
15 remember what the exact size of that building, but they wouldn't come to Moreno
16 Valley if we only had 50,000 square foot buildings. That's why they are on the
17 other side of the freeway. They are paying taxes over there and as an aside for
18 this so you understand how this works; Tesco is a British company who invested
19 here in our Inland Empire which was a first for them and they brought two other
20 companies with them... a company called Wild Rocket that does meat packaging
21 for them and they brought another called Two Sisters which does some other
22 kind of packaging of goods for them and they are now over there too. So that's
23 an example that I'm going to touch on a little bit later that because Tesco who is
24 the Wal Mart of England, so to speak in terms of size and stature, because they
25 chose to come here and chose that address over there, two of their major
26 suppliers had to come too and so we got the benefit of that business. Had Tesco
27 not come here, those other two companies wouldn't need to come here; there
28 would be no attraction. You know they had to ask well where are you going and
29 why are you going there and we need to be there too. I think Sketchers will do a
30 little bit of that for us as well here in Moreno Valley, but manufacturing is an
31 endangered species, so what do we get... we get distribution because
32 geographically that's what we can support; that's what these companies are
33 looking for; we have the open land; we have the larger inventory buildings that
34 will draw these companies to us and those containers that are coming into the
35 ports are going to double and triple in number over the next 10 to 15 years, so
36 we're going to be a more of a logistics center than we may even want to be, but
37 that's what we are and unless we want to get rid of the ports; unless we don't
38 want these jobs, these are good jobs. You know when you get into the
39 distribution and supply chain management, there are some jobs that are very,
40 very high paid if you are good at what you do because these companies aren't
41 manufacturing any more; they are creating marketing plans, distribution plans;
42 supply chain management scenarios and they want the expertise of people who
43 know how to do that and do it efficiently and they want to hire those kinds of
44 people. It's not about whether they've got an automated place. DHL was
45 automated, but I saw hundreds of people working over there until they moved,
46 but these are jobs; these are futures for people. You know you come out of the

1 military; if you were in supply chain management in the military you've got a very
2 good opportunity in this region to have full career and work for the rest of your life
3 and feed your family and support your family on the kinds of jobs that these
4 projects can bring. We're going to get companies that we hope will bring their
5 corporate headquarters with them. We're not going... some corporate
6 headquarters; they want to be in Paris; they want to be in New York; they want to
7 be in San Francisco because those big cities have a certain appeal; they have a
8 certain lifestyle; they have a certain ambiance to them. We're not going to get
9 some of those corporate headquarters. It's unrealistic for us to think that we can,
10 but we can get a regional headquarters that needs to be near their distribution
11 center. This company Sketchers; they're smart. They are scattered out in four or
12 five warehouses; economies of scale; they need large acreage; they need large
13 buildings so that they can consolidate their operations. There isn't a city that I
14 talked to and I talk to the economic development people in all 26 cities now in
15 Riverside County that wouldn't die and beg to have this kind of project in their
16 City. Now that's an issue of... and we compete with those cities because we
17 compete for those jobs and we compete for the tax revenue and we compete for
18 the infrastructure development that they bring when they come. Riverside would
19 love to have this project; trust me; they would love to have it. So would San
20 Bernadino is losing it; they're trying to keep it, so we have to understand I guess
21 when we look at this project what is it's value to us as a City. What does it really
22 represent and you know we've set aside land in the south. I had to deal with this
23 issue because I understand the vision of the people on the east side of Moreno
24 Valley. I understand their vision. I'd love... I don't like riding horses that much,
25 but I'd love to have horse property up in the hills nestled away and very fortunate
26 for them and there is plenty of land over there that that lifestyle can be
27 maintained whether this warehouse is built where we're considering putting it or
28 not. Okay, there is plenty of land over there. The other thing I think is that we
29 don't have enough really land set aside to put industry in; any kind of industry
30 that will provide the number of jobs that we should provide and need to provide
31 for the residents of this City. Some cities have 20 percent of their land mass set
32 aside to accommodate jobs for their citizens. I think we have maybe 3 to 5
33 percent of our land mass set aside for industry. It may be a little higher than that,
34 but not much higher than that, so if we want to provide for our City, so if we're
35 going to have to look at regions that we can logically develop to provide some of
36 those jobs. Somebody said well let's wait until we can get the jobs we want.
37 We're going to wait a long time let me tell you. I'm telling you I'm in this
38 business. If you are waiting for corporate headquarters, it ain't coming okay. If
39 you are waiting for a lot of companies that would move into large office space I
40 can tell about what the vacancy rate is for office space throughout Southern
41 California right now. We have more office space than we can fill and people are
42 begging to try to finds these kinds of companies. Do we want medical or bio-tech
43 jobs...everybody wants those jobs. Oh those are high paying jobs and its clean
44 industry. Well we have a program in the County where we go after those kinds of
45 companies. Let me tell you, if you have a PhD and you are working in Irvine or
46 you are working in San Diego or you're working in these coastal communities

1 where you are being paid well; you're working for a clean company, you've got a
2 lifestyle down there; you're not coming here and you're company; the CEO's
3 aren't brining those companies here. That ain't going to happen, so we have to
4 deal with what we can really, reasonably afford to go after and to get and we
5 have a diverse population here in Moreno Valley. Let me tell you the statistics
6 don't lie. We have 50 percent of our population that has not seen the inside of a
7 College classroom okay. That means we have to provide jobs for 50 percent of
8 our population that aren't going to be those high tech jobs; that aren't going to be
9 those necessarily high paying jobs, we have to provide for citizens and some of
10 these distribution centers will provide those kinds of jobs and when we talk about
11 jobs, you know there are primary jobs. I have what I call a primary job because I
12 make the most money between my wife and me and so I pay most of the bills.
13 She has a job that I consider a secondary job because she makes less than I do
14 but it is an important job to our family. If she doesn't have the opportunity to
15 have that secondary job making less money, collectively I can't afford to live the
16 way I live. A lot of these jobs that we look at and we frown on and we say that's
17 just a twelve dollar an hour job or you know that's a ten dollar an hour job. There
18 are a lot of families in this town that covet those jobs; need those jobs; their
19 wives need those jobs; their children need those jobs; they are secondary jobs,
20 but put together with what they do, they have a whole job; they have an income
21 that they can live and survive in our society, so I don't look down and I came from
22 Workforce Development and I don't look down on any job. A job is positive for
23 anyone who needs that particular job, so this kind of project does bring some of
24 those kinds of jobs. The attraction of a Fortune 500 company that will bring even
25 their regional executives or regional headquarters is a very difficult thing to do.
26 It's highly sought after and we already; whatever you think about Highland
27 Fairview properties or Iddo Benzeevi; in the world of economic development, he
28 already has a contract for a Fortune 500 company already signed before he even
29 gets the permit. If you don't think that that's hard to do and a difficult thing to do,
30 you are sadly mistaken... very difficult to do and we should be thanking Highland
31 Fairview properties for at least having us on the short list and even get Sketchers
32 executives to even to be talking about us to do a project like this. That's my
33 opinion. Now I'm going to say this and let's not talk about Sketchers; let's just
34 talk about the whole idea of getting people who are willing to invest this kind of
35 money in our community. This is an idea and it represents a promise of some
36 kind of future. We've heard the testimony here; they're a lot of people who see
37 their future wrapped up in what we're able to do or not able to do in terms of
38 providing jobs for our citizens and it represents that American dream; the
39 possibility of it that a Fortune 500 company could even locate here. It represents
40 an economic development win for Moreno Valley. It represents an opportunity to
41 open a door for other major companies that will look at our City because
42 Sketchers made a business decision to locate here. Those executives out there
43 aren't stupid. They have to compete with Sketchers... what was it about Moreno
44 Valley that Sketchers saw that made them decide to come here over Riverside
45 and all of these other places that they go can go wherever they want... they have
46 the money to go wherever they want. Why are they choosing us? So it makes

1 those other companies think about that and those are reasons why we should
2 consider the value of just having them considering our town. A little story was
3 told to me and I'll just share it with you. Sketchers said well we're in Paris, we're
4 in New York; we're in these major cities. You know when you say those names
5 you think of these cosmopolitan areas that are large and international and are
6 vibrant. Well when you say Moreno Valley, you're going to have one of your
7 regional corporate headquarters and you're major distribution center in Moreno
8 Valley, it doesn't ring like Paris; it doesn't ring Paris; it doesn't ring like New York
9 or San Francisco, so there was a move to change the name to Rancho Belago
10 and I supported that because as a marketer I understand. If you understood what
11 happened in Chino and Chino Hills, all you had to do was add the Hills onto
12 Chino and all of a sudden you have a whole new idea and look at Chino Hills
13 today. They are able to attract some of the largest and best retailers and
14 companies around because of that. I supported that and I thought it was a good
15 idea because it allows Moreno Valley to be more than what it is and it allows it to
16 become even more than what its founding fathers envisioned it could be. It
17 allows that possibility, so now let's deal with the tough issues. What do I think
18 about putting it on the east end of town and what do I think about whether the
19 trucks are going to be able to get in and out of there and the traffic; what do I
20 think about the pollution; what do I think about the lifestyle that you know the east
21 end would like to maintain and I understand them and I appreciate them and I
22 know that they have to fight to try and keep a lifestyle that they have there. Well
23 about the traffic... traffic is a funny thing. Until you actually experience it and
24 realize what it's going to be you can only speculate. You can only think that
25 that's what's going to happen. I trust our Planning Department. Our Traffic
26 Division; we've got some experienced people in Transportation and Traffic in our
27 City. Their job is to study that issue and make a determination. That's why they
28 are paid; that's what they went to school for; that's what they do everyday. They
29 tell me that based on the traffic studies; based on what's going on over there now
30 that they recommend approval; that that traffic is going to be okay and I think that
31 they did their job well and so I'm going with them. I'm saying hey, thank you very
32 much and I'm going with them. And then the other thing that I want to say is you
33 know anything that is built; if it becomes obsolete ten or fifteen years from now
34 then do what other cities do, tear it down and build what you need to build you
35 know to serve your community at that time; because that's what they do. It takes
36 them years but they do it; tear down communities; entire projects to make room
37 for what's got to come new, so I don't worry about it's going to be an albatross or
38 a dinosaur if they ever lose Sketchers. I don't worry about that you know; I deal
39 with today. Alright, the last thing I'm going to say and I really appreciate... I
40 didn't think I was going to go this long, but remember I had a year to think about
41 this. It represents an important crossroads for Moreno Valley. I love Moreno
42 Valley. I've invested my life; my wife; my children and we've had a good time
43 here in Moreno Valley and I'm going to work until I retire I'm going to be in
44 Moreno Valley, so it's an important crossroads for Moreno Valley because you
45 know I see our City and it's changing and it's growing and we have all kinds of
46 folks here and our needs are different. You know if you have a job its easy for

1 you to say lets wait until tomorrow to get a job for someone else. If you don't
2 have a job, you need a job today; you need it yesterday, so to say that we could
3 be naive enough and say well lets wait until we can get those medical bio-tech
4 companies and wait till they can come, we'll be waiting a long time, meanwhile
5 people will be starving; there will be soup kitchens; you know you don't plan that
6 way. We're in the toughest economy that we've been in for 50 years. People are
7 losing jobs left and right and I came from Workforce Development for the County.
8 I can tell you that we are approaching almost 14 percent unemployment in our
9 County. It used to hover around 4 or 5 and it's now close to 12 and they are
10 predicting it could be as high as 14 or above by the time 2009 ends, so I
11 understand when you come and say we need jobs. I've got neighbors...those
12 houses are empty, not because of foreclosures because they don't have any
13 work. They were in the construction trades. Some of them have gone back to
14 Mexico because they can take what they earn here and live a lot better during
15 tough economic times than they can here, but they would like to come back and
16 we should be able to have jobs so that they can come back, because their
17 children are invested in our community; in our schools; and their families are still
18 here; the ones that have jobs, so we're impacted by it. I think it's a great project.
19 I wish we could have more like it and I wish we could ensure... there's one
20 caveat and then I will end and that is I had this vision too. Somebody took a
21 Rancho Belago flyer and said what happened to this vision and Mr. Benzeevi
22 was kind enough to show the new drawings and show the vision and I'm happy
23 that we have someone in Moreno Valley that has a vision and what we think of it
24 that has a vision for a future and the caveat is that vision in my mind did not
25 include at that moment an industrial area right off of the 60 between Theodore
26 and that wasn't part of the General Plan. But it's my attitude about the General
27 Plan and you'll understand how I think about that. The General Plan is a general
28 guide and economies change; situations change. Who would have predicted we
29 would have been in this kind of economy today. Nobody predicted that and
30 nobody knows where the bottom is really right now. We think we're going to hit
31 bottom soon, but we don't know, so things change and I think that if we owe 10
32 years to do the plan it's sacred. It's not sacred. It's a plan. City General Plans
33 change because cities change; people change; ideas change and if we're not
34 ready to change then we are not going to survive. We've got to be able to adapt
35 and we've got to be able to do the kinds of things that make sense for our
36 community, so I think about the General Plan and I say okay, it wasn't quite what
37 I envisioned; it wasn't quite part of that Rancho Belago vision that I had even
38 thought about. I would have loved to have nothing but Business Parks and
39 medical tech companies and bio-tech companies but that's not a reality. What is
40 a reality is Sketchers has signed a contact to come here and provide about 2,000
41 jobs in that place at this time and so that's why I will change my mind. Thank you
42 I appreciate it.

43
44
45

CHAIR DE JONG – Thank you

1 **VICE CHAIR MERKT** – Wow what a meeting. The last couple of meetings have
2 been very exciting. I'd like to echo what Commissioner Marzoeki said...

3
4 **COMMISSIONER MARZOEKI** – Do they need to change the tape?

5
6 **CHAIR DE JONG** – It was 10:30 last time...

7
8 **PLANNING OFFICIAL TERELL** – Yeah apparently the tape is longer this time.
9 No I did go back and check and they have about an hour of tape left.

10
11 **CHAIR DE JONG** – Okay, good thank you. Sorry to interrupt...

12
13 **VICE CHAIR MERKT** – That's actually a shame because I have about three
14 hours worth of comments to make after all this information, but I have some good
15 news I have been able to reduce it by five minutes because of what my fellow
16 Commissioners have said. Just kidding... Anyway, there a lot of things to cover
17 on this issue and it's exciting as Commissioner Marzoeki said to see this kind of
18 a turnout for this and hopefully we'll get this kind of a turnout the next time we
19 update the General Plan and I think that maybe this meeting will educate people
20 on how much they have to be involved in these things or they are going to be
21 surprised when they get changed later on because they weren't done the way
22 they wanted them done. This project first came to my attention in a very general
23 way. I heard about a 1.8 million square foot warehouse; perhaps manufacturing
24 combination building being proposed. Actually my first impression was this is
25 going to be in the industrially zoned area of Moreno Valley to the southeast of the
26 March Air Field and didn't hear too much about it and then all of a sudden my
27 wife heard some information on the radio that it was going to be Sketchers in this
28 project, so that kind of came along and both ideas kind of had a positive ring with
29 me because I didn't know Sketchers as a company, but I did know Sketchers as
30 a shoe, so I assumed that you know they probably were a pretty good company.
31 But as the project location became obvious, it raised some concerns because it's
32 so obviously conflicted with what we had set out as a vision for the City through
33 our General Plan and as the project was presented to us I was actually amazed
34 by the almost schizophrenic nature of this project and the way it was being
35 presented to us. I'll explain that... on the one hand we're told this is Sketchers.
36 It's on the drawings we received. We were told how many jobs Sketchers will
37 provide. We were told about the Sketchers warehouses that are going to be left
38 behind over in Ontario. Literally Sketchers is the star of this particular project, yet
39 as Commissioner Marzoeki said, we're told well this really isn't about Sketchers.
40 In fact we were told Sketchers is just the tenant and in fact the reality of that is
41 reflected by the fact that there was not a single Sketchers representative at the
42 prior meeting and there isn't a Sketchers representative here. The reason that is
43 important is because a lot of the things we're being asked to believe about this
44 project aren't known to the Planning Commission as to be valid or not valid. To
45 be honest I don't know how many jobs Sketchers has in their warehouses in
46 Ontario and I don't know how many jobs they're going to have here. We hear all

1 kinds of figures but they are interspersed from are they going to be in this
2 building we are approving tonight or they on all three phases and from what I
3 understand they are on all three phases with the number 2,500 and the estimate
4 of 1,000 apparently is what is going to work in the warehouse. I don't know. I
5 don't have anybody to ask and that's a major problem for me. A lot of the vote
6 on this comes down to credibility on the part of two entities. One is Highland
7 Fairview and the other is Sketchers. I've heard the name as I said Sketchers. I
8 know they make shoes. Apparently they are a Fortune 500 company but recently
9 we've had some huge shocks from Fortune 500 companies. I don't think
10 anybody could have imagined that General Motors would be within weeks of
11 failing without a Government bailout... Chrysler the same situation... Lehman
12 Bros... 100 years in existence and they had to be bailed out. Citibank; WaMu;
13 bankrupt and had to be bought out. I mean the economic crisis around it is
14 obvious when the government announces it's going to help it, but when Mervyn's
15 went out of business I didn't see a government bailout of Mervyn's, so frankly
16 without Sketchers here I don't know how this economy has affected their sales. I
17 don't know what their financial standing is. The bottom line is I don't know that
18 the lease Sketchers signed is worth the paper it's written on if their economics
19 don't exist, so they're not here to testify, so I don't know. There's a credibility
20 issue here...

