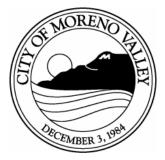
PLANNING COMMISSIONERS

RAY L. BAKER Chair

VACANT Commissioner

GEORGE SALAS, JR. Vice-Chair



AMBER CROTHERS Commissioner

THOMAS A. OWINGS Commissioner

CARLOS RAMIREZ Commissioner

MELI VAN NATTA Commissioner

PLANNING COMMISSION AGENDA

July 14, 2011

PLANNING COMMISSION MEETING – 7:00 P.M.

CITY OF MORENO VALLEY City Hall Council Chambers 14177 Frederick Street Moreno Valley, California 92553

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC ADVISED OF THE PROCEDURES TO BE FOLLOWED IN THE MEETING

(ON DISPLAY AT THE REAR OF THE ROOM)

COMMENTS BY ANY MEMBER OF THE PUBLIC ON ANY MATTER WHICH IS NOT LISTED ON THE AGENDA AND WHICH IS WITHIN THE SUBJECT MATTER JURISDICTION OF THE COMMISSION

The City of Moreno Valley complies with the Americans with Disabilities Act of 1990. If you need special assistance to participate in this meeting, please contact Mel Alonzo, ADA Coordinator at (951) 413-3027 at least 48 hours prior to the meeting. The 48-hour notification will enable the City to make arrangements to ensure accessibility to this meeting.

NON-PUBLIC HEARING ITEMS

APPROVAL OF MINUTES

- **1.** April 14, 2011
- **2.** May 12, 2011

PUBLIC HEARING ITEMS

1.	Case Number: Case Description: Case Type: Applicant: Owner: Representative: Location: Proposal: Case Planner:	PA11-0009 P11-016 Construction of a new three story medical office building. Plot Plan Master Plot Plan Kaiser Permanente Kaiser Foundation Hospitals Skyler Dennision 27300 Iris Avenue (APN: 486-310-024) A Plot Plan for a 74,425 square foot three story medical office building to be constructed west of the existing Kaiser Medical Center and a Master Plot Plan to incorporate the new building into the Medical Center complex. The project site is in the Office Commercial zone (OC) within the Medical Office Overlay District (MOU). Julia Descoteaux	
	Recommendation:	AP	PROVE Resolution No. 2011-17 and thereby:
		1.	RECOGNIZE that PA11-0009 (Plot Plan) and P11-016 (Master Plot Plan) qualify for an Addendum to the adopted Negative Declaration per the California Environmental Quality Act (CEQA), 15164 (b) as the project is within the scope of the Negative Declaration approved for PA06-0133 (Plot Plan); and,
		2.	APPROVE PA11-0009 (Plot Plan) and P11- 016 (Master Plot Plan) subject to the attached conditions of approval included as Exhibit A.

OTHER BUSINESS

STAFF COMMENTS

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT

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CITY OF MORENO VALLEY
PLANNING COMMISSION
REGULAR MEETING
APRIL 14 [™] , 2011

4 5

1 2 3

7 CALL TO ORDER

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9 Vice Chair Baker convened the Regular Meeting of the City of Moreno Valley
10 Planning Commission on the above date in the City Council Chambers located at
11 14177 Frederick Street.

- 13 Introduction of New Commissioners:
- 14 Amber Crothers
- 15 Thomas Owings
- 16 Carlos Ramirez
- 17 Meli Van Natta

<u>VICE CHAIR BAKER</u> – At this time I'd like to call forward the Director of
 Planning, John Terrell, to introduce our new Commissioners. I believe we are
 going to have a swearing in ceremony too.

22

18

PLANNING OFFICIAL TERELL – Yes, I'd like to call forward the four new Commissioners as well as our City Clerk to kind of gather around the microphone. That would be Thomas Owings, Meli Van Natta, Amber Crothers and Carlos Ramirez. We often have one new Commissioner or two new Commissioners and I do recall once having three new Commissioners at one time, but this is the first time we've had four at one time, so we're going to do our first act of togetherness and do the swearing in together.

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31 <u>CITY CLERK HALSTEAD</u> – Can you please raise your right hand and repeat
 32 after me.

33

A. CROTHERS, T. OWINGS, C. RAMIREZ & M. VAN NATTA - I do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies foreign and domestic; that I do bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California, that I take this obligation freely without any mental reservation or purpose of evasion and at I will well and faithfully discharge the duties upon which I am about to enter.

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1	ROLL CALL
2	
3	Commissioners Present:
4	Vice Chair Baker
5	Commissioner Crothers Commissioner Dozier
6 7	
7	Commissioner Owings
8	Commissioner Ramirez
9 10	Commissioner Salas, Jr. Commissioner Van Natta
10	
12	Staff Present:
13	John Terell, Planning Official
14	Claudia Manrique, Associate Planner
15	Mark Gross, Senior Planner
16	Jane Halstead, City Clerk
17	Eric Lewis, Traffic Engineer
18	Mark Sambito, Principal Engineer, Land Development
19	Randy Metz, Fire Marshall
20	Paul Early, Deputy City Attorney
21	
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23	
24	PLEDGE OF ALLEGIANCE
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27 28	APPROVAL OF AGENDA
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30	VICE CHAIR BAKER - Okay, now we'll do the approval of the Agenda. Do I
31	have a motion?
32	
33	COMMISSIONER SALAS – I move for approval
34	
35	COMMISSIONER CROTHERS – Second
36 37	VICE CHAIR BAKER – Okay, a motion and a second? All those in favor?
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39	Opposed – 0
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41	Motion carries 7 – 0
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- 1 PUBLIC HEARING ITEMS
- 3 <u>VICE CHAIR BAKER</u> The public is advised of the procedures to be followed in
 4 this meeting and these are on display at the rear of the room.
- 5 6

2

7 8 PUBLIC COMMENTS

8 9

10 <u>VICE CHAIR BAKER</u> – At this point in time we'll have comments by any member 11 of the public on any matter which is not listed on the Agenda and which is within 12 the subject matter jurisdiction of this Commission. I do have two Speaker Slips in 13 front of me, so Marcelo Co would you like to come forward first and state your 14 name and address.

15

16 **SPEAKER CO** – My name is Marcelo Co. My address is 16571 Saddlebrook Lane, Moreno Valley, 92551. I just want to congratulate all of you in terms of 17 your service to the City of Moreno Valley. I know it is going to be a long, hard 18 19 road ahead of you because of the financial situation we are in, however I want 20 you to understand that we are here to serve the people of this City. Please 21 understand that we must move forward with all the necessary things to bring in 22 jobs, to bring in credibility back to our City, so if you and all of you can think of 23 ways and means of bettering the City, please do so. Thank you very much.

- 24
- 25 <u>VICE CHAIR BAKER</u> Our next Speaker is Michael Geller please.
 26

27 **SPEAKER GELLER** – This is the first time in a long time that actually at this 28 meeting I have never spoken on this side of the dais to the Planning 29 Commission. Just want to welcome all of you and congratulate all the new members. Like I say I vaguely remember my first day up there which is a long 30 31 time ago. There is much to do and I have the confidence and I know almost all of you fairly well and I certainly have the confidence that you all are going to do a 32 33 great job and think for yourselves and make your own decisions based on the 34 information you have in front of you. So anyway, best of luck.

35

36 <u>VICE CHAIR BAKER</u> – Thank you Michael. Now we are going to move forward
 37 to the approval of the minutes.

- 38 39
- 39 40

41 NON-PUBLIC HEARING ITEMS

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1 APPROVAL OF MINUTES

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3 VICE CHAIR BAKER – We have three meetings here that we need to get 4 approved. It is the Commission Meeting Minutes for December 9th, 2010, Commission Meeting Minutes for January 27th, 2011 and the Commission 5 Meeting Minutes of February 24th, 2011. Do I have a motion? 6 7 8 **PLANNING OFFICIAL TERELL** – Before you do that; I'm sorry Vice Chair... I 9 just wanted to advise the new members that we do have a guorum tonight. We 10 don't expect you vote for the minutes but you should abstain and we will put that on the record. 11 12 13 VICE CHAIR BAKER – Okay, thank you John 14 15 **COMMISSIONER SALAS** – I move to approve the minutes 16 17 COMMISSIONER DOZIER - I second 18 19 VICE CHAIR BAKER – Thank you... vote 20 21 Opposed -022 23 Abstentions – Commissioner Crothers 24 **Commissioner Owings** 25 **Commissioner Ramirez** Commissioner Van Natta 26 27 28 Motion carries 3 - 0 - 4, with four Abstentions 29 30 31 32 PUBLIC HEARING ITEMS 33 34 1. Case Number: PA07-0129 (Tentative Tract Map No. 35606) 35 36 Applicant: Cal Land Engineering (Kevin Tsai) Case Planner: **Claudia Manrique, Associate Planner** 37 38 39 40 **VICE CHAIR BAKER** – Do you want to present the project please? 41 ASSOCIATE PLANNER MANRIQUE - Good evening I'm Claudia Manrique, 42 Project Planner. The proposed Tentative Tract Map is an Infill Project that will 43 finish out the balance of tract development within the surrounding area at the R5 44 45 standard.

4 -8-

1 The parcel is located at the end of Metric Drive which is west of Perris Boulevard. 2 east of Hubbard Street and south of Kalmia Street. The design of the proposed single family residential tract is in conformance with the R5 standards. The 3 4 project will subdivide the 4.8 acres into 16 single family lots. The fences and 5 walls for this tract are conditioned to be consistent with the provisions in the code. Decorative block walls are required at the street sideyards of all corners 6 7 as well as the eastern boundary of the tract facing Perris Boulevard. The 8 pedestrian connector cuts between lots 8 and 9 creating a reverse frontage along 9 Perris Boulevard. This connector is also the walkway that will provide a safe and 10 direct for students to the elementary school route, which is across the street on Perris Boulevard. The reverse frontage is considered side lot yards and will be 11 12 maintained by the future residents.

13

Public notice was sent to property owners within 300 feet of the project as well as posted on site and in the Press Enterprise newspaper. As of today I had two phone calls regarding the project and three groups of neighbors who visited the counter. They just had questions of the tract design and if Perris Boulevard was going to go through or not.

19

Staff recommends that the Planning Commission recognize that Tentative Tract Map 35606 qualifies as exemption according to CEQA, Section 15332 and approve Resolution 2011-12, approving PA07-0129 based on the findings on the Resolutions and Conditions of Approval. Thank you.

<u>VICE CHAIR BAKER</u> – Thank you Claudia. Now we are going to open the
 meeting up to any questions the Commissioners may have of Staff on this
 particular project.

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29 **PLANNING OFFICIAL TERELL** – Are there any questions at this time?

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31 <u>VICE CHAIR BAKER</u> – Yes Commissioner Salas has a question 32

33 <u>COMMISSIONER SALAS</u> – The block wall along Perris Boulevard; that's a block
 34 wall I gather; is there landscaping in front of that?

35

36 <u>PLANNING OFFICIAL TERELL</u> – The landscaping will be installed when homes
 37 are built. That will actually be somebody's side yard. This particular...
 38

39

9 **<u>COMMISSIONER SALAS</u>** – On the other side of the wall on Perris Boulevard

40

PLANNING OFFICIAL TERELL – Right that's one of the reasons for having the opening in the walkway, so people would have access to their side yard. It is similar to many tracts... your side yard is outside a wall on the side street, but the reason why we've conditioned it on the owners of those properties is that this tract is too small to have a landscape district and there is no other landscape

1 districts nearby, so it would be very expensive or onerous to apply that to those 2 individual owners to pay for the City to maintain the reverse frontage.

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4 **<u>COMMISSIONER SALAS</u>** – So to clarify, it is the homeowner's responsibility to maintain the landscaping on Perris Boulevard as part of their lot

- 7 **PLANNING OFFICIAL TERELL** – Correct it would be their side yard...yes
- 8 9 **COMMISSIONER SALAS** – Can we make sure that they do it?
- 10

PLANNING OFFICIAL TERELL - Well it will be required to be installed when the 11 12 house is built, so that would be reviewed and approved, the design of the 13 landscaping and then it would be... it's a condition of approval on the tract, so 14 that condition would flow to that owner and then just like anybody else, I guess 15 that doesn't maintain their front yard, that would be a code enforcement issue 16 potentially.

- 17
- 18 **COMMISSIONER SALAS** – So my concern is the landscaping on Perris Boulevard and if they don't landscape it, it is going to look terrible out there. So I 19 was just wondering if there was anything we can do; any restriction or anything 20 21 that we can put on the homeowner to make sure that that is done... I guess not, 22 right?
- 23

24 **PLANNING OFFICIAL TERELL** – Well I don't think there are any restrictions you 25 can put on any homeowner or anything, but you can ensure it. The best way to ensure it is the landscaping will be installed with the irrigation at the time the 26 27 home is built, so it will already be there. There won't be... like when you buy a tract home that the landscaping will be there and if it fails to be maintained it will 28 29 be a code enforcement action. Again, it is a requirement based on this condition 30 of approval owner, but obviously the only way you can make them do it is to have 31 some kind of enforcement if it is not done.

32

33 **COMMISSIONER SALAS** – Okay then I can say I understand it, I don't like it, but 34 I understand it.

35

PLANNING OFFICIAL TERELL – It is not the best thing but again the opening 36 will make it feel a little more like it is part of their yard then if it was on the other 37 38 side of a wall and they never saw it.

- 39
- 40 **COMMISSIONER SALAS** – Okay, alright.
- 41

43

42 VICE CHAIR BAKER – Okay

COMMISSIONER CROTHERS – Hi, I had a guestion about the opening that 44 leads to Perris Boulevard. I know I personally live by one of the high schools in 45 the City and I know that there is a lot of traffic that comes with the school and 46

being next to the school. How is that traffic from the school going to affect this 16
home community when there is this opening for the school? Like is it going to...
like at 7 and 3 in the afternoon are they not going to be able to get into their
homes in and out without having a line of cars in the way. Is that going to affect
the traffic in that area at all?

PLANNING OFFICIAL TERELL – I would anticipate that it wouldn't have a major impact because the school is an elementary school; while the school is nearby, it is across the Perris Boulevard so it wouldn't be very convenient for people to go down the street to let their children out to go across a four-lane arterial. Basically the idea is people from this neighborhood could go through there and then up at the signal cross to get to school, but I'll defer to Eric Lewis our Traffic Engineer to see if he wanted to add on to that.

14

15 **TRAFFIC ENGINEER LEWIS** – Yes we provide for pedestrian access to the 16 school but I wouldn't anticipate any traffic problems with this related to the 17 school.

18 19 **<u>COMMISSIONER CROTHERS</u>** – I know that... I live like I said right by a high school and the homes that open to the high school and I know that every time 20 21 that I have to drive through there at 7 am or 3 pm, I'm like oh my goodness, you 22 know I can't get through here there is so much traffic and I can't even imagine 23 living in one of those homes right there and having all of that traffic you know blocking the street lights to get into the neighborhood. My question is you know, 24 25 I understand that it is an elementary school and that not everybody who attends there drives, but I do know that there is a crosswalk close to this exit to Perris, so 26 27 my concern would be all the traffic from the parents dropping off inside this culde-sac which is nice and closed off and they can let their kids out and their kids 28 29 can run to the crosswalk to get across to the school, so my concern would be traffic that would be caused by having that opening to Perris from the school, 30 31 because you know I know that if I were a parent and this place opened, I would probably drive to the end of the cul-de-sac and let my kid off to run to the 32 33 crosswalk to get across the street rather than deal with all the traffic that is on 34 Perris Boulevard, because I've been in that traffic also, so that's just my concern.

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36 <u>COMMISSIONER DOZIER</u> – I'm trying to understand the quickest way for the
 37 kids to come from this complex to get to the school. If that is open, is there
 38 sidewalk and gutter there? Is there sidewalk and gutter up to the light? Where is
 39 the nearest light? Is it Kalmia?

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41 PLANNING OFFICIAL TERELL – It is at Kalmia and this particular subdivision 42 would build sidewalks along its frontage and I'll defer. I don't know if Mark 43 Sambito, Land Development Engineer knows if there is sidewalk up to the 44 crosswalk. If there is not it would be appropriate to add a condition to make sure 45 there is a paved surface there.

1 <u>**COMMISSIONER DOZIER**</u> – Okay so you're saying... I'm waiting for his 2 response. Is there paved sidewalk up to the...

- 3 4 <u>LAND DEVELOPMENT ENGINEER SAMBITO</u> – Commissioner Dozier, the 5 Transportation Department has a condition here with regards to the sidewalk that 9 you are asking about. I don't have any recollection of there being one there or 9 not, but TE15 makes reference that if there isn't a sidewalk along Perris 8 Boulevard that one shall be constructed up to that intersection that you are 9 asking about at Kalmia.
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- 11 **COMMISSIONER DOZIER** Okay, all the way up to the intersection?
- 13 **LAND DEVELOPMENT ENGINEER SAMBITO** Yes that is correct
- 15 **COMMISSIONER DOZIER** Okay, so that's a condition of the project?
- 17 **LAND DEVELOPMENT ENGINEER SAMBITO** Yes, TE15
- 19 <u>COMMISSIONER DOZIER</u> And there is a light there at Kalmia and Perris
 20 Boulevard?
 21
- 22 **LAND DEVELOPMENT ENGINEER SAMBITO** That's correct, there is
- 24 **<u>COMMISSIONER DOZIER</u>** So that's how the kids would get access to the 25 school actually?
- 27 LAND DEVELOPMENT ENGINEER SAMBITO Yes sir
- 28

26

- 29 **<u>COMMISSIONER DOZIER</u>** Okay, thank you
- 30

COMMISSIONER VAN NATTA - I share the concern about the traffic on that 31 32 street in looking at where the other streets are in relationship to somebody coming from that side that there might be both foot traffic and cars going there 33 34 and dropping people off in that neighborhood; dropping kids off in that 35 neighborhood so that they can access the school. I can see where that would be 36 a concern and from what you are saying earlier about the reason for that pedestrian walkway there was twofold. One would allow students from that 37 38 neighborhood to access the elementary school and the other one was to allow 39 people to feel like that outside landscape area was theirs and they should maintain it. Okay I think if that outside area there that is theirs to maintain is not 40 visible from their house because there is a wall there, there is going to be a 41 42 constant battle about that.

43

There are two things that I would like to ask why we can't do it; one is instead of having irrigation and green landscaping there, what about putting in some type of attractive hardscape there that does not require water and tending to keep it looking nice and the other one is I don't really see the reason to have a walkway there at all. I think it would just cause more problems within that neighborhood. When people buy a home with a cul-de-sac, quite often the reason for it is that they don't want traffic, they want an enclosed place where their children will be safe going out and riding their trikes around the cul-de-sac or whatever. I think I would or my opinion would be to not have a walkway there at all.

8 **PLANNING OFFICIAL TERELL** – Yes at this point in time I just want to be 9 cautionary. This is just the time for questions. We'll have deliberations in just a 10 little bit, but yes one of the reasons obviously was to provide access to the 11 school. I do want to note that this is not a neighborhood elementary school. This 12 is magnet school, so the number of children coming from this neighborhood may 13 be a lot or not, based on being a magnet school. It is not a neighborhood school.

14

Definitely there are alternatives to irrigated landscaping, so certainly that's a point 15 16 of discussion for the Commission when they get into deliberations and the other reason is really to allow people to get around a neighborhood without having to 17 get into their cars. Theoretically you couldn't walk a block to the other side. You 18 19 are going many, many blocks to get to the same place and one of the things that is encouraged these days is really to have more pedestrian access so you 20 21 encourage and don't require; encourage people to drive less and possibly walk 22 more if something is close by, but I understand. People often at the end of a culde-sac don't want any traffic. This particular subdivision, should it be approved in 23 24 this fashion, they would be aware of that when they purchased the houses and 25 we've had several subdivisions that have had these kinds of openings and they've been popular with some people obviously and people have bought those 26 27 houses in those subdivisions when they have immediate access.

28

The only downside of hardscape is regardless of what kind of hardscape you get, the weeds eventually grow through it and that kind of maintenance would still be the responsibility of the property owner if in fact cracks develop in the hardscape and weeds grow, so that's the only downside is that there might still be a maintenance problem, it would just be a different maintenance problem.

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35 **<u>COMMISSIONER VAN NATTA</u>** – Without the expense of the watering certainly

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37 **PLANNING OFFICIAL TERELL** – Correct

- 39 **<u>COMMISSIONER VAN NATTA</u>** Thank you.
- 40

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41 PLANNING OFFICIAL TERELL – Yes the other thing and Claudia just reminded 42 me is there wouldn't be any trees; there wouldn't be any street trees along this 43 location if there was no irrigation which is a typical requirement of every 44 subdivision to have street trees every 40 feet, so that would also be a potential 45 issue.

1 **COMMISSIONER DOZIER** - Do you happen to know how most of the kids are 2 getting to that school now from there because there are a lot of houses to the 3 west and I know it is a magnet school, so it limits really the number of kids that 4 are coming from this community, but I can't see a direct route walking. I can see 5 the driving route, might that be the only direct walking access that that 6 community could get to Perris without going out to Hubbard?

8 **PLANNING OFFICIAL TERELL** – I suspect it is. If you look at the aerial closely, 9 there is a line that goes from the end of Metric over to Perris, which shows there 10 is a pedestrian path that is informally there already. Whether those folks are 11 going to school or someplace else I don't know.

12

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13 **<u>COMMISSIONER DOZIER</u>** – I see, so they've made a path and that's how they 14 are getting to Perris Boulevard and I was just curious because I'm not that 15 familiar, but I see a parking lot on this map below the school. Is that a parking lot 16 for a...

17

18 **PLANNING OFFICIAL TERELL** – That's the Lutheran Church

19 20

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COMMISSIONER DOZIER - That's the Church... okay I gotcha.

22 <u>COMMISSIONER RAMIREZ</u> – Good evening everyone. I have a simple 23 question. I actually got the opportunity to drive to the site and kind of take a look 24 around. One of my biggest concerns is when this development starts taking place, where is the development going to gain access to be able to continue this 25 operation because it seems like the only way in it and out is through Metric and is 26 27 that going to create any problems for the existing residents at this time. You that is my biggest concern because at the end of the day, these look like they are big 28 29 lots; big lots that are going to bring higher property value hopefully to this location, so we've got to give a little and take a little, however how bad is this 30 31 going to affect the actual project? How is this going to affect or create problems 32 for the existing residents on that street?

33

34 PLANNING OFFICIAL TERELL – By City Ordinance, construction activities are 35 limited to 7am to 7pm. Obviously there will be construction activity. I'll defer 36 either to Eric or Mark. I believe there are some standard conditions that talk 37 about keeping the street clean and swept, so I can't tell any of the people that 38 live there that there won't be any affects, but during construction there are some 39 conditions that require cleanup and then there are limits on the hours so that 40 there aren't people there at night or early in the morning creating a disturbance.

41

42 **<u>COMMISSIONER RAMIREZ</u>** – Now do we have any kind of regulations that are 43 going to regulate the traffic; the construction traffic that is taking place in and out 44 of there, like during school hours and things of that nature, because again there 45 is a school right across the street and if kids see that as a way of getting to and 46 from school, that could create problems. Are we going to address that?

1 **PLANNING OFFICIAL TERELL** – I believe and again and I'll defer to just make 2 sure that I'm not in error. There is generally a requirement to fence a construction site, so not that children won't still want to go through there, but 3 4 typically it would be fenced during construction and therefore that would be intended to discourage access. As far as controlling the traffic, I'm not guite 5 I wouldn't anticipate there would be a huge amount of traffic on a sure. 6 7 construction site this small, so we wouldn't have a requirement say for a flagman 8 or something like that.

9

10 **<u>COMMISSIONER RAMIREZ</u>** – Right, I do understand the place needs to be 11 graded, so how are we going to get those big machines in there. Are we just 12 going to roll them in on Metric Street or are we going to access through Perris 13 Boulevard to get that portion of the project completed?

14

LAND DEVELOPMENT ENGINEER SAMBITO - Mark Sambito with the Land 15 16 Development Division. Mr. Commissioner, that's likely the most likely option for transporting the vehicles in. Unlike some of the larger projects in town, they 17 probably wouldn't use some of the really large scrapers. The size of the 18 equipment is going to be proportionate to the size of the project and in addition, 19 Mr. Terell was correct in stating that we require all the construction sites to be 20 21 fenced and typically screened as well if it is in the middle of some existing 22 residential area, so the screening helps with a lot of the dust control and a lot of the problems that may be drawn to a construction site; theft or vandalism or 23 anything like that, so that is part of the requirement and again, traffic and 24 25 construction noises are limited to 7am to 7pm per our Municipal Codes.

26

27 **COMMISSIONER RAMIREZ** – Great, now Commissioner Salas made a great point. I took a drive the other day going south on Perris Boulevard coming from 28 29 Reche Canyon and if you look at the right side of that neighborhood which is Sunnymead Ranch. It is beautiful. The walkways are awesome; you know there 30 31 are curvy. Now I understand that the road access is limited on Perris Boulevard as you travel further south, however I think we should continue and make it 32 33 consistent so that way whatever walkways are there or sidewalks should be 34 consistent to what we have on Sunnymead Ranch to make it look beautiful; to make it look nice, especially if that's where you plan on having kids walking to 35 and from school, it should be a nice area. It shouldn't be like other areas in the 36 37 City that have very low maintenance and very little attention drawn to them. 38 That's all I have for now.

39

40 <u>PLANNING OFFICIAL TERELL</u> – Okay, well we can discuss that further in 41 deliberations. I will say though that this is the last developable parcel for about a 42 mile along Perris Boulevard, so all the other properties face Perris Boulevard, so 43 there really isn't an opportunity to do something like Sunnymead Ranch. 44 Sunnymead Ranch was a... that Specific Plan has 2,500 homeowners and in a 45 Specific Plan you are able to get a lot more amenities than you can on a small 46 subdivision like this where we could try to require that but finding a mechanism to

1 actually maintain it, it's really not big enough for a Home Owners Association and 2 the fees would be quite high, so there is no economy of scale in a 16 lot subdivision compared to a 2,500 lot subdivision, so I agree it would nice to have 3 everything the same, but that's the reason why we didn't recommend that kind of 4 improvement here. We recommended the requirements of the City Code which 5 6 is approximately 16 feet of landscaping and the sidewalk, so it's not insignificant, 7 it's just not the same as Sunnymead Ranch just because of the circumstances of 8 the size of this, but again I think a subject for your deliberations after you hear 9 from the public.

10

11 **COMMISSIONER RAMIREZ** – Very well

12

13 <u>VICE CHAIR BAKER</u> – Okay do we have any more questions of Staff on this 14 particular project? Okay if not, what we are going to do now is move forward and 15 ask the Applicant to come forward if he would and state his name and address.

16

17 APPLICANT LEE – Good evening. My name is Jack Lee, with Cal Land Engineering. I'm the Project Civil Engineer and we started the project about 18 19 three or four years ago for a single family home subdivision. During all of our preparations of the Tentative Map, we revised the layout and design several 20 21 times just to comply with the City's required standards. We would like to comply 22 again with the City's requirements in order to make the whole project go through smoothly and also for the owner to develop this property. I'm here to answer any 23 24 possible questions you may have. Thank you.

- 25
 26 <u>VICE CHAIR BAKER</u> Okay we'll open questions from the Commissioners to
 27 the Applicant at this time.
- 28
- 29 **<u>COMMISSIONER CROTHERS</u>** Hi Mr. Lee how are you today?
- 30
- 31 <u>APPLICANT LEE</u> Pretty good thanks.
 32

33 <u>COMMISSIONER CROTHERS</u> – My question is because of the problem or 34 possible problem with traffic in the neighborhood and such, would you guys be 35 willing to close off that access to Perris and leave it as an enclosed cul-de-sac to 36 help maintain the feeling of a cul-de-sac that you get when you purchase a home 37 on a cul-de-sac. You know you kind of want it to be quiet.

- 38
- APPLICANT LEE On that one, no. We need to comply because the City
 required it, because that's why and I'm pretty sure, but we could ask the owner to
 agree and that's fine.
- 42

43 <u>COMMISSIONER CROTHERS</u> – Okay, thank you

45 **<u>COMMISSIONER RAMIREZ</u>** – How you doing sir? My question is have you had 46 any other project such as this one here in the City of Moreno Valley before?

- <u>APPLICANT LEE</u> We have another subdivision project along Sunnymead
 Boulevard, but that is still in development.
- **<u>COMMISSIONER RAMIREZ</u>** It's still in the development process?
- **APPLICANT LEE** Yes

- **<u>COMMISSIONER RAMIREZ</u>** So these are the only two projects as of now?
- **APPLICANT LEE** Yes
- **<u>COMMISSIONER RAMIREZ</u>** Okay, that's my only question

<u>COMMISSIONER VAN NATTA</u> – We have here the size of the lots. Can you tell 15 us the approximate size of homes that you are planning to build on there; the 16 square footage.

- APPLICANT LEE Because I'm only the Civil Engineer, I don't know. On this one, I'm pretty sure the owner or the Architect who does the design and the buildings would comply with the City's standards; the setback and everything.
- **<u>COMMISSIONER VAN NATTA</u>** Okay but no idea and they haven't proposed 23 what size homes they are going to put on there?
- **APPLICANT LEE** As far as I know, not yet
- **COMMISSIONER VAN NATTA** Okay, thank you
- **VICE CHAIR BAKER** Are any other questions of the Applicant?
- **<u>COMMISSIONER SALAS</u>** Are those on the pedestrian walkway coming to 32 Perris Boulevard; are those stairs; is there a big grade difference there?
- APPLICANT LEE I don't think so, the grade would comply with the City Code
 and slope and everything, so I don't think it's really steep
- **COMMISSIONER SALAS** But are there stairs there?
- **APPLICANT LEE** Yes

- **<u>COMMISSIONER SALAS</u>** Oh there is.... Do you know how many?
- **APPLICANT LEE** I don't know
- 45 COMMISSIONER SALAS It seems like there is about a five foot grade

46 difference?

1 **APPLICANT LEE** – It will be a long time since we finished this design, so I need 2 to look back. I don't think there will be too many of them.

3 4

COMMISSIONER SALAS - Okay

5 6 **<u>COMMISSIONER CROTHERS</u>** – I think on map it says seven or ten 7 inch steps

8 **<u>VICE CHAIR BAKER</u>** – Any other questions of the Applicant? Okay thank you.

- 10 APPLICANT LEE Okay, thank you
- 11

7

9

12 <u>VICE CHAIR BAKER</u> – Now we are going to open this item up to the public for 13 testimony, so at this point I'll open Public Testimony. The first person will be 14 Gerald Budlong. Excuse me if I screwed that up. Please state your name and 15 address please.

16

SPEAKER BUDLONG - Yes sir... Gerald Budlong at 24821 Metric Drive. I've 17 been a resident since February 1987. I conditionally approve as a resident, this 18 tract conditioned on several things. One of the big issues, especially to the poor 19 residents on Tranquil Way who are to the south of me is drainage. For instance, 20 21 this winter with the large December rainfall, to my horror on my property; I have a 22 drain in the back that connects to the subject property being discussed tonight. I periodically every season clean out that drain and I put out the material from the 23 24 drain to try to protect the Cook residents that are downstream below me, but 25 anyway to my horror, about six to eight inches of fill had filled up my drain. Luckily due to my berming, the Cook's didn't receive any adverse flow from the 26 27 drain from my property and I have spent the winter shoveling out the fill to further protect the Cook's, because it wouldn't be fair for them to have that drainage. 28 They didn't ask for that. They didn't want our subdivision there in the first place 29 originally okayed by the County. 30

31

Anyway in the past there have been about four or five Churches that have owned the property and have tried to develop that property as a Church and the drainage and grading expense is too expensive realistically for a mere Church to be able to develop. The only reasonable way of development is the way through a tract like being proposed tonight. I'm glad that the density is 16 and not 25 which is allowed through the General Plan and in the Code.

38

39 One concern is please make sure that the drainage is sufficient to protect the poor residents on Tranquil Way. I've got a 10 foot high berm that protects me but 40 the people on Tranquil do not have that. The second issue is the pedestrian 41 42 walkway. The current access was created by the developer of our property as a construction road to develop our tract and that is why it is there. The school kids 43 44 and pedestrians in our neighborhood did not create it. It was created under City and County permit. We need desperately to continue the access. 45 To my knowledge, since the school was built across the street, children in our tract as 46

1 well as the surrounding neighborhood utilize that field for legal access to the 2 school. In addition, the older kids who get bus service and bus service does not serve Hubbard because it is too narrow in width and the only legal access to 3 4 Perris is Ironwood to the south and Manzanita to the north. If you don't have this 5 pedestrian access, it cuts it off to everybody. We have a few equestrian riders that go through the neighborhood. We have a lot of dog walkers from the young 6 7 to the senior citizens. We have a lot of school kids that utilize that. That is a key 8 thing for us. We do not want Metric to go through to Perris. That is absolutely a 9 no-no. I know my neighbors and I prefer not having Thomas go through. In the 10 past the Commission has approved just a temporary street with access for the Fire Department, but the City Code overrules that now and the only way we can 11 12 legally have a tract in there is to have secondary access and that is in 13 compliance with the Code and realistically the only way it is going to get 14 developed is with Thomas and I do not object where Thomas is in the past. The previous tract that was approved there, the road was adjacent to the existing 15 16 property owners at the end of Metric and Tranguil and that would be unfair to them. It is setback three lots away. That is less impact to the existing residents 17 18 in my neighborhood.

19

The issue about fences and walls... the people on Tranquil objected to our tract being put in and the Planning Commission back in 1985 allowed a concrete block wall to be put in but the developer appealed to the Council and the Council changed that condition to a wood fence, which in five years to present, the wood has periodically fallen down. Actually a ten foot section on my property has fallen down too, but there is still some screening because of the vegetation. It would be on rear properties to have decorative block walls rather than the wood walls.

27

28 As far as the Burrowing Owl; I know its Code to allow that, but I'm an 29 Environmental Planner myself and former Commissioner on your Commission vears ago, I've never seen Burrowing Owl there. We do have a resident skunk 30 31 population which hopefully the tract will get rid of. I'd like to know where the corporate construction yard will be and where all the employee and contractor 32 parking are within that. One of the concerns by the neighbors, even though I 33 34 don't represent them, has been parking on the existing Metric Drive. Just a 35 question LD42c says recycled water. Does EMWD going to be extending the recycled water line to our area? That would be a great thing if it did, but I'm also 36 37 on one of the citizen boards to the EMWD Director's Advisory Council for Moreno 38 Valley and I'm never aware of a recycled line going that far north, even though I'd 39 support it. And sixth, I notice it's a mello roos district, which I was a Planner with Indio County many, many years ago when mello roos was being proposed, the 40 Board of Supervisors I worked for opposed it and even today I still oppose mello 41 42 roos. I've met Mr. Mello; he's a nice man; he's dead now, but he was nice when he was alive, anyway I guess in today's world that's what you need to build the 43 44 improvements. Anyway that's basically it and thank you for your time.

<u>VICE CHAIR BAKER</u> – Thank you. Our next speaker will be Jeff Magill. Please
 state your name and your address for the record

3

4 **SPEAKER MAGILL** – Jeff Magill at 24857 Metric Drive. I officially bought this house due to the fact it was on a cul-de-sac. I am not looking forward to all the 5 traffic coming up and down my street. Secondly we have a drainage ditch in the 6 7 back of the easement which if everybody on that street does not get together and 8 keep that thing clean it is going to be all backed up down to my property and then 9 once it is backed up, it's going to overflow into the people below me whom have 10 a swimming pool, which I don't feel that is right, so they need to do something about the drainage there and also parking. What are we going to do about 11 12 parking? What about all the construction equipment coming up and down our 13 street all day long until seven at night. Everybody does not work day shift. There 14 are people who work nights. Do you think they are going to want heavy equipment coming up the street all day long while they are trying to sleep and 15 16 what about depreciation value on your home? I mean none of you people know whether these are going to be two story homes or are they going to be one story 17 homes. Nobody has a clue. What exactly do you have in mind at this point? Do 18 19 you have any answers for that? It's a question...

- 20
- 21 **PLANNING OFFICIAL TERELL** There aren't any houses proposed for this 22 tract, so I guess...
- 23

- 24 **SPEAKER MAGILL** There are no houses proposed for this tract?
- PLANNING OFFICIAL TERELL There are no specific houses proposed but
 just like anybody in this vicinity, you can have a one or a two story house.
- 28
- SPEAKER MAGILL So you could have a two story house and the guys peeking out the window looking at everything and invading my privacy in my house, right...
- PLANNING OFFICIAL TERELL Just the same as you could build a second
 floor on your house, yes. There is no limitation on this R5 zone on having a one
 or two story house.
- 36
- 37 <u>SPEAKER MAGILL</u> Okay, that's pretty much all I've got to say. I'm mainly
 38 concerned about the drainage though.
- 39
- 40 <u>VICE CHAIR BAKER</u> We'll look into that, thank you. Okay, our next speaker is
 41 Michelle Pierce.
- 42
- 43 <u>SPEAKER PIERCE</u> My name is Michelle Pierce. My address is 24869 Metric
 44 Drive and my I live on the end where they are proposing to build a 3 foot
 45 retaining wall and also too, the water is going to come rushing down through
 46 there; through that draining ditch and there is no proposed catch basins that they

have on their plans or no storm drains. It is all going to go down the drain behind our house and like Jeff said, the people below us, they have a pool and they are way below us and it could erode our property because it is going to fill it up because the people below us don't keep their drains clean and it is going to overflow into the people below us as well.

6

7 And as far as and I want to address the walkway, I agree with the Commissioner 8 that walkway that I agree that when someone buys in a cul-de-sac they want to 9 keep the cul-de-sac where traffic is not going through there, parking and having 10 access to Perris which is a very, very busy street and young kids should not be walking through there without adult supervision. We live at the end, so we did 11 12 buy the cul-de-sac so that there was no traffic going through there, so our kids 13 could play out there and ride their bikes without having to worry about people 14 zooming through there and there will be 16 houses. You know even at one car extra per household that is still 16 more vehicles that are going to be driving up 15 16 and down that street, so thank you.

17

18 <u>VICE CHAIR BAKER</u> – Thank you, you're welcome. Our next speaker will be
 19 Dale Fortine. Please state your name and address for the record please.
 20

21 SPEAKER FORTINE - I'm Dale Fortine. I live at 24868 Metric Drive. Good 22 evening ladies and gentlemen. I would just like to go on record saying that I oppose this project mainly from some of the points that you've brought up. I've 23 lived in my home since April of 1987 and paid a lot premium for where it is at 24 25 because of the quiet and the lack of traffic. Sixteen lots; sixteen hypothetical homes in this proposed tract and I look at our street and just about every home 26 27 on our street has three cars and some have four, so we're looking at if we take that mathematical equation, we could be adding up to 45 or 50 cars added traffic 28 29 on our street. Northridge School that is on the east side of Perris is a magnet school; a gate type school. There aren't a lot of kids from our neighborhood that 30 31 traverse that property to get to that school. There are mostly... if you look at the 32 traffic on Perris Boulevard in the morning and the afternoon, the kids are driven 33 to school. I think that the pedestrian access is going to create just an exponential 34 parking problem and a traffic problem. When the soccer mommy's realize they 35 don't have to go around onto Perris Boulevard and sit in that line of cars, they will be stacked up there like cordwood waiting for their kids in the morning you know 36 37 to go to school and then to pick them up in the afternoon. That's going to be not 38 good at all.

39

I've been in the construction business for 23 years and I understand the access issues that you are talking about for this job site and they will be pretty bad as far as getting heavy equipment in, all the various trades and laborers to do this. The traffic and the parking will be really something to deal with. What I would suggest and the other thing I'd like to ask you in the future look at the area around there. It is residential but it is kind of rural. Most of the property that is around there is all single story, so you know maybe consider that in the future and making single story dwellings and another idea that you might want to consider with the traffic and access problem is that if you flipped it around 180 degrees so it is a standalone development, so any traffic that is coming in off of Perris Boulevard, that all has to deal with this development. It doesn't deal with the citizens and the community around it whether it is on Tranquil or on Metric Drive. That's my humble opinion. I thank you and have a nice evening.

