

1                                   **CITY OF MORENO VALLEY PLANNING COMMISSION**  
2   **SPECIAL MEETING**  
3                                   **CITY HALL COUNCIL CHAMBER – 14177 FREDERICK STREET**  
4

5   **Tuesday, June 30<sup>th</sup>, 2015, 5:00 PM**

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7  
8                                   **CALL TO ORDER**  
9

10                   **CHAIR LOWELL** – Good evening ladies and gentleman. I would like to call the  
11 June 25<sup>th</sup>, 2015 Special Meeting of the Planning Commission to order. The time  
12 is 5:05 PM. Ms. Halstead, could we have the rollcall please? I do have a  
13 correction. I actually wrote down the wrong date. Today is the 30<sup>th</sup>, so it is the  
14 June 30<sup>th</sup>, 2015 Special Meeting of the Planning Commission, not the 25<sup>th</sup>.  
15

16  
17                   **ROLL CALL**  
18

19                   Commissioners Present:

20                   Commissioner Baker  
21                   Commissioner Barnes  
22                   Commissioner Korzec  
23                   Commissioner Ramirez  
24                   Commissioner Van Natta  
25                   Vice Chair Sims  
26                   Chair Lowell  
27

28                   Staff Present:

29                   Rick Sandzimier, Planning Official  
30                   Mark Gross, Senior Planner  
31                   Paul Early, Deputy City Attorney  
32                   William Curley, Attorney  
33                   Michael Lloyd, Traffic Engineer  
34                   Guy Pagan, Senior Engineer  
35                   Richard Teichert, Chief Financial Officer  
36                   Jane Halstead, City Clerk  
37

38  
39                   **PLEDGE OF ALLEGIANCE**  
40

41                   **CHAIR LOWELL** – With that said, we have a volunteer from the audience,  
42 retired Chief Machinist Mate Frank Wright would like to lead us in the Pledge of  
43 Allegiance again. Thank you very much. Being that it is a Special Meeting and a  
44 continuation from the last two Planning Commission Meetings, we don't have the

1 Consent Calendar. We don't have any Minutes to approve. Do we need to  
2 approve the Agenda for tonight's Special Meeting?

3  
4 **PLANNING OFFICIAL RICK SANDZIMIER** – No.

5  
6  
7 **PUBLIC HEARING ITEMS**

- 8  
9 1. Case: PA12-0010 (General Plan Agreement)  
10 PA12-0011 (Development Agreement)  
11 PA12-0012 (Change of Zone)  
12 PA12-0013 (Specific Plan)  
13 PA12-0014 (Annexation)  
14 PA12-0015 (Tentative Parcel Map No. 36457)  
15 PA12-016 (Environmental Impact Report)  
16  
17 Applicant: Highland Fairview Inc.  
18  
19 Owner: Highland Fairview and various private property  
20 owners  
21  
22 Representative: Iddo Benzeevi  
23  
24 Location: The project area is in the eastern portion of the city  
25 and is more specifically located east of Redlands  
26 Boulevard, south of the SR-60 Freeway, west of  
27 Gilman Springs Road, and north of the San Jacinto  
28 Wildlife Area.  
29  
30 Case Planner: Mark Gross  
31  
32 Council District: 3  
33  
34 Proposal: CONTINUED PUBLIC HEARING PROPOSED  
35 WORLD LOGISTICS CENTER  
36  
37

38 **STAFF RECOMMENDATION:**

39  
40 **APPROVE** Resolution Nos. 2015-12, 2015-13, 2015-14, 2015-15 and 2015-16  
41 thereby recommending that the City Council:

- 42  
43 1. **CERTIFY** the Environmental Impact Report (P12-016), including approval of  
44 the Mitigation Monitoring Program and adoption of a Statement of Overriding  
45 Considerations (Exhibits A and B of Resolution 2015-12) for PA12-0010  
46 (General Plan Amendment), PA12-0011 (Development Agreement), PA12-

1 0012 (Change of Zone), PA12-0012 (Specific Plan), PA12-0014 (Pre-  
2 zoning/Annexation), PA12-0015 (Tentative Parcel Map), pursuant to the  
3 California Environmental Quality Act (CEQA) Guidelines.  
4

- 5 2. **APPROVE** General Plan Amendment PA12-0010, to change the land use  
6 designations for the project area to Business Park/Light Industrial (BP) and  
7 Open Space (OS), and to amend General Plan goals and objectives text and  
8 map in the respective Community Development, Circulation, Parks,  
9 Recreation and Open Space, Safety, and Conservation Elements identified in  
10 Exhibits A through M of Resolution 2015-13.  
11
- 12 3. **APPROVE** Change of Zone PA12-0012 and Specific Plan PA12-0013 and  
13 Annexation PA12-0014, which would repeal the current Moreno Highlands  
14 Specific Plan No. 212-1, would establish the World Logistics Center Specific  
15 Plan including Change of Zone on the City's Zoning Atlas to Logistics  
16 Development (LD), Light Logistics (LL) and Open Space (OS) for areas within  
17 the proposed WLC Specific Plan boundary, would establish Pre-  
18 zoning/Annexation for an 85 acre site at the northwest corner of Gilman  
19 Springs and Alessandro Boulevard, and authorize Change of Zone on the  
20 City's Zoning Atlas to Open Space (OS) for those project areas outside and  
21 southerly of the new WLC Specific Plan boundary, Exhibits A, B and C of  
22 Resolution 2015-14.  
23
- 24 4. **APPROVE** Tentative Parcel Map No. 36457 PA12-0015 for a tentative parcel  
25 map that includes 26 parcels for financing and conveyance purposes, Exhibit  
26 A and B of Resolution 2015-15.  
27
- 28 5. **APPROVE** Development Agreement PA12-0011 covering properties  
29 controlled by Highland Fairview, Exhibit A of Resolution 2015-16.  
30

### 31 COMMISSIONER DISCUSSION

32  
33  
34 **CHAIR LOWELL** – Okay, so I guess we will just keep moving on down the line,  
35 which I believe is our Commissioner Discussions.  
36

37 **PLANNING OFFICIAL RICK SANDZIMIER** – Before you do get started, since  
38 Commissioner Korzec was not at the last meeting, we do need a disclosure for  
39 this that Commissioner Korzec has brought herself up to speed, so if she could  
40 do that for us that would be perfect.  
41

42 **COMMISSIONER KORZEC** – Yes, I personally watched all 5 hours 47 minutes  
43 and 1 second of the video on YouTube, so I'm up to speed.  
44

45 **CHAIR LOWELL** – Okay.  
46

1 **VICE CHAIR SIMS** – I have one disclosure.

2  
3 **CHAIR LOWELL** – Vice Chair Sims would like to say something.

4  
5 **VICE CHAIR SIMS** – I was contacted by phone by Tom Jerelle to talk about a  
6 condition of about not losing the periodic fire sprinkler when the fire sprinklers  
7 had to be tested not to waste the water when those go out. He just mentioned  
8 that if we could figure something out for the condition, so I'm just disclosing that  
9 that phone call occurred.

10  
11 **CHAIR LOWELL** – We also have a change in our ADA Disclaimer. Let me find  
12 that piece of paperwork that we have. It says "Upon request this Agenda will be  
13 made available in appropriate alternative formats to persons with disabilities in  
14 compliance with the American Disabilities Act of 1990. Any person with a  
15 disability who requires a modification or accommodation in order to participate in  
16 the meeting should direct such requests to our current ADA Coordinator who is  
17 Guy Pagan. His phone number is the same as the previous number, which is  
18 (951) 413-3120. Please make your request at least 48 hours in advance to  
19 enable to City reasonable time to make arrangements to ensure accessibility to  
20 the meeting." Being that we have quite a few items to discuss and it looks like  
21 we're going to be making one resolution or one motion to approve/deny,  
22 whichever, this project before us. I would like to take each item one at a time.  
23 Item No. 1, which would be to certify the EIR; Item No. 2, which is the General  
24 Plan Amendment; Item No. 3 is the Change of Zone, the Specific Plan and  
25 Annexation; Item No. 4 is a Tentative Parcel Map; and Item No. 5 is the  
26 Development Agreement. I would like to take time and actually go over one of  
27 these items at a time and allow the Commissioners up here a chance to voice  
28 their opinions and kind of stay on topic. If we kind of jump around and talk about  
29 the Development Agreement and then the EIR and then the Tentative Parcel  
30 Map, it's hard to keep our train of thought together, so with that said let's just go  
31 onto Item No. 1. The Staff recommendation, this is not a motion, I'm just reading  
32 the Staff's recommendation. For Item No. 1, is to certify the Environmental  
33 Impact Report PA12-016, including approval of the Mitigation Monitoring  
34 Program and adoption of the Statement of Overriding Considerations, which are  
35 Exhibits A and B of Resolution 2015-12 for PA12-0010, which is the General  
36 Plan Amendment; PA12-0011, which is the Development Agreement; PA12-  
37 0012, a Change of Zone; PA12-0013, the Specific Plan; PA12-0014, the Pre-  
38 Zoning and Annexation; PA12-0015, which is the Tentative Parcel Map. We're  
39 being asked to certify all those items in the EIR that are pursuant to the California  
40 Environmental Quality Act Guidelines (CEQA). So, with that, I will open up the  
41 floor to my fellow Commissioners. Anybody want to speak? Awesome.  
42 Commissioner Barnes, please.

43  
44 **COMMISSIONER BARNES** – Yeah, I have a question of Staff and it's not  
45 specific to the EIR, but I think it's a good one to start with. Is there somewhere in  
46 all of this documentation a mechanism or a link that ties all these projects

1 together and requires that they all be executed, or can these take place  
2 independently of one another? In other words, we've got a tentative map that  
3 has a few conditions, but I didn't see a condition in it for the Development  
4 Agreement. Does that make sense to you guys as to what I'm asking? It seems  
5 these things can happen independently and not necessarily in an all or nothing  
6 fashion. At least I don't see it anywhere.

7  
8 **SENIOR PLANNER MARK GROSS** – There are a number of items that are  
9 associated, as you know, with the project. The EIR is pretty much the document  
10 that is tying all of those together in that basically, if you're approving the items,  
11 the EIR is a part of that. Possibly our legal or maybe even Rick may have some  
12 other items to include with that but if we can do it separately I guess is the  
13 question but.....

14  
15 **PLANNING OFFICIAL RICK SANDZIMIER** – Let me try and add something to  
16 this. The applications in front of you are independent with regard to the type of  
17 application, so the General Plan Amendment can be considered on its own. The  
18 Specific Plan can be considered on its own. The Change of Zone can be  
19 considered on its own. The Tentative Parcel Map can be acted on, but it is  
20 contingent upon getting legislative actions taking place. The Development  
21 Agreement is something you wouldn't take an action on unless you, in fact, had  
22 taken an action on the General Plan Amendment, Zone Change, and Specific  
23 Plan because it itself is a document that's tied to those approvals and it makes  
24 those approvals part of the Development Agreement. The environmental  
25 document, as Mr. Gross has indicated, is a general document that supports all  
26 the actions that are in front of you so we would want you to be considering that.  
27 In light of all the applications and findings, if you find you can certify it for the  
28 purpose of approving or taking an action to the contrary on any of the  
29 applications that's up to you but you typically certify the environmental document  
30 if you're going to approve the projects. Let me talk a little bit more about the  
31 Specific Plan, the Specific Plan and the General Plan Amendment because there  
32 is the Moreno Highlands Specific Plan that involves more of the acreage out  
33 there than just the Specific Plan for the World Logistics Center, approval of the  
34 Specific Plan and the Change of Zone to the areas outside of the World Logistics  
35 Center Specific Plan in essence rescind the underlying Moreno Highlands  
36 Specific Plan. If for some reason you wanted to go forward and do the approvals  
37 associated with the World Logistics Center Specific Plan Area alone, then there  
38 could be an issue we need to talk about about how we would modify the  
39 underlying Moreno Highlands Specific Plan because that's not part of the  
40 application today. The application, if it went forward, is a package that basically  
41 rescinds the entirety of the Moreno Highland Specific Plan.

42  
43 **COMMISSIONER BARNES** – So, if for some reason the annexation encounters  
44 some difficulty, what does that do to the project?  
45

1 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay, sorry I forgot to mention the  
2 annexation. With regard to the annexation, the annexation itself would be a  
3 subsequent action that we would require LAFCO to be involved. The Pre-Zoning  
4 that you're being asked to consider this evening is an approval of the zoning,  
5 which is tied into the World Logistics Center Specific Plan document itself which  
6 establishes the zoning intended for the 85 acre parcel. So the annexation tonight  
7 you're not taking an action on, you'd be acting on the pre-zoning of the property.

8  
9 **COMMISSIONER BARNES** – Alright, but the Parcel Map has a condition that  
10 the annexation take place I think. There's a condition, I apologize I don't  
11 remember which one it is. But, if the map is conditioned to do the annexation  
12 and it doesn't happen, then the map can't record and then what does that do to  
13 the rest of the dominoes here?

14  
15 **PLANNING OFFICIAL RICK SANDZIMIER** – Let me take a closer look at the  
16 condition, and I'll get back to you on that.

17  
18 **COMMISSIONER BARNES** – Yeah, and we can move on if you want to and  
19 readdress this. Thank you.

20  
21 **CHAIR LOWELL** – By all means.

22  
23 **VICE CHAIR SIMS** – Since this is kind of at the start of the Planning  
24 Commission Deliberation, I just want to just note for myself that a lot of effort has  
25 gone on for the project proponent to get an EIR of this magnitude and all the  
26 supporting documentations to this point. And, also when you go through all the  
27 comment letters from various people and the organizations that have submitted  
28 on it, there has been a substantiative amount of effort as well to review the  
29 sufficiency of the document that that proponent has proposed for the project and  
30 so as we go through these deliberations I just want to make it clear, at least as a  
31 Planning Commissioner on my own stance, I'm not trying to make a decision that  
32 the legal sufficiency of the CEQA document because I don't have the legal  
33 expertise to go through the minutia of that. I don't know if any of my fellow  
34 Planning Commissioners are CEQA legal experts to be able to do that. I'm sure  
35 there's a lot of smart people that will make one way or the other decisions on that  
36 outside of the Planning Commission Meeting so my inquiries and questions and  
37 comments tonight will be mainly just based on information that's presented, both  
38 the for and against, in the Public Comments that we've heard last week. So,  
39 anyhow, that's just kind of where I stood on this thing. So I guess I'm just going  
40 to jump in. I'll start with A for air and that was kind of my first part that I was  
41 looking at and not being an air quality expert, but I breathe it every day, so it is a  
42 concern to me. I looked through the mitigation measures, and my take on the  
43 mitigation measures is the project does very well in and of it itself and that the  
44 project has very stringent conditions applied upon it using the best available  
45 technologies to maintain and control air quality generated at the project site  
46 within the boundaries. What I am struggling with and particularly when I read the

1 mitigation measures, and if I got them wrong I may have gotten them wrong, but  
2 the 4.3.6.2A and 4.3.6.3B that everything is going to be required to be onsite will  
3 be 2010 emission compliant, which is currently essentially the best that we have  
4 at this point. But then as you read on in mitigation measure 4.3.6.3B subset L, it  
5 says all diesel trucks entering the logistics site shall meet or exceed the 2010  
6 engine emissions and it goes on and so forth. Again, Staff if you want to look at  
7 that. I guess my concern is there is no guarantee that the trucks, you know,  
8 what's the enforcement mechanism that the City will have in place to be able to  
9 enforce that? I mean you still see a lot of trucks on the road, the little old Mac  
10 trucks or the little box ones that look like Sponge Bob going down the street.  
11 Those are clearly not 2010 emissions, so the project in and of itself I think is  
12 doing a good job on the operation and the continuous operation and some of the  
13 unmitigatable things that happen during construction probably they'll do the best  
14 they can with the tier 4 construction equipment. I don't quite understand how you  
15 enforce truck traffic coming to and from the site.

16  
17 **SENIOR PLANNER MARK GROSS** – Well the mitigation measure, and I think  
18 the main one was 4.3.6.3B. As you mentioned, it is included in the mitigation  
19 monitoring and reporting program, which is basically an enforcement tool of the  
20 mitigation that is being provided. With this particular item, I believe that as far as  
21 how we'll track the items, there is going to be collection of VIN data to be  
22 identified as the primary method of verifying truck compliance for future project  
23 specific approval. So there would be a log of that data that would be provided on  
24 site to make sure that those types of trucks, the 2010 regulated truck emission  
25 trucks, are going back and forth into the site. So, if we understand or if there is  
26 some concern about the enforcement of such, I think we can go back to those  
27 logs and see what is actually being provided. And, if there are violations being  
28 provided, we would know that from that log that that information was being  
29 provided on...at each individual building site.

30  
31 **VICE CHAIR SIMS** – I appreciate that. Thank you. So but what is the teeth to  
32 that? What is the enforcement? Keeping a log of that's a violator, they don't  
33 have a 2010 truck or they don't meet the emission control, so the City I think it  
34 was the Public Works Department is required per the mitigations that require  
35 that. What happens with that data? Does it go to the AQMD or the California Air  
36 Resources Board and then there's a series of actions that forces compliance  
37 because in the absence of any teeth then what actually comes of that?

38  
39 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay, if I may, on page of the  
40 initial Staff Report from the June 11<sup>th</sup>, 2015 meeting that had all of the reports in  
41 it, if you have the hard copy, you want to turn to packet page #341 which is  
42 where the mitigation 4.3.6.3B starts. In the entire Mitigation Monitoring Table,  
43 the last column talks about the ramifications for noncompliance. They call it  
44 sanctions for noncompliance. In that particular item, if a CUP has been issued,  
45 revocation of the CUP would be the ultimate. So what we would approve for  
46 developments in that area would be a Plot Plan, or if a Conditional Use Permit

1 was approved what we would be looking for is potential revocation of that. If you  
2 also look on page 343 as Mr. Gross was identifying the specific languages within  
3 the mitigation measure right in the paragraph L and it specifically says that the  
4 facility operator shall maintain their log of all trucks entering the facility to  
5 document that the truck usage meets the emissions standards. This log shall be  
6 available for an inspection by the City at all times. So this is the mitigation  
7 measure. Now when each project comes in in the World Logistics Center area,  
8 they'll all be subject to a subsequent Plot Plan. We can take the mitigation  
9 measure and we can tighten it down based on the comments we're hearing here  
10 tonight to make it tighter. The Condition of Approval can mirror what the  
11 mitigation measure is saying, and it can also tighten it or refine it down to this  
12 issue about ensuring enforcement or ensuring that there's some additional teeth.  
13 The approval of this does not preclude us from doing that at a subsequent date.  
14  
15

16 **VICE CHAIR SIMS** – Just thinking out loud, you know, as time goes on the 2010  
17 condition will be easier to meet because by 2022 the 2010 trucks are going to get  
18 old and people will want to replace them, so I think perhaps there's some self  
19 correction. Like I said though, you still see the Sponge Bob trucks still on the  
20 road probably that were built in the early 70s. They're still cruising around. I  
21 don't know how or why but they are. So is there a way to put something into the  
22 Development Agreement because the master developer is controlling the  
23 property to future tenant developers? And if there's bad apples within this Master  
24 Plan Logistics Center and they're not compliant with these rules and we find that  
25 there's multiple trucks going in and out of the site all of the time that aren't 2010  
26 compliant, can the City in some way prohibit the developer from even starting on  
27 another Plot Plan or stopping an entitlement process on a subsequent  
28 development?  
29

30 **SENIOR PLANNER MARK GROSS** – Well I'm not sure that the Development  
31 Agreement would actually be the mechanism to do that. I think again how to do  
32 that is, if we're seeing based on this overall Specific Plan that there are concerns  
33 with any approaches out there, I think we could as Mr. Sandzimier has  
34 mentioned we could actually provide more detailed conditions as those individual  
35 Plot Plans are provided into us. That I think is the way to try to enforce besides  
36 what is being included in the Mitigation Monitoring Program itself, which they are  
37 revoking something or trying to provide something that stops what is going on out  
38 there at the site.  
39

40 **VICE CHAIR SIMS** – I only urge that...this is just starting here but I would urge,  
41 if the project is approved, that there is something with some teeth put into  
42 something into these documents that prohibits continued development that flies  
43 in face of the condition for the project, the mitigation measure, because the final  
44 EIR there is a sentence in there that says that the air basin is one of the worst in  
45 the nation. So, you know at the end of the day if this project goes forward, it

1 should do everything that it possibly can to mitigate the air quality deficit. So, I  
2 would ask Staff to think about how that could be done.

3  
4 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may go back Mr. Chairman on  
5 the question regarding the map, the Tentative Parcel Map. There is a condition  
6 P8, which does refer to the recordation of the map not proceeding until the  
7 annexation of that property. I talked with legal council and we probably can  
8 tighten down the language in that condition, so that it is more specific to define  
9 what the property is. But I believe on your dais this evening there is a copy of the  
10 Tentative Parcel Map itself. If you look at the general notes on the Tentative  
11 Parcel Map itself, General Note No. 12, it may be a little bit hard to read because  
12 of the small print on this particular size. But it basically says General Note No.  
13 12: Prior to the recordation of Parcel 26, the underlying property shall be  
14 annexed into the City of Moreno Valley. So the map in itself has already  
15 identified that Parcel 26 is the property that is subject to annexation. So what we  
16 can do is work with the language on that Tentative Parcel Map Resolution before  
17 it goes to the City Council, and we can correct that.

18  
19 **CHAIR LOWELL** – For clarity, it looks like there is two number 11's and two  
20 number 12's into the general notes. It goes 1 through 15 and then 11 and 12  
21 again, or 1 through 16, then 11 and 12. You're referring to the second No. 12,  
22 which should be No. 18.

23  
24 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes. We can address that as  
25 well.

26  
27 **COMMISSIONER BARNES** – I'm glad you guys can read that.

28  
29 **CHAIR LOWELL** – I don't know about everybody else, but I have numerous  
30 comments. I'm trying to figure out a good place to start. It is kind of difficult. Mr.  
31 Barnes you have your....

32  
33 **COMMISSIONER BARNES** – Yeah, I wanted to follow up on Commissioner  
34 Sim's comments. Regarding the teeth in the mitigation monitoring, it states  
35 withhold Certificate of Occupancy. If their withholding it, that's prior to them  
36 getting it? Does that really mean withhold or revoke? If you've got a user that's  
37 breaking the rules, is the hammer to revoke their Certificate of Occupancy so that  
38 they are shut down?

39  
40 **SENIOR PLANNER MARK GROSS** – Well some of the mitigation measures are  
41 actually provided. There's really two sets of mitigation measures. There's  
42 mitigation measures when during grading, the grading stage up to construction  
43 stage, and then there's mitigation as it moves forward with the operational  
44 stages. So I think the way the mitigation measures are provided is that, as you  
45 mentioned, it would withhold the Certificate of Occupancy if they haven't gotten  
46 to that point yet. If they've already passed that point, then yes we would have to

1 go back to whatever approvals were included, I believe, is how we would be  
2 looking at it.

3  
4 **COMMISSIONER BARNES** – I have to admit I'm not fluent in the whole thing,  
5 but it seems like that should be a clarification that should be in there that if they  
6 have it and they are a violating user then revoke. That's pretty strong teeth. You  
7 lock the gates and tell them to go home until they clean up their act.

8  
9 **VICE CHAIR SIMS** – That only works if you have the power.

10  
11 **CHAIR LOWELL** – If you look at page 341, which is the mitigation monitoring, it  
12 says on an ongoing basis. It says: Tenants shall maintain records of fleet  
13 equipment, vehicle engine maintenance, yadda yadda, yadda. And it says, on  
14 the very far right, it says sanctions for noncompliance. It says: If a CUP has  
15 been issued, revocation of the CUP.

16  
17 **COMMISSIONER BARNES** – Okay. There you go.

18  
19 **VICE CHAIR SIMS** – But just for clarification, I really don't have any real  
20 concerns. It seems like they are conditioned to use tier 4 equipment on site and  
21 whatnot. The project in and of itself seems to work probably pretty good from an  
22 air quality standpoint. You know, what they're saying they are going to do at  
23 these mitigations. What I'm more concerned about is the offsite trucks. They're  
24 saying in this mitigation, maybe I'm just totally misunderstanding it, but this one  
25 4.3.6.3BL it says all trucks coming in need to be compliant.

26  
27 **CHAIR LOWELL** – That's what it says right here on an ongoing basis.

28  
29 **COMMISSIONER BARNES** – So the City then takes the 30-day log. They  
30 review it and find that there's 12 violations and that they've violated in previous  
31 months so then, based on what Chairman Lowell pointed out, if they're in  
32 violation then they've gotten to the point where we're going to bring down the  
33 hammer. Their CUP is revoked and they lock the gates.

34  
35 **VICE CHAIR SIMS** – Yeah but for the offending, I mean I would assume that the  
36 City would have to have some kind of an administrative process that there could  
37 be a hearing or something like that before the Council or before just the CUP  
38 gets revoked by Staff. You know, you look at the log and it doesn't have, I guess  
39 would there be an administrative process for the benefit and protection of the  
40 actual tenant that has the building?

41  
42 **COMMISSIONER BARNES** – I'm guessing the CUP process already contains  
43 some mechanism because revocation of a CUP that can apply to other projects  
44 as well, so that's nothing new right?

1 **ASSISTANT CITY ATTORNEY PAUL EARLY** – That’s correct. There’s whole  
2 provisions in the code for the due process requirements for the revocation and a  
3 hearing is required for that.

4 **CHAIR LOWELL** – So would a proposed future tenant violating these rules  
5 once, maybe having one truck that just slipped through the radar and got logged  
6 but they are a 1965 Peterbilt that smokes like a chimney and they manage to get  
7 through, would they all of a sudden be dragged in front of the Administration  
8 Review Board and have the CUP revoked or is there some sort of a wrapping up  
9 process to revocation of the CUP?

10  
11 **ATTORNEY WILLIAM CURLEY** – Commission: The way these typically would  
12 function in the granting of the Conditional Use Permit, Staff would/will/should put  
13 a structure. One violation is this. Two violations is this. It is articulated in there  
14 so there is notice to the user, the operator of the facility, as well as the  
15 establishment of the thresholds to where that heavier hammer comes down. So  
16 typically going into revoke a CUP for one violation, you probably would not pull it  
17 off just from that. But, if one of the conditions and I’m just making this up as we  
18 go, if the condition....the first violation is a \$1000.00 fine. That is proper use of  
19 your police power. That would be the stick to encourage stricter compliance. So,  
20 within that CUP, there would be a structure of enforcement. When and if a user  
21 proved themselves to be a serial offender, then you would look to your normal  
22 revocation process. But you wouldn’t want to trap yourself and say well only one  
23 violation is not going to get a revocation, so they’ll get a free ride. You’ll build in  
24 a penalty so that you can port to your mitigation plan. Each one will be, a CUP  
25 as you know is tailored to that user and that use, so it would be difficult to put in a  
26 one size fits all here. But by noting under your zoning that you’ll have a CUP for  
27 logistics users, within that CUP, there will be the conditions. You’ll effectuate  
28 those and for serial offenders then you’ll take away their right, that right. That’s  
29 how it’s typically done.

30  
31 **CHAIR LOWELL** – And, for clarity, we’re not talking about a specific CUP on  
32 this project today. We’re just talking about future tenants. When they come in to  
33 occupy the building, that’s when we discuss CUP and enforcement and that stuff.

34  
35 **ATTORNEY WILLIAM CURLEY** – Right. Exactly. And, for the audience, CUP  
36 is a Conditional Use Permit. It is the right to use that property subject to the  
37 conditions that are applied in that approval, so that’s why each one I say is  
38 tailored to the particular use or user. It isn’t a one size fits all. You’ll look at what  
39 your proposal is. You’ll structure it. And you’ve seen dozens of them I’m sure,  
40 but each one is crafted by Staff and by the Commissions review to fit that. It  
41 would also in moving forward have to integrate the environmental mitigation  
42 measures and the other approvals within these foundational documents. It works  
43 on an inclined or incremental basis, if that makes sense, in the level of sin if you  
44 will.

1 **CHAIR LOWELL** – Commissioner Van Natta. Oh, Commissioner Barnes is  
2 waiting. Commissioner Barnes go for it.

3  
4 **COMMISSIONER VAN NATTA** – I think there was something in the comment  
5 that was made talking about the 2010 standards and of course we're talking  
6 about 2010. We're already in 2015. By the time these additional tenants get  
7 built out, we may be into 2020 and beyond that the language allows for the City's  
8 updating the standards to whatever future clean air regulations are available. Is  
9 that correct?

10  
11 **SENIOR PLANNER MARK GROSS** – Well I think again when you're looking at  
12 the individual Plot Plans as they come in, like you say, we're talking about a 15  
13 year timing as far as the approach of development. So I think yes. If things do  
14 change, we would have to go back in and there would have to be some  
15 modification of language that would be associated with any changes to the types  
16 of trucks that come in and out of the site.

17  
18 **COMMISSIONER VAN NATTA** – And that could be addressed with each CUP  
19 with the new tenant who comes in saying okay this is what the standard is now  
20 and this is the Condition of Approval.

21  
22 **SENIOR PLANNER MARK GROSS** – Yes. Each project that comes in  
23 individually we could look at that on an individual basis. That's correct.

24  
25 **COMMISSIONER VAN NATTA** – Thank you.

26  
27 **CHAIR LOWELL** – Commissioner Barnes.

28  
29 **COMMISSIONER BARNES** – Actually now I have three questions. Based on  
30 what she just said, is there a mandate in here that as new individual site  
31 applications come through there be a reassessment of the current standard? Or  
32 could the City just say well what we've got is good and roll with it all the way  
33 through the end of the DA?

34  
35 **PLANNING OFFICIAL RICK SANDZIMIER** – No there is no language  
36 specifically in the documents that talk about what you just suggested. But, if the  
37 City is compelled to comply with any sort of State Regulation that we don't have  
38 legislative powers over, if we must comply with the State Regulations then we  
39 would be compelled to basically follow those. And, right now, the Southern  
40 California Air Quality Management District standard for applying the 2010  
41 technology trucks or better is supposed to be triggered by 2023. So, right now,  
42 we're in 2015. We are basically advancing this mitigation about eight years  
43 ahead of when everybody is going to have to comply with it. Now if CARB of the  
44 Air Quality Management District comes up with a new regulation, which we've  
45 met with them and they don't have anything specific that they can tell us, you  
46 have to comply with this. They are making suggestions that you should always

1 be looking forward and you should always be looking for improvements, and  
2 we're committed to doing that, but we don't have anything locked in place that  
3 says you have to do something.