21
22 **CHAIR DE JONG** – He says they are here

23
24 **VICE CHAIR MERKT** - Well they haven't testified and I asked if they were here,
25 but in any case I assume that maybe they are financially sound. I don't know
26 whether for example whether I can buy a car today; whether I can get financing
27 because the car companies have backed down on financing cars. People buying
28 homes... let's face it, it's hard to re-finance a mortgage. It's hard to buy a new
29 home unless you have wonderful credit. I don't know whether this building can be
30 financed. I don't know, so these are some questions that I have. I also don't
31 know whether this developer can finish a project. He's been out here a long
32 time. We've identified that, but I'd like to see some results. Doesn't this quality it
33 but it would make feel a lot better about approving a project if I'd seen some
34 results or something in the past. It's just me; that's my feelings about credibility.
35 Another question about Sketchers; like for instance we're talking about pollution
36 and perhaps I might have the most experience in trucking of anyone on the
37 Planning Commission. I owned a small trucking company and before that I was
38 an owner/operator and the type of operation very much determines exactly how
39 much pollution comes from a trucking operation. I'll give you an example: Fresh
40 N Easy; the Tesco Warehouse that we're talking about; when they back their
41 trucks up to the warehouse and they have refrigeration units and things like that,
42 they have plug ins so that they don't run generators. The trucks aren't idled.
43 They are kept in very good condition. The company controls the trucking
44 operation, but most of the warehousing operations that I've seen are serviced by
45 owner/operators who work for companies like JB Hunt and Schneider and a
46 whole assortment of trucks and frankly their conditions are significantly less

1 modern than a fleet owned by a company, but I can't ask this question because
2 the people that are going to determine the operation haven't been available to my
3 knowledge on this, so basically if this a owner/operator type of operation we have
4 to ask ourselves this question. If a person comes up there what are they going to
5 do on a hundred degree day when they back their truck up to a warehouse door?
6 We have rules and regulations, but the bottom line is this owner/operator
7 probably won't know that and what's he going to do, sit in a 110 degree truck
8 while his truck is loaded. I don't know. What's he going to do if the truck takes
9 let's say overnight to load. Where is he going to take his truck? Is he going to
10 take his truck to Ontario or perhaps even to Colton or someplace like that or is he
11 just going to find a local location where he park his truck and maybe idle it and
12 stay cook. I don't know. It's an issue on how much pollution will be provided and
13 we truly don't have any answers to that yet. A lot of this testimony so far has
14 been about jobs. Frankly I would liked to have asked the questions directly of
15 Sketchers because... I'm sorry the testimony is finished, but they weren't
16 available. Believe me I asked and was told they weren't here, but beyond that...

17
18 **APPLICANT BENZEEVI** – Who said that?

19
20 **VICE CHAIR MERKT** – Mr. Terell

21
22 **APPLICANT BENZEEVI** – Nobody asked us. I told Mr. Terell they were here
23 tonight

24
25 **VICE CHAIR MERKT** - Well anyway as I said, they were not offered for
26 testimony and I was not and frankly at this point I think we've passed that.

27
28 **APPLICANT BENZEEVI** – They are here tonight because you requested. There
29 have been sitting here for a few hours

30
31 **VICE CHAIR MERKT** – And I didn't hear you say they were here.

32
33 **APPLICANT BENZEEVI** – You didn't ask me.

34
35 **VICE CHAIR MERKT** - Okay fine, I'm sorry Mr. Benzeevi.

36
37 **APPLICANT BENZEEVI** – You bring up whoever you want and ask questions
38 from

39
40 **VICE CHAIR MERKT** - You testified and I was never told they were available. I
41 asked specifically if they were there and I was told they weren't. Okay, so I'm not
42 going to ask about something that I was told they weren't here. In any case,
43 we're past that point, you know... Sir, this is Commissioner Debate, okay and
44 frankly I'm not going to hold a conversation with you during the Debate. But in
45 any case if they were here, I would have loved to have them present something,
46 but they didn't. Frankly when it comes before the City Council, perhaps they can

1 testify then and perhaps the decision will be different. As I said, I wish they had
2 been part of the conversation before this point. You know I see this building okay
3 and I notice the computer animation. In the computer animation even the
4 freeways; the berms of the freeway are green. The fields around this are green,
5 but the bottom line is we know that's not the case. I see trees there; by his own
6 admission the developer has said these are images of the business five years
7 from now and frankly I think that's very, very optimistic. I think these trees are
8 the kind of trees you see in 15 to 20 years. I think this is going to be a big, big
9 building; clearly visible from all around. It will dominate the landscape out there.
10 We're told not to consider this as the Sketchers project, but the bottom line is if
11 this was presented to us as a four speculation property that might or might not be
12 built, we wouldn't probably approve it, because we have lots and lots and lots of
13 empty warehouse property in the City. In fact by the City figures, we have an
14 approved project of I believe 1,560,000 square foot warehouse. We have many
15 other millions of square footage of property, so I don't think if there wasn't a
16 tenant that we would want to increase our stock by 1.8 million square feet without
17 a tenant, so they are combined. This is a warehouse that is proposed that
18 doesn't fit the plans of the vision of the General Plan, but also it doesn't fit the
19 vision of Rancho Belago; the sign up there. When this was being debated in the
20 City Council, they talked of a land of lakes and green fields and upscale housing
21 and affordable housing and moderate homes and businesses to service that.
22 There was no comment about warehouses being included in this vision and while
23 this is only one project, the bottom line is we have two other projects in the
24 pipeline. That's a fact and how many others are behind that; only the people who
25 own the land and want to build warehouses know, but my guess is that they're
26 probably keeping quiet at this point in time because they don't want to broil the
27 waters. We've talked about jobs and whether the jobs are provided here, I don't
28 know. For example, whether Sketchers testifies or whether they don't at this
29 meeting, I think we'll all agree that the economy is down. As I said, Mervyn's is
30 gone. I look at the figures in the paper about company results and sales are
31 down, down, down. I find it difficult to believe that Sketchers is going to abandon
32 their warehouses in Ontario and then come up to Moreno Valley, increase their
33 capacity at a time that it would be amazing if their sales were down and seek
34 much greater capacity. I find it difficult to believe that Sketchers would pick this
35 period of time to increase their labor costs by increasing the number of
36 employees from Ontario to Moreno Valley. I cannot believe that. It strains
37 credulity. Some of the other things I kind of find funny is that Riverside has a
38 conspiracy against Moreno Valley and the Press Enterprise is part of it. It's our
39 regional newspaper. We have a reporter that is sitting outside the door; Dan Lee
40 that reports on our City. I hope he isn't part of the conspiracy if there is one I
41 don't know about. The bottom line is that if we approve this project I am not at all
42 certain it will be built. I am not at all certain Sketchers will move here, but what I
43 am positive is that if we approve this, we will have changed the zoning and vision
44 of eastern Moreno Valley. That's a fact. It's simply a fact and I'm not ready to
45 recommend to the City Council that we change that vision because I find way too
46 much of this unconvincing. I hope that Sketchers... Well let me approach

1 another subject... jobs. Whether this provides jobs or it doesn't is clearly up in
2 the air. We've heard people testify the workers from Ontario will be offered the
3 jobs and frankly I haven't heard a single word by anybody guaranteeing even one
4 job to a person in Moreno Valley, but let take a look at jobs in general in the
5 Moreno Valley area. We talked about the Tesco Fresh N Easy Warehouse. My
6 neighbor next door has a son. He is a Chef over at the food preparation center
7 at Tesco, but Tesco isn't located in Moreno Valley. He is working maybe 500
8 feet away from Moreno Valley. I have other friends that work in Lowe's; the
9 distribution center just south of the Ramona Freeway. We didn't get that facility.
10 Actually there are other warehouses where it would have been scheduled but
11 they moved down there and Moreno Valley citizens got jobs there, so just
12 because a facility is not located in Moreno Valley, doesn't guarantee citizens will
13 get the jobs here. People from Perris could; people from Riverside could. There
14 are all kinds of things like that that could occur, and just because a job is outside
15 of Moreno Valley, doesn't mean Moreno Valley citizens are excluded from these
16 jobs, so you know the issue of jobs is really sort of a wash on this especially if
17 Sketchers chooses to build this warehouse or perhaps occupy one of the empty
18 warehouses in the industrial area that exist or that are approved for that area.
19 The only thing that we know for sure tonight is that if we change the zoning and
20 this building is not built or for some reason Sketchers doesn't come and occupy
21 this building, that the zones will be changed forever. It doesn't revert back to the
22 Business Park designation if the project associated with the zone change goes
23 on. It just doesn't. One is not connected with the other even though we are
24 presented with the two at the same time and frankly this is the wrong place for it
25 for so many reasons that its just overwhelming in my mind and for those reason I
26 would not recommend this for approval to the City Council.

27
28 **CHAIR DE JONG** – It's been a long night. Thank you everybody for hanging
29 tight. Well I'm going to say it's a very good design. My compliments to the
30 designers. There's a lot of work that has gone into this project and presentation
31 and the video here and everything else. I need to say that I too love Moreno
32 Valley very much. I've lived here almost 20 years, but I am also one of those that
33 feel that is absolutely the wrong place for this to be. The City has an industrial
34 zone with the dedicated truck access off of the 215; it's Oleander. The City has
35 always embraced a less dense plan for the east end originally and that's still
36 highly supported from rural pastoral to two houses per acre and Business Park of
37 the approved General Plan including support Commercial. This warehouse
38 building is equivalent size of 900 two thousand square foot home blueprints... it's
39 huge or 36 fifty thousand Business Park buildings and it's only the first one. As
40 it's been mentioned before, we know that there are more coming. I think that's a
41 stated fact. This is a huge change to the approved General Plan. Now
42 everybody is concerned about jobs, however the quality of those jobs really does
43 need to be a concern as well. It's been noted and I agree that Business Park
44 jobs already approved under the General Plan would offer a much greater range
45 and diversity for the potential workers with a higher pay scale. That is important.
46 We know that Sketchers is consolidating five warehouses in Ontario in these

1 economic challenged times. I think it's a very fair bet to say that those workers
2 will relocate to Moreno Valley; at least a large percentage. There is a large
3 amount of approved commercial in this City that offers a great potential for jobs.
4 We talk about jobs; the Meridian Business Park just across the way and yes it's
5 been mentioned before that it's in Riverside... Cactus and the 215; that offers
6 approximately 38,000 jobs at build out... 38,000 jobs. We know the Sycamore
7 Canyon Manufacturing Warehouse Plan just adjacent to it is going to offer
8 approximately 10,000 more. We have 14 approved but yet unbuilt industrial
9 warehouse projects currently in Moreno Valley and that totals 8,187,677 square
10 feet. That's a huge potential for thousands of temporary construction jobs and
11 full time jobs. I agree with an expressed opinion I believe was in the paper that
12 the City of Moreno Valley would do much better for its job market by raising the
13 bar for the quality of jobs. I believe that's true. I believe that the approved
14 General Plan consists of Business Park, R2A housing and supporting
15 commercial. Business Park jobs offer skilled and semi-skilled light manufacturing
16 as well as highly paid professional office jobs. Currently the General Plan is
17 offering 14,245 jobs in that area right now. Now granted, they are not knocking
18 on the door, but they'll come. I believe that the ongoing debate regarding public
19 health and safety in respect to diesel pm is a major concern. That has to be a
20 major concern. It should be a concern to you as well. The EIR states that this
21 impact cannot be remedied. I'm not willing to trade the health of the citizens of
22 Moreno Valley for tax benefits. I've heard the arguments that we want the land to
23 remain as farmland or that a no vote is a vote for no growth. Both of those
24 statements do not reflect the truth. That's not right. That's not farmland now. I
25 mean that it is, but it's not zoned farmland, it's been changed already. I
26 remember the area in question has already been changed, approved for the
27 aforementioned Business Park, R2A housing and the supporting commercial
28 needed to sustain the community. Change will happen. The Planning
29 Commission's job is to recommend that growth occurs in a logical, manageable
30 and foreseeable way benefiting the future vision of the City. I support a no vote
31 to this project, voting instead to maintain the General Plan.

32
33 **COMMISSIONER GELLER** – I've got a couple of additional comments I'd like to
34 make. First off to Commissioner Marzoeki, well I don't think it's going to effect
35 her decision, the schools are absolutely, positively are not going to build in that
36 area. I don't know where that comes from. They withdrew all those approvals.
37 They are not going to build those schools in that area. I talked with the School
38 Board members and it isn't even on their plan anymore, so this is just a red
39 herring that has been floating around. That's why they aren't here. That's why
40 they didn't write any letters. They are not building any schools there. You know I
41 am embarrassed; we have never gone to a developer and asked for financial
42 statements. It's really; it's absolutely embarrassing. I'm embarrassed to be on
43 this Planning Commission. We have never asked anyone for financial
44 statements before we'd approve a project. We've never grilled the Applicants.
45 You know there are one, two, three, four, five, six, seven, eight, nine, ten, eleven,
46 twelve, thirteen, fourteen approved and unconstructed industrial buildings. The

1 reason they are not constructed is there is no one to go in them. You know
2 basically we had a Commissioner that said the Applicant flat out lied. He didn't
3 use those words, but that's what he said and that's disgusting to me. That isn't
4 the kind... that's just wholly inappropriate. You know all these un-built buildings
5 are un-built because there is no one there. I don't know why anyone would
6 believe that any developer would invest 250 million dollars if he didn't think his
7 lease was good. You know I don't whose here or whose there... my wife is
8 watching this and she can't believe it. She says tomorrow everyone on the
9 fricking City is going to be on the phone to Sketchers wanting to put the place
10 there. I mean I have no idea. I don't know what vision anyone is looking for on
11 anything but personal attacks against the developer is outrageous. You know
12 and again there is this confusion between approved and built. There are no
13 empty 1.5 million square foot buildings in this City and the reason we want the
14 buildings in this City as opposed to across the street in the County, property
15 taxes don't get paid to Moreno Valley if they are in the County. Employment
16 taxes don't get paid; sales taxes. This place used to be a sales tax generator;
17 they don't get paid to Moreno Valley. Utility taxes don't get paid to Moreno
18 Valley. Nothing gets paid to Moreno Valley for all those businesses across the
19 street. Of course we want guarantees of jobs. Who is going to guarantee
20 anything? We've never asked a developer, oh well we wont approve your project
21 unless you guarantee this is going to happen. I mean it's simply outrageous. I
22 don't know what's gotten into everybody. You don't have to prove it. You don't
23 have to prove anything, but the kind of attacks on the developer; his credibility
24 and his integrity, I find it disgusting and I apologize. You know I can only say
25 what I can say. The economy is down, so our answer to a bad economy is to kill
26 a project that would be an economy builder. That really makes a lot of sense to
27 me. You know the economy is doing terribly so we shouldn't build anything in
28 this town because something might happen down the road. Anything might
29 happen anywhere at any time... a bird in the hand is worth two in bush. Ah, we'd
30 approve it in the industrial area. Well that's not what's in front of us. You know
31 we can go round and round on that but the fact is you know anyone when they
32 say we'll that apartment building would be great somewhere else. You know we
33 can all say that the projects are what the projects are, but the problem with the
34 buildings not being here is no taxes, all the major benefits or many of the major
35 benefits don't come to the City and it is... Conspiracy... the Press-Enterprise flat
36 out told some of the Councilmembers they didn't want any of this stuff being built
37 in Moreno Valley. Call it a conspiracy or not and I know Dan Lee and if he wants
38 to talk to me about it I'll be happy to, but he isn't going to deny it either. You
39 know just look at the paper and read it. Read the editorial sections; read the
40 slant; it's pretty clear. I don't what the conspiracy mean, I'm saying the
41 publishers. Yeah it's a regional newspaper and they've done everything they can
42 to beat up Moreno Valley. It's just the way it is and it hasn't changed in all the
43 years. Anyhow I guess we need to move forward.

44
45 **CHAIR DE JONG** – I have a request to speak from Commissioner Riechers.

1 **COMMISSIONER RIECHERS** – Yeah I just have two very quick comments for
2 Commissioner Geller. One is that the General Plan as it was first defined to me
3 is that the General Plan of the City is best defined as the constitution of the City,
4 so to say that it is a working document open to change; certainly it's open to
5 change but it's not a frivolous document. We are limited to three amendments
6 per year... four amendments per year. It's meant to be a very stable document.
7 It's mean to be a long term document.

8
9 **CHAIR DE JONG** – We have ten minutes of tape.

10
11 **COMMISSIONER RIECHERS** – Okay, it's meant to be a long term vision for the
12 City, so it's not meant to be something which is tweaked everytime a new
13 proposal comes in which, for expediency the Plan can be changed. My second
14 point is... I've lost it...

15
16 **COMMISSIONER GELLER** - Do you want me to help you...?

17
18 **COMMISSIONER RIECHERS** – What was your last comment?