7

8 <u>VICE CHAIR BAKER</u> – Thank you. Our next speaker will be Steven Perez.
 9 Please state your name and address for the record please.

10

SPEAKER PEREZ – Steven Perez at 24845 Tranguil Way. That is the street 11 12 directly south of the area. Now I have a lot of concerns about this. The most 13 concerning one to me of course is Thomas Way. Unfortunately the Plot Plan or 14 Tentative Tract Map 31621 was approved 7 years ago and much to my chagrin it is still approved. I always thought things dropped out after three years but low 15 16 and behold it seems it is going to be approved in perpetuity. I don't known when that thing was going to every end, but luckily for the residents on Tranguil Way 17 we are in a little bit ownership problems than what Metric is. In other words 18 19 private street, we own the street so we have a lot of conditions that befall the 20 person that wants to do 31621, but going back to this Metric Way; Metric Drive 21 thing, it seems to me that in looking at the web page when I downloaded all this 22 information, one of the things that I saw was our highly paid City Manager thing was what he wanted to bring to Moreno Valley was more jobs and not more new 23 homes and I also found that there were 6,000 homes already approved 24 25 residential lots in Moreno Valley; 6,000... I don't know why we would need 6,016 26 but I guess somebody thinks we should.

27

28 Now as far as the traffic problem... now presumably the people on Metric are 29 more concerned about Metric. I'm more concerned about the traffic on Hubbard. Now I don't know if any of you have driven down Hubbard Boulevard but Perris 30 31 Boulevard is like a freeway compared...it's a four lane... presumably it is going to 32 be a four lane; the whole length of the City eventually. I don't think Hubbard is 33 ever going to be more than a two lane and the houses that abut it, it is a very 34 narrow two lane and to add, like Dale said, 40 something vehicles going up and 35 down Hubbard and there are certain time where there are times when people are parked legally on Hubbard on both sides of the street and you can't have 36 37 opposing traffic; someone has to stop and let someone go by. My wife has a 38 hard time when she leaves for work at 7:30 in the morning getting off of Tranguil 39 because there is so much traffic already on Hubbard.

40

Now obviously you would help everybody of course if you just did a 180 on this tract and had it enter and exit onto Perris Boulevard. I mean Perris Boulevard seems to be a four lane highway and seems to take the traffic much easier than Hubbard. I'm sure when Hubbard was designed probably 40 years ago it was very nice. When I first moved on Tranquil I was practically the last house on that road except for Kalmia; the road ended there. Now there has been a lot of talk about this gate. Maybe if they do, I'm fairly sure that of course you are going to
approve it. I've been at Planning Commission meetings that rarely there isn't
anything disapproved, but there are certain things that I think we can mitigate.
One of the problems I have is Thomas Way and what is going to be at the end of
Thomas Way which opens up into an open field.

6

7 Now for those of you Commissioners who have driven down Metric you may or 8 may not have noticed it has become a semi-dumping ground. I could see that if 9 there is no access. If there is no restricted access from Thomas Way that the 10 Tranguil Way field will become another dump and right now as you know, there is no gate at all on Perris. People have been driving on Perris Boulevard and 11 12 dumping their trash onto Metric field and this will just make it easier and it will 13 even be hidden from the street up Perris so that they can just come. I don't know 14 what kind of restricted access you are going to have on Thomas Way. We are talking about somebody else's private property and I'd like to know what is 15 16 proposed for the end of Thomas Way.

17

18 Another thing that I know it is going to be passed anyway, but one thing that would help at least the residents of Metric is to at least put speed bumps on 19 20 Metric at a low cost alternative. It is bad enough that Hubbard has a posted 21 speed limit of 30 and normally goes 50 mph and unfortunately when City 22 approved Hubbard; that drainage canal between Metric and Canal and made it a 23 nice concrete culvert, because it use to wash out and all it did was increase the 24 traffic flow. Before they used to slow down there drainage ditch. It used to go to 25 Hidden Way and Way and now people that know that road can go 50 mph, so hopefully they can at least put some sort of speed bumps on Metric and slow the 26 27 traffic down and put some sort of restricted access on Thomas Way. Me being one of the dog walkers, I am probably in a minority, I would like to have a 28 29 walkway at the end of the street because right now if I wanted to go to Perris and take that nice walk on Sunnymead Ranch, I'd have to go all the way... there is a 30 31 little opening on Sunday Drive which is guite a ways north and but right where there is a hill there, there is an opening on Sunnymead Drive and that's for 32 33 pedestrians only. Okay, what else... I think that's it. Thank you.

34

35 <u>VICE CHAIR BAKER</u> – Thank you. Okay that is all the Speaker Slips I have on
 36 this item. I think what we'll do close Public Testimony unless there is...

37

38 <u>PLANNING OFFICIAL TERELL</u> – So at this time you can close Public
 39 Testimony but it would be appropriate to call the Applicant up and see if they
 40 have any information or response to the comments that they made.

41

42 <u>VICE CHAIR BAKER</u> – Would the Applicant please come forward. Do you want
 43 to address some of these issues that have come up here between the opening;
 44 the drainage seems to be a big thing; the parking and the construction type stuff.
 45

1 **APPLICANT LEE** - The drainage for this (inaudible). We will take care of all the 2 storm water within the property and drain to the City approved facility. It is no problem at all and for the off- site drainage you can do ponding or something; it is 3 4 really nothing we can control. If it is on site, we can control it, but off site, we 5 have no way to control it. Regarding the construction as per the City requirements, I'm pretty sure the contractors will work from 7 to 7 and then the 6 7 equipment they are using on the property because it is a small property, I don't 8 think they will use a great big scrapper but only a small machine to do the grading and the same thing for the construction. Also for parking because it is 9 10 going to be single family residential, even for traffic starting, traffic will be light for 16 houses, so I don't think that traffic will be a big issue on this development. 11

12

13 <u>VICE CHAIR BAKER</u> – Okay, I think we've got some questions here from some
 14 of the Commissioners to you to address again. Would that be appropriate or...

15

PLANNING OFFICIAL TERELL – Well I'd probably suggest that maybe the Land
 Development Engineer might be able to answer a lot of those questions because
 we have several conditions related to the items that were brought up.

19

20 LAND DEVELOPMENT ENGINEER SAMBITO - Mark Sambito, Land 21 Development Engineer. We had a couple of topics and the most poignant 22 appear to be the concerns about the drainage. If I could address that; as part of 23 the conditions without getting into specific conditions because I don't have those 24 in front of me, but we are going to require like we do with any project that the 25 applicant or the developer maintains and controls all the water on site. Everything will either drain to a City facility as the Engineer had stated which in 26 27 this case appears to Metric Way or with Thomas it drains to the south. There is an approved development to the south. We don't know when that will develop 28 29 but the proposal in front of us tonight shows us either to match existing grades or to match the existing development to the south, which ever goes first; whether it 30 31 is this development or the other south goes first.

32

By water law, the developer is not allowed to discharge more water after his development is complete than was going and being discharged prior to him ever moving in and doing any work, so in the existing condition it is today, so that is something that we'll be doing with the developer as we get into the design drawings, they'll be providing us with a drainage study and the calculations that support that argument; that they are not discharging more water than was previously done when it was in this existing vacant condition.

40

The other comment that I did hear and oh in addition; I'm sorry, the Water Quality Control Board has very stringent requirements as we know about water quality and sediment transportation, so we will as part of his rough grading and final grading plans require extensive erosion control to ensure that there is no water, mud or debris that leaves this site and that has to be monitored at risk of some significant fines from the Water Quality Control Board and that would also be a

1 requirement of our MPD as to our Pollution Control Permit that the City 2 maintains. So we have inspectors that will obviously be keeping an eye on this site and keeping an eye on the site post construction for those items and they are 3 4 required to provide a report; a Water Quality Management Plan that discusses post-construction maintenance and observation to ensure that even after the 5 6 developer has done all his work and he is done and gone, that the site is in such 7 a situation that there won't be any erosion or sediment that leads from the site to 8 another, i.e. the concern about the pool or that type of thing, based on what we 9 are going to review as far as the Engineering calculations go and then there was 10 a comment made about recycled water.

11

12 If the recycled water is in a reasonable distance and that will be a decision made 13 by the Water District, they could be in fact be asked to extend that, but I don't 14 believe that there is any recycled water in the near vicinity of this. It was simply a standard comment that we include when we make reference to utilities or wet 15 16 utilities; it's sewer water, recycled water and anything along those lines, but if it is not available and it is not reasonable then we wouldn't then in fact ask the 17 developer to bring it up from an immensely large distance and he will also get 18 19 that same information when he speaks to the EMWD Engineers. Did I hit all of 20 your questions appropriately?

- 21
- 22 23

COMMISSIONER VAN NATTA – So where does Thomas eventually end up?

LAND DEVELOPMENT ENGINEER SAMBITO – The approved development to the south, which would be an extension of Tranquil, if I recall has a cul-de-sac or a knuckle that turns north and ties in, so it would end up looking like a horseshoe if you would, if you didn't have the extension beyond Thomas, it would be horseshoe shaped. So Thomas will; if it is developed as it is approved to the south will tie into Thomas to the south, which will tie into Tranquil and go back towards Hubbard.

31

32 **<u>COMMISSIONER VAN NATTA</u>** – Okay, thank you 33

34 <u>VICE CHAIR BAKER</u> – Are there any other questions of the Commissioners?
 35 Okay, thank you.

36

- 37 **APPLICANT LEE** Thank you
- 38

39 <u>VICE CHAIR BAKER</u> – Now we are going to open this up to Commissioner
 40 Debate on this project, so where do you want to start? Do you want to start
 41 down there with you Commissioner Ramirez and give us your thoughts?

42

43 <u>**COMMISSIONER RAMIREZ**</u> – Well, again right now, it seems to be the main 44 concern is the drainage and if the project is going to maintain the same level of 45 water flow then that is just contributing to an existing problem because they 46 already have a few water drainage problems, so having said that, is there 1 anything the developer can do to improve the water drainage system so that it

- doesn't continue to flow or it flows better for the current residents on Metric andon Tranquil?
- 4

LAND DEVELOPMENT ENGINEER SAMBITO - Mr. Commissioner, I don't 5 6 know for a fact that there is an existing problem. Again the developer may 7 discharge as much as what is being discharged today, but often times through 8 the development and the fact that he is redirecting water that used to flow 9 towards the south, towards the north and into the street, which will be the future 10 Metric, that water is no longer going in the direction that it typically did, so we expect that the water flow will be significantly less. As I review the plans here, 11 12 one of the residents made a concern about the water and the three foot wall. All 13 of that water is not flowing towards the south or the back of that property, but yet 14 towards Metric, so the water that once maybe would go towards that homeowner in the south with the pool, is now being directed towards the north to Metric 15 where it will inside the street with curb and gutter, which is basically an open 16 channel that will transfer that water towards a more formal storm drain facility, so 17 we can expect that the water that was once tributary to the south will be 18 19 significantly reduced because of this development.

20

21 **<u>COMMISSIONER RAMIREZ</u>** – Okay what is the time line for the completion of the development?

23

24 **PLANNING OFFICIAL TERELL** – There isn't... that would up to the... should the 25 tract be approved, they would need to go through Plan Check and have a Final Map approved and the timing on that is probably at least a year to go through 26 27 that process and then after that it would be up to the developer whether they wanted to develop immediately or they could wait. Approvals are good for three 28 29 years and then the applicant can come in for extension of time and that extension of time would potentially give more time to them, but it is not automatic, so most 30 31 developers are optimists and they would like to anticipate developing within the three year time frame of the existing approval, but should the economy not allow 32 33 that for whatever reason or their economics it could be longer than that.

34

35 <u>COMMISSIONER RAMIREZ</u> – Okay thank you. 36

37 **<u>COMMISSIONER DOZIER</u>** – Well I think the project is consistent with the zoning for this area and this region. We're looking at a field that has been vacant for a 38 39 long time albeit some of the dumping problems have experienced and I think development of that property will improve certainly that situation. It is certainly is 40 consistent with the housing that certainly is the west of it and will be consistent 41 42 with the housing that will be built to the south of it and I kind of like idea that there is access to the sidewalk and to the street. I think actually the residents who live 43 44 in the area will appreciate it more than they'll not appreciate it because when they want walk and they want to get around their community they are going to 45 increase if we're concerned about green and we're concerned about carbon 46

footprints. If you have to drive to get out of that complex to get to a place where you can walk you are going to increase the carbon footprint, so I think making it a more walkable community by having access to Perris, especially if there is going to be curb and gutter along Perris to make it safe to go up to the stop light, I think that's better to have. I kind of see them being a little land locked if they don't have that access, so I kind of like that.

7

8 Again it is consistent with the zoning. I think it is a proper infill project. I think it 9 will actually improve with the proper housing and I have to say that just because 10 this is a Tentative Tract Map; this is just a layout of where they'd like to put houses, they would still have to come to the Commission with their final plans 11 12 when they get ready to build, so this is not our only opportunity to look at what 13 they are going to build. We will have another opportunity to look at that when it 14 comes before us. I covered sidewalk and foot traffic; access to the lighted corner I'm just concerned about how the kids would get to the school. I've been up 15 16 there many times as my grandson actually went to Northridge Elementary School. Most of that traffic is on Kalmia and that's where it backs up and people 17 are all on street. If I were living on Kalmia I'd be upset about that traffic because 18 19 it gets very, very bad and you cannot park in the mornings when kids are being dropped off. They figure out a way to park and do u-turns in the middle of the 20 21 street, so that's where all that takes place and I'm familiar with that and most of 22 the dropping off is done on Kalmia at the north end of that school. There is not a whole lot that is done really off of Perris Boulevard, so a safe place for the kids to 23 24 walk to get to that stop light is a concern of mine.

25

26 I think we've dealt with drainage. Drainage on most of these kinds projects are 27 conditioned to handle the water on the site itself. They have to have a plan and it has to be an approved plan and that water is not going to cause any problems for 28 29 anybody downhill from them or in any direction and usually those projects are designed and conditioned to handle that water so it does not cause a problem for 30 31 the surrounding neighbors and we trust that our Planning Department is applying 32 all of those rules and regulations and conditions of approval and I think they have 33 addressed that. I think it will improve your drainage situation in that area 34 because where you had a vacant lot and it was running in a particular direction 35 you now will have it developed and caught so to speak and put into a drain system that is conditioned and designed to handle it. So those are my thoughts. 36 I think it's a good infill project and I think it's just a Tentative Map at this stage 37 38 and those are my feelings.

39

41

40 VICE CHAIR BAKER – Thank you

42 **COMMISSIONER CROTHERS** – Hi, I also agree with Commissioner Dozier that 43 the project is a good infill project for the space that it is, however I do have some 44 concerns. Some are most of the same of the residents that live in the area. I 45 first have a question... is the water that is directed toward to Metric from this property; is Metric built to handle the extra water that is going to be drained ontoMetric or is that going to create a problem all in itself?

3

4 **LAND DEVELOPMENT ENGINEER SAMBITO** – Again Mark Sambito with Land 5 Development. The Engineer will need to prove to us that in fact the proposed 6 roadway and the existing roadway downstream has the capability of carrying the 7 extra water without flooding or causing a flooding situation further downstream 8 before it enters the storm drain.

9

10 **COMMISSIONER CROTHERS** – Okay thank you. Also Mr. Dozier brought up that traffic is mainly on Kalmia for Northridge. I also attended Northridge. I 11 12 know the traffic that is around there. I do know that Kalmia bears the brunt of the 13 traffic, however if I were a parent dropping my kid off and I realize that Metric was 14 a viable opportunity for me to drop my kid off and have them walk across the 15 street, I would probably be more apt to go there rather than Kalmia, possibly 16 shifting the traffic problems from Kalmia onto Metric or at least sharing the traffic problems that we have on Kalmia to Metric. I do like the fact that it is a cul-de-17 sac. I think when people purchase a cul-de-sac that is what they want. They 18 19 want to be kind of hidden away from the main road. A couple of the public had 20 mentioned flipping it 180 degrees so that you know the opening is on Perris and I 21 think that would significantly take away from the allure of buying a house on a 22 cul-de-sac.

23

24 My main concern is still that walkway. I think that if Northridge were a 25 neighborhood school it might make sense to have that walkway so the neighborhood kids could utilize that walkway along with the neighborhood 26 27 parents however knowing that I went to Northridge and I don't live in that area, I was driven every day, I know that Northridge is not a neighborhood school and it 28 29 is not supplied by the neighborhood kids, so I think having the walkway there is not beneficial to the neighborhood. I think it is beneficial to the people who drive 30 31 their kids to that school. You know I'd like the project to maybe reconsider that 32 pathway and possibly taking it out.

33

46

34 Another issue that I have is the sideyards on the other side of a block wall. I 35 know that if I were the resident I probably wouldn't pay much attention to that side yard and since it is going to be on Perris Boulevard it might create a problem 36 37 of making our City look not up to standard because the resident kind of sees it 38 kind of out of sight, out of mind; it's on the other side of a block wall and it's out of 39 You know, personally as a homeowner, I probably would pay less mind. 40 attention to it then my vard that I could see from the front or the rear of my house. 41

The other concern was with construction traffic and I know that I read in here that the development has to supply traffic for construction. I am assuming that will be all within the gated area. You know, all 16 houses don't go up at once, so I'm sure there is a least one lot that you know that everybody can park on to keep

the traffic from Metric and Tranquil. Also, Mr. Magill said something about traffic

1 construction during the day from 7 to 7. I am also a day sleeper. I work at night. 2 I purchased a home that backs up to a major roadway. I hear road traffic all day, 3 every day and you know it is just something that kind of came with house that I 4 purchased and no matter ten or fifteen years down the road, that road traffic isn't going to go away, but you know eventually once the road construction is done, all 5 that construction traffic will go away. I think that's a problem that will be solved 6 7 with time and with the completion of this tract. Thank you very much. I want to 8 thank everybody for coming out and talking.

9

10 VICE CHAIR BAKER – Thank you

11

12 **COMMISSIONER VAN NATTA** – Overall I think it is a really good plan. I like 13 seeing unused abandoned pieces of land within the City being developed and this is a good place to put houses. Not much else you can do with it. I like the 14 fact that they are larger lots. They haven't cut down to the small lots which 15 16 seems to be very popular these days and I would hope that when they decide what type of homes to build there and the approvals that come with them, that 17 they will be homes that are similar in style to what is there; more of the single 18 story ranch style homes and that is what people like. They like having some land 19 20 around them and there is a large preference for the efficiency of a single story 21 home, but I do have a couple of concerns.

22

23 I'm not too concerned that the drainage problem will not be handled. I know there are mechanisms in place to handle that, but the idea of having that walk 24 25 thru at the end of the cul-de-sac seems to me will cause more problems than it 26 will give benefit to the homeowners; the people already living on Metric and the 27 people who are buying the new homes built there. Very few of them may even have the need to use that walkway, but as Commissioner Crothers brought up, 28 29 when other people realize that that is a way that they can... someplace they can park and drop their kids off or even park there and walk their kids across the 30 31 street to school and come back without fighting the traffic. I mean I live close to here. I've seen that traffic on Kalmia in the morning. I think that would be an 32 issue and if there are steps going up there anyway, I don't know what kind of 33 34 accessibility problems that would cause there. If we had steps somewhere and 35 what if somebody can't use the steps and could say you didn't build me something with access to my wheelchair or something like that. With that kind of 36 37 a cut through thing, I could see that being used more in ways that would not be of 38 benefit to the neighborhood, so other than that issue, I like the project.

39

40 VICE CHAIR BAKER – Thank you

41

42 **COMMISSIONER SALAS** – Is there any more to be said? I support the project and I think the walkway to Perris Boulevard is a necessity in a way. I can see 43 where it can benefit the local...not only the 16 houses but the other people. My 44 only concern again, is for the side yard maintenance on Perris Boulevard and the 45 reason is it is Perris Boulevard and we do want to make our City look nice and I 46

just hope; there is nothing we can do. We can't condition anybody to take care of
the yard and I know that because I have neighbors that have the same problem,
so I support the project and I agree with my Commissioners.

4

5 VICE CHAIR BAKER – Thank you

7 <u>COMMISSIONER OWINGS</u> – Thank you very much for coming today; all those 8 from the neighborhood and I'd like to thank the Applicant. I appreciate all your 9 concerns and I agree with some of the concerns that have been presented by the 10 Commission. I'd like to thank the Staff for a thorough job. I have the confidence that the Engineer and the Staff will be able to resolve these drainage problems 11 12 and hopefully all the other concerns. We have to rely upon the Engineers to do 13 that. I will vote to approve the project because the development meets the City 14 standards. The Staff has approved the project or recommended approval of the project. The property owner should be able to rely on approval for his project if it 15 16 meets the City standards and I hope that the economy will improve quickly so 17 that the development can proceed as guickly as possible.

18

19 VICE CHAIR BAKER - Thank you. I also support this project. You know we've 20 had several of these infill projects the last several years that I've been on the 21 Commission and they are always difficult because it is not like going out and 22 doing them; a couple of hundred units and when you are doing 16 rooftops in an infill area there are certain issues you've got to deal with, but I think eventually 23 having 16 homes there is going to be a lot better than that dump ground. I was 24 25 there today and really people are dumping their trash and everything. It is just not conducive to the rest of the neighborhood. So we've got the drainage issue 26 27 done. I can see the issue for the walkway. One question that I had on that is 28 why are we doing steps as opposed to a ramp?

29

30 PLANNING OFFICIAL TERELL – It is because of the change in grade.
 31

32 <u>VICE CHAIR BAKER</u> – Okay, so you just need to that to get the proper...no
 33 ADA issues on that...

PLANNING OFFICIAL TERELL – Right, actually, strangely, sidewalks are not
 subject to ADA except for at street corners, ramps at street corners and
 crossings have to meet certain grades and then the cross grade on a sidewalk
 has to be a certain minimum and maximum, but the actual slope of the sidewalk
 is not regulated by ADA.

40

41 <u>VICE CHAIR BAKER</u> – Okay; I mean a ramp would have to be what 25 or 30
 42 feet long right?

43
 44 PLANNING OFFICIAL TERELL – It would probably have to be a switchback I
 45 would think of some sort

- 1 **<u>VICE CHAIR BAKER</u>** Yes it wouldn't work. Okay I just wondered.
- 3 **<u>COMMISSIONER VAN NATTA</u>** It could; it could work

5 VICE CHAIR BAKER – A switchback?

7 **<u>COMMISSIONER VAN NATTA</u>** – Yes, I've seen them a lot of places

9 <u>VICE CHAIR BAKER</u> – I mean is that an option to do a ramp there as opposed 10 to... I mean are we going to have skateboarders going down through there?

11

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12 **<u>COMMISSIONER SALAS</u>** – More on the ramp

14 <u>VICE CHAIR BAKER</u> – That's what I am wondering. Are we going to create
 15 another problem by doing a ramp?
 16

17 <u>COMMISSIONER VAN NATTA</u> – We could eliminate the problem by eliminating
 18 the opening.

20 <u>VICE CHAIR BAKER</u> – It wasn't clear in my mind when the developer said who
 21 pushed for this opening; the developer; the city or the people in the area or what
 22 was the deal on that? Why do we need it there?

23

19

24 **PLANNING OFFICIAL TERELL** – Well do we need it? I think it was suggested 25 by Staff because we saw the potential that there was existing access that was there that would be shut off and whatever you do along Perris Boulevard... the 26 27 less successful it is, the less likely it is to be maintained and typically what we do on a situation where there is a walkway where it goes through is the block wall 28 stops at the front of the house and there is typically a fence so you don't have 29 people walking across your front yard. There is a fence that goes to where the 30 31 walkway is, so it is much more open than might... it's not like the walkway has a 32 wall on both sides of it. Typically there is a fence that the front yard is visible, so 33 that the people that owns that house; again making them do it is one thing but 34 people that typically take care of their front yard on a corner lot is a good 35 example. Usually they take care of the side yard but not always and that was 36 another thing was to provide access to the area that these two property owners 37 would be required to maintain, so that's why we encourage the owner to do it and 38 the owner was amenable to doing that. From the testimony tonight, it seems like 39 there is several of the existing owners along Metric that think it is a good idea and then there are others that think it's not a good idea, so it's kind of not a 40 decided issue one way or other, but Staff did recommend this or suggest this as 41 a possibility to kind of address that reverse frontage along Perris Boulevard as 42 43 well as provide some better access.

44

45 <u>**COMMISSIONER VAN NATTA**</u> – Well I can see it's almost like you have to go 46 all one way or all the other as you can't close it off and then still require them to

1 maintain the outside. You know if you do one you have to do both, so if you were to close it off you would have to do some kind of hardscape out there that doesn't 2 require constant maintenance or if you are going to leave some sort of 3 4 landscaping out there that they have to maintain you are going to have to leave it 5 open.

- 6
- 7 **PLANNING OFFICIAL TERELL** – Yes it's kind of... 8
- COMMISSIONER VAN NATTA They are tied in 9
- 10
- **PLANNING OFFICIAL TERELL** Yes they are tied. You solve one problem but 11 12 you might create another one. It's kind of a dilemma of many developments.
- 13

14 VICE CHAIR BAKER - You know I still like the idea of the hardscape you came up with. I mean they are still going to have maintain the weeds and we'll put a 15 16 weed barrier in there, but you out into some of these deserts; especially in Palm Desert and that's all they do now. I know one project I had out there, I had to pull 17 it all out around a building and put hardscape in it and if you've got the right 18 person that knows how to do that, it can look pretty attractive and certainly if you 19 20 put succulents in and things that don't take a lot of water.

21

22 **PLANNING OFFICIAL TERELL** – Yes yes certainly you could even condition 23 that we look at doing a hardscape with say trees. I mean trees along there would probably make a big difference. That is really the biggest impact when people 24 25 are driving, hopefully not much more than that 45 along Perris but probably more. They are not going to notice the lilies and the lower stuff, but they will notice the 26 27 trees and what we often do in areas like this is we do a hedge and trees, which 28 don't require a lot of irrigation or a lot of maintenance.

- 29
- 30 **COMMISSIONER OWINGS** – Mr. Chairman is there a consensus to change or to 31 recommend that the condition be changed from green to hardscape? Is there 32 comment?
- 33
- 34 VICE CHAIR BAKER – Right
- 35
- 36 <u>COMMISSIONER OWINGS</u> - Well do we have a consensus among the Commissioners? 37
- 39 VICE CHAIR BAKER – Is that something that we need to decide tonight on our conditions? 40
- 41

- PLANNING OFFICIAL TERELL Yes, if you would like to have us focus on 42 43 hardscape rather than shrubs, yes we would want the condition to reflect that. 44
- 45 VICE CHAIR BAKER - Okay, yes sir
- 46

1 **<u>COMMISSIONER DOZIER</u>** – If we go to hardscape isn't that still the 2 responsibility of the homeowner?

3

4 **PLANNING OFFICIAL TERELL** – Yes and I think what I hear from the concerns is it is really something that is low maintenance; that could be hardscape; that 5 could be shrubs and trees that don't require... which the selection of those can 6 7 be done to minimize the ongoing maintenance as opposed to having a lawn or 8 annual flowers or something that takes more maintenance. I've sensed that's 9 really the concern and if you wanted to put in low maintenance or something like 10 that, possibly including hardscape we can work with the Applicant to address that when they do their landscape plans. 11

12

13 <u>COMMISSIONER VAN NATTA</u> – Something that doesn't require a lot of
 14 watering

15

17

16 **PLANNING OFFICIAL TERELL** – And low water; yes

COMMISSIONER DOZIER – Sure, but if we're suggesting a hardscape to solve the problem of the opening, the owner of the house would still be responsible, whether it is hardscaped or softscaped, they are still responsible for maintaining it and to maintain it even it is low maintenance; they'd still not have access even if we shut it off to do that, even it were to have the trees trimmed or the edges trimmed.

24

PLANNING OFFICIAL TERELL – That's correct. It would be more difficult to
 maintain if it was closed off.

28 <u>VICE CHAIR BAKER</u> – Okay, any other comments? So getting to
 29 Commissioner Owings, do we need to have a motion or build that into the
 30 conditions for a low maintenance landscape outside that wall or ...

31

32 <u>PLANNING OFFICIAL TERELL</u> – Well I think that's been suggested as a 33 modified condition. What you may want to do is poll the Commissioners and see 34 if they are in favor of that or not and then we would just add it in if you are in 35 favor of it and if you're not we won't.

36

37 <u>VICE CHAIR BAKER</u> – All in favor of the low maintenance landscape. All those
 38 in favor of the low landscape?

- 39
- 40 Aye 6
- 41 Opposed -0
- 42
- 43 So that's unanimous.

1 **PLANNING OFFICIAL TERELL** – Okay so we'll add that in the condition and you need to take formal action on the tract and we're there other issues; I'm 2 3 sorry... 4 COMMISSIONER VAN NATTA - We're still kind of divided on the whether or not 5 6 to leave that walkway open. 7 8 **PLANNING OFFICIAL TERELL** – Right and certainly you can poll on that also. 9 You can take a poll and see what each Commissioner.... 10 VICE CHAIR BAKER – Let's kind of determine on picking up the paper on 11 12 determining the maintenance or the low maintenance landscape... 13 14 **PLANNING OFFICIAL TERELL** – If I had to guess I think it was slightly for, but 15 you might want to poll and see if there a consensus or a majority one way or the 16 other. 17 18 VICE CHAIR BAKER – Okay let's poll on the access to the cul-de-sac 19 20 **COMMISSIONER VAN NATTA** – Closed 21 22 VICE CHAIR BAKER – All in favor? 23 24 **COMMISSIONER VAN NATTA** – Of which 25 26 VICE CHAIR BAKER - I'm sorry... all in favor of having the access at the end of 27 the cul-de-sac? 28 29 **COMMISSIONER DOZIER** – Alright 30 31 VICE CHAIR BAKER – ... Of having it... 32 33 Ave -434 Opposed -335 36 So we're 4 to 3: is that right? 37 38 **PLANNING OFFICIAL TERELL** – Yes... okay so it sees by a slight majority you 39 are for it. 40 **VICE CHAIR BAKER** – Okay, we're not going to agree on everything always. 41 Thank you. I like the spirited debate. That's good. That's really great. Okay, 42 now anything else anybody wants to add to this situation? Okay I think we're 43 44 ready to go for a motion on the project. 45

- 1 **COMMISSIONER OWINGS** – Mr. Chairman I move to approve the project with 2 the Conditions that we have discussed with Staff. 3 4 **COMMISSIONER SALAS** – And I'll second that 5 6 VICE CHAIR BAKER – Okay we have a motion and a second for the project. Do 7 we need to read that; we probably do? Alright I'm sorry Tom; back on your last 8 page; about page 5... 93, the big number page 5, you just have... 9 10 **PLANNING OFFICIAL TERELL** – Yes the last page of the Staff Report 11 12 VICE CHAIR BAKER – Yes the Staff Report. It is either page 93... 13 14 **PLANNING OFFICIAL TERELL** – Yes if you want to make a motion to approve 15 16 **COMMISSIONER OWINGS** – Mr. Chairman, I make a motion to **APPROVE** Resolution No. 2011-12 recommending that the Planning Commission 17 1. **RECOGNIZE** that the Tentative Tract Map 35606 gualifies as an 18 19 Exemption in accordance with CEQA Guidelines, Section 15332, as Conditioned, will not result in significant environmental impacts; and, 20 21 APPROVE Resolution No. 2011-12 APPROVING PA07-0129 Tentative Tract 22 Map 35606 based on the findings in the Resolution and the Conditions of 23 Approval to the Resolution. 24 25 COMMISSIONER SALAS – I'll second 26 27 **<u>COMMISSIONER DOZIER</u>** – Don't we have to say as amended? 28 29 **COMMISSIONER OWINGS** – That should be as amended to address the 30 additional condition of approval regarding the low maintenance landscape with 31 that provision. So moved. 32 33 **PLANNING OFFICIAL TERELL** – A second to that? 34 35 **COMMISSIONER SALAS** – I'll second. 36 37 PLANNING OFFICIAL TERELL - I'll second 38 39 VICE CHAIR BAKER – All those in favor? 40 41 Opposed -042 Motion carries -7 - 043 44 45 **PLANNING OFFICIAL TERELL** – Okay this action shall become final unless appealed to the City Council within 10 days. 46
 - DRAFT PC MINUTES

1 VICE CHAIR BAKER – Thank you.

Case Planner:

32. Case Number:PA10-0022Modifications to Title 9 of the
Municipal Code for Dark Sky

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Mark Gross, Senior Planner

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ASSOCIATE PLANNER GROSS - Good evening Vice Chair Baker and 9 10 members of the Planning Commission. I'm Mark Gross, Senior Planner. Staff is presenting the proposed amendment to current lighting standards found in five 11 12 sections of the Municipal Code. The amendments relate to additions of dark sky, 13 provisions for the general site street and recreational lighting Citywide. Now you 14 may ask why we're actually going through the provisions of updating our Code. 15 There are a number of reasons actually why we are doing this at this particular 16 time.

17

18 First of all, the lighting standard modifications are a direct result of a settlement 19 agreement reached in January 2010 between the Sierra Club, Highland Fairview 20 and the City of Moreno Valley regarding the approval of the Highland Corporate 21 Park Project and so we had to actually come back and look at the current lighting 22 standards and see what we can do to make it a little more dark sky in this 23 particular instance. It is also the result of review of concerns of various 24 development projects located in more hillside residential areas in the north and 25 east portions of the City.

26

Now the addition of the modification of existing lighting standards in this case is going to, for the most part, curtail and revise any degradation of the night time visual environment; the night sky. It is going to minimize or help to minimize glare and obtrusive light by eliminating outdoor lighting that is either misdirected or excessive or in some instances unnecessary. It will also conserve energy and resources to the greatest extent possible and it is also going to help protect the natural environment from the damaging effects of night lighting.

34

35 Staff has in this process reviewed existing standards and local jurisdiction and 36 dark sky ordinances and there were a few out there: not a lot of dark sky 37 ordinances out there, but what we did is we focused on a couple of items. First 38 of all, the international dark sky ordinance, and there were sample ordinances 39 that the settlement agreement looked at which wanted us to look at Palm Desert, 40 and there were other cities out east of us that actually had dark sky ordinances. 41 but again few and far between. What I would like to do at this point in time is just 42 to highlight some of the changes that you are going to see with this particular 43 lighting ordinance amendment.

44

45 Now the first item that it is going to provide is it is going to revise the 46 development and performance standards to include maximum wattage of light

1 bulbs for single family residential and multiple family residential and that would 2 be 100 watts of incandescent lighting and 26 watts of fluorescent and also for non-residential; the commercial and industrial properties there will be a maximum 3 4 lighting standard of 250 watts of high intensity discharge lighting. The design of all the lighting will be with full cutoffs; so you are going have any lighting with 5 6 projects that would have full cutoffs and would be fully shielded for residential, 7 multiple family and non-residential properties; so that would be industrial and 8 commercial type properties.

9

10 There will be further reduction of light trespass from one property to another so 11 you'll get again a reduction of spill-over lighting from adjacent properties for all 12 non-residential, commercial and industrial and multiple family residential, which is 13 currently measured from within five feet of the property line, and it is now going to 14 be at a quarter foot candle minimum maintained lighting for that area.

15

16 Now this does differ from the standard that we have currently, which the measurement is actually at the property line and it is a half a foot candle, so it is 17 reducing the lighting. It is also going to include height limits on hillside residential 18 19 lighting and not exceeding eight feet with all other residential areas; excuse me 20 that would be hillside residential areas and then all other residential areas not to 21 exceed twelve feet. Non residential lighting height limits shall be a maximum of 22 thirty feet except within 100 feet of the residential use where lighting shall be reduced to a height of 20 feet and there will be a reduction of courtyard and 23 24 walkway lighting, which would be a maximum of twelve feet in height.

25

26 Now in addition, there are going to be a couple of modifications into the general 27 lighting section of the code and two additions you are going to have for lighting for parks, athletic field and trails and it is pretty much taking the standards of 28 29 what we have and it is minimizing the spillover of lights and it is also going to be providing fully shielded lighting and horizontal cutoffs that would be required and 30 31 you also have the street lighting section that is actually moving over from one section in 9.08.190 to actually this section, which will again include installation of 32 33 street lighting solely for the purpose of illuminating public right-of-way and 34 conformance to the City street lighting standards.

35

36 Now there will be provisions in this particular code for the addition of lighting 37 curfews for outdoor lighting systems in non-residential areas requiring all lighting 38 to be reduced by 50 percent beginning at 10 pm or the close of business, 39 whichever is later and until dawn or the start of business, whichever is earlier and I did want to stress with these particular standards that we are looking at, the 40 standards in this ordinance is applying only to new projects and existing projects 41 that are either modified, enlarged, reconstructed or changed from previous 42 configurations. So again, existing standards or existing development will not 43 have to meet these particular standards, they will meet what is in place currently 44 45 before this standard would go into effect.

Now tonight the Planning Commission would be required to review and provide a 1 2 recommendation to City Council on the proposed lighting development code amendment. I did want to mention that based on the environmental review of the 3 4 proposed amendment, the item is exempt from California Environmental Quality 5 Act, CEQA Guidelines, pursuant to Section 15061 in that there is no possibility 6 that the proposed activity may have the potential for a significant impact upon the 7 environment.

8

Noticing was provided for this amendment as a 1/8th page display ad in the local 9 10 newspaper. A copy of the notice was also mailed to Sierra Club and George Hague who was involved in the initial law suit and subsequent settlement 11 12 agreement and we did tonight or today I should say, receive a couple of... we 13 actually had one call and we had two emails and I believe you would have gotten 14 a couple of those emails. One actually is from the Sierra Club that pretty much is 15 recommending support of the ordinance amendment as recommended by Staff 16 and presented this evening. That concludes Staff's Report and I'll be happy to 17 answer any questions.

18

19

22

<u>COMMISSIONER OWINGS</u> – Mr. Chairman, may I address some questions? 20

21 VICE CHAIR BAKER – Yes, surely

23 **COMMISSIONER OWINGS** – Mr. Gross, just some background information for this; for my behalf and maybe possibly for the other Commissioners just to clarify. 24 25 Out of the lawsuit, it was agreed with the City or in the settlement agreement that we would just look at these standards. I notice in your Staff Report that you 26 27 made a survey of several cities; surrounding cities; Redlands, Riverside I believe do not have a similar ordinance. In your survey of those cities was there any 28 29 information from the staff of those cities why they do not have this?

30

31 SENIOR PLANNER GROSS – Well that is correct, that the surrounding cities did not have a dark sky ordinance. They were some provisions like Riverside I think 32 33 have some very minor provisions in their Code, but I did not see anything or any 34 specific dark sky requirements for the other two cities.

35

36 **COMMISSIONER OWINGS** – Were any of those concerns possibly potentially 37 public safety concerns or economic impact and development concerns that cities 38 do not have these because who is against dark skies, so there must be some 39 reason why the cities around us have chosen not to adopt these standards.

40

41 SENIOR PLANNER GROSS - Well, I think you are seeing more and more 42 opportunity to provide these types of standards. I think in my review of what I looked at as far as a survey, the majority of the cities that I looked at other than 43 Beaumont which is very close to us, there was a full dark sky ordinance involved 44 45 with that city. Of course Palm Desert and some of the desert communities had it. From what I see the majority of the areas that actually provided these standards 46

1 were more rural in nature and they were more of a kind of I guess recreational-

- 2 type community. John may want to add to that.
- 3

4 **PLANNING OFFICIAL TERELL** – Yes, if I can interject...we're calling this a dark sky ordinance. If you've been to some place like Prescott, Arizona or Sedona, 5 Arizona, this is not that type of a dark sky ordinance. The minimum and 6 7 maximum foot candle in the proposed ordinance is exactly the same thing as the 8 proposed ordinance, so we're not reducing any amount of light but basically directing and shielding it. There is a proposal in here which actually matches 9 10 what we do in City parks currently which is a reduction of 50 percent of the lighting after a business is closed. That is exactly what happens in the city parks 11 12 today.