4  
5 **COMMISSIONER BARNES** – So it's case by case as you would move forward?

6  
7 **PLANNING OFFICIAL RICK SANDZIMIER** – Correct.

8  
9 **COMMISSIONER BARNES** – Okay two other questions. There was mention of  
10 the CUP being the mechanism to enforce the 2010 standard. If we change the  
11 General Plan, Change the Zone, approve the Specific Plan, etc., etc., will all the  
12 projects within this development require CUP because they're essentially  
13 conforming to all of that and much of my experience with CUP's is they are  
14 unique uses in a particular zone a normally standard approved use wouldn't  
15 require a CUP.

16  
17 **PLANNING OFFICIAL RICK SANDZIMIER** – Right, so not all of the  
18 developments would require a Conditional Use Permit. However, all the  
19 applications would require a Plot Plan Review. So what Mr. Gross and I were  
20 just talking about is we can tighten down the language in the mitigation measure  
21 so that it is more generic to not just CUP's but also to the appropriate entitlement  
22 actions that would be required for each of the developments.

23  
24 **COMMISSIONER BARNES** – And it seems like any user within the SP would  
25 lose their occupancy whether it's CUP or not, right? I mean that's a modification  
26 that we would make.

27  
28 **SENIOR PLANNER MARK GROSS** – Whether it's Plot Plan or Conditional Use  
29 Permit, either one.

30  
31 **COMMISSIONER BARNES** – Correct.

32  
33 **SENIOR PLANNER MARK GROSS** – Yeah. Once we add that language.

34  
35 **COMMISSIONER BARNES** – Okay. There was another question but I forgot,  
36 so move on. Thank you.

37  
38 **CHAIR LOWELL** – Commissioner Ramirez.

39  
40 **COMMISSIONER RAMIREZ** – So going back to the enforcement side, is there  
41 any language that we could include for those that violate, those vehicles coming  
42 into the project? Is there any language that we could include that will impose  
43 monetary penalties, such as the attorney just mentioned?

44  
45 **SENIOR PLANNER MARK GROSS** – Yeah I don't think there's anything  
46 specifically in the Mitigation Monitoring Program or in the mitigation measures

1 themselves that require penalties or things that they need to pay. I think again  
2 each mitigation measure, and if we're talking about trucks, I mean the trucks  
3 have their certain regulatory requirement as far as how the mitigation measure  
4 works. How are we going to enforce that mitigation measure? So I think again  
5 what we talked about before in just providing for either revocation of the  
6 approvals that come about is what we would have to be looking at from an  
7 enforcement standpoint on the individual plans as they come in.

8  
9 **VICE CHAIR SIMS** – I, oh, I'm sorry.

10  
11 **CHAIR LOWELL** – Go ahead.

12  
13 **VICE CHAIR SIMS** – I'm out of line here.

14  
15 **CHAIR LOWELL** – I was going to change gears ever so slightly. Go ahead.

16  
17 **VICE CHAIR SIMS** – Well I just, from an enforcement standpoint especially  
18 because this is more of a programmatic approach, the approvals that are being  
19 looked at tonight are programmatic and then individual Plot Plans or CUP's will be  
20 coming through. You know, the way to modify the behavior for people that aren't  
21 compliant is you've got to hit the person that's the owner of the future project  
22 that's going to be a CUP or a Plot Plan and they can do that through operational  
23 practices with their contracts with the different providers and so forth to do that.  
24 So any kind of enforcement that's crafted on these individual CUP and Plot Plans  
25 or whatever the entitlement process is needs to have that so that they are  
26 specific to being able to go after the actual person that controls the land that is  
27 going to be developed so.

28  
29 **CHAIR LOWELL** – I have a question. We're looking at the Mitigation Monitoring  
30 Reporting Program Checklist. It has a list of mitigation measures/numbers  
31 implementing actions. It shows you who is monitoring, how often, verification,  
32 penalties and all that. But when you change documents and you go to the facts,  
33 findings, and statements of overriding considerations, you read these items and I  
34 haven't found one of these items that says a mitigation is required. It says no  
35 mitigation required. No mitigation required. You go over to cancer risks and it  
36 says potential significant impacts where the project would expose onsite/offsite  
37 workers, including school staff, substantial pollution concentration resulting in  
38 cancer risks as findings. The very last of the findings says no mitigation is  
39 required. Pretty much every one of these documents and items inside the  
40 Overriding Considerations says no mitigation is required. No mitigation is  
41 required. Are these two documents conflicting or is this additional mitigation  
42 above and beyond what we're already talking about?

43  
44 **SENIOR PLANNER MARK GROSS** – I think in some instances I mean when  
45 we're talking about the Statement of Overriding Considerations those are  
46 additional findings that are being provided for the project. These are actually

1 mitigation measures that are included with the project as far as reviewing it, but  
2 they are really, to answer your question, two documents and they are individual  
3 in and of itself. Even though they are all part of the Environmental Impact  
4 Report.

5  
6 **CHAIR LOWELL** – Well, for instance, one of the mitigation measures we have is  
7 using I think it's the 2007 or 2010 certified vehicles. But, on greenhouse gas  
8 emissions, it says no mitigation is required. So I guess what I'm trying to ask  
9 again is the restricting of the year vehicle being used, that is a mitigation  
10 measure. So the Overriding Considerations saying no mitigation required  
11 meaning no mitigation required above and beyond the vehicle restriction or are  
12 they battling one another?

13  
14 **SENIOR PLANNER MARK GROSS** – Maybe what we can do is, well I don't  
15 know how we want to add, we have the consultants here who prepared the EIR  
16 from LSA Associates. Possibly Kent Norton can maybe go into answering a little  
17 bit of that question to help us out a little bit on that.

18  
19 **KENT NORTON** – I'd be happy to. Thank you. Mr. Chairman the mitigation  
20 measures that are listed in the findings do correspond to those in the EIR and the  
21 Mitigation Monitoring Plan. They may just be in a different section. The  
22 mitigation, for example, the air quality mitigation measures are altogether in the  
23 discussion of air quality impacts. And then when it gets to the cancer risks, for  
24 example the tier 4, the requirement for the 2010 trucks is actually in the air  
25 quality mitigation so there is no additional mitigation required when it gets to that  
26 topic but all of the mitigation measures that are in the Mitigation Monitoring Plan  
27 and the EIR are in the findings. And I can cross reference if you would like at  
28 some point, but I am certain they are all there.

29  
30 **CHAIR LOWELL** – Okay. I will keep looking. I have highlights and notes and  
31 sticky tabs and I was striking out, so it might just be my bad eyes. I don't know.

32  
33 **ATTORNEY WILLIAM CURLEY** – One thing that perhaps may be helpful, the  
34 Statement of Overriding Considerations is the device to say there are some  
35 aspects that we cannot mitigate. No one can mitigate. Despite that, in balance,  
36 the benefit of the project outweighs those negatives. The component you're  
37 seeing there that say no mitigation, what that means is that aspect couldn't be  
38 mitigated. There was mitigation that applies to traffic, the vehicles. All of those,  
39 you note, are included. Despite all of those, you can't erase all of the impacts.  
40 So that remaining increment, if you will, of unmitigatable impact is what you're  
41 overriding so don't see them as an abandonment or a disavowal of other  
42 mitigation measures. Despite everybody's best efforts, you can't get rid of 100%  
43 of cancer risk. That remaining increment that you can't get rid of despite the  
44 mitigation is seen as outweighed by the value of the overall project. That's why  
45 the Statement of Overriding Considerations explains why those aspects, despite  
46 existing, the project should still go forward. That's the explanation tool that says

1 that the unmitigatable component shouldn't be the veto for the project it just  
2 recognized CEQA as an information document. It's providing you the  
3 information. This component can't be cured but in the overall balance it is still a  
4 worthy project. So I hope that addresses while you'll see no mitigation. It's not  
5 none at all. It's for that remaining increment if you will.

6  
7 **PLANNING OFFICIAL RICK SANDZIMIER** – Mr. Chairman, if I may, just as an  
8 example of what Kent and what Bill are touching on with regard to the Statement  
9 of Overriding Considerations. Can you turn to page 218 in the overall Staff  
10 Report. It actually starts right at the bottom of page 217. It talks about  
11 greenhouse gas, planned policy regulatory consistency. On page 218, at the top,  
12 it talks about the potential significant impact. And it talks about, this was  
13 identified as an area that could be inconsistent with greenhouse gas plans policy  
14 regulation. But the finding was that through implementation of those mitigation  
15 measures, and it lists them all, and then it goes into more detail on what all those  
16 mitigation measures are, that is all contained within that Statement of Overriding  
17 Consideration.

18  
19 **CHAIR LOWELL** – Gotcha.

20  
21 **PLANNING OFFICIAL RICK SANDZIMIER** – I'm not sure what page you were  
22 referring to where it said no mitigation is required, but if you told me to look at  
23 what was on page....

24  
25 **CHAIR LOWELL** – That was on page 27 of the actual report, not the Staff's  
26 Report. Just of the actual Overriding of Considerations page, not the combined  
27 Staff Report.

28  
29 **PLANNING OFFICIAL RICK SANDZIMIER** – Oh okay.

30  
31 **CHAIR LOWELL** – I didn't mark that one up. It was basically Item No. 6 of that  
32 report. It says greenhouse gas emissions, cumulative greenhouse gas emission  
33 impacts. It says potential significant impact whether the project in connection  
34 with past, current, and probable future projects would have a cumulative  
35 significant impact from greenhouse gas emission. Findings: Potential  
36 cumulative impacts of the project-related greenhouse gas emissions are  
37 discussed in detail in Section 4.7 of the EIR Volume 3: Based on the entire  
38 record before us, this Council finds that development of the project would not  
39 result in significant cumulative impacts related to greenhouse gas emissions.  
40 Therefore, no mitigation is required. So that's what I was asking because it  
41 refers to the EIR but then it says based on the EIR no mitigation is required, but  
42 we have a whole list of mitigation so that's why the confusion showed up  
43 because it just seemed to be conflicting with another. But if what the attorney is  
44 saying is that this is referring to that little portion that the mitigation can't fix then  
45 that makes sense. But it was just rattling around in my head and didn't make  
46 sense to me.

1  
2 **PLANNING OFFICIAL RICK SANDZIMIER** – I'm going to let Kent address that  
3 now that we've located what you're referring to.

4  
5 **CHAIR LOWELL** – And, just to let you know, this is for most of these items say  
6 no mitigation required so it's a common theme that I had so it's more than just  
7 greenhouse gases. It's pretty much all the items in this Overriding Consideration  
8 document.

9  
10 **KENT NORTON** – I'll start with the example of the greenhouse gases.  
11 Remember that the final EIR concluded that with all the mitigation that was  
12 existing plus taking into account benefits from the State Cap-and-Trade Program.  
13 The project would not have significant cumulative greenhouse gas emissions  
14 because so much of the greenhouse gas emissions from the project are related  
15 to vehicle fuels, which are out of the control of the City but under the control of  
16 the State. That's why there's no mitigations specifically identified for that, but  
17 there is quite a bit of mitigation identified for air quality impacts. A number of  
18 those measures do affect or reduce greenhouse gas emissions. Did that clear it  
19 up or make it more cloudy?

20  
21 **CHAIR LOWELL** – I'm kind of clouded a little bit more.

22  
23 **KENT NORTON** – I apologize.

24  
25 **CHAIR LOWELL** – But it seems what you're saying is that we are going to be  
26 reducing or limiting the types of vehicles to reduce the amount of pollution. With  
27 that said, this project, things that we can address that are within the City's power,  
28 we're doing everything we can to monitor and mitigate but there are things  
29 outside of our control that we can't mitigate and that's what the Overriding  
30 Considerations is saying.

31  
32 **KENT NORTON** – By implementing the tier 4 2010 or better emissions controls  
33 or engines that measure helps then reduce the greenhouse gas emission  
34 impacts of the project, especially because this project would be implementing  
35 that requirement many years earlier than the State would have required.

36  
37 **CHAIR LOWELL** – Well in not trying to beat a dead horse but why would you  
38 say no mitigation is required on this specific item? Why wouldn't you say  
39 mitigating these tier 4 engines yadda, yadda, yadda based on all the other  
40 mitigation measures we're already proposing in other documents.

41  
42 **KENT NORTON** – I believe because the conclusion was that with the mitigation  
43 that's proposed so far in the air quality section that no additional mitigation was  
44 needed for greenhouse gas emissions.

1 **CHAIR LOWELL** – I guess that’s the word I was missing. I mean, no additional  
2 mitigation is required would be a lot more clear and concise.

3  
4 **KENT NORTON** – I understand. We can modify that or we can provide some  
5 additional language if necessary.

6  
7 **CHAIR LOWELL** – I think that would help clear things up. I would appreciate  
8 that. Thank you. And, just for my own edification, when we’re talking about this  
9 it says tons of CO<sub>2</sub>e. I know what CO<sub>2</sub> is, carbon dioxide. But the E?

10  
11 **KENT NORTON** – It’s carbon dioxide equivalent. That’s a way of measuring  
12 different kinds of greenhouse gases and making the calculation equivalent to  
13 carbon dioxide.

14  
15 **CHAIR LOWELL** – Okay. Thank you. I will let Mr. Barnes Speak.  
16 Commissioner Barnes please.

17  
18 **COMMISSIONER BARNES** – Quick question back to the truck monitoring, and  
19 there’s other things in the mitigation measures that require oversight by the City.  
20 First of all, is that truck monitoring program being used in other agencies, other  
21 large projects? Is that something we know really, really works? And then,  
22 second of all, along with that and the other mitigation measures that require City  
23 oversight how are those funded because when you’re talking 40 million square  
24 feet of buildings that could be a fair amount of oversight and so what’s the  
25 mechanism for funding the monitoring that the City would be doing? So two  
26 questions.

27  
28 **SENIOR PLANNER MARK GROSS** – Yeah well to try to answer I guess the  
29 first question about the monitoring and how it’s being provided, I mean the  
30 wording that is included in the Mitigation Monitoring Program is, especially with  
31 the trucks and trying to keep certain things outside, keeping logs and those types  
32 of things, is really commonplace in a lot of these large industrial or large  
33 development projects that are coming forward. I know that a lot of our other  
34 larger industrial projects have included this type of language that again provides  
35 for the review of these items. Now, as far as the funding goes, it’s really going to  
36 be as far as how the mitigation works is that if we hear that there are violations or  
37 if we hear of issues that are coming up I mean we have Staff that would have to  
38 be the ones....we would have to actually review that. I mean, it’s going to be  
39 provided out on the site. But we are going to be reviewing any information that  
40 comes before us so we could again, you know, indicate whether there are  
41 violations or not violations out on the site. I mean, there really wouldn’t be any  
42 specific funds that we would have to work with other than just what we have.

43  
44 **COMMISSIONER BARNES** – Okay, so it’s covered basically by your  
45 operational budget?

1 **SENIOR PLANNER MARK GROSS** – It would just be, yeah, it would be  
2 operational.

3  
4 **COMMISSIONER BARNES** – Okay.

5  
6 **SENIOR PLANNER MARK GROSS** – Yeah, it would be operational, yeah.

7  
8 **COMMISSIONER BARNES** – And then the monitoring....

9  
10 **SENIOR PLANNER MARK GROSS** – And maybe Mr. Sandzimier wants to  
11 chime in.

12  
13 **PLANNING OFFICIAL RICK SANDZIMIER** – I’m trying to find our, we actually  
14 do have a development fee. I don’t have the sheet in front of me, but there is a  
15 deposit required for mitigation monitoring. So I want to find that and with regard  
16 to monitoring mitigation measures there is a development fee that is associated  
17 with that.

18  
19 **COMMISSIONER BARNES** – Okay. Thank you.

20  
21 **SENIOR PLANNER MARK GROSS** – That’s correct. There is a fee with the  
22 Mitigation Monitoring Program and we keep that on, you know, it’s a fee that  
23 continues with the mitigation monitoring and it’s a deposit account fee. So as  
24 we’re looking at, especially if we’re looking at some of these things coming up  
25 during construction, there’s a lot of monitoring going on; a lot of items that we’re  
26 still tracking as far as the mitigation measures go. So that’s correct.

27  
28 **COMMISSIONER BARNES** – The deposit base then it gets refurbished as its  
29 used.

30  
31 **SENIOR PLANNER MARK GROSS** – Yeah.

32  
33 **COMMISSIONER BARNES** – So if they’re a gross abuser then they’re paving  
34 their own way.

35  
36 **SENIOR PLANNER MARK GROSS** – Yes.

37  
38 **COMMISSIONER BARNES** – Either construction or operationally.

39  
40 – Correct and we would have to do that on an individual basis as we’re seeing  
41 that come up, yes.

42  
43 **COMMISSIONER BARNES** – Okay, alright, thank you.

44  
45 **CHAIR LOWELL** – Vice Chair Sims.

46

1 **VICE CHAIR SIMS** – So I’ve really got myself wrapped around the axel on this  
2 one here, so but you know this reminds me of like a Source Control Program in  
3 the waste water business where you have a programatic approach to controlling  
4 discharge. There’s thousands and thousands of discharge that come to a  
5 publically owned treatment works, so there has to be a system in place. And it’s  
6 a programatic approach and the agency that owns the publically owned  
7 treatment works where all the sewer comes to has a programatic approach to  
8 enforcing certain local limits and whatnot that they can go into the treatment  
9 plant. It would seem, all I know is being in the waste water business, that it is  
10 very expensive the source control program is something that’s very expensive. It  
11 takes Staff time. It’s not something that’s a deposit based. I can see during the  
12 mitigation measures for construction that might seem to be a good way to do it.  
13 But ongoing operation that would go on for decades into the future, the project  
14 proposes a great influx of cash benefit to the City long-term of \$11 or \$12 million  
15 per year project, right? I can’t remember the number. I shouldn’t say numbers  
16 but long story short is that I do think that, if you’re going to have a meaningful  
17 monitoring program of vehicles in and out of the facility, the City has to take a  
18 programatic approach and you have to have a fee based way to handle that. So  
19 that goes either by, you know, you have a cost per square foot, a cost per acre, a  
20 cost per truck or something like that that you assess somehow onto the actual  
21 property developer to be able to afford the way to mitigate the measures that  
22 you’re putting into this project. Otherwise, it’s meaningless to have a mitigation  
23 that you can’t enforce. So you just have to have the funds to be able to do that,  
24 however you do that. I know how we do it on the waste water side. I don’t know  
25 how you do it for something like this. I would imagine California Air Resource  
26 Board or AQMD or something like that might be able to provide the City with best  
27 practice model of how to set up a fee structure like that.

28  
29 **CHAIR LOWELL** – I have a few more, actually I have a ton of questions. I could  
30 take up all evening. The City received several letters from various concerned  
31 citizens, residents, business owners. Some that really came to the forefront for  
32 me were various agencies letters and one that stood out in most was the CARB  
33 letter from June 8<sup>th</sup>. Could the City kind of summarize your response and has  
34 CARB (California Air Resource Board) responded to the City’s response?

35  
36 **PLANNING OFFICIAL RICK SANDZIMIER** – If you hold on a second, we will  
37 locate it.

38  
39 **CHAIR LOWELL** – I have it if you want it. We can move on if you want and  
40 maybe we can address that a little later.

41  
42 **SENIOR PLANNER MARK GROSS** – Yeah maybe if we can just get....we’re  
43 looking for the letter, and I think possibly the consultant who put together some of  
44 the information probably can provide some of this information as well. But were  
45 there any specific-type questions or is it just in general that we’re talking about?

1 **CHAIR LOWELL** – It's a pretty pointed letter from the Air Resources Board,  
2 especially the sentence that says unfortunately the ARB finds the FEIR to be  
3 legally inadequate and unresponsive to the comments the ARB provided in its  
4 April 16<sup>th</sup>, 2013 letter regarding the DEIR. That statement sits really heavy with  
5 me. And I read the response, but I was just wondering if you can elaborate on  
6 the response. And has the Air Resources Board responded to the City's  
7 response?  
8

9 **SENIOR PLANNER MARK GROSS** – Let's try to see if I can turn this over to  
10 Kent Norton who actually prepared the EIR and we're looking I think together at  
11 some of these items, so I'll turn that over to Kent.  
12

13 **KENT NORTON** – Mr. Chairman, Commissioner's obviously CARB's comments,  
14 along with the AQMD comments, raised some very strong issues about air  
15 quality impacts of the project. We believe that the analysis in the EIR is  
16 adequate. The health risk assessment was done according to AQMD's  
17 procedures for estimating those kinds of impacts. It seems to me their primary  
18 area of contention, though, is the HEI Study. Would you concur with that?  
19

20 **CHAIR LOWELL** – Yeah, I would concur with that. I tried looking it up, and I  
21 was unsuccessful in doing my research. Granted I didn't give it a whole lot of  
22 time, more than about 15 minutes trying to locate the actual study.  
23

24 **KENT NORTON** – Right.  
25

26 **CHAIR LOWELL** – But I haven't been able to read the HEI Study.  
27

28 **KENT NORTON** – The HEI or the AC Study is on the flash drive of the project  
29 files. Obviously, there are a lot of files. I understand.  
30

31 **CHAIR LOWELL** – Yeah, I printed up as much as I can until my printer ran out  
32 of ink.  
33

34 **KENT NORTON** – But I think the takeaway message that we have from the  
35 analysis though is, even if you disregard the HEI Study, the Air Quality Study/the  
36 Health Risk Assessment that was done using the latest procedures from CARB.  
37 The latest MFAC factors from CARB, using AQMD and OHEI current guidance  
38 on how to do these studies, indicates there is no significant offsite cancer risk  
39 from this project. Now some people have taken that statement to mean there are  
40 no air quality impacts and that's not true. The EIR specifically outlines what air  
41 quality impacts there are from, for example, criteria pollutants. And some of  
42 those have health effects as well. But the conclusion of the EIR was, based on  
43 the revised health risk assessment and taking into account the information that's  
44 available from the HEI Study, there is no significant cancer risk on or off the site  
45 from the project and that includes the 2010 tier 4 control over truck emissions  
46 mainly because those emissions from those trucks those newer engines are

1 much cleaner than older trucks. Now several Commissioners have already  
2 mentioned, you know, older trucks and problems with emissions with that. We  
3 believe that the monitoring of future development can adequately control truck  
4 access in and out and the requirements for these new engines. As even better  
5 technology is available, that would be incorporated whether it's mandated by the  
6 State or whether the City or a future development decides to implement  
7 additional requirements like this project is doing now. These 2010 requirements  
8 don't take effect for a number of years, and this development is being required to  
9 implement those both on construction and operational trucks. And, to my  
10 knowledge, there are no land development projects in Southern California that  
11 have had that done. They may have considered it say at the port, but this is the  
12 only large warehouse project that I'm aware of that's done that level of mitigation.  
13 And, because of that, a lot of these impacts have been significantly reduced.

14  
15 **CHAIR LOWELL** – Okay.

16  
17 **VICE CHAIR SIMS** – Can you just define when you say operational what that  
18 means?

19  
20 **KENT NORTON** – That the trucks going in and out of the project delivering and  
21 taking goods.

22  
23 **CHAIR LOWELL** – Does anybody else have any other questions on the  
24 mitigation monitoring or can we move onto more of the EIR? I have some  
25 questions on the Traffic Analysis. On the third page of the Traffic Impact  
26 Analysis Report, they were showing different paths of travel and different  
27 intersections that were being studied, and I was curious why Reche Canyon  
28 showed up on that study? That is a very windy rural road. Is Reche Canyon  
29 designated a truck route? I know that's outside of the City's jurisdiction, but  
30 there's several intersections on here that look like the World Logistics Center  
31 shouldn't have an effect on those areas yet of a study. And I couldn't quite tell if  
32 those areas were affected specifically by the World Logistics.

33  
34 **SENIOR PLANNER MARK GROSS** – We'll turn that over to Michael Lloyd to  
35 answer that question.

36  
37 **TRAFFIC ENGINEER MICHAEL LLOYD** – Good evening Chair and  
38 Commissioners, I'm Michael Lloyd with Transportation Engineering. The study  
39 intersections were determined based upon traffic modeling results, so the  
40 consultant who prepared the Traffic Study ran the model and the model was able  
41 to distribute the trips according to tractors and generators so evidently at this  
42 particular location the consultant felt there were enough trips from the project  
43 through this area that it warranted studying.

44  
45 **CHAIR LOWELL** – For instance, the study says the study included intersections  
46 where the proposed would add 50 or more peak-hour trips. So we're going to

1 have 50 or more peak-hour trips at some of these remote locations that seem  
2 pretty far away from the project and my instinct says there shouldn't be any  
3 effects, but it looks like there are. And it says any freeway ramps where 100 or  
4 more peak-hour trips were studied. And, like I said, Reche Canyon seems to be  
5 way out of the way and that was actually on page 2. But, on page 3, there's a  
6 map and it's showing intersections were studied all the way down to the City of  
7 Perris along Perris Boulevard. It looks like, according to this Traffic Study, that  
8 trucks are being directed westerly and southerly along Alessandro and Cactus  
9 and southerly along Perris. But, later on in the study, it says Alessandro and  
10 Cactus are not truck routes and Cactus isn't allowing any trucks to go that way  
11 and Alessandro is not being widened. But yet it's being studied in this report as  
12 for having 50 or more trucks going through there so is....

13  
14 **COMMISSIONER VAN NATTA** – Chairman.

15  
16 **CHAIR LOWELL** – Yes Ma'am.

17  
18 **COMMISSIONER VAN NATTA** – If I could insert here I think the total number of  
19 trips is not just the trucks. It would be the people working there, going there for  
20 business, maybe people coming down from San Bernardino through Reche  
21 Canyon to get to work and that sort of trips.

22  
23 **TRAFFIC ENGINEER MICHAEL LLOYD** – That is correct. The trip threshold is  
24 all trips, not just truck trips.

25  
26 **CHAIR LOWELL** – That did not register in my head when I was thinking about  
27 that. Thank you. Then it was also showing the designated truck routes, and let  
28 me see if I can get this map. On page 15, it shows that Alessandro is a  
29 designated truck route. Or, I'm sorry, it says Cactus is a designated, where did  
30 that map go, hang on a second. Bear with me. Where did it go? I'm sorry, it's  
31 on page 40, existing designated truck routes. There's a map, and it shows  
32 Alessandro clear from the 215 Freeway all the way to Gilman Springs is a  
33 designated truck route. Is that going to be taken off the City's designated truck  
34 route if and when this project gets approved?

35  
36 **TRAFFIC ENGINEER MICHAEL LLOYD** – The Specific Plan makes  
37 recommendations in terms of what truck route should be in the future and it  
38 would be taken up with Council at a future date. All truck routes are governed by  
39 the Municipal Code, so it required Council action to make changes to the truck  
40 routes within the City. That is correct.

41  
42 **CHAIR LOWELL** – And the motions that are before us or the recommendations  
43 before us, is that included?

44  
45 **TRAFFIC ENGINEER MICHAEL LLOYD** – It's within the Specific Plan  
46 document itself in terms of recommended truck routes, so at a future date when

1 it's appropriate those truck routes would be adjusted to reflect the project as it  
2 develops.

3  
4 **CHAIR LOWELL** – Okay.

5  
6 **TRAFFIC ENGINEER MICHAEL LLOYD** – I believe on the Specific Plan that's  
7 on page 477, there's some information on the truck circulation and the truck  
8 routes that are included within the Specific Plan documents so.

9  
10 **CHAIR LOWELL** – Thank you. Similarly, along that same line, Alessandro from  
11 the project to Gilman Springs, it shows that it's not...on page 15 there's a map  
12 and it shows red roads are being improved by the tenant, blue roads are being  
13 improved by the tenant, blue are improved by others, and grey is not called out.  
14 Who improves the stretch of Alessandro Boulevard from the project, which looks  
15 like it's the street between Theodore and Gilman Springs and Alessandro? Is  
16 that something that the City would take care of? What was the intent on that?

17  
18 **TRAFFIC ENGINEER MICHAEL LLOYD** – Alessandro, and you're referring to  
19 figure 5 on page 15 is that correct?

20  
21 **CHAIR LOWELL** – Yeah. It says roadway improvements assumed for 2022. I  
22 guess that would be a future improvement?

23  
24 **TRAFFIC ENGINEER MICHAEL LLOYD** – Correct. I believe if I understand  
25 your question correctly.

26  
27 **CHAIR LOWELL** – I've printed these up really small so I'm trying to put them all  
28 together. I'll defer over to the next speaker, Commissioner Van Natta.

29  
30 **COMMISSIONER VAN NATTA** – I just had another question regarding that  
31 route and when it's going to be developed because one of the previous questions  
32 I had was are we maintaining access from the East side of Moreno Valley to  
33 Gilman Springs Road throughout the entire project development to where people  
34 who live in that area will be able to go to Gilman Springs Road without going up  
35 to the freeway?

36  
37 **PLANNING OFFICIAL RICK SANDZIMIER** – The answer to that question would  
38 be yes. With the extension of Cactus up to Alessandro, you would be able to  
39 travel all the way down from the 215 to Gilman Springs Road and get through the  
40 project area. That doesn't necessarily mean it would be a truck route, so there is  
41 traffic so passenger vehicles are allowed to make that route.