19
20 **COMMISSIONER GELLER** – I talked about when the economy is down...

21
22 **COMMISSIONER RIECHERS** – Not the Press-Enterprise

23
24 **COMMISSIONER GELLER** – Oh the taxes don't get paid here; confusion
25 between approved and built; issue of person gets financing... you know getting
26 financial statements from Applicants; schools and I think that's it.

27
28 **COMMISSIONER RIECHERS** – I've lost it; never mind

29
30 **VICE CHAIR MERKT** – Yes Commissioner Riechers I'm you'll have a chance to
31 recover on this and the one additional comment I wanted to make.

32
33 **CHAIR DE JONG** – We have six minutes of tape left

34
35 **VICE CHAIR MERKT** – And I'm going to make it very short, we don't approve
36 projects based solely on its going to provide money to the City. The project has
37 to stand on its own. If it provides funding for the City that's a great benefit and I
38 love it, but I'm not going to buy something just because it's going to give money
39 to us. That is not a reason to approve a project and to say it is, is wrong. Thank
40 you.

41
42 **COMMISSIONER GELLER** – We're going to have to take a break anyway before
43 concluding...

44
45 **COMMISSIONER DOZIER** – I have a great deal of respect for my fellow
46 Commissioners, but this is one of the reasons why Moreno Valley gets laughed

1 at from the outside world and the economic development world out there that
2 competes with us and does everything they can do to keep us as a City going in
3 a certain direction. This is one of the tragic reasons why this happens. I am a
4 little disappointed; very disappointed in fact that there is not a greater vision for a
5 larger goal that will move Moreno Valley out of what I call a bedroom community
6 mentality. That's all I'm going to say.

7
8 **CHAIR DE JONG** - Are we ready for a motion?

9
10 **COMMISSIONER GELLER** – Are we going to have time or do you want to...?

11
12 **CHAIR DE JONG** – I think we have time. We'll wrap it up... Who wants to make
13 it?

14
15 **VICE CHAIR MERKT** – Yeah, let me put my reading glasses on and I'll make it.
16 I move that we provide a policy recommendation to the City Council regarding
17 the requested change in property zoning on a 104.9 acre portion of the project
18 from Business Park to Light Industrial to allow industrial warehouse buildings
19 greater than 50,000 square feet and...

20
21 **CHAIR RIECHERS** – No we take them separately

22
23 **COMMISSIONER MARZOEKI** – No...

24
25 **COMMISSIONER GELLER** – I'll second that

26
27 **CHAIR DE JONG** – Do we do that separately?

28
29 **VICE CHAIR MERKT** – Yeah I think we do that separately because of the way
30 it's written

31
32 **CHAIR DE JONG** – John do you concur with that?

33
34 **PLANNING OFFICIAL TERELL** – You first need to make a policy decision
35 before we can move on to any other action items. It's not a Resolution, that's just
36 a decision whether you want to... It's really the change...

37
38 **CHAIR DE JONG** – Do we vote on that with a motion and a second?

39
40 **PLANNING OFFICIAL TERELL** – Yes but the motion would be change the
41 general land use in that area or not. It's not approving the Resolution related to
42 the project or the zoning or anything else and I would do that by a motion. Can
43 I defer to legal to advise us or give us a little advice there or make some
44 conversation right there?

1 **CHAIR DE JONG** – They are conferring. We are waiting for legal to finish
2 conferring.
3
4 **DEPUTY CITY ATTORNEY’S ERLY** – Yes Chair, the Commission is not bound
5 to the recommendations here. You could simply refer this to the City Council and
6 you’re not making the recommendation. In other words providing the policy
7 recommendation is not a step that you have to take at all in this case. You can
8 simply refer to the City Council without the recommendation.
9
10 **CHAIR DE JONG** – We may as well just continue
11
12 **COMMISSIONER MARZOEKI** - I’m not sure... I’m really not sure
13
14 **CHAIR DE JONG** – Go ahead and read it
15
16 **VICE CHAIR MERKT** – I think what I brought up is exactly what the Staff Report
17 asked us to vote on. You know vote aye or no on this particular
18 recommendation, so my motion stands and the second I assume stands.
19
20 **CHAIR DE JONG** – I’m just waiting for Bob to finalize that. Okay, we have five
21 minutes... We had a second right?
22
23 **COMMISSIONER GELLER** – I suggest we take a break. We’re not going to
24 finish. If we run out of time, we’re going have to take it anyway.
25
26 **CHAIR DE JONG** – I would agree, that’s probably true
27
28 **COMMISSIONER GELLER** – We’ve been here a long time...
29
30 **CHAR DE JONG** – What’s your finding?
31
32 **PLANNING OFFICIAL TERELL** – Well and maybe the City Attorney wants to
33 say it directly, but basically as it seems you are inclined not to recommend the
34 project to the City Council you would make a motion that says that... and the
35 Deputy City Attorney... you are referring it to the City Council with a
36 recommendation not to approve the project and with that it’s my understanding
37 you don’t have to take any other actions.
38
39 **CHAIR DE JONG** – Any other action; that’s it; alright
40
41 **PLANNING OFFICIAL TERELL** – Correct
42
43 **CHAIR DE JONG** – Well we can do that within five minutes
44
45 **VICE CHAIR MERKT** – Do you want me to try it again?
46

1 **CHAIR DE JONG** – Yes please
2
3 **VICE CHAIR MERKT** – I move that we provide a policy recommendation to City
4 Council not to approve the requested changes in property zoning in a 104.9 acre
5 portion of the project from Business Park to Light Industrial to allow industrial
6 warehouse buildings greater than 50,000 square feet.
7
8 **CHAIR DE JONG** – Okay, do I have a second on that?
9
10 **COMMISSIONER RIECHERS** – I'll second that
11
12 **CHAIR DE JONG** – Any discussion? All those in favor?
13
14 Opposed – 2 (Commissioner Geller and Commissioner Dozier)
15
16 **Motion carries 4 – 2**
17
18 **CHAIR DE JONG** – That concludes the recommendation. Staff wrap up please.
19
20 **PLANNING OFFICIAL TERELL** – Yes this recommendation shall be forwarded
21 to the City Council for final review and action.
22
23 **CHAIR DE JONG** – Okay, thank you. Let's take a quick break so they can
24 change tape and we'll get to the comments and finalize the meeting.
25
26 ***(10 minute recess)***
27
28 **CHAIR DOZIER** – And we're back.
29
30
31 **800 OTHER BUSINESS**
32
33 **810 STAFF COMMENTS**
34
35 **PLANNING OFFICIAL TERELL** – You have a meeting next week I believe. The
36 Agenda packets were provided to you tonight.
37
38 **COMMISSIONER GELLER** – Do you think it will be less contentious? It's a
39 joke...
40
41 **PLANNING OFFICIAL TERELL** – Maybe, maybe you never know, but there are
42 four items on the Agenda... A continued item from December for a project down
43 in the south end of town; an industrial project...
44
45 **COMMISSIONER GELLER** – Sorry to interrupt... I saved the stuff. Is there new
46 stuff in there or should we have our old stuff?

1 **PLANNING OFFICIAL TERELL** – You should have your old stuff on that
2 particular case

3
4 **COMMISSIONER GELLER** – I did save it, I just wanted to make sure

5
6 **PLANNING OFFICIAL TERELL** – Yes thank you. If you haven't let us know we
7 can get that to you.

8
9 **COMMISSIONER GELLER** – On that one case, not the whole?

10
11 **PLANNING OFFICIAL TERELL** – Correct, the other cases are all new. There is
12 a communications... a mono-eucalyptus off of Kalmia on the north side of town
13 next to a water tank. There is a Buddhist Temple on Nason Street near
14 Alessandro and then the last case is a comprehensive review and update to the
15 City's landscape guidelines in advance of some new laws that are due next year
16 increasing the water efficiency of our regulations, so that's the primary reason.
17 So those are the four items you have for next week.

18
19 **CHAIR DE JONG** – Thank you. Item 900 Commissioner Comments

20
21
22 **900 COMMISSIONER COMMENTS**

23
24 **VICE CHAIR MERKT** – Over the past few weeks I was thinking about what I
25 might say about a fellow Commissioner who has resigned from this Commission
26 and I can't say enough fine things about Commissioner Bruce Springer.
27 Basically he was a leader and a fine example on this Commission for many,
28 many years. I believe he was on this Commission for 14 years.

29
30 **COMMISSIONER MARZOEKI** – 15 years

31
32 **VICE CHAIR MERKT** – 15... you know frankly I already miss him. He was a
33 voice of reason. One of the most polite individuals I've ever met and did an
34 outstanding job and I always admired him and I will miss him and I want to thank
35 him for his service and tell him hopefully we'll all be able to stay in touch.

36
37 **CHAIR DE JONG** – Thank you. Are there any other Commissioner Comments
38 down at this end?

39
40 **COMMISSIONER RIECHERS** – Well I also can't let this meeting end without
41 making a comment about the empty chair to my left. Bruce was the only person
42 up here who was here when I came so I'm dating myself, but lets just say many,
43 many years I've spent up here with Bruce and early on we were pretty much
44 polar opposites on the Commission but over the years we kind of drifted together
45 on some if not many aspects and saw more and more eye to eye on an
46 increasing number of issues; not that we didn't have our differences to the end,

1 but we certainly came to have a respect for each other and he will certainly be
2 missed. He brought a perspective to this Commission which will certainly be
3 missed, so I want to wish him well. I have spoken with him on the phone since
4 he left and just want to say for the public record that I'm sorry he's gone and want
5 to wish him well.

6
7 **CHAIR DE JONG** – Very good...

8
9 **COMMISSIONER MARZOEKI** – Well I say ditto to that as well, but unlike all of
10 you, I live right down the street from Bruce, so I see Bruce all the time. So it is
11 nice to actually as I'm walking the neighborhood to see him and to talk to him and
12 he did do a wonderful job for this Commission. He spent those 15 years here
13 and he always had something positive to say, even if he was against a project,
14 he always said something positive. We butted heads on the landscape issues
15 always, but he did teach me a lot and you know I'm still probably going call him if
16 I have some issues or I want some clarification on something, so yeah I will miss
17 him too.

18
19 **CHAIR DE JONG** – I'd like to say thank you to everybody coming out these last
20 two meetings. The involvement in the City is certainly your responsibility and I
21 can see that a lot of people take that very seriously and I appreciate that very
22 much and I'd like to say Bruce if you are listening ca-nee-chi-wa

23
24 **COMMISSIONER GELLER** – I think we've had enough syrupy stuff on Springee,
25 but I just miss the interplay with him and just to all the people watching, there are
26 four openings on the Planning Commission and if you really like being up here
27 and like taking the abuse and you get a big hundred dollars a meeting, but
28 seriously I know I think the Application deadline is January 30th at 5 o'clock. You
29 can download Applications off the City's web-site or you can get them from the
30 City Clerk, but you know think a lot more than we do, then I urge you all to apply
31 and see what happens, but four of the terms are up including Commissioner
32 Springer's, so depending on who re-applies and not there is certainly at least one
33 unfilled seat, but anyway there are four openings and the Council will ultimately
34 interview who they perceive are the finalists and make a decision on a whole, so
35 again if you really want to get involved in a way, I urge you to submit your
36 Application.

37
38 **COMMISSIONER DOZIER** – I have to comment on Bruce. Bruce I found out
39 that he was gone when I came to the next meeting because I didn't get the email.

40
41 **COMMISSIONER GELLER** – You thought he was watching TV?

42
43 **COMMISSIONER DOZIER** – I said Bruce why was I the only one that didn't get
44 the email; I have to find out at the meeting? Wonderful person; great guy to do
45 business with; we've done business with the County and his firm; his real estate
46 firm and he's just a good guy and we're going to miss him here. If you think of 15

1 years of development in Moreno Valley, he was a part of every one of those
2 decisions that came to that Planning Commission except for the days he was
3 absent and that wasn't very often, so the City owes him a debt of gratitude
4 because we don't this for the pay. If I calculated what I made an hour for the 100
5 dollars tonight, it doesn't add up to much. I'm working for below minimum wage
6 today, so we don't do it for the money; we do it because we feel we want to help
7 our community and Bruce dedicated... think about this... 14, 15 years of his life
8 and his time to our City and so we should thank him for that and if you see him
9 tell him we're going to miss him.

10
11 **CHAIR DE JONG** – I think we are thanking for it... Anybody else? How about
12 move for an adjournment?

13
14
15 **1000 ADJOURNMENT**

16
17 **COMMISSIONER GELLER** – So moved

18
19 **COMMISSIONER RIECHERS** – And seconded

20
21 **CHAIR DE JONG** – Okay, all those in favor? Good night Moreno Valley
22
23
24
25
26
27

28
29 _____
30 John C. Terell
31 Planning Official
32 Approved
33
34
35

_____ Date

36
37 _____
38 Rick De Jong
Chair

_____ Date

Aerial Map

PA07-0088 through PA07-0090

Legend

-  Parcels
-  Roads
-  March Installation Area
-  Tracts
-  Waterbodies
-  Ortho Photography
- City Boundaries**
-  Calimesa
-  Moreno Valley
-  Perris
-  Riverside

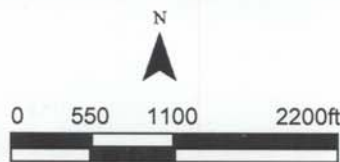


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City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

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ATTACHMENT 13

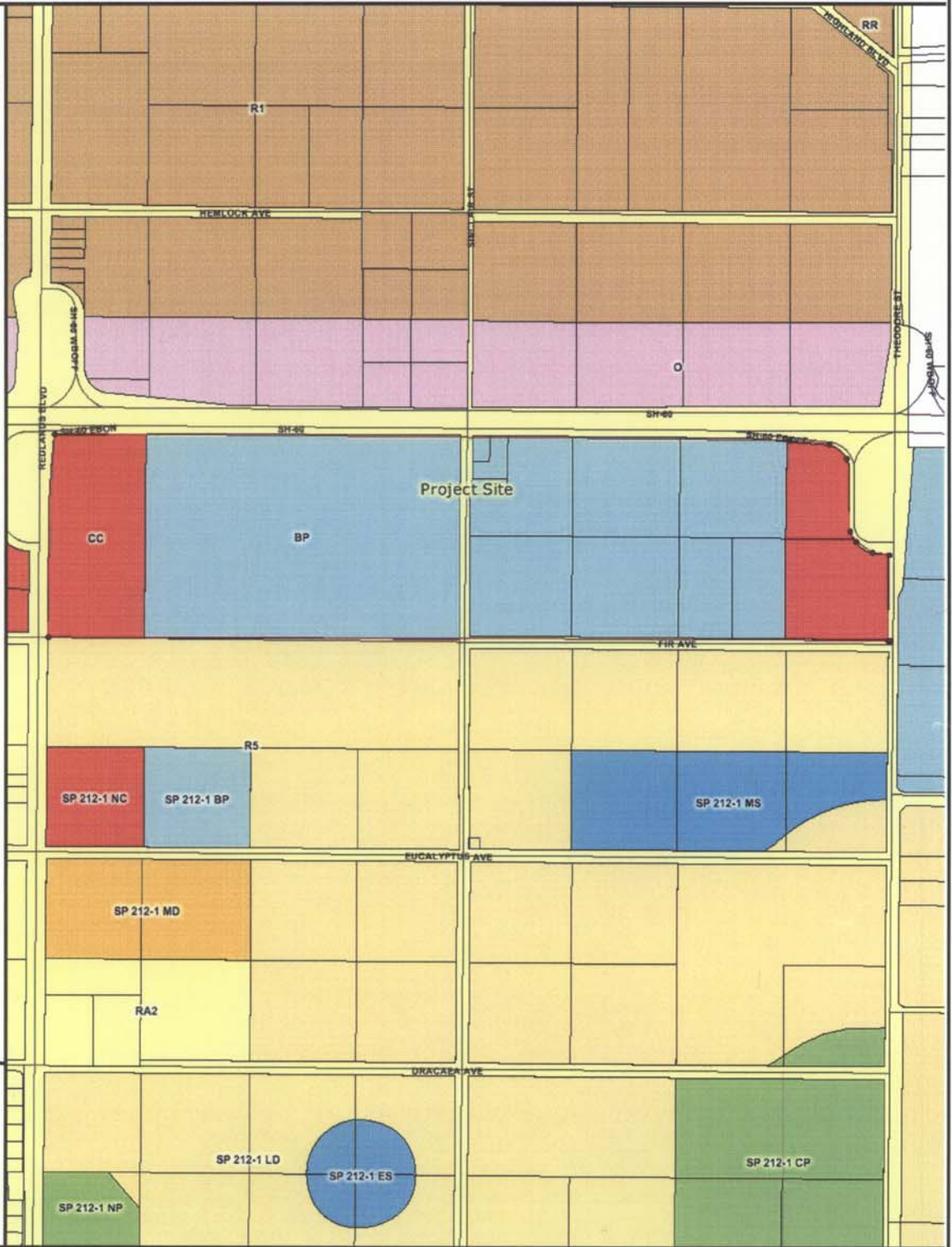


Zoning Map

PA07-0088 through PA07-0090

Legend

-  Parcels
-  Roads
- Zoning**
-  Commercial
-  Industrial/Business Park
-  Large Lot Residential
-  Multi-family
-  Office
-  Open Space/Park
-  Planned Development
-  Public Facilities
-  Residential 2 Dwellings/Acre
-  Residential Agriculture 2 Dwellings/Acre
-  Suburban Residential
-  Waterbodies
- City Boundaries**
-  Calimesa
-  Moreno Valley
-  Perris
-  Riverside