13

14 **COMMISSIONER OWINGS** – Mr. Terrell has there been any estimation about 15 the additional cost to the City in terms of enforcement. In yours and my tours of 16 the City, it seems like the City is so strapped in terms of enforcement that it can't even enforce the City sign ordinances, so every block you go to you see a 17 violation of the City's current sign ordinances, so has there been any estimation 18 19 about the additional cost placed on the City for enforcement and also has there 20 been any study done in terms of public safety. I mean this is a community that is 21 much different than Prescott, Arizona...

22

23 **PLANNING OFFICIAL TERELL** – Yes and that's why I was pointing out that it was different. The Police Department was part and Mark didn't say this but it 24 was I think in his report, we had an inter-staff committee that included members 25 from the Police Department, our street lighting folks, public works; all the folks 26 27 that are involved and some parks and recreation and so this was vetted through them. There was not a particular concern from the Police Department that this 28 29 was going to cause issues as long as there was still lighting over doorways and entrance ways and that is not required to reduce by 50 percent at night. 30 31

32 <u>COMMISSIONER OWINGS</u> – Was there any survey or study done that would 33 give us some indication as to the possible or the potential cost to the new 34 developers to the community who are thinking about developing here? If you can 35 go to Redlands and not meet these standards or you can go here and have to 36 meet the standards. Was there any type of discussion along those lines?

37

38 **PLANNING OFFICIAL TERELL** – We did not. The other thing that is in Mark's 39 report was we did send this out to all the lighting companies that have done business in the City in the last three years with a copy of the ordinance 40 requesting their input and unfortunately none of them chose to provide any input, 41 which you can say they were too busy or you can say they didn't have a major 42 concern, so we can't interpret why they didn't respond, but we did make that 43 44 outreach. I would pause it that since we're reducing the lighting requirements potentially, that it is not increasing the costs. There is a cost for shielding the 45 lights. We already require shielding of lights so this is just putting it in the code 46

1 something that is pretty much required on every development already, so I 2 understand your concern. If I had to pause at a reason why say the City of Redlands doesn't have this, it is probably because they require these things 3 4 through some other venue or they have a very old code. I don't believe that there is anything in Redlands or Riverside where you drive through 5 6 neighborhoods and there are glaring light problems there, so this is not meant to 7 be revolutionary. I was at and you are correct though, this is the study; this 8 Staff's recommendation based on looking at these other communities, it our 9 recommendation on reducing lighting levels to potentially create a better 10 aesthetic and not affect public safety, because that was very important and that's why we included the Police Department in the review of this ordinance. 11

12

14

13 **<u>COMMISSIONER OWINGS</u>** – Well thank you very much, I appreciate it.

<u>COMMISSIONER DOZIER</u> – I didn't understand full cutoff? Could you explain
 what that means by full cutoff? I assumed it just meant cutting the light off but
 you know...

18

19 <u>COMMISSIONER OWINGS</u> – It has to do with cutting the lighting off and
 20 shielding yes.
 21

22 <u>COMMISSIONER DOZIER</u> – Okay, so full cutoff versus what half cutoff.... I
 23 mean...

24

PLANNING OFFICIAL TERRELL – It means that and if you look at most lighting 25 fixtures in newer developments or even in older developments like Town Gate 26 27 Project, it means that there is a shield that goes around the four sides of the light. There certainly are lights where they are cutoff; ball field lighting is a good 28 29 example where it doesn't have full cutoffs because they are trying to cover a much wider area and full cutoff is like this; ball field lights or some other lights 30 31 you might find something like this. The opposite of that is the kind of lights that people have that tilt up and shine directly out and that's not a full cutoff, so the 32 33 idea is that all four sides of the light focus the light down towards the ground 34 where you are trying to provide visibility.

35

36 **COMMISSIONER DOZIER** – I think I understand that. Now if you are taking a 37 light bulb that is 250 watts and you are putting full cutoff and you are directing the 38 looms down to the ground you are getting less lighting out around that, so if I'm in 39 a parking lot the light is coming down but it's not necessarily going out in that direction. I understand the desire to want to cut and diffuse lights so that we can 40 see the sky; I guess that's the Sierra Club's position. In some of our newer 41 shopping centers I think we've used this full cutoff lighting and I get a little 42 concerned because in a parking lot where people have to go some distance to 43 44 their car, it does cut down on the visibility within that parking lot.

In some parking lots and I'm going to use an example; I'm going to use Fresh N
 Easy on Iris and Perris. I've been in that shopping center in the evenings and it

is very dimly lit once you leave the light even around the store. Even around the store there is not a lot of lighting, so I find it a little hard to accept that there wouldn't be a problem with Police enforcement because it's just not as lit and I even have concerns about my wife if she is parked too far away from the front of that Fresh N Easy getting to her car because the looms are different and the lighting is different from other shopping centers that don't have those.

7

8 So I kind of would feel a lot more comfortable if someone would categorically say 9 to me that cutting in a public shopping center, the ability to light that parking 10 center parking lot that that is not increasing the potential for more crime or illegal activity. Everybody would like to see the sky but we would also like to be safe 11 12 when we go out at night. A lot of the communities that we used as an example 13 are more rural and they are out in the desert, they have clear skies and they see 14 more stars than we might ever see, so it might be little unfair to use those cities 15 who are trying to get that view, especially if you got out to Arizona or places in 16 the desert. I just feel more comfortable if I thought that the overall policy wasn't going to cause situations that would put the public perhaps in more peril because 17 of the lack of light at night. I don't get that based on what I read in your report. I 18 19 understand the reason for it and I understand why the Sierra Club is pushing for 20 it, but I'm not so convinced that the safety factor is there.

21

22 **COMMISSIONER OWINGS** – Mr. Chairman, I follow your remarks. It's not only 23 in the urban areas or in the developed areas because there is plenty of examples 24 of what you are talking about; the new Target on Nason. There are parts of that 25 area out there you know, you could probably steal the bank and no one would know, but talking that a step further to your own personal residence, shouldn't 26 27 you be the judge of what wattage or lighting is necessary for your home to be protected and be safe and this ordinance seems to take or these changes to the 28 29 proposed ordinance seem to take those discretions away from the homeowner and the property owner. Now I was a 23 year resident of Redlands; you're a 30 31 resident of Redlands now, there are plenty of areas in Redlands that have just as 32 many problems as this City has and those are people with the main deterrent of 33 crime in those areas is well lit properties and you can into those areas of 34 Redlands and you will see they are lit and I'm sure it's the same in Moreno 35 Valley, so I think it's more broad than just a question of the developed areas. It is 36 the personal safety of the people in their own homes.

37

38 <u>PLANNING OFFICIAL TERELL</u> – But again to respond I guess, is that we did 39 have the Police Department review this proposal. They did not express any 40 particular concerns. Their main concern was lighting as far as crime, lighting 41 over doorways. The minimum lighting standard isn't changing based on this 42 ordinance.

44 <u>**COMMISSIONER OWINGS**</u> – But Mr. Chair it does have a minimum on the 45 property owner for I think you said it was 100 watt.

46

PLANNING OFFICIAL TERELL - Well the minimum lighting that is required is 1 2 one foot candle in a commercial center, so I think that was Commissioner Dozier's concern in a commercial center. The minimum lighting standard is not 3 4 changing. As far as yes on single family residential, there is a maximum wattage. You asked about compliance and the cost of doing that, like any 5 ordinance that we have; voluntary compliance is 99 percent of what occurs. This 6 7 would only most likely come into play; this would only come into play for 8 obviously industrial and commercial where we would actually review the lighting 9 the plans and make sure they meet the standards and that is not changing, but 10 on single family residential, we don't have lighting plans for single family residential unless they are building something like a lighted tennis court and then 11 12 in fact the code has always had a requirement plan where people are putting in a 13 lighted tennis court.

- 14
- <u>COMMISSIONER OWINGS</u> So to clarify, is this portion just a revision,
 redundant, unnecessary or all of the above.
- 17

PLANNING OFFICIAL TERELL – Redundant... it provides an opportunity for people that are bothered by high light levels to have a fixed standard so that when there is a complaint, we actually have something; a specific standard to...

22 **COMMISSIONER OWINGS** – And that comes to my next point, because if you 23 are not willing to take care and enforce the thing across the board to all people 24 concerned, then I really have a problem with ordinances and laws that go 25 unenforced. I don't believe we really need a law that isn't enforced. Your comments to me about the sign ordinance; why have one if we don't enforce it. I 26 27 think there are a lot of priorities in the City that should come first before this priority and I intend to vote no on this and I appreciate the Staff's work on it and 28 29 your honest portrayal of it. Thank you.

- 30
- 31 <u>VICE CHAIR BAKER</u> Okay who is up next?
 32

33 **COMMISSIONER VAN NATTA** – I kind of see some truth in what he is saying there. I was listening to this and you know you are saying eliminate unnecessary 34 lighting and you're talking about residential lighting and I'm like who decides what 35 is unnecessary. If we're going to put something in place that enables my 36 37 neighbor to call in for enforcement because they feel that my porch light is a little too bright, you know it is getting a little bit too intrusive and I didn't write down 38 39 what you said was the maximum watts allowed in residential, but what was it; 40 110 or 120...

- 41
- 42 **PLANNING OFFICIAL TERELL** 100 per light bulb.
- 4344 COMMISSIONER VAN NATTA 100 watts?
- 45
- 46 PLANNING OFFICIAL TERELL Yes 100 watt light bulb

1 **COMMISSIONER VAN NATTA** – I don't like that. I mean if I want a really bright light in my house I should be able to have it without having some sort of rule 2 saying that I'm not going to, but if you are going to tell me that and you're not 3 4 going to enforce it anyway, why even put it in. That doesn't make sense. The other question that I had is how is this going to affect somebody who is going to 5 bring a business in and then they are told or by the way you may feel it is 6 7 necessary to leave the exterior of your building well lit at night to cut down on 8 vandalism and graffiti and trespassing and all that kind of stuff, but we're going to 9 tell you that at 10 o'clock you are going cut that way down. The same was 10 mentioned about the parking lot lights. Maybe we don't have numbers that say that a less well lit parking lot is going to reduce crime, but if I'm walking through a 11 12 parking lot, I like to be able to see where I'm going and not worrying about 13 tripping and can I see what I'm doing when I'm putting my groceries in my trunk 14 and things like that. It's all very well and good to say that as a City when we are installing the City lights; the street lights; the exterior lights and everything; those 15 16 be shielded, but is it really necessary to put all of these restrictions that might affect the willingness of somebody to bring more business to the City. 17

18

19 PLANNING OFFICIAL TERELL - Yes I agree. This is from our research, I 20 anticipated that requiring the reduction of the lights after 10 o'clock might be one 21 of the more controversial elements of this and it is certainly within the purview of 22 the Planning Commission to make that voluntary rather than mandatory or to say 23 we're not going to do it at all, but the current standard requires people to have 24 their lights on all night long even if their business is closed, so this is kind of 25 saying going the other way that we're going to require that you lower the light levels for energy conservation, but certainly the Planning Commission if you so 26 27 chose could say don't do it at all or make it voluntary. You're the advisory board 28 and we're just making the recommendation.

- 29
- 30 **<u>COMMISSIONER VAN NATTA</u>** Well then if it is not necessary to have the 31 lights on all night long, why can't you just make that simply optional; you can 32 have your lights at night or you can turn them off. It is your choice as a business 33 owner how well you want to have your building lit and how much you want to pay 34 for your electricity.
- 35

COMMISSIONER OWINGS – Well I think as a business owner; speaking as a 36 37 business owner, we have the ability to make those decisions on our own without 38 the City telling us and as having the distinction of having the single largest one 39 day loss in the history of American road insurance; 625 thousand dollars for 23 vehicles stolen, lighting is certainly proven to be... it was the silliest conservation 40 thing we've ever done was to cut the lighting off at midnight and suffer a 625 41 hundred thousand dollar catastrophic loss of which the insurance covered it, but 42 the deductible was several hundred thousand dollars and so I think each 43 44 businessman has to make that consideration.

1 The second thing is this, a new business coming into town, you said you'd 2 grandfather certain businesses; well lighting for fast food and things of that nature is certainly a plus for a new business would be at a disadvantage to an old 3 4 business as a result of the fact that one business across the street would be able 5 to brightly light himself through all his hours of operation and a guy across the 6 street might not. So those are all considerations and it is a little bit like getting 7 closing the barn door after the cows are gone. This is a City of 150 to whatever 8 estimate you believe thousand and to start making these now you know in 9 anticipation of us doubling or tripling I think is unrealistic.

10

11 **COMMISSIONER CROTHERS** – I definitely like the idea of the dark sky for 12 communities where you go to expect to see the dark sky. Communities such as 13 Palm Desert, Palm Springs, Beaumont, Encinitas and San Diego; those are all 14 cities where you go specifically to see the dark sky; to see the ocean; to see the views; to see Tempe, Arizona where you see all the rocks around you and those 15 16 formations. This City is not like those cities. This City is very well populated and there are businesses all over our City and I think my main concern is safety and 17 security. I don't want the light in the parking lot facing down and shining on my 18 19 feet. That is not where the person's face is that may potentially attack me. I 20 want that face well lit so that you know if anything happens there is a camera 21 around and that face can be caught on camera. I don't think that me being a 22 single female you know, working and shopping in our City, I don't think it is safe 23 to cut off the lights. I can't get over that and I can't vote for this project knowing 24 that I could be putting people at risk and I think that the lighting standards that we 25 have already in place are doing just fine. I don't think that I've ever been somewhere and thought to myself oh my gosh it is just so bright and I wish they 26 27 would cut these lights off at 10 pm. In fact in a lot of places at 10 pm I'm thinking to myself I wish there were a lot more lights around here because I don't feel safe 28 29 getting out of my car or driving around the neighborhood.

30

31 **PLANNING OFFICIAL TERELL** – I'm sorry I didn't mean to interrupt but we're not in the deliberation stage of it yet, we're in the question stage, but understood, 32 but I will remind everybody that the cutoffs are a current standard. They're not a 33 34 new standard and the lights are at 20 or 30 feet in a shopping center, so the idea 35 is the coverage is I believe it is a one foot candle at a certain distance above the 36 pavement. It is not at the pavement, so just to clarify, but we are still in the 37 guestion/answering stage and I believe you may have a Speaker Slip so we need 38 to kind of avoid deliberation yet.

- 39
- 40 **<u>COMMISSIONER CROTHERS</u>** Okay I think I have one more question.
- 41

43

42 **<u>VICE CHAIR BAKER</u>** – Okay one more question here.

44 <u>COMMISSIONER VAN NATTA</u> – So a couple of things you say we already have
 45 this in place and we already have that in place, can you maybe very simply tell us
 46 exactly what is changing with this rather than just reading the whole thing

1 because now you are saying we already have a cutoff at 10 o'clock or whatever.

- 2 What is different; what part is different?
- 3

PLANNING OFFICIAL TERELL – I think Mark identified those and I'll reiterate them. The first change is limiting specifically the wattage of the bulbs that can be used in residential and commercial. So that is a change. Currently we rely on the minimum and maximum foot candle, so the minimum and maximum foot candle aren't changing but the type of fixture you can have is limited by this proposal. So that's a proposed change.

10

The second is this concept right now we allow a half foot candle at the property line. This would reduce that to a quarter foot candle five feet back from the property line. That is usually the landscaping, so that is a standard that is more stringent than the current code.

15

The third I believe has to do with the height of the fixtures. In a hillside area I believe it is currently 12 feet and we're suggesting 8 feet as the maximum height of a light fixture in a hillside area. The residential limit of 12 feet isn't changing. The maximum in a shopping center of 30 feet isn't changing. The stepping it down to 20 feet closer to the property line is a change and for courtyards; we usually refer to this as pedestrian level lighting in the courtyard of an apartment building, that would be a maximum of 12 feet and the current standard is 15 feet.

23

24 Reducing the lighting by 50 percent at 10pm or when the business closes, 25 whichever is later, that is a change. The current standard actually requires the 26 lights to be on all night long, so the property owner doesn't have the option of 27 turning them off or reducing them under the current code. Adding in specific standards for public parks; we have standards for public parks but they are in the 28 29 Public Works Code but this adds it into the code to kind of provide consistency and so the public can go and say what is the standard for that and it will be in the 30 31 code, so that's not a change, but we're putting it in the code. The street lighting is not changing at all. That is a section of the code that we're moving from one 32 33 area of the code to another. The wording is changed slightly but again street 34 lighting is a public works standard and...

35

36 **<u>COMMISSIONER OWINGS</u>** – Mr. Terrell, not to interrupt your thoughts...

37 38

39

PLANNING OFFICIAL TERELL – No, those are all of them

40 <u>COMMISSIONER OWINGS</u> – But how would this affect future development in
 41 the Moreno Valley Auto Mall?

42

PLANNING OFFICIAL TERELL – The Auto Mall is exempt because it is in a
 Specific Plan that has its own lighting standards, but the lighting standards
 currently in the Auto Mall don't meet the City standards. They were unique

standards specifically because of the use that is there, so they are exempt fromthis.

3

7

<u>COMMISSIONER VAN NATTA</u> – So basically we could make all these changes
 and because existing things are exempt and certain specific areas are exempt, it
 really wouldn't make much change at all except for in a few places.

8 **PLANNING OFFICIAL TERELL** – The changes I would say are relatively minor 9 but there a few of those points that you all have had some significant discussion on, so we're starting to get into deliberations so I'm trying to stop short of that, 10 but I just wanted to point out what the specific changes are and as Mark said 11 12 they do only affect new development. There a few areas that are exempt and the 13 Auto Mall is specifically one that is exempt and it is primarily for new 14 development but those areas that I mentioned, those are the areas that are changing. The other thing we tried to do here is really integrate the whole 15 16 lighting standard so they are all in one place just to make easier for people to find them. That has nothing to do with dark sky; it has to do with making it a more 17 accessible code section. 18

19

20 **<u>COMMISSIONER VAN NATTA</u>** – Okay so the full cutoff and the full shielding 21 and stuff you were talking about, that isn't a change that is already in place?

22

23 <u>PLANNING OFFICIAL TERELL</u> – Correct
 24

<u>COMMISSIONER VAN NATTA</u> – Okay so if you have full cutoff for full shielding,
 what is the difference between an 8 foot light and a 12 foot light as far as the
 dark sky is concerned?

28

PLANNING OFFICIAL TERELL – Well obviously the closer you have the light to the ground the less spillage you have because the light is still going to spill out, but it doesn't make a big difference. Having a lower standard on a hillside is... when you are a hillside and our hillside ordinance is very stringent; the idea is that if you look up at the hill you will more likely see the lights of the houses as opposed to street lights or lights sticking up above them. That is not a significant change, but it is meant to reduce the light levels in the hillside areas only.

36

37 **<u>COMMISSIONER VAN NATTA</u>** – But doesn't that bring the light down to where 38 like you know maybe a vehicle passing under them can hit them or I mean I can 39 reach 8 feet myself and touch a light. Wouldn't that be more prone to damage or 40 something if it was shorter?

41

PLANNING OFFICIAL TERELL – Well it doesn't refer to street lighting, so street lighting standards are different, but the private lighting; yes even a 12 foot light... there are vehicles that certainly could hit those but the intent is that most lighting in a residential area neighborhood is either on a post that it is on the front yard or along the side of the driveway or it is on the building itself and it just lowers it a little bit. The 12 foot standard for single family has always been in the code and
 that's typically right over the garage door would be about 12 feet.

3

4 **<u>COMMISSIONER VAN NATTA</u>** – But then if you lower that to 8 feet then they 5 wouldn't be able to put it in the eave of a house to eliminate the backyard...

- 6
 7 PLANNING OFFICIAL TERELL That is correct. In the hillside area that would
 8 be restricted so that's certainly something that you may want to consider.
- 10 <u>VICE CHAIR BAKER</u> Are there any other questions? Okay we're going to 11 open this item up to our Public Comments. The first one will be Michael Geller.
- 12

9

13 **SPEAKER GELLER** – Good evening. You know this is a time when you just say 14 no. This kind of garbage; this is extortion by the environmentalists who don't care about anybody but themselves. The light is out of the bottle. Who is kidding 15 16 who? You're not going to see the sky in this City. Anyone who thinks they are, are living in fantasy land. You can pass all these new ordinances to just make it 17 harder for anyone to develop; create a double standard or so called double 18 19 standard; create an enforcement nightmare and you're still not going to see any 20 stars. You know get out and look.

21

22 I was here 26 years ago when you used to be able to see the stars. It's gone. 23 It's done. I regret it to some extent although we didn't have any street lights; 24 that's why we could see the stars. There were no street lights and the street was 25 pitch black. We've chosen public safety over some things and that's the way it goes, but you know this extortion by these environmentalists to force the cities to 26 27 do things that aren't necessary; aren't needed; don't need to be here; just adding new enforcement mechanisms and new little games to play and more ways to 28 29 challenge developments is not a positive way to move things along.

30

31 We need to tell people if you want to get an ordinance passed then fine lobby 32 and get it passed, but hold a gun to someone's head to try to get an ordinance passed and that's exactly what happened here. The Sierra Club held a gun to try 33 34 and prevent development in the City. Enough is enough. Tell them no. The City 35 did their part. All the Settlement Agreement said was you had to look at it: you've looked at it: say no; recommend to City Council and turn it down in full and be 36 done with it and you know let's show that the residents in the City; not the three 37 38 members of Sierra Club are going to run the City and tell the City what to do and 39 you know we have rights too. You know all the rest of the residents; our Sierra Club members also have rights: people that own land have rights and enough is 40 41 enough. You know there is nothing wrong with saying no.

42

You have a lot of legitimate concerns, but the biggest thing is that it is unneeded; it is unnecessary. It is not going to serve one iota of good. We're not going to see any stars. You know if they want to see the stars they are going to have to go out to the desert. It is an unfortunate truth. It's just the way it is, but this isn't

1 going to change it and why do get into these fantasies that we're going to fix 2 problems that can't be fixed by all these band aid ordinances. All it does is to make... instead of 400 conditions, they'll be 500 conditions of approval to get a 3 4 stupid project approved and you know you can say enough. The City has done its part and I would hope that you'll just tell the City Council no and if they want to 5 pass it then they'll pass it, it's ultimately their choice, but you know it is your 6 7 choice to tell them we don't think it's needed. Anyway thank you and I have to go 8 pick my wife up from the airport.

9

10 <u>VICE CHAIR BAKER</u> – Thank you Michael. Our next speaker is Steve Jiannino.
 11 If you just state your name and address so we can have that on the record.

12

SPEAKER JIANNINO – Okay I'm Steve Jiannino and my address is 24701 Valley Ranch Road, Moreno Valley and I have to disagree with Mr. Geller. I can see the stars. I live in the hillside. I live off of Ritchie Vista. I can see the stars and I would like to continue to see the stars. It's a wonderful thing, so I want you to recommend approval of this to the City Council. Thank you.

- 19 <u>VICE CHAIR BAKER</u> Okay, thank you. Okay we have no more Speaker Slips,
 20 so I'll close Public Testimony and now we are going to go into Commissioner
 21 Debate.
- 22

23 **COMMISSIONER CROTHERS** – I won't take up too much time saying what I've 24 already said at the wrong time in the meeting, however my standing is that in 25 cities such as Palm Springs, Encinitas and San Diego; those are the cities where you really go to see the dark sky; you go to see... you know if you went to the 26 27 desert and didn't see the stars, you would be sorely disappointed in your visit in the desert. That is just one of the attractions to it. I think that Moreno Valley as a 28 29 whole has a good lighting position already in place and I don't think that this will serve to provide any more dark sky to the people who already live here. For Mr. 30 31 Jinnino I envy you, I wish I could see the stars from my house, however you know I live in the middle of a development and I'm not lucky enough to live on the 32 33 outskirts or in the hills; maybe someday, if I'm here that long. But you know, I do 34 have to say that we've looked it; I've read it and I'm going to have to say no.

35 36 COMMISSIONER RAMIREZ - Thank you. In the wake of the most recent events that have taken place in our community, I'm very concerned that 37 38 eliminating or reducing any kind of lighting is going to help our community as far 39 as security goes. Having served in the Marines and having served in combat I know that strategically in order to operate efficiently it is easier to do it in the dark 40 where you can't be seen. That's where you can operate and get away with 41 things, so reducing lighting is not only going to promote crime but I believe it is 42 going to make it more difficult for people to witness crimes as well, so I 43 44 understand all sides and I can hear all sides of the discussion, but as a whole 45 and for the utmost security of our community and given the wake of things that have happened and transpired in the last six months, I don't believe that reducing 46

any lighting is going to help us here, so that's all I have to say and therefore I will
 be voting no against this. Thank you.

3

4 **<u>COMMISSIONER DOZIER</u>** – Well the first condition or the first change was 5 limiting the bulb wattage for residences. I think that's kind of intrusive. I think I 6 agree with my fellow Commissioner Mr. Thomas Owings that that is intrusive and 7 I don't like that. I just feel like for my own personal safety and the safety of my 8 family that I should be able to decide how much light I need in my front or my 9 back, so I don't agree with the first change right there and you know if you pass 10 an ordinance like this, the Home Depot and all of the different stores are going to know that ordinance exists and they are going to change their stock and they are 11 12 going to make it more difficult for me to light my house the way I want to light it. I 13 just don't see; I just couldn't go along with that I'm going to vote it down even just 14 for that one reason. I don't hold any avarice against a Sierra Club for trying to save the natural world so to speak; that's their mission; that's what they do; but 15 16 there are some limitations. There are some limitations when they are forcing some of us who aren't quite as passionate about some of those issues as they 17 are and they certainly have tried to impose some of those on us that I think in this 18 19 case affect our personal liberties and some of our choices and I don't appreciate that. I think you can be over-zealous and you can love something with so much 20 21 of a passion that you infringe on the rights of others to make those decisions for 22 them and that's unfortunate. I think that is happening in this case and I will vote against it as well. 23

24

25 <u>VICE CHAIR BAKER</u> – Thank you 26

27 **<u>COMMISSIONER VAN NATTA</u>** – I think I already said it too. I think we'll begin learning when to ask questions and when to debate, but this is our first night so 28 29 we're granted a little bit of leeway I think. Yes just going through the points where changes are being made. I don't see any need; any reason for these 30 31 changes. I don't personally have any 100 watt bulbs in my house, but I reserve to put one in if I want to or 150 watt or whatever I can find if I decide for some 32 33 reason I want more light. I think when you start cutting down the amount of 34 lighting that the business owner can have around the perimeter; around their 35 building or restricting the owners decision about when to have lights on and not to have lights on around their business, that should be the business owner's 36 37 decision. I don't like the current requirement that they keep them on all night 38 long either; you know let the business owner decide how much light they need for 39 protection of their premises and as for the hillsides; if I have a two story house or even a one story house on a hillside and I want to put a light where I can 40 41 illuminate my landscaping or my patio area or whatever and I'm restricted to 42 putting it at 8 feet which is just a couple feet above the top of my head, you know it is very restrictive. I'd have to put in twice as many lights to get the coverage for 43 44 my landscaped backyard or whatever for those patio parties and all that, so I just 45 don't need to say anything more about it. I don't like it.

1 VICE CHAIR BAKER – Thank you

3 **<u>COMMISSIONER SALAS</u>** – Yes I'll be short. I just don't... I'm not behind 4 approving an ordinance that I think it is impossible to enforce. How are we going 5 to enforce this? We don't have enough code enforcement and for a lot of other 6 stuff that is a lot more important than this, so I'm not for it either.

8 **COMMISSIONER OWINGS** – I just would like to address the City Staff that lifted 9 an eyebrow when they thought that my comments were slipping and away from questioning and into deliberation. Those were rhetorical remarks and meant to 10 be rhetorical questions. You know one thing you said when you were talking to 11 12 me in the questioning period when the real questioning period was, that there 13 was some consolidation and Staff felt comfortable about those consolidations of 14 getting all these type of lighting type issues into one area. You know I would 15 really recommend and support a move to do that because anything that makes it 16 easier and clarifies those things for developers and citizens makes sense, so I would hope that we wouldn't have to come to one of these type of ordinances in 17 order to do those kind of consolidations and would recommend that Staff do that 18 19 whenever possible and bring those to the Planning Commission and the City 20 Council on their own volition when those changes need to be addressed. I've 21 already made myself clear as to how I'm going to vote against recommending 22 this to City Council and thank you very much for your good work.

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24 <u>VICE CHAIR BAKER</u> – Okay on this lighting ordinance I'm of the position that 25 more light is better than less for our security issue and with things that happen. 26 We need the lighting level. I can appreciate maybe consolidating some of that 27 together. I don't know how we do that without rearranging our ordinance or 28 something. How is that done? I can see if you move something over from public 29 works into the lighting deals but do you have to change the whole ordinance to 30 do it?

31

32 PLANNING OFFICIAL TERELL - Yes well based on your discussion and this is 33 the kind of discussion that we are supposed to have at Planning Commission, so 34 what I would recommend for your consideration is that you approve the 35 ordinance excluding of the provisions that increase the regulation; so those 36 specific changes that I mentioned. You can approve the consolidation aspect and the wordsmithing; what I call wordsmithing and fortunately based on staffing 37 38 levels this is when we have the opportunity to suggest some of these things 39 because there is urgency to do something so we can... when we look at an 40 ordinance, we don't sit back and say they want a recommendation on dark sky 41 and that's all we're going to do; we kind of look at where we can fix what is not 42 necessarily broken but might not be as clear as it could be, so I mean I would suggest that you might want to approve the consolidation aspect of the ordinance 43 44 and delete those items that are changes that increase the regulation on the 45 lighting levels and based on that the Council can agree or disagree, but then what we would do is we would go back and revise the ordinance and this is 46

1 maybe what we might want to do now, is we could take your input into 2 consideration; revise this ordinance; bring it back to you and then you could 3 recommend that ordinance to the City Council. They would also see the original 4 proposal and they could decide Plan A or Plan B.

5 6

7

VICE CHAIR BAKER – I think that makes a lot of sense.

8 <u>COMMISSIONER OWINGS</u> – I think that makes more sense because I would 9 not want to be in a situation where we are sending mixed messages to the 10 Council. The message this Planning Commission should send to the Council is 11 this. We don't want the Dark Sky Ordinance period but we do recognize that 12 Staff needs to have some consolidations of these. It is unfortunate that you 13 chose this as the vehicle to do that in my opinion. I appreciate your situation...

15 <u>VICE CHAIR BAKER</u> – Part of it we were mandated by the Sierra Club right, so
 16 that was part of it.

17

18 <u>**COMMISSIONER OWINGS**</u> – But it was our choice to try to and consolidate 19 ordinances using it as a vehicle. It was an opportunity that presented itself to you 20 guys to do something that needed to be done and for that you should be 21 applauded. But I just really wouldn't want to put the same message out to the 22 City Council that we liked it in any way shape or form.

23

PLANNING OFFICIAL TERELL – And again as I said you choose to, you could ask Staff take your comments into consideration and come back with a revised ordinance that incorporates those comments and then you get to review it again and you could recommend that there is no urgency for it go...

28

<u>COMMISSIONER OWINGS</u> – Speaking for myself, I would prefer not to do that.
 I would prefer to vote the recommendation down with the recommendation that
 the Staff come back with those consolidation efforts in a second ordinance.

32

PLANNING OFFICIAL TERELL – The only reason I'm suggesting doing it this
 way is because we've got to go Council anyway, so we're going to Council and
 then theoretically they would generally, I think support...

36

37 **<u>COMMISSIONER OWINGS</u>** - I know you guys think is form over substance but 38 really the message has to be clear from the Planning Commission that it doesn't 39 in my opinion; that it does not want this ordinance and mixed messages in any 40 way shape or form. It just needs to make a clear statement that that is what we 41 stand for and if you guys want to consolidate those types of ordinances we can 42 do those separately. I realize that it is more efficient your way but I think it sends 43 the wrong message.

44

45 <u>VICE CHAIR BAKER</u> – We're not under the hammer to move on. I mean we 46 can deny this tonight and then at a later date if you want to bring that back like 1 Tom says to consolidate, we can look at that at a different time. We can get this 2 thing off the board here.

3

4 **<u>PLANNING OFFICIAL TERELL</u>** – Yes you can do that but you're making a recommendation of denial so for us is potentially...

7 <u>VICE CHAIR BAKER</u> – We're going to need some help here whoever makes this
 8 because if we move to approve then we move against the approval.

9

6

10 **PLANNING OFFICIAL TERELL** – No, we'll work on that in a minute

11

12 **VICE CHAIR BAKER** – It gets a little hairy in these deals

PLANNING OFFICIAL TERELL – You can take whatever action you like to
 send, but the message you're sending... you're recommendation is going to City
 Council and...

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18 **VICE CHAIR BAKER** – They can override that too

20 **PLANNING OFFICIAL TERELL** – They can override that or change that, yes

22 VICE CHAIR BAKER – And they have before

24 **COMMISSIONER VAN NATTA** – The only thing that I wanted to say that I didn't; 25 that I would like to see that is kind of hinted to in this is that the lighting being 26 reduced after the business closes and you're saying the current code requires 27 them to stay open to stay lit all night long; that they have the option of reducing 28 their lighting after closing or after 10 pm, whichever is later or whichever is 29 earlier; sorry.

30

31 <u>PLANNING OFFICIAL TERELL</u> – Okay and as you know and any... we do 32 verbatim minutes of the meeting, so whatever you said tonight will be in the 33 packet for the City Council, so we'll see all your discussion.

34

35 **<u>COMMISSIONER OWINGS</u>** – We have to hope that they read that though

36

37 PLANNING OFFICIAL TERELL – And certainly to the extent and Mark is an 38 expert at this; what we would do as part of the Staff Report is we would highlight 39 the concerns and certainly that one or more Commissioners mentioned this or 40 that. We try to characterize that in there, so it's very helpful to note that there is 41 something there that is maybe a current change from the code that you might 42 want to recommend.

43
 44 <u>COMMISSIONER VAN NATTA</u> – If everyone else feels the same way as I do
 45 about it.

1 **COMMISSIONER OWINGS** – So some housekeeping here a little bit... when the 2 Planning Commission as a group wishes the Staff to take a look at these types of 3 inconsistencies in the ordinances and to try to correct those is there a 4 mechanism that you suggest we do in terms of do we pass a resolution; do we...

5

6 **PLANNING OFFICIAL TERELL** – No pretty much what we do is when we have 7 discussions like this; I have a list in my office. I write things on my list and 8 someday when we get to them. Literally that is what happens because we try to 9 do what I call a cleanup ordinance. We used to be able to do them every year 10 and now it is like every other year, so we add these kind of clarifications in with 11 that, so it will go on the list regardless, so you don't need to take a formal action.

12

COMMISSIONER OWINGS – So then in terms of just a matter of procedure for my knowledge, when you have a negative, I noticed the previous minutes there is just this tremendous agonizing over how to vote yes when you are meaning no and can a simple motion to deny; couldn't someone make a simple motion here to recommend that the City Council not approve this ordinance pure and simple?

PLANNING OFFICIAL TERELL – Yes you can and what you'll need to do based
 on that is we'll bring back a resolution for validation at your next meeting that is I
 guess...

22

23 <u>COMMISSIONER OWINGS</u> – That would be more reflective of our thoughts
 24

PLANNING OFFICIAL TERELL – ... that you're not recommending and so your action tonight if I understand and I think I pretty well understand and the consensus here is that you would deny the proposed... so it's really deny... well don't deny the resolution; basically recommend; take number 2 there and change approve to deny and that's what you do and then based on that we'll bring back a resolution that reflects that action. You'll adopt that resolution of recommending denial and then we'll bring that forward to City Council.

32

33 <u>COMMISSIONER SALAS</u> – So we approve to deny
 34

35 <u>PLANNING OFFICIAL TERELL</u> – No you would just read number 2 and your' 36 action would be to deny the revisions and so it's that number 2 and then based 37 on that we'll bring back a resolution that reflects your viewpoint and then you'll 38 approve that resolution.

- 39
- 40 **<u>COMMISSIONER RAMIREZ</u>** In essence that motion then would not read the 41 preamble and the number 1, you would just move to and then start reading 42 number 2 with the word deny to accomplish what you are asking.

44 <u>VICE CHAIR BAKER</u> – Okay so are we ready for a motion to move forward on 45 that?

46

- 1 **<u>COMMISSIONER SALAS</u>** So I'm going to read 2, right?
- 3 VICE CHAIR BAKER Change Approve to deny

5 <u>**COMMISSIONER SALAS**</u> – Okay... **DENY** revisions to Title 9, Chapter 9.08, 6 Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 7 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside 8 Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 9 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" 10 relating to dark sky provisions for general on-site, athletic field/park and street 11 lighting citywide.

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- 13 **<u>VICE CHAIR BAKER</u>** Very good; do we have a second?
- 15 **COMMISSIONER OWINGS** Second
- 17 **VICE CHAIR BAKER** Okay, do a wrap up vote; all in favor?

19 Opposed – 0

- 20 21 Motion carries 7 – 0
- 22

24

23 VICE CHAIR BAKER – Staff wrap-up...

PLANNING OFFICIAL TERELL – Okay I have a question and I just want to just kind of a... on Commissioner Van Natta's suggestion, is there general support for doing that or allowing flexibility in having a property owner able to reduce their lighting after they close their business or is that not a consensus?

29

30 <u>COMMISSIONER OWINGS</u> – I need to ask a question of you? The purpose of
 31 that ordinance is that for public safety; was that the intent of it to cause
 32 businesses to keep their lights on so that it would aid in law enforcement?
 33

34 <u>PLANNING OFFICIAL TERELL</u> – We're not sure because when we posed that 35 question to the representative of the Police Department, they said it wasn't their 36 requirement, so it may have been someone's intent to do that but...

<u>COMMISSIONER OWINGS</u> – Well would it have been their recommendation I
 guess would have been the appropriate response from them would have been,
 it's not their requirement but we would like to see it. Guessing would it be their...

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37

PLANNING OFFICIAL TERELL – No, actually in talking with the Police
 Department the amount of lighting wasn't the key, it was that it was the type of
 lighting. They were very concerned about the type of fixtures so that you know it
 was a white light that actually...

- 1 **<u>COMMISSIONER OWINGS</u>** Right, as opposed to the amber...
- PLANNING OFFICIAL TERELL ... amber and the most critical was when businesses are closed, the most critical was the lighting over the doorways and that's what they were very concerned about. They weren't concerned about...
- 7 <u>COMMISSIONER OWINGS</u> But they would like to see that on 24 hrs. a day if
 8 they could or at least at night time.
- 9

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- 10 PLANNING OFFICIAL TERELL Well the idea is this doesn't recommend that 11 the lights be turned off, it just allows them to reduce to 50 percent. If you want to 12 go further and say you know you can turn the lights off...
- 14 **<u>COMMISSIONER OWINGS</u>** I think it requires further... I like the spirit of the 15 Commissioners, but I think we really need to look into that.
- PLANNING OFFICIAL TERELL Yes, so if the consensus is just to kind of
 leave that as kind of a suggestion and not as recommendation. I just wanted to
 clarify that.
- 20
 21 COMMISSIONER VAN NATTA Well I think what you had said earlier when you
 22 were speaking to the representatives from the Police Department; they said their
 23 only concern was that the doorways be lit, that I think that could be something we
 24 could say give the business owner the option after closing or after 10 o'clock to
 25 reduce the lighting as long as the doorways remain lit.
- 26
 27 COMMISSIONER OWINGS That's closer to being agreeable.
- 28

29 <u>PLANNING OFFICIAL TERELL</u> – Okay, yes. Does that seem like a general
 30 consensus? Just nod.
 31

- 32 <u>COMMISSIONER OWINGS</u> But you probably should put the provison on it that
 33 you do have this discussion with the Police Department and make sure that is the
 34 way.
- 35 36 PLANNING OFFICIAL TERELL – Right and any final recommendation; any final 37 ordinance should be reviewed, because that is somewhat of a change from what 38 we suggested, so we would still want to review that with the Police Department 39 before anything was actually adopted. So with that, what we'll do is this item will 40 be coming back to you at your next meeting with a resolution that reflects your
- 41 action tonight and then based on that then we'll go forward to City Council.
- 42
- 43 VICE CHAIR BAKER Okay, thank you.
- 44
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1 OTHER BUSINESS

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PLANNING OFFICIAL TERELL – You have no Other Business tonight.