42  
43 **COMMISSIONER VAN NATTA** – And that's going to be maintained throughout  
44 the development because I know some of that stuff is planned for, like the  
45 extension of Cactus. When the existing Alessandro is cut off and Cactus is  
46 extended and then you have the new section of Alessandro from the project line

1 over to Gilman Springs Road, is that always going to be open throughout the  
2 development and there's not one time at which you say okay well this is cut off  
3 but that isn't built yet?  
4

5 **TRAFFIC ENGINEER MICHAEL LLOYD** – That would be our intent, yes, that  
6 throughout the course of this project from the date that the disconnect of  
7 Alessandro at Merwin is approved the approval of that disconnection would be  
8 contingent upon Cactus Avenue being extended to Alessandro to maintain the  
9 access that you described and that the intent would be for Alessandro to always  
10 be linked to Gilman Springs throughout the life of the project. It would just be  
11 improved at various stages from the current two lane configuration built out to its  
12 proposed four lane designation.  
13

14 **COMMISSIONER VAN NATTA** – Okay, thank you.  
15

16 **CHAIR LOWELL** – Mr. Sims.  
17

18 **VICE CHAIR SIMS** – So for clarity, is Cactus Avenue currently on the City's  
19 Master Plan to be a four lane all the way from the 215 all the way out to I guess  
20 to Redlands Boulevard?  
21

22 **TRAFFIC ENGINEER MICHAEL LLOYD** – From the 215 to Heacock, it is a six  
23 lane divided roadway and it's currently under construction as you probably  
24 noticed. From Heacock out to Redlands, it is identified on our current General  
25 Plan as a four-lane roadway.  
26

27 **VICE CHAIR SIMS** – Okay and is it designated as a truck route?  
28

29 **TRAFFIC ENGINEER MICHAEL LLOYD** – Currently, the truck route  
30 designation for Cactus Avenue is from the 215 to Perris Boulevard.  
31

32 **VICE CHAIR SIMS** – Okay so....  
33

34 **TRAFFIC ENGINEER MICHAEL LLOYD** – East of Perris Boulevard, Cactus  
35 Avenue is not currently a truck route.  
36

37 **VICE CHAIR SIMS** – Yeah because once it would seem that, if the 60 got fouled  
38 up, that would become the primary path of least resistance then.  
39

40 **TRAFFIC ENGINEER MICHAEL LLOYD** – That's possible. However, as I  
41 mentioned previously, the Specific Plan identifies what the recommended truck  
42 routes are and so as the project develops and the Plot Plans are reviewed, with  
43 each Plot Plan approval there would be recommendations that if we need to  
44 modify the truck routes to accommodate and make sure the trucks are focused  
45 back to the 60. But there's no intent or proposal with the Specific Plan to change

1 the designation to Cactus. That's not a recommendation in the Specific Plan and  
2 I wouldn't envision it being in the future as well.

3  
4 **VICE CHAIR SIMS** – Okay, thank you. I have a couple more, so I was looking  
5 at Table 4.15. It's project trips by vehicles. I'll give you a second to find that. I  
6 think it's in the final programmatic EIR on page 4.15-47. Do you have it Michael?

7  
8 **TRAFFIC ENGINEER MICHAEL LLOYD** – I apologize. I don't have the EIR in  
9 front of me. However, I do have the Traffic Study, which has the same table I  
10 believe.

11  
12 **VICE CHAIR SIMS** – It's the project trips by vehicle type.

13  
14 **TRAFFIC ENGINEER MICHAEL LLOYD** – Yes.

15  
16 **VICE CHAIR SIMS** – And it talks about a.m. in and out totals and p.m. in and out  
17 totals. Then, it goes to passenger car equivalents and so forth. That one?

18  
19 **TRAFFIC ENGINEER MICHAEL LLOYD** – Yes, I do have that in front of me.

20  
21 **VICE CHAIR SIMS** – So is this table, if I was to focus on just the autos and then  
22 they have light, medium, and heavy trucks, those are the specific...if I looked at  
23 just the trucks, not the passenger car equivalents, that's the actual distribution of  
24 in and outs to the project?

25  
26 **TRAFFIC ENGINEER MICHAEL LLOYD** – Yes, that is correct.

27  
28 **VICE CHAIR SIMS** – Okay and that's what all the modeling as done on?

29  
30 **TRAFFIC ENGINEER MICHAEL LLOYD** – That is correct.

31  
32 **VICE CHAIR SIMS** – Okay. Okay, so just to put it in perspective I just did some  
33 quick math just on the trucks. And I don't know where the distribution is, so I  
34 couldn't figure that out. But, just to put it in perspective, the project would have at  
35 build-out approximately 17...in the a.m. the peak would be about 17 trucks in and  
36 out per minute is what that kind of calculates out to and then in the p.m. you get  
37 closely 16 or 17 coming out during the peak a.m. and peak p.m. periods so it  
38 worked out pretty much equivalent. You know, I don't know I know truck traffic is  
39 truck traffic so I don't know if that seems like a lot but it is what it is. So, having  
40 said that, moving over onto page there's a Figure 4.15.5, it's roadway  
41 improvements assumed for 2022. The document that has, it looks like this.

42  
43 **CHAIR LOWELL** – That was the same document I was referring to.

44  
45 **VICE CHAIR SIMS** – Yeah and so there's improvements provided by the World  
46 Logistics project and that's the red projects. The black I assume are already

1 where their at and then the blue is all improvements that are assumed. I went  
2 back really quick. The wording was in here, and it said the blue improvements  
3 are assumptions for the modeling done for the Traffic Analysis for 2022. And  
4 there's a similar document on the next page or whatever page it was for the 2035  
5 phase to build out. So I guess a couple of questions are there was one of the  
6 gentleman in the public comments that talked a little bit about SR-60 going  
7 through the Badlands. So, if I was to take this for face value, what it says is that  
8 there is supposed to be an add of one truck lane in each direction through the  
9 Badlands for the project by 2022. That's the assumption for the modeling. Is  
10 that correct?

11  
12 **TRAFFIC ENGINEER MICHAEL LLOYD** – That is correct. It is an assumption,  
13 and there is a project currently being undertaken by RCTC the Riverside County  
14 Transportation Commission, which they are currently designing and going  
15 through the environmental and right-of-way process. It's a fully funded project,  
16 and the tentative schedule at this point is for construction to be completed by  
17 2019.

18  
19 **VICE CHAIR SIMS** – Okay and what's the approximate amount of traffic, if the  
20 World Logistics project is approved, what would be the truck traffic that would be  
21 going east in the 2022 scenario?

22  
23 **TRAFFIC ENGINEER MICHAEL LLOYD** – Based upon the Traffic Study on  
24 page 99, there's Figure 44 which shows the daily distribution of truck trips. And  
25 to the east, through the Badlands, it identifies the number of trips at 9%.

26  
27 **VICE CHAIR SIMS** – That's the number I, okay, so that's good to hear on the  
28 Badlands. So, just to repeat what you said, is through who is funding that? Is  
29 that a TUMF or is that WRCOG money or?

30  
31 My understanding is they use federal funding. It's called CMAQF (Congestion  
32 Mitigation Air Quality Funds), as well as other funding. I don't know the full  
33 funding package, but it's not a use of local funding per say. It's a package of  
34 federal and I'm guessing, I'm not sure.

35  
36 **VICE CHAIR SIMS** – Who is the lead agency for the improvements?

37  
38 **TRAFFIC ENGINEER MICHAEL LLOYD** – RCTC.

39  
40 **VICE CHAIR SIMS** – Okay. Alright, okay then the other thing....well so that was  
41 good. So I picked the first one that was funded. But if you go down, relatively  
42 speaking, all the red I understand would be on this map would be more or less  
43 interior projects that were being built with the project and funded by the  
44 developer. So all the blue then is assumed to be built by others. Then I counted  
45 up one, two, three interchanges that have to be improved and so forth and  
46 Gilman Springs from Alessandro to Sanderson and so forth. So on this thing it

1 says improvements provided by others. So to kind of cut to the chase, my  
2 questions are, I understand the developer will pay for 100% new development,  
3 should pay for new development and so the impacts of their project interior to  
4 their project they'll build all the facilities associated with that. The impacts of the  
5 project outside of the project boundary will be some kind of a DIF or TUMF fee  
6 that's going to be collected. So has anybody done a full tally of all the impacts  
7 that the project will have on traffic? You know, there's bunches and bunches of  
8 intersections and things and some route ways that are affected that propose, let's  
9 not even worry about the stuff that's outside of what's on this map, just the things  
10 that say these are assumptions in the Traffic Analysis. Have all those costs been  
11 tallied up? Is there a grand total of estimated on 2015 dollars what that would  
12 cost?

13  
14 **TRAFFIC ENGINEER MICHAEL LLOYD** – I'm not aware of any calculation in  
15 terms of determining dollar amounts specific. What I can answer, I think where  
16 you're going with your question is the Traffic Study identified direct impacts. It  
17 also identified what assumptions were made in the existing plus project  
18 conditions, which is what establishes what the project direct impacts are. Those  
19 direct impacts, those assumptions in that analysis, would be the projects  
20 responsibility for doing those improvements. And that would be determined with  
21 each subsequent Plot Plan Traffic Study. We would identify if the direct impact is  
22 occurring with that specific building. If in fact it were, the project would be  
23 conditioned to make that improvement. It would be a condition on that particular  
24 building. Then there's a host of cumulative impacts, which takes into account all  
25 the regional activity in the area. And, in those instances the project and it's a  
26 long list of cumulative impacts, and the project would be responsible for paying  
27 its fair share whatever that percentage is calculated to be applied towards what  
28 the cost of the improvement is. The project would be responsible for that fair  
29 share contribution for that location again predicated on each building as it comes  
30 through.

31  
32 **VICE CHAIR SIMS** – Thank you for that. So let me process that a little bit. So  
33 direct impacts are paid directly by the developer or project proponent and  
34 because this is programmatic it would as CUP's and Plot Plans come through. On  
35 indirect cumulative impacts, is there a list of...let me catch myself here. How is  
36 the fair share determination made on cumulative impacts as if it's not done on a  
37 whole as a master plan community with assumptions for each, we know there's a  
38 proposal for 40 million square feet of warehouse but these are going to be done  
39 in smaller increments. How do we know if you don't collect it in the whole basic  
40 assumptions how are you going to collect it in the increment as each individual  
41 Plot Plan or CUP comes through? Is there an allocation system set up for that?

42  
43 **TRAFFIC ENGINEER MICHAEL LLOYD** – There's not a final dollar amount. I  
44 believe that's what you're alluding to that there's a....

45  
46

1 **VICE CHAIR SIMS** – It's not dollars. It's percent or the methodology.

2  
3 **TRAFFIC ENGINEER MICHAEL LLOYD** – Sure the methodology would again  
4 be building by building and then whatever that incremental cumulative impact  
5 percentage, the projects contribution to the impact above and beyond the  
6 acceptable level of service, their percentage contribution would be their  
7 responsibility and would be calculated at that time for that buildings Traffic Study  
8 and be reported with that Traffic Study. There would also be an improvement for  
9 the mitigation, so we would be able to assign a dollar amount to what that  
10 improvement is and apply that percentage towards that dollar amount and that  
11 would be the assigned fair share contribution. One thing I failed to mention, and I  
12 apologize, the project is responsible for TUMF as well. So the project would be  
13 paying into the WRCOG Regional Fee System for regional improvements.

14  
15 **VICE CHAIR SIMS** – Okay so on the TUMF when you say that the incremental  
16 amount would be calculated by project, that's a cumulative impact, so they pay a  
17 proportionate share based on impact. Is that in addition to the TUMF, or is the  
18 cumulative cost that's being paid for by the individual Plot Plan or CUP is that  
19 credited against TUMF?

20  
21 **TRAFFIC ENGINEER MICHAEL LLOYD** – Right so in the analysis, we typically  
22 in review and assignment, we include what TUMF would put into the ground as  
23 an improvement so they would be contributing. That would be their fair share  
24 towards the TUMF covered portion of the improvement. So if there are  
25 improvements above and beyond what the TUMF program provides, so let's say  
26 the Traffic Study identifies it needs additional turn lanes that's kind of the typical  
27 mitigation measure above and beyond what TUMF would cover. That would be  
28 what we would apply the fair share calculation towards.

29  
30 **VICE CHAIR SIMS** – So going a little bit further on the TUMF, the TUMF I would  
31 assume that WRCOG or whoever is the lead agency that does the Fee Nexus  
32 Study to establish the TUMF fee they must of done some rigorous Regional  
33 Countywide Study or however they got to the point and they've come up with  
34 their smorgasbord of fees based on the land use that's going to be developed.  
35 When was that TUMF Fee Nexus Report done and did it incorporate the World  
36 Logistics project?

37  
38 **TRAFFIC ENGINEER MICHAEL LLOYD** – We're currently going through the  
39 process of updating. Their preparing a Nexus Study as we speak. I think they  
40 have a draft ready at this point, and it's being reviewed at the staff level so that  
41 they can take it forward and approve it. In terms of what's within the Nexus  
42 Study, I don't have specific details in terms of what the assumed network would  
43 look like. Off the top of my head, I do know that the Theodore 60 interchange is  
44 included. The Redlands 60 interchange is included. Gilman Springs 60  
45 interchange is included. Those were three items that I am aware of being in

1 there. But, in terms of other specific roadways, I don't have that in front of me  
2 right now.

3  
4 **VICE CHAIR SIMS** – So to repeat back what I think I heard is that the Fee  
5 Nexus Study is being updated and it will include the World Logistics project.

6  
7 **TRAFFIC ENGINEER MICHAEL LLOYD** – I don't have the specific answer and  
8 I apologize I don't have the Nexus Study in front of me, so I don't have it as a  
9 reference. If I need to look it up and I can do and report back once I have that in  
10 front of me.

11  
12 **VICE CHAIR SIMS** – I would like to have that information because just by  
13 definition if the Fee Nexus Report is collecting TUMF fees in the absence of this  
14 project and there could be a potential inequity that this project is not paying its full  
15 fair share of the regional improvements that TUMF is anticipating is needed for  
16 the region. But I can certainly mitigate that, in my own mind is, is what's  
17 dependent upon when collection of the fees are done. If TUMF is paid prior to  
18 Certificate of Occupancy, then the Fee Nexus Study will sort itself out going  
19 forward.

20  
21 **TRAFFIC ENGINEER MICHAEL LLOYD** – I agree with you that those fees that  
22 would be collected with each individual building as it comes through at the time of  
23 occupancy, so there's certainly lead time for probably quite frankly the next  
24 Nexus Study to be in place. And it would obviously reflect, assuming this project  
25 is approved and moves forward, that it would reflect the project at that time.

26  
27 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may Mr. Chairman and  
28 Members of the Commission, with regard to the TUMF program, the executive  
29 director from WRCOG was recently at the City Council and there was a request  
30 made to do a calculation of the TUMF fees that could be paid by this project and I  
31 know that their staff had contacted us to do a rough calculation. I know WRCOG  
32 basically is aware of the project, and they have done an estimation of what the  
33 TUMF fees could be. I don't know what that specific number is. I don't have it in  
34 front of me at this point, but I know they are aware of it. With regard to the  
35 regional infrastructure that Michael has touched on, we know that that's already  
36 being considered or included. With regard to the Development Agreement that is  
37 part of this project and with regard to the mitigation measure that is identified on  
38 page 400 and 401, it outlines very specifically what the requirements of the  
39 project would be with regard to payment of TUMF fees. And, in the Development  
40 Agreement, it is one of the fees that we don't control. And it basically says that  
41 the developer would pay the TUMF fees that are in place at the time and they are  
42 collected at the Certificate of Occupancy. So, as Mr. Lloyd indicated also, if the  
43 Nexus Study that's currently under way doesn't capture the World Logistics  
44 Center project the next time that WRCOG wants to update their Nexus Study  
45 they could include it and this project would be required to pay those fees that are  
46 in place at that time. So there's nothing that we have in the approval that is in

1 front of you, or the mitigations in front of you, that would preclude them from  
2 having to contribute to the appropriate TUMF network.

3  
4 **VICE CHAIR SIMS** – And if you would indulge me if that’s okay, going back to  
5 these figures for the figure 4.15.5 with the roadway improvements assumed for  
6 2022 and then there’s a like on I think it’s 4.15.6, what happens? All the  
7 improvements are assumed. I’m assuming, based on reading this, the Traffic  
8 Impact Analysis assumes all of these improvements are in place to determine the  
9 level of service for the various intersections, roadways, ramps and so forth. Is  
10 that correct?

11  
12 **TRAFFIC ENGINEER MICHAEL LLOYD** – That is correct.

13  
14 **VICE CHAIR SIMS** – And just as a professional, are all of these improvements  
15 by 2022 with unknown funding sources approved at this point? I mean freeways  
16 and onramps we’re only talking seven years from now. I mean 2022, just from  
17 my experience, interchanges move at glacial speed not seven-year speed. So I  
18 guess it kind of goes to the heart of my concerns about the Traffic Analysis is, if  
19 these aren’t all in place by the assumptions, you potentially have a long cul-de-  
20 sac for a big user and it’s going to be hard to get in and out of the cul-de-sac.

21  
22 **TRAFFIC ENGINEER MICHAEL LLOYD** – I understand your concern. The  
23 methodology that was employed here, to my understanding, meets the CEQA  
24 requirements. If this helps alleviate those concerns, please remember that each  
25 individual building will have to have a Traffic Study done tied to that Plot Plan.  
26 And, as we work through those individual buildings, it’s less likely that Staff would  
27 say alright it’s okay to assume these improvements to be in place. We need to  
28 look at the immediate future in terms of what infrastructure is needed to support  
29 that individual building. So, again, this is programatic big picture in terms of what  
30 will probably happen over the course and the life of this project. And these  
31 improvements because we’re talking a long period of time these improvements  
32 are on the books and so it was deemed appropriate to assume at some point in  
33 time the improvements would be there. However, we’ve got the mitigation  
34 measure in place that requires each individual building to have that Traffic Study,  
35 and like I said, it’s less likely Staff would be willing to assume improvements to  
36 be in place because we’re more concerned at that level where at a project level  
37 we need to know what is needed immediately to support that individual building.  
38 So it wouldn’t be prudent to assume certain improvements to be in place if they  
39 are not funded and a construction schedule being established.

40  
41 **VICE CHAIR SIMS** – I understand that. This is just one Planning  
42 Commissioners opinion is that it’s just difficult. I totally get that this EIR is a  
43 programatic approach and I like Master Plans. I think part of Moreno Valley, as a  
44 whole, is it’s an accumulation of communities that were approved in the County  
45 and so you have parts of the city that didn’t have master planning. You have  
46 parts of the city that have been master planned and you see a stark difference in

1 much of it. So I like the master plan and I understand it's programatic. I also,  
2 though, it concerns me that if you don't have mechanisms in place and you make  
3 assumptions for the traffic that are going to be done in a programatic manner for  
4 all the improvements the phase one, which coincides with 2022 is approximately  
5 about 20 million square feet of building, you have I don't know how big each one  
6 of these boxes are going to be but you only might have five maybe six boxes in  
7 the first phase. And so to say well gosh we didn't get 60 built going out then that  
8 really leads for the third guy to come in. The third box, even though it's a big  
9 project 2 million square feet or something like that, in the scheme of things it's  
10 not big enough to do a significant interchange or something like that. So I have a  
11 little bit of concern about the programatic nature and not having that really dialed  
12 up because you could get into a spot where it kind of collapses on itself or the  
13 City suffers from decay of level of service on streets because an individual  
14 project, although large in of itself, isn't large enough to do a major freeway  
15 improvement.

16  
17 **PLANNING OFFICIAL RICK SANDZIMIER** – Mr. Chairman and Members of the  
18 Commission, if I can, I know that this is a very important topic for not only the  
19 Commission but for the public and for the Staff. I just want to direct the  
20 Commissions attention to the specific language within the Staff Report in order  
21 for you to kind of read along if you'd like. It's on page 399. It is Mitigation  
22 Measure 4.15.7.4A and it outlines very, very specifically almost on two pages, it  
23 goes about at least a page if you go both pages, what the requirements would be  
24 for the subsequent Traffic Impact Analysis at the project level. It also identifies  
25 who has the discretion in determining when the improvements will need to be put  
26 in place. And under the sanctions for noncompliance, and I wanted to make sure  
27 you guys do see that, it says withholding building permits. So that gives the  
28 authority to the City to basically be in the driver's seat to determine, if the Traffic  
29 Analysis is not demonstrating that the development is going to mitigate the  
30 impacts appropriately, there's an opportunity for the City to basically withhold the  
31 building permits. That's also reflected on page 692 of the Staff Report and this  
32 has to do with the Development Agreement itself under provision 4.10. The  
33 City's provision of public infrastructure and services at the top except as  
34 otherwise prescribed in this agreement and are required of the development to  
35 existing and future mitigation measures, development standards, and conditions  
36 of approval. So it's basically saying the City will have the opportunity to reassess  
37 this and apply additional conditions of approval. The city shall provide the public  
38 infrastructure and the services which are not Highland Fairview's responsibility as  
39 determined by the City with the timing at the sole and absolute discretion of the  
40 City. So, if the City says all the obligations are Highland Fairview's, we're not  
41 assuming any additional responsibility so that's all going to take place at the time  
42 of development. And it does ensure that the mitigation measures, the  
43 development standards, and the conditions of approval that we can place all the  
44 subsequent approvals are put in place. I'm just trying to give you some  
45 assurance that, while this is a program level document, we've tried to drill down  
46 with some specificity that can be implemented at the project level. This is not

1 uncommon with large projects. This is a project of significant size. It will be  
2 phased over time. It's nearly impossible to try and pinpoint the exact specific  
3 cost of all the improvements at this time because you don't know exactly where  
4 the buildings are going to be, what roads are going to go in at what particular  
5 time, and how much right-of-way is going to be required and all these things so it  
6 would be some guesswork involved. But, at this level, I feel confident that our  
7 traffic staff, we also have the expertise from the environmental team who did the  
8 Traffic Analysis. I don't know if Don Hubbard wanted to share any particular  
9 information about the Traffic Analysis to give you some more assurances, but I  
10 just want you to know that we appreciate your concerns on this one.

11  
12 **CHAIR LOWELL** – Let me interject real quick before Commissioner Barnes  
13 jumps in here. Let me get my train of thought here, where did it go, where did it  
14 go, where did it go? One of the assumptions in the Traffic Impact Analysis was  
15 the trip generation rates. And I know that the report did a study on 31 buildings  
16 analyzing during peak hours during peak times of the year around December  
17 studying them for a 24-hour period and did the equivalents and math equations.  
18 One of the things that they were saying is that the best match to the proposed  
19 World Logistics buildings is the existing Skecher Building. But it says, in  
20 November 2012 the traffic counts were conducted after the building had been in  
21 full operation for over a year. Is that accurate? Are the buildings currently in full  
22 operation? I was under the impression that building has not been in full  
23 operation yet, so would that mean...well let me get an answer to that question  
24 first. I don't know if Highland Fairview would be willing to answer that? Is  
25 Skechers, as of November 2012, was it at 100% capacity and in full operation?  
26 Yeah, please. Okay since you were not at the microphone, you said the building  
27 was fully functioning and fully operating. But is the building at capacity meaning  
28 there's no vacant space so it's going to be at it's highest demands and highest  
29 trip generation rate? If you can step up to the microphone so everybody can  
30 hear you. The reason why I asked is because it says that the traffic counts were  
31 conducted in November 2012 after the building was in full operation for a year  
32 and it says that the summation of that study was that less than half of the  
33 anticipated traffic actually exists. So I'm hearing rumors that the Skechers plant  
34 is only 50% capacity or it's got room to build out more, so if you could answer  
35 that question it would kind of close some of my concerns.

36  
37 **APPLICANT IDDO BENZEEVI** – So, two fold. I think the most appropriate way  
38 to answer it is to actually have the traffic engineer who conducted the study  
39 because I don't want to speak for the EIR and the City's review. But, from our  
40 perspective, the building was delivered and is operational. Now they have  
41 capacity to increase. You know, they have capacity to actually have more  
42 throughout with the building but it is fully occupied. If you visit, I don't know if any  
43 of you have visited the building, you'll see it's entirely built out on the inside and  
44 they are fully operational. Now all the equipment and the operation in and of  
45 itself probably has more capacity to get more throughout without, but they are  
46 fully operational and they are actually doing extremely well. At this level, I don't

1 know if you're familiar, but Skechers is probably twice or three times what they  
2 were and so the level we see today is pretty much the level we're probably going  
3 to see.

4  
5 **CHAIR LOWELL** – Okay but three years ago when the study was performed, do  
6 you know if that was the highest use?

7  
8 **APPLICANT IDDO BENZEEVI** – I don't know if it's the highest with or with the  
9 highest ever used, but I think the study doesn't rely on Skechers a single point.

10  
11 **CHAIR LOWELL** – No it doesn't. I'm just gazing for comparison.

12  
13 **APPLICANT IDDO BENZEEVI** – Yeah I think to say it's the highest it will ever  
14 be, I can't answer that. I don't know. I think the reality of it is that it is  
15 substantially operating, in other words, it's probably close to what it will be but I  
16 think the traffic engineer could probably respond to more specifics about how the  
17 study was conducted and how much weight was actually put on the Skecher  
18 facility itself in the overall analysis. It could of have been that it's just there and  
19 the total reference point is compared to basing the analysis on the Skecher  
20 facility.

21  
22 **APPLICANT IDDO BENZEEVI** – One thing since I'm here. I think  
23 Commissioner...you mentioned that you calculated the numbers of trucks  
24 coming in and out. You have to be careful confusing because it's easy to  
25 confuse between truck trips and number of trips and the definition of trucks,  
26 which includes the UPS trucks or the Federal Express trucks. I think you're  
27 mostly referring to the heavy trucks, and we went through that in one of my slide  
28 presentations, it's a much, much smaller number. So, if you actually look at the  
29 numbers coming in and out, that's very different and much more significantly  
30 lower than the calculation you made. I don't want to take your time up now, but  
31 we can do that calculation even together if you like through the slides.

32  
33 **CHAIR LOWELL** – Well this specific item was just saying that the general trip  
34 generation rate was substantially less than an anticipated, so that's what brought  
35 the question.

36  
37 **APPLICANT IDDO BENZEEVI** – Yeah I think Staff, maybe the traffic engineer is  
38 here and you can maybe ask him directly.

39  
40 **CHAIR LOWELL** – Okay we'll get back to that then. I had a couple more  
41 questions for Michael Lloyd on the same idea that Mr. Sims was talking about.  
42 On the map that shows improvements assumed for 2022 and the other map for  
43 improvements expected to be completed by 2035, I noticed on the 2022 map it  
44 shows permit numbers RIV120201 for the Badlands expansion of the 60  
45 Freeway. Are there any projects that are improvements provided by others as  
46 stated on this map that are not fully funded and already in the design phase?

1  
2 **TRAFFIC ENGINEER MICHAEL LLOYD** – I don't know the status offhand  
3 immediately for each and every project listed. I can tell you that, the Theodore  
4 interchange at 60, that project is funded through the preliminary engineering and  
5 environmental document phase. That's currently ongoing. Redlands at 60  
6 interchange that is going through the project study report phase, which is kind of  
7 kicking off the project to get it through design. I'm not aware of Gilman at 60 any  
8 work at this point being done on that project. And then over at Moreno Beach  
9 Drive and the 60, I believe plans are complete for that project and we're waiting  
10 for funding for construction. So at least the interchanges along the 60 I'm aware  
11 of those particular, but the other projects I don't know offhand.

12  
13 **CHAIR LOWELL** – Are there any regional improvements that are within the  
14 City's sphere of influence or within our authority that need to be done in order to  
15 make the WLC project a more viable project and have less effect on the traffic in  
16 and around the neighborhood that are unfunded or that aren't mentioned here?  
17 There's quite a few improvements. I was just curious if there is anything that is  
18 out in the outskirts that needs to be addressed but isn't really focused on the  
19 WLC project.

20  
21 **TRAFFIC ENGINEER MICHAEL LLOYD** – Right. I think I understand your  
22 question and the Traffic Study was comprehensive enough that it, as you  
23 probably noticed, there was quite a list of direct impacts and cumulative impacts  
24 so all of those impacts whether they are within the City or outside even on the  
25 periphery those impacts have been identified and the necessary mitigation  
26 measures to bring them to a satisfactory level of service has also been identified.  
27 I would have to go through the list line item by line item to determine is this a  
28 TUMF facility number one. And, if it's not you know, then what are the  
29 improvements needed to make it work.

30  
31 **CHAIR LOWELL** – What I was going for, I was kind of building up to it, but  
32 there's a project in Corona called Arantine Hills I believe. And it's a pretty large  
33 regional master plan sub-development and one of the key projects is that there is  
34 this major bridge that has to be built and it's something like \$17 million or \$20 million  
35 and there is no funding source for that bridge. But the developer agreed and  
36 said hey we'll put in the bridge now. We'll front all the money knowing that at  
37 some future date we will be reimbursed for it. So that's what I was wondering.  
38 Are any of these projects partially funded that, should the developer desire, be  
39 able to front the money in advance and say hey I want to improve Theodore  
40 Street. I want to put in that bridge, the big landmark bridge that we were shown  
41 in the Power Points. I want to fund that just to put our bookmark down and say  
42 this is what we want to do, but we could get funding returned in the future. Is that  
43 something we could put in our plans or in our I don't know in some of this  
44 documentation saying hey if the developer wants to build something advance  
45 should funding become available we could reimburse them?

1 **TRAFFIC ENGINEER MICHAEL LLOYD** – The answer is yes. Those  
2 opportunities are there and that would again I hate going back to this mitigation  
3 measure of future traffic studies. But with those individual buildings, as they  
4 come through, we'll identify what those direct impacts are that that will lead us in  
5 the path in terms of what the infrastructure is needed at that time to support that  
6 building. The bigger picture, the big item the bridges at the interchange, there  
7 are definitely opportunities to develop partnerships between the City, as well as  
8 the developer if there's a desire to have an iconic bridge, a statement into the  
9 city. There are opportunities there to work with the developer because obviously  
10 there is a baseline cost in terms of a typical Caltrans Bridge facility. And then, if  
11 we're wanting something above and beyond that, obviously the monies have to  
12 be identified to move the project above and beyond what Caltrans would  
13 normally provide.

14  
15 **CHAIR LOWELL** – Thank you. Mr. Barnes.

16  
17 **COMMISSIONER BARNES** – Alright a couple of questions a little more general  
18 in nature. One of the public speakers had made reference to I think the total was  
19 32 million square feet of big box under construction or approved in this region. I  
20 know the Traffic Study has to account for projects that I think fit in that category.  
21 Is that number accurate? Do we have that number? So what's the amount of big  
22 box in addition to WLC that's in the pipeline that impacts this region.

23  
24 **TRAFFIC ENGINEER MICHAEL LLOYD** – I offhand do not know if that number  
25 is accurate. What I can tell you is the Traffic Study included all foreseeable,  
26 which includes approved projects, projects in the pipeline, projects under  
27 consideration within the region. It was quite exhaustive. If we need to get into  
28 specific details in terms of what project was or was not included, as the Planning  
29 Official stated the traffic engineer who prepared the document is here to answer  
30 that question.