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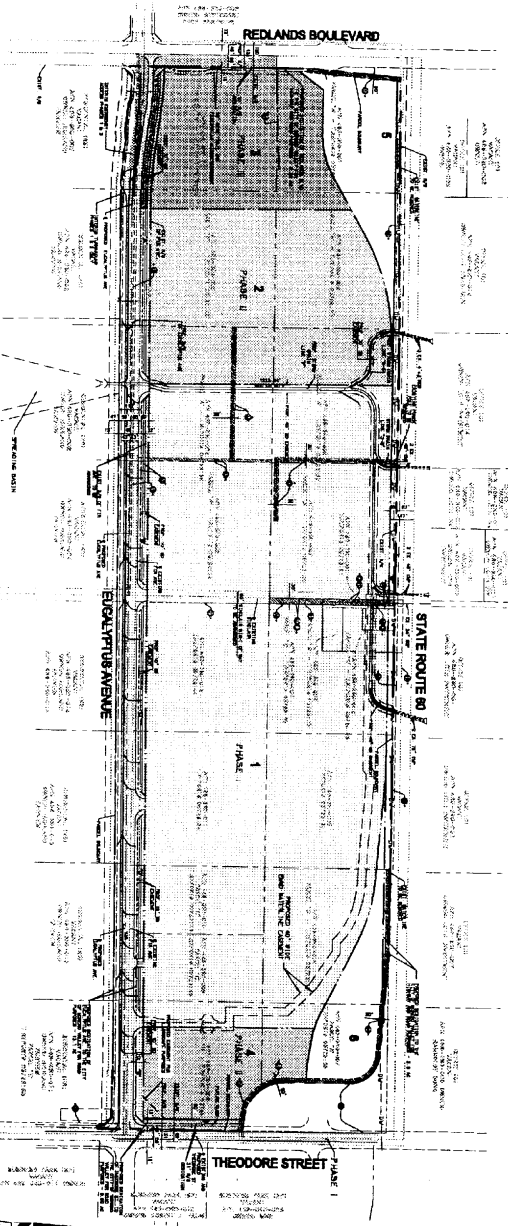
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ATT-403-MENT 14

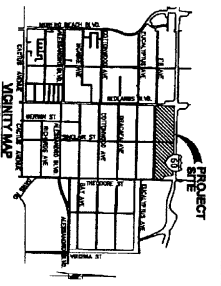


TENTATIVE PARCEL MAP NO. 35629
GROSS ACRES: 19.74
NET ACRES: 19.74
AUGUST 2008

LEGAL DESCRIPTION
 THE PROJECT OF PARCEL MAP NO. 35629, AS APPLICABLE TO THE CITY OF HIGHLAND FAIRVIEW, COUNTY OF LOS ANGELES, CALIFORNIA, IS DESCRIBED AS FOLLOWS:



LEGAL DESCRIPTION
 THE PROJECT OF PARCEL MAP NO. 35629, AS APPLICABLE TO THE CITY OF HIGHLAND FAIRVIEW, COUNTY OF LOS ANGELES, CALIFORNIA, IS DESCRIBED AS FOLLOWS:



A. EASEMENT NOTES PER TITLE REPORT NO. 0972315

1. THE PROPERTY IS SUBJECT TO AN EASEMENT IN FAVOR OF THE PUBLIC UTILITIES COMPANY, FOR THE INSTALLATION AND MAINTENANCE OF OVERHEAD POWER LINES, CROSSING THE PROPERTY FROM WEST TO EAST.

2. THE PROPERTY IS SUBJECT TO AN EASEMENT IN FAVOR OF THE PUBLIC UTILITIES COMPANY, FOR THE INSTALLATION AND MAINTENANCE OF OVERHEAD POWER LINES, CROSSING THE PROPERTY FROM WEST TO EAST.

3. THE PROPERTY IS SUBJECT TO AN EASEMENT IN FAVOR OF THE PUBLIC UTILITIES COMPANY, FOR THE INSTALLATION AND MAINTENANCE OF OVERHEAD POWER LINES, CROSSING THE PROPERTY FROM WEST TO EAST.

B. EASEMENT NOTES PER TITLE REPORT NO. 0972316

1. THE PROPERTY IS SUBJECT TO AN EASEMENT IN FAVOR OF THE PUBLIC UTILITIES COMPANY, FOR THE INSTALLATION AND MAINTENANCE OF OVERHEAD POWER LINES, CROSSING THE PROPERTY FROM WEST TO EAST.

2. THE PROPERTY IS SUBJECT TO AN EASEMENT IN FAVOR OF THE PUBLIC UTILITIES COMPANY, FOR THE INSTALLATION AND MAINTENANCE OF OVERHEAD POWER LINES, CROSSING THE PROPERTY FROM WEST TO EAST.

3. THE PROPERTY IS SUBJECT TO AN EASEMENT IN FAVOR OF THE PUBLIC UTILITIES COMPANY, FOR THE INSTALLATION AND MAINTENANCE OF OVERHEAD POWER LINES, CROSSING THE PROPERTY FROM WEST TO EAST.

C. EASEMENT NOTES PER TITLE REPORT NO. 0972317

1. THE PROPERTY IS SUBJECT TO AN EASEMENT IN FAVOR OF THE PUBLIC UTILITIES COMPANY, FOR THE INSTALLATION AND MAINTENANCE OF OVERHEAD POWER LINES, CROSSING THE PROPERTY FROM WEST TO EAST.

2. THE PROPERTY IS SUBJECT TO AN EASEMENT IN FAVOR OF THE PUBLIC UTILITIES COMPANY, FOR THE INSTALLATION AND MAINTENANCE OF OVERHEAD POWER LINES, CROSSING THE PROPERTY FROM WEST TO EAST.

3. THE PROPERTY IS SUBJECT TO AN EASEMENT IN FAVOR OF THE PUBLIC UTILITIES COMPANY, FOR THE INSTALLATION AND MAINTENANCE OF OVERHEAD POWER LINES, CROSSING THE PROPERTY FROM WEST TO EAST.

D. EASEMENT NOTES PER TITLE REPORT NO. 0972318

1. THE PROPERTY IS SUBJECT TO AN EASEMENT IN FAVOR OF THE PUBLIC UTILITIES COMPANY, FOR THE INSTALLATION AND MAINTENANCE OF OVERHEAD POWER LINES, CROSSING THE PROPERTY FROM WEST TO EAST.

2. THE PROPERTY IS SUBJECT TO AN EASEMENT IN FAVOR OF THE PUBLIC UTILITIES COMPANY, FOR THE INSTALLATION AND MAINTENANCE OF OVERHEAD POWER LINES, CROSSING THE PROPERTY FROM WEST TO EAST.

3. THE PROPERTY IS SUBJECT TO AN EASEMENT IN FAVOR OF THE PUBLIC UTILITIES COMPANY, FOR THE INSTALLATION AND MAINTENANCE OF OVERHEAD POWER LINES, CROSSING THE PROPERTY FROM WEST TO EAST.

NON PLOTTABLE PARCEL EASEMENTS

1. THE PROPERTY IS SUBJECT TO AN EASEMENT IN FAVOR OF THE PUBLIC UTILITIES COMPANY, FOR THE INSTALLATION AND MAINTENANCE OF OVERHEAD POWER LINES, CROSSING THE PROPERTY FROM WEST TO EAST.

2. THE PROPERTY IS SUBJECT TO AN EASEMENT IN FAVOR OF THE PUBLIC UTILITIES COMPANY, FOR THE INSTALLATION AND MAINTENANCE OF OVERHEAD POWER LINES, CROSSING THE PROPERTY FROM WEST TO EAST.

3. THE PROPERTY IS SUBJECT TO AN EASEMENT IN FAVOR OF THE PUBLIC UTILITIES COMPANY, FOR THE INSTALLATION AND MAINTENANCE OF OVERHEAD POWER LINES, CROSSING THE PROPERTY FROM WEST TO EAST.

LEGEND

SOLID LINE	BOUNDARY LINE
DOTTED LINE	UNDEVELOPED AREA
DASHED LINE	EXISTING IMPROVEMENTS
SOLID LINE WITH DASHES	EXISTING EASEMENT
DOTTED LINE WITH DASHES	EXISTING EASEMENT
SOLID LINE WITH DOTTED DASHES	EXISTING EASEMENT
DOTTED LINE WITH DOTTED DASHES	EXISTING EASEMENT
SOLID LINE WITH SOLID DASHES	EXISTING EASEMENT
DOTTED LINE WITH SOLID DASHES	EXISTING EASEMENT
SOLID LINE WITH DOTTED SOLID	EXISTING EASEMENT
DOTTED LINE WITH DOTTED SOLID	EXISTING EASEMENT
SOLID LINE WITH SOLID SOLID	EXISTING EASEMENT
DOTTED LINE WITH SOLID SOLID	EXISTING EASEMENT

OWNERS

OWNER	ADDRESS	CITY	STATE
THE CITY OF HIGHLAND FAIRVIEW	11111 BROADWAY	HIGHLAND FAIRVIEW	CA 92342
THE CITY OF HIGHLAND FAIRVIEW	11111 BROADWAY	HIGHLAND FAIRVIEW	CA 92342
THE CITY OF HIGHLAND FAIRVIEW	11111 BROADWAY	HIGHLAND FAIRVIEW	CA 92342

DEVELOPER/PREPARATOR

THE CITY OF HIGHLAND FAIRVIEW
 11111 BROADWAY
 HIGHLAND FAIRVIEW, CALIFORNIA 92342

DESIGNER

RBF CONSULTING
 11111 BROADWAY
 HIGHLAND FAIRVIEW, CALIFORNIA 92342

PARCEL SUMMARY

PARCEL NO.	ACRES	APPLICABLE ZONING
1	1.23	CA 92342
2	1.23	CA 92342
3	1.23	CA 92342
4	1.23	CA 92342
5	1.23	CA 92342
6	1.23	CA 92342
7	1.23	CA 92342
8	1.23	CA 92342
9	1.23	CA 92342
10	1.23	CA 92342
11	1.23	CA 92342
12	1.23	CA 92342
13	1.23	CA 92342
14	1.23	CA 92342
15	1.23	CA 92342
16	1.23	CA 92342
17	1.23	CA 92342
18	1.23	CA 92342
19	1.23	CA 92342
20	1.23	CA 92342
21	1.23	CA 92342
22	1.23	CA 92342
23	1.23	CA 92342
24	1.23	CA 92342
25	1.23	CA 92342
26	1.23	CA 92342
27	1.23	CA 92342
28	1.23	CA 92342
29	1.23	CA 92342
30	1.23	CA 92342
31	1.23	CA 92342
32	1.23	CA 92342
33	1.23	CA 92342
34	1.23	CA 92342
35	1.23	CA 92342
36	1.23	CA 92342
37	1.23	CA 92342
38	1.23	CA 92342
39	1.23	CA 92342
40	1.23	CA 92342
41	1.23	CA 92342
42	1.23	CA 92342
43	1.23	CA 92342
44	1.23	CA 92342
45	1.23	CA 92342
46	1.23	CA 92342
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49	1.23	CA 92342
50	1.23	CA 92342

GENERAL INFORMATION

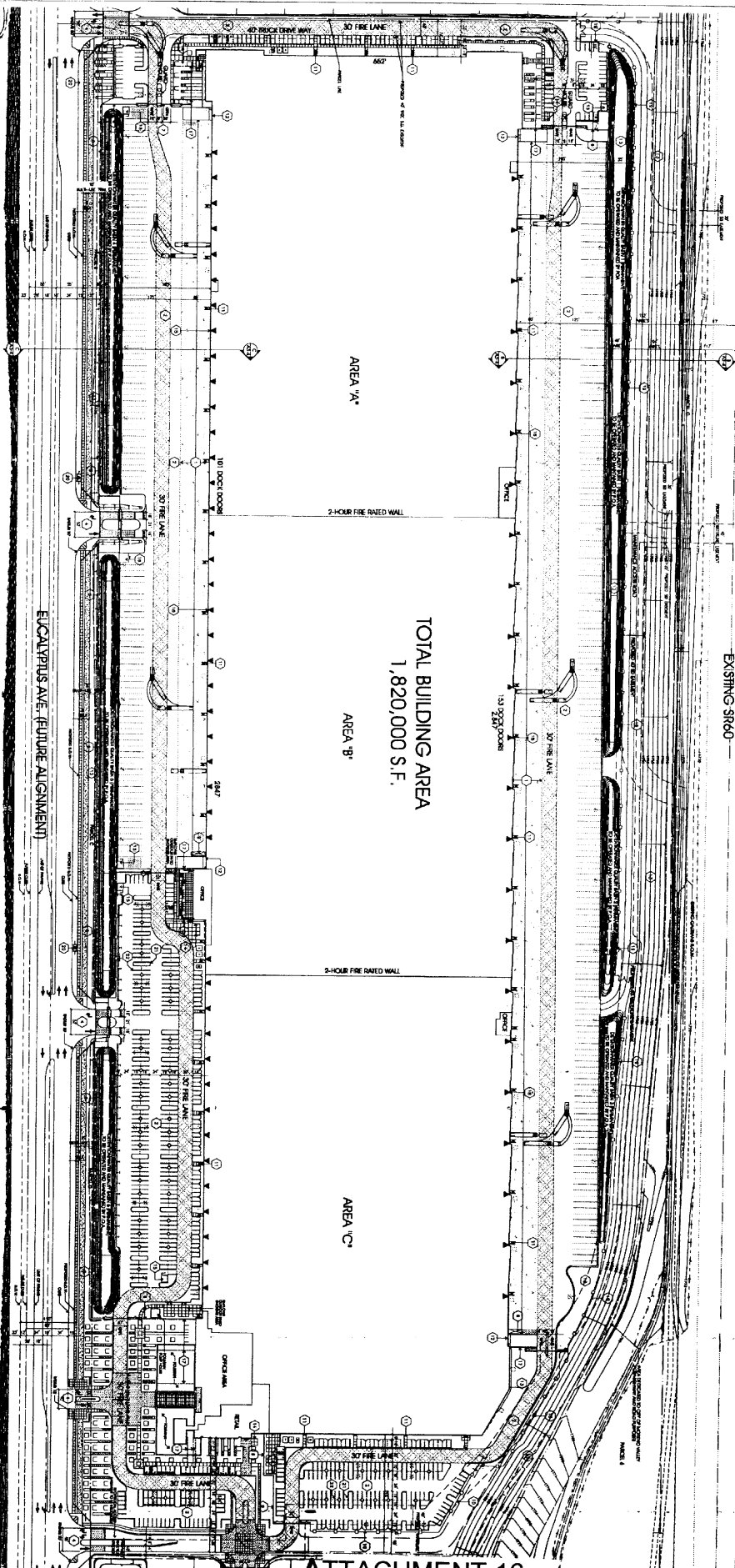
1. THE PROJECT IS SUBJECT TO THE ZONING ORDINANCES OF THE CITY OF HIGHLAND FAIRVIEW, CALIFORNIA.