6 7 **STAFF COMMENTS**

PLANNING OFFICIAL TERELL - Yes, your next meeting is on May 12th and 9 10 currently there are I guess now five potential items for that. One is your election of officers. The annual election of officers is always done in the spring time, so 11 12 that would be electing a new Chair and Vice Chair for the next year. The second 13 is we'll have a presentation by Suzanne Bryant on the Brown Act and Conflict of 14 Interest Code, so that will be at your next meeting. The third item is obviously 15 the resolution reflecting your action that you just took. The fourth item is a code 16 amendment that is required for compliance with the new water quality regulations that have been adopted by the Regional Water Quality Board that already affect 17 us but they would start to implement that new Water Quality Permit, so that is 18 19 supposed to go forward at your next meeting. The last item is what we call the 20 West Ridge Project which is I think roughly 980,000 square warehouse industrial 21 building that is between Redlands and Moreno Beach on the south side of the 22 freeway and that involves a zone change as well as... so it's primarily a zone 23 change plus the project, so that would be a recommendation to City Council, so 24 those are the items that we have proposed for your next meeting.

25 26

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29

- **<u>COMMISSIONER OWINGS</u>** Is that ProLogis.
- 28 **PLANNING OFFICIAL TERELL** No it's Ridge Realty.
- 30 VICE CHAIR BAKER Okay, thank you John.
- 31 32 33

34 COMMISSIONER COMMENTS

- 35
- 36 <u>VICE CHAIR BAKER</u> Now we're going go to Commissioner Comments. If
 37 anyone feels like making any comments; anything to wrap up.
- 38 30
- 39 **<u>COMMISSIONER VAN NATTA</u>** This wasn't painful at all. Thank you.
- 40

- 41 <u>VICE CHAIR BAKER</u> Is there anyone else? 42
- 43 **PLANNING OFFICIAL TERELL** Is wasn't painful for us either, so...
- 45 <u>**COMMISSIONER DOZIER**</u> Yes let me formally welcome all the new 46 Commissioners and thank you. We're going to have some fun times I can see

and we haven't been a full house for a while, so this is great. I did want to mention that I have a personal matter. My wife is going into the hospital on the 12th of May and so I won't be available for that particular meeting unfortunately. It wasn't scheduled for that day; it was moved and we had no choice in it, so I apologize to my Commissioners, but I'll be absent on that day. VICE CHAIR BAKER - Okay, does anyone else have any comments? ADJOURNMENT **COMMISSIONER SALAS** – I have one. I move for adjournment. VICE CHAIR BAKER – Okay, do I have a second? COMMISSIONER CROTHERS - Second VICE CHAIR BAKER - Okay, all those in favor? Opposed -0Motion carries 7 – 0 VICE CHAIR BAKER – Thank you. John C. Terell Date Planning Official Approved Ray L. Baker Date Vice-Chair

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CITY OF MORENO VALLEY PLANNING COMMISSION REGULAR MEETING MAY 12TH, 2011

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CALL TO ORDER

9 Vice Chair Baker convened the Regular Meeting of the City of Moreno Valley
10 Planning Commission on the above date in the City Council Chambers located at
11 14177 Frederick Street.

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15 ROLL CALL

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- 17 <u>Commissioners Present:</u>
- 18 Vice Chair Baker
- 19 Commissioner Crothers
- 20 Commissioner Owings
- 21 Commissioner Ramirez
- 22 Commissioner Salas, Jr.
- 23 Commissioner Van Natta
- 24
- 25 Excused Absence:
- 26 Commissioner Dozier
- 27
- 28 <u>Staff Present:</u>
- 29 John Terell, Planning Official
- 30 Julia Descoteaux, Associate Planner
- 31 Jeff Bradshaw, Associate Planner
- 32 Michael Lloyd, Transportation Engineer
- 33 Barry Foster, Community and Economic Development Director
- 34 Kent Wegelin, Storm Water Program Manager
- 35 Larry Gonzales, Senior Engineer, Public Works
- 36 Randy Metz, Fire Marshall
- 37 Suzanne Bryant, Deputy City Attorney
- 38
- 39
- 40

41 PLEDGE OF ALLEGIANCE

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- 43
- 44 45

1 APPROVAL OF AGENDA 2 3 VICE CHAIR BAKER – I need a motion to approve the Agenda please. 4 5 **COMMISSIONER SALAS** – Moved 6 7 COMMISSIONER CROTHERS - Second 8 9 VICE CHAIR BAKER - Moved by Commissioner Salas and seconded by 10 Commissioner Crothers. All in favor? 11 12 Opposed -013 14 Motion carries 6 – 0, with one absent (Commissioner Dozier) 15 16 17 18 PUBLIC HEARING ITEMS 19 20

20 <u>VICE CHAIR BAKER</u> – The public is advised of the procedures to be followed in
 21 this meeting and these are on display at the rear of the room.
 22

23 24

25 PUBLIC COMMENTS26

VICE CHAIR BAKER – At this time we're going to open up for comments by any
 member of the public on any matter which is not listed on the Agenda and which
 is within the subject matter jurisdiction of the Commission and the one Speaker
 Slip I have on this Deanna Reeder if you would come forward please.

32 **SPEAKER REEDER** – Hello, my name is Deanna Reader and I've addressed 33 this Commission several times. We have new members; Ms. Van Natta, Ms. 34 Crothers and Mr. Ramirez. I sat through the Planning Commission interviews, 35 both this year and previous years because I wanted to see what the qualifications 36 of our Planning Commissioners were because I am very interested in the things 37 that go on in this City. Now I know Ms. Van Natta; I had paid to get all the letters 38 submitted to the City regarding the Rancho Belago sign issue. I paid for 100 39 pieces of paper; a hundred letters of email. Yours was the only one; only one that asked the City to pay for Mr. Benzeevi's Rancho Belago signs, so I'm pretty 40 sure that is why you are up here; because I'm pretty sure that whatever he wants 41 42 is what you are going to vote for. Mr. Ramirez; I don't know much about you, but in your interview all I can say is I can't say that your qualifications stacked up to 43 44 some of the other people there and I'll leave you alone for the moment, but 45 welcome, because from what I can see we just have three brand new members 46 of the Benzeevi butt-kisser club. Welcome, thank you.

1 **VICE CHAIR BAKER** – Thank you; actually we have four but thank you. 2 3 4 5 NON-PUBLIC HEARING ITEMS 6 7 1. **Recognition of Former Planning Commissioners:** 8 Michael Geller, 14 years of Dedicated Service 9 **Rick De Jong, 9 years of Dedicated Service** 10 Maria Marzoeki, 8 years of Dedicated Service 11 12 13 VICE CHAIR BAKER – Okay Non-Public Hearing Items as this time, John Terell 14 and me are going to present some recognition plagues for former Planning Commissioners; if they would please come forward and John will do the 15 16 presentation. 17 PLANNING OFFICIAL TERELL - Yes I think what we'll do is we'll introduce 18 19 each of the former members and then allow them some time if they should want 20 to for some remarks. First we'll start with the elder statesman who is 21 Commissioner Michael Geller who has been on the Commission for 14 years and 22 you can take it out of the wrapper, it is yours now and I know you had an 23 opportunity when you left to have a very eloquent speech but I don't know if you 24 had anything else you want to say tonight. 25 26 FORMER PLANNING COMMISSIONER GELLER – Well at least they spelled my name right after all these years. Anyhow thank you and I've enjoyed it, but 27 I'm glad it is you up there and not me, so Melina was the last official Planning 28 29 Commission dog and she goes in for her advance training on Saturday, so we'll 30 have a new puppy in a month or two, so anyway we both thank you. 31 32 **PLANNING OFFICIAL TERELL** – Well, thank you very much. Certainly from Staff's perspective we thank you for all your help over the years. Second, is Rick 33 34 De Jong who was on the Commission for 8 years I believe or 9; 8 or 9... okay 9 35 and he was our Past Chair and I think you've done that more than once; right? 36 37 FORMER PLANNING COMMISSIONER DEJONG – Three times 38 39 **PLANNING OFFICIAL TERELL** – Three times... so I appreciate your expertise with architecture and that was a good addition to the Commission and we will 40 41 miss that, but thank you. 42 **FORMER PLANNING COMMISSIONER DE JONG** – Thank you. Well thank 43 you. I enjoyed my time on the Commission very much. I enjoyed working with 44 Staff very much; everybody and my fellow Commissioners. It was a very good 45 learning experience and I don't regret anything. I don't regret a single day or 46

decision we made and I think we made a lot of good inroads to the City and I
 think we helped develop it a lot. It was very good. Thank you.

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4 **<u>PLANNING OFFICIAL TERELL</u>** – And last but not least is Maria Marzoeki who 5 was on the Commission for...

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FORMER PLANNING COMMISSIONER MARZOEKI – A little over 8 years

9 PLANNING OFFICIAL TERELL – 8 years; that's right and wanted to thank you; 10 obviously your expertise or your involvement in the engineering end of it and land 11 planning was very helpful and we will miss that and obviously having... you were 12 the sole female there for many years, which added a softer touch to the 13 Commission, so again I appreciate your help and wish you well. Now it's your 14 turn.

15

FORMER PLANNING COMMISSIONER MARZOEKI – And I do have some
 notes, so I'll go back and get my notes and I'll set up at the podium if you don't
 mind.

19

20 **PLANNING OFFICIAL TERELL** – Okay

FORMER PLANNING COMMISSIONER MARZOEKI – I'll just do it here. It's a little bit easier for me to do it here. Thank you. Since I didn't get the opportunity to speak publicly about my experience on the Commission before leaving, I just wanted to say a few words so please bear with here.

26

First I'd like to thank the City Council; current and past for providing me with the opportunity to serve this great City. Because of this opportunity I've had the chance to observe firsthand how projects are developed and processed. This position has unquestionably increased my understanding of the development community so I thank you again and continue to be one of the City's biggest supporters.

33

34 Next I would like to thank the Planning Commissioners with whom I have served. 35 From Tim Day and Joshua Hill to Doug Merkt, Richard Dozier, Ray Baker and George Salas: I learned a little from each one of you and I will take that with me 36 37 so thank you. A special thank you to Rick De Jong and Michael Geller for not always agreeing with me but for making me realize that even if we differ in our 38 39 thoughts, understanding and life challenges we are all professionals in the end and can walk away from any situation in a civil manner. The two of you 40 displayed the passion to keep the Commission interesting, fun and on track and 41 42 we did have some fun times.

43

44 Most importantly I would like to thank Bruce Springer and I hope you are out 45 there listening and George Riechers for assisting me in my growth and 46 development as a Planning Commissioner and also for providing me with a deeper appreciation of what the Commission really means. Thank you to the City Staff who attended each meeting to provide the Commission with your advice and insight. You definitely made my job easier. And thank you for the community who came out to the meetings to voice your concerns and provide your support. This Commission is your voice, so please stay involved.

6

7 And finally to you John Terell; you're awesome. You are just awesome. Your 8 knowledge of the planning process is without comparison in today's world. 9 Thank you for your patience and answering some of the tedious guestions that I 10 had to offer and always doing it with a smile. Thank you for your sharing ways and your willingness to research even the smallest of details and I know we had 11 12 you do that many, many times for us. You and your staff made my time of the Commission very rewarding and I have gained invaluable insight that I will carry 13 14 with me for rest of my life. Though the path in which I travel has taken a direction that does not afford me the time to continue as a Commissioner, I would just like 15 16 to add another and final thank you; to all an incredible 8 years. My success would not have been possible without you. Thank you. 17

18

PLANNING OFFICIAL TERELL – And with that I wanted to give the opportunity
 certainly for Commissioners Baker and Salas if they had any thoughts.

22 <u>COMMISSIONER SALAS</u> – I would like to thank all three of them because I 23 learned a lot from you all and really appreciate your honesty and your caring for 24 the City the way you guys do. I mean you can tell by sitting up here with you how 25 much you guys really care about the way Moreno Valley is headed or where we 26 are headed and with your direction it really helped and enlightened me of what I 27 need to do so thank you guys.

28

29 **<u>COMMISSIONER BAKER</u>** – I just want to add to that George that those three Commissioners and a couple behind; they really came through some tough times 30 31 where we had that accelerated growth there from 2000 and on through to 2005 and I know I've talked to several of them. They had a lot months of two and 32 33 three meetings and sometimes twice a week, so they really paid the price to get this City where we are and I think with John's help and their guidance we really 34 35 have some nice developments on different portions of the City and we need to be proud and I personally am indebted to all three of you and then also the other 36 Commissioners that have gone prior to you. Thank you very much again for your 37 38 service to Moreno Valley. I hope the citizens really appreciate what you do. 39 Thank you very much. Okay we'll go on to the Public Hearing Items and we've 40 got the first case no. is PA10-0035...

- 41
- 42 <u>PLANNING OFFICIAL TERELL</u> I'm sorry Chair... there is another Non-Public
 43 Hearing Item.
- 45 **<u>VICE CHAIR BAKER</u>** Okay let's back up guys. Sorry about that.
- 46

12.PA11-0017 - Fiscal Year 2011-2012 Capital Improvement Plan2Conformance With General Plan

3 4

5 <u>VICE CHAIR BAKER</u> – On the Non-Public Hearing Items, we've got Item No. 2
 6 that John is going to run through. It is PA11-0017. It has to do with the Fiscal
 7 year 2011-2012 Capital Improvement Conformance Plan.

9 PLANNING OFFICIAL TERELL – Okay and I'm going to hand that over to Larry
 10 Gonzales who is a Senior Engineer in our Capital Projects Division to give you
 11 the report.

12

8

13 SENIOR ENGINEER GONZALES – Thanks John. Good evening Chair and 14 members of the Commission. As John said my name is Larry Gonzales. I am a Senior Engineer for the Public Works Department. I'm here tonight to present to 15 16 you the Fiscal Year 2011-2012 Proposed Capital Improvement Plan or CIP. The CIP is a part of the City Budget Adoption process and the information that you 17 have in your packet is a summary of projects listed by category. There are over 18 400 projects listed in the document. This is a planning document that serves to 19 20 identify various types of improvements that the City would need over the next 5 21 years and beyond that is to build-out. All projects listed are in conformance with 22 the City's General Plan and are within the State law guidelines. The document is 23 also consistent with the California Mitigation Act AB1600. If the Planning 24 Commission makes a finding that the document is in conformance with the City 25 of Moreno Valley's General Plan, the document is tentatively scheduled to go before the City Council for adoption on June 14th, 2011. 26 Staff therefore 27 recommends that the Planning Commission make a finding that the CIP is in conformance with the City of Moreno Valley's General Plan. This concludes my 28 29 report and I am available for any questions.

30

31 <u>VICE CHAIR BAKER</u> – Okay do any of the Commissioners have any questions
 32 for Mr. Gonzales pertaining to the Capital Improvement Plan?

33

34 **<u>COMMISSIONER RAMIREZ</u>** – I have a question.

35

36 <u>VICE CHAIR BAKER</u> – Yes sir
 37

38 <u>COMMISSIONER RAMIREZ</u> – So this Capital Improvement Plan; its focus is to
 39 help with the employment to housing ratio. Is that correct?

40

41 **SENIOR ENGINEER GONZALES** – The purpose of the Capital Improvement 42 Plan is primarily to provide a document for the public that focuses on the capital 43 projects for the upcoming fiscal year and that it provides and shows both the 44 funding and the expenditures for those projects and then it also gives a map for 45 the future of the City through build-out for the remaining projects that would be 46 necessary. So it focuses primarily on capital projects. PLANNING OFFICIAL TERELL – Okay, Commissioner Ramirez I believe and Larry can back me up on this, that this has been amended to reflect the recent action by the City Council to focus on next year's capital improvement budget for the next two or three years on specific projects aimed at job creation, but the document as Larry said includes every single capital project in the City for the next many, many years until build-out.

8 **<u>COMMISSIONER RAMIREZ</u>** – Thank you.

10 **VICE CHAIR BAKER** – Are any other questions of Mr. Gonzales. If not I think 11 we're open for a motion to make our finding from the Planning Commission to 12 send this over to City Council I guess. So does anyone want to make a... is that 13 what we need to do John is to just make a motion there?

15 **SPEAKER REEDER** – You have a public comment to that

17 <u>VICE CHAIR BAKER</u> – Oh I'm sorry... You know we've got some up here that
 18 people filled out but there is no name on them.

- SPEAKER REEDER Oh you know what, I changed colors so I probably forgot
 my name.
- 23 <u>VICE CHAIR BAKER</u> Okay we have one and that was the deal. I have one on
 24 number 2
- 26 **SPEAKER REEDER** That's me
- 28 VICE CHAIR BAKER So this is a non-public item then...
- PLANNING OFFICIAL TERELL So that is this and not number 2 on the regular
 agenda; the West Ridge project?
- 33 <u>VICE CHAIR BAKER</u> Yes number 2 is the West Ridge... I'm sorry this is
 34 number on the non-public...

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- 36 <u>SPEAKER REEDER</u> This is about the infrastructure on the property at
 37 Nason... Is that what we're talking about; the change in the Capital Improvement
 38 Plan to put the infrastructure there first?
- 39
- 40 **PLANNING OFFICIAL TERELL** Yes this is the Capital... okay
- 42 VICE CHAIR BAKER Would we allow that?
- 4344 PLANNING OFFICIAL TERELL Yes
- 45
- 46 VICE CHAIR BAKER Please come forward. This is your sheet, right?

1 **SPEAKER REEDER** – I apologize

3 **<u>VICE CHAIR BAKER</u>** – That's okay, don't worry about it.

5 **SPEAKER REEDER** – Hello, my name is Deanna Reeder and in case none of vou know and by the way Mr. Owings I didn't put you in that category because I 6 7 considered you very qualified for the position. In the interview you would have 8 been someone that I would have picked based on your interview and your 9 qualifications, so you might be in that club but you are still qualified, just so you 10 understand that's why; not that I forgot you, but I just felt you were qualified. The Capital Improvement Plan just so you guys know I have read it. It's about this 11 12 thick. I went through it several times. I've sent emails to people when the City 13 Council was adopting it. Everything the City is planning to do is in there, but it is 14 a prioritization schedule.

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16 Now the infrastructure on and around the Aquabella project, normally what would 17 happen is the developer pays a Development Impact Fee and then he puts the street through his plan and then he gets a credit back off his Development Impact 18 19 Fee. That is what is supposed to happen but in this case Mr. Benzeevi doesn't 20 want to pay to put that street and get his credit later, he wants the City to give 21 him a 23.3 million dollar gift and that is about what this amounts to because 22 Nason Street does not go between Cactus and Iris. That is Mr. Benzeevi's 23 property. When Mr. Benzeevi develops his property, he puts the street on; he 24 pays for it; he gets his credit back, but Mr. Benzeevi doesn't like to go by the 25 rules, so I know that you guys are going to approve that because that is what you are up there to do. Mr. Benzeevi picked our City Manager at an extremely 26 27 inflated rate and our City Manager wrote this new Development Economic Plan that gives Mr. Benzeevi 23.3 million dollars of infrastructure on his property. That 28 29 is a tit for tat. San Bernardino has nothing on Riverside County, especially not 30 Moreno Valley. That is what this is.

31

32 Now you guys are going to approve it because you don't really care what anyone else says, but I don't believe you do... we'll see because there are a lot of other 33 34 capital improvement plans in this City. There are a lot of streets that are needed. 35 Putting the street through between Iris and Cactus will not help the flow on 36 Nason. Nason goes down to one lane in each direction by the High Schools and 37 in several other spots. Now if they were fixing Nason all the way to the freeway 38 and then considering this, you know what, that would be a maybe but his is a 39 23.3 million dollar gift to Benzeevi. Thank you.

40

41 <u>VICE CHAIR BAKER</u> – Thank you

PLANNING OFFICIAL TERELL – Just to clarify for the Planning Commission
 you are not approving the Capital Improvement Program tonight. The only action
 that you are being requested to take is to find the Capital Improvement Plan in
 conformance with the General Plan and the three major projects that are

included in the action that the Council took recently are all General Plan streets,
 so I just wanted to clarify that you are not approving the Capital Improvement
 Program.

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5 <u>VICE CHAIR BAKER</u> – Okay, are there any other comments Public or 6 Commissioners? Well I move that we have a motion to make the 7 recommendation to the City Council on the Planning Commission.

- 8
 9 COMMISSIONER SALAS I motion that we approve it.
- 1011 VICE CHAIR BAKER Okay, second?
- 13 **COMMISSIONER RAMIREZ** I second it
- 15 <u>VICE CHAIR BAKER</u> Okay, moved by Commissioner Salas and seconded by
 16 Commissioner Ramirez. All those in favor
- 18 Opposed 0

20 Motion carries 6 – 0, with one absent (Commissioner Dozier)

2324 PUBLIC HEARING ITEMS

25			
26	1.	Case Number:	PA10-0035
27			Amendment to Municipal Code for Water Quality
28			Requirements
29			

- 30 Case Planner: Julia Descoteaux, Associate Planner
- 31 32

33 <u>VICE CHAIR BAKER</u> - Julia, you're up.
34

35 ASSOCIATE PLANNER DESCOTEAUX – Good evening Planning Commissioners. I'm Julia Descoteaux, Associate Planner. 36 Before you this evening is an Amendment to the City's Municipal Code, Title 9 for Planning and 37 38 The proposed changes are a result of compliance with the 2010 Zoning. National Pollutant Discharge Elimination System or NPDES, Municipal Separate 39 Storm Sewer MS4 Permit, with compliance required by July 29th, 2011. The MS4 40 Permit Requires that the City promote green infrastructure/low impact 41 development LID techniques for all projects. 42

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The primary changes include revising design requirements to promote onsite water retention and infiltration in an effort to clean water of contaminants prior to 1 the water being discharged from the site into the storm drains or flood control 2 channels which then enter receiving waters such as the Santa Ana Watershed.

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The proposed changes include the use of water efficient native plants, landscape areas increased and designed to promote water retention, the use of permeable surfaces, having openings in the curbs to convey surface drainage into landscape areas, require parking in excess of the required parking to be constructed of permeable surfaces, reducing the depth of the parking stalls and increasing the landscape, reducing the hardscape areas and the use of permeable surfaces wherever feasible.

11

12 The Planning Division works with the Applicants and the design requirements, 13 however the Public Works Department is responsible to ensure that the projects 14 meet water quality requirements as well as site grading while complying with the 15 MS4 Permits and they will be providing changes to Municipal Code Section 8.10, 16 which does not require Planning Commission approval.

17

18 The project does not have the potential to cause a significant effect on the 19 environment, so the project is exempt from the provisions of the California 20 Environmental Quality Act in accordance with Section 15061 as defined by 21 Section 15378.

22

23 The project was noticed in the local newspaper and to date I have had no 24 inquiries on the proposed changes. There were several changes to the report 25 and I believe you received a green memo regarding that and all sections were appropriate. The word pervious will be replaced with the word permeable in an 26 27 effort to be consistent with the proposed changes to Municipal Code Title 8 and in addition, Section 9.08.080, the Grading Section, the addition of letter "M" will 28 29 be deleted from the Attachment 4 on page 100 and on page 70, number 4. This 30 concludes Staff's presentation and at this time I am available to answer any 31 questions for you. Thank you.

32

33 <u>VICE CHAIR BAKER</u> – Okay, thank you Julia. Do we have any Commissioner
 34 questions?

35

ASSOCIATE PLANNER DESCOTEAUX – Excuse me...Kent Wegelin is also
 here to answer questions on the NPDES that you might have as well.

- 39 VICE CHAIR BAKER Okay, thank you
- 40

41 **<u>COMMISSIONER VAN NATTA</u>** – Did I understand you to say that instead 42 pervious we are using permeable and those changes have already been made in 43 this document?

- 45 ASSOCIATE PLANNER DESCOTEAUX No, I'll be making those
- 46

1 **<u>COMMISSIONER VAN NATTA</u>** – Oh okay, thank you

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 3 <u>VICE CHAIR BAKER</u> – Commissioner Salas, do you? Commissioner Owings,
 4 are you okay with this? Do have any comments?

5 6

7

COMMISSIONER OWINGS – No comments; no questions.

8 VICE CHAIR BAKER – Okay, very good. So we will open this item up to Public 9 Testimony. I have no Speaker Slips on this Item No. 1 from the public, so I'll 10 close Public Testimony and we will open Commissioner's Debate for discussion and if there is any additional discussion on this before we move for a motion and 11 12 second. Okay, everybody is okay so I will move for a motion and second. On this particular one here. Julia one thing we need to know on that Resolution No., 13 there is 2011... do you know that actual number so we can put that in the 14 15 minutes.

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- 17 ASSOCIATE PLANNER DESCOTEAUX It is 11
- 19 VICE CHAIR BAKER It is 2011-11?
- 21 **ASSOCIATE PLANNER DESCOTEAUX** Yes

<u>VICE CHAIR BAKER</u> – Okay so whoever makes a motion here, what we need to
 do is make a motion to approve this resolution and then recommend to the City
 Council to approve the PA and then recognize the PA10-0035 okay. Do I have a
 motion for this?

<u>COMMISSIONER VAN NATTA</u> – Okay I move that we APPROVE Resolution
 No. 2011-11 and thereby RECOMMEND that the City Council:

- 1. **APPROVE** PA10-0035 Municipal Code Amendment; and,
 - 2. **RECOGNIZE** that PA10-0035 Municipal Code Amendment qualifies as an exemption in accordance with CEQA Guidelines, Section 15061 as defined by Section 15378.
- 36
- 37 <u>VICE CHAIR BAKER</u> Thank you Commissioner Van Natta. Do I have a
 38 second?
- 39
- 40 **<u>COMMISSIONER SALAS</u>** I'll second that
- 41
- 42 <u>VICE CHAIR BAKER</u> Commissioner Salas will second that. Let's have a vote;
 43 all those in favor?
 44
- 45 Opposed 0
- 46

1	Motion carries $6 - 0 - 1$, with one absent (Commissioner Dozier)		
2 3 4	VICE CHAIR BAKER – Okay, wrap up		
+ 5 6 7	PLANNING OFFICIAL TERELL – Yes this item shall be forwarded to the City Council for final action and I believe that is scheduled like you said for June 14 th .		
8 9	VICE CHAIR BAKER – Okay, thank you very much. Okay we're going to move onto Item No. 2		
10 11			
12 13 14 15	2. Case Number: P11-029 Amendment to Aquabella Development Agreement		
16	Case Planner: John Terell, AICP		
17 18			
19	VICE CHAIR BAKER – Mr. John Terrell will handle this item for us.		
20 21	PLANNING OFFICIAL TERELL – Yes this item is the first amendment to the		
22	Aquabella Development Agreement. The Development Agreement was adopted		
23	at the same time as the approval of the Aquabella Specific Plan which is roughly		
24	located south of Alessandro, north of Iris, east of Lasselle and generally west of		
25	Nason and the Development Agreement is something that is permitted under		

26 State Law to allow a developer to get long term protection on the zoning and the 27 entitlements that they receive in exchange for agreeing to do certain things and in this particular Development Agreement there is an extensive list of capital 28 29 improvements that are required as part of this Development Agreement as well as the quality of the development, which is identified in the Specific Plan as well 30 31 as in the Development Agreement. The Development Agreement specifically 32 requires the construction of a clubhouse that has a minimum value of 25 million 33 dollars.

34

35 The other was a payment that was already made which was a one million dollar 36 payment that was made to support the extension of lines; not to this property but 37 in the service area of the Moreno Valley Utilities. The first amendment is quite 38 simple. The applicant has requested to remove the parcel at the northeast 39 corner of Cactus and Lasselle. That particular parcel is the only parcel in the 40 Aquabella project that is not age restricted. It is a non-senior parcel and so they are requesting to remove from the benefits and the responsibilities of the 41 42 Development Agreement I believe so they can sell that to some third party. The 43 list of improvements that are required under the Development Agreement are not 44 changing. They still stay the same. They are actually moved up in priority to the next higher phase because this particular parcel was phase 6 and now there will 45 46 only be 5 phases.

1 Your action would be a recommendation. Final action will occur by the City 2 Council. The project was noticed in the newspaper, sent to all property owners within 300 feet of the project and that was not just the corner of Lasselle and 3 4 Cactus, it was the entire Aquabella Specific Plan and it was also noticed on the property. I did receive four phone calls regarding the project. Generally they 5 were interested to know what was going to be developed on the site and it is very 6 7 important to note that there is no development application for this site. That 8 would be a separate future application that would require its own public hearing 9 before the Planning Commission. So with that I will close my remarks and be 10 open for questions.

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12 <u>VICE CHAIR BAKER</u> – Alright, thank you John. Do any of the Commissioners
 13 have questions of John Terell on this item?

- 15 <u>COMMISSIONER OWINGS</u> I do. I am sure I'm going to have more questions 16 as we go into this and as other Commissioners delve into it, but you say the 17 Development Agreement was signed when and what is the length or the term of 18 the Development Agreement?
- 19

29

- PLANNING OFFICIAL TERELL The Development Agreement was approved January 12, 2006 and it has an initial term of 15 years with two 5 year extensions possible, so it is in effect for some time and then there is certain performance that has to occur to extend it beyond that term.
- <u>COMMISSIONER OWINGS</u> So were any of the improvements that you
 mentioned like the clubhouse or anything, were they to be located on this parcel.
- 28 **PLANNING OFFICIAL TERELL** No
- 30 <u>COMMISSIONER OWINGS</u> So this parcel was originally in the Development
 31 Agreement solely just a residential non-age restricted residential area?
 32

PLANNING OFFICIAL TERELL – That's correct. 33 There are certain 34 improvements that are in the Development Agreement that are still required in 35 the Development Agreement that would obviously be the frontage along Lasselle and Cactus. If this property is developed separately in advance of the rest of the 36 Aquabella Project, then that project will most likely be responsible for those 37 38 improvements because they are immediately adjacent to the site, but if they do 39 not occur, then if this site is not developed for many years then the Aguabella 40 Project would be required to do it based on the phase.

41

- 42 <u>COMMISSIONER OWINGS</u> When you say most likely, that leads me to believe
 43 there is a possibility they may not.
- 45 **<u>PLANNING OFFICIAL TERELL</u>** The only reason they may not is if the City 46 should choose to develop those improvements and therefore there would be a

1 reduction in the benefits accruing to the project or most likely what would 2 happen...

3

4 **<u>COMMISSIONER OWINGS</u>** – In which case... not to interrupt you, but I suffer 5 early onset Alzheimer's, so I may forget, but in that particular case that the City 6 does those, what remedy does the City have with the developer to kind of equal 7 the scale here. If he is doing less, the City is doing more, how he compensates 8 the City for that

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PLANNING OFFICIAL TERELL – The Development Agreement requires the
 improvements provided by the development to exceed the amount of the credits
 they are receiving, so that's the balance sheet.

- 13
 14 COMMISSIONER OWINGS So that could be determined at a later time?
- 15
 16 PLANNING OFFICIAL TERELL That's correct

18 **<u>COMMISSIONER OWINGS</u>** - And what assurance does anyone have that that 19 will happen?

- PLANNING OFFICIAL TERELL It's required by the agreement. I mean that's
 all I can say. It is a contractual agreement.
- <u>COMMISSIONER OWINGS</u> And you were going to go onto a second one and
 we'll see if your memory is better than mine.
- PLANNING OFFICIAL TERELL Oh well I was going to say most likely what will occur is this property will be developed in advance of phase 5 of Aquabella, which is really the last phase in Aquabella, which is a very large phase and therefore the improvements will most likely be constructed by the developer of this parcel.
- 33 <u>COMMISSIONER OWINGS</u> In the master agreement, those developments;
 34 when are they required in which phase.
- PLANNING OFFICIAL TERELL They are required in phase... In the existing
 agreement it is Phase 6, but since this property is Phase 6, all those
 improvements were moved up to Phase 5.
- 40 **<u>COMMISSIONER OWINGS</u>** Isn't that sort of unusual that development would 41 have all of those improvements after the whole project is complete
- 42

PLANNING OFFICIAL TERELL – Well there are five phases and as each phase
 occurs there is more impact both onsite as well as offsite and that is why its
 phased so as the impacts occur, the improvements are required rather than
 requiring all the improvements up front, even before any of the impacts occur.

- 1 **<u>COMMISSIONER OWINGS</u>** And that's normal?
- 3 PLANNING OFFICIAL TERELL That is normal; yes

5 **<u>COMMISSIONER OWINGS</u>** – Okay, then what does the removal of this 6 property...well first of all let me ask you, originally in the master plan, why was 7 this property not designated with an age restriction. There must have been some 8 logic for the marketing of this plan. Why was it not consistent with the bigger 9 portion of the project?

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PLANNING OFFICIAL TERELL – Well at time there was recognition that this property is close to the County Hospital, which is the largest employer in the City of Moreno Valley and there is no multi-family housing in close proximity or multifamily zoning at that time and therefore this was included as a recognition that at least one site on this property that was near the hospital would have the potential to provide workforce housing for the hospital.

17

18 <u>COMMISSIONER OWINGS</u> – So is this workforce housing still required? I mean 19 is there a need for that still? I know this was done in 2006, so since 2006 has 20 that requirement for work related housing for the hospital workers, has that been 21 filled by someone else.

- 22
- 23 <u>PLANNING OFFICIAL TERELL</u> It has not
 24

25 <u>**COMMISSIONER OWINGS**</u> – So there would still the need. Are there other 26 areas of property in this area that could fulfill that need?

27

28 **PLANNING OFFICIAL TERELL** – Well as part of the recently adopted Housing 29 Element for the City, there are a certain number of multi-family housing units that are required in the City. A large portion of those that are identified in the Housing 30 31 Element involve rezoning property to R30, which is 30 units per acre. That is a new zone that is required by the State and one of the areas that was identified 32 33 was the area immediately north and west of the hospital and north of this 34 property and should all that rezoning occur this property may or may not be 35 needed to meet those requirements.

36

37 <u>COMMISSIONER OWINGS</u> – So let me ask you a question. If we were to 38 approve this tonight, is there any assurance that it would still be designated... I 39 mean if someone wanted to do medical offices there instead of residences for workers, it is conceivable it would come back to the Planning Commission and 40 we would probably in some later future date be asked to change the zoning of it 41 from its current zoning to something that would allow medical offices or 42 something of that nature, so there is no assurance then that that specific housing 43 44 need that was identified when this plan was put together would be met if we 45 make this change tonight.

PLANNING OFFICIAL TERELL – The change tonight doesn't affect the land use
 on this property. The land use was established by the Specific Plan.

4 **<u>COMMISSIONER OWINGS</u>** – But if you take it out of the master plan then it 5 could be changed. It cannot be changed if it stays in the master plan. Am I 6 correct?

- 8 PLANNING OFFICIAL TERELL Maybe it's the terminology... the Specific Plan
 9 is the land use plan and...
- 10

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- 11 <u>COMMISSIONER OWINGS</u> Not the Master Plan, I mean the Development
 12 Agreement
 13
- PLANNING OFFICIAL TERELL With the Development Agreement; the only change that taking it out of the Development Agreement because in a Development Agreement the land use can change, but it requires the concurrence of both the City and the property owner.
- 19 **<u>COMMISSIONER OWINGS</u>** Which is only fair...?
- PLANNING OFFICIAL TERELL If it is outside the Development Agreement,
 the City could if it wanted to, change the land use without the concurrence of the
 developer.
- 25 <u>COMMISSIONER OWINGS</u> So there could be a benefit to the City by taking it
 26 out?
 27
- PLANNING OFFICIAL TERELL Well I'm not saying it is a benefit, but the City
 has more rights relative to the land use if it is outside of the Development
 Agreement than if it is in the Development Agreement; more flexibility
- 32 **COMMISSIONER OWINGS** To allow some of the other Commissioners to 33 question further, but could you finally just kind of persuade me or alleviate my 34 fear here. It seems as though if I'm just a little tiny developer, it's my main 35 occupation, but it would seem to me that someone in the City made this 36 agreement with this developer to put that little chunk in there to do meet the need 37 of the hospital, it wasn't probably his idea, it was probably the City's idea. Am I 38 correct in that?
- 39
- 40 <u>PLANNING OFFICIAL TERELL</u> It was a suggestion from not myself but from
 41 City Staff that it be included and the developer was amenable to that.
- 42

43 <u>**COMMISSIONER OWINGS**</u> – Right so he was amenable to it because he has 44 this bigger project he wanted to do, but the need you guys saw back 2006 still 45 exists and has not been met and so persuade me that that need could be met 46 somewhere else so at least we have some feeling that it could be met 1 somewhere else or you know some hope that it could down the line future met 2 with some other parcel or other property.

3

4 **PLANNING OFFICIAL TERELL** – Well I'm not here to convince you one way or the other. I will tell you if someone came forward, either the City or the property 5 6 owner and wanted to change that from multi-family housing to some other use, 7 the Planning Commission and City Council would have to determine that other 8 sites already existed to meet the housing needs of the City.

9

10 **COMMISSIONER OWINGS** – Not to be argumentative, I know you are not here to change my mind or persuade me, but you did recommend approval of this, so 11 12 you are in a sense putting your stamp of approval on it. I think that the Staff does 13 need to address that concern.

- 14
- **PLANNING OFFICIAL TERELL** I'm not quite sure what the concern is 15 16 because... The concern is there is no land use change before tonight.
- 17

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18 **COMMISSIONER OWINGS** – Well the concern is that the City Staff in 2006 say 19 there was a need for this particular parcel to be used for the hospital workers and 20 it now no longer sees that need?

- 22 PLANNING OFFICIAL TERELL - Again, the land use is not changing tonight 23 and therefore the only action before the Commission is to recommend whether it 24 is in or out of the Development Agreement 25
- 26 **COMMISSIONER OWINGS** – But if it is in the Development Plan it is pretty 27 much assured it is going forward as it is. If it's not in this Development Agreement, there is a possibility that it might not. Am I correct? 28
- 29

30 **PLANNING OFFICIAL TERELL** – No. I'm sorry that's not correct. The Specific 31 Plan which identifies the land use is not changing. All that is changing is it goes 32 from being in a Development Agreement which means the property owner has to 33 agree a change of land use.

34

35 <u>COMMISSIONER OWINGS</u> – John hypothetically, excuse me for cutting you off, cut you are just really not getting my point, so I've not made it clear. 36 Hypothetically, if you take this out of this agreement, Mr. Benzeevi, the owner of 37 38 this could come over to you one night and ask you to change the zoning to office 39 or some sort of multiple use zoning; correct

- 40
- 41 **PLANNING OFFICIAL TERELL** – He could do that now
- 42
- 43 **COMMISSIONER OWINGS** – Even though it is in the Master Development Plan
- 44

- 1 **PLANNING OFFICIAL TERELL** – Correct because he is the property owner and the property owner always has; even under the Development Agreement, has the 2 3 right to request a change in land use.
- 4

5 **COMMISSIONER OWINGS** – Would the City Planning Commission be the sole authority of that or would it have to go to the Council. I would assume this 6 7 agreement would have to go to the Council wouldn't it if you change it?

- 8
- 9 **PLANNING OFFICIAL TERELL** – Yes, this agreement has to go to Council and 10 any land use would have to go to Council as well.
- 11
- 12 COMMISSIONER OWINGS - Well thank you very much. I think really clarified it 13 for me. 14
- **PLANNING OFFICIAL TERELL** I'm sorry if I didn't understand you clearly... 15

16 17 **COMMISSIONER OWINGS** – No, no, it's my fault. I wasn't communicating 18 clearly.