31  
32 **COMMISSIONER BARNES** – And I'm not looking for specifics, just kind of the  
33 order of magnitude. You know, what are we talking about here?

34  
35 **TRAFFIC ENGINEER MICHAEL LLOYD** – And I would again have to call on  
36 the traffic engineer to provide that order of magnitude estimate.

37  
38 **COMMISSIONER BARNES** – Could we get that?

39  
40 **PLANNING OFFICIAL RICK SANDZIMIER** – Don Hubbard, could you come to  
41 the microphone. Is this something that you can touch on. If you need us to  
42 drilldown on some of the TAZ Analysis, we can try and find that for you while  
43 you're at the microphone.

44  
45 **DON HUBBARD** – Thank you. How do I turn this on? Well what we used was  
46 the land use assumptions that are coming from SCAG. Those are the approved

1 sustainable community strategy land uses that were approved for all of the  
2 Southern California Region with the exception of the City of Moreno Valley. In  
3 the City of Moreno Valley, because this was a General Plan Amendment, we had  
4 to assume the full build out of the General Plan. So if you ask what sort of land  
5 uses were assumed, how many big boxes, etc., those are coming out of the  
6 planners and the economists at SCAG based on market analysis and their  
7 assumptions about what will be happening with the economy in the next 20  
8 years.

9  
10 **COMMISSIONER BARNES** – And do you have that number?

11  
12 **DON HUBBARD** – I do not.

13  
14 **COMMISSIONER BARNES** – Okay, alright. Okay.

15  
16 **DON HUBBARD** – If I could get back to one thing. Regarding those numbers  
17 that were listed on that map, those are RTP numbers. So everything that was  
18 shown in blue on those maps is in the approved regional transportation plan and  
19 those are only the projects that were either in the FTIP, which means money has  
20 already been allocated to them, or is in the financially constrained project list  
21 which means they've tallied up how much money they expect to get from  
22 different sources, matched it with projects, and then cut off any projects for which  
23 there is no funding. So all of these are for projects for which funding is  
24 reasonably assumed to be available.

25  
26 **COMMISSIONER BARNES** – Okay. Thank you. Next question: There has  
27 been a fair amount of discussion on TUMF and it's my understanding that  
28 Moreno Valley gets back from TUMF about \$0.75 on the dollar as opposed to  
29 Riverside which gets \$1.10. I did some rough calculations, and I get TUMF fees  
30 in the neighborhood of \$45 million. If we were to only get 75% of that back, that's  
31 a pretty big hit. Is there a way for this project to address that shortfall because  
32 that doesn't seem appropriate, especially on a project of this magnitude? That's  
33 a lot of money and that equates to a fairly substantial shortfall in improvements  
34 so could you enlighten us on that?

35  
36 **PLANNING OFFICIAL RICK SANDZIMIER** – I'm not sure I quite understand, if  
37 what I'm hearing is, if the developer pays 100% of the TUMF obligation?

38  
39 **COMMISSIONER BARNES** – Yes.

40  
41 **PLANNING OFFICIAL RICK SANDZIMIER** – But the City only gets maybe 75%  
42 of that money back then are you suggesting that the developer would then have  
43 to pay an additional 25% so that we could shore it up?

44

1 **COMMISSIONER BARNES** – No I wasn't suggesting that he pay the difference,  
2 I'm just concerned with the fact that the City is getting back less than they  
3 contribute. You know, I'm not talking about him specifically doing it.

4  
5 **PLANNING OFFICIAL RICK SANDZIMIER** – We don't want to be a donor City.  
6 I mean, if what you're saying is we're paying more and not getting as much  
7 back....

8  
9 **COMMISSIONER BARNES** – Yes.

10  
11 **PLANNING OFFICIAL RICK SANDZIMIER** – Then we need to continue to work  
12 with the Western Riverside Council of Governments, to figure out how they make  
13 their allocations, and we would like them to make the allocations to those  
14 improvements within Moreno Valley. We have identified a trend, kind of along  
15 the lines that you're saying, that a lot of the money seems to be going elsewhere.

16  
17 **COMMISSIONER BARNES** – Correct.

18  
19 **PLANNING OFFICIAL RICK SANDZIMIER** – I mean how can we get them to  
20 focus their attention on what we need here? Well one way might be to put some  
21 landmark projects in place, so say it's in the southern part of the city. If we're  
22 trying to attract some good tenants, if we bring in some great residential  
23 development and now we're bringing in new projects and then we're over on the  
24 east end and now we're bringing in maybe the World Logistics Center we've  
25 identified some additional tenants that are coming in and we're starting to create  
26 some synergy of some good job production; maybe we'll get some attention.  
27 Maybe if we get that kind of attention maybe there will be some regional dollars  
28 coming our way. But to compel the regional agencies to give us more money is  
29 going to take some effort just based on our staff continuing to work with the staff  
30 from those other agencies or our political leaders working with the political  
31 leaders that are making the decisions. But I'm not certain that we should be  
32 saddling any particular developers, whether it's for this project or any other  
33 project, setting a precedent where we're asking them to pay more into a program  
34 because we don't get as much back.

35  
36 **COMMISSIONER BARNES** – Well I'm not suggesting that at all.

37  
38 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay.

39  
40 **COMMISSIONER BARNES** – I wouldn't see that as being appropriate. My  
41 concern is the shortfall in return on investment and it seems like it's a project in  
42 excess of \$3 billion would warrant some attention from WRCOG and maybe this  
43 is unique enough that an agreement could be structured that would forestall that  
44 happening. It seems like a big enough deal and unique enough that something  
45 like that should be considered. You know, walking away from a rough  
46 calculation, walking away from \$10 million that just doesn't seem fair to either the

1 developer or the citizens. And I don't know what WRCOG's options are but that's  
2 my concern.

3  
4 **PLANNING OFFICIAL RICK SANDZIMIER** – I don't have a solid answer for  
5 you. I mean there would be risk involved if we asked the developer to front the  
6 money with the expectation that they would get a reimbursement agreement set  
7 up so that they get first dibs at reimbursement. I don't know if that would be  
8 possible. I can work with our Public Works staff a little bit more and talk with  
9 Ahmad and see what he sees as an opportunity to maybe help us improve our  
10 return on the dollars. But I don't have an answer for you this evening.

11  
12 **COMMISSIONER BARNES** – I'm not suggesting at all that it come out of the  
13 developer's pocket. This is I think a little more general in scope that Moreno  
14 Valley should be getting their proportionate share of TUMF and you know.

15  
16 **APPLICANT IDDO BENZEEVI** – We would be paying to the tune of tens of  
17 millions of dollars in fees to the region, and I agree with you that Moreno Valley  
18 needs to get its fair share. We will be able I think to negotiate in conjunction with  
19 the City and the regional authorities to see that the money that we spend is  
20 actually creating improvements where they are needed and certainly that the  
21 project, the area, and the region will need. I also just want to put in a general  
22 observation. Moreno Valley taxpayers, the whole 200,000 of us, have  
23 contributed a tremendous amount of dollars to the region. If you notice on the  
24 215, a lot of improvements where they have industrial developments along  
25 Meridian and others. There is Alessandro Boulevard improved. Cactus  
26 Boulevard is improved. Van Buren improved. The 215 is improved. They are all  
27 outside of Moreno Valley. Those are approximately estimated at \$400 to \$500  
28 million of infrastructure. A lot of it comes from Moreno Valley taxpayers who are  
29 paying. We pay in gas taxes and everything else. All these improvements are  
30 going it seems like everywhere else and not in Moreno Valley, so I would agree  
31 and I think that if the project gets approved that we should form some type of a  
32 committee sort of a regional look into what is Moreno Valley getting. We are the  
33 second largest city and are we really getting our fair share of regional  
34 improvements. I think we've been lagging for a really long time. It's interesting  
35 that as soon as it comes to Moreno Valley you get to Day Street all the way from  
36 Riverside. By the way, all the 91 and a lot of those freeways that get somehow  
37 improved through Riverside and everywhere else, these are not paid by just  
38 Riverside folks. A lot of it is paid by Moreno Valley taxpayers as well, so we're  
39 contributing a huge amount of money over the years to regional improvements.  
40 We haven't really gotten a lot of it in Moreno Valley. I hope its time that we do  
41 get our fair share. We are the second largest city.

42  
43 **COMMISSIONER BARNES** – Well that's my point and it would be nice if we  
44 could somehow confirm that with some agreement/some process. It seems  
45 unfortunate to leave it up to the whim of WRCOG that that money come back, so  
46 alright, off my soapbox.

1  
2 **CHAIR LOWELL** – Well I know the EIR is not going to be something that’s going  
3 to be easily...this isn’t going to be the end of the questions for the EIR, but we  
4 have quite a few things in front of us tonight. Would anybody be opposed to  
5 moving on to other items like the General Plan Amendment or the Change of  
6 Zone or Specific Plan?  
7

8 **COMMISSIONER VAN NATTA** – Yes.  
9

10 **CHAIR LOWELL** – And all of these items still refer back to the EIR, but we can  
11 kind of focus our comments on these specific items.  
12

13 **COMMISSIONER VAN NATTA** – Well there’s some specific things on the EIR  
14 that we hadn’t really gotten to yet. You were kind of hitting certain specific things  
15 and I know other people had things to say on it too. But I wanted to just go  
16 through some things that were brought up in the Public Comments regarding the  
17 EIR and maybe taking a couple of shots at trying to figure out where some of  
18 these comments are coming from so may I?  
19

20 **CHAIR LOWELL** – By all means.  
21

22 **COMMISSIONER VAN NATTA** – Okay. We had a lot of speakers at our last  
23 meeting and a lot of them coming from a lot of different places, and having been  
24 in the business somewhat of sales for better than half of my life, I quite often look  
25 at what people are saying and try to figure out where they’re coming from and  
26 what they’re underlying agenda is so that I can better understand how to relate to  
27 them. And some of the questions that came up and some of the comments that  
28 came up were a little puzzling to me on that way. For example, we have  
29 Laborers International Union of North America, Local Union No. 1184, etc. with  
30 quite a large packet with a bunch of exhibits about how our EIR for this project is  
31 inadequate. So I was reading through this and it says well this wasn’t addressed  
32 sufficiently, this wasn’t addressed sufficiently, this wasn’t addressed sufficiently  
33 without any specifics about how it should have been addressed. They seemed to  
34 be quite concerned about things like avian flight paths and the burrowing owl and  
35 some little thing called the pocket mouse, although they are saying in this report  
36 that the pocket mouse probably is not affected, so I’m wondering why they are  
37 bringing it up. But I guess what my thought process is here is why would this  
38 Laborers Union out of Oakland who I’m sure has a number of people working for  
39 them in this area be so concerned about all of these other things when they are  
40 not really giving us anything specific. I know that’s not really a question. It’s a  
41 comment. But I’m seeing this again in other issues that we got on the  
42 environmental impacts people talking about it. Environmental Justice, for  
43 example, made kind of a fuzzy logic here when they said that people with low  
44 income levels have increased sensitivity for pollution and that Moreno Valley has  
45 one of the highest minority population and highest unemployment and saying that  
46 the EIR should address potential blighting effects from an oversupply of logistics

1 warehousing in the city. So are they trying to say that we would be providing too  
2 many jobs for people who are underemployed or unemployed and that's a  
3 blighting effect? I didn't get the logic on that. The other group that I was a little  
4 curious as to why they were so concerned was when the Community  
5 Development Department for City of Riverside is saying that there are a lot of  
6 problems with our EIR and that it's going to bring too many truck trips and so  
7 forth and so on when at the same time they are busy developing similar projects  
8 within their own city. Those were my comments on the Environmental Impact  
9 Report.

10  
11 **CHAIR LOWELL** – Anybody else have any comments or should we move onto  
12 other aspects of the EIR, well not the EIR but the General Plan or Change of  
13 Zone or Specific Plan? Can we move on down the line and keep referring back  
14 to the EIR as we go? Okay. Anybody want to talk about the General Plan  
15 Amendment? I have way too much paper up here. If you're ready, go for it.

16  
17 **COMMISSIONER VAN NATTA** – Okay not off specific notes but just kind of  
18 some general comments on the General Plan Amendment. Once again referring  
19 to my background in real estate, one of the reasons why I wanted to be on the  
20 Commission and one of the focus points that I'm coming from is I think it's a lot  
21 easier to sell real estate in a town where people want to live. And one of the big  
22 things that people look for is what direction is the City going. Is this a growing  
23 City? Is it going to be a good place for me to raise my family? Is it going to be  
24 some place where I can work and so forth. And many, many times I've sold  
25 properties to people who say well yeah I know I'm commuting to Long Beach  
26 now but I'm hoping soon to be able to get a job out here where I don't have to  
27 drive so far. And there is in the Real Estate Committee, under the Realtors Code  
28 of Ethics, one of the first lines there is under all is the land. And in the country  
29 that we're in where entrepreneurship is valued and the investment that we can  
30 make for our future is valued, there is a certain assumption that when someone  
31 makes an investment they should have the ability to use that investment for its  
32 highest and best use. But everybody has that same right with their property  
33 whether it is somebody who owns 4000 acres or somebody who owns one-  
34 quarter of an acre, so everybody has the right to full enjoyment and using it for  
35 the best use that they can. So you have then this balance between what one  
36 person's rights are and when they infringe on another persons rights. It's kind of  
37 like when you say well your rights stop when my nose begins and that you can  
38 do what you want to do as long as it's not adversely affecting me. And this is  
39 where I've had quite a bit of struggle with the fact that okay the individual people  
40 who have properties either within in the Specific Plan or close to the Specific  
41 Plan and are they going to be negatively impacted if this plan goes forward? And  
42 that's what this whole General Plan Amendment is about is changing the use of  
43 that land. So I took a look at a lot of the comments and I also took into account  
44 some of the things that the applicant said. And he brought up one thing that I  
45 didn't agree with, and I thought well I've got to do some research on this. And  
46 that was where he showed on one of his slides that properties within the area of

1 Skechers went up in value a lot more than properties on the other side of town.  
2 And I thought no there's too many other things involved here, other than just  
3 location. And it could be that that is where the larger half acre properties were  
4 and that there was more demand or whatever it was. So I did a little research  
5 myself and I pulled from each one of the zip codes in Moreno Valley and I  
6 restricted it to similar houses so we had apples to apples and to properties that  
7 were built prior to 2012 when the Skechers project was in full swing. And I found  
8 that beginning on January 1<sup>st</sup>, 2012 until now there was an average of about 70%  
9 increase in value across the entire City of Moreno Valley in single-family  
10 residences. But the lowest increase in that specific type of home, which I pulled  
11 up just between 1500 and 2000 square feet built before 2012. The lowest  
12 percentage not by a whole bunch was in the 92555 zip code, which is the zip  
13 code that Skechers is in. But I felt that that was a better determination of value  
14 than just pulling one specific area on one side of town and one specific area on  
15 the other side of town. The difference was no more than 10% in the difference  
16 between the increases in value. But it was across the entire city, which means  
17 that it doesn't have anything to do with the fact that there was a Skechers built  
18 there. There's a lot more that's involved like lower interest rates, the economy  
19 getting better and so forth and so on. So then okay, for me, that kind of put that  
20 aside that building a house right next to Skechers isn't going to make it worth  
21 more or make it worth less, and there are really no houses really close to  
22 Skechers anyway. Some of the other warehouse projects, as we noted on the  
23 Southside of town, have houses closer to them and they did not seem to be  
24 negatively affected as far as the increase in value. The increase in value was  
25 very similar across the entire city. So then I looked at okay now who are the  
26 people who are most specifically affected by this project and that would be the  
27 seven or so households that are within the Specific Plan, which means that they  
28 are going to have a zoning change. They are going to be changing from  
29 residential to some type of commercial zoning and so I did a little search on that  
30 also. And one of the things I noticed when I was reading the letters from a  
31 couple of those people is that they said several times this is going to ruin the  
32 value of our property as a residence. And I'm like, yeah, as a residence. Is it  
33 going to negatively affect you in the long run. And so I went and I looked. I took  
34 for that same period of time January 1<sup>st</sup>, 2012 to the present and I took  
35 residential zoning versus nonresidential zoning and looked at the price per  
36 square footage over that period of time. And the price per square foot for  
37 nonresidential zoning is approximately double what it is for residential zoning. So  
38 the people who are saying my property will not be worth anything as a residence  
39 are not necessarily going to be negatively impacted in the long run. You have to  
40 look at when someone is negatively impacted. Let's say, for example, you  
41 bought a house with a beautiful view on the ocean and somebody built a property  
42 in front of you that devalued yours because it was an eyesore or because it cut  
43 out your view or something like that. If there is a monetary change in the value of  
44 your property, then you are harmed by the person who built that eyesore in front  
45 of you. But can we say that somebody is monetarily damaged with a property  
46 that is changing from residential zoning to commercial zoning of some type and

1 the value of their property goes up? They may need to change their plans. A lot  
2 of people change their plans, especially if they've been living in a property for a  
3 longtime. The kids are grown, they've moved out, and they've decided okay now  
4 I'm going to move to another area. I'm going to buy a newer home. I'm going to  
5 downsize. Whatever it is, they can do that and it doesn't mean that they are  
6 going to lose their quality of life because of this change. So, when I'm looking at  
7 the General Plan Amendment, that's what I'm looking at. Is it going to negatively  
8 affect Moreno Valley as a whole? I don't think so. Is it going to bring as many  
9 jobs as what are expected? Maybe not. But how many jobs is the vacant land  
10 bringing right now? And so when you're looking at it and you're looking at all the  
11 traffic studies and everything else like that, it's like okay you're having traffic  
12 studies how much it's going to increase the traffic compared to what? Vacant  
13 land? Yeah. But compared to other types of development, maybe not. So that's  
14 kind of my comments on the General Plan Amendment is looking at it in terms of  
15 is it going to be of value to the City of Moreno Valley? Yes. It's going to increase  
16 tax revenue. It's going to increase jobs, and it's not going to negatively impact  
17 the value of the residential properties or the value of the properties that are being  
18 changed in zoning.

19  
20 **CHAIR LOWELL** – Mr. Barnes.

21  
22 **COMMISSIONER BARNES** – I have a question of Staff since we're talking  
23 about the General Plan. To give everybody a little background information, could  
24 you give a little detail as to what the current General Plan is, what we're going  
25 away from? And obviously we know what we're going to. I look at the General  
26 Plan and the Zoning Map, you know pre WLC, and it's a mixed bag out there.  
27 Could you kind of quantify the various uses and what we're going away from.

28  
29 **SENIOR PLANNER MARK GROSS** – Yes and it may be helpful if the media  
30 staff can bring up the presentation that we did on the actual different aspects of  
31 the project. If we can get that up on the screen, we can maybe talk about it a  
32 little bit more in depth. Is there a way to make that happen?

33  
34 **COMMISSIONER BARNES** – IT to the rescue.

35  
36 **SENIOR PLANNER MARK GROSS** – We can try to go through some things  
37 without the maps, but I think...yeah if we can just show starting off with the  
38 existing General Plan Map and then there's a proposed General Plan Map, and  
39 we can kind of look at the differences of the land uses there. Okay it looks like,  
40 okay great.

41  
42 **COMMISSIONER VAN NATTA** – Can we get that on our screen so we can look  
43 at it?

44  
45 **SENIOR PLANNER MARK GROSS** – Okay that probably starts, I don't know if  
46 this is one your screens as well?

1  
2 **COMMISSIONER BARNES** – Yeah. Yes it is.

3  
4 **SENIOR PLANNER MARK GROSS** – Okay good. This is the existing General  
5 Plan Land Use Map and what you're really looking at here is a lot of the land use  
6 in the area, it has a number of mixed uses as you can see based on the colors  
7 and the different designations as they're provided. I mean there's anything from  
8 business park, single-family/multiple-family residential, commercial retail.  
9 There's some mixed use, as well as open space and public areas. A lot of that  
10 area that you can see with the green, which is the open space, is actually  
11 designated golf course areas and a lot of this was part of the Moreno Highlands  
12 Specific Plan. This is looking at the land use. That's the existing. If we go to the  
13 proposed, the proposed is showing basically changing to business park and  
14 that's going to allow for it's business park/light industrial for the majority of the  
15 Specific Plan as you can see with the kind of a purple color there on the map.  
16 Within the Specific Plan Boundaries, there is also on the Southwest corner all the  
17 way at the bottom, there is a little area actually it's a 74 acre parcel of open  
18 space which is provided. It's part of Mount Russell, which is included in the  
19 Specific Plan Boundary Areas. Then you have areas that are south of the  
20 designated 2610 acre Specific Plan that is again outside of the development area  
21 and it's changing land uses as well. What we're looking at there is it's changing  
22 from, again a number of those different uses that I mentioned before, to all open  
23 space. There is the San Diego Gas and Electric Company property I believe  
24 that's showing with the P there, which is the public. But all of the other areas  
25 below and south of the Specific Plan Boundary are changing over to open space  
26 and that's for buffer purposes. There's a lot of existing public utility uses that are  
27 currently there. There is the San Jacinto Wildlife Area there as well, so a lot of  
28 those uses those are all permitted uses within the OS or Open Space Zone. I  
29 mean when we get into uses we can get into a little bit more of what can be done  
30 in those areas. But I'm just kind of keeping it right now at a land use perspective  
31 and what could be provided.

32  
33 **COMMISSIONER BARNES** – Right. I did some rough calculations or found  
34 some numbers somewhere in these 40,000 pages of stuff. There's actually  
35 about 1300 acres of residential, 780 acres of open space, and 600 acres of  
36 business park or commercial. Do you have any idea if those numbers are  
37 accurate?

38  
39 **SENIOR PLANNER MARK GROSS** – Well in just looking at the acreages and  
40 since we're talking about...there are acreages in the Moreno Highland Specific  
41 Plan, which covers most of that area.

42  
43 **COMMISSIONER BARNES** – That may have been where I found that, those  
44 numbers I think.

45

1 **SENIOR PLANNER MARK GROSS** – Yeah. It’s actually under, I think it’s  
2 under the project description there is some information that shows land uses and  
3 acreages.

4  
5 **COMMISSIONER BARNES** – Okay.

6  
7 **SENIOR PLANNER MARK GROSS** – And I mean I can kind of go through a  
8 rough sketch just what is being changed in the Moreno Highland Specific Plan  
9 because again part of what we’re doing tonight, if this were to be looked at  
10 favorably, the recommendation would be to repeal the Specific Plan that’s  
11 currently out there, which is the Moreno Highland Specific Plan. There really is in  
12 that Moreno Highland Specific Plan two different components that are included  
13 within that Specific Plan. There is what is called the residential community  
14 component, which includes about roughly 1359 acres of residential and I think  
15 that equated to about 7763 dwelling units.

16  
17 **COMMISSIONER BARNES** – I missed by an acre, so that must have been  
18 where I got the number.

19  
20 **SENIOR PLANNER MARK GROSS** – Yeah, yeah. Then there is parks and  
21 open space, which was about 701 acres. There is neighborhood commercial,  
22 which is about 10 acres. There is cemetery, which is about 16.5. And the public  
23 facility uses, which was about I believe 347 acres. And then there was another  
24 component, as you can see along the areas that are adjacent to Gilman Springs  
25 Road, there is a lot of business park that was included within the existing Moreno  
26 Highlands Specific Plan. And so you had a fairly large component of planned  
27 business center area, which included business park which is about 360 or 361  
28 acres. There was a mixed use component of about 80 acres. There was  
29 community commercial of about 16 acres. Parks and open space I think came  
30 out to about 77 or 78 acres. And public facilities, which was about 67 acres. And  
31 it all totaled, the Moreno Highland Specific Plan, was 3,038 acres is what we’re  
32 looking at there. So you can see the differences of the changes of what, you  
33 know again, we had a number of uses that are showing up on our existing Land  
34 Use General Plan Map. And then of course with the proposed project, that is the  
35 change of what would be included. And we can kind of drill down even further  
36 once we talk a little bit more about the zoning aspects of it.

37  
38 **COMMISSIONER BARNES** – Well I guess that’s kind of the point that I was  
39 trying to dramatize that we’re not going from one extreme of the spectrum all the  
40 way to the other. What we have now is a mix of uses, so it’s not from all of one  
41 to all of another. It’s a mixed bag so....

42  
43 **SENIOR PLANNER MARK GROSS** – Okay.

44  
45 **COMMISSIONER BARNES** – Thank you.

46

1 **SENIOR PLANNER MARK GROSS** – Sure.

2  
3 **CHAIR LOWELL** – Along the same lines as what Commissioner Van Natta said,  
4 the last meeting we had a list of everybody that attended the first meeting and  
5 the second meeting who wanted to speak. We had 165 people on the docket to  
6 speak last meeting plus the 6 that spoke the first night, which was 171 speakers.  
7 Actually, I think that makes 173 because we had one that wasn't on the list. So  
8 out of 173 speakers, we only had 71 actually speak. So 102 people said they  
9 wanted to speak, made the effort to show up, but didn't stand up to speak. Of  
10 those number of people, the majority of them were for the project. A minority  
11 were against the project. Some of the reasons said he should go take his jobs to  
12 China. One of them said it was bad air. They are anti-litigation, which I don't  
13 understand. And they said there is a drought involved so we don't need to do  
14 any ground improvements. One person says that they don't really care about the  
15 project. They just want the EIR recirculated. They said that they don't want  
16 Alessandro Boulevard messed with. The ARB letter, the CARB letter, they want  
17 all the cost to be on Highland Fairview yadda, yadda, yadda. I mean it just keeps  
18 going down. They said the EIR is flawed that it understates the effects. The said  
19 the Badlands aren't good enough. I mean countless, countless numbers of  
20 comments. Similarly, this binder right here, is 483 letters individually addressed  
21 to me at my home address. I ran for City Council last year and I went out and  
22 knocked on, with my team, nearly 4000 doors. Of those 4000 doors of the  
23 people that answered, an overwhelming majority are in support of the World  
24 Logistics Center. These letters came in fairly regularly for the last year. I have  
25 read every single one of these. These letters are legitimate. I have actually  
26 cross-referenced a good portion of this letters with the Register of Voter's list  
27 from when I ran for City Council. Can you hold your applause so we can kind of  
28 keep the momentum going? I actually called several of these people in here just  
29 to verify and the comments that are in these letters are 100% legitimate. They  
30 do reflect the person who signed the piece of paper. Granted they are all typed.  
31 There is not one handwritten, but every single one of these comments reflect an  
32 actual person's opinion. And each one of these are all in District 3. Not each  
33 and every one of them but a majority of them are District 3, which is the District I  
34 live in. Furthermore, I do believe that if you own a piece of land you should be  
35 able to develop it to your desires. If you went out and bought, again please stop  
36 the applause. Let's just keep it simple here. If you went out and bought a one  
37 acre piece of land say off Theodore and Redlands and you wanted to build your  
38 dream house there but your land owners around you said no we want to build  
39 multiunit apartment complexes there. They are going to be fighting back and  
40 forth. But if you own a one acre piece of land, you have every right to build your  
41 house there as long as you meet the City's regulations and rules. Similarly,  
42 Highland Fairview, they own a good chunk of land. If they want to develop it,  
43 that's their privilege, which is why we're here today. As far as the General Plan  
44 goes, I think that this would be a good use of the land. I don't really have any  
45 additional comments on the Specific General Plan, and that's pretty much the

1 way I stand on the General Plan. Anybody else have any other comments on the  
2 General Plan?

3  
4 **COMMISSIONER KORZEC** – I have one comment. When I reviewed the video,  
5 my numbers weren't quite as definitive as yours. I saw that it was pretty much  
6 more even of how many people were for and against so for me can you just give  
7 me your numbers because did you add these up?

8  
9 **CHAIR LOWELL** – I didn't add them up.

10  
11 **COMMISSIONER KORZEC** – Okay mine we're pretty much neck and neck, so if  
12 you give me a moment I just want to add yours up. And also what about all the  
13 packets that we received that had all those other letters because that last packet  
14 that we got had quite a few letters not in support of the project that were very well  
15 articulated. So do we have a number? I'm just trying to be fair to everybody that  
16 if we're going to talk numbers....

17  
18 **COMMISSIONER BARNES** – Can I make a comment? Not that I disagree with  
19 any of Commissioner Van Natta's or Chairman Lowell's comments, it seems a  
20 little early to be giving closing statements. So I think if we could stay focused on  
21 the specifics of the project that would better serve our time.

22  
23 **COMMISSIONER VAN NATTA** – I think it's very germane to the whole idea of  
24 rezoning and whether or not rezoning is appropriate.

25  
26 **COMMISSIONER BARNES** – Should we move on to the Specific Plan?

27  
28 **COMMISSIONER KORZEC** – I think it's a little closer than we thought.

29  
30 **CHAIR LOWELL** – It's fairly well split but the numbers that I have it is more in  
31 favor than against but that's just a poll of 71 people that actually had the  
32 gumption to speak. The letters that I have are specific to the project in its  
33 entirety. The letters that we have been receiving up here on the dais and in our  
34 packets are about the EIR specifically saying the EIR is flawed or the EIR is  
35 wonderful and it should be decorated with sprinkles. But the letters that I was  
36 referring to say this project specifically would be a welcome addition to the City.  
37 And I wasn't referring to the EIR letters. Those are a different topic. With that  
38 said, the General Plan Amendment I think is a pretty straight forward item. I  
39 don't see there's too many Commissioner Comments on that.