2. THE PROJECT IS SUBJECT TO THE DEVELOPMENT ORDINANCES OF THE CITY OF HIGHLAND FAIRVIEW, CALIFORNIA.

3. THE PROJECT IS SUBJECT TO THE ENVIRONMENTAL IMPACT STATEMENT OF THE CITY OF HIGHLAND FAIRVIEW, CALIFORNIA.

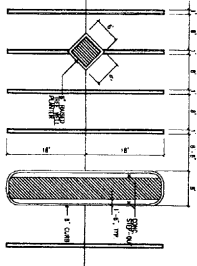
PROJECT SITE PLAN





TOTAL BUILDING AREA
1,820,000 S.F.

parking lot striping detail



tabulation

NO.	DESCRIPTION	QUANTITY	UNIT
1	CONCRETE	100	YD
2	ASPHALT	500	YD
3	GRAVEL	200	YD
4	STEEL	100	TONS
5	WOOD	50	CU YD
6	PAINT	100	GALLONS
7	ELECTRICAL	100	LINE FEET
8	PLUMBING	100	LINE FEET
9	MECHANICAL	100	LINE FEET
10	LANDSCAPE	100	SQ YD
11	CONCRETE	100	YD
12	ASPHALT	500	YD
13	GRAVEL	200	YD
14	STEEL	100	TONS
15	WOOD	50	CU YD
16	PAINT	100	GALLONS
17	ELECTRICAL	100	LINE FEET
18	PLUMBING	100	LINE FEET
19	MECHANICAL	100	LINE FEET
20	LANDSCAPE	100	SQ YD

site plan keynotes

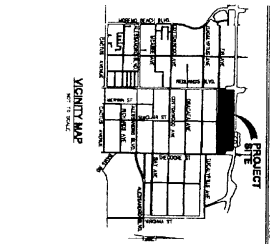
1. ALL CONCRETE SHALL BE 4000 PSI STRENGTH.
2. ALL ASPHALT SHALL BE 57.5 GRADE.
3. ALL GRAVEL SHALL BE 3/4\"/>

site legend

linetype legend

---	PROPERTY BOUNDARY
---	EXISTING LOT BOUNDARY
---	EXISTING DRIVE
---	EXISTING SIDEWALK
---	EXISTING CURB
---	EXISTING DRIVE
---	EXISTING SIDEWALK
---	EXISTING CURB
---	EXISTING DRIVE
---	EXISTING SIDEWALK
---	EXISTING CURB

vicinity map



project information

PROJECT
HIGHLAND FAIRMVIEW
10000 HIGHLAND FAIRMVIEW
HOUSTON, TEXAS 77036

OWNER
HIGHLAND FAIRMVIEW
10000 HIGHLAND FAIRMVIEW
HOUSTON, TEXAS 77036

ARCHITECT
HIGHLAND FAIRMVIEW
10000 HIGHLAND FAIRMVIEW
HOUSTON, TEXAS 77036

DATE
10/15/2011

SCALE
AS SHOWN

PROJECT INFORMATION
GENERAL NOTES:
1. ALL CONCRETE SHALL BE 4000 PSI STRENGTH.
2. ALL ASPHALT SHALL BE 57.5 GRADE.
3. ALL GRAVEL SHALL BE 3/4\"/>

SITE PLAN
LEED CERTIFICATION

A1-2

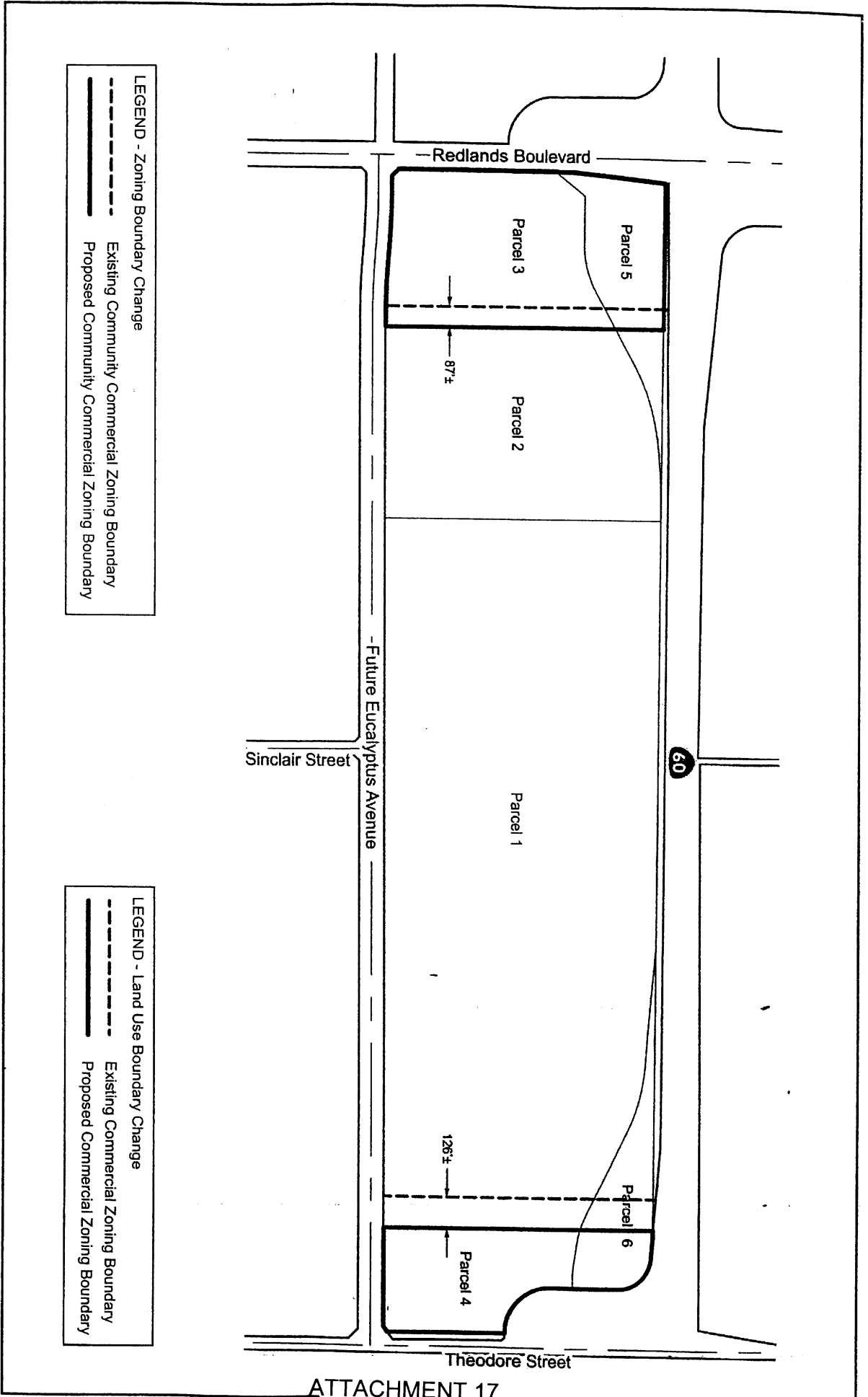
HIGHLAND FAIRMVIEW

HPA, INC.

SITE PLAN

10000 HIGHLAND FAIRMVIEW
HOUSTON, TEXAS 77036

HPA, INC.
10000 HIGHLAND FAIRMVIEW
HOUSTON, TEXAS 77036



ATTACHMENT 17

Source: RBF Consulting, January 2008.



NOT TO SCALE

Michael Brandman Associates

26100015 - 02/2008 | 3-6_boundary_change.cdr

Zoning and Land Use Boundary Change
Exhibit 3-6

HIGHLAND FAIRVIEW CORPORATE PARK
ENVIRONMENTAL IMPACT REPORT

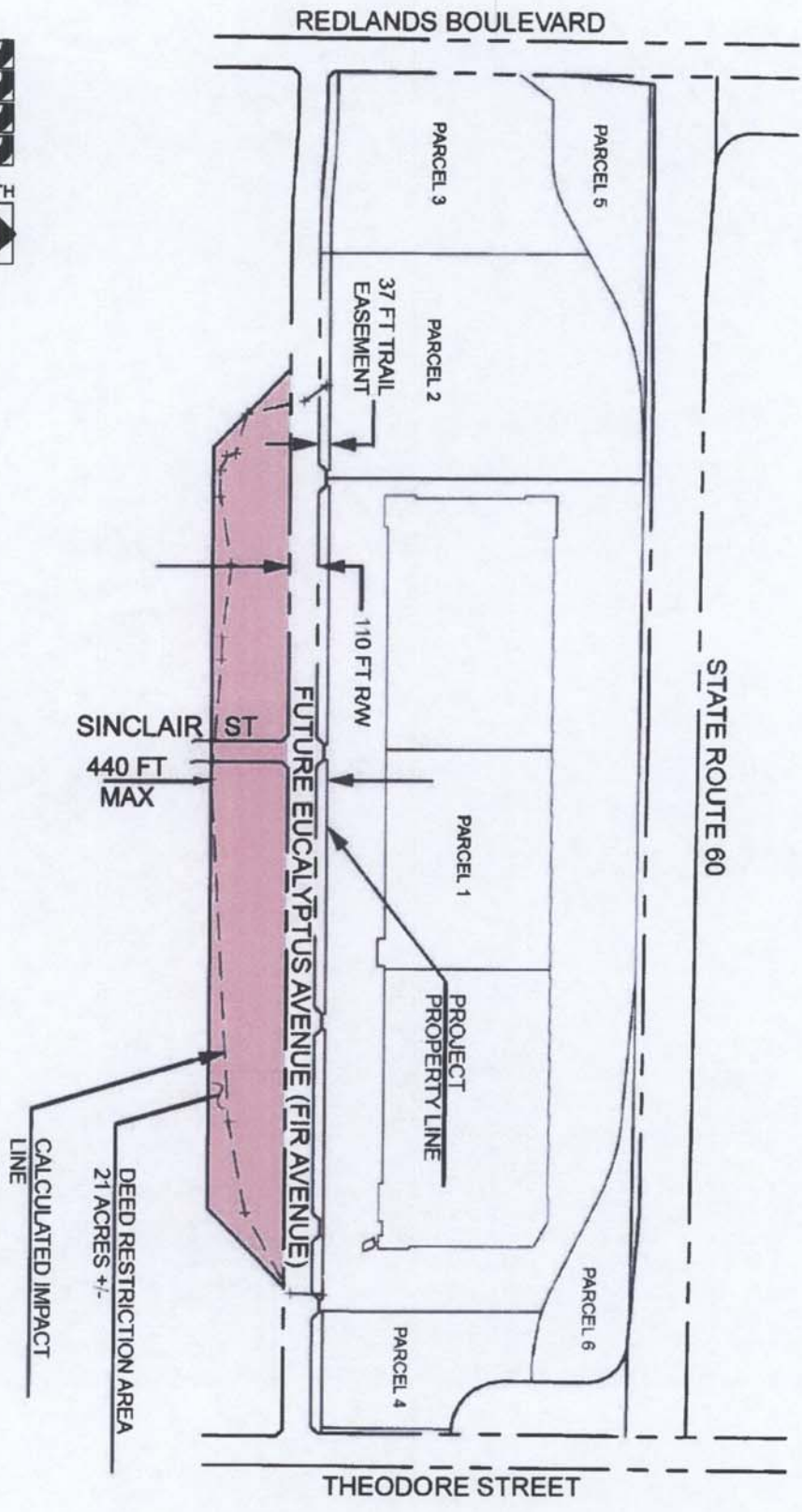


Exhibit 5
Schematic Diagram of the Supplemental Cancer Risk Analysis Impact Area

PLANNING COMMISSION RESOLUTION NO. 2009-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY RECOMMENDING THAT THE CITY COUNCIL DENY A CHANGE OF ZONE (PA07-0088) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 104.9 ACRE SITE, INCLUDING A CHANGE OF ZONE FOR A 87 FOOT AREA BETWEEN PARCELS 2 AND 3 FROM BP (BUSINESS PARK) TO CC (COMMUNITY COMMERCIAL) AND CHANGE OF ZONE FOR 126 FEET OF LAND BETWEEN PARCELS 1 AND 4 FROM CC (COMMUNITY COMMERCIAL) TO LI (LIGHT INDUSTRIAL), ALL ENCOMPASSED WITHIN AN APPROXIMATELY 158 ACRE SITE LAND (AND RELEVANT OFFSITE IMPROVEMENTS AND DRAINAGE), A GENERAL PLAN AMENDMENT (PA08-0089) FOR THE ELIMINATION OF A PORTION OF A GENERAL PLAN DESIGNATED MULTI-USE TRAIL, THE ADJUSTMENT OF A PLANNED MULTI-USE TRAIL ON FUTURE EUCALYPTUS AVENUE (FIR), THE UPGRADING FROM AN ARTERIAL TO A DIVIDED ARTERIAL FOR FUTURE EUCALYPTUS AVENUE (FIR) AND A CHANGE IN LAND USE FOR A 87 FOOT AREA BETWEEN PARCELS 2 AND 3 FROM BP (BUSINESS PARK) TO C (COMMERCIAL) AND A CHANGE OF LAND USE FOR OF 126 FEET OF LAND BETWEEN PARCELS 1 AND 4 FROM C (COMMERCIAL) TO BP (BUSINESS PARK), AND A PLOT PLAN FOR AN APPROXIMATELY 1,820,000 SQUARE FOOT WAREHOUSE INDUSTRIAL BUILDING (TOTAL OF 2,620,000 SQUARE FEET FOR ALL PHASES OF DEVELOPMENT CONSISTING OF INDUSTRIAL AND COMMERCIAL LAND USES) ON THE PROPERTY LOCATED SOUTH OF AND ADJACENT TO HIGHWAY 60 BETWEEN REDLANDS BOULEVARD AND THEODORE STREET ALONG FUTURE EUCALYPTUS (FIR AVENUE)

WHEREAS, the applicant, Highland Fairview, has filed an application for the approval of a change of zone (PA07-0088) from BP (Business Park) to LI (Light Industrial) on an approximately 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage), a modification of zoning for a small portion of land between proposed Parcels 2 and 3 (an enlargement of 87 feet in width from LI to CC land use district) and Parcels 1 and 4 (a reduction of 126 feet in width from the CC land use district to the LI land use district), and a General Plan Amendment (PA07-0089) to eliminate a General Plan designated multi-use trail (Sinclair extension) through the center of the site, modify a General Plan designated multi-use trail from the south side of future Eucalyptus Avenue to the north side of the street with an extension from Quincy Street to Theodore Street, a change in the circulation plan designation from an arterial to a divided arterial for future Eucalyptus Avenue between Redlands Boulevard and Theodore Street,

and a change in land use map for the areas between proposed Parcels 2 and 3 and proposed Parcels 1 and 4, for a proposed project site located adjacent to and south of Highway 60 and north of future Eucalyptus Avenue (Fir Avenue), between Redlands Boulevard and Theodore Street.

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) (P07-157), a tentative parcel map (PA07-0090) and a plot plan (PA07-0091). The Planning Commission is not making recommendations on these three items because it is recommending that the City Council deny the General Plan Amendment and Change of Zone and, therefore, no recommendations on those subsidiary matters is required.

WHEREAS, on January 8, 2009, and January 15, 2009, the Planning Commission of the City of Moreno Valley held meetings to consider the application and to provide a recommendation to the City Council.

WHEREAS, on January 15, 2009, the Planning Commission passed a motion by a vote of 4 to 2 to refer the project to the City Council with a recommendation to deny the proposed change in policy to allow large warehouses on the project site because it would be contrary to the intent of the vision for this portion of the community as identified during the General Plan Update and subsequent zoning consistency study.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT HEREBY FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Moreno Valley as follows:

- A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.
- B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meetings on January 8, 2009, and January 15, 2009, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:
 1. The proposed Change of Zone is not consistent with the vision identified by the Planning Commission and City Council in 2006 during the review and adoption of the General Plan Update and subsequent zoning consistency study. This vision called for the development of business parks with buildings not exceeding 50,000 square feet in the eastern part of the City along Highway 60. The proposed project includes a 1,820,000 square foot warehouse industrial building as part of Phase 1 and an additional 600,000 square foot industrial building as part of Phase Both of these buildings far exceed the maximum of 50,000 square feet as permitted by the current zoning designation of Business Park.

2. The proposed warehouse industrial buildings would dramatically increase the amount of heavy truck traffic both onsite as well as on adjacent arterial roads leading from the project to Highway 60. The heavy truck traffic would impact the air quality, traffic flow and image of the area of lower intensity business park area with adjacent executive housing. The project traffic study indicates that approximately fifteen percent of the project's peak hour traffic would be heavy trucks, a much greater percentage than anticipated under the current zoning designation of Business Park. Heavy truck traffic produces more particulate emissions than light duty trucks and automobiles. Potential conflicts may be created with the mixing of heavy trucks and residential and business park traffic. The increase in heavy truck traffic may be inconsistent with the vision for the area of lower intensity business park uses with executive housing.

3. The proposed warehouse industrial buildings are better suited to the industrial areas in the southern portion of the City. These areas are currently zoned for heavy and light industrial uses, including large warehouse and industrial buildings with heavy truck traffic. These areas are better separated from adjacent planned or existing residential areas. These areas also provide better access to the freeway system through upgraded roadways and freeway interchanges. The proposed mitigation measures for the proposed project do not provide the same level of access.

4. The benefits of the proposed project do not justify the proposed change in policy.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2009- 01, recommending that the City Council **DENY** a Change of Zone (PA07-0088) for an approximate 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage) from BP (Business Park) to LI (Light Industrial) and the General Plan Amendment (PA07-0089).

APPROVED this 22nd day of January, 2009.

ATTEST:

 Rick De Jong
 Chair, Planning Commission

 John C. Terell, Planning Official
 Secretary to the Planning Commission

APPROVED AS TO FORM:

 City Attorney

Highland Fairview Corporate Park
Tentative Parcel Map 35629
(PA 07-0088, 07-0089, 07-0090, 07-0091)

City of Moreno Valley City Council

Supplemental Package
City Council Hearing - February 3, 2009





Highland Fairview

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300


Council Members:

Enclosed for your use are several exhibits that illustrate many of the unique details of the Highland Fairview Corporate Park project. We have included a variety of renderings and visual simulations that provide a three-dimensional perspective of key project elements that cannot be accurately conveyed in the two-dimensional drawings that are part of the formal submittal package. We have also provided several colored exhibits that help to make the technical plans easier to read.

Please contact Highland Fairview if there are any questions.

Thank you.

Iddo Benzeevi
HIGHLAND FAIRVIEW



Main Office (SE Corner) View Rendering

This rendering depicts the Main Office proposed at the southeast corner of the building. This view would be taken upon entering the project at the second driveway from the east. Architectural enhancements were incorporated into this portion of the building to create a corporate look to the building.



Main Office (SE Corner) View Rendering (Eucalyptus Ave.)