19 20

VICE CHAIR BAKER – Thank you

21 22 **COMMISSIONER VAN NATTA** – Okay so I'm still not clear. Maybe you can fill me in. So aside from little section of land there was there any other non-age 23 24 restricted multiple family dwellings within the Development Agreement? 25

- 26 **PLANNING OFFICIAL TERELL** – No there are not
- 27
- 28 **COMMISSIONER VAN NATTA** – Okay, so conceivably by taking that out of the 29 Development Agreement and selling it to somebody or even without selling it to somebody else, then the developer of Aguabella could go ahead and finish his 30 complete development without having to worry about putting in the multi-family 31
- 32 33

Agreement?

34

35 **PLANNING OFFICIAL TERELL** – They are not required to put in the multi-family housing but it is Phase 6. So the idea is to complete the Aguabella Development, 36 37 this is one of the parcels that would be developed. If it is not developed then 38 certain... within the Development Agreement if this parcel was not developed, 39 certain responsibilities would not be required and certain benefits; meaning certain fee credits would not accrue to the developer, so this like most 40 development agreements is performance based. If you do develop something 41 42 you have certain responsibilities and certain benefits. If you don't develop, then 43 you don't have certain responsibilities and you don't get certain benefits

units that he had originally agreed to when he entered into this Development

44

COMMISSIONER VAN NATTA - Right, but as part of the original Development 45 Agreement the whole project as a whole has a certain number of multi-family 46

1 units in it, which if we take this part out then he no longer has the requirement 2 when he develops it completely to put in the multiple family units.

3

5 6

4 <u>COMMISSIONER VAN NATTA – He could complete the whole thing without</u> building any multi-family units

- 7 **PLANNING OFFICIAL TERELL** – That are non age-restricted; yes
- 8 9 **<u>COMMISSIONER VAN NATTA</u>** – Non-age restricted multiple family units
- 10 **PLANNING OFFICIAL TERELL** – Yes and even under the current agreement, 11 12 since this was the last phase, he theoretically could have developed everything 13 else without developing this parcel.
- **COMMISSIONER VAN NATTA** Just leave an undeveloped parcel there that he 15 16 couldn't...that if he were to develop it, it would have to be non-age restricted multi-family unless there was an agreement between him and the City to change 17 it to something else. 18
- 19

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- 20 **PLANNING OFFICIAL TERELL** – That's correct
- 22 COMMISSIONER VAN NATTA - But now by taking it out and saying it is not 23 part of the Master Development, and then he doesn't have to worry about that. 24
- PLANNING OFFICIAL TERELL Well, it's not part of the Development 25 Agreement. It still is Highland Fairview's property and therefore to develop it, 26 27 they have certain responsibilities. They don't necessarily have the same benefits as being in the agreement but and I'll kind of defer this to the Applicant 28 29 Representative, but I'm assuming and the Applicant's Representative can confirm this, that they want to take this property out the Development Agreement 30 to sell it to some third party and to make it more marketable to a third party that 31 doesn't want to be responsible for the rest of Aguabella; they are separating it out 32 33 so there are Aquabella's responsibilities and rights and then this property is free 34 of those responsibilities. So it doesn't tie this property in with the development of 35 the rest of Aquabella. It allows it to be separately developed by a third party.
- 36
- 37 COMMISSIONER VAN NATTA - I would like to hear more explanation about 38 why they're doing it because it looks kind of strange to take that little corner out of a development that was originally planned to be a certain way and all cohesive 39 and you know all flow together and everything like that and then you take a little 40 chunk out of the corner which is the frontage on a fairly well travelled road; yes 41 I'd like to hear a little more about that. 42
- 43

44 **PLANNING OFFICIAL TERELL** – I think the Applicant has to make that case for 45 you.

- 1 2
- **<u>COMMISSIONER VAN NATTA</u>** Alright, thank you
- 3 <u>VICE CHAIR BAKER</u> Okay are there are more questions of Staff before we 4 have the Applicant come forward.
- 5
 6 <u>COMMISSIONER OWINGS</u> I was fairly certain I understood you to begin with.
 7 You told me that the major contribution by the developer to the City would not
 8 occur till phase 6.
- 10 **PLANNING OFFICIAL TERELL** For this parcel
- 11
- 12 **<u>COMMISSIONER OWINGS</u>** For this parcel... but the complete development, 13 under the Master Agreement, which is just nothing but a contract between the 14 City and the developer to do certain things; correct
- 15

17

- 16 **PLANNING OFFICIAL TERELL** That's correct
- 18 <u>COMMISSIONER OWINGS</u> So when would... you said that on the developers 19 part that contribution would be made at the completion of Phase 6. Did I 20 misunderstand you?
- 21
- PLANNING OFFICIAL TERELL Possibly... this particular property is Phase 6 and there were certain requirements... there were certain improvements required in Phase 6 and those have now been moved up to Phase 5 and if under the current plan Development Agreement; if this parcel is not taken out of it, it's not required to do anything until Phase 6. Every phase has major improvements that are required and actually much larger than Phase 6.
- 28

29 <u>COMMISSIONER OWINGS</u> – So that's the part I misunderstood. I thought you 30 were leading me to believe that Phase 6 was the larger portion. I couldn't figure 31 out why they got to the end with... So could you please, if you know John and I 32 know you may not, it's been a long time, but what were the developer's 33 responsibilities at the completion of Phase 6?

34

PLANNING OFFICIAL TERELL – I couldn't point out exactly which ones, but in
 Phase 5 there is a very long list and several those are primarily relating to what is
 adjacent to this parcel were required in Phase 6. Phase 6 has a very short list.
 Most of the improvements were required well in advance of Phase 6. It was a
 short list. As I recall it was only three or four items.

- 40
- 41 **<u>COMMISSIONER OWINGS</u>** Okay thank you John
- 42
- 43 <u>VICE CHAIR BAKER</u> Okay is there anyone else?
 44
- 45 **<u>COMMISSIONER CROTHERS</u>** The phase 6 items that we're looking at right 46 here or the Phase 5, does that include the ones that were from Phase 6?

1 PLANNING OFFICIAL TERELL – Yes

2 3

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COMMISSIONER CROTHERS - Okay thank you

5 <u>VICE CHAIR BAKER</u> – Anyone else? Okay, we'll bring the Applicant forward 6 and he can present... Mr. Wayne Peterson. Would you please state your name 7 and address sir.

SPEAKER PETERSON - Sure, Wayne Peterson with Highland Fairview and 9 10 we're located here in Moreno Valley. I'd be happy to address the Planning Commission on this and want to thank John for responding to many of those 11 12 It really is a very simple amendment. I can appreciate the questions. 13 Commission's questions because it is simpler than it may appear. The only change being proposed is to eliminate the small planning area from the 14 15 Development Agreement. All of the obligations under the Development 16 Agreement today remain with the Aquabella property without this piece, so all of the obligations; all the street improvements; all the improvements within 17 Aquabella are all still in place; nothing changes whatsoever in terms of the 18 19 mitigations that are required; the public improvements; the private improvements; 20 all those things are all still in the plan. The only thing that changes is the fact that 21 this small piece of property is no longer protected by the Development 22 Agreement.

23

24 As John said, it essentially removes the guarantee that the Development 25 Agreement provides, that the City cannot unilaterally change the zoning on that 26 property. In this particular case and it's not for a potential sale; it is for a potential 27 financing purpose that this particular piece is being removed from the agreement. There is no pending sale of the property, it is still owned by Highland Fairview 28 29 and will continue to be owned Highland Fairview, so my goal would be to try to assure the Council or Commission I'm sorry, that the proposed amendment is in 30 31 fact as simple as it sounds. It does not reduce in any way, shape or form any of the obligations that Highland Fairview agreed to back in 2006 and essentially its 32 33 three items. I can point those out to you in the back of your package. At the end 34 of Exhibit...

35

36 **<u>COMMISSIONER OWINGS</u>** – Maybe you could just give us the page number

37

38 <u>SPEAKER PETERSON</u> – It doesn't have pages in my copy of the Staff Report.
 39 If you go through the Staff Report... there is Attachment 3 is the draft of the first
 40 amendment to the agreement. If you go to the back of Attachment 3 there is
 41 spreadsheet that looks like this...

42

43 **PLANNING OFFICIAL TERELL** – Page 199 I believe

SPEAKER PETERSON - Oh your Staff Report is numbered and the copy I have 1 isn't. It should be the last page of the spreadsheet that lists all of the 2 3 improvements that are required in Aquabella 4 5 PLANNING OFFICIAL TERELL – So that would be 203

7 **SPEAKER PETERSON** – Okay, sorry

9 **COMMISSIONER OWINGS** – John I'm looking at page 203 and I don't see 10 Phase 6

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12 **PLANNING OFFICIAL TERELL** – Right, they are all in Phase 5 now 13

14 <u>COMMISSIONER OWINGS</u> – Okay, so which are the three that would have 15 been in Phase 6? 16

- 17 **SPEAKER PETERSON** – The last three
- 19 **COMMISSIONER OWINGS** – The last three
- 20 21 **SPEAKER PETERSON** – Correct... the two on the last page refer to all phases.

23 **COMMISSIONER VAN NATTA** – So you are referring to modify the traffic signal, widening and restriping and signing for a left turn lane and coordination of traffic 24 25 signals. 26

- 27 **SPEAKER PETERSON** – Correct
- 28

29 **<u>COMMISSIONER OWINGS</u>** – And then on the back page it is the money items;

the TUMF fees, correct. 30 31

32 **COMMISSIONER VAN NATTA** – Those just aren't in that phase, those are for all 33 phases 34

35 COMMISSIONER OWINGS - Would those fees be reduced as a result of 36 removing this parcel?

37 38 **SPEAKER PETERSON** – As John indicated, the zoning on the property stays the same; no change whatsoever in density; no change in type of land uses; its 39 multi-family residential and in the Development Agreement a key point is that 40 there is no requirement to build those units at any particular point in the overall 41 development of the community. The point is when they are developed; they are 42 subject to all of the regulations that normally apply to any residential 43 44 development in the City, including review by this Planning Commission and 45 potentially the City Council.

- 1 **<u>COMMISSIONER OWINGS</u>** Your name again, I didn't get your last name sir
- 2 3 4

<u>SPEAKER PETERSON</u> – Peterson... Wayne Peterson

- 5 **COMMISSIONER OWINGS** – Mr. Peterson my name is Tom Owings. I would 6 like to assure you that I'm not trying to make something simple into complicated. 7 I have enough complications in my life, but there is a fiduciary function for each 8 of the Commissioners here to understand when the City; when two people enter 9 into a contract and one of them wants of modify it. We were not here. We have 10 a fiduciary function to ask the questions, so I hope you understand that were not in any way trying to complicate something. So you know in looking; I think can 11 12 simplify it with one simple question. Wayne if you were to look at me straight in 13 the eyes and tell me that is going to be developed with multiple unit, non-aged 14 restricted units, then my concern about meeting the housing need that was identified in 2006 would be alleviated. So can you tell me that the ultimate use of 15 16 this will be the units that were initially envisioned when this agreement was 17 agreed to by the developer and by the City.
- 18

SPEAKER PETERSON – No, but the key point is if it is anything different then what is in the Development Agreement today and in the zoning, it would be an application on the part of the property owner that would have to come through the City review process.

23

26

- 24 <u>COMMISSIONER OWINGS</u> And when you say property owner that makes me
 25 believe that wouldn't be fair of Fairview Highland
- SPEAKER PETERSON Well I can't stand here and tell this Planning
 Commission that the Highland Fairview is going to forever be the owner of all the
 property it owns.
- 30

31 **COMMISSIONER OWINGS** – Let me ask you hypothetically; if you were in the party of a master agreement like this and you were kind of thinking about and I 32 appreciate your comment about later down the line, the zoning would come 33 34 before the Planning Commission, but that is kind of kicking the guestion down the 35 line when it really our responsibility to deal with it now, so hypothetically if you were a developer and you kind of decided that this project may not happen; the 36 37 whole project; you might start picking it apart piece by piece and so I guess I 38 have to ask you what are the likelihoods that a few years from now another 39 Planning Commission member with my curiosity might be asking you or might asked to say we want to take Phase 5 out and then Phase 4 and then Phase 3: 40 so the City is bound to allow you to have this long term agreement, but piece by 41 42 piece it is being taken away, so I guess my guestion to you is this the first step in 43 that process.

44

45 **SPEAKER PETERSON** – No

COMMISSIONER OWINGS – It's because a little tiny guy who tried to develop some housing units, you know there is generally a five year period on these types of entitlements and then you get a couple of extensions here and there. You guys really have a 30 year period here to which the City is bound by this agreement and of course you are too, so that's my concern. So you have no plans. Highland Fairview two years from now is not going to be here trying to pull out parcel 5 or section 5 of this.

- 9 SPEAKER PETERSON No
- 10

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11 **COMMISSIONER OWINGS** – Okay thank you

13 <u>COMMISSIONER VAN NATTA</u> – Was this the only parcel in the development 14 that was not age restricted? Is now the rest of Aquabella age restricted?

SPEAKER PETERSON – That's correct. Well the exception and to just be
 completely accurate; the High School site was technically part of the Specific
 Plan. It is obviously not age restricted.

- 20 **<u>COMMISSIONER VAN NATTA</u>** But all the residences that are...
- 22 **SPEAKER PETERSON** Correct, all the residential property...

24 <u>COMMISSIONER VAN NATTA</u> - ...that are under the program now, the rest of
 25 them are age restricted.

- 27 **SPEAKER PETERSON** That is correct
- 28

32

34

26

29 **COMMISSIONER VAN NATTA** – And this was the only section that was not

- 3031 SPEAKER PETERSON That is correct
- 33 **COMMISSIONER PETERSON** Okay

35 <u>VICE CHAIR BAKER</u> – Are there any other questions of the Representative or
 36 the Applicant? Thank you very much. Now we will open this up to Public
 37 Testimony. I have no Speaker Slips on this item so I will close the Public
 38 Testimony on this item and we will go forth with Commissioner's Debate.

- 39
- 40 PLANNING OFFICIAL TERELL Chair Baker; just to clarify the questioning that 41 was occurring; no property owner can agree not to ever change their mind in the 42 future but in a development agreement the City is not required to approve any 43 change that the owner of that property has. They are only required to consider it, 44 so not that it will occur in this case, but we've got other Development Agreements 45 in town and the owner of the property has the right to request, but they don't 46 have the right to change it; the City always has the right to review and either

agree or disagree. Just to clarify that; you know if you see a change in this
Development Agreement or say Towngate or some other project that has a
Development Agreement, you are not required to approve it but the owner of the
property can never bargain away their right to ask.

5

6 **<u>COMMISSIONER OWINGS</u>** – You know John I'm not trying to suggest that they 7 know because I don't know what I'd I'm going to do with the piece of property that 8 I am stuck with in Oregon in the same situation they are, but we sure have a 9 pretty good idea when we have that much money invested in it and I think it is a 10 fair question to ask what is the plans as of today.

11

14

PLANNING OFFICIAL TERELL – Agreed, I just want to make sure that it was
 clear that they could change their mind.

COMMISSIONER VAN NATTA – As I see this, this gives even though it has 15 been taken out of the Master Plan for Aquabella; if anything, the City now has 16 more control over what happens with the development of that piece of property 17 than we had when it was within the development and since there was no 18 19 guarantee that at any point that phase would have ever been reached, it would 20 have turned into multiple family units anyway, I don't see much harm in 21 approving this because they can't do anything other than it was slated for without 22 for without coming back to us for permission anyway. I am a great believer in 23 owners being able to do what they can with what they want to with their own 24 property as long as they are staying within the rules and there is no harm in what 25 changes they want to make and so I don't see any harm in approving it.

26

COMMISSIONER OWINGS - You know I just respectfully disagree with that 27 analysis. This is different. This is a contractual arrangement between the City 28 and a developer. This is not a question of property rights because there is 29 nobody on this dais that believes in property rights more than me, but this is 30 31 between a contract... you know the developer got something out of this or they wouldn't have entered into the agreement, so the City got something; the 32 33 developer got something and now the agreement is being altered and I do not 34 believe this is a property right; this is a contractual agreement.

35

36 **<u>COMMISSIONER VAN NATTA</u>** – Let me just respond to that. But the City isn't 37 giving up anything that they agreed to and in a way neither is the owner and he 38 has the right to ask and if there is no harm in making the change, I don't see the 39 harm in approving it.

40

41 <u>COMMISSIONER OWINGS</u> – You know and I may agree with that final analysis, 42 but the point is how we got there has to be correct and clear in our mind. We 43 have every right to question this and it is not a matter of property rights, this is a 44 question of contractual agreement between two parties and one party wants to 45 change it.

PLANNING OFFICIAL TERELL – Commissioner Owings is exactly correct,
 that's why this item is before you because the City and the Applicant have to
 agree in order to change this contract.

4 5

6

VICE CHAIR BAKER – Okay another other comments?

7 **COMMISSIONER RAMIREZ** – Having said that, I believe that we need to be 8 flexible. We need to be able to work together. Times change and things happen 9 in a five year period, so whenever this contract was proposed and put in place, a 10 lot has changed since. One thing I can agree with is our developer has a great proven track record. In fact when that Skechers was built, it was built way ahead 11 12 of time and up to the cutting edge and as far as time frame goes, I believe that 13 the developer completed and fulfilled all their obligations way ahead of schedule. 14 so having said that, I find no harm in trusting the developer that either one day if he decides to sell this particular property or they decide to develop it, the fact is 15 16 that this will help them and it will help us in moving the City forward. Now it is better for us to not develop something than not develop it and sit there for many, 17 many years and have no one move into it. That doesn't make anybody any 18 19 money and that doesn't make any sense. I believe that as long as we can come 20 to an agreement to work together and be flexible, we'll be able to accomplish our 21 mission. Thank you.

22

23 <u>COMMISSIONER OWINGS</u> – Respectfully I would like to point out to the 24 Commissioner that this Development Agreement assures that there is a 25 possibility that we could be 30 years from now and that land would be vacant, so 26 if you want to do rapid development, you shouldn't enter into these kinds of 27 agreements.

28

29 <u>**COMMISSIONER VAN NATTA**</u> – And I may add to that that I feel that we have 30 to look at each one of these projects on their merit and on what was decided on 31 this particular property. We can't go into something saying I trust this developer 32 and I don't trust that developer or point to how a developer has behaved in any 33 other development that he has done. We're talking about a specific plan for this 34 specific piece of property and that's what we need to look at.

35

36 <u>VICE CHAIR BAKER</u> – Okay, any other comments? Okay, I guess we're at a
 37 point where we'll ask for a motion to approve this Resolution 2011-14. Do I have
 38 a motion?

- 39
- 40 **<u>COMMISSIONER RAMIREZ</u>** I motion that we approve...
- 41

42 <u>VICE CHAIR BAKER</u> – Okay, would you do this for me Commissioner. Would
 43 you read in there that resolution? Here I'll give the sheet. We just need you to
 44 read into the record all the items there. Thank you.

1 2 2	COMMISSIONER RAMII No. 2011-14 and thereby		motion that we APPROVE Resolution nat the City Council:	
3 4 5 6 7 8	 RECOGNIZE that P11-029 is exempt from the California Environmental Quality Act as the First Amendment would not Result in substantial changes to the Aquabella Development Agreement necessitating additional environmental review; and, APPROVE P11-029, a First Amendment to the Aquabella Development Agreement to remove Planning Area 2, a 13.2 acre Parcel at the northeast corner of Cactus Avenue and Lasselle Street VICE CHAIR BAKER – Do we have a second to Commissioner Ramirez's motion? 			
9 10 11 12 13				
13 14 15 16				
17	COMMISSIONER VAN NATTA – I'll second that			
18 19 20 21 22	VICE CHAIR BAKER – That is seconded by Commissioner Van Natta. Okay let's poll the Commission and all those in favor? Opposed – 0			
23				
24 25	Motion carries $6 - 0 - 1$,	, with one absen	t (Commissioner Dozier)	
26	VICE CHAIR BAKER - T	hank you		
27 28 29 30 31 32	PLANNING OFFICIAL TERELL – This item will be forwarded to the City Council for final review and action. That would tentatively occur on June 14 th and that's all at this time.			
33 34 35 36 37 38	3. Case Number:	P08-133 PA08-0097 PA08-0098 PA09-0022 PA10-0017	Environmental Impact Report Plot Plan Zone Change Tentative Parcel Map No. 36207 Municipal Code Amendment	
39 40	Case Planner:	Jeff Bradshaw		
41 42 43 44 45 46	ASSOCIATE PLANNER BRADSHAW – Thank you. Good evening Vice Chair Baker and members of the Planning Commission. My name is Jeff Bradshaw. I'm an Associate Planner with the Planning Division. The item before you this evening is proposed by the Applicant; Ridge Rancho Belago. They have submitted five applications as part of this proposal. They include a Zone			

1 Change, a Municipal Code Amendment, Plot Plan, Tentative Parcel Map and an 2 Environmental Impact Report and those applications are all part of a proposal to develop a 937,260 square foot warehouse distribution facility on a 55 acre site. 3 4 This is located in the east part of Moreno Valley on the south side of the Moreno Valley Freeway, on the north side of Fir or future Eucalyptus Avenue and about 5 6 650 feet west of Redlands Boulevard. I am going to try to present the information 7 to you as succinctly as I can. This is a fairly large project and somewhat 8 complicated project so I hope you'll bear with me as I present the information and 9 I want to make sure it is clear to you; both the Commission and the public.

10

11 Starting with the Zone Change, the project is currently zoned Business Park or 12 BP. The General Plan designation for this site is consistent with that. It also has 13 a Business Park General Plan designation. One of the standards of the Business Park zone is the limitation that it places on warehouse structures that 14 are developed within that zone and there is a limit on individual structures being 15 16 no larger than 50,000 square feet. The Zone Changes proposed in this case to allow for the building that is being proposed; a single structure that would exceed 17 that limitation, so the change proposed is to go from Business Park to Light 18 19 Industrial Zone and that will allow for the larger building. It is important to note that both the present Business Park Zone as well as the proposed Light Industrial 20 21 Zone are both consistent with the underlying General Plan designation that is 22 there on that site.

23

24 The Municipal Code Amendment that is proposed and if I could provide just a 25 little background on that proposal...Under the current... one of the current standards again under the Business Park Zone is this concept that that district 26 27 would act as a buffer or transition area between Business Park development and adjacent residential zoning and other sensitive land uses. Even though this site 28 29 would be separated from property to the south by Eucalyptus Avenue, it is still in its present location located in proximity to residential zoning and so what is 30 31 proposed by the applicant is to establish in addition to the Business Park 32 separation concept; to establish an alternative or another way of buffering 33 sensitive land use from these larger warehouse sites and so the proposal is a 34 new standard or change to Chapter 9.05 of Title 9, the Industrial District Section 35 and the concept is to add a requirement within the Light Industrial Zone that would require warehouse structures that are larger than 50,000 square feet be 36 37 separated from any adjacent residential zoning by a minimum separation 38 distance of 250 feet and that would be between the residential district boundary 39 and any warehouse building or truck corridor loading area and that is a minimum at the same time the language also suggests that that separation or buffering 40 distance be determined by the results of Air Quality and Noise Impact Studies, so 41 42 while 250 feet might be the minimum, we might have a project where the studies may actually ask for more than that and so the accompanied Municipal Code 43 44 Amendment offers another way for development to occur in close proximity or adjacent to residential zoning. And for reference purposes the revised language 45

that is being proposed to that section is attached to Planning Commission
 Resolution 2011-13 and that is included as Exhibit E for reference.

3

4 With the regards to the development of the building, the structure that is 5 proposed again is 937.260 square feet. The construction type that is being proposed is concrete tilt-up with architectural treatments on all four sides of the 6 7 building. The colors for the building and the perimeter walls are earth tones with 8 varying amounts of accent colors and vertical features to help break up the 9 architecture. The facility as designed provides parking for both the trucks and for 10 the employees and visitors to the site. There are 173 loading dock doors. If this facility and the project as designed exceeds the City's requirements for parking 11 12 for trucks, employees and visitors. The loading and truck areas would be 13 screened from view from offsite. The truck court is enclosed by 14 foot tall 14 perimeter concrete tilt-up walls that would screen the loading activities on both 15 the north and south sides of the building. In addition to that, the activity there is 16 screened by slopes and a tree row that also has been conditioned and required of the project along the State Route 60 frontage of the property. You might have 17 noted on the Site Plan there is some area at the northeast corner of the property 18 19 that extends out into what would be future Cal Trans right-of-way and that area 20 will be maintained by the Applicant with some interim landscape until such time 21 that the property convey to Cal Trans development of future off-ramp 22 improvements at Redlands Boulevard. As noted on the Site Plan the project has 23 been conditioned and designed to accommodate required landscaping for the parking lot, the project's perimeter, the water quality basins and retention basins 24 25 that are on site. All those areas will be landscaped to be consistent with the City The future Eucalyptus Avenue frontage will include parkway, a 26 standards. 27 sidewalk and there is also a segment of multi-use trail that will be built by the 28 developer to satisfy City General Plan requirements.

29

30 I also wanted to point out some of the obligations that the Applicant has or the 31 developer rather for street improvements associated with this project. They are 32 required to construct at the Eucalyptus Avenue frontage across their site and that 33 improvement actually extends from their property eastward to Redlands 34 Boulevard. They would be responsible for constructing Street A which is along 35 the eastern property line of the project to a half-width. They are responsible for traffic signal improvements at Redlands Boulevard at the westbound off-ramp as 36 well as at the intersection of Redlands and Eucalyptus Avenue. They will also be 37 38 responsible for constructing an additional southbound lane on Redlands 39 Boulevard that extends from the eastbound off-ramp down to Eucalyptus and 40 finally they are also required to work with the City to construct turning lanes at a 41 number of intersections there at Redlands Boulevard and the on and off ramps at 42 the 60 freeway, so all of those are required of the project and must occur before 43 occupancy permits are allowed for the building.

44

The project site is comprised of multiple parcels and so there is a Parcel Map that accompanies this development. The intent of that map would be to combine the five parcels into a single usable parcel so they can develop the 55 acres. It would also allow for the opportunity to convey property to both Cal Trans in the future for off-ramp improvements as well as the Riverside County Flood Control District to complete storm drain or channel improvements in the Quincy Channel along the western property line.

6

7 I want to provide just some background on the Environmental that is required for 8 this project because of the scale and size of this project and the potential impacts 9 that would result from its construction. An Environmental Impact Report was 10 required for this project and going back to when this project was submitted, Staff had the opportunity to work with an Environmental Consultant to prepare an 11 12 Initial Study Check List and out of that Check List it was determined that there 13 were some CEQA categories that needed to be examined further. There was a 14 Notice of Preparation of an EIR that was circulated in October of 2009.

15

16 The result of that was the City was able to receive responses from various responsible agencies. This was members of the community here where they 17 identified concerns that they had with that document and were able to hold a 18 19 public meeting in October of 2009 together for their input. That information was 20 used in the preparation of a draft document that was prepared and routed to Staff 21 and to a third party; a peer review consultant that was hired by the City to assist 22 in the review of that document and over the course of the next year we worked 23 with the consultant in the preparation of that document. When that document 24 was complete and ready, it was made available; the draft of that document was 25 made available to the public for comment and that was a period that began in October of 2010 and ended on December 6th, 2010. 26

27

Again as part of that process we held another community meeting and were able 28 29 to receive comments from the community as well as other responsible agencies about that document. Following that response period City Staff worked with the 30 31 consultant to prepare responses to those comments and was able to complete 32 the final EIR and make the response to comments available and distribute those 33 in April of this year. The Staff Report when it was circulated to you included both 34 the draft document as well as the response to comments and hopefully you had 35 an opportunity to be able to review that information.

36

37 Another effort the City made to be able to put the information out and have it 38 available for the public was placing it online on the City's website for access as 39 well as making it available in a hardcopy format at both the City and at the library. Again as we examined the project, there were a number of categories that were 40 identified as having the potential for having impacts and through the review of the 41 project it was determined that mitigation measures were required in some 42 instances. Those have been introduced in the document and are included to 43 help reduce impacts where possible. There are categories or instances where 44 45 the impacts were not reduced to less than significant levels but in all instances

1 mitigation measures have been applied and the impacts reduced to extent 2 possible.

3

4 The EIR did include mitigation measures for the following categories and the 5 intent again to reduce impacts and those are for traffic and circulation, air quality, 6 greenhouse gas emissions, noise, water supply, cultural resources and biological 7 resources as well. The analysis in the EIR indicated that the project would have 8 a number of potentially significant impacts and again in some of those categories 9 and those include traffic circulation, air quality, noise and aesthetics. The EIR 10 identifies mitigation measures to help reduce those, but even with mitigation the categories that I just listed do result in some impacts that can't be reduced to a 11 12 less than significant level. The California Environmental Quality Act does allow 13 for the decision body which would be the City Council to ultimately consider in 14 instances like this a Statement of Overriding Consideration and make findings in response to that situation and if the decision making body were to determine that 15 16 the benefits of the project outweigh the adverse environmental effects, it could approve the project with a Statement of Overriding Consideration. 17

18

19 The project presented this evening; standard notification was completed for this 20 project. Display notice was published in the newspaper; the site was posted as 21 well as notices being sent to all property owners within 300 feet of the property 22 and of this evening I had received 6 comment letters connected to this evening's public hearing and this would be in addition to any comments that were provided 23 24 through the review of the environmental document and I believe copies of that 25 correspondence was provided to you and there should be copies on the dais and those were letters that were submitted to us from the Sierra Club; from South 26 27 Coast Air Quality Management District; from Johnson and Sedlack which is an Attorney that represents some residents here in town; some organizations and 28 29 then also from an individual named Paul Claxton and so all that information has 30 been made available for you.

31

32 Additionally there was a memo prepared this evening. It is the yellow 33 correspondence that you have and the intent of that memo is to identify some 34 corrections that Staff noted that needed to be made to the Resolution and was 35 one of those was a correction to some text that shouldn't have been in the 36 Resolution: it was an oversight. It was text from another project that needed to 37 be deleted and the other was some additional language that we felt made your 38 action this evening, if you choose to approve the project or recommend approval 39 rather, to make that action more complete. I believe that Transportation had one correction that they were going to suggest to the Conditions of Approval, so I'll 40 41 give some time to Michael Lloyd from Transportation.

42

43 TRANSPORTATION ENGINEER LLOYD – Good evening Commissioners, this
 44 is Michael Lloyd with Transportation Engineering. I'd like to provide some
 45 clarification on Condition TE10. The condition was intended for Redlands
 46 Boulevard and the way it was worded initially wasn't clear, so I'd like to amend

the condition such that it would read "prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane, additional southbound lane on Redlands Boulevard from the State Route 60 eastbound ramp to future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16 feet". Thank you.

6

PLANNING OFFICIAL TERELL – Yes and with that I believe that the
 Community and Economic Development Director wanted to follow-up on Jeff's
 report.

10

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER -11 12 Thank you. I'm Barry Foster, I'm the Community and Economic Development 13 Director. I just wanted to offer up some ideas from an economic development 14 standpoint and offer my support for this project. I hope that you got a copy; I actually gave out a table. Did you all get a copy of that? I hope you are aware 15 16 that a couple of weeks ago the City Council actually approved an Economic Development Action Plan and with that Action plan we're looking at accelerating 17 and doing a number of different things in the next two years to really help with 18 19 development in the community, but most importantly we are looking to increase employment opportunities; create jobs in this community. We think that the 20 21 driving force in improving the economy in Moreno Valley is to help with the job 22 market; is to address the fact that we've got a 16.2 percent unemployment rate.

23

24 A lot of our residents that do have employment have to leave the community for 25 work. I think in the past couple of years, we've done a fairly good job of creating We've created over 3,600 jobs in the last few years in some very 26 jobs. 27 challenging economic times but we really need to do a lot more and so really the focus of that Economic Development Plan is to look at opportunities at a number 28 29 of areas in the community to try to create more jobs; more employment opportunities for our residents and I think that if you look at these charts they are 30 31 pretty eye opening in looking at the challenges that we face and kind of where we 32 are at right now.

33

34 If you look at the top one we are looking at a number of communities in the 35 Inland Region that are fairly similar in size to Moreno Valley with the exception of maybe Chino in terms of population, but you can look really at the work force that 36 is currently there in those other communities versus the housing units in those 37 38 communities and that is really what you striving to do is you are looking for a 39 balance between the number of housing units and the jobs that you have in your community. That is not the number of people; that is not your residents that have 40 jobs; that is the jobs that you have in your community; that are situated in your 41 42 community. If you look at that list, the only community that is upside down is Moreno Valley. We really need to do a lot better job at creating employment 43 44 opportunities here in this community and really try to improve that balance. We are significantly out of balance right now. If you drop down to the second group 45 on that table, you can look at those same communities and look at the inventory 46

that is currently developed for Industrial and Business Park in those communitiesand jobs again; and again we are very lacking in terms of inventory.

3

4 With opening of Sketchers, we'll have 10.1 million square feet in this community. 5 That is very low in comparison with those other communities that are very similar 6 in size and population. Even the City of Chino which has half the population that 7 we have has 30 million more square feet than we have right now. We need to 8 provide opportunities to have industrial distribution logistics in this community. 9 That is the one way that we are going to help stimulate and produce new 10 employment opportunities and jobs in this community that our residents desperately need to have. If you go down and look at the last part at the survey; 11 12 that is a current survey that shows the zoning that is currently in place.

13

14 The project that you are looking at tonight has a Business Park zoning already in 15 place and we're also looking at Industrial, so even including the zoning that you 16 already have in terms of the Business Park, we have 9 percent. At the height; at the top there is Ontario with 25 with the vast majority of those communities are 17 somewhere in the middle there. What is the sweet spot? Where should we be? 18 19 I'm not offering any ideas now, but it is certainly should be higher than what we 20 have, so that Economic Development Action Plan that we are really advocating is 21 looking at ways to re-zone areas that are undeveloped to produce jobs.

22

23 If you look enough people would counter and say we'll got all this property in the 24 south part of town in the Industrial Specific Plan area; you've got some property 25 across the street here. If you develop what is currently zoned there and there are a lot of projects that are being looked at in those areas, you will probably 26 27 have another 12 million square feet that you could do fairly easily. You still are only doubling what we currently have. You are still nowhere near where the rest 28 of these communities are at. You are really selling yourself short in terms of 29 having available undeveloped land for opportunities with zoning for distribution, 30 31 light manufacturing and logistics. You are really selling yourself short to have those opportunities for that kind of development, so that's why we are looking at 32 33 and trying to stress that there are opportunities in the east part of Moreno Valley 34 in that Rancho Belago area where this property is located in to look at 35 opportunities; to make sure that we have property that is zoned properly that can 36 produce jobs.

37

38 The real question with this project is it is currently zoned Business Park, so you 39 are not allowed to do a building greater than 50,000 square feet. It is the same situation that Highland Fairview had with Sketchers. It had the same zoning in 40 place. It is do you want a number of small buildings or one large building that 41 can be master designed with four sided architecture and all those kinds of 42 things... with this property if you kept it in place with the way it is you could do 19 43 44 or more smaller buildings 50,000 square feet or less. That market is not here. I really don't know when that market will come back. That market of those small 45 industrial buildings it is just not here and I really don't know when and if it will 46

come back again. The opportunity where the large retailers are looking for is 1 2 what Sketchers did. It is taking 5 buildings that they currently have in Ontario and Mira Loma and putting them into one 1.8 million square foot facility that is 3 4 better planned and better designed. Sketchers saves 15 million dollars annually on their operating costs by moving to that facility. It is state of the art in terms of 5 automation and everything else. It still produces 1,100 jobs; different kinds of 6 7 jobs. They are not the old school fork lift and all that kind of thing. It is higher 8 tech. It is all computers and that and that is really the direction that logistics is 9 going to, but they are consolidated into one large building and saving money. 10 That is what a number of retailers have seen and that is what they are looking and they need more product; they need opportunities to have those kinds of 11 12 buildings and that is what the developer is proposing, is one 965,000 square foot 13 building rather than 19 or more smaller buildings.

14

15 The developer has a solid track record. They have built a lot of projects across 16 the street. They are a national developer. They brought in Serta Mattress; Minka Lighting, ResMed, Frazee Paint and we are working on tentative 17 improvements for Harbor Freight right now. They brought in National...Very 18 19 respected companies that have produced jobs for this community. That is really 20 what we need. We need to look at opportunities and make sure that we the 21 proper zoning in place, so this project has done all the EIR's; they've done... 22 there are 80 pages of conditions of approval for this project. They have a significant buffer from the residential, but really the question is do you want 19 or 23 more smaller buildings or do you want one large building. That really is the 24 25 question, so with that I think from an economic development standpoint, certainly 26 we support the project and I'm happy to answer any questions.

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33

28 <u>VICE CHAIR BAKER</u> – Are there any Commissioner with questions for Staff?
 29

- 30 **<u>COMMISSIONER OWINGS</u>** Could I start up?
- 32 VICE CHAIR BAKER Go for it Tom

34 **<u>COMMISSIONER OWINGS</u>** – Okay first of all I'd like to clarify something for the 35 new Commissioners so should I address you Mr. Bradshaw?

36

ASSOCIATE PLANNER BRADSHAW – I'd be happy to try to answer any
 questions that you have.

39

40 **<u>COMMISSIONER OWINGS</u>** – Because this Applicant is asking for a Zone 41 Change, doesn't the Planning Commission have the absolute discretion as to 42 whether or not to grant approval for this zone change? In other words take for 43 example last week... a guy comes in and he has a little 16 house housing unit 44 and it meets all the standards; it meets all the criteria; the Planning Commission 45 would be hard pressed to not approve that without a really proper statement of findings, but in this particular case isn't it true that we have absolute discretionwhether or not to approve the Zone Change?

3

4 **ASSOCIATE PLANNER BRADSHAW** – This type of a change along with the 5 Municipal Code Amendment starts with the Staff presentation to the Planning 6 Commission and their role is to review the information and make a 7 recommendation.

- 8
 9
 <u>COMMISSIONER OWINGS</u> No I'm not questioning that, I'm just trying to find
 10
 10 our proper role. We have absolute discretion don't we whether or not we
 11 approve the Zone Change?
- 12
- ASSOCIATE PLANNER BRADSHAW The result of this evening would be a
 recommendation to Council.
- 16 **<u>COMMISSIONER OWINGS</u>** Right, but we have absolute discretion, correct?
- 17

15

- PLANNING OFFICIAL TERELL That's correct Commissioner... this is what is called a discretionary review and therefore the Commission has as you said absolute discretion to recommend approval, denial or something in between.
- 21

22 <u>COMMISSIONER OWINGS</u> – So if you have absolute discretion we could 23 potentially bargain for something that would go some standard in excess of the 24 current standards for our approval, correct?

25
 26 PLANNING OFFICIAL TERELL – You can ask...

<u>COMMISSIONER OWINGS</u> – We'll that's a bargain. Both parties have to agree
 right... we established that earlier

30

27

31 <u>PLANNING OFFICIAL TERELL</u> – That's correct
 32

<u>COMMISSIONER OWINGS</u> - Okay I can tell that I'm not going to be a second
 term Commissioner. Can you tell that right now? You know first of all has there
 been a tenant identified for this?

36

37 <u>PLANNING OFFICIAL TERELL</u> – Well that's really a question for the Applicant
 38 but our understanding is there is not a tenant.

- 39
- 40 **<u>COMMISSIONER OWINGS</u>** So this is a spec building so we have no idea what 41 type of business that is going to be housed in this 930,000 square foot building, 42 correct?
- 43
 44 PLANNING OFFICIAL TERELL The specific type; no. It would have to be a
 45 range of business that is permitted in that zone.