40  
41 **VICE CHAIR SIMS** – I do have one. Just, as far as the opinions that are being  
42 expressed here about quality of life and so forth and so on about peoples rights  
43 to develop their property and so forth, and I absolutely do agree with that.  
44 People should have the right to accumulate property and go through the  
45 entitlement process in a fair and above-board process that meets all the  
46 appropriate guidelines. And so I think that's what we're trying to go through here

1 today. I also do want to say that quality of life is an individual thing that's  
2 meaningful to each individual. And if a person, one of those seven homeowners  
3 that are within the World Logistics, they are significantly impacted. And, if they  
4 didn't want to have to move, that's a tough decision to do. They may have not  
5 been prepared. Regardless if whether the property may go up or down. That's  
6 being in this place does not something, if we were doing an internet domain,  
7 you'd have to do a resolution of necessity and find out you know that the public  
8 harm is less than the greater good or so forth. All I'm saying is it's a peculiar and  
9 particular thing, the quality of life and I think that goes kind of when you step back  
10 from the seven individuals that are specifically impacted significantly. I think, if  
11 you take a step back and you look at a General Plan Amendment, that would  
12 propose change of use of a massive amount of property. And, I believe, it's 10%  
13 of our entire city that goes to a quality of life for each and every person that lives  
14 within the city because we all breathe the air. We all drive the streets and so you  
15 have to feel comfortable at the end of the day is the quality of us all. There are  
16 some that will be impacted more than others individually. The people that live  
17 within the boundary that have residential homes, their life is different. They are  
18 going to have a little gizmo, a little air filter in their house potentially per the  
19 Development Agreement because of the potential air impacts in there. So if for  
20 instance this General Plan Amendment goes through, the EIR goes through and  
21 so forth, and the improvements don't get done to the roadways, the traffic/the  
22 streets, all of us will be sitting on the streets all going hey what happened here?  
23 We're all sitting on the 60 now or we're all sitting on the 91. What's going on  
24 here? And you'll say well really now my quality of life is really bad because now  
25 I'm waiting for 25 years for this project to build out to bring these jobs. So all I'm  
26 just saying is this is truly one of the hardest decisions because the jobs are very,  
27 very valuable and Moreno Valley needs to get some so this is a very difficult  
28 decision. So that's just my editorial.

29  
30 **CHAIR LOWELL** – Back to the traffic that you were mentioning. One of my key  
31 things I was trying to decipher out of this Traffic Impact Analysis and all the  
32 reports in front of us is what would the City be like should the World Logistics  
33 Center have never been brought to the table and the existing Moreno Highlands  
34 Specific Plan be built out to its capacity? And the Traffic Report says that, should  
35 the Moreno Valley Highland Specific Plan be built out to its entirety, it predicts an  
36 average daily trip or traffic generation rate of 178,606 vehicle trips per day.  
37 That's a lot of cars. That's a lot of trucks. That's a lot of vehicles on the road. It  
38 says if you compare that to the World Logistics, which is anticipating 69,502  
39 average daily trips. Then they are saying assuming zero truck trips are  
40 generated through the existing Specific Plan of Moreno Highlands, and  
41 comparing apples to apples doing some math, the existing Specific Plan would  
42 generate more than double the amount of traffic proposed by the World Logistics  
43 Center. So, if we're concerned about traffic, status quo would generate more  
44 traffic than what we are proposing tonight. Anyway, do you want to move on to  
45 the Specific Plan.

46

1 **COMMISSIONER KORZEC** – Can we take a short break?

2  
3 **CHAIR LOWELL** – Sure let's take a 10 minutes break and come back at 8:50.

4  
5 **COMMISSIONER KORZEC** – Yeah, I said it's early.

6  
7  
8 **MEETING BREAK**

9  
10 **CHAIR LOWELL** – Welcome back ladies and gentleman. Thank you for  
11 allowing us to take a quick recess. We are moving on to the third item, which is  
12 the Change of Zone of Specific Plan. This by no means precludes discussion of  
13 any other items, but we're going to try to focus on the Change of Zone, the  
14 Specific Plan, and the annexation. It's all kind of grouped together. So, for the  
15 Change of Zone, does anybody have any specific questions they would like to  
16 start off with? I have one on the Staff Report. On the second where as on page  
17 one it says whereas approval of the proposed applications would effectively  
18 replace zoning regulations currently in place as the Moreno Valley Highland  
19 Specific Plan and there by repeal Moreno Valley Specific Plan. What does the  
20 term effectively replace? Shouldn't it just be replace or is there some specific  
21 reason why it says effectively? Is there something I'm missing?

22  
23 **SENIOR PLANNER MARK GROSS** – In trying to answer that question, as far  
24 as the wording I can't say exactly how the wording is provided but it is essentially  
25 everything that is here before you tonight. I mean what you're seeing as the map  
26 that's up on the screen, which is the existing Zoning Map, shows what is included  
27 in the Moreno Highland Specific Plan. And, if this project were to be approved,  
28 then it would be the entirety of the Specific Plan that would go away. Some of  
29 the areas actually are not just within the World Logistics Center Specific Plan  
30 Area, it's actually areas that are included below it. So all of that area, this may  
31 show it a little bit better with the proposed zoning here, all of that area below it is  
32 also part of the Moreno Highland Specific Plan. So it includes part of the World  
33 Logistics Center proposed Specific Plan, as well as some of those properties to  
34 the south of that Specific Plan.

35  
36 **CHAIR LOWELL** – Just for clarity, is there any portion of the Moreno Highland  
37 Specific Plan that is not covered or replaced by the World Logistics Specific  
38 Plan? Is there any error with it? Let me rephrase that. When you overlapped  
39 the World Logistics Specific Plan on top of the Moreno Valley Highland Specific  
40 Plan, is there any portion of the Moreno Highland Specific Plan that is not directly  
41 covered by with World Logistics Specific Plan that could theoretically be not  
42 falling into a Specific Plan anymore?

43  
44 **SENIOR PLANNER MARK GROSS** – No I mean all of the areas that are  
45 included up in the map are part of the, I mean everything that you see in green  
46 and in blue is all part of the original Moreno Highland Specific Plan. There is one

1 parcel I believe on the Southside of Gilman Springs, which we will be coming  
2 back with an inconsistency but that is already a land use of open space. So  
3 that's pretty much all of what you're seeing there of the Specific Plan Area.

4  
5 **CHAIR LOWELL** – The outline of the Moreno Highland Specific Plan is 100%  
6 encapsulated by the World Logistics Specific Plan?

7  
8 **SENIOR PLANNER MARK GROSS** – No, no, no. That's not what I'm saying.  
9 There's some areas down below the Specific Plan, which are part of the some of  
10 the utility areas, the San Jacinto Wildlife Area. All of those areas in green that  
11 you see below, that is not within the Specific Plan Area.

12  
13 **CHAIR LOWELL** – So then let me extrapolate a little bit further. By repealing  
14 the Moreno Highland Specific Plan, would there be any piece of land that's  
15 developable that wouldn't fall under Specific Plan anymore that would just fall  
16 back to the general zoning?

17  
18 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes.

19  
20 **CHAIR LOWELL** – Easy answer. Is it a lot of land, a little land? Is it just.....

21  
22 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay, so the Moreno Highland  
23 Specific Plan is a larger area than the World Logistics Center Specific Plan.

24  
25 **CHAIR LOWELL** – That's what I was going for.

26  
27 **PLANNING OFFICIAL RICK SANDZIMIER** – So the World Logistics Center  
28 Specific Plan is about 2610 acres where the Moreno Highland Specific Plan is  
29 3038 acres.

30  
31 **KENT NORTON** – 3038 acres.

32  
33 **PLANNING OFFICIAL RICK SANDZIMIER** – 3038 acres, so the World  
34 Logistics Center Specific Plan is slightly smaller. Now the one parcel that is not  
35 included in the entire new Specific Plan or in the Zone Change is, if you look at  
36 this map here, to the east side of Gilman Springs Road you'll see a little triangle  
37 that's basically white. That is an area on the Moreno Highland Specific Plan that  
38 was identified as a 16 acre cemetery. Now, by state law, we have time after we  
39 take an action of General Plan Amendment, Change of Zone, adopt a new  
40 Specific Plan if there's anything that falls outside of being consistent in the zoning  
41 we can within a reasonable time come back and correct that. We've identified  
42 that specific nuance in your Staff Report from the June 11<sup>th</sup> report, so that was  
43 what was identified in there if that's what you're speaking to that covers all of the  
44 land that was either in the Moreno Highland Specific Plan or in the World  
45 Logistics Center Specific Plan.

46

1 **CHAIR LOWELL** – That little triangle is the same area that’s being annexed?  
2

3 **PLANNING OFFICIAL RICK SANDZIMIER** – No. The area that’s being  
4 annexed is slightly south on Gilman Springs Road, north of Alessandro  
5 Boulevard, and west of Gilman Springs Road. And if we have another exhibit up  
6 there it might, what other exhibits do we have? Right there, right there. Go back  
7 to that one. The white triangle piece over to the east side of the map there has a  
8 purple dotted line.  
9

10 **CHAIR LOWELL** – That’s the area being annexed and the green area is the  
11 area that you’re talking about. That’s the cemetery?  
12

13 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes.  
14

15 **SENIOR PLANNER MARK GROSS** – Yeah that 16 acre parcel really is the only  
16 parcel in the City of Moreno Valley that’s north and east of Gilman Springs Road.  
17 I mean there are some areas that are in the sphere of influence in those areas  
18 but that is the actual parcel that’s in the City itself.  
19

20 **CHAIR LOWELL** – So by repealing the Moreno Highland Specific Plan, the only  
21 portion of land that would be taken out of the Moreno Highland Specific Plan  
22 that’s not currently included in the World Logistics Site Plan or Specific Plan is  
23 that little tiny cemetery spot? It sounds like there were a couple hundred acres  
24 that are falling short.  
25

26 **PLANNING OFFICIAL RICK SANDZIMIER** – Within what we’ll call the World  
27 Logistics Center Project, that little triangle is the only thing that’s not within the  
28 World Logistics Center project, which includes the General Plan Amendment,  
29 Specific Plan, and Change of Zone elsewhere. The Moreno Highland Specific  
30 Plan does drop down into what’s shown up there are green open space. If you  
31 looked at the zoning and the Specific Plan for the Moreno Highland Specific Plan,  
32 you would see some uses down there, which is the property owned by the  
33 California Department of Fish and Wildlife.  
34

35 **CHAIR LOWELL** – Correct. We’re kind of dancing around. What I was trying to  
36 get at is, by repealing the Highland Specific Plan and imposing the Specific Plan  
37 for the World Logistics Specific Plan, is there any developable land that is now  
38 not part of either Specific Plan that was originally part of the Moreno Highland  
39 Specific Plan?  
40

41 **PLANNING OFFICIAL RICK SANDZIMIER** – Just the 16 acre....  
42

43 **CHAIR LOWELL** – That’s what I was going for.  
44

45 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes.  
46

1 **CHAIR LOWELL** – Thanks. Sorry for that long route to go down, but I was just  
2 trying to clarify it. Thank you. Mr. Sims.

3  
4 **VICE CHAIR SIMS** – On the Specific Plan, is there any reference to the berm  
5 and the setbacks along Redlands Boulevard that go from the 60 south towards, I  
6 don't know what that street is at....

7  
8 **PLANNING OFFICIAL RICK SANDZIMIER** – Yes.

9  
10 **VICE CHAIR SIMS** – Where is that specifically?

11  
12 **SENIOR PLANNER MARK GROSS** – Well yeah there is quite a bit of  
13 information on the berm itself, which is if you go on page and I don't have the  
14 actual because I'm looking exactly from the Specific Plan. Actually the Specific  
15 Plan, it's page 2-12 that talks about all of the edge treatments. I think that's what  
16 you're referring to?

17  
18 **VICE CHAIR SIMS** – Yeah.

19  
20 **SENIOR PLANNER MARK GROSS** – There's actually four different edge  
21 treatments that are included in the Specific Plan itself. You have the western  
22 edge, which is towards the western part of the Specific Plan and that area is  
23 adjacent to where some of the residential areas are on the other side of  
24 Redlands Boulevard. There's the SR60 edge, which is up to the north of the  
25 freeway. There's the San Jacinto Wildlife Area edge, which is to the south of the  
26 property. Then, you have Gilman Springs Road edge, which is to the east and all  
27 of it is....

28  
29 **PLANNING OFFICIAL RICK SANDZIMIER** – It would be on page 489 in the  
30 Staff Report. Page 489 of the big Staff Report from June 11<sup>th</sup> will take you  
31 directly to exhibit 2-3, which is special edge treatment areas which Mr. Gross is  
32 talking about.

33  
34 **SENIOR PLANNER MARK GROSS** – Thank you very much.

35  
36 **CHAIR LOWELL** – Some of the confusion is that the document that the Staff  
37 prepared, that Specific Plan only has the odd pages in some sections so 2-12 is  
38 missing. So I printed up a colored version, which I don't have the Staff numbers  
39 on.

40  
41 **VICE CHAIR SIMS** – Well so I, can you just generally tell us what the screening  
42 wall is? In essence can you just describe it, what the height of it is and so forth?

43  
44 **SENIOR PLANNER MARK GROSS** – Let's see.

45  
46 **VICE CHAIR SIMS** – So where's 2-3?

1  
2 **PLANNING OFFICIAL RICK SANDZIMIER** – You guys are welcome to pass  
3 that around if anybody needs to look at the color exhibits. That’s the full Specific  
4 Plan document that was included in the Staff Report.

5  
6 **SENIOR PLANNER MARK GROSS** – Just to give you some ideas of the area  
7 as we’re talking and then we can maybe get into more specifics of the area. I  
8 think it’s section 2.55 of the Specific Plan that calls for a Concept Plan for the  
9 entire edge area that we would have to take a look at. Actually, it’s going to be  
10 submitted and approved.....it would be submitted and then approved by the  
11 Planning Official prior to any approval of any subdivision or Plot Plan including or  
12 adjacent to any special edge treatment areas. And the buffer areas will be  
13 constructed as the projects or the individual Plot Plans are proposed. And, as far  
14 as the height of the....I’m not certain if there is a specific height.

15  
16 **VICE CHAIR SIMS** – Well I’m looking in the packet at page 501. If you are a  
17 person standing on the west right-of-way of Redlands Boulevard looking east,  
18 you’d have.....I don’t know how high that is. The maximum you’d see is 15 feet  
19 of the top of the building I guess is what, so it varies is what you’re I guess trying  
20 to say. The berm will vary so that you only see 15 feet of the top of the buildings  
21 along Redlands Boulevard.

22  
23 **PLANNING OFFICIAL RICK SANDZIMIER** – If you look at the Specific Plan  
24 document that I gave, those that have your Staff Report, if you look on the Staff  
25 Report page 501 or if you are within the Specific Plan document itself, it’s 4-8. In  
26 that area and those few pages around there, you’ll see all the cross-sections  
27 particularly for Redlands Boulevard. It will show the berm condition along  
28 Redlands Boulevard.

29  
30 **COMMISSIONER BARNES** – I did some math on it. If you just do the  
31 trigonometry, you get about 35 feet high with a six foot fence on top. That’s what  
32 depicted in this section.

33  
34 **PLANNING OFFICIAL RICK SANDZIMIER** – It also goes into more detail  
35 starting on page 4-6 of the Specific Plan. There’s another color exhibit that gives  
36 you some more detail on the special edge treatment areas. So, all within that  
37 area, the Specific Plan gets specific.

38  
39 **VICE CHAIR SIMS** – So I guess my question I would have is, regardless of the  
40 height, there is going to be some special edge treatments along these boundary  
41 conditions. And specifically I’m more concerned about the Redlands one  
42 because of the interface where there is residential development once you get to  
43 Eucalyptus going south. On there, there’s residential going all the way down to  
44 the south there. So, you know, I don’t know. I haven’t talked to the neighbors  
45 around there. But I don’t know how the interface will be but probably a lot of  
46 those people moved out there with the intent that they were going to have more

1 of a large lot, you know third of an acre/half acre kind of residential setting. So I  
2 do support having the berm there so there is some bifurcation of the residential to  
3 the industrial type land use that we're considering today. So the only question  
4 that comes with that is this will be acres and acres of maintained slopes and  
5 special edge treatment. How is the City proposing to maintain that? Who pays  
6 for it? How's it paid for and is there an endowment by the development or is it  
7 just dedicated that the City picks up that? Is there going to be a special  
8 assessment area to pay for it, or how is that handled?

9  
10 **PLANNING OFFICIAL RICK SANDZIMIER** – Within the Specific Plan, if you go  
11 to Section 9-1, it will talk about property maintenance proposed for the onsite  
12 common area improvements and parkways. What you're going to find in there is  
13 a requirement for I believe it's property association. I'm trying to remember the  
14 language.

15  
16 **SENIOR PLANNER MARK GROSS** – The property of the association.

17  
18 **PLANNING OFFICIAL RICK SANDZIMIER** – The property of the association,  
19 yeah.

20  
21 **SENIOR PLANNER MARK GROSS** – Or maintenance district.

22  
23 **VICE CHAIR SIMS** – So I guess the maintenance district, I know the City has a  
24 variety of street lighting maintenance districts and so forth throughout. This  
25 would be particular though to the World Logistics Boundary Specific Plan?

26  
27 **PLANNING OFFICIAL RICK SANDZIMIER** – I'm going to defer to Candace  
28 Cassel, our expert in this area.

29  
30 **SPECIAL DISTRICTS DIVISION MANAGER CANDACE CASSEL** – What  
31 would happen is the property owners could determine whether or not, or they  
32 could elect to form a property owners association that would maintain that  
33 ongoing landscaping (the maintenance of the ongoing landscaping) or they could  
34 annex into the City's CFD for the maintenance services. So that will be up to the  
35 election of the property owners as the option they have.

36  
37 **CHAIR LOWELL** – That 250 foot buffer zone, is that City owned or is it privately  
38 owned?

39  
40 **SPECIAL DISTRICTS DIVISION MANAGER CANDACE CASSEL** – We would  
41 only take care of it if it is within the public right-of-way. If it is onsite, then they  
42 would be responsible for maintaining that.

43  
44 **CHAIR LOWELL** – Okay but that land would still....I guess what I'm asking is  
45 the right-of-way. Does the right-of-way go back 250 feet from the center line or

1 from whatever that measurement is? Or is that to the right-of-way and then  
2 whatever the difference is, like 200+ feet, does that remain privately owned?

3  
4 **SPECIAL DISTRICTS DIVISION MANAGER CANDACE CASSEL** – Rick do  
5 you know that specifically?

6  
7 **PLANNING OFFICIAL RICK SANDZIMIER** – I don't know it off the top of my  
8 head. I'd have to look at the exhibit. On this one, I might actually defer to the  
9 developer. He probably has the answer more off the tip of his fingers so.

10  
11 **APPLICANT IDDO BENZEEVI** – Yes that property will still be within the World  
12 Logistics Center, our property, and we will be maintaining it. What was  
13 suggested is, whether it's a maintenance district or property owners association.  
14 Nonetheless, the property owners of the World Logistics Center, us mainly, the  
15 district is just a financial mechanism to ensure long-term maintenance but  
16 property owners association does the same. Skechers, for example, all the  
17 slopes and all the things that are on the freeway in the front are all maintained by  
18 the property owner association, which essentially is us. We're the property  
19 owners. It will be the same thing. We are responsible for maintenance of all  
20 those berms and slopes and landscaping and so forth. One question was asked  
21 about the berm. The height of the berm is 15 feet along Redlands, so there is a  
22 minimum 15 foot height. It isn't a wall that comes up, it's sort of angulated but it  
23 is at the peak 15 feet high. So it starts out with about 15 feet. As you're driving  
24 along the street, there will be substantial landscaping along the road. I think we  
25 had an animation one time that we showed that was actually calibrated with GPS  
26 to essentially see what you will see driving in a car so.

27  
28 **CHAIR LOWELL** – I didn't notice in the Specific Plan, but it seems like such a  
29 large swath of land is being set aside for landscape buffer to make things look  
30 pretty. That's fine and it's a great idea. Is there an option to utilize that land for  
31 an additional purpose like maybe a regional park or a pocket park or something  
32 that would benefit the people that live in and around that area? Instead of just  
33 having this piece of land that's landscaped and essentially useless, maybe put  
34 like a little wandering trail through there, maybe put a couple slides, or just  
35 something that would give it a dual purpose instead of just having land sitting  
36 there for no other good reason than people just don't want to see a big building.

37  
38 **PLANNING OFFICIAL RICK SANDZIMIER** – It's not specifically spelled out in  
39 the Specific Plan to date. Does that preclude it? No. We could revisit it. In  
40 terms of it becoming a public improvement, there would be, you know,  
41 maintenance and other responsibilities. I can tell you that I worked on a large  
42 project in another jurisdiction, which had a 300 foot swath that was identified as  
43 an open space spine. It was intended to connect the coast all the way into the  
44 foothills. It's a very nice amenity that ended up being developed in the City of  
45 Irvine. If you ever wanted to go online and look up the Jeffrey Open Space  
46 Spine, it's a very established open space improvement. But it costs a lot of

1 money and there's maintenance responsibility, but things can be done with that  
2 kind of space.

3  
4 **APPLICANT IDDO BENZEEVI** – I just want to add, if I may, that there's a whole  
5 system of trails within the World Logistics Center and a lot of them go through the  
6 berm, so there will be a trail going on the berm side of Redlands Boulevard all  
7 the way down that connects you eventually to the existing trails up at Cactus and  
8 also to the State Fish and Game area, you know the open space to the south.  
9 And there's a big loop you can actually go on several miles of trails that we have  
10 worked out with the Trails Commission Committee at the City. So there is a  
11 recreational use if you can call it within that berm area and it's actually a fully built  
12 out trail system that also is going to be maintained by the project.

13  
14 **SENIOR PLANNER MARK GROSS** – And just to add besides the berm that  
15 we're talking about and the trails and such, I mean just to give you an idea and  
16 so everybody is aware what can and cannot go on in that specific 250 foot berm  
17 area. There would be no buildings, truck courts, loading areas, employee visitor  
18 parking, truck circulation areas or truck or trailer storage uses that would be  
19 permitted within the area. And this is Section 2.5.1 and 2.5.4 of the Specific  
20 Plan. What can be allowed in that specific area is emergency access,  
21 landscaping itself, drainage facilities, and property maintenance access, which I  
22 think some of these things were touched upon.

23  
24 **CHAIR LOWELL** – One of the other things that I had questions on. On setback  
25 criteria, it says building setbacks minimum. It says on the World Logistics side of  
26 things, the buildings must be set back a minimum of 60 feet from any public  
27 street, which is fine. From other property lines, there is no minimum. So as long  
28 as it abutting an internal property line that's not a right-of-way, even zero foot set  
29 back is perfectly acceptable?

30  
31 **SENIOR PLANNER MARK GROSS** – That's correct.

32  
33 **CHAIR LOWELL** – Okay. It says from residentially occupied property within the  
34 WLC, all buildings shall be set back a distance equal to or greater than the height  
35 of the proposed buildings. So it's residentially occupied. But, later on, it says  
36 from residentially zoned property 250 feet measured from the City Zoning  
37 Boundary. So we have legally noncompliant land, which was once originally  
38 zoned residential that is now zoned commercial. So aren't they kind of in a grey  
39 area where the setbacks theoretically should be 250 feet but we're telling that it's  
40 only going to be 60 feet because we're changing the zone on them?

41  
42 **SENIOR PLANNER MARK GROSS** – I would think to answer, a quick answer  
43 would be no. I mean it would not.

44  
45 **CHAIR LOWELL** – So the minimum setback from the residences inside the  
46 WLC area is 60 feet from building to building? Well, actually, no it doesn't say 60

1 feet. It's the height of the building. So if there is a 60-foot building it would be 60  
2 feet. Or if it's a 20-foot building, it's 20 feet. So, if you had a short building, you  
3 theoretically could be right up against it. Is that...what if the building has mixed  
4 heights? What if you have a really tall 60-foot warehouse, but you have an office  
5 space that the portion that is closest to the residence, and it's only a 20-foot tall  
6 structure on that point in time, are we using an average height? Are we using the  
7 biggest height, the maximum height or the minimum height? It kind of needs a  
8 little clarity because those heights vary. I kind of want to get a little more clarity  
9 on that. And that we have seven residences, or 12 residences that are in that  
10 area that are going to immediately affected by this should this go through.

11  
12 **PLANNING OFFICIAL RICK SANDZIMIER** – I'm having a hard time  
13 understanding you're question to be honest with you.

14  
15 **CHAIR LOWELL** – Alright let me try that again. It says building setbacks: From  
16 residentially occupied property within the WLC, all buildings shall be set back a  
17 distance equal to or greater than the height of the proposed building. What if you  
18 have a WLC building that varies in heights? So you have a portion of the  
19 building that is 60 feet tall but then tapers down and you have a low spot that's  
20 20 feet tall, what would the setback be in that situation?

21  
22 **PLANNING OFFICIAL RICK SANDZIMIER** – The intent would be, the setback  
23 should be, at the closest point of the building, the height of the building at that  
24 particular point. So, if you had a building that was 60 feet tall and it transitioned  
25 down to 50 feet at some other part of the building that was further away, then the  
26 setback should be 60 feet. If the building was 40 or 50 feet but it grew to 60 or  
27 80 feet in another portion further away from the residential area, then the setback  
28 would be interpreted for the portion of the building closest to the residential. That  
29 would be my off-the-cuff interpretation at this point until we solve some specifics,  
30 but that seems to be a fair application.

31  
32 **CHAIR LOWELL** – Could we add some verbiage that it would refer to the  
33 maximum height, so if we do have a tall building the building will be set back  
34 further regardless of how tall it is next to the houses?

35  
36 **SENIOR PLANNER MARK GROSS** – That's definitely something we could look  
37 at, but I mean it's not part of the Specific Plan I don't believe as it stands.

38  
39 **COMMISSIONER BARNES** – Is that 1:1 ratio, is that common or customary?  
40 Okay.

41  
42 **PLANNING OFFICIAL RICK SANDZIMIER** – That's why we have attorneys.  
43 Mr. Early has convinced me in a different way to look at it. If the building was to  
44 grow in height or shrink in height, the setback would be established based upon  
45 any distance from the property line to the height of the building at that particular  
46 point should achieve the setback equal to the height of the building.

1  
2 **CHAIR LOWELL** – So if you had a wedge-shaped building, the setbacks would  
3 vary theoretically?  
4

5 **PLANNING OFFICIAL RICK SANDZIMIER** – Basically you're keeping that  
6 distance from the height of the building to the property line is always the height of  
7 the building at minimum.  
8

9 **CHAIR LOWELL** – And then it says maximum lot coverage is none. But then it  
10 says you have to have a 10% minimum lot coverage for landscaping, so  
11 shouldn't we have a 90% maximum lot coverage or am I just parsing words?  
12

13 **SENIOR PLANNER MARK GROSS** – I think you're referring to is that is that H  
14 under landscape coverage where it talks about logistic uses 10% minimum?  
15

16 **CHAIR LOWELL** – Exactly.  
17

18 **SENIOR PLANNER MARK GROSS** – I mean that's the minimum requirement.  
19 There's no exact maximum requirement, but I mean again 10%.....  
20

21 **CHAIR LOWELL** – Yeah, I mean maximum lot coverage is none but then we  
22 have a minimum lot coverage of landscaping. So it seems like we're saying you  
23 can cover 100% of the land with the building, but oh you've only got to have 10%  
24 landscaping minimum.  
25

26 **PLANNING OFFICIAL RICK SANDZIMIER** – That's specific to high cube use.  
27 If you look further down to the next bullet point number 2: All other uses would  
28 have no minimum, so it also is based on the use. And high cube logistic use, just  
29 so we're clear on what that is, that's the buildings that are within the logistics  
30 development area that are 500,000 square foot buildings or bigger. Then you  
31 also have logistics support uses within the logistics development area, which  
32 could be the fueling of the retail-type components or other smaller developments.  
33

34 **CHAIR LOWELL** – I think I skipped over you, I'm sorry. Commissioner Barnes.  
35

36 **COMMISSIONER BARNES** – I have a question on the truck pullouts. Those  
37 are proposed in the public right-of-way. What's the advantage of that versus  
38 designated parking areas for them that would be off the streets? Fill me in on  
39 that.  
40

41 **TRAFFIC ENGINEER MICHAEL LLOYD** – Based upon observation, whether  
42 we provide the opportunity for trucks to park, we're going to find that trucks are  
43 going to park. So it was determined in the development of the Specific Plan that  
44 it was appropriate to provide the opportunity for trucks to park along the  
45 roadways. However, in a manner so that it's not affecting the flow of traffic and  
46 other trucks trying to get through the area. So that was the thought behind it is

1 that, whether we provide it or not, it's going to happen so the best position to take  
2 is let's provide something that fits within the overall master plan so that it  
3 functions.

4  
5 **COMMISSIONER BARNES** – Okay, thank you.

6  
7 **CHAIR LOWELL** – Mr. Sims.

8  
9 **VICE CHAIR SIMS** – Okay this is probably digressing away from the Specific  
10 Plan, but I want to talk a little bit about the buffers and setbacks specifically  
11 referring to the letter from the State of California Fish and Wildlife Service from  
12 June 11<sup>th</sup>. The conclusion I read out of that was that they indicated that the  
13 project proponent never consulted with Fish and Wildlife Services and that the  
14 proposed 250 foot setback along the south is an inadequate buffer to mitigate the  
15 project impacts because it includes project facilities or water quality basins and  
16 detention basins. They are proposing 850 undeveloped setback along the  
17 Southern boundary. Anyhow, they go on and on and. So I guess I'm a little  
18 confused when we heard the presentation from the developer about the Fish and  
19 Wildlife it seems like is it being accounted for? Is that just a done deal that the  
20 land that was sold to Fish and Wildlife for the habitat area that can't have a  
21 double count as far as project credits or to the environment or any kind of offsets  
22 that the project may have. I don't know if there is a consultation process for  
23 Streambed Alteration Agreements or if that is done on an individual type as the  
24 CUP's and Plot Plans come through. But to get my rambling bouts here to more  
25 pointed questions is, does this project have any ability to use any of the property  
26 that was bought by the State of California as credits towards any impacts the  
27 project has environmentally? That would be my first question.

28  
29 **SENIOR PLANNER MARK GROSS** – No we're not aware of that. No.

30  
31 **VICE CHAIR SIMS** – Okay and then the second the thing that caught my eye,  
32 as I was reading through that, is that the whole San Jacinto Wildlife Area is a  
33 fairly robust repairing area for the birds and whatnot through there and they are  
34 proposing the 250 foot. So I guess what I kind of got from the June 11<sup>th</sup> letter  
35 from State Fish and Wildlife is they have concerns that there would be potentially  
36 endangered species from the birds that would want to nest and so forth. And I  
37 kind of got the sense that they were questioning the validity of having the 250  
38 feet was sufficient along the Southern boundary adjacent to the San Jacinto  
39 Wildlife Habitat Area that's already been purchased because their questioning  
40 that value for habitat potentially for endangered species because there would be  
41 manufacturer detention basins and water quality that would potentially deem the  
42 habitat inadequate for support of endangered species. So I guess for you guys I  
43 don't know if you responded to them in a comment letter to address that or not  
44 but you know from Staff level what was your opinion on that June 11<sup>th</sup> letter?