This rendering depicts the Main Office proposed at the southeast corner of the building. This view would be from east bound Eucalyptus Avenue, near the project entry. The selective use of trees and landscaping allow for a view of the enhanced architecture. Architectural enhancements were incorporated into this portion of the building to create a corporate look to the building.



NE Building Corner View Rendering

The following view depicts the Northeast Corner of the building adjacent to SR60. This corner of the building is architecturally enhanced and treated as a prominent feature due to its visibility from SR60.



Main Office (SE Corner) View Rendering (Retail Entry)

This rendering depicts the Retail Entry at the east end of the building. The view is looking West at the retail entry. Vehicular access would be taken from the most easterly driveway off of Eucalyptus Avenue and would direct the driver to parking lot serving the retail site.



Employee Area View Rendering (South Side)

This rendering depicts the Employee Area on the south side at the mid-point of the building. It will include a break room for employee use and includes an outdoor patio area.



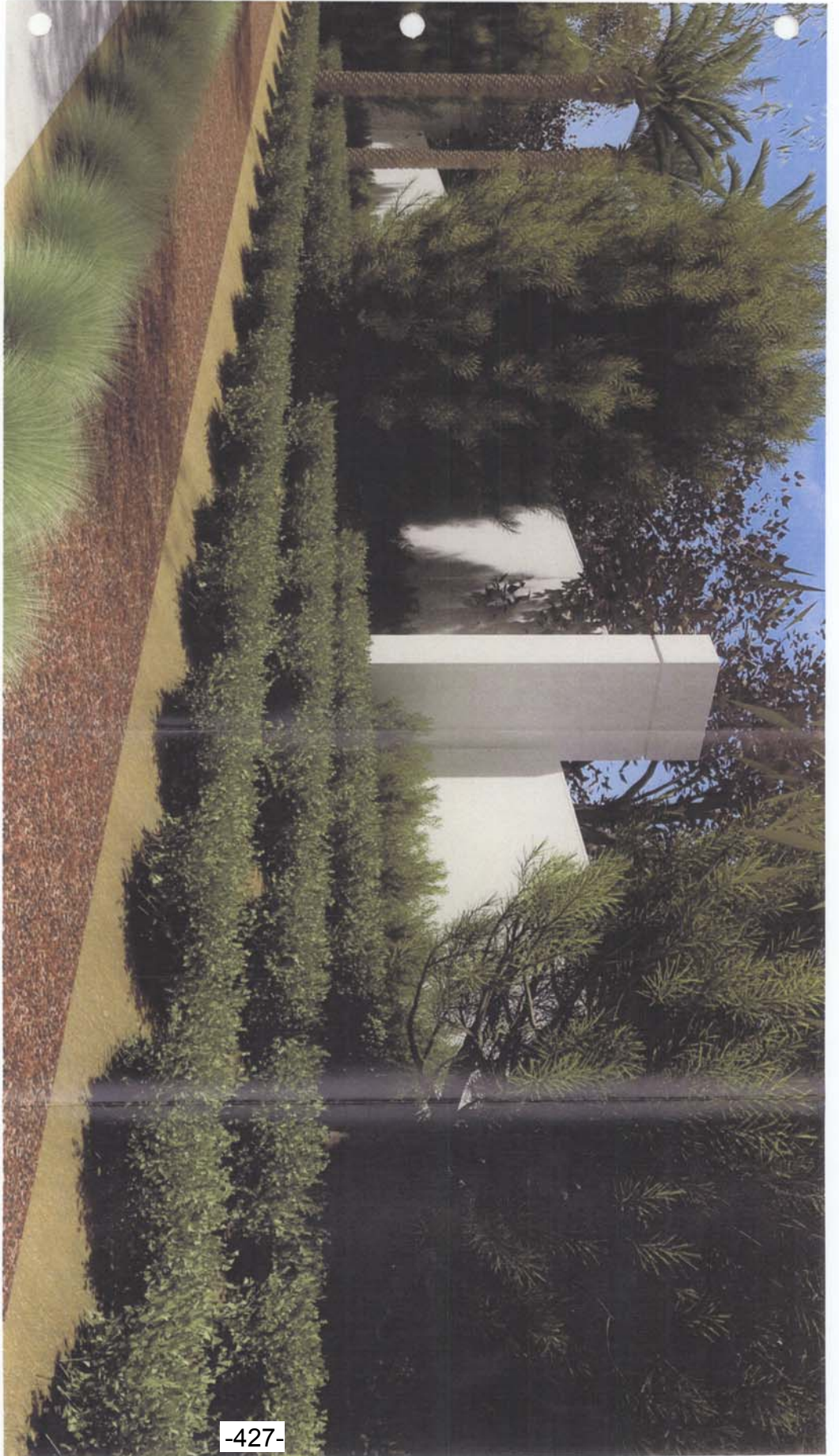
Project Entry at Eucalyptus Avenue View Rendering

This rendering depicts the view looking east along Eucalyptus Avenue when exiting the project entry (driveway 2nd from the east).



Eucalyptus Avenue Screen Wall View Rendering

This view depicts the Screen Wall along Eucalyptus Avenue. The top of wall is tapered with a minimum height of 11 ft. and a maximum height of 15.5 ft.



SR60 View Rendering

This rendering depicts the view as traveling east on SR60 between Redlands Blvd. and Theodore Street. Rendering shows the effective screening of the building and view opportunities at the palm trees.





SR60 Slope View Rendering (North Side)

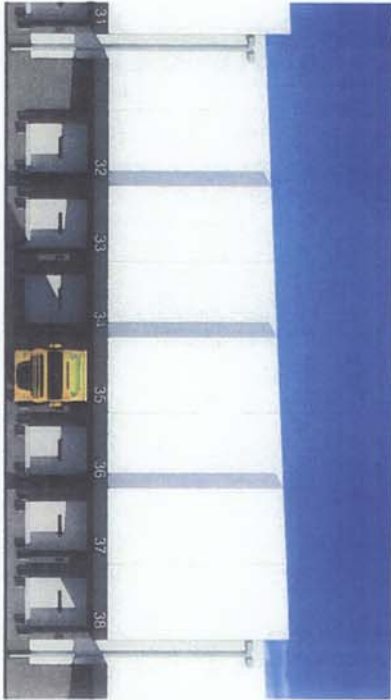
This rendering depicts the slope between SR60 and the north side of the building and the loading docks. Note the landscaping and trees at the top of slope providing screening and viewing opportunities from SR60.



Northwest View - SR 60 Slope and Basins
Tentative Parcel Map 35629 - PA 07-0088, 07-0089, 07-0090, 07-0091

North Dock Elevation View Rendering

This rendering depicts the North Dock Elevation and shows the architectural enhancements made to the north side using staggered wall panels and louvers to provide relief and interest to the building.

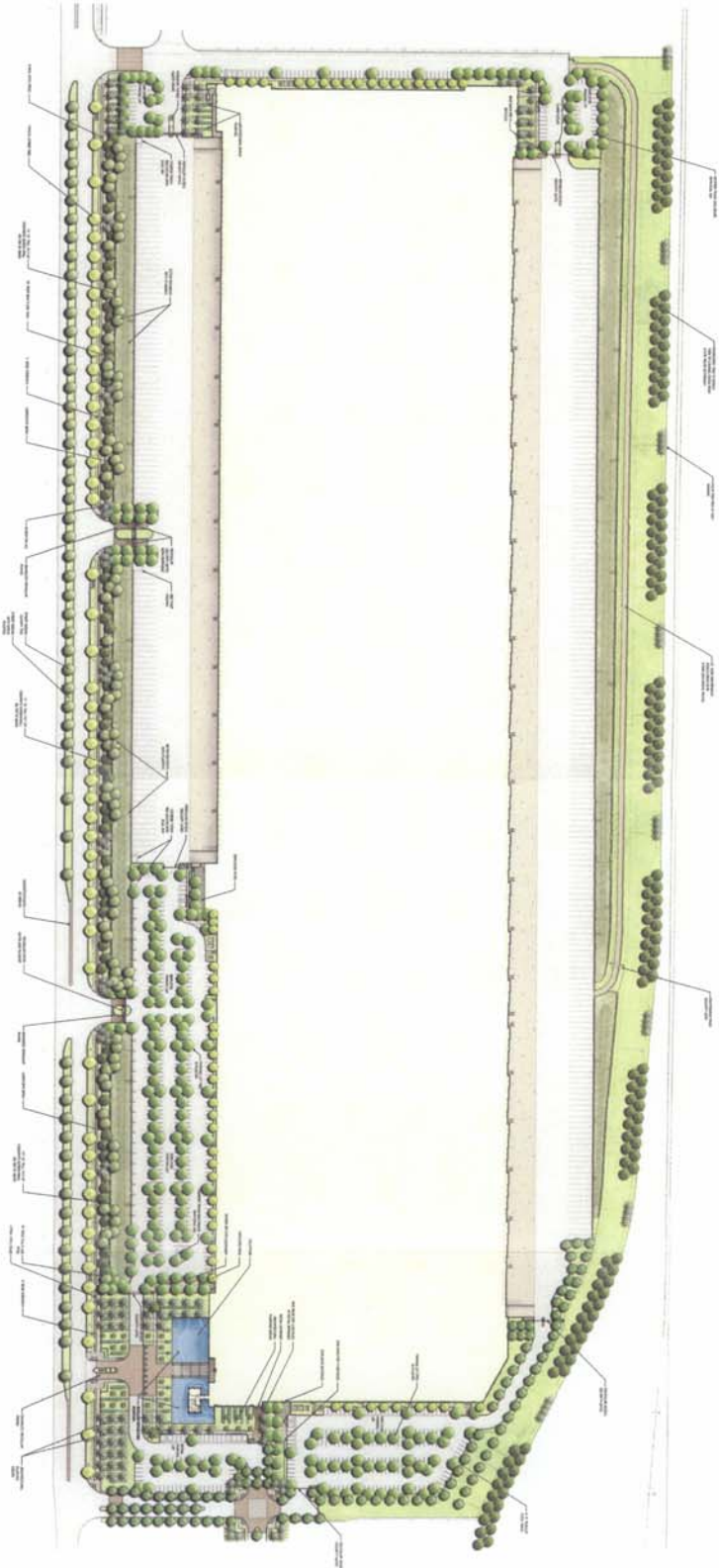


North Dock Elevation
 Tentative Parcel Map 28523 - PM07-008, 009, 000, 0091

Artist renderings enclosed please refer to
architectural and landscape drawings.

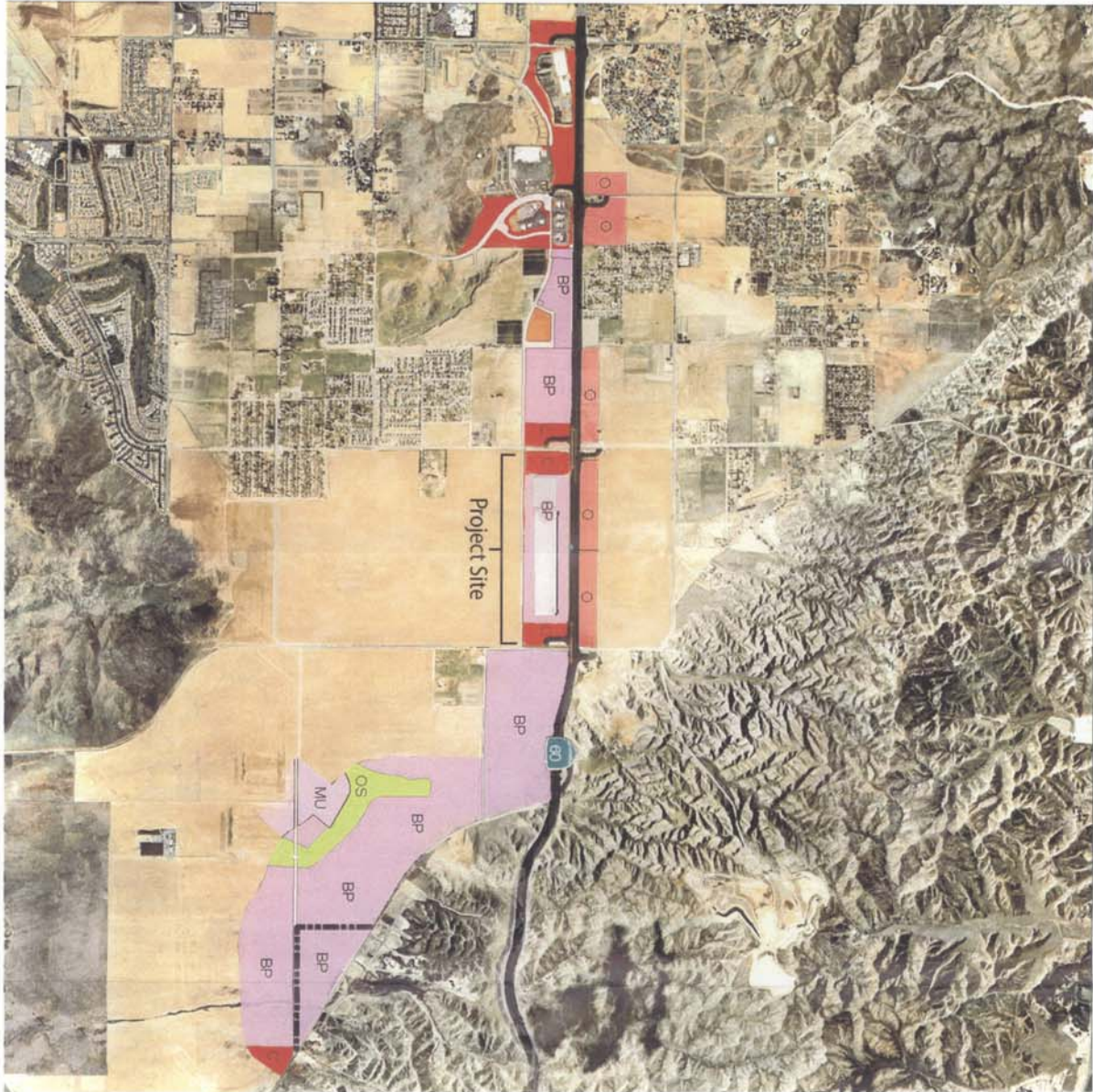
Preliminary Landscape Plan (Colored)

Plan depicts the areas of landscaping to be installed with Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.



General Plan Land Use Overlay

This map depicts the Existing General Plan Land Use Overlay with the project site, showing the existing Business Park and Commercial corridor.



Circulation Plan – Aerial View

The two plans depict the Project Site and the proposed Circulation Corridor to and from SR60.



**Intelligent vehicle circulation plan designed
to minimize local traffic impact**



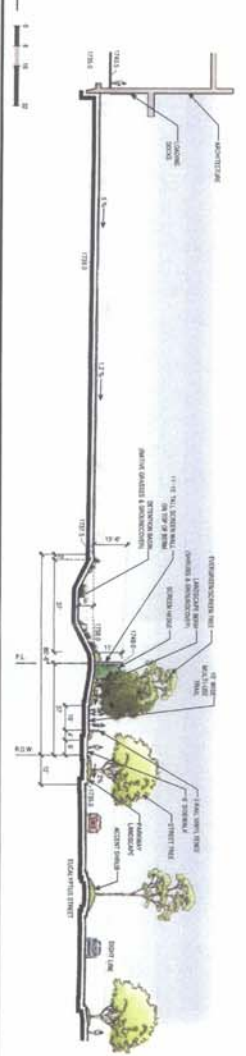
Landscaped Building Elevations (Colored)

Plan depicts the Building Elevations with proposed Landscaping for Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

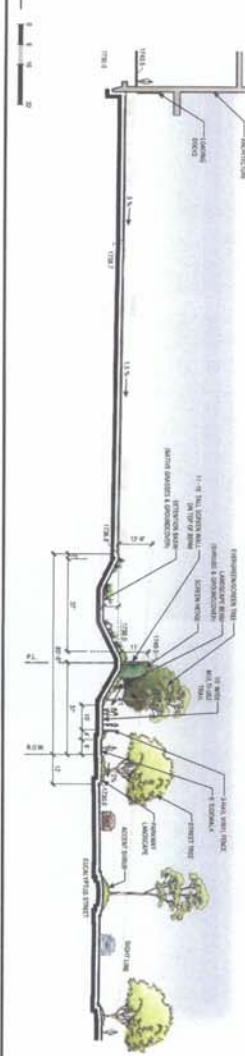
Site Sections (Colored)

Plan depicts site sections showing the developed conditions along Eucalyptus and SR60 with Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