1 **COMMISSIONER OWINGS** – So I looked at the South Coast Air Quality thing 2 and you guys are the experts on all of this and this is a bit above my pay grade in 3 terms of understanding some it, so we have to rely on you to make sure that I do 4 and I do trust the City Staff to make the proper direction or to make the proper 5 responses, but isn't a little hard to ascertain what the traffic would be on 6 Redlands Boulevard if we don't know what type of business is going to go in that 900,000 square foot building.

8

9 PLANNING OFFICIAL TERELL – Well I'll defer to Michael Lloyd to answer that 10 question but typically this is a term of our... we look at what is called the 11 reasonable; it's often called worst case development based on agreed standards 12 and I'll let Michael kind of explain exactly how...

13

<u>COMMISSIONER OWINGS</u> – Well I don't really want to get into lengthy detail,
 what I just really want to do…

16

17 **PLANNING OFFICIAL TERELL** – Oh it will be short

18 19 **<u>COMMISSIONER OWINGS</u>** – Okay, I just want a general answer to the question in general. Wouldn't it be kind of hard to ascertain the impact to the community 20 21 both on traffic or pollution? It seems like I read through all of these people's 22 concerns. They seem to center around traffic on the 60 center, traffic on 23 Redlands Boulevard and they center on overall air quality as a result of the trucks etc, so it seems to me that it is a bit difficult to ascertain with any degree of 24 25 accuracy unless we know what type of person is going to go into it and I'm just 26 looking for sort of a general idea of whether you agree with that or not.

27

PLANNING OFFICIAL TERELL – Well the assessment was done as this being a warehouse facility, so it is a facility that has a certain number of truck docks and there are averages; accepted standards, but again I'll defer to Michael to talk about that.

32

<u>COMMISSIONER OWINGS</u> – Okay Michael... you know because there seems 33 to be quite a bit of difference between and take for an example a Big 5 in 34 35 Riverside across from Raceway Ford and the Sketchers plant up here. You know Sketchers has lots of truck bays. They may not be all used at one time. 36 37 They may be used sort of for storage until they are filled or until they are directed. 38 The Big 5 is not quite like that and you know from an honest observation of a 39 neighbor of Big 5 which is close to a million square feet. I never see a truck go in or out of it. I would say the impact to the traffic in front of Raceway is almost 40 negligible if any. The employees create more of a traffic problem than the trucks 41 or anything so that is guite a different plant than maybe might or warehoused or 42 43 might be placed in this particular project, correct.

44

45 **TRANSPORTATION CONSULTANT ENGINEER** – Correct... there is variation
 46 from warehouse to warehouse but as John indicated the standards that we follow

are based upon averages, so the calculations are based upon observations as you indicated where there are some warehouses that have lower truck volumes versus warehouses that would have higher truck volumes and we develop averages and then apply it to the proposed project's total square footage and then distribute that traffic onto that street system for analysis.

6

7 <u>**COMMISSIONER OWINGS**</u> – Okay thank you. John it is my understanding that 8 Fairview Highland is prohibited from any traffic on Redlands Boulevard as a 9 result of an agreement between Highland Fairview and the Sierra Club. Is that 10 correct?

11

PLANNING OFFICIAL TERELL – They are... there is a preclusion of opening up the road that connects to Redlands Boulevard until a future phase of that development and there is a restriction on the ...

15

16 <u>COMMISSIONER OWINGS</u> - ... truck traffic on Redlands Boulevard, right? That
 17 is why all truck traffic in Highland Fairview is directed to Theodore?

18

19 **PLANNING OFFICIAL TERELL** – Well as part of Phase 1, it is all directed to 20 there because there is no connection to Redlands in Phase 1, but by Phase 3 21 there will be a connection and trucks will be directed to Theodore. Obviously 22 once a truck leaves that facility it can't be prohibited from going to Redlands 23 because Redlands is actually a truck route, but the intent and the agreement as 24 you said with the Settlement Agreement subsequent to the approval of that 25 project did kind of give a proactive requirement on the part of Highland Fairview as the landlord to direct trucks towards Theodore. 26

27

28 <u>COMMISSIONER OWINGS</u> – So you say you know Redlands Boulevard is a 29 truck route, so if you know could you please tell me the basis on which the Sierra 30 Club made that part of their agreement with Highland Fairview. I mean what was 31 the purpose of it; what was their concern and how did the agreement resolve 32 their concern or address their concern?

33

34 PLANNING OFFICIAL TERELL – Well I can't speak for them. I think there was 35 a concern of adding a lot of truck traffic to a route that is heavily used for 36 commuter traffic primarily from Moreno Valley to the freeway or from Moreno 37 Valley to and from Redlands, so there was a concern about if trucks go to 38 Redlands they might be more likely to drive north to and through San Timoteo 39 Canyon to get to the 10 freeway, so I think that was as I recall was their major 40 concern was that trucks needed to be directed towards the freeway.

41

42 <u>COMMISSIONER OWINGS</u> – That concern would be just as valid for this 43 proposed project wouldn't it as it was for Highland Fairview?

- 45 **PLANNING OFFICIAL TERELL** I can't speak for them...
- 46

1 **<u>COMMISSIONER OWINGS</u>** – In your opinion

PLANNING OFFICIAL TERELL - ... but I would suspect they might have a
 similar concern as I think is expressed maybe in some of their comment letters in
 the Environmental Impact Report.

- 7 **<u>COMMISSIONER OWINGS</u>** So maybe impossible to direct traffic from the new 8 project to Theodore but is there a similar possibility of a solution that Sierra Club 9 was able to work out with the developer of Highland Fairview with the current 10 developer of this proposed project?
- 11

2

6

PLANNING OFFICIAL TERELL – There are not the same options for this property. Obviously this property is much smaller than the Highland Fairview project. It is roughly a third the size of that and truck traffic can go towards Redlands or at some future date could go towards Moreno Beach, which I'm not sure that is a better alternative.

17

18 <u>COMMISSIONER OWINGS</u> – Okay, when addressing Tom Hyatt's concerns in 19 your packet in locating the warehouse to another area, the City Staff 20 recommended five alternative sites and reasons why the five alternative sites 21 were not suitable. Noticeably absent from the list was Highland Fairview's 22 property which has approximately 20 to 40 million square feet of available 23 warehouse space. Is there a reason the Staff did not include Highland Fairview 24 in the analysis?

25

26 <u>PLANNING OFFICIAL TERELL</u> – Are you referencing in the alternative section
 27 of the EIR? I think the...

28

29 **<u>COMMISSIONER OWINGS</u>** – Well in your response to Tom Hyatt's letter, you 30 stated that you had Staff look at the available sites and there were five and there 31 were actually four but you added a fifth one and that none of those sites were 32 really suitable for this project, so I was just wondering why Highland Fairview was 33 not on ...

34

35 **PLANNING OFFICIAL TERELL** – The reason is because other than the
 36 Sketchers facility, the Highland Fairview property to the south does not currently
 37 permit this kind of development on it.

38

39 <u>COMMISSIONER OWINGS</u> – Well neither did some of the sites that you
 40 proposed as alternate sites, so I don't see that as a criteria for excluding it. You
 41 even mentioned in one of your comments that some of those sites would require
 42 a zone change.

- 43
- 44 <u>PLANNING OFFICIAL TERELL</u> Well I guess I need you to reference the
 45 particular page because I am not the person that responded to that.
- 46

<u>COMMISSIONER OWINGS</u> – It was actually Jeff because it is unfair to put you
 on the hot seat. But anyhow is there any reason why Highland Fairview was not
 included as a potential alternate for a site when you were responding to Mr.
 Hyatt.

5

6 **PLANNING OFFICIAL TERELL** – I can't think of a particular reason why it would 7 not have been included or it was not included.

8 9 **<u>COMMISSIONER OWINGS</u>** – Okay, alright, this question is for both I think for 10 you John and for you Mr. Foster. It is my understanding the City and you just kind of eluded to that fact, just to prove a City Development Plan or I think that is 11 12 probably the wrong terminology but you get the idea... what is it; the Action Plan 13 last month and you know from what I read off of the website it was approved by 14 City Council 5 - 0 which designated the area east of Redlands Boulevard as the future corporate park development. How does this project fit into that 15 16 development plan? Why doesn't it? If the City Council directs in their plan that this type of development would be placed east of Redlands Boulevard, why are 17 we recommending approval for this plan at its current location? 18

19

23

26

<u>COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER</u> – I'm
 not sure specifically mentioned east of Redlands. It talked about the Rancho
 Belago area and that's a much bigger area.

- 24 <u>COMMISSIONER OWINGS</u> It does mention that particularly east of Redlands
 25 Boulevard.
- 27 <u>COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER</u> I think
 28 it was specifically talking about the Moreno Highlands Plan.
- 29
- 30 **COMMISSIONER OWINGS** Let me ask you a question. If it says, if the current 31 plan approved by the City Council says that this type of development should 32 occur east of Redlands Boulevard, would that alter the Planning Staff's opinion of 33 the project?
- 34

35 <u>PLANNING OFFICIAL TERELL</u> – No, I believe and if I can speak to the most 36 recent action by the City Council; that related to creating additional General Plan 37 designated areas where industrial development could occur and this particular 38 site is already in the General Plan allowing industrial uses.

- 39
- 40 **<u>COMMISSIONER OWINGS</u>** Well it is not allowing the use that they are asking 41 right now or we wouldn't be talking about it.
- 42

43 <u>PLANNING OFFICIAL TERELL</u> – That's correct, but it does allow industrial
 44 uses.

1 <u>COMMISSIONER OWINGS</u> – Alright, I'm bordering on arguing here and I'm Did the Planning Staff give consideration to require the consistent 2 sorry. architectural design consistent with Highland Fairview's building be made a 3 4 condition of this project to prevent the area from becoming a hodge-podge of building designs. If you look at the industrial site on Sycamore Canyon between 5 Alessandro and Box Springs, it looks like a checkerboard. It looks like somebody 6 7 said let's try this and let's try that, let's try this and you know this is going to be 8 visible from the freeway and if we are trying to make Rancho Belago into a up-9 scaled community development park why wouldn't higher standards be required 10 of this building, so the simple question is did you consider it?

- 11
- PLANNING OFFICIAL TERELL Well I'm not quite sure what you mean by
 higher than what?
- 14

15 <u>COMMISSIONER OWINGS</u> – Well you know I'm not talking but beauty is in the 16 eye of the beholder, whether it is a pretty building or it is an ugly building, but it 17 seems to me that there could have been some consideration given and I just 18 want to know if you did to making this project a condition of approval for the zone 19 change that this builder; that this development be consistent in its architectural 20 design with Highland Fairview.

21

PLANNING OFFICIAL TERELL – And I guess the quick answer to that is no.
 This is not part of a Specific Plan that has established a particular type of design.
 Staff did look at this and wanted a high quality of design and also if you look at it,
 it includes of similarities. The color palette is similar. It is basically white. Most
 of the building is white and it also includes the spandrel glass which is a material
 that is very prevalent on the corners of the Sketchers building.

28

29 <u>COMMISSIONER OWINGS</u> – But there would be nothing that would prevent this
 30 Planning Commission to make that a condition of approval, would it?

31 32

33

PLANNING OFFICIAL TERELL - I guess if we could define what that meant...

34 <u>COMMISSIONER OWINGS</u> – Well at least consistent with the project. I think
 35 that's pretty clear. I have seen that lots in Planning Commissions.

36

37 PLANNING OFFICIAL TERELL – I would ask for clarification of it because we 38 would not... I mean Planning Staff would never recommend that this building 39 look exactly like the Sketchers building. Probably different than Sycamore 40 Canyon which I agree there is quite a variety of architecture over there and 41 colors; is the Ontario Business Park east of the Airport. It is actually a Specific 42 Plan but you look at the buildings and they are sort of different but they all kind of 43 blend in.

44

45 <u>**COMMISSIONER OWINGS**</u> – John you know there is no standard for Moreno 46 Valley for this; there is no City standard, so the Planning Commission has to act

2 standards. 3 4 PLANNING OFFICIAL TERELL - You need to provide direction to set the standards. That is correct. 5 6 7 **COMMISSIONER OWINGS** – So if we want to have an upscale development 8 park there, shouldn't some consideration be given to creating a building that is 9 consistent with the largest building in the City? 10 **PLANNING OFFICIAL TERELL** – And I guess my contention would be that it is. 11 12 13 **COMMISSIONER OWINGS** – So then Mr. Foster I just was wondering instructionally, could you tell me what the definition of work force is on the chart 14 15 you passed out. 16 COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER - It is 17

as that standard. Wouldn't you agree? We have to be the one that set the

- all jobs in that community. I don't have a break down on types. It is total work force.
- 21 <u>**COMMISSIONER OWINGS**</u> When you say all jobs is that all jobs held by 22 people who live in Moreno Valley or is that all jobs held by anybody?
- <u>COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER</u> No,
 those are jobs that are currently in Moreno for all types and that is the same thing
 with those other communities.
- 28 <u>**COMMISSIONER OWINGS**</u> So for example taking Ontario, we don't really 29 know if anybody that works; that 107,000 do we know if they live in Ontario?
- 30 31

23

- **COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER** No
- 32
 33 <u>COMMISSIONER OWINGS</u> We don't, so that might be an unfair comparison
 34 right?
- 35
 36 COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER No
 37 what we are looking at is a jobs balance of housing units...
 38
- 39 <u>COMMISSIONER OWINGS</u> But it really doesn't measure employment in
 40 Moreno Valley does it?
- 41
- 42 <u>COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER</u> No it
 43 does not.
 44
- 45 <u>**COMMISSIONER OWINGS**</u> Thank you. Alright, Industrial Business Park down 46 here where you have these percentages is for each of those, are you trying to

1 equate Industrial Business Park square footage with the percent with 2 employment? Is that what you are saying that there is a direct correlation? 3 4 **COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER** – That's the percentage of Industrial and Business Park zoning in Moreno Valley and 5 those other communities and there is a correlation between the jobs that you can 6 7 produce from that kind of development. 8 9 **<u>COMMISSIONER OWINGS</u>** – But there might be other factors that might cause 10 Moreno Valley for example to be less than Ontario that are not taken into consideration in this analysis? 11 12 13 **COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER** – Yes 14 there is 15 16 **COMMISSIONER OWINGS** – Thank you and there could be many factors, right? 17 18 **COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER** – Yes 19 20 **COMMISSIONER OWINGS** – Thank you... so the real question is my opinion... 21 Let me ask you a question too. What is your official title for the City? 22 23 COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER -24 Community and Economic Development Director 25 26 **COMMISSIONER OWINGS** – So are you John's boss? 27 28 **COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER** – Yes 29 30 **COMMISSIONER OWINGS** – Do you feel a bit funny about advocating so heavily for this in front of this Planning Commission when in fact they are 31 32 supposed to be the City Staff and take an objective look? 33 34 **COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER** – My 35 comments were from an economic development standpoint. 36 37 **<u>COMMISSIONER OWINGS</u>** – Well I appreciate that you are wearing that hat, but 38 when you are back in the office does that present a problem? 39 40 **COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER** – No 41 42 **COMMISSIONER OWINGS** – Thank you. So that's about it. Thank you. 43 44 **COMMISSIONER VAN NATTA** – I wrote a list of questions and you have hit 45 most of them already but I do have a question. Isn't there plans in the future for 1 a school over on that side of town like maybe north of the freeway north off of 2 Ironwood someplace or sometime in the future?

3

PLANNING OFFICIAL TERELL – The School District is considering two
 potential sites for a future High School. They have not yet made a determination.
 One of those is on Ironwood west of Redlands and the other is at Ironwood and
 Nason.

- 9 **<u>COMMISSIONER VAN NATTA</u>** Okay would it be likely that students from the 10 south side of the freeway would be attending that school?
- 11

8

12 PLANNING OFFICIAL TERELL - It's hard to tell but one of the other things that 13 I participate in is the School Attendance Boundary Committee as a 14 representative and the intent of the School District Staff in looking for High School 5 is really to have all students north of the freeway go to a high school 15 16 north of the freeway. Valley View High School which is the closest High School in that location, half of their students come from north of the freeway, so one of 17 the thoughts about having High School 5 north of the freeway is that they could 18 19 have the freeway as a dividing line for school attendance boundaries, but there is 20 nothing to say that students south of the freeway might not attend there just like 21 students north of the freeway now attend Valley View.

22

23 **COMMISSIONER VAN NATTA** – Okay because I'm looking at the traffic patterns 24 here and I'm concerned about people who are going to the north side to the 25 south side, whether it is for work or whether they are driving through San Timoteo to get to work or something like that because if Redlands is now going to 26 27 be used as a truck route in and out of this location and Moreno Beach is a very 28 busy intersection there with all the businesses and everything and Theodore is 29 being used by trucks, that really limits the amount of access that people south of the freeway have to north of the freeway or to that route up there through the hills 30 31 to go to work in San Bernardino or Redlands or any place up there and I 32 remember all the debate that went on about building the Highland Fairview 33 project and people concerned about traffic and I remember how strongly it was 34 emphasized that oh no it is not going to be a problem. All that traffic is going to 35 in and out of Theodore and I even saw I thought at one point an architectural rendition showing how it was going to be developed along the future Eucalyptus 36 Avenue to where the trucks could not even go through there to get back onto the 37 38 freeway, they would have to leave the Highland Fairview project, go to Theodore 39 and get on the freeway, so this comment about them being able to use Redlands in the future was a little puzzling to me because I thought it was really clear that 40 41 the truck traffic was going to be on Theodore.

42

PLANNING OFFICIAL TERELL – That is the intent of that project and that is the
 commitment of the developer of that project. The graphic that was shown that I
 think showed kind of and looked at what is similar across Sunnymead Boulevard
 as you get up at Frederick, but that is not a requirement of that project. It was

1 just a suggestion that they had or something that might prohibit or you know 2 really make it physically impossible for trucks to go towards to Redlands. The reality is that they've made an affirmative commitment to direct to director traffic 3 4 to Theodore, but in the final analysis, they can't. It would be very difficult to never have a truck go that way, but your question I think was what is the impact 5 on Redlands Boulevard relative to truck traffic and I'm going to defer to Michael 6 7 Lloyd because that is an element of the Traffic Study to identify how many trucks 8 and motor vehicles would be accessing Redlands Boulevard to get to the 9 freeway and what is the mitigation to make sure that with that additional truck 10 traffic, should it be approved, that street still operates at a safe and appropriate level consistent with our General Plan. 11

12

13 **COMMISSIONER VAN NATTA** – And as an add-on to that question I would ask 14 other than I heard you speak about a traffic lane on Redlands Boulevard, but I didn't hear about any specific improvements that this developer would be 15 16 contributing to on the Redlands interchange. I think it is going to need more than just adding a simple traffic lane to do that and recalling again what we went 17 through on the approval. I mean I watched all the meetings and everything like 18 19 that and all the things that were required for the development for Highland Fairview. Are there similar mitigations being required of this developer? How 20 21 much money is going to be put into developing freeway on-ramps and off-ramps 22 and that whole interchange there that is going to be chargeable to this site which isn't a third of the Highland Fairview but more like 40 percent? 23

24

PLANNING OFFICIAL TERELL – Well Highland Fairview is actually approved
 for 2.4 million square feet of industrial and then it has its commercial in addition
 to that, so it is the total and not just the current building, but yes there are similar
 mitigation measures and I'll defer to Michael to kind of list those briefly.

29

TRANSPORTATION ENGINEER LLOYD - Good evening again; Michael Lloyd 30 31 with Transportation Engineering. Based on the Traffic Study that was conducted 32 for this project, the project applicant would be required to install a traffic signal at Redlands Boulevard and the State Route 60 westbound ramp. They would also 33 34 be required to install a traffic signal at Redlands Boulevard and Eucalyptus 35 Avenue. The applicant would be required to construct an additional southbound auxiliary lane along Redlands Boulevard between State Route 60 eastbound 36 37 ramp down to Eucalyptus Avenue. The applicant would also be required to 38 improve the intersection of Redlands and Eucalyptus to include turn lanes; that 39 includes a northbound left as well as a southbound right turn lane. The project applicant would also be required to improve the intersection of Redlands 40 Boulevard and State Route 60 eastbound ramp to provide turn lanes. Currently 41 there is a northbound left turn lane. This project would be required to install in 42 the eastbound direction a left turn lane as well as a right turn lane. Currently 43 44 there is only one lane there, so this would be required to put in an additional turn lane to accommodate the right turning trucks and cars. This project would also 45 be required to install improvements at Redlands and the State Route 60 46

westbound ramp. I don't recall off the top of my head and I apologize what turn lanes are out there currently today, but I believe there is a northbound through lane; a southbound through lane and this project would be required to construct a northbound right turn lane again to accommodate traffic from south of freeway turning onto the ramp and those are the specific improvements that this project would be required to construct.

- 8 **PLANNING OFFICIAL TERELL** And those would be similar but not the same 9 as the improvement that Highland Fairview is doing on Theodore.
- 10
- 11 **<u>COMMISSIONER VAN NATTA</u>** Uh huh, so that is in anticipation of a great 12 number of trucks going up and down on Redlands which still doesn't address the 13 fact of what about people going in private cars north and south of the freeway. 14 That still doesn't leave us a safe and easy way to get across without being 15 subject to additional traffic there, but okay I see...
- 16
- PLANNING OFFICIAL TERELL There will be additional traffic and there will be truck traffic, so I think the Traffic Study shows that it would meet the standards for the City of Moreno Valley for its General Plan, but again it is obviously going to be more traffic than is there today and trucks that are not there today.
- 21

22 **COMMISSIONER VAN NATTA** – But what is difficult is gauging the amount of 23 traffic because we were able to take a look at and you know count how many 24 trucks was Sketchers going to use because we knew who the tenant was going to be and what are their plans and when do they run and everything else like 25 that, but this still leaves a lot of questions about that. My other question has to 26 27 do with the chart that you gave us and you are comparing several different communities here to Moreno Valley, but then when you get down into the 28 29 Industrial and Business Park zoning who have included a couple of other communities. I just want to make sure John was listening because I had a 30 31 question.

32

33 PLANNING OFFICIAL TERELL – I'm sorry... I was just checking because we 34 were thinking that the Traffic Consultant that prepared the study; obviously 35 Michael reviewed it and is very well versed in the City's standards, but it is our 36 understanding that the Traffic Engineer who prepared the Study that was 37 reviewed by Michael is also here, so if we need him I just wanted to verify that 38 but I'm sorry, your question...

- 39
- 40 **COMMISSIONER VAN NATTA** Okay... yes but just in response to that, that 41 still is using supposed numbers of maybe and we don't know until we know who 42 the tenant is going to be on that property how it is going to be affected.
- 43

PLANNING OFFICIAL TERELL – Right and the reason we do that is because
 first of all a tenant is not... let me go back. For the Highland Fairview project, the
 analysis was done the same way as the analysis for this project. The added

information was for Sketchers as they had more specific information which was 1 2 lower than what the study indicated, so it was just more information, but the standard; that project was actually reviewed based on the same standard of an 3 4 average and Sketchers identified their truck traffic is lower than the average and whether that changed the decision or not I'm not sure, but the other thing to take 5 into account is once a building is built, we can't assume that the same tenant will 6 7 be there until the building is torn down or redeveloped, so that's why we have to 8 look at it at this average.

9

10 **COMMISSIONER VAN NATTA** – I understand that when you have somebody in with a 20 year lease or something, at least you know you have some certainty of 11 12 what is going on for the next 20 years. In looking at your chart here with your 13 Industrial Business Park zoning and the other cities that have been added here 14 and you said there is correlation to employment levels and the amount of 15 Industrial and Business Park zoning in a city, does that mean that Perris with 16 21.7 percent of Industrial and Business Park zoning as compared to Moreno Valley's with 9 percent has a lower unemployment rate? 17

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19 20

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

- 21 COMMISSIONER VAN NATTA I didn't think so
- 22

23 <u>COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER</u> – We
 24 didn't have the work force numbers for those three communities so we didn't
 25 include those.
 26

27 <u>COMMISSIONER VAN NATTA</u> – Because it is my understanding that Perris' unemployment level is just as disastrous as Moreno Valley's and yet they have 28 29 more than double the amount of Industrial and Business Park zoning within their City, which there again we get back into we don't who the tenant is and it is kind 30 31 of like if I wanted to rent out a room in my house because I need more money, I'm going to very, very careful who I rent to because I want to protect my children 32 and I want to make sure it is safe and everything like that and knowing who is 33 34 going to be moving in is kind of a nice thing to know if we have it and in this case 35 we don't have it. All we know is that it is going to increase truck traffic on a street that we as the residents were told before was going to be protected from truck 36 traffic. I guess I'm arguing and I should be just asking questions. Okay that was 37 38 all I had to know.

- 39
- 40 **<u>COMMISSIONER SALAS</u>** I'm kind of confused. Are we adding a lane to the 41 ramp or are they going to add a lane or are they going to widen the ramp... I 42 mean the bridge over the freeway? Are they widening that?
- 43
- 44 **TRANSPORTATION ENGINEER LLOYD** They would not be conditioned to
 45 widen the bridge structure.
- 46

1 **<u>COMMISSIONER SALAS</u>** – So in other words we're going to add lanes that are 2 going to funnel down to one lane because that is only a one lane going across.

- 3 Is that correct?
- 4 5

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8

TRANSPORTATION ENGINEER LLOYD – That is correct

7 **<u>COMMISSIONER SALAS</u>** – That's not good

9 <u>COMMISSIONER OWINGS</u> – Just to follow-up to your question, when you say 10 you know if they have been moved out 12 years; a tenant moves out in 10 years, 11 John wouldn't they still be bound by the conditions of approval if they moved in 12 20 years from now or 30 years and then they'd be right back here asking us to 13 amend those conditions, so it's not really an accurate analogy is it?

14

15 <u>PLANNING OFFICIAL TERELL</u> – As long as they can continue to meet the 16 conditions of approval and typically the environmental is done for this broader 17 range of possibilities and not just a specific tenant. That was my point. 18

19 <u>COMMISSIONER OWINGS</u> – If Big 5 went out of business tomorrow in their 20 distribution center across from our dealership, any potential tenant would be 21 bound by any of the conditions of approval for that project and they would have 22 to come here or to the Planning Commission in Riverside to seek changes to it, 23 so it's not like it's open season when someone moves out.

24

PLANNING OFFICIAL TERELL – No, they still have to comply with the
 conditions of approval and again the conditions of approval, other than special
 conditions that might have been added are based on the averages. They are not
 based the specific tenant.

29

30 **COMMISSIONER OWINGS** – So and then on these Industrial Business Park 31 zoning statistics we really probably should have a breakdown between the Industrial and the Business Park portion of it; right, the large buildings versus the 32 small buildings for each of those cities before we can make any real beginning of 33 34 any kind of analysis as to which one of those types of businesses produces the most business. Now I understand now that the current business climate says 35 you know the bigger buildings are more in favor than the smaller buildings, but 36 37 there is no real correlation between the size of the building and jobs created are 38 there?

- 39
- 40 **<u>COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER</u> There 41 is not and cities will differ in terms of what they classify as a Business Park. Not 42 every city is unique to what Moreno Valley does where they require that 50,000**
- 43 square feet or smaller. There are a lot of communities that would have Business
 44 Park zoning that would require a larger building.
- 45

1 **<u>COMMISSIONER OWINGS</u>** – You know I just, if by manner of just reminding 2 everybody the definition of average; it is the best of the worse and worst of the 3 best, so depending on where you fit in on that average, it could be good or it 4 could be bad, so that is just more of a comment.

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VICE CHAIR BAKER - Okay, is there anyone else for comments to the Staff?

8 **<u>COMMISSIONER OWINGS</u>** – I do have one. I hate to belabor it but intellectual 9 honesty demands me to ask you this question. Paul Claxton writes and he says I 10 can hardly wait for 200 semi trucks an hour to roll down the 60 Freeway, 11 Ironwood and other streets creating the noise and the pollution. That is not a 12 factual statement is it?

- PLANNING OFFICIAL TERELL That is related to the Sketchers warehouse,
 right; the comment...
- 17 **<u>COMMISSIONER OWINGS</u>** Well right, but even that... is that factual?
- 19 **PLANNING OFFICIAL TERELL** No

20
 21 COMMISSIONER OWINGS – It is not factual, so what would that actual number
 22 be?

- PLANNING OFFICIAL TERELL Something less than 200... There was a number there and I thought it was something of over a little over a thousand was the average... kind of the... It wasn't related to the specific... I believe with Sketchers it was a very low number because they knew exactly how many trucks that would be coming in and out of there...
- 29

34

- 30 <u>COMMISSIONER OWINGS</u> And they certainly wouldn't be on Ironwood would
 31 they?
 32
- 33 **PLANNING OFFICIAL TERELL** No, Ironwood is not a truck route is it?

TRANSPORTATION ENGINEER LLOYD – That is correct. Ironwood in this
 particular area is not a truck route and so they would be prohibited from using
 Ironwood.

- 39 <u>**COMMISSIONER OWINGS**</u> Well he goes onto say this warehouse hasn't 40 created a single job in the City. That's not true either is it?
- 41

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- 42 <u>PLANNING OFFICIAL TERELL</u> Well it has created construction jobs certainly
 43 already.
- 45 <u>**COMMISSIONER OWINGS**</u> Alright... Well I just think everybody should be 46 honest in their comments.

<u>VICE CHAIR BAKER</u> – Okay, moving on. Does anyone else want to comment?
 At this point I think we'd like to bring the Applicant forward. Would you please
 state your name and address for the record.

4

APPLICANT RICE - Sure my name is Dennis Rice and I reside at 201 Covina, 5 6 Long Beach, California. I'm with Ridge Property Trust and we're the developer of 7 the proposed project which we call West Ridge Commerce Center. By way of 8 background, Ridge Property Trust is a private real estate investment trust. It was 9 mentioned earlier that we are a national company. We are headquartered in 10 Chicago. We have an office here in Southern California, one in Dallas, Texas and one in Monterey, Mexico and we've done some other work in the City of 11 12 Moreno Valley and also here in the East Inland Empire. Specifically we have 13 developed about half of the Centerpoint Business Park Project across the street 14 here, which is bounded by Frederick to the west; Cactus to the south; Alessandro to the north and Heacock to the east there. We've built five buildings totaling 15 16 about 1.85 million square feet. They are all 100 percent leased right now and we have about six more buildings to build there, totaling about just under 1.2 million 17 square feet and that will finish out that project. It is 162 acres. We also have a 18 19 building down in Perris that we developed. It was 1,310,000 square feet and that 20 was leased out to Hanes Brands and we have room down there to do about 21 another 2.6 million square feet in addition to the building that we're proposing 22 today of 937,000 square feet.

23

24 One thing I'd like to point out with the Hanes Brands because we have talked 25 about truck traffic and averages and the best of the worst and the worst of the best, is Hanes again is 1,310,000 square feet. They have and depending on 26 27 their season; right now they are in their back to school season. They employ between 800 and 900 people in that facility. They average throughout the year 28 29 25 inbound trucks and they average 40 trucks per day that are outbound, so a total of about 65 trucks per day on average, which kind of goes to some degree 30 31 with what Mr. Owings was saying with the Big 5 facility over there near the Raceway Ford Dealership. Before I go any further, I'd like to thank the City Staff; 32 33 especially Jeff and John. We've worked really hard on this project to get it to this 34 point. Also, I appreciate all the input of the other Planning groups and all the 35 different departments within Public Works, Parks and Community Services and the Police and Fire folks. We've owned this property now for a little over 4 years. 36 37 We bought it in March of 2007.

38

39 One thing I would like to talk a little bit more about the project. I think Jeff did a areat job of explaining all the particulars about the project, but one thing we did 40 and I believe you may have gotten this package from me is we did a Community 41 Outreach Program that we started about a year ago in June of 2010 and what we 42 did with that program is we mailed about 20,000 project brochures to the 43 44 residents on the east side. It was a four page color brochure that had a tear away card that people could mail back in and what we got out of that was about 45 154 responses out of the 20,000. Six of those went undecided; 29 were in 46

1 opposition of the project and 119 were in support of the project. Back in October 2 of 2010 we hosted a project Open House at our Centerpoint Project where we invited all the people that replied to the cards, various community leaders within 3 4 the City of Moreno Valley and also the different Moreno Valley Chamber of Commerce's and back then in November we did a promotion to make the 5 community aware of the Public Hearing/Public Information Meeting that was 6 going to take place on December 2nd and also on November 13th and December 7 11th, we walked door to door on that east end of town and handed out about 800 8 9 project brochures on this particular project here and engage with people and 10 answered any questions that they might have with regards to the project within the packages all the response cards that we got in the mail and again some were 11 12 in opposition and some were in favor and there were some good comments and 13 we have a project website that people can go and refer to. We have a link to the 14 Draft EIR and also the Final EIR. We also have a 1-800 number they can call and can leave a message and we get back to them and try to answer any 15 16 questions they may have or discuss any issues that they have. With that we've got our team here that put together the EIR; Ross Geller and Charlie Wray with 17 Applied Planning and are here to answer any questions and also we've got Eric 18 19 Affith(?) with Urban Crossroads to answer any questions with regards to the 20 Traffic Study that was done.

- 21
- 22 23

<u>COMMISSIONER OWINGS</u> – Mr. Chairman may I ask a few questions?

- 24 VICE CHAIR BAKER Yes
- 26 **<u>COMMISSIONER OWINGS</u>** Mr. Rice my name is Tom Owings; welcome.
- 27

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28 **APPLICANT RICE** – Thank you

30 **<u>COMMISSIONER OWINGS</u>** – You know my view of this job is I don't have a dog 31 in the hunt. I am not on anyone's payroll except my own and I feel that our job as 32 Commissioners is just to make sure that everybody in the audience has their 33 questions answered that they would ask if they were sitting here, so I hope you 34 will take my questions in that spirit.

35

37

36 **APPLICANT RICE** – Sure

38 **COMMISSIONER OWINGS** – This is a very impressive book and in fair 39 disclosure/ full disclosure I live on Canterbury Downs Way, which is not within 300 feet of your project, but I do live within a close proximity to it, so I did get one 40 of these beautiful folders that you sent; guestionnaires. I looked it over from 41 head to toe and I couldn't find anywhere in here where you said how large this 42 building was going to be in this brochure. There is nowhere in this brochure does 43 44 it say it's a million square feet and now I do have to tell you that I've had two 45 cataracts repaired since then or prior to that so I have may have missed it, but I 1 don't see it and I just wondered why it wasn't mentioned when you got the public

- 2 response.
- 3

7

APPLICANT RICE – Yes, I don't know the answer to that Commissioner. I believe there were references to the website where you could gather that information.

8 **COMMISSIONER OWINGS** – Well you know the question just is begging you 9 know if it is going to create a lot of jobs and have all the positive attributes or 10 things to the community that are attributed by the size of it, that we would mention the size, but that is okay. So then the other thing that I noticed in it was 11 12 that there were like 19 people who said they were against your project and they 13 basically talked about traffic congestion. You know there were a few vague illusions to you know livability of the neighborhood but really I just don't know. I 14 can't put a finger on what that is... Traffic we all know; pollution we all know and 15 16 congestion around it by trucks, we all know, so of the people that said that they in favor of it, other than the fact that they didn't realize it was a million square feet. I 17 didn't see a lot of comments about it. There were a few that said jobs, so I 18 19 wondered if you could address how many jobs will be brought to the community 20 as a result of it, since we don't even know who is going occupy it.

21

24

APPLICANT RICE – That is a great question. I don't know the number of jobs.
 All I can tell you is...

25 <u>COMMISSIONER OWINGS</u> – Okay, but you do allude to it in your brochure as
 300.

27

APPLICANT RICE – That is based on the number of parking stalls that are
 available
 30

31 <u>COMMISSIONER OWINGS</u> – The parking stalls respectfully don't equate to jobs.
 32

33 **APPLICANT RICE** – True

35 <u>COMMISSIONER OWINGS</u> – Especially in the days where they stress so much
 36 carpooling
 37

APPLICANT RICE – Right and I'll give you an example of that down in Perris at
 the Hanes Brand building, they have 800 to 900 jobs. We have 375 stalls
 associated with that building.

41

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42 <u>COMMISSIONER OWINGS</u> – But there again, those are all estimates. You say
 43 to the Planning Staff that we are going to have 300 jobs and they tell you how
 44 many parking spots you need.

45

46 **<u>APPLICANT RICE</u>** – No, I think that is based on...

- 1 **<u>COMMISSIONER OWINGS</u>** Well it is based on a Code
- 3 **PLANNING OFFICIAL TERELL** It is based on the square footage of the 4 building
- 5 6 **<u>COMMISSIONER OWINGS</u>** – Right, so it is a formula
- 8 **APPLICANT RICE** Right
- 10 **COMMISSIONER OWINGS** It doesn't necessarily equate to jobs
- APPLICANT RICE You could have more or you could have less

13
 14 <u>COMMISSIONER OWINGS</u> – So what I'm asking you is you know it doesn't that
 15 that 300 number in this brochure really equates to anything except parking
 16 spaces. Is that a fair analysis?

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18 **<u>APPLICANT RICE</u>** – I guess so, yes

20 **<u>COMMISSIONER OWINGS</u>** – And another thing I noticed is that a hundred and 21 something people that said they were in favor of the project, many of them didn't 22 say what zip code they were in and there were a lot of different streets. Was any 23 attempt made on your part on your behalf to determine how many of the people 24 in favor of this project were really living within proximity to the building?

26 **APPLICANT RICE** – No, we did not do that

28 <u>COMMISSIONER OWINGS</u> – So there could be people that aren't even in the 29 same zip code responding that they are support of it. Is that an accurate 30 statement?

32 <u>APPLICANT RICE</u> – It could be accurate. We could give you a copy of the
 33 mailing list if you'd like
 34

<u>COMMISSIONER OWINGS</u> – Well I understand it, but that's a lot of time for me
 to get a map out and find out where all these people are. I'm just asking did you
 make any attempt to determine the proximity.

- 39 **APPLICANT RICE** No we did not
- 40

43

38

41 <u>COMMISSIONER OWINGS</u> – So there could be people who are saying they are
 42 in favor of it that live on the other end of town.

44 <u>APPLICANT RICE</u> – Well the mailing list was pretty much directed to the east
 45 end of town.

<u>COMMISSIONER OWINGS</u> – Okay, but I noticed there is one in here for 95551
 and it would seem that this building is in 95555, which is the largest zip code in
 the city.

5 <u>APPLICANT RICE</u> – Okay

COMMISSIONER OWINGS – So my point is there obviously were people who
 were mailed this survey... I'm not trying to be argumentative; I'm trying to figure
 how much weight I should give this survey.

- **<u>APPLICANT RICE</u>** What I think I'll do is I'll get you a copy of the list and...
- 13 <u>COMMISSIONER OWINGS</u> No, I'm asking you to tell me now.
 14
- **<u>APPLICANT RICE</u>** I don't have that information with me here...

16
 17 <u>COMMISSIONER OWINGS</u> – The question is simple. Let me finish the question
 18 and then you can answer it. There is a possibility that people said they were in
 19 favor of this that do not in close proximity to the building. Is that a correct
 20 statement?