45

1 **SENIOR PLANNER MARK GROSS** – As far as the letter goes, I don't have a  
2 specific opinion. I mean those are concerns I think of the agency. I can tell you  
3 that just in looking at the Specific Plan and what is in that particular document  
4 you're looking at a 250 foot area. But then, of course, you're going to have  
5 additional setback of any buildings in there for I think it's a minimum of 400 feet  
6 from the San Jacinto Wildlife Area Boundary. So there is going to be some  
7 additional, in a sense, mitigation to where the buildings are set back further. I  
8 don't know if that particularly answers the question but maybe from kind of a  
9 side.....

10  
11 **PLANNING OFFICIAL RICK SANDZIMIER** – I'd like to ask Kent Norton, our  
12 environmental consultant to address that particular issue.

13  
14 **KENT NORTON** – Mr. Chairman and Commissioners: Mark already indicated  
15 some of it. Some of this harkens back to the Environmental Impact Report, so I  
16 apologize but there were a number of mitigation measures that specifically  
17 addressed the Southern buffer area including 250 feet initial setback area that  
18 does include drainage facilities and then there's an additional 150 foot setback  
19 for buildings. So 400 feet from the San Jacinto Wildlife Area Boundary would  
20 have no building improvements within it. A number of the mitigation measures  
21 also specified how that was going to be managed possibly as habitat but that  
22 would have to be in cooperation with the resource agencies. The EIR went into  
23 quite a bit of detail analyzing if it was an adequate setback and the relationship of  
24 that potential setback with the San Jacinto Wildlife Area and the original purpose  
25 for that entire area. If you want more information on that, we can discuss that.  
26 But I think we've moved on from that. But we will be responding in writing to Fish  
27 and Wildlife's letter. We believe the analysis in the EIR was adequate and does  
28 provide an adequate setback from the wildlife area. Thanks.

29  
30 **CHAIR LOWELL** – Commissioner Barnes.

31  
32 **COMMISSIONER BARNES** – When Commissioner Sims and I attended the  
33 briefing from the Applicant, that was one of the items that was discussed in some  
34 detail. And my recollection is we were shown a letter that I think was on City  
35 letterhead that specifically identified that 1100 acres, or whatever it was. That  
36 went to the State as a buffer zone to the wildlife area. Now was that  
37 documentation the City suggesting to the State that this is a buffer and the State  
38 refusing to acknowledge it as that or was it originally a buffer in everybody's mind  
39 and the State has now changed their mind and it's no longer a buffer, it's wildlife  
40 area and we need more buffer? Can you clarify that please?

41  
42 **KENT NORTON** – I think I can answer that. The area in question is the area in  
43 green on the map on the wall. That area was originally part of the Moreno  
44 Highlands Specific Plan, and it was purchased by the State as part of the San  
45 Jacinto Wildlife Area but one of the reasons for purchasing it was specifically to  
46 act as a buffer between the more wetland resources of Mystic Lake and provide

1 an upland buffer area between development to the north. Now, at the time,  
2 development to the north meant the remainder of the Moreno Highlands Specific  
3 Plan. Now that area to the north could be the World Logistics Center. We  
4 analyzed that original purpose, in addition to the 250 foot setback plus the 150  
5 foot building setback, and determined that those three items together  
6 represented an adequate setback or buffer from the San Jacinto Wildlife Area.  
7 There has been a lot of discussion about what to call that area, whether it's a  
8 buffer area or not. I really don't want to get into that kind of discourse tonight. As  
9 I said, we will be responding to Fish and Wildlife's letter. We believe the purpose  
10 of that area was the act as some type of buffer between the more wetland-  
11 oriented resources of Mystic Lake area and future development, and that area is  
12 actually being dry funded right now similar to the World Logistics Center property  
13 immediately north of it. It does provide some wildlife resources. That is true.  
14 But we believe that area plus the buffer area that is being proposed as part of the  
15 World Logistics Center, including the mitigation measures that specify exactly  
16 how that area will be treated and maintained, are adequate to protect the  
17 resources of the wildlife area.

18  
19 **APPLICANT IDDO BENZEEVI** – If I may since you've seen it in our  
20 presentation, it is not a City document. That is a State document. The document  
21 you have seen that's part of the EIR it's in the document itself. That was the  
22 State document when they approved the purchase. The language as you read  
23 and I'm not going to paraphrase it but essentially what it says is that they are  
24 adding that property to the Wildlife San Jacinto Wildlife Area to buffer it from  
25 development to the north. And so the purpose of the acquisition is a buffer but  
26 nonetheless it belongs to the wildlife area now. And the City indicated they  
27 purchased a portion of the Moreno Highland Specific Plan that was governed by  
28 Development Agreement for 20 years, so it wasn't that they bought some open  
29 land not knowing it was to be developed. They actually bought into the Moreno  
30 Highland Specific Plan and they bought developable areas. Ever since they  
31 bought it, we were involved in it from the beginning without going through the  
32 history. But they've been farming it and disking it ever since the property was  
33 purchased sometimes in conjunction with the same farming operation we have.  
34 So they have been doing this since the acquisition.

35  
36 **PLANNING OFFICIAL RICK SANDZIMIER** – If I may, Mr. Chairman. This was  
37 one that I looked into specifically in our General Plan and our General Plan does  
38 specifically address this purchase in 2002 by the California Department of Fish  
39 and Wildlife. This is actually right out of our General Plan. It's consistent with  
40 what Mr. Benzeevi just described. Our General Plan also goes into some  
41 discussion about the separate energy company's purchase of 178 acres, which is  
42 around the gas company property. But what it says here, which is interesting to  
43 me, is that neither of the aforementioned land purchases are likely to be  
44 developed as envisioned in the original Specific Plan and are likely to remain  
45 sustainably vacant. That's identified here. However, in that the Moreno  
46 Highlands Specific Plan Development Agreement precludes the City from making

1 any unilateral changes to the Specific Plan land uses. No changes were  
2 recommended for the Moreno Highlands Specific Plan as part of the General  
3 Plan update. So when the General Plan was actually updated, they didn't make  
4 any changes to the Moreno Highlands Specific Plan so it still remains as a  
5 potential development area. And the California Fish and Wildlife, I believe, did  
6 send us a letter on the draft Environmental Impact Report saying that they liked  
7 the idea of the Moreno Highlands Specific Plan having greater opportunities for  
8 development. I'm paraphrasing what I believe that letter, as I recall, said. So, in  
9 one case, you can't say in a letter that you like that there's opportunities to  
10 develop it but at the same give us another letter that says oh by the way it's part  
11 of our wildlife area, which is going to remain as open space. So it's a little  
12 inconsistent some of the stuff that I researched on it, so in terms of being a buffer  
13 or being part of the wildlife area that's important but I wouldn't spend too much  
14 time on it. I think the fact that the Specific Plan has identified a buffer in addition  
15 to that of 250 feet plus another 150 feet before you can get to the development is  
16 addressing that we're putting 400 feet of space between any development and  
17 that edge.

18  
19 **CHAIR LOWELL** – Yeah, it appears that some of their objection is the fact that  
20 the 250 foot setback is a maintained area and that maintenance would disturb  
21 natural resources that would be there for nesting and foraging and whatnot. So it  
22 seems like they want more and more and more and it doesn't seem as though  
23 you'll ever be able to give them enough to make them happy.

24  
25 **COMMISSIONER BARNES** – It seems they've changed their mind. It's no  
26 longer a buffer.

27  
28 **CHAIR LOWELL** – Yeah, it says that in the letter. It says the FEIR identifies  
29 910 acres of the wildlife area plus the minimally proposed setback of 250 feet to  
30 the buffer. And then it says mitigation measures provides for 250 foot setback  
31 from the Southerly property line as area includes maintained engineered facilities  
32 required by the development. It cannot be considered as a setback or buffer  
33 from development as it certainly cannot be considered to provide mitigation to  
34 compensate for the loss and yadda, yadda, yadda, yadda, yadda. They basically  
35 are saying we want more and more and more and they want you to change it  
36 from feet to meters and it's yeah....I think the open space that is being provided,  
37 which is in excess of a mile width from the existing wildlife refuge area. I think  
38 that adequately buffers plus what the Specific Plan is doing. I think that we're  
39 doing the right job on that. Anybody else?

40  
41 **COMMISSIONER VAN NATTA** – I'm looking at this that says 2610 acres. How  
42 come everybody keeps referring to this as being 4000 acres?

43  
44 **SENIOR PLANNER MARK GROSS** – The 2610 acres is actually the World  
45 Logistics Center Specific Plan. Anything that is in the blue area is considered as  
46 the World Logistics Center Specific Plan. The project area because there are

1 Changes of Zones and General Plan Amendments that are going on with areas  
2 south of the World Logistics Center, proposed World Logistics Center Specific  
3 Plan. That's where that additional square footage is coming from because it  
4 includes the 2610 acres plus the area to the south of the World Logistics Center  
5 Specific Plan. So you add those two areas up and that's what you're looking at  
6 as far as the square footage goes.

7  
8 **PLANNING OFFICIAL RICK SANDZIMIER** – Just one clarification. In terms of  
9 all the blue area up on the map, it's actually the area defined with the purple  
10 dotted line. There actually are some blue areas north of the Eucalyptus, which  
11 are not part of the Specific Plan. And then all of the green area below the purple  
12 dotted line on the south part is the area that is the additional acreage, so  
13 between those two pieces.

14  
15 **COMMISSIONER VAN NATTA** – One of the people who had an objection to  
16 this WLC plan said that we would be removing too much residential zoned land  
17 and that we would be sorry for it later on because we wouldn't have any place to  
18 build houses. Do you have any idea how much vacant residential zoning there is  
19 within Moreno Valley like for example north of the freeway in acreage?

20  
21 **PLANNING OFFICIAL RICK SANDZIMIER** – I don't have a specific acreage  
22 amount for you, but there is a considerable amount of land if that's a fair  
23 characterization. That's what I would offer.

24  
25 **COMMISSIONER VAN NATTA** – Yeah, I know there's a lot of vacant land north  
26 and most of that is zoned residential isn't it north of the freeway? North of  
27 Ironwood?

28  
29 **PLANNING OFFICIAL RICK SANDZIMIER** – R5 zoning and then also hillside  
30 residential and some RA2 and RA3 I believe.

31  
32 **COMMISSIONER VAN NATTA** – Alright, okay.

33  
34 **CHAIR LOWELL** – Anyone else have comments on the Change of Zone,  
35 Specific Plan, or Annexation? Anybody raising their hand? Okay, so I guess  
36 we'll just keep plowing on down this. We're going to go over to the Tentative  
37 Parcel Map I guess is the next one. Anybody have any comments on the  
38 Tentative Parcel Map besides those two general notes that need to be  
39 renumbered to 17 and 18? By all means, Commissioner Barnes.

40  
41 **COMMISSIONER BARNES** – Oh thank you. I have eight or nine questions but  
42 let's just start with the first couple. The map only covers 1539 acres. Highland  
43 Fairview owns 2250 plus or minus. Why are they not mapping the entire 2250?  
44 I'm just curious as to what drove the limits of the map.

1 **PLANNING OFFICIAL RICK SANDZIMIER** – There’s actually some areas that  
2 are already previously mapped. I’d like to ask Wayne Peterson to possibly  
3 address that particular issue.

4  
5 **HIGHLAND FAIRVIEW WAYNE PETERSON** – Good evening, Wayne Peterson  
6 with Highland Fairview. Mr. Sandzimier is exactly right. Part of that land, which  
7 is owned by Highland Fairview, was already subdivided. Only the 1500 acres is  
8 what is left to be subdivided.

9  
10 **COMMISSIONER BARNES** – Okay. Are those previously subdivided pieces  
11 also financing mechanism parcels similar to the map?

12  
13 **HIGHLAND FAIRVIEW WAYNE PETERSON** – No. They are....

14  
15 **COMMISSIONER BARNES** – They are buildable.

16  
17 **HIGHLAND FAIRVIEW WAYNE PETERSON** – Buildable lots.

18  
19 **COMMISSIONER BARNES** – Okay.

20  
21 **HIGHLAND FAIRVIEW WAYNE PETERSON** – But they clearly predated the  
22 World Logistics Center....

23  
24 **COMMISSIONER BARNES** – Right.

25  
26 **HIGHLAND FAIRVIEW WAYNE PETERSON** – Not necessarily designed for  
27 that but primarily large agricultural subdivision.

28  
29 **COMMISSIONER BARNES** – Okay, yeah. I was just curious. Thank you.  
30 Anybody else? I have more.

31  
32 **CHAIR LOWELL** – I have one. The Tentative Map shall expire three years after  
33 approval date of this Tentative Map unless extended as provided by the City of  
34 Moreno Valley Municipal Code. What are the extensions and how many  
35 extensions are you granted? So when would the theoretical ultimate expiration  
36 date be if this never gets recorded?

37  
38 **COMMISSIONER BARNES** – Actually that’s one of my questions also. The  
39 Development Agreement would supersede the expiration of the map, so I would  
40 think that there should be a condition in the map that ties its expiration to the  
41 Development Agreement so that they are not in conflict with one another.

42  
43 **KENT NORTON** – If I might. That happens automatically. The reason it’s set  
44 up this way, the Development Agreement is a discretionary contract item. If for  
45 some reason that didn’t go forward, you would want the standard Subdivision  
46 Map Act requirements to apply and so the three-year term you’re noting there. If

1 and when the Development Agreement would be executed, it would become  
2 effective. The map would be coexistent with the term of the Development  
3 Agreement, so it had the first 15-year phase or term and then, if qualified, you get  
4 the extension for 10 years. It would go to lockstep with that, so it's set up as a  
5 failsafe either way.

6  
7 **COMMISSIONER BARNES** – Well that then goes back to my I think first  
8 question of the night the fact that there's not a conditional tie between the  
9 Development Agreement and the map as it relates to your scenario. It seems  
10 like there should be.

11  
12 **KENT NORTON** – That certainly could be. That could be one of your  
13 recommendations to the Council because that, what I just described, tracks State  
14 Law. We don't usually, or it's not common or required, to recite State Law into  
15 the approval but it can be. There's no difficulty with that.

16  
17 **CHAIR LOWELL** – Alright. I'm not 100% familiar with the Subdivision Map Act.  
18 I'm pretty familiar with it but I'm not 100%. This is a Tentative Parcel Map. And,  
19 should the Tentative Parcel Map be approved, it moves onto the Parcel Map.  
20 We actually have to record it, create a map. In order for the map to be recorded,  
21 you have to go out and set monuments. Is there anything in the Subdivision Map  
22 Act or there's nothing in the Specific Planning Conditions of Approval....let me  
23 back up. Is there anything in the Subdivision Map Act or in these paperwork in  
24 front of us that would require the removal of the existing monuments that are  
25 being vacated because there are a lot of parcels out there that are being merged  
26 into single lots and there is going to be a ton of abandoned monuments. It just  
27 seems like, if you're going out there to try to retrace or set new monuments, you  
28 could be sitting one right next to one that has been abandoned. And, when  
29 you're trying to retrace your steps, it could be confusing for a surveyor in the field  
30 to try and figure out where you are.

31  
32 **COMMISSIONER BARNES** – There's no requirement in the Map Act that  
33 that.....

34  
35 **CHAIR LOWELL** – I didn't think so, but you're looking at the underlying map and  
36 there are hundreds of parcels that are being merged.

37  
38 **COMMISSIONER BARNES** – Yeah, I'm supposed to be an expert on that, and I  
39 would say it's not an issue.

40  
41 **CHAIR LOWELL** – Issue?

42  
43 **COMMISSIONER BARNES** – No, not an issue.

44  
45 **VICE CHAIR SIMS** – Obliterated.

46

1 **COMMISSIONER BARNES** – Yeah.

2  
3 **VICE CHAIR SIMS** – It would be obliterated?

4  
5 **COMMISSIONER BARNES** – Yeah.

6  
7 **CHAIR LOWELL** – Anybody else have any questions?

8  
9 **COMMISSIONER BARNES** – Yeah, LD4. Parcel of land shall have access from  
10 the public road or public accesses, both feasible and required for approval of the  
11 proposed map. You look at the map, and it appears and since they are just  
12 financing parcels maybe it doesn't matter, but it looks like 715 and 717 don't  
13 have access to public roads partially because of the fact that the map vacates all  
14 the underlying streets that are contained within the distinctive border. So again I  
15 don't know how important it is. But it seems to be a conflict between the  
16 conditions and the map.

17  
18 **PLANNING OFFICIAL RICK SANDZIMIER** – I'm going to see if we've got our  
19 Land Development Staff in the conference room, so I'll be right back.

20  
21 **COMMISSIONER BARNES** – Do you think they are eating cookies?

22  
23 **PLANNING OFFICIAL RICK SANDZIMIER** – They could be. I think I ate the  
24 last two cookies, so.

25  
26 **COMMISSIONER BARNES** – Oh, okay, alright. And while we're getting them,  
27 LD5 references street dedications, but I poured over the map and I couldn't find  
28 any, so.

29  
30 **SENIOR PLANNER MARK GROSS** – That'd be a good question for our  
31 representative when he comes out.

32  
33 **COMMISSIONER BARNES** – That's what I'm thinking.

34  
35 **SENIOR ENGINEER GUY PAGAN** – Good evening. My name is Guy Pagan.  
36 I'm with Land Development, Senior Engineer. That's a similar question that we  
37 had asked Highland Fairview when we looked at the map and they came back  
38 and said that they do have independent access to those various slots. So it's  
39 something that I think, if the engineer from Highland Fairview is here, he can  
40 identify what those accesses are.

41  
42 **HIGHLAND FAIRVIEW BRIAN HIXSON** – Commissioners and Chairman, Brian  
43 Hixson of Highland Fairview. I'm not the engineer of record, but I am a licensed  
44 civil engineer with Highland Fairview and my belief is that any parcels that do not  
45 abut a legal street. On the map, I believe they are showing an access easement  
46 through an adjacent parcel to give them legal access.

1  
2 **CHAIR LOWELL** – Yeah, I think I see them on there. It's just kind of hard to  
3 read on the scale. It says it's a 50 foot access easement and it's running east to  
4 west between lots 5 and 8 on the Southerly side of lots 5 through 8. Similarly,  
5 running north/south between 15, 17, and 19 on the Westerly property line of 15,  
6 17, and 19. I didn't see that the first time either. And I don't see the street  
7 dedication that you're asking either unless they are talking about on Redlands. It  
8 might be along Redlands and maybe Eucalyptus. I have a question on the  
9 Conditions of Approval MVU1. I know this isn't single-family subdivisions, but in  
10 the Parcel Map that recently got approved through the City they are no longer  
11 requiring the three foot utility easements. Is that something that is still being  
12 required now? I know it says single-family subdivision but it's still in here. It  
13 seems like these conditions were dated....

14  
15 **PLANNING OFFICIAL RICK SANDZIMIER** – I'm hoping that Jeanette whose in  
16 the other room or is already in here.

17  
18 **ELECTRIC UTILITY DIVISION MANAGER JEANNETTE OLKO** – I'm sorry. I  
19 was walking in here. Can you repeat the question?  
20

21 **CHAIR LOWELL** – It says MVU1. It says for single-family subdivisions, which  
22 this isn't, but it's referring to a three foot easement along each side yard for utility  
23 easement. Is that still something we're requiring? I know this isn't a residential  
24 development, but I think that requirement has gone away hasn't it?  
25

26 **ELECTRIC UTILITY DIVISION MANAGER JEANNETTE OLKO** – We are  
27 actually in the process of rewriting that particular condition.  
28

29 **CHAIR LOWELL** – Okay. Okay, I think that's pretty much it. Does anybody  
30 else have any other questions on the Parcel Map?  
31

32 **COMMISSIONER BARNES** – I have a question and I'm not sure that it is totally  
33 pertaining to the Parcel Map. I had it actually under the section on Specific Plan.  
34 One of the speakers, Edward Pauw was concerned about some property that his  
35 family owns that I think crossed or straddled Eucalyptus Avenue in a portion of  
36 the map is not within Highland Fairview's ownership. He was concerned about  
37 the lack of specifics as to how it affects his property. And, you know, maybe this  
38 applies more to the Specific Plan, but its not come up this evening. I think some  
39 more specifics as it relates to his property would be appropriate. Is there more  
40 information as to...  
41

42 **PLANNING OFFICIAL RICK SANDZIMIER** – Yeah, if I may address that. Mr.  
43 Pauw and actually his brother left me a message. I have not been able to close  
44 the loop with them before the meeting this evening. It's our intention, Mr. Gross  
45 has already met with Mr. Pauw once. We do intend to sit down with them. We  
46 intend to sit down with them before this gets to the City Council. Hopefully we

1 will have a little bit more detail before it gets there, but unfortunately we do not  
2 have anymore information for you this evening. The alignment of the road, which  
3 may bisect his property is what the issue might be, but that final alignment of the  
4 road is still subject to some refinements down the road so if there is an  
5 opportunity for us to work with them. In fact, I believe we spoke with Mr.  
6 Benzeevi or someone on his team who indicated that they are open to us  
7 working with them on that. They recognize that there is still flexibility in the land  
8 planning, particularly the infrastructure alignments to possibly work that out and  
9 so I think Mr. Benzeevi may have actually had a conversation with Mr. Pauw as  
10 well.

11  
12 **APPLICANT IDDO BENZEEVI** – Just for clarification, that is sort of Eucalyptus,  
13 the extension of Eucalyptus between Theodore and Gilman Springs Road. It  
14 actually is not on our property. It is something that is within the World Logistics  
15 Specific Plan that has been described before. It's a larger area than what  
16 Highland Fairview owns, so it's really something that the City can work with them.  
17 We as an adjacent property owner have no issue with how they want to align the  
18 road. Currently, Eucalyptus as it is designed bifurcates the property. They have  
19 parcels on both sides of future Eucalyptus. I think they may have an idea that  
20 they want to move Eucalyptus so they don't have two parcels but one. But that's  
21 really something we have no objection to, but that is something the City can work  
22 out with them and see what development plans they have. You know, people  
23 think they want to have one big parcel but then as they think it through they say  
24 gee maybe we want to have two sides of the streets for different uses. They'll  
25 have an idea for the development and I'm sure the City will work with them. As  
26 far as we are concerned or Highland Fairview, we have no issue with whatever  
27 outcome the City thinks is best for that piece of property.

28  
29 **CHAIR LOWELL** – Going back to the Tentative Map expiration date, did we  
30 ever get an answer to that? I don't think there was a definitive answer on when  
31 the extensions expire.

32  
33 **PLANNING OFFICIAL RICK SANDZIMIER** – I believe what the attorney was  
34 indicating is the Municipal Code has certain provisions in it. But because the  
35 Development Agreement, if you go forward and you approve the Development  
36 Agreement. It in itself identifies that any of the underlying approvals end up  
37 having the same life as the Development Agreement. So it would be a 15 year  
38 period and then, if it is extended for an additional 10, it would be a total of 25  
39 years. And I believe what Mr. Curley indicating is that it is tied to some State  
40 Law provisions.

41  
42 **CHAIR LOWELL** – So if we approve this Tentative Map and approve the  
43 Development Agreement, theoretically nothing could happen for the next X  
44 amount of years, 15 or 20 years, no development or nothing but yet this  
45 Tentative Parcel Map would still be alive and not officially recorded.

1 **PLANNING OFFICIAL RICK SANDZIMIER** – It's a map for financing and  
2 conveyance purposes and it also identifies, or to do any development, a  
3 subsequent map would also be required anyways so.

4  
5 **CHAIR LOWELL** – Thank you. Any other comments on the Tentative Map?  
6

7 **COMMISSIONER BARNES** – Well just that normally I thought conditions would  
8 specify the number of extensions ignoring the Development Agreement.  
9 Normally it would say, you know, you're eligible for three 2-year extensions or 1-  
10 year extensions and I don't see that here.

11  
12 **CHAIR LOWELL** – That's kind of what I was going for. I'm trying to figure out if  
13 that was....

14  
15 **COMMISSIONER BARNES** – I think normally the agency should specify that.  
16

17 **SENIOR PLANNER MARK GROSS** – I believe it's a five year extension period  
18 is how it's looked at in the Code, and I think you could look at it from I think it's  
19 three and two is how it's looked at usually how we would allow for extensions of  
20 those maps. But, again, I think there's the Development Agreement aspect of it  
21 as well as what we are discussing here.

22  
23 **PLANNING OFFICIAL RICK SANDZIMIER** – We'd be happy to look at that and  
24 put a condition together as this moves forward. In the event the Development  
25 Agreement is not approved, and in the event the Development Agreement is  
26 approved but subsequently is changed. It wouldn't hurt I don't believe to have  
27 that condition in the resolution.

28  
29 **COMMISSIONER BARNES** – Thank you.  
30

31 **CHAIR LOWELL** – Okay, I guess that makes us moving on to the Development  
32 Agreement, which I have quite a few comments. Would somebody like to go  
33 first? Let me see what my notes say. Go for it.  
34

35 **COMMISSIONER BARNES** – At the very first meeting, I had asked the question  
36 about Section 1.5, which basically said that the term development impact fees  
37 didn't include arterial streets, traffic signals, interchange improvements, and fire  
38 facilities. And it was explained that because of the large amount of infrastructure  
39 that's being constructed by the project that cost would more than cover what  
40 those fees would normally be. But, after that meeting, I got to thinking about it.  
41 And I have a question about I guess the timing of construction, and the fire facility  
42 is the best example. If we go through and approve multiple buildings and they  
43 get constructed and they don't pay the fire fee because they are exempt from it  
44 based on the Development Agreement and then at some point the economy kills  
45 the project or something, the fire station doesn't get built, they've not paid the fire  
46 fee, and the facility has not been provided that was supposed to be an offset for

1 that fee. So is that scenario addressed in here so that that can't happen? Does  
2 that make sense?

3  
4 **PLANNING OFFICIAL RICK SANDZIMIER** – Well to the extent that  
5 development occurs that our fire marshal does not believe triggers a need for the  
6 fire station, then there is a scenario that it would be I believe minimal amount of  
7 development that doesn't trigger the need for a fire station and would we have  
8 collected fees on that development otherwise? I guess the answer to that would  
9 be yes. The tradeoff in terms of negotiations on the Development Agreement  
10 assumes that the development is going to proceed and that, as the development  
11 proceeds, the assurance is that the fire marshal has say in when the  
12 development of that fire station will have to take place and it is outlined in term  
13 4.9 of the Development Agreement. On page 692, it says you essentially have to  
14 give us a turnkey fire station. And I talked with our Finance Staff who was  
15 involved with negotiating this Development Agreement. When they were looking  
16 at the development impact fees the station itself was somewhere in the  
17 neighborhood of \$8 million, and then with a turnkey condition where you're  
18 actually providing the trucks and all the equipment, it goes up between \$10  
19 million and \$11 million is what we believe this provision within the Development  
20 Agreement calls for. So we thought it was a fair trade in the negotiations. But  
21 your scenario that you outlined, could there be some minimal amount of  
22 development that doesn't trigger the need for a fire station and then all of a  
23 sudden the bottom falls out? The answer would be yes.

24  
25 **COMMISSIONER BARNES** – And I'm not suggesting that it's not a fair trade.  
26 What I'm suggesting is that we just eliminate the loophole so that there is no  
27 downside in whatever scenario transpires. Is there a way to do that with these  
28 fees or is that too big a problem to solve?

29  
30 **PLANNING OFFICIAL RICK SANDZIMIER** – I'm sure that we could work it out.  
31 I mean we spent hours and hours negotiating this. I'm sure we can spend more  
32 hours and figure out a way to do it.

33  
34 **COMMISSIONER BARNES** – I guess that's my question.

35  
36 **APPLICANT IDDO BENZEEVI** – I might be able to maybe just clarify some  
37 things. The way it's working is that at the first instant that the fire marshal  
38 decides it needs a fire station, as you heard and I'm actually a little bit shaken up  
39 by the number you just gave me, \$11 million. I thought it was \$6 million or \$7  
40 million, so the price doubled on this fire station turnkey and so we may have to  
41 put it years in advance of what our fair share may have been on that station. In  
42 other words, if the fire marshal says after the first building or half a building you  
43 need a whole fire station, we will be obligated to put it up. But the reality is that  
44 there's always an exercise, there's a study done. There could never be a  
45 situation where we will build a building that should have had a fire station and  
46 one wasn't built. So, if we build one building and the fire marshal decided there

1 wasn't a need for a fire station, there wouldn't have been one there anyways. So  
2 a fee would have been collected, but the demand for that fire station wouldn't be  
3 there. On the other hand, if you look at the fiscal side of it, we're paying the fees  
4 in the City. And the Fiscal Analysis shows not only are we building the fire  
5 station at no cost to the City, but we'll be paying approximately \$1.5 million to \$2  
6 million in fees, right, that are in excess of the cost to operate. In other words,  
7 there is a net gain for the City of making about \$1.5 million to \$2 million in a  
8 sense profit by the fact that we are paying the fire fees in addition to constructing  
9 the station.

10  
11 **COMMISSIONER BARNES** – But if I read the DA correctly, you're not paying  
12 the fire fees. You're exempt.

13  
14 **APPLICANT IDDO BENZEEVI** – I guess it's not called a fee. Help me out with  
15 the term of it. Fire tax, sorry, fire tax. What is the actual term in the City for that  
16 portion of...development impact fee? A separate property tax that goes to the  
17 fire fund. You may want to explain what that is from the City Finance point of  
18 view. I know we pay the tax, but he could probably explain how it works.

19  
20 **CHIEF FINANCIAL OFFICER RICHARD TEICHERT** – Rick Teichert, Chief  
21 Financial Officer for the City. I think you're referring to a portion of the property  
22 tax. The City gets two components to the general fund. One is for the general  
23 fund itself, which is about 5.5% of the base 1% levee done on properties. Yet  
24 between 5.5% and 6% for what used to be the fire tax, which the City got once it  
25 incorporated. So, the two combined, come to the City at about 11.5% to 12% of  
26 the total assessed value. So what's being referenced is we're collecting that fire  
27 tax, which goes towards operating the fire services, the operations. Referring to  
28 the DIF question that you had raised, my concern would be the reverse. If we  
29 were collecting DIF fees, we would not collect enough DIF fees until the project  
30 was almost built out. To build a fire station and talking with the fire chief, the  
31 need for this will be in the early stages probably around 4 to 5 million square feet.  
32 So, in our negotiations, we benefitted by having the developer/the property owner  
33 build sooner in the project when the fire chief says it's needed now. They've  
34 agreed they will build it then. We're guaranteed to have it when it's needed,  
35 rather than waiting until late in the process figuring out how to build it when we  
36 haven't collected all the fees.