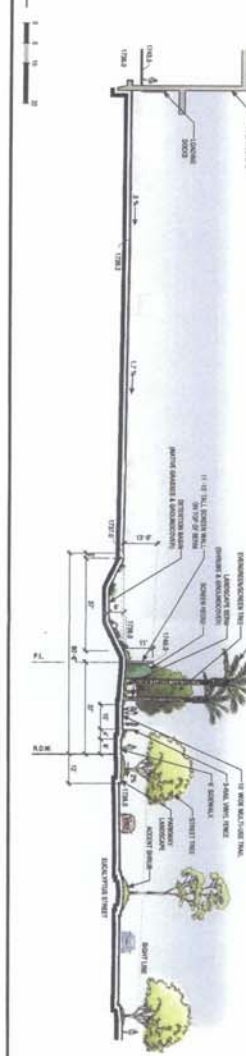
E Eastman Street & Leading Drive



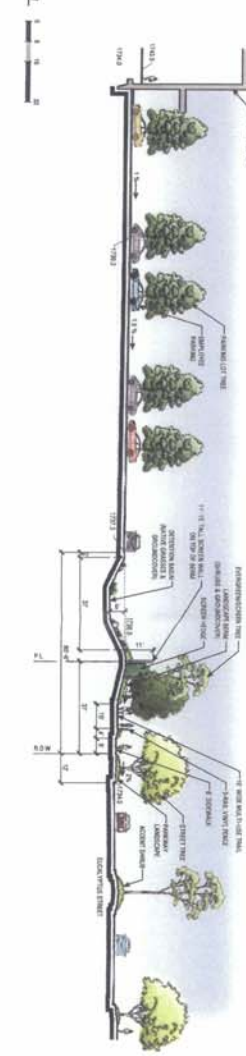
F Eastman Street & Leading Drive

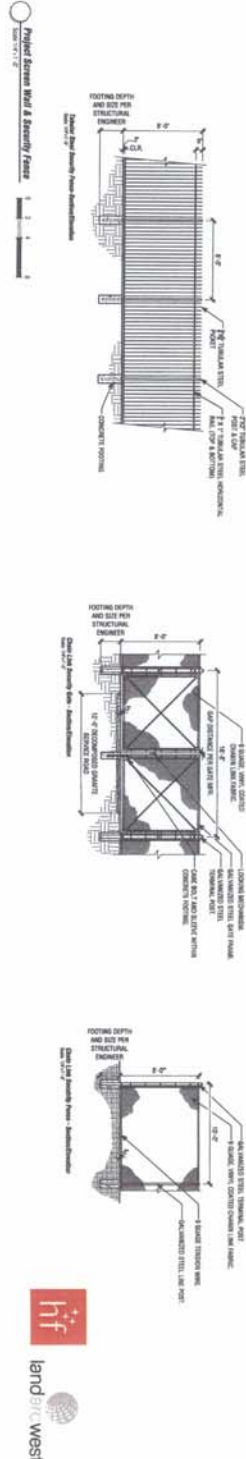
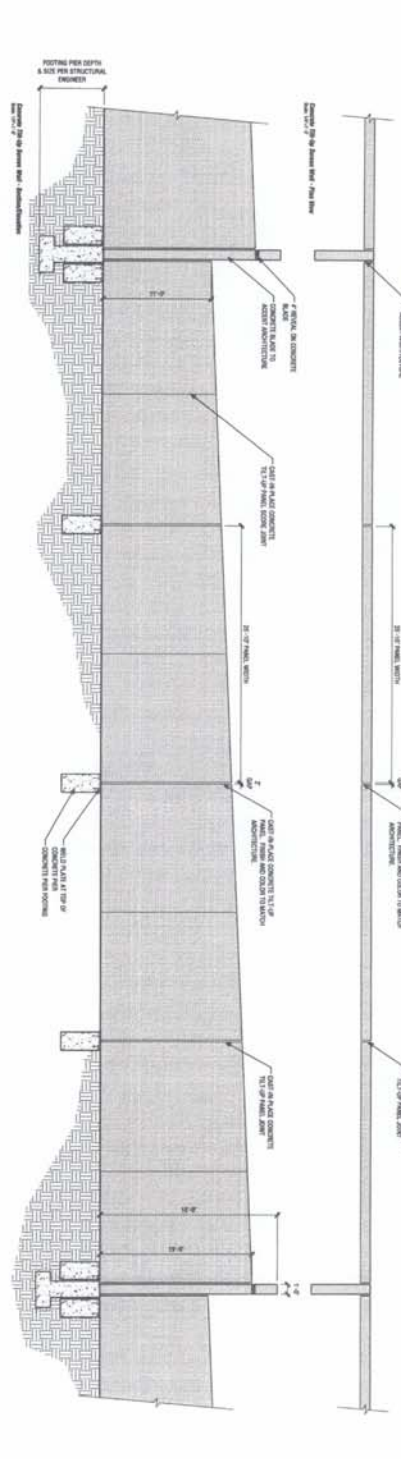
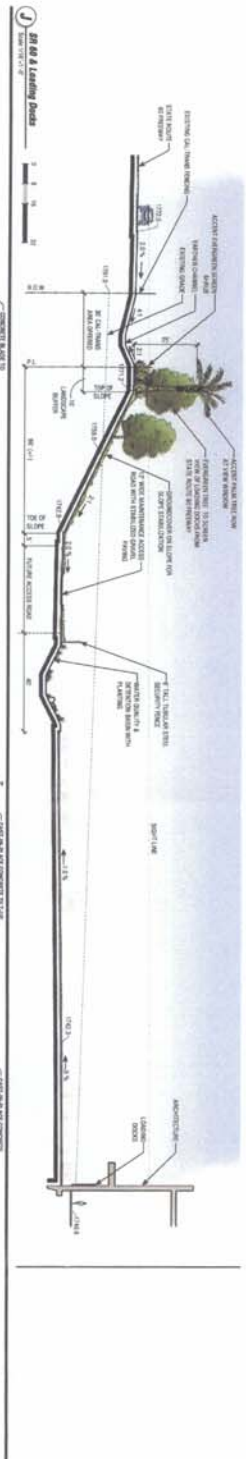
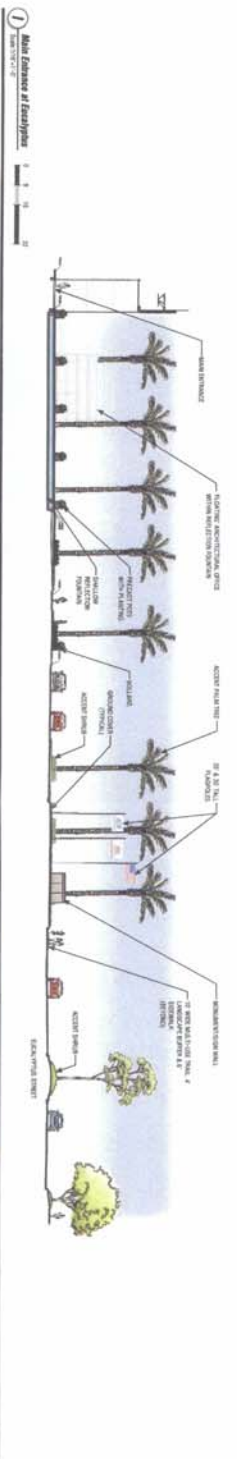


G Eastman Street & Leading Drive



H Eastman Street & Employee Parking

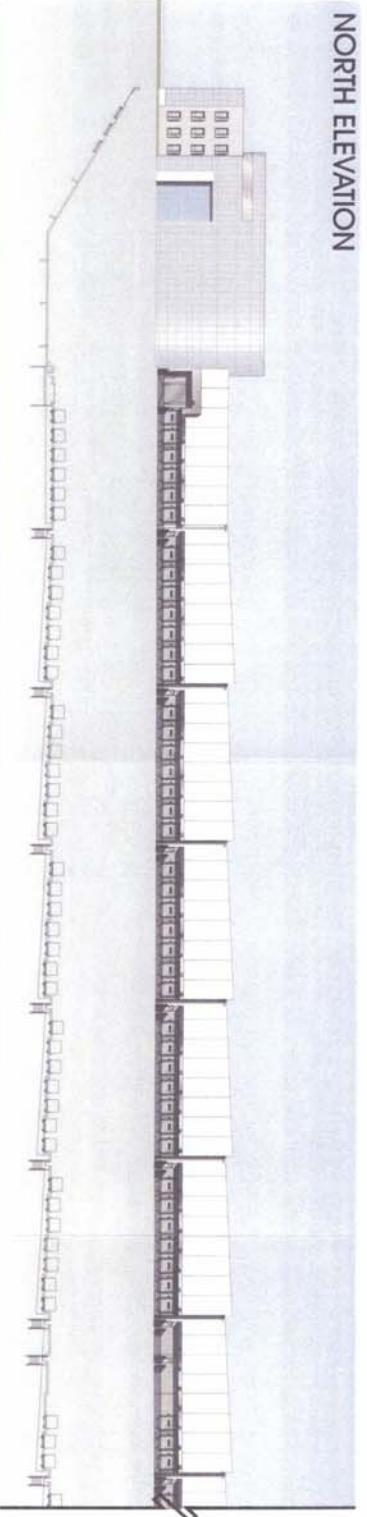




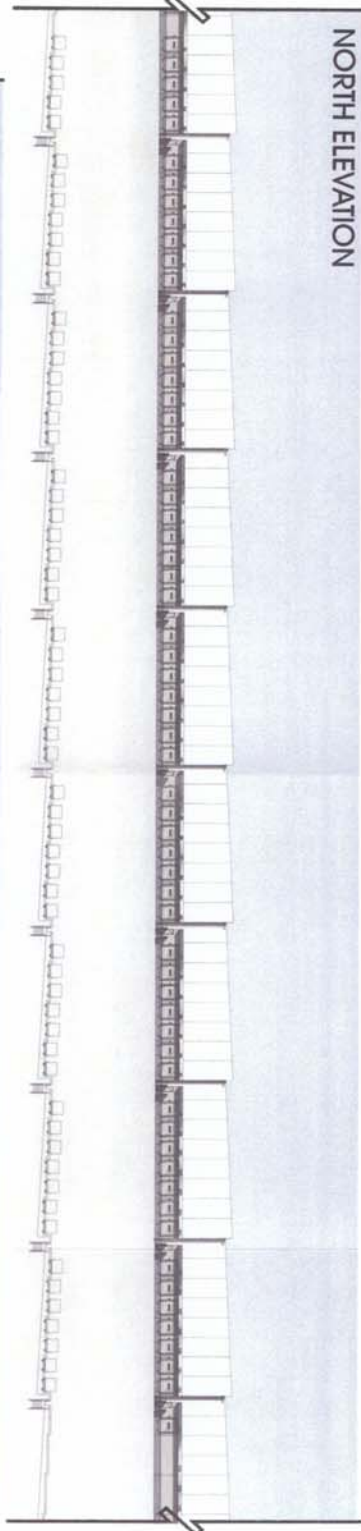
Architectural Building Elevations (Colored)

Plan depicts the Building Elevations for Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

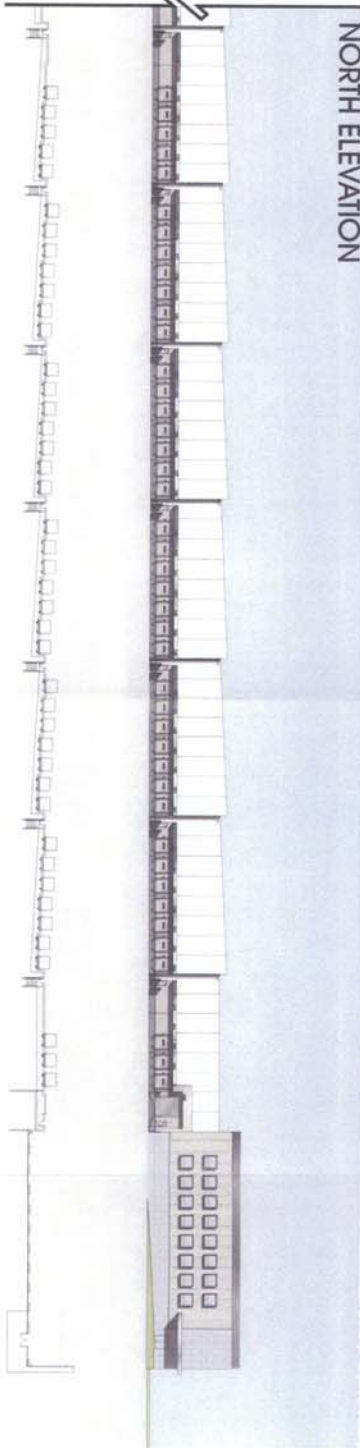
NORTH ELEVATION



NORTH ELEVATION



NORTH ELEVATION

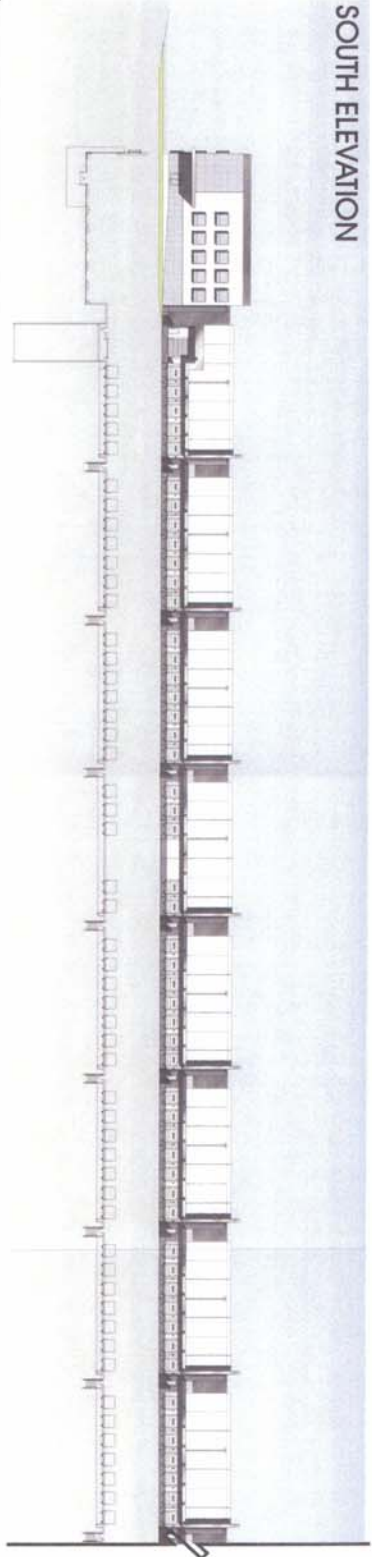


HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE PARK

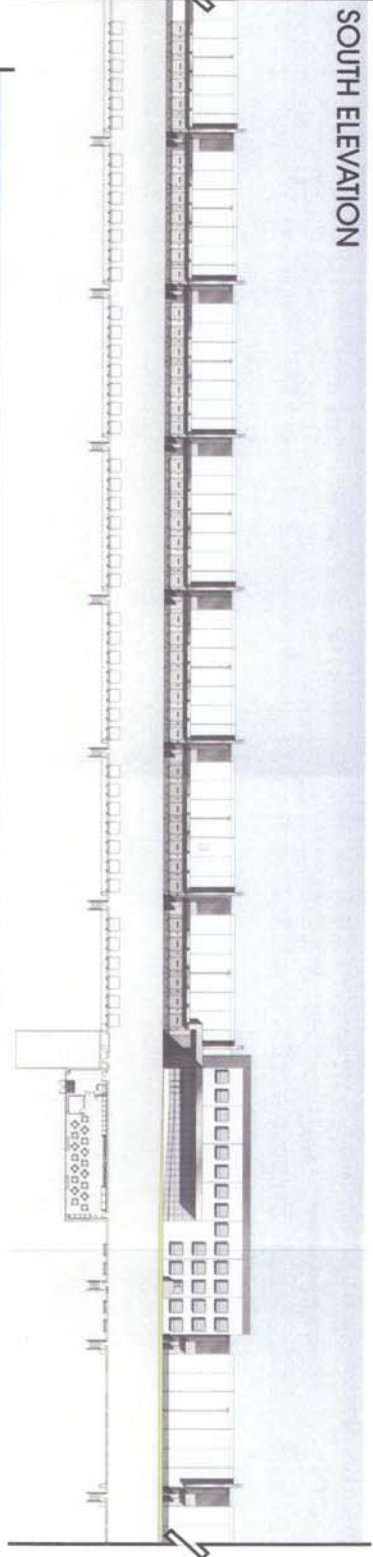
12.24.2008



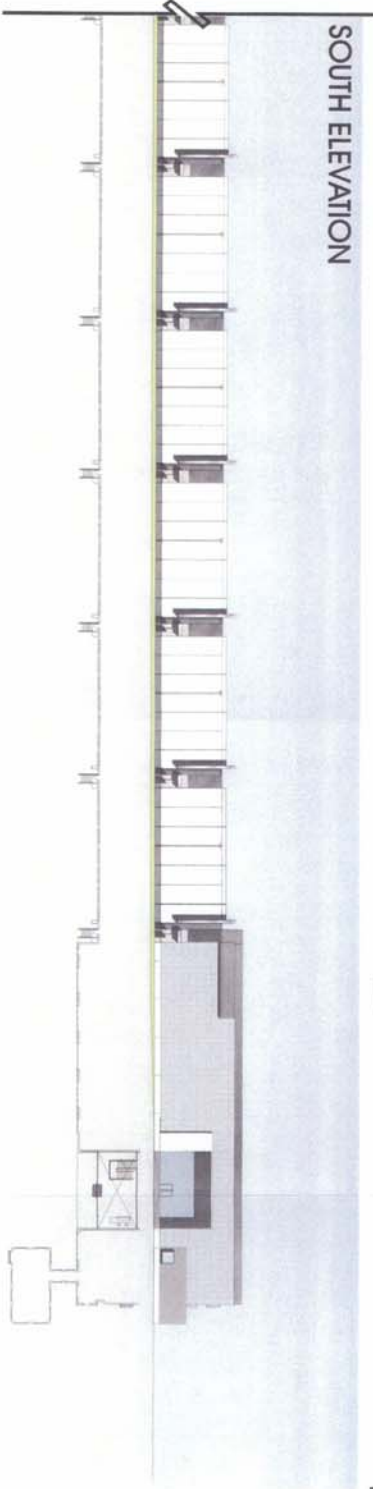
SOUTH ELEVATION



SOUTH ELEVATION



SOUTH ELEVATION

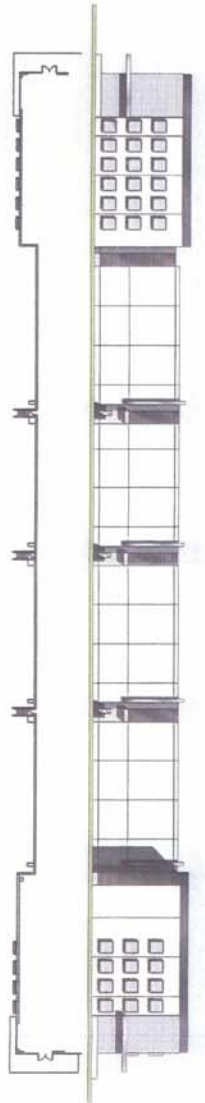


HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE PARK

12.24.006



WEST ELEVATION



WEST ELEVATION



EAST ELEVATION



EAST ELEVATION



Architectural Building Elevations (Colored)