- **<u>APPLICANT RICE</u>** If you say it is, then I'll agree with you.
- **<u>COMMISSIONER OWINGS</u>** I'm asking you. You did the study.
- APPLICANT RICE We mailed it out to 20,000 people Commissioner...
- **<u>COMMISSIONER OWINGS</u>** So a fair response is would be you don't know
- **<u>APPLICANT RICE</u>** I don't know and what I'll do...
- **<u>COMMISSIONER OWINGS</u>** I can accept I don't know
- APPLICANT RICE Okay, what I'll do is I'll go back and we'll pull those cards
 and we'll map those 119 people were.
- 36
 37 <u>COMMISSIONER OWINGS</u> So you mentioned Hanes... I like your example of
 38 Hanes, but that is not the tenant here, right?
- **APPLICANT RICE** That's correct
- _____
- 42 <u>COMMISSIONER OWINGS</u> Okay, so their usage really might not relate to the
 43 potential use/potential tenant here.
 44
- **APPLICANT RICE** Absolutely

COMMISSIONER OWINGS – So have you ever signed as a developer; have you ever signed a lease for the development of a large building and then gone to the City and sought entitlements? **APPLICANT RICE** – No, because I don't think I could build the building without... COMMISSIONER OWINGS - Well you sign the lease conditioned on entitlements, right? Have you ever done that? **APPLICANT RICE** – No **<u>COMMISSIONER OWINGS</u>** – Okay, so that is not a practice among builders of large buildings? **APPLICANT RICE** – No and I don't think there is really any tenants in the market that would ever sign a lease conditioned on entitlements because there is no guarantee that they are going to be able to get that building. **<u>COMMISSIONER OWINGS</u>** – Are you familiar with Sketchers? **APPLICANT RICE** – Sure **COMMISSIONER OWINGS** – Did they sign a lease prior to having all their entitlements? APPLICANT RICE – I don't know **COMMISSIONER OWINGS** – I think they did. John do you know? PLANNING OFFICIAL TERELL – Well that was what...that was said and... **COMMISSIONER OWINGS** – So to the best of your knowledge Sketchers signed a lease prior to having its entitlements? **PLANNING OFFICIAL TERELL** – Yes, but I will say that is very unusual **COMMISSIONER OWINGS** – That's unusual, but that's what happened, right? PLANNING OFFICIAL TERELL - Yes **COMMISSIONER OWINGS** – Okay, but you have never done that? **APPLICANT RICE** – No <u>COMMISSIONER OWINGS</u> – So it would make it more difficult to get somebody to sign on without entitlements?

1 **APPLICANT RICE** – It would. If you weren't able to get the entitlements they obviously would want a right to cancel the lease 2

3

4 **<u>COMMISSIONER OWINGS</u>** – But right; I agree with that. That would be obvious. My point is this; you know this is kind of a pig in a poke to us and it 5 would sure... and I'd probably vote for it in a nanosecond if I knew who was 6 7 going in there and the City had some way of really having a better estimate of all 8 the impact that it could have to the City and the residents around and so you 9 know I'm just trying to get to that point to I can vote for your project, so I'm just 10 wondering could we or how uncomfortable you'd be to say come back to us after vou've had a tenant in mind or even... 11

- 12
- 13 **APPLICANT RICE** – And then seek entitlements then...
- 14 15
- **COMMISSIONER OWINGS** Well seek the zoning change, yes 16

17 **APPLICANT RICE** – Um, I think it would be very difficult because there are other opportunities for those tenants to do those build to suits with a guarantee that 18 they can get that building and there is obviously a lot involved planning wise for a 19 user of that size to know that they are guaranteed a building there or not. 20 21

22 COMMISSIONER OWINGS - Would you have any objections to my earlier 23 comments to making the building consistent to the Sketchers building 24 architecturally?

25 26 **APPLICANT RICE** – I think like you said, the beauty is in the eye of the beholder 27 and I think this building is just as good or if not better than the Sketchers building. 28

- 29 <u>COMMISSIONER OWINGS</u> – Well in terms of the standard of construction, would you say it is going to be the same standard of construction? 30
- 32 **APPLICANT RICE** – What is standard of construction mean?

34 **COMMISSIONER OWINGS** – Well the level of construction; excuse me; wrong 35 term. Would it be the same level of ...?

36

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37 **<u>APPLICANT RICE</u>** – Yes, it will be a concrete tilt-up; extensive amount of glass. 38 It has got a lot of that metal that you see on the Sketchers building around the 39 square windows.

40

41 **COMMISSIONER OWINGS** – Yes but, okay, but it does look totally different than the Sketchers building to me. Would you have an objection to a condition that 42 would require you to make it more consistent with the Sketchers building? 43 44

- 45 APPLICANT RICE - I think I would, yes
- 46

1 **<u>COMMISSIONER OWINGS</u>** – Fair enough

3 <u>APPLICANT RICE</u> – Sketchers is Sketchers and we don't want to be like 4 Sketchers and we don't want to be like Highland Fairview. We want to have our 5 own identity and I think it is better for the City too.

COMMISSIONER OWINGS – Well you know it seems to me that you are going
 to want people to move or whatever tenant comes into that particular building is
 going to want people to live where they work, right?

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11 **APPLICANT RICE** – Yes

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13 <u>COMMISSIONER OWINGS</u> – So we have to have an eye to protecting the visual 14 impact that this building will have in the very area in which we're going to ask 15 these people to live. Would you agree with that?

16

17 <u>APPLICANT RICE</u> – Absolutely
 18

19 <u>COMMISSIONER OWINGS</u> – You know, initially when Sketchers opens, it is my 20 understanding that most of the people that will be employed there probably still 21 live in Ontario, so it is our job as a City to seek those people to come over here 22 and live here so that there being here means something; taxes; spending their 23 money here; etc., etc., so it would seem to me that we don't want to have an 24 evesore from one end of the 60 freeway to the other of these large buildings that 25 all look alike, so I'm hard pressed to understand while consistency in architectural design is so objectionable, but with that I'll just pass it on to the 26 27 other Commissioners.

28

29 **<u>COMMISSIONER VAN NATTA</u>** – I had a little time on my hands while I was watching Dancing with the Stars the other night and I went through a couple of 30 31 pages of the comments, just where you had the addresses and stuff of the people and I did mark down on a map. I used red for the people who were 32 33 against it and green for the people who said yes they would like it and I know you 34 probably can't see too much of that here and this isn't all of them by any means, 35 but it might not surprise you to know that the closer they were to the project and 36 the more rural or larger the properties that they lived in, the more likely they were 37 to say they did not want the project there and that most of the responses that 38 said yes they liked the project were clear down along the south side of town 39 along LaSalle, south of Iris; some of them over in the 92551 area and so it seems like those that are most impacted with the project and have the biggest objection 40 to the traffic and everything else like that were the ones that were closer, so just 41 kind of respond to what you were asking him about that and that does kind of 42 give a feel there, but also I circled in purple on this from your report here when 43 you said that you did door to door in a particular area and with one exception and 44 45 that was clear down on this side of here, just going through those first couple of pages where there were yeses and no's, all the ones that were within that area 46

that you seem to feel that were most impacted where the ones that said they 1 2 didn't like the idea of the project there, but that was just to elaborate on what you were talking about where it was. I didn't really have any other questions beyond 3 that except for your hotline and I'm looking at what you gave us on your hotline 4 and the answers that they were allowed to give after name, phone number, email 5 address, their options were yes, undecided and looking for work. There wasn't 6 7 anything there that said no, so if they did call into the hotline and it is interesting 8 that almost everybody that said yes, also marked the looking for work, which 9 might have impacted their answer yes, but why wouldn't the hotline have an 10 opportunity to say they didn't like it rather than yes or undecided. 11 12 APPLICANT RICE - I don't know the answer to that question 13 14 **<u>COMMISSIONER VAN NATTA</u>** – Okay, fair enough, thank you. 15 16 **VICE CHAIR BAKER** – Is there anyone else? Okay, Commissioner Crothers has a quick question? 17 18 19 **<u>COMMISSIONER CROTHERS</u>** – I just want to thank my fellow Commissioners for bringing up some of the issues that I also have while going over these 20 21 proposed projects and I just want to thank you for being so efficient and 22 thorough. 23 24 **VICE CHAIR BAKER** – Is there anyone else for questions to the Applicant? 25 26 **COMMISSIONER OWINGS** – You know Mr. Rice I wonder is there anything that 27 we should have asked you that we didn't that you'd like to elaborate on or any of the people that you brought with you that could inform us of the traffic situations 28 beyond or any of the other concerns that you would like to address tonight? 29

30

APPLICANT RICE – No I think you did a pretty good job. Nothing comes to mind that I would want to ask you right now. We have put a lot of work into this and I appreciate your consideration. I guess I could ask my team if they have got anything they'd like to contribute.

35

36 **<u>COMMISSIONER OWINGS</u>** – Certainly, with your permission Mr. Chairman

37
 38 APPLICANT RICE – We'll wait until Public Comments. Okay, thank you

39
 40 PLANNING OFFICIAL TERELL – Yes Chair, at this time and I don't know if this
 41 might be an appropriate time to take a short break if you like or not before we
 42 start the Public Comments. I do know that Commissioner Crothers has to leave
 43 to go to work, so...

44

45 **<u>VICE CHAIR BAKER</u>** – That's fine, do we need a...

- 1 **COMMISSIONER OWINGS** Maybe we should just soldier on
- 3 <u>PLANNING OFFICIAL TERELL</u> That's up to you, but I just wanted to give
 4 Commissioner Crothers...
- 5
 6 <u>VICE CHAIR BAKER</u> She is going to work, so if want to keep moving forward,
 7 I'm with you on it okay.
- 9 <u>PLANNING OFFICIAL TERELL</u> Obviously we'll have a tape of these minutes,
 10 so should a decision not be made tonight you would have an opportunity to
 11 review those and still participate.
 12
- 13 **VICE CHAIR BAKER** Oh do you want to take a break?
- 15 **COMMISSIONER SALAS** No go ahead

16
 17 <u>VICE CHAIR BAKER</u> – You're okay... We'll open the Hearing up for Public
 18 Comments on Item No. 3.

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- PLANNING OFFICIAL TERELL If we can just hold off allowing Commissioner
 Crothers to leave and then we can start so she is not walking in front of
 somebody that is speaking.
- 24 <u>VICE CHAIR BAKER</u> Thank you. Okay our first speaker will be Susan Zeitz;
 25 excuse me and we do have a three minute limit. Please state your name and
 26 address.
- PLANNING OFFICIAL TERELL Yes unfortunately those are the rules that
 have been established, so...
- 30

23

SPEAKER ZEITZ – My name is Susan Zeitz and I've lived here since 1984 at 31 26386 Ironwood Avenue here in Moreno Valley; unfortunately on Ironwood. I'd 32 like to address a few of the things that you guys have been talking about versus 33 34 my original thing; high schools. The majority of students who go to Valley View 35 come north from the north side come from the north west and that's where the High School needs to be. Putting a High School on site number one or two, but 36 especially number one is like a Cinderella story. They are trying to fit the land to 37 38 the project instead of the project to the land. Additional traffic is going to be a 39 Two High Schools so close together with more than 3,000 nightmare. hormonally challenged teenagers is not a good idea. 40

- 41
- 42 <u>VICE CHAIR BAKER</u> Would you address the subject matter here 43
- 44 **SPEAKER ZEITZ -** I'm getting there.
- 45
- 46 VICE CHAIR BAKER Okay you've got three minutes

1 **SPEAKER ZEITZ** – You guys covered all this stuff too. Yes you did, I heard 2 High School and I heard all kinds of stuff; traffic; bridges; gas prices over there; the truckers are not going to stick with the freeway routes, they are going to go 3 the shortest route. They are going to be on Ironwood. Any increase on big rig 4 traffic north on Redlands Boulevard is going to be a nightmare for the people who 5 live on the other side of the side hill. There is already a problem and people 6 7 trying to go around these rigs on Ironwood and on Redlands Boulevard and 8 different places are going to have more head on collisions, so traffic is already 9 bad on Ironwood; it is already bad on Redlands Boulevard. The bridge is a 10 nightmare on Nason trying to get to the High Schools because improvements weren't done when those projects were approved other at Target and all that. 11 12 The same thing with Sketchers; narrow bridge; wide roads on either side; it is a 13 no-brainer. It is going to be a problem. They already exceed the speed limit on 14 all of that area over there. I don't know why the planners let them put in the buildings before they make all of the improvements. The warehouses on the 15 16 northeast and southeast are ludicrous, they should be near the freeway interchanges and not on the end of the town where they are going to try to take 17 shortcuts and they are going to impact not only the people immediately there but 18 19 a lot of other people too.

20

21 The State of California requires that every City and County have an adopted 22 General Plan to provide guidance and direction, but it doesn't say they should 23 continuously manipulate it to suit those with monitorial resources beyond the means of most of its citizens. Some of our citizens like us moved into this area 24 25 because it is largely rural. Some moved into this area because they liked the 26 original General Plan. Everyone can understand a General Plan will change a 27 little over time but not to the extent that our City becomes unrecognizable from the first plan. Every time someone wants a petition to change or amend the 28 General Plan the City Council should first take into consideration the City's 29 original General Plan and not it's most recent predecessor. 30

31

32 We purchased our home in 1984 before the incorporation and went to the City 33 meetings and the planning meetings and we liked the way the plan was made, 34 but every time someone comes; every time a developer comes in and waves 35 money in front of you and the City Council, bam, we have an amended General Plan. Often the only people that are notified are those people within 300 feet. It 36 37 is ludicrous because what happens in Moreno Valley truly affects every taxpaying 38 citizen and the City is sneaky. I feel that any time there is a petition to change or 39 modify the original and I do mean the first one General Plan that written notice should go out to every taxpaying citizen and not just those within the 300 feet. 40 This buyer; these people; they bought this building for almost 3 million dollars 41 knowing that it's not for what they want. They want to put a warehouse there but 42 they didn't buy it... they bought it knowing it wasn't zoned for that, so they are 43 44 feeling pretty certain that they are going to come in front of Moreno Valley and they are going to be able to change it. You know if they thought you'd say no, 45

they'd still have spent that money for a piece of property that they can't build awarehouse on; I don't know.

3

4 The Press Enterprise quotes Darryl Hill who is the Vice President of the Dom 5 Commercial Real Estate services sold the property; it says obviously they wouldn't have purchased this property if Sketchers hadn't happened. It is wrong 6 7 to come into an area of rural homes and farmlands and build something not in 8 keeping with the area. You should have never allowed Sketchers. Don't 9 compound the mistake by allowing more warehouses or commercial properties to 10 ruin the rest of the northeast and southeast end of our Valley. Keep the industry to the east of Perris Boulevard. Stipulate that before pristine land can be plowed 11 12 under and covered in concrete that the unused or underused commercial areas 13 be utilized first until there just isn't anyplace left to expand. Don't make our valley 14 one continuous gigantic concrete city. Development should be done where it has the least amount of impact both on land and its citizens. Draw the line. Stand 15 16 your ground. Once pristine land is covered in cement it is gone forever. Preserve what is left of our rural areas of our valley for future generations. I 17 hadn't spoken up about this before because I just found out about it because I 18 19 live more than 300 feet away and I'm against or any other warehouses being built 20 on the northeast or southeast end of our valley. Thank you for giving me the 21 time.

22

25

23 <u>VICE CHAIR BAKER</u> – You're welcome. Our next Speaker is Deanna Reeder.
 24 State your name and address for the record please.

26 **SPEAKER READER** – My name is Deanna Reeder and I live in District 3 and I 27 appreciate Mr. Owings and Ms. Van Natta; your questions very much because we need to question the things that we do. Mr. Ramirez, I'm going through these 28 29 comment cards here and you have a comment card here that you for the West Ridge Warehouse, which means that you probably should exclude yourself from 30 31 voting on this because you are not an unbiased party. You are a very biased party. You've already participated in getting it here. Mr. Baker, the last City 32 33 Council meeting I was at you sat whispering in Mr. Benzeevi's ear through the 34 meeting. I don't think you are very unbiased either. If you are going to be up 35 there making decisions on people projects maybe you should show just a little more discretion on where you hang out and who you hang out with. You should 36 37 at least put on an air that you are unbiased about it.

38

39 Now in case you didn't know Mr. Rice is on the Rancho Belago Economic Council, Board of Directors along with Benzeevi and you know some of his good 40 old boy club and that's fine; it is his project, but you all need to be doing your jobs 41 in representing the people of this City. I believe most of you were appointed 42 because they expected you to vote the way Mr. Benzeevi wants you to vote. 43 44 Now that might not happen and that's not a bad thing. Like I said I appreciate the questions; surprised as all whatever, but I do appreciate it. I watched... well I 45 send out emails to people and urge them to send out emails or contact or go to 46

1 meetings or what have you; you have one email that is in there by Mr. Hyatt and I

know there was a lot more emails so I'm just wondering where they were at,
 because most of the people that I contacted that sent emails on, actually explain

- 4 why.
- 5

6 On the Sketchers project; if you read their emails, most of them were weenie 7 jobs. Well you know what, when they built Sketchers, they had what a thousand 8 people working there and the unemployment in Moreno Valley went up the entire 9 time. Guess what; what jobs now; didn't happen and the people that are going to 10 work there aren't from Moreno Valley. Now by attrition, eventually some of them will be from Moreno Valley, but jobs now didn't; it is not going to happen; tax 11 12 base that's not going to happen. That's a pile of crap too. We have a 14 million 13 dollar deficit and Sketchers is supposed to contribute 190 thousand dollars a 14 year in economic benefit; so in three years that is 570 thousand dollars. How come we can't get 14 million from them because it is not going to happen? You 15 16 know what when we say jobs and we say economic benefit, these are empty 17 promises.

18

19 Please do not approve a speculative building. I mean even the ones that aren't speculative aren't giving us what they said they were. It obstructs the view more 20 21 than they said. It is not going to have the landscaping they promised. You try to 22 get out of the other stuff and... Mr. Rice I approve of the things that you put in District 4 just so everybody knows where I live at. Through my backyard I look at 23 a big blue Walgreen's building. Now Sketchers was put where it was supposed 24 25 to be I would be looking at it every day. I don't look at it every day because it is not where is supposed to be. Now if this building was put where it is supposed to 26 27 be I would be looking at this, so you know these people that tell me this nimbi crap; that's crap because if you put it where it is supposed to be I would be 28 29 looking at it from my backyard and I don't have a problem doing that because that is where it is supposed to go, so the next person that tells me nimbi, you can 30 31 do whatever with it; I'm not going to say it but you get the idea, so that is not the case. Things are planned. You need to put things where are they are planned. 32 33 You need to approve them where they are planned.

34

35 Mr. Benzeevi bought his approval and just like in San Bernardino, eventually I'm 36 he is going to pay for it. In fact I'm very sure eventually he is going to pay for it. 37 But you know what, it has been what six years since what they did in San 38 Bernardino happened and are just now getting indicted. Things take time; but 39 don't worry, it will happen. Please don't let him buy an approval and then start getting other warehouses where they don't belong. This warehouse does not 40 belong there and just like I told Mr. Benzeevi and I did. I said if you put the 41 warehouse where it supposed to go I will support it. I did. I offered to support 42 the Sketchers if it where it was supposed to go and I am not anti-warehouses. 43 44 Now if Mr. Rice will put the building where it should go, I will support it. I will not support over there and I will ask that you listen to the citizens of the City; not the 45

1 500 that Mr. Benzeevi paid to show up in buses, but the actual people that live 2 here. Thank you.

3

4 <u>VICE CHAIR BAKER</u> – Thank you. The next Speaker we have is Alisha Zeitz.
 5 Please state your name for the record and your address.

- 6 7 **SPEAKER ZEITZ** – Hello my name is Alisha Zeitz and I live at 26386 Ironwood 8 Avenue. I am the face of the youth who will need a future job. I will need to apply to College and jobs in the next year, so if this Sketchers building is bringing 9 10 in 1,100 jobs that are mostly technology based, how am I or any of my 3,000 plus piers going to get a job with this expertise at Sketchers. I begin with this 11 12 question. It has been brought to my family's attention that the City of Moreno 13 Valley City Council per their City of Moreno Valley Deficit Elimination Plan has 14 removed funding from our Moreno Beach Fire Station 58 at Eucalyptus Avenue and Moreno Beach Drive in the Auto Center across from Walmart. This cut 15 16 eliminates 8 sworn firefighters and truck 58; our City's only paramedic truck company. Calls will be assigned to the remaining stations in the City which they 17 expect will drop their response time to 60 percent efficiency, which can be the 18 19 difference between life and death. Yet you propose adding more industry which 20 increases the change of industrial accidents where those services will be needed 21 the most and increase the number of big rigs coming and going in and out of our 22 valley, which increases the unfortunate, but likely chance of negative interaction 23 between those tens of thousands of ton trucks with our family vehicles.
- 24

25 The northeast and the southeast end of the valley will be affected the most because we will now be the furthest from help0. This is another good reason to 26 27 keep the northeast and southeast areas of our valley rural and not allow further commercial or warehouse industry into this area. Also the City of Moreno Valley 28 29 is located with the South Coast Air Basin. The basin is a physical unit that due to low wind speeds and prevailing inversion layers retains pollutants for substantial 30 31 This slow dispersal of pollutants results in high concentrations of periods. primary pollutants including carbon monoxide. The basin also supports the 32 33 formation of the ozone. The atmospheric haze created by the presence of these 34 pollutants is known as smog. Adding more industry to the northeast and 35 southeast end of the valley will further pollute our homes. Please don't change the zoning to allow more warehouses. Let's retain rural areas of our valley. 36 37 Thank you.

- 38
- 39 <u>VICE CHAIR BAKER</u> Thank you. As it sits here I have no more Speaker Slips
 40 for this item, so I'm going to close the Public Hearing.
- 41

42 <u>PLANNING OFFICIAL TERELL</u> – At this time I think if you could leave the Public
 43 Hearing open and call the Applicant back.

<u>VICE CHAIR BAKER</u> – Okay, sorry about that. We'll open the Public Hearing up
 and let's do that. Mr. Rice do you want to come forward and rebuttal some of
 those comments.

4

5 **APPLICANT RICE**- Yes I think just a couple of clarifications. Susan had 6 mentioned purchasing the property for 3 million dollars. That wasn't our 7 particular site; the site immediately east of us between our east boundary and 8 Redlands was sold; my understanding in reading a newspaper article less than 9 30 days ago and I believe the price was 2 or 3 million dollars or so. It wasn't our site and then Ms. Reeder had mentioned something about me being on the 10 Board with Iddo; on a Rancho Belago Board, which I have no idea what she is 11 12 talking about because I'm on no Board for Rancho Belago.

13

14 VICE CHAIR BAKER – Okay, thank you

15APPLICANT RICE – You bet

PLANNING OFFICIAL TERELL – So are you going to close the Public Hearing?

19 20

20 <u>VICE CHAIR BAKER</u> – Yes, I'll close that.

PLANNING OFFICIAL TERELL - I wanted to kind of have the City Attorney
 comment on one of the comments that was made.

24

DEPUTY CITY ATTORNEY BRYANT – One of the comments supposed that a Commissioner may have pre-judged the item. I just wanted to remind the Commissioners that if anybody has pre-judged an item before the finding Commission that they might want to recuse themself from making a decision if they have pre-judged it. Perhaps more facts have come out but as long as you can keep an open mind and think you can go ahead and make a decision on the item.

33 <u>COMMISSIONER OWINGS</u> – I think it is important to note that he wrote that card
 34 before he was a member of the Planning Commission. So are we into...

35

36 <u>VICE CHAIR BAKER</u> – So what we do next is we are into Commissioner's
 37 Debate over the project.

38

39 <u>COMMISSIONER OWINGS</u> – Mr. Chairman or Mr. Commissioner could I... I'm 40 probably going to hate myself for these comments but... I would like to first all 41 say that I trust every person at this dais. I trust your motives and the people who 42 are against this project or any project who use ad hominem attacks to discredit a 43 project really are hurting themselves and I think that this City will never get to a 44 point where it will grow in a positive way if we don't stop all of this; this non-fact 45 base of personal attacks. Whether or not Iddo Benzeevi is a good person or a 1 bad person, he has certain rights in this City and they should be obeyed or they

- 2 should be respected.
- 3

4 Every person in this room has certain rights that need to be respected by Mr. Benzeevi and everybody else and we need to live by those rules, so I would 5 really just encourage everyone and I know this is going to fall on deaf ears, but 6 7 we need to stop this. There is not a single person involved in this Planning 8 Commission that has dishonorable motives and if they do you know it is not our 9 place to judge them. Let their votes and their comments stand for that, so I 10 apologize to you and I know that today I didn't receive any but I know that next week I might, so I would just hope that we could all restrain ourselves from those 11 12 types of attacks and especially to you Mr. Rice and I apologize for myself.

13

14 In terms of the question that is before us, you know I believe that I heard everything that was said by the people who were here speaking. I do believe 15 16 that markets change and I think that these folks bought this property with the intent to do something with it that was consistent with the current zoning and I 17 think that the market no one could foresee 2009 and the market changed and so 18 19 now they want to do something different with it and unlike the earlier situation, 20 this is not a contractual agreement, this is a matter of property rights, so I agree 21 that they have the right to ask for this and I happen to agree that under certain 22 circumstances it should probably be granted, but I personally cannot vote for the project until I know who the tenant is and I especially can't vote for it when there 23 24 is 40,000 square feet or 40 million square feet of potential space somewhere else 25 or within eyeshot of the building, so until we know who is there, I feel that it is impossible to judge the exact impact to the community and therefore I will vote 26 27 no, but I will tell you this Mr. Rice, if you bring a tenant here and can bring this thing down to more manageable numbers and be more persuasive about actual 28 29 jobs and impacts to the area you'd have my vote in two seconds and that is the situation that I find myself in tonight and I appreciate everybody listening. 30 31

32 COMMISSIONER RAMIREZ - I just want to address what was mentioned about 33 me earlier. Again as Commissioners we take this obligation as a privilege to 34 serve the people. We are here to provide a non-biased, but yet intelligent 35 perspective opinion on what is presented to us. The future of our community is basically our responsibility; our State. Wherever we build today is going to be 36 here well after we are gone; it is going to be for our kids; for our future, so having 37 38 said that I am going to say clearly I am here to vote against this and the reason 39 why is because the traffic situation on Redlands Boulevard jeopardizes the security of everyone there. I believe the future of our community if we are to 40 develop in an economic and industrial way, we have to do it in an efficient, 41 logistical manner. I think Theodore Boulevard is the ideal location to route traffic 42 in and out of the City. I think we should protect our citizens, especially those that 43 44 live off of Redlands north and south of the freeway, so the concern that I have also is that I agree with Commissioner Owings is that it is hard for us to say yes; 45 let's go ahead and vote for this when we don't have a tenant that will bring jobs. 46

1 It is all speculative. You know the other projects that they have south of the City; 2 those have tenants already. I would like to see a tenant that will come into our 3 community that would be basically at the cutting edge of the economic industry; 4 basically like Sketchers in other words; a tenant that is willing to be here for the 5 long haul that is committed to help this community prosper and thrive. That's all I 6 have to say. Thank you.

8 **COMMISSIONER VAN NATTA** – I don't think that we can always expect that when somebody is building an industrial building that they are going to know who 9 10 in advance who the tenant is going to be and I think that is an unrealistic expectation and usually isn't going to happen. 11 They may have some 12 perspective tenants but it not going to be that often that somebody does a project 13 of this size that's build to suit like the Highland Fairview project did for the 14 Sketchers tenant, but my objection to this project has to do with fact that it was very, very clear when Highland Fairview was putting their application in for their 15 16 huge building in on the east end of town that that was a major paradigm shift for a lot of people; that that was not what a lot of people saw that was going to 17 happen on that end of town and even though it may end up being the best thing 18 for the City it was only approved after a lot of people were convinced that it was 19 going to be pretty much curtailed to that area from Redlands east and that it 20 21 wasn't going to increase truck traffic coming through the residential area there 22 along Redlands and that future development of this type was going to be encouraged to be other high end tenants like the Sketchers project and that that 23 was the only way that we could tolerate that kind of development on the east end 24 25 of town, was if it was upscale; if it was somewhat contained and so forth. This project is lovely as a warehouse as it is, looks just the same as the other big box 26 27 warehouses that are in other areas of town. I don't think it reflects the level of or 28 the type of building that we want to see on the east end of town, but more than 29 that it puts truck traffic onto Redlands Boulevard and for no other reason than that I would vote against this project just because of the impact that it is going to 30 31 have on the residents of that area and their somewhat semi-rural even though 32 much less rural than it used to lifestyle.

33

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34 **COMMISSIONER SALAS** – I like the project. I like idea of the project. I agree with Barry on that we need it, but again the only thing that I don't like about this 35 project is traffic. If Mr. Rice would come to me and tell me that they are going to 36 37 improve the off-ramp and widen it when we could actually have a car and a truck 38 going at the same time both directions, because it is going to be another Nason 39 and the 60 freeway there. It is just going to be backed up. The cars are going to be backed up. There is going to be a stop sign there or a light or whatever is 40 going to be there. It is going to be horrible. The traffic is going to be backed up 41 forever. That is where everybody goes to San Timoteo to get out of town to go to 42 43 Redlands and stuff, so that's what is going to keep me from supporting this 44 project. Thank you.

1 VICE CHAIR BAKER - Now they leave it to me. You know this is a doubleedged sword here. We need to get some community development going here 2 and you can't do it without putting... and the problem we've got here in Moreno 3 4 Valley in the proportion of roof-tops to commercial property is way out of whack and I don't know how to get it back. I mean we've got to get some commercial 5 6 property in this town and no one wants it in their area. I mean you know 7 obviously these fellows own the land and they say go to the south. Well they 8 don't own the land in the south part of Moreno Valley or they don't own the 9 property out there by Gilman Springs or Theodore, so I don't know. It seems like 10 to me and this is just me talking, we're really stymieing ourselves here and I understand all the traffic problems; the smog and everything you are considering 11 12 but somewhere we are going to have to bite the bullet and go forward with this. Obviously I'm probably in the minority here. I don't whether we ought to vote on 13 this. We've got two Commissioners absent. This is a big hit here. Looks like 14 right now it is going to fail and John you may give us some guidance on this. Do 15 16 whatever you like.

17

PLANNING OFFICIAL TERELL – Well you have the option to continue it if you like so that the other two Commissioners could participate. You also have the ability to continue to ask the Applicant if he would like to continue it, if he would like to provide additional information that might address some of your concerns that came tonight. Based on your comments though, I can count to four and it looks there are four Commissioners that are not in favor of recommending this project and therefore that is a majority.

26 **VICE CHAIR BAKER** – Well you know and I don't know if it's proper or not and I 27 don't know how on earth, because I've been in property rentals and stuff, how 28 you can have a spec property and that deal with Sketchers was really a strange 29 deal where he had a tenant lined up and lease signed before he even built the 30 building and I don't know, I'd sure like to talk or have Mr. Rice address that if that 31 is even possible. I don't know, is that out of line to bring the Applicant back up?

32

33 <u>PLANNING OFFICIAL TERELL</u> – You can do that. I can give you... I'll just let 34 you know should you choose not to recommend this project, by the Code your 35 action is final unless appealed. The options that are available to Ridge Realty 36 are they can choose to appeal this and send it to the City Council. It won't 37 automatically go there.

38

43

39 <u>COMMISSIONER OWINGS</u> – No but given the current makeup of the City
 40 Council, they stand a very good chance of success and so you know if I were
 41 advising them, that's what I would advise them to do, but I'm not advising them
 42 so...

PLANNING OFFICIAL TERELL – Yes, that certainly was the circumstance of
 Sketchers, so I wouldn't say that would happen this time but the options that are
 available to the Commission are to continue it if you like and I'd say continue it if

1 you'd like more information that you think you would change your decision and if 2 that is not the case then I would suggest you take the action tonight and Ridge

- 3 Realty has the opportunity to appeal that decision should they choose to do so.
- 4

5 **<u>COMMISSIONER OWINGS</u>** – Well it seems like let's just do a quick poll. I know 6 that I'm not going to be persuaded to by any new information at this point unless 7 of course it was really earth shattering.

9 **<u>COMMISSIONER VAN NATTA</u>** – I can't see anything that would change unless 10 they had some other route of getting on the freeway other than using Redlands 11 and I don't see any way that they are going to be able to do that.

12

8

<u>VICE CHAIR BAKER</u> – Let me ask you this. How is this every going to get
 straightened out there? I mean somebody is going to move in there eventually
 whether you put 19 buildings in there or you put one big one in.

16

18

17 **<u>COMMISSIONER SALAS</u>** – That's true too

19 <u>VICE CHAIR BAKER</u> – I mean you're going to have some traffic there...
 20

21 <u>COMMISSIONER OWINGS</u> – It is different traffic though and we don't know what 22 it is going to be and that's point. You know if we made exceptions for every 23 zoning change that comes before us on the basis of my God that is the only way 24 we are going to fill that property then we may as well not have zoning laws.

25

26 **COMMISSIONER VAN NATTA** – There might be another use for that that is 27 more palatable. All I know what is being proposed right now is not to me 28 palatable and there might be a better use for the land than a single big 29 warehouse that brings a lot of trucks in and out. Business Park... maybe there 30 isn't a call for Business Park right now. Maybe we'll be asked to consider some 31 other type of zoning change for something else there. That's you know; we just 32 have to look at the project we have before us.

33

34 **COMMISSIONER OWINGS** – You know Mr. Chairman, just back to where we 35 were; John and I both agree that there are probably four votes against three. You know if we wait for next meeting and put it over, they have to wait a whole 36 37 month and then the vote might be 7 to 4 or 7 to 0, in which case the City Council 38 would be more persuaded to uphold our decision. I think what is best for the 39 Applicant at this time is to just for us to move forward with the four vote Commission. It will come out 4 - 1 and two people not here. That doesn't really 40 give a clear indication of where we are at and City Council is going to do what 41 they are going to do and my guess is they are going to override our 42 recommendation. 43

<u>VICE CHAIR BAKER</u> – Let me ask you this. In the zoning deal how did you
 come with 50,000 square feet? That isn't even a Home Depot and I imagine a
 Target is more. I know it's more than 50,000.

- 4 5
- PLANNING OFFICIAL TERELL It was based on...
- 6 7

8

VICE CHAIR BAKER – What do you get for 50,000? Is that a Best Buy?

9 PLANNING OFFICIAL TERELL - Well let me clarify it. The 50,000 square foot 10 limit is not the limit on any building, it's the limit on a warehouse industrial building and as I think has been mentioned, the type of traffic in a large 11 12 warehouse is different than the traffic in a small warehouse. There is more traffic 13 with smaller buildings. Nineteen smaller buildings would have more traffic but 14 they would have more cars and fewer trucks. The larger the building gets the 15 more trucks you have and fewer passenger vehicles, so the overall traffic is 16 actually less with the larger the building but the truck traffic is higher.

17

18 <u>COMMISSIONER SALAS</u> – Okay, so he could come back to us and say l've 19 decided to put 17 buildings there instead and make a Business Park there, right? 20

PLANNING OFFICIAL TERELL – Under the current zoning and if he did that, pretty much like the tract you had at your last meeting you more or less and I won't say you have to approve it, but your options are less because there is a right to build that size building. The current opportunity; there is not an opportunity to build this building currently without a zone change.

27 <u>COMMISSIONER SALAS</u> – Okay with that said I'm going to change my mind.
 28 I'm going to support the project.

29

26

30 **<u>COMMISSIONER OWINGS</u>** – So we probably need to just call the question. 31

32 **PLANNING OFFICIAL TERELL** – So I guess somebody needs to make a...

33
 34 <u>VICE CHAIR BAKER</u> – Okay, let's go for the vote on this and I want to make it
 35 clear here that the way that I'm feeling about this no one has bought my vote or
 36 twisted my ear. It is just strictly the way I feel on you know on moving Moreno
 37 Valley forward. I don't know. I don't totally understand a lot of this, I really don't.

39 <u>COMMISSIONER OWINGS</u> – You know Mr. Chairman I bet Mr. Rice would 40 agree with me, if we were to vote this project or the zoning change down, there 41 would be a little celebration over at Iddo's headquarters tomorrow, so it is kind of 42 interesting that the supporters of it are so anti-Sketchers would really probably be 43 helping that you know by voting it down. We're probably helping Iddo. It is his 44 project because you know we are pushing things over that direction, so with that 45 being said let's call the question.

<u>VICE CHAIR BAKER</u> – Okay let's get to the... we're going to have to have a
 move and a second on this. Is somebody in a position because you've got quite
 a bit of stuff here to read off?

4

5 **PLANNING OFFICIAL TERELL** – Okay and I'll kind of give you a little bit of 6 guidance on that. If someone wants to make a recommendation to approve, 7 read what is in the Staff Report. If someone wants to make a recommendation to 8 not recommend; basically for denial, then just make that recommendation of a 9 denial. We'll have to bring back a resolution to you that states; that matches your 10 action at your next meeting; not that Ridge Realty can't appeal it in the meantime, but we'll need a resolution approved by you before we actually go to 11 12 Council. But you don't need to take all those actions about every single little 13 thing. Basically if you recommend denial of the Zone Change you are precluded 14 from recommending approval of any of the other actions that are before you, so it 15 is just... If I perceive what that might be, it would to deny the Zone Change.

17 <u>COMMISSIONER OWINGS</u> – Would a simple motion then to just simply say I
 18 move to **DENY** the Zone Change be appropriate.

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PLANNING OFFICIAL TERELL – Correct

22 COMMISSIONER OWINGS - So moved

23
24 COMMISSIONER VAN NATTA – Second

26 **VICE CHAIR BAKER** – Okay to the vote; all in favor?

28 29 30 Opposed – 3 (Commissioner Owings, Commissioner Van Natta, 31 Commissioner Ramirez)

Motion carries 3 – 2 – 2, (with 2 Absent – Commissioner Dozier,
 Commissioner Crothers)

36 37 38

39 <u>PLANNING OFFICIAL TERELL</u> – So with that the wrap up on that is that this
 40 action shall become final unless appealed to the City Council within 15 days.
 41

- 42 VICE CHAIR BAKER Thank you
- 43
- 44 45
- 45 46

DRAFT PC MINUTES

1 OTHER BUSINESS

1. Denial Resolution: PA10-0022 Municipal Code Amendment – Dark Sky VICE CHAIR BAKER – We've got Item No. 1, which is the denial of the situation we were talking about last week and John is going to handle that. PLANNING OFFICIAL TERELL - Basically we drafted a resolution. Hopefully it actually reflects your action. If it does, then you simply need to act to approve Resolution No. 2011-10. You need read the rest of that as that is just part of the Resolution. VICE CHAIR BAKER - Okay, do we have any discussion on this? We pretty worked this over last time I think, so I am going to ask for a motion to approve this resolution. COMMISSIONER VAN NATTA - I move that we approve Resolution No. 2011-VICE CHAIR BAKER – Do we have a second? **COMMISSIONER OWINGS** – Second VICE CHAIR BAKER – It is moved and seconded; all those in favor? Opposed -0Motion carries 5 – 0 **VICE CHAIR BAKER** – Okay, the next item is the election of Officers 2. Election of Officers **VICE CHAIR BAKER** – We're going to hold that off until the next meeting. **PLANNNG OFFICER TERELL** – So, on the Election of Officers I do need you to take an action to continue that item if you will **COMMISSIONER OWINGS** – I move that we continue the Election of Officers until we have a full Commission. VICE CHAIR BAKER – Do we have a second?

1	COMMISSIONER SALAS – Second
2 3	VICE CHAIR BAKER - Okay, all those in favor?
4 5	Opposed – 0
6 7 8	Motion carries 5 – 0
8 9 10	
10 11 12	STAFF COMMENTS
12 13 14	PLANNING OFFICIAL TERELL – Your next meeting is June 12 th I believe; is
15 16	that right? It is the second Thursday
17 18	COMMISSIONER OWINGS - What are we; purple?
19 20	PLANNING OFFICIAL TERELL – Actually I think it is earlier than the 12 th
20 21 22	COMMISSIONER OWINGS – It is the 9 th .
22 23 24 25 26 27 28 29 30 31 32 33 34	PLANNING OFFICIAL TERELL – It is the 9 th ; yes. It is the 9 th and we are working on several items to bring to you. At that meeting, none of them are finalized but I feel pretty confident that we will have some for that meeting. One; we are working very hard to get to you in June is the Kaiser office building adjacent to the Hospital. That is a 75,000 square foot building that they want to build and start building this year, so we're really close and I think we'll have that one for you. And there a couple of smaller items that might come to you, but until they are set, I'm pretty sure that you are going to have a meeting next month. The other item that we will have on that Agenda; should we at least have one planning item and we could probably have it even if we don't is Suzanne will provide a Brown Act Conflict of Interest Training.
35 36	<u>COMMISSIONER OWINGS</u> – You may have to give that to Governor Brown first.
37 38 39 40	VICE CHAIR BAKER - Okay, is there anything else
41 42 43 44	PLANNING COMMISSIONER COMMENTS
45 46	VICE CHAIR BAKER - Commissioner Ramirez do you have any comments?