37  
38 **COMMISSIONER BARNES** – Well and I understand all that and I appreciate his  
39 willingness to build a fire station. That's terrific. My concern is that in the  
40 scenario where we don't get to that threshold and normally a building would pay  
41 both the fire fee and they would pay the tax assuming no special Development  
42 Agreement. In this situation, those initial few buildings would not pay the fire fee  
43 or the other DIF components mentioned. And, again, if something were to not  
44 take place then there would be a loss of funds. Now on other projects that I've  
45 been involved in, there is DIF fee reimbursement all the time for building streets  
46 and things. So couldn't the scenario move forward in exactly that way? When

1 you get to the point where he is building the fire station that's a DIF funded  
2 improvement, so the three buildings that have paid the fire fee prior to that, that  
3 money comes back against the \$6 million fire station that he's building or the \$11  
4 million fire station that the City wants. Wouldn't that be a feasible scenario? And  
5 then there's no risk to the City for a loss of fee collection.

6  
7 **CHIEF FINANCIAL OFFICER RICHARD TEICHERT** – That's a feasible  
8 scenario. We would have to go back and talk about that and negotiate that.

9  
10 **APPLICANT IDDO BENZEEVI** – Yeah, I just want to say we spent a lot of time  
11 negotiating. If you look at the total picture, we're spending hundreds of millions  
12 of infrastructure for the benefit of the public with no reimbursement whatsoever.  
13 At some point, we can make burden our project so much that we will become  
14 uncompetitive out there. If you look at who we're competing with, that's on the  
15 West side of the 215. The public has paid for widening the 215. The public has  
16 paid for the Alessandro interchange, for the Cactus interchange, for the Van  
17 Buren interchange. All these other improvements, including some hundreds of  
18 millions of dollars of onsite infrastructure for a similar project across Meridian and  
19 others, that have hundreds of millions of dollars literally of public infrastructure  
20 provided. And we're literally carrying a similar size burden, \$700 million (almost  
21 \$500 million in infrastructure) with no reimbursements. So, at some point, the  
22 question is you know where is the limit? And I think what we have, we've come  
23 up to an arrangement with the City where there's a tremendous amount of  
24 benefits and remember the fire station only gets triggered when it's needed. Like  
25 you said, I'd rather pay the fee. But, like the City said, the tradeoff was that you  
26 wait collecting the fee per building. Here even at the first, again we said 5 million  
27 square feet. We haven't had that discussion with the fire chief but, assuming it's  
28 5 million square feet, 35 million square feet ahead of when you would've paid all  
29 the fees we would of built out I'm hearing today \$11 million fire station, including  
30 paying the tax to operate it. So the tax gets paid whether there's a fire station or  
31 not. That goes to the benefit of the City, so I think in the overall picture we have  
32 a lot invested. We continue to invest a lot, and if we didn't fulfill our agreements  
33 you know or anything at all, there will not be additional permits. And, you know, if  
34 the fire station was needed at the 39 million square feet I'd say gee we could get  
35 to the last one and not build it but it's needed so early on and such and  
36 remember in finance early expenditures is a case of death they say, right?  
37 There's no more destructive force in the universe than compound interest. When  
38 you load a project with high costs in the beginning, you're doing tremendous  
39 financial hardship on a project to be successful. So we have to make sure in  
40 Staff, which had advisors and financial advisors to make sure that we structure  
41 something that's very beneficial for the City but also makes the project that can  
42 be implemented in the real world. One that actually can be executed. And the  
43 lesson is from Moreno Highlands Plan that was a Planning Development  
44 Agreement that, even during the economic boom times, could not be executed.  
45 You know, and everybody was building everywhere, but that piece of property  
46 could not be developed. Anyhow, I think a lot of things can be tweaked but like

1 anything else there's a lot of pieces and in the big picture I think there usually  
2 benefit. For example, the City, like you said \$11 million maybe \$6 million in  
3 surplus to the benefit. There is millions of dollars for education. There's an  
4 additional millions of dollars to the benefit of the City, and I seriously doubt that  
5 the City will end up holding the bag on the fire station, not to mention the millions  
6 of dollars of property taxes we've already been paying on this vacant land that  
7 required no services that has been collected all these years. With that it's about  
8 \$14.7 million. It's an overall equation but I don't feel that anyone is coming out  
9 on the short end of that relationship. I think, at this point, there is an equitable  
10 arrangement that protects both the City and also enables us to proceed with  
11 development. But if there are some tweaks or adjustments that have to be  
12 made, it could probably be made on both sides. We're pulling, for example,  
13 electric infrastructure. It may cost \$68 million and then paying retail for  
14 electricity. Right? So it's like if you want to eat pizza, they say build my store  
15 and I'll sell you pizza retail. So there's a lot of benefits and the profit to the  
16 electric utility is estimated between \$11 million to maybe \$18 million. So there's  
17 money coming into the City to cover any potential, it's just a general statement.  
18 But there's a lot of things within the agreement. Thank you.

19  
20 **CHAIR LOWELL** – Along that same thread of the fire station, we recently built a  
21 fire station in the City off Morrison. I can't remember if it's Station 99 or Station  
22 91, but we built the station state of the art, turnkey ready to go. It was open for  
23 about three months and then the City said, wait a minute, we don't have any  
24 money to fund this thing to actually staff it so we're going to close it. So, if we get  
25 a turnkey fire station, what does the City have as far as budgeting purposes go  
26 for making sure that this new free fire station is manned? Is that something we're  
27 allocating a budget for to make sure that we can finance the employees of that  
28 fire station?

29  
30 **CHIEF FINANCIAL OFFICER RICHARD TEICHERT** – That would be part of the  
31 financial planning we'll be doing as this project, once it's approved, will be  
32 incorporated as part of our long range financial plan. We'll be updating that by  
33 the end of 2015 for presentation to Council by December or January.

34  
35 **CHAIR LOWELL** – Comments Commissioner Barnes? This is kind of an  
36 ambiguous question. I will see if I can put a little point on this. On the  
37 Development Agreement, which is packet page 681, which is page 2 of the  
38 Development Agreement. It says Item H: The City has previously adopted an  
39 Economic Development Action Plan. The WLCSP responds to a portion of the  
40 EDAP yadda, yadda, yadda. The Eastern portion of the City of Moreno Valley is  
41 deficient in the infrastructure necessary to support and implement the City's  
42 EDAP to allow for the development of the World Logistics Center on the WLCSP.  
43 Highland Fairview is willing to provide and assist the City in the development of  
44 infrastructure in support of the City's economic plan, which may be in excess of  
45 HF's fair share and therefore may provide broader benefits. I know the  
46 developer is responsible for 100% of the improvements along their property

1 frontage and all their own infrastructure, so what are we referring to that Highland  
2 Fairview would have to pay, or be willing to pay, in excess of their fair share and  
3 what specifically would they be doing to be helping the City?  
4

5 **PLANNING OFFICIAL RICK SANDZIMIER** – During the negotiation of the  
6 Development Agreement, there was some acknowledgment that whenever you  
7 put in initial infrastructure improvements for a project you're usually overbuilding  
8 that infrastructure whether you put it in the initial electric utilities, the sewer  
9 connection, the water services, or roads. You can't just build on a road, for  
10 example, part of a lane. And so, if you're only using up.....if your volume of  
11 traffic is only equal to a fraction of what the capacity of a lane is, you couldn't just  
12 ask them to build that one-third of a lane. You would ask to build a whole lane or  
13 one lane in each direction. So when you extrapolate that out on all the  
14 infrastructure that would have to go in to the area, the Highland Fairview team  
15 believes that when you put in all that infrastructure other people within the City  
16 will be able to drive through and use the facilities and may be able to tap into  
17 some of the electric utilities or the water or those sorts of things. So what they  
18 are interested in negotiating with us was an opportunity to be reimbursed. Well  
19 our Municipal Code does allow for a developer who puts in that sort of  
20 infrastructure, overbuilds the infrastructure, an opportunity to enter into a  
21 Reimbursement Agreement with the City that would basically assure that  
22 developer that there is a mechanism for them to try and recapture some of that  
23 cost from the other beneficiaries of those improvements. So it may be later  
24 phases of the Highland Fairview World Logistics Center Project. They may sell  
25 some of the property off. There may be another developer, another property  
26 owner who comes in and builds pieces of it. There may be a scenario where a  
27 development on the outside fringes of the World Logistics Center Specific Plan  
28 Area may be able to connect to some of the infrastructure and benefit from there  
29 and so those are some of the scenarios that were being discussed. That's  
30 essentially what that is.  
31

32 **CHAIR LOWELL** – Now is that sort of what the Press Enterprise has been  
33 referring to when they say the Development Agreement could cost the City \$100  
34 million? Is that what they are referring to or is that something else that the Press  
35 Enterprise is referring to? It was kind of a vague comment, and I didn't really  
36 have any specifics when I read it.  
37

38 **PLANNING OFFICIAL RICK SANDZIMIER** – I really don't know what the Press  
39 Enterprise is referring to overall. I don't, I don't read all the articles in the Press  
40 Enterprise. I've heard some of the suggestions so I don't want to, I guess, speak  
41 to that. The reimbursement is intended to be reimbursed from subsequent  
42 development. The reimbursement from the City, which I think has sometimes  
43 come across in the Press that the City is going to shore up the infrastructure.  
44 There is no obligation or no commitment that the City has to shore up any  
45 overbuild or any reimbursement. I'll ask our attorney possibly to maybe reflect on  
46 that from a legal standpoint if there's anything there. I don't know.

1  
2 **KENT NORTON** – Well we don't reflect much in law. But your question to the  
3 numbers from the Press, those numbers were being published before the  
4 document was finally negotiated, so we have no idea where they came from.  
5 Secondly, as it progressed as was noted, there are a number of provisions, the  
6 turnkey fire station, local hiring program, education training, library funding things  
7 that wouldn't otherwise be granted to the City under your standard due process,  
8 a Conditional Use Permit or some other approval. The Development Agreement  
9 is the one opportunity that isn't linked to Nexus. It isn't a benefit driven type of  
10 approval. It's what can be negotiated. And the developer gets vesting and they  
11 get the assurance of this particular project as described for an extended period of  
12 time even as we talked about the maps. In exchange for that extraordinary  
13 vesting, the City seeks benefits that go beyond Nexus, go beyond the standard  
14 due process norm. That's what's reflected in there. The particular section about  
15 the Economic Development Program that was included just to note that this  
16 Development Agreement doesn't exist in a void, that it's part of the General Plan  
17 and your larger City Programming to advance where the City's long range vision  
18 takes us. You can take that language out. It wouldn't hurt the Development  
19 Agreement at all. It just would remove some of the explanation.

20  
21 **CHAIR LOWELL** – Thank you. Going to page 9 where it says City Cooperation  
22 Section 3.6 Sub-Item A: It says in addition to the effort necessary to facilitate the  
23 timely processing and permitting of project improvements, Highland Fairview may  
24 request the City to designate a mutually agreeable individual (the City's World  
25 Logistics Coordinator) who shall have authority to facilitate and coordinate  
26 development services within the City. Is this a City employee? Is this an outside  
27 consultant? Who would the World Logistics Center Coordinator be?

28  
29 **PLANNING OFFICIAL RICK SANDZIMIER** – It would be a City employee. In  
30 the past, if you're familiar with Denise Bagley who used to work here. She has  
31 now since retired. She was referred to as an ombudsman out of our Economic  
32 Development Division and her role was to help facilitate resolution of issues for  
33 development of projects. So it's kind of a coordinator. In the past, we've had  
34 actually designated employees to large development projects that this  
35 coordinator is envisioned to be particularly dedicated to the World Logistics  
36 Center development, so it would be a City employee but it would be focused on  
37 this specific project rather than roaming around to a lot of different types of  
38 projects.

39  
40 **CHAIR LOWELL** – So would you envision this as being a full-time position or  
41 just kind of an on-call kind of position above and beyond your regular services?

42  
43 **PLANNING OFFICIAL RICK SANDZIMIER** – Well I would hope honestly that it  
44 could be more than one position. If we get enough development activity out  
45 there that spikes the need for additional staff to help support, you know robust  
46 development activity, the obligation is that you have a coordinator. But if you

1 have to have more than one, the provision the way it's outlined in the  
2 Development Agreement, it's funded by the developer. But they report to the  
3 City, so the City controls the work flow and basically the assignment of tasks and  
4 so there is a checks and balances and the developer benefits. It's a win-win  
5 situation to help expedite that development, so if there's not that much  
6 development then it could be ratcheted down.

7  
8 **CHAIR LOWELL** – And then going to page 13 in Section 4.11, the Local Hiring  
9 Program. I really like the idea of the Local Hiring Program, but how long is the  
10 Local Hiring Program going to be in effect? Is it indefinitely? Similarly, on  
11 Section 4.12A, they are talking about the education innovation of training and  
12 library funding. Does that funding pay for the Local Hire Program and how is that  
13 funding allocated? I know how it's received, but is there a general clearing house  
14 saying that the money coming from Highland Fairview can only be used on the  
15 few items that are listed meaning new library, education and that kind of stuff?

16  
17 **PLANNING OFFICIAL RICK SANDZIMIER** – The first part of your question with  
18 regard to the Local Hiring Program, if Mike Lee is still in that back room I'm going  
19 to give him an opportunity to come out and answer that question while I try and  
20 tackle the other one. The funding for the education, the library, the training  
21 program, the program itself is not yet defined. The influx of money does become  
22 immediate 90 days after the Development Agreement, if it is approved, becomes  
23 the effective date. The first infusion of cash would be \$100,000 payment and  
24 then another \$100,000 comes in on the anniversary date for the first six years.  
25 Then, the seventh year and beyond, that increases to \$125,000 per year. So  
26 that's a constant flow of money that's coming in that we have to define a program  
27 for. A bigger chunk of money that will come in, which we believe was an  
28 excellent benefit for the City and actually I'd like to give credit to the developer  
29 because the developer was very interested in this program himself. This was not  
30 a one-sided negotiation item. It was pleasant and refreshing to have the  
31 developer step up and offer some of this other stuff, which is the \$1 million  
32 contribution, which comes in at the first building permit that is issued and then  
33 \$0.11 per square foot contribution that comes in. And, what that would go into,  
34 would be trying to develop education and training programs that are geared  
35 towards the logistics industry. We included the library fund because we do have  
36 some money on hand to develop a library and a library is considered kind of a  
37 public benefit and so the way it's kind of all grouped together it gives us lots of  
38 flexibility and up to possibly \$7 million worth of money for a program that still  
39 does not have all the ideas and provisions defined yet. But it would be a work in  
40 progress. I will give it to Mike Lee.

41  
42 **MIKE LEE** – Thank you. Chairman and Members of the Planning Commission,  
43 thank you for the question. It is the goal of the City on this provision to  
44 incorporate this Local Hire Program more sustained with the World Logistics  
45 Center and the potential business pertaining to those particular tenants. We do  
46 currently have a Hire Moreno Valley Program and we also have the Moreno

1 Valley Employment Resource Center, which those are resources that the City  
2 currently has, which when this project does come on board we are able to  
3 coordinate the hiring program with the future tenants of this project.

4  
5 **CHAIR LOWELL** – Okay. On the education funding, one of the items it says is  
6 the library and I've been going to the library with my kids for the last few months  
7 now, and I've noticed that our library is undersized for the size of city we have.  
8 Would the funding go towards improving the existing structure? Would we have  
9 a second library going in? Do we have any broad strokes of what the funding  
10 would be used for?

11  
12 **PLANNING OFFICIAL RICK SANDZIMIER** – Well, like I said, it's not totally  
13 defined yet. But I see Rick Teichert walking up in terms of the library funds that  
14 we have on hand and what we might be able to do with the money.

15  
16 **CHIEF FINANCIAL OFFICER RICHARD TEICHERT** – Members of the  
17 Planning Commission, we have some money on hand, a little over \$4 million, in  
18 Development Impact Fees for a new library currently. We also will be getting  
19 TUMF money back that Council has earmarked toward a library to be about \$1  
20 million per year for the next 11 years. So we will have some resources available  
21 for a library facility. This would be something we could marry with that existing  
22 funding to potentially build a library structure and be a center to house the  
23 training programs. We want to work with the property owner to make sure we're  
24 getting the kind of training out of that facility that'll benefit the businesses coming  
25 in training the workers. There's a plan to work with the local college and possibly  
26 University of California at Riverside to make some of this money available to  
27 training programs and leverage of what they can do with us as partners. So this  
28 is somewhat of a work in progress. This is a significant funding source that can  
29 provide what we see as a joint facility, something that would benefit residents of  
30 the East End with a new facility, as well as provide space to do training programs  
31 and provide materials and resources for the kind of training these jobs will  
32 require.

33  
34 **CHAIR LOWELL** – So what I'm hearing is that we have a lot of money set aside  
35 current and future funds for expansion of the library or a new library?

36  
37 **CHIEF FINANCIAL OFFICER RICHARD TEICHERT** – This would be new.

38  
39 **CHAIR LOWELL** – That's what I was hoping to hear.

40  
41 **CHIEF FINANCIAL OFFICER RICHARD TEICHERT** – I wouldn't say a lot. A  
42 new library of about 14,000 square feet would take about \$15 million or in that  
43 ballpark to build, so I think we're getting to where we could make that happen  
44 and not make it just a library but turn it into a significant training opportunity and  
45 training center for the logistics industry as well.

46

1 **CHAIR LOWELL** – Thank you. I appreciate that. Moving on to page 14. It's  
2 Item 4.14, the air filtration systems. It was talking about a series of homes that  
3 are within the World Logistics Area, and they are being offered air filtration  
4 systems but it's only for a short amount of time. It says the stated property owner  
5 shall have 24 months to accept or reject the offer. Should this project be  
6 approved today, say it takes a year to actually implement, so we theoretically  
7 could have 24 to 36 months before this option would expire. However, in the  
8 Statement of Overriding Considerations, it says the highest annual average  
9 diesel particulate matter concentration was determined throughout the air  
10 disbursement modeling was 1.04 mcg per cubic meter in 2021 and that's when  
11 the height of construction, when the curve of the construction window plus the  
12 traffic window, they overlap and meets the ultimate peak. I would like to ask to  
13 expand this to either terminate in 2021 or in 2030 when the construction is  
14 theoretically scheduled to be completed. I think the 24 month window gives  
15 these people false hope saying oh it's only 24 months and we haven't really  
16 noticed anything so we don't really need an infiltration system. It's such a minor  
17 cost in the grand scheme of things that I think being able to float these funds, or  
18 at least having reserve funding, to allow the affected homeowners the option of  
19 having air filtration systems, especially 2021 when the proposed pollution is  
20 going to be at its worst. Does anybody have any comments on that?

21  
22 **APPLICANT IDDO BENZEEVI** – That would be fine. You know, to the extent  
23 that they need it, we can open it up for 30 years. But to the extent that it gets to  
24 the date is perfectly fine with us.

25  
26 **CHAIR LOWELL** – Okay and it's such a small money amount. It says \$25,000  
27 per property is going to be paid to the City and then after a certain amount of  
28 time that money will come back to you, so it's such a small amount of money I  
29 don't think it would be that big of a deal.

30  
31 **APPLICANT IDDO BENZEEVI** – Yeah, you know, the whole issue there was to  
32 give extra....it's all belts and suspenders. There's really no air impact to those  
33 homes. This is an extra benefit...

34  
35 **CHAIR LOWELL** – Correct.

36  
37 **APPLICANT IDDO BENZEEVI** – And we're willing to extend it to the extent that  
38 the date, you know or whatever point that is reasonable, we are definitely willing  
39 to do.

40  
41 **CHAIR LOWELL** – I think at a minimum 2021 since that is the date that the  
42 pollution could be the worst.

43  
44 **APPLICANT IDDO BENZEEVI** – That is fine.

45  
46 **CHAIR LOWELL** – I think that'd be an optimal date.

1  
2 **PLANNING OFFICIAL RICK SANDZIMIER** – What was the date?

3  
4 **APPLICANT IDDO BENZEEVI** – 2021.

5  
6 **CHAIR LOWELL** – It was 2021; 2021 is the peak of the construction pollution or  
7 construction exhaust plus auto exhaust.

8  
9 **PLANNING OFFICIAL RICK SANDZIMIER** – Okay.

10  
11 **APPLICANT IDDO BENZEEVI** – We're fine with it.

12  
13 **CHAIR LOWELL** – I think, yeah, and then also it says....

14  
15 **PLANNING OFFICIAL RICK SANDZIMIER** – Mr. Chairman.

16  
17 **CHAIR LOWELL** – Yes, Sir.

18  
19 **PLANNING OFFICIAL RICK SANDZIMIER** – On this particular issue, I did want  
20 to bring to the Commission's attention a conversation we had with one of the  
21 property owners who did come in, and spoke last meeting. It was, I believe it  
22 was Mrs. Newkirk and she was the lady working up at the board with Mr.  
23 Benzeevi about the impact to her property. She is not identified as one of the  
24 homes in this area.

25  
26 **CHAIR LOWELL** – That was my next question.

27  
28 **PLANNING OFFICIAL RICK SANDZIMIER** – But she had asked if there could  
29 be some consideration to include that. We had a conversation with Highland  
30 Fairview earlier today. They didn't give us a solid answer, but it sounded like  
31 they were open to the suggestion. I would just like to throw it out there that it was  
32 a request since we're talking about this issue. I don't know. Hopefully Highland  
33 Fairview has made a determination on that or not.

34  
35 **CHAIR LOWELL** – That was actually my next comment I was going to go to. It  
36 says specified homes are to be offered air filtration systems at no charge. It says  
37 there's three homes that are being offered the filtration system, but there's seven  
38 homes immediately affected by that.

39  
40 **PLANNING OFFICIAL RICK SANDZIMIER** – Well...

41  
42 **CHAIR LOWELL** – I'm wondering if we can expand that from three to seven  
43 homes at least.

44

1 **PLANNING OFFICIAL RICK SANDZIMIER** – I just want to make it real clear  
2 also that this is something that was negotiated for the betterment of those  
3 residents. It was not identified as an impact.

4  
5 **CHAIR LOWELL** – Correct.

6  
7 **PLANNING OFFICIAL RICK SANDZIMIER** – It was not a mitigation. This is not  
8 something that was an obligation. This was something...

9  
10 **CHAIR LOWELL** – It was a nice thing for them to do.

11  
12 **PLANNING OFFICIAL RICK SANDZIMIER** – It was a nice thing for us to try and  
13 get for them. So to expand it to all seven, since it's a negotiated agreement, I  
14 think it'd be fair to make sure that the developer was engaged in that discussion.

15  
16 **APPLICANT IDDO BENZEEVI** – It's perfectly fine with us. Some of those  
17 homes are ours, but it's perfectly fine.

18  
19 **CHAIR LOWELL** – Okay.

20  
21 **APPLICANT IDDO BENZEEVI** – Yeah.

22  
23 **CHAIR LOWELL** – I think that's the end of my comments on the Development  
24 Agreement. I'll open it up. It looks like Commissioner Barnes is up. Your  
25 microphone is off.

26  
27 **COMMISSIONER BARNES** – Sorry. My question is, since this is not the final  
28 agreement, what does our approval of this really constitute?

29  
30 **KENT NORTON** – We'll put it, I guess, in the context. First, as far as was  
31 negotiated, we think this is the final agreement subject to these last few little  
32 discussions on air filtration and that. What you are doing is making a  
33 recommendation to the Council either to support it as is or with changes or  
34 oppose it, whatever your collective decision is. But, as far as your City Staff  
35 negotiations, this is final. So maybe you could help me understand why you  
36 were commenting it may not be final.

37  
38 **COMMISSIONER BARNES** – Well because it says draft.

39  
40 **KENT NORTON** – Just because it says draft on it. We will take draft off for you.

41  
42 **COMMISSIONER BARNES** – Normally draft means draft.

43  
44 **KENT NORTON** – Correct.

45

1 **COMMISSIONER BARNES** – If it says final, then I would assume that the one  
2 that gets signed would match.

3  
4 **KENT NORTON** – It will. From Staff's position, this is the final subject to those  
5 changes. I think that probably just was the result of copying that included that in  
6 there.

7  
8 **PLANNING OFFICIAL RICK SANDZIMIER** – Well I'd like to clarify real quick. If  
9 you recall when we released the final EIR, it included a draft of the Development  
10 Agreement. It was an earlier draft, which is subsequently modified, considerably  
11 modified. We had put out a press release to the public, which indicated that the  
12 Development Agreement is in the state of negotiation up until the City Council's  
13 approval. So it was intentionally stamped with confidential draft on it for the  
14 exact purpose that just took place. I mean it was our Staff recommendation to  
15 you guys tonight, but it seems like there's been a couple of refinements with  
16 regard to the air filtration system. We're happy to take those recommendations  
17 forward to the City Council, and when we get to the City Council if they want to  
18 make some additional adjustments or refinements, we're not going with anymore  
19 recommended changes. But it doesn't mean you guys can't come up with some  
20 recommended changes and that's where we are at today, so it will be a final  
21 document when it is actually approved by the City Council. But, right now as Mr.  
22 Curley has indicated, we put our best foot forward and so just a little adjustment  
23 we're willing to work with and I appreciate the developer stepping up and saying  
24 he's willing to consider it.

25  
26 **COMMISSIONER BARNES** – Alright, thank you.

27  
28 **CHAIR LOWELL** – Commissioner Van Natta.

29  
30 **COMMISSIONER VAN NATTA** – I haven't read a lot of developer agreements,  
31 but I've heard about a lot of them and like I've heard about the Development  
32 Agreements that went in for the businesses that located just west of Bay Street in  
33 Riverside and how many concessions were given to the developers to convince  
34 them to come in. But, in reading this one, it almost seems to me as though  
35 there's an awful lot of concessions by the developer. It's almost like it's reversed.  
36 Like Riverside was trying to get people to come in and develop and build up that  
37 area and yet our we trying to keep somebody from coming in and developing and  
38 so we're requiring all these massive influxes and cash payments up front and  
39 paying for things before the fees? Why is this one so lopsided to that direction or  
40 have I just not seen enough Development Agreements to know that this is the  
41 way it's supposed to be?

42  
43 **PLANNING OFFICIAL RICK SANDZIMIER** – I don't think it's lopsided. I think it  
44 was a fair negotiated Development Agreement. I'll point to the overhead that's  
45 up here on the screen, the fourth bullet point down. Highland Fairview's principle  
46 interest is for longer vesting and some assurances on the process and

1 regulations. That's a considerable, considerable benefit to the developer to lock  
2 in entitlement for 15 years with an opportunity for a 10 year extension having  
3 some certainty on what the development regulations that they have to work  
4 under will be. It gives them some comfort and some confidence in how they can  
5 move forward. What we believe we negotiated was what Mr. Curley indicated  
6 earlier. There's no Nexus requirements and so what we're looking for is some  
7 benefits to the community. We know the community is looking at us very closely  
8 on this. We know that this is a substantial project with some substantial changes  
9 to our General Plan and already established Specific Plan in that area. I think it  
10 was a fairly negotiated agreement, and I think both parties feel comfortable with  
11 it.

12  
13 **COMMISSIONER VAN NATTA** – Okay, thank you.

14  
15 **CHAIR LOWELL** – Any other questions or comments? Anybody have any  
16 questions or comments on anything we've spoken about today? Okay, we can  
17 go to summations. I was just curious if we had any specific comments that we  
18 hadn't had time to address yet. Okay, we'll start down there with Commissioner  
19 Ramirez.

20  
21 **COMMISSIONER RAMIREZ** – Well overall I think that it's a great project.  
22 Obviously, there are a lot of benefits and some impacts of course. But I believe  
23 that the benefits outweigh those impacts, and this is something that's going to put  
24 Moreno Valley in the good position moving forward. It's going to help in many  
25 areas, education, infrastructure, public services, jobs so I like the project.

26  
27 **CHAIR LOWELL** – Commissioner Korzec.

28  
29 **COMMISSIONER KORZEC** – When I moved to Moreno Valley 10 years ago,  
30 people criticized me for moving to a community that was full of gangs. And we  
31 knew 10 years ago there weren't gangs here any longer, but it was a public  
32 vision. And, today, people still refer to that. Now we have some craziness that  
33 does go on in this city, but we don't have gangs here anymore. Now the thing  
34 that's out there in the public is we're becoming a city of warehouses. We're  
35 building big boxes. We see them along the freeway. We have a whole area  
36 designated for warehouses, and now we're looking at a project that's going to  
37 add to that impression to the public. And I think the people out there holding up  
38 the signs, they are beautiful signs. They are well made. They are well designed  
39 just like Mr. Iddo Benzeevi's presentation. I can't find fault with those beautiful  
40 pictures of buildings. They are not actual buildings that are going to be built, but  
41 they are great designs, well done. However, are these the kind of jobs we want  
42 to bring to the city? Do we not have....would you please. I won't be bullied so  
43 you can shout all you want. I'm just saying that we have to look at the big picture  
44 of the types of jobs that we want to bring. We have warehouse jobs. We have  
45 empty warehouses that are starting to be full. Are these the types of things we  
46 want to continue to bring for your children or do we....

1  
2 **CHAIR LOWELL** – Hey!! That’s enough!! I will ask you to leave if I hear  
3 anymore outbursts. Thank you.

4  
5 **COMMISSIONER KORZEC** – Are these the types of jobs that we want to  
6 continue to add to our community to build a healthy community? There are other  
7 types of jobs. There are other types of developments. All I’m saying is looking at  
8 the big picture, we’re going to take about one-tenth of the city and turn it into  
9 another large big block development. Is this the image you want of the city you  
10 live in? Is this the legacy you want to leave for your children? The question I  
11 have is we have a developer here that hasn’t finished Aquabella yet. Where is  
12 Aquabella? Where are the promises of that project? To me, this project has a lot  
13 of red flags and a lot of inconsistency. I feel it’s a forced vision for the city. I’m  
14 up here to try and be as fair as I can but to also look at the big picture. It’s really  
15 easy to promise jobs. Every politician in this country when they’re running for  
16 office, they are going to increase jobs. It’s a mantra of everyone. But you have  
17 to ask the question, are those the jobs that you want? Are you willing to give up  
18 the traffic, the other things for that balance in your lives? And, if you are, then  
19 just keep those signs held up there because I’m sure we can print more.

20  
21 **CHAIR LOWELL** – Commissioner Barnes.

22  
23 **COMMISSIONER BARNES** – I want to compliment the Applicant on a vision.  
24 It’s a tremendous undertaking. I mean we’re talking in excess of \$3 billion, which  
25 is a huge investment. Now that area had a prior developer who had a vision and  
26 obviously nothing came of it, so there’s a tremendous amount of risk. But he’s  
27 the one taking the risk, and I think at a certain level that needs to be appreciated  
28 because what was there before didn’t come to pass. So you’ve got somebody  
29 who is willing to actually put something on the ground or at least propose to do  
30 that. I think overall the project is well thought out, well conceived. I see a few  
31 risks to the City that in my mind could be mitigated with no real cost to the  
32 Applicant. At some point, I suppose, there’s a little bit of a leap of faith on both  
33 sides that we move forward. We took a leap of faith with the previous Specific  
34 Plan. That didn’t pan out, so we know that we can’t foresee the future. But I  
35 think what’s proposed is good for the City. Yeah, I’d have to say that I’m in favor  
36 of the project, and I wish the Applicant and the City well. And, one more thing I’d  
37 like to add, there’s been a lot of passion on both sides of the equation. The  
38 people that are in favor of it think that it will, you know, bring prosperity and  
39 quality of life and all that to the City. The people that are opposed think it will  
40 bring ruin of the City. I think we all know that the truth is going to be somewhere  
41 in the middle, and I think that it’s time to move forward and let’s make the best of  
42 that process.

43  
44 **CHAIR LOWELL** – Commissioner Baker.

1 **COMMISSIONER BAKER** – We’ve been working with this for a number of  
2 years, and I think we’re very fortunate we’ve got an organization that’s willing to  
3 come to Moreno Valley and invest. I see ads on the newspaper, on the TV  
4 where New York is offering, you know, move there for 10 years with no taxes,  
5 and I don’t understand that. But I think we’ve got a developer here, and  
6 everything isn’t perfect on this. But I think it’s as good of a scenario as we’re  
7 going to get right now. I like the overall layout of the project and I think we need  
8 to move forward with it. And we are really lucky to have them.

9  
10 **CHAIR LOWELL** – Commissioner Van Natta.

11  
12 **COMMISSIONER VAN NATTA** – There is a lot of passion on both sides, and I  
13 would kind of appreciate it if maybe you wouldn’t show your passion until I finish  
14 talking one way or the other just because it’s easier for me to keep focused on  
15 what I’m saying if I’m not interrupted. Thank you. Both sides are concerned  
16 about the children of Moreno Valley. On one hand, they are saying our children  
17 are going to need jobs. The jobs of the future are in technology. My daughter is  
18 a school teacher. She teaches the STEM classes (science, technology,  
19 engineering, and mathematics) and two of my grandkids are in that program  
20 because that’s where the jobs are and that’s where the jobs are coming and  
21 that’s where this type of development is going to have jobs in technology. It’s not  
22 the standard warehousing that we’re used to from many years ago, the big box  
23 where there’s just a bunch of stuff put in and a bunch of material handlers  
24 moving it around. It is high-end technology. Yeah that may mean fewer jobs, but  
25 it can also mean better jobs. Better jobs for those who are trained and prepared  
26 for it. These are not going to be jobs for tomorrow. They are going to be jobs for  
27 several years down the line, so they are not jobs for people who are looking for  
28 work right now perhaps but maybe for their children or for people who are willing  
29 to get trained and go for it. So you have on one side the people who say yes our  
30 children need jobs. On the other hand, you have people who say this is not good  
31 for our children because look what it’s going to do to the air quality and the diesel  
32 particulates and everything else like that. And they are going to have asthma  
33 and they are going to be sick and everything like that. And they provided reports  
34 and statistics and everything to that extent, and I looked at those reports. And I  
35 read those reports, and I noticed that a lot of the reports were written about the  
36 particulate matter in the diesel exhaust and everything from a number of years  
37 ago and the damage that it had done. But I also read, in those same articles,  
38 how California has really been in the forefront of pushing for cleaner diesel  
39 emissions and working on reducing it by 75%, by 85%. By the time this project  
40 gets built out, it will probably be reduced even more. Then those same people  
41 are saying yeah, but we don’t want those trucks on our freeways. We don’t want  
42 them on our streets. Keep them away from Moreno Valley. But I tell you from  
43 what I’ve read, not from just what the developer has said, but I’ve done a lot of  
44 research on this. The logistics industry is strong and it’s growing and it’s going to  
45 be the wave of the future for quite some time. That’s where the jobs are going to  
46 be and that old thing about if you build it they will come. Well, you know what,

1 they are going to build it. It's going to be built somewhere. There is a demand  
2 for this type of facility, and if it's not built in Moreno Valley where else is it going  
3 to be built? It's going to be built in Riverside or it's going to be built in Beaumont  
4 or it's going to be built in Redlands or somewhere else around here. And, guess  
5 what, they are still going to go down the 60 Freeway. They are still going to be  
6 on our roads. They are still going to be adding whatever pollution they might be  
7 adding. The only difference is they are not going to be getting off on Theodore  
8 and they are not going to be coming into Moreno Valley with the jobs, with the  
9 taxes, with the benefits, with the money for education, and all the other  
10 infrastructure. It's going to go somewhere else. So, yes, we need jobs in  
11 Moreno Valley. It may not be a whole bunch of jobs. It may not be the number  
12 of jobs that were promised, and it may be more high-tech jobs and those are  
13 going to be good jobs. Now, at the same time people are talking down about  
14 warehouses, they are saying oh well look what good things are coming. We got  
15 this restaurant coming in. We've got that restaurant coming in. We've got this  
16 retail space and that retail space is being filled up and so forth and so on. You  
17 want to talk about low-end jobs, talk about the dishwasher and the busboy and  
18 the sale clerk and the cashier and so forth and so on. Those are the dead-end,  
19 low-end jobs. The ones where you can get trained and you can advance yourself  
20 are not going to be found bussing tables at a new restaurant that came into town.  
21 So that's one area that we're looking at. The other area is what benefit is this  
22 going to be for Moreno Valley outside of just the jobs? Well, as you heard,  
23 there's going to be through the Development Agreement a lot of money being  
24 pumped in to Moreno Valley but also the tax base. The opponents are saying oh  
25 well we can do something better. We have better projects. We can put  
26 something better there. And I've been hearing this for month's people saying oh  
27 we can do better than warehouses. You can do something better but nobody  
28 has come up with anything that says this is better. And, if they did, if there was a  
29 project that was better then by all means bring it forward and bring forward  
30 somebody who is willing to put their money behind it and somebody who is  
31 willing to put it together. In looking at the projections and the drawings for this  
32 project, even though some people are saying oh it isn't a real project. It's not  
33 going to get built, it's just fantasy. Well everything is fantasy until it gets started.  
34 It starts with an idea. Walt Disney started with an idea. It was a fantasy. A lot of  
35 people didn't believe him. You know, but he went forward with it because he had  
36 a vision. So it is a fantasy until it gets put into production, until it actually hits the  
37 ground and becomes a real project. But what I saw of it with the landscaping  
38 berms, with the fact that being clear out on the East side of town, it's not  
39 surrounded by housing like the projects down on the south along the 215. It's  
40 somewhat isolated. Yes it does affect a few houses out there. There are a few  
41 houses that are being rezoned and that is a tragedy for those people. That is  
42 unfortunate. That may be what you want to call collateral damage. Yes a few  
43 people are going to be negatively impacted in their lifestyle and what they wanted  
44 to do. Financially, they may not be impacted negatively. It may be a good  
45 financial outcome for them, but sometimes you do have to weigh the good of the  
46 many versus the desire of the few. Sometimes you have to look at how it's going

1 to be in the big picture for the entire City. So with all of those things in there and  
2 all of the benefits that this brings, I can't see that Moreno Valley would be wrong  
3 in going forward with this project.

4  
5 **CHAIR LOWELL** – Thank you. Vice Chair Sims.

6  
7 **VICE CHAIR SIMS** – Well I have to follow that. I see how this goes. You know,  
8 I've faced a lot of difficult decisions throughout my career and the two years that  
9 I've been on the Planning Commission and this by far has been a very, very  
10 challenging issue to look at. Again, as I said at the beginning tonight, I do greatly  
11 respect the project proponent for doing a massive amount of work to try to get  
12 this to the point where it's at. I appreciate all the Staff's work to work through all  
13 this and all the consultants associated with it. I also appreciate the opponents.  
14 You know, everything in life has to have checks and balances and if you play,  
15 you know, you always want to stay within the 40 yard line at some point to be  
16 moderate in your analysis of things. I truly like the idea of more jobs for Moreno  
17 Valley. When I had my initial....I have concerns about the warehouse. I'll be  
18 very frank about this. I worry about, similar to Commissioner Korzec, about we  
19 are becoming, every entry into our city is going to be warehouse. You come in  
20 from the south, it's warehouse. You come in from the west, you're coming out of  
21 warehouses. You're coming into an blighted area. You're coming in now, if this  
22 project is approved, you're going to be coming in from the east and it's all  
23 warehouse. I don't know. Personally, I think the mitigation that the developer  
24 has proposed for the adjacent properties along Redlands Boulevard is probably  
25 sufficient. They provide buffering. I do feel that for the few homeowners in there  
26 that this project would be a significant impact. What I have a great concern  
27 about and I still at this particular moment, I'm going to have to cast a vote here  
28 very shortly. I have grave, grave concerns about the Traffic Study. I think the  
29 assumptions that go into this thing are, if you look through the Traffic Analysis,  
30 there are assumptions that things will be in place by 2022 that are very unlikely to  
31 take place. And I would hate to see us all in a decision that we go and start  
32 building a whole bunch of square footage of warehouses and we're all sitting  
33 here staring behind a big diesel truck because we don't have the infrastructure to  
34 move them out. I would like in it almost in the absence of the traffic  
35 improvements you almost have a long cul-de-sac to Moreno Valley with people  
36 coming in and out. It would be like putting a shopping center at the very end, a  
37 mall-type thing, and then everybody coming in and out and there's nowhere to  
38 go. It would just be a cluster if the traffic improvements are not improved. So,  
39 anyhow, that's my thoughts.

40  
41 **CHAIR LOWELL** – Thank you all for bearing with us for the last three meetings.  
42 It has been a arduous task and I want to commend Staff for doing a phenomenal  
43 job. I know the Applicant has spent a tremendous amount of money. From what  
44 I've heard, they've spent \$23 million from inception to date on the EIR and all the  
45 reports, the Development Agreement, the General Plan Amendment, the Specific  
46 Plan. I know Staff has done a tremendous job. One of the key points I'd like to

1 point out is, I already mentioned it once, but the existing Moreno Highlands  
2 Specific Plan predicts nearly 180,000 vehicle trips a day. And everyone is  
3 complaining about traffic on the freeway and the Westbound lanes are a  
4 nightmare. I drive the Westbound lane on the 60 Freeway every morning to my  
5 job in Riverside. I work about 12 miles away from where I live and it takes me  
6 about 45 minutes in the morning, which is ridiculous. With that said, if we build  
7 out the existing Specific Plan, 180,000 additional vehicle trips will be added to  
8 that freeway, which would increase congestion and not do a whole heck of a lot  
9 for our economic bottom line for the City. By allowing this project to go through,  
10 we're going to be reducing our average daily trips by nearly 100,000 trips. We'd  
11 also be adding a lot of money to the City's coffers. A lot of internal improvements  
12 would be made. Infrastructure would be made or would be improved. This  
13 project sits fairly remote compared to the rest of the city, and I would rather see  
14 this type of a project come to fruition as a Master Plan idea as opposed to the  
15 ones we've seen in the past; these little pockmarked piece-mealed projects. Not  
16 to downplay the previous projects but one warehouse here and one warehouse  
17 there doesn't make as good of a project as somebody who has taken the time  
18 and effort to make a Master Plan Project with an end goal in mind with the  
19 ultimate desire to make the city a better place for everybody. The additional tax  
20 revenue coming in is wonderful. The Hire Moreno Valley Program is outstanding.  
21 I can see a few downsides to this project. However, as quoted in the Staff's  
22 report, it says "If the benefits of a proposed project outweigh the unavoidable  
23 adverse economic or environmental effects, the adverse environmental effects  
24 may be considered acceptable as allowed for under CEQA." That's the  
25 Statement of Overriding Consideration that I think paints this project perfectly.  
26 This project, although, will produce a fair amount of pollution believe it or not.  
27 But the economic benefit will far outweigh the environmental effect it will have. I  
28 have a bunch of other things to say. I'm going to try and keep it semi-short. In  
29 doing some research on this project, I've learned that the Inland Empire fills 16.9  
30 million square feet of warehouse space annually. This project, if every square  
31 footage of logistical space was filled, could be filled in two-and-a-half years.  
32 That's is going to happen whether or not Highland Fairview builds. So 16.9  
33 million square feet in our Inland Empire every year regardless of this  
34 development. We can either say no we don't want to do this, we want to have  
35 180,000 more car trips and for residences and Burger Kings and In-N-Out and  
36 Starbucks. Or we can say, you know, enough is enough. We have enough  
37 traffic. We have enough bedrooms. We need jobs. So we can either stand up  
38 and say yes...the gentleman and the company in front of us has put a countless  
39 amount of time and effort into this. They've already purchased the property, so  
40 it's not like it's a pie in the sky project. So we can either stand up and say yes we  
41 want this project. We want our fair share and we want our City to be better  
42 because everybody says we want a City like Irvine. Irvine is a great place to live,  
43 a great place to work. Well, that's because they have jobs. They have logistical  
44 warehouses. They have large facilities. We don't. So, like I said, we could  
45 either have the work come to us or we can wave our thumbs in the air and say no  
46 and just wave it right on by. I'm kind of getting side tracked from what I was

1 going to say but I really think that....oh yeah, I know what I was going to say.  
2 Some of the people that spoke over the last few days have said that this project  
3 is a dream project. It's never going to actually happen so we should vote no.  
4 Well, to those people I say, if they are really against this project what better way  
5 of not letting it happen then by saying go for it if they don't think that Highland  
6 Fairview has a good building reputation. So, with that said, I would like to  
7 entertain a motion. Would anybody like to motion? If not, I will.

8  
9 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Excuse me. Chair, before a  
10 motion is made. I've identified what I believe to be three possible amendments  
11 to the Staff recommendation that had been brought up by the Commissioners  
12 over the course of the deliberation that you may want to include in whoever is  
13 making any particular motion. So if I could just identify those for you and then  
14 whoever is making the motion can decide whether they want to include those or  
15 not.

16  
17 **CHAIR LOWELL** – Okay.

18  
19 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Looking at the Staff  
20 recommendations on the Staff Report, under the first recommended action that  
21 would be to certify the Environmental Impact Report. One of the things that was  
22 mentioned that could added to the end of that would be to recommend  
23 certification subject to modification of the mitigation measures set forth in Section  
24 4.3.6.3B.

25  
26 **CHAIR LOWELL** – Can you talk a little slower on that. It's kind of hard to follow.

27  
28 **ASSISTANT CITY ATTORNEY PAUL EARLY** – I'm sorry. I have it written  
29 here. So subject to modification of mitigation measures set forth in Section  
30 4.3.6.3B...right I was just giving the overview and then I will see if you want that  
31 or not. Section 4.3.6.3B.

32  
33 **CHAIR LOWELL** – B as in bravo.

34  
35 **ASSISTANT CITY ATTORNEY PAUL EARLY** – B as in boy. Changing the  
36 sanctions for noncompliance to include the revocation of any related entitlement.  
37 This was the discussion where it only was subject to the CUP. This would allow  
38 Plot Plans or other such entitlements be considered. The other one that...of any  
39 related entitlement. The other ones are shorter.

40  
41 **COMMISSIONER VAN NATTA** – Thank you. Do you want me to read it back to  
42 make sure I have it right?

43  
44 **ASSISTANT CITY ATTORNEY PAUL EARLY** – If you'd like.  
45

1 **COMMISSIONER VAN NATTA** – Subject to modification of mitigation measures  
2 set forth in Section 4.3.6.3B changing the sanctions for noncompliance to include  
3 the revocation of any related entitlement.

4  
5 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Yes. That was the one  
6 amendment that I heard discussed. The other would be related to item 4, the  
7 approval of the Tentative Parcel Map. That would add the phrase to the end of it,  
8 subject to clarification of the property subject to the annexation condition. That  
9 would be subject to clarification of the property subject to the annexation  
10 condition.

11  
12 **PLANNING OFFICIAL RICK SANDZIMIER** – Condition P8.

13  
14 **ASSISTANT CITY ATTORNEY PAUL EARLY** – P8. This was the ambiguity  
15 that was set forth of whether or not the entire Parcel Map failed if the annexation  
16 did not occur. That would mean the intent was not for that to be so.

17  
18 **COMMISSIONER VAN NATTA** – Did that have a number or something in  
19 there?

20  
21 **ASSISTANT CITY ATTORNEY PAUL EARLY** – P8.

22  
23 **COMMISSIONER VAN NATTA** – Subject to the annexation condition P8.

24  
25 P8.

26  
27 **COMMISSIONER VAN NATTA** – Okay and then we also had the modification  
28 on 5?

29  
30 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Yes. The last one I had was  
31 with respect to the No. 5, the Development Agreement.

32  
33 **PLANNING OFFICIAL RICK SANDZIMIER** – Hold on. On the Parcel Map, we  
34 also want to add one additional condition to clarify the five years for the  
35 extensions, or was that a no?

36  
37 **SENIOR PLANNER MARK GROSS** – That was just State Law. I don't think we  
38 needed that.

39  
40 **PLANNING OFFICIAL RICK SANDZIMIER** – To address your comment  
41 Commissioner Barnes about extensions. Did you want us to put something in  
42 there?

43  
44 **CHAIR LOWELL** – Your microphone.  
45

1 **COMMISSIONER BARNES** – I suggested that it's standard practice to both  
2 identify the initial approval term and the number and duration of extensions.

3  
4 **CHAIR LOWELL** – I know the Development Agreement could supersede that  
5 because the Development Agreement could be null and void if we vote no on it,  
6 but the Parcel Map would still be approved.

7  
8 **ASSISTANT CITY ATTORNEY PAUL EARLY** – The Municipal Code sets forth  
9 that they can be additional three year periods but not to exceed a total of five  
10 years, so that's already set forth in the Municipal Code as far as the extensions  
11 go.

12  
13 **CHAIR LOWELL** – And the extensions....

14  
15 **ASSISTANT CITY ATTORNEY PAUL EARLY** – If there was no Development  
16 Agreement in play.

17  
18 **CHAIR LOWELL** – That specific item says extensions pursuant to the City of  
19 Moreno Valley's Municipal Code I believe, so it's covered in the Code anyway.

20  
21 **COMMISSIONER BARNES** – That's fine. That was my concern.

22  
23 **ASSISTANT CITY ATTORNEY PAUL EARLY** – It is, yeah. We checked that  
24 while the discussion was occurring.

25  
26 **COMMISSIONER BARNES** – Okay.

27  
28 **ASSISTANT CITY ATTORNEY PAUL EARLY** – So the other modification  
29 would be to the Development Agreement Part 5: Subject to modifications in the  
30 paragraph 4.14: Extending the acceptance term to 2021 and to relate to all  
31 seven homes in the project area. Subject to modifications to paragraph 4.14  
32 extending the acceptance term to 2021 and to relate to all seven homes in the  
33 project area. This was the discussion on the air filtration systems.

34  
35 **COMMISSIONER VAN NATTA** – Okay.

36  
37 **ASSISTANT CITY ATTORNEY PAUL EARLY** – Those are the ones that I noted  
38 that seemed to have a consensus.

39  
40 **CHAIR LOWELL** – Before we make a motion, I need to point one thing out real  
41 quick. Where did it go? Just give me a second. Never mind. There was an  
42 option in here where we had three different motions where we could make one. I  
43 was trying to find that, but I'll let Commissioner Van Natta go ahead.

44  
45 **COMMISSIONER VAN NATTA** – Okay so we're going to do them all together?  
46 Okay, I move that we approve Resolutions Nos. 2015-12, 2015-13, 2015-14,

1 2015-15, and 2015-16 thereby recommending that the City Council certify the  
2 Environmental Impact Report P12-016 including approval of the Mitigation  
3 Monitoring Program and adoption of the Statement of Overriding Considerations  
4 Exhibits A and B of Resolution 2015-12 for PA12-0010 General Plan  
5 Amendment, PA12-0011 Development Agreement, PA12-0012 Change of Zone,  
6 PA12-0013 Specific Plan, PA12-0014 Pre-Zoning Annexation, PA12-0015  
7 Tentative Parcel Map pursuant to the California Environmental Quality Act  
8 (CEQA) Guidelines subject to modification of mitigation measures set forth in  
9 Section 4.3.6.3B changing the sanctions for noncompliance to include the  
10 revocation of any related entitlement. Approve General Plan Amendment PA12-  
11 0010 to change the land use designations for the project area to business  
12 park/light industrial (BP) and open space (OS) and the amend general plan goals  
13 and objectives text and map in the respective community development circulation  
14 parks, recreation and open space; safety and conservation elements identified in  
15 Exhibits A through M of Resolution 2015-13. Approve Change of Zone PA12-  
16 012 and Specific Plan PA12-013 and Annexation PA12-0014, which would repeal  
17 the current Moreno Highland Specific Plan No. 212-1 would establish the World  
18 Logistics Center Specific Plan, including Change of Zone on the City Zoning  
19 Atlas to logistics development (LD), light logistics (LL), and open space (OS) for  
20 areas within the proposed WLC Specific Plan Boundary would establish Pre-  
21 zoning Annexation for an 85 acre site at the northwest corner of Gilman Springs  
22 and Alessandro Boulevard and authorize Change of Zone on the City Zoning  
23 Atlas to open space (OS) for those project areas outside and southerly of the  
24 new WLC Specific Plan Boundary Exhibits A, B, and C of Resolution 2015-14.  
25 Approve Tentative Parcel Map No. 36457, PA12-0015 for a Tentative Parcel Map  
26 that includes 26 parcels for financing and conveyance purposes Exhibit A and B  
27 of Resolution 2015-15 subject to clarification of the property subject to the  
28 Annexation Condition PA8. Approve Development Agreement PA12-0011  
29 covering properties controlled by Highland Fairview Exhibit A of Resolution 2015-  
30 16 subject to modification to paragraph 4.14 extending the acceptance term to  
31 2021 and to relate to all seven homes in the project area.

32

33 **CHAIR LOWELL** – Did you push the mover button on your screen? The screen  
34 right in the middle. Commissioner Baker, if you switch over to the...push the  
35 button over here.

36

37 **COMMISSIONER BAKER** – Okay, got it.

38

39 **CHAIR LOWELL** – And if you're seconding, push the second button on the  
40 green screen.

41

42 **COMMISSIONER BAKER** – Okay, I'm sorry.

43

44 **CHAIR LOWELL** – And although we have this lovely voting thing, I would still  
45 like to do a rollcall vote, and we can kind of fill in our votes as we go. Ms.  
46 Halstead, if we could have a rollcall vote and we'll just vote as we go.

1  
2 **CITY CLERK JANE HALSTEAD** – Okay.

3  
4 **COMMISSIONER BAKER** – Yes.

5  
6 **COMMISSIONER BARNES** – Yes.

7  
8 **COMMISSIONER KORZEC** – No.

9  
10 **COMMISSIONER RAMIREZ** – Yes.

11  
12 **COMMISSIONER VAN NATTA** – Yes.

13  
14 **VICE CHAIR SIMS** – Yes.

15  
16 **CHAIR LOWELL** – Yes and if you could also push. With that said, we have a  
17 motion by Commissioner Van Natta. We had a second by Commissioner Baker.  
18 The vote passed 6-1. Do we have Staff wrap-up on the item?

19  
20  
21 Opposed – 1

22  
23  
24 **Motion carries 6 – 1**

25  
26 **PLANNING OFFICIAL RICK SANDZIMIER** – You are, certainly as an advisory  
27 body to the City Council, all of....

28  
29 **CHAIR LOWELL** – Please keep it down.

30  
31 **PLANNING OFFICIAL RICK SANDZIMIER** – All of the project applications you  
32 have taken an action on will be forwarded to the City Council with your  
33 recommended modifications.

34  
35  
36 **OTHER BUSINESS**

37  
38 **CHAIR LOWELL** – Thank you and with that we move on to Other Business and  
39 Staff Comments. I don't believe we have any Other Business?

40  
41 **PLANNING OFFICIAL RICK SANDZIMIER** – We have no other business.

42  
43  
44 **STAFF COMMENTS**

45  
46 **CHAIR LOWELL** – Do we have any Staff Comments?

1  
2 **PLANNING OFFICIAL RICK SANDZIMIER** – No Staff Comments.

3  
4  
5 **COMMISSIONER COMMENTS**

6  
7 **CHAIR LOWELL** – Do we have any Commissioner Comments?

8  
9 **VICE CHAIR SIMS** – Have a happy 4<sup>th</sup> of July.

10  
11 **COMMISSIONER VAN NATTA** – And come to the parade.

12  
13 **CHAIR LOWELL** – I had a couple comments for Staff real quick. On the City's  
14 website, I think it's just a technical thing. It shows Commissioner Sims as being  
15 the Chair and me being the Vice Chair, so I think that should get flipped around.  
16 Also, we haven't had any Minutes to approve in quite some time. Are those still  
17 coming? Are we still doing the approval of Minutes?

18  
19 **PLANNING OFFICIAL RICK SANDZIMIER** – I will look into that for you, yes.

20  
21 **CHAIR LOWELL** – And last, but not least, I'd like to see if we could possibly  
22 arrange some of the Commissioners to tour some of the facilities like the  
23 Prologis, the ALDI, maybe Amazon or Skechers or something so we can see  
24 what these facilities look like when they are implemented so we have a better  
25 idea moving forward what we are or are not approving.

26  
27 **PLANNING OFFICIAL RICK SANDZIMIER** – I'd be happy to do that.

28  
29  
30 **ADJOURNMENT**

31  
32 **CHAIR LOWELL** – With that, I wish everybody a happy 4<sup>th</sup> of July. I do believe  
33 the Applicant has a couple comments still.

34  
35 **APPLICANT IDDO BENZEEVI** – First of all, I want to thank...

36  
37 **CHAIR LOWELL** – Could you turn on his microphone please?

38  
39 **APPLICANT IDDO BENZEEVI** – I want to thank you for the opportunity...it's not  
40 working?

41  
42 **CHAIR LOWELL** – There we go. Now it's on.

43  
44 **APPLICANT IDDO BENZEEVI** – I want to thank you for the opportunity and the  
45 many hours that you have accommodated the process. This is the third hearing  
46 and it's still finishing pretty late, so I appreciate it very much and the diligence. I

1 know how much work we put into it. Literally three-and-a-half years of a  
2 tremendous amount of work, not just of our and our Highland Fairview family but  
3 the entire Staff. I have to say that I know that many of them have read literally  
4 every single word in these documents. There's thousands of pages. I have done  
5 a tremendous amount of work and very diligent work, and I can say I am very  
6 proud of our City. We think of ourselves as members of this community. A lot of  
7 people sometimes refer to us as someone from the outside. We've been here for  
8 many, many years. We live in Moreno Valley. Our office are in Moreno Valley,  
9 and we're members of this community and we do listen to everybody. In fact,  
10 thoughts, ideas, and concerns a lot of the provisions, a lot of the elements you  
11 see in the project, are the result of us communicating with a tremendous amount  
12 of people in the community. I thank those who were considering themselves  
13 opponents. I feel that everyone who has a concern is a true concern. It may or  
14 may not be fact, based on facts. You know, sometimes it's like a religion with  
15 those things. For those who believe, no explanation is necessary. For those  
16 who don't believe, no explanation will do. And that is on all sides, but I do  
17 appreciate the amount of dedication and the attention. A lot of people came out  
18 on both sides to voice their concerns, which we take to heart and take very, very  
19 seriously. In the end, I would like to say that we appreciate this tremendous  
20 opportunity. I want you to know some people refer to Aquabella. We've spent  
21 hundreds of millions of dollars in this community. City Staff knows we've paid  
22 millions of dollars in fees. We've never been late a day on anything. We don't  
23 owe the City a dime on anything. We never received any reimbursements for  
24 anything. And, yes, it's true the market has went away. It took many years to  
25 approve Aquabella. We actually started construction and grading at Aquabella  
26 but the market went away, and so thank god we don't owe money on the  
27 property so we can wait until the opportune time and do a good job in Moreno  
28 Valley unlike some other unfortunate entities and companies that actually  
29 collapsed during the recession. We're still here with the property, and when the  
30 time is right, we will build all of them just like we built Skechers. So I thank you  
31 for the opportunity. I want you to know we are very committed to this community,  
32 and there will be no one that will work harder for this community than us. Thanks  
33 again.

34

35 **CHAIR LOWELL** – And before we adjourn, when is the next regular meeting?  
36 Mr. Sandzimier, when would the next meeting be?

37

38 **PLANNING OFFICIAL RICK SANDZIMIER** – July 23, 2015.

39

40 **CHAIR LOWELL** – Okay, so this concludes our meeting. The meeting is  
41 adjourned to our next regular meeting of July 23, 2015. Thank you very much.  
42 Have a great night.

43

44

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46

1 **NEXT MEETING**

2 *Next Meeting: Planning Commission Regular Meeting, July 23<sup>rd</sup>, 2015 at 7:00*  
3 *PM, City of Moreno Valley, City Hall Council Chamber, 14177 Frederick Street,*  
4 *Moreno Valley, CA 92553.*

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16 \_\_\_\_\_  
17 Richard J. Sandzimier  
18 Planning Official  
19 Approved

\_\_\_\_\_ Date

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31 \_\_\_\_\_  
32 Brian R. Lowell  
33 Chair

\_\_\_\_\_ Date