(with Superimposed Landscaping)

Plan depicts the Building Elevations with trees superimposed for reference, for Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

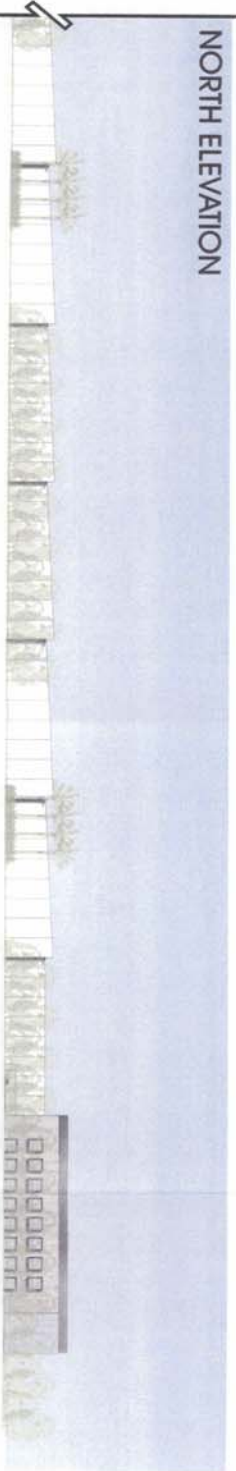
NORTH ELEVATION



NORTH ELEVATION



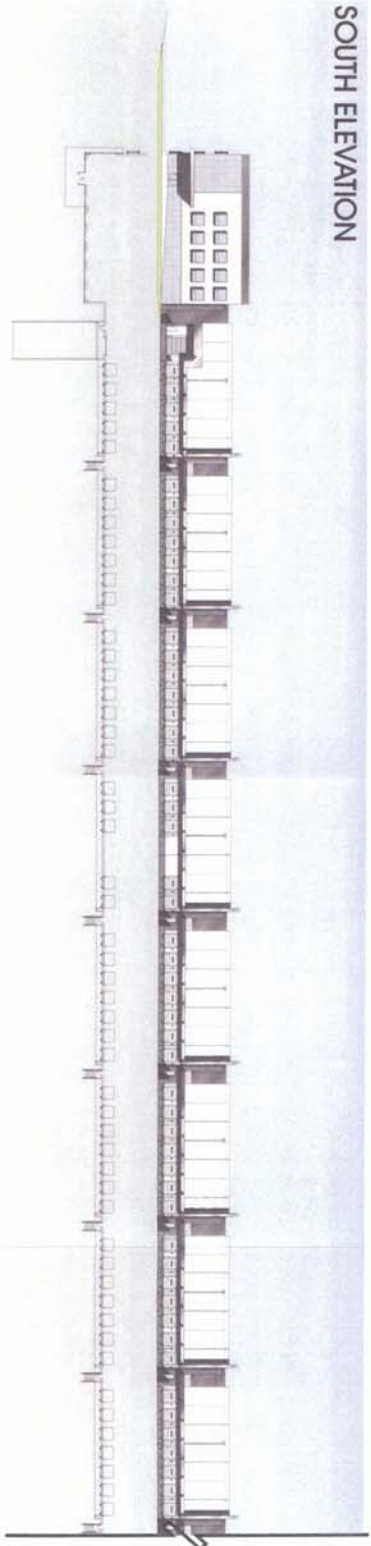
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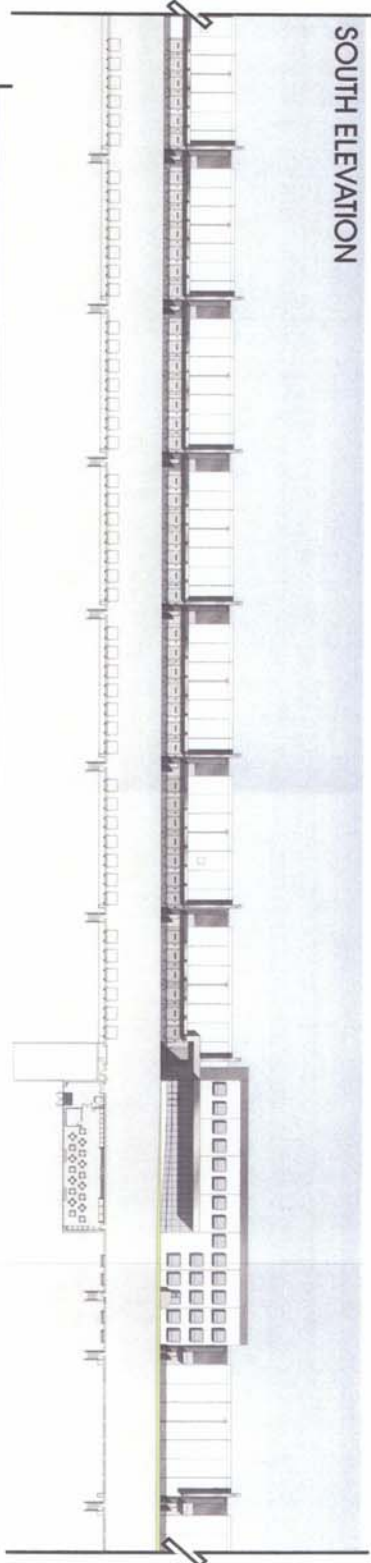
hf
HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE PARK

HPA
12.24.2008

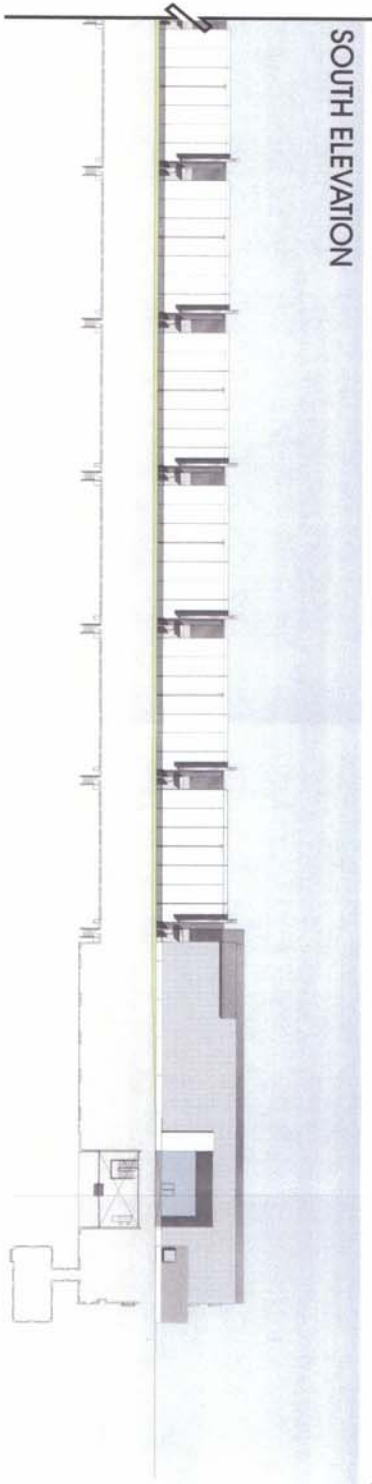
SOUTH ELEVATION



SOUTH ELEVATION



SOUTH ELEVATION



HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE PARK

17.24.2008



SR60 Freeway Landscaping

The following views depict the existing landscape corridor along SR60 both east and west bound, between Day Street and Theodore Street. Included is an Ultimate Section for SR60 showing 30 ft. of additional right of way dedication to accommodate the future widening of SR60.

SR60 Freeway Landscaping
 Photo Book · December 12, 2008

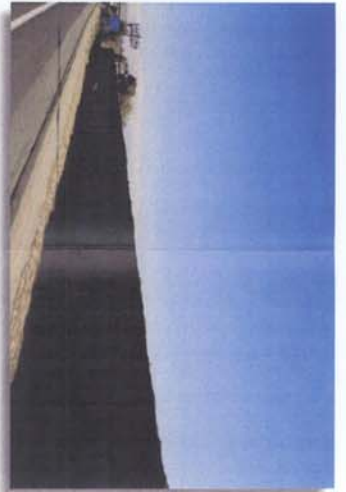


SR60 Eastbound from Day Street to Frederick Street



SR60 Eastbound from Frederick Street to Heacock Street

SR60 Freeway Landscaping
Photo Book · December 12, 2008



SR60 Freeway Landscaping
Photo Book · December 12, 2008



SR60 Eastbound from Nason Street Street to Moreno Beach Drive

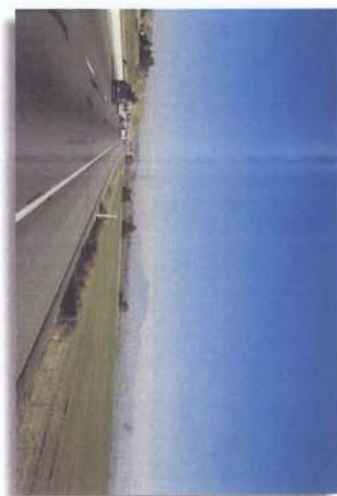


SR60 Eastbound from Moreno Beach Drive to Redlands Boulevard

SR60 Freeway Landscaping
Photo Book · December 12, 2008



SR60 Eastbound from Redlands Boulevard to Theodore Street



SR60 Freeway Landscaping
Photo Book · December 12, 2008



SR60 Westbound from Theodore Street to Redlands Boulevard



SR60 Westbound from Redlands Boulevard to Moreno Beach Drive

SR60 Freeway Landscaping
 Photo Book · December 12, 2008



SR60 Westbound from Moreno Beach Drive to Nason Street



SR60 Westbound from Nason Street to Perris Boulevard

SR60 Freeway Landscaping
Photo Book · December 12, 2008



SR60 Westbound from Perris Boulevard to Heacock Street



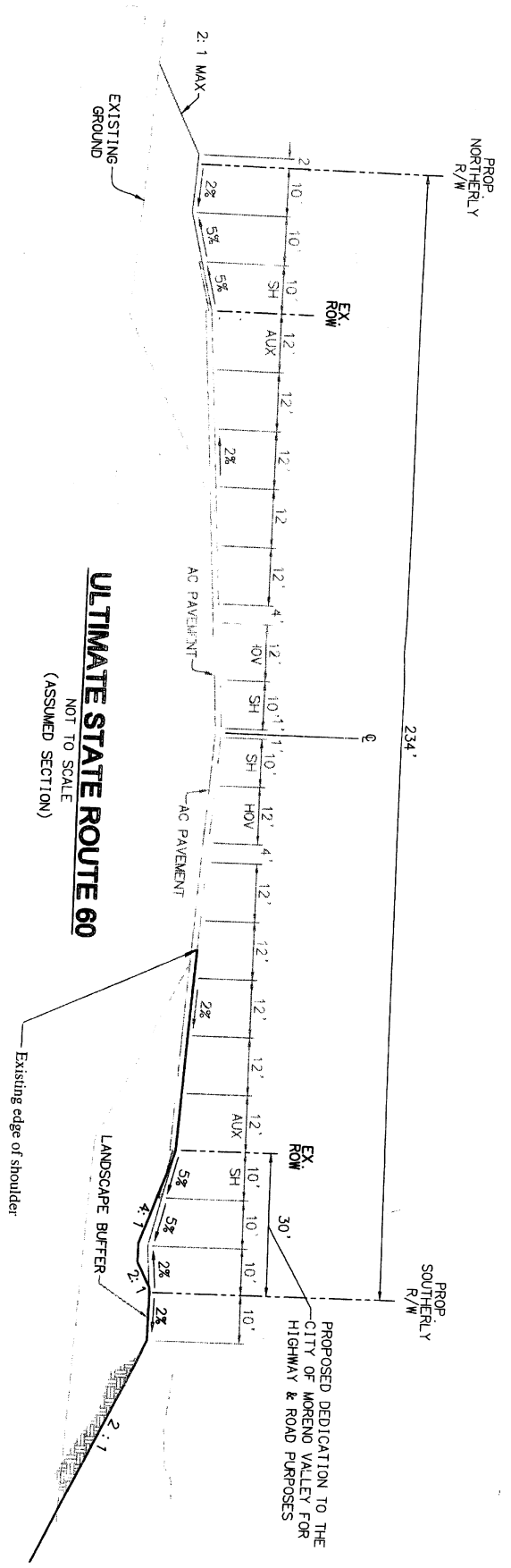
SR60 Westbound from Heacock Street to Frederick Street

SR60 Freeway Landscaping
Photo Book · December 12, 2008



SR60 Westbound from Frederick Street to Day Street





ULTIMATE STATE ROUTE 60
 NOT TO SCALE
 (ASSUMED SECTION)

Deed Restriction Exhibit

The Schematic Diagram depicts the Deed Restriction Area that will limit uses to mitigate for impacts to air quality along Eucalyptus Avenue.

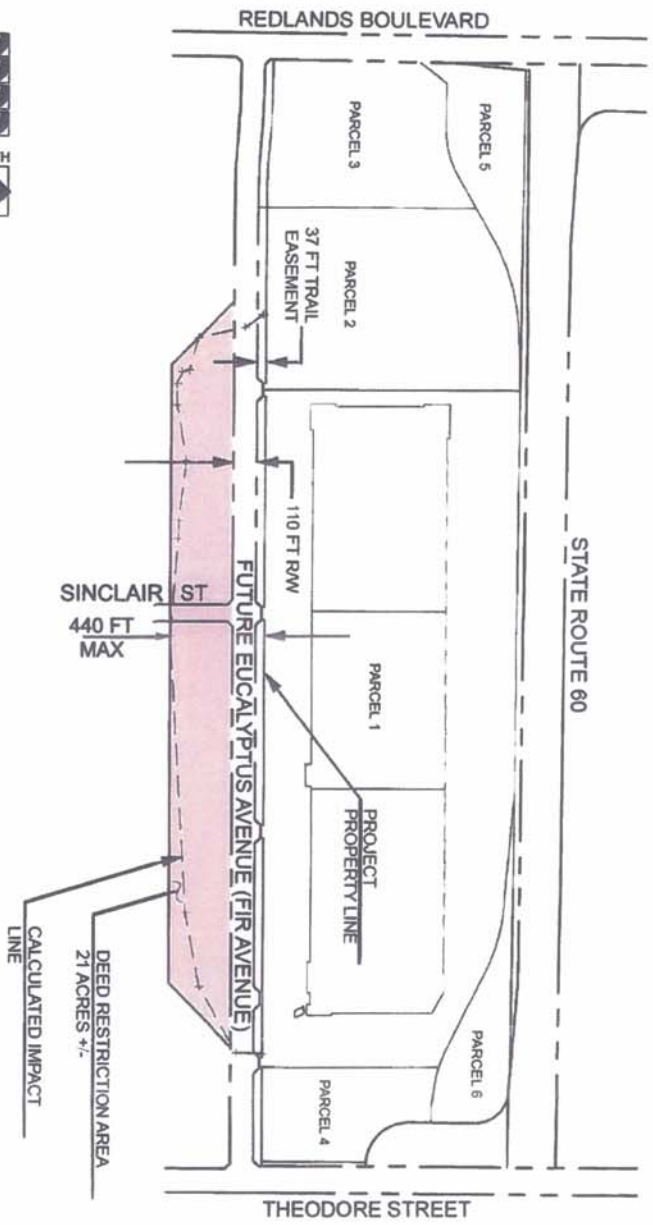


Exhibit 5
Schematic Diagram of the Supplemental Cancer Risk Analysis Impact Area