- 1 COMMISSIONER RAMIREZ None
- 2
 3 VICE CHAIR BAKER None; okay; Commissioner Owings
- 5 COMMISSIONER OWINGS No
- 7 VICE CHAIR BAKER And Commissioner Salas
- 8 9 <u>COMMISSIONER SALAS – No</u>
- 10
 11 <u>VICE CHAIR BAKER</u> And Commissioner Van Natta
 12
- 13 **<u>COMMISSIONER VAN NATTA</u>** You kind of thought I would huh...
- 14 15

4

6

VICE CHAIR BAKER - I knew you would

16 17 **COMMISSIONER VAN NATTA** – I just want to say that I am in agreement with you that personal attacks don't have any place in making any kind of decisions 18 19 but someone earlier said that they had made a decision about me and what my decisions were going to be on this Planning Commission based on the fact that I 20 21 like the name Rancho Belago and I just want to reassure the public that that was 22 just my personal thing. I like the name. It was voted on 5 - 0 by the City Council and I was asking the City Council to follow-up on their decision to implement it 23 and it didn't have connection to anybody else other than me and my own 24 25 business. Thank you.

26
27 VICE CHAIR BAKER – Thank you

28

- 29 30
- 31 ADJOURNMENT

32 33

- 34 **<u>VICE CHAIR BAKER</u>** And with that I will ask for a motion
- 3536 <u>COMMISSIONER OWINGS</u> Motion
- 38 VICE CHAIR BAKER And a second
- 40 **<u>COMMISSIONER RAMIREZ</u>** Second
- 41

37

- 42 **VICE CHAIR BAKER** All those in favor? Thank you, you are adjourned.
- 43 Good night, Moreno Valley.
- 44
- 45
- 46 SIGNATURE PAGE TO FOLLOW:

1 2 3 4 5 6 7	John C. Terell Planning Official	D	Date	
8 9	Approved			
10				
11 12				
13				
14 15 16 17	Ray L. Baker Vice Chair		Date	
18 19				
20				
21 22				

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PLANNING COMMISSION STAFF REPORT

Case:	PA11-0009 (Plot Plan) P11-016 (Master Plot Plan)
Date:	June 9, 2011
Applicant/Owner:	Kaiser Permanente
Representative:	Skyler Dennision
Location:	North side of Iris Avenue, west of Oliver Street and the existing Kaiser Permanente Hospital (APN: 486-310-024)
Proposal:	A Plot Plan for a 74,425 square foot three story medical office building to be constructed west of the existing Kaiser Medical Center and a Master Plot Plan to incorporate the new building into the Medical Center complex. The project site is in the Office Commercial zone (OC) within the Medical Use Overlay District (MUO).
Redevelopment Area:	No
Recommendation:	Approval

SUMMARY

The applicant, Kaiser Permanente has submitted a Plot Plan for a 74,425 square foot medical office building to be constructed west of the existing Kaiser Hospital and Master Plot Plan to incorporate the new building into the Medical Center complex.

Planning Commission Staff Report Page 2

Project

The proposed project includes a plot plan for a 74,425 square foot three story medical office building located west of the existing hospital, and a master plot plan to incorporate the new office building into the Medical Center complex.

The project is located within the Office Commercial (OC) zone within the Medical Use Overlay District (MUO). The purpose of the MUO District is to implement the General Plan goal of creating a medical corridor by limiting land uses to those that support and or compatible with the city's two existing hospitals. The project as designed and conditioned meets the objectives and requirements of OC zone and the MUO District.

Site/ Surrounding Area

The project site is located on the north side of Iris Avenue, west of Oliver and adjacent to the existing Kaiser Hospital site. Properties to the north and west are zoned LM (Low/Medium Residential) within the AquaBella Specific Plan 218 (SP218). To the south are existing single family residential within the Moreno Valley Ranch Specific Plan 193 (SP193). Properties to the east include the existing hospital zoned Community Commercial, and the two vacant properties east of the hospital zoned Neighborhood Commercial and Office, all within the MUO District.

Access/Parking

The project will have access from Iris Avenue at the location of the existing driveway (west of the existing hospital) with an additional driveway added along the western property line. The existing driveway will be redesigned with a traffic circle to accommodate vehicles visiting the existing hospital and the new medical office building. A drop off area for visitors is provided west of the traffic circle. Pedestrian access is provided by sidewalks adjacent to each driveway.

Parking was calculated at one space per 225 square foot per the City's Municipal Code for Office use. A total of 331 spaces are required for an office use with 74,425 square feet and the applicant has proposed 382 parking spaces. Customer parking is provided south of the building with employee parking provided to the north of the building. Bicycle parking will be provided per the City's Municipal Code requirements.

Design/Landscaping

The design of the proposed office building is in conformance with the Office Commercial design standards and is consistent and complementary with the existing hospital.

The building is a contemporary design using glass, spandrel glass and metal to accent the front of the building. Several levels of metal overhangs including a canopy at the loading/unloading area provide dimension to the building with several earth colors adding depth. The rear of the building provides several rooflines for visual interest. The colors include earth tones which are consistent with the existing hospital's color palette.

Planning Commission Staff Report Page 3

The site has been designed with a courtyard area between the new office building and the existing hospital site to create the campus-like environment. The courtyard area will have tree planters and benches, including bollards and landscaping accents adjacent to the traffic circle to accommodate both daily needs and larger special hospital sponsored events.

The building will be set back several hundred feet from Iris Avenue with 45 feet of landscaping adjacent to the public right-of-way and six rows of parking stalls with landscape areas between each row. The site design and architecture of the project meet and generally exceed City requirements.

REVIEW PROCESS

A Pre-Application Review was submitted and reviewed in November 2010, with staff providing comments to the applicant. The applicant formally submitted the project in February 2011. The Project Review Staff meeting was subsequently held where a few minor revisions were requested by staff. The applicant addressed the comments and resubmitted the plans for review and approval. All relevant issues have been adequately corrected to the satisfaction of all parties.

ENVIRONMENTAL

An Addendum to the adopted Negative Declaration per the California Environmental Quality Act (CEQA), 15164 (b) is justified as the projects PA11-0009 and P11-016 are within the scope of the Negative Declaration approved for PA06-0133 (Plot Plan), previously approved for the same site. The Negative Declaration adequately describes the project for the purpose of the California Environmental Quality Act (CEQA) with no changes or additions to the original approval PA06-0133 per 15164 (b) and/or Section 15162.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper.

REVIEW AGENCY COMMENTS

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all potentially affected reviewing agencies.

<u>Agency</u>		Response Date	<u>Comments</u>
Riverside	County	March 16, 2011	The project is located within the limits of the
Flood Control			District's Moreno Area Drainage Plan. Fees have been adopted.

STAFF RECOMMENDATION

That the Planning Commission **APPROVE** Resolution No. 2011-17 and thereby:

- 1. **RECOGNIZE** that PA11-0009 (Plot Plan) and P11-016 (Master Plot Plan) qualify for an Addendum to the adopted Negative Declaration per the California Environmental Quality Act (CEQA), 15164 (b) as the project is within the scope of the Negative Declaration approved for PA06-0133 (Plot Plan); and,
- 2. **APPROVE** PA11-0009 (Plot Plan) and P11-016 (Master Plot Plan) subject to the attached conditions of approval included as Exhibit A.

Prepared by:

Approved by:

Julia Descoteaux Associate Planner John C. Terell, AICP Planning Official

ATTACHMENTS:

- 1. Public Hearing Notice
- 2. Planning Commission Resolution No. 2011-17 with Conditions of Approval
- 3. Zoning Map
- 4. Aerial Map
- 5. Project Plan



Notice of PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the Planning Commission of the City of Moreno Valley on the following item(s):

CASES:	PA11-0009 (Plot Plan) P11-016 (Master Plot Plan)
APPLICANT:	Kaiser Permanente
OWNER:	Kaiser Foundation Hospitals
REPRESENTATIVE:	Skyler Dennision
LOCATION:	27300 Iris Avenue (APN: 486-310-024)

PROPOSAL: A Plot Plan for a 74,425 square foot three story medical office building to be constructed west of the existing Kaiser Medical Center and a Master Plot Plan to incorporate the new building into the Medical Center complex. The project site is in the Office Commercial zone (OC) within the Medical Office Overlay District (MOU).

ENVIRONMENTAL DETERMINATION: An Addendum to the Negative Declaration has been prepared pursuant to Section 15164 of the California Environmental Quality Act Guidelines. None of the conditions described in Section 15162 of the Guidelines that call for preparation of a subsequent Negative Declaration have occurred. Also, no changes or additions are required to the Negative Declaration.

COUNCIL DISTRICT: 3

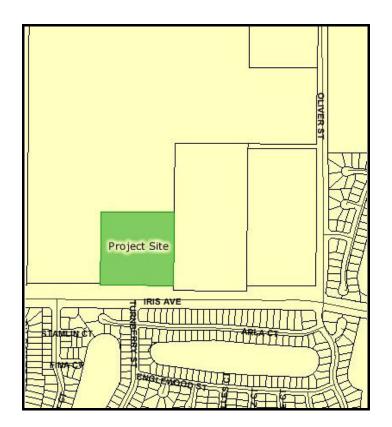
STAFF RECOMMENDATION: Approval

Any person interested in any listed proposal can contact the Community & Economic 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), 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 Planning Commission, 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 Planning Commission at, or prior to, the Public Hearing.



LOCATION N **↑**

PLANNING COMMISSION HEARING

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

DATE AND TIME: June 9, 2011at 7 PM

CONTACT PLANNER: Julia Descoteaux

PHONE: (951) 413-3209

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PLANNING COMMISSION RESOLUTION NO. 2011-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING PA11-0009 (PLOT PLAN) AND P11-016 (MASTER PLOT PLAN) FOR THE CONSTRUCTION OF A 74,425 SQUARE FOOT THREE STORY MEDICAL OFFICE BUILDING LOCATED ON THE NORTH SIDE OF IRIS AVENUE, WEST OF OLIVER STREET ON PARCEL 486-310-024.

WHEREAS, Kaiser Permanente has filed an application for the approval of PA11-0009 (Plot Plan) and P11-016 (Master Plot Plan) for a medical office complex on as described in the title of this Resolution.

WHEREAS, on June 9, 2011, the Planning Commission of the City of Moreno Valley 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;

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 RESOLVED, it is 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 meeting on June 9, 2011, 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 proposal for the medical office complex is consistent with the General Plan, its goals, objectives, policies and programs.

The proposed medical office complex is located within the Medical Use Overlay District (MUO) which was designed to create a medical corridor. The MUO corridor limits land uses to those that are supportive of and compatible with the City's two existing hospitals. The proposed project is adjacent and supportive to the existing Kaiser Hospital.

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

FACT: The proposed project is zoned Office Commercial (OC). The proposed medical office is consistent with the goals and objectives of the Office Commercial zoning.

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

FACT: The proposed medical office building would not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the surrounding area. An Addendum to the adopted Negative Declaration per the California Environmental Quality Act (CEQA), Section 15164 (b) is justified as the projects PA11-0009 and P11-016 are within the scope of the Negative Declaration approved for Plot Plan (PA06-0133), previously approved for the same site. The Negative Declaration adequately describes the project and pursuant to the California Environmental Quality Act (CEQA), no new issues are raised that would require additional environmental review pursuant to Section 15162.

As designed and conditioned, the project will not be detrimental to public health, safety or welfare and will not result in significant environmental impacts.

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: The design of the proposed medical office building is in conformance with the Office Commercial zoning and the Medical Use Overlay District. As designed, the medical office building will consist of a three story, 74,425 square foot building. The building will be set back from Iris Avenue and provide parking and landscaping. Additionally, the project is designed with a courtyard area between the existing hospital and the proposed building

creating a campus like environment. The proposed use would be in conformance with the existing surrounding development and is consistent with all applicable goals, objectives, policies and programs of the General Plan and the City's Municipal Code.

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, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation 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 PA11-0009 and P11-016, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

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.

The 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 a notice has been given 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 Planning Commission **HEREBY APPROVES** Resolution No. 2011-17 approving PA11-0009 (Plot Plan) and P11-016 (Master Plot Plan) for the medical office located on parcel 486-310-024 subject to the attached conditions of approval included as Exhibit A.

APPROVED this 9th day of June, 2011.

Ray L. Baker Vice-Chair, Planning Commission

ATTEST:

John C. Terell, Planning Official Secretary to the Planning Commission

APPROVED AS TO FORM:

City Attorney

Attached: Conditions of Approval

CITY OF MORENO VALLEY CONDITIONS OF APPROVAL PA11-0009 PLOT PLAN P11-016 MASTER PLOT PLAN APN: 486-310-024

APPROVAL DATE: EXPIRATION DATE:

June 9, 2011 June 9, 2014

- Planning (P), including School District (S), Post Office (PO), Building (B)
- Public Works, Land Development (LD)
- Public Works, Special Districts (SD)
- Public Works – Transportation Engineering (TE)
- Fire Prevention Bureau (F)
- Moreno Valley Utilities

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

COMMUNITY & ECONOMIC 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)
- P2. The site shall be developed in accordance with the approved plans on file in the Community & Economic Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020)

EXHIBIT A

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

GP - Grading Permits

R - Map Recordation WP - Water Improvement Plans BP - Building Permits

CO - Certificate of Occupancy or building final P - Any permit

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

GP - General Plan Ord - Ordinance Res - Resolution

MC - Municipal Code DG - Design Guidelines UFC - Uniform Fire Code SBM - Subdivision Map -143-

CEQA - California Environmental Quality Act Ldscp - Landscape Development Guidelines and Specs **UBC - Uniform Building Code**

- 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)
- P4. A drought tolerant, low water using landscape palette shall be utilized throughout the project to the extent feasible.
- P5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)
- 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 coordinated for consistency with this approval.

Special Conditions

- P8. The site has been approved for a 74,425 square foot three story medical office building to be constructed west of the existing Kaiser Medical Center and a Master Plot Plan to incorporate the new building into the Medical Center complex. A change or modification shall require separate approval.
- P9. To reduce noise impacts to below the level of 55 dBA at one time beyond the boundaries of the property, delivery operations will be conducted between the hours of 8am and 5pm. Loading or unloading activities shall be conducted from the truck bays or designated loading. (MC 9.10.140, CEQA)

Prior to Issuance of Grading Permits

P10. (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.

CONDITIONS OF APPROVAL PA11-0009 PLOT PLAN P11-016 MASTER PLOT PLAN PAGE 3

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).

- P11. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)
- P12. (GP) Prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Community & Economic Development Department - Planning Division, and Public Works Department – Special Districts for review and approval by each division. (GP - Circulation Master Plan) Timing of installation shall be determined by PW- Special Districts.
- P13. (GP) Prior to approval of any grading permits, plans for any security gate system shall be submitted to the Community & Economic Development Department Planning Division for review and approval.
- P14. (GP) Decorative pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect dwellings with open spaces and/or recreational uses or commercial/industrial buildings with open space and/or parking. and/or the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)
- P15. (GP) Prior to the issuance of building permits, the site plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project.
- P16. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:
 - A. A maximum 6 foot high solid decorative block perimeter wall with pilasters and a cap shall be required adjacent to all residential zoned areas.
 - B. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.
 - C. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zoned property. The height, placement and design will be based on a site specific review of the project. All walls are subject to the approval of the Community & Economic Development Director. (DC 9.08.070)

- P17. (BP) Prior to issuance of building permits, the Community & Economic Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); backflow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG)
- P18. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community & Economic 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)
- P19. (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)
- P20. (BP) Prior to issuance of building permits, the developer or developer's successor-ininterest 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)
- P21. (BP) Prior to issuance of building permits, final landscaping and irrigation plans shall be submitted to the Community & Economic Development Department - Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

- A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along public right-of-way if needed to screen vehicle lights from the street.
- 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 stepouts and 6" curbing. (MC9.08.230, City's Landscape Standards)
- C. Drought tolerant landscape shall be provided. Sod shall be limited to public gathering areas only and not be included along the perimeter of the project site.
- D. On site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feel of building dimension for the portions of the building visible from parking lot or ROW and 1 tree per thirty (30) linear-feet of parking lot adjacent to the interior of the property. Trees may be massed for pleasing aesthetic effects.
- E. Street trees shall be planted at an equivalent of one (1) tree per forty (40) foot on center along the Iris Street frontage.
- F. Enhanced landscaping shall be included at all driveway and corner locations
- G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site.
- H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)
- I. Landscaping on three sides of trash enclosure shall be provided.
- P22. (BP) Prior to the issuance of building permits, the site plan shall include landscape for trash enclosures to include landscape on three sides, while elevation plans for trash enclosures shall be provided that include decorative enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of the proposed commercial buildings on the site, subject to the approval of the Community Development.

PRIOR TO CERTIFICATE OF OCCUPANCY

- P23. (CO) Prior to issuance of Certificates of Occupancy or building final, the required landscaping and irrigation shall be installed. (DC 9.03.040)
- P24. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Community & Economic Development Department Planning Division. (MC 9.080.070).
- P25. (BP/CO) Prior to issuance of Certificate of Occupancy or building final, installed landscaping and irrigation shall be reviewed by the Community & Economic Development Department Planning Division. The landscaping shall be installed in accordance with the City's Landscape Standards and the approved landscape plans, and shall include:

- A. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16' in diameter, and include additional 12" concrete step-outs and curbing.
- B. Drought tolerant landscape shall be provided. Sod shall be limited to public gathering areas only and not be included along the perimeter of the project site.
- C. Street trees shall be planted at an equivalent of one (1) tree per forty (40) foot on center along the Iris Street frontage.
- D. On site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feel of building dimension for the portions of the building visible from parking lot or ROW and 1 tree per thirty (30) linear-feet of parking lot adjacent to the interior of the property. Trees may be massed for pleasing aesthetic effects.
- E. Enhanced landscaping shall be included at all driveway and corner locations.
- F. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan). (Ldscp)
- G. Landscaping for detention basins maintained by a Homeowner's Association.
- H. Site clean-up shall be completed.

Building and Safety Division

- B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as city ordinances. All new projects shall provide a soils report as well. Plans shall be submitted to the <u>Building & Safety Division as a separate submittal</u>. The 2010 edition of the California Codes became effective for all permits issued after January 1, 2011.
- B2. 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 and Safety Division for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building and Safety Division at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.
- B3. (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.

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community & Economic Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

CITY OF MORENO VALLEY PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION CONDITIONS OF APPROVAL PA11-0009 – Plot Plan for a Three-Story Medical Office Building APN 486-310-024

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).
- LD2. (G) If it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.
- LD3. (G) It is understood that the 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)
- LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

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

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

- LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)
- LD8. (G) 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). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.
- LD9. (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

CONDITIONS OF APPROVAL PA11-0009 PLOT PLAN P11-016 MASTER PLOT PLAN PAGE 10

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.

Prior to Grading Plan Approval or Grading Permit

- LD10. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- LD11. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:
 - a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.
 - b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.
 - c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.
 - d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)
 - e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.
- LD12. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.
- LD13. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

- LD14. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :
 - a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
 - b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
 - c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
 - d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
 - e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

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

LD15. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department

- LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.
- LD17. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.
- LD18. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at

the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.

- LD19. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.
- LD20. (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.
- LD21. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.
- LD22. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.
- 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, 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.
- LD25. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Improvement Plan Approval or Construction Permit

- LD26. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.
- 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)

- 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 in order for the Public Improvement Agreement and accompanying security to be executed.
- LD29. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.
- LD30. (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.
- LD31. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.
- LD32. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.
- LD33. (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)
- LD34. (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.
- LD35. (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.
- LD36. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

- LD37. (BP) Prior to issuance of building permits for non-subdivision projects, 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.
- LD38. (BP) Prior to issuance of building permits for non-subdivisions, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.
- LD39. (BP) Prior to issuance of a building permit, 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 permit issuance. 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 continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all 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 obtain a building permit 90 days prior to the City's issuance of a building permit and the financial option selected. (California Government Code & Municipal Code)
- LD40. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

Prior to Certificate of Occupancy

LD41. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

- LD42. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.
- LD43. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.
- LD44. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:
 - a. Street improvements including, but not limited to: sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, landscaping and irrigation, medians.
 - b. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.
- LD45. (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)
- 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.

SPECIAL CONDITIONS

- LD47. Prior to grading plan approval, the plans shall clearly show the extent of all existing easements on the property. All building structures shall be constructed outside of existing easements.
- LD48. Prior to grading plan approval, written permission must be obtained from offsite property owner(s) for all off-site grading and easements. All on-site and off-site easements shall be shown on the grading plan.
- LD49. Prior to grading plan approval, the developer shall secure any off-site drainage easements from the off-site property owner(s) to ensure the proper drainage for this project.

- LD50. Prior to grading plan approval, the grading plans shall clearly demonstrate that drainage is properly collected and conveyed. The plans shall show all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements. The developer will be required to obtain the necessary permission for offsite construction, including easements.
- LD51. Prior to grading plan approval, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, an emergency spillway in the basin. The developer is responsible for securing any necessary on-site or off-site drainage easements as required for emergency overflow.
- LD52. Prior to precise grading plan approval, the grading plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627, modified to include a fully covered, solid roof.
- LD53. Prior to precise grading plan approval, the grading plans shall clearly show that the parking lot conforms to City standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (<u>www.usdoj.gov</u>) and as approved by the City's Building and Safety Division.
- LD54. Prior to issuance of a building permit, a four-foot minimum right-of-way dedication for pedestrian purposes shall be submitted for review and approval for the west driveway approach per City Standard 118C and the east driveway approach if the east driveway approach is designed as a driveway and not as a street intersection. No decorative pavers shall be placed within the public right-of-way.
- LD55. Prior to issuance of a building permit, additional right-of-way, as may be required, shall be dedicated and submitted for review and approval for the east project entrance including corner cutback areas per City Standard 208, to allow this entrance to be designed as a street intersection, including an easement for loop detector maintenance, if the intersection requires signalization.
- LD56. Prior to issuance of a building permit, a two-foot public access easement for the portion of curb-separated sidewalk that will be located outside of the public right-of-way, along Cactus Avenue, shall be dedicated. The legal description

and plat shall be submitted for review and approval prior to issuance of a building permit.

- LD57. Prior to issuance of a building permit, the developer shall schedule a walk through with a Public Works Inspector to inspect existing improvements within the public right-of-way along project frontage. The developer will be required to install, replace and/or repair any missing, damaged or substandard improvements including handicap access ramps that do not meet current City standards. The developer shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.
- LD58. The developer shall prepare and submit for approval a project specific Final Water Quality Management Plan (F-WQMP) for this project. The F-WQMP shall be consistent with the approved P-WQMP and in full compliance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to application for and issuance of grading or building permits. At a minimum, the F-WQMP shall include the following: Site Design Best Management Practices (BMPs); Source Control BMPs; Treatment Control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.
- LD59. The developer 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 POC include: nutrients, organic compounds, and pathogens (bacteria and viruses). 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.
- LD60. Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The developer has proposed to incorporate the use of two enhanced bioswales for treatment control. Final design details of the treatment control BMPs must be provided in the first submittal of the F-WQMP. The size of the treatment control BMPs is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document.
- LD61. The developer 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.

- LD62. The developer 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 developer 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.

CONDITIONS OF APPROVAL PA11-0009 PLOT PLAN P11-016 MASTER PLOT PLAN PAGE 19

CITY OF MORENO VALLEY CONDITIONS OF APPROVAL Case No: PA11-0009 (PP for a 74,425 sq ft Medical Bldg) and P11-016 (Master PP) APN: 486-310-024 03.22.11 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 **PA11-0009**; 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), C (Arterial Street Lighting), E (High-Service-Level Parkway Landscape Maintenance), and the NPDES (National Pollutant Discharge Elimination System) program. All assessable parcels therein shall be subject to annual Zone A, Zone C, Zone E, and NPDES charges for operations and capital improvements.
- SD-2 All landscaping behind the curb shall be the responsibility of the developer, including the existing strip of turf between the curb and the sidewalk. Special Districts currently maintains this area, but will relinquish responsibility to the applicant at the appropriate time. The developer shall coordinate modification of the irrigation system and tie-in with future on-site irrigation. Existing irrigation main-line supply to this area will be capped off outside of the project boundary when appropriate.
- SD-3 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 E**, 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-4 In the event the Moreno Valley Community Services District determines that funds authorized by Proposition 218 mail ballot proceeding are insufficient to meet the costs for parkway, slope, and/or open space maintenance and utility charges (**Zone E**), the District shall have the right, at its option, to terminate the grant of any or all parkway, slope, and/or open space maintenance easements. This power of termination, should it be exercised, shall be exercised in the manner provided by law to quit claim and abandon the property so conveyed to the District, and to revert to the developer or the developer's successors in interest, all rights, title, and interest in said parkway, slope, and/or open space areas, including but not limited to responsibility for perpetual maintenance of said areas.
- SD-5 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-6 Any damage to existing landscape areas maintained by the Moreno Valley Community Services District 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.
- SD-7 Plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)
- SD-8 Inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

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)

- SD-10 (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 90 days prior to their issuance. (California Government Code)
- SD-11 (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-12 (CO) All parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of the Certificate of Occupancy/Building Final for this project.

Transportation Engineering Division – Conditions of Approval

General Conditions:

TE1. All proposed on-site traffic control should be accordance with the 2010 California Manual on Uniform Traffic Control Devices (CAMUTCD).

Prior to the issuance of building permits:

- TE2. Driveways shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code Design Guidelines and City of Moreno Valley Standard No. 118C for commercial driveway approaches.
- TE3. Sight distance at all proposed driveways shall conform to City of Moreno Valley Standard No. 125 & 126 at the time of preparation of final grading, landscape, and street improvement plans.
- TE4. A traffic signal and lighting plan shall be prepared by a registered civil engineer for the intersection of Iris Avenue and the main site driveway. Additional on-site and off-site right-of-way and/or easements may be required to accommodate traffic signal equipment. Additional equipment may include, but not be limited to, the following: signal poles, controller cabinets, loop detectors, signage, pull-boxes, and conduits.
- TE5. A street improvement plan shall be prepared by a registered civil engineer for the construction of raised median modifications on Iris Avenue at the main site driveway. Median improvements shall be constructed in accordance with an approved alignment study. The eastbound left turn lane at the main project driveway shall be modified to provide a minimum of 250 feet of vehicle storage.
- TE6. A communication conduit plan shall be prepared by a registered civil engineer for the installation of communication conduits along the project frontage in accordance with City Standard Plans.
- TE7. A signing and striping plan shall be prepared by a registered traffic or civil engineer for all required signing and striping improvements along the property frontage.

Prior to the issuance of certificate of occupancies:

- TE8. Communication conduits shall be installed along the entire project frontage of Iris Avenue to the satisfaction of the City Traffic Engineer.
- TE9. All required traffic signal, signing, striping, and median improvements along Iris Avenue shall be implemented and approved to the satisfaction of the City Traffic Engineer.

FIRE PREVENTION BUREAU

- 1. Complete and return attached fire flow letter.
- **2.** The following Standard Conditions shall apply.

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

- F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.
- F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering _3625__ GPM for_4__ hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D). The 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow, hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C.
- F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super fire hydrants (6" x 4" x 2 ½" x 2 ½") and super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)
- F4. Maximum cul-de-sac or dead end road length shall not exceed 660 feet. The Fire Chief, based on City street standards, shall determine minimum turning radius for fire apparatus based upon fire apparatus manufacture specifications. (CFC 503.1)

- F5. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)
- F6. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)
- F7. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)
- F8. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty–four (24) or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)
- F9. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)
- F10. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A)
- F11. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)
- F12. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)
- F13. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)
- F14. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:
 - a) Be signed by a registered civil engineer or a certified fire protection engineer;
 - b) Contain a Fire Prevention Bureau approval signature block; and
 - c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

- F15. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)
- F16. Prior to issuance of Certificate of Occupancy or Building Final, all <u>commercial</u> <u>buildings</u> 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)
- F17. 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)
- F18. 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)
- F19. 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)
- F20. 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)

- F21. 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)
- F22. 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.
- F23. 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)
- F24. 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)
- F25. Prior to construction, "private" driveways over 150 feet in length shall have a turnaround as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. Driveway grades shall not exceed 12 percent. (CFC 503 and MVMC 8.36.050)
- F26. 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.
- F27. 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.

- F28. 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 & CBC Chapter 33)
- F29. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:
 - a) Storage and use areas;
 - b) Maximum amount of each material stored or used in each area;
 - c) Range of container sizes;
 - d) Locations of emergency isolation and mitigation valves and devises;
 - e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
 - f) On and off positions of valves for valves which are of the self-indicating type;
 - g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
 - h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

- F30. 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)
- F31. 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)
- F32. 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)

- F33. 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)
- F34. 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)
- F35. 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)
- F36. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)
- F37. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

FIRE FLOW LETTER			
Date:	1/10/11	Addres s:	
Case Number:	PA11-0009/ P11-016	A.P.N. :	486-310-023
This is certific the following re as determined by	quired fire fl	OWS	capable of meeting Appendix B.
case. The fire f	low required f . for duration	for this pro	above referenced ject will be OURS measured at
process to refle	ct changes in rotection meas	design, con	ring the approval struction type or proved by the Fire
Applicant/ Developer:			
By:			Date:
Title:			
	WATER AGEN	CY APPROVAL	
Name of Agency:			
Address:			
Telephone:			Date:
Ву:		Tit le:	
PREVENTION BUREA	U SHALL NOT BE	CONSTRUED	S LETTER TO THE FIRE AS APPROVAL FOR THE ND/OR WATER SYSTEM.

PUBLIC WORKS DEPARTMENT Moreno Valley Utility

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

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project(s) PA11-0009; this project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3512. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

PRIOR TO ENERGIZING MVU ELECTRIC UTILITY SYSTEM AND CERTIFICATE OF OCCUPANCY

- MVU-1 (R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.
- MVU-2 (BP) **City of Moreno Valley Municipal Utility Service Electrical Distribution**: Prior to constructing the MVU Electric Utility System, 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.

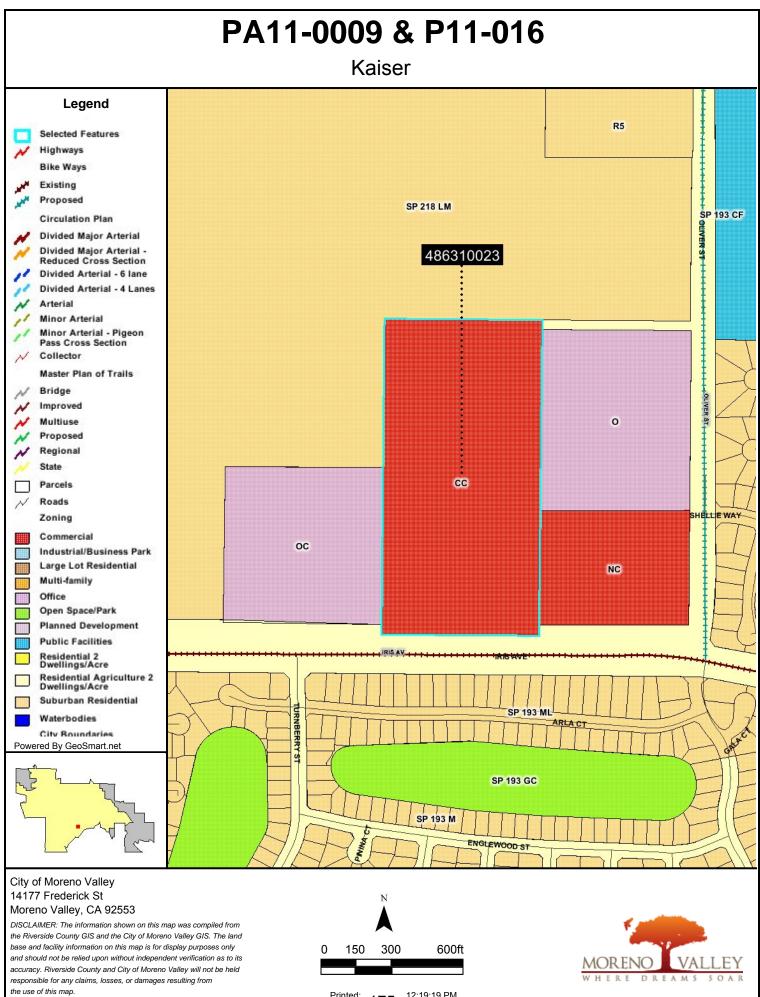
The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and other

CONDITIONS OF APPROVAL PA11-0009 PLOT PLAN P11-016 MASTER PLOT PLAN PAGE 31

adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development may be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

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

MVU-3 This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. If the project is subject to a Reimbursement Agreement, payment(s) shall be required prior to issuance of building permit(s). This page intentionally left blank.

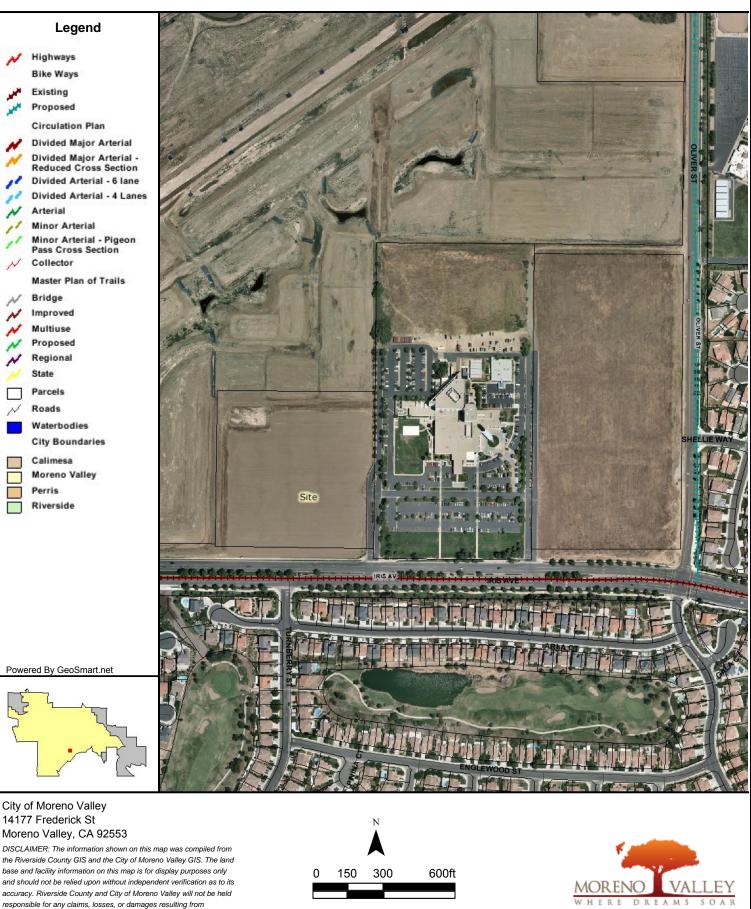


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PA11-0009 & P11-016

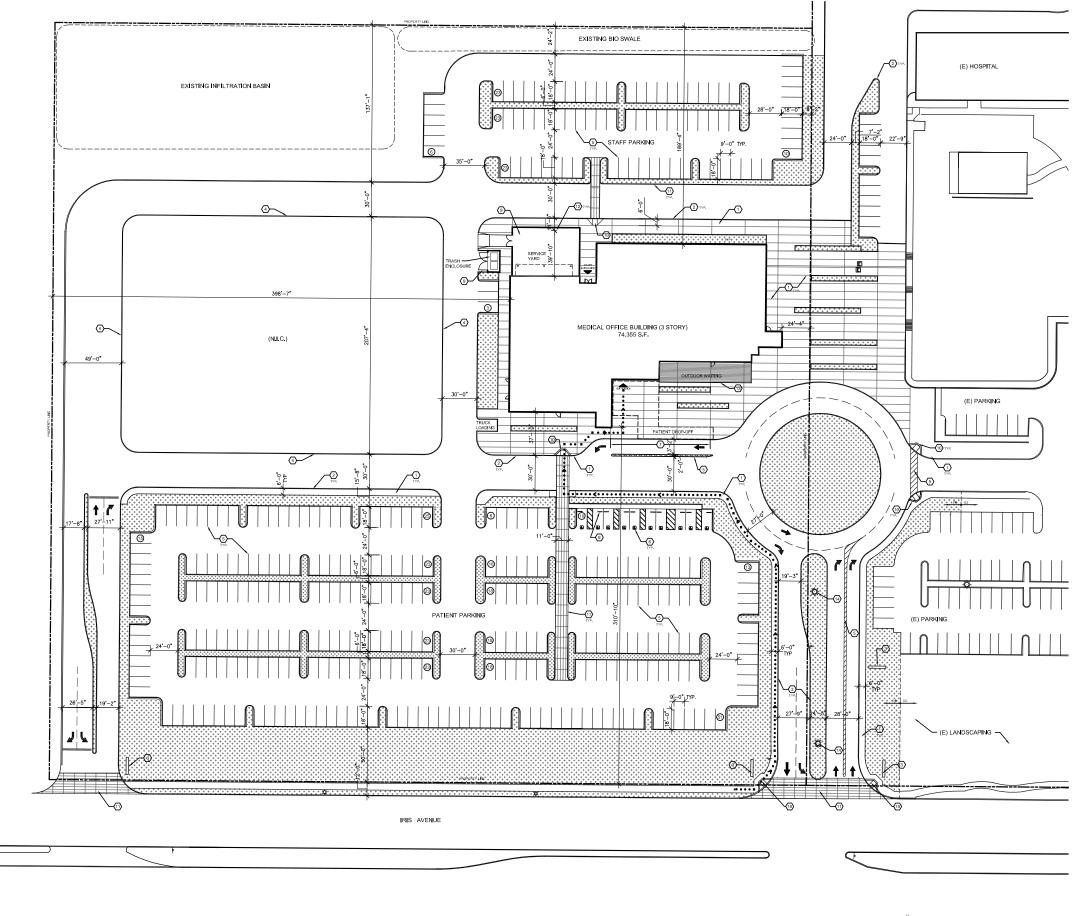
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the use of this map.

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MORENO VALLEY IRIS MOB

February 25, 2011

ATTACHMENT 5

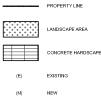
0 30' 60'

SITE PLAN

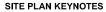
120'



SITE LEGEND



•••••• ADA ACCESSIBLE PATH OF TRAVEL



- CONCRETE SIDEWALK/ WALKWAY
- CONCRETE CURB AND GUTTER.
- (3) KAISER MONUMENT SIGN.
- ASPHALT CURB AND GUTTER.
- 5 PARKING STRIPING/ PAVEMENT MARKINGS.
- 6 ACCESSIBLE PARKING STRIPING, MARKINGS AND SIGNAGE (7) 0" FAVED CURB.
- CONCRETE WHEEL STOP
- METAL GATE.
 O
 CURB RAMP.
- 11 DECORATIVE CONCRETE PAVING
- CMU WALL. (13) ORNAMENTAL FENCE.
- 14 LIGHT STANDARD.
- 12" WIDE CONCRETE STEP-OUT.

SITE DATA

PARKING REQUIREMENTS PARKING REQUIRED PER CITY OF MORENO VALLEY MUNICIPAL ORDINANCE CODE 9.11 1 SPACE PER 225 S.F. 74,355 S.F. / 225 = 330 SPACES REQUIRED

TOTAL PARKING PROVIDED STANDARD PARKING: 362 SPACES ACCESSIBLE PARKING: 10 SPACES

TOTAL: 372 SPACES PROVIDED

179-

